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## THE GREEN DILEMMA: CAN WE SAVE THE CLIMATE WITHOUT KILLING THE ENVIRONMENT?

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### ABSTRACT

Are we stifling the very biodiversity we are trying to rescue in the fight against climate change? This article explores the legal conundrum of *M.K. Ranjitsinh v. Union of India*, where India's aspirations for solar energy are inextricably linked to the survival of the Great Indian Bustard (GIB), a critically endangered species. This paper asserts that a fundamental transition from binary conservationism to a nuanced balance of rights is demonstrated by the Supreme Court's historic declaration of a "Right against Climate Change." This demonstrates how the judiciary is updating the guidelines for sustainable development for the twenty-first century by examining the shift from the Court's original "blanket ban" on power lines to a practical "priority area" approach.

**Keywords:** Great Indian Bustard, Right against Climate Change, Green vs. Green Conflict, Renewable Energy Sustainable development.

## I. Introduction: The Collision Course

In the massive, dry Thar Desert, a deep ecological conundrum is developing. Here, the fight for life is between two existential environmental imperatives rather than between nature and industrial avarice. The Great Indian Bustard (GIB), a magnificent, heavy-flying bird known as the "Godawan," is on one side. With less than 150 individuals left, the species is in danger of going extinct<sup>1</sup>. On the other side is India's bold pledge to the Paris Agreement, which aims to fight global warming by making the sun-drenched regions of Gujarat and Rajasthan the world's hub for renewable energy<sup>2</sup>.

The conflict arises at the intersection of these goals: the high-voltage transmission lines essential for evacuating solar power have become "death traps" for the GIB, leading to fatal collisions that threaten to wipe out the species entirely<sup>3</sup>. This unique "Green vs. Green" conflict formed the crux of the landmark case, *M.K. Ranjitsinh & Ors. v. Union of India*<sup>4</sup> What began as a petition to bury power lines underground to save a bird evolved into a constitutional watershed moment, forcing the Supreme Court to answer a difficult question: Does the right to a healthy environment prioritize the immediate survival of a species, or the long-term survival of humanity against climate

From the Court's initial "ecocentric" directive in 2021<sup>5</sup>, which put a complete ban on overhead wires, to its more subtle course correction in 2024<sup>6</sup> and 2025<sup>7</sup>, this paper examines M.K. Ranjitsinh's jurisprudential journey The Court's historic recognition of a "Right to be free from the adverse effects of climate change" under Articles 14 and 21 of the Constitution is at the

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<sup>1</sup> Press Release, Ministry of Env't, Forest & Climate Change, *Protection of Great Indian Bustards* (Mar. 14, 2022), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1805796> (last visited Feb. 8, 2026).

<sup>2</sup> Press Release, Cabinet, *Cabinet Approves India's Updated NDC to Be Communicated to UNFCCC* (Aug. 3, 2022), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1847812> (last visited Feb. 8, 2026).

<sup>3</sup> Jacob Koshy, *Great Indian Bustard Nearing Extinction Due to High-Voltage Power Lines: Environment Ministry*, *The Hindu* (Dec. 03, 2021), <https://www.thehindu.com/news/national/great-indian-bustard-nearing-extinction-due-to-high-voltage-power-lines-environment-ministry/article61590712.ece> (last visited Feb. 8, 2026).

<sup>4</sup> *M.K. Ranjitsinh v. Union of India*, Writ Petition (Civil) No. 838/2019 (India Sup. Ct. Dec. 19, 2025), [https://api.sci.gov.in/supremecourt/2019/20754/20754\\_2019\\_6\\_1501\\_67109\\_Judgement\\_19-Dec-2025.pdf](https://api.sci.gov.in/supremecourt/2019/20754/20754_2019_6_1501_67109_Judgement_19-Dec-2025.pdf) (last visited Feb. 8, 2026).

<sup>5</sup> *M.K. Ranjitsinh v. Union of India*, (2021) 14 S.C.C. 446 (India), (last visited Feb. 8, 2026).

