



**CASE COMMENTARY ON
M.K. RANJITSINH & OTHERS VS
UNION OF INDIA & OTHERS
2024 SCC ONLINE SC 570.**

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Court: Supreme Court of India

Bench: CJI D.Y. Chandrachud, Justice J.B. Pardiwala, and Justice Manoj Misra.

Date of Judgement: March 21, 2024.

Petitioner: M.K Ranjitsinh and others

Respondent: Union of India and others

Legal Provisions- Article 14, Article 21 , Article 32, Article 48A, Article 51A(g).

Introduction:

Abstract

The Supreme Court of India in *M.K. Ranjitsinh & Others v. Union of India & Others* delivered an important verdict in which it reconciled conservation of an critically endangered species with renewable energy expansion, where both have been in logger head with each other. Concerns over the adverse impact of overhead power transmission lines on the critically endangered Great Indian Bustard (GIB), thus calling for judicial intervention. The Supreme Court carefully balanced the need for protecting endangered species, and the competing national interest in promoting renewable energy infrastructure to meet India's climate goals. In this landmark judgment, the Apex Court while modifying its earlier blanket direction to underground all transmission lines, held that such decisions must be guided on a case-by-case assessment, technological feasibility and economic viability with the support of expert committees, rather than rigid mandates. The judgment reaffirmed the constitutional mandate under Articles 21, 48A, and 51A(g), highlighting the obligation of the State to protect wildlife and the environment. It also introduced the concept of a "right against the adverse effects of climate change" as part of the right to life, thereby expanding the scope of Article 21. Overall, the ruling reflects a balanced approach by integrating environmental protection with developmental needs and have set a precedent for future conflicts between conservation and infrastructure growth.

The advent of global warming imbued with climate change has resulted in rapid increase in global temperature and the need of the hour is to cut down on greenhouse gases. The adoption of renewable energy has been prioritised in India to make a drastic shift from coal based grey energy resource to a green, eco friendly one. Solar energy is one of the such resources, most abundant in India, which is being tapped to feed the ever increasing demand for energy. Rajasthan is one of the such places where solar energy is abundant and n panels are being installed to generate electricity and for the transmission of the power, lines are being set up which unfortunately runs through the natural habitat of the critically endangered Great Indian Bustard. Apart from habitat loss and hunting, collision with overhead power transmission wire is one the major causes for the decline of the already critically endangered species, estimated to be around 150 left in the wild. The Supreme Court, in this case has faced the conundrums of choosing between two already socially and ecologically quintessential things- conservation of the Great Indian Bustard and promotion of sustainable means of power generation. The case reflects the judiciary's proactive role in harmonizing economic progress with environmental protection, recognizing, for the first time, right against the adverse effects of climate change, thereby strengthening India's climate justice framework. The Apex court stepped in to issue directions concerning infrastructure development, including the laying of underground power lines in ecologically sensitive zones. It also invokes principles of precautionary



principle and sustainable development thereby reaffirming its commitment to environmental protection while acknowledging the importance of clean energy goals.

Facts of the Case-

M.K. Ranjitsinh, a noted conservationist, had filed a case under Article 32 of the Constitution seeking urgent protection for the Great Indian Bustard (GIB), a critically endangered species protected under Schedule I of the Wildlife (Protection) Act, 1972. The once abundant bird is now just confined to a few areas of Rajasthan and Gujarat.

The bird has poor frontal vision and cannot detect obstacles in time and collision with overhead power transmission lines installed across its natural habitat has led to drastic drop in their number. Scientific studies and expert materials demonstrated that such collisions posed a serious threat to the survival of the species.

On the other hand India's increasing reliance on renewable energy projects, especially solar and wind energy installations in arid regions has led to extensive transmission wires, infrastructure, including high-voltage overhead lines, which often pass through ecologically sensitive areas inhabited by the bird. In its earlier order dated April 19, 2021, the Supreme Court directed that overhead transmission lines in priority and potential habitats of it be converted into underground cables wherever feasible and also installation of bird diverters in areas where undergrounding was not possible.

