

## **THE RIGHT TO COOL: A HUMAN RIGHT IN THE AGE OF CLIMATE CHANGE**

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### **ABSTRACT**

*The accelerating rise in global temperatures, driven primarily by anthropogenic activities, has amplified the severity, frequency, and duration of extreme heat events worldwide, transforming heat into a critical public health and human rights challenge. This paper examines the emerging concept of the “Right to Cool,” which argues that access to safe, affordable, and sustainable cooling is essential for preserving life, dignity, and equality in an era of intensifying climate change. Extreme heat disproportionately affects vulnerable populations like children, older adults, outdoor workers, low-income households, people with disabilities, pregnant women, indigenous communities, and those residing in urban heat islands or rural regions lacking basic infrastructure. As heat-related mortality rises globally, cooling is no longer a luxury but a fundamental requirement for survival.*

*This paper investigates the human rights foundations of the Right to Cool by analysing international and regional legal frameworks such as the UN General Assembly Resolution on the right to a healthy environment, the International Covenant on Economic, Social and Cultural Rights, the Escazú Agreement, the European Court of Human Rights’ landmark climate rulings, and advisory opinions of the Inter-American Court of Human Rights. Although no treaty explicitly articulates a standalone Right to Cool, these instruments collectively imply it through protections for health, adequate housing, and a safe environment. Recent judicial trends, including the 2024 ECHR decision against Switzerland and the Indian Supreme Court’s recognition of the right against adverse climate effects, further solidify cooling access as a component of state obligations in the context of climate adaptation.*

*The paper also highlights the moral imperatives underlying this right, rooted in equity, climate justice, and the ethical duty to protect populations from preventable harm. It explores the socio-economic inequalities inherent in heat vulnerability and the need for targeted, rights-based cooling interventions. Thus, the scope of the research provides a comprehensive analysis of (1) the scientific and socio-economic context driving the urgency of cooling access; (2) international, regional, and national legal frameworks that implicitly or explicitly support the*

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*Right to Cool; (3) the moral and justice-based arguments for its recognition; (4) identification of vulnerable populations most affected by extreme heat; and (5) practical pathways for realizing this right through policy reforms, technological innovation, community-based strategies, and international cooperation. By integrating legal analysis, climate science, and equity considerations, the paper argues that incorporating the Right to Cool into human rights and climate governance is essential for building a just and resilient future.*

**Keywords:** Climate Change, Heat, Right to Cool, Environment

## **INTRODUCTION**

The rise in global temperatures is a growing crisis. In the last hundred years, Earth's average surface temperature has risen significantly, mainly due to human actions like burning fossil fuels, clearing forests, and industrial pollution. The last decade has been the warmest on record, and the trend shows no sign of slowing down. According to the Intergovernmental Panel on Climate Change (IPCC), global temperatures have already increased by about 1.1°C compared to pre-industrial levels, and without significant intervention, we are likely to surpass the critical 1.5°C threshold. This warming has far-reaching consequences for both natural ecosystems and human societies. Melting glaciers, increased sea levels, increase in the occurrence and severity of extreme weather phenomena such as prolonged heatwaves, extended droughts, powerful hurricanes, and widespread flooding, are the direct results of a warming planet, which further are triggering results of global warming. These changes are not only environmental issues but also dangers to global health, food stability, and economic resilience.<sup>1</sup>

The rapid acceleration of global warming owing to human activities have caused a significant rise in global temperatures, leading to an unprecedented increase in the frequency, intensity, and duration of heatwaves worldwide. In an era of escalating global temperatures and frequent heatwaves, the concept of the “Right to Cool” has emerged as a critical and pressing human rights issue. As climate change intensifies, extreme heat has become a lethal and extremely disseminated problem. Millions of people across the globe, particularly in tropical and developing countries like India, are exposed to dangerously high temperatures without access to adequate cooling. The escalating climate crisis has become a profound human rights emergency, necessitating immediate and coordinated action across all levels of government, businesses, and others responsible for safeguarding public health and well-being.<sup>2</sup>

One of the most dangerous impacts of rising temperatures is the increase in extreme heat events. Heatwaves present serious health threats, particularly to at-risk populations including older adults, young children, individuals working outdoors, and individuals living in abject poverty, who do not have adequate or no access to cooling. In urban areas, the “heat island” effect worsens the problem, making cities significantly hotter than surrounding rural areas. The rise in global temperatures is not just an environmental issue, but it is a social, economic, and moral challenge that must be urgently addressed to ensure a liveable future for all.

