



"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE BASANT BALAJI

MONDAY, THE 28TH DAY OF JULY 2025 / 6TH SRAVANA, 1947

WA NO. 2179 OF 2023

[AGAINST THE JUDGMENT DATED 23.08.2023 ARISING FROM
WP(C) NO.7107/2020]

APPELLANT/PETITIONER:

ANGELS NAIR, AGED 57 YEARS,
GEN, SECRETARY, ANIMAL LEGAL FORCE INTEGRATION,
KAPPILLIL PULLUVAZHY P.O. PERUMBAVOOR,
ERNAKULAM DISTRICT 683 541.

BY SRI. ANGELS NAIR (PARTY-IN-PERSON)

RESPONDENTS/RESPONDENT NOS.1 TO 4 IN THE WP(C):

- 1 THE PRINCIPAL SECRETARY,
FOREST AND WILDLIFE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 2 PRINCIPAL CHIEF CONSERVATOR OF FOREST AND
HEAD OF FOREST FORCE FOREST HEADQUARTERS,
VAZHUTHAKKAD, THIRUVANANTHAPURAM, PIN - 695014.
- 3 CHAIRMAN OF THE COMMISSION,
DEPUTY INSPECTOR (GENERAL OF FORESTS (CENTRAL)-1,
MINSTREL OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
REGIONAL OFFICE (SOUTHERN ZONE),



KENDRIYA SADAN, IVTH FLOOR E AND F WIGS,
17TH MAIN ROAD, IIND BLOCK, KORAMANGALA,
BANGALORE, PIN - 560034.

- 4 UNION OF INDIA, REPRESENTED BY SECRETARY,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE,
C.G.O. COMPLEX, LODHI ROAD, PARYAVARAN BHAWAN,
NEW DELHI, PIN - 110003.

BY ADV. SRI.T.P. SAJAN, SPECIAL GOVERNMENT PLEADER,
BY ADV. SRI.MANU VYASAN PETER, AMICUS CURIAE.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
28.07.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



“C.R.”

JUDGMENTDated this the 28th day of July, 2025.**Nitin Jamdar, C. J.**

The issue in this appeal is about the grant of permission for commercial films and TV serials unrelated to the object of wild life protection and conservation in the protected areas under the Wild Life (Protection) Act, 1972.

2. In 2019, a commercial movie outfit applied to the Divisional Forest Officer, Kasaragod, for permission to shoot a Malayalam commercial film “Unda” in Karadukka Section in the Kasaragod Forest Range. The Divisional Forest Officer granted permission for shooting the commercial film for fifteen days on condition that the team has to remit ₹18,115/- per day as fees and ₹18,115/- as security deposit.

3. The Petitioner in person filed W.P.(C) No.1645 of 2019 questioning the permission granted to the movie production house and to direct Forest Range Officer, Kasaragod, to take necessary deterrent action. According to the Petitioner extensive damage was caused to the forest area by the film unit, in order to facilitate the transport of equipment and actors for the film shooting. The Divisional Forest Officer stated that the application for a commercial film shooting in the forest range was granted in view of the Government Order issued by the Department of Forest, Government of Kerala dated 30 March 2013 and delegation of powers to



the Divisional Forest Officers. The learned Single Judge concluded that permission was granted for film shooting violating the provisions of the Forest (Conservation) Act, 1980, the Wild Life (Protection) Act, 1972, and other environmental laws, and that serious and irreparable damage was caused to the forest area due to the dumping of gravel and deposit of waste. The learned Single Judge disposed of W.P.(C) No.1645 of 2019 by judgment dated 17 June 2019, holding that it is the duty of the Central Government under the Forest (Conservation) Act, 1980, and directed that necessary enquiry and action should be taken in accordance with law within a period of four months.

4. Pursuant to the judgment dated 17 June 2019 in W.P.(C) No.1645 of 2019, the Ministry of Environment, Forest and Climate Change, Government of India, constituted an enquiry committee. The committee carried out a site visit on 6 August 2019. The Committee noted that the Divisional Forest Officer, Kasaragod, had permitted the construction of film sets and the bringing of soil without specifying the details, and had also permitted shooting beyond the specified period. The Committee noted that the State Government authorities appear to have permitted film shooting, as the request for film shooting is considered a service, and halting it midway would have economic implications for the private movie production house. The committee recommended that the State Government re-examine the Government Orders issued permitting film shooting.



