
The Constitutional Right Against the Adverse Effects of Climate Change: A Doctrinal Analysis of M.K. Ranjitsinh v. Union of India

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Abstract

In March 2024, the Supreme Court of India, while adjudicating a writ petition concerning the conservation of the critically endangered Great Indian Bustard, recognised a new constitutional right the right to be free from the adverse effects of climate change grounded jointly in Articles 14 and 21 of the Constitution. This recognition, articulated in M.K. Ranjitsinh v. Union of India, is significant not merely because it is the first explicit judicial acknowledgment of a standalone climate right in India, but because it emerged in a case that was not primarily framed as a climate rights dispute. This article undertakes a doctrinal examination of the judgment, tracing the constitutional reasoning by which the Court derived the right, situating it within the broader lineage of Article 21 jurisprudence, and critically assessing its practical implications. The article argues that while the recognition of the right is a doctrinally significant and overdue development, its immediate application in the same judgment diluting earlier protective directions for the Great Indian Bustard in favour of renewable energy infrastructure exposes an unresolved tension between the rhetoric of climate rights and their enforceability. The article further examines the subsequent December 2025 order of the Court, and concludes by considering what legislative and judicial steps are necessary to translate this right from constitutional aspiration into an enforceable legal standard.

Keywords

Climate Change Litigation; Constitutional Environmental Rights; Article 21; Great Indian Bustard; Right to a Healthy Environment; Indian Supreme Court.

I. Introduction

India's environmental law regime has long been described as fragmented a patchwork of statutes such as the Environment (Protection) Act 1986, the Air (Prevention and Control of Pollution) Act 1981, and the Wildlife (Protection) Act 1972, none of which was designed with climate change as its organising concern. In the absence of a dedicated climate change statute, Indian courts have historically relied on constitutional provisions, principally Article 21, to fashion environmental protections through public interest litigation. It is against this backdrop that the Supreme Court's decision in *M.K. Ranjitsinh & Ors. v. Union of India & Ors.* assumes considerable doctrinal significance.

The case was not, at its inception, a climate change dispute. It concerned a writ petition filed under Article 32 of the Constitution¹ seeking protective measures for the Great Indian Bustard (GIB) and the Lesser Florican, two critically endangered bird species whose populations were being decimated in part by collisions with overhead power transmission lines in the desert habitats of Rajasthan and Gujarat.² In the course of resolving a request to modify its own earlier protective order, a three-judge bench led by then Chief Justice D.Y. Chandrachud went further than the facts strictly required, holding that citizens possess a constitutional right to be free from the adverse effects of climate change, derived jointly from Articles 14 and 21.

This article proceeds in four parts. Part II sets out the factual and procedural background to the case. Part III examines the constitutional reasoning by which the Court arrived at the new right. Part IV critically evaluates the judgment, including its treatment in the Court's subsequent December 2025 order, and considers the gap between the declaration of the right and its practical enforcement. Part V concludes with observations on the doctrinal and legislative pathways available for consolidating this right.

II. Factual and Procedural Background

The GIB is among the heaviest flying birds native to India, and is classified as critically endangered, with wild populations estimated at fewer than 150 individuals concentrated largely in Rajasthan.³ A significant driver of mortality is collision with high-voltage overhead

¹Constitution of India 1950, arts 14, 21.

²*M K Ranjitsinh & Ors v Union of India & Ors*, Writ Petition (Civil) No 838 of 2019, 2024 INSC 280 (Supreme Court of India, 21 March 2024).

³Wildlife Institute of India, Status of the Great Indian Bustard (WII Technical Report, 2018).

transmission lines, given the species' poor frontal vision. In 2019, the petitioner, a former civil servant with a long-standing interest in wildlife conservation, invoked the Supreme Court's writ jurisdiction seeking directions for the species' protection.

