Constitutional Mandates and Wildlife Protection: The Expanding Role of Environmental Jurisprudence in India

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ABSTRACT:
This research article discusses how India's Justice system has impacted the nation's approach to wildlife protection, from giving rights to statutory frameworks and the courts' intervention. Based on Constitutional provisions- mainly Article 48A, 51A(g) and 21, the Indian legal system is actively moving towards acknowledging that the wildlife has its own worth, irrespective of the benefits for us. Being a self-proclaimed superior species, we humans have the prime responsibility towards other species. Important Judgments like Subhash Kuamar v. State of Bihar(1991) and Animal Welfare Board of India v. A. Nagaraj(2014) clearly show the deviation from a human-centric approach to an eco-centric approach. Still, weak follow-through, pushback from agencies, along with scattered authority structures, weaken powerful verdicts, showing courts cannot fix everything when nature's future is at stake. This paper therefore, contends that meaningful and durable wildlife protection in India depends on a tighter alignment between carefully drafted legislation, principled judicial oversight, and genuinely participatory governance. Only when these elements work together can constitutional commitments to wildlife and the environment be translated into real and enduring ecological justice.
Keywords: Constitutional Environmentalism, Wildlife Protection, Indian Environmental Jurisprudence

1. INTRODUCTION

Lately, courts in India have started treating nature like something worth guarding by law - even if the country's founding document never clearly said so. At first, rules about air, water, or forests came from regular laws passed by lawmakers or decisions made quietly by officials. Yet things shifted when judges began linking green spaces and clean surroundings to basic survival under Article 21, turning vague ideas into real legal claims people can stand on. This slow courtroom change gave rise to stronger backing for protecting animals too. With countless unique species living here - and growing threats from broken habitats, illegal hunting, roads slicing through wilderness, outsider plants choking native ones, plus clashes between villagers and beasts - the old Wildlife Act of 1972 now shows cracks. Though that act drew borders around reserves and listed creatures needing care, it fails against bigger forces harming ecosystems.

R. Dave et al. (eds.), *Proceedings of the International Conference on Conceptualizing Legal Framework and Policies for Domestic Animal and Wildlife Conservation: Issues and Challenges in Hybrid Mode (ICAR 2026)*,
Atlantis Highlights in Social Sciences, Education and Humanities 52,
https://doi.org/10.2991/978-94-6239-725-5_6

The Indian Judiciary has linked wildlife preservation to constitutional provisions. PIL has been an important tool for realising that safeguarding wildlife is also a constitutional goal. The three most important provisions are: Article 48A, added through an amendment, requires state action in protecting animals and trees. Then there's Article 51A(g), saying citizens must show concern for all beings around them. On top of that, Article 21 - once only about personal liberty - is now seen to include clean air, balanced ecosystems, even species survival.[1] These layers together shifted focus away from bureaucratic control toward seeing nature through legal entitlements. With this setup in mind, the paper explores connected questions: how interpretations turned animal safeguards from law-based rules into moral rights matters. It also asks if India's legal thinking has grown beyond human-centered views to honor wild lives for their own worth. Further still, it examines hurdles within systems and structures that keep court-led green reforms from fully taking root. Using close reading of laws, pivotal rulings - from both national and regional benches - and main acts like the Wildlife Protection Act, the work connects local outcomes with wider discussions elsewhere - in places like Latin America - where nature holds legal standing or earth-centric ethics shape judgments.

2. RESEARCH METHODOLOGY:

A doctrinal research approach was adopted in this study by analysing various constitutional provisions (Articles 21, 48A, 51A(g)), legal statutes including the Wildlife (Protection) Act 1972 and major decisions of the Supreme Court (*Subhash Kumar*, *T.N. Godavarman*, *A. Nagaraja*) and scholarly literature on ecocentrism and wildlife protection. This study also includes the comparative analysis of rights of nature developments in Latin America to understand India's trajectory and implementation constraints.

