



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 5128/2026

Apoorva Agrawat D/o Jaydev Prakash, Aged About 34 Years, R/o
573, Gandhi Nagar, Mandiya Road, Pali, District Pali, Rajasthan -
306401

-----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Government Of Rajasthan, Environment Department,
Jaipur, Rajasthan.
2. Principal Secretary, Department Of Tourism, Government
Of Rajasthan, Jaipur, Rajasthan.
3. Chief Conservator Of Forests (Hoff), Aranya Bhawan,
Jhalana Institutional Area, Jaipur, Rajasthan.
4. Deputy Conservator Of Forest, Pali, Near Railway Station,
Pali, Rajasthan.
5. District Collector, Pali, Collectorate Pali, Rajasthan.
6. Regional Transport Officer (Rto), District Pali, Rajasthan.
7. Union Of India, Through The Secretary, Ministry Of
Environment, Forest And Climate Change, Indira
Paryavaran Bhawan, Jorbagh Road, New Dehli - 110003.

-----Respondents

For Petitioner(s) : Mr. Vikram Nimbark, with
Mr. Harsh Gupta &
Mr. Mahendra Kumar Gurjar.

For Respondent(s) : Mr. Mahaveer Bishnoi, AAG.
Mr. Deepak Chandak for
Mr. B.L. Bhati, AAG.
Mr. Tirupati Chandra.

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH**

ORDER

23/03/2026

**"48A. Protection and improvement of environment and
safeguarding of forests and wild life.—The State shall
endeavour to protect and improve the environment and to
safeguard the forests and wild life of the country "**



1. Article 48A of the Constitution of India embodies a solemn constitutional directive, casting a duty upon the State in the aforementioned terms. This constitutional mandate, though part of the Directive Principles of State Policy, has consistently been interpreted by the Hon'ble Courts as forming the foundational ethos of environmental governance in India. It reflects a recognition that ecological preservation is not merely a policy choice but an essential obligation intertwined with the right to life under Article 21. The phrase "shall endeavour" signifies a continuous and proactive duty, requiring the State to adopt legislative, administrative, and regulatory measures to ensure environmental protection and conservation of wildlife.

2. In furtherance of this constitutional vision, the Parliament enacted the Wild Life (Protection) Act, 1972 (Act No. 53 of 1972), whose Preamble reads as under:

"An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country."

2.1. The Preamble of the Act thus operationalizes the constitutional directive under Article 48A by laying down a statutory framework aimed at preserving biodiversity and maintaining ecological balance. It underscores that wildlife protection is not an isolated objective, but an integral component of ensuring the broader environmental security of the nation. The use of the expression "ecological and environmental security"



elevates conservation from a mere regulatory concern to a matter of national importance, warranting strict enforcement and judicial supervision.

3. It is in the backdrop of this constitutional mandate and statutory framework that the present case assumes significance. If one were to conduct a simple search for "Leopard Country", the expectation may well be to locate a distant land marked on the world map. Yet, the search yields a surprising reality, it points not to a country, but to a modest region in western Rajasthan known as Jawai.

4. Nestled within the arid expanse of the State, the Jawai region stands as a remarkable testament to nature's resilience and human coexistence. Its rugged granite hills, ancient formations shaped millions of years ago, rise dramatically around the Jawai Bandh, the largest water reservoir in western Rajasthan, nurturing a diverse and thriving ecosystem. These hills, marked by naturally formed caves, have for generations served as an ideal habitat for one of India's most elusive predators, the Indian leopard, thus justifying the region's evocative epithet.

5. What distinguishes Jawai from conventional wildlife habitats is not merely the presence of a thriving leopard population, but the extraordinary social ecology that surrounds it. In a country where human-wildlife conflict is frequently reported, Jawai presents a rare and compelling counter-narrative, of coexistence without conflict. The semi-nomadic Rabari community, residing amidst these very hills, has over centuries cultivated a relationship



of deep tolerance and reverence towards the leopard, often perceiving the animal through a spiritual and cultural lens. This mutual respect is reflected in everyday practices, restraint in festivities, avoidance of disruptive noise, and a conscious effort to preserve the sanctity of the habitat, thereby enabling a shared landscape where humans and leopards coexist with minimal hostility.

6. Indeed, despite an unusually high density of leopards and frequent proximity between human settlements and wildlife habitats, instances of fatal conflict remain exceedingly rare, underscoring a fragile yet functional ecological equilibrium. This coexistence is not accidental; it is the result of a deeply embedded cultural ethos, ecological sensitivity, and a lived tradition where wildlife is not perceived as an adversary, but as an integral part of the environment.

7. However, this delicate balance now stands imperilled. The increasing footprint of unregulated development, manifested in expanding tourism infrastructure, habitat disturbance, has begun to encroach upon this shared ecological space. Commercial exploitation, often operating within regulatory gaps, has altered the natural landscape, placing both the leopard population and the traditional lifestyle of local communities at risk.

8. Significantly, despite its ecological uniqueness and increasing global recognition, the Jawai region continues to remain outside the protective framework of a formally notified wildlife sanctuary



or national park. This regulatory vacuum renders its biodiversity vulnerable and undermines long-term conservation efforts.

9. It is in the aforesaid backdrop that the present Public Interest Litigation has been instituted, raising a critical issue concerning the protection and preservation of the natural habitat of leopards and other wildlife in the Jawai region, District Pali, Rajasthan.

10. Unregulated tourism activities in the said region have been causing ecological stress, arising out of disturbance to wildlife, particularly, leopards.

11. Earlier, notices were issued by this Court and duly served upon all the respondents. The respondents are already represented through their respective counsel and have sought time to file their reply/ response in the matter.

12. Learned counsel, appearing on behalf of the petitioner, submit that the matter requires urgent consideration in view of the deteriorating conditions arising out of the unregulated activities, including rampant violation of ecological norms in the conduct of such activities.

12.1. Learned counsel have demonstrated that the harassment of wildlife is of such extent that night Safaris are being conducted, wherein spotlights, torch lights and search lights are directed at the animals and their caves/dens. Furthermore, drones are being deployed to locate the animals, thereby disturbing them even during dusk hours and causing stress to the wildlife.



12.2. Learned counsel have also raised several other concerns, including that unregulated Safaris pose a safety hazard to tourists visiting the site.

13. The matter requires consideration.

14. The respondents are directed to file their reply/response in the matter on or before the next date of hearing.

15. List this case on **20.04.2026**.

16. In the meanwhile, it is directed as under:

(i) The respondents are directed to ensure that no safari activities, including night safari or any activity for spotting or locating wildlife, shall be permitted beyond the period between 6:00 a.m. to 7:00 p.m., (Such time restriction are being adopted by this Hon'ble Court in line with the timings followed in Ranthambore National Park, which must be based on expert assessment and scientific considerations.)

(ii) Any person found disturbing the animals by use of torch lights, search lights, spotlights, drones, or any other similar means or devices shall forthwith be restrained from doing so by the Respondents by taking adequate preventive and enforcement measures.

(iii) Any instance of misconduct by safari vehicles, local hospitality personnel, or any other persons, involving disturbance, harassment, or interference with wildlife, shall be promptly reported, and the persons responsible shall be dealt with expeditiously in accordance with law, by taking appropriate penal and regulatory action.





(iv) The other measures shall be contemplated by this Court on the next date of hearing after the reply is filed by the respective respondents.



(SANDEEP SHAH),J

18-Zeeshan

(DR.PUSHPENDRA SINGH BHATI),J