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<sup>1</sup> Usha Natarajan, 'Climate Justice' in *The Routledge Handbook of Law and Society* 102–104 (Routledge, 2021).

<sup>2</sup> Ibid

## **HUMAN RIGHTS FRAMEWORKS AND CLIMATE JUSTICE**

While there is no specific international legal instrument that explicitly recognizes the "right to cool" as a standalone human right, several international documents and legal frameworks implicitly support the concept by emphasizing the right to a healthy environment, access to adequate housing, and protection from climate-related hazards. These instruments serve as the basis of acknowledging the human rights of individuals impacted by severe climate change.

### **1. United Nations General Assembly Resolution on the Right to a Healthy Environment**

"In 2022, the United Nations General Assembly adopted a resolution recognizing the human right to a clean, healthy, and sustainable environment."<sup>3</sup> This resolution underscores the importance of environmental conditions in safeguarding human rights and highlights the need for states to protect their populations from environmental harm, including extreme heat events.<sup>4</sup>

### **2. International Covenant on Economic, Social and Cultural Rights (ICESCR)**

The ICESCR, adopted in 1966, frameworks the right to an adequate standard of living, including access to adequate housing, food, and health.<sup>5</sup> While it does not clearly mention cooling, these provisions can be interpreted to include protection from extreme heat, as it affects health and housing conditions.<sup>6</sup>

### **3. European Court of Human Rights Ruling**

"In 2024, the European Court of Human Rights ruled that Switzerland's insufficient response to climate change has been deemed a violation of the European Convention on Human Rights, which disproportionately affected vulnerable populations, including the elderly." This landmark decision emphasizes the state's obligation to protect citizens from climate-related risks, indirectly supporting the right to cooling measures.<sup>7</sup>

### **4. Oslo Principles on Global Climate Change Obligations**

The Oslo Principles, recognized by a group of international legal professionals, proclaim that states and enterprises have legal obligations to lessen climate change under existing human

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<sup>3</sup> The human right to a clean, healthy and sustainable environment: resolution / adopted by the General Assembly, <https://digitallibrary.un.org/record/3983329?v=pdf> accessed on May 11, 2025

<sup>4</sup> Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India: Cases, Materials and Statutes* 36 (2nd ed., Oxford University Press 2002).

<sup>5</sup> International Covenant on Economic, Social and Cultural Rights, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>, accessed on May 11. 2025

<sup>6</sup> Ibid

<sup>7</sup> Ibid at p. 37

rights law. These principles highlight the duty of states to protect citizens from climate-related harms, which can include extreme heat, thereby supporting the concept of the right to cool.<sup>8</sup>

While these documents do not explicitly define the "right to cool," they together establish a framework that recognizes the importance of environmental conditions in safeguarding human rights, thereby supporting the dispute for access to cooling as an implied human right.

While there is no specific regional legal instrument that clearly recognizes the "right to cool" as a standalone human right, several regional frameworks and legal precedents implicitly support the idea by emphasizing the right to a healthy environment, access to adequate housing, and protection from climate-related hazards.

## 5. Escazú Agreement (Latin America and the Caribbean)

"The Escazú Agreement, adopted in 2018, is the first binding treaty in Latin America and the Caribbean concerning the environment."<sup>9</sup> It upholds the prerogative of ensuring that both current and forthcoming generations have access to a healthy and sustainable environment, stressing the importance of access to environmental data, active public participation, and paths for legal action in environmental issues. While it does not explicitly mention cooling, the agreement's provisions can be interpreted to encompass protection from extreme heat, as it affects health and housing conditions.<sup>10</sup>

## 6. Malé Declaration on the Human Dimension of Global Climate Change (Small Island Developing States)

"The Malé Declaration, signed in 2007 by several Small Island Developing States, links climate change and human rights."<sup>11</sup> Access to a healthy environment is essential for the full realization of other fundamental human rights. Although it does not openly mention cooling, the declaration emphasizes the need for international cooperation to address climate change impacts, which include extreme heat events.<sup>12</sup>

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<sup>8</sup> Ibid

<sup>9</sup> THE ESCAZÚ AGREEMENT: AN ENVIRONMENTAL & HUMAN RIGHTS TREATY, <https://www.pgaction.org/pdf/2022/factsheet-escazu-agreement.pdf>, accessed on May 12, 2025

