



Climate Justice and the Indian Judiciary: Evolving Legal Standards

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ABSTRACT

Climate change has emerged as one of the most profound challenges of the twenty-first century, posing serious threats not only to the natural environment but also to human rights, social equity, and constitutional governance. In developing countries such as India, the consequences of climate change are experienced unevenly, with vulnerable and marginalised communities bearing a disproportionate share of environmental harm despite contributing minimally to its causes. This unequal distribution of climate impacts has brought the concept of climate justice to the forefront of legal and constitutional discourse. Climate justice seeks to integrate principles of fairness, intergenerational equity, and human dignity into climate governance, thereby transforming climate change from a purely scientific or policy issue into a matter of legal accountability.

In the Indian context, the absence of a comprehensive climate change legislation has resulted in fragmented regulatory responses. Against this backdrop, the Indian judiciary has played a significant role in shaping environmental and climate-related norms through constitutional interpretation and judicial innovation. By expanding the scope of fundamental rights, particularly the right to life under Article 21 of the Constitution, courts have embedded environmental protection within the framework of human rights. This paper critically examines the evolving role of the Indian judiciary in advancing climate justice. It analyses how judicial interpretation of environmental principles and constitutional provisions has contributed to the development of climate-relevant legal



standards, while also addressing the limitations and challenges of judicial intervention. The paper argues that although the judiciary cannot substitute legislative and executive action, it has emerged as a crucial actor in articulating and enforcing climate justice in India.

1. Introduction

Climate change represents a multidimensional crisis that transcends environmental degradation and directly implicates issues of human survival, social justice, and constitutional responsibility. Rising global temperatures, extreme weather events, sea-level rise, water scarcity, and declining agricultural productivity have intensified the vulnerability of millions of people worldwide. In India, these impacts are particularly severe due to high population density, dependence on climate-sensitive livelihoods, and existing socio-economic inequalities. As a result, climate change in India is not merely an ecological problem but a deeply embedded social and legal challenge.

The discourse on climate change has traditionally been dominated by scientific assessments and policy-oriented negotiations at national and international levels. However, over time it has become increasingly evident that climate change also raises fundamental questions of justice and equity. Communities that have contributed least to greenhouse gas emissions often suffer the most from climate-induced harm, while future generations face irreversible environmental consequences without having any role in present decision-making. This imbalance has led to the emergence of climate justice as a normative framework that seeks to align climate action with principles of fairness, human rights, and accountability.

Climate justice emphasises that climate governance must address both distributive and procedural dimensions of justice. Distributive justice focuses on the equitable allocation of environmental benefits and burdens, while procedural justice demands inclusive participation, transparency, and access to remedies. In legal terms, climate justice requires states to recognise and protect the rights of individuals and communities affected by climate change, and to ensure that environmental decision-making processes do not exacerbate existing inequalities. This perspective has significant implications for constitutional democracies, where the protection of fundamental rights and the rule of law form the basis of governance.

In India, the challenge of climate justice is compounded by the absence of a standalone climate change statute. While policies such as the National Action Plan on Climate Change and sector-specific regulations exist, they lack enforceable legal mechanisms and clear accountability structures. Consequently, climate governance in India has largely relied on general environmental laws and administrative frameworks,



which were not originally designed to address the complex and long-term nature of climate change. This regulatory gap has created space for judicial intervention, particularly through constitutional adjudication and public interest litigation.

The Indian judiciary has historically played a proactive role in environmental protection, often stepping in where legislative and executive action has been inadequate. Through expansive interpretation of the Constitution, courts have transformed environmental protection into a matter of fundamental rights and public trust. Article 21, which guarantees the right to life and personal liberty, has been judicially interpreted to include the right to a clean, healthy, and sustainable environment. This jurisprudential development has laid the foundation for addressing climate-related harms within a constitutional framework.

Judicial engagement with environmental issues in India has gradually evolved to incorporate concerns that are closely aligned with climate justice, such as intergenerational equity, sustainable development, and the protection of vulnerable communities. Although Indian courts have rarely used the term “climate justice” explicitly, their reasoning reflects an implicit recognition of its core principles. Decisions concerning air pollution, deforestation, industrial regulation, and natural resource management demonstrate an awareness of the long-term environmental consequences of present actions and the need to balance development with ecological integrity.

At the same time, judicial intervention in climate governance raises important questions about institutional competence, democratic legitimacy, and separation of powers. Courts are not policy-making bodies, and climate change involves complex scientific and economic considerations that extend beyond traditional judicial expertise. Nevertheless, in situations of regulatory failure or constitutional infringement, judicial oversight becomes essential to uphold fundamental rights and constitutional values. The challenge lies in delineating the appropriate scope of judicial intervention without undermining democratic decision-making.

Against this backdrop, this paper seeks to examine the evolving role of the Indian judiciary in advancing climate justice. It analyses how constitutional interpretation, environmental principles, and judicial institutions have contributed to the development of climate-relevant legal standards in India. By critically assessing judicial practices and situating them within broader theoretical and comparative frameworks, the paper aims to highlight both the potential and the limitations of judicial approaches to climate justice. The study ultimately argues that while the judiciary cannot single-handedly resolve the climate crisis, it plays a vital role in shaping a justice-oriented legal response to climate change in India.



2. Concept of Climate Justice: A Theoretical Framework

The concept of climate justice has emerged as a response to the growing recognition that climate change is not merely an environmental or scientific phenomenon but a deeply social and ethical issue. Traditional approaches to climate governance have largely focused on mitigation targets, technological solutions, and economic instruments, often overlooking the unequal distribution of climate impacts across societies and generations. Climate justice seeks to correct this imbalance by embedding principles of fairness, equity, and human dignity within climate-related decision-making.

