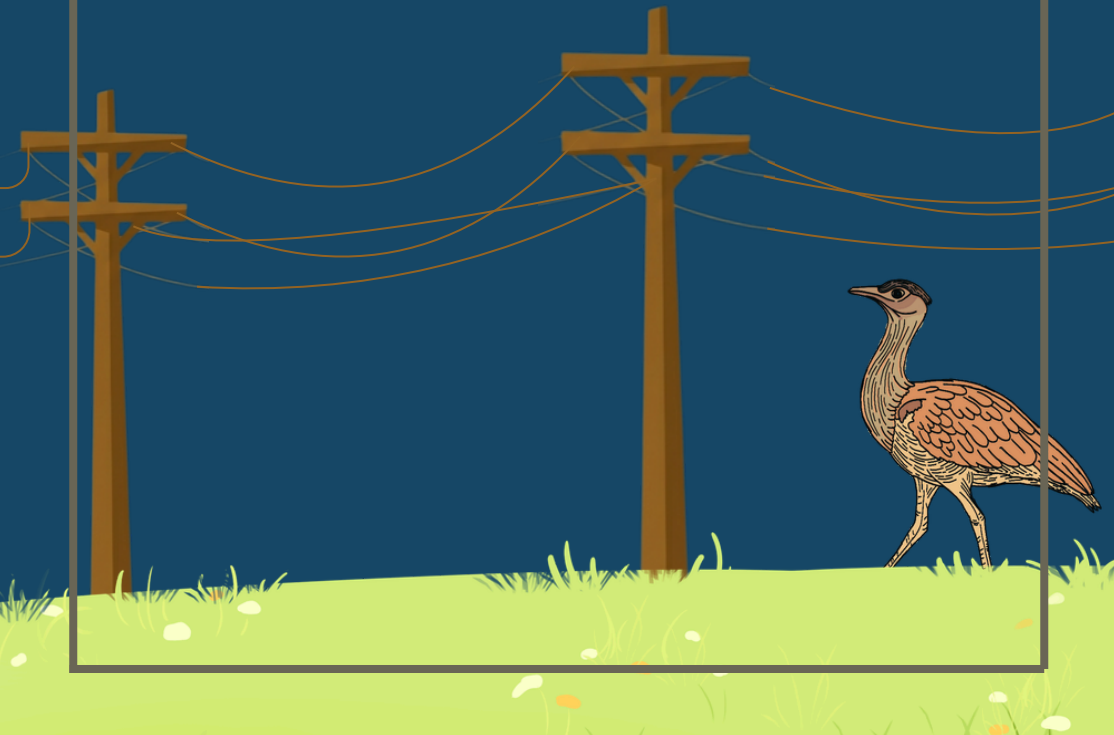
M K Ranjitsinh & Ors. Vs. Union Of India & Ors.

2024 INSC 280

DATE OF DECISION: March 21, 2024

BENCH :
Chief Justice Dr Dhananjaya Y Chandrachud,
Justices J B Pardiawala, Manoj Misra



CASE TIMELINE :

- From 2011, Great Indian Bustards (GIB) have been classified as critically endangered by IUCN. In the year 2013, Rajasthan government estimated the number of GIBs to be only 125. In this context of dwindling population of GIBs, Dr. M K Ranjitsinh, a renowned conservationist, and others, files a Writ petition (civil) no. 838 of 2019 invoking Supreme court's constitutional jurisdiction under article 32.

- Judgment dated 19 April 2021- Restrictions were imposed on the setting up of overhead transmission lines in large territory of over 99,000 sq km.

- 17th Nov 2021-Respondents submit IA No. 149293 of 2021- Requesting modification of directions issued through order dated 19th April 2021.

- Order of 19th January 2024- Directions for submission of Comprehensive Status report by Union of India.

- Order of March 21 2024- Order adjudicating application for modification.

KEY ARGUMENTS: PETITIONER'S

Petitioners argued that high-voltage overhead powerlines, wind turbines, and the rapid expansion of solar panels in critical habitats are leading causes of bird attrition. Invoking Article 32, they sought an emergency response plan, including an immediate embargo on new projects and the mandatory 'undergrounding' of all powerlines to prevent the species' extinction.

