

ITEM NO.25

COURT NO.1

SECTION PIL-W

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Writ Petition(s)(Civil) No(s). 838/2019

M.K. RANJITSINH &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

([ TO BE TAKEN UP AT 03.00 P.M. ]

(IA No. 1731/2021 - APPLICATION FOR PERMISSION IA No. 100410/2022 - APPLICATION FOR PERMISSION IA No. 15949/2023 - APPLICATION FOR SUBSTITUTION IA No. 85618/2020 - APPROPRIATE ORDERS/DIRECTIONS IA No. 141842/2021 - APPROPRIATE ORDERS/DIRECTIONS IA No. 224191/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 99072/2023 - APPROPRIATE ORDERS/DIRECTIONS IA No. 126273/2020 - CLARIFICATION/DIRECTION IA No. 95438/2019 - CLARIFICATION/DIRECTION IA No. 1732/2021 - EXEMPTION FROM FILING AFFIDAVIT IA No. 95435/2019 - EXEMPTION FROM FILING O.T. IA No. 185929/2022 - EXEMPTION FROM FILING O.T. IA No.100378/2022 - EXTENSION OF TIME IA No. 142870/2021 - INTERVENTION/IMPLEADMENT IA No. 100370/2022 - INTERVENTION/IMPLEADMENT IA No. 7924/2021 - INTERVENTION/IMPLEADMENT IA No.157733/2021 - INTERVENTION/IMPLEADMENT IA No. 149293/2021 - MODIFICATION IA No. 142880/2021 - MODIFICATION OF COURT ORDER IA No. 6537/2022 - MODIFICATION OF COURT ORDER IA No. 160225/2021 - MODIFICATION OF COURT ORDER IA No. 175761/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 142882/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No.15066/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 43441/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 3570/2022 (XVII)

( IA No.67320/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.67324/2022-STAY APPLICATION and IA No.67319/2022-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 21-03-2024 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.  
Mr. Prashanto Chandra Sen, Sr. Adv.  
Ms. Sonia Dube, Adv.  
Ms. Kanchan Yadav, Adv.  
Ms. Anshula L Bakhru, Adv.  
Ms. Surbhi Anand, Adv.  
Mr. Arpith Jacob Varaprasad, Adv.  
Ms. Muskan Nagpal, Adv.  
Mr. Tanishq Sharma, Adv.  
Ms. Saumya Sharma, Adv.  
M/S. Legal Options, AOR

Petitioner-in-person

For Respondent(s) Mr. R Venkataramani, AGI  
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Mr. Ankur Talwar, Adv.  
Mr. Shyam Gopal, Adv.  
Ms. Chinmayee Chandra, Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Mr. Chitvan Singhal, Adv.  
Mr. Raman Yadav, Adv.  
Mr. Kartikay Aggarwal, Adv.  
Mr. Abhishek Kumar Pandey, Adv.  
Ms. Ameya Vikrama Thanvi, Adv.  
Mr. Mukesh Kumar Singh, Adv.  
  
Mr. Shiv Mangal Sharma, A.A.G.  
Ms. Nidhi Jaiswal, Adv.  
Mr. Saurabh Rajpal, Adv.  
Ms. Shalini Singh, Adv.  
Mr. Sandeep Kumar Jha, AOR  
  
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Mr. Milind Kumar, AOR  
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Mr. Rahul Chitnis, Adv.  
Mr. Siddharth Dharmadhikari, Adv.  
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Mr. Aditya Krishna, Adv.  
Ms. Preet S. Phanse, Adv.  
Mr. Adarsh Dubey, Adv.

Ms. Swati Ghildiyal, AOR  
Ms. Devyani Bhatt, Adv.

Mr. Saurabh Mishra, A.A.G.  
Mr. Sunny Choudhary, AOR  
Mr. Abhimanyu Singh Ga, Adv.  
Mr. Shashank Shekhar, Adv.

Mr. Santosh Krishnan, AOR  
Mr. Girish Chowdhary, Adv.  
Ms. Sonam Anand, Adv.  
Mr. Shaik Mohammed Haneef, Adv.  
Ms. Deepshikha Sansanwal, Adv.

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Mr. Shreay Saini, Adv.  
Mr. Tarun Sharma, Adv.  
Mr. Ezaj . M Qureshi, Adv.  
Mr. Animesh Rajoriya, Adv.

Mr. M.g. Ramchandran, Sr. Adv.  
Ms. Hemantika Wahi, AOR  
Ms. Jesal Wahi, Adv.  
Ms. Ranjitha Ramchandran, Adv.

Mr. Dr. Manish Singhvi, Sr. Adv.  
Mr. Rohit K. Singh, AOR

Mr. Ranji Thomas, Sr. Adv.  
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Mr. Aakashdeep Singh Roda, Adv.

Ms. Pooja Singh, Adv.

Mr. B P Singh, Adv.

Mr. Devendra Singh, AOR

Mrs. Priya Puri, AOR

Mrs. Arundhati Katju, Adv.

Mrs. Smriti Sinha, Adv.

