

Original Article

Climate Change, Vulnerable Regions, and the Indian Constitution

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Abstract

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Climate change is no longer a distant environmental concern—it is a pressing legal, human rights, and developmental issue. In India, the effects of climate change disproportionately impact certain regions due to ecological fragility and social vulnerability. The Indian Constitution contains several provisions mandating environmental protection and equitable development, yet their practical enforcement remains inconsistent. This study explores the constitutional framework and legal responsibilities related to climate governance in India, focusing on the realities faced by climate-vulnerable regions. Through legal analysis, regional case studies, and review of policy implementation, the paper highlights the urgent need for region-specific climate adaptation strategies grounded in constitutional principles and environmental justice.

Keywords: Climate Change, Vulnerable Regions, Indian Constitution, Environmental Protection, Environmental Justice, Sustainable Development

Introduction:

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India, with its vast geographical and climatic diversity, faces unique and severe challenges from climate change. From rising sea levels along the coasts to glacial melting in the Himalayas, erratic rainfall in drought-prone zones to deforestation in tribal regions—each region has its own climate-related threats. While the Indian Constitution provides a strong foundation for environmental protection through Articles 21, 48A, and 51A(g), translating these legal principles into practice remains a challenge, especially in areas where institutional capacity is weak and communities are already marginalized. This research examines how legal responsibilities under the Constitution are realized in practice across vulnerable regions, and how regional disparities influence environmental governance.

Significance of the Study:

Emphasizes the intersection of climate vulnerability and constitutional mandates in India. Highlights region-specific challenges that affect climate resilience and legal enforcement. Contributes to the discourse on environmental justice and constitutional responsibility. Encourages integration of climate adaptation into legal and governance frameworks. Supports development of tailored, inclusive policies for high-risk regions.

Objectives:

1. To analyze constitutional provisions related to environmental protection and climate action.
2. To identify the most climate-vulnerable regions in India and their specific challenges.
3. To assess how legal and policy measures are implemented across these regions.
4. To evaluate the role of Indian judiciary in shaping climate and environmental jurisprudence.

To propose recommendations for strengthening regional climate governance through law and policy.



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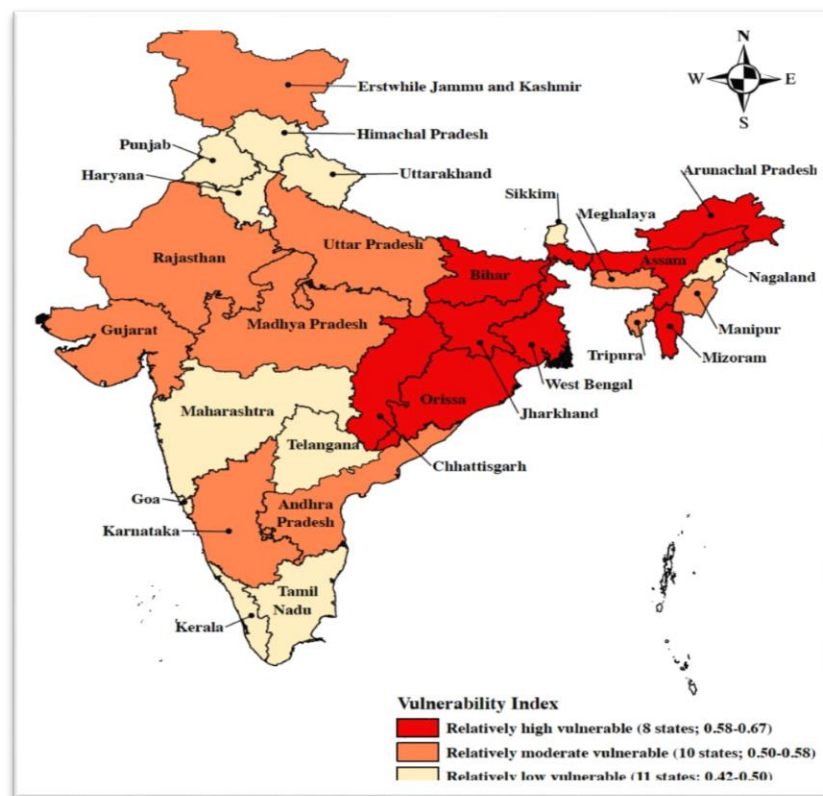
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Study Area / Location: -