At its core, climate justice builds upon the broader tradition of environmental justice, which challenges the assumption that environmental harms affect all individuals equally. Environmental justice scholarship has consistently demonstrated that marginalised communities are more likely to be exposed to pollution, environmental degradation, and ecological risk. Climate change intensifies these disparities by exacerbating existing vulnerabilities related to poverty, health, geography, and access to resources. Climate justice therefore extends the environmental justice framework to the global and intergenerational dimensions of climate change.

A central pillar of climate justice is the principle of equity. Equity in the climate context operates at multiple levels. At the international level, it acknowledges the unequal historical contribution of states to greenhouse gas emissions and supports the idea of differentiated responsibilities. At the domestic level, equity requires states to recognise that climate impacts are experienced unevenly within their populations. In countries like India, climate-induced harms disproportionately affect farmers, coastal communities, indigenous populations, and the urban poor. Climate justice demands that legal and policy responses take these differentiated impacts into account rather than adopting a uniform or technocratic approach.

Closely linked to equity is the principle of intergenerational justice. Climate change presents a unique challenge because its most severe consequences are projected to unfold over long time horizons, affecting future generations who have no voice in present decision-making processes. Intergenerational justice asserts that present generations hold the environment in trust for future generations and have a moral and legal obligation to avoid irreversible environmental harm. This principle has profound implications for constitutional governance, as it requires states to reconcile present developmental priorities with long-term environmental sustainability.

Climate justice is also deeply connected to the human rights framework. Climate change undermines a wide range of recognised human rights, including the rights to life, health, food, water, housing, and



livelihood. Extreme weather events, rising sea levels, and ecological degradation threaten the basic conditions necessary for human dignity and survival. From a legal perspective, framing climate change as a human rights issue transforms it from a matter of policy discretion into one of legal obligation and accountability. It enables individuals and communities to seek remedies through constitutional and judicial mechanisms when state action or inaction results in climate-related harm.

In developing countries, the climate justice framework must contend with the additional challenge of balancing environmental protection with socio-economic development. Climate justice does not oppose development; rather, it calls for development pathways that are inclusive, sustainable, and environmentally responsible. This balance is reflected in the concept of sustainable development, which seeks to meet the needs of the present without compromising the ability of future generations to meet their own needs. Sustainable development thus operates as a bridge between environmental protection and social justice within the climate justice discourse.

Another important dimension of climate justice is procedural justice. Procedural justice emphasises the importance of inclusive decision-making, access to information, and meaningful participation in environmental governance. Communities affected by climate-related decisions must have a voice in shaping policies and projects that impact their environment and livelihoods. Procedural justice also requires access to legal remedies and institutional mechanisms that allow individuals to challenge environmentally harmful actions. Without procedural safeguards, substantive climate justice goals remain difficult to achieve.

Within constitutional democracies, climate justice acquires particular significance because constitutions embody normative commitments to equality, dignity, and justice. Constitutional principles provide a legal foundation for integrating climate justice into domestic legal systems. Courts play a crucial role in this process by interpreting constitutional provisions in an environmentally responsive manner and by holding state authorities accountable for failures in environmental governance. Judicial engagement with climate justice thus represents an attempt to translate abstract ethical principles into enforceable legal standards.

In the Indian context, the theoretical framework of climate justice aligns closely with constitutional values such as social justice, equality, and the protection of life and dignity. Although the Constitution of India does not explicitly mention climate change, its expansive rights-based jurisprudence offers fertile ground for judicial intervention. The interpretation of Article 21 to include environmental quality, the emphasis on social justice in the Directive Principles of State Policy, and the recognition of fundamental duties towards environmental protection collectively create a normative foundation for climate justice. This



theoretical grounding provides the basis for examining how the Indian judiciary has operationalised climate justice through evolving legal standards.

3. Research Methodology

This research adopts a doctrinal and analytical methodology, which is particularly appropriate for examining the evolving role of the judiciary in shaping climate justice through constitutional interpretation and environmental adjudication. Doctrinal research focuses on the systematic analysis of legal principles, statutes, judicial decisions, and constitutional provisions. Given that this study is concerned with judicial reasoning, normative standards, and the development of legal doctrines, a doctrinal approach provides the most effective framework for inquiry.

The primary sources of this research include judgments of the Supreme Court of India and decisions of the National Green Tribunal that have direct or indirect relevance to environmental protection and climate-related concerns. These judicial pronouncements are analysed to identify emerging legal standards, interpretative trends, and the manner in which courts have incorporated principles such as sustainable development, precaution, intergenerational equity, and environmental accountability into constitutional jurisprudence. Particular attention is paid to the interpretation of Article 21 of the Constitution, which has served as the principal vehicle for integrating environmental protection within the fundamental rights framework.

Secondary sources play a significant role in contextualising judicial decisions within broader legal and theoretical discourses. Scholarly books, peer-reviewed journal articles, law commission reports, government policy documents, and publications of international organisations have been consulted to examine the conceptual foundations of climate justice and its intersection with environmental and human rights law. These sources provide critical insights into the normative dimensions of climate justice and enable a comparative assessment of judicial approaches across jurisdictions.

The study also incorporates a comparative analytical element to situate Indian judicial practice within global trends in climate litigation. While the primary focus remains on India, selective references to foreign judicial decisions and international legal developments are used to highlight similarities, divergences, and contextual differences in judicial engagement with climate justice. This comparative perspective enhances the analytical depth of the research and helps identify the distinctive features and limitations of the Indian approach.