<sup>10</sup> Ibid at p. 39

<sup>11</sup> Male' Declaration on the Human Dimension of Global Climate Change, [https://www.ciel.org/Publications/Male\\_Declaration\\_Nov07.pdf](https://www.ciel.org/Publications/Male_Declaration_Nov07.pdf), accessed on May 12, 2025

<sup>12</sup> Ibid

## 7. Inter-American Court of Human Rights Advisory Opinion (Latin America)

“In 2017, the Inter-American Court of Human Rights issued an advisory opinion stating that the right to a healthy environment is enforceable under the American Convention on Human Rights.”<sup>13</sup> The court emphasized that nations are duty-bound to prevent significant environmental harm that adversely affects human rights. While the opinion does not specifically address cooling, it establishes a legal framework that access to cooling is a fundamental aspect of the all-encompassing right to a healthy environment.<sup>14</sup>

These regional frameworks and legal precedents provide a foundation for acknowledging access to cooling as an inherent human right, emphasizing the necessity of cooling solutions in safeguarding health and well-being in the face of climate change. It becomes all the more important and indispensable need in the era of growing heat and its adverse effects being felt worldwide.

## **CONCEPTUALISING THE RIGHT TO COOL: MEANING & NORMATIVE DIMENSIONS**

The Right to Cool advocates for universal access to sustainable and affordable cooling solutions whether through air conditioning, ventilation, shaded public areas, or climate-resilient building design. Such access should be recognized as a fundamental human right, particularly for vulnerable populations. This demand is strengthened by cogent and increasing scientific evidence regarding the frequency, duration, and intensity of increasing heatwaves, especially in regions like South Asia. India, for instance, has faced record-breaking temperatures in recent years, highlighting the urgency and significance of this issue.<sup>15</sup>

Extreme heat is not just an inconvenience; it poses serious health risks. It can lead to heatstroke, severe dehydration, and worsen existing health conditions. The effects are particularly detrimental to vulnerable populations, including the elderly, young children, outdoor workers, and low-income households, who frequently reside in homes with inadequate ventilation or insulation. Recognizing and acting on the right to cool is essential to protect lives and promote climate justice in a gradually warming world. With rising global temperatures due to climate

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<sup>13</sup> Inter-American Court of Human Rights’ Advisory Opinion on the Environment and Human Rights, <https://www.asil.org/insights/volume/22/issue/6/inter-american-court-human-rights-advisory-opinion-environment-and-human>, accessed on May 12, 2025

<sup>14</sup>Ibid

<sup>15</sup> Paola Villavicencio Calzadilla, 'The Sustainable Development Goals, Climate Crisis and Sustained Injustices' (2021) 11(1) Oñati Socio-Legal Series 285, 285–286

change, ensuring access to cooling has become vital for safeguarding lives, preserving human dignity, and promoting social equity.

The 'Right to Cool' is a developing human rights principle encouraging equitable and affordable access to cooling solutions that safeguard individuals from extreme heat. These measures include access to shaded areas, cooling centres, energy-efficient housing, safe working conditions, and sustainable technologies like fans or air conditioning.<sup>16</sup>

Extreme heat ranks among the most lethal climate-induced threats, claiming thousands of lives annually and disproportionately impacting at-risk populations, including the elderly, children, outdoor workers, individuals with disabilities, and those residing in substandard or informal housing. Lacking access to cooling, these populations face grave threats to their right to life, health, housing, education, and work, all of which are internationally recognized human rights. Recognizing the "Right to Cool" as a basic human right shifts the perspective of cooling from being an optional comfort to an essential requirement for health, dignity, and equity in the era of intensifying global temperatures. This approach compels governments, companies, and the global community to take responsibility for protecting those at risk through laws, infrastructure, and equitable climate adaptation strategies. Ensuring this right means:

- Investing in public cooling infrastructure
- Adapting urban planning to reduce heat exposure
- Supporting low-carbon cooling solutions
- Integrating heat protections into labour and housing laws
- Recognizing cooling access in human rights and climate policy frameworks<sup>17</sup>

In essence, the right to cool is about ensuring that no one is left to suffer or die from heat simply because of who they are or where they live. As global temperatures continue to rise, this right is not only urgent but it is foundational to climate justice.

