

ENFORCEMENT OF WILDLIFE WELFARE LAWS IN INDIA- A STUDY WITH SPECIAL REFERENCE TO STATES OF PUNJAB AND HIMACHAL PRADESH

Thesis Submitted for the Award of the Degree of

DOCTOR OF PHILOSOPHY

in

Law

By

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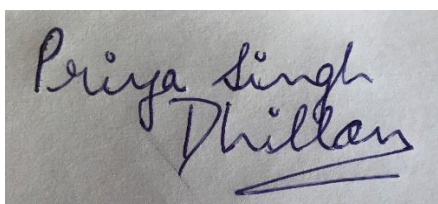
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**LOVELY PROFESSIONAL UNIVERSITY, PUNJAB
2025**

DECLARATION

I, hereby declared that the presented work in the thesis entitled **“ENFORCEMENT OF WILDLIFE WELFARE LAWS IN INDIA- A STUDY WITH SPECIAL REFERENCE TO STATES OF PUNJAB AND HIMACHAL PRADESH”** in fulfilment of degree of **Doctor of Philosophy (Ph.D.)** is outcome of research work carried out by me under the supervision of **Dr. Shobha Gulati**, working as **Professor**, in the **School of Law, Lovely Professional University, Punjab, India**. In keeping with general practice of reporting scientific observations, due acknowledgements have been made whenever work described here has been based on findings of other investigator. This work has not been submitted in part or full to any other University or Institute for the award of any degree.

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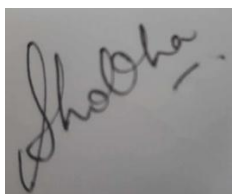
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CERTIFICATE

This is to certify that the work reported in the Ph. D. thesis entitled “**ENFORCEMENT OF WILDLIFE WELFARE LAWS IN INDIA- A STUDY WITH SPECIAL REFERENCE TO STATES OF PUNJAB AND HIMACHAL PRADESH**” submitted in fulfillment of the requirement for the award of degree of **Doctor of Philosophy (Ph.D.)** in the School of Law, is a research work carried out by **Priya Singh Dhillon, Registration No.: 11919625**, is bonafide record of his/her original work carried out under my supervision and that no part of thesis has been submitted for any other degree, diploma or equivalent course.

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DEDICATION

This Ph.D. is more than just a degree it is a personal dedication; it is the fulfillment of a promise and the realization of a dream my beloved grandfather Senior Advocate **Mr. R.S. Dhillon** had for me. His last words urged me to achieve this, and his unwavering faith became my guiding light. Though he is not here to witness it, his love and blessings have been with me at every step. Grandfather- I am honoring and continuing your legacy.

Priya Singh Dhillon

ABSTRACT

India earns recognition as a treasure trove of natural history and biodiversity because of the wide variety of animals that call the subcontinent home. The Wildlife (Protection) Act, 1972 is the most crucial of several acts in Indian law that ensure the protection and preservation of these species. Even though laws provide a solid foundation for wildlife protection, their enforcement is a big challenge, especially in regions wherein political, cultural, and socioeconomic variables substantially affect wildlife governance. The monitoring and enforcement mechanisms for wildlife welfare regulations in India are examined in this research with a focus on the geographically adjacent but ecologically in addition to administratively distinct Indian states of Punjab and Himachal Pradesh in India.

From Ancient India to India after independence, this study examines the various aspects of the country's laws meant to safeguard and wellbeing of wildlife. All levels of government, including federal, state, and municipal governments, as well as forest agencies, the courts, the police, and communities at large, are evaluated according to their contributions to the implementation and practical enforcement of wildlife protection laws. This thesis delves into the challenges faced by enforcement agencies, including inadequate financing, education gaps, bureaucracy, corruption, and the fallout from development policies that often jeopardize animal interests. Ineffective implementation of wildlife protection laws has led to a number of problems, including illegal wildlife trafficking, destruction of habitat, human-animal conflicts, and increased poaching, all of which are especially relevant in India.

This study employs methodologies derived from both theoretical and applied fields of study. The doctrinal portion provides a thorough evaluation of relevant statutes, such as the Wildlife (Protection) Act, 1972, the Environment (Protection) Act, 1986, and the Indian Forest Act, 1927, in addition to constitutional provisions such as Articles 48A and 51A(g). Further investigation on the incorporation of CITES and other ratified international treaties into India's domestic legal system is also included in the report. India has ratified a plethora of wildlife conventions, including CITES, IUCN, TRAFFIC, CBD, CMS, UNFF, and many more. In addition, this thesis compares and contrasts the animal welfare legislation of four countries: the US, UK, Australia, and Africa. This report presents worldwide best practices and regions wherein India's regulation mechanisms might be improved by comparing Indian legislation with various overseas frameworks.

The empirical part involved gathering information from a variety of sources in Punjab and Himachal Pradesh, such as locals, teachers, and lawyers. In addition, structured interviews were carried out with forest officers alongside other authorities from the wildlife wing of both states to gain a better understanding of the ground reality and enforcement dynamics.

The research shows that there is a big difference between how the law is enforced in principle and how it is put into practice. Wildlife crimes in both states go unreported and, when they do, are sometimes not thoroughly investigated or prosecuted. Procedural bottlenecks, inadequate forensic facilities, inadequate evidence, and a dearth of qualified prosecutors all contribute to the poor conviction rates associated with animal crimes. Additionally, there is frequently a lack of or inconsistency in the coordination of enforcement efforts amongst organisations including the Forest Department, Police, and additionally, the report emphasizes how community involvement in wildlife governance is lacking, which is a missed opportunity to raise awareness, strengthen surveillance, and encourage a feeling of collective responsibility.

In conclusion, there are many practical and institutional obstacles to enforcing wildlife welfare regulations in India, especially in the states of Punjab and Himachal Pradesh. The legal foundation is thorough, but it will take administrative determination, departmental cooperation, judicial awareness, and public participation to put it into practice. Lawmakers, conservationists, and legal professionals can use the study as a guide to reevaluate the present paradigm of enforcement in light of the pressing environmental challenges and moral imperatives of our day. A more compassionate and proactive strategy for wildlife care in India is sought after by the laid-out suggestions, which also seek to improve enforcement procedures.

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LIST OF ABBREVIATIONS

FULL EXPRESSION	ABBREVIATION
Before Christ	BC
Before the Common Era	BCE
Peace Be Upon Him	PBUH
Common or Current Era	CE
World War	WW
Corona Virus Disease of 2019	COVID-19
Department of Wildlife and National Parks	DWNP
South African Veterinary Council	SAVC
Cabinet Secretary	CS
Chief Executive Officer	CEO
Wildlife Crime Control Bureau	WCCB
International Consortium on Combating Wildlife Crime	ICCWC
National Crime Records Bureau	NCRB
Environmental Investigation Agency	EIA
Welfare of Stray Dogs	WSD
The Wildlife Conservation Policy	WCP
Wildlife Management Areas System	WMAs
Game Ranching Regulation	GRP
Protected Areas	PAs
Wildlife Protection	WP
Wildlife Law	WL
Wildlife (Protection) Act, 1972	WPA
Indian Penal Code, 1860	IPC
Bharatiya Nyaya Sanhita, 2023	BNS
Bharatiya Nagarik Suraksha Sanhita, 2023	BNSS
Forest Conservation Act, 1980	FCA
Supreme Court	SC
High Court	HC
Public Interest Litigation	PIL
National Environmental Management Act	NEMA
The Countryside and Rights of Way Act, 2000	CRoW
Environment Protection and Biodiversity Act, 1999	EPSC
Marine Mammal Protection Act, 1972	MMPA
Sites of Special Scientific Interest	SSSIs
American Association of Zoo Veterinarians	AAZV
Australian Veterinary Association	AVA
Australian Animal Welfare Strategy	AAWS
Welfare of Stray Dogs	WSD
The Institutional Animal Care and Use Committee	IACUC
Director of Public Prosecutions	DPP
Wildlife Conservation and Management	WCMA
Wildlife Protection Society of India	WPSI
Wildlife Conservation Trust	WCT
Non- Governmental Organization	NGO

Non- Governmental Organizations	NGOs
Inter- Governmental Organizations	IGOs
Intergovernmental Panel on Forests	IPF
Intergovernmental Forum on Forests	IFF
International Criminal Police Organization	INTERPOL
Outdoor Discovery Centre	ODC
United Nations	UN
European Union	EU
United Nations Educational, Scientific and Cultural Organization	UNESCO
Conference of Parties	COP
Memorandum of Understanding	MOU
Legal Procurement Certificates	LPCs
Presence Across Nation	PAN
Punjab	PB
Himachal Pradesh	HP
Uttar Pradesh	UP
Percent	%
And	&
Dollar	\$
United States Dollar	USD
Convention on International Trade in Endangered Species of Wild Fauna and Flora	CITES
International Union for Conservation of Nature	IUCN
Trade Records Analysis of Flora and Fauna in Commerce	TRAFFIC
World Wildlife Crime Report, United Nations Office on Drugs and Crime	UNODC
People for the Ethical Treatment of Animals	PETA
Convention on Migratory Species	CMS
Convention on Biological Diversity	CBD
National Tiger Conservation Authority	NTCA
World Trade Organization	WTO
World Health Organization	WHO
World Organization for Animal Health	WOAH
World Heritage Convention	WHC
United Nations Convention to Combat Desertification	UNCCD
United Nations Framework Convention on Climate Change	UNFCCC
United Nations Forum on Forests	UNFF
United Nations Environment Programme	UNEP
International Whaling Commission	IWC
Global Tiger Forum	GTF
Global Wildlife Program	GWP
Coalition Against Wildlife Trafficking	CAWT
Counter Wildlife Trafficking	CWT
National Wildlife Day	NWD
Human Wildlife Conflict	HWC
Species Survival Commission	SSC
World Wildlife Fund	WWF
Wildlife Institute of India	WII
Wildlife Trust of India	WTI

National Wildlife Information System	NWIS
Non- Legally Binding Instrument	NLBI
International Council for Bird Protection	ICBP
Integrated Development of Wildlife Habitats	IDWH
International Fund for Animal Welfare	IFAW
Union Ministry of Environment, Forests, and Climate Change	MoEFFCC
National Wildlife Action Plan	NWAP
National Biodiversity Targets	NBTs
National Biodiversity Strategies and Action Plans	NBSAPs
The Criminal Procedure Code	CrPC
Endangered Species Act, 1973	ESA
Economic and Social Council of the United Nations	ECOSOC
Food and Agriculture Organization of United Nations	FAO
The US Fish and Wildlife Service	USFWS
National Marine Fisheries Service	NMFS
Country- Led Initiative	CLI
International Women's Civil Rights Workers	ICRW
United Kingdom	UK
United States of America	USA
People's Republic of China	PRC
International Wrestling Congress	IWC
Integrated Tiger Habitat Conservation Program	ITHCP
Association of Southeast Asian Nations - Wildlife Enforcement Network	ASEAN-WEN
South Asia Wildlife Enforcement Network	SAWEN
Statistical Package for Social Sciences	SPSS
Indian Rhino Vision	IRV
Sahyadri Nisarga Mitra	SNM
Punjab Zoos Development Society	PZDS
Tanzania National Parks Authority	TANAPA
Compensatory Afforestation Management and Planning Authority	CAMPA

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CHAPTER I

INTRODUCTION

Chapter I gives the introductory segment of the research study on the subject i.e. *“ENFORCEMENT OF WILDLIFE WELFARE LAWS IN INDIA- A STUDY WITH SPECIAL REFERENCE TO STATES OF PUNJAB & HIMACHAL PRADESH”*. Meaning and various definitions of wildlife are discussed. The unique relationship between human and wildlife has been examined. An earnest attempt has been made to discuss the requisites of wildlife and how wildlife is safeguarded. Wildlife conservancy has been explained in depth followed by the extinction of wildlife along with various causes of extinction and in addition to this, management of wildlife has been brought into light in the chapter. The chapter is concluded by problem statement, research objectives along with questions, scope & significance, research gap, research hypothesis, research methodology etc of the present study.

“No matter how few possessions you own or how little money you have, loving wildlife and nature will make you rich beyond measure.”

- Paul Oxtan¹

PROLOGUE

The welfare of the wildlife is an intergenerational obligation of human being. Nowadays, it is acknowledged that one of the biggest crimes in the world, delivering billions of dollars in illegal revenues to organised crime, is wildlife crime. After the issue of habitat loss, one of the two most immediate direct threats to the extinction of species is wildlife crime, or the trafficking in wildlife. The annual harvesting and capture of hundreds of millions of plants and animals causes an average 40% decreased amount of species on planet. Crime against wildlife is a special kind of crime. It does not "clearly" fit into any of the several conventional classifications or categories that are frequently used to characterise different types of criminal conduct, such as crimes against people or crimes involving property. Wildlife crimes are sometimes referred to as "victimless crimes," much like prostitution, gambling, and drug use, because there isn't an easily recognisable victim or harmed party- at least not in the human form- to file a complaint. Indeed, some claim that when wildlife crimes are committed to an excessive degree, the cumulative effect might be such that entire ecosystems are significantly harmed. The moral implications of wildlife conservation have caused many to criticize wildlife regimes that allow for the preservation of species.

Ancient writings like the Bhagavad Gita, Upanishad, and Vedas were rife with references to the environment and the care of wildlife. However, ethics related to the environment and wildlife have now lost all of their worth. In later years, the everlasting wisdom found in these texts was not applied with the necessary sincerity. At first, values deteriorated slowly. But technological progress also increased environmental degradation and the loss of many wild species, additionally to economic growth. Advancement of science & technology, while advantageous to humanity, has severely hampered the ability of wildlife to survive. The old wisdom that continued to have compassion for all living things was eliminated. Mahatma Gandhi was an economist, philosopher, and environmentalist who anticipated the threat of extinction. In addition to humans, he believed that nonviolence extended to other living things and the natural world. Thus, he has declared that one can determine a country's greatness and moral advancement by looking at how its animals are handled.

The history of wildlife conservation legislation begins with the British Period's adoption of the “*Madras Elephant Preservation Act, 1876*”, which only applied to Madras. Although “*Elephants Preservation Act, 1879*”, was the initial statute governing the preservation of wildlife species with reference to the federal status, it still allowed for slaughter by licence. This was implemented in the latter part of the 1800s. Following that, laws for the well- being of wildlife species during the Pre-Independence Era included “*United Provinces National Parks Act, 1935*”, “*Wild Birds Protection Act, 1887*”, “*Wild Birds and Animals (Protection) Act, 1912*”.

¹Founder/CEO of Wild Heart Wildlife Foundation and Wildlife Photographer.

It is certainly accurate to state that regulations pertaining to the conservation or preservation of wildlife are in effect always. That regulation, however, remained mostly unchanged for a few years, until 1972. The historic *“Wildlife (Protection) Act, 1972”* marked as watershed moment in the legislation pertaining to the preservation of wildlife. This legislation could be described as revolutionary. Nonetheless, there are still a lot of important legal and policy issues with how wildlife is handled. Therefore, there has been little to no improvement in the awful situation of animals as a result of this statute. Whether the appropriate legal remedy is adequate to provide wildlife protection in any manner- that is, to ensure their well-being or to confer rights- is still up for debate.

“Forests” as well as *“Protection of wild birds and animals”* were transferred onto the concurrent list from the VII schedule's state list under *“Constitution (42nd amendment) Act, 1976”* that Parliament passed. *“Article 48-A of Part IV and Article 51A(g) of Part IV-A,”* which consists of the *“Directive Principles of State Policy,”* were both amended for including *“Fundamental Duties”* as part of the same constitutional revision. After gaining independence, the government did little to regulate or legislate to protect wild animals. On September 9, 1972, the Indian Parliament passed the WPA, 1972 the first comprehensive law aimed at safeguarding wild animals.

The research draws findings from statistical data obtained from the wildlife wing of Punjab and Himachal Pradesh, and it is a mix of doctrinal and non-doctrinal work. This statistical data has been collected from wildlife wing Punjab and Himachal Pradesh by filing personal requisition applications explaining the research work to the respondents. The statistical data mainly show the trends emerging wildlife crimes and problems related to wildlife.

It became clear during the research process that there had been no decline in the rate of wildlife crimes during the ten years of data analysis from the wildlife wings used for the study. This was due to gaps in the current Act, which prevented the Wildlife Protection Act, 1972 from carrying out its regulations in an efficient manner on a national and international level. Additionally, there was no change in the categories of wildlife crimes reported during the ten years of data related to criminal cases, which is consistent with the demand for illegal wildlife trading on both domestic and foreign markets. It is fair to say that the policies of WPA, 1972 have not been much successful in nabbing wildlife crimes, further it does not accommodate to impose punitive measures for trading, trial court's conviction rate is quite low and in short, it is right to state that the trial court's rate of acquittal is quite high.

The research work is concluded by imperative recommendations and research outcomes from stating certain things for the better wildlife.

1.1 INTRODUCTION

When it comes to the earth, there is nothing more genuine than the passion that one has for wildlife. The inflicting of suffering or harm upon any non-human being by humans, either via omission or by commission, is referred to as cruelty to wild species. This can also be referred to as wildlife abuse, wildlife neglect, or “*wildlife cruelty*.” A distressing experience is being a witness to the mistreatment of wildlife. Even though they are said to be mute, not every entity is completely devoid of any feelings of agony. Due to the fact that all living things experience the same emotions, we ought to treat everyone equally. A problem that not everyone looks at or pays attention to is the mistreatment and neglect of wild animals. The fact that people are not aware of the kind of mistreatment that wild animals go through is the cause of this situation. They are also need to be aware of the consequences that the mistreatment of wild animals has, not only on the wild animals themselves but also on society. It is highly likely that a human being will commit crimes against other humans, including murders and terrible crimes like rape, if they are any way responsible for the mistreatment of wildlife. The habitats of several species are vanishing due to human development in once-natural regions. Furthermore, animals are frequently labelled as “*nuisances, pests, or overpopulated*” as they endeavour to find food, water, shelter, and a spot to breed. Humans occupy their habitats and murder millions of them every year because they don't want them there. Some examples of animals that frequently endure hardship as a result of what they perceive as human interference are pigeons, beavers, chipmunks, mice, rats, wasps, raccoons, prairie dogs, ducks, and snakes.²

People have always existed in harmony with nature. Humans have, throughout history, plundered and devastated mother nature in countless ways in what we perceive as our pursuit of advancement. Everything in its immediate physical vicinity, from the air and water to the trees and plants that provide a home to the many different kinds of life on Earth, is collectively referred to as the environment. Everyone has seen the “*Web of Life*” at some point; it demonstrates how all living things, from fungi and algae to people, rely on one another for their own existence. The extinction of any species disrupts the delicate ecological equilibrium that has been steadily built up over time. In their insatiable desire for the lucrative trophies- fur, ivory, animals, and animal products- hunter-traders have destroyed forests worldwide, driving numerous species to extinction and endangering countless more. Tragic deeds like these persist even today. The interdependence of all living things has long been a source of worry for nations around the globe, since our own existence is predicated on their continued existence. Rare or endangered animals, as well as their skins and trophies, should be subject to strict international rules regarding their export, transit, and import. This resolution was voted by “*World Conservation Union*” (IUCN-General Assembly), 1963. It wasn't until twenty-one nations joined “*Convention on International Trade in Endangered Species of Wild Fauna and Flora*” (CITES) by which Turmel's gloomy future began to brighten.³

In accordance to the observations made in the native environment, wildlife comprises a vast variety of creatures, inclusive of insects, birds, as well as animals. Many people consider wildlife to be among the most fundamental aspects of the cosmos. Human invasions and

² How wildlife is exploited and what you can do, available at: www.peta.org (last visited on May 22, 2020)

³ CITES Trade Database, available at: www.trade.cites.org (last visited on May 22, 2020)

hunting in the last several decades have put numerous animal species in danger of extinction. Wildlife trafficking is being more and more acknowledged as a distinct subset of organised crime and a major danger to several kinds of plant and animal species. The illicit trafficking of some wild animals and plants which are in danger of extinction is their primary focus, this 2nd edition of *“World Wildlife Crime Report”* assesses current state of wildlife offences on worldwide scale. Among its contents are quantitative analysis within market along with multiple number of detailed cases of illegal commerce: *“rosewood, ivory and rhino horn, pangolin scales, live reptiles, big cats and eels. In addition, value chains and illicit financial flows from the trade in ivory and rhino horn is presented.”*

As the first ever worldwide evaluation of wildlife crime, UNODC's "World Wildlife Crime Report" from 2016, the first trend assessment is in the 2020 edition of the report. Quite a few times, these tendencies have been quite striking. The demand for rhinoceros's tusks and horns, as well as the poaching of these animals, has been steadily decreasing since 2011. However, due to tighter regulations, other markets have developed, for example, the European glass eel trade, and quantity of pangolin scales confiscated has multiplied by ten in only five years. Additionally, Illegal organisations in nations that act as middlemen, neither as producers nor consumers of wildlife, have amassed dominance over several markets. Along with these and other tendencies, *“2020 World Wildlife Crime Report”* documents them all.⁴

Certainly, the worst wildlife cruelty is seen over past ten years. Poaching and wildlife trafficking are two types of wildlife crime that rank fourth globally and sixth in India, respectively. In the global market, wildlife crime is placed below drug, weapon, and people trafficking.⁵ It was also noted that the various wildlife conservationists had a harsh wake-up call in 2005 when they discovered that the tiger population had vanished from *“Sariska Tiger Reserve”*. The most significant contributing factor to its local extinction was poaching. It is very fair to quote that wildlife have disappeared in more than half countries from Asia majorly in China, Pakistan and India. There have been several cases where height of wildlife cruelty has been seen and hunters are scum on earth.⁶

PETA⁷ is a Washington, DC-based animal rights group whose worldwide president is Ingrid Newkirk. The group's headquarters are in Norfolk, Virginia. PETA is *NGO* with a mission of eradicating the cruel, inhumane treatments of voiceless beings in institutional settings and encouraging the incorporation of animal welfare concerns into all policy and decision-making processes. The charitable organisation boasts 6.5 million backers. Its slogan is *“Animals are not ours to experiment on, eat, wear, use for entertainment, or abuse in any other way.”*⁸ People like Maneka Gandhi (Member of the Lok Sabha) who care for the lives and rights of animals and other species need the change in existing laws and initiatives such they're doing their bit

⁴ World Wildlife Crime Report, United Nations Office on Drugs and Crime (UNODC).

⁵ Wolfgang Leh Macher, Wildlife crime: A \$23 billion trade that's destroying our planet, World Economic Forum, (last accessed- March 22, 2021), www.weforum.org

⁶ Lakshmy Raman, Bittu Sahgal, Post Sariska – Are Wild Tigers Secure Today? Sanctuary Asia, No. 2 April 2014, (Last accessed- March 22, 2021), www.sanctuaryasia.com.

⁷ PETA stands for People for the Ethical Treatment of Animals

⁸ PETA, www.peta.org

by signing various petitions which is somehow near enough, to achieve their goal, meaningful change, inspired actions and informed voices.⁹

The “*Wildlife (Protection) Act, 1972*”¹⁰ has been very much successful on various front regarding preservation of Indian wildlife. The rules and regulations regarding wildlife protection have typically not been implemented due to weak enforcement mechanism. The WPA 1972, as comprehensive as it may, is not yet stringent enough to halt the trafficking and hunting of wild species. Therefore, legal protection of the fauna in India still requires more encompassing legislation. There is a need of more effective criminal provisions capable of putting a stop to these unlawful activities.

There is no doubt that law related to wildlife’ protection or conservation is always there. But such law has remained stagnant stable for a number of years till 1972. The enactment of two statutes namely, “*Prevention of Cruelty to Animals Act, 1960*”¹¹ along with WPA, 1972 are two milestones in the legal history of wildlife’ and animal welfare. These enactments may be termed as ground breaking change. But how wild animals are treated continues to raise serious issues of law and public policy. Therefore, these statutes have changed very little about the wretchedness of wild animals in real sense. By the passage of time, changes are required and necessary for betterment, WPA has been so far amended several times since 1972, firstly in year 1982, then 1986, 1991, 1993, 2003, 2006, 2013, 2021 and lately in 2022. During the course of amendments, necessary additions and deletions were made in the existing legislation.¹²

Since its inception in 1952, the Indian Board for Wildlife has worked for advising matters of the government pertaining with the creation of sanctuaries, national together with zoological parks, and other wildlife preservation initiatives.¹³ Concerning the treatment and legislation pertaining to non-human animals in India, the concept of wildlife welfare as well as rights is at play. In India, it is separate from efforts to protect animals. Since 1960, India has enacted numerous wildlife welfare regulations, and the country is homeland for numerous religious traditions that promote nonviolence along with compassion towards animals. When it comes to animal goods, India is likewise a global leader. The “*Prevention of Cruelty to Animals Act, 1960*,” first national welfare law for animals in our nation, makes it illegal to harm animals, with certain exceptions for animals needed for food production and scientific research. "Animal Welfare Board of India" came into existence by the 1960 statute with the dual purpose of promoting animal welfare and ensuring the enforcement of anti-cruelty provisions. Draught animals, performing animals, transporting animals, slaughtering animals, and using them in experiments are all subject to controls and limits imposed by subsequent laws.

