
WILDLIFE CRIME BEFORE INDIAN COURTS: A DOCTRINAL ANALYSIS OF LANDMARK JUDGMENTS

Shreya Saloni & Avishkar A. Jadhav, DES SNFLC

ABSTRACT

In India biodiversity is in real danger. Despite having comprehensive wildlife protection laws such as the Wildlife (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the Prevention of Cruelty to Animals Act, 1960, and various other laws protecting animals, forests, and nature. However, the problem still persists due to weaker enforcements and lower conviction rates. Indian courts have stepped in and made a real difference. They interpret the statutes in a strict construction, handing out tougher sentences to deter criminals from committing crimes. Simultaneously, the courts have linked these laws to the fundamental duties in Part IV of the Indian Constitution. As law students, we present this article by making a doctrinal analysis of landmark judicial precedents delivered by the Indian Courts. We examine cases relating to poaching, illegal wildlife trade, trafficking in endangered species, animal welfare violations, and forest governance. The analysis shows how Indian Courts have turned vague sections into sharp weapons, which boosts deterrence and emphasizes that wildlife is our constitutional responsibility under Articles 48A and 51A(g). The paper does, however, also point out the system's failure. The system still stumbles. Trials crawl on for years, funding is low, weak prosecution, no special dedicated wildlife court, and lack of coordination between government agencies. So even the best judgments often stay locked in files, while tigers are disappearing and forests are burning. Our judiciary has actively participated in shielding and protecting the wildlife however, until and unless we address these lacunas, the wild will continue to bleed.

INTRODUCTION

In India, the preservation of wildlife is evolving, what used to be paper work stuff now counts as a serious crime. The Wildlife (Protection) Act, 1972, imposed severe penalties for crimes like poaching, illegal trade, and smuggling endangered species is an attempt to curtail the rapid decline of India's wildlife.¹ However, solid regulations on paper are insufficient. These crimes hit the whole ecosystem, wiping out animals and forests faster than we can fix. What matters most is how courts apply and interpret these laws in a pragmatic approach.

Over the last fifty years, Indian courts have turned wildlife crime from “just another offence” into a serious criminal law matter. They have given several important judgments that have changed how we look at wildlife crimes. Courts have made it clear that protecting wildlife is not optional. It is our constitutional duty that both the government and the citizens must uphold.² No more treating it like a minor forest rule with a slap on the wrist line.

The article explores ten significant court rulings that have influenced wildlife crime law in India. We have picked ones that cleared up ambiguous questions of law, set new standards, and actually altered the way wildlife protection operates. The cases discussed here are in a sequential order moving from the oldest and to the latest. This shows how courts have expanded the horizon of their interpretation to bring forth the bigger picture.

For each case, we have examined the facts, the legality of the matter and the impact of the judgment as to why the judgment matters for wildlife protection. The next section starts the actual case analysis, beginning with the earliest judgment.

State of Bihar v Murad Ali Khan & Ors.

Citation: (1988) 4 SCC 655³

Facts of the case

The case began with an incident that occurred on 8th of June 1985 in Kundrugutu Reserve Forest in Bihar. The accused persons, Murad Ali Khan, Vikram Singh, Faruq Salauddin, and

¹ The Wildlife (Protection) Act, 1972, s.9 (prohibition of hunting), s.39 (government ownership of wildlife), s.49, 49B–49C (restriction on trade), s.51 (penalties).

² INDIA CONST. arts. 48A, 51A(g).

³ State of Bihar v. Murad Ali Khan & Ors. (1988) 4 SCC 655, Bench: Venkatachaliah, J.

others, allegedly sneaked in at night in the forest. They shot and killed a wild elephant, and took away its ivory tusks. Since elephants fall under Schedule I of the Wildlife (Protection) Act, 1972, this was not some petty offence but a serious offence of poaching.⁴ After getting information from forest officials and based on statements made by one of the accused during questioning, the Range Officer lodged a complaint under Section 55 of the Wildlife (Protection) Act, 1972, before the Judicial Magistrate at Chaibasa. The Magistrate took cognisance under Section 9(1) read with Section 51 of the Act and issued a summons to the accused.