## **JUSTIFICATIONS FOR COOLING AS A HUMAN RIGHT**

The "right to cool" includes the fundamental right of individuals to access cooling solutions that are safe, affordable, and environmentally workable, amid rising global temperatures. It is

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<sup>16</sup> Ibid at p. 288

<sup>17</sup> Farhana Sultana, 'Climate Justice in a Changing Climate: A Critical Review' (2021) 13(4) Environmental Sociology 1, 1–14.

increasingly recognized as an essential aspect of climate justice, public health, and human rights. Both legal and moral arguments support its recognition as a fundamental right, particularly for susceptible populations who bear the impact of heat stress due to climate change and urbanization. It is not a solitary right demanded without any legitimate basis. It is important to discuss its basis in order to establish its origin and demand. It can be discussed under the following two heads, both on legal and moral basis.<sup>18</sup>

### **Legal Basis of Recognition**

Although not explicitly articulated in most legal systems or human rights treaties, the right to cool can be derived from existing international legal frameworks. The “Universal Declaration of Human Rights” (UDHR) and the “International Covenant on Economic, Social and Cultural Rights” (ICESCR) both uphold the right to live in conditions that ensure health, well-being, and dignity. Access to cooling is increasingly essential to maintain these standards, especially in areas experiencing extreme heatwaves. The “right to health, enshrined in Article 12 of the ICESCR”, also implicitly supports access to cooling, as extreme heat has been linked to increased mortality, especially among the aged persons, youth, and those with chronic or ongoing health concerns.<sup>19</sup>

Furthermore, environmental and climate-related legal frameworks are evolving to consider cooling as a right under the broader umbrella of climate adaptation. National governments are beginning to include cooling needs in their “Nationally Determined Contributions (NDCs) under the Paris Agreement”. These steps create a legal precedent for embedding the right to cool within climate and health policy frameworks.<sup>20</sup>

### **Moral Basis of Recognition**

Morally, the right to cool is rooted in principles of equity, justice, and dignity. As climate change accelerates, the capacity to stay cool is increasingly a matter of survival, not comfort. Yet access to cooling technologies such as fans, air conditioning, and shaded housing remains deeply unequal. Those in low-income communities, especially in developing countries, often lack access to cooling, even as they live in the hottest and most densely populated regions.

Failing to ensure access to cooling perpetuates cycles of poverty, poor health, and inequality. Morally, societies have an obligation to protect their most vulnerable members from

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<sup>18</sup> Md Saidul Islam, 'Rethinking Climate Justice: Insights from Environmental Sociology' (2024) 12(12) Climate 203.

<sup>19</sup> Ibid

<sup>20</sup> Ibid at p. 205

preventable harm. Ensuring equitable access to cooling aligns with global ethical commitments to human dignity, care for the vulnerable, and intergenerational justice.<sup>21</sup>

In sum, both legal precedents and moral imperatives support the recognition of the right to cool. As climate impacts intensify, embedding this right into public policy, legal systems, and climate adaptation strategies will be essential for a just and liveable future.

## **VULNERABLE POPULATION AT RISK FROM EXTREME HEAT**

Climate change is not a universal threat; its impacts are disproportionately felt by certain groups due to a combination of environmental, social, and economic factors. Understanding who is most at risk is crucial for developing targeted interventions and ensuring climate justice.

### **1. Children and Adolescents**

Children are mainly vulnerable to climate-related health risks. Their evolving bodies and higher metabolic rates make them more prone to heat stress, dehydration, and respiratory issues. In areas with poor air quality or extreme heat, children are at amplified risk of asthma, neurological disorders, and heat-related illnesses. Additionally, their dependence on adults for protection and care amplifies their helplessness during climate events.<sup>22</sup>

### **2. Older Adults**

Older adults often face numerous challenges that increase their exposure to climate impacts. Those with underlying health problems, including heart disease, diabetes, or respiratory conditions, are particularly vulnerable to the adverse effects of extreme heat. These conditions can be worsened by high temperatures, leading to increased health risks. Restricted movement, lack of social connections, and reduced healthcare access increase their vulnerability. During heatwaves, older adults are at higher risk of heat-related illnesses and mortality.<sup>23</sup>

### **3. Low-Income and Marginalized Communities**

Economic inequalities substantially contribute to climate vulnerability. Underprivileged communities frequently inhabit neighbourhoods with insufficient infrastructure, characterized by inadequate ventilation, limited green spaces, and substandard housing conditions that

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<sup>21</sup> 'Climate Justice and Human Rights, in a World in Climate Emergency' (2021) Global Campus Policy Briefs, Global Campus of Human Rights, <https://repository.gchumanrights.org/handle/20.500.11825/2340>, accessed on May 12, 2025

<sup>22</sup> Shilpi Srivastava et al., 'Climate Justice for Whom? Understanding the Vernaculars of Climate Action and Justice in Marginal Environments of India' (2022) 53 IDS Bulletin 101, 101–124.