The scope of the research is confined to judicial interpretation and does not extend to empirical assessment of climate policies or quantitative analysis of environmental data. The focus remains on legal reasoning, doctrinal development, and normative evaluation rather than scientific measurement. This limitation is deliberate, as the objective of the study is to assess the judiciary's role in articulating climate justice norms rather than to evaluate the effectiveness of specific climate mitigation or adaptation measures.

Another limitation of the research arises from the evolving nature of climate jurisprudence in India. As climate change is an emerging area of legal concern, judicial engagement is still developing and often indirect. Many judicial decisions address environmental degradation without explicitly referencing climate change or climate justice. Consequently, the analysis requires careful interpretation to identify climate-relevant principles and implications within broader environmental jurisprudence. This interpretative approach, while necessary, involves a degree of normative inference.

Despite these limitations, the chosen methodology allows for a comprehensive and critical examination of the judiciary's contribution to climate justice in India. By combining doctrinal analysis with theoretical and comparative insights, the study seeks to provide a balanced assessment of judicial innovation and its constraints. The methodology thus supports the central objective of the paper: to evaluate how evolving legal standards articulated by the Indian judiciary contribute to the advancement of climate justice within a constitutional framework.

4. Evolution of Environmental Jurisprudence in India

The development of environmental jurisprudence in India has been neither sudden nor linear. It represents a gradual transformation from a narrow, regulation-oriented approach to a constitutionally grounded rights-based framework. This evolution has been shaped by international environmental developments, domestic socio-economic realities, and, most significantly, judicial creativity. Understanding this trajectory is essential for analysing how climate justice has found implicit recognition within Indian judicial practice.

4.1 Early Regulatory Approach to Environmental Protection

In the initial decades following independence, environmental concerns in India were addressed primarily through sector-specific legislations aimed at regulating industrial activity and managing natural resources. Laws such as the Factories Act, 1948, the Indian Forest Act, 1927, and municipal regulations focused on public health, industrial safety, and resource extraction rather than environmental protection as a matter



of rights. Environmental degradation was largely perceived as an administrative or technical issue, and legal remedies were limited in scope and accessibility.

During this period, environmental governance lacked a comprehensive legal vision. Regulatory institutions were weak, enforcement mechanisms were inadequate, and public participation in environmental decision-making was minimal. Courts also adopted a restrained approach, treating environmental disputes as matters best left to administrative authorities. As a result, environmental harm rarely received constitutional attention, and affected communities had limited access to judicial remedies.

4.2 Influence of International Environmental Developments

A significant shift in India's environmental outlook occurred in the wake of growing international environmental consciousness during the 1970s. The United Nations Conference on the Human Environment held at Stockholm in 1972 marked a turning point by recognising the intrinsic link between environmental protection and human well-being. India's participation in the Stockholm Conference catalysed domestic legislative and institutional reforms in the field of environmental governance.

In the post-Stockholm period, India enacted comprehensive environmental legislations such as the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, and the Environment (Protection) Act, 1986. These statutes established regulatory authorities and provided a legal framework for pollution control and environmental management. However, despite their breadth, these laws remained largely regulatory in nature and did not explicitly address issues of environmental justice or climate change.

The limitations of statutory environmental governance became increasingly apparent due to weak enforcement, bureaucratic inefficiencies, and lack of accountability. Environmental degradation continued unabated, particularly in rapidly industrialising regions. This regulatory failure created a vacuum that was eventually filled by judicial intervention.

4.3 Emergence of Public Interest Litigation and Judicial Activism

The expansion of public interest litigation (PIL) in the late 1970s and 1980s transformed the landscape of environmental jurisprudence in India. By relaxing the traditional rules of locus standi, the Supreme Court enabled individuals, social activists, and civil society organisations to approach the judiciary on behalf of affected communities. This procedural innovation democratised access to justice and allowed courts to address systemic environmental harms that would otherwise remain unchallenged.



Environmental PILs provided the judiciary with an opportunity to engage directly with issues of pollution, deforestation, and ecological degradation. Courts began issuing directions to regulatory authorities, monitoring compliance, and, in some cases, formulating detailed remedial measures. This phase marked the beginning of judicial activism in environmental matters, with courts assuming a proactive role in environmental governance.

The PIL movement also facilitated the judicial articulation of environmental protection as a public interest concern rather than a private dispute. This shift laid the groundwork for integrating environmental considerations into constitutional jurisprudence and for recognising the broader social dimensions of environmental harm.

4.4 Constitutionalisation of Environmental Rights

One of the most significant developments in Indian environmental jurisprudence has been the constitutionalisation of environmental protection through expansive interpretation of fundamental rights. The Supreme Court consistently interpreted Article 21 of the Constitution, which guarantees the right to life and personal liberty, to include the right to a clean, healthy, and sustainable environment. This interpretative move elevated environmental protection from a statutory obligation to a constitutional mandate.

In addition to Article 21, courts drew normative support from the Directive Principles of State Policy and the Fundamental Duties enshrined in the Constitution. Articles 48A and 51A(g), which impose obligations on the State and citizens respectively to protect and improve the environment, were judicially harmonised with fundamental rights. Although these provisions are non-justiciable, courts treated them as guiding principles that inform the interpretation of enforceable rights.

This constitutionalisation process transformed environmental adjudication in India. Environmental degradation was no longer viewed merely as a regulatory violation but as an infringement of basic human rights and constitutional values. This shift has profound implications for climate justice, as it provides a constitutional basis for addressing climate-related harms that threaten life, health, and dignity.