Meanwhile, the police had also registered an FIR under Section 429 IPC (now 325 BNS) and the WPA, 1972, resulting in double proceedings, and their investigation was still going on. The accused then went to the Patna High Court under Section 482 CrPC (currently Section 528 of BNSS), asking the court to quash the Magistrate's order. The High Court agreed with them and stalled the proceedings. It held that the Magistrate could not take cognisance if police were already investigating the same facts under Section 210 CrPC (currently Section 233 of BNSS). Further it also mentioned that the complaint did not make out a prima facie case. The State of Bihar was not satisfied with this order and filed an appeal in the Supreme Court.

The key legal question before the Supreme Court was whether the accused could be prosecuted under the WPA when the same act also amounted to an offence under Section 429 IPC, basically making it a double jeopardy. Secondly, whether Section 210 CrPC prevents a Magistrate when the police are still probing. Thirdly, whether the High Court was right in quashing the complaint by looking into the evidence and merits at such an early stage of the case.⁵

Legal Issues and Principles Laid Down

On the question of double jeopardy, the Supreme Court clarified that Section 9 of the WPA, 1972 and Section 429 IPC, 1860 are separate offences with different legal requirements. Such parallel prosecution does not offend the constitutional protection under Article 20(2) of the Constitution.⁶ The same action can lead to prosecution under different laws as long as the offences are not exactly the same. Section 56 of the WPA, 1972, straight up says to go ahead and prosecute under other statutes, with the only restriction being that a person cannot be

⁴ Id., ¶¶ 13, 14, 15.

⁵ Id., ¶¶ 13, 14, 15.

⁶ Id., ¶¶ 26, 28, 31.

punished twice for the same offence.

The Supreme Court ruled that Section 210 CrPC (233 BNSS) does not apply in cases under the WPA, 1972. Because these offences can only be taken as cognisance if a complaint is filed by an authorised officer under Section 55 of the Act, not through a police report.⁷ This means that a magistrate can go ahead even if cops are sniffing around the same facts.

The Court also made it clear that the inherent powers under Section 482 CrPC should be used carefully and only in exceptional circumstances like to use it when there is blatant violation or an abuse of process. When a complaint is filed and the Magistrate is deciding whether to take cognisance, the High Court cannot start examining whether the evidence is true, reliable, or enough to prove the case. At the cognisance stage, the magistrate just asks “if every word in the complaint is right, or if an offence has been committed. In the present case, the complaint clearly showed that offences under the WPA had been committed and therefore, the High Court erred in quashing the proceedings at a very premature stage.⁸

Judicial Observations and Significance

This judgment is a landmark decision in wildlife law in India. The Supreme Court did not just decide a case of poaching; it highlighted that wildlife crimes are not minor crimes anymore. It must be given priority since it concerns ecology and nature. These crimes are a serious threat to the environment and the nation's interests. The Court linked it to fundamental duties and made clear that saving forests and animals is not optional; being in power and also being a citizen of this country, it is our duty to protect the environment. By shutting down the easy escape route under Section 482 CrPC, they made sure that the accused cannot just file a quashing petition and walk away on some technical glitch. The Court also acknowledged that poaching elephants for ivory is not just a local problem but has cross-border consequences because it is similar to organised crime.⁹ It held that wildlife laws must be interpreted strictly to control such crimes. By allowing dual prosecution under both the IPC, 1860 and WPA, 1972 for the same incident, the Court increased the deterrent effect.¹⁰

⁷Id., ¶ 13.

⁸ Id., ¶ 32.

⁹ Id., ¶ 7.

¹⁰ Id., ¶¶ 24, 25, 26, 28.

From “administrative annoyance” to “serious criminal business”, the court interpreted it strictly and with zero leniency. This explains the reason why every judgment on tigers, rhinos, even trafficking makes reference to the Murad Ali Khan case in contemporary times.

T.N. Godavarman Thirumulpad v. Union of India & Others

Citation: (1997) 2 SCC 267¹¹

Facts of the case

The case started when T.N. Godavarman Thirumulpad, a former forest officer, filed a public interest litigation to address the issue of massive deforestation and illegal logging happening across the country. He pointed out that the state governments were allowing uncontrolled tree cutting, sawmill operations, and conversion of forest land for other purposes without getting approval from the Central Government. This was a clear violation of Section 2 of the Forest (Conservation) Act, 1980, which requires central government permission before any forest land can be used for non-forest activities.