<sup>23</sup> Ibid

intensify their exposure to extreme heat. Limited financial resources hinder access to cooling systems, healthcare, and emergency services. Additionally, marginalized groups, including racial and ethnic minorities, may face systemic barriers that impede their ability to adapt to climate-related challenges.<sup>24</sup>

#### **4. Outdoor and Agricultural Workers**

Outdoor workers, particularly those in agriculture, face heightened risks due to prolonged exposure to extreme heat. This extended exposure can lead to heat-induced conditions like heat exhaustion and heat stroke. The combination of physical exertion, high temperatures, and limited access to shade or cooling measures exacerbates these health threats. Agricultural workers often labour in direct sunlight without adequate access to shade, water, or rest breaks, leading to increased incidents of heat stress and related illnesses. In regions like India, where a significant portion of the population is employed in agriculture, the combination of intense labour and rising temperatures poses serious health threats.<sup>25</sup>

#### **5. Pregnant Women and Newborns**

Pregnant women and newborns are especially vulnerable to extreme heat. Contact to high temperatures during pregnancy can significantly increase the likelihood of severe health issues, such as premature delivery, insufficient birth weight and stillbirth. Even short-term periods of high heat can elevate these risks. Pregnant individuals are particularly vulnerable due to physiological changes that harm the body's ability to regulate temperature and increased vulnerability to dehydration and heat-related illnesses. In areas with inadequate healthcare access, these risks are further magnified.<sup>26</sup>

#### **6. Indigenous Peoples**

Indigenous communities in South Asia face unique challenges due to climate change. Many depend on traditional agricultural practices that are sensitive to climatic variations. Extreme weather events, such as heatwaves and floods, pose substantial threats to food security and livelihoods. Additionally, these communities often have inadequate access to healthcare and may be displaced due to environmental changes, aggravating their helplessness.<sup>27</sup>

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<sup>24</sup> Dr. S.C. Shastri, *Environmental Law* 69 (7th ed., Eastern Book Company 2023).

<sup>25</sup> Ibid

<sup>26</sup> Ibid

<sup>27</sup> Oliver C. Ruppel, Christian Roschmann & Katharina Ruppel-Schlichting (eds.), *Climate Change: International Law and Global Governance* 79 (Nomos 2013).

## 7. People with Disabilities

Individuals with physical or mental disabilities face sharp challenges during climate-related events due to systemic barriers and inadequate infrastructure. These challenges include inaccessible evacuation routes, shelters, and emergency services, as well as limited access to critical medical care and assistive devices. Mobility impairments can delay access to cooling centres or emergency services. Cognitive disabilities may affect the ability to respond appropriately to heat warnings or understand preventive measures. Without inclusive planning and accommodations, people with disabilities are at increased risk during extreme heat events.<sup>28</sup>

## 8. Rural Populations

Rural areas often lack the infrastructure and resources necessary to cope with climate extremes. Limited access to healthcare, transportation, and cooling facilities makes rural populations more susceptible to heat-related illnesses. In regions like the Eastern Coachella Valley in California, rural communities face intense heat without adequate shade or cooling infrastructure, leading to higher mortality rates during heatwaves.<sup>29</sup>

## 9. Urban Populations in Heat Islands

Urban heat islands, areas where urban development significantly raises temperatures compared to surrounding rural areas, disproportionately affect low-income and minority communities. These areas often have limited green spaces, poor housing quality, and higher pollution levels, intensifying the effects of extreme heat. Residents in such environments are at greater risk of heat-related health issues and mortality.<sup>30</sup>

The effects of climate change and extreme heat are not uniformly experienced across different populations. Vulnerable groups like children, older adults, low-income communities, outdoor workers, pregnant women, indigenous peoples, people with disabilities, rural residents, and urban populations in heat islands, face heightened risks. Talking about these inequalities requires targeted interventions, comprehensive policies, and community-based solutions to build flexibility and inclusivity to protect the vulnerable populations.

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<sup>28</sup> Ibid

<sup>29</sup> Wolfgang Kahl & Marc-Philippe Weller (eds.), *Climate Change Litigation: A Handbook* 122 (Nomos 2021).