3. Theoretical Shift From Human-Centered To Eco-Centered Constitutionalism:

Nowhere on Earth do people agree about why nature matters. Some say forests matter only when they help people - by cleaning air, giving wood, shaping weather patterns, or inspiring art. Laws protect trees then, but just because people need them now or later. Others argue a river has worth even if no one sees it, simply because it exists alongside wolves, mosses, fungi, and silence. Worth isn't earned through usefulness. Life holds meaning apart from us. An anthropocentric approach views nature as valuable primarily because of its contribution to human welfare— through ecosystem services, resource provision, climate regulation and cultural benefits. Environmental protection is justified to the extent that it safeguards present and future human interests. By contrast, an ecocentric approach attributes intrinsic value to non-human beings and ecological systems, independent of direct or indirect human utility. Early Indian environmental case law, particularly in the 1980s and early 1990s, was predominantly anthropocentric. In decisions such as Subhash Kumar v State of Bihar and various M.C. Mehta cases, pollution control and resource protection were framed as necessary to secure a dignified human life under Article 21. The emphasis lay on safeguarding human health, livelihood and intergenerational welfare, even as the Court imported international principles such as sustainable development, the precautionary principle and polluter pays into domestic law. [2]

India's legal system shows a unique move toward valuing nature by weaving ecological respect into current laws, not through new constitutional rules but through court decisions shaped by tradition, philosophy, and global norms.[3] Born in judgments, this approach brings fresh thinking about nature's worth - yet its survival rests entirely on whether judges keep choosing to uphold it as shown in figure 1.

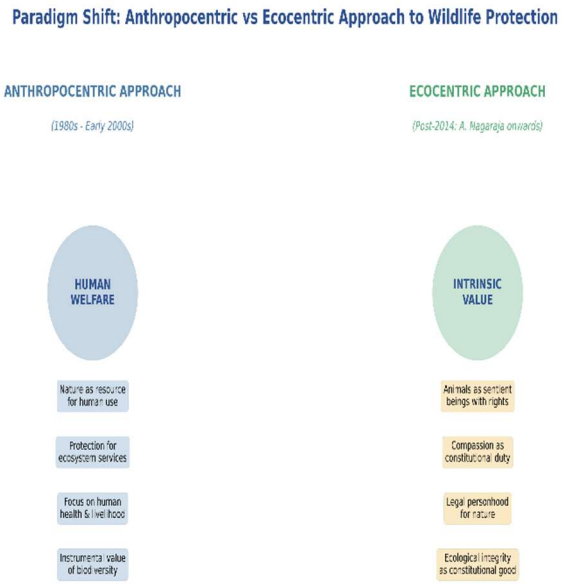

Figure 1: Paradigm Shift: Anthropocentric to Ecocentric

4. How Wildlife Protection Is Structured in the Constitution

4.1 Article 48A Guided Environmental Duty

It began with the Forty-Second Amendment back in 1976. That change brought in Article 48A, urging the State to care for nature, keep forests alive, and guard wild animals. Found among guiding ideals rather than enforceable rights, this clause still shapes how courts handle green issues. Judges often lean on it when making sense of laws tied to air, water, or trees - reading them with purpose, pushing officials to act with Earth in mind. Not just a tool for reading rules, it quietly questions choices that harm ecosystems. When forest plots get reassigned, mines win permits, or standards loosen near protected zones - including during the long-running T.N. From Godavarman Thirumulpad onward, including newer cases on eco-sensitive zones, the top court has seen this rule as a firm line - no brushing aside forests or wildlife, regardless of how vague laws might be.[4] Tied to basic rights like Article 21, guidelines such as Article 48A gain real teeth; once soft, they now bind the state tightly. If official moves - or lack thereof - risk wrecking ecosystems tied to survival, courts may step in, calling such choices unconstitutional.