4.5 Institutionalisation through Specialised Environmental Adjudication

The establishment of specialised environmental adjudicatory bodies further strengthened the evolution of environmental jurisprudence in India. The creation of the National Green Tribunal in 2010 represented a legislative recognition of the need for expert-driven and expeditious resolution of environmental disputes.



The Tribunal was empowered to adjudicate substantial questions relating to the environment and to apply principles such as sustainable development, the precautionary principle, and the polluter pays principle.

The institutional design of the Tribunal reflects an attempt to bridge the gap between judicial oversight and scientific expertise. By integrating technical members with judicial members, the Tribunal has enhanced the capacity of the legal system to address complex environmental issues. Its jurisprudence has often engaged with long-term environmental impacts, cumulative ecological harm, and public health concerns, all of which are closely linked to climate justice.

4.6 From Environmental Protection to Climate Justice

The cumulative effect of these developments has been a gradual transition from environmental regulation to environmental rights and, ultimately, towards climate justice. Although Indian environmental jurisprudence has not explicitly framed climate change as a distinct legal category, its emphasis on sustainability, intergenerational equity, and public trust aligns closely with the normative objectives of climate justice. Judicial recognition of environmental protection as a constitutional value has created the doctrinal foundation upon which climate justice claims can be articulated.

This evolution demonstrates that climate justice in India has emerged not through explicit legislative mandate but through judicial interpretation and institutional innovation. The next section examines how these foundations have been employed by the judiciary to articulate and enforce climate-relevant legal standards.

5. Judicial Interpretation of Climate Justice Principles

The Indian judiciary has played a decisive role in shaping climate-relevant legal standards by interpreting established principles of environmental law in a manner that aligns closely with the normative objectives of climate justice. Although climate change has rarely been addressed as a distinct legal category, courts have effectively incorporated climate considerations through the judicial application of principles such as sustainable development, the precautionary principle, and the polluter pays principle. These principles have provided the judiciary with a flexible yet robust normative framework to address environmental harm, long-term ecological risks, and distributive inequities associated with climate change.

5.1 Sustainable Development as a Judicially Enforced Norm

The principle of sustainable development has emerged as one of the most influential doctrines in Indian environmental jurisprudence. Judicial endorsement of sustainable development reflects an effort to reconcile economic growth with environmental protection, recognising that unregulated development can



undermine ecological stability and human well-being. From the perspective of climate justice, sustainable development serves as a bridge between present developmental needs and the rights of future generations. Indian courts have consistently emphasised that development cannot be pursued at the cost of irreversible environmental damage. Sustainable development has been treated not merely as a policy aspiration but as a legally enforceable standard guiding administrative decision-making. By subjecting development projects to environmental scrutiny, courts have sought to ensure that economic activities do not disproportionately burden vulnerable communities or compromise long-term ecological resilience.

In the context of climate change, sustainable development acquires heightened significance. Climate change represents the cumulative consequence of development models that prioritise short-term economic gains over environmental sustainability. Judicial enforcement of sustainable development thus contributes indirectly to climate mitigation and adaptation by promoting environmentally responsible decision-making. Although courts often refrain from dictating specific development policies, their insistence on sustainability imposes normative constraints on environmentally harmful activities and reinforces the justice-oriented dimension of environmental governance.

5.2 Precautionary Principle and Climate Risk Management

The precautionary principle has become a cornerstone of Indian environmental jurisprudence and is particularly relevant to climate justice. This principle holds that the absence of scientific certainty should not be used as a reason to postpone measures aimed at preventing serious or irreversible environmental harm. Climate change, characterised by complex causation and long-term uncertainty, presents precisely the type of risk scenario that the precautionary principle is designed to address.

Indian courts have applied the precautionary principle to shift the burden of proof onto developers and polluters, requiring them to demonstrate that their activities will not cause environmental harm. This judicial approach reflects a preventive and risk-averse stance that prioritises environmental protection and public health over speculative economic benefits. From a climate justice perspective, precaution serves to protect vulnerable populations who are least equipped to cope with environmental and climate-related risks.

By invoking precaution, courts have also reinforced the ethical dimension of environmental governance. The principle embodies an intergenerational responsibility to avoid actions that may result in irreversible harm to ecosystems and future livelihoods. Judicial reliance on precaution therefore aligns closely with

the objectives of climate justice, which emphasise long-term ecological integrity and the protection of future generations.

However, the judicial application of the precautionary principle has not been without challenges. Critics argue that excessive reliance on precaution may hinder economic development and create regulatory uncertainty. Nevertheless, in the context of climate change, where delayed action can have catastrophic consequences, the precautionary principle provides a necessary counterbalance to development-driven environmental risk.

5.3 Polluter Pays Principle and Environmental Accountability

The polluter pays principle represents a critical mechanism for advancing climate justice by emphasising responsibility and accountability for environmental harm. According to this principle, those who cause pollution or environmental degradation must bear the costs of prevention, remediation, and compensation. Indian courts have consistently affirmed the polluter pays principle as an essential component of environmental law, thereby rejecting the socialisation of environmental costs.

In climate-related contexts, the polluter pays principle assumes particular importance due to the diffuse and long-term nature of climate harm. Greenhouse gas emissions impose costs on society as a whole, disproportionately affecting vulnerable communities and future generations. While Indian courts have not directly imposed liability for climate emissions, their application of the polluter pays principle in cases involving industrial pollution and ecological damage establishes a normative foundation for climate accountability.

