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Climate Change Environmental Justice and Health: A Critical Study of the Legal and Policy Framework in India

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Abstract

Climate change has moved from being primarily an environmental and developmental concern to a constitutional, distributive-justice and public-health challenge. India is particularly exposed because climatic risks interact with poverty, informal employment, unequal access to health services, ecological degradation, rapid urbanisation and dependence on climate-sensitive livelihoods. This paper critically examines whether India's existing legal and policy framework is capable of responding to the combined demands of climate protection, environmental justice and the right to health. It analyses the constitutional foundations of environmental protection, including Articles 14, 19 and 21, Article 47, Article 48A and Article 51A(g), together with the judicial development of the right to a healthy environment. It evaluates the Environment (Protection) Act 1986, Water Act 1974, Air Act 1981, Forest (Conservation) framework, Biological Diversity Act 2002 as amended, National Green Tribunal Act 2010, Energy Conservation Act 2001 and related regulatory instruments. It also considers the National Action Plan on Climate Change, State Action Plans, the National Programme on Climate Change and Human Health, disaster and heat-action mechanisms, and India's international commitments under the UNFCCC and Paris Agreement. Particular attention is given to the Supreme Court's 2024 decision in *M.K. Ranjitsinh v. Union of India*, which expressly recognised a constitutional right to be free from the adverse effects of climate change. The paper argues that India has developed a substantial but fragmented climate-governance architecture. Its principal weakness is not the total absence of law, but the absence of an integrated, rights-based climate statute capable of allocating duties, setting measurable targets, ensuring participation, protecting vulnerable communities and providing effective remedies. The paper proposes a framework based on climate accountability, inter-generational equity, just transition, health impact assessment, climate-resilient public infrastructure, stronger local governance, transparent climate finance and enforceable procedural rights.

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1. Introduction

Climate change is no longer a remote environmental phenomenon. It increasingly affects the conditions in which people live, work, travel, obtain food and water, and access healthcare. Heat waves, changing rainfall patterns, floods, droughts, coastal risks, air pollution interactions and the spread or geographical alteration of climate-sensitive diseases demonstrate that climate change is simultaneously an environmental, economic, social and public-health problem. The legal response therefore cannot be confined to emission reduction alone. It must also address vulnerability, distribution of risks, access to remedies and the capacity of

public institutions to protect persons whose ability to adapt is unequal. India's legal system approaches climate change through a mosaic of constitutional provisions, environmental statutes, delegated legislation, sectoral regulation, executive programmes and judicial decisions. The National Action Plan on Climate Change (NAPCC), launched in 2008, created eight national missions covering solar energy, energy efficiency, sustainable habitat, water, the Himalayan ecosystem, green India, sustainable agriculture and strategic knowledge. The policy architecture has subsequently expanded to include climate-health planning and state-level action plans. Official government material presently records State Action Plans on

Climate Change across all States and Union Territories, while the National Mission on Climate Change and Health seeks to strengthen surveillance, early warning, adaptation planning and climate-resilient healthcare.

Yet institutional breadth does not necessarily produce legal coherence. India's principal environmental statutes were enacted at different historical moments and were not designed as a single climate law. The Environment (Protection) Act 1986 provides broad executive powers, while sectoral statutes regulate water, air, forests, biodiversity and energy. The National Green Tribunal Act 2010 supplies a specialised adjudicatory mechanism and requires application of sustainable development, precaution and polluter-pays principles. These instruments provide important building blocks, but climate change introduces problems of cumulative causation, long time horizons, trans boundary impacts and unequal vulnerability that are difficult to manage through fragmented regulation.

This paper therefore asks three connected questions: first, what constitutional and statutory foundations exist for climate protection and health in India; second, to what extent does the existing framework embody environmental justice; and third, what legal reforms are required to make climate governance more rights-based, accountable and health-sensitive?

2. Research Objectives and Methodology

The primary objective is to critically evaluate India's legal and policy response to climate change from the combined perspectives of environmental justice and health. The paper specifically seeks to: (i) identify constitutional foundations for climate and environmental protection; (ii) examine major environmental and climate-related statutes and policies; (iii) analyse the role of the Supreme Court and National Green Tribunal in developing climate-relevant principles; (iv) assess the integration of health into climate governance; (v) identify institutional and implementation gaps; and (vi) propose a coherent rights-based reform framework.