The Supreme Court realised that the situation demands urgent attention since the forests were being destroyed at an alarming rate. Authorities responsible for enforcing forest laws were failing to act. The Court had to deal with several immediate issues: whether sawmills should keep running or be moved, whether dead and dry trees could be removed, whether standing trees could be cut, how timber should be transported, and whether licenses of wood-based industries like sawmills and plywood factories should be suspended.

The Court was particularly worried about the northeastern states like Arunachal Pradesh and Assam, where illegal logging and timber smuggling were rampant. Large quantities of timber were being taken out of these states. This was causing permanent environmental damage. Because the situation was so serious, the Supreme Court decided to pass interim orders immediately, even before completing full hearings on the case.¹² The Court realised that any further delay would only make the matter worse.

¹¹ T.N. Godavarman Thirumulpad v. Union of India & Ors. (1997) 2 SCC 267, Bench: Chief Justice J.S. Verma, B.N. Kirpal, and S.P. Kurdukar JJ.

¹² *Id.*, ¶ 2.

Legal Issues and Principles Laid Down

The Supreme Court framed several key principles that transformed forest governance in India. At first, the Court gave a purposive interpretation of the term “forest” under Section 2 of the Forest (Conservation) Act, 1980.¹³ This interpretation implied that even private lands or lands recorded under different categories would fall under the Act if they exhibited forest-like characteristics. Furthermore, the Court strongly upheld the condition that prior authorisation from the Central Government under Section 2 is required before any non-forest activities can take place. Until this approval was given, all such activities had to remain suspended.

The Court also imposed a ban on the movement of timber from the Northeastern states without license. It suspended licenses of wood-based industries like sawmills and plywood factories unless they obtained approval from the Central Government and complied with the Forest (Conservation) Act.¹⁴

To ensure that its orders were actually followed, the Court used the concept of continuing mandamus, which means retaining control over the case instead of passing a single final order. It first set up a High-Power Committee, and later created the Central Empowered Committee (CEC), to see if the orders were indeed being followed.¹⁵ The Court directed these bodies to prepare lists of timber stocks, monitor how forest land was being diverted, and assist the Court in making informed decisions. This was a major shift from the usual functioning of courts. Instead of just deciding the case and moving on, the Court remained involved to supervise the implementation of its orders in this environmental matter.

Judicial Observations and Significance

The Godavarman judgment is one of the most important landmark cases in Indian environmental law. By expanding the meaning of the word “forest”, the Hon’ble Supreme Court brought huge areas of land under the protection of the Forest (Conservation) Act, 1980. This stopped state governments from arbitrarily removing forest status from lands or using forest land for other purposes without proper approval. The Court’s interpretation ensured that forest conservation rules would be applied uniformly across the country and strengthened the

¹³ Id., ¶¶ 4,5 (interpretation of “forest” under s. 2).

¹⁴ Id., ¶¶ 4, 5, 5.2.

¹⁵ Id., ¶¶ 5, 5.1 (continuing mandamus; constitution of monitoring bodies).

role of the central government in overseeing forest protection.¹⁶

The use of continuing mandamus marked a significant development in the judicial handling of environmental cases. Instead of just passing orders and closing the case, the Court kept supervising the matter over an extended period because forest protection involves multiple agencies and long-term implementation. By creating bodies like the Central Empowered Committee, the Court brought in accountability, transparency, and expert knowledge into forest-related decision making. This changed the entire system of how forests are managed in India.¹⁷

Most importantly, the Godavarman case made forest conservation a constitutional and legal duty, not just a policy choice that governments could ignore. It reinforced Articles 32 and 21 of the Constitution which provides protection and conservation of the forests.¹⁸ Since this judgment, it has been consistently referred to cases dealing with forest diversion, mining projects, infrastructure development, and environmental clearances. Today, Godavarman stands as one of the most influential and frequently cited environmental law decisions in India's legal history.

N.R. Nair & Ors. v. Union of India & Ors.

Citation: MANU/SC/0284/2001¹⁹

Date of Judgment: 1 May 2001

Facts of the case

The issue revolves around a notification dated 2nd March, 1991, when the central government, under section 22(ii) of the Prevention of Cruelty to Animals Act, 1960, prohibited the training and exhibition of bears, monkeys, tigers, panthers and dogs as performing animals.²⁰ The Indian Circus Federation challenged it in the Delhi High Court. Later, dogs were excluded through a corrigendum. The court urged the government to reconsider the notification and in

¹⁶ Id., ¶ 5.

