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EDITORIAL ANALYSIS

When the Heatwave Becomes Evidence: Attribution Science and Climate Litigation

 DOWN TO EARTH

12 July 2026 ·

ENVIRONMENT

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THE LIFT LINE

For the first time, the heatwave can be cross-examined, and it can name who made it hotter.

WHY THIS EDITORIAL MATTERS FOR YOUR EXAM

Climate change used to defeat courts for one reason: causation. A judge could not connect a particular emitter, or a particular government's inaction, to a particular dead labourer in a particular heatwave. Extreme-event attribution science has changed that. Researchers can now estimate, with stated confidence, how much more likely or how much more intense a specific heatwave was made by anthropogenic warming. Once that number exists, the heatwave stops being an act of God and becomes evidence, and the failure to cut emissions or to protect the exposed stops being merely bad policy and becomes a potential breach of a legal duty. This editorial is about law and liability, not about the weather.

GS Paper 2: the Fundamental Rights, particularly Articles 14 and 21; important aspects of governance; the role of the judiciary; important international institutions and their [mandate](https://ujjyari.com/vocab/mandate/) (<https://ujjyari.com/vocab/mandate/>), including the International Court of Justice.

GS Paper 3: conservation, environmental pollution and degradation; the science and the impacts of climate change; disaster management for heat.

For **Prelims**, hold the case law with precision. **M.K. Ranjitsinh v Union of India (2024)**, the Great Indian Bustard case, in which the Supreme Court of India recognised a right to be free from the adverse effects of climate change, locating it in **Article 21**, the right to life, read with **Article 14**, equality, and reading these with the directive principles in Articles 48A and 51A(g). Internationally: **Urgenda v The Netherlands (2019)**, the Dutch Supreme Court ordering the state to cut emissions by at least 25 per cent below 1990 levels by 2020, grounded in the European Convention on Human Rights; **KlimaSeniorinnen v Switzerland (2024)**, in which the Grand Chamber of the **European Court of Human Rights** held that Switzerland's

inadequate climate action violated Article 8, the right to respect for private and family life; and the **International Court of Justice advisory opinion on the climate obligations of States (2025)**, which addressed what international law requires of states on climate and the consequences of breach. Also hold: the polluter-pays principle, the precautionary principle and the **public trust doctrine** (<https://ujiyari.com/terms/public-trust-doctrine/>), all read into Indian environmental law.

BACKGROUND AND CONTEXT

Attribution science works by comparing two model worlds: the world as it is, with its observed greenhouse gas concentrations, and a counterfactual world without anthropogenic forcing. Running large ensembles of both, scientists estimate how much more probable, or how much hotter, a given event became. Statements of the form “this heatwave was made roughly thirty times more likely and about two degrees hotter by climate change” are now produced within days of an event, with quantified uncertainty.

Legally, this attacks the weakest joint in any climate claim. Courts require a causal link between the defendant’s conduct and the plaintiff’s injury. Attribution supplies the first half of that link at the level of the event, and carbon-majors accounting, which apportions historical emissions to a small number of state and corporate producers, supplies a defensible basis for the second. Neither is a smoking gun in the tort-law sense, and defendants will attack both. But litigation does not require certainty; it requires a preponderance of probability, and probability is exactly the currency attribution science trades in.

THE CORE ARGUMENT / ISSUE

From weather to breach of duty

The claim in modern climate litigation is rarely “you caused my injury directly”. It is subtler and stronger: the state, or the corporation, knew the risk, had the capacity to reduce it, and failed to act with the diligence the risk demanded, and that failure foreseeably increased the harm the claimant suffered. Urgenda framed this as a positive obligation flowing from the rights to life and to private life. KlimaSeniorinnen extended it, holding that an inadequate national carbon budget and target framework itself violated Article 8. The ICJ advisory opinion of 2025 has now supplied the international-law scaffolding, articulating states’ obligations and the legal consequences of failing them, which domestic courts will cite for years.

India’s own doctrinal opening

Ranjitsinh is the pivot. By recognising a right against the adverse effects of climate change under Articles 21 and 14, the Supreme Court created a right that must now be given content. The equality dimension is the underrated half: heat does not fall equally. A construction worker, a street vendor, a waste-picker and a resident of a tin-roofed informal settlement face a different heatwave from an air-conditioned office. Article 14 is therefore not decorative here; it is the **doctrinal** (<https://ujiyari.com/vocab/doctrinal/>) route to arguing that a state which fails to protect the differentially exposed has discriminated in effect, whatever its intent.

