



CASE COMMENT 1

PRESERVING NATURE'S WEB: AN ANALYSIS OF
THE CENTRE FOR ENVIRONMENT LAW,
WWF-1

v.
UNION OF INDIA & ORS.

**Siddharth Baskar¹*

ABSTRACT

The actions of humans pose a significant threat to the biodiversity of the world and have a negative impact on the survival of a substantial number of species, putting them in danger of going extinct. As an illustration, the Asiatic Lion, which has the status of an endangered species, is a good example. A population of approximately 500 lions is currently found in Gir National Park, which is located in the state of Gujarat in India. This lion, which was once abundant, is now restricted to its only habitat in India. A decisive action taken by the "Centre for Environment Law and the Worldwide Fund for Nature India" ("WWF") prompted them to contest the Indian government, which resulted in a ruling by the Hon'ble Supreme Court that ensured the lions' protection and established a precedent for the conservation of biodiversity.

The lions appeared to be on the verge of extinction and now find themselves in their second home after Gir National Park at the Kuno Wildlife Sanctuary, with a population of 40 Asiatic Lions. The purpose of this study is to gain an understanding of the landmark judgement and to investigate the legal factors that led the court to order the protection of Asiatic Lions in India. With the help of this research, the impact of the judgement will be investigated further. To understand the case law and arrive at conclusions, conventional research, i.e., the doctrinal research has been utilised.

Keywords: WWF, Asiatic Lions, Gir National Park, Supreme Court, Biodiversity, Centre

1. Assistant Professor, IILM University, Gurugram – Haryana. Email: siddharthbaskar3@gmail.com, Phone: +91 9468169921.

1. INTRODUCTION

Asiatic lions, before becoming an endangered species, found their existence and freely roamed from the Northern part of India to Turkey, gradually, their population declined, and they became confined to one small area. In the year 1990, there was a proposal by scientists in India that there should be a creation of a second wild population to protect and preserve the Asiatic Lions.²

The “*Kuno Wildlife Sanctuary*” in the State of Madhya Pradesh was selected as the location for the reintroduction of the lion because it is a sanctuary that is dedicated to the protection and preservation of the animals. The project was terminated in the year 2004, despite the fact that numerous preparation methods, such as the relocation of villages, were carried out over the course of its duration. To advocate for the protection of these endangered species, the “*Centre for Environment Law and WWF India*” filed a lawsuit against the government of India, demanding that the government comply with the reintroduction of lions at Kuno National Park. The lawsuit was filed to protect these endangered species. The purpose of this action was to advocate for the protection of species that are in danger of extinction.

Humanity is responsible for the preservation of biodiversity, and it is our responsibility to ensure that we coexist peacefully with the natural world. “Additionally, the Indian Constitution imposes a fundamental obligation upon us, as stated in Article 51A(g), to have compassion and to preserve and protect our environment.

Additionally, Article 48A of the Constitution stipulates that the state is obligated to protect the environment”³. To ensure that our biodiversity will be preserved, it is the responsibility of both the state and individuals to take care of and protect the environment. In the not-too-distant future, there is a possibility that certain species of flora and fauna will become extinct, and it is our duty to ensure that we take prompt action to protect them. There have been instances in the past in which environmental departments have issued warnings regarding the extinction of species. These warnings have been issued several times. To ensure that we take these warnings seriously and put measures into effect, it is imperative that we make sure that we do so. The need is for a proper procedure and adherence to law, and this will help us preserve our biodiversity.

2. “*Centre For Environment Law, WWF-I v. Union of India & Others*, [2013] 6 S.C.R. 757”.

3. *Ibid.*

4. *The Constitution of India*, Article 51A(g), 48 A.

2. FACTS OF THE CASE

The “*Centre for Environment Law and the Worldwide Fund for Nature India*,” hereafter referred to as the Plaintiff, filed a case in the Hon’ble Supreme Court of India against the “*State of Gujarat and Others*,” hereafter referred to as the defendant. In light of the fact that the species is in danger of going extinct, the plaintiffs argued that the defendants ought to create a secondary habitat for Asian lions at the Kuno Wildlife Sanctuary in Madhya Pradesh. This assertion was made by the plaintiffs based on scientific research that was carried out there at the Gir Forest in Gujarat by the biologists working for the Wildlife Institute of India. The biologists suggested the creation of a secondary habitat for the Asian Lions to improve the conservation efforts of these animals and make the most of the Gir Forest’s resources. The plaintiffs presented three potential locations for the reintroduction of lions during the Population and Habitat Analysis workshop that took place in Baroda, Gujarat, in 1993. The Kuno Wildlife Sanctuary was determined to be the most appropriate option for lion reintroduction due to the fact that lions had historically inhabited the Kuno Area.⁵

However, the Defendants did not accept the proposal. They argued that the reintroduction of lions was not necessary because Gir already possessed all the necessary conditions. Furthermore, they believed that such a reintroduction would increase the likelihood of conflicts occurring within the local community, particularly among farmers. The defendants argued that the priority should be to put an end to poaching, which reduces the number of these animals in the wild, rather than establishing new sanctuaries for them. In conclusion, the plaintiffs brought

The fact that India has successfully reintroduced a number of different species, and it is of the utmost importance to acknowledge the necessity of taking action and reintroducing the Asian lions to the Kuno Reserve. The Hon’ble Court, after hearing both sides of the argument, proceeded to render its verdict, thereby contributing to the preservation and promotion of biodiversity.

3. ISSUES

Is it necessary to reintroduce Asiatic Lions to the Kuno Wildlife Sanctuary?

5. Landmark cases for Biodiversity Client Earth, *available at*: <https://www.clientearth.org/media/upvbjd4p/10landmark-cases-for-biodiversity.pdf> (Last visited on November 8, 2024).