¹⁷ id., para 5.

¹⁸ INDIA CONST. arts. 32, 21.

¹⁹N.R. Nair & Ors. v. Union of India & Ors. MANU/SC/0284/2001, 2001 INSC 239; Bench: B.N. Kirpal, C.J., U.C. Banerjee & Brijesh Kumar.

²⁰ Id., ¶ 2.

response to that the government constituted a committee. The committee submitted a report exposing the cruelty involved in training and exhibition of these animals. Based on the report of the committee and on Animal Welfare Board's advice, the centre came up with a new notification on 14th October, 1998, this time banning tigers too.²¹ The case came up when circus owners dragged the government's notification to the Kerala High Court and challenged it. The Kerala High Court upheld the ban, and held that courts can't just pick holes in policy decisions by using judicial review. Thereafter, the aggrieved parties approached the Supreme Court, challenging the Kerala High Court's order. They filed a special leave petition.

Legal Principles laid down

The Supreme Court identified three main legal issues in the case: (1) whether Section 22 of the PCA, 1960 confers arbitrary power on the Central Government to prohibit the training or exhibition of specified animals such as bears, monkeys, tigers, panthers, and lions; (2) whether the notification dated 14 October 1998 is arbitrary or invalid; and (3) whether the Act or the notification permits the Government to take away ownership of the affected animals.²²

The appellants argued that Section 22 lacks any guidelines, which enables the Central Government to arbitrarily ban any animal without clear standards. They also contended that the 1998 notification is unreasonable and infringes their right to carry on trade and business. Further, they pointed out that the Act is silent on the transfer of ownership, meaning owners cannot be deprived of their animals.²³

The Court rejected these contentions and held that Section 22 is neither unguided nor arbitrary.²⁴ The power under Section 22(ii) to notify that certain animal "shall not be exhibited or trained as performing animals" is guided by the preamble of the act itself. The Government can exercise this power only if it is satisfied that the training or exhibition of such animals causes unnecessary pain or suffering. The core purpose of the Act is to prevent unnecessary suffering of those animals. The ban was justified because the High-Powered Committee's report showed cruel training methods and conditions in circuses. The Court also noted that keeping wild animals like lions and tigers as pets is practically impossible, and the real

²¹Id., ¶ 5.

²²Id., ¶¶ 8,9,10,12.

²³Id., ¶ 7.

²⁴Id., ¶¶ 11.

objective of the prohibition is to stop commercial exploitation that is causing cruelty to those animals.

On judicial review, the Court held that review is limited to checking whether the decision-maker acted irresponsibly, ignored relevant material, or considered irrelevant factors. Here, the committee's detailed report, and other inputs clearly demonstrates responsible exercise of power. Therefore, there was no ground for interference.²⁵ Regarding ownership, the Court mentioned that the Act is silent on ownership. However, one thing is certain: the appellants, namely the circus owners, are prohibited from either training or exhibiting any of the five animals referred to in the impugned notification. They cannot retain the animals for that banned purpose. The Government had established rescue homes for such animals. The impugned notification was held valid as it rested on evidence of cruelty, aligned with the Act's welfare objective, and followed due process. The Court agreed with the Kerala High Court and clarified that the ban does not apply to zoos or other non-performing contexts. Although the special leave petition was granted but later after hearing the matter the court dismissed the appeal.

Judicial Observations and Significance

This judgment laid a strong foundation for treating animal welfare as a legitimate and important interest that the State can protect. It came before and influenced later important cases like *Animal Welfare Board of India v. A. Nagaraja in 2014*. The Court recognised that laws meant to protect animal welfare are preventive in nature, which means the State can take action to prevent or prohibit cruelty before it becomes too serious or irreversible, rather than waiting for individual cases of abuse to happen first. By upholding the ban on using wild animals in circuses, the Court made it clear that commercial entertainment and business profits cannot justify cruelty to animals, especially when wild animals are involved. Although the judgment did not explicitly use constitutional language or refer to specific constitutional provisions, it shows a clear shift in thinking; from viewing animals merely as property that owners can use as they wish, to a more welfare-centered approach where the law gives priority to protecting animals from suffering. However, on the question where the Court clarified that the issue of what is done to the animals does not fall within the domain of the present proceedings and therefore refrained from passing any order in that regard.²⁶ The court missed an opportunity to

²⁵Id., ¶¶ 6,14.

