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CONSTITUTIONAL CLIMATE PROTECTION AND THE COORDINATED STATE: RIDHIMA PANDEY V. UNION OF INDIA AND THE INSTITUTIONAL ARCHITECTURE OF RIGHTS

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*Ridhima Pandey v. Union of India*² signals a doctrinal evolution that transcends traditional climate litigation. Rather than following the familiar pattern of emission-reduction mandates seen in *Urgenda Foundation v. State of the Netherlands*³ or *Held v. Montana*⁴, the Court has pioneered an institutional coordination approach that reconceptualizes climate rights as requiring governmental structural reform. This case represents a novel synthesis of fundamental rights jurisprudence and administrative law, suggesting that constitutional climate protection demands not merely state action, but coordinated state capacity.

The Court's directive to eight central ministries to collaborate on climate governance reflects a sophisticated understanding that climate harms emerge from systemic governmental fragmentation rather than isolated policy failures.⁵ By anchoring this coordination mandate in the fundamental right to be free from adverse climate effects, which was first articulated in *M.K. Ranjitsinh v. Union of India*⁶, the Court has created "structural climate rights": constitutional entitlements that require institutional architecture rather than specific governmental outcomes.

Institutional Fragmentation and Constitutional Remedies

Ridhima Pandey originated from a classic pattern of climate litigation failure. Nine-year-old Ridhima Pandey's 2017 petition to the National Green Tribunal challenged India's climate policy inadequacy, drawing upon international precedents and intergenerational equity

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² *Ridhima Pandey v. Union of India*, Civil Appeal No. 388 of 2021, Order dated Feb. 21, 2025 (India).

³ *Urgenda Foundation v. State of the Netherlands*, Case No: C/09/456689 / HA ZA 13-1396.

⁴ *Held et al. v. State of Montana*, 2024 MT 312 (Mont. 2024).

⁵ *M.K. Ranjitsinh v. Union of India*, (2024) 4 SCC 1, page 19.

⁶ *ibid.*

principles.⁷ The NGT's perfunctory dismissal in 2019, offering only a cursory order without engaging the substantive climate arguments, exemplified the institutional inadequacy that the Supreme Court would later address.

The Supreme Court's intervention transformed this individual rights claim into a structural reform case. The Court recognised climate change as an "exigent matter of economic resilience, social justice, and sustainable development," and impleaded eight ministries and demanded "convergence of ideas, collaborative governance, and institutional synergy."⁸ thereby reflecting judicial recognition that climate governance failures stem from complex policy challenges that resist conventional bureaucratic solutions.⁹

The Court's critique of India's siloed approach to climate policy identifies a fundamental tension between constitutional rights requiring coordinated responses and administrative structures designed for sectoral governance.¹⁰ By constitutionalizing coordination as a remedy for climate rights violations, the Court has created precedent for judicial intervention in governmental structure when fundamental rights require institutional capacity that existing frameworks cannot provide.

Structural Rights and the Architecture of Constitutional Protection

The doctrinal foundation of *Ridhima Pandey* rests upon the Court's recognition in *M.K. Ranjitsinh* that Indians possess a fundamental "right to be free from the adverse effects of climate change" under Articles 14 and 21.¹¹ However, *Ridhima Pandey* extends this right beyond individual protection to encompass structural rights, transforming them to entitlements that require institutional arrangements rather than specific governmental actions.

This evolution reflects broader trends in comparative constitutional law toward recognizing that certain fundamental rights require governmental capacity-building rather than restraint. The South African Constitutional Court's socioeconomic rights jurisprudence provides

⁷ Gunjan Soni & Jui Dharwadkar, "Is *Ridhima Pandey v. Union of India* Going to Change the Future of Climate Change Litigation in India?", (*WORLD'S YOUTH FOR CLIMATE JUSTICE*) < <https://www.wy4cj.org/legal-blog/is-ridhima-pandey-v-union-of-india-going-to-change-the-future-of-climate-change-litigation-in-india-an-assessment-of-the-indian-supreme-courts-recent-order>> accessed on 10 October, 2025.

⁸ *Ridhima*, *supra note 2*.

⁹ Horst W.J. Rittel & Melvin M. Webber, "Dilemmas in a General Theory of Planning", (1973) 4 *POL'Y SCIS*. 155, 161-67.

¹⁰ *M.K. Ranjitsinh*, *supra note 5*, at 19.

¹¹ Constitution of India, art. 14 & 21.

instructive parallels, particularly its emphasis on “reasonableness review” that examines governmental programs’ coherence and coordination rather than specific outcomes.¹² Similarly, the German Federal Constitutional Court’s decision in *Bundesverfassungsgericht* emphasized the state’s duty to create legal frameworks that enable intergenerational burden-sharing.¹³

The Indian Supreme Court’s approach in *Ridhima Pandey* synthesizes these influences while addressing Indian constitutional concerns distinctly. The Court’s reliance on Articles 48A and 51A(g) creates a tripartite constitutional framework where climate protection operates simultaneously as individual right, state obligation, and citizen duty. This integration reflects ecological constitutionalism, constitutional frameworks that embed environmental protection within the fundamental structure of governance.¹⁴

The structural rights approach also addresses the enforcement challenges that have plagued climate litigation globally. Rather than mandating specific emission reductions that courts cannot effectively monitor, the Court has focused on governmental processes that judicial review can more readily assess. The coordination mandate creates justiciable standards, that avoid the concerns regarding separation of powers raised by quantitative emission targets.