The study focuses on selected regions in India that are both ecologically sensitive and socio-economically vulnerable:

Region Type	States/Areas Involved	Key Climate Issues
Coastal Regions	Odisha, West Bengal, Kerala	Cyclones, sea-level rise, saltwater intrusion
Himalayan Region	Uttarakhand, Himachal Pradesh, Sikkim	Glacial retreat, landslides, flash floods
Drought Zones	Marathwada (Maharashtra), Bundelkhand (UP & MP)	Water scarcity, crop failure, rural migration
Tribal Forest Areas	Chhattisgarh, Jharkhand, Northeast India	Deforestation, displacement, biodiversity loss

These regions represent a cross-section of India's climate risk landscape, offering a diverse view of how climate change intersects with legal enforcement and governance.



Methodology:

1. Doctrinal Legal Research

Review of constitutional provisions: Articles 21, 48A, 51A(g). Analysis of key environmental laws: Environmental Protection Act (1986), Forest Rights Act (2006), Disaster Management Act (2005)

2. Case Study Approach

Selection of one representative area from each vulnerable category. Collection of data from government reports, legal documents, and NGO publications

3. Judicial Review

Study of landmark environmental cases and their regional impact. Analysis of how the judiciary has interpreted constitutional duties related to climate change

4. Policy and Institutional Analysis

Examination of the National and State Action Plans on Climate Change (NAPCC, SAPCCs). Assessment of local implementation, funding, and governance mechanisms

5. Secondary Data Sources

- Reports from CEEW, UNDP, IPCC, IMD, and NITI Aayog
- Climate vulnerability indices, hazard maps, and regional policy evaluations

Analysis and Discussion:

Constitutional Provisions and Environmental Protection the Indian Constitution lays a strong legal foundation for environmental protection: -

- Article 21 ensures the right to life, which has been judicially expanded to include the right to a clean and healthy environment.
- Article 48A directs the state to protect and improve the environment.
- Article 51A(g) makes it a fundamental duty of citizens to protect nature and ecological balance. Despite this framework, climate-specific responsibilities are not directly articulated, leaving implementation largely dependent on interpretation and political will.

2. Regional Disparities in Vulnerability and Legal Implementation: -

a) Coastal Regions (e.g., Odisha) Despite strong cyclone warning systems, resettlement and long-term adaptation planning remain weak. Coastal Regulation Zone (CRZ) norms are often violated for infrastructure projects.

b) Himalayan States (e.g., Uttarakhand) Climate-sensitive ecosystems are threatened by unregulated tourism and infrastructure development. Courts have intervened, but implementation of ecological zoning remains inconsistent.

c) Drought-Prone Areas (e.g., Marathwada) Frequent droughts highlight the failure of water management policies. Legal mandates exist under disaster and environment laws, but lack of accountability and poor planning persist.

d) Tribal and Forest Areas (e.g., Chhattisgarh) Despite the Forest Rights Act (2006), forest-dependent communities face displacement and environmental degradation due to mining and development projects. Judicial decisions often protect corporate interests over tribal rights.

3. Role of the Judiciary the Indian judiciary has played a vital role in strengthening environmental protection.

Notable cases include:

- MC Mehta v. Union of India – Expanded environmental jurisprudence through PILs.
- Vellore Citizens Welfare Forum v. Union of India – Recognized sustainable development as a constitutional principle.
- T.N. Godavarman v. Union of India – Enforced Forest conservation across the country. However, many judicial orders lack enforcement, especially in remote and politically weak regions.

4. Institutional and Policy Challenges:

- National and State Action Plans often lack region-specific adaptation strategies.
- Local governments face funding constraints and capacity issues.
- Climate policy remains centralized, with insufficient input from vulnerable communities.
- Environmental Impact Assessments (EIAs) are often diluted for economic projects.

Conclusion:

India's legal and constitutional framework provides a strong mandate for environmental protection. However, climate change presents new challenges that require a more nuanced and regionally grounded response. Vulnerable areas such as coastal belts, hilly terrains, drought zones, and tribal forests face specific risks that are not adequately addressed through generalized national policies. Bridging the gap between constitutional vision and regional realities requires stronger local governance, judicial accountability, community participation, and climate-sensitive legal reforms. A rights-based approach to climate governance can ensure that the most affected populations are protected, not only by laws but also by justice.

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