²⁶Id., ¶ 13.

develop the environmental and animal welfare dimensions of the law. Given the sensitivity of the issue, the court could have intervened into that ambit and would have invoked the doctrine of *parens patriae*, by affirming its role as a guardian of vulnerable life and dignity.

Balram Kumawat v Union of India

Citation: (2003) 7 SCC 628²⁷

Facts of the Case

The case began where the appellants M/s Unigems (an importer) and Balram Kumawat (a professional carver) were dealing in mammoth ivory, basically fossilized tusks from woolly mammoths.²⁸ Mammoths are an extinct species that died out thousands of years ago due to climate changes in places like Alaska and Siberia. Back in 1987, Unigems imported this mammoth ivory into India. Kumawat used it to carve artifacts and sell them. Their stock was regularly checked by wildlife authorities under the Wildlife (Protection) Act, 1972. Things changed in 1991, an amendment occurred, which introduced a complete ban on trade in ivory including a ban on buying, selling, importing, or dealing in it.²⁹

The appellants argued that mammoth ivory should not be covered under the ban. Their main contentions were that mammoths are extinct animals, unlike elephants which are protected as living wild animals under the Act. Further, mammoth ivory can be torn apart from elephant ivory using simple, non-destructive tests like visual or scientific checks. Furthermore, they added that the international convention on endangered species trade treats mammoth ivory differently and it is not banned the same way. They added that the word "ivory" in the Act should be read narrowly to mean only elephant ivory, since mammoths aren't "wild animals" as defined in the law, banning it just because it looks similar would be overreach.

On the other hand, the government and wildlife officials said the whole point of the 1991 amendment was to stop elephant poaching completely. They deliberately used the broad word "ivory" not just "elephant ivory" to plug any loopholes. Allowing mammoth ivory trade would make it super easy for smugglers to pass off illegal elephant ivory as "mammoth". They also

²⁷ *Balram Kumawat v Union of India.*, (2003) 7 SCC 628; Bench: V.N. Khare, C.J., S.B. Sinha and Arun Kumar, JJ.

²⁸ *Id.*, ¶ 2.

²⁹ *Id.*, ¶¶ 1,11,40.

pointed out that traders had already been given enough time to dispose of old stock, but these appellants had not done so.

Legal Principles Laid Down

The Supreme Court dismissed the appeals and upheld the ban. The court held that "Ivory" should be given its ordinary, dictionary meaning. According to the dictionary meaning, ivory covers tusks from various animals like elephants, mammoths, walruses, etc., not just elephants.³⁰ The court emphasised to read the law contextually and harmoniously looking at the whole Act, including rules related to transactions and licensing. A narrow and technical reading would defeat the purpose of the Act; thus, the Supreme Court applied the mischief rule (Heydon's case principle).³¹ It observed that the law was enacted to stop poaching and illegal trade of elephant ivory allowing mammoth ivory would create a huge enforcement problem and let the "mischief" continue under a disguise. The total ban is a reasonable restriction under Article 19(6) of the Constitution, and it doesn't violate Right to Equality under Article 14 either.³² It is justified for wildlife protection, ecological balance, and constitutional duties under Articles 48A and 51A(g).

Judicial Observations and Significance

This case marked as one of the landmark judgments in Indian environmental and wildlife protection law. The Supreme Court made it clear that environmental statutes must be interpreted broadly and purposively in order to effectively protect endangered species. By holding the dictionary meaning of "ivory" that includes mammoth ivory, the Court closed a critical loophole that could have been misused to disguise illegally obtained elephant ivory.³³ These ivories are often sourced through poaching networks with international links, particularly to markets like China.

The decision strengthened the enforcement mechanism under the WPA, 1972 by preventing people from getting around the law through scientific or technical distinctions. It also pointed out that the decline in tiger and elephant populations will disrupt the entire food chain and ecological balance, which will not only affect biodiversity but national interest as well. The

³⁰ Id., ¶¶ 16,17,18,24,34.

³¹ Id., ¶ 24.

³² Id., ¶¶ 42,44.

³³ Id., ¶¶ 14,15,16,17,18.

ruling affirmed that wildlife protection is not merely an environmental concern but rather a matter of constitutional duty and of national importance.

