

Cooler For Some, Unliveable For Others: Delhi's Heat Crisis is a Failure of Law and Policy

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Workers and others rest at the India Gate lawns on a hot summer day, in New Delhi. Photo: PTI/Salman Ali

India has been reeling at the forefront from the impact of climate change over the past few years. Earlier imagined to be a faraway possibility, climate change is showing up with consequences such as routine heatwaves, an increase in the frequency of El Niño events, excessive rainfalls leading to floods, and even an [increase in wet-bulb temperatures](#), especially in South India, due to the unique positioning of the subcontinent.

So, when Delhi faces intense heatwaves and erratic rainfall patterns, it feels like an inevitable consequence of climate change. Though convenient, it can be deeply misleading, especially given the science of [urban microclimate](#), which shows with uncomfortable precision that this might be a by-product of governance. Where parts of Delhi record surface temperatures close to 50°C, while green spaces are dramatically cooler, the questions turn to what we choose to regulate, what we ignore, and, crucially, who we prioritise.

[Empirical data](#) show this in greater detail: built-up zones like [Connaught Place](#) and Karol Bagh have consistently recorded surface temperatures of 47-49°C, while green spaces like Lodhi Garden and the Central Ridge have been [significantly cooler](#), sometimes by more than 6°C. This is not merely a marginal variation but a structural divide, especially when we take into account the

materials we build with, the green cover and vegetation we seek to remove or retain, which are more often than not by-products of law and policy, and the city has legislated into heat.

Yet, when we analyse the regulatory framework governing urban development, such as the [Master Plan of Delhi, 2041](#) (MDP 2041), Delhi remains strikingly indifferent to this reality, gesturing towards sustainability but stopping short of imposing enforceable, microclimate-sensitive obligations – the legal, regulatory and design requirements to mitigate climatic impacts.

With no binding requirement for tree canopy cover – especially in high-density zones or reflective/heat-reducing building materials – and no thermal impact for planning approvals, even the most “instrumental” [Environmental Impact Assessment](#) (EIA) regime, which scrutinises its effects on air, water and biodiversity, fails to consider heat as a parameter, and overlooks its contribution to urban heat accumulation.

Blind spot

In a city where [heatwaves are becoming routine](#), this omission is not just a gap; it is a regulatory blind spot. This problem is not limited to the absence of tree-canopy mandates as the Master Plan 2041 repeatedly invokes the language of sustainability, resilience and climate responsiveness without any enforceability mandate and thus remains largely aspirational.

The Plan does not prescribe any measurable minimum green-over requirements across neighbourhoods, nor does it require heat-vulnerability mapping at the ward or even zone level before any major developmental projects are approved. It encourages a [‘Sustainable, Liveable and Vibrant Delhi’](#) through densification through transit-oriented development and mixed-use planning, but does not have corresponding obligations to mitigate the urban heat island effect through measures like shading, cooling corridors, reflective materials, or thermal-performance standards. Aspects of ‘Blue-Green’ infrastructure are underscored and highlighted as an important tenet of environmental and pollution mitigation strategy, yet there are few legally enforceable benchmarks to ensure its implementation.

While these strategies aim to protect the existing covers within Delhi, they also seek to expand into additional areas on the periphery, thereby embedding the inequities that already exist within those areas. Even while recognising that climate change will pose a significant challenge, the Plan does not envisage a new regulatory regime; it relies on the existing EIA regime, which allows environmental impacts to be examined through existing regulatory processes, but the thermal consequences of development remain largely invisible within the planning framework. The omission of enforceable microclimate standards effectively allows new developments to proceed without accounting for their contribution to heat accumulation and already existing thermal vulnerability.

The Plan also identifies the Yamuna floodplains, Delhi Ridge, urban forests, parks, and water bodies as ecologically important assets, but it stops short of recognising them as critical climate infrastructure in their role in cooling the city, reducing heat stress, and enhancing thermal resilience, which is insufficiently reflected in regulatory protections and land-use decisions. While MPD 2041 speaks extensively about resilience, it largely approaches it through the lens of disaster management and infrastructure provision rather than distributive climate justice. There is little recognition that exposure to heat is unevenly distributed across the city and that informal settlements, labour colonies, and low-income neighbourhoods experience significantly greater thermal vulnerability than affluent areas with access to parks, tree-lined streets, and private cooling mechanisms.

Even with the constitutional backing of [Article 21](#) and Supreme Court precedents that highlight the significance of a healthy and clean environment and the right to livelihood as core tenets of a life of dignity, this failure becomes more apparent in a city where 'ambient' conditions are hostile to human survival. Such extreme heat conditions will ultimately undermine health, productivity and even threaten basic human functioning, exacerbated by state-sanctioned urban design. Ultimately, it becomes a failure to uphold constitutional obligations.

Who's responsible?

In the recent [Advisory Opinion \(AO\) by the International Court of Justice \(ICJ\)](#), too, there was a quiet shift from voluntary commitments and normative persuasion towards legal obligations, especially by making it the responsibility of states to combat climate change. By basing its findings on already established principles of due diligence, prevention, transboundary harm, intergenerational equity and equitable burden sharing, the ICJ has closed the gap for state inactions and envisaged the possibility that failure to act would engage state responsibility. This development presents an opportunity to crystallise the Supreme Court of India's existing jurisprudence on the touchstone of climate justice, or a 'climate first approach'. So, there is no lack of a legal framework, but a lack of missing its application to the realities of a warming city.