There search adopts a doctrinal and policy-analytical methodology. Primary materials include the Constitution of India, parliamentary enactments, delegated legislation, governmental policy documents, official climate and health programmes, international instruments and reported judicial decisions. Secondary materials include academic literature, books, reports and institutional publications. The analysis is qualitative and normative: it does not claim to measure the quantitative causal contribution of any single climate variable to a particular disease or event. Instead, it evaluates the adequacy, coherence and justice implications of the legal frame work.

3. Climate Changes Constitutional and Environmental Justice Issue

Environmental justice asks who receives environmental benefits, who bears environmental burdens, who participates in decisions, and whether affected persons have meaningful access to remedies. Climate change intensifies these questions because exposure and adaptive capacity are unevenly distributed. A worker exposed to extreme heat, a small farmer dependent on rainfall, a coastal community facing erosion, an urban house hold exposed to heat and air pollution, and a forest-dependent community affected by ecological transition may experience climate harm differently.

The Constitution does not contain an express standalone provision titled 'right to climate'. Nevertheless, environmental protection has been constitutionalized through judicial

interpretation. Article 21's protection of life and personal liberty has been interpreted to include a right to live in a healthy environment. Article 14 can become relevant where climate policies or environmental decisions produce arbitrary or unequal burdens. Article 19 may intersect with environmental restrictions and livelihood questions. Article 47 directs the State to improve public health; Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife; and Article 51A(g) places a fundamental duty on citizens to protect and improve the natural environment.

The significance of this constitutional structure is twofold. First, environmental protection is not merely a matter of administrative discretion. Second, climate-related harm can implicate multiple constitutional interests simultaneously: life, health, livelihood, equality, dignity, access to clean surroundings and the interests of future generations. In *M.K. Ranjitsinh v. Union of India* (2024), the Supreme Court expressly connected climate change with fundamental rights and recognised a right to be free from the adverse effects of climate change. The decision is particularly important because it moves Indian climate adjudication beyond a purely statutory or policy-based discourse and places climate protection within constitutional rights reasoning.

Environmental justice also requires procedural fairness. Public participation, access to environmental information, reasoned decision-making and effective remedies are not peripheral values. They determine whether communities can challenge environmentally harmful projects and whether climate policies reflect the circumstances of vulnerable groups. India's environmental jurisprudence has repeatedly emphasized precaution, sustainable development, polluter pays, public trust and inter-generational equity. These principles provide a strong normative foundation, but their effectiveness depends on consistent administrative implementation and accessible remedies.

4. Constitutional Framework for Climate, Environment and Health

The constitutional architecture may be understood through a combination of Fundamental Rights, Directive Principles and Fundamental Duties. Article 21 is the principal rights-based route through which environmental quality has been linked with life and dignity. Article 14 is relevant to distributive justice because a formally neutral climate measure may have unequal effects upon persons with different economic and social capacities. Article 19 may become relevant where environmental regulation affects occupations, mobility, property-related interests or access to natural resources.

Directive Principles reinforce the State's environmental and health responsibilities. Article 47 treats improvement of public health as among the State's primary duties. Article 48A specifically addresses environmental protection. These provisions, though not independently enforceable in the same manner as Fundamental Rights, influence constitutional interpretation and public policy. Article 51A(g) similarly recognises an environmental responsibility of citizens.

The constitutional model therefore supports a three-dimensional approach. The first dimension is substantive: people should not be exposed to avoidable environmental and climate harms. The second is distributive: climate measures should not unfairly place the costs of mitigation or adaptation on those least able to bear them. The third is procedural: affected communities should have meaningful opportunities to participate and seek review.

A further constitutional dimension is federalism. Environment, forests, water, energy, public health, agriculture, disaster management and urban development are distributed across Union, State and local institutions. Climate change does not respect administrative boundaries, which makes coordination essential. A rights-based climate framework must therefore clarify responsibilities rather than simply adding another central programme.