⁹ Animal Rights Organisation | PETA India, www.petaindia.com

¹⁰ Indian Kanoon, Wildlife (Protection) Act, 1972- “*An Act to provide for the [conservation, protection and management of wild life] and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country*”, <https://indiankanoon.org>

¹¹ Indian Kanoon, Prevention of Cruelty to Animals Act, 1960- “*An Act to prevent the infliction of unnecessary pain or suffering on animals and for that purpose to amend the law relating to the prevention of cruelty to animals*”, <https://indiankanoon.org>

¹²India Environment Portal, The Wildlife (Protection) Amendment Act, 2022, www.indiaenvironmentportal.org.in

¹³ Wildlife in India- Indian Wildlife Species, <https://bigcatsindia.com>

The wildlife legislation of year 1972 is a stringent statute which offers national parks and sanctuaries a solid foundation. Under this statute, endangered plant and animal species are designated for protection. Project Tiger was started in 1973, and as part of it, 21 Tiger Reserves were established to stop intense land-use practises such as mining and building of roads along with railways that would harm tiger habitat and migration routes. In 2011, the “*National Tiger Conservation Authority*” (NTCA)¹⁴ established a 10-person expert group. In addition, the committee will determine whether there is a continuing need to relocate habitats to accommodate state infrastructure initiatives. For better facility and animal management, wildlife reserves have begun utilising cutting-edge technologies.¹⁵ The camera trap technique will be used by the Haryana Wildlife Department to determine the precise number of creatures in its sanctuaries. Wireless connectivity has been installed in the Kolhapur department.¹⁶

In order to preserve and safeguard these irreplaceable national assets, people's knowledge and cooperation are required in addition to government efforts. Only then will the government's efforts have a clear direction, and the conservation objectives will be accomplished. The “*Pench Tiger Reserve*”¹⁷ and the Rotary Club held events in Nagpur on July 29, *International Tiger Day*. Such programmes can significantly contribute to fostering a sense of responsibility among residents towards animals. An essential component of our national heritage is wildlife.¹⁸ Instead of only being able to "see" lions in picture books, we all should be able to "hear" the roar of these creatures for years to come. We need to act now to make it happen. If not, it won't be too late!¹⁹

This research work is a voice for voiceless- we treat rapists, pedophiles and murderers better than the most innocent beings on this planet. Wildlife cruelty- the disheartening act that should be condemned globally. We- the humans are most destructive species on planet earth. Humans- how tragically destructive we are. Irrespective, we all must not harm wildlife and wild species in the name of fun and adventure as a part of hunting.

Wildlife welfare has been emerging as a new objective globally, and almost universally, since the beginning of the 21st century. In this sense, the objective of animal welfare protection has recently begin for appearance in instruments internationally, most notably in standards of “*World Organization for Animal Health*” (WOAH) from the early 2000s. Recently, WOAH has turned 100 and marks a century with an agenda of unrelenting dedication to animal health worldwide- a heritage of cooperation, creativity, and advancement.²⁰ Important international organisations are beginning to take animal welfare seriously; for example, the “*World Trade Organisation*” (WTO) is presently hammering on the door of the United Nations. There must be a complete shift in the legal system to prioritise the welfare of animals and their protection.

¹⁴ NTCA was the proposal of the Tiger Task Force, the National Tiger Conservation Authority (NTCA) was set up in India in December 2005.

¹⁵ Aline Dobbie, *India: The Tiger's Roar* (Melrose Books, 2004)

¹⁶ National Tiger Conservation Authority (NTCA), www.ntca.gov.in

¹⁷ Pench National Park, often known as Pench Tiger Reserve, is unique among India's tiger reserves in that it spans both the Maharashtra and Madhya Pradesh states. The Pench Tiger Reserve in Madhya Pradesh is most often mentioned when people talk about Pench.

¹⁸ Pench Tiger Reserve: Status of Tigers Co-predators & Prey (Wildlife Institute of India, 2022)

¹⁹ Supra note 9.

²⁰ World Organization for Animal Health (WOAH), www.woah.org

A shift in the legal position of animals (from objects to subjects) has been hinted at in a number of statutes and court rulings. An increasing number of laws and even some constitutions state that humans have a responsibility to safeguard animals.²¹

There are number of International Conventions for wildlife conservation so that initiatives can be taken by countries across the globe in order to preserve wildlife. To start with, in July 1975, the “*Convention on International Trade in Endangered Species of Wild Fauna and Flora*” (CITES) was put into action. It currently counts 183 member counties. The mission of CITES is to protect endangered species of plants and animals from the potential dangers of international trade.²² The CMS-The Bonn Convention is an international agreement to protect wildlife species who migrate great distances to and from their homes. In 1979, CMS was signed into law. United Nations Environmental Treaty, migratory terrestrial, marine, and avian species maintain ecosystems, and CMS serves a worldwide forum for their preservation and appropriate use.²³ To safeguard species that migrate, the Bonn Convention was established. It aims to accomplish its goals by ensuring the safety of migratory species in peril of extinction and by encouraging host nations to sign conservation and management agreements for migratory species that aren't necessarily in risk of extinction. Unfortunately, the Convention has failed to live up to its promise as a tool to save endangered species.²⁴ “*International Convention on Biological Diversity (CBD)*”, at “*Earth Summit in Rio de Janeiro*”, Brazil, on June 5, 1992, delegates from several countries negotiated and sealed the CBD. 196 nations are a part of CBD and it aims at “*preserving biodiversity, making responsible use of its parts, and distributing the fruits of genetic resource exploitation fairly and equitably*”.²⁵ “*On November 16, 1972, the UNESCO General Conference adopted the World Heritage Convention*”.²⁶ This convention aims at “*Protection of World Cultural and Natural Heritage*”.²⁷ In 1971, “*Iranian city of Ramsar*” hosted signing of Ramsar Convention. “*The Ramsar Convention*” pertains to wetlands.²⁸ Prompting the worldwide sensible use of wetlands, it was one of the earliest international conservation accords. Its principal goals are the international cooperation, the general smart utilization of wetlands, and at the national level identifying and overseeing wetlands of global significance. After nearly half a century of operation, Ramsar has learned a lot about how to better protect wetland areas.²⁹ Another very important Convention is, “*The Wildlife Trade Monitoring Network- TRAFFIC*”³⁰. “*TRAFFIC*” is a global non- governmental

²¹ World Trade Organization (WTO), www.wto.org

²² CITES, www.cites.org

²³ Convention on Migratory Species (CMS), www.cms.int

²⁴ Simon Lyster, The Convention on the Conservation of Migratory Species of Wild Animals (The Bonn Convention), *Natural Resources Journal*, 29Nat.ResourcesJ.979, Fall 1989, <https://digitalrepository.unm.edu/nrj/vol29/iss4/4>

²⁵ Convention on Biological Diversity, www.cbd.int

²⁶ UNESCO stands for the United Nations Educational, Scientific and Cultural Organization is an UN specialized organization that works to promote global stability via fostering international collaboration in the fields of education, the arts, science, and culture.

²⁷ The World Heritage Convention, www.whc.unesco.org

²⁸ Ramsar Convention on Wetlands, www.ramsar.org

²⁹ Richard T Kingsford, Gilad Bino, Max Finlayson, Ramsar Wetlands of International Importance- Improving Conservation Outcomes, *Frontiers in Environmental Science* 9:643367, DOI:10.3389/fenvs.2021.643367, March 2021.

³⁰ TRAFFIC stands for Trade Records Analysis of Flora and Fauna in Commerce, while combating the illegal wildlife trade, which threatens biodiversity, TRAFFIC advocates for the sustainable legal trade of wildlife.

organization, conservation programme monitoring the trade in the wild plants as well as animals, formed in year 1976.³¹ Apart from these International Conventions, we have from 1992, “*United Nations Forum on Forests (UNFF)*”, *The International Whaling Commission (IWC)*, *International Union for Conservation of Nature (IUCN)*, *Global Tiger Forum (GTF)* and *Coalition Against Wildlife Trafficking (CAWT)*”.

In order to honour the wildlife, there are remarkable days which are celebrated every year, the United Nations has come up with the World Wildlife Day, honouring and remembering the wildlife. Every year March 3rd is observed as World Wildlife Day across the globe. As a tribute to the world's flora and fauna and to raise awareness of their plight, the “*Sixty-eighth session of the United Nations General Assembly*” announced on March 3rd, 2013, as “*World Wildlife Day*”. This decision was made on December 20, 2013. CITES, that was adopted on this day in year 1973, is crucial in ensuring that the survival of the species is not under any threat by global trade.³² Apart from UN, India celebrates “*National Wildlife Week*” every year from October 2 to October 8 and spread the message for protection as well as preservation of India's flora and fauna. Whereas “*National Wildlife Day*” (NWD) is celebrated twice a year in India. February 22nd & September 4th marks as NWD. Formerly, September 4th is observed & celebrated as NWD, February 22nd has been added in order to honour the memory along with birthday of Wildlife Warrior, “Steve Irwin”, who is a renowned Australian zookeeper as well as a conservationist. NWD is celebrated twice in order to increase the amount of work done to raise awareness of the suffering faced by wild animals worldwide.³³

1.2 MEANING & DEFINITIONS

Wildlife is one of God's most priceless gifts to this earth. The phrase "wildlife" refers to all non-domesticated life forms, which includes plants, insects, fungus, birds, and also tiny organisms. It is not exclusively used to refer to wild animals.³⁴

India is exceptional in that it has abundant natural beauty in its various biomes and a rich and varied biodiversity. For the average person, the phrase "wildlife" refers to wild, tamed, or natural creatures that live in places like forests, deserts, meadows, etc. An ecologist, however, counts both naturally occurring animals and plants as part of wildlife. The word "wild life" seems to carry a significant deal of ambiguity on a worldwide scale. The term "wildlife" is defined by “*Webster's Dictionary*” as “non-human and non-domesticated organisms, especially the animals, birds, and fish that people hunt”. The word "wild life" is used in American parlance to describe game animals but not fish.³⁵

The term “*wildlife*” is often used to describe large, famous, and dangerous animals such as tigers, wolves, leopards, jackals, hippos, elephants, deer, rhinoceroses, giraffes, whales, sharks, and crocodiles etc. Everything that grows or lives in nature unaided by humans is considered

³¹ TRAFFIC| Trade in Wild Species, www.traffic.org

³² World Wildlife Day- Background- The United Nations, www.un.org

³³ National Wildlife Day, www.nationalwildlifeday.com

³⁴ Cooper Je & Cooper Me, Introduction to Veterinary and Comparative Forensic Medicine, Blackwell, Oxford, 2017.

³⁵ V.K. Prabhakar, World Environment, (2001), p.22.

part of it, though, including plants, animals, and bacteria.³⁶ Mammals, birds, insects, reptiles, crabs, and other amorphous species are referred to as wildlife. The majority of conservation organisations worldwide focus on animals and see the protection or conservation of plants as essential to the survival of animals. As a result, their efforts to save wildlife have mostly focused on animals' suffering, giving the idea that wildlife and animals are interchangeable. Yet, the phrase “*wildlife*” refers to plants as well as animals that have not been tamed. In WPA, 1972, “*wildlife*” is defined as “*any animal, aquatic life, or terrestrial vegetation that is a component of any habitat*” in Section 2 (37). According to “Section 2 (36)”- “*any animal specified in Schedule I to IV and found wild in nature*” referred to as a “*wild animal*”.³⁷

An animal that is completely independent of human assistance and care is considered wild. It is not dependent on humans for food, housing, or defence. When we refer to “wild animals,” we generally refer to wild mammals like bears, monkeys, elephants, tigers, lions, and so on. Flora and fauna, which are naturally existing plants and animals, are both referred to as wildlife by ecologists.

Some wild creatures are so distinctive that they end up representing their own nations. As a result, the tiger and peacock are linked to India, the kangaroo to Australia, the white bear to Russia, the kiwi to New Zealand, the springbok to South Africa, and the giant panda to China.³⁸ Undomesticated creatures, such as fish, mammals, and birds, are referred to as “wild life” when referring to a particular area. Any terrestrial animals, birds, and fish that live and breed in places that are not dominated by humans are considered to be wild life.³⁹ All the creatures, birds, and fish that develop and reproduce in the wild, primarily without assistance from humans, would also be included in a study of wild life.⁴⁰ According to another theory, the term “wild life” refers to a broad category that includes thousands of distinct species of mammals, birds, and reptiles.⁴¹

People in India also have a shared knowledge of wildlife creatures as well as shikar, many specifically birds, mammals, & reptiles.⁴² In a 1970 study “*Wildlife Conservation in India*,” the “*Indian Board for Wildlife*”, defines wildlife as the entirety of the nation's native, uncultivated flora and fauna.⁴³ As a result, a broad definition of wildlife is any and all uncultivated and undomesticated life, which includes both flora and fauna. Throughout the research work, it was discovered that the WPA of 1972 lacks consensus on precise meaning of a wildlife crime. Naturally, we can define broadly as any action that violates the laws now in place that control the preservation of the flora and animals as wildlife crime. There are some broad differences between the crimes against animals that are the consequence of ignorance, those brought on by carelessness and those brought on by a purposeful action. Simply, wildlife crime can be said to be the unlawful taking, possession, trading, or transportation of plants, animals, or their

³⁶ Gopal Bhargava, “Environmental Challenges and Ecological Disaster” (1992), p.129.

³⁷ Wildlife Protection (Amendment) Act, 2002, Schedule I & IV. Wildlife Protection Act 1972, Sec.2, Clause (37) substituted by Act No. 16 of 2003. W.e.f 1-4-2003.

³⁸ B.K. Sharma, “Environmental Chemistry – Wildlife”, (2007) p. 3.

³⁹ New Standard Encyclopedia, Vol. 17, (W-209), 1983.

⁴⁰ Encyclopedia Americana, Vol. 7, (1965), p. 547.

⁴¹ Modern Reference Encyclopedia, Vol. 13, (1970), p. 6,

⁴² G. R. Chatwal, D. K. Pandey and K. K. Nanda, (ed.) “Encyclopedic Dictionary of Environment”, Vol. 4, (1990)

⁴³ V.K. Prabhakar, “World Environment”, (2001), pp.22-23.

derivatives in violation of regional, state, federal, or international laws is called as wildlife crime.⁴⁴

Poaching and wildlife trafficking constitute wildlife crime, which is ranked fourth globally and sixth among crimes committed in India. In the global market, wildlife crime is rated behind trafficking in persons, weapons, and drugs. On May 13, 2014, “*The United Nations Office on Drugs and Crime (UNODC)*” declared that \$8–10 billion are illicit profits generated annually from this brutal trade placed it on par with the trafficking of people, weapons, and drugs. The UNODC urged the international community to “*come together at the highest political level*” in order to stop escalation of wildlife as well as forest crime. On fringes of the “*23rd session of the Commission on Crime Prevention and Criminal Justice*”, at a special event.⁴⁵

Throughout the study, it became evident that the WPA, 1972 does not contains a consensus definition that what constitutes a wildlife offence. Of fact, in a broad sense, we might define wildlife crime as any conduct that violates the laws now in place to safeguard the UK's flora and fauna. There are broad differences between the crimes against animals that are the consequence of ignorance. those brought on by carelessness and those brought on by a purposeful action.

1.3 HUMAN- WILDLIFE ANTAGONISM

Every type of living being on earth was created by the almighty, who also provided each one with a unique environment in the natural world where they might coexist harmoniously. Throughout the beginning of time, humans have been dependant on wildlife in their natural habitat. The spectrum of human-wildlife interactions is large and multifaceted. More people living in more places means more people farming and land fragmentation, both of which have a negative effect on wildlife. The detrimental effects of wildlife on both humans and other animals are difficult to manage in many nations. From the very beginning of human history, as recorded in the historical records of numerous ancient civilizations across the globe, humans have coexisted with wild species.⁴⁶

The scientific community has recognised the close relationship that exists between indigenous cultures, the land, and its wildlife. As a result, conservation agencies are progressively incorporating indigenous knowledge into their efforts for protecting wildlife on a global scale. Human-wildlife interaction is a neutral word used by the *World Wildlife Fund (WWF)* to describe any interaction between people and wildlife.⁴⁷

HUMAN- WILDLIFE CONFLICT

“*HWC- Human- Wildlife Conflict*” is a term used to describe conflicts that occur in cases where human necessities or interests are directly and persistently threatened by wildlife, either

⁴⁴ Supra note 35.

⁴⁵ House of Commons- Environmental Audit- Twelfth Report, Select Committee on Environmental Audit Twelfth Report, What is Wildlife Crime? www.parliament.uk

⁴⁶ Edward Narayan, Naureen Rana, “Human- Wildlife Interaction: Past, Present, and Future”, BMC Zoology 8(1), DOI:10.1186/s40850-023-00168-7 (2023)

⁴⁷ Eva M. Gross, Nilanga Jayasinghe, et.al., A future For All: The Need for Human- Wildlife Coexistence, Gland, Switzerland: WWF (2021).

because of the wildlife's behaviour or because of its presence. Both humans and animals suffer as a result of these disputes, which can spark hostilities between different groups of people.⁴⁸

According to “the IUCN Species Survival Commission (SSC) Human-Wildlife Conflict & Coexistence Specialist Group”, conflicts between humans and wildlife takes place when animals' actions or presence directly or indirectly endanger human interests or needs, causing discord among communities and having detrimental effects on both humans and animals. Due to factors such as increasing human populations, expanding agriculture, new infrastructure, changing weather patterns, and other causes of habitat degradation, human-wildlife conflicts are on the rise and are getting more severe and extensive. Wherever there is an overlap between human and wildlife populations, conflicts between the two are possible; therefore, everything that brings the two groups closer together increases the likelihood of conflicts between the two.⁴⁹

Coexistence with humans is becoming more and more of a challenge for many species of wildlife. With more people moving to new areas, better medical care, and more land being cleared for human settlements, the human population has exploded in the last hundred years, reaching eight billion. More and more people are living in areas that were once home to wild animals, which means that humans and animals are interacting more often. Loss of habitat and a decrease in biodiversity are outcomes of human interference with natural ecosystems.⁵⁰

There are numerous instances of human-wildlife conflicts; however, the most notable ones occur when the survival of both species is threatened. For instance, Livestock rearing has had a devastating effect on snow leopards in Asia by destroying their natural habitat. Farmers frequently take to killing snow leopards as a means of protecting their livestock from the predators. Compensation programmes and livestock management measures have been demonstrated to be particularly effective in reducing human-snow leopard conflict, according to research done in Pakistan, China, India, and Nepal. By considering the cultural and environmental context of confrontations between humans and snow leopards, researchers have also suggested reevaluating rangeland management and the effectiveness of current methods to reduce human-snow leopard conflict.⁵¹ Furthermore, feral pigs and other formerly domesticated wildlife species are significant source of HWC in some Asian nations.⁵² Many problems have been plaguing the South Asian avian community recently. This is especially true in countries like Bangladesh, Pakistan, India, and Nepal.⁵³ Because of these problems,

⁴⁸ Ibid.

⁴⁹ Human- wildlife conflict- resource | IUCN, www.iucn.org June 2022

⁵⁰Michael gross, “Human Population at the Crossroads”, Current Biology, Volume 33, Issue 1, p R1-R-43, (2023).

⁵¹ Inam-Ur-Rahim Rahim, Rashid Wajid, “Research trends and management options in human-snow leopard conflict”, Biological Conservation 242:108413 DOI: 10.1016/j.biocon.2020.108413 (2020)

⁵²David Milda, Tharmalingam Ramesh, “Factors driving human–wild pig interactions: implications for wildlife conflict management in southern parts of India”, Biological Invasions 25(15):1-15 DOI:10.1007/s10530-022-02911-6 (2022).

⁵³ Qamar Safi ur Rehman, Khan Waqar Ali, “Damage impact of vertebrate pests on different crops and stored food items”, GSC Biological Pharmaceutical Sciences, 2019, 06(01), 016-020 DOI:10.30574/gscbps.2019.6.1.0162, (2019)

their population has been falling, which may have consequences for the ecological services they provide.⁵⁴

According to the WWF, the possible solutions to help humans and wildlife coexist and the ways how these solutions can benefit everyone involved are: As our planet continues to get more populated, conflicts between humans and other species are inevitable. However, these conflicts can be mitigated via long-term planning, integrated strategies, and effective management. Biodiversity, affected communities, society, sustainable development, production, and the global economy can all reap the rewards of well-executed solutions for managing conflicts between wildlife & humans. Additionally, we request the necessary resources, international collaboration, and coordinated activities to tackle the issue on a massive scale. Reevaluating the connection, and particularly the direct encounters, between humans and wildlife will help us live together more harmoniously in the future, which will in turn minimise human-wildlife conflict. With impacted communities as full and equal partners, we must design systematic, context-specific solutions to conflicts by first identifying and then addressing their fundamental causes. Hence, coexistence is feasible and within reach.⁵⁵

1.4 NECESSITY OF WILDLIFE AND ITS SAFEGUARDING

The innate value of plants as well as animals is secondary for the fact that it contributes to a broader natural ecosystem that may support human and non-human existence via the provision of essentials like food, shelter, and water. Many species are losing their habitat at a rate that is 10,000 times faster than the rate of average extinction.⁵⁶ India is among the most diverse countries in the world when it comes to plant and animal species. India is host to nearly every major ecosystem, from the wettest rainforests to the most dry deserts, from the highest mountains to the lowest plains, and from the coldest to the hottest climates.

Together with a high variety of invertebrates, India is homeland for over 5000 group of mammals, 1230 bird variety, 220 snakes, 150 lizard species, 30 turtle species, 3 crocodile species, 142 amphibian species, and 105 genera of freshwater fish.⁵⁷

Wildlife protection is important for many factors, some of which are economic importance, ecological balance, sport and recreation, scientific importance, aesthetic value, cultural significance and ethical requirements.⁵⁸

⁵⁴ Muhammad Yasin, Hammad Ahmad Khan, "Investigation of roost composition of passerine birds in different environmental conditions". Brazilian Journal of Biology 2022;82: e263354. DOI: 10.1590/1519-6984.263354, License: CC BY 4.0 (2022)

⁵⁵ What is human-wildlife conflict and why is it more than just a conservation concern? www.worldwildlife.org

⁵⁶ Why we need to protect the wildlife, WWF-UK, www.wwf.org.uk

⁵⁷ H.S. Singh, "Principles of Environmental Conservation" (1989), pp. 22-23.

⁵⁸ Vandana Asthana, "The Politics of Environment" (1992), p.42.

1.5 WILDLIFE PRESERVATION

The protection of animals is crucial to the environment. By conservation, we don't just mean preservation; rather, by "*renewable natural resources*," we mean those that can be used in the future without depleting them.⁵⁹

There are three fundamental requirements for efficient wildlife conservation i.e; primarily, sufficient food and water secondly, a safe haven; and lastly, a secure environment should be provided for breeding. Multiple actions are taken to achieve this such as reserved forests, wildlife sanctuaries national parks, and are not exploited; in cases where complete non-exploitation is impractical, cutting operations are carried out one small block at a time, wild animals are at risk when domestic livestock is allowed to graze, it is important to support scientific research on endangered species conducted by qualified individuals, it is important to promote habitat management.⁶⁰

1.6 ELIMINATION OF WILD SPECIES

Signification: The two biological processes that led to the current diversity of species on earth are speciation and natural selection. Speciation is the process by which existing species give rise to new ones. The other is extinction, which is the process by which a species vanishes from the planet because its inhabitants are unable to adapt to and reproduce in a changing environment. In biology, extinction refers to the eradication of a species from the planet when its final survivor perishes.⁶¹

Organic evolution destroys some extinct species in addition to producing new ones. This is a routine procedure. Due to their overexploitation, man, the most powerful species in the biosphere, is to blame for the extinction of several species. Over the past 100 years, there have been a lot of losses. Due to human interaction with nature during a period of around 2000 years ago, our globe vanished nearly 160 mammals along with 88 birds through extinction; similarly, about 3000 species of plants require conservation.⁶² Several species of animals are going extinct or are in danger of going extinct around the world. Just a very small percentage are still uncommon. There were many animals and birds throughout the country up until a few years ago. Yet recently, a number of them have seen a decline in population, some are even becoming rare, and others have all but vanished. The hunting cheetah of India, the fastest terrestrial animal on the planet, is now extinct. At a national census in 1972, the Royal Bengal Tiger's population, which some estimates pegged at close to 40,000 around the turn of the century, was down to just 1827 animals. The Gujarati Gir forests are the only place where the Asiatic lion is kept under check. A mere 50 years ago, thousands of black bucks were discovered. Today, they are restricted to limited pockets and may only be found there under severe protection. The pink-headed duck, mountain quail, and Jerdon's courser are three species of birds that are thought to have vanished from the planet. The exquisite Siberian crane, a winter visitor to Bharatpur

⁵⁹ Supra note 60, p 176.

⁶⁰ B. K. Tikader, "Threatened Animals of India" (1983), p. 4- 5

⁶¹ G. Tyler Jr. Miller, "Resources Conservation and Management" (Wadsworth Publishing Company, 1990), p 413.