Mr. Sharad Kumar Puri, Adv.

Mr. Vishwa Deepak Singh, Adv.

Mrs. Pinki Aggarwal, Adv.

Ms. Parul Shrama, Adv.

Mr. Ankur Sood, AOR

Mr. Gaurav Singh, Adv.

Mr. Varun Agarwal, Adv.

Mr. Vishrov Mukerjee, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Girik Bhalla, Adv.

Mr. Damodar Solanki, Adv.

Mr. Karun Sharma, Adv.

Ms. Rajkumari Divyasana, Adv.

Mr. S. S. Shroff, AOR

Mr. Mahesh Agarwal, Adv.

Mr. Arshit Anand, Adv.

Ms. Kamakshi Sehgal, Adv.

Mr. E. C. Agrawala, AOR

**UPON hearing the counsel the Court made the following  
O R D E R**

1 The operative part of the reportable judgment reads as under :

63. During the course of the hearing, we had requested Mr Shyam Divan, senior counsel appearing on behalf of the petitioners, Mr R Venkataramani, Attorney General for India, Mr. Tushar Mehta, Solicitor General of India, and Ms Aishwarya Bhati, Additional Solicitor General to propose

names of experts for the constitution of a Committee to perform the task which the Court will assign to it.

64. Having received their suggestions and upon evaluating them, we constitute an Expert Committee, the composition of which will be as follows:

- (i) Director, Wildlife Institute of India, Dehradun;
- (ii) Dr Hari Shankar Singh, Member, National Board for Wildlife;
- (iii) Dr Niranjana Kumar Vasu, Former Principal Chief Conservator of Forest;
- (iv) Mr B Majumdar, former Chief Wildlife Warden and Principal Chief Conservator of Forest, Maharashtra;
- (v) Dr Devesh Gadhave, Deputy Director, The Corbett Foundation.
- (vi) Shri Lalit Bohra, Joint Secretary (Green Energy Corridor), Ministry of New and Renewable Energy; and
- (vii) Joint Secretary, Ministry of Environment, Forests and Climate Change.

65. Since the work of the Committee, as assigned below, would also traverse the area of the setting up of transmission lines to facilitate solar power generation, we direct that the Committee shall consist of the following two special invitees:

- (i) Shri Ashok Kumar Rajpur, Member Power Systems, Central Electricity Authority; and
- (ii) Mr. PC Garg, Chief Operating Officer, Central Transmission Utility of India Ltd.

66. The remit of the Committee which has been appointed by the Court shall encompass the following:

- a. Determining the scope, feasibility and extent of overhead

and underground electric lines in the area identified as priority areas in the reports of the Wild Life Institute of India in the States of Rajasthan and Gujarat;

- b. The need for adopting conservation and protection measures for the GIB as well as other fauna specific to the topography;
- c. Identification of the measures to be adopted in the priority areas to ensure the long-term survival of the GIB and facilitating an increase in its population. Such measures may include habitat restoration, anti-poaching initiatives, and community engagement programs;
- d. Evaluating the potential consequences of climate change on GIB habitats, considering factors such as shifting precipitation patterns, temperature extremes, habitat degradation and developing adaptive management strategies to enhance their resilience;
- e. Identification of suitable options in the context of sustainable development in the matter of laying power lines in the future. The alternatives identified should balance the conservation and protection of the GIB with the arrangement of power lines in a manner that would facilitate the fulfilment of the international commitments made by India for developing renewable sources of energy.
- f. Engaging with relevant stakeholders, including government agencies, environmental organizations, wildlife biologists, local communities, and energy industry representatives, to solicit inputs, build consensus, and promote collaborative efforts towards achieving conservation and sustainable development goals;
- g. Conducting a thorough review of conservation efforts and innovative approaches in similar contexts globally, such as the Houbara Bustard in the Middle East or the Black Stilt in New Zealand, to inform best practices;
- h. Implementing a robust monitoring and research program to track GIB populations, habitat dynamics, and the effectiveness of conservation measures over time. This may include employing techniques such as satellite

tracking, camera trapping, and ecological surveys to gather essential data for informed decision-making; and

- i. Adopting any additional measures both in regard to the priority and potential areas, as the Committee considers appropriate including considering the efficacy and suitability of installing bird diverters on existing and future power lines on the basis of a scientific study. The installation of sub-standard bird diverters which are of a poor quality would give the impression that conservation efforts are underway even as such efforts are destined for failure. Hence, it is of utmost importance to ensure that any direction by the Committee to install bird diverters by any party whose activities concern the GIB (including private operators) is implemented by installing bird diverters of a requisite standard and quality. Accordingly, if the Committee is of the view that the installation of bird diverters would subserve the conservation of the GIB species, it shall identify the indicators of high-quality bird diverters and specify the parameters that they must meet before they are installed. The Central Electricity Authority, Ministry of Power has released a document titled 'Technical Specification for Bird Flight Diverter'. These specifications concern the GIB in particular. By its undated letter to various power transmission companies and other concerned parties, the Central Electricity Authority noted that it had received complaints stating that the quality of the bird diverters being installed was unsatisfactory. It also requested the addressees to install diverters which are of a high quality. The relevant portion of the letter is extracted below:

"We are in receipt of complaint/representation that poor quality bird flight diverters are being installed on the lines and sometimes disc of bird diverter is found strewn in the farm and land below transmission lines that may be due to poor quality of the product, inadequate design by manufacturer, not installed properly due to lack of experienced manpower etc.

