FROM RIGHTS TO RESILIENCE: ARTICLE 21 AND MUNICIPAL DUTIES FOR URBAN CLIMATE ADAPTATION IN INDIA

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Abstract

The urban areas are exposed to compound climate hazards such as heat, heavy precipitation, floods, water shortage, illness, and structural breakdown. These dangers are interplayed with socio-economic inequality and usually enhance them. Article 21 has been applied in India to safeguard life and liberty as a dignified living permitting courts to regard environmental degradation as a rightful matter. However, it is not clear whether or not climate-resilient urban development is a constitutional imperative in Article 21, and how the responsibilities associated with it should be shared between Union, state, and local, institutions. In this paper, the rights-based environmental constitutionalism, multi-level urban governance, and climate justice have been combined to determine whether Article 21 can justify enforceable provisions regarding risk-conscious urban planning. Based on the analysis of the doctrines and the review of the policies, and synthesising a minimum-standards programme based on the analysis of the city-level initiatives it claims that Article 21 can be used to establish a minimum-standards programme that necessitates prevention, utilisation of risk information, and non-discrimination. The proposals of the paper include the incorporation of climate-risk screening into the city plans, the establishment of minimum preparedness levels, the protection of urban ecosystems, and enhanced coordination and accountability with planning standards, grievance mechanisms, monitoring, and conditional fiscal support provided by the higher-level government.

Key Words: Climate change, Article 21, Environmental constitutionalism, Climate justice, Urban governance, Climate-resilient cities, Urban planning, Constitutional duty

1. INTRODUCTION

Urban areas are a focus of people, resources, and infrastructure and thus climate change manifests itself in the cities through compound risk: increased frequency and intensity of heat waves, increased precipitation and floods, water stress, disease burden, and cascading failures in the energy system, transport system, housing system, and health system. These are unevenly distributed risks. Exposure monitors patterns of settling, incomes, services access, and political expression, that is, climate change has the power to exacerbate everyday city injustices. The magnitude of the health damages projected in the lower- and middle-income countries is ever more making it harder to act upon climate as a remote environmental problem instead of a proximate hazard to existence, health and honour[1].

The concept of a climate-resilient city reacts to this fact by no longer focusing on the one-off response to disasters but on proactive governance i.e. planning that minimises exposure, minimises vulnerability and develops adaptive capacity whilst working towards development objectives. Practically, resilience is manifested in the day-to-day activities of the city land-use regulation, housing, water, drainage, sanitation, solid or solid waste, mobility, and public health, and urban ecosystems management. Since these functions are provided in the locality, the legal issue, who has obligations to act, arises to the forefront.

In India, the safeguarding of life and personal liberty of Article 21 was long viewed as the safeguarding of more than bare survival. The right to life has been interpreted by environmental jurisprudence to unconditional rights to a healthy life, which any court may exercise sovereignty over environmental degradation as a right issue. With the risks of climate becoming predictable and frequent heat-related deaths, urban flooding, water scarcity, displacement Article 21 comes up as a feasible constitutional divider between climate science and enforceable responsibilities against avoidable harm. Simultaneously, there are numerous risk-reduction approaches used in cities, which leads to the second question: how is a constitutional obligation to be implemented using the local government authorities and obligations?[2]

Although the body of climate litigation is increasing and the urban climate plans rapidly expand, the Indian law continues to remain silent regarding the question of whether the development of climate-resilient urban development is a good constitutional obligation and how such an obligation is apportioned among the Union, state, and municipal organs. This is important since climate harms are usually cumulative and administrative: they are caused by planning decisions, infrastructure operation failures, and service delivery failures. Without an upright system, obligations are disjointed and responsibility is perfunctory.