4.2 Article 51A(g): Constitutional Duty to Protect Nature

What keeps nature safe? A rule tucked inside India's constitution says each person should guard forests, lakes, rivers, wildlife. Care for animals fits right into that idea. Courts cannot force people to follow this part directly. Still, judges often look at it when weighing decisions. When festivals push bulls to suffer, one top court said no. It pointed to old traditions like Jallikattu, calling them out of step with kindness required by law. That judgment leaned hard on the duty to respect life. Other customs get examined too - those were animals face harm during rituals. Law watches closely whenever usage of creature's clashes with deeper ethical lines. Compassion written into constitutions means more than just saving species - it reflects a deeper promise, tying responsible citizenship to care for animals and nature. Because of this shift, some see a new role for people in protecting land and wildlife, not because they have to obey rules, but because they share responsibility shaped by law.

4.3 Article 21: Judicial Expansion of the Right to Life

A shift in how India sees nature inside its constitution started with changing what Article 21 means. Once limited to stopping unfair loss of life or freedom, it began stretching further by the late seventies. Now breathing clean air and drinking pure water are seen as part of living properly - thanks to court choices made over time. In one key case involving Subhash Kumar and Bihar's government, judges said pollution-free surroundings belong under the right to live - even though they rejected that petition for bad intent. Later rulings added more layers: balanced ecosystems, shielding people from dangerous factories, saving green zones and shared lands. Ideas like acting early when harm might happen, making polluters bear costs, and fairness between generations now fit beneath Article 21 too. Trampling through wild spaces, sneaking shovels into protected woods, or slapping up structures unchecked near animal homes does more than ignore rules - it tramples on fundamental right as shown in the figure 2.[5]

Figure 2: Constitutional Framework

5. STATUTORY FRAMEWORK:

5.1. The Wildlife (Protection) Act 1972

The Wildlife Protection Act is the most significant effort by India to save wildlife. As worries worldwide began rising over vanishing species, this law took shape. Built into its framework was a full set of rules meant to shield wild animals, birds, yet also plant life. The main aim stays clear: keep wild spaces free from industrial pressure, more so in areas built to shield big cats.[6]

Even with strong points, the WPA runs into built-in barriers that slow real progress. Too few staff, poor preparation, along with outdated methods hold back many forest and wildlife teams. Charges against offenders frequently fail, so punishments rarely stick, weakening legal impact. Decisions about land use get swayed by politics - especially when forests make way for roads or mining which chips away at the law's strength. This shows protecting nature depends less on perfect rules, more on how well systems function and whether leaders truly act.[7]

Wildlife protection in India does not stop at the Wildlife Protection Act. Other laws shape how nature is managed across landscapes, genes, and people's roles. Instead of just focusing on animals, these rules touch deeper systems. Land decisions fall under the Forest (Conservation) Act of 1980, which blocks automatic changes to forest use. Any shift needs permission from national authorities first. Courts stepped in later, especially via the T.N. Godavarman rulings, expanding what counts as a forest - now even unclassified wooded tracts face restrictions. When projects proceed, replanting elsewhere becomes compulsory, along with special measures tied to each plan. Lately, rulings from India's top court - in battles over homes in woods or conservation goals - have tried balancing these community rights against older forest laws. Although wildlife concerns remain strong, judges appear less eager to treat forests as either strictly off-limits or fully open. Instead, hints of a blend are forming: one where nature safeguards, species rules, and local care might coexist under national law. Yet on the ground, this mix often wobbles, uncertain, thin.

5.2. Forest (Conservation) Act 1980, Biological Diversity Act 2002 and Forest (Rights) Act 2006

Outside the Wildlife Protection Act, India's efforts to save animals connect closely with rules about trees, living things, and people who live near nature. Not just limited to declared forests, any patch of green might fall under watch because court rulings expanded what counts as forest land when it comes to stopping misuse. Approval from top authorities must happen first if someone wants to turn tree-covered plots into roads or factories - this rule started with the Forest Conservation Act of 1980.[8] Over time, judges pushed further, making sure protection spreads even to unnamed woods through legal interpretations in cases linked to T.N. Godavarman. Conditions like planting new trees elsewhere often follow such decisions, along with special steps tied to each construction plan. Another law, passed in 2002, focuses on life forms and old wisdom held by villagers; it built institutions at national, state, and village levels called biodiversity bodies. These groups manage how plants, microbes, or animal parts get used, especially for profit. Villagers write down local ecological knowledge in documents known as People’s Biodiversity Registers - a step meant to guard heritage while ensuring fair rewards later. Progress though? Slow. Courts had to order action again and again before these committees formed widely or filled out records properly. Even now, many communities lack support needed to act fully,