<sup>30</sup> Ibid

## **LEGAL PRECEDENTS AND INTERNATIONAL RECOGNITION OF THE RIGHT TO COOL**

The mounting impacts of climate change, particularly extreme heat events, have provoked legal scholars, activists, and courts worldwide to examine the connection of environmental justice and human rights. A crucial aspect of this discourse is the emerging recognition of the "right to cool", the right of individuals to live in environments safeguarded from the harmful effects of excessive heat. This right is increasingly being recognized through legal precedents and international frameworks, highlighting its significance in the framework of climate change.

### **1. *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* (European Court of Human Rights, 2024)**

In *Verein KlimaSeniorinnen Schweiz v. Switzerland* (2024), the European Court of Human Rights delivered a landmark judgment holding that Switzerland's inadequate climate mitigation measures violated the rights of its citizens under the European Convention on Human Rights. The applicants, a group of over 2,500 elderly women, argued that the government's failure to adopt sufficient climate policies exposed them to increasingly severe heatwaves, disproportionately harming their health and survival. The Court agreed, finding violations of Article 8 (right to private and family life) and Article 6 (right to an effective remedy), and recognizing for the first time that states have positive obligations to protect individuals from climate-induced harms. This judgment is profoundly significant for the emerging "Right to Cool," as it directly links extreme heat exposure to enforceable human rights protections, affirming that governments must implement effective adaptation and mitigation policies to safeguard vulnerable groups.<sup>31</sup>

### **2. *Advisory Opinion OC-32/23* (Inter-American Court of Human Rights, 2025)**

In May 2025, the Inter-American Court of Human Rights issued Advisory Opinion OC-32, which affirmed that a stable and healthy climate constitutes a fundamental human right under the American Convention on Human Rights. The Court held that climate change poses direct and severe threats to core human rights, including the rights to life, health, water, housing, and cultural integrity, particularly for vulnerable communities such as indigenous peoples, children, and the elderly. It emphasized that states have binding obligations to adopt both mitigation and

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<sup>31</sup> 'A Systematic Literature Review of Inclusive Climate Change Adaptation' (2021) 13 Sustainability 10617, <https://www.mdpi.com/2071-1050/13/19/10617> accessed May 10, 2025.

adaptation measures, regulate industries contributing to climate harm, and ensure environmental justice. This opinion significantly strengthens the conceptual foundation of the “Right to Cool,” as protection from extreme heat, one of the most immediate climate-related threats, falls squarely within the broader right to a safe and sustainable environment recognized by the Court.<sup>32</sup>

### **3. ICJ Advisory Opinion on Climate Change (International Court of Justice, 2025)**

The International Court of Justice’s 2025 Advisory Opinion on climate change constitutes another milestone in the evolution of climate-related human rights. The ICJ held that states have clear obligations under international law to prevent significant environmental harm, reduce greenhouse gas emissions, and implement adaptation strategies to protect populations from the adverse effects of climate change. The Court emphasized that failure to take reasonable and timely action may amount to an internationally wrongful act, particularly when such inaction threatens fundamental human rights. Importantly, the ICJ recognized the right to a clean, healthy, and sustainable environment as a universal human right, thereby reinforcing the idea that access to life-saving adaptation measures, including cooling during extreme heat, is intrinsic to state responsibilities. This opinion provides strong legal grounding for framing the “Right to Cool” as part of states’ international obligations to safeguard human life and dignity.<sup>33</sup>

### **India's Constitutional Acknowledgment**

Following the ECHR's ruling, India's Supreme Court, in April 2024, acknowledged the "right against the adverse effects of climate change" as a distinct fundamental right under "Articles 21 (right to life) and 14 (right to equality) of the Indian Constitution."<sup>34</sup> The court highlighted that access to a clean, healthy, and sustainable environment is a fundamental prerequisite for the realization of other fundamental rights, including health, livelihood, and dignity. This recognition aligns with India's commitments under international agreements, such as the Paris Agreement, and sets a precedent for future climate litigation in the country.<sup>35</sup>

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<sup>32</sup> Ibid

<sup>33</sup> Philippe Cullet, Lovleen Bhullar & Sujith Koonan (eds.), *The Oxford Handbook of Environmental and Natural Resources Law in India* 136 (Oxford University Press 2024).

<sup>34</sup> Equality before law, <https://www.constitutionofindia.net/articles/article-14-equality-before-law/> , accessed on May 12, 2025.

<sup>35</sup> Philippe Cullet & Raya Marina Stephan (eds.), *Groundwater and Climate Change – Multi-Level Law and Policy Perspectives* 189 (Routledge 2019).