Judicial enforcement of this principle has contributed to the internalisation of environmental costs within economic activity. By imposing compensation, environmental damages, and restoration obligations, courts have sought to deter environmentally harmful conduct and promote responsible industrial practices. The National Green Tribunal has played a significant role in operationalising the polluter pays principle by quantifying environmental damage and directing restoration measures.

From a climate justice perspective, the polluter pays principle reinforces the idea that environmental harm should not be borne by those least responsible for its creation. It supports a redistribution of environmental burdens and aligns legal responsibility with ecological impact. Although the principle's application to climate change remains indirect, its judicial recognition strengthens the accountability framework necessary for advancing climate justice.



5.4 Integrating Environmental Principles with Constitutional Values

A defining feature of Indian judicial engagement with climate-relevant principles is their integration with constitutional values, particularly the right to life and dignity under Article 21. By linking environmental principles to fundamental rights, courts have elevated climate-related concerns to the level of constitutional significance. This integration transforms environmental governance from a matter of policy discretion into a domain of legal obligation and rights protection.

The constitutionalisation of environmental principles enables courts to scrutinise state action and inaction through a rights-based lens. Climate-related harms that threaten life, health, and livelihood can thus be addressed within the framework of constitutional remedies. This approach enhances the legitimacy and enforceability of climate justice claims, even in the absence of explicit climate legislation.

At the same time, constitutional integration imposes normative limits on judicial intervention. Courts must balance environmental protection with democratic governance and institutional competence. The challenge lies in enforcing environmental principles without encroaching upon the policy-making functions of the executive and legislature. Despite these constraints, the judiciary's role in integrating environmental principles with constitutional values remains a central pillar of climate justice jurisprudence in India.

5.5 Article 21 and the Climate Dimension of the Right to Life

Article 21 of the Constitution of India, which guarantees the right to life and personal liberty, has served as the most significant constitutional foundation for environmental and climate-related adjudication in India. Through expansive judicial interpretation, the Indian judiciary has transformed Article 21 from a narrowly framed civil liberty into a broad guarantee of human dignity, health, and environmental well-being. This interpretative evolution has enabled courts to address climate-related harms within a constitutional framework, even in the absence of explicit climate change legislation.

The Supreme Court has consistently held that the right to life is not confined to mere animal existence but includes the right to live with dignity and in conditions that make life meaningful. Environmental quality has been recognised as an essential component of this dignified existence. Pollution, ecological degradation, and environmental hazards have been judicially acknowledged as direct threats to life and health. Climate change, by intensifying these environmental risks, falls squarely within the ambit of Article 21, as it undermines the basic conditions necessary for human survival and dignity.



Climate change affects multiple dimensions of the right to life simultaneously. Rising temperatures, extreme weather events, water scarcity, and declining agricultural productivity threaten food security, public health, and livelihoods. These impacts are particularly severe for communities that depend directly on natural resources for their survival. By linking environmental degradation to Article 21, the judiciary has created doctrinal space for addressing climate vulnerability as a constitutional issue rather than a policy concern. This shift is crucial for advancing climate justice, as it enables affected individuals and communities to seek judicial remedies for climate-related harm.

Judicial interpretation of Article 21 has also emphasised the inseparable connection between environmental protection and socio-economic rights. The right to health, the right to livelihood, and the right to a clean environment have all been read into the scope of Article 21. Climate change exacerbates existing socio-economic inequalities by disproportionately affecting marginalised groups, including farmers, indigenous communities, coastal populations, and the urban poor. Recognising climate impacts as violations of Article 21 therefore aligns constitutional adjudication with the distributive justice objectives of climate justice.

Another important dimension of Article 21 jurisprudence is its forward-looking character. Courts have repeatedly stressed the need to protect environmental resources for future generations, thereby incorporating the principle of intergenerational equity into constitutional interpretation. Climate change poses long-term and potentially irreversible risks that extend beyond present generations. Judicial recognition of intergenerational responsibility under Article 21 reinforces the idea that the State has a constitutional obligation to prevent environmental harm that compromises the rights of future citizens. This intergenerational perspective strengthens the climate justice framework by extending constitutional protection across temporal boundaries.

The application of Article 21 to environmental and climate-related matters has also enhanced the accountability of the State. Courts have scrutinised governmental action and inaction in environmental governance, holding authorities responsible for regulatory failures that result in environmental harm. In the context of climate change, this accountability dimension is particularly significant. State inaction in addressing climate risks can lead to violations of fundamental rights, thereby inviting judicial intervention. Article 21 thus functions as a constitutional check on inadequate climate governance.

However, the judicial expansion of Article 21 is not without limitations. Critics argue that courts may overextend constitutional interpretation by addressing complex climate issues that require technical expertise and policy coordination. Climate change involves scientific uncertainty, economic trade-offs,



and long-term planning, which traditionally fall within the domain of the executive and legislature. While Article 21 provides a powerful normative tool, its application to climate governance must be exercised with institutional restraint to maintain democratic legitimacy and separation of powers.

Despite these concerns, the climate dimension of Article 21 represents a significant advancement in Indian constitutional law. By recognising environmental quality as integral to the right to life, the judiciary has laid the constitutional groundwork for climate justice. This jurisprudence does not seek to replace legislative or executive action but to complement it by ensuring that climate governance remains anchored in fundamental rights and constitutional values. As climate impacts intensify, the interpretation of Article 21 is likely to play an increasingly central role in shaping a rights-based response to climate change in India.

