



# The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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## The Legal Dimensions of India's Rising Heat Crisis

~Nandit V. Tickoo

### Introduction: India's Heat Crisis Beyond Climate Change

In April 2026, India recorded an unwanted report of all fifty of the world's hottest cities being within its borders, with time in May, the figure further climbed to ninety-seven out of the top 100. Reports say on-duty workers during the census have died and voters collapsed during West Bengal's elections, and the northern and eastern belts witnessed a rise in temperature between 45 degrees and 48 degrees.

The official statements and media seem to use the word "unprecedented" for the 2026 heatwave, but it was also used for the 2022 heatwave and for 2024's as well as for 2025. The Indian Meteorological Department reports that heatwave frequency across India's core heat zone has increased by 0.1 degree Celsius per decade since 1961. Furthermore, the average night time temperatures are rising by 0.21 degrees Celsius per decade. What India is facing in 2026 is not unprecedented, but it comes as a warning for the nation.<sup>1</sup>

In India, nearly 400 to 490 million informal workers, which include construction workers, delivery partners, and street vendors, currently possess no "cooling autonomy." Working in extreme heat does not only mean an inconvenience but also represents a systemic violation of the right to life. Workers at construction sites face extreme physical exertion lethally compounded by the radiant heat generated from steel and concrete. Similarly, sanitation and waste-picking workers handle heated waste materials without any protective gear or instrument, suffering severe physical burns.

The continuous exposure to rising heatwaves increases illness and mortality risks, affecting health systems and severely impacting older adults, children, and those with pre-existing

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<sup>1</sup> Aman Raj, *India's Heatwave Is a Warning for the Future*, EMISSARY (June 2, 2026), <https://carnegieendowment.org/emissary/2026/06/india-heatwave-electricity-climate>.

conditions. Even a marginal rise in temperature causes a significant decline in productivity and loss of income, ultimately forcing workers to prioritize economic survival over biological survival.<sup>2</sup>

India's rising heat crisis is now no longer a mere environmental health concern; now it presents itself also as a constitutional and governance challenge.

### **Existing Legal Framework Governing Heatwaves**

Heatwaves, as defined by the Indian Meteorological Department, mean the periods of unusual high temperatures compared to the average temperature climatology of a region. Unfortunately, the IMD seems not to calculate the wet-bulb temperature or include other factors in its definition of heat waves.

While measuring wet-bulb temperatures (WBT), the process includes air temperature and other factors like humidity levels and the intensity of sunlight to get an accurate measure of high temperatures combined with other environmental factors' impact on the human body. Temperatures at coastal areas in India repeatedly range between the wet-bulb temperatures, which is why excluding WBT in heatwave definitions is a major setback.<sup>3</sup>

Adding on, as the Disaster Management Act, 2005 does not cover heatwaves as Notified Disaster,<sup>4</sup> with the recent heatwave crisis lead to the Disaster Management (Amendment) Act, 2025 which introduced Urban Disaster Management Authority (UDMA) in State capitals and all cities having Municipal Corporation.<sup>5</sup> It should be given due consideration to that the authority only focuses on urban area while not considering the rural areas where the high temperature also impact severely.

Though the Urban Disaster Management Authority was initiated to address vulnerabilities which also included heatwaves but the act does not mention heatwaves anywhere<sup>6</sup> presenting a legal vacuum. Further, the Disaster Management (Amendment) Act, 2025 although

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<sup>2</sup> Drishti IAS, *India's Heat Crisis and the Legislative Vacuum*, DRISHTI IAS (Apr. 21, 2026), <https://www.drishtias.com/daily-updates/daily-news-analysis/india-heat-crisis-and-the-legislative-vacuum>.

<sup>3</sup> Shivani Das, *Heat Waves as Notified Disaster: Comprehensive Solution or a First Step?* Heat Watch, <https://www.heatwatch.in/blogs/heat-waves-as-notified-disaster-comprehensive-solution-or-a-first-step> (last visited July 1, 2026).

<sup>4</sup> *Heatwaves as a Notified Disaster*, DRISHTI IAS, <https://www.drishtias.com/daily-updates/daily-news-analysis/heatwaves-as-a-notified-disaster> (last visited July 1, 2026).

<sup>5</sup> *Disaster Management (Amendment) Act, 2025*, PRESS INFORMATION BUREAU, Ministry of Home Affairs (Feb. 11, 2026), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2226438&reg=3&lang=1>.

<sup>6</sup> National Disaster Management Authority, *The Disaster Management (Amendment) Act, 2025*, <https://ndma.gov.in/sites/default/files/PDF/DM-Amendment-Act-2025.pdf>.

strengthens India's disaster management structure by focusing on prevention, preparedness, and disaster risk reduction, it still falls behind in expressly recognising heatwaves as a notified disaster and providing a legal framework for managing extreme heat.

## **Constitutional Governance and the Imperative of Prevention**

### **i. Constitutional Obligations**

Our constitution provides a strong legal foundation to address the growing heatwave crisis. The basis lies in the Article 21 of the constitution<sup>7</sup>, whose expansive interpretation by the judiciary includes the right to health, a clean environment, and a life with dignity. As the increase in high temperature threaten human survival, public health, and livelihoods, the government's obligation extends beyond disaster response to preventive governance. In *M.C Mehta v. Union of India*,<sup>8</sup> the Supreme Court recognised environment protection as integral to the right to life. The same approach was reinforced in the case *Subhash Kumar v. State of Bihar*,<sup>9</sup> in which the Court held that Article 21 includes right to pollution-free air and water, and in *Virender Gaur v. State of Haryana*<sup>10</sup>, where the Court affirmed that a healthy environment is crucial for human dignity.