***M.K. Ranjitsinh & Others v. Union of India (Supreme Court of India, 2024)***

In *M.K. Ranjitsinh & Others v. Union of India* (2024), the Supreme Court of India explicitly recognized the “right against adverse effects of climate change” as part of the fundamental rights guaranteed under Articles 21 (right to life) and 14 (right to equality) of the Indian Constitution. The Court observed that climate change directly threatens essential components of life—including health, water, food security, and livelihood, especially for poor and vulnerable populations. While the immediate case involved the conservation of the Great Indian Bustard, the Court used the opportunity to articulate a sweeping constitutional doctrine that binds the state to pursue climate-resilient governance. By acknowledging that citizens must be protected from climate-induced harms such as rising temperatures and extreme heat, the Court provided a powerful domestic legal basis for articulating the “Right to Cool” within India’s constitutional framework.<sup>36</sup>

**Other Foundational Indian Environmental Jurisprudence**

Beyond this recent climate-specific ruling, India’s environmental jurisprudence has long recognized the interconnectedness of environmental protection and human rights. In *Olga Tellis v. Bombay Municipal Corporation* (1985), the Supreme Court held that the right to life under Article 21 includes the right to livelihood, a principle that increasingly encompasses climate-related risks that threaten workers’ ability to survive and work safely in extreme heat conditions. Similarly, in *M.C. Mehta v. Union of India* (various cases), the Court applied the precautionary principle, polluter-pays principle, and public trust doctrine to protect public health and environmental integrity. Although these decisions did not address climate change directly, they established enduring legal doctrines that now support the recognition of climate adaptation including access to cooling as a part of the state’s duty to ensure a healthy environment and protect human welfare. Collectively, these cases strengthen the normative and constitutional basis for recognizing the Right to Cool in India.<sup>37</sup>

These cases collectively underscore a growing judicial consensus that climate change poses significant risks to human rights, including the fundamental human right encompassing the entitlement to reside in an environment that is secure and conducive to health. The evolving legal landscape reflects an increasing recognition of the right to cool as a fundamental aspect of human rights in the era of climate change. Courts worldwide are increasingly affirming that

<sup>36</sup> M.K. Ranjitsinh & Others v. Union of India,

<https://www.casemine.com/judgement/in/66bee51eb5ff9704f05be96e>, accessed on May 12, 2025.

<sup>37</sup> P. Leelakrishnan, *Environmental Law in India* 150 (4th ed., Lexis Nexis 2016).

governments have a legal duty to protect citizens from climate-induced harms, including extreme heat. As climate change continues to pose unparalleled challenges, the amalgamation of environmental protections into human rights frameworks will be crucial in ensuring a sustainable and equitable future for all.<sup>38</sup>

## **ACHIEVING THE RIGHT TO COOL: PATHWAYS TO EQUITABLE AND SUSTAINABLE COOLING**

The "right to cool" is a developing concept that recognizes access to safe, affordable, and sustainable cooling as a fundamental human right. As global temperatures intensify, particularly in regions like South Asia, guaranteeing equitable access to cooling solutions is necessary for public health, social equity, and climate resilience. This comprehensive approach includes policy frameworks, technological innovations, community engagement, and international cooperation.

### **1. Policy and Institutional Frameworks**

*a. National Cooling Action Plans (NCAPs):* Countries like India have developed NCAPs to address the growing demand for cooling. "India's Cooling Action Plan (ICAP) aims to reduce cooling demand by 20–25% by 2037–38", promote energy-efficient technologies, and phase out high Global Warming Potential (GWP) refrigerants.<sup>39</sup> It also highlights the need for training and certification of refrigeration and air-conditioning (RAC) technicians to ensure the safe and effective use of cooling systems.<sup>40</sup>

*b. Integration into Urban Planning:* Integrating cooling solutions into urban planning is decisive. This includes enforcing building codes that mandate passive cooling designs, promoting green infrastructure like urban forests and green roofs, and ensuring that low-income and marginalized communities have access to affordable cooling options.<sup>41</sup>

### **2. Technological Innovations**

*a. Passive Cooling Techniques:* Utilizing traditional and modern passive cooling methods can significantly reduce the need for energy-intensive air conditioning. Techniques such

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<sup>38</sup> Ibid

<sup>39</sup> India's Cooling Action Plan, <https://indiacoolingcoalition.org/wp-content/uploads/2020/12/India-Cooling-Action-Plan.pdf>, accessed on May 13, 2025.

<sup>40</sup> Supra note (37) at p.199

<sup>41</sup> Ibid

as cross-ventilation, thermal insulation, and the use of reflective materials can lower indoor temperatures without relying on electricity.