5. The Petitioner then filed W.P.(C) No.7107 of 2020 on 3 March 2020, from which this appeal arises, and sought a fresh investigation and stringent measures to curb the activities, with other consequential reliefs. The learned Single Judge heard W.P.(C) No.7107 of 2020 filed by the Petitioner along with W.P.(C) No.7059 of 2020, filed by the Range Forest Officer. The learned Single Judge found that since necessary action had been taken pursuant to the report dated 19 August 2019, no further orders were required in W.P.(C) No.7107 of 2020 filed by the Petitioner. Regarding the petition filed by the range forest officer in respect of the notices, the learned Single Judge found that the report did not contain any specific direction to initiate disciplinary action against the Petitioner. Taking note of the fact that the officer had retired from service, the impugned notice was quashed.

6. The Petitioner, thereafter, has filed this appeal challenging the order passed by the learned Single Judge dated 23 August 2023 disposing of W.P.(C) No.7107 of 2020 filed by him. The order passed in W. P. (C) No. 7059 of 2020 is not under challenge.

7. When the appeal came up for hearing, the Bench noted that the pleadings in the petition would show that the petition was a Public Interest Litigation. Thereafter, though as regards the Malayalam commercial film shooting, which had taken place in the year 2019, reports have been filed, action has been initiated, considering the implications of permitting commercial film shooting in National Parks,



Wildlife Sanctuaries, Tiger Reserves, and protected areas, treated the appeal as filed in Public Interest to decide the wider issue. The wider issue is whether permission for commercial film shooting, unrelated to the objects of the Wild Life (Protection) Act, 1972 is permissible in the National Parks, Wildlife Sanctuaries, and Tiger Reserves in Kerala on the basis of the Government Order dated 30 March 2013. Mr. Manu Vyasana Peter, learned Advocate, was appointed as *Amicus Curiae* to assist the Court. A counter affidavit was filed by the Under Secretary to the Government, Forest and Wildlife (C) Department, and a statement was subsequently filed by the Government Pleader on behalf of Respondent No.1.

8. We have heard Mr. Angels Nair, Petitioner-in-person, Mr. T.P. Sajan, the learned Special Government Pleader for the Respondents, and Mr. Manu Vyasana Peter, the learned *Amicus Curiae*.

9. Since the forest officials had relied upon the Government Order dated 30 March 2013, which is still being construed as conferring the power to grant permission for shooting commercial films in National Parks, Wildlife Sanctuaries, and Tiger Reserves, it is necessary to examine whether such activities in these protected areas are permissible under the Act of 1972.

10. The Government Order dated 30 March 2013 issued by the Principal Secretary of the Forest and Wildlife Department, authorises the



Divisional Forest Officers to permit film shooting on payment of prescribed fees and security deposit. This Order refers to an earlier Government Order dated 11 November 2005 and states that entry fees for tourists and fees for film shooting in National Parks, Wildlife Sanctuaries, and Tiger Reserves have been revised. It also refers to another Government Order dated 10 November 2005, which extended the same charges to forest areas outside the protected areas. As per the revised rates, ₹15,000/- per day was fixed for commercial films, ₹5,000/- per day for documentaries, TV serials, and commercial photography, and no charges were levied for non-commercial educational films. A security deposit was also made mandatory. As stated earlier, this Order deals only with the revision of fees and does not refer to any policy decision or statutory provision permitting commercial film activity in protected areas under the Act of 1972. In this Government Order, there is no reference to the relevant statutory provisions which will be elaborated later. It simpliciter revises the fees and delegates the powers. The learned Single Judge in the impugned judgment had noted that the Principal Chief Conservator of Forests had stated that the Government Order dated 30 March 2013 would be re-examined. Even the Central Government Committee was of the opinion that the order dated 30 March 2013 needs a re-look. However, no such exercise has been carried out so far.

11. The Government Order dated 30 March 2013 refers to a delegation by the Chief Wild Life Warden to the Divisional Forest



Officer for granting permission for film shooting, invoking powers under Section 5(2) of the Act of 1972. However, the powers of the Chief Wild Life Warden are subject to Section 28, which does not give any specific reference to commercial films or TV serials. The appeal was adjourned thrice on the request of the Government Pleader to obtain instructions. Upon instructions, the learned Special Government Pleader submitted that the only document under which permissions are given to commercial films and TV serials shooting is the Government Order dated 30 March 2013. The counter affidavit filed by the State does not refer to the statutory scheme of the Act of 1972, nor has the State Government filed any policy or document supporting commercial film shooting in protected areas.