This is in light of most [microclimate studies](#), which highlight that these heat effects are part of a broader social structural inequality. Green spaces in Delhi function [as natural cooling systems](#), driven by mechanisms such as evapotranspiration, shading and soil heat retention. But access to these spaces is far from equal. Affluent neighbourhoods benefit from proximity to parks, tree-lined avenues and institutional green zones, while dense and often informal settlements are left exposed to extreme thermal stress. In areas like Karol Bagh, narrow lanes, dark surfaces and waste heat from generators and air conditioners compound the problem, creating what can only be described as thermal traps.

Heat, in this context, is not just a physical condition; it is a form of environmental injustice.

This has been taken into account under [Delhi's Heat Action Plan](#), which primarily focuses on short-term adaptation measures and not long-term mitigation and resilience mechanisms. It focuses on early warning systems, hydration points, and public advisories. While necessary, they are at the level of crisis management, not structural reform – treating heat as a sporadic hazard rather than a built condition. While these interventions are undoubtedly necessary and may save lives during periods of acute heat stress, they operate largely after the risk has already materialised. The Plan offers relatively limited engagement with the underlying urban and regulatory factors that generate and intensify heat exposure in the first place.

[The Heat Action Plan](#) remains weakly integrated with Delhi's planning and development framework and is rather a disaster emergency response. There is little indication that heat-vulnerability mapping informs zoning decisions, redevelopment approvals, infrastructure planning, or land-use regulation. This disconnect between emergency response and urban planning means that while the city may become better at responding to heatwaves, it is not necessarily becoming better at preventing or reducing them.

[India's recently published Nationally Determined Contributions](#) (NDCs) target a 47% reduction in emissions by 2035, and it has already placed it among a select group of countries that have achieved one of their targets [five years ahead](#) of schedule. India has been a climate leader of the Global South and has passed a plethora of adaptation and resilience schemes, operationalised through the National Action Plan on Climate Change (NAPCC) and its corresponding missions. These frameworks, missions and schemes have been further decentralised under the country's federal structure and are implemented by the states through the State Action Plans on Climate change (SAPCC). The [framework](#) is implemented in convergence with various schemes and programs of the central and state governments, ensuring a coordinated, whole-of-government approach to climate-resilient and low-carbon development; however, it fails to engage with the granular realities of urban heat. What is missing is a regulatory approach that treats microclimate as a central planning concern.

What may seem like a mere climate change concern can, in fact, be integrated into a cohesive climate mechanism grounded in equity and distributive climate justice. It should integrate microclimate impact assessments into the Environmental Impact Assessment process, particularly for large-scale urban developments. It means embedding thermal performance standards into zoning regulations, mandating minimum green cover, incentivising high-albedo materials, and limiting densities in heat-vulnerable areas. It also requires reclassifying urban forests, wetlands, and floodplains as critical climate infrastructure, deserving of stringent legal protection. [The Central Ridge and the Yamuna floodplains](#), for instance, are not merely ecological assets; they are essential cooling systems whose degradation has direct consequences for urban liveability.

A regulatory vacuum

The lack of recognition and enforceable mandates pertaining to Urban heat in the MDP 2041 points to a regulatory vacuum caused by fragmented institutional responsibility, which is evident especially in Delhi. Apart from its unique position as the [National Capital Territory](#) within the constitution, and the distribution of powers and responsibilities between the central and state legislatures, heightened by political priorities, there is a gap in decision-making for urban planning. Planning decisions involving a mix of 'land' – which would require central approval – and other infrastructure projects face a constant tussle between developmental and environmental needs. Planning decisions are undertaken by the Delhi Development Authority (DDA), roads and public infrastructure are managed by agencies such as the Public Works Department (PWD) and municipal bodies, while environmental protection and disaster management operate through separate administrative frameworks.

No single institution is responsible for managing urban heat as a planning concern. Consequently, however, decisions that collectively shape the city's thermal environment, such as tree removal for infrastructure projects, redevelopment approvals, paving of open spaces, or the degradation of ecological buffers, occur in isolation. The continued pressures on the Delhi Ridge and the Yamuna floodplains illustrate this governance failure, even though they are recognised as an essential 'Green-Blue Area'. Both serve as critical cooling systems that moderate temperatures, improve air quality and enhance climate resilience, yet they are often treated as land-use resources rather than as essential climate infrastructure. Heat, therefore, is not merely a consequence of rising global temperatures; it is also the product of fragmented governance structures that fail to integrate climate considerations into everyday urban planning.

The real question, then, is not whether Delhi can cool itself; it definitely can, especially through unified political will. The question is whether it chooses to do so in a way that is just, inclusive and legally grounded. Because a city that is cooler for some and unlivable for others is not merely inefficient; it is unjust. And in a constitutional democracy, where Delhi could see surface temperatures exceeding 52-55°C by 2041, with rising heat-related mortality, that should be unacceptable.

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