Later, the Union of India, along with transmission utilities and renewable energy developers, filed applications seeking modification of the directions issued in the 2021 order. They argued that undergrounding high-voltage transmission lines (particularly above 66 kV) posed serious technical challenges, involved excessive costs, and would

adversely affect India's renewable energy expansion and infrastructure development.

The commitments such as the Paris Agreement¹, arguing that restrictions on transmission infrastructure would impede the country's transition to clean energy and climate change mitigation goals.

The petitioner stated that the State has a constitutional obligation to protect endangered species and preserve biodiversity as imposed by the Constitution and various judicial decisions along with the public trust doctrine. It was contended that failure to take strict measures would lead to the extinction of the GIB and irreversible ecological damage.

Based on the above mentioned facts, the Supreme Court was called upon to balance competing concerns of wildlife conservation and renewable energy development, while reconsidering the feasibility and scope of its earlier directions in light of constitutional mandates under Article 21.

Issues raised-

The main issues raised were-

1. Whether renewable energy projects (like transmission lines) can be allowed in habitats of endangered species like the Great Indian Bustard.
2. Whether the right to a clean and stable environment is part of Article 21² of the Constitution of India.
3. The extent of the State's duty to protect endangered species under the Wildlife (Protection) Act, 1972.
4. How to balance climate goals with biodiversity conservation.

Argument for the petitioner

The Great Indian Bustard is facing imminent extinction mainly because of collisions with overhead

¹ Paris Agreement 2015.

² Constitution of India 1950.



power transmission lines in its natural habitat. The bird has poor frontal vision and it faces trouble in detecting obstacles, thus causing collisions, death and rapid decline in numbers. The State has failed not only its duties under the Wildlife (Protection) Act, 1972, but also under the Constitution. The petitioner argued that this inaction violates Article 21, as the right to life includes the right to a healthy environment and biodiversity. Under precautionary principle, the State has the obligation to take preventive steps to avoid environmental harm, especially when the risk has already been scientifically proven. The petitioner called that undergrounding power lines in critical habitats is quintessential as emphasis on renewable energy cannot lead to species extinction. The petitioner also pointed out that measures like bird diverters are not enough. The State, being a trustee of natural resources, must ensure effective wildlife conservation and protection for the future generations.

Argument for the respondent

The Respondents argued that expanding renewable energy infrastructure is vital for meeting India's climate commitments. Sustainable development emphasizes a balance between environmental protection and developmental needs. It does not mean absolute wildlife preservation at the expense of public interest as well as energy security. Technical, geographical, and economically it is not viable in undergrounding the transmission wires especially in arid regions. Measures like bird diverters and monitoring systems have been implemented, showing a reasonable effort to protect the Great Indian Bustard. It was further stated that Article 21 does not prohibit developmental activities. Decisions pertaining to infrastructure and energy fall within the executive's authority, not the judiciary's and such interference could disrupt the separation of powers. The Respondents urged that a balanced and practical approach should be taken, rather than sweeping judicial orders, to reconcile environmental conservation with national development goals.

Decision-

The Supreme Court, who was left in a conundrum, adopted a balanced, practical and enviro-eco approach in deciding the feud between wildlife conservation and renewable energy development. On one hand protection of the Great Indian Bustard, a critically endangered species, is of utmost ecological importance, and on the other hand the expansion of renewable energy infrastructure is equally vital for India's commitments toward climate change mitigation and sustainable development.

The court held that the right against the adverse effects of climate change is a part of the fundamental rights guaranteed under Articles 21 and 14, thereby expanding the scope of constitutional environmental protection and included the right against climate change as a fundamental right under article 21.

The court also revised and recalibrated the earlier directions which mandated the undergrounding of overhead power transmission lines in the natural habitats. Considering the facts, the Apex court found that blanket direction was neither technically feasible nor economically viable across all regions, particularly in arid terrains like Rajasthan. It was reasoned that undergrounding high-voltage transmission lines involves significant financial costs, complex maintenance requirements, and practical limitations, which could adversely impact the development of renewable energy projects at a national scale and impede the holistic growth and development of clean energy.