plus actual sharing of money or advantages barely scratches the surface as shown in figure 3.[9]

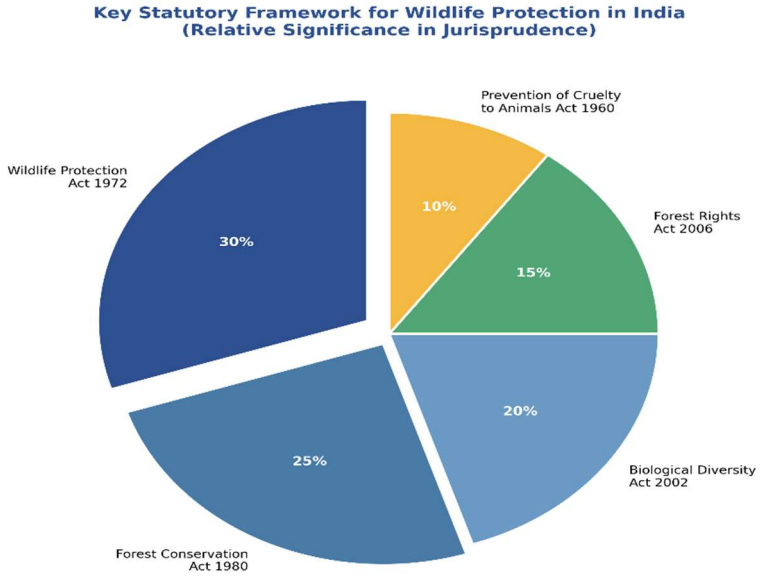

Figure 3: Key Laws Shaping Policy in India

6. LAndmark Jurisprudence And Ecocentric Shift

6.1 Subhash Kumar Versus State Of Bihar 1991

A quiet moment in Indian legal history began with the Subhash Kumar Case. Industrial waste from a steel facility, he claimed, was fouling the Bokaro river, threatening people's health. Though the court found no grounds to act that time, its words carried further than the ruling itself. Breathing clean air, drinking pure water - these were framed not as privileges but as part of life's basic fabric under Article 21. That passing remark took root slowly. Later judges pulled it into their rulings. Scholars wove it into analysis. What seemed incidental at first became central over time.[10]

Not so much the details themselves, but what Subhash Kumar added to legal thinking matters most for nature protection. When courts began seeing harm to the environment as possibly breaking basic rights, new paths opened. Loss of wild animals, vanishing homes for species, and dangers facing threatened creatures started linking to Article 21. This connection grew stronger by showing how healthy systems support people - or simply because nature holds value on its own.

6.2 Animal Welfare Board of India versus A Nagaraja 2014

Out of nowhere, the Supreme Court dove into whether Jallikattu and similar bull-taming contests broke animal protection laws from 1960. Though tradition weighed heavily, the judges said harm built into these acts couldn't be brushed aside just because they'd been around awhile. Without making a show of it, the

ruling quietly shifted ground - placing nature itself at the center rather than human custom. [11]

A life has worth beyond what we give it - comfort or show won't outweigh the harm done. What matters stands apart from amusement. Hurting creatures for fun ignores a truth hard to face. Worth isn't measured by our enjoyment. A being feels, that changes everything. Compassion toward animals is a duty under Article 51A(g), one that shapes how laws are understood. How we read and interpret constitutional provisions should reflect this citizen responsibility.