Sansar Chand v. State of Rajasthan

Citation: (2010) 10 SCC 604³⁴

Date: 20 October 2010

Facts of the Case

Sansar Chand, a habitual and organised wildlife offender, was convicted under the Wildlife (Protection) Act, 1972, for illegal trade in leopard and tiger skins.³⁵ The prosecution's case started when a co-accused named Balwan was arrested while carrying leopard skins. During interrogation, Balwan revealed that these skins were meant to be delivered to Sansar Chand in Delhi. Investigations showed that the appellant was the kingpin of an organised wildlife trafficking syndicate that had been operating for several decades. He had multiple prior convictions and several pending cases across different states. It was also discovered that not only the appellant but his entire family was involved in this chain of organised crime and illegal activity. The evidence against him included an extra-judicial confession, recovery of hunting equipment, corroborative oral and documentary material, and proof of a structured trafficking network. All the courts below upheld his conviction, and he then appealed to the Supreme Court.

Legal Principles Laid Down

The Supreme Court held that an extra-judicial confession can form the basis of conviction, if it is voluntary and corroborated by independent evidence.³⁶ There is no absolute rule against relying on such a confession under the evidentiary law. The Court recognised that illegal trade in tiger and leopard skins is organised, profit-driven, and transnational in nature, often linked to foreign markets, particularly China.³⁷ Courts must therefore adopt a practical evidentiary approach when dealing with such cases.

³⁴ Sansar Chand v. State of Rajasthan., (2010) 10 SCC 604; Bench:Markandey Katju & T.S. Thakur, JJ.

³⁵ Id., ¶ 16,17.

³⁶ Id., ¶¶ 14, 20,23.

³⁷ Id., ¶ 14.

The Court further held that provisions of the Wildlife (Protection) Act, 1972 must be interpreted in light of Articles 48A and 51A(g) of the Constitution.³⁸ Article 48A is a directive principle under Part IV, which directs the State to protect and improve the environment, and Article 51A(g) is a fundamental duty which requires every citizen to protect wildlife and the environment. The Court also held that, given the nature of wildlife trafficking, circumstantial and corroborative evidence, when forming a complete chain, is sufficient to establish guilt beyond a reasonable doubt. The Supreme Court upheld the conviction and dismissed the appeal.

Judicial Observations and Significance

The Court expressly recognised that illegal wildlife trade is not just a local offence but a transnational organised crime. Tiger and leopard skins poached in India are smuggled to China and other foreign markets, where they are used for luxury goods and so-called traditional medicines. Such activities undermine India's sovereignty over its natural resources, generate enormous illegal profits for international crime syndicates, violate India's obligations under CITES and international conventions, and endanger national ecological security.³⁹ Therefore, wildlife crime is treated as a threat to national interest, not merely a violation of a penal statute.

The judgment identifies poaching for illegal trade, rather than habitat loss, as the primary reason for the drastic reduction in tiger numbers. Tigers are targeted because their skins and bones fetch extremely high prices abroad due to very high demand in foreign markets. As noted by the Court, despite protective laws, tiger numbers in the forests have reduced alarmingly. The Court highlighted that tigers are apex predators, and their elimination causes serious disruption of the food chain and ecological cycle. Removal of carnivores leads to unchecked growth of herbivore animals, and the overpopulation of herbivores results in destruction of vegetation and crops. This imbalance damages forests, agriculture, and ultimately human life. The Court emphasised that human understanding of ecological linkages is still limited, and therefore, preventive conservation is essential to avoid irreversible environmental damage.

Overall, this judgment transformed wildlife crime law by treating wildlife trafficking as a serious, organised and transnational crime, strengthening evidentiary standards in favour of

³⁸ Id., ¶¶ 6,7.

³⁹ Id., ¶¶ 12,15.

effective prosecution, linking wildlife protection directly to constitutional duties and national interest, and reinforcing deterrence against habitual and organised wildlife offenders.

Animal Welfare Board of India v. A. Nagaraja & Ors.

Citation:(2014) 7 SCC 547⁴⁰

Date of Judgment: 7 May 2014

Facts of the case

The case arose from a challenge to the traditional animal sport Jallikattu in Tamil Nadu and bullock-cart races in Maharashtra. These events involved the use of bulls for public entertainment, particularly during harvesting festivals and temple celebrations.⁴¹ The Animal Welfare Board of India (AWBI), a statutory body constituted under Section 4 of the Prevention of Cruelty to Animals Act, 1960, approached the Supreme Court, arguing that such events involve cruelty and suffering to animals. The Board relied on various reports, photographs, and expert observations that documented physical abuse, mental trauma, and unsafe conditions inflicted upon such bulls while performing in these events.