5. Statutory Architecture: Strengths and Limitations

The Environment (Protection) Act 1986 (EPA) remains a central pillar of India's environmental regulatory structure. Enacted after the Stockholm process and designed as an umbrella statute, it empowers the Central Government to take measures to protect and improve environmental quality and to prevent, control and abate pollution. Its broad enabling design has allowed the executive to issue rules and notifications addressing diverse environmental risks. However, the EPA is not a dedicated climate statute. It does not itself establish a comprehensive national carbon budget, economy-wide emission trajectory, climate-rights framework, independent climate authority or statutory adaptation duties.

The Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and Control of Pollution) Act 1981 remain important for climate-linked environmental health. Air-quality regulation is particularly significant because climate stress and air pollution can compound health burdens. The regulatory challenge, however, is that conventional pollution-control frameworks often focus on local or sector-specific sources, whereas greenhouse gases have global atmospheric effects and climate impacts accumulate over time.

Forest and biodiversity laws provide additional climate-relevant protection. Forest conservation and biodiversity regulation can support carbon storage, ecosystem resilience and protection of communities dependent on ecological resources. At the same time, conservation decisions can generate justice concerns if local communities bear restrictions without fair participation, recognition of customary relationships with ecosystems or equitable distribution of benefits. The amended Biological Diversity framework and biodiversity institutions therefore need to be evaluated not only by conservation outputs but also by access, benefit sharing and community participation.

The Energy Conservation Act 2001 has acquired direct climate significance, particularly after the 2022 amendment that enabled the Central Government to provide for a carbon credit trading scheme. Energy regulation is a crucial climate lever because electricity, industry, transport and buildings are central to decarbonisation. Carbon markets, however, require careful legal design: integrity of measurement, reporting and verification; avoidance of double counting; additionality; transparent governance; and safeguards against shifting environmental burdens onto vulnerable communities.

The National Green Tribunal Act 2010 is another central component. Sections 14 and 15 provide jurisdiction concerning environmental disputes and relief, compensation and restitution; Section 20 directs the Tribunal to apply the principles of sustainable development, precautionary principle and polluter pays. The Tribunal thus provides an important forum for environmental justice. Nevertheless, climate litigation can raise questions of jurisdiction where a dispute does not fit neatly within the statutory definition of environmental questions or where the contested decision is primarily framed as energy, fiscal or macroeconomic policy.

Taken together, these laws create a substantial regulatory network. Their limitation is fragmentation. Climate change requires coordination across energy, transport, agriculture, health, labour, housing, water, disaster management and finance. A fragmented system can produce policy gaps, overlapping authority and inconsistent standards.

6. National Climate Policy: NAPCC, State Plans and Climate-Health Governance

The National Action Plan on Climate Change (NAPCC), released in 2008, established eight National Missions. It was conceived as a development-compatible framework combining adaptation, mitigation, ecological sustainability and technological capacity. The missions approach is institutionally valuable because climate change is inherently cross-sectoral. It also reflects the principle that India's climate response must account for poverty reduction and development needs.

The next layer is the State Action Plans on Climate Change (SAPCCs), which translate national priorities into state-specific strategies. Official information indicates that all States and Union Territories have prepared State Action Plans at the first level, with several revised plans at a second level. This localization is essential because climate vulnerability varies dramatically across regions. Yet the legal status, enforceability, financing and monitoring of many action-plan commitments remain less robust than those of statutory duties.

The health dimension has become increasingly institutionalised. The National Programme on Climate Change and Human Health (NPCCHH), implemented through the Ministry of Health and Family Welfare and the National Centre for Disease Control, addresses climate-sensitive illnesses and health-system preparedness. Official programme material identifies heat-related illness, vector-borne disease, extreme weather, climate-resilient healthcare systems and air-pollution-related illness as key thematic areas. The programme also promotes vulnerability assessment, surveillance, capacity building, adaptation plans and climate-resilient health infrastructure.

