



COMMERCIAL/CORPORATE

ENVIRONMENT

The Great Indian Bustard Judgment: Redefining Corporate Social Responsibility As Environmental Duty

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PUBLISHED 16 January 2026

Introduction

Corporate Social Responsibility (CSR) in India has traditionally been perceived as a mechanism of redistributive welfare, focused on education, healthcare, sanitation, and poverty alleviation etc. environmental protection, though statutorily listed within the CSR framework, often remained peripheral in corporate decision-making. In *M.K. Ranjitsinh & Others v. Union of India*¹, the Supreme Court has decisively dismantled this artificial separation between social welfare and environmental protection, holding that Corporate Social Responsibility inherently includes Corporate Environmental Responsibility.

Delivered against the backdrop of the imminent extinction of the Great Indian Bustard, GIB (*Godawan*), the judgment marks a jurisprudential shift: CSR is no longer charity, discretion, or reputational branding, it is a constitutional and fiduciary obligation flowing from Article 48A and 51A(g), read with sections 135 and 166 of the Companies Act, 2013. The Court situates corporations as constitutional actors whose economic activities must coexist with ecological preservation.

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Factual Background

The litigation traces its origin to a writ petition filed under Article 32 of the Constitution in 2019 by environmentalist M.K Ranjitsinh, seeking urgent judicial intervention to avert the extinction of the Great Indian Bustard (*Godawan*) and the Lesser Floricant. Both species inhabit the arid and semi-arid grasslands of Rajasthan and the Gujarat, ecosystems that have rapidly shrunk due to industrialisation, infrastructure development, and unplanned energy expansion.

The Great Indian Bustard holds ecological significance and deep cultural and historical importance. Revered in Rajasthan as *Godawan*, it has been associated with desert communities, folklore, and the ethos of resilience in arid landscape. Despite this, its population has witnessed a precipitous decline over the last few decades. As early as 2011, the International Union for Conservation of Nature (IUCN) classified the species as “Critically Endangered”, a status reaffirmed in subsequent assessments also.

By 2013, Rajasthan authorities estimated the population at approximately 125 birds, while independent assessments placed the number of mature individuals between 50-249. The most significant contributor to mortality has been collisions with overhead power transmission lines, particularly those installed for renewable and non-renewable energy projects in high wind potential zones.

In April 2021, the Supreme Court issued an interim order imposing wide-ranging restrictions on overhead transmission lines across nearly 99,000 square kilometres in Rajasthan and Gujarat. It also directed the installation of bird diverters and appointed

a committee to assess the feasibility of undergrounding the power lines. However, by November 2021, the Union Government and concerned ministries sought modification of the order, citing serious adverse implications for India's renewable energy commitments under the Paris Agreement, technical infeasibility of undergrounding high-voltage lines, and the disproportionate breadth of restricted areas.

Recognizing the complexity of the competing environmental priorities including species conservation and climate mitigation, the Court, in March 2024, constituted a high-level Expert Committee to recommend scientifically sound and balanced measures. The present judgment accepts and builds upon those recommendations while simultaneously expanding the jurisprudence on corporate responsibility.

Legal Framework Governing CSR and Environmental Responsibility

The Court's reasoning rests upon a carefully interwoven constitutional, statutory, and doctrinal framework.

Constitutional provisions:

- *Article 48A*: (Directive Principles), mandates the State to protect and improve the environment and safeguard forests and wildlife.
- *Article 51A(g)*: (Fundamental Duties), imposes a duty on every citizen *"to protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures"*.

The Court extended this duty to corporations, recognising them as legal persons and institutional citizens within the constitutional order.

Companies Act, 2013:

- *Section 135*: Institutionalise CSR as a mandatory obligation for qualifying companies upon meeting the threshold limit set.
- *Section 166(2)*: expands directors' fiduciary duties beyond shareholders to include employees, communities, and environmental protection.
- *Schedule VII*: Explicitly includes environmental sustainability, ecological balance, wildlife protection, and conservation of natural resources as CSR activities.

Environmental Law Principles

- *Polluter Pays Principle*: requires entities causing environmental harm to bear the cost of remediation.
- *Species Best Interest Standard*: Prioritises survival of endangered species over commercial and industrial considerations.
- *Public Trust Doctrine*: recognises natural resources as assets held in trust for present and future generations.