6.3 Karnail Singh Versus State Of Haryana 2019

In this case the Court said that every life has equal standing in law. Those in charge can't just rule anymore; they're meant to tend instead. Ownership fades when duty steps in, shaping how decisions unfold day by day. Rivers once got rights too, though silence followed those old words on forgotten pages. This time around, creatures both large and small joined in. While others had started down this route long before, India moved quietly into alignment. There was no triumph announced in court. Only a quiet placement of one more piece on a well-worn path.[12] It may mean little on the surface, yet people question what it truly changes in practice. Where animals gain standing in court, conflicts over property could twist in unpredictable ways. Who speaks for them remains shaky mechanisms for responsibility simply do not line up. Rights without structures behind them tend to gather dust, some note quietly. Even so, Karnail Singh pushes Indian environmental law further than before, stretching the circle of whom the law sees.[13]

7. LEGAL PERSONHOOD AND RIGHT OF NATURE

Trying new ways to give rivers, forests and animals legal status shows a growing push worldwide to see nature not just as something to guard but as something with its own rights. Across parts of Latin America, change is already written into law. Ecuador made it part of their constitution back in 2008, giving nature clear standing under the rules. Bolivia followed through with laws named after Mother Earth, setting out similar ideas in official statutes.[14] Courts in Colombia stepped in too, declaring certain natural systems deserve safeguards, repair when harmed and support for their ongoing life processes.[15][16] India sees nature gaining rights more through court rulings than changes to the constitution. Rivers like the Ganga and Yamuna - even certain animals - were declared legal persons by state-level courts, although not all rulings stand today; some remain uncertain or paused. Experts note such status may elevate symbolic value, alter public conversation, yet real change hinges on how it plays out in practice A solid grasp of what rights include - like existing, healing damaged systems, returning harmed parts to balance - matters most when shaping rules. Not every right fits a single mold; some grow from needs others ignore entirely. What counts is how each one stands up when tested in real situations where outcomes matter more than ideas Putting in place systems to oversee guardianship, clearly laying out what each person can do, their responsibilities, how they must answer for decisions - while ensuring checks stay active through structured review Starting fresh, rules fit alongside current property laws without overlap.

8. Toward Integrated Constitutional Wildlife Governance

India's conservation and protection of wildlife depends on the collective efforts of the legislature, the judiciary and the participation of its citizens.

8.1 Legislative Precision

Legislature can start by amending the WPA and by including more ecocentric, unambiguous statutory provisions. There should be provisions reflecting the importance of the ecosystem and objective of the act. These provisions should clearly focus on the balanced natural system, where there is compassion towards wildlife and acknowledgement by the government regarding its duties. Issues involving uncertainty around animal dignity and welfare should be addressed by the legislature. Despite the A. Nagraj ruling, which links dignity to Article 48A, 51A(g), there are no clear statutory provisions stating. Unambiguous written provisions would help turn ideas into actual safeguards. Such provisions may cover Shelter, handling or usage. Legal clarity can eliminate the risk of misinterpretation and delays while administering justice. Focusing more on coordination between the various institutions for implementation and setting up dedicated teams to handle wildlife crimes could make a difference.[17]

8.2 Judicial Restraint Combined With Selective Supervision

It is best when the court manages broad rules rather than managing small everyday tasks. Their main role is to clearly state the rights, keep the process fair and push the government for the implementation process. It is not practically feasible for the courts to track numbers over and over again. What it can do is to help build a system and keep selective supervision. Daily interference by the courts may lead to Judicial overreach and may disturb the delicate constitutional balance.[18][19]

Supervision may include the direction by the Courts to the state to save the fragile ecosystem or take protective initiatives. Courts can make committees and commissions, and let the specialised bodies shape how things work. It can supervise through periodical reports and assessments.[20] Boosting what the green tribunal can do - and giving it more support - could take routine environmental cases off the highest court’s plate, opening space for deeper attention to tougher conflicts by people who know the field well.[21]