The research consequently has three objectives. First, it determines how the doctrine of Article 21 can be relevant to obligations to mitigate expected climate-related damages. Second, it charts the local-government duty space that Part IXA and the Twelfth Schedule have caused, posing the question of what climate-relevant functions, the municipalities can

[1] Gaia Bianco et al., *Projected Impact of Climate Change on Human Health in Low- and Middle-Income Countries: A Systematic Review*, **8***BMJ Glob. Health* e015550 (Suppl. 3 2024), doi:10.1136/bmjgh-2024-015550.
[2] INDIA CONST. art. 21; INDIA CONST. arts. 48A, 51A(g); INDIA CONST. pt. IXA, art. 243W; INDIA CONST. sched. XII.

possible perform. Third, it integrates the experiences of climate-resilient urban projects to present governance and legal changes that could help to implement Article 21 protection at the city level.

The significance is twofold. In the case of human rights, it enhances a rights-based narrative on climate resilience that is sensitive to recognition, involvement, as well as distributive effects. As applied to urban planning, it puts resilience as a legal standard predicament what should minimal safeguards be established to planning and service provision to vulnerable groups against failure, and what can be corrected about failure review and correction without making courts city managers?[3]

The three lenses are mixed in the analysis. The former is rights-based environmental constitutionalism: the courts consider the threats to health and environmental quality to be the threats to life. The second one is multi-level urban governance: multi-level assembles climate action through vertical distribution of powers (union-state-local) fiscal flows and transnational networks of municipalities. The third is climate justice that introduces recognitional, procedural and distributive questions: Whose risks matter, who is involved and who gains because of the adaptation investment. These lenses taken together serve to assess the possibility of Article 21 basing concrete claims on risk-sensitive urban planning, and the way the claims of such a policy must be constructed to ensure they do not recreate the effects of exclusion[4].

2. LITERATURE REVIEW

(a) Climate change impacts on urban areas

The risk of urban climate is also becoming multi-hazard and systemic. The impacts of heat and humidity are an increase in mortality and a lower labour productivity; flooding risk and rising sea level; water stress, air quality, and infectious disease are combined factors with poverty, housing, and health care. Syntheses of climate-health literature across the world identify the greatest burden rates in low and middle-income locations with urban services and safety nets that are skewed[5].

In urban areas, vulgarity is influenced by socio-economic and spatial conditions. Asset-poor households and informal settlements are frequently exposed to heat and have poor access to cooling, greenery, and access to reliable electricity and experience increased impacts of extreme events in terms of diseases and loss of income. The resilience of urban climate cannot, then, be disaggregated in distributive terms (around housing, basic services, the politics of land and infrastructure, etc.)[6].

[3] Susannah Fisher, *The Emerging Geographies of Climate Justice*, **181***Geographical J.* 73 (2015).
[4] Eric Chu & Kavya Michael, *Recognition in Urban Climate Justice: Marginality and Exclusion of Migrants in Indian Cities*, **31**(1) *Env't & Urb.* 139 (2019), doi:10.1177/0956247818814449.
[5] Timothy M. Lenton et al., *Quantifying the Human Cost of Global Warming*, **6***Nature Sustainability* 1237 (2023), doi:10.1038/s41893-023-01132-6.
[6] Bruce C. Mitchell, Jayajit Chakraborty & Pratyusha Basu, *Social Inequities in Urban Heat and Greenspace: Analyzing Climate Justice in Delhi, India*, **18**(9) *Int'l J. Envtl. Res. Pub. Health* 4800 (2021), doi:10.3390/ijerph18094800.

(b) The right to life in the context of climate change

The case law of article 21 established the doctrinal route to climate claims, which considered the environment as being significant to life and health. The precedent cases of environmental-rights, relating the control of pollution and ecological preservation with the right to life, cleared the way to the courts requiring preventative regulation and continuous adherence. Later principles precaution, sustainable development and popular trust furnished the instruments of judicial inquiry in cases where scientific uncertainty is great, and damage long-term[7].

In more recent scholarship, Indian climate litigation is characterized as existing in an environmental rule of law frame, in which courts invoke rights in pushing others towards accountability despite the lack of climate change as the direct cause of harm being pleaded. Article 21 has been used to bolster attempts to have positive responsibilities of prevention and adaptation in the face of risks that are predictable, a landmark decision of the Supreme Court in 2024 explicitly found protection against the negative effects of climate change in the right to basic human rights[8].