⁶² K.C. Aggarwal, "Environmental Biology", (1989), p 159

Sanctuary, is rumoured to have been severely diminished, along with the big Indian bustard and the white-winged wood duck. The golden eagle, pigmy hog crocodile, black snow leopard, and musk deer are all becoming more and more rare.⁶³

1.7 MAINSPRING OF EXTINCTION

Although extinctions are inevitable in evolution, the pace at which they happen has been dramatically accelerated due to human alterations to the planet over the past few centuries- if not millennia. The primary cause of extinctions is habitat loss, however other factors like pollution, over-harvesting, and climate change may have a multiplicative effect. The quick alterations that humans are bringing about on Earth pose a serious threat to many species, but especially those that are large-bodied, uncommon, or habitat specialists. Cascade losses, ecosystem collapse, and an increased extinction rate can result when important ecological processes like pollination and seed dissemination are disrupted by extinctions.⁶⁴ Many variables play a role in the extinction of wildlife namely forest fires, hunting, demolition of habitats, mining and quarrying, advancing work, pollution, deforestation, construction of highways and roads, grazing livestock, absence of education etc.⁶⁵

1.8 MANAGEMENT OF WILDLIFE

The management of wildlife is a crucial aspect of conservation. Wildlife management is adjusting the natural order for the purpose to favour the targeted game species. Responsible stewardship of natural resources encompasses a wide range of activities, including preservation, restoration, sustainable use, and enhancement.⁶⁶ If we define wildlife to include both wild flora and fauna, then wild life conservation is the management of nature's living resources. Also, it overlaps with “forestry” in that it is founded on the idea of multiple land uses and requires control of both wild plants and animals. The management of wildlife in previous decades included the knowledge, expansion, and control of particular species. Today, however, ecosystem management is becoming more important than species management.⁶⁷

Among the many goals of wildlife management is the protection of habitats for domestic animals and game animals that aren't going extinct any time soon as well as those of more vulnerable species and subspecies. The Wildlife Management program conducts both basic and practical research in the fields of wildlife ecology, management, education, and extension. A broad variety of practices are included in wildlife management, including reforestation, predator control, ecological principles, habitat carrying capacity, habitat conservation and

⁶³ Supra note 43.

⁶⁴ S.A. Levin, S.R. Carpenter, “The Princeton Guide to Ecology, Chapter V.1- Causes and Consequences of Species Extinctions” (Princeton University Press, 2009), DOI:10.1515/9781400833023.514.

⁶⁵ Ajay Kumar Rana and Nishant Kumar, “Current wildlife crime (Indian scenario): major challenges and prevention approaches”, *Biodivers Conserv.*, doi: 10.1007/s10531-023-02577-z, PMCID: PMC10025790 [PMID: 37063172, 2023].

⁶⁶ Supra note 42.

⁶⁷ Supra note 44, p 24-25

management, reintroduction of extinct species, management of "desirable" and "undesirable" species, and acquisition and reallocation of abundant species.⁶⁸

The key strategies are part of wild life management namely- education about wildlife, preservation of habitat (foundation of national parks), protection by law, assemblage protection, preservation of species etc.

1.9 RESEARCH DESIGN

1.9.1 STATEMENT OF PROBLEM

- (i) **Incompatible with the code of conduct acknowledged internationally:** Indian Wildlife Welfare laws and wildlife protection policies stand inconsistent with international standards as many countries practice high-grade legislations and policies.
- (ii) **Enforcement needs inefficient:** It turns out that national development initiatives and laws meant to protect wildlife have both fallen short. Acts meant to do just that have failed. A number of government initiatives have also fallen short of their goals.
- (iii) **Impact of Urbanisation and Industrial development:** Owing to the present population rise, clearance of land for residential properties agricultural, and industry reasons has been more prevalent. Numerous factors, including pollutants, global warming, invasive species, illegal wildlife trade, and degradation of habitat, have contributed in extinction of several wildlife animals in India.
- (iv) **Spreading Understanding and Participation of General Population:** Ineffective conservation efforts are caused by the public's lack of knowledge and engagement with wildlife regulations. The majority of people still don't know how to protect biodiversity, what laws are in place to do so, or how to enforce those laws. To promote responsible environmental stewardship and guarantee compliance, it is essential to strengthen outreach, education/awareness, and involvement of the community.
- (v) **Rules of law along with barriers:** Judicial interpretation has frequently supported wildlife issues, emphasising the necessity to reevaluate these rulings in light of the fact that the wildlife regulations are constantly changing.

1.9.2 RESEARCH QUESTIONS

1. What is the jurisprudential aspect of wildlife welfare laws in India?
2. In what ways human- induced inhumane activities impact wildlife?
3. To what extent international conventions along with non- governmental organizations has uprooted protection of wildlife across the globe?

⁶⁸ Muhammad Mohsin Zaheer, "Wildlife Management and Conservation" DOI: 10.13140/RG.2.2.25815.09123, 2020

4. In what ways legislative framework and judiciary's responses tends to protect Indian wildlife?
5. How enforcement of Indian wildlife welfare laws is comparatively and critically analyzed with other countries across various continents?
6. What is the empirical analysis status of implementation of wildlife welfare laws in Indian state of Punjab and Himachal Pradesh?
7. What can be further done to improve and better the laws on infringement of the same based on futuristic approach?

1.9.3 REVIEW OF LITERATURE

Many experimental observations have been made on the various aspects of regulations and legislations governing wildlife. The researcher has studied a number of books, journals and articles written and deliberated upon the welfare of wildlife and various aspects associated therewith. The researcher analysed the constitutional provisions and other wildlife laws in depth to understand the role of legislations for wildlife protection. Various animal protection laws in India have been discussed in the literature. A variety of wildlife-related factors were examined by the researcher. This encompasses readings from a variety of literary works, journals, textbooks, and articles pertaining to legislation. In order to assist the courts in safeguarding wildlife rights, researcher combed through the legal literature to learn about wildlife. This served as the foundation around which the researcher structured the proper chapters with significant and pertinent data and literature. Researcher had gone through a lot of articles and cases and found that from history till date today some or the other person has supported and raised voice for the voiceless.

In view of ascertaining this, the researcher has dwelt within the concept by reviewing a number of books, articles, journal publications, wildlife crime reports as enumerated below:

Books

- **Wild Animal Protection Laws in India (PP Mitra, LexisNexis, 23 May 2016)**

This book is about the laws in India that protect wild animals. These laws include statutes, court decisions, environmental doctrines, international agreements, and national policies. It is split into ten chapters based on the broad idea of science, politics, society, and law, which are the most important parts of a conservation programme in every country, from Africa to Europe and from the United States to Asia. This book is meant to remind us of our constitutional duty "to treat all living things with compassion" and our international duty to recognise that "every form of life is unique."

- **Animal Justice- Indian Judiciary on Cruelty to Animals to Animal Sacrifice and Cow Slaughter to Mob Lynching (PP Mitra, Bloomsbury Publishing (UK), 2023)**

This book contains a compilation of case laws that show the opinions of the Indian judiciary regarding animals' usage in farming, zoo maintenance, transportation of animals, animal carrier services, pet ownership, animal experimentation, animal performance in sports and

culture, along with preservation of wildlife animals together with the endangered species. The Supreme Court of India holds that every living species has a right to life & security. Animals possess same rights as people to be free from torture and needless suffering. The High Court of Delhi asserts: education is important to raise knowledge of the fact that all animals possess right to life in our society with dignity & respect. The Kerala High Court questioned why there isn't a course on "Animal Rights Law" offered by our educational institutions in 2000.

- **An Introduction to Animal Laws in India (PP Mitra, India Law Journal, 2019)**

This book covers every kind of law pertaining to animals and their rights, including those governing cattle, domestic animals, wild animals, and migratory and foreign animals. This book is a comprehensive collection of legal resources since it includes acts pertaining to animals, pertinent sections of other legislation, subordinate rules and orders, state laws and regulations, and court rulings.

- **Environmental Law and Policy (Aruna Venkat, Eastern economy edition, PHI Learning Pvt. Ltd., 2011)**

The author makes explicit reference to constitutional viewpoints and environmental conservation. The book made a point of mentioning important instances that demonstrated the constitutional devotion to environmental concerns. It covers Article 21, which is a derivation of the Right to Life and contains the fundamental right to a hygienic environment. Various connections between the right to cleanliness and other basic rights were discussed.

- **Handbook of Environmental Law- Second Edition (P.B. Sahasranaman, Second edition, Oxford University Press, August 2012)**

Important environmental protection-related topics in India are examined in this handbook. It addresses a wide range of topics, which includes pollution together with climate change, wildlife protection, environmental impact assessment, waste management, sustainable development, water resource management, disaster management, and rehabilitation. An insightful comparison of Indian and foreign environmental laws is offered by this publication. The main points of international environmental covenants, and conclusions of other associated international conferences, are also covered by the author. The methodical narrative paints a clear picture of the obligations and liabilities of the legal institutions (state pollution control boards, municipal boards, etc.), business owners, and the rights of common people to a cleansed together with a healthy environment.

- **The International Handbook of Animal Abuse and Cruelty: Theory, Research, and Application (Frank R. Ascione, Purdue University Press, 2008)**

Abuse of animals has been shown to be a good indicator of abuse against people. Violence in society is getting worse and worse, which has made experts wonder what other ways there are to spot initial warning signals. "The International Handbook of Animal Abuse and Cruelty: Theory, Research, and Application" is most updated collection of information from experts around the world on the history, law, research, and practical applications of abusing & cruelty to animals.

- **The PETA Practical Guide to Animal Rights: Simple Acts of Kindness to Help Animals in Trouble (Ingrid Newkirk, St. Martin's Publishing Group, 26 May 2009)**

“People for the Ethical Treatment of Animals- PETA” is the biggest animal rights group in the world, backed by around two million individuals. One of the most prominent and influential American campaigners, Ingrid Newkirk, is both its creator and president. He has led attempts around the world to improve how animals are treated in factories, shows, and other places. Every day, millions of animals are treated inhumanely in labs, food plants, and other places of business. In this easy-to-read book, the author shows readers hundreds of simple ways to stop being cruel to animals and make good decisions.

- **Bleating Hearts: The Hidden World of Animal Suffering (Mark Hawthorne, John Hunt Publishing, 29 November 2013)**

The documentary Bleating Hearts investigates the widespread usage of animals across the globe, including in the food, fashion, and research industries, as well as for the sake of sport, war, entertainment, religion, and the labour and pleasure of humans.

- **M P Jain Indian Constitutional Law. (M P Jain Revised by Justice Jasti Chelameswar and Justice Dama Seshadri Naidu, Lexis Nexis, 8th edition, 2018)**

M. P. Jain's Indian Constitutional Law is a classic that has stood the test of time and is considered an authoritative work on Indian constitutional law. Both Justice Jasti Chelameswar and Justice Dama Seshadri Naidu contributed to the revision of this book, which is currently in its ninth edition. The book provides a clear, in-depth, and methodical exposition of the contentious topic of constitutional law, which is notorious for its layered complexity and myriad of facets. Anyone seeking up-to-date information on constitutional jurisprudence, including students, researchers, attorneys, judges, professors, policymakers, and others may profit from the book's in-depth insights because the book provides those insights.

- **Wildlife Law Enforcement in India. (Samir Sinha, Natraj Publishers, 2010)**

This book is especially pertinent at this time because wildlife crimes are becoming an increasingly significant danger to natural resources all around the world. In addition to this, it is widely recognised that the illegal trade in wildlife is one of the most significant examples of organised transnational crime.

- **Environmental Law and Policy in India Cases Materials and Statutes (Armin Rosencranz, Shyam Divan, Martha L., Noble Publication- Tripathi, 1991)**

In contrast to western nations, India, according to the author, does not have a wealthy middle class that is interested in opposing economic expansion. The impoverished in India are those who are most severely impacted by environmental degradation. displaced as a result of deforestation and other resource destruction, which also has an impact on the forest's fauna. Animal life is just as crucial to the ecological balance as human life is.

- **Environmental Law Case Book (P. Leela Krishnan, Lexis Nexis Butterworths)**

This book ensures the laws governing environmental protection and pollution management offer precise remedies. But the courts disregard these statutes when making decisions. Right now, this is exactly what's required. It will significantly contribute to the establishment of a more effective environmental system and the imposition of legal penalties on individuals who may violate wildlife protection laws.

- **A Life with Wildlife: From Princely India to the Present (M.K. Ranjitsinh, HarperCollins Publishers India, 2017)**

The contributions that Dr. M. K. Ranjitsinh has made to the history of wildlife conservation in India are without comparison. He was the primary author of the WPA, 1972 as well as the Central government's many assistance programmes for national parks together with sanctuaries. Even after he has retired, he will not let go of his dedication to the preservation of endangered species, From the rescue of the Kashmir stag and Manipur brow-antlered deer to the Great Indian bustard, we have been involved in the planning of many wildlife transfers, including the Asiatic lion's relocation from Gir forest, the cheetah's return to the grasslands of central India, and many more.

- **The Vanishing: India's Wildlife Crisis, 2017. (Prerna Singh Bindra, Penguin books, New Delhi, 2017)**

The author of this book explores the unintentional exploitation of wild species that leads to their disappearance and extinction. Can a big nation like India 'afford' to safeguard wildlife, the author wonders? In a land-poor, highly populated nation, is there room for wildlife, and can wild creatures and people survive or will their interactions always be hostile? Is the goal of growth hampered by conservation efforts and efforts to safeguard the flora and fauna? Is environmental security threatened by development? The Vanishing examines these urgent problems now affecting wildlife conservation.

- **Commentaries on Wildlife Law- cases, statutes and notifications (Ritwick Dutta, WTI (Wildlife Trust of India) 2007)**

The "Wildlife Trust of India (WTI)" published a book called "Commentaries on Wildlife Law: Cases, Statutes, and Notifications." The book is the first commentary on the WPA, 1972. It also has a collection of SC & HC rulings on the WPA, 1972, "Indian Forest Act of 1927, the Forest (Conservation) Act of 1980", and other related laws. Book, which was written by Ritwick Dutta, the Legal Advisor for WTI, and studied by Vyom Raghuvanshi of WTI, is the result of a three-year study of wildlife conservation judgments and orders. "Unlike other laws in India, wildlife law changes every Friday because the Supreme Court is still hearing the "T. N. Godavarman vs. Union of India" case on that day every week."

- **Handbook on Wildlife Law Enforcement in India (Samir Sinha, Natraj Publishers, 2010)**

"The Handbook on Wildlife Law Enforcement in India" talks a lot about how international organizations like CITES, TRAFFIC, INTERPOL, WWF, etc. play a part in managing wildlife crime. So, the author only talks a lot about how laws are enforced. It is hoped that the Handbook will help professionals and people who care about protecting our natural history stand up to

those who want to destroy it. So, this Handbook is a direct way of helping to protect wildlife and woods in our country.

- **Wildlife Crime Control Bureau Ministry of Environment and Forests, 'Wildlife Crime Investigation'- A Hand book for Wildlife Crime Investigation Officers. (Government of India, 1st edition, 2013)**

With this handbook, the WCCB of India is trying to help the forest offices investigate wildlife crimes in a standard way. When it comes to biological diversity, India is right up there with the best of them. Poaching along with organized criminal trade in wildlife, which has effects all over the world, are putting a strain on this diversity. If nothing is done, this will soon kill off many species. The WPA, 1972 is the main law that is used to punish animal crimes in the country. But it is not a full set of rules for how to act. Because of this, different states don't have the same processes, practices, and methods for investigating wildlife crimes, which often leads to legal and operational problems. So, what is needed right now is a well-defined and consistent way to look into crimes against wildlife, and this book does just that.

- **Constitutional Policy and Environmental Jurisprudence in India. (Vasanthi Nimushakavi, Macmillan India Ltd, New Delhi, 2006)**

This book looks at some of the prime theoretical scholarly work on environmental legislation and policy, with an emphasis on the Indian Constitution. It also looks at how environmental law, foreign law, and constitutional law in India all fit together. The Apex Court of India's part in formulating environmental legislation, specifically, the idea of "sustainable development," much clear. This book is a great guide to environmental problems because it covers important parts of the Supreme Court's rulings on how the Indian Constitution should be interpreted.

- **Environmental Jurisprudence. (Justice Ashok A. Desai, Modern Law House, New Delhi, 2002)**

This book contains details about prudence and jurisprudence with respect to environment and its policies. The book is constituted in 12 parts and each part is specialized in its own fields, few relevant topics discussed here are- Ancient And Historical Prudence, Jurisprudence And Codification, Emergence Of Environmental Jurisprudence, Development Of Environmental Jurisprudence, Legislative Environmentalism, Jurisprudence Of Legislative Activism, Judicial Contribution in The Development Of Environmental Jurisprudence, Advent Of world Environmental Jurisprudence, Jurisprudence Of Global Environmental Regulation And Towards New Millennium.

- **Handbook on Environment law (Sanjay Upadhyay, Videh Upadhyay, Volume I & III Forest Laws, Wildlife Laws and the Environment protection laws & Energy Laws. First Edition. Lexis Nexis Butterworths, New Delhi, 2002.)**

It's true to say that we can get books on environmental law in India, but they're mostly just collections of statutes and court decisions. The authors of this series are guided by the belief that assessing the effectiveness of the legal system for resolving conflicts and fully appreciating the scope of the problem require an in-depth grasp of the problem's nature. Because of this, the topic analyses the relevant case law just to assess the efficacy of the current legal framework.

The potential demonstrated by history, the achievements of the court, and the knowledge gained on a global scale. Environmentalists, sustainability experts, and resource managers can all use this series as a reference for understanding and applying the legal framework to their work.

- **The protection and management of our natural resources, wildlife and habitat. (W. Jace Grosse, Oceana publications, Inc Dobbs Ferry, New York, 1997)**

This book provides a concise overview of the issues surrounding wildlife and their habitats across the United States, including their origins, the concept of state ownership, environmental protection, endangered species, natural resource preservation, law and policy, and international commitments.

- **Basic Legal Documents on International Animal Welfare and Wildlife Conservation. (Mark Austen and Tamara Richards, Edited, Kluwer Law international London/ The Hague/Boston, 2000)**

This book is an attempt to compile the international, regional, and European instruments concerning wildlife conservation and animal welfare into one convenient location. Noting that specific conventions can be found in other books or on the web. This is the first collection of its sort, and its intended audience includes students, professors, government officials, and NGOs working in the sector. This book aims to act as a resource for anybody interested in advancing wildlife conservation and animal welfare. This massive collection is divided into three sections, each of which contains extensive discussion on European Union law. Part, one covers the finer points of international treaties, Part two covers regional instruments, and Part three covers the rules and regulations of the European Union.

- **Wildlife law (Wale W. Goble, Eric T. Freyfogle, Foundation Press, New York, 2002)**

At first look, wildlife law may not appear to be significant enough to need a book of this magnitude. There needs to be a quick explanation of why we disagree. The field of wildlife law is now mature. There are primarily four causes for this book's heft. The first is that it heavily relies on the subject's long and illustrious legal and cultural tradition since it considers a comprehensive grasp of the topic impossible without it. Second, from the very first page it is clear that animals are living things, part of dynamic, complex ecological systems. The function biology plays in our narrative is crucial. Third, the scope of moral and ethical concerns has broadened to include the plight of specific species and communities. Here, ethical considerations also emerge as crucial factors. The last, and arguably most crucial, step was putting our plan into action. Several books on wildlife law have been merged into one to allow teachers more flexibility.

- **Indian Constitutional Law (M.P. Jain, Justice Jasti Chelameswar, Lexis Nexis, 2020)**

M.P. Jain's Indian Constitutional Law, now in its ninth edition, is a highly regarded and thorough treatise on Indian constitutional law. The book is renowned for its clear, thorough, and methodical thematic presentation of the subject matter, which covers both early and contemporary constitutional views.

Articles & Journals

- **Legal Definitions of Cruelty and Animal Rights (Anita Dichter, BC Env'tl, Aff. Literature Review, Hein Online, 1978)**

This article provides an explanation of and definitions for all sorts of cruelty that are inflicted on voiceless beings by humans. It also discusses the rights that are outlined in laws for animals. The morals of our society as they pertain with rights of animals are reflected through legal definitions of animal cruelty. In particular, such definitions expose the prevalent mentalities regarding sufferings of species.

- **Broadening the Scope of Liabilities for Cruelty Against Animals: Gauging the Legal Adequacy of Penal Sanctions Imposed (Abha Nadkarni & Adrija Ghosh, NUJS Law Review, 10 NUJS L. REV 2017)**

The current "Prevention of Cruelty to Animals Act", which was passed in 1960, is being called into question as a result of the numerous instances of animal cruelty that have been brought to light. The legislation, which was drafted a few decades in the past, envisions penalties and sentencing policies that were likely reasonable back then should be reevaluated in light of the current state of affairs about the sufficiency and nature of the imposed culpability. The purpose of the paper is to come to the conclusion that it is important, along with the imposition of civil liability, to make changes for existing sentencing provisions along with penalties of legislation in order to prevent widespread instances of cruelty in the future.

- **Animal Welfare Law in the World: Evolution and Globalization (Sabine Brels, Global Journal of Animal Law (GJAL), Laval University, Quebec, Canada, 1/2016)**

The research reveals that there are solid foundations for the widespread protection of animal welfare that are already present in international law. It addresses all of the statutory concerns pertaining to the health and happiness of the animals. Its purpose is to punish inhumane behaviours, and in recent years, rules pertaining to animals have become increasingly strict regarding how animals should be cared for. The report sheds light on the ever-increasing progress that has been made in animal welfare legislation. In addition to this, it focuses on the manner in which the wellbeing of animals has been emerging as a new purpose not only nationally, but also almost generally, since the beginning of the 21st century. The preservice of animal welfare is intended to be publicly recognised as a general purpose through the completion of this study. And codified as a new universal requirement in laws governing international relations.

- **Animal Abuse and Youth Violence (Frank R. Ascione, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention-OJJDP, September 2001)**

The evidence from psychiatry, psychology, and criminology that links the mistreatment of animals to acts of violence committed by both juveniles and adults is discussed in the Juvenile Justice Bulletin. It investigates the problem of obtaining reliable incidence and prevalence data for this behaviour and discusses the difficulty of categorising animal abuse, which is a challenge in and of itself. In addition to this, it investigates the connections between animal

abuse and behavioural disorders, investigates the reasons why children and adolescents mistreat animals, and takes into account the conditions that may contribute to the development of animal abuse as a symptom of psychological disorders.

- **Animal Rights as a Mainstream Phenomenon (Bernard E. Rollin, Department of Philosophy, Colorado State University, Fort Collins, USA, 19 January 2011)**

The author of this piece places a strong emphasis on a topic that is sometimes overlooked, namely the growth of tremendous public concern all over the world over the treatment of animals. Regulation of animal experimentation is present in almost all western nations, reforms of "factory farming" are prevalent in European regions also it is making quick progress in US. Most people who are against animal welfare just say that people are too emotional or just don't see how much unfettered animal exploitation has benefited humans. This is common tactic used by these opponents. This approach completely disregards the reasonable and ethical rationale for increasing legal protection for animals, which is articulated very clearly in the aforementioned essay.

- **Effectiveness of Forest and Wildlife Laws in India. (Arup Poddar- Professor of Law, The WB National University of Juridical Sciences, Kolkata, India, Vol-3, Issue-4, IJIR (2017))**

The purpose of this article is to investigate the extent to which forest and wildlife conservation regulations in India can be used as a deterrent, as well as the degree to which they are successful in doing so. Preservation of wildlife together with forests is contingent on government agencies in charge of enforcing the laws being able to do so effectively and with attention to detail. It is correct to say that environmental policy can only serve as a guideline and cannot be made legally binding. However, environmental policies, such as the Forest Act, wildlife laws, and forest conservation laws, can safeguard forests and animals for future generations while simultaneously preventing environmental deterioration. This is paramount for multiple of reasons. Rules for the penalties do not cover every possible scenario, and the government should reconsider and work to improve those provisions in order to make them appear more like an effective deterrent. Although most of these laws are working as intended, there are some areas where enforcement is lax, leading to the question of how effective enforcement agencies really are.

- **15 Landmark Judgement of Indian Judiciary on Animal Rights. (Dev Tejnani, Legal Desire, 2020)**

The article focuses on the significant rulings that the Indian judicial system has issued in the past on the rights of animals. The purpose of this piece is to shed light on the myriad of clashes that have taken place between human beings and animals throughout history. In addition to this, particular information is provided regarding the value of the court system's contributions to the growth of these problems, as well as the manner in which it has repeatedly placed an emphasis on delivering justice to those beings who are unable to defend themselves, upholding animal rights, and placing animal rights on an equal footing with human rights.

- **A Critical Study on Wildlife (Protection) Act, 1972 With Special Reference to Compensation (G. Vyralakshmi, R. Dhivya, International Journal of Pure and Applied Mathematics Volume 120 No. 5, 2015)**

In order to protect people and other forms of life from the dangers posed by wild animals, this piece of writing gives the go-ahead for the compensation clause that was included in the Wildlife (Protection) Act of 1971. In addition, research is being done on the Wildlife Protection Act of 1972, as well as research concerning the compensation for human-animal conflicts.