5.6 Role of the Supreme Court of India in Advancing Climate Justice

The Supreme Court of India has played a central role in shaping environmental jurisprudence and, by extension, advancing the normative foundations of climate justice. Through its expansive constitutional interpretation, the Court has consistently emphasised that environmental protection is integral to the right to life, public health, and human dignity. Although the Court has rarely addressed climate change as an independent legal issue, its environmental decisions reflect an implicit recognition of climate-related concerns, particularly in relation to sustainability, ecological balance, and long-term societal welfare.

One of the most significant contributions of the Supreme Court lies in its articulation of environmental principles as enforceable legal standards. By recognising doctrines such as sustainable development, precaution, and polluter pays as part of domestic law, the Court has provided a flexible framework for addressing environmental harm with climate implications. These principles have enabled judicial scrutiny of development projects, industrial activities, and regulatory failures that contribute to environmental degradation and climate vulnerability.

The Supreme Court has also relied on the public trust doctrine to assert that natural resources are held by the State in trust for the benefit of present and future generations. This doctrine aligns closely with the objectives of climate justice, as it emphasises intergenerational equity and collective ownership of environmental resources. Judicial application of the public trust doctrine has been particularly evident in cases involving forests, rivers, and coastal zones, where the Court has sought to prevent irreversible ecological damage caused by unsustainable exploitation.



In matters concerning air pollution and environmental health, the Supreme Court has issued a series of directions aimed at controlling emissions, regulating industrial activity, and protecting public health. While these decisions were not explicitly framed in climate terms, they have significant climate relevance. Measures to control air pollution, promote cleaner fuels, and regulate vehicular emissions contribute indirectly to climate mitigation and enhance the resilience of urban populations. By addressing the immediate environmental consequences of pollution, the Court has also engaged with the broader structural factors that exacerbate climate vulnerability.

Another important aspect of the Supreme Court's role in advancing climate justice is its emphasis on accountability and institutional responsibility. The Court has not hesitated to hold regulatory authorities and state governments accountable for failures in environmental governance. Judicial monitoring of compliance, appointment of expert committees, and issuance of continuing mandamus orders have been used to ensure that environmental standards are enforced. In the context of climate change, such judicial oversight is crucial for addressing governance deficits and ensuring that state action aligns with constitutional obligations.

At the same time, the Supreme Court has acknowledged the limits of judicial intervention. In several decisions, the Court has recognised that complex policy choices involving economic development and environmental protection fall primarily within the domain of the executive and legislature. This recognition reflects an awareness of separation of powers and institutional competence. Nevertheless, where environmental degradation threatens fundamental rights, the Court has consistently affirmed its duty to intervene. This calibrated approach underscores the Court's role as a constitutional guardian rather than a policy-maker.

5.7 Role of the National Green Tribunal in Climate-Sensitive Adjudication

The establishment of the National Green Tribunal (NGT) marked a significant institutional development in India's environmental governance framework. Designed as a specialised adjudicatory body with both judicial and technical expertise, the Tribunal has enhanced the capacity of the legal system to address complex environmental disputes. Its mandate to apply principles of sustainable development, precaution, and polluter pays positions it as a key institution for climate-sensitive adjudication.

The NGT has frequently engaged with environmental issues that have direct or indirect implications for climate change. Cases involving industrial pollution, environmental clearances, waste management, and ecological restoration often require consideration of cumulative environmental impacts and long-term



sustainability. The Tribunal's emphasis on scientific evidence and expert assessment enables it to address climate-related risks more comprehensively than traditional courts.

One of the notable contributions of the NGT is its proactive use of environmental compensation and restoration measures. By quantifying environmental damage and directing remedial action, the Tribunal has reinforced the accountability dimension of environmental governance. This approach aligns with climate justice by ensuring that those responsible for environmental harm bear the costs of remediation rather than shifting the burden onto affected communities or the public at large.

The NGT has also demonstrated sensitivity to issues of public health and community vulnerability. In cases involving air and water pollution, the Tribunal has recognised the disproportionate impact of environmental degradation on marginalised populations. This recognition reflects an implicit engagement with the distributive justice concerns central to climate justice. By prioritising environmental protection and public health, the Tribunal has contributed to enhancing the resilience of communities facing environmental and climate-related risks.

Despite its achievements, the NGT faces several challenges that limit its effectiveness. Issues related to jurisdictional overlap, enforcement of orders, and institutional capacity have constrained its ability to deliver long-term environmental outcomes. Nevertheless, the Tribunal represents a significant innovation in environmental adjudication and has strengthened the judicial response to climate-relevant issues.

Together, the Supreme Court and the National Green Tribunal form the core of India's judicial engagement with environmental and climate governance. Their complementary roles reflect a multi-layered approach to climate justice, combining constitutional oversight with specialised adjudication. While neither institution can single-handedly resolve the climate crisis, their contributions highlight the judiciary's potential to shape a rights-based and justice-oriented response to climate change.

6. Climate Justice, Vulnerable Communities, and Intergenerational Equity

Climate justice cannot be meaningfully understood without addressing the disproportionate impact of climate change on vulnerable and marginalised communities. Climate change does not affect all individuals and social groups equally; rather, it amplifies existing inequalities rooted in socio-economic disadvantage, geographic vulnerability, and limited access to resources. In India, where a significant segment of the population depends directly on climate-sensitive livelihoods, climate change poses a serious threat to social justice and constitutional equality.



Vulnerable communities such as small and marginal farmers, coastal populations, indigenous and forest-dwelling communities, informal urban workers, and the rural poor are particularly exposed to climate-induced risks. Erratic rainfall, prolonged droughts, floods, heatwaves, and sea-level rise directly undermine agricultural productivity, food security, housing, and public health. These impacts often translate into loss of livelihood, displacement, and increased poverty. From a climate justice perspective, the unequal burden borne by these communities raises fundamental questions about fairness, responsibility, and state obligation.