Together, these frameworks dismantle the notion that environmental protection is optional or peripheral to corporate governance.

Issues Before the Court

1. Whether Corporate Social Responsibility under Indian Law inherently includes environmental and wildlife protection?
2. Whether corporations can claim CSR compliance while contributing to ecological degradation or whether CSR funds may be constitutionally directed towards species conservation?
3. How competing imperatives of renewable energy development and biodiversity protection should be reconciled?

Submission of the Parties

The *Petitioners* urged the Court to prioritise the survival of the GIB, arguing that without immediate and stringent measures, extinction was inevitable. They sought blanket restrictions on overhead power lines, mandatory conservation funding, and continuous judicial oversight with many other recommendations to protect the endangered species.

The *Union of India* and *energy sector stakeholders* argued that absolute restrictions threatened India's renewable energy transition, energy security, and International climate obligations. They advocated for targeted mitigation, technological solutions, and expert-led decision making rather than judicial absolutism.

And therefore, the expert committee was established for the recommendation by the Supreme Court.

Judicial Analysis and Constitutional Reasoning

The Court began by situating the GIB's within India's ecological and cultural consciousness:

"Luckily for one giant bird, they have such eyes.....then people came and built wind turbines, and cables between tall pylons.....Now the species is almost extinct."

CSR as a Paradigm Shift

The Court categorically held:

"The legal formation of Corporate Social Responsibility (CSR) in India is intended to mark a paradigm shift from voluntary philanthropy to statutory obligation."

It observed that Section 135 reflects a deeper philosophy:

"Corporate profit is not solely the private property of shareholders but is parity owed to the society that enables its generations. The magic of legitimacy is in the perspective that private property is a trust."

"Therefore, the corporate definition of "Social Responsibility" must inherently include "Environmental Responsibility." Companies cannot assert to be socially responsible while ignoring equal claims of the environment and other beings of the ecosystem. The Constitution of India, under Article 51A(g), imposes a fundamental duty on every citizen "to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures."

Reframing Corporate Governance

Rejecting the shareholders primacy, the Court stated: *"Historically, a director's primary duty was to maximize value for shareholders. However, Section 166(2).....dismantled this narrow view."*

Directors are now bound to act *"for the best interests of the company, its employees, the shareholders, the community, and for the protection of environment."*

Constitutionalisation of CSR

Invoking the Article 51A(g), the Court rules:

"A corporation, as a legal person and a key organ of society, shares this fundamental duty."

CSR funding for environmental protection was declared mandatory:

"Allocating funds for the protection of environment is not a voluntary act of charity but a fulfilment of a constitutional obligation."

Species protection and Corporate Liability

The Court reaffirmed:

"Where corporate activities....threaten the habitat of endangered species, the 'Polluter Pays' principle mandates that the company bears the cost of species recovery."

CSR funds must therefore be directed towards:

"Ex-situ and in- situ conservation efforts to prevent extinction."

Decision and Direction of the Court

The Court delivered a judgment that simultaneously restructures India's wildlife conservation strategy and redefines the legal contours of Corporate Social Responsibility. Accepting the recommendations of the Expert Committee, the Supreme Court issued set of calibrated, enforceable directions aimed at ensuring the survival of the Great Indian Bustard while reconciling conservation imperatives with developmental realities.

Approval of Revised priority Conservation Areas

The Court approved the revised priority conservation areas identified by the Expert Committee, demarcating 14,013 sq. km. in Rajasthan and 740 sq. km. in Gujarat as ecologically critical for the survival of the Great Indian Bustard. These areas represent the species' last viable habitats and were delineated after extensive field studies, satellite tracking, and stakeholder consultations.

Rejecting the petitioners' request to further expand the priority zone in Rajasthan by including the Rasla-Degrai Oran region, the Court held that judicial intervention must defer to scientific expertise when conservation boundaries are drawn on ecological, rather than emotional considerations. The revised demarcation was found to be rational, evidence-based, and proportionate.

Restrictions on Renewable Energy and Power Infrastructure

Within the approved priority conservation areas, the Court imposed stringent restrictions on renewable energy projects. It directed that:

- No new wind turbines shall be installed.
- No new solar parks or solar power plants exceeding 2MW capacity shall be permitted.
- Expansion of existing solar parks within these areas is prohibited.