Global Climate Constitutionalism and Institutional Innovation

Ridhima Pandey positions India within a global movement toward constitutional climate protection while offering distinctive institutional innovations. The case builds upon international precedents while avoiding their implementation pitfalls through its focus on governmental structure rather than substantive outcomes.

The Dutch *Urgenda*¹⁵ litigation established the landmark principle that states have positive obligations to protect citizens from climate change under human rights law.¹⁶ However, recent implementation analysis reveals significant limitations in court-ordered emission targets. The Netherlands achieved its required 25% reduction primarily through extraneous circumstances like COVID-19 restrictions and economic factors, rather than policy changes responding to

¹² Charles F. Sabel & William H. Simon, “Destabilization Rights: How Public Law Litigation Succeeds”, (2004) 117 HARV. L. REV. 1015, 1020-24.

¹³ Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court], 1 BvR 2656/18, page 183-98.

¹⁴ Maryam Namazie, “Structural Climate Litigation”, (2023) 40 YALE J. ON REG. 1, 45-52.

¹⁵ Urgenda Foundation, supra note 3.

¹⁶ State of the Netherlands v. Urgenda Foundation, ECLI:NL:HR:2019:2007, page 5.2.1-5.8.

judicial mandates.¹⁷ Actual implementation measures reduced emissions by only 0.6% of the state's 1990 baseline, with some policies increasing global emissions through carbon leakage.¹⁸ *Held v. Montana*¹⁹ demonstrates similar enforcement challenges despite doctrinal success. The Montana district court's recognition of youth climate rights and application of strict scrutiny analysis provided important precedential value, but the practical impact of the decision remains constrained by Montana's limited contribution to global emissions.²⁰ Moreover, the focus of the case on environmental review procedures, while legally sound, does not address the systemic coordination failures that impede effective climate policy.

Ridhima Pandey's institutional coordination approach offers advantages over these precedents by targeting the governmental capacity deficits that undermine climate policy effectiveness. Rather than mandating specific outcomes that may be achieved through regulatory arbitrage or extraneous factors, the Court has focused on the coordination mechanisms that enable sustained, adaptive climate governance.²¹

This approach aligns with emerging scholarship on 'experimentalist governance' in climate policy²², which emphasizes iterative policy development through coordinated institutional learning rather than top-down regulatory mandates.²³ The Court's directive for inter-ministerial collaboration creates policy integration mechanisms and institutional structures that enable cross-sectoral coordination on complex policy challenges.²⁴

The international significance of this approach extends beyond its immediate legal implications. As climate impacts intensify globally, courts face increasing pressure to craft remedies that can meaningfully address systemic governance failures while respecting democratic legitimacy and institutional capacity constraints. The Indian model of structural

¹⁷ Raphael J. Heffron, "The Contribution of Urgenda to the Mitigation of Climate Change", (2023) 35 J. ENVTL. L. 167, 185-90.

¹⁸ *Id.* at 189.

¹⁹ *Held*, supra note 4.

²⁰ *ibid.*

²¹ Joanne Scott & Jane Holder, "Law and New Environmental Governance in the European Union", (*NEW ENVIRONMENTAL GOVERNANCE*) 211, 215-20 (Gráinne de Búrca & Joanne Scott eds., 2006).

²² Rangoni, Bernardo, "Experimentalist Governance: From Architectures to Outcomes" (*Oxford, 2023; online edn, Oxford Academic*, 21 Sept. 2023) <<https://doi.org/10.1093/oso/9780198849919.001.0001>> accessed on 10 October 2025.

²³ Charles F. Sabel & David G. Victor, "Governing Global Problems Under Uncertainty: Making Bottom-Up Climate Policy Work", 144 (*CLIMATIC CHANGE*) 15, 16-21 (2017).

²⁴ Ingmar von Homeyer et al., "Environmental Policy Integration in the EU's Multi-Level Governance System", (*ENVIRONMENTAL POLICY INTEGRATION: GREENING SECTORAL POLICIES IN EUROPE 147*), 149-53 (Andrea Lenschow ed., 2002).

climate rights offers a framework that other constitutional systems may adapt to their particular institutional contexts.

Democratic Legitimacy and Judicial Capacity in Climate Governance

The structural rights approach in *Ridhima Pandey* raises fundamental questions about judicial capacity and democratic legitimacy in climate governance. While the Court's coordination mandate addresses genuine governmental failures, it also represents significant judicial intervention in executive organization and policy implementation.