On the other hand, the organisers justified the practices of Jallikattu and similar celebrations on several grounds were cultural and traditional practices spanning centuries. It generates not only economic benefits but also encourages public participation, therefore, State authorities supervise these events carefully with caution to prevent cruelty. They also contended that the Tamil Nadu Regulation of Jallikattu Act, 2009, had been enacted specifically to prevent cruelty during such events.

The Central Government issued a notification on 11th July, 2011 under Section 22 of the PCA Act, which prohibited the use of bulls in such events or celebrations as "performing animals."⁴² This notification was upheld by the Bombay High Court however, it was set aside by the Madras High Court. It led to this present appeal before the Supreme Court.

⁴⁰ Animal Welfare Board of India v. A. Nagaraja & Ors., (2014) 7 SCC 547; Bench: K.S. Radhakrishnan, J., & Pinaki Chandra Ghose, J.

⁴¹ Id., ¶¶ 28,29.

⁴² Id., ¶¶ 43,49,74.

Legal principles laid down

The Court analysed that Section 3 and Section 11 of the PCA Act imposes a positive obligation on humans to ensure animal welfare and also to prevent unnecessary pain and suffering to the animals.⁴³ The court also concluded that in such events cruelty to the bulls was not any incidental or accidental mistake rather it was systemic and inherent. The Court incorporated the internationally recognised "Five Freedoms of Animals" into Indian legal framework. These freedoms are freedom from hunger and thirst, freedom from fear and distress, freedom from pain, injury, and disease, freedom from discomfort, and freedom to express normal behaviour.⁴⁴ The Court held that these freedoms are implicit in Sections 3 and 11 of the PCA Act.

The Supreme Court expanded the scope of Right to life and liberty i.e. Article 21, and held that animals are entitled to a life of intrinsic worth, honour, and dignity, not just survival.⁴⁵ Mental suffering and fear were recognised as equally significant as physical injury. The Court also pointed out that tradition and culture cannot justify cruelty to animals. Welfare legislation enacted by Parliament prevails over customary practices, particularly when such practices are undertaken to inflict cruelty and to undertake human pleasure. Citing on philosophical and ethical jurisprudence, the Court rejected speciesism. Speciesism is the belief in human superiority that results in the exploitation of animals. The court compared this belief as a form of discrimination against animals.⁴⁶ The Court further observed that the Tamil Nadu Regulation of Jallikattu Act, 2009, was repugnant to the PCA Act, a central law enacted under Entry 17 of the Concurrent List.⁴⁷ Since the State legislation had not received Presidential assent, the State Act could not prevail over the central law.

Judicial Observations and Significance

This judgment represents a watershed moment in the Indian jurisprudence of animal welfare. As the Court elevated animal welfare from a mere statutory obligation to a constitutional value rooted in Articles 21 and 51A(g) of the Constitution.⁴⁸ Adopting an ecocentric perspective, the Court recognised that animals possess intrinsic worth, independent of their utility to humans.

⁴³ Id., ¶¶ 64,65,66,67.

⁴⁴ Id., ¶¶ 62,63,64.

⁴⁵ Id., ¶ 72.

⁴⁶ Id., ¶¶ 68,69.

⁴⁷ Id., ¶ 79.

⁴⁸ Id., ¶¶ 66,67,68.

It further noted that with the deletion of Article 19(1)(f) i.e. the right to property which included ownership over animals, which no longer enjoys fundamental right status, thereby granting Parliament wider latitude to enact legislation that prioritises animal welfare over proprietary interests.⁴⁹ For the first time, fear, distress, anxiety, and psychological trauma were judicially recognised as constituting cruelty and this has significantly broadened the scope of animal protection law. The judgment imposed a duty of accountability on State authorities, mandating disciplinary action for non-compliance that has strengthened the implementation of welfare laws.