The Court clarified that these restrictions were necessary to prevent further habitat fragmentation and collision risks, particularly in regions where renewable infrastructure has already placed disproportionate pressure on the species survival.

Further, the Court prohibited the installation of new overhead power transmission lines, except those of 11 KV and below, within priority areas. Any unavoidable overhead lines were required to pass only through dedicated power corridors identified by the Expert Committee, thereby consolidating infrastructure and reducing the spatial footprint of transmission networks.

Targeted Undergrounding and Rerouting of Power Lines

Departing from its earlier blanket approach, the Court accepted the Committee's recommendation for targeted undergrounding and rerouting, recognising technical, economic, and safety constraints associated with high-voltage lines.

Accordingly the Court directed:

- Immediate undergrounding of 80 kilometres of 33 KV transmission lines in Rajasthan;
- Rerouting or mitigation of identified 66 KV and above lines passing through critical bustard habitats;
- Undergrounding of approximately 250 kilometres of critical transmission lines identified by the Wildlife Institute of India, to be completed within 2 years.

The responsibility for monitoring compliance was placed on the Inspector General, Wildlife Division, Ministry of Environment, Forest and Climate Change, ensuring administrative accountability rather than mere advisory oversight.

Scientific Evaluation of Bird Flight Diverters

While acknowledging the potential of Bird Flight Diverters as a mitigation tool, the Court declined to impose their blanket installation across all transmission lines. It noted concerns regarding their long-term effectiveness, maintenance challenges, and inconsistent scientific validation.

The Court therefore directed that further empirical studies and pilot projects be undertaken by the Wildlife Institute of India in collaboration with at least one independent expert agency.

Emphasis on In-Situ Conservation and Community Participation

The Judgment places substantial emphasis on in-situ conservation as the cornerstone of species protection. The Court directed intensified efforts towards:

- Restoration and protection of native grasslands;
- Predator management strategies;
- Continuous population monitoring of the Great Indian Bustard;
- Community engagement programmes involving local pastoral and agrarian communities;
- Scaling up Project Great Indian Bustard through CAMPA and allied conservation funds.

The Court recognised that long-term conservation cannot succeed without aligning ecological goals with local livelihood and community stewardship.

CSR to include Corporate Environmental Responsibility

In a significant doctrinal development, the Court anchored these conservation directions within the statutory CSR framework under the Companies Act, 2013, holding that environmental protection lies at the core of corporate social responsibility.

The Bench observed that Section 135 of the Companies Act, 2013 marks a decisive shift from voluntary corporate charity to a mandatory, enforceable obligation. Corporate profits, the Court held, are not absolute private entitlements but are partly owed to the society and environment that enable their generation. Corporate legitimacy flows from the understanding that private property and profit operate as a form of trust.

Reinforcing this position, the Court relied on Section 166(2), which fundamentally restructures corporate governance by expanding director's fiduciary duties. Directors are now legally bound to act in good faith for shareholders, and for the best interests of community, employees and for the protection of the environment.

The Court further held that Schedule VII of the Companies Act, 2013 dissolves the artificial distinction between social welfare and environmental protection by explicitly including environmental sustainability, ecological balance, protection of flora and fauna, animal welfare and other.

In unambiguous terms, the Bench declared:

“Therefore, the corporate definition of ‘Social Responsibility’ must inherently include ‘Environmental Responsibility’. Companies cannot assert to be socially responsible while ignoring equal claims of the environment and other beings of the ecosystem.”

Concluding with a powerful ecological ethic, the Court observed that non-renewable power generators operating in Rajasthan and Gujarat must recognise that they share the environment with the Great Indian Bustard and must conduct their activities as guests within its abode.

Conclusion

The Great Indian Bustard judgment represents a constitutional moment for Indian corporate law. By integrating CSR with environmental responsibility, the Supreme Court has redefined corporate citizenship in ecological terms. Corporations are no longer external actors exploiting natural landscapes, they are trustees of the ecosystems they inhabit.

This ruling ensures that economic development is not purchased at the cost of extinction and that CSR evolves from cheque-writing to constitutional stewardship. The Godawan's survival now stands as a legal reminder that progress, to be legitimate, must coexist with compassion.

For more details, write to us at: contact@indialaw.in

1. WRIT PETITION (C) NO. 838 of 2019 (CIVIL APPEAL No. 3570 of 2022 With WRIT PETITION (C) NO. 549 of 2025) ??

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