

Case Commentary on *M K Ranjitsinh & Ors. V. Union of India & Ors.* (2024)

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ABSTRACT

The Right to Life and Personal Liberty, enshrined under Article 21 of our Constitution, serves as an umbrella term that incorporates several other rights, including the right to privacy, the right to live with dignity, the right to water, and more. In the present case of *M K Ranjitsinh & Ors. V. Union of India & Ors.*, the Hon'ble Supreme Court ("Hon'ble Court") acknowledged the right against the adverse effects of climate change as falling within the scope of Article 21 and also Article 14 of the Constitution. In 2019, a writ petition regarding the endangerment and possible extinction of the Great Indian Bustard ("GIB") based on a report by the International Union for Conservation of Nature ("IUCN") was filed before the Hon'ble Court. The petitioners claimed for undergrounding high and low voltage electric lines and installing bird diverters, which were claimed to be the main reasons for the rapid and steady decline of the species since the 1960s. The defendants contended against the feasibility of the directions provided by the Hon'ble Court in a separate petition in 2021. Against the backdrop of this petition, a subsequent writ petition was filed before the Hon'ble Court, which led to the landmark judgement. The evolution of this case, stemming from the issue of the extinction of the GIB, soon turned into a matter of India's commitment to International environmental conventions and treaties and proper usage of renewable sources of energy for better conservation of nature. This landmark judgement, being seminal for both the future of the commercial energy industry and the conservation of critically endangered species like the GIB, upholds the right to life and personal liberty.

Keywords: Climate Change, Article 21, Renewable Energy, the GIB, IUCN

BASIC INFORMATION

Petitioner: M K Ranjitsinh & Ors.

Respondent: Union of India & Ors.

Court: Supreme Court of India

Case Number: W.P. (C) No. 838/2019

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Quorum: Dr D.Y. Chandrachud, C.J., and J.B. Pardiwala and Manoj Misra, JJ.

Decided on: 21.03.2024

FACTS OF THE CASE

IUCN in its 2018 report, classified the GIB (scientific name *Ardeotis nigriceps*) as ‘critically endangered’.²⁰⁰ For context, the report published by IUCN in 1988 classified the GIB as ‘threatened’, in 1994-2008 it acquired the status of ‘endangered’. IUCN framed many reasons for this decline, which include loss of habitat, hunting, and direct disturbance.²⁰¹

This statistical data provided by IUCN goes on to show the ‘rapid and steady decline’ in the population of the GIB.²⁰² On the basis of this report, a Writ Petition (Civil) No 838 of 2019 (“Writ Petition”) was filed in the Supreme Court of India under Article 32 of the Indian Constitution. In that petition the petitioner demanded for directions to be issued against the defendants directing them to install bird diverters, putting halt to new projects and extending leases for existing ones, removal of power lines, wind turbines, and solar panels from vital habitats, installing predator-proof enclosures in breeding habitats, and enforcing a dog population control program as a part of the emergency response plan that will be put into place in order to protect and recover the GIB.²⁰³ Upon hearing, the Hon’ble Court directed the competent authorities to turn the overhead powerlines surrounding the vital habitat of the GIBs into underground powerlines. The Hon’ble Court also issued directions to set up bird diverters once the underground powerlines are in place.²⁰⁴ India's Ministry of Environment, Forests, and Climate Change, the Ministry of Power, and the Ministry of New and Renewable Energy, being the respondent 1,3 & 4 respectively, filed I.A. No 149293 of 2021 to modify the 2019 judgement, claiming India has committed to reduce emissions and transition from fossil fuels,

²⁰⁰ IUCN RED LIST, ‘Great Indian Bustard’, <https://www.iucnredlist.org/species/22691932/134188105#population>, cited in M K Ranjitsinh & Ors. v. Union of India & Ors., 2024 SCC OnLine SC 570.

²⁰¹ *Ibid.*

²⁰² M K Ranjitsinh & Ors. v. Union of India & Ors., 2024 SCC OnLine SC 570 ¶ 2.

²⁰³ *Ibid.* at 4 ¶ 3.

²⁰⁴ *Ibid.* at 6 ¶ 5.

including the adoption of solar and wind energy, however, undergrounding of high voltage power lines is not feasible, and replacing untapped renewable energy with coal-fired power will generate pollution.²⁰⁵

ISSUES INVOLVED

- Whether it is possible to incorporate the use of renewable sources of energy with the plan of conservation of the critically endangered species known as the GIB?
- Whether the Right against adverse effects of Climate Change is recognized by India's Global obligations?
- Whether the Supreme Court of India's 2020 blanket directions on conserving the GIB necessary and appropriate?

CONTENTIONS MADE BY THE PETITIONER

The Petitioners, M K Ranjitsinh & Ors., contended on the following matters in the Writ Petition filed before the Supreme Court of India²⁰⁶:

- An urgent plan is needed for the preservation of the critically endangered species, the GIB and Lesser Florican.
- Petitioners requested the Hon'ble Court to issue directions against the Respondent to install Bird Diverters, putting ongoing projects in that area to a halt, and renewing the lease on such areas, substitution of overhead powerlines with underground powerlines, etc.
- Petitioners also requested the Hon'ble Court to set up an expert committee to oversee the feasibility of the plans taken up for the conservation of the GIB.

²⁰⁵ *Ibid.* at 7-8 ¶ 7.