CASE	FORUM AND YEAR	LEGAL HOOK	WHAT IT ESTABLISHED
Urgenda	Dutch Supreme Court, 2019	ECHR Articles 2 and 8	A court may order the state to meet a specific emissions cut
KlimaSeniorinnen	ECtHR Grand Chamber, 2024	ECHR Article 8	Inadequate climate policy itself breaches human rights
M.K. Ranjitsinh	Supreme Court of India, 2024	Articles 21 and 14, with 48A and 51A(g)	A right against the adverse effects of climate change
ICJ advisory opinion	ICJ, 2025	Customary and treaty obligations	States' climate obligations and consequences of breach

The obstacles are real

Three defences will be pressed hard, and aspirants should be able to state them. **Separation of powers:** setting a national emissions target is a polycentric policy choice for the legislature, not a court. **Attribution of a share:** no single defendant caused the heatwave, and apportioning liability across millions of emitters is doctrinally messy, the classic multiple-tortfeasor problem. **Extraterritoriality:** Indian emissions are a small share of the historical stock, and the harm suffered in India is largely the product of emissions elsewhere, which cuts both ways, weakening domestic-corporate suits while strengthening India's claim in international fora. Climate litigation will not replace climate policy. Its function is to force policy into existence and to give it a floor that governments cannot fall below.

HOW TO THINK ABOUT THIS (ANALYTICAL FRAME)

Think of it as the closing of an evidentiary gap that had been doing the work of a legal shield. For decades the diffuseness of climate harm was treated as an inherent bar to justiciability, when it was really only an inability to measure. Attribution science removes the measurement problem, and once the measurement problem goes, the question ceases to be scientific and becomes **normative** (<https://ujiyari.com/vocab/normative/>): what duty of care does a state owe those most exposed to a risk it can quantify and can partly control? The transferable rule: legal accountability expands whenever measurement improves. Expect the same sequence in air pollution, groundwater depletion and ecosystem loss, in each case as soon as the causal chain becomes measurable.

THE DIAGRAM IN WORDS

Anthropogenic emissions -> observed heatwave -> attribution science compares the factual world with a counterfactual no-emissions world -> a quantified statement: this event was N times more likely and X degrees hotter -> that converts the event from an act of God into evidence -> combined with carbon-majors accounting and a state's own knowledge of the risk -> claim: breach of a positive duty to protect life and equality -> Urgenda and

KlimaSeniorinnen abroad, M.K. Ranjitsinh (2024) in India under Articles 21 and 14, ICJ advisory opinion (2025) as the international backdrop → remedies: court-supervised carbon budgets, mandatory heat action plans, disclosure and compensation → defences: separation of powers, apportionment among many emitters, extraterritoriality → outcome: litigation sets a floor beneath policy, it does not substitute for it

WAY FORWARD

- ❶ **Give Ranjitsinh statutory** (<https://ujiyari.com/vocab/statutory/>) **content**. Legislate a climate framework law with a binding carbon budget, sectoral targets and an independent statutory advisory body, so that the recognised right has measurable obligations attached and courts are not left legislating from the bench.
- ❷ **Make heat action plans justiciable** (<https://ujiyari.com/vocab/justiciable/>). Convert heat action plans from advisories into statutory instruments with enforceable duties, work-hour rules for outdoor labour, cooling shelters, and mandatory notification of heat deaths, giving the Article 14 dimension real bite.
- ❸ **Build public attribution capacity**. Fund the India Meteorological Department and Indian research institutions to run rapid, peer-reviewed attribution for domestic extreme events, since a country that does not produce its own attribution science will litigate with someone else's numbers.
- ❹ **Mandate corporate climate disclosure**. Strengthen the disclosure regime so that emissions and transition-risk data are audited and comparable, which is the evidentiary base for both investor discipline and any future liability claim.
- ❺ **Use the ICJ opinion in international negotiation**. Deploy the 2025 advisory opinion, alongside the principle of common but differentiated responsibilities, to press for loss-and-damage finance, while accepting that the same reasoning binds India's own conduct.

PYQ LINKAGE AND PRACTICE

UPSC has asked about the judicial expansion of Article 21, about environmental principles such as polluter-pays and the public trust doctrine, about India's climate commitments, and about the tension between development and environmental protection. This editorial connects those to a new and examinable frontier, the legal accountability of climate inaction.

Practice question: "Extreme-event attribution science has transformed climate change from a policy question into a justiciable one." Critically examine, with reference to M.K. Ranjitsinh v Union of India (2024) and the international [jurisprudence](https://ujiyari.com/terms/jurisprudence/) (<https://ujiyari.com/terms/jurisprudence/>) on climate obligations. (250 words, 15 marks)

Sources: *Down To Earth* (<https://www.downtoearth.org.in/>)

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