By an interim order dated 19 April 2021, the Court imposed a near-blanket prohibition on the installation of overhead transmission lines across approximately 99,000 square kilometres identified as priority and potential GIB habitat, and directed that existing overhead lines in the area be converted to underground cables, subject to technical feasibility.⁴ The Union of India subsequently sought modification of this order, contending that undergrounding high-voltage transmission lines above 60kV was not technically feasible across so vast an area, that underground cables suffer transmission losses roughly five times greater than overhead lines, and that the area in question held the lion's share of India's solar and wind energy potential, of which barely three percent had then been harnessed.⁵

In its judgment of 21 March 2024, the Court accepted the technical and economic force of these objections. It recalled its earlier blanket prohibition, holding that there was no basis for an omnibus restriction across the entire identified area, and constituted an expert committee to determine, area by area, whether undergrounding was feasible and where alternative mitigation measures such as bird diverters would suffice.⁶ It was in the course of this reasoning balancing the imperative of species conservation against India's renewable energy and climate commitments that the Court articulated the new constitutional right.⁷

III. The Constitutional Basis of the Right

The Court's reasoning proceeded along two independent, mutually reinforcing constitutional strands.

A. Article 21 and the Expanding Right to Life

The first and more familiar strand draws on the long-established doctrine that Article 21's guarantee of the right to life and personal liberty is not confined to mere physical survival but extends to the right to live with dignity, encompassing within its ambit a bundle of derivative rights.⁸ Indian courts have, over four decades, read into Article 21 the right to a clean

⁴ibid, order dated 19 April 2021 in IA No 85618 of 2020.

⁵M K Ranjitsinh (n 2), para 5.

⁶ibid, paras 51-52.

⁷ibid, para 52.

⁸Maneka Gandhi v Union of India (1978) 1 SCC 248; Olga Tellis v Bombay Municipal Corporation (1985) 3 SCC 545.

environment, the right to a pollution-free atmosphere, and the right to clean drinking water, largely through the vehicle of public interest litigation.⁹ The Court in *Ranjitsinh* treated the right against adverse effects of climate change as a natural, if overdue, extension of this jurisprudential lineage: if the right to life encompasses the right to a healthy environment, it must equally encompass protection from the systemic and escalating harms of a destabilised climate.

B. Article 14 and Differential Climate Vulnerability

The second strand is doctrinally more novel. The Court invoked Article 14's guarantee of equality before the law, reasoning that the impacts of climate change are not evenly distributed: communities differentiated by geography, occupation, and economic circumstance face starkly unequal exposure and adaptive capacity in the face of climate-related harms such as extreme heat, water stress, and displacement.¹⁰ By grounding the right partly in Article 14, the Court signalled an awareness that climate change is not merely an environmental problem to be addressed through Article 21's dignitarian lens, but also a problem of distributive justice — one in which the law's equal protection guarantee is engaged by the unequal burden climate change imposes on the already vulnerable.

The Court additionally drew support from Article 48A¹¹, the Directive Principle obliging the State to protect and improve the environment, and from India's international commitments, including its obligations under the Paris Agreement and its Nationally Determined Contributions.¹² While Directive Principles are not independently enforceable, the Court treated Article 48A as interpretively reinforcing the substantive content it was giving to Articles 14 and 21.¹³

IV. Critical Evaluation

A. A Declaration Made in Obiter, and Its Consequences

It is notable, and has attracted academic comment, that this constitutionally significant right was articulated in a case not primarily argued on climate rights grounds, and where the immediate practical effect of the judgment was to dilute, rather than strengthen, the specific

⁹*Vellore Citizens Welfare Forum v Union of India* (1996) 5 SCC 647; *MC Mehta v Union of India* (1987) 1 SCC 395.

¹⁰*M K Ranjitsinh* (n 2), paras 21-22.

¹¹Constitution of India 1950, art 48A.

¹²*M K Ranjitsinh* (n 2), paras 20-24; see also Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) 3156 UNTS 79.