- **Environmental Jurisprudence in India: A look at the initiatives of the Supreme Court of India and their success at meeting the need of Envi-Social Justice. (Debaditya Banerjee - 3rd year, National University of Juridical Science. Dr. Ambedkar Bhavan, 12LB Block, Sector –III, Salt Lake City, Kolkata-700098)**

Notable legislative and executive initiatives over the last twenty years have sought to incorporate environmental protection principles into Indian legal precedent, such as the 1976 Constitutional Amendment, which included protection of environment in the Constitutional Mandate, and the 1986 Environment Protection Act. Even though legislative and executive branches have taken steps in the right direction, it is the judiciary that has gotten the ball rolling by providing more qualitative and quantitative tools to deal with environmental protection issues through careful judicial thinking of the Supreme Court. The Indian Judiciary came up with a novel approach to judicially-driven regulatory enforcement after finding that the State machinery was not following its own legislation. The judiciary has contributed to the cause of social justice by broadly interpreting the provisions of the constitution, also other laws. The Apex Court's "Green Bench" formulated the Principles of Absolute Liability and Sustainable Development within the broader purview of environmental considerations, and they also employed novel approaches such as Spot Visits (during which Judges visited to see the situation firsthand) and Expert Committees. These changes can be broken down into two categories: interference with the executive's ability to do its job, and compliance with court orders.

- **Focusing on Wildlife Crime, Part 1 of 2 (John M. Sellar O.B.E.- (Part 2)**

Poaching and other wildlife crimes, as well as smuggling and the worldwide wildlife trade, are all addressed in this article. “The Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), INTERPOL”, the “Outdoor Discovery Centre (ODC)”, “World Bank, and the World Customs Organisation” established “International Consortium on Combating Wildlife Crime (ICCWC)” in 2010. National law enforcement authorities that look into wildlife crimes receive coordinated assistance, as do sub-regional along with regional networks that protect natural resources on regular basis. Helpful advice has been provided by ICCWC.

- **Wildlife Crime and Punishment (Sabyasachi Patra, Posted in: Conservation Articles, Diary - Tales from Wild India, Conservation Magazine, 31 May, 2010)**

Sabyasachi is a dedicated wildlife filmmaker and photographer who has won numerous awards for his work. He's been working hard to in still passion and energy into his films and images and spread the word about the importance of protecting the country's dwindling wilderness

areas and animals. He wants people to take a moment to appreciate wildlife by watching his documentaries, looking at his images, and reading his writings. His documentary, "A Call in the Rainforest," has been shown at film festivals throughout the world.

The author of this article offers his thoughts on the current legislation protecting wildlife, how effective it has been in catching criminals, where it falls short, and how it could be improved.

- **Wildlife Crime: The Problems of Enforcement. (Melanie Wellsmith, European Journal on Criminal Policy and Research, Volume 17, Issue 2, (125-148) June 2011)**

Recent years have reportedly seen an uptick in both the visibility of environmental and wildlife crime among enforcement authorities and criminological interest in this area. Regardless, those in charge of this sector claim that it is still neglected since neither enough funds nor political will are available to solve the problem. This is especially true for organisations like the police that may appear to have far more important responsibilities. Using the acts that could be classified as "wildlife crime" as an example, this discussion paper examines the issues with depending on an enforcement approach to controlling such offences.

- **The Wildlife (Protection) Act, 1972: An appraisal (Jofin John, SBRR Mahajana Law College, Mysore, legalserviceindia.com)**

The author of this piece sheds some general light on some of the less obvious aspects of the Wildlife Protection Act of 1972. He discusses the Origins and Development of the Idea of Wildlife Protection in Ancient India, Wildlife Protection in India During the British Period, Wildlife Protection in India After Independence, the Scope of Application of the Wildlife (Protection) Act, 1972, the Nature and Scope of Wildlife Management, the Wildlife Advisory Board (Section 6), its Members, and its Responsibilities, and the Jurisdiction and Authority of the Concerned Authorities Established Under the Wildlife (Protection) Act.

- **International Wildlife Law: Understanding and Enhancing Its Role in Conservation (Arei Trouwborst, Bio Science, Volume 67, Issue 9, September 2017 (784–790))**

This article provides a good overview of the roles, impacts, and future intentions of some prominent international wildlife conservation organisations. The "Convention on International Trade in Endangered Species (CITES), the Convention on Migratory Species (CMS), the Convention on Biological Diversity (CBD), the Ramsar Convention, and the World Heritage Convention" are all well-known to experts in the field. There are other prominent regional instruments in the conservation field, such as those that focus on Africa, Antarctica, or Europe. While the Kavango–Zambezi Transfrontier Conservation Area is an example of a large transboundary protected area, other international wildlife accords focus on specific species or regions. The term "international wildlife law" is used to refer to all of these treaties. Nonbinding instruments, such as decisions and action plans made at the "Conference of the Parties (COP)", generally accompany as well as inform binding agreements themselves.

International Conventions

- **Convention on the Conservation of Migratory Species of Wild Animals- CMS (www.cms.int)**

The United Nations has an environmental treaty called the “Convention on Migratory Species (CMS), or the Bonn Convention”, that offers worldwide framework for preservation as well as sustainable use of migratory aquatic, terrestrial, avian species as well as their ecosystems.

- **Convention on International Trade in Endangered Species of Wild Fauna and Flora- CITES (www.cites.org)**

It is a global pact signed by many governments. Its goal is to guarantee that the international commerce in wild animal and plant specimens does not jeopardise the species' ability to survive. CITES is a multilateral agreement known as CITES was created to shield threatened species of plants along with animals from the dangers of global trade. It was written in response to a resolution that the “International Union for Conservation of Nature's” members endorsed at a meeting in 1963.

- **The Wildlife Trade Monitoring Network- TRAFFIC (www.traffic.org)**

One of the top non-governmental organisations addressing wildlife trafficking in relation to sustainable development along with biodiversity protection is the Wildlife trafficking Monitoring Network, or TRAFFIC. The “World Wildlife Fund (WWF) and the International Union for Conservation of Nature (IUCN)” are partners in this programme.

- **International Union for Conservation of Nature- IUCN (www.iucn.org)**

IUCN, which was founded in 1948, has grown to become the biggest through leveraging the knowledge of the world's largest and most diverse environmental network, resources, and reach of its 15,000 experts and more than 1,400 Member organisations. Due to its breadth and depth of expertise, IUCN is the preeminent global authority on environmental issues and the measures needed to preserve them.

- **United Nations Forum on Forests- UNFF (www.un.org)**

An elite platform for intergovernmental policy is the “United Nations Forum on Forests”. The forum comprises the UNFF Secretariat, “Collaborative Partnership on Forests”, major groups, regional organisations and processes, and all permanent observers and member states of United Nations.

National Wildlife Action Plans

- **National Wildlife Action Plan, 1983**

“National Wildlife Action Plan” which is based on decision that was made during the fifteenth meeting of the Indian Board for Wildlife, took place in 1982, the first “National Wildlife Action Plan (NWAP)” was established in the year 1983. Many of the strategies and measures outlined in the plan for protecting animals are relevant even now.

- **National Wildlife Action Plan, 2002-2016**

The plan offers ideas and concrete procedures for the conservation of wildlife in their current ecosystem, with the end goal of ensuring India's long-term ecological security. The international commerce in wildlife is subject to multiple restrictions, some of which are

mandated by conventions for instance CITES. The WPA, 1972 and “The Bio-Logical Diversity Act, 2000” are just two examples of the laws and regulations that were examined as part of this project. There were a great number of reviews of many types of publications, including articles, journals, reports, plans, and policies from government agencies and non-government organisations.

- **National Wildlife Action Plan, 2017-2031**

The third “National Wildlife Action Plan” for the years 2017-2031 has been published by the “Union Ministry of Environment, Forests, and Climate Change (MoEFCC)”. This document outlines the course that would be taken in the future to conserve wildlife. Five components, seventeen themes, 103 conservation activities, and two hundred fifty projects are included in the NWAP. The key priority areas of this plan include, among other things, the incorporation of climate change into wildlife planning, the conservation of coastal and marine habitats, the elimination of conflicts between humans and wildlife, and a focus on animal health. The Plan will be of assistance in incorporating processes for the preservation of wildlife into development planning procedures.

Reports

- **20th Law Commission of India Report no. 261 on Animal Welfare Regulations, Press Information Bureau- Government of India, Ministry of Law & Justice, 2015**

On August 28, 2015, the Law Commission of India delivered its Report No. 261 to the Union Minister of Law and Justice regarding the “*Need to Regulate Pet Shops and Dog and Aquarium Fish Breeding.*” The report notes that pet stores and breeders routinely disregard animal welfare regulations and suggests that their operations be regulated. Animal rights and animal welfare organizations from all over India have informed the Law Commission that the pet trade in India is expected to generate several thousand crore rupees in turnover annually and is expanding quickly. Nonetheless, the industry is still mainly uncontrolled. The Prevention of Cruelty to Animals Act of 1960 does not appear to have established any regulations in this area.

These creatures are reportedly housed in appallingly cruel conditions. For example, it seems that puppies are given drugs to stop them from crying, big birds are crammed into tiny cages, and fish suffer from stress and at times pass away due to overcrowding, confinement, tainted water, and unusual temperatures. Other prevalent damaging practices include de-clawing cats, selling unweaned pups, trimming the tails of dogs, and de-beaking birds. Animal-transmitted diseases are also more likely to affect the general populace due to unsanitary pet stores and inadequate veterinary treatment.

After conducting a comprehensive examination of the legal status, several representations, and numerous reports on the subject, the Law Commission concluded that pet stores and breeders are breaking the law with impunity. The Central Government needs to address the matter seriously and regulate such breeding and trade operations because of how serious the problem is. Additionally, the regulations pertaining to pet stores, dog breeding, & aquarium fish breeding were developed after stakeholder input and have been pending in the ministry concerned since 2010. According to the Legislative Department and the Department of Legal

Affairs, Ministry of Law and Justice, the Ministry of Environment, Forest, and Climate Change feels that the Prevention of Cruelty to Animals Act, 1960, lacks the substantive or enabling provisions necessary to issue these regulations, and that, as a result, issuing them would be outside the Ministry's legal authority.

Wildlife Crime Reports

- **Crime in India- 2004. (data.govt.in)**

All crimes in a country are reported and counted separately, making it easier to calculate the overall crime rate. According to the reports, there has been a significant decrease in certain types of crime. The illegal trading of wildlife in India has grown. Traders of wildlife skin mostly target India, according to a 2004 investigation by the “Environmental Investigation Agency” (EIA). Tiger, leopard, and otter skins have been confiscated 784 times between 1994 and 2003. It is common practise to smuggle endangered animals and plants into Southeast Asian and PRC countries, including leopards, rhinoceroses, reptiles, birds, insects, and rare plant species. There were 698 otters illegally taken in India between 1994 and 2003.

- **National Crime Records Bureau Report (NCRB) Data- 2022 (<https://www.ncrb.gov.in>)**

According to the 2022 NCRB (National Crime Records Bureau) report, environmental crimes in India have decreased overall, while wildlife offenses have increased in some states, including Bihar, Punjab, Mizoram, Rajasthan, and Uttarakhand. In particular, there was a notable 50% rise in wildlife crime cases in Rajasthan. In addition, the Environmental (Protection) Act, 1986, saw a fourfold increase in infractions, with Uttar Pradesh seeing the highest number.

- **World Wildlife Crime Report 2024- United Nations Office on Drugs and Crime (UNODC), (<https://www.unodc.org>)**

Around 4,000 species are impacted by wildlife trafficking in 162 countries, endangering biodiversity, ecosystems, and local economies, according to the UNODC's World Wildlife Crime Report 2024. In order to disrupt illegal supply chains, the research highlights the necessity of more strategic initiatives, such as combating corruption and bringing criminals to justice in accordance with the law. It also emphasizes how crucial strong international collaboration, community involvement, and evidence-based solutions are.

- **Annual Reports- Wildlife Crime Control Bureau (WCCB), (<https://wccb.gov.in>)**

The Government of India created the Wildlife Crime Control Bureau (WCCB) to fight organized wildlife crime. The Ministry of Environment, Forests, and Climate Change was in charge of its creation. According to the Wildlife Crime Control Bureau, the WCCB was notified in 2007 and went into operation in 2008.

Interim Report

- **Empirical Study on Implementation of Wildlife Protection Laws in India, Interim Report (Dr. Madhuker S, Symbiosis Law School, in Association with Wildlife Law Research & Resource Center (WLRCC) Published by: Symbiosis Law School, Noida (Constituent of Symbiosis International University, Pune) 2015).**

In order to gather data on wildlife crime across a ten-year period from tiger reserves not included in this interim report, the researcher took a new approach to the topic of wildlife crime in their research. Additionally, the information gathered comes straight from the forest crime records and is based on personal visits to the relevant range offices, sample collection, interviewing people, and field observation. A statistical table and graph are created from the gathered data in order to match the hypothesis and draw recommendations for updating and amending the WPA, 1972 in light of the rise in wildlife crimes and decline in conviction rates.

Final Report

- **Empirical Study on Implementation of Wildlife Protection Laws in India, Final Report (Dr. Madhukher S, Symbiosis Law School, Noida, Published by: Symbiosis Law School, Noida (Constituent of Symbiosis International University, Pune) 2016).**

In the course of the research, the researcher has combined efforts to keep up with legislative, executive, and judicial developments from the British era to the present. An analysis which is comparative, of the wildlife legal frameworks in the UK and the USA has also been conducted. A comparative analysis of the legislation and international treaties of the respective countries is also conducted. Upon completion, the researcher compiles and analyses the wildlife data gathered over a ten-year period from three tiger reserves to derive research conclusions that align with the hypothesis. Based on the study effort not completed, conclusions, findings, and recommendations are made.

1.9.4 RESEARCH GAP

Enforcement Gap

- In terms of law enforcement effectiveness, coordination between states and central wildlife authorities has not been thoroughly examined.

Empirical Gap

- There exists a gap in empirical studies on implementation of wildlife welfare laws in Indian State of Punjab and Himachal Pradesh.

Comparative Gap

- A gap prevails in comparative research analysis of Indian wildlife welfare laws and regulations among countries across different continents.

Policy- Implementation Gap

- A significant gap persists between the provisions of Wildlife (Protection) Act, 1972 with its actual enforcement mostly in remote or politically neglected areas. Thus, it highlights the disparity between policies and their practical implementation.

1.9.5 SCOPE & SIGNIFICANCE

The present research extends to evaluating the “*Right to Life*” of wildlife species as enshrined under “*Constitution of India and Wildlife Protection Act, 1972*”, along with other rights and

laws of wildlife stating the abuse and its international perspective. With the emergence of several cases of violence on wild species during past few decades, a period of significant increase in the illegal capture along with killing of wild species, which has led to declining population of certain species has taken place. So, there is substantial need to amend or interpret the legislations in a new light. There is dire need to chalk out the possible issues and challenges in this filed and suggest suitable recommendations in current legislations.

1.9.6 RESEARCH OBJECTIVES

The aim of research focuses for conducting a thorough investigation into the application of wildlife legislation. All of the nation's residents anticipate state protection, but wildlife cannot demand justice. It is up to us humans for ensuring that abundance of “flora and fauna” in our environment is not lost or misused. As a result, we ought to endeavour to preserve and maintain our abundant wild life.

The research objectives for the study are as following:

1. To analyse the past, present and future contours of the wildlife.
2. To understand the problems and threats to wildlife conservation in India.
3. To comprehend international conventions and organizations including NGOs governing wildlife.
4. To review the legislative framework and judicial response towards wildlife laws in India.
5. To formulate a comparative analysis of wildlife laws of Africa, Australia, United Kingdom, United States of America and India.
6. To evaluate the status of implementation of wildlife laws in the states of Punjab and Himachal Pradesh.
7. To find out the loopholes in the existing wildlife welfare laws and make suitable recommendations to overcome them.

1.9.7 HYPOTHESIS

H₀1: There is no significant gap between provisions of Wildlife (Protection) Act, 1972 and its actual enforcement, demonstrating a parity between policy and implementation.

H₂: There is a significant gap, as in contrast to Punjab, Himachal Pradesh operates with a more effective wildlife welfare law enforcement mechanism.

H₃: There is a significant difference in the uniform implementation of wildlife legislation in Punjab and Himachal Pradesh has no impact by state-central coordination gaps.

1.9.8 METHODOLOGY DESIGN

1.9.8.1 RESEARCH METHODOLOGY FOR ACHIEVEMENT OF THE OBJECTIVES

The researcher has relied upon the “Doctrinal Research Methodology as well as “Empirical Study” for achieving the above- mentioned objectives. The researcher basically follows doctrinal research method which is also known as library-based research, in compilation, organization, interpretation and systematization of the primary and secondary source material. This research methodology is utilized to criticize or analyse laws, rules, regulations, judicial pronouncement, legal doctrine and principles with the help of criticism and analysis by various other jurists, authors or writers. The analysis and criticism with the help of available material has been helpful to reach the conclusion. The library, internet (including legal databases, like LexisNexis, West Law, SCC Online, Jstor and Manupatra etc.), newspapers and articles has been utilized as sources for the study. In the Empirical method, primary data is collected through ‘Schedule Methods and Questionnaire.’

1.9.8.2 SAMPLE GROUP

“Public authorities, such as officials from wildlife wing,” advocates, law professors, law students, and the general public make up the sample group for this study. It is possible to assert that the sample group participated in its execution is representative of the entire universe of the sample group because there was no sorting done in the universe of the sample group. There were a few numbers of samples of wildlife wing, and the general public in which no data was received due to a variety of reasons. It is possible to acknowledge that the researcher had not received responses from all of the public sample group in total.

1.9.8.3 METHOD OF DATA COLLECTION

The researcher has also opted for empirical study for which the primary data is collected through questionnaires from various respondents on the subject in hand. The data collected primarily was set on the selected respondents 442, out of which there are members of Legal Fraternity, General Public, the Wildlife Wing of Punjab & Himachal Pradesh. To test or refute the research hypothesis, this study relied on primary data obtained from the participants.

Table 1.1 Methodology Techniques used for Data Collection

METHODOLOGY	Qualitative Method	Quantitative Method
DATA COLLECTION TECHNIQUE	Interview	Questionnaire
SAMPLE SIZE	40	402
TARGET POPULATION	Wildlife Wing of Punjab & Himachal Pradesh	Legal Fraternity and General Public from Punjab & Himachal Pradesh

Table 1.2 Respondents Profile

CATEGORY	NUMBER OF RESPONDENTS
Wildlife Wing from Punjab and Himachal Pradesh	40
Legal Fraternity and General Public	402
Total	442

Table 1.3 Categorization of Data

Category	Punjab	Himachal Pradesh	Total
Wildlife Wing	20	20	40
Legal Fraternity	100	100	200
General Public	102	100	202
Grand Total	222	220	442

1.9.9 LIMITATIONS OF THE STUDY

1. In a combined analysis of the “Wildlife Protection Act, 1972”, with particular emphasis on wildlife crimes, it became apparent during the early phases of research that there has been very little research on this subject.
2. Due to pandemic COVID-19 across globe, conducting personal interviews was the biggest challenge. Some officials straight away denied for personal meeting for interview so for some personal telephonic, zoom meetings were organised and rest were somehow compelled for personal interviews following pandemic precautions strictly.
3. The wildlife wing was unaware of the collected study work because it was a time-consuming process to gather data from the relevant officials and the material being sought was extremely secret.
4. The language and communication barrier with the wildlife wing's lower-level employees was a major obstacle. Questionnaires were translated in regional languages in order to address this.
5. It was also not easy to collect primary data via questionnaires; out of 100 that were sent out, only 40 were returned; some forest officers were uncooperative, some department employees were unresponsive; and communicating with lower-level staff, consisting, watchers, guards, etc. was a challenge. The lack of seriousness, cooperation, and contribution from other responding sectors, such as the legal fraternity and the general public, further hindered data collecting.

1.9.10 CHAPTERIZATION

Table 1.4 Classification of Chapters

CHAPTERS	CLASSIFICATION
<i>Chapter I</i>	Introduction
<i>Chapter II</i>	Historical Background and Emergence of Wildlife Welfare Laws in India
<i>Chapter III</i>	International Conventions and Organizations Governing Wildlife
<i>Chapter IV</i>	Legislative Framework and Judicial Response Towards Wildlife Laws in India
<i>Chapter V</i>	Comparative Analysis of Wildlife Welfare Laws in Africa, Australia, United Kingdom, United States of America and India
<i>Chapter VI</i>	An Empirical Analysis of Implementation of Wildlife Welfare Laws in Punjab and Himachal Pradesh
<i>Chapter VII</i>	Conclusion, Findings and Suggestions

Chapter II

HISTORICAL BACKGROUND AND EMERGENCE OF WILDLIFE WELFARE LAWS IN INDIA

The second chapter demonstrates how wildlife in India first appeared in history. The evolution of wildlife throughout history has been divided into two distinct periods: the one preceding independence and the one following it. Indian wildlife from antiquity through the ancient times which also includes the nexus between the various religions and wildlife, following to the Medieval India, after that the Mughal Empire and then the British India which includes few legislations which are all considered as an integral part of the pre-independence era of India, whereas legislations pertaining to the preservation of Indian wildlife following independence are the focus of the post-independence era. Along with historical context, the chapter comes up with a concise explanation of problems and dangers to wildlife conservation in India, which comprises multiple number of current concerns that wildlife faces. In addition, potential solutions to the problem of wildlife conservation and the challenges associated with effectively implementing wildlife protection legislation in India are covered up.

"Plans to protect air and water, wilderness and wildlife are in fact plan to protect man."
- Stewart Udall⁶⁹

2.1 INTRODUCTION

At first glance, history and wildlife appear to be entirely unrelated. From the standpoint of an ordinary person, history primarily evokes images of conflicts, physical structures, religious texts, and so on. Conversely, nature depicts a scene reminiscent of the *"National Geographic Channel,"* where animals roam various regions of the globe. Once we combine them, we start to familiarise ourselves with a documented account of the historical interactions between various social groups and the environment. Within this chapter, the researcher aims to examine historical events while also considering the current state of affairs as a researcher. The focus will be on the present while also considering the problems and threats as an issue of concern. India has a vast biodiversity coupled with a long-standing history and tradition of effectively maintaining it. Indian mythology is replete with allusions and occurrences of our reverence and affection for untamed fauna. Since ancient times, wildlife has been preserved and has been upheld in a privileged point of conservation due to religious principles along with beliefs. The predominance of the animal conservation movement has been particularly robust in all industrialised cultures.⁷⁰

Concern for conservation of India's flora together with fauna increased with adoption of country's constitution in 1950, prompting lawmakers to enact the WPA, 1972. Ensuring the nation's ecological and environmental security is the primary goal of this act, which aims to safeguard native flora together with fauna and any other issues related thereto. This is the supreme statute that safeguards the fauna along with flora of India. For better protection the environment, which relies on forests and wildlife, a newly formed integrated division of environment was founded by former *"Ministry of Environment and Forests"* in 1985. Because ancient Indians respected animals' inherent dignity and allowed them to live side by side with humans, these creatures were beloved and even worshipped. Animals are revered as gods or goddesses in our pantheon since nearly every deity is linked to an animal. Animals hold a special place in our hearts, and our folklore, art, and crafts all reflect this. Protecting native flora and fauna is deeply ingrained in Indian culture. There were a lot of monarchs and rulers who did their part to save the animals. Animals in their natural habitats are revered and loved throughout Indian mythology. Because of religious beliefs and practices, animals have been protected from harm since the beginning of time. There has been a reasonably robust wildlife protection movement in every modern society. Management of wildlife in India has a long history. The preservation of natural resources is central to Hindu belief and practice. In the years between 2000 and 5000 B.C., the Indian civilisation that followed this age-old practice collapsed together with the Harrappan and Channudare civilisations.⁷¹

⁶⁹ American Advocate, Secretary of the Interior and book & article writer on environmental issues.

⁷⁰ Dr. M. Velmurugan, "Historical Development of Wildlife Protection in India", International Journal of Current Research and Modern Education (IJCRME), Impact Factor: 6.725, ISSN (Online): 2455 - 5428 (www.rdmodernresearch.com) Volume 2, Issue 2, 2017

⁷¹ Rangarajan L. N., Kautilya- The Arthashastra. Penguin Classics, India (1992).