- b. Sustainable Cooling Technologies:** The development and deployment of sustainable cooling technologies, such as evaporative coolers, solar-powered air conditioning, and district cooling systems, are essential. These technologies not only reduce energy consumption but also minimize environmental impact.
- c. Research and Development:** Investing in R&D to develop low-GWP refrigerants and energy-efficient cooling systems is vital. Collaboration between governments, academic institutions, and the private sector can accelerate innovation in the cooling sector.<sup>42</sup>

### 3. Community Engagement and Education

- a. Awareness Campaigns:** Educating communities about the risks of extreme heat and the importance of cooling can empower individuals to take preventive measures. Public awareness campaigns can disseminate information on heat action plans, the benefits of green spaces, and the use of affordable cooling solutions.
- b. Community Cooling Centres:** Establishing community cooling centres equipped with sustainable cooling technologies can provide relief during heatwaves, especially for vulnerable populations. These centres can also serve as hubs for distributing information and resources.<sup>43</sup>

### 4. Financing and Incentives

- a. Subsidies and Financial Support:** Providing subsidies for the installation of energy-efficient cooling systems can make them more accessible to low-income households. Financial incentives for adopting sustainable cooling technologies can encourage widespread adoption.
- b. Public-Private Partnerships:** Collaborations between governments and private entities can mobilize resources for large-scale cooling projects. Such partnerships can simplify the expansion of infrastructure, technology, and services necessary to achieve the right to cool.<sup>44</sup>

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<sup>42</sup> Daniel A. Farber & Marjan Peeters (eds.), *Climate Change Law* (Edward Elgar Publishing 2016).

<sup>43</sup> Karl S. Coplan et al. (eds.), *Climate Change Law: An Introduction* (Edward Elgar Publishing 2021).

<sup>44</sup> Ibid

## 5. International Cooperation and Knowledge Sharing

- a. **Global Initiatives:** Participating in international agreements and initiatives, such as the Kigali Amendment to the Montreal Protocol, can help countries phase out high-GWP refrigerants and adopt workable cooling practices.
- b. **Sharing Best Practices:** Countries can enhance their climate protection and flexibility by exchanging successful cooling strategies and technologies. International forums and networks play a vital role in easing this knowledge sharing and fostering global partnership. Countries can learn from each other's experiences by sharing successful cooling strategies and technologies.<sup>45</sup>

Achieving the right to cool requires an inclusive strategy that integrates policy development, technological innovation, community involvement, and international collaboration. By realizing these strategies, societies can guarantee that all individuals have access to safe, affordable, and sustainable cooling solutions, thereby improving public health, promoting social equity, and contributing to climate resilience.

## **CONCLUSION**

The intensifying impacts of climate change, particularly extreme heat events, have underlined the necessity of recognizing the "right to cool" as an essential human right. This right includes the prerogative of individuals to live in environments protected from the harmful effects of excessive heat, ensuring their health, dignity, and well-being. The growth of legal precedents and international recognition highlights the imperative for states to protect their citizens from climate-induced harm.

Judicial pronouncements of the right to cool are increasingly aligning with global human rights frameworks, recognizing the state's duty to protect citizens from climate-induced harms such as extreme heat. International framework such as the "Malé Declaration on the Human Dimension of Global Climate Change", which declares that the enjoyment of all human rights relies on the availability of a healthy environment. The integration of climate considerations into human rights jurisprudence reflects a paradigm shift, recognizing that environmental degradation directly impacts the realization of fundamental rights.<sup>46</sup>

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<sup>45</sup> Ibid

<sup>46</sup> 'Climate Justice and Human Rights, in a World in Climate Emergency' (2021) Global Campus Policy Briefs, Global Campus of Human Rights, <https://repository.gchumanrights.org/handle/20.500.11825/2340> accessed May 10, 2025.

However, the recognition of the right to cool is not without challenges. Legal complexities, economic constraints, and political resistance pose significant barriers to its full realization. Nonetheless, the growing body of case law and international declarations provides a robust foundation for advocating the right to cool as an integral component of human rights in the face of climate challenges.

The emerging 'right to cool' is becoming a vital aspect of human rights discussions, requiring coordinated actions from governments, international organizations, and civil society to ensure its protection and realization. As climate change continues to pose unprecedented challenges, the recognition and implementation of the right to cool will be pivotal in safeguarding the health and dignity of vulnerable populations worldwide.