12. This takes us to the statutory framework, to examine whether the Government Order dated 30 March 2013 can confer power on the forest officers to permit commercial film shooting in National Parks, Wildlife Sanctuaries, and Tiger Reserves, upon payment of the fees prescribed therein. The Wild Life (Protection) Act, 1972 (Act of 1972) was enacted by the Parliament to provide for the conservation, protection, and management of wild life with a view to ensuring the ecological and environmental security of the country. The phrase “wild life”, as defined under Section 2(37) of the Act of 1972, is comprehensive and includes any animal, aquatic or land vegetation which forms part of any habitat.



13. At the outset, it is made clear that there can be different forms of film-making. In the present context, when commercial film-making is referred to, we are concerned with commercial films and television series, which are to be understood in their ordinary sense as mainstream cinema or serials, such as the Malayalam film for which permission was granted. Therefore, when we examine whether commercial film-making is a permissible activity within protected areas, the reference is to this type of commercial cinema as commonly understood. The Government Order dated 30 March 2013 does not draw any distinction between different kinds of films, and our focus is specifically on this category of commercial films or cinema.

14. Chapter IV of the Act of 1972 deals with the protected areas. Under Section 18, the State Government may, by notification, declare any area as a sanctuary if it is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment. Under Section 18A, when the State Government notifies an area as a sanctuary, the provisions of Sections 27 to 33A (both inclusive) come into effect. Section 35 of the Act of 1972 empowers the State to notify an area even as a National Park for its ecological, floral, geomorphological or zoological association or importance, for protecting, propagating or developing wild life or its environment. The various provisions under the Act of 1972 regulate and restrict entry into the National Parks, Wildlife



Sanctuaries, and Tiger Reserves. Sections 27, 28, and 29 of the Act of 1972 impose restrictions on entry into a sanctuary, and only certain categories of persons are permitted, such as public servants on duty, etc. Only specific categories of activities are allowed. No person is allowed to tease or molest any wild animal, litter the grounds of the sanctuary, or destroy, exploit or remove any wild life, or destroy the habitat. Sections 30 to 32 of the Act of 1972 provide for further prohibitions in the sanctuary, and the control of the sanctuary is vested in the Chief Wild Life Warden under Section 33. For the sake of convenience in this judgment, these three, that is, National Parks, Wildlife Sanctuaries, and Tiger Reserves, are referred to as wildlife sanctuaries or protected areas.

15. No person has a right to enter a wildlife sanctuary without a permit. Section 28 of the Act of 1972 deals with grant of permits to enter or reside in the wildlife sanctuary. Section 28 reads as under:

“28. Grant of permit. -

(1) The Chief Wild Life Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:-

(a) investigation or study of wild life and purposes ancillary or incidental thereto;

(b) photography and film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life;



(c) scientific research;

(d) tourism;

(e) transaction of lawful business with any person residing in the sanctuary.

(2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.”

The phrase *“film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life”* was inserted into the Act of 1972 by an amendment with effect from 19 December 2022. Prior to this, the statute referred only to *“photography”*.

16. Section 28 of the Act of 1972 thus authorises the Chief Wild Life Warden to issue permits for entering a sanctuary for the purposes stated therein. The dominant object is to protect wild life and its environment, and ensure that they are not disturbed. Thus, it is also the duty of the officer that permits are not granted for purposes other than that are specified. The objects for which a person can enter with permits are, for investigation or study of wild life; for scientific research; for tourism, and for the lawful business of persons residing within the sanctuary. Photography and film-making are activities, and the others are purposes or objects for which a person enters the Wildlife Sanctuary. Section 28 does not classify film-making into types, such as commercial, educational, or documentary. The absence of such classification does not mean blanket