History and nature seem to be completely unrelated at first glance. Looking at history through the eyes of a layperson only conjures images of battles, monuments, scriptures, etc., while wildlife shows us creatures roaming the globe, reminiscent of National Geographic. India has a long history of protecting its wildlife, which has resulted in a diverse and diverse collection of species. Animals in their natural habitats are revered and loved throughout Indian mythology. Because of religious beliefs and practices, animals have been protected from harm since the beginning of time. In all the industrialised societies, there has been a very robust campaign to protect wildlife.⁷²

In a quick and succinct narrative, an attempt is made to summarise the history of Indian wildlife. This is accomplished by attempting to gather the turning moments that have contributed to the deterioration of our creatures and the ecosystems that support them. With a straightforward approach that goes beyond merely giving the facts, India's Wildlife History bridges the gap between the country's ecological history and its current state. In addition to discussing forest communities and the many facets of wildlife conservation, it examines the ways in which wildlife has been preserved and exploited since ancient times. It also covers the people who have played an essential position in the preservation of the wildlife. There are essentially two branches of wildlife conservation research in India:

- Pre-Independent India
- Post-Independent India

2.2 PRE- INDEPENDENT INDIA

India's wildlife conservation history is vast and varied. It spans many eras, beginning in antiquity- ancient times and continuing through the medieval ages, the expansion of the Mughals into British India, and the introduction of laws at a time when there were none. Despite the fact that our extensive history of conservation has enabled us to preserve several native flora, fauna, and ecosystems.⁷³

2.2.1 Preservation of Wildlife in Ancient India

In India, management of wildlife has a long history. There are hymns in the Vedas⁷⁴ that celebrate many animals. According to Sanatan Dharma⁷⁵, certain animals have been identified with particular deities or gods⁷⁶ as the most effective method for the preservation of wildlife. The python, for example, is linked to Vishnu, the serpent to Shiva, Saraswati to the swan, and Durga to the lion, which has resulted in the creatures being revered and safeguarded.⁷⁷ In ancient India, people had acknowledged the rights of animals to coexist with humans, and as a result, animals were cherished, cared for, and even worshipped by the people. The majority of

⁷² Dr. M.K. Ranjitsinh, A Life with Wildlife: From Princely India to the Present, 2017

⁷³ B.K Sharma, Environmental Chemistry: Conservation of Wildlife, (2007) p5.

⁷⁴ Vedas- Poems and hymns composed in ancient Sanskrit by Indo-European speakers in northwest India about the 2nd millennium BCE make up the Vedas, a canon of Hindu scriptures. Oda for "knowledge" is the origin of the term "Veda" in Sanskrit.

⁷⁵ Sanatan Dharma meaning "immutable" in Sanskrit, which describes the rules and regulations that all Hindus must adhere to.

⁷⁶ N K Tawakley, Understanding Sanatan Dharma: Revealing the Divine Science of Hindu Religion

⁷⁷ Supra note 90.

the gods and goddesses in our pantheon are connected to certain animals, and the animal itself is revered in a manner that is practically identical to that of a deity. We have a deep affection and respect for the animal kingdom, which is reflected in our folklore, art, and craft. The conservation of both flora and animals is deeply ingrained in the culture of India. Several monarchs and other rulers also took action to safeguard the animals in their territories.⁷⁸

Those who followed the ancient Hindu texts were instructed to preserve their natural surroundings. The “*Yajur Veda, the Yajna Valkya Smriti, the Bridha Samiti, and the Vishnu Samhita*” generally dated between 1500 and 800 BCE, all highlight the necessity of living in harmony with animals and providing them with services.⁷⁹ Hindus have a long history of worshipping both domestic as well as wild animals. The animals that live in our country have been the focus of a great number of different stories and fables, including those from the Panchatantra⁸⁰ and the Buddhist Jataka⁸¹. Panchatantra features a number of stories that have been written in Sanskrit over two thousand years and in which the animals have been given prominent roles.

Reading these animal stories continues to be a source of great joy for people of all ages, including adults and also children. All too often, we hear tales about the chatty turtle, the naive frog, the rat, alongside the lion. The three most prominent creatures in all of Grandma's tales are snakes, sparrows, and crows. The court individuals have penned multiple collections, and throughout each one, the fauna is described in great detail. The sacred Indian literatures known as the Gita, the Ramayana, and the Mahabharata all teach us that we ought to exhibit compassion and mercy to all living beings, and that we should refrain from being harsh to both people and animals. There is a profound cultural and religious importance associated with India's wildlife. Communities in several sections of the country continue to safeguard wildlife species due to the religious as well as cultural significance of these species.⁸²

Aranyakas are literature that discuss the living in the forest. The word “*Aranya*” which means “*forest*” is the origin of the term Aranyaka. The Aranyakas of the Vedas, which were written around 1500 B.C., relate to the forest life of the Aryan civilisation. Symbolically and philosophically, it offers an interpretation of the rites that involve sacrifice.⁸³

⁷⁸ S.A.K. Azad, Hunting of Wild Animals and its Legal Control in India, AIR. 2004, p 210.

⁷⁹ Vikas Vashishtha, Law and Practice of Environmental Laws, (1999) p5.

⁸⁰ Panchatantra- A collection of animal tales told in Sanskrit poetry and prose inside a narrative framework, dates back to ancient India.

⁸¹ Buddhist Jataka- The Jataka is an extensive collection of stories that originated on the Indian subcontinent. They primarily outline the many incarnations of Gautama Buddha, both as a human and an animal.

⁸² Supra note 95.

⁸³ Aranyakas, Vedic Heritage Portal, Indira Gandhi National Centre for the Arts, Ministry of Culture, Government of India, www.vedicheritage.gov.in

2.2.1.1 Religion and Wildlife

*“Exploring sacred teachings from around the world demonstrates that nature, including anymals, is sacred, that anymals are central to our spiritual landscape, and that we owe them respect, justice, and compassion.”*⁸⁴

*- Lisa Kemmerer*⁸⁵

Conservation of wildlife has been referenced, either directly or indirectly, in all of India's main faiths, and our nation has an extensive chronicle of protection of wildlife as a segment of cultural heritage. Because it is fundamental for religious beliefs, plants along with animals have been protected from the beginning of time. According to ancient Indian mythology, God is present everywhere and in everything. Because of this outlook, Indians have been able to keep in close contact with the natural world and its wildlife. It is fair to state that our cultural legacy includes the philosophical viewpoint on welfare of wildlife across the country.⁸⁶ In Indian traditional and religious culture, wild animals hold a significant place. Many works of art, cultural practices, folktales, and fairy tales depict the interconnectedness of humans and non-humans. The relationship between deity and nature is central to nearly all of India's main faiths. A harmonious coexistence of responsible and irresponsible exploitation of natural resources is portrayed in the sacred texts of all faiths. All religions teach that humans must respect and preserve the natural world if they want to continue existing, and that exploiting either would be a grave mistake. The conservation of ecological systems, environment is crucial to continuation of life on Earth. No amount of ecological and environmental protection can be achieved if we ignore the plight of the world's wild animals. Our Constitution likewise incorporates this timeless Indian ideology, which is a privilege. The Indian government and its inhabitants are enjoined under Articles 48A⁸⁷ and 51A(g)⁸⁸ of our nation's constitution to preserve as well as enhance natural world, particularly its wildlife alongside forests.

Justice Krishna Iyer⁸⁹ in his work drew parallels between animal justice and social justice. Animal rights, he argues, are equally as fundamental as human rights for oppressed people. Anyone who denies the authority of an invisible Creator and the inseparability of all things is not a genuine follower of any religion, whether it be Islam, Hinduism, Sikhism, Buddhism, Jainism, Parsi, or Christianity. Therefore, the divine vision presupposes a love of animals, in its broadest sense. Whatever your religious or philosophical leanings may be, we are all ecologically bound to treat our subhuman breath with kindness and compassion. Here we begin to understand our cultural legacy more fully in terms of the harmony of nature, Karuna, and Ahimsa. As per “*V.R. Krishna Iyer*”, the wellbeing of animals is an integral component of our

⁸⁴ Lisa Kemmerer, *Animals and World Religions: Rightful Relations*, Oxford: Oxford University Press, 2012.

⁸⁵ Lisa Kemmerer is an American author of environmental ethics and animal ethics.

⁸⁶ Justice V R Krishna Iyer. *Towards a Natural World-The Rights of Nature, Animal Citizens and Other Essays*, 24 (Gurgaon, Hope India Publications: 2004) 1st edition.

⁸⁷ Article 48A of the Constitution of India was added by the 42nd Amendment, 1976 and it reads as “*The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.*”

⁸⁸ Article 51A (g) of the Constitution of India deals with fundamental duties of the citizens and it states “*It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures.*”

⁸⁹ Justice Vaidyanathapuram Rama Iyer Krishna Iyer was an Indian judge who was an early leader in judicial activism.

cultural legacy. Every time we inflict cruelty on a human being, a beast, or an insect, we are committing acts of violence against the Buddha and Mahavira. A sin is committed against the remembrance of the people who established Bharatiya Samskar whenever an animal is subjected to cruelty or when animals are exported.⁹⁰

The consumerist culture is drawing in visitors from all around the globe, including India. This new consumerism frenzy creates a new threat to the existence of wild animals due to diversification of fur industry, the leather market, or other similar industries. *PETA*⁹¹ states:

“If we want to help animals, the most important place to start is with our own life styles. What we eat, wear and use have a direct impact on the lives and deaths of animals. Every time we visit the grocery store, the pharmacy, or go shopping for sweaters or shoes, we vote with our consumer dollars for or against animal suffering. Here show a few changes in our buying habit can help thousands of animals. The most direct contact most people have with animals is at meal time-they eat them. Now we don’t need animal products to live a healthy life.”

Humans are smarter and more cunning than animals. People are actually different from other animals on Earth. The differences between humans and other species, according to Justice Iyer, do not excuse unfair treatment, slavery, or killing. At worst, annoying us while we get used to the new habits is the price we pay for changing them. Other animals, our health and vitality, world hunger, and the ecosystem as a whole will all gain.⁹² We must require that abattoirs use minimum violence if we are unable to prohibit killing for research and testing. Universities and colleges should outlaw the practice of using live animals in research. Virtual vivisection should be used to teach students. If we can get to a point where killing and hunting are illegal, we can say that human civilization has progressed and improved. We can anticipate a more favourable future, just like a pessimist. It is worth quoting *Leonardo da Vinci*⁹³ here:

“From an early age, I have abjured the use of meat, and the time will come when men will look upon the murder of animals as they look upon the murder of men.”

With these considerations in mind, it is necessary to conduct a fair investigation into the helpful regulations or measures in order to preserve wildlife species as per mentioned in the rich Indian philosophy and perspective within distinct religions. The following categories best describe the development of provision within different religious faiths:

⁹⁰ Supra note 103 p 191.

⁹¹ PETA- People for the Ethical Treatment of Animals is a non-governmental organization committed to stopping the cruel treatment of animals in business and society and encouraging people to think about animal welfare in everyday decisions, policies, and practices.

⁹² Franklin, Julian H., Animal rights and moral philosophy, (A Columbia University Press E-book), available at <http://cup.columbia.edu/book/animal-rights-and-moral-philosophy/9780231134224>.

⁹³ Leonardo di ser Piero da Vinci was an Italian polymath of the High Renaissance who was active as a painter, draughtsman, engineer, scientist, theorist, sculptor, and architect.

BUDDHISM

The philosophical and religious tradition known as Buddhism dates back to the time of the Buddha Gautama⁹⁴, who lived around 600 B.C. During, sixth century BC., Buddhism was a movement that advocated for the non-violence ideology⁹⁵ of non- violence and fought against slaughtering and offering as an act of sacrifice any and all animals. Buddha Gautama imparted the four noble truths, which are as follows:

“That there is suffering, that there is a reason for suffering, that there is an end to suffering, and that there is a road that leads to the end of suffering.”

The rule of karma, central to Buddhist teachings, asserts that there will be an equal and opposite occurrence for every action that follows since the first event was the cause of the existence of the second event. This second event will be either pleasant or painful depending on how skill full or unskilful the original event was in causing it to take place. It is universally observed that no one should kill an animal for food or ritual purposes, in keeping with the teachings of the Buddhist faith.⁹⁶ Slaying animals for religious purposes were prevalent during ancient India before to the arrival of Buddhism. Buddhism, a religion that gained popularity in Asia in the 6th century BC, centred on the idea that all living things should treat each other with kindness and compassion.⁹⁷ The Jakata stories, which are called Buddhist lessons, provide an illustration of the Buddhist perspective on animals. Since Buddha has been born as a variety of animals in prior incarnations, it is believed that killing animals is equivalent to killing humans. As a result of their high regard for a better life, Buddhists do not eat farm animals. This includes ensuring that these animals are in the best possible health. There should be no hunting or keeping animals as pets for Buddhists, and many practice the practice of buying and releasing animals to help those in need. .⁹⁸

Emperor Ashoka⁹⁹ the Great, who was a Buddhist adherent, advocated for the planting of indigenous plants and animals as well as their preservation. For hunting animals such as ants, squirrels, rats, birds, and even trees, he imposed a variety of punishments. He also set punishments for cutting down trees.¹⁰⁰ The first hospital was for humans, while the second was for animals. He established both types of hospitals. Emperor Asoka’s son delivered discourse about Buddhism, that is documented in ancient Buddhist chronicles which dates back to 3rd century BC, stating that,

⁹⁴ Siddhartha Gautama also known as the Buddha; he is the founder of the religion Buddhism.

⁹⁵ The non-violence principle was founded by Mahatma Gandhi which is sometimes referred to as non-violent resistance which states to forbid the use of force to bring about social or political change.

⁹⁶ Animal Welfare in Different Human Cultures, Traditions and Religious Faiths, Asian- Australasian Journal of Animal Sciences, 2012 Nov; 25(11): 1499–1506. doi: 10.5713/ajas.2012. r.02

⁹⁷ On the moral standing of animals in Tibetan Buddhism, Geoffrey Barstow, 2019, <https://doi.org/10.4000/emscat.3865>

⁹⁸ Cultural Values and Practical Realities in Sri Lankan Human- Elephant Relations, Chapter 9, <https://doi.org/10.1093/acprof:oso/9780199467228.003.0010>

⁹⁹ Ashoka the Great was the third Mauryan Emperor of Magadha and a follower of Buddhism.

¹⁰⁰ Bio- Diversity of Flora and Fauna in the Time of Ashoka, Arun Kumar Jha, Published by: Indian History Congress, Vol. 65 (2004), <https://www.jstor.org/stable/44144735>

“The birds of the air and the beasts have as equal a right to live and move about in any part of the land as thou. The land belongs to the people and all living beings; thou art only the guardian of it.”¹⁰¹

After that, the King established a legislative framework that enabled the establishment of sanctuaries for wild animals. This framework remained in place until the seventeenth century. Therefore, according to Buddhist law, individuals who inflict harm and suffering on living beings will inevitably face the same pain and suffering themselves.

CHRISTIANITY

Christians rely on the Bible as their main religious text. Animals and the outdoors appear frequently throughout the text. Regardless, there are strong feelings on both sides of the issue regarding the need to promote positive attitudes towards animals and the environment. Here is one verse from the Bible that encourages people to consider themselves on par with animals:

“The righteous care for the needs of their animals, but the kindest acts of the wicked are cruel.”¹⁰²

This verse emphasizes the need of caring for animals and nature as a means to be righteous. Indeed, it is a source of inspiration for people to work towards becoming more compassionate towards animals. On the other hand, is the incentive that is produced intrinsic? Does the care that is offered to animals alone serve the purpose of achieving righteousness? It's possible that both are true! A true concern and affection for the natural world may be developed by humanity as a result of their quest of righteousness, which would be the ideal scenario. On the other hand, there are verses that communicate the sentiment that humans are superior to animals and wildlife, and that these animals ought to be subdued by humans. One passage that exemplifies this concept is as follows:

“You made them rulers over the works of your hands; you put everything under their feet: all flocks and herds, and the animals of the wild, the birds in the sky, and the fish in the sea, all that swim the paths of the seas. Lord, our Lord, how majestic is your name in all the earth!”¹⁰³

Both the Old and New Testaments make numerous references to the nexus between humans and other animals. Humans are God's last creation, following the development of woods, rivers, and wild creatures, according to the Old Testament. Therefore, God prioritized natural habitats for animals and was keenly aware that humans rely on the natural world, especially wildlife, for our own survival. The role of every living thing in the natural world is defined explicitly in God's covenant with Noah. All the birds, all the animals, and every creeping thing on the ground were to be brought forth by Noah at God's command so that they would breed

¹⁰¹ Traditional Elephant Management in Sri Lanka, Cultural survival, www.culturalsurvival.org

¹⁰² Proverbs 12:10 from the Holy Book of Christians- Bible.

¹⁰³ Psalm 8:6-9 from the Holy Book of Christians, - The Bible.

abundantly and multiply on the earth.¹⁰⁴ The great religions of Judaism and Christianity have greatly influenced how people view and treat animals. For instance, The holy Bible states that:

“Then God said, Let Us make man in Our image, according to Our likeness; let them have dominion over the fish of the sea, over the birds of the air, and over the cattle, over all the earth and over every creeping thing that creeps on the earth. So, God created man in His own image; in the image of God, He created him; male and female He created them. Then God blessed them, and God said to them, be fruitful and multiply; fill the earth and subdue it; have dominion over the fish of the sea, over the birds of the air, and over every living thing that moves on the earth.”¹⁰⁵

The idea that people have entire control over the lives of these creatures is conveyed in this verse through the picture of animals being placed under human feet by God; in actuality, it severely diminishes the lives and rights of these creatures. If we apply this idea to humans, we run the risk of their developing an elitist view of their role in the natural world and, as a result, of them disrespecting the nature and the lives of other species. In the preceding verse, animals were positioned beneath people. However, in the next verse, an animal that is considered to be above humans is the ant:

“Go to the ant, you sluggard; consider its ways and be wise! It has no commander, no overseer or ruler, yet it stores its provisions in summer and gathers its food at harvest.”¹⁰⁶

This verse is a divine command to humans to study the ant. In contrast to the human, who is called a "sluggard" for perhaps lacking the ant's level of self-sufficiency, the ant is lauded for its ability to dictate its own life. By praising the small ant over humans, it is demonstrated that God also places a great deal of significance on other living creatures in addition to humans. As a result, it is necessary to respect, learn from, and take care of all living things. Because of this, people would be more likely to feel compassion and admiration for these animals, and as a result, they would be less likely to use them for their own benefit.

As a result, the Bible establishes the position that humans are superior to animals and nature; but it also contains concepts that emphasize the importance of humans showing respect and admiration for these animals. This sends a contradictory message about how Christianity promotes responsible care for the environment, but it also portrays nature in a negative light, which may lead to feelings that are both pro-environmental and anti-environmental.¹⁰⁷

HINDUISM

For over five thousand years, people all throughout Asia have adhered to Hinduism, making it the longest-running religion in the world. The faith encompasses a wide variety of spiritual

¹⁰⁴ The Oxford Handbook of The Bible and Ecology, Chapter 26- The Bible and Wildlife Conservation, Dave Bookless, <https://doi.org/10.1093/oxfordhb/9780190606732.013.9>, Published April 20, 2022.

¹⁰⁵ Genesis 1:26 to 28 from the Holy Bible, 1982.

¹⁰⁶ Proverbs 6:6-8 from the Holy Book of Christians, The Bible.

¹⁰⁷ Religion and Nature- Animals in Christianity, Nanyang Technological University- NTU Singapore, <https://blogs.ntu.edu.sg>

along with philosophical practices. Principles of ahimsa (non-harming), reincarnation (karma and samsara), and the belief that all living beings- human and otherwise- contain the “Divine” are the foundation of these traditions' early teachings on animal ethics. The ethical treatment of non-human animals is seen by most of Hinduism's prominent sampradaya (religious traditions) as an essential manifestation of Hindu belief that Divine is present in all living creatures. In Hinduism, no living being is considered expendable or disposable. On the contrary, everyone is a manifestation of the Divine and deserves kindness and reverence just as much as anyone else.¹⁰⁸

*“Deer, camel, donkey, monkey, rats, creeping animals, birds and flies – one should consider them like one’s own children, and not differentiate between one’s children and these creatures”.*¹⁰⁹

Mahabharata

One out of the two most significant epics of ancient India, Mahabharata¹¹⁰ was composed by the sage Vyasa¹¹¹ sometime between 400 and 200 BC. Many of the Mahabharata's figures are still venerated today, believing them to be deities. The scripture is revered by Hindus for its role in establishing Hindu moral code. There are several animal references in the Mahabharata, and the most of them are good. One such case is when Agni, the god of fire, needs to eat the forest of Kandhava because he is hungry. Before devouring the forest, he seeks Lord Krishna's blessing. To ensure that no forest animals will be harmed or killed in the process, Lord Krishna pauses Agni before agreeing to his request. Lord Krishna is informed by Agni that the lives of the animals and fauna will be protected in this way. Lord Krishna will only give the Agni permission to burn down the Kandhava forest if this is met.¹¹²

“The animals will run and escape before me and the birds will fly”.

*“The trees have roots beyond my reach”, and that “none of those under your (Lord Krishna’s) protection will burn”.*¹¹³

Many Hindus choose to eat only plant-based foods because it aligns with their beliefs in karma, samsara, and ahimsa. Many Hindus are vegetarian due to health as well as environmental concerns, which is in line with global trends. Killing an innocent individual or causing another person needless grief or suffering can have serious karmic consequences, sentient being, or doing nothing to alleviate such suffering. So, it's not just the man who slaughters the cow that faces karma; everyone from the slaughterhouse butcher to the final consumers of the meat does as well. A ceremonial sacrifice is sometimes required by ancient Hindu scriptures and rituals. Fasting is the main components of Hindu sacrifices to the Divine. On the other hand, this does

¹⁰⁸ HAF Policy Brief: Hinduism and the Ethical Treatment of Animals, Hindu American Foundation, www.hinduamerican.org

¹⁰⁹ Bhagavata Purana 7.14.9

¹¹⁰ Mahabharata is an old Indian Epic, the Mahabharata follows the lives of two families, the Pandavas and the Kauravas.

¹¹¹ Vyasa- The conventional wisdom holds that he penned the epic Mahabharata.

¹¹² Animals in Hinduism- Religion and Nature, Nanyang Technological University- NTU Singapore, <https://blogs.ntu.edu.sg>

¹¹³ Agni’s dialogues from the Mahabharata on page 81.

entail the sacrifice of an animal for some Hindu sects. These days, most Hindus, including “Hindu American Foundation”¹¹⁴, reject and condemn the tradition of sacrificing animals.¹¹⁵

“He who do not seek to kill, cause pain or tie up living creatures and desires the good of all attains everlasting joy.”¹¹⁶

Ramayana

Written by Valmiki between 500 and 100 BC, the Ramayana is the second major classical epic of ancient India. Being one of the most important religious books for Hindus, it features numerous figures who are now worshipped as deities. Animals are portrayed in the Ramayana as benevolent allies of humans, much like in the Mahabharata. Additionally, this tale introduced the Hindu Monkey God, Lord Hanuman, who is also known as the Monkey God Tree in Singapore. Case in point: Prince Rama enlists the aid of Lord Hanuman and his monkey army in his quest to free his wife from Ravana, the villain. A few passages in the book, meanwhile, seem to condone violence against animals and wild places. The story of Sita and the Golden Deer is one such example that has sparked heated controversy. Laxman, Rama's brother, and Sita, his wife, are exiled from their kingdom and now reside in a little house in the wilderness. In the jungle, Sita sees a magnificent deer with golden skin. Telling Rama that she wants him to catch the deer for her, she says that she wants to keep it as a pet. On the other hand, Rama may retain the animal's golden hide as a memento of his success if it was captured dead.¹¹⁷

Flora and wildlife, water features, woodlands, plants, animals, and birds are all described in great detail in the Ramayana. Additionally, there are sections that go into detail about the terrain, vegetation, biodiversity, levels of wilderness, etc. Principal forests and sub-forests are the two main categories of forests. The main forest can be defined as Chitrakuta and Dandaka-aranya, while Panchavati is a section of the main forest, sometimes called the sub-forest. In Dandaka- aranya, the story unfolds primarily.¹¹⁸

Thus, it is evident that although there are passages in Hindu scriptures that advocate for the killing of animals, the vast majority of these passages portray animals in a positive light and encourage respect and admiration for both them and the natural world.

Gandhian Ethics on Wildlife

Prominent philosophers and theologians of the world Mohandas Karamchand Gandhi, who was born in Porbandar, a coastal town in which is now the state of Gujarat in India, Gandhi ji was born in 1869 and passed away in 1948. He is frequently referred to by epithet Mahatma, which means great soul. He was the most influential political and spiritual leader in India, and he is most well-known for his nonviolent struggle for India's freedom during the movement of

¹¹⁴ HAF- Hindu American Foundation, for the benefit of Hindu Americans, there is a non-profit group called the Hindu American Foundation (HAF).

¹¹⁵ Supra note 125.

¹¹⁶ Vishnu Dharma Sutra 51.69.

¹¹⁷ Supra note 129.

¹¹⁸ Amirthalingam Murugesan, Plant and Animal Diversity in Valmiki's Ramayana, C.P.R. Environmental Education Centre, Chennai, ISBN: 978-81-86901-20-5, May 2019.

India's independence.¹¹⁹ Gandhi ji also well known for his teaching on Non-Violence which is also known as Ahimsa.¹²⁰

According to the fundamental idea of non-violence developed by Mahatma Gandhi, two together the human beings as well as animals are taken into consideration. His core concept on the matter of safeguarding animals is the result of a collection of theories, which involves the teachings of the Gita and Sankhya, non-violence of Jainism and lessons from Christianity, and Tolstoy. Gandhi adds specific characteristics to non-violence, which increase its scope while also determining its restrictions. He does this while maintaining the literal meaning of non-violence, which is to say that it does not involve killing. Rather than only implying that one does not cause harm through one's thoughts and actions, he says that non-violence also involves an expansion of love and compassion between individuals. By unequivocally dismissing the possibility of complete nonviolence, he identifies the weakness of this approach. A wide variety of viewpoints, including theological, scientific, political, and economic, are utilized by him in order to provide support for his position toward animals. In addition to requesting that their rights be protected, Gandhi is also demanding that their welfare be improved.¹²¹

In reference to the preservation of nature and all living creatures, Mahatma Gandhi made the following statements:

"I do feel that spiritual progress does demand at some stage that we should cease to kill our fellow creatures for the satisfaction of our bodily wants".