At the international level, there is greater concern among human rights agencies that climate change is a threat to human rights especially life, health, housing, food, and culture in addition to the absence of non-discrimination and vulnerability protection of vulnerable facets. In the case of India, it is a comparative trend that has to do less with the importation of foreign doctrine and more with reinforcing a proportionality-based strategy: should act on the basis of foresee ability, severity, vulnerability and institutional capacity.

(c) Role of local governments in climate action

The studies of the urban climate governance demonstrate that the cities tend to progress the process of adaptation by using policy experiments and strategic planning turning climate goals into sectoral performance: upgrades of drainage systems, heat action planning, resilient housing, risk-based land-use regulation, and ecosystem restoration. Such initiatives often depend on cross-functional groupings of the civil society, professionals and transnational municipal systems contributing knowledge, tools and finance[9].

The climate action in India usually gets into the city government indirectly, via development schemes, and sectoral programmes. This has been termed as superimposition Studies explain that this is a pragmatic approach to bureaucracy that inserts climate objectives within the current mandates and also reports that such an approach can create fragmented and project

[7] *Subhash Kumar v. State of Bihar*, (1991) 1 S.C.C. 598 (India).
[8] Gitanjali N. Gill & Gopichandran Ramachandran, *Sustainability Transformations, Environmental Rule of Law and the Indian Judiciary: Connecting the Dots Through Climate Change Litigation*, **23***Env't L. Rev.* 228 (2021), doi:10.1177/14614529211031203.
[9] M.E.B. Picavet et al., How Can Transnational Municipal Networks Foster Local Collaborative Governance Regimes for Environmental Management?, **71***Envtl. Mgmt.* 505 (2023), doi:10.1007/s00267-022-01685-w.

based action that is not sustainable over time unless it alters the habits of planning and budgeting[10].

Capacity limits continue to be a trend. The incomplete devolution, inadequate staffing, and poor fiscal autonomy are frequently experienced in the small and medium cities, and they can be seen as hindrances to the sustainability of the climate-resilient measures beyond the pilot projects. Multi-level governance is not, however, a choice: the standards, finance and technical backing that local implementation is possible are often dictated by union and states[11].

3. METHODOLOGY

It is a qualitative and case-based study of doctrinal research on legal documents and constitutional provisions, as well as the decisions of courts to identify the rights and norms that can be used to deal with climate harm. It explores non-numerical and textual material on judicial reasoning and remedies in practise. The analysis of the document links the legal doctrine to the practise of governance by analysing climate missions, urban development plans, and plans, which are based on the hazard, to examine the discrepancies between the constitutional norm and administrative form. The way of data collection is secondary and document-based. Constitutional texts, Supreme Court and High court decisions related to Art 21 and environmental protection and decisions of National Green Tribunal are the main corpus. The second corpus is composed of statutory and policy frameworks that influence the regulation of urban areas, whereas the third one is composed of academic literature and reports on climate risk and governance constraints. The materials are collected by using systematic database searches. The selection criteria consist of legal texts that declare principles of life, responsibility of the environment and the state; policy documents that distribute functions and standards in adaptation and comparative materials that shed light on the practise of governance. It is analysed in three phases, namely: doctrinal analysis identifies legal propositions between Article 21 and environmental quality; content analysis reviews policy texts on the conceptualization of climate risk; and cross-case synthesis reviews city efforts to create efficient resilience factors. Findings investigate the extent to which Article 21 supports the need to have climate-resilient urban governance requirements and their practical urban application.

