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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

CASE COMMENT: M.K. RANJITSINH & ORS. V. **UNION OF INDIA & ORS.**

The Hon'ble Supreme Court of India

Judges: Hon'ble Dr. Dhanajaya, Y Chandrachud (CJI), Manoj Misra.

AUTHORED BY - PRAGATI MISHRA

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This case comment analyzes the landmark judgment of the Supreme Court of India in *M.K. Ranjitsinh & Ors. v. Union of India & Ors.*, delivered on March 21, 2024. The case revolves around the conservation of the critically endangered Great Indian Bustard (GIB) and Lesser Florican, juxtaposed against India's ambitious renewable energy goals to combat climate change. The Supreme Court, in this decision, not only addressed the immediate threats to these species but also recognized the right to protection from the adverse effects of climate change as a distinct fundamental right under Articles 14 and 21 of the Indian Constitution. This judgment modifies an earlier 2021 order, striking a balance between biodiversity preservation and sustainable development. The analysis follows the prescribed format, drawing from the court's detailed reasoning and broader environmental jurisprudence.

1. FACTS

The Great Indian Bustard (*Ardeotis nigriceps*), a large bird native to the arid grasslands of India, particularly in Rajasthan and Gujarat, has been classified as "critically endangered" by the International Union for Conservation of Nature (IUCN) since 2011, with its population dwindling to an estimated 50-249 mature individuals globally. The Lesser Florican, another endangered bird, faces similar threats. Key factors contributing to their decline include habitat loss due to agricultural expansion, infrastructure development, hunting, predation, and notably, collisions with overhead power transmission lines. These lines, often installed for solar and wind energy projects in the birds' priority habitats, pose a lethal risk because the GIB's poor frontal vision makes it prone to fatal impacts during flight.

In 2019, retired Indian Administrative Service officer M.K. Ranjitsinh and other

environmentalists filed a writ petition under Article 32 of the Constitution (Writ Petition (Civil) No. 838 of 2019), invoking the Supreme Court's original jurisdiction to seek urgent directions for the conservation of these species. The petitioners highlighted the existential threat to the GIB, emphasizing that without immediate intervention, extinction was imminent. They pointed to government reports, such as the Rajasthan government's 2013 estimate of about 125 GIBs in the state, and IUCN data underscoring rapid population decline due to anthropogenic activities.

On April 19, 2021, the Supreme Court, in its initial judgment, issued sweeping directions to protect the birds. It prohibited the installation of overhead power lines in a vast "priority area" spanning approximately 99,000 square kilometers across Rajasthan and Gujarat, mandating the conversion of existing overhead lines to underground cables within one year where feasible. The court also appointed a three-member committee to assess the feasibility of undergrounding in specific zones and required the installation of bird diverters on existing lines as an interim measure. This order was grounded in India's obligations under the Wildlife (Protection) Act, 1972, and international conventions like the Convention on the Conservation of Migratory Species of Wild Animals (CMS), to which India is a signatory.

However, the Union of India, through the Ministries of Environment, Forest and Climate Change (MoEFCC), Power, and New and Renewable Energy (MNRE), filed applications for recall and modification of the 2021 order. They argued that the blanket ban hindered India's renewable energy targets, crucial for meeting commitments under the Paris Agreement (2015) and the United Nations Framework Convention on Climate Change (UNFCCC). Rajasthan and Gujarat, being solar-rich states, host significant potential for green energy, with only about 3% of this potential tapped by 2024. The respondents submitted affidavits detailing technical challenges, high costs, and environmental trade-offs of undergrounding power lines. For instance, underground high-voltage lines (220 kV and above) were deemed infeasible in desert terrains due to shifting sand, higher transmission losses, and risks of faults or fires.

The court consolidated these applications with the original petition, hearing arguments from all stakeholders, including state governments and energy companies. Expert reports, such as those from the Wildlife Institute of India (WII), were considered, which delineated "priority areas" (13,163 sq km with confirmed GIB sightings) and "potential areas" (80,680 sq km with historical presence). The case highlighted the tension between conserving biodiversity and

advancing clean energy to mitigate climate change, which exacerbates habitat degradation through extreme weather events. By 2024, India's updated Nationally Determined Contributions (NDCs) aimed for 50% non-fossil energy capacity by 2030, making the solar projects in these regions pivotal.

This factual matrix underscores a broader environmental crisis: the collision course between species protection and human development needs in a climate-vulnerable nation like India, where desert ecosystems are both biodiversity hotspots and renewable energy hubs.