"I still believe that man, not having been given the power of creation, does not possess the right of destroying the meanest creature that lives. The prerogative of destruction belongs solely to the Creator of all that lives".

"To my mind, the life of a lamb is no less precious than that of a human being. I should be unwilling to take the life of a lamb for the sake of the human body. I want to realize brotherhood or identity not merely with the being's called human, but I want to realize identity with all life, even with such things as crawl upon earth".

Bishnoi

This Rajasthani community was instrumental in protecting and conserving fauna in India. This Western Rajasthan tribe is vegetarian, reveres nature by conserving trees and medicinal plants, and provides sustenance and water for animals. Wildlife such as spotted deer, black bucks, and blue bulls can be observed fearlessly foraging in the vicinity of their villages, where they have preserved the trees for centuries by removing only decaying trunks and twigs and not cutting down trees for fuel and timber. In their fields, the Bishnoi's do not expel the animals,

¹¹⁹ Mohandas Gandhi- Biography, Facts & Beliefs, History.com, www.history.com

¹²⁰ Non- Violence (Ahimsa)- Ahimsa, which comes from the Sanskrit word ahimsa and the Pali word avihiṃsā, means "not to hurt" and "compassion." The word comes from the Sanskrit root hibs, which means to hit or hurt someone. The opposite of this is ahimsa, which means to not hurt or hurt someone. Ahimsa is another word for nonviolence. In old Indian religions, it means respecting all living things, including animals.

¹²¹ Nibedita Priyadarshini Jena, Gandhi's perspective on non- violence and animals: ethical theory and moral practice, Journal of Global Ethics 13(2), DOI:10.1080/17449626.2018.1425216

even if herds of deer ingest the crop.¹²² The settlement of Bishnoi provides refuge for multiple species of birds and animals, including chinkaras, blackbucks, peacocks, vultures, partridges, and “*Great Indian Bustard, which is an endangered species*”. The Bishnoi do more than just keep them safe from poachers; they also take an active role in ensuring their prosperity. The Bishnoi of Jodhpur hold the black buck in high regard, believing it to be the reincarnation of their beloved Guru Bhagwan Jambeshwar, also known as Jamba ji. A sacrifice of their life is necessary to save this creature.¹²³ In Bishnoi Movement¹²⁴, approximately 290 years ago, in the early 18th century, the Bishnoi community in Rajasthan initiated the Bishnoi Movement. Under the leadership of Amrita Devi, a significant number of individuals from 84 villages sacrificed their lives to prevent the felling of the trees at the behest of the Maharaja (King) of Jodhpur.

ISLAMIC

For Muslims, the law represents a special passageway to the holy. An integral component of Islam, according to the majority of Muslims, is adhering to Islamic law. One social expression of normative Islam is the desire for and provision of authoritative decisions. The most prescriptive aspect of Islamic law is its need of kindness toward all people. Killing nonhuman creatures for their flesh and hides must be done in a way that is permitted according to religious and ethical norms, and if the animal has been treated inhumanely in any way, eating its meat is regarded forbidden.¹²⁵ The significance of animal welfare is strongly endorsed by Islam. Islam offers substantial backing for the significance of animal welfare, and the Sunnah¹²⁶ and Hadith¹²⁷ contain a wealth of tradition regarding the care that the Prophet Mohammad¹²⁸ (pbuh) had for animals. With regard to the killing of animals for food or other goals, the Qur'an¹²⁹ is quite clear.¹³⁰ When we examine the Qur'an and traditional teachings more closely, we find that they encourage us to be compassionate and kind for animals.

*“And (He has created) horses, mules, and donkeys, for you to ride and as an adornment; And he has created other things of which ye have no knowledge”.*¹³¹

*“We have made animals subject to you, that ye may be grateful”.*¹³²

¹²² Ecological Journeys: The Science and Politics of Conservation in India, Madhav Gadgil, Publisher- Permanent Black, 2001, ISBN, 8178240157, 9788178240152

¹²³ Involvement of Bishnoi Community for Biodiversity Conservation in Desert Landscape of Rajasthan, Hem Singh Gehlot, J. Env. Bio-Sci., 2017: Vol. 31 (2): 335-338, ISSN 0973-6913 (Print), ISSN 0976-3384 (online)

¹²⁴ Bishnoi Movement was one of the earliest groups to formally advocate for environmental protection, sustainable lifestyles, and the preservation of animals.

¹²⁵ Al-Masri H.B.A. Animals in Islam. Sections reprinted online by The Athene Trust; Petersfield, UK: 1987, <http://www.chai-online/islam.html>

¹²⁶ Sunnah is an Arabic word which means tradition or way of the Prophet Muhammad.

¹²⁷ Hadith refers to the notes pertaining to anything said or done by Prophet Muhammad, or his implied blessing or disapproval of something said or done.

¹²⁸ Prophet Muhammad- Abū al-Qāsim Muḥammad ibn ‘Abd Allāh ibn ‘Abd al-Muṭṭalib ibn Hāshim was an arab prophet who established the Islamic religion.

¹²⁹ Qur'an- Quran Sharif is the holy book of Muslims.

¹³⁰ Wersal L. Islam and environmental ethics: Tradition responds to contemporary challenges. Zygon. 1995; 30:451–459. doi: 10.1111/j.1467-9744.1995.tb 00083.x.

¹³¹ Surrah An-Nahl 16:8

¹³² Surrah AL Haj 22:36

Through the Hadith and Sunna, we learn of Prophet Mohammed's care for animals throughout history. For instance:

- Not only did the Prophet Muhammad (pbuh) forbid branding and hitting animals, but he also forbade marking their faces.
- He praised those who were friendly to animals and scolded those who were cruel;
- Additionally, he made significant reforms to end the habit of eating the flesh of living animals by removing their tails and humps.

Prophet Muhammad once quoted:

*"A good deed done to an animal is as meritorious as a good deed done to a human being, while an act of cruelty to an animal is as bad as an act of cruelty to a human being."*¹³³

On one hand, the Quran paints a picture of heaven as an oasis of verdant foliage, babbling streams, and fruit-filled gardens; on the other, it paints a picture of hell as a place of blazing fire, scalding water, and molten brass. A world free of environmental degradation would seem like utopia, while a world wracked by climate change would seem like Hell.¹³⁴ It is important to raise awareness among Muslims and Islamic religious leaders about the harsh treatment of animals in the context of production, handling, transportation, and slaughter, drawing on the principles of animal care outlined in the Qur'an and the Hadiths. In nations where Islam is widely practiced, this is of utmost importance. The *"World Organization for Animal Health"*¹³⁵ (WOAH) and other animal welfare groups will need to launch a campaign to help accomplish this goal. Most Muslims involved in the cattle trade will be compelled to treat animals with more compassion as a result of this.

JANISIM

Another faith practiced by ancient Indians is Jainism. A worldview that appears congruent with the aims of environmental activism is offered by the twenty-five-hundred-year-old tradition of Jainism, which stresses nonviolence¹³⁶ as the one real way leading to freedom.¹³⁷ In order to protect all of the creatures of God that exist in this world, Jainism advocated for universal love. The religion of Jainism forbids the consumption of any sort of meat and the slaughter of any animal. Under no circumstances is it permissible for a layperson to take the life of such beings or to cause them any kind of harm.¹³⁸ Nonviolence, many-sidedness, nonattachment, and asceticism are the four primary concepts that serve as the basis for this philosophy. The Jain way of life is characterized by a commitment to vegetarianism and the avoidance of any type

¹³³ Prophet Muhammad (pbuh) in one of the Hadith.

¹³⁴ Islam and Ecology; Imtiaz Ahmad; Ecology & Religion, R. Narayan-J. Kumar; Deep & Deep Publication, Pp 170

¹³⁵ WOAHA- World Organization for Animal Health is a group of member nations that came together in 1924 to form an international organization that helps with animal disease prevention and control, www.woah.org

¹³⁶ The principle of nonviolence is refraining from harming living beings, whether they be humans, flora, or fauna.

¹³⁷ Jainism and Ecology- Nonviolence in the Web of Life, Editor- Christopher Key Chapple, Harvard University Press, ISBN 9780945454342

¹³⁸ Ecological Insight in Janism, Geeta Mehta, Research Gate, March 2018, www.researchgate.net

of harm to both humans and animals. As far as avoiding causing harm to animals is concerned, it is the most stringent religion. Every living creature is designed to be of assistance to one another. Not even in the case of self-defence is it permissible to kill. Jainism adheres to the principle that nonviolence is the ultimate moral obligation, surpassing both Buddhism and Hinduism in this regard. A hierarchy of living things and a cycle of rebirth, from which people need to be emancipated, are both aspects of the underlying cosmology that are comparable to what we observed in Hinduism and Buddhism. It is not because of the inherent value of living things that some Jain traditions advise against killing; rather, it is to maintain a pure soul, which will result in a more favourable rebirth.¹³⁹ A prayer that is considered to be significant involves a request for forgiveness from all forms of life. In some ways, concept of Jiva is comparable to what Western philosophers refer to as consciousness or soul. However, Jainism considers Jiva to be present everywhere, including in gods, humans, animals, plants, hell creatures, and even in inert matter. Because of this, there is a strong focus placed on a universally shared and essential value that brings together everything into a sense of brotherhood. The entirety of the universe, including all of its domains, is eternal and autonomous. A creator God who is both a rewarder and a punisher does not exist. The law of karma is what comes into play instead. As a result of the necessity of the situation, this full fill the function of delivering both rewards and punishments.¹⁴⁰

However, despite the fact that Jainism only accounts for a very small percentage of India's total population, the Jain religion has an important position due to its code of behaviour and theological philosophy concerning the universe and the environment. A stringent policy of vegetarianism was adopted by the Jains in order to promote their desire for purity. Additionally, they placed a strong emphasis on the adherence of “*practice of ahimsa, together with four other vows: truthfulness (satya), not stealing (asteya), sexual restriction (brahmacharya), and non-possession (aparigraha)*”. Ahimsa, which is a foundational principle of the Jain religion, has been accorded the utmost significance in Jainism, and it has been referred to as the highest virtue (Paramo Dharmah).¹⁴¹

SIKHISM

The Sikh religion held the belief that God was the origin of all life and death on earth, including all living things. The only person who can be considered their master is him, and without his “Hukum,” nothing can be developed or altered.¹⁴² The only source of nutrition for the bounty of nature is God, and the destruction of the beauty of nature is the reason why the Almighty is dissatisfied. Therefore, preservation and conservation are fundamental values in Sikhism because the religion holds the belief that every living thing is the manifestation of God.¹⁴³ Sikhism urges people to appreciate and live in peace with the environment, especially animals and plants. From the holy book of Sikhs in respect for the mother earth, it is stated that:

¹³⁹ Jainism and Ecology; Ashok Kumar Jain; Ecology & Religion, Deep & Deep Publication, Pp82

¹⁴⁰ Different Religions, different animal ethics? National Institutes of Health (NIH), Anim Front. 2020 Jan; 10(1): 8–14. Published online 2020 Jan 10. doi: 10.1093/af/vfz047 PMID: 32002196

¹⁴¹ I. A. Khan, Environmental Law, 29 (Central Law Agency, Allahabad, 1st edition.)

¹⁴² Ecology and Religion, R. Narayan, J. Kumar, Deep & Deep Publication, Delhi

¹⁴³ Dr. P.S. Jaswal, Environmental Law, Allahabad Law Agency

*“Air is the Guru; water is the father and Earth is the great mother. Day and night are like two nurses who look after us”.*¹⁴⁴

When it comes to respecting Mother Earth, it all begins with the smallest of actions on an individual level, such as putting trash in the appropriate containers. Littering the street is not something that a Sikh should do because it is considered impolite. The concept of respect for the Earth encompasses both the responsible utilization of human technologies, such as nuclear energy and weaponry, alongside sustainable utilization of the resources of our planet. This notion is applicable on both the national and international levels. Interestingly, those who follow the Sikh religion are taught to show reverence for all forms of life, including plants and animals. It is said that the Sikh Gurus had a deep affection for animals. There is a common belief that the 10th Guru is also referred to as “the one with the falcon”. As a result of the fact that the spirit of God penetrates every aspect of creation, the Guru Granth Sahib Ji makes numerous allusions to the fact that the entire creation is considered to be sacred.¹⁴⁵

*“In all beings is the Lord pervasive, the Lord pervades all forms male and female”.*¹⁴⁶

It is not just the sacred scriptures of the Sikh Gurus, but the Guru Granth Sahib is also a record that contains a wealth of information regarding the ecology and biodiversity of the region. The metaphorical relationship that exists between a disciple and the Divine is represented throughout the scriptures by birds, in particular. In their analogies, the Gurus make use of traditional birds such as the peacock, the flamingo, the hawk, the cuckoo, the nightingale, the crane, the swan, the owl, and the koel, which are native to the ancient region of Panjab, the metaphor states:

*“The chakvi bird in love with the sun and the sun, and thinks of it constantly. Her greatest longing is to behold the dawn. The chatrik bird is in love with the mango tree, and sings so sweetly. O my mind, love the Divine in this way”*¹⁴⁷

In order to convey the Divine's presence in the land, water, and sky, the Gurus' texts also mention a number of other animals, such as the hare, tortoise, jackal, hare, and bat. An early and significant attempt by Sikhs to preserve nature was the defence of the "Baaj," a strong-willed and courageous bird of prey revered by Guru Gobind Singh. The tenth Guru had a special fondness for the bird, and people often refer to it as “*Chittay Baaja Wale*” meaning “*keeper of the Baaj*,” when they want to attain the mystical power of becoming a Khalsa. Though the ancient Baaj's species is still up for debate, the worrying reduction of the “*Eastern Goshawk in Panjab*” as consequences of loss of habitat along with poaching is cause for alarm. In 2010, “*Shiromani Gurdwara Parbandhak Committee*”¹⁴⁸, they started looking into the link

¹⁴⁴ The Sikh Holy Scripture (SGGSJ) from the Holy Book of the Sikhs- Guru Granth Sahib Ji, also known as the present Guru of the Sikhs.

¹⁴⁵ Sikhism and the Environment- Saylor Academy, ENV203: Environmental Ethics, Justice, and World Views, <https://learn.saylor.org>

¹⁴⁶ The Sikh Holy Scripture (SGGSJ) from the Holy Book of the Sikhs- Guru Granth Sahib Ji, p 605.

¹⁴⁷ The Sikh Holy Scripture (SGGSJ) from the Holy Book of the Sikhs- Guru Granth Sahib Ji, p 445.

¹⁴⁸ Shiromani Gurdwara Parbandhak Committee is the Supreme Gurdwara Management Committee- an organization in India responsible for the management of Gurdwaras, Sikh places of worship in states of Punjab and Himachal Pradesh and the union territory of Chandigarh.

that existed between historic Baaj and Guru Gobind Singh, along with specialists in Sikh history and wildlife, and whether or not it was still in existence in Panjab.¹⁴⁹

A minority opinion among Christians, shared by many Jains, Sikhs, Buddhists, and Hindus, is that humans should not eat or use animals for any reason; this idea was present in many ancient Greek works and has similarities in Islamic theology.

“Religions are, overall, radically friendly toward anyimals.”

-Lisa Kemmerer

2.2.2 Preservation of Wildlife in Medieval India

Artefacts found in the form of skeletal remains of animals provide light on the landscape's evolution over the course of many centuries. Indeed, cereal consumption and the cultivation of rice occurred simultaneously at several locations in India several millennia prior to the birth of Christ. Wild animals were a staple food for many Harappan communities long before the era mentioned in Sanskrit literature. The northwest region of India is home to more than a thousand sites that date back to before 1700 B.C. There are a variety of animal skeletons that have been unearthed, including those of jackals, chitals, wild asses, elephants, and the huge Indian one-horned rhino. These account for as much as 20% of the animal bones found in the Indus Valley.

The vast majority of the seeds discovered at archaeological sites in western India are from wild plant species that are still widely grown there. variations in the distribution of certain plants and animals were likely caused by variations in the weather. There may have been others caused by the influence of prehistoric people. Fifty thousand years ago, near Mohan-jo-Daro, in the Indus valley plains, there lived a rhinoceros. Up to about 800 B.C., the Mehrgarh region of Baluchistan was home to the swamp deer, also known as the Barasingha. Overhunting and clearing of its riverbank habitat likely contributed to its local extinction.¹⁵⁰ The enormous size of the forest was one factor; the Sanskrit scriptures frequently extol the virtues of fire and iron implements as the means by which the jungle gave way to farms and culture. Without a shadow of a doubt, turning wild animals into domesticated livestock- including the zebra cow, water buffalo, and elephant- was a watershed moment in human history. An integral part of Hinduism is a commitment to preserving the natural world. The Mohanjo-Daro, Harrappa, and Channudare civilisations all adhered to this age-old practice before it died in India sometime between 5000 & 2000 B.C. The Mauryans appeared in India in the 3rd century BC and started to establish their rule. For military purposes, elephants were preferred over horses due to their greater manageability.¹⁵¹

By the time of Ashoka and other Mauryan emperors, elephant protection had become a major concern. Ashoka made some major adjustments to his governing style towards the end of his

¹⁴⁹ Sikh Statement on Wildlife- EcoSikh, <https://eco.sikh.org>

¹⁵⁰ Nandan Nelivigi, Biodiversity, Wildlife & Protected Areas Management in India: A People Centered Approach, 37 JILI (1995).

¹⁵¹ Sanjay Upadhyay, Videsh Upadhyay, Forest Laws, Wildlife Laws and the Environment, 2002, p227.

reign. He abandoned the royal hunt in his pursuit of enlightenment and the protection of 86 animals and birds. It appears that efforts to save wildlife in India began with the establishment of rules pertaining to woods, birds, and animals by Ashoka in 242 B.C. King Ashoka during 3rd century BC, passed regulation prohibiting slaughter of several animal species, including parrots, ruddy geese, rhinoceros, etc., as part of his efforts to preserve nature and the environment. This ordinance is considered the earliest codified law in the world. The most magnificent and honourable emperor of India, Ashoka, granted total sanctuary to all forms of life. The forest tribes were cautioned that Ashoka's patience had its limitations, and he was well aware of this. Prohibiting the practice of hunting, fishing, and fires in forests was not out of the question. Everyone from those living in the woods to the farmers likely killed animals on a regular basis. A lawbreaker did exist; the king's 100 panas (coins) fine for forest deer poaching is proof of this. No animals were slaughtered by our ruler, according to the fifth pillar edict. Ashoka says in his edicts,

“The greatest righteousness among men come from the exhortation in favour of non-injury to life and abstention from killing living beings”

Hence, Ashoka exhibited remarkable empathy towards animals.¹⁵²

Additionally, he severely limited the royal palace's intake of meat and dairy products. The most remarkable thing about him was that he made sure animals had access to healthcare even outside his empire's borders.¹⁵³ Several animal species were outright banned from being killed by him in the latter years of his rule. Quote from wildlife experts in an effort to halt the poaching of rare species, Ashoka issues an edict regarding animal guardianship. “*Dharma-niyama*¹⁵⁴” or the “*Law of Piety*”¹⁵⁵ was the umbrella term Emperor Ashoka used to classify gaming regulations. Throughout his empire, he instituted a ban on the slaughter of specific fish, birds along with wildlife animals, and also with all kinds of life on particular days. Primate and carnivore slaughter was also forbidden by him for seventy-two days of the lunar year. Everyone who hunted, trapped, caught birds, or fished was subject to the royal prohibitions on slaughter.¹⁵⁶

The establishment of animal sanctuaries by Emperor Ashoka may have been the first official proclamation guaranteeing the safety of wild creatures. The fourteen books that make up the Arthashastra cover a broad variety of topics, from law and administration to business and international relations. Some forests, known as Abhyaranya¹⁵⁷, were designated as open game beast preserves in the Arthashastra, which was composed between 321 and 300 BC.¹⁵⁸ The question of environmental preservation was thoroughly addressed by Kautilya¹⁵⁹ in his Arthashastra. Forests and animals were to be protected by the rulers according to the regulations.

¹⁵² H.S. Singh, Principles of Environment Conservation, 1989, p123.

¹⁵³ Ashok A. Desai, Environmental Jurisprudence (2002), p16.

¹⁵⁴ Dharma-niyama- The Five Niyamas are rules of nature or principles of causation that have an impact on both mental and physical processes.

¹⁵⁵ Law of Piety- A Socio-Cultural Framework for Reading Tales and Figures in Mediaeval Islam.

¹⁵⁶ A. Prasanna, Legal Protection of Wildlife, Cochin University Law Review, (1996), p50.

¹⁵⁷ Abhayaranya can be considered, to a certain extent, the ancestors of modern-day national parks.

¹⁵⁸ Divan, Rozencranz, Environmental law and policy in India, (2001), p. 23.

¹⁵⁹ Kautilya- Under Chandragupta Maurya's rule, he served as prime minister of the Magadha kingdom.

More often than not, they should plant new forests near the state's borders. The rulers ensured the safety of the animals. Some birds and animals were likewise off-limits to slaughter or harm. Offenders were handed down harsh punishments.¹⁶⁰

2.2.3 The Mughal Empire's Role in Preserving Wildlife

According to official opinions, the Mughal monarchs, who reigned from 1300 to 1600 CE, were well-known for their hunting prowess. It is said that Akbar the great kept hunting antelopes with a herd of one thousand trained cheetahs. Even as late as 1519, in the Indus valley, the Mughlai continued to hunt "*the great Indian rhinoceros*"; his successor killed 889 nilgai.¹⁶¹

Many exceptionally beautiful gardens, fruit orchards, and green parks were established during the Mughal period to surround the emperor's palace, provincial and central headquarters, and other important locations, which made a big difference in terms of environmental conservation. Along with his efforts to put an end to the needless slaughter of birds and animals, Akbar's concern for their safety is shown by his Islamic policy, which adheres to the principle of complete tolerance.¹⁶²

Mughal ruler "*Shah Jahan*"¹⁶³ went hunting in Palam in 1634. He personally shot forty black antelopes in a single day with the royal gun. Killing vicious monsters or the deer that ravaged maize was considered an act of religious worth, just as it was in bygone eras when hunting was more than just a way to get in shape and test one's nerves. Animals and birds have long been featured in our literary canon, including epics, folktales, and mythology. Birds and animals were highly prized by the Mughal court and often featured prominently in portraiture compositions and landscapes.¹⁶⁴

Birds and animals were also commonly included in the works of Rajputana and Pahari artists. Books like "*Flora along with Fauna in Mughal Art*" serve as an illustration. Sewn onto its coat is a magnificent depiction of a black deer. The Mughal Emperor, who reigned over India throughout the Middle Ages, was very interested in the country's wild animals. People have established hunting grounds known as "*Shikargaha*" to safeguard and preserve these areas for hunting.

Jahangir slaughtered more than 17,000 species in early twelve years from his ruling period. Among these, you can find 1,670 gazelle and antelope, 86 tigers and lions, and 889 nilgai. In addition to providing much-needed fresh meat, the hunt served as a metaphor for Jahangir's triumph over "noxious animals," the name he gave to the massive tiger he slaughtered close to the Mandu fort. On the night before a big military operation, the outcome of a hunt was seen as a portent of the events to come. 'Great masses' of rhinos were mentioned by Babur in his

¹⁶⁰ Ashok A. Desai, *Environmental Jurisprudence*, (2002), p. 15.

¹⁶¹ Supra note 168.

¹⁶² Vikas Vashishtha, *Law and Practice of Environmental Laws*, (1999), p. 6.

¹⁶³ Shah Jahan- Mirza Shahab-ud-Din Muhammad Khurram as known as Shah Jahan, from 1628 until his abdication in 1658, Shah Jahan I reigned as Emperor of Hindustan.