4. ANALYSIS AND FINDINGS

(a) Legal analysis of Article 21 in relation to climate resilience

Article 21 has grown to be more than just a thin veil of protection against deprivation illegally to a substantive right of condition which renders life meaningful. Based on this direction, environmental jurisprudence addressed the problems of pollution prevention and ecological safeguard as the demands of the rights and enabled the courts to monitor

[10] Ankit Bhardwaj & Radhika Khosla, *Superimposition: How Indian City Bureaucracies Are Responding to Climate Change*, 4*Env't & Plan. E: Nature & Space* 1139 (2021), doi:10.1177/2514848620949096.
[11] David Simon et al., Responding to Climate Change in Small and Intermediate Cities: Comparative Policy Perspectives from India and South Africa, 13 *Sustainability* 2382 (2021), https://doi.org/10.3390/su13042382.

preventive regulation in cases where harms endanger the health and dignity. To be climate resilient, the conceptual analogue is: climate hazards may compromise the same conditions of life that safe water, habitable shelter, physical and mental health and hence no longer be covered by the protective rationale of Article 21 in cases of predictability and avoidability of hazards.

There are two other principles that are especially applicable to climate-risk governance. The precautionary principle is an advocacy of preventive action in case of scientific uncertainty: the decision-maker does not need to be perfectly certain before regulating those activities that are likely to cause harm to life and environment. Sustainable development puts the responsibility of balancing the development and environmental constraints and the intergenerational equity in the perspective of long-lasting urban infrastructure. These principles combined with each other justify judicial scrutiny of the failure to plan and regulate vulnerability to heat, flood, and water stress that are foreseeable[12].

The doctrine of the public trust further adds credence to the connexion between the constitutional rights and urban resilience since some resources and ecosystems are perceived as a person that is in trust of the State on behalf of the people. This is important in the urban setting in the context of rivers, wetlands, floodplains, and green spaces that act as climate buffers. A non-adversarial approach repackages the legal issue of discretionary choice of development as a fiduciary duty: where the action or omission of the state harms the protectionist ecosystems in a way likely to cause harm, an easy case to make is rights-based review[13].

In M.K. Ranjitsinh (2024)[14], the Supreme Court incorporates a specific statement of climate-rights through affirming the right to the negative impacts of climate change as one of the basic rights. The most significant implication to this study is not that courts have to decide all disputes concerning the climate policy. Instead, it reinforces a minimum-standards strategy: in circumstances where climate hazards are predictable, institutions that regulate decisions of risk relevance (planning, infrastructure, non-discriminatory use of risk information, and non-discriminatory) have to take on minimum responsibilities of prevention, risk-relevant information use, and non-discrimination.

Insofar, scope is not infinite. Article 21 is best applied where the alleged failure is specific and administratively verifiable like the failure to plan heatwaves, failure to observe zoning of floodplains or failure to maintain drainage systems. The harms caused by climate are also diffuse and cumulative and the courts might be hesitant in cases where remedies demand macroeconomic adjustments or intricate trade-offs. The repercussion of this legal indicator is therefore to be interpreted as empowering: Article 21 has the ability to base a duty framework and minimum standards, but still detailed policy development and finance require the authority of legislatures and executive agencies.

[12] *Vellore Citizens' Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647 (India).
[13] *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388 (India).
[14] *M.K. Ranjitsinh v. Union of India*, W.P. (C) No. 838/2019, Judgment (Sup. Ct. India Mar. 21, 2024), **2024 INSC 280**.

(b) Assessment of local government roles and responsibilities

Municipalities are at the centre of operations of urban climate resilience since they define the built environment and provide services that predetermine exposure and vulnerability. Part IXA and the Twelfth Schedule in India provides a list of urban functions which have a direct mapping into resilience: urban planning, land use and building regulations, water supply, public health and sanitation, storm-water drainage, slum upgrading, and urban environment protection. This state constitutional distribution furnishes the institutional mechanism of transfer of a duty under Article 21 into local functions.

Practically, the local governments are restricted in the range of their duty by partial devolution and common mandates. Planning powers are retained by many states in the form of development authorities and most of the key sectors (energy, major water projects, disaster management finance) are controlled at higher levels. Indian city climate resilience research explains the way cities bargain climate action via the multi-level organisation, and that climate goals are frequently integrated into the current sector programmes as opposed to having independent climate mandates[15].