²⁰⁶ Nikita Susan Eapen, *M.K. Ranjitsinh v. Union of India*, THE AMIKUS QRIAE (last visited May 24, 2025), <https://theamikusqriae.com/m-k-ranjitsinh-v-union-of-india/>.

CONTENTIONS MADE BY THE RESPONDENT

The Respondents, especially respondent no. 1, 3 & 4 proposed modifications on the order past by the Hon'ble Court in 2020 and filed I.A. No 149293 of 2021 on 17 November 2021. It was contended that²⁰⁷:

- The Judgement of 2020 has a disadvantageous effect on the power sector of India.
- India has pledged to adhere to international agreements like the 2015 Paris Agreement, aiming to reduce emissions and transition away from fossil fuels. However, the actual area of the GIBs is smaller than the directive that was issued, therefore, highlighting the country's solar and wind energy potential.
- The process of relocating existing high and low voltage electric lines underground is not impossible.
- If coal power is used in energy production in the vital habitat area of the GIB, it would lead to greater harm as it would cause pollution.

KEY LEGAL PROVISIONS DISCUSSED

The key legal provisions discussed throughout this case are as follows:

- **Article 21:** The Constitution of India, under Article 21, enshrines the Right to Life and Personal Liberty among all its citizens. Article 21 also extends to non-citizens and foreigners also. Article 21 is an umbrella provision that incorporates within itself various different rights related to an individual's smooth and healthy enjoyment of life.

The right to Privacy, the right to live life with dignity, the right to a healthy environment, and several other derivative rights together form the substantive core of Article 21. In this landmark judgment, the Hon'ble Court expanded the scope of Article 21, it declared that the right against the adverse effects of climate change should be embodied under the broad scope of Article 21.

- **Article 14:** The Hon'ble Court invoked Article 14 of the Constitution, which deals with the right to equality to all citizens of India, regardless of their caste, class, gender, place of birth, etc. The detrimental effects of climate change can affect a particular group of people than others, due to the unevenness of the geographical territory of India.

²⁰⁷ M K Ranjitsinh & Ors. v. Union of India & Ors., 2024 SCC OnLine SC 570 ¶ 7.

Therefore, policy framers must ensure that every citizen of India receives equal protection from the effects of climate change.

- **Article 48A:** Article 48A, though a Directive Principle of State Policy, imposes a duty upon the State to maintain a healthy environment for the citizens. Further, the Hon'ble Court in this case emphasized that the role of the State in ensuring a healthy environment is not optional, that is, where Article 48A of the Constitution comes into play.
- **Article 51A(g):** Article 51A(g) of the Indian Constitution imposes a duty on the civilians of the country themselves, where the Constitution emphasizes the role of citizens to ensure the improvement of the natural environment such as forests, lakes, rivers, and wildlife.

LEGAL REASONING / RATIONALE APPLIED BY THE HON'BLE COURT

Ratio decidendi

The Ratio Decidendi of the M K Ranjitsinh case can be summarized as follows:

- The Hon'ble Court while recognizing and incorporating the right to a clean environment under the ambit of Article 21, stated that there is a need for a specific right in this case, that right being the 'right against the adverse effects of climate change'.
- Furthermore, the Hon'ble Court declared that the preservation of the GIB was of paramount importance.
- Additionally, the Hon'ble Court acknowledged that the blanket direction issued by it in its previous 2020 judgement is impractical and can cause more harm than improvement by barring the development of renewable sources of energy production, which is one of the International Commitments of India post the 2015 Paris Agreement, thus revoking the blanket direction.
- The Hon'ble Court constituted an Expert Committee for better evaluating the vulnerable sites and taking a site-specific approach towards preservation of the natural environment, including the preservation of the GIB.

JUDGEMENT

The Hon'ble Court, in the M K Ranjitsinh case, upheld Article 21 of the Constitution while incorporating the right against the adverse effects of climate change under the broad ambit of Article 21. Moreover, it also invoked Article 14 of the Constitution, emphasizing the role of policymakers to ensure equality in environmental matters, regardless of an individual's place of birth. It also placed an obligation on the State under Article 48A and on the citizens under Article 51A(g) to ensure a clean, safe, and healthy environment throughout the country. For this case, the Hon'ble Court adopted a constitutional and rights-based approach towards environmental protection matters. Upon hearing the respondents' contention, the Hon'ble Court revoked its blanket direction, directing the State to turn the overhead powerlines into underground powerlines, which is an impossible task in itself. This direction also undermines India's International Commitment, made in the 2015 Paris agreement, the commitment which strived towards using renewable sources of energy. The Hon'ble Court also set up an expert committee to better suit the requirements of the site-specific evaluation that is needed throughout India to preserve the natural environment. At the end, the Hon'ble Court's judgement provided a paradigm shift from Directive-based Judicial Activism to an Expert committee-based scientific approach.

CONCLUSION

The landmark Supreme Court Judgement in the aforementioned case of M K Ranjitsinh paved the path for future environmental litigation not only for India, but for the entire Global South, facing similar environmental or climate issues. The Hon'ble Court humbly curtailed the extent of Judicial expertise in the techno-environmental sphere and acknowledged the importance of the workings of an expert committee set up for specific issues regarding the environment. At the end, the Hon'ble Court, through this judgement, pays respects to International Conventions and India's commitment to them, which is also a Constitutional proposal under Article 51 of the Constitution.