8.3 Participatory Ecological Democracy

Democracy shaped by people matters most when managing wild animals. Instead of just asking folks what they think, systems should let them join real work planning, doing, sharing gains. Laws about forests could fit better within wildlife rules if matched carefully. When locals hold rights to forest resources, those powers can walk hand in hand with protecting nature using shared management models or protected zones led by villages. Rewards for eco-friendly choices also help keep balance. Having villagers, especially tribal members, sit on official panels brings practical wisdom into rulings. Court-backed groups need these voices too so outcomes stay rooted in lived truth. Meanwhile, real public involvement needs protection from powerful few taking control - backed up with training and clear access to facts. Only when people view protecting animals as tied to their jobs and traditions does nature-centered law start feeling like something alive, not just court words on paper as shown in figure 4.[22]

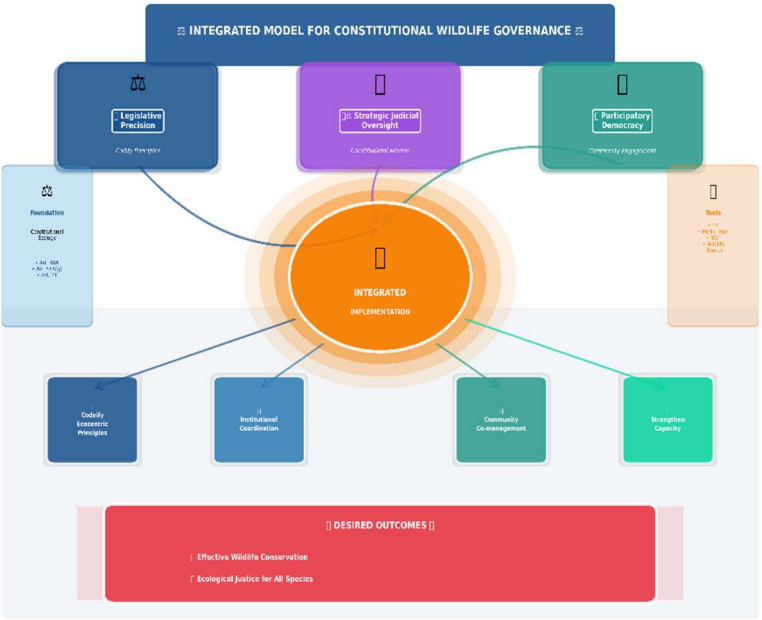

Figure 4: Integrated Model for Wildlife Governance

9. COMPARATIVE INSIGHTS

Looking close reveals what works - also where India's way falls short. Not long ago, some countries in Latin America wrote bold ideas into their founding rules, especially Ecuador when it changed its constitution in 2008.[23] There, nature called Pachamama - gained legal standing: to live, continue, heal. Courts there now hear cases brought on behalf of rivers, forests, even soil. Judges have told projects to stop damaging land, sometimes ordering repair after harm was done.

In India, change comes slowly, shaped mostly by court decisions. Instead of clear laws granting nature legal rights, judges pull ecological values from current rules and responsibilities. Because of this, the system bends without breaking under new pressures.[24] Yet its strength depends heavily on which judges are hearing cases and how they choose to explain the law. One bench might stretch interpretation far; another may hold back. While not fully embracing nature's inherent worth, it goes beyond mere human benefit. This version of environmental care balances somewhere in the middle - not quite a gift to people, not quite a right for rivers. Something pulls together ideas about fairness - like clean air, safe water, people's ways of living - and mixes them with newer views that see nature itself as having worth, even rights. Where one idea ends and another begins isn't always clear. Still, blending these thoughts can help adapt to different situations in meaningful ways.[25]

What works elsewhere shows that setting up institutions matters just as much as new legal ideas. When it comes to protecting nature - whether through granting rights or assigning stewardship roles - it's the real-world systems behind them that count. Strong oversight bodies matter. So do straightforward processes. Enough funding does too. In India, the debate isn't really about adding nature's rights to the Constitution as shown in figure 5.