The constitutional obligation is further strengthened by the Directive Principle of State Policy. Article 39(a) of the constitution<sup>11</sup> mandates requirement of protection of workers from harmful conditions, Article 42<sup>12</sup> mandates humane working conditions, Article 47<sup>13</sup> lays down public health among the State's primary duties, and Article 48A<sup>14</sup> directs the State to protect and improve the environment. Altogether, these provisions of the Constitution of India establish that protecting the citizens from climate-induced heat crisis is not just an administrative responsibility but also a constitutional obligation.

### **ii. Bridging the Legislative Gap**

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<sup>7</sup> Ministry of Law & Justice, Government of India, *The Constitution of India* (May 1, 2024), <https://cdnbbsr.s3waas.gov.in/s380537a945c7aaa788ccfcdf1b99b5d8f/uploads/2024/07/20240716890312078.pdf>.

<sup>8</sup> *M.C. Mehta & Anr. v. Union of India & Ors.*, (1987) 1 S.C.C. 395.

<sup>9</sup> *Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598.

<sup>10</sup> *Virender Gaur v. State of Haryana*, (1995) 2 S.C.C. 577.

<sup>11</sup> *The Constitution of India*, supra note 7, at 22.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 23

<sup>14</sup> *Id.*

A comprehensive and extensive legislative framework and executive action by the authorities is required to bridge the gap from discretionary advisories to enforceable rights.<sup>15</sup> This must be initiated by formally accepting the 16<sup>th</sup> Finance Commission's recommendation to include heatwaves in the Notified National Disaster.<sup>16</sup> Further, the Ministry of Labour and the Indian Meteorological Department must bring a transition to the heat index by preferring Wet-bulb temperature and combining temperature and relative humidity to process true human feel.<sup>17</sup> The current heat index by only adopting a generalised approach fails to capture region-specific heat exposure. Additionally, the government should launch such provisions which consider financial compensation to cover the loss incurred when the high temperature impacting severely prevents work.

## Conclusion

The increasing heat problem in India is not just a seasonal nuisance or a natural consequence of climate change. It has become a constitutional, governance and human rights issue that calls for legal governance instead of being reactive in disaster management. Although scientific predictions now allow the government to predict extreme heat with a fair amount of precision, the legal approach to heat remains mostly based on executive advisories, piecemeal Heat Action Plans and administrative discretion. The lack of a robust legal system to protect the millions of citizens who are most vulnerable to hazardous situations, especially informal workers, children, older adults, and economically disadvantaged populations, is caused by this mismatch.

Such protection is already normatively provided for in the Constitution. Article 21, together with the Directive Principles of State Policy and the large vision of environment jurisprudence of judiciary, put a positive duty on the State to protect life, health, dignity, and healthy environment. But the constitutional guarantees are of little value without concrete obligations in law. India's climate governance architecture has significant gaps with no expression legal recognition of an event as a heat wave, no uniform occupational heat standards, inconsistencies in heat risk assessment and weak institutional accountability.

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<sup>15</sup> *India Heatwave Legislative Gap: Lack of Legal Protection for Workers in Heat Crisis*, UNDERSTAND UPSC (Apr. 15, 2026), <https://www.understandupsc.com/india-heatwave-legislative-gap-lack-of-legal-protection-for-workers-in-heat-crisis/>.

<sup>16</sup> Raju Sajwan, *Heatwaves and Lightning Should Be Added to National Disaster List, Finance Commission Says*, DOWN TO EARTH (Feb. 2, 2026), <https://www.downtoearth.org.in/natural-disasters/heatwaves-and-lightning-should-be-added-to-national-disaster-list-finance-commission-says>.

<sup>17</sup> *India Heatwave Legislative Gap: Lack of Legal Protection for Workers in Heat Crisis*, supra note 15.

The solution of these gaps does not have to be a completely new act of legislation, but can be accomplished by embedding the concept of heat resilience into existing disaster management, labor, public health and urban governance systems with binding legislation. Heat Action Plans need to be legally mandated, tools like wet-bulb temperature should be used to trigger public alerts, and there to be legally binding protections and compensation for vulnerable employees within the workplace. A coordinated action is also important between various institutions dealing with disaster management, meteorology, health, labour and local administration to make sure that disaster is prevented consistently in urban and rural India.

A constitutional democracy is not only about responding to the death of people in a disaster, it's about being prepared to stop foreseeable disaster harm in its tracks. The law must shift from a solution that is temporary to one that is permanent; from administrative discretion to institutional accountability; from emergency relief to preventive governance. The legal solution should move from being temporary to permanent, from being based on administrative discretion to institutional accountability, and from emergency relief to preventive governance. The debate is no longer about the likelihood of heatwaves in India in the future, it is a given. But whether its system of laws will catch up fast enough with time is the real question as extreme heat becomes a permanent constitutional failure.