The Indian judiciary's environmental jurisprudence has implicitly recognised these distributive injustices by linking environmental protection with the right to life, livelihood, and dignity under Article 21. Judicial decisions addressing pollution, deforestation, and ecological degradation have repeatedly acknowledged that environmental harm disproportionately affects those with the least capacity to adapt or recover. By framing environmental degradation as a violation of fundamental rights, courts have provided vulnerable communities with a constitutional avenue to seek protection and remedies.

Climate justice also encompasses the principle of procedural fairness. Vulnerable communities are often excluded from environmental decision-making processes that directly affect their lives. Large-scale development projects, industrial expansion, and infrastructure initiatives frequently proceed without meaningful consultation or participation of affected populations. Judicial insistence on environmental impact assessment, public hearings, and regulatory compliance reflects an attempt to enhance procedural justice within environmental governance. Although these mechanisms are not climate-specific, they play a crucial role in ensuring that climate-relevant decisions do not marginalise vulnerable voices.

Another central dimension of climate justice is intergenerational equity. Climate change presents a unique temporal challenge, as the most severe consequences of present actions are likely to be borne by future generations. Intergenerational equity asserts that present generations hold the environment in trust for future generations and have a moral and legal obligation to avoid actions that cause irreversible environmental harm. This principle has gained increasing recognition in Indian environmental jurisprudence, particularly in judicial reasoning that emphasises sustainability and long-term ecological balance.

Indian courts have frequently invoked the concept of trusteeship in environmental matters, asserting that natural resources are held by the State in trust for the benefit of present and future generations. This public trust approach aligns closely with intergenerational justice and provides a normative foundation for addressing climate change within a constitutional framework. By cautioning against short-term



developmental gains that compromise long-term environmental stability, the judiciary has implicitly recognised the rights and interests of future generations.

Intergenerational equity also strengthens the constitutional dimension of climate justice by extending the scope of rights protection beyond present citizens. Climate-induced environmental degradation threatens the ability of future generations to enjoy basic rights to life, health, and a stable environment. Judicial recognition of sustainability and ecological preservation as constitutional values reinforces the idea that state action must be evaluated not only in terms of immediate benefits but also long-term consequences.

However, translating the principles of climate justice, vulnerability, and intergenerational equity into effective legal outcomes remains a significant challenge. Judicial remedies are often reactive and case-specific, addressing the symptoms rather than the structural causes of climate vulnerability. Moreover, enforcement gaps and administrative inertia frequently undermine the impact of judicial decisions. Despite these limitations, the judiciary's engagement with vulnerability and intergenerational concerns represents an important step towards a justice-oriented approach to climate governance.

In sum, climate justice in the Indian context is deeply intertwined with the protection of vulnerable communities and the recognition of intergenerational responsibility. Judicial interpretation of constitutional and environmental principles has provided an essential normative framework for addressing these concerns. While courts cannot substitute comprehensive climate policy, their role in articulating justice-oriented standards remains critical for ensuring that climate governance aligns with constitutional values of equality, dignity, and social justice.

7. Comparative Perspectives and Challenges of Judicial Climate Intervention

Judicial engagement with climate change is no longer confined to a single jurisdiction; courts across the world have increasingly been called upon to adjudicate climate-related claims. Comparative analysis reveals a growing trend of climate litigation in both developed and developing countries, though the nature and scope of judicial intervention vary significantly depending on constitutional structures, legal traditions, and socio-economic contexts. Examining these global trends provides valuable insights into the distinctive features and limitations of the Indian judiciary's approach to climate justice.

In several jurisdictions, courts have directly addressed climate change as a justiciable issue grounded in constitutional and human rights norms. European courts, for instance, have increasingly recognised state obligations to mitigate climate change as part of their duty to protect fundamental rights such as life, health, and private life. Judicial decisions in these jurisdictions have compelled governments to adopt



more ambitious climate policies by holding inadequate climate action to be inconsistent with constitutional or human rights commitments. These cases represent a shift towards proactive judicial enforcement of climate obligations.

Similarly, courts in certain Latin American countries have adopted an expansive approach to climate justice by explicitly recognising the rights of future generations and, in some cases, the rights of nature. Judicial interventions in these jurisdictions have linked climate protection with constitutional guarantees of environmental rights, social justice, and collective well-being. Such approaches reflect a strong normative commitment to climate justice but also raise complex questions regarding institutional capacity and democratic legitimacy.

In contrast, the Indian judiciary has adopted a more indirect and incremental approach to climate adjudication. Rather than framing climate change as an autonomous legal issue, Indian courts have addressed climate-relevant concerns through environmental protection, sustainable development, and rights-based reasoning under Article 21. This approach reflects the realities of a developing economy where poverty alleviation, infrastructure development, and economic growth remain pressing priorities. Judicial caution in prescribing specific climate policies may be understood as an attempt to balance environmental protection with developmental imperatives.

While this indirect approach has enabled judicial engagement within existing legal frameworks, it also highlights certain limitations. One major challenge relates to the separation of powers. Climate change involves complex policy choices, resource allocation, and long-term planning, traditionally within the domain of the executive and legislature. Excessive judicial intervention in climate governance risks encroaching upon democratic decision-making and may undermine institutional legitimacy. Courts must therefore exercise restraint and avoid substituting judicial preferences for policy judgments.