The legitimacy concerns are particularly acute given climate policy's distributive implications. Climate governance involves complex trade-offs between economic development, energy security, environmental protection, and social equity decisions that democratic theory suggests should remain with elected officials rather than appointed judges.²⁵ The Court's directive for inter-ministerial coordination, while procedurally focused, inevitably influences substantive policy outcomes by determining which interests and perspectives shape climate policy development.

However, the structural rights framework also responds to democratic failures that have impeded effective climate action. Political science research demonstrates that climate policy faces systematic "democratic deficits" arising from temporal mismatches between electoral cycles and climate impacts, the concentrated benefits and diffuse costs of carbon-intensive policies, and the cognitive biases that limit public engagement with long-term environmental risks.²⁶ In this context, judicial intervention may serve democratic values by ensuring that governmental structures enable consideration of diffuse long-term interests that electoral processes systematically underweight.

The Court's approach also reflects sophisticated understanding of its institutional limitations. Rather than prescribing specific climate policies, the Court has focused on governmental processes that judicial review can more effectively monitor and enforce. The coordination mandate creates ongoing supervisory jurisdiction that allows iterative judicial oversight while preserving space for policy experimentation and adaptation.

²⁵ Jeremy Waldron, "The Core of the Case Against Judicial Review" (2006) 115 YALE L.J. 1346, 1353-61.

²⁶ Matto Mildemberger, "Carbon Captured: How Business and Labor Control Climate Politics" (2020) 31-58.

This procedural focus aligns ‘democratic experimentalism’ governance approaches that enhance democratic accountability through structured policy learning rather than rigid regulatory mandates.²⁷ By requiring inter-ministerial collaboration and reporting, the Court has created transparency mechanisms that enable public scrutiny of climate policy coordination while avoiding direct judicial policymaking.

Implementation Challenges and Future Directions

The ultimate success of *Ridhima Pandey*’s structural rights approach will depend upon the Court’s ability to craft enforceable coordination mechanisms while maintaining appropriate judicial restraint. Several implementation challenges warrant particular attention.

First, the coordination mandate requires ongoing judicial supervision that tests traditional limits of judicial capacity. Unlike conventional rights violations that can be remedied through individual relief, structural climate rights require sustained oversight of complex institutional relationships. The Court will need to develop new forms of judicial management that can ensure meaningful coordination without micromanaging executive branch operations.²⁷

Second, the case highlights tensions between national climate governance and federal system constraints. Climate policy implementation occurs primarily at state and local levels, but the Supreme Court’s coordination mandate applies only to central government ministries. Effective climate governance may require coordination mechanisms that extend beyond central government institutions to encompass state governments, local authorities, and private sector actors.²⁸

Third, the structural rights approach must address the measurement challenges that have limited climate litigation effectiveness globally. While procedural coordination is more readily monitored than emission outcomes, assessing the quality and effectiveness of inter-ministerial collaboration requires sophisticated metrics that can capture institutional performance without reducing complex policy coordination to simplistic quantitative indicators.²⁹

²⁷ Michael C. Dorf & Charles F. Sabel, “A Constitution of Democratic Experimentalism” (1998) 98 COLUM. L. REV. 267, 314-25.

²⁸ Daniel J. Fiorino, “Adaptive Governance, Uncertainty, and Risk: Policy Learning in a Climate of Change” (2013) 46 J. RISK RES. 1070, 1075-81.

Despite these challenges, *Ridhima Pandey* establishes important precedent for judicial engagement with systemic governance failures. The case demonstrates how constitutional rights jurisprudence can evolve to address contemporary challenges that require institutional innovation rather than merely governmental restraint. As climate impacts intensify and governance challenges multiply, the structural rights framework may prove applicable to other complex policy domains that require coordinated governmental capacity.

Conclusion

Ridhima Pandey v. Union of India represents a paradigmatic shift in climate constitutionalism from individual protection to institutional transformation. By recognizing climate rights as requiring coordinated state capacity rather than specific governmental outcomes, the Supreme Court has pioneered an approach that addresses the systemic governance failures underlying climate policy inadequacy while avoiding the enforcement challenges that have limited other climate litigation.

The case's emphasis on inter-ministerial coordination reflects sophisticated understanding that climate governance requires institutional architecture capable of addressing complex, cross-sectoral policy challenges. This structural rights approach offers advantages over emission-based mandates by focusing judicial oversight on governmental processes that courts can more effectively monitor while preserving democratic space for policy experimentation and adaptation.

The international implications of this doctrinal innovation extend beyond immediate legal precedent. As courts worldwide grapple with climate governance failures that exceed traditional constitutional frameworks, the Indian model of structural climate rights provides a framework for judicial intervention that can meaningfully address systemic governmental failures while respecting institutional constraints and democratic legitimacy.

Whether *Ridhima Pandey* ultimately proves transformative will depend upon the Court's capacity to develop effective coordination mechanisms and the broader political system's response to judicial structural reform mandates. However, the case has already established important precedent for constitutional adaptation to contemporary governance challenges, demonstrating how fundamental rights jurisprudence can evolve to address complex policy problems that require institutional innovation rather than merely governmental restraint.