¹⁶⁴ Mahesh Rangarajan, *India's Wildlife History*, (2001), p. 12

writings connecting Indus River alongside Bhira. People were eager to get their hands on rhino horn cups because of the widespread belief that they could detect poison.¹⁶⁵

Wildlife in India under the Mughal dynasty was a source of great entertainment for the ruling class. Babur was very concerned about protecting trees and wild animals since he loved nature. An unparalleled record of Jahangir's observations on flora and fauna has been preserved by the naturalist emperor.¹⁶⁶ Jahangir's diaries comprises of various descriptions that have garnered the respect of modern naturalists for their accuracy and deep insight. The sole record of having seen the now-extinct Dodo in this subcontinent is his account of it. He kept a tight eye on birds and observed them scientifically, just like current bird watchers.¹⁶⁷

Remarkably, a thousand cheetahs were trained and maintained by Emperor Akbar for hunting purposes. Timur, an invading Turk, massacred a large number of rhinos in the region around the modern-day Kashmiri border in 1398. The last remaining populations of rhinoceros are in Nepal, Assam, and West Bengal. Hunting was once thought of as a royal pastime. In order to protect his people from dangerous beasts, it was the king's responsibility to kill them. There was a massive slaughter of elephants and horses since they were utilised in combat.¹⁶⁸

2.2.4 Preservation of Wildlife Throughout British India

Prior to the British conquest, our country has been a homeland to a diverse arrangement of wildlife. As a result of increased land demand and the development of more effective weaponry, the number of wild animals in India decreased during British control. Because of this, many species, including tigers, elephants, leopards, and others, were shot down without proper regulation, leading to the mass slaughter of wildlife. The East India Company's growing desire to expand imperial control over forested areas in the early 1800s resulted in the poaching of wildlife and forest resources from India.¹⁶⁹

Officials from the British and Indian rulers hunted and depleted wildlife, but they also tried to protect it through laws and policies. The connection between imperial hunting and conservation efforts in India was intricate. Colonial administrators and naturalists enjoyed hunting as a pastime, but they were increasingly concerned about protecting endangered wildlife. Scientific forestry of the colonial era, or the exploration of India's flora as well as fauna led few imperial administrators, who had previously been passionate hunters, to push for conservation efforts. These endeavours illuminate cultural attitudes inherent in colonial mindset of British and the exploitation of wildlife.¹⁷⁰

¹⁶⁵ Supra note 169, p 5.

¹⁶⁶ Wildlife in the Himalayan Foothills: Earliest Phase of Wildlife, P.C. Tiwari, Bhagwati Joshi (1997), Indus Publishing Co., p30.

¹⁶⁷ Gopal Bhargava., Environmental Challenges Ss Ecological Disaster, (1992), pp. 133-134.

¹⁶⁸ From ancient times, the Indian royalty enjoyed hunting tigers and cheetahs. It is said that one maharaja killed 616 tigers throughout his lifetime, while another is said to have killed more than 1100 tigers. While on his conquests in northern India, the Mughal emperor Babar allegedly slaughtered numerous wild animals, including rhinoceros.

¹⁶⁹ Siddharth Rajak, Prof. Kalpana Chaturvedi, International Journal of Novel Research and Development (IJNRD), Volume 8, Issue 5 May 2023, ISSN: 2456- 4184

¹⁷⁰ Mahesh Rangarajan, India's Wildlife History: An Introduction, ISBN 81 7824 140 4

Wildlife sanctuaries were not established until the British era, suggesting a delay in their development. The British government sought to eradicate wild animals in the initial years of their rule because they were seen as an obstacle to expanding cultivation, which was important for generating revenue. The government did, however, take action to protect wildlife in response to a movement that began in the nineteenth century. Despite the lack of emphasis on wildlife conservation during the British era, official policies aimed at eliminating vermin were instituted as the agrarian frontier expanded, marking the beginning of wildlife management.¹⁷¹

A rising number of Indians became concerned about the plight of endangered animals and sought to have national parks and sanctuaries set up as the nineteenth century wore on. When the British government realised how important wildlife was to the country's economy and ecology, they started protecting it. The colonial regime's policies had a devastating effect on India's wildlife, particularly the country's tiger population. Gaining control of India's natural resources was considered an essential component of colonial rule.¹⁷²

The codification of laws pertaining to the protection of wild life that occurred only during the era of British in India. The following is the concise synopsis of these statutes:

“The Indian Forest Act of 1878”¹⁷³ was one of many conservation laws and policies passed by the government to control the cutting down trees and killing animals. In 1878, the colonial administration passed *“Forest Act, 1878”* alongside *“India Arms Act, 1878”*¹⁷⁴ which were both pertaining to animals. More light on their historical significance might be gleaned by delving into the reasons and reasoning behind these acts. With a lengthy history of promoting commercial forest conservation and establishing direct government control, the Forest Act of 1878 set out to do just that. The local and tribal populations, in addition to Indian farmers, were impacted by this act because pastoralism, hunting, collecting, and semi-agriculture were all ways they made a living, and they were dependent on the forest for its supplies. However, the lands and resources of the forests were eventually taken away from these communities and their access was restricted. In addition, the colonial authority gained direct control over wild animals through this statute. At the same time, new hunting laws were imposed by the Arms Act of 1878. These statutes restricted the hunting of small game for shikaris and inhabitants of the villages, made it a crime for them to own guns or employ high-tech weapons, and they had to get special permission to shoot. An unlimited number of free licenses can be obtained by anyone seeking safety from wild animals might do so for five years, albeit this privilege was largely given to Europeans who had prior authorization. Rules and regulations like this help to understand why the British government kept an eye on the Indian forest and environment for so long; it shows how colonial and local interests shaped the use of forest resources and nature.

There were major societal and economic effects for local populations as a result of the colonial government's 1878 Forest Act and 1878 Arms Act. Restricting people access to forests had

¹⁷¹ Guha, R., & Gadgil, M. (1989). State Forestry and Social Conflict in British India. *Indian Economic and Social History Review*, 26(2), 121-147.

¹⁷² Anshu Sharma, Dr. Rahul Tripathi, *Wildlife in India During the Colonial Period*, Educational Administration: Theory and Practice, doi.org/10.53555/kuey.v 30i5.3852

¹⁷³ The Indian Forest Act, 1878 (Act VII of 1878)

¹⁷⁴ The Indian Arms Act, 1878 (Act XI of 1878)

devastating effects on their way of life and the environment since it upended long-established methods of forest management. Colonialist conservation efforts frequently stoked tensions between the government and indigenous peoples because they ignored their traditional wisdom. On top of that, the richest Indians and Britons, who could afford to live ostentatiously according to the rules, frequently saw their interests prioritised by the government. A major contributor to the rise of social as well as political turmoil in colonial India was the disparity in the allocation of resources and advantages.

India passed the ***“Madras Elephant Preservation Act, 1873”***¹⁷⁵ which marked a watershed moment in the country's wildlife protection efforts. This law was groundbreaking because it sought to prevent the extinction of a specific type of animal. Those who disobeyed the Act's restriction on killing wild elephants would face fines. Wild elephants were granted nationwide protection in 1879 by the “Central Government's Elephant Preservation Act”. With few exceptions, it forbade any form of harm to or capture of wild elephants. Fines and jail time would be among the harsh penalties for those who broke the rules.

“The Wild Birds Protection Act, 1887”¹⁷⁶ founded by British, was initial law mandating the endangered species' preservation. The power to ban the sale or possession of certain wild birds captured or killed during their nesting season was provided to the government by this act. ***“The Wild Bird and Animals Protection Act, 1912”***¹⁷⁷, enacted in 1912 by government of British, later revised in 1935. The first legislation to explicitly forbid the shooting of wild birds and animals and to penalise those who violated this prohibition was this 1912 Act. A local government may use the authority granted by rules to protect any wild animal as well as bird that is not listed under schedule but that it believes is important to preserve. A plethora of wildlife preservation policies along with legislation were enacted in India as the significance of safeguarding wildlife resources grew more and more apparent with the passage of time.

The continuous loss of wildlife resources has resulted to the fact that neither act dealt with the problem of the wildlife trade; instead, it merely regulated hunting. The Central Government filled this void by passing the ***“Wild Birds and Animals Protection Act, 1912”***, which regulated the hunting of certain species through licenses and established limited hunting seasons. Any sort of wild animal or bird may have its capture, slaughter, sale prohibited while its breeding season by State Government's proclamation of a close time in the statue.

“Indian Forest Act, 1927”¹⁷⁸ was passed with a goal of controlling forest production movement, define forest-related crimes, and punish those who committed them; it is the only pre-independence law that has not been repealed. Consolidating regulations on transportation of forest resources or imposing taxes on timber as well as other resources from forests were the goals of *Indian Forest Act*, which was passed in 1927. Obtaining financial gain from these assets was its primary goal. In spite of all the obstacles, the British government's forest policy

¹⁷⁵ The Madras Elephant Preservation Act, 1873 (Act I of 1873)

¹⁷⁶ The Wild Birds Protection Act, 1887 (Act X of 1887)

¹⁷⁷ The Wild Birds and Animals (Protection) Act, 1912 (Act VIII of 1912)

¹⁷⁸ The Indian Forest Act, 1927 (Act XVI of 1927)

contributed to indirect preservation of forests along with wildlife and direct protection of environment.

Prior with the introduction of the protection of wildlife statute of 1972, this statute was instrumental in designating natural habitats of animals as "*reserves*" throughout the British era. This act served as notice for protected sites such as Jaldapara Sanctuary situated in West Bengal, Kaziranga Sanctuary in Assam, and Corbet National Park in Uttarakhand.

"General principles of common law, such as nuisance or negligence"

The general principle stated above was mostly responsible for protecting environmental aspects prior to independence. These codes were "***The Criminal Procedure Code, 1898***"¹⁷⁹ and ***The Indian Penal Code, 1860***"¹⁸⁰. Unfortunately, several Indian statutes, such as "***The Indian Fisheries Act, 1897***"¹⁸¹, "***The Oriental Gas Company Act, 1857***"¹⁸², "***The Explosives Act, 1908***"¹⁸³, and "***The Motor Vehicles Act, 1939***"¹⁸⁴, existed inadequately for addressing the issue of factories or other public issues exploiting natural resources. Human's ecological devastation was not severely addressed by these rules.

Notwithstanding this, early laws passed during that era did assist safeguard wild animals in many regions of India. Reserved and protected forests were established as a means of basic protection for animals and their natural habitats by the "***Indian Forest Act, 1878***" also its adaptations with different states in 1927.

The law forbade any form of hunting, fishing, poisoning, or trapping outside of designated wilderness regions or conserved forests. While the Elephant Preservation Act was in effect in 1879, it was illegal to capture or kill elephants in some states. Animals were primarily protected as property by two important core statutes: "***The Indian Fisheries Act, 1879***" and "***The Cattle Trespass Act, 1871***"¹⁸⁵. Legislation such as "***The Bengal Rhinoceros Protection Act, 1932***"¹⁸⁶ and "***The Tamil Nadu Wild Elephants Preservation Act, 1873***"¹⁸⁷, which were applicable to specific regions, played a role for preservation of wildlife species during that time.

Jim Corbett had a significant role in the establishment of the first national park in India, an early Indian wildlife conservationist. In 1935, the region was turned up in a national park by Corbett and the provincial government after having been designated such as "*Reserved Forests*" in year 1879. It was in India when the very initial national park was created, "***Ramganga-Dhikala forests in the United Provinces***". "***The United Provinces National Parks Act, 1935***"¹⁸⁸, passed to make this happen.

¹⁷⁹ The Criminal Procedure Code, 1898 (Act V of 1898)

¹⁸⁰ The Indian Penal Code, 1860 (Act XLV of 1860)

¹⁸¹ The Indian Fisheries Act, 1897 (Act IV of 1897)

¹⁸² The Oriental Gas Company Act, 1857 (Act V of 1857)

¹⁸³ The Explosives Act, 1908 (Act VI of 1908)

¹⁸⁴ The Motor Vehicles Act, 1939 (Act IV of 1939)

¹⁸⁵ The Cattle Trespass Act, 1871 (Act I of 1871)

¹⁸⁶ The Bengal Rhinoceros Protection Act, 1932 (Act VIII of 1932)

¹⁸⁷ The Tamil Nadu Wild Elephants Preservation Act, 1873 (Act I of 1873)

¹⁸⁸ The United Provinces National Parks Act, 1935 (Act I of 1935)

Hailey National Park, established in honour of “*Governor Malcolm Hailey*”¹⁸⁹. No one lived there since they had all been forced to leave in the late 1800s. The first significant law in India passed with an aim of conserving & preserving wildlife along with their environment was “*Hailey National Park Act, 1936*”¹⁹⁰ which was passed. Many other sanctuaries and national parks were later established in India as positive and successful results of Hailey National Park. Wildlife sanctuaries and national parks in India provide crucial habitats for wide range of wild creatures which includes rhinos, elephants, tigers etc.

Finally, colonial hunting culture was the main driver of policies pertaining to wildlife in India during the colonial era. The massive reduction in animal populations brought about by unregulated hunting in the nineteenth century was a major motivating factor in conservation efforts aimed at restoring game populations for hunting. Nonetheless, throughout secondary part of 19th century, concept of protecting animals gained traction thanks to the work of a few hunters-turned-naturalists. The wildlife statue brought in new age of conservation, with term’s “*game*” being replaced with “*wildlife*” and “*preservation*” with “*conservation*.”

Efforts to protect tigers were unsuccessful until the early 20th century, when conservationist-turned-hunters like Jim Corbett brought the matter to light. Negative and positive stereotypes about wild animals in India emerged as a result of the colonial strategy of “selective conservation”; for example, while elephants were depicted as a valuable resource, traditional views of tigers as “vermin” deserving of hunting. to be preserved. There was less of an emphasis on environmental protection and more on colonial control in the conservation initiatives. In sum, India's wildlife reserves and protected areas are mostly the product of conservation policies enacted during India's colonial era.

2.3 POST- INDEPENDENT INDIA

2.3.1 Wildlife Preservation Succeeding to Independence

Once the British rule collapsed in India, a new chapter in the chronicles of the animal kingdom has begun. But British raj’s influence was not entirely gone, and hunting continued right up to the 1960s. Vehicles, long-range guns, and other tools of “modern civilisation” accelerated the extinction of many species in India.

Whether it was forests, land, wildlife creatures and usual grazing pastures, British colonial rulers utilised everything that belonged to the common good and was freely available to the surrounding people for their own financial gain. Under the pretence of sovereignty, this led to the exploitation of the native population. Indeed, the period of freedom from restrictions, particularly those pertaining to the shooting of wild animals, was ushered in by independence. The government's decision to reject shooting laws and instead provide weapons randomly to farmers as well as others in an effort to secure crops from wildlife species depredations led to the massive killing of wildlife species. In year 1951, India’s last cheetah was shot and since

¹⁸⁹ Governor Malcolm Hailey, known as Sir William Malcolm Hailey between 1921 and 1936, was a British peer and administrator in British India.

¹⁹⁰ Hailey National Park Act, 1936 (Act I of 1936)

then, the wildlife species has gone extinct. Everywhere and by everyone, wildlife was being destroyed from 1947 to 1951.¹⁹¹

Since the princely state rulers were no longer in charge, poachers shot wild animals randomly, paying little attention to the forest department's norms and regulations. There had already been irreversible harm done to animals by the time the government took up the matter.¹⁹²

Unfortunately, due to India's past violent history, much of the tradition has been sacrificed. The rapid population increase of the country, extensive hunting by the British plus Indian Rajas, massive deforestation for agricultural purposes, the proliferation of firearms, poaching, strong insecticides, and other types of hunting are among the many elements that have had a catastrophic effect on India's environment. Over 350 parks, sanctuaries, and reserves have been built by the government in the last few decades as part of its significant environmental management initiatives. Major General Hutson, a British officer, published one of the timely accounts of Delhi's birds in 1854, which encouraged people to appreciate the faunal wealth in metropolitan places. The plight of India's wildlife is dire right now. A greater danger to wildlife in the nation is the growing commercial interest that accompanies the rising population.¹⁹³

The bigger issue is the conflict between locals and wildlife preservation organizations. The formation of the Colonial Forestry Division and the passage of the WPA, 1972 probably came at the expense of the local inhabitants. Established to conserve animals, national parks and wildlife sanctuaries cut off locals' access to the places they relied on for food, medicine, fuel, and fodder. There has been a perception that locals are trespassers, poachers, and animal killers. There is a strong religious and cultural connection to wildlife in India. Because of their cultural and religious importance, many communities around the nation continue to safeguard endangered species of wildlife.¹⁹⁴

An honourable mention should go to the Bishnoi community in this regard. Before burning wood, a Bishnoi will make sure it is completely bug-free. A special bond exists between them and the black buck, and they have frequently kept themselves in harmful manner to preserve the buck from hunters.¹⁹⁵ Guru Jambheshwar established a new religion called Bishnoi 500 years ago, which planted the seeds of a distinct conservation movement. There are twenty-nine linguistically localised principles of daily existence and lifestyle that make up the highest code of conduct; individuals who observe and adhere to these principles are called Bishnoi.¹⁹⁶ Even though 500 years have passed, these extraordinary folks are still very much involved in protecting the local wildlife and plants. The area surrounding Bishnoi villages are homeland for variety of wildlife species which includes spotted deer, black bucks, partridges, and great Indian bustards.

¹⁹¹ S.N. Dhyani, *Wildlife management: Wildlife Protection Legislation*, (1994) p 45.

¹⁹² Gopal Bhargava., *Environmental Challenges Ss Ecological Disaster*, (1992), p 134.

¹⁹³ Mahesh Rangarajan (ed.), *The Oxford Anthology of Indian Wildlife: Hunting and Shooting (Vol I)*; Mahesh Rangarajan (ed.), *Watching 8s Conserving (Vol. II)*

¹⁹⁴ Ibid.

¹⁹⁵ *The Philosophy of Indian Coexistence-* www.indiasite.com/wildlife.

¹⁹⁶ Vikas Kumar Soni, *Wildlife Conservation in India: Issues and Challenges*, *Journal of Interdisciplinary Cycle Research* XII(X):796-802, February 2021.

www.researchgate.net/publication/349098809

2.3.2 Jurisprudential Aspect of Wildlife

Historically, Westerners have accepted nature as an inevitable aspect of human existence. It was long believed that God created all living things in the universe. Nature, however, came to be seen as distinct from both God and humans in the Judeo-Christian tradition during the western reformation and modernity. In the nineteenth century, the ecological concerns were disregarded due to the influence of *Charles Darwin's*¹⁹⁷ "*Theory of Evolution*"¹⁹⁸ and the philosophies of *Emmanuel Kant*.¹⁹⁹ Darwin made clear that the cosmos and the natural force are inherently evolving. The mechanistic understanding of nature was one that Kant fully embraced. Nature, according to Kant and Newton,²⁰⁰ is made up of inflexible, lifeless clumps of particles in motion.²⁰¹ Once again, however, it wasn't until certain philosophers and jurists brought this idea of man's interdependence with nature to the forefront.

*Thomas Hobbes*²⁰² offered competing interpretations of humanity's place in the natural world. Everyone has an entitlement to everything in a state of nature, he argued, but that causes problems. According to Hobbes, a life in nature is characterised by egotism and terror. According to him, human life is brief, lonely, impoverished, ugly, and brutish. People want peace; that's a basic requirement of nature's rule. So, they formed the social compact to get away from that state of nature.²⁰³ People have embraced statutory law as being produced by sovereign authority and have adopted the social contract theory because of the dread of nature, according to Hobbes. Man, being a social animal, has evolved to respect and adhere to the authority of a contemporary, civilised state.

*Karel Vasak*²⁰⁴ launched the concept of human rights for the third generation during 1999 "*International Institute of Human Rights*" tenth study in Strasbourg. Solidarity rights aim to protect both the general population and more localized communities on a national and regional scale. A synthesis of individual and collective rights, "*third generation of human rights*" includes the rights to peace, development, and the environment. Although the declaration has been made by people, groups, and non-governmental entities, it does not have the authority to bind the state to any environmental-harming actions.²⁰⁵ The foundation of human rights for the third-generation rests on the ideals of the *French Revolution- Starting in 1787 and lasting until 1799, the French Revolution was a time of tremendous social turmoil.*, which emphasise brotherhood and fraternity and are crucial to addressing global issues like climate change,

¹⁹⁷ Charles Robert Darwin was an English naturalist, geologist and biologist, widely known for his contributions to evolutionary biology.

¹⁹⁸ Theory of evolution: According to Darwin, all species share a common ancestor, new species develop from older ones, and species can undergo changes throughout time.

¹⁹⁹ Immanuel Kant was a German philosopher and one of the central enlightenment thinker.

²⁰⁰ Sir Issac Newton was an Englishmen, polymath active as a mathematician, physicist, astronomer, alchemist, theologian, and author who was described in his time as a natural philosopher.

²⁰¹ Ecology and Religion\ Systematic Theology and Climate Change: Ecumenical Perspectives\Avatar and Nature Spirituality, Rajdeva Narayan, Janardan Kumar, Journal of Contemporary Religion, 30:3, 509- 519, DOI: 10.1080/13537903.2015.1081355, published on 23 September 2015.

²⁰² Thomas Hobbes was an English philosopher.

²⁰³ Dias Jurisprudence, fifth edition, Aditya Books Butterworths, Pp 79

²⁰⁴ Karel Vasak was a French lawyer and a Czech-French international official and university professor.

²⁰⁵ Right to Environment as a third Generation Human Rights, some reflections, Kshemendra Mani Tripathi, Nyaya Deep

poverty, and inequality. The novel concept of Solidarity Rights, or third-generation human rights as it was formerly known.

Prof. S.N. Dhyani has drawn parallels between environmental jurisprudence and the Kelsenian Grundnorm, in which a hierarchy of norms derives their validity and viability from a standard higher up the hierarchy. This hierarchy forms the basis of Indian environmental jurisprudence, which was established at the 1972 “*Stockholm Conference on Human Environment*”. He claimed, this had resulted in up to date body of law related to environment, that saw the judiciary serving as a watchdog, and that this had done a commendable job of protecting ecosystems and the environment without ignoring the necessity of tying development to environmental protection as mandated by “*Articles 21, 48-A, and 51 A (g) of the Indian constitution*”.²⁰⁶ When it comes to protecting India's natural resources, the country's judiciary has been a rock-solid advocate for environmental causes. The Indian SC ruled in case “*M.C. Mehta v. Kamalnath*”²⁰⁷ that damaging soil, air alongside with water- elements that are foremost requirement of life- constituted a breach of fundamental rights as provided under Indian Constitution’s *Article 21*. Everyone has entitlement to right to a healthy environment, else they can take legal action to protect this right. Protecting wildlife for the benefit of ecosystems is one of those fundamental human rights.

2.3.3 Indian Legislations Pertaining to Wildlife Preservation

Historical records and tradition throughout India have often emphasised the need of preserving native species. The sacred animal beloved by each Hindu deity has been immortalised in art, sculpture, and scripture. It was 3rd century B.C. when Kautilya codified the untimely known rules of games.²⁰⁸ It seems that early efforts to protect animals only targeted certain species, not their habitats as a whole. Although the Indian Forest Act of 1878 attempted to preserve some government-owned woods for future generations, it was the first law of its type.²⁰⁹ The importance of preserving animal populations has led to the passage of multiple legislation at the federal and state levels in an effort to save these species from going extinct.²¹⁰

About twenty-five years after independence, in 1972, the Wildlife (Protection) Act was eventually passed and put into action, enabling the implementation of legal sanctions. To conserve and preserve its wildlife, India has several laws that aim at reducing illegal wildlife trade and other offences. There is a severe shortage of them due to the increasing global trade

²⁰⁶ Fundamentals of Jurisprudence the Indian Approach, Dr. S.N. Dhyani, p 385

²⁰⁷ M.C. Mehta v/s Kamalnath, AIR2000 SC 2083

²⁰⁸ Klappenbach, L, ‘Understanding the Threats to Animals and Wildlife – Examining Natural Threats and Man-made Threats’, <http://animals.about.com/od/animalswildlife101/a/threats.htm>., Last accessed on September 22, 2022.

²⁰⁹ Nandan Nelivigi,, Biodiversity, Wildlife & Protected Areas Management in India : A People Centered Approach, 37 JIL1 (1995).

²¹⁰ The Madras Wild Elephant Preservation Act, 1873, The All India Elephant Preservation Act, 1879, The Wild Birds and Animals Protection Act, 1912, The Bengal Rhinoceros Preservation Act, 1932, The Assam Rhinoceros Preservation Act, 1954, The All India Wildlife Protection Act, 1972, The Setting up of and Indian Board of Wildlife, 1952, The Creation of Wildlife Parks and Sanctuaries -Convention on International Trade in Endangered Species of Fauna and Flora, (CITES) 1976, Launching a National Component of the UNESCO's Man and Biosphere Programme, 1971, Starting Programme on Conservation of Projects for Individuals Endangered Species Like Lion, 1972, Tiger, 1973, Crocodiles, 1954 and Brown Antlered Deer 1981.

in medicinal plants and other plant and animal derivatives. Executing these regulations with total accuracy, imposing punishment as quickly as feasible, and using the harshest penalty possible will maximise their impact. The public's participation is vital for the efficient implementation of preservation laws for wildlife and the conservation of biodiversity in animal kingdom.

In an effort to save wild creatures and guarantee the correct execution of legal measures for wildlife preservation, the federal government has passed multiple subordinate legislations.

“The Wildlife (Transaction and Taxidermy) Rules, 1973”²¹¹, in order to regulate the trade in animals, including their transportation, taxidermy, and final goods. Manufacturers, dealers, and others were required to declare their stock of captive animals, animal objects, trophies, and similar items in a central set of regulations that were also established that year.

In addition, zoo animals were guaranteed adequate care and protection by the ***“Recognition of Zoo Rules, 1992”***²¹². The selling of surplus animals from zoos to circuses was outlawed and enforced in 1987 by an executive order that went out to all state and territory forest secretaries and chief wildlife wardens. With some recent updates, these regulations are now known as the ***“Recognition of Zoo Rules, 2009”***.