<sup>6</sup> *M.K. Ranjitsinh v. Union of India*, Writ Petition (Civil) No. 838/2019 (India Sup. Ct. Mar. 21, 2024), [https://api.sci.gov.in/supremecourt/2019/20754/20754\\_2019\\_1\\_25\\_51677\\_Judgement\\_21-Mar-2024.pdf](https://api.sci.gov.in/supremecourt/2019/20754/20754_2019_1_25_51677_Judgement_21-Mar-2024.pdf) (last visited Feb. 8, 2026).

<sup>7</sup> *M.K. Ranjitsinh v. Union of India*, Writ Petition (Civil) No. 838/2019 (India Sup. Ct. Dec. 19, 2025), [https://api.sci.gov.in/supremecourt/2019/20754/20754\\_2019\\_6\\_1501\\_67109\\_Judgement\\_19-Dec-2025.pdf](https://api.sci.gov.in/supremecourt/2019/20754/20754_2019_6_1501_67109_Judgement_19-Dec-2025.pdf) (last visited Feb. 8, 2026).

heart of this study. By dissecting the final judgment, this paper argues that the Supreme Court has successfully dismantled the choice between conservation and development, offering instead a new, pragmatic framework for the Anthropocene era where corporate environmental responsibility and species protection must coexist with the inevitable transition to green energy.

## II. Ecocentrism vs. Anthropocentrism

The adjudication of *M.K. Ranjitsinh* is not merely a dispute over power lines; it is a judicial battlefield where two competing environmental philosophies collided. On one hand lay the Ecocentric argument asserting the intrinsic value of non-human life i.e. The Right of the Species to Exist. On the other stood the Anthropocentric approach, prioritizing human survival through climate mitigation.

The petitioners' case was rooted in the principle of Ecocentrism—the belief that nature has an inherent right to exist, independent of its utility to humans. The Great Indian Bustard (GIB) was the “flagship species” of the grasslands at the center of this debate. The GIB’s biological weakness was the main theme of the story. The GIB is unable to navigate the network of high-voltage power lines that traverse its habitat since it is one of the heaviest flying birds on the planet and has poor frontal vision<sup>8</sup>. According to the petitioners, these transmission lines serve as “aerial guillotines,” driving a species that has fewer than 150 individuals in the wild closer to extinction. Legally, this strategy was based on the “Precautionary Principle”<sup>9</sup> and Article 48A<sup>10</sup> and Article 51A(g)<sup>11</sup> of the constitution.

The Union of India and proponents of renewable energy presented a counter-narrative that returned the focus to Anthropocentrism, but with a contemporary twist. They made the case for human survival against the existential threat posed by climate change, not for industrial profit. The Thar region, according to the respondents, is not only a refuge for birds but also the “battery of India,” which is essential for capturing wind and solar energy. They contended that a complete prohibition on power lines would make renewable energy projects both technically and financially impossible (since burying high-voltage lines is so expensive). They proposed

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<sup>8</sup> *Supreme Court Strikes a Fine Balance to Save the Great Indian Bustard*, NEW INDIAN EXPRESS (Dec. 26, 2025), <https://www.newindianexpress.com/xplore/2025/Dec/26/supreme-court-strikes-a-fine-balance-to-save-the-greatindian-bustard> (last visited Feb. 8, 2026).

<sup>9</sup> *M.K. Ranjitsinh v. Union of India*, (2021) 14 S.C.C. 446, 471 (India) (applying the precautionary principle to prioritize species conserv. over indus. dev.).

<sup>10</sup> INDIA CONST. art. 48A (mandating the State to protect & improve the env't).

<sup>11</sup> INDIA CONST. art. 51A, cl. g (imposing a fund. duty on citizens to show compassion for living creatures).

that delaying these initiatives in order to protect a single species will impede India's move away from fossil fuels, putting millions of lives at risk from global warming. The State also emphasized India's pledges to cut carbon emissions and reach Net Zero by 2070 under the Paris Agreement<sup>12</sup> and the UNFCCC. They proposed that delaying these initiatives in order to protect a single species will impede India's move away from fossil fuels, putting millions of lives at risk from global warming.