One of the main conclusions of the literature on governance is that capacity and finance states determine the sustainability of local climate action. In areas with poor staffing, technical equipment, and predictable financial flows, cities are more likely to use projectised interventions meeting short-run political demands, but fail to change underlying drivers of risk. On the other hand, in locations where cities have an institutional home of adaptation (a trust, panel, or cross-department unit) and are able to tie priorities to budgets, resilience planning is no longer a pilot.

This implies that the accountability hierarchy is in accordance with Article 21: Union and states have enabling responsibilities standards, finance, and supervision whereas municipalities have implementation responsibilities within the functional jurisdiction. The risk of unfunded mandates can be lessened by a rights-based approach as higher levels of legal responsibility can be made in case local bodies have limited legal capacity and financial resources to enable them to meet minimum standards.

(c) Case studies of climate-resilient urban initiatives

In order to bridge the gap between doctrine and practise, this section will outline some of the city initiatives in summary to reflect how local governments can develop climate resilience through institutional design, planning integration, and coalition building. The cases are not offered as generalizable templates, but rather they offer specific governance mechanisms that can be adjusted to the Indian municipal situation.

Indore (India): policy experimentation that is associated with neighbourhood services. The example of adaptation work in Indore shows that the experimentation approach to city can

[15] Mahendra Sethi et al., *How to Tackle Complexity in Urban Climate Resilience? Negotiating Climate Science, Adaptation and Multi-Level Governance in India*, **16**(7) *PLOS ONE* e0253904 (2021), https://doi.org/10.1371/journal.pone.0253904

provide staging grounds on resilience in a fragmented mandate. With the help of network-based projects, the city has been seeking water and drainage upgrades in risky places and leveraging community expertise to bargain priorities. The most important is that experiments can form coalitions and technical capacity, however, they will be transformative only when the lessons are incorporated in the planning routine and inter-departmental coordination[16].

Surat (India): coordinating the institutionalisation by establishing a special trust. Surat introduced a multi-stakeholder institutional set up to harmonize adaptation processes in the sectors such as flood management and health-surveillance. The design characteristic is the consistent node of cross-sector decision-making that can be maintained even after the end of separate projects and political terms. This type of institution is especially applicable in the case of Indian cities since it has the ability to offset the piecemeal departmental mandate and provide an epicentre of external financing and technical alliances[17].

Chennai (India): the politics of risk and the socio-ecological framing of risk. The experience of flooding in chennai has propelled the discourse of resilience to wetlands, water bodies and land use decisions that increase vulnerability to hazards. The emphasis put on working with small and intermediate cities indicates that this resilience agenda requires a multi-level back-up and strong mandates: local authorities can lead with nature-based solutions, yet they must have control over what is built over ecologically sensitive land and coordinate with the state agencies to stop the development of risky projects on natural ecosystems.

Durban (South Africa): the ecological infrastructure as the central adaptation. Durban incorporated adaptation into ecological infrastructure by considering the ecosystems catchments, wetlands, open spaces as defensive assets that decrease the chances of floods and manage the heat. The city integrated these measures in municipal planning and municipal budgeting instead of framing them as environmental appendages, which aided in supporting expenditure using risk-reduction and service co-benefits. The political lesson can be described as institutional anchoring: the resilience measures became sustainable due to the fact that they were included in the systems of mainstream planning tools and regular spending decisions[18].

Cross-case comparison

In the cases, there is no predominant one best technical intervention. It concerns the ways in which the local government's structure power, knowledge, finance, and involvement such that resilience becomes habitual as opposed to occasional. Table 1 contains cross-case pattern summary and emphasises on the most transferable to Indian urban local bodies within the frame of the cross Article 21 duty.

[16] Eric K. Chu, *Urban Climate Adaptation and the Reshaping of State–Society Relations: The Politics of Community Knowledge and Mobilisation in Indore, India*, **55***Urban Stud.* 1766 (2018), doi:10.1177/0042098016686509.
[17] Eric K. Chu, *The Governance of Climate Change Adaptation Through Urban Policy Experiments*, **26***Env't Pol'y & Governance* 439 (2016), doi:10.1002/eet.1727.
[18] Eric Chu, Isabelle Anguelovski & Debra Roberts, *Climate Adaptation as Strategic Urbanism: Assessing Opportunities and Uncertainties for Equity and Inclusive Development in Cities*, **60***Cities* 378 (2017), doi:10.1016/j.cities.2016.10.016.