2. ISSUES RAISED

The core issues before the Supreme Court centered on reconciling wildlife conservation with sustainable development imperatives. Specifically:

- a. Whether the directions in the April 19, 2021, judgment—mandating undergrounding of power lines across 99,000 sq km—required modification to avoid adverse impacts on India's energy sector and international climate commitments.
- b. The feasibility of undergrounding overhead transmission lines in priority and potential GIB habitats, considering technical, economic, and environmental constraints.
- c. Balancing the right to a clean environment and species protection under Articles 48A (protection of environment) and 51A(g) (duty to protect wildlife) of the Constitution with the need for renewable energy to combat climate change, which the court framed as integral to Articles 14 (equality) and 21 (life and liberty).
- d. The adequacy of existing conservation measures, such as bird diverters and breeding programs, and the need for an expert committee to oversee implementation.
- e. Whether the state has a constitutional obligation to protect endangered species while pursuing low-carbon development, and if climate change mitigation itself constitutes a fundamental right.

These issues arose from the petitioners' emphasis on immediate species survival versus the respondents' focus on long-term climate resilience. The court had to navigate the interplay between domestic laws like the Electricity Act, 2003, and Environmental Impact Assessment (EIA) Notification, 2006, and global obligations under the CMS and Paris Agreement. The judgment also implicitly questioned the prioritization of solar energy infrastructure in ecologically sensitive areas without robust safeguards.

3. CONTENTION

The contentions reflected a polarized debate between stringent conservation and pragmatic development.

Petitioners' Contentions: Led by M.K. Ranjitsinh, the petitioners argued for upholding and enforcing the 2021 order in its entirety. They contended that overhead power lines were a primary cause of GIB mortality, citing studies showing collision rates as high as 15-20% annually. They invoked the precautionary principle under environmental law, asserting that any delay in protection could lead to irreversible extinction. The petitioners sought an emergency response plan, including installation of bird diverters on all lines, restrictions on new solar/wind projects in habitats, dismantling of incompatible infrastructure, and creation of predator-proof enclosures. They emphasized India's duties under the Wildlife (Protection) Act, 1972 (Schedule I listing for GIB), and international treaties like CMS, arguing that conservation breeding centers and grassland protection were insufficient without addressing transmission threats. They also called for a national grazing policy, armed forces sensitization, and declaration of GIB as a "national meta-population" requiring inter-state cooperation. The petitioners highlighted climate change's role in habitat loss but prioritized biodiversity over energy projects, noting alternatives like offshore wind or solar in non-sensitive areas.

Respondents' Contentions: The Union of India and ministries countered that the 2021 order was overly broad and unimplementable, adversely affecting the power sector. They argued that undergrounding was technically infeasible for high-voltage lines (e.g., 400 kV cables risk joint failures; 220 kV lines vulnerable in deserts). Costs were prohibitive—four to five times higher than overhead lines—with additional issues like higher losses (2-4 times), fault detection challenges, and environmental risks (e.g., soil disruption affecting other species). The MNRE, not heard in 2021, stressed India's Paris Agreement pledges, including 500 GW non-fossil capacity by 2030, with Rajasthan and Gujarat holding 20% of solar potential. Banning projects would necessitate 93,000 MW from coal, emitting 623 billion kg CO₂, undermining climate goals. They attributed GIB decline more to low fecundity, poaching, and habitat fragmentation than lines alone, citing ongoing efforts like the 2016 "Habitat Improvement and Conservation Breeding" program (Rs. 33.85 crore allocated) and WII studies. States like Rajasthan and Gujarat supported modification, proposing bird diverters as effective alternatives (reducing collisions by 70-90%) and zoning restrictions to priority areas only.

Intervenors, including energy firms, echoed feasibility concerns, while environmental experts supported balanced measures. The contentions underscored the "Sophie's choice" dilemma: sacrificing birds for clean energy or vice versa, with both sides invoking constitutional environmental duties.

4. RATIONALE

The Supreme Court's rationale, authored by Chief Justice D.Y. Chandrachud, was multifaceted, integrating constitutional interpretation, environmental principles, and pragmatic balancing. The court affirmed the GIB's critical status and the need for protection but found the 2021 order's blanket undergrounding directive unsustainable, warranting modification under its inherent powers.