This is a significant policy development because climate-health governance requires early warning systems and prevention rather than reliance on post-disaster treatment. Heat Action Plans, disease surveillance and resilient healthcare facilities can reduce avoidable morbidity and mortality. However, health adaptation should not become a substitute for mitigation. If temperature rise, ecological disruption and air-quality deterioration continue to intensify, adaptation alone will face limits.

The principal legal challenge is therefore institutionalisation. Climate-health programmes should have clear accountability indicators, dedicated and predictable financing, minimum standards for vulnerable districts, transparent reporting and mechanisms through which affected persons can complain or seek corrective action.

7. Environmental Justice and Vulnerable Communities

The justice dimension of climate change is especially important in India because vulnerability is shaped by income, occupation, geography, gender, age, disability, access to healthcare and dependence on natural resources. Environmental justice requires that climate policy recognise these differences rather than treat the population as uniformly exposed.

First, distributive justice requires equitable allocation of adaptation resources. A climate-resilient hospital, cooling centre, drainage system or early-warning network can have a much greater protective effect in a vulnerable district than in a wealthy locality with private adaptive capacity. Public expenditure should therefore incorporate vulnerability indicators rather than merely follow administrative convenience.

Second, procedural justice requires participation. Communities affected by infrastructure projects, forest interventions, coastal regulation or energy transitions should have access to information and meaningful opportunities to participate. Consultation must not be reduced to a formal meeting after the major decision has already been made.

Third, recognition matters. Indigenous and forest-dependent communities possess relationships with land, forests and biodiversity that may not be captured by conventional economic valuation. Climate mitigation and conservation policies can produce new restrictions or market mechanisms. A just transition must therefore protect livelihoods and cultural relationships while pursuing environmental goals.

Fourth, inter-generational justice requires decision-makers to consider the long-term consequences of present choices. The Supreme Court's environmental jurisprudence as repeatedly recognised inter-generational equity as a relevant principle. Climate change gives this principle exceptional importance because today's emissions create risks extending far beyond electoral or administrative cycles.

Finally, climate justice must include urban populations. Heat stress, flooding, air pollution and inadequate housing frequently intersect. Informal workers may be unable to avoid exposure because their income depends upon outdoor work. Labour and occupational-safety regulation should consequently be integrated into climate adaptation, including heat-risk standards, rest and hydration arrangements, workplace scheduling and social protection.

8. Right to Health and Climate Change

Health is both an outcome and a legal justification for climate action. Climate change can influence health through direct heat exposure, extreme weather, changing disease ecology, food and water insecurity, air-pollution interactions, mental-health stress and disruption of health services. The legal response must therefore move from a narrow disease-treatment model to a preventive climate-health model.

Article 21 provides a constitutional foundation for health-related environmental protection, while Article 47 reinforces the State's public-health responsibility. The right to health has also been developed through Supreme Court jurisprudence. When climate risks threaten the ability of people to live safely, the State's obligations cannot be understood solely as an invitation to create programmes; they include a responsibility to design reasonable preventive systems.

The National Programme on Climate Change and Human Health is a valuable institutional response. It recognises the need for surveillance, preparedness, awareness, adaptation planning and climate-resilient infrastructure. Nevertheless, health policy should be integrated with environmental impact assessment, urban planning, water management, agricultural policy and labour regulation. For example, a hospital may prepare for heat emergencies, but its effectiveness will be limited if urban planning continues to create severe heat-island effects or if vulnerable workers lack access to cooling and rest.

Climate-health governance should also improve data integration. District-level vulnerability assessments should combine meteorological information, disease surveillance, demographic vulnerability, occupational exposure, health infrastructure and socioeconomic indicators. Such data should be used for anticipatory action while protecting privacy and ensuring responsible data governance.

The law should further recognise climate-resilient healthcare as a public infrastructure objective. Hospitals, primary health Centres, laboratories, vaccine and medicine supply chains, water systems and electricity backup should be assessed for flood, heat, cyclone and other climate risks. Procurement standards can incorporate energy efficiency, passive cooling, renewable energy and disaster resilience.