2. *Table 1 Cross-case comparison*

City	Core intervention	Institutional anchor	Justice/participation feature	Finance/scale pathway	Transferable lesson for Indian ULBs
Indore	Water/drainage + community projects	Network-supported experiments within city programmes	Community knowledge mobilised in project design	Pilot-to-programme transition needed	Use pilots to build coalitions and technical routines, then hardwire into plans and budgets
Surat	Flood + health surveillance and coordination	Surat Climate Change Trust (multi-sector platform)	Multi-stakeholder governance	Dedicated coordinating node helps align funds	Create a stable cross-sector institution to coordinate resilience and partnerships
Chennai	Nature-based resilience; wetlands focus	Multi-level governance; state–city coordination	Justice depends on inclusion of informal settlements	Scaling depends on land/authority alignment	Clarify planning authority over risk zones and protect vulnerable settlements from displacement
Durban	Ecological infrastructure	Mainstreamed into municipal plans	Indirect via ecosystem services; depends on local priorities	Budget integration; long-term planning	Treat wetlands/greenspace as protective infrastructure; protect commons through planning

(d) Challenges and opportunities in implementing climate-resilient measures

The situations and the literature come to the point of three barriers. First, thin mandates and decentralized authority: in cases where the planning and land-use powers are not within municipalities, it would be hard to make resilience a mainstreamed effort. Second, capacity and finance: low staffing, poor technical equipment and unpredictable revenues drive cities to short-term projects. Third, injustice shortage: partial participation and no recognition of migrants and unofficial citizens may make adaptation displacement or marginalisation[19].

Meanwhile, one can distinguish opportunities. It is possible to apply the concept of superimposition by ensuring that climate-risk screening becomes an obligation in daily

[19] Radhika Khosla & Ankit Bhardwaj, *Urbanization in the Time of Climate Change: Examining the Response of Indian Cities*, **10***WIREs Climate Change* e560 (2019), doi:10.1002/wcc.560.

schemes involving housing, water, transport so that large budget lines can provide resilience co-benefits. The seed funding and learning can be provided by transnational municipal networks and donor programmes but cities must work out how to prevent dependency by keeping local priorities and equity protection on the centre stage. Lastly, climate justice can be implemented as planning responsibilities: risk-based upgrading of informal settlements, access to services by migrants and procedural requirements of participation and openness[20].

These barriers and opportunities, constitutionally speaking, are facing a practical division of labour. An approach to minimum-standards under Article 21 would establish that the local governments possess (i) the legal powers to perform risk-relevant functions, (ii) predictable finance and (iii) institutional structures which are able to coordinate inter-department and inclusive in decision-making. In the cases where such conditions fail to exist, municipalities can not be blamed.

5. DISCUSSION

(a) Implications for urban governance and policy

The results reveal that the concept of rights-based climate resilience is to be viewed as a norm of planning and service-delivery rather than climate policy per se. To protect against foreseeable hazards, the urban policy will need to convert this into operational requirements, such as quantifying the heatwave and flood services requirements, minimum services, and damages reporting. This strategy fits the development objectives since it targets more daily systems such as water, shelter, health, and transportation which are considered core to urban governance. It has been demonstrated cross-case evidence that a stable coordinating node is essential: trusts, panels and taskforces that coordinate sector departments and survive change of political administrations. Municipal climate cells in the Indian cities need to have formal authorities to influence plans and budgets involving other departments in responses. The justice of climate action should be taken into account because investment can establish resilience differently according to the land value and infrastructure and expose urban poor, migrant workers, and informal workers to vulnerability. The inclusion of participation responsibilities and distributive criteria in planning provides resolutions that are not displacing and this is in line with the constitutional perspective that equality and dignity are inherent in Article 21.