They sought directions for urgently framing and implementing emergency response plan for protection and recovery of GIB, including directions to install bird diverters, dismantling power lines, wind turbines, solar panels in and around critical habitats and provision of no grazing zones etc.

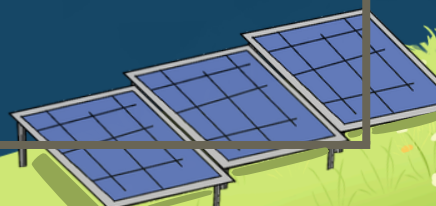


KEY ARGUMENTS: RESPONDENTS

The respondents, primarily the Union of India, argued that protecting the Great Indian Bustard must be balanced against India's urgent international climate commitments.

They contended that:

- A blanket direction would adversely impact India's international commitment under the Paris Agreement 2015 for transition to non fossil fuels.
- Areas coming under directions contain large proportion of solar and wind energy potential of the country.
- Underground high voltage power lines as practically impossible.



THE COURT HELD:

Para 53. “Unlike the conventional notion of sustainable development,... dillema here involves a nuanced interplay between safeguarding biodiversity and mitigating the impact of climate change.....”
“It is imperative to recognize the intricate interface between the conservation of an endagered species and the imperative of protecting against climate change.”

Indias commitment under international conventions:

The court, while referring to international commitments, specifically the Kyoto Protocol’s emission targets and the Paris Agreement’s NDCs, to reinforced India’s legal obligation to transition toward renewable energy.

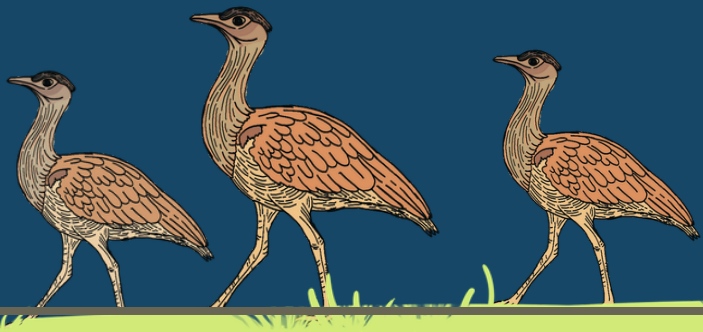
Part of India's committments under Paris agreement includes achieving 50% cumulative electric power installed capacity from non-fossil fuel- based energy resources by 2030.

In Paragraph 18, the court emphasizes that the renewable energy transition is more than an environmental necessity; it is a strategic investment in India's long-term resilience and a vital tool for social equity, ensuring affordable, clean energy reaches rural and underserved communities.

Importance of Solar power as renewable energy:

Addressing perennial challenege of extreme levels of pollution within Indian cities requires prioritsing the transition to clean and sustainable energy sources.

Para 36".....Significance of solar power lies in its capacity to significantly reduce reliance on fossil fuels, thereby curbing greenhouse gas emission responsible for global warming and climate change."



Right against climate change:

Para 24. “Despite a plethora of decision on the right to a clean environment...it is yet to be articulated that the people have a right against adverse effects of climate change...this is perhaps because this right and the right to a clean environment are two sides of the same coin...it is recognized by articles 14 and 21"

The judgement recognized existential threats faced by forest dwellers, alongside various tribal and indigenous populations. It emphasized that these communities are at a heightened risk of seeing their entire cultural heritage dismantled by environmental shifts. The Court reasoned that such profound disruptions to their traditional way of life demonstrate how climate change can directly undermine the constitutional guarantee of the right to equality.



Relevance:

Recognition of Fundamental Right against climate change: The Court officially declared a "right against the adverse effects of climate change," finding it to be an integral part of the Right to Life (Article 21) and the Right to Equality (Article 14).

India's extensive discussions on international conventions like the Paris Agreement underscore a constitutional duty to be aware of global climate concerns and fulfill greenhouse gas emission obligations.

Para 58. "....the court must be alive to these obligations while adjudicating writ petitions which seek reliefs that may hinder these obligations from being fulfilled...."

The case moves beyond a simple development-versus-environment binary, instead balancing two crucial elements of sustainable development: protecting the Great Indian Bustard and promoting solar energy.