4. LEGAL ANALYSIS

Within the context of this particular case, the Hon'ble Supreme Court adopted an Eco-Centric approach, which emphasised the significance of preserving Asian Lions and reintroducing them to the Kuno Wildlife Sanctuary. The possibility of these lions becoming extinct is very real. Within the context of this particular case, the Honourable Court did not agree with the anthropocentric viewpoint, which maintains that "humans take precedence and that human obligations to non-humans depend on human advantages." Instead, the Hon'ble Court favoured the eco-centric approach, also known as the nature-centered approach, which asserts that

"Humans are integral to nature, and non-humans possess intrinsic value."

The Hon'ble Court affirmed that Article 21 of the Constitution, "*Right to Life*," not only protects human rights but also imposes a duty on individuals to protect the environment, thereby preventing the extinction of species, which is an essential component of the right to life.⁶ The Hon'ble Court cited the Principle of Public Trust from the case of *M.C. Mehta v. Kamal Nath & Ors.* The principle asserts that environmental common resources, such as water and air, are under the governance of the government. This principle imposes the obligation to preserve the environment for the purpose of public welfare and the conservation of flora, fauna, and wildlife.⁷

The principle that humans have a fundamental obligation to advocate for the conservation of Asiatic Lions and other species, as well as to prevent the extinction of these species, was emphasised by the Hon'ble Court. The court gave due regard to the suggestions made by Indian scientists in the past, and the court concluded that the "*Kuno Wildlife Sanctuary*" is the ideal location for the reintroduction of the Asiatic Lion.

According to the court, if there is any further delay in reintroducing the Asian lion to the sanctuary, it could put their survival in jeopardy. The court stated that this action was a priority and that any further delay could put their survival in jeopardy of extinction. After the Hon'ble Court decided that lions had historically inhabited Kuno, the Ministry of Environment and Forest was given the responsibility of issuing directives for the reintroduction of lions within a period

6. The Constitution of India, Article 21. 7 [(1997) 1 SCC 388].

7. "UNEP Law and Environment Assistance Platform", available at: <https://leap.unep.org/en/countries/in/nationalcase-law/centre-environmental-law-vunionindia#:~:text=Union%20of%20India,-Data%20source&text=In%20this%20case%2C%20the%20Supreme,which%20is%20threatened%20of%20extinction> (Last visited on November 9, 2024).

of six months following the issuance of this judgement. This was done in light of the fact that the Hon'ble Court said that lions had historically inhabited Kuno.

In closing, the Hon'ble Court concluded that environmentalists and the courts are accountable for taking responsibility and paying significant attention to the implementation of reintroduction programs with the utmost commitment, as well as conducting proper periodic reviews of flora and fauna.

5. PRESENT DAY RELEVANCE

Protection of Critical Habitats This ruling demonstrates the judiciary's dedication to maintaining the integrity of protected areas by making sure that neither commercial nor recreational activities disturb wildlife habitats.

Reinforcement of Environmental Principles The Court has strengthened the legal framework requiring the maintenance and restoration of ecological balance by implementing the Principle of Ecological Restitution.

Advice for Upcoming Initiatives: The decision sets a precedent, instructing legislators and developers to carefully weigh environmental considerations before starting any projects that might have an impact on wildlife and their habitats.

6. SIGNIFICANCE & CONCLUSION

The case is significant because it mandated the government of India to ensure that a species that is on the verge of extinction will lead to a loss of biodiversity. Furthermore, it is intricately connected to the "*Right to Life*," which is specified in Article 21. Article 21 not only safeguards the right of an individual to life, but it also imposes a responsibility on human beings to protect and preserve wildlife as an extension of their right to life. It is essential to take into account the applicability of an eco-centric approach, as well as to give the right consideration to the preservation of biodiversity and the way it interacts with human relations. As demonstrated by its attempts to interpret Article 21 as a right to a healthy environment, which includes wildlife protection, the Hon'ble Supreme Court has developed a number of principles to protect wildlife. In the case of *Animal Welfare Board of India v. A Nagaraja*, the court affirmed that animals have the right to live with dignity and that they do have inherent rights for their well-being⁸. In a similar

8. (2014) 7 SCC 547.

vein, the Hon'ble Supreme Courts have established principles such as the polluters pay principle and the precautionary principle through a number of historic precedents. These principles are legally binding and taken into consideration before rendering decisions in cases where the primary issues are wildlife development projects. In the case of *M.K. Ranjitsinh v. Union of India & Ors.* 2024, the Hon'ble Supreme Court In order to protect the Great Indian Bustard (GIB), a species that is critically endangered, the case focused on reducing the dangers that power transmission lines pose to its natural habitat.¹⁰

It called for the protection of these species and cited the tenets of Article 21. This further proves how the Hon'ble Supreme Court has developed and implemented principles while interpreting them to support the protection of wildlife.

In the present case, the population of Asian lions in India has increased to a total of 500 members as a direct result of this action, which has resulted in the species that was on the verge of extinction being classified as an endangered species. In addition, it is noteworthy that the Hon'ble Supreme Court of India issued an order to the State of Gujarat, stating that the reintroduction of lions at Kuno Reserve is an equal responsibility of the State of Gujarat. It is imperative that the government adhere to this precedent, as it is a significant development and a landmark precedent. A robust ecosystem in which we are able to peacefully coexist with the flora and fauna of the world is the current imperative, and the significance of the case lies in the fact that environmental protection is something that is necessary. At this moment, the construction of such an ecosystem is an absolute necessity, and the need is to focus on the implementation of strict measures.

10. [2024] 3 S.C.R. 1320.