permission for all kinds of film-making. Thus, the question is what type of film-making is permitted under Section 28. While, in interpreting Section 28, the principle of *noscitur a sociis* applies, that is, the meaning of a word has to be understood in the context of the words surrounding it. The underlying concept in employing this principle is that, while determining the ambit of a phrase, regard has to be had to the ambit and meaning of the phrases associated with it. If there is a more general expression, it would be restricted or analogous to the less general phrases. When the question arises as to whether film-making can be of any type, regard will have to be made to the less inclusive purposes associated with it, such as investigation, research and scientific study, tourism, etc. It is no doubt true that *noscitur a sociis* is a principle of statutory interpretation and cannot prevail over the clear intention of the legislation to make a particular phrase wider, but in the present case, no such legislative intent emerges from Section 28 of the Act of 1972 to interpret the phrase “film-making” widely. On the contrary, the statutory scheme and the wider constitutional principles indicate that the phrase needs to be read narrowly.

17. Clause (b) of Section 28, which refers to photography and film-making, is placed among clauses that refer to specific purposes and have to be read along with them. Thus, film-making under Section 28 of the Act of 1972 is not a separate activity, but is linked to other permitted objects, such as research, study, or regulated tourism. The term “film-



making” in Section 28 must, therefore, be read in conjunction with the other permitted purposes. It cannot be interpreted as an independent activity divorced from the objectives of research, education, or regulated tourism. Where film-making is permitted, it has to be in furtherance of a lawful and limited purpose under Section 28 and shall not result in any alteration of habitat or disturbance to wild life.

18. Sections 27, 28, and 29 form a framework meant to regulate and restrict access to sanctuaries. Section 27 limits entry to specified persons with specified purposes. Section 28 allows certain activities by permit, subject to strict conditions. Section 29 prohibits any destruction, exploitation, or removal of wild life or its habitat, unless specifically permitted for the improvement and better management of wild life.

19. The evolution of wild life protection in India has a historical and broader perspective. The Wild Birds and Animals (Protection) Act, 1912, a colonial-era law, was found to be outdated and inadequate for protecting wild life. In 1952, the National Forest Policy stressed the need to protect wild life, especially rare species, and called for the creation of sanctuaries, national parks, and special laws. The Indian Board for Wildlife, set up in the same year, also recommended that both the Central and State Governments enact proper laws and adopt uniform rules for better protection of wild life. It was in this background, the Parliament passed the Act of 1972 to ensure the conservation and protection of wild life, and to safeguard the ecological and environmental security. When



the State Government declares an area as a sanctuary, it is for the purpose of protecting, propagating, or developing wild life or its environment. The main aim of declaring such an area as a protected area, therefore, is for the protection of wild life. Thus, the permission to be granted has to be strictly within the framework of these provisions, keeping in view the primary object – protection of wild life and its habitat.

20. The Government Order issued by the Forest Department of the State dated 30 March 2013 appears to be primarily intended to be a revenue generating exercise by drawing a distinction between commercial films and television serials, and educational or documentary films, based only on content type and applicable fee. However, first it was required to be determined whether such activity is permissible under the applicable statutory framework and also desirable keeping in mind the larger objective. In the absence of any statutory provision or guidelines governing the matter, the issuance of a Government Order based only on fee categorisation cannot justify the grant of such permissions.

21. Also, the approach of viewing permissions in the protected areas as only for revenue-generation will have to be examined in the context of doctrine of Public Trust, which is ingrained in our environmental jurisprudence. It is settled through various decisions of the Supreme Court that natural resources, such as forests, lakes, and rivers, belong to the people, and the State acts as a trustee. The State has to deal with these resources in a manner that serves the public interest and protects the



environment. The State has a legal duty to preserve and protect natural resources, as under the principle of Inter-Generational Equity and the environment has to be safeguarded not only for the present but also for future generations. Under Article 48A of the Constitution of India, the State shall strive to protect and improve the environment and safeguard the forest and wild life. Article 51A(g) casts a fundamental duty on every citizen to protect the environment and show compassion to all living creatures. Articles 14, 19, and 21, as interpreted by the Hon'ble Supreme Court, also form the basis of the environmental jurisprudence in our Courts. Therefore, the aspect of permitting commercial film-making and TV serials cannot be approached in a pedantic manner and the State has to consider not only the statutory provision, but also the settled principles of environmental governance outlined above.

22. Therefore the stand of the Respondent – State of permitting commercial film shooting and television serials within the protected areas only on the basis of the Government Order dated 30 March 2013 is not valid without there being any statutory backing, policy framework, or duly framed statutory provisions. What will be the legal effect of such a policy or statutory provision if enacted in future to permit commercial film shooting has not arisen for consideration, as there is no such specific policy or statutory provision as of today shown to us.