9. Judicial Development of Climate and Environmental Rights

Indian courts have played a foundational role in converting environmental values into enforceable legal principles. Cases such as *Rural Litigation and Entitlement Kendra v. State of Uttar Pradesh*, *M.C. Mehta v. Union of India*, *Vellore Citizens' Welfare Forum v. Union of India* and *Indian Council for Enviro-Legal Action v. Union of India* helped establish the constitutional and doctrinal importance of environmental protection, precaution, sustainable development and polluter pays.

The Supreme Court's decision in *M.K. Ranjitsinh v. Union of India* marks an important development specifically for climate change. The Court considered the relationship between climate protection, biodiversity and renewable energy. In recognising a right to be free from the adverse effects of climate change, the Court strengthened the constitutional basis for climate claims. The decision also demonstrates the need to balance climate mitigation with other ecological values rather than assuming that every renewable-energy intervention is automatically environmentally benign.

This jurisprudence has several implications. First, climate change can be litigated as a fundamental-rights issue. Second, the State's climate responsibilities may be evaluated through reasonableness, equality and environmental principles. Third, courts may increasingly be asked to review whether public authorities have adequately considered climate risks.

Judicial intervention nevertheless has limits. Courts cannot design every aspect of climate policy or substitute technical assessment for democratic decision-making. The proper constitutional role is to enforce legality, rights, reasoned decision-making and minimum environmental safeguards, while requiring the executive and legislature to adopt coherent policies. Excessive judicialisation may also create concerns about institutional competence. The better model is a dialogue between courts, legislatures, expert bodies, local institutions and affected communities.

10. International Legal Framework and India's Position

India's domestic climate policy operates within the international climate regime. The United Nations Framework Convention on Climate Change established the foundational framework for international cooperation, while the Paris Agreement strengthened the global objective of limiting temperature increase and enhancing adaptation and resilience. Principles of equity, common but differentiated responsibilities and respective capabilities have particular significance for developing countries.

India has submitted nationally determined contributions and articulated a long-term low-emissions development pathway.

The legal significance of international commitments in domestic litigation depends upon constitutional and statutory principles and the manner in which commitments are translated into domestic policy. International law nevertheless provides an important interpretive context and benchmark.

The international regime also highlights the justice problem. Countries differ in historical emissions, current capacity and vulnerability. Within countries, however, the distribution of responsibility and vulnerability is also unequal. Indian climate law should therefore combine international equity with intra-national equity.

International health and human-rights developments also reinforce the need to protect people from environmental risks. The global recognition of the human right to clean, healthy and sustainable environment strengthens the normative case for domestic climate governance centre on dignity and health. India's constitutional jurisprudence can develop this principle in accordance with domestic institutional arrangements.

11. Critical Absinthe Existing Framework

The first major gap is the absence of a comprehensive climate change statute. India has climate policy and numerous environmental laws, but no single statute systematically establishes national climate duties, measurable targets, adaptation obligations, institutional accountability, climate-risk disclosure and rights of affected persons.

The second gap is weak enforceability of many policy commitments. National and State action plans are valuable policy instruments, but a policy document may not always provide an individual with a clear cause of action when a promised adaptation measure is not implemented. Climate governance requires identifiable duties and review mechanisms.

Third, institutional fragmentation creates coordination problems. Environment, energy, health, water, agriculture, transport, labour, housing and disaster management authorities may pursue legitimate sectoral goals that nevertheless conflict. A statutory coordination mechanism could reduce this fragmentation.

Fourth, climate justice is insufficiently operationalised. Vulnerability assessments should have legal consequences for allocation of adaptation finance and infrastructure investment. Without such mechanisms, communities with high climate exposure but low political influence may remain under-protected.

Fifth, climate litigation faces evidentiary challenges. Courts and tribunals need reliable climate attribution, vulnerability and risk evidence. Government agencies should publish standardised datasets and methodologies while respecting legitimate confidentiality and privacy interests.

Sixth, transition policy requires stronger labour and social-protection dimensions. Decarbonisation can affect workers and regions dependent on fossil-fuel-intensive industries. A just transition framework should provide retraining, social protection, regional economic diversification and participatory planning.