Consequently, the Supreme Court set aside the judgment of the Madras High Court and upheld the Central Government notification of 11th July, 2011 prohibiting the use of bulls as performing animals.⁵⁰ It declared that Jallikattu and bullock-cart races, by their very nature, violate Sections 3, 11(1)(a), and 11(1)(m)(ii) of the PCA Act.⁵¹ The Court further issued binding directions to the Animal Welfare Board of India and to State Governments to strictly enforce animal welfare laws and to initiate disciplinary action against officials who fail to comply.

CONCLUSION

The doctrinal analysis of landmark cases related to wildlife protection demonstrates that Indian courts have developed an eco-sensitive and constitutionally grounded jurisprudence for wildlife protection. The judiciary has played a transformative role in interpreting statutes purposively. This expands the scope of animal rights, strengthens enforcement mechanisms, and fills up the gaps left by legislative and executive inaction. The evolution of this jurisprudence clearly highlights the trajectory from earlier cases focusing solely on procedural and jurisdictional issues to recent judgments that engage actively with deeper questions of animal rights, intergenerational equity, and sustainable development. The incorporation or invocation of international principles like the Five Freedoms, the recognition of animals' right to dignity, the adoption of rights-based conservation etc. provides a ground breaking foundation that reflects a mature and sophisticated legal framework.

Yet, the effectiveness of this jurisprudence remains constrained by recurring implementation issues. The challenges included are inadequate investigation infrastructure, weaker

⁴⁹Id., ¶ 65.

⁵⁰ Id., ¶ 20.

⁵¹Id., ¶¶ 82,89,90,91.1,91.2.

prosecution, lack of specialized wildlife courts, insufficient forensic facilities, poor inter-agency coordination, and limited trained personnel etc. These lacunas undermine the impact of progressive judicial pronouncements. The low conviction rates in wildlife crime cases, despite strong legal principles, indicate that the problem lies not in the law but in its enforcement.

In order to bridge the gaps that lie between effective law and poor implementation, certain reforms are the need of the hour. The first one amongst all is the reform within policing that is equipped with modern technology, forensic support, and trained personnel. Establishment of specialized wildlife crime investigation units within forest departments is also a must thing. Second, creation of dedicated prosecution wings with lawyers trained in wildlife law and environmental jurisprudence. Third, setting up of fast-track courts for wildlife offences to ensure speedy trials and to reduce the current backlog. Fourth, the coordination between forest officials and the local police or intelligence agencies will help in supervision and sustenance of forest along with a joint task force that keeps the information updated with the officials concerned. At last, but not least the capacity building through regular training programs for enforcement officers, prosecutors, and judicial officers on wildlife law, latest trafficking methods, and scientific evidence handling. The most ignored but crucial factor is spreading awareness among local stakeholders regarding the conservation and protection of wildlife enshrined in the Constitution of India.

The Wildlife (Protection) Act, 1972, though amended severally still requires comprehensive review to address contemporary modern challenges related to technology and climate change. The penalties under the Acts have been enhanced in recent amendments however, it needs periodic revision to maintain their deterrent effect. There is also scope for introducing specific provisions for organized wildlife crime, similar to those in laws dealing with organized crime in other contexts.

Most importantly, wildlife protection requires an everyday societal approach. Judicial intervention even though it is very much progressive it still cannot substitute for executive or legislative commitments. The constitutional duties under Articles 48A and 51A(g) are addressed to both the State and citizens as collective responsibility for environmental protection.

The judgments analysed in this article have laid a strong foundation for conservation and protection of wildlife. They have established clear legal principles, expanded constitutional

protections, strengthened enforcement powers, and created institutional mechanisms for oversight. The challenge now is to translate these judicial gains into tangible conservation outcomes. This requires political will, administrative efficiency, adequate resources, and sustained commitment from all stakeholders' government, judiciary, civil society, and citizens alike.

Wildlife is not merely a natural resource to be exploited or even conserved for human benefit. As the courts have also emphasised that wildlife has intrinsic value and has a right to exist with dignity. Protecting India's rich biodiversity is not just a legal obligation but a duty we owe to future generations. The jurisprudence developed by Indian courts provides the legal framework; it is now for the executive, legislature, and society to ensure that this framework translates into meaningful protection of India's pristine wildlife heritage.

At the end, the ultimate teleology should be a system where courts do not have to constantly intervene because the executive machinery functions effectively, laws are enforced rigorously, and wildlife protection becomes a lived reality rather than a legal aspiration. Only then the vision of a society that respects, protects, and coexists harmoniously with its wildlife will be articulated.