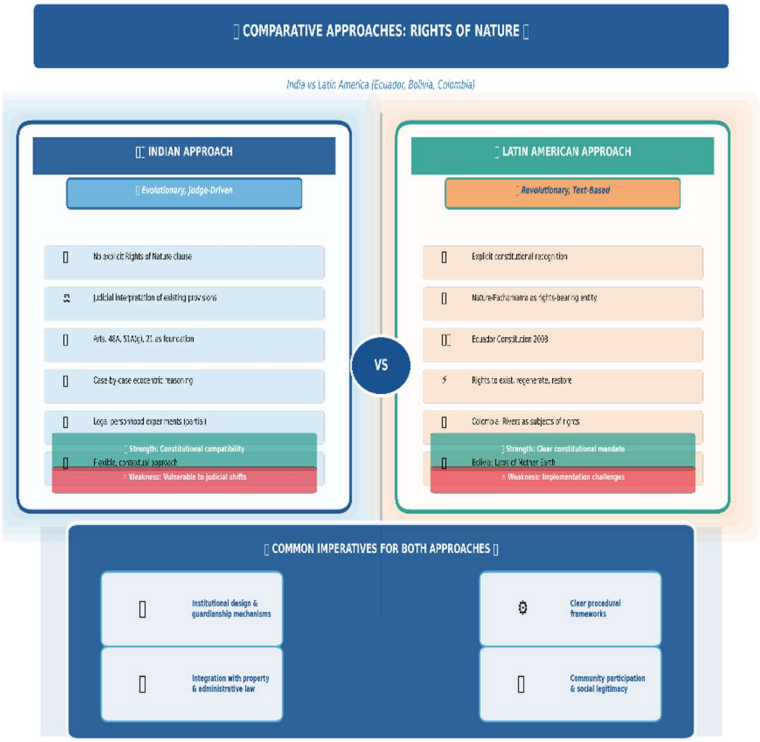

Figure 5: India and Latin America Compared

10. Conclusion

Wildlife laws in India show a drastic growth within the constitution. Articles 48A and 51A(g) were regarded as mere suggestive articles but stand firm now, alongside Article 21, paving the way for enforceable rights for nature. The credit goes mainly to the PIL mechanism and the interpretation of provisions in an ecocentric manner. This transition connects conservation to ownership of natural resources, where safeguarding animals is not merely considered a government policy but also a duty to do justice to the other beings and treat them with fairness. In A. Nagaraja, along with other noted cases, including Karnail Singh, the nature and wildlife gain legal standing beyond the people-centric views. It becomes evident that keeping a healthy environment is not just a tool for human benefit but also a core constitutional aim.

When the real system for maintaining the ecological balance fails, the environment begins to degrade. Inefficient agencies, poor wildlife records, rising clashes between people and animals, and ineffective enforcement limit the progress. Visions in law may stay unfulfilled without clear rules, strong bodies to act, and decision-making that earns trust across society.[26] The Depth was added to India's discussion from the ideas of Latin America's Nature rights. Although fitting them exactly in Indian scenarios may raise complications.

What if the laws actually understand and respect nature? Imagine rules where ecosystems also matter, not just people. Imagine the Wild Planet Act treating

animals as beings, not objects. Laws could carry that idea forward - through updates, through choices. Not just protecting life but honoring it. A shift in wording might signal a deeper change. Dignity sneaks into statutes where profit once ruled alone Strong management comes from offices that have enough support, clear knowledge in research areas, then work together when applying rules What matters most is how courts shape systems through broad standards steering institutions by design, not daily details When people help shape conservation work, their voices guide both plans and actions. Local insights take root where decisions are made together. Power shifts when communities lead alongside experts. Shared control changes how nature is protected. Real influence grows through joint effort on the ground. A shift like this could let India's legal framework grow into real action, bringing lasting fairness for people alongside animals, along with the natural processes that sustain them all.

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