This biocentric viewpoint peaked with the Supreme Court's first ruling in April 2021. By requiring undergrounding over a vast 99,000 square kilometers and imposing a complete prohibition on overhead lines, the Court effectively stated that the loss of a species is an unavoidable cost of growth, even "green" development. The Court served as the *parens patriae* for both the bird and its residents. However, a move in favor of this anthropocentric viewpoint was signaled by the Supreme Court's later revision of its ruling. The Court made history by incorporating the "Right to be free from the adverse effects of climate change" into the fundamental rights to equality (Article 14) and life (Article 21)<sup>13</sup>.

### III. The Synthesis: From Conflict to Coexistence

A crucial insight was revealed by the conflict between these two points of view: renewable energy is "green" for the climate (at the macro level), but it can be "grey" for local biodiversity (at the micro level).

The 2025 Judgment, the final resolution, marks a departure from the 2021 pure biocentrism. The Court recognized that although the GIB must be safeguarded, this cannot mean that climate infrastructure must completely stop by recalling the blanket ban and implementing an expert-led "Priority Area" approach<sup>14</sup>. In order to prevent the GIB from being viewed as simply collateral damage in the fight against climate change, it shifted toward a paradigm of "Sustainable Stewardship," where human energy requirements are satisfied while maintaining stringent, scientifically grounded restrictions.

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<sup>12</sup> Press Release, Ministry of Sci. & Tech., *India Is Committed to Achieve the Net Zero Emissions Target by 2070* (Sept. 28, 2023), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1961797> (last visited Feb. 8, 2026) (reaffirming the *Panchamrit* action plan announced at COP26).

<sup>13</sup> *M.K. Ranjitsinh v. Union of India*, Writ Petition (Civil) No. 838/2019, slip op. at 22 (India Sup. Ct. Mar. 21, 2024) (reading the right to be free from adverse climate effects into Arts. 14 & 21); INDIA CONST. art. 14 (guaranteeing equality before law); INDIA CONST. art. 21 (guaranteeing protection of life & pers. liberty).

<sup>14</sup> *M.K. Ranjitsinh v. Union of India*, Writ Petition (Civil) No. 838/2019, slip op. at 58–60 (India Sup. Ct. Mar. 21, 2024) (modifying the Apr. 2021 order & constituting a Comm. to balance conserv. with ren. en. goals).

#### IV. The Constitutional Plot Twist (March 2024) and the Final Resolution (December 2025)

The "Constitutional Plot Twist" of March 2024, in which the Supreme Court radically reframed the dispute by reading the "Right to be free from the adverse effects of climate change" straight into Articles 14 and 21, marked the pinnacle of M.K. Ranjitsinh's jurisprudential arc<sup>15</sup>. By recognizing for the first time that India's commitments to renewable energy are not only financial objectives but also crucial to the fundamental Right to Life, this doctrinal breakthrough broke down the previous dichotomy between species protection and development.

This theoretical change was translated into a practical plan in the December 2025 Resolution, when the Court, under the direction of an Expert Committee, substituted a calibrated "zoning" strategy for the impractical blanket prohibition on overhead lines. The final judgment effectively balanced the biological survival of the species with the demands of a climate-resilient future by limiting certain "Priority Areas" (roughly 14,000 sq. km) for strict GIB protection—forbidding new large solar projects and requiring the undergrounding of critical lines by 2028—while allowing regulated infrastructure in other areas through designated "Powerline Corridors." This effectively determined that the path to sustainability requires navigating, rather than ignoring, these complex trade-offs<sup>16</sup>.

#### V. Critical Analysis: Who Won?

Declaring a certain "winner" in the M.K. Ranjitsinh adjudication is a complex legal and ecological issue. The dichotomous expectation that environmental litigation must conclude with a resounding win for Nature over Industry is destroyed by the ruling. Rather, it shows a balanced scorecard in which both parties achieved important advantages at high expenses.