Enforcing a uniform rule would be disproportionate and contrary to public interest. Instead, the Court emphasized the need for a case-by-case, expert-driven approach. Thus a specialised expert committee was formed to examine the feasibility of undergrounding in specific areas, identify priority habitats of the GIB, and recommend appropriate mitigation measures. Based on scientific data and technical expertise rather than rigid judicial mandates this decision was taken. Moreover, mitigation measures such as bird diverters



would continue and further steps must be taken to minimise bird mortality.

The Court, acknowledging the precautionary principle, opined that it must be applied in a manner that is proportionate and practical, especially when competing public interests are involved, along with long term climate goal. The judgment underscores that environmental governance requires institutional coordination, expert involvement, and a balanced approach, rather than extreme positions.

Analysis-

The judgment stands as a complex and evolving milestone in the environmental jurisprudence, balancing development and environment, reflecting the sustainable development as quoted in Indian Council for Enviro-legal Action V Union of India³ - ‘... both development and environment must go hand in hand...’, reflecting the Supreme Court’s attempt to harmonize two constitutional imperatives: the protection of endangered biodiversity and the promotion of renewable energy as part of India’s climate commitments, both of which are pressing need of the present.

Though the Court had adopted a strict ecological stance previously by directing the undergrounding of power lines in priority habitats but considering the ground situation, technicalities and taking into consideration the economics variability along with inputs from expert members, it moved toward a more flexible, case-specific balancing framework. This shift reveals a deeper judicial engagement with the realities of governance, technological feasibility, and economic cost, but also raises concerns about the dilution of previously strong conservation mandates.

Even though both are needed but considering the near extinct status of the Great Indian Bustard, the conservation of it should have been prioritised rather than that of solar energy which could have been done in other places as well. The Rural Litigation and Entitlement Kendra, Dehradun V state of U.P⁴, the court mentioned that even though hardship may be caused, it is a price that needs to be paid for protection and safeguard of environment. Though it might have been expensive, requiring more technical expertise and higher maintenance cost, it would have been worth it considering saving an almost extinct species, which if once vanished would go for ever.

The most striking feature of the judgment is the explicit recognition of a right against the adverse effects of climate change under Articles 14 and 21 of the Constitution of India. Article 21 has been further expanded tracing back to the Maneka Gandhi V Union of India⁵ case which states about living with human dignity and in the present case, right against climate change is essential to live a dignified life. In Subhash Kumar v. State of Bihar⁶, the Court recognized the right to a wholesome environment, and M.C. Mehta v. Union of India⁷, the principle of absolute liability was indoctrinated, and in this case the Court has almost completed and given a full meaning to it by adding the right against climate change which is itself a complete environmental justice and a constitutional right guaranteed by the Supreme Law. It is also consistent with Vellore Citizens Welfare Forum v. Union of India⁸, where sustainable development and the precautionary principle were incorporated into Indian law, and A.P. Pollution Control Board v. Prof. M.V. Nayudu⁹, which emphasized scientific uncertainty and the need for anticipatory action.

³ Indian Council for Enviro-Legal Action v Union of India (1996) 3 SCC 212.

⁴ Rural Litigation and Entitlement Kendra v State of UP 1985 Supp SCC 79.

⁵ Maneka Gandhi v Union of India (1978) 1 SCC 248.

⁶ Subhash Kumar v State of Bihar (1991) 1 SCC 598.

⁷ M.C. Mehta v Union of India (Oleum Gas Leak Case) (1987) 1 SCC 395.

⁸ Vellore Citizens Welfare Forum v Union of India (1996) 5 SCC 647.

⁹ A.P. Pollution Control Board v Prof MV Nayudu (1999) 2 SCC 718.