23. As a result, it is declared that the Government Order dated 30 March 2013 issued by the State of Kerala does not have the force of law



to permit commercial film-making and commercial television serials in the Wildlife Sanctuaries, National Parks and Tiger Reserves, contrary to the scheme of the Act of 1972 as elaborated above. The State Government will issue appropriate follow up instructions to the officers of the Forest Department accordingly within four weeks from today.

24. If, in future, an amendment is carried out to the statutory provisions or a policy is framed permitting commercial film-making or television serials in Wildlife Sanctuaries, National Parks, and Tiger Reserves, the challenge to the validity of such enactment or policy is kept open.

25. As regards the other prayers in the writ petition, reports have been filed, action has been initiated, and no further direction is necessary.

26. The Appeal is disposed of in the above terms.

Sd/-
NITIN JAMDAR,
CHIEF JUSTICE

Sd/-
BASANT BALAJI,
JUDGE

krj/-

//TRUE COPY//

P.A. TO C.J.



APPENDIX OF WA 2179/2023

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE COPY OF THE COMMISSION REPORT, SUBMITTED BY MINISTRY OF ENVIRONMENT AND FORESTRY DATED 19.08.2019.
- EXHIBIT P2 TRUE COPY OF THE JUDGMENT OF HON'BLE HIGH COURT OF KERALA, WPC 1645/2019 DATED 17-06-2019.
- EXHIBIT P3 TRUE COPY OF THE LICENSE GRANTED FOR FILLING SOIL BY DFO, KASARAGOD ON 03-10-2018.
- EXHIBIT P4 TRUE COPY OF THE LICENSE GRANTED FOR ERECTING STRUCTURES BY DFO KASARAGOD ON 28.09.2018.
- EXHIBIT P5 GUIDELINES FOR DIVERSION OF FOREST LAND FOR NO-PROFIT PURPOSE UNDER FOREST CONSERVATION ACT 1980 DATED 13 FEBRUARY 2014.
- EXHIBIT P6 TRUE COPY OF THE STATEMENT SUBMITTED BY THE CENTRAL GOVERNMENT PLEADER IN W.P.(C) 1645/2019 DATED 18.02.2019.
- EXHIBIT P7 TRUE COPY OF THE LETTER SUBMITTED BY CCF, KANNUR WITH THE COMMISSION DATED 09-08-2019.
- EXHIBIT P8 TRUE COPY OF REPORT BY APCCF (NORTHERN REGION) ADDRESSED TO PRINCIPAL SECRETARY EXPRESSED HIS ANGST ABOUT MALICIOUS ACTIVITIES IN THE FOREST DATED 10-10-2018.
- EXHIBIT P9 TRUE PHOTOGRAPHS OF DAMAGED FOREST BY FILLING SOIL, ERECTED STRUCTURES AND DIGGING THE LAND.
- EXHIBIT P10 TRUE COPY OF PERMISSION FOR VEHICLES ALLOWED IN THE FOREST BY DFO, KASARAGOD DATED 01-10-2019.
- EXHIBIT P11 TRUE PHOTOGRAPHS SHOWING AFTERMATH OF MOVIE SHOOTING.



EXHIBIT P12 LICENSE DETAIL OF ALL THE ORDERS GRANTED FOR PERMIT SHOOTING BY RANGE FOREST OFFICER, KASARAGOD ON 07-12-2018.

EXHIBIT P13 TRUE PHOTOGRAPHS SHOWING THE GARBAGE AND PLASTICS DUMPED IN THE FOREST.

RESPONDENTS' ANNEXURES:-

ANNEX.-R1 (A) TRUE COPY OF THE ORDER G.O.(MS)NO. 37/2013/FWLD DATED 30.03.2013 OF FOREST AND WILDLIFE DEPARTMENT.

ANNEX.-R1 (B) TRUE COPY OF THE LETTER F.NO.11-306/2014-FC DATED 07.10.2014 OF GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE.

ANNEX.-R1 (A) GENERAL CONDITIONS FOR FILM SHOOTING IN PROTECTED AREAS.

KRJ

//TRUE COPY//

P.A. TO C.J.