Seventh, local governments remain underutilised. Climate impacts are experienced locally, yet municipal and panchayath institutions often have limited technical and financial capacity. Climate law should therefore connect national targets with local climate-resilience duties and predictable finance.

Eighth, environmental assessment needs stronger climate integration. Project-level assessment should consider both direct emissions and physical climate risks, cumulative

impacts, ecosystem resilience and health consequences. A project can comply with conventional pollution norms while remaining inconsistent with long-term climate resilience.

12. Reform Agenda: Towards a Rights-Based Climate Law

India would benefit from a framework climate statute designed not merely as an emissions-control law but as a rights, governance and accountability statute. Such legislation should contain at least the following components.

First, it should recognise climate stability and protection from serious climate harm as statutory objectives, while preserving the constitutional status of fundamental rights. The statute should expressly require protection of vulnerable persons and future generations.

Second, it should establish measurable national and sectoral climate targets and a transparent process for periodic revision. Targets should be supported by carbon accounting, independent reporting and public disclosure.

Third, a National Climate Commission or strengthened statutory authority could coordinate ministries, monitor implementation and publish annual climate accountability reports. Its composition should include scientific, legal, public-health, economic and community expertise, with conflict-of-interest safeguards.

Fourth, climate-risk and health impact assessments should be integrated into major public projects and selected private activities. Assessment should include cumulative impacts and alternatives, not merely narrow project boundary.

Fifth, the law should create enforceable adaptation duties. Districts and local bodies with high vulnerability should have climate-resilience plans covering heat, flood, drought, water security, health infrastructure and emergency response.

Sixth, climate finance should be transparent and equity-based. Allocation formulas should consider vulnerability, exposure, poverty and adaptive capacity. Public climate expenditure should be traceable.

Seventh, the statute should protect participation and information rights. Climate plans, emissions data, risk maps and adaptation budgets should be publicly accessible in understandable formats. Communities should be able to challenge non-compliance through administrative review, tribunals or courts.

Eighth, just transition should be a statutory principle. Workers and communities affected by decarbonisation should have access to reskilling, social protection and participatory regional planning.

Ninth, the health sector should receive enforceable resilience standards. Climate-resilient health infrastructure, heat-health warning systems, disease surveillance and emergency preparedness should be integrated with environmental and disaster governance.

Tenth, the law should strengthen local government. Panchayats and municipalities should receive technical support, capacity-building and predictable finance for climate adaptation.

The aim should not be to replace existing environmental laws. Instead, a framework statute should connect them through common principles, targets, data, institutions and accountability.

Conclusion

India has constructed a significant body of environmental and climate-related law and policy, but the architecture remains dispersed. The Environment (Protection) Act 1986, pollution-

control statutes, forest and biodiversity laws, energy legislation, National Green Tribunal Act, NAPCC, State Action Plans and climate-health programmes collectively provide substantial tools. Judicial decisions have further constitutionalised environmental protection, and the Supreme Court's 2024 decision in *M.K. Ranjitsinh* has expressly recognised a right to be free from the adverse effects of climate change.

The central legal problem is therefore not simply legislative scarcity. It is fragmentation, uneven implementation and insufficient translation of climate justice into enforceable duties. Climate change exposes the limitations of a regulatory model that separates environment from health, mitigation from adaptation, national policy from local vulnerability, and development from distributional justice.

A future Indian climate framework should be rights-based, scientifically informed, participatory and institutionally accountable. It should protect vulnerable communities, strengthen climate-resilient healthcare, integrate climate risk into environmental assessment, provide just-transition safeguards and make adaptation finance transparent. Such a framework would complement rather than displace existing environmental law.

The constitutional promise of life and dignity cannot be detached from the ecological conditions necessary to sustain them. Climate governance should therefore be understood as an extension of environmental rule of law: the State must act through law, institutions, evidence, participation and accountability to reduce foreseeable climate harm. The decisive question for Indian climate law is not whether the country has policies, but whether those policies produce enforceable protection for people and ecosystems most exposed to climate risk. A coherent framework climate statute, supported by stronger implementation of existing laws and meaningful local participation, would be a significant step toward environmental justice and health security.

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