¹³*M K Ranjitsinh* (n 2), para 26.

protective measures previously ordered for the GIB.¹⁴ The Court's own order simultaneously recognised a new fundamental right against climate harm and relaxed a concrete, targeted conservation measure in favour of accelerating solar and wind infrastructure — itself justified by reference to climate mitigation obligations. This creates an unusual doctrinal texture: the vindication of a general climate right at what critics describe as the expense of a specific, enforceable conservation order protecting a species whose population numbers only in the low hundreds.

B. The Enforceability Gap

A more fundamental difficulty lies in the content-free nature of the right as articulated. The Court did not specify the standard of state conduct required to satisfy the right, did not indicate whether it operates as a purely negative restraint on state action or as a positive obligation compelling affirmative measures, and left unaddressed whether the right could be enforced horizontally against private corporate actors whose emissions or infrastructure choices contribute to climate harm. Comparative climate litigation, such as the Dutch Supreme Court's judgment in *Urgenda Foundation v State of the Netherlands*, which translated a general duty of care into a specific, quantified emissions-reduction target enforceable against the government, illustrates the kind of concrete content that a climate right requires if it is to move beyond rhetorical force.

C. The December 2025 Order: Signs of Consolidation

In its subsequent order of 19 December 2025, disposing of applications concerning the report of the expert committee, the Court reaffirmed the balance struck in 2024, permitting continued expansion of transmission infrastructure in demarcated zones while restricting new wind and large-scale solar installations within a revised, smaller priority area, and directing continued monitoring by the Wildlife Institute of India.¹⁵ Significantly, the Court reiterated that the balancing exercise between species conservation and climate mitigation was itself an application of the constitutional climate right recognised in 2024, suggesting that the right is beginning to function, however loosely, as an interpretive principle guiding subsequent directions rather than a one-off rhetorical flourish confined to the original judgment.¹⁶

¹⁴Guest Blog, 'Pioneering Decision from the Indian Supreme Court Recognizing Freedom from the Adverse Effects of Climate Change as a Fundamental Right' (Columbia Law School Climate Change Blog, 2024).

¹⁵*M K Ranjitsinh & Ors v Union of India & Ors*, Miscellaneous Application in Writ Petition (Civil) No 838 of 2019 (Supreme Court of India, 19 December 2025) paras 44-45.

¹⁶*ibid*, para 14.

Even so, the December 2025 order does not resolve the core enforceability difficulties identified above: it continues to operate through case-specific, discretionary directions issued to constitutional courts rather than through any legislatively fixed standard, leaving the right's content to be worked out incrementally, and unpredictably, through future litigation.¹⁷

V. Conclusion

The recognition of a constitutional right against the adverse effects of climate change in *M.K. Ranjitsinh v. Union of India* marks an important doctrinal milestone in Indian environmental jurisprudence, extending the long tradition of Article 21-based environmental rights while adding, through Article 14, a novel distributive-justice dimension attentive to unequal climate vulnerability. However, the manner and context of its articulation in obiter, in a judgment that simultaneously diluted a specific conservation measure, and without any specification of the standard of conduct it demands of the State or its applicability to private actors leaves the right presently more aspirational than enforceable.

For the right to mature into an effective tool of climate governance, two developments appear necessary. First, subsequent litigation, of the kind seen in the December 2025 order, must continue to give the right progressively more concrete content, whether through specific emissions or mitigation benchmarks against which state action can be measured. Second, and more durably, Parliament should consider codifying climate obligations in dedicated legislation, of the kind long recommended by commentators, so that the judicially recognised right rests on a legislative foundation rather than depending indefinitely on the discretionary, case-by-case interventions of constitutional courts. Until then, *Ranjitsinh's* principal legacy may lie less in the specific outcome it produced for the Great Indian Bustard than in the doctrinal vocabulary it has placed at the disposal of future climate litigants in India.

¹⁷ibid.