Even though the judgement is a milestone, yet there lacks doctrinal clarity, as the Court did not articulate enforceable standards, thresholds of violation, or mechanisms for accountability, thereby raising concerns similar to those expressed in *Divisional Manager, Aravali Golf Club v. Chander Hass*¹⁰. The opinion of the expert committee in determining where undergrounding of lines is required is very subjective and proper guidelines have not been framed to test the need for it. Thus the criteria for determining the “priority” or “potential” habitat has not been framed and have been left at the mercy of executive action.

The decision has significantly departed from the precautionary principle, which mandates that environmental harm must be prevented even in the absence of conclusive scientific evidence. This principle has been strongly affirmed in cases such as *Vellore Citizens and further reinforced in Narmada Bachao Andolan v. Union of India*¹¹, where the Court attempted to balance developmental needs with environmental safeguards. The Court leaned toward a proportionality-based approach, weighing ecological risks against the necessity of expanding renewable energy infrastructure. The stringent protection of a critically endangered species under the domestic law, particularly the Wildlife (Protection) Act, 1972, which mandates the highest level of protection for Schedule I species has been weakened by the international commitment. The protection of a domestic critically endangered species must be given upper hands rather than an international commitment.

The judgement has shown the lack of judicial expertise in matters which are socially important and the people look upon the court as their last option. This approach is consistent with earlier observations in *T.N. Godavarman Thirumulpad v. Union of India*¹², where the Court frequently relied on expert inputs for forest conservation. The over dependence on a

specialized body for feasibility of undergrounding and alternative mitigation measures would weaken the environmental aspect as the government would try to influence them and bypass the judgement and exploit the loopholes, and they are executive driven, giving a further blow to conservation. Such deference may amount to a form of judicial abdication, especially when fundamental rights and ecological survival are at stake. The doctrine of the public trust doctrine in *M.C. Mehta v. Kamal Nath*¹³, where the Court imposed a high fiduciary duty on the State to protect natural resources has been significantly departed by this present case where instead of protecting the bird, taking concrete steps, have given vague judgements welding wide power in the hand of the executive.

The judgment interplays with the broader framework of environmental governance under the Wildlife (Protection) Act, 1972 and the Environment (Protection) Act, 1986, both of which impose obligations on the State to safeguard ecological integrity but in the light of competing developmental needs, it creates a tension between environmental protection and policy-driven climate goals. This approach contrasts with earlier judicial trends where environmental statutes were prioritized.

The Court implicitly acknowledges obligations arising from the Paris Agreement, which requires states to transition toward low-carbon energy systems, and the United Nations Framework Convention on Climate Change¹⁴, which establishes the global framework for climate action and this has been imprinted on the judgement. The conservation of biodiversity, central to the present case, is also linked to obligations under the Convention on Biological Diversity¹⁵. Thus the court had the complex task of balancing environmental protection both under National statues and international level treaties and obligations along

¹⁰ *Divisional Manager, Aravali Golf Club v Chander Hass* (2008) 1 SCC 683.

¹¹ *Narmada Bachao Andolan v Union of India* (2000) 10 SCC 664.

¹² *TN Godavarman Thirumulpad v Union of India* (1997) 2 SCC 267.

¹³ *M.C. Mehta v Kamal Nath* (1997) 1 SCC 388.

¹⁴ UNFCCC 1992.

¹⁵ *Convention on Biological Diversity* 1992.



with the international climate goal, harmonizing the conflicting provisions for furthering of justice.

Conclusion-

The verdict in this landmark case represents a revolutionary yet contested evolution in Indian constitutional as well as environmental law. Not only it advanced the jurisprudence by recognizing climate change as a fundamental right but also adopted a balanced approach between environmental protection and developmental needs. However, dilution of the precautionary principle, potential judicial overreach, and the increasing reliance on expert bodies at the cost of judicial accountability is a matter of great concern. The judgment ultimately reflects the judiciary's struggle to navigate the complexity between ecological preservation, constitutional rights, statutory mandates, global climate obligations, the energy demand and development making it a landmark precedent that will shape the trajectory of environmental governance in India and the need to balance two complex issues, both of which are essential and would set a precedence for other such cases for years to come.