The creation of a 14,013 square kilometer "Priority Area" where new large-scale renewable energy projects are essentially prohibited is the most obvious win. This creates a dedicated

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<sup>15</sup> Parul Kumar & Abhayraj Naik, *India's New Const. Climate Right: Examining the Significance of M.K. Ranjitsinh*, VERFASSUNGSBLOG (Apr. 25, 2024), <https://verfassungsblog.de/indias-new-constitutional-climate-right/> (last visited Feb. 8, 2026).

<sup>16</sup> *M.K. Ranjitsinh v. Union of India*, Writ Petition (Civil) No. 838/2019, slip op. at 50, 60, 64–66 (India Sup. Ct. Dec. 19, 2025), [https://api.sci.gov.in/supremecourt/2019/20754/20754\\_2019\\_6\\_1501\\_67109\\_Judgement\\_19-Dec-2025.pdf](https://api.sci.gov.in/supremecourt/2019/20754/20754_2019_6_1501_67109_Judgement_19-Dec-2025.pdf) (last visited Feb. 8, 2026) (adopting the "Revised Priority Area" of 14,013 sq. km & directing mitigation measures be completed within 2 yrs.).

sanctuary for the Great Indian Bustard (GIB), shielding its core breeding grounds from further industrial encroachment. The mandatory undergrounding of critical lines and the retrospective order to mitigate existing hazards by 2028 are significant, hard-fought wins that legalize the "Species Best Interest" standard<sup>17</sup>.

However, the reduction of the protected zone from the original 99,000 sq. km (Potential Area) to just the Priority Area is a massive concession. By allowing overhead lines in the "Potential Areas" (albeit with bird diverters, whose efficacy remains debated), the Court effectively ceded vast tracts of the bird's historical range to solar developers. The GIB has been "zoned" into survival, rather than being granted freedom of the entire sky.

The recognition of "Right against Climate Change" provides a constitutional shield for renewable energy projects<sup>18</sup>. Future green infrastructure projects can now defend themselves against local environmental challenges by citing this fundamental right. The recall of the "blanket ban" on overhead lines saved the industry billions in undergrounding costs and prevented the stalling of India's 500GW renewable energy target.

## VI. Conclusion

The saga of *M.K. Ranjitsinh & Ors. v. Union of India* serves as a stark reminder that the Anthropocene offers no easy answers. The straightforward morality dramas of the 20<sup>th</sup> century, when the distinction between "polluter" and "protector" was obvious, are no longer relevant. Today, the "Green Dilemma"—where the path to saving the earth may periodically trample sections of it—must be navigated in the struggle for a sustainable future.

The evolution of environmental jurisprudence is reflected in the Supreme Court's shift from an idealistic ban to a practical compromise. The paralysis of the "Precautionary Principle" is rejected in favor of "Sustainable Stewardship." The Court has found a middle ground by acknowledging that people and their energy requirements are not distinct from nature, but rather intricately intertwined with it.

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<sup>17</sup> *M.K. Ranjitsinh v. Union of India*, Writ Petition (Civil) No. 838/2019, slip op. at 43, 66 (India Sup. Ct. Dec. 19, 2025 (reaffirming the "Species Best Interest" standard and directing the undergrounding of critical power lines within 2 years).

<sup>18</sup> *Right Against Climate Change Part of Right to Life, Equality: Read the Supreme Court's Exact Arguments, Down To Earth* (Apr. 8, 2024), <https://www.downtoearth.org.in/climate-change/right-against-climate-change-part-of-right-to-life-equality-read-the-supreme-court-s-exact-arguments-95458> (last visited Feb. 8, 2026).

The lawsuit's ultimate philosophical takeaway—that people should behave as "trustees," not owners, of the planet—is ultimately what this case is truly known for. The ruling provides us with a legal framework that requires business balance sheets to take biodiversity into account, and the Constitution shields us from both the state and the warming sky. The legal framework for a future that is biodiverse and climate resilient has now been irrevocably established, albeit it is unclear if this balance will be sufficient to conserve the Great Indian Bustard. Although it might be the first species to test this equilibrium, the GIB won't be the last.