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## CASE COMMENTARY

### M.K. Ranjitsinh & Ors. v. Union of India & Ors.

~*Sakshi Soni*

#### I. TITLE AND CASE DETAILS

**Case Name:** M.K. Ranjitsinh & Ors. v. Union of India & Ors.

**Citation:** 2024 INSC 280; 2024 SCC OnLine SC 570

**Court:** Supreme Court of India (Original Civil Jurisdiction)

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

**Date of Judgment:** 21 March 2024

#### II. INTRODUCTION

The landmark judgment of the Supreme Court of India addresses one of the most pressing constitutional conundrums of the twenty-first century: the tension between the need to use renewable energy to combat climate change and the preservation of biodiversity. Ardeotis nigriceps, the critically endangered Great Indian Bustard (GIB), and the legal challenge to overhead electricity transmission lines that traverse its habitat in Rajasthan and Gujarat are at the center of the case. The judgment is historically significant for being among the first Indian decisions to publicly acknowledge a right guaranteed by Articles 14 and 21 of the Constitution of India to be free from the adverse effects of climate change. Acknowledging the limitations of court expertise in intricate environmental and energy policy problems, it also represents a judicial recalibration from the wide directives issued in 2021.

#### III. FACTS AND PROCEDURAL HISTORY

The population of the GIB, which is indigenous to the arid grasslands of both Rajasthan and Gujarat, has faced a catastrophic decline. Between 50-249<sup>1</sup> mature individuals are thought to be left in the wild, corresponding to the International Union for Conservation of Nature (IUCN), which has designated it as "Critically Endangered" since 2011.<sup>2</sup> Predation, low fertility, poaching, habitat loss, and most notably for this case collisions with high overhead power transmission lines are among the threats.

M.K. Ranjitsinh, the petitioner, used Article 32 of the Constitution to request comprehensive protective measures for the GIB, inclusive of the undergrounding of overhead power lines throughout roughly 99,000 sq. km. that have been designated as priority and potential GIB habitat. In an order dated April 19, 2021, the Supreme Court ordered the conversion of existing overhead wires and the undergrounding of all low-voltage lines in specified locations. A separate committee was established to investigate the viability and feasibility of undergrounding high-voltage lines.

Subsequently, the Union of India, the Ministry of Environment, the Ministry of Power, and the Ministry of New and Renewable Energy filed an application to modify the 2021 order, arguing that the blanket undergrounding direction was exceedingly detrimental to India's solar and wind energy commitments under the Paris Agreement of 2015.<sup>3</sup> This was technically unattainable, and prohibitively expensive. The Court considered the revision application after obtaining updated status reports from the committee and state governments, which resulted in the current ruling.

#### IV. ISSUES AND RULE OF LAW

The Court identified the following principal issues:

- (i) Whether it was both physically and legally feasible to the blanket direction for undergrounding underground overhead transmission lines in an area of around 99,000 sq km;
- (ii) Whether there exists a constitutional right to be free from the adverse effects of climate change; and

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<sup>1</sup> M.K. Ranjitsinh v. Union of India, 2024 INSC 280.

<sup>2</sup> IUCN Red List, 'Great Indian Bustard' <https://www.iucnredlist.org/species/22691932/a134188105>

<sup>3</sup> Conference of the Parties, Adoption of the Paris Agreement, UN Doc. FCCC/CP/2015/L.9/Rev/1 (12 December 2015); 2024 INSC 280.

(iii) How to strike a balance between contradictions between international and constitutional duties, such as India's commitments to renewable energy and the conservation of a critically endangered species.

The applicable rules of law include Articles 14, 21, 48A, and 51A(g) of the Indian Constitution, the Wild Life (Protection) Act of 1972, the Environment (Protection) Act of 1986, the Electricity Act of 2003, and India's commitments under the Paris Agreement of 2015 and the United Nations Framework Convention on Climate Change (UNFCCC) are among the relevant legal regulations. The Court drew from international jurisprudence, such as *State of the Netherlands v. Urgenda Foundation*<sup>4</sup>, and precedents, such as *M.C. Mehta v. Kamal Nath*<sup>5</sup> and *Virender Gaur v. State of Haryana*.<sup>6</sup>

## V. SUMMARY OF THE JUDGMENT

The Court noted the existence of an injunction against overhead transmission lines and modified its earlier order of 2021. The Court held that underground cables above 60kV have challenges such as high transmission losses, increased risk of hazards due to safety at joints, and impossible implementation in desert areas due to shifting sand dunes obscuring cable markers.<sup>7</sup> A general order of undergrounding transmission lines was not feasible as it was four to five times more expensive than overhead transmission lines.

In a landmark judgment, the Court enunciated a “right to be protected against harmful effects of climate change” under Articles 14 and 21. The reason given was right to life, includes right to equality, nutrition and good health, can never be fully realized without the guarantee of a healthy environment. The Court also clarified that in interpreting this right, the Indian obligation under the Paris Agreement should be taken into account as it requires the country to achieve net zero emission by 2070<sup>8</sup> and 50 percent renewable energy generation by 2030.

The Court constituted a seven-member Expert Committee comprising representatives from the Wildlife Institute of India, the Ministry of New and Renewable Energy and the Ministry of Environment to ascertain feasibility of undergrounding in priority areas recommend conservation measures for the GIB, and identify suitable alternatives for power line routing.