CEA's "Technical Specifications for Bird Flight Diverter" were prepared after consultation with utilities and manufacturers. The document specifies that the minimum expected service life of the bird flight diverter

should be at least 15 years and to ensure that the supplied bird diverter is of good quality, various tests have also been specified. To safeguard the Great Indian Bustard which is on the verge of extinction and other birds, you are requested to take necessary action so that good quality bird flight diverters are installed which shall be durable and effective for whole life and to be installed by experienced professionals so that these diverters can serve their designated purpose.”

67. The Committee shall be at liberty to assess the efficacy of bird diverters and subject to its own findings on efficacy, to lay down specifications for bird diverters with due regard to the parameters specified by the Central Electricity Authority. It shall also identify the number of bird diverters required for the successful implementation of conservation efforts. In this regard, the Committee may also consider the recommendations of the technical expert committee constituted by the Ministry of Power by OM No 25–7/42/2019 – PG dated 27 May 2022.
68. The injunction which has been imposed in the order dated 19 April 2021 in respect of the area described as the priority and potential areas shall accordingly stand recalled subject to the condition that the Expert Committee appointed by this Court may lay down suitable parameters covering both the priority and potential areas.
69. In the event that the Committee considers it appropriate and necessary to do so, it would be at liberty to recommend to this Court any further measures that are required to enhance the protection of the GIB. This may include identifying and adding suitable areas beyond the designated priority zones outlined above, if deemed crucial for the conservation of the species. Such additional areas could serve as vital habitats, corridors, or breeding grounds for the GIB, contributing significantly to its long-term survival.
70. We request the Committee to complete its task and submit a report to this Court through the Union Government on or before 31 July 2024.
71. In its affidavit, the Union of India has detailed the steps it

has taken thus far and has also undertaken to implement a host of measures in the future, which are aimed at conserving the critically endangered GIB. They include:

- a. The Ministry of Environment, Forest and Climate Change has implemented the national GIB Project which undertakes ex-situ conservation measures to provide and conserve habitats into which captive bred birds may be released. Insulation breeding centres will be established in range states other than Rajasthan where they do not currently exist. In-situ operations will be implemented in the desert National Park Sanctuary, Rajasthan, Kachch Bustard Sanctuary, Gujarat, Great Indian Bustard Sanctuary, Maharashtra, Rollapadu Sanctuary, Andhra Pradesh, Ranebennur Sanctuary, Karnataka and Ghatigao Sanctuary, Madhya Pradesh;
- b. Predator-proof enclosures will be developed to prevent the entry of predators including foxes, mongooses, hedgehogs, and monitor lizards. Anthropogenic activities will not take place in these enclosures;
- c. Local grass seed dissemination will be used to restore degraded grasslands. Water will be supplied to these grasslands;
- d. Undesirable and invasive species will be eliminated to make the grasslands more friendly to GIBs released from captivity;
- e. GIB movement shall be monitored using satellite telemetry;
- f. Ongoing administration and maintenance will include the repair and restoration of water points and historic watch towers as well as the maintenance of existing fences and fire lines;
- g. 'National Bustard Day' will be celebrated to highlight the need for conservation;
- h. Capacity building programmes will be conducted and collaboration with scientific organisations will be

fostered. Further, local stakeholders will be involved in initiatives aimed at conserving the GIB and awareness programs will be implemented in the relevant areas;

- i. As the majority of villages and settlements in the concerned region depend on grasslands for the supply of fodder, the pastures in these lands are in need of revival. These lands will be revived and innovative strategies of fodder management will be implemented; and
  - j. The conservation activities detailed above will be upscaled from the financial year commencing on 1 April 2024 and will continue for at least ten years.
72. The Union of India and the concerned ministries are directed to implement the measures described in the preceding paragraph, which it has undertaken to implement. Further, they are directed to continue implementing the measures detailed in paragraph 8(d) of this judgment. The directions contained in the order dated 19 April 2021 shall accordingly stand substituted by those contained in the present judgment. The project clearances which have been granted pursuant to the recommendations of the earlier committee appointed in terms of the order dated 19 April 2021 shall not be affected by the present judgment.
73. This Court records its appreciation to the work which was done by the Committee which was appointed in terms of the order dated 19 April 2021.
74. List in the second week of August 2024 for consideration of the report of the expert committee appointed in terms of the present judgment.”

**(GULSHAN KUMAR ARORA)**  
AR-CUM-PS

**(SAROJ KUMARI GAUR)**  
ASSISTANT REGISTRAR

**(Signed order is placed on the file)**