(b) Legal and constitutional considerations

The Article 21 protection in the climate setting can be improved by means of changing the law without recasting the Constitution. The first, legal acts can clarify the fact that the deficiency of preparedness to the predicted hazards of climate can be checked as a statutory punishment, the compliance plans replacing the project orders. Second, disaster risk reduction frameworks may be integrated with other rights standards such as early warning, protection

[20] Eric K. Chu, *Transnational Support for Urban Climate Adaptation: Emerging Forms of Agency and Dependency*, **18**(3) *Global Env't Pol.* 25 (2018), https://doi.org/10.1162/glep_a_00467

of vulnerability and communicating to the public to govern resilience[21]. Shared differentiated obligations have to be embraced to reconcile the rights and local activities. Union and state enabling conditions include legal devolution, the local functions, standards and predictable finance. Cities are obliged to do the local measures in their sphere and make some efforts to manage risk. Courts have a minor yet important role in the responsibility gaps of policing to guarantee greater levels of authority and funding, and local bodies address climate risk as mandatory. One of the questions is whether the ecosystem protection tools can be used to strengthen the rights-based resilience. By defending the climate-buffer ecosystems, rights of nature experiments propose the idea of guardianship as a form of defence. This means such tools can contribute to Article 21, preventing its erosion that exposes it to greater risks and also tackling the problem of governance and representation of the community[22].

(c) Broader implications for human rights and climate justice

A more significant contribution is the relationship between the idea of urban climate resilience and who is considered to be a rights-bearing subject in the city. Migrant and informal workers tend to be not included in any formal planning, although their labour is what makes the city vibrant and their settlements are often the most vulnerable. Article 21 in any constitutional duty assists in defeating this invisibility of the administration, rendering basic services and risk security a right, rather than a discretion. Practical interests are involved in vulnerable populations: heat stress in case of the lack of cooling systems, floods that result in the loss of homes and livelihoods, and broken services with results in the diseases and debts. Rights-based resilience should be implemented by both procedural and distributive priorities, such as risk-reduction of the exposed communities, informal settlements, and anti-displacement protection.

6. CONCLUSION

Article 21 will give constitutional foundation to safeguard against the foreseeable climate damages as a right to life especially in cases where climate threats endanger health, shelter, water, and dignity. The principles of precaution, sustainable development, and the trust of the populace are used to review decisions that cause risks and the protection of the ecosystem. The enforceability of Article 21 would be optimised in situations where it is concerned with minimum requirements on planning and service delivery and not extensive supervision of climate policy. Cities play a central role in climate resilience implementation, although they are limited through partial devolution and financial issues. A rights-based system ought to delegate enabling responsibilities to both Union and states and implementation responsibilities to local governments. It has been demonstrated that the key to effective urban resilience lies in the institutionalisation of governance: the institutionalisation of institutional anchoring, budgetary connexions, multi-actor alliance, and justice to high-risk populations. The priorities of local government are: screening of climate risks in master plans, minimum preparedness to extreme events, urban ecosystem protection, and the creation of coordination

[21] Colin Walch, *Adaptive Governance in the Developing World: Disaster Risk Reduction in the State of Odisha, India*, **11**(3) *Clim. & Dev.* 238 (2019), https://doi.org/10.1080/17565529.2018.1442794

[22] Erin L. O'Donnell & Julia Talbot-Jones, *Creating Legal Rights for Rivers: Lessons from Australia, New Zealand, and India*, **23**(1) *Ecology & Soc'y* art. 7 (2018), https://doi.org/10.5751/ES-09854-230107

mechanisms with the civil society. Greater authorities ought to demystify local control of areas of risk, guarantee predictable funding of resiliency, and compel integration of climate in grants. Statutory Article 21 can be reduced to post-reviewable obligations in legal terms, by means of enforceable standards and surveillance. Future studies ought to include: city based investigation of hazards and urban authorities, comparative analysis of institutional structure, and an empirical measurement of whether rights-based standards will lessen harm to vulnerable populations in the long run.