Central to the reasoning was the recognition of a "right against the adverse effects of climate change" as a distinct fundamental right under Articles 14 and 21. The court reasoned that climate change disproportionately affects vulnerable groups (e.g., farmers, indigenous communities), violating equality (Article 14) by exacerbating inequalities, and the right to life (Article 21) by threatening health, water, and food security through events like heatwaves and droughts. This right derives from the constitutional mandate under Article 48A (state duty to protect environment) and Article 51A(g) (citizen duty to compassion for living creatures), extending to intergenerational equity and sustainable development. The court drew from global jurisprudence, such as Pakistan's *Asghar Leghari* case and the Philippines' *Oposa v. Factoran*, to link human rights with climate action.

On the conservation-energy nexus, the court acknowledged overhead lines as a threat but noted multiple decline factors (e.g., low birth rates, predation). It critiqued undergrounding's infeasibility based on expert affidavits: technical risks in arid zones, high costs (Rs. 100-200 crore per km), and counterproductive emissions if renewables are curtailed. The judgment emphasized India's NDCs and Energy Conservation (Amendment) Act, 2022, arguing that solar energy in Rajasthan/Gujarat is essential for reducing fossil fuel dependence, aligning with UNFCCC principles of common but differentiated responsibilities.

Applying the sustainable development principle, the court balanced interests by restricting undergrounding to priority areas (13,163 sq km) while allowing overhead lines in potential

areas with diverters. It invoked the public trust doctrine, holding the state as trustee of natural resources, but stressed that conservation cannot halt progress vital for climate mitigation. The rationale highlighted social equity: clean energy access reduces poverty and pollution, benefiting marginalized communities disproportionately impacted by climate change.

The court also addressed implementation gaps, directing an expert committee to assess feasibility and submit reports, ensuring adaptive management. This reasoning marks a progressive shift, embedding climate rights in Indian jurisprudence while avoiding judicial overreach in policy domains.

5. DEFECTS OF LAW

While the judgment did not explicitly indict existing laws, it implicitly highlighted several defects in India's environmental legal framework. Foremost is the absence of a comprehensive climate change statute, forcing the court to derive rights from constitutional provisions rather than dedicated legislation. Unlike countries with specific climate laws (e.g., UK's Climate Change Act, 2008), India relies on fragmented acts like the Environment (Protection) Act, 1986, and EIA Notification, 2006, which lack explicit mandates for climate-biodiversity integration. The court noted gaps in enforcement: despite Schedule I protection under the Wildlife Act, 1972, habitat safeguards are inadequate against infrastructure projects, with EIAs often overlooking cumulative impacts on endangered species.

Another defect is the lack of statutory guidelines for balancing renewable energy with conservation, leading to ad hoc judicial interventions. The Electricity Act, 2003, prioritizes grid expansion but ignores ecological costs, while the National Renewable Energy Policy is silent on sensitive zones. The judgment exposed procedural lapses, such as not hearing MNRE in 2021, underscoring defects in inclusive decision-making under Article 32 proceedings. Additionally, the CMS and Paris Agreement obligations are not fully domesticated, creating enforcement voids. The court suggested legislative reforms for just transition frameworks, implying current laws defectively prioritize development over precaution. These gaps risk continued litigation, highlighting the need for an integrated eco-climate law.

6. INFERENCE

The Supreme Court's inference was to modify the 2021 order for a nuanced, balanced approach, prioritizing both GIB conservation and climate action. It restricted undergrounding mandates to priority areas (13,163 sq km), subject to expert feasibility assessment, and permitted overhead lines in potential areas with mandatory bird diverters. A seven-member expert committee was constituted to evaluate projects, submit a conservation plan by July 31, 2024, and monitor implementation, with liberty for parties to seek further directions.

This decision infers that environmental rights are not absolute but must harmonize with developmental needs in a climate-stressed world. By enshrining climate protection as a fundamental right, the judgment sets a precedent for future cases, potentially influencing policies on green infrastructure. It infers a judicial push for adaptive governance, urging legislative action on climate laws. Ultimately, the inference underscores India's path to sustainable development: conserving biodiversity while transitioning to renewables, ensuring equity for humans and wildlife alike. The ruling reinforces the court's role as an environmental guardian, but its success hinges on effective execution.

REFERENCE:

1. M.K. Ranjitsinh vs Union Of India on 21 March 2024.
2. Wild Life (Protection) Act 1972
3. [Energy Conservation Act 2001, Section 14\(w\)](#).
4. [Environment \(Protection\) Act 1986](#)
5. [M.C. Mehta v. Kamal Nath, 16](#)