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<sup>4</sup> *State of the Netherlands v. Urgenda Foundation*, HR 20 December 2019, ECLI:NL:HR:2019:2006.

<sup>5</sup> *M.C. Mehta v. Kamal Nath*, (2000) 6 SCC 213.

<sup>6</sup> *Virender Gaur v. State of Haryana*, (1995) 2 SCC 577.

<sup>7</sup> 2024 INSC 280.

<sup>8</sup> UNFCCC, India's Updated First Nationally Determined Contribution Under Paris Agreement (2021–2030).

The Committee was directed to submit its report by 31 July 2024, with the matter listed for hearing in August 2024.

## **VI. CRITICAL ANALYSIS**

### **6.1 THE CONSTITUTIONAL INNOVATION: A NEW RIGHT**

The Court's recognition of a right against the harms of climate change is constitutionally bold. The Court has rightly used Articles 48A and 51A(g) which are non-justiciable directive principles as interpretative prisms to enlarge Article 21 as it did in *MC Mehta v. Kamal Nath*.<sup>3</sup> The judgment is bolstered by the global convergence of climate science and human rights law, including the explicit link between climate action and health, indigenous rights and equity in the Paris Agreement preamble. But the right remains under-operationalized: the judgment does not specify its contours, the correlative duty, or how violations are to be remedied.

### **6.2 ALIGNING CLIMATE AND BIODIVERSITY ACTION**

A major analytical breakthrough is the Court's framing of the GIB versus solar-energy dilemma as a clash of two conservation imperatives, not conservation versus development. It resists the utilitarian tendency to rank one environmental good against another. But the practical solution of yet another expert committee hints at an underlying judicial reluctance. Critics might say that the 2021 order was well-meaning but not well-supported by technical evidence, and the 2024 recalibration shows that. At the same time, the blanket ban without the interim protective mechanism for the GIB in the period before the report of the committee raises fears over the adequacy of protection for a species estimated to number fewer than 250 individuals.

### **6.3 EXPERTISE OF SPECIALISTS AND JUDICIAL RESTRAINT**

The decision is honest about the institutional limits of judicial review of technically complex environmental problems. The Court's observation that courts have to rely on domain experts before issuing sweeping directions is an implicit acknowledgment of the risk of judicial overreach in polycentric policy disputes. This epistemic humility is commendable and is in tune with the developing doctrine of proportionality in Indian constitutional law. However, the continued reliance on court-appointed committees, a feature of Indian environmental adjudication since the 1990s, raises accountability questions about the interface between judicial directions and executive implementation.

### **6.4 INTERNATIONAL LAW AND DOMESTIC IMPLEMENTATION**

The Court's invocation of the UNFCCC and the Paris Agreement as interpretive aids even absent domestic legislation is consistent with its approach in *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.*<sup>9</sup> and *Apparel Export Promotion Council v. A.K. Chopra*.<sup>10</sup> The Court rightly holds that international obligations, while not legislated domestically, must inform judicial reasoning where they do not conflict with domestic law.

## VII. IMPACT AND CONCLUSION

The case is a watershed in Indian environmental constitutionalism. The judgment shows the willingness of the Court to revisit past directions, thereby advancing the principle of evidence-based judicial review in the context of environmental issues. The long term impact on the GIB will depend upon the recommendations of the Expert Committee and their faithful implementation. India's renewable energy target of 500 GW by 2030 is non-negotiable from a climate perspective. But so is the survival of a species with fewer than 250 individuals.

In sum, the case underscores that courts adjudicating environmental disputes in the twenty-first century must grapple simultaneously with biodiversity law, energy policy, constitutional rights, and international climate obligations. The judgment is a significant, if incomplete, step toward a coherent Indian climate jurisprudence.

## FOOTNOTES AND REFERENCES

1. IUCN Red List, 'Great Indian Bustard' <https://www.iucnredlist.org/species/22691932/a134188105>
2. Conference of the Parties, Adoption of the Paris Agreement, UN Doc. FCCC/CP/2015/L.9/Rev/1 (12 December 2015); 2024 INSC 280.
3. *M.C. Mehta v. Kamal Nath*, (2000) 6 SCC 213.
4. *Virender Gaur v. State of Haryana*, (1995) 2 SCC 577.
5. *State of the Netherlands v. Urgenda Foundation*, HR 20 December 2019, ECLI:NL:HR:2019:2006.
6. *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280.

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<sup>9</sup> *Entertainment Network (India) Ltd. v. Super Cassette Industries Ltd.*, (2008) 13 SCC 30.

<sup>10</sup> *Apparel Export Promotion Council v. A.K. Chopra*, (1999) 1 SCC 759.

7. UNFCCC, India's Updated First Nationally Determined Contribution Under Paris Agreement (2021–2030); 2024 INSC 280.
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9. Apparel Export Promotion Council v. A.K. Chopra, (1999) 1 SCC 759.
10. <https://www.lawyersclubindia.com/judiciary/protecting-life-and-environment-supreme-court-recognises-the-right-against-adverse-effects-of-climate-change-under-article-21--7226.asp>
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12. The Wild Life (Protection) Act of 1972.
13. The Environment (Protection) Act of 1986.
14. The Electricity Act of 2003.
15. Paris Agreement, 2015,
16. United Nations Framework Convention on Climate Change (UNFCCC) resolution / adopted by the General Assembly (Adopted 20 January 1994).
17. UNFCCC, India's Updated First Nationally Determined Contribution under Paris Agreement (2021-2030).  
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