Another significant challenge concerns institutional competence. Climate change is a scientifically complex phenomenon involving technical assessments, predictive modelling, and economic analysis. Courts lack the expertise and institutional mechanisms required to design and implement comprehensive climate strategies. Although judicial reliance on expert committees and technical bodies can mitigate this limitation, it does not fully resolve concerns regarding the judiciary's capacity to address climate change effectively.

Implementation deficits further constrain the impact of judicial climate intervention. Environmental and climate-related orders frequently face challenges in enforcement due to administrative inertia, lack of



coordination among governmental agencies, and limited financial and technical resources. Even well-reasoned judicial decisions may fail to produce meaningful change on the ground if executive authorities do not act decisively. This gap between judicial pronouncements and practical outcomes undermines the transformative potential of climate justice jurisprudence.

Judicial inconsistency also poses a challenge. In the absence of a comprehensive climate change statute, courts rely on general environmental principles that may be applied differently across cases. Divergent judicial approaches can create uncertainty and unpredictability, weakening the coherence of climate jurisprudence. This underscores the need for legislative clarity and policy coherence to support judicial efforts.

Despite these challenges, comparative experience suggests that judicial intervention plays a vital complementary role in climate governance. Courts can act as catalysts for policy reform, articulate normative standards, and provide remedies in cases of regulatory failure. In the Indian context, judicial engagement has contributed to raising awareness, strengthening accountability, and embedding climate-relevant values within constitutional discourse. The challenge lies not in whether courts should engage with climate justice, but in how they can do so in a manner that respects democratic processes and institutional limits.

8. Findings and Suggestions

The foregoing analysis demonstrates that the Indian judiciary has emerged as a significant normative actor in the evolution of climate justice, despite the absence of a comprehensive and enforceable climate change legislation. One of the central findings of this study is that climate justice in India has developed largely through indirect judicial pathways. Rather than treating climate change as an autonomous legal category, courts have embedded climate-relevant concerns within environmental jurisprudence and constitutional interpretation, particularly through the expansive reading of Article 21 of the Constitution.

A key finding is that the judiciary has successfully constitutionalised environmental protection by linking it to the right to life, dignity, health, and livelihood. This rights-based approach has transformed environmental degradation and climate vulnerability into matters of constitutional concern rather than administrative discretion. By doing so, courts have strengthened legal accountability and provided affected communities with access to judicial remedies. This development is particularly significant in a developing country context, where regulatory enforcement is often weak and policy responses remain fragmented.



The study also finds that judicial reliance on established environmental principles—such as sustainable development, the precautionary principle, and the polluter pays principle—has provided a flexible yet coherent framework for addressing climate-relevant harms. These principles reflect the core values of climate justice, including intergenerational equity, risk prevention, and distributive fairness. The consistent application of these doctrines by the Supreme Court and the National Green Tribunal has contributed to the gradual development of climate-sensitive legal standards, even in the absence of explicit climate legislation.

Another important finding concerns the judiciary's engagement with vulnerable communities. Judicial recognition of the disproportionate impact of environmental degradation on marginalised populations aligns closely with the distributive justice objectives of climate justice. By emphasising the protection of life and livelihood under Article 21, courts have implicitly acknowledged the unequal burdens imposed by climate change. However, this engagement remains largely implicit and case-specific, highlighting the need for a more explicit vulnerability-based approach in judicial reasoning.

Despite these positive contributions, the study identifies several structural limitations. Judicial interventions often suffer from implementation deficits due to administrative inertia, lack of coordination among governmental agencies, and limited institutional capacity. Courts also face constraints related to scientific complexity, policy trade-offs, and separation of powers. These limitations underscore the fact that judicial action alone cannot ensure comprehensive climate governance.

In light of these findings, several suggestions emerge. First, there is an urgent need for comprehensive climate change legislation in India that clearly defines state obligations, accountability mechanisms, and the role of judicial review. Such legislation would provide a coherent framework within which courts can adjudicate climate justice claims more consistently and effectively. Second, greater institutional coordination between the judiciary, executive agencies, and expert bodies is essential to ensure meaningful implementation of judicial orders. Third, courts should increasingly adopt an explicit vulnerability and intergenerational equity lens in climate-related adjudication, thereby aligning judicial reasoning more closely with the substantive goals of climate justice.

9. Conclusion

Climate justice represents one of the most complex and pressing challenges of contemporary constitutional governance. In the Indian context, the judiciary has played a crucial role in shaping a justice-oriented response to environmental degradation and climate vulnerability through constitutional interpretation and



judicial innovation. By expanding the scope of Article 21 and integrating environmental principles with constitutional values, Indian courts have laid the normative foundation for climate justice within domestic law.

This paper has argued that while Indian courts have not explicitly framed climate change as a distinct legal category, their jurisprudence reflects a clear commitment to the underlying values of climate justice. Judicial engagement has helped bridge regulatory gaps, enhance state accountability, and protect vulnerable communities from environmental harm. At the same time, the judiciary's role remains inherently limited by institutional competence, democratic legitimacy, and enforcement capacity.

The evolving legal standards of climate justice in India highlight both the potential and the constraints of judicial intervention. Courts can articulate normative principles, catalyse policy reform, and provide remedies in cases of constitutional violation. However, sustainable and equitable climate governance ultimately requires coordinated legislative and executive action supported by scientific expertise and public participation. The judiciary's contribution to climate justice should therefore be understood as complementary rather than substitutive.

As climate impacts intensify and environmental risks become more pronounced, the role of the judiciary in safeguarding constitutional values will assume even greater importance. The challenge for Indian climate jurisprudence lies in maintaining a delicate balance between judicial innovation and institutional restraint, ensuring that climate governance remains anchored in principles of justice, equity, and constitutional accountability.

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