To identify the appropriate federal and state officials to whom notice concerning the cognisance of offences may be communicated, the ***“Wildlife (Protection) Rules, 1995”***²¹³. In the same year, the federal government also established two other regulations concerning the declaration of stock and the issue of possession licenses for certain plants. The selection of state honorary wildlife wardens is also governed by an executive authority guideline.

“The National Tiger Conservation Authority (Qualifications and Experience of Experts or Professional Members) Rules, 2006”²¹⁴ passed laws outlining the education and work history requirements for the National Tiger Conservation Authority's members. The WPA, 1972, as amended in 2006, provides legal authorization for this under Section 38L. The Tiger Conservation Foundation, which was set up under Section 38X of the statute, was also involved in establishment of ***“National Tiger Conservation Authority Guidelines, 2007”***. ***“Tiger Conservation Authority Fund (Regulation) Guidelines, 2007”***²¹⁵ further amended the main Act in 2006 by adding provisions to control the use of funds established under Section 38Q (2).

²¹¹ The Wildlife (Transaction and Taxidermy) Rules, 1973 (G.S.R 198 of 1973)

²¹² Recognition of Zoo Rules, 1992 (In exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of section 63 of the Wild Life (Protection) Act, 1972, Act 53 of 1972)

²¹³ Wildlife (Protection) Rules, 1995 (Rules shall come into force from the date of their publication in the Official Gazette. In these rules, unless the context otherwise requires (a) “Act” means the Wild Life (Protection) Act, 1972)

²¹⁴ The National Tiger Conservation Authority (NTCA) is a statutory body containing rules under the Ministry of Environment, Forests and Climate Change that was established in 2006 through an amendment to the Wildlife (Protection) Act, 1972.

²¹⁵ The Tiger Conservation Authority Fund (Regulation) Guidelines, 2007 Published vide Notification S.O. 1009 (E), dated 22.6.2007, published in the Gazette of India.

Following year 2003 amendment to the Act, the federal government established an additional rule regarding stock declarations in regard to Section 40A. As stated in this section, hearings before the “*Chief Wildlife Warden or other officer authorised*” should cover the required scope.

Among other things, “*National Board for Wildlife Rules, 2003*”²¹⁶ detailed the organization's structure, meeting procedures, and procedures for the removal of members.

Indian government took several initiatives in past few years to combat human-wildlife conflict; one of these is “*National Policy for the Management of Human-Wildlife Conflict, 2019*”²¹⁷. The policy's stated goal is to encourage peaceful cohabitation between humans and animals while simultaneously reducing the likelihood of wildlife-related harm to humans and their property. In addition, numerous government initiatives have been initiated to tackle problems like poaching, illegal wildlife trading, and habitat damage. Among these, we can trace “*the Forest Conservation Act, the Wildlife Crime Control Bureau, and the National Tiger Conservation Authority*”.

In order to guarantee the proper execution of legislative actions for the preservation of wildlife and improvement of ecological conditions, the federal government has adopted a number of subordinate laws. Problems such as “*extinction, poaching, and conflicts between humans and other species*” are still major obstacles to the country's biodiversity, so we need to keep working to solve them.

2.3.3.1 The Implementation of Laws and Possible Solutions for Conserving Wildlife

The only way to ensure the safety of wildlife is to search for possible effective solutions to problems that arise while yet adhering strictly to the law. The illicit and criminal exploitation of natural resources in India has to stop, and stronger action is needed to make that happen. Public awareness campaigns, animal protection agencies, and law enforcement agencies could all play a role in these measures.

2.3.3.1.1 Identifying and working with NGOs

The work of “*Non-Governmental Organizations (NGOs)*” is crucial in the fight to keep animals in the wild. “*Wildlife Protection Society of India*” is the organization that aims to educate as well as support the government personnel responsible for conservation and protection in their fight against wildlife trafficking, poaching, and environmental degradation. Protecting India's abundant wildlife will be much easier with the help of these NGOs. Additional strategies for preserving and safeguarding animal populations “*in-situ and ex-situ breeding*”, boosting natural reserves, creating biosphere reserves, and administering them.

2.3.3.1.2 Increasing Nature Reserves' Resilience

²¹⁶ The NBWL is India's top body for wildlife conservation. It was established in 2003 as an amendment to the Wildlife Protection Act, 1972.

²¹⁷ The National Human-Wildlife Conflict Mitigation Strategy and Action Plan (HWC-NAP) is a framework that aims to ensure the well-being of humans and wildlife, and the conservation of ecosystems.

The strategy aims to protect endangered species from extinction by reducing human tasks namely; building structures, and transportation, and by reducing wildlife tourism, raising awareness about genetic diversity, and protecting areas with high biodiversity. It also recommends buffer zones and the preservation of natural reserves. To increase resilience, buffer zones should be established nearby fragmented landscapes. Protected places with a buffer zone require to be restored, with a focus on minimising specific effects of changing climate. Few ecosystems may have intact landscapes as well as be sufficiently resilient, but their residents' usage of land and water needs to be managed in such an approach that curbs resiliency from being lost.²¹⁸ Resilience is also maintained by effective management of the vegetation inside these reserves. The government should implement these measures in areas where the danger to endangered animals and wildlife is higher. The government is also responsible for monitoring wildlife tourism in these buffer zones and protected areas. Wildlife tourism disrupts nesting sites, impacts feeding and breeding cycles, and calls for government oversight to make sure forest officials and others adhere to laws and regulations. Strict implementation of this plan will significantly contribute to the preservation of wildlife in their native environments.

2.3.3.1.3 Conservation Methods: In-Situ and Ex-Situ

Conservation efforts, both in-situ & off-site, are vital for preserving wildlife, especially endangered and unique species. While in-situ conservation efforts focus on protecting species in their native habitats, ex-situ conservation efforts move out from those areas. These preservation techniques are helpful for reintroducing and wildlife relocation, which shields endangered species from the threat of extinction brought on by climate change and human activity. Species that are at risk of extinction as a result of a range of human activities and changing climate can be preserved through captive breeding programs. The intensity of global warming and its consequences on certain species determine whether or not these conservation efforts, even when conducted in specific places, will be successful.²¹⁹

2.3.3.1.4 Awareness among Officials and Public

For the purpose of maintaining and protecting species, it is necessary to increase consciousness among forest and other government authorities tasked with overseeing reserves and protected areas. These concerned staff members ought to get education and study on wildlife's preservation practises also legal remedies available to them. Community members living in close proximity to protected areas should also be involved in wildlife conservation efforts by learning about the importance of these efforts and the rules that govern them. Everyone in the area has to know what their legal alternatives are for saving endangered species and wildlife. They need to know that there are serious consequences for breaching the law and putting animals in risk. These all will raise locals' understanding of the issue, which will further enable

²¹⁸ Rich, R.L., Frelich, L.E., Reich, P.B., Wind-throw mortality in the southern boreal forest: effects of species, diameter and stand age. *Journal of Ecology* 95, 1261–1273. (2007).

²¹⁹ IPCC, Climate Change and Biodiversity, Technical Paper V (2002).

them to support government authorities as well as the forest rangers who work in these protected areas.²²⁰

2.3.3.1.5 Establishment and Administration of Biosphere Reserves

Biosphere reserves are large areas of land or smaller micro-territories that employ different strategies to safeguard different types of flora and fauna. On occasion, human or geographical factors are used to subdivide these reserves. The "core," "buffer," "transition" areas make up the biosphere reserves. The biosphere reserve treats each zone differently in accordance with its requirements and objectives. Important steps toward species preservation include creating and maintaining a network of protected places, such as biosphere reserves. By allowing for the distribution and migration of flora and wildlife, it also involves integrating habitat matrices and corridors, which aid in linking isolated reserves along with landscapes.²²¹ In India, there are currently eighteen biosphere reserves. The Indian government established the reserves to safeguard as well as preserve wildlife. The wild animals together with plants in & around these protected areas are subject to a number of issues & dangers due to human activity. Therefore, the government must keep a close eye on what people are up to, especially scientific operations in the areas. In order to sustain these biosphere reserves, the federal government and the state governments should coordinate their efforts. Additionally, they need to verify that the staff members designated for these reserves are obeying all rules and laws while they perform their jobs. It is only fair that the government impose stricter penalties for violations of regulations that result in harm to animals.

2.3.3.2 Difficulties in Effectively Implementing of Indian Wildlife Laws

Almost every country in the world has passed and is enforcing some kind of legislation pertaining to the wildlife trade and other human benefits. This also affects India, a country with a great deal of biodiversity. The illegal trade in animal products and their exploitation of their resources continues despite stringent regulations enacted to safeguard and preserve wildlife. The nation's biodiversity and extinction are under jeopardy due to human interference, including deforestation, cutting down trees, and industrial exploitation of local plant species. Import-Export Policies, WPA, 1972, and the "*Customs Act, 1962*"²²² all aim to regulate the trade and conservation of wildlife in India, but illegal hunting, poaching, and the exploitation of endangered species persist despite these laws.²²³ The WP Act is helpless to prevent the hunting, poaching, or use of foreign endangered species of biodiversity since it is irrelevant to them. The provisions of the legislation do not adequately address the issue of wildlife exploitation, as seen by the lack of adequate sanctions and punishments for infractions. Because Indian courts take an excessive amount of time to decide cases, both the accused and their legal representatives are indifferent to the outcome, and wrongdoers have the freedom to avoid penalties as a form of punishment. There are thousands of cases sitting at the District Courts along with other courts' backlogs, and the explanation explains why. Therefore, it

²²⁰ Global Wildlife Conservation, www.globalwildlife.org

²²¹ World Wildlife Fund, Wildlife Conservation Initiatives, WWF, www.worldwildlife.org

²²² The Customs Act, 1962 (Act LII of 1962)

²²³ Singhar, A. S, Laws for Protection of Wildlife in India: Need for Awareness towards Implementation and Effectiveness, Indian Forester (2002)

usually takes ten years for the courts to make an outcome in these instances, when the offenders of the crime thrive and animal exploitation persists. Still another issue is that neither “*Forest Departments* nor *Forest Officers*” have the proper training or the necessary resources to enforce the rules or facilitate conservation efforts.²²⁴

A number of issues with India's legal framework concerning the protection of wildlife have become apparent. Forest officers are empowered to protect forest resources by law, but they lack the power to establish regulations regarding this matter, making it much more difficult to retrieve animals that have been poached or trees that have been felled. Additionally, this has contributed to the expansion of exploitation efforts. Unfortunately, the forest department is complicit in the exploitation operations as a result of corruption and self-interest.

It has come to light that *forest officials* have consistently ignored voices of the local populace in their fight against wildlife exploitation, even though these individuals possess invaluable knowledge and expertise that may assist protect animal resources.²²⁵

The wildlife's conservation has recently come to attention of environmentalists, *NGOs*, & law enforcement authorities. A new issue has emerged. Many birds that are protected by law—including those in *Schedule I* of “Wildlife (Protection) Act, 1972”—are being killed out because people fly kites for fun. Many species listed under Schedule I are terminated due to the threads used for kite flying, which are usually called “manja.” The most famous of them is the Chinese thread. Chinese thread is still used by the public despite being prohibited from doing so by Section 5²²⁶ of the “*Environment (Protection) Act, 1986*”²²⁷. This has resulted in the death of numerous natives to this country birds, some of which are migratory species.

2.4 PROBLEMS AND THREATS TO WILDLIFE

From the very beginning, human activity has caused a catastrophic decline in wildlife populations. In the modern era, this decline has become even more dangerous due to the exponential growth of human activity and aggressiveness. By cutting down trees within the protected forest, more area was expanded to build new roads and basements World War II, when jeeps and cannons were particularly helpful. More food could be grown by encouraging the slaughter of herbivores. Hunters from urban areas began using jeeps for large-scale wild animal hunting after 1947. This was the setting for the world's most technologically advanced nations. Firstly, the beginning of the fourteenth century saw the onset of erosion and deforestation as a result of the firing of cannons containing potash, sulfur, iron ore, and

²²⁴ Kumar, A., *Endangered Species and the Law*, Handbook of Environment, Forest and Wildlife Protection Laws in India, WPSI and Natraj Publishers, Dehradun (1998)

²²⁵ Singh, C., *India's Forest Policy and Forest Law*, Natraj Publishers, Dehradun (2000)

²²⁶ Section 5 of Environment (Protection) Act, 1986- Power to give directions.

Notwithstanding anything contained in any other law but subject to the provisions of this Act, the Central Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or any authority and such person, officer or authority shall be bound to comply with such directions.

Explanation. For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct:

(a) the closure, prohibition or regulation of any industry, operation or process; or
(b) stoppage or regulation of the supply of electricity or water or any other service.

²²⁷ Environment (Protection) Act, 1986 (Act XXIX of 1986)

charcoal, according to Lynn White Jr. Along with the new geological deposits of sewage and trash, he said that no other species has ever managed to dirty its nest as quickly as humans have done it due to exploding populations, the malignancy of unplanned cityscapes, and other related issues.²²⁸

As in other countries, India's highest court is understandably worried about the impact of wildlife poaching on the country's ecosystems. The Supreme Court has stated, in its own words, that our country's wildlife has declined dramatically due to human population growth and an emphasis on consumer goods, notwithstanding the critical importance of protecting biodiversity, ecological balances, and life support systems for agricultural output, food production, and human survival.²²⁹

Wildlife in India have been under constant threat from humans since the dawn of human civilization. Even if problem-solving strategies have evolved throughout the years, wildlife populations remain precariously precarious. This decline in animal populations has been going on for a thousand years. Nearly 10,000 years ago, during the Stone Age, humans eradicated the hippos and baboons from India. According to the Mahabharata's account of Khandava vana dahanam, in which Arjuna painstakingly kills every species that emerges from the forest's fires, early agricultural settlers also had to butcher wild animals. After the first great wave of colonization ended, it must have reached a state of balance by the time the early Christians arrived, only to be severely upended once more by the arrival of the British Raj. The British unleashed a slaughter like never before with their modern weaponry. After wiping them out across most of northern India, the British viceroys, governors, and commanders started eyeing the Gir. Therefore, in order to safeguard them, the Nawab of Junagarh pretended as if his Gir forest was home to a small pride of lions. Destruction of forests occurred without discrimination in the name of war throughout WWII, and the advent of jeeps made animals living in the most isolated parts of forests easy targets for artillery.²³⁰

An ever-growing source of worry is the alarming rate at which numerous animal species are going extinct. The survival of each given species of wildlife depends on the maintenance and improvement of its natural habitat. Without adequate food, shelter, water, and other necessities, no animal can survive in a given environment. Many habitats are altered by human activities, which is bad for wildlife. There are a number of additional factors contributing to the decline of animal populations besides these. Because of their highly developed abilities, humans play a significant role in all ecosystems. Nearly every ecosystem on Earth is in danger of extinction or has already been devastated as consequences of human activity which has been both unchecked and unregulated. Modern humans have done a lot of terrible things that are bad for wildlife and the environment.

Today globally, human efforts for survival and personal gain have had a significant negative impact on animals. Many natural creatures and plants caused a decline in biodiversity and the extinction of many species. It has been noted that over the previous 2000 years, multiple

²²⁸ The Historical Roots of Our Ecological Crisis, Lynn White Jr. (as referred in Environmental Justice in India by S.B.Sinha, (2002) 7 SCC (J))

²²⁹ M/s Ivory Traders and Manufacturers Association v/s Union of India AIR 1997 Delhi 273 FB (Para 17)

²³⁰ Ecological Journeys, Madhav Gadgil, Pp 45

animals along with bird species have gone extinct. Climate change was a factor in certain reasons, while human activity for purposes like food, clothing, shelter, medicine, etc. was a factor in others. If proper conservation measures and strong laws are not taken to conserve animals, it is also anticipated that many more species may go extinct very soon. As a result, practically every country in the world has teamed up with international institutions to preserve environment & wildlife through creation of wildlife sanctuaries, reserves, parks, etc., & strict implementation of laws also policies within their home nations and areas.²³¹

Wildlife's preservation refers to the efforts made to maintain native habitats for species of both the plants and animals. Protecting wildlife and ensuring the continued viability of their habitats is primary objective of wildlife conservation efforts. As part of this effort, many organizations, both public and private, have been established with the express goal of safeguarding and preserving animal populations.

But today more than ever, protecting wild animals is essential. The fundamental objective of conservation efforts for species is to stop extinction of species whose extinction is imminent as a result of a wide range of activities started or exacerbated by humans. Many threats are faced by wildlife as consequences of human interference, human activity, a few natural factors are mentioned below.²³²

2.4.1 *Pollution*

An increasing amount of pollution is being released in water, air, and land as consequence of human activities and industrial operations. These pollutants are toxic and damaging. The creatures suffered because of it, and they were potentially facing extinction as a result of it. Much like the rest of the world, India is struggling to cope with the sheer volume of plastic trash that people are generating. The vast nation of India is having a hard time keeping up with its waste management because of plastic pollution; this has led to the deaths of many animals, and the dumping of plastics into the ocean, which has a devastating effect on marine life.²³³

2.4.2 *Loss of habitat due to prey species extinction, fragmentation, and degradation*

Tree cutting, river dredging, dam building, wetland filling, fields mowing, land usage for agriculture, housing and road construction and other human activities can cause habitat fragmentation and degradation, etc. Changing ecosystems, invasive species, and increasing pollution levels are some of the factors that can lead to habitat degradation. The main long-term risks to tigers in the nation are widespread habitat degradation and declining prey numbers. Tigers had prowled all throughout India and the subcontinent less than a century ago. However, since the 1940s in particular, rising human populations have fragmented and reduced

²³¹ Vikas Kumar Soni, Wildlife Conservation in India: Issues and Challenges, https://www.researchgate.net/publication/349098809_WILDLIFE_CONSERVATION_IN_INDIA_ISSUES_A_ND_CHALLENGES, Journal of Interdisciplinary Cycle Research XII(X):796-802, February 2021.

²³² Klappenbach, L, 'Understanding the Threats to Animals and Wildlife – Examining Natural Threats and Man-made Threats', <http://animals.about.com/od/animalswildlife101/a/threats.htm>, Last accessed on September 22, 2022.

²³³ Threats to Wildlife of India – worldanimalprotection.org.in, <https://www.worldanimalprotection.org.in/blogs/what-are-biggest-threats-wildlife-and-why>, last accessed on September 20, 2022.

the tiger's historic range. Even though some landscapes offer substantial habitat, agriculture, forest clearing for development, particularly for roads & railway networks, and hydroelectric projects are squeezing tigers into sparse islands of remaining habitat. Tigers require huge abodes. In addition to habitat degradation, tigers have also experienced a drastic decline in natural prey numbers in important locations.²³⁴ Thus, destruction, fragmentation, degradation, and extinction of prey species all contribute to habitat loss.

2.4.3 *Overuse of resources*

The overexploitation and misuse of resources to produce food & other reasons puts wildlife, particularly endangered species, at risk. The overexploitation of natural resources for human consumption has decimated animal and plant populations and put their survival in jeopardy. All too soon, natural resources will be depleted due to human overexploitation.

Natural resources of the globe are being depleted by humans, also if urgent action is not taken, living standards will start to fall by 2030. According to the WWF²³⁵, 20% more natural resources are consumed annually than can be replenished, and this number is continually rising.²³⁶ This overexploitation of natural resources is creating a huge deficit, the WWF warns. Unrestrained use of natural resources has negative repercussions on environment, economy, and health of humans. The extinction of species due to the loss of habitats that are vital to flora and fauna. There are almost 30 million different species of animals along with plants on earth, & according to the IUCN²³⁷, more than 31,000 of those species are currently in danger of going extinct.²³⁸

2.4.4 *Illegal Hunting, Trading, and Poaching of Endangered Species*

The forest officials' ineffective management and use of resources has made the already dire situation for wildlife much worse, since illegal hunting and poaching have intensified the threat. Illegal killing is when wild animals are killed for food, sport, or bush meat. Killing and poaching of India's magnificent wild animals constitutes a crime against the environment as well as a threat to the cycle of wildlife. Whereas poaching is one method of illegally shooting wild animals for trophies, ivory, various species' fur, and claws is called poaching. Elephants, tigers, and rhinos, three of India's most endangered species, are the main targets of poaching in India for the wildlife trade. Tigers have been hunted for more than a thousand years as status symbols, decorative items, mementos, and ingredients for traditional remedies in Asia. Up until the 1930s, the sport hunting industry was likely the main factor in the reduction of tiger numbers. Tigers in the wild were in danger of going extinct in early years of 90s due to the

²³⁴ Conservation issues | WWF India, https://www.wwfindia.org/about_wwf/priority_species/bengal_tiger/conservation_challenges/, Last accessed on September 22, 2022.

²³⁵ WWF- World Wildlife Fund or World-Wide Fund for Nature is an international non-governmental organization for wildlife conservation of endangered species.

²³⁶ Living Planet Report 2022, www.worldwildlife.org

²³⁷ IUCN- International Union for Conservation of Nature is an international organization aims to conserve nature and sustainable use of natural resources.

²³⁸ What are the consequences of the overexploitation of natural resources? IBERDROLA, <https://www.iberdrola.com/sustainability/overexploitation-of-natural-resources>

commerce involving the use of tiger bone in traditional Asian medicine. The primary immediate threat to the remaining tiger population is poaching.²³⁹

2.4.5 *Climate change*

Biodiversity in nature is a self-sustaining force. It is equipped with every element necessary for flawless operation. However, friction from climate change has hampered this engine's efficient operation, and wildlife species are suffering the most as a result. It has an impact on their very being. The fast evolution of wild animals that results in mutation and the loss of genetic diversity is the most obvious effect of climate change. Given that genetic differences are connected to adaptation, they are crucial for survival.²⁴⁰ Warming and other forms of climate change pose the greatest threat to the world's animal populations. This was aided by human-caused climate-altering activities such as burning fossil fuels.

2.4.6 *Other reasons*

Road Crush- As more wild animals have been hit and killed by cars on Indian roadways over the past few years, roadkill has emerged as a new threat to the country's biodiversity. New motorways cutting through the jungle and a lack of prey are driving Indian wildlife towards the towns.

Railway Track- Numerous incidents involving trains in India have resulted in the death of wild animals. In 2013, seventeen Indian elephants were killed along the Chapramari railroad in West Bengal. A number of Indian refuges for wildlife and forests are crossed by railway tracks.²⁴¹

Feral dogs- Indian street dogs, feral dogs, and stray dogs are some of the country's worst problems for both locals and animals. Numerous domestic dogs of the desi breed can be found in rural India in their millions, attacking various Indian wild animals and spreading diseases to wolves, dholes, and jackals, as well as breeding with wolves in Ladakh.²⁴²

Electrocuted (electric fence)- To limit the migration of wild animals, electrical fences are now employed for agricultural fences along with distinct security-sensitive locations. Electrocutions of animals is becoming more common in India, as evidenced by reports of the deaths of 179 elephants in Odisha, tigers in Maharashtra, and leopards in Gujarat and Karnataka.²⁴³

Since these fences are unlawful, wildlife is being forced to alter its normal migratory path. In India, elephants, sloth bears, tigers, leopards, and bird species are the most often electrocuted species. Therefore, for preserving the balance of ecosystem as well as rescue the earth, it is

²³⁹ Conservation issues | WWF India,

https://www.wwfindia.org/about_wwf/priority_species/bengal_tiger/conservation_challenges/, Last accessed on September 22, 2022.

²⁴⁰Skusudeep Soni, Impact of Climate Change on Wildlife Animals- Times of India, <https://timesofindia.indiatimes.com/readersblog/essay-writing/impact-of-climate-change-on-wildlife-animals-32418/>, May 23, 2021.

²⁴¹ Sangita Mitra, Elephant Mortality on Railway Tracks of Northern West Bengal, India, Asian Elephant Specialist Group, Gajah 46 (2017), www.asesg.org

²⁴² Purva Variyar, Feral Dogs Vs. Wildlife- A Human- made Disaster in the Making, Wildlife Conservation Trust, November 2022, www.wildlifeconservationtrust.org

²⁴³ Nimain Charan Palei, Bhakta Padarbinda Rath, Deepak Ranjan Behera, Mortality Patterns of Asian Elephants in Odisha, Eastern India, Asian Elephant Specialist Group, Gajah 54 (2021), www.asesg.org

necessary to save wildlife alongside the endangered plant as well as animal species. Governments all around the world are working to achieve this goal by passing laws and Acts and ensuring their effective implementation in order to protect and conserve species. “*Protected areas, biosphere reserves, national parks, and sanctuaries*” have all been founded by India’s government in reaction to these threats. From its inception in 1936 to its rebranding in 1936 as “*Jim Corbett National Park*,” first park went by many names. The country now has 104 national parks as of April 2012. After that, the addition of new national parks was a slow but steady process. In order to back it up, the country set up around 500 animal sanctuaries and 18 biosphere reserves. With the help of Project Tiger, 41 of the 515 wildlife sanctuaries at this time are officially designated as Tiger reserves. Additionally, in an effort to preserve India's natural ecosystems, the government has passed a number of laws and regulations.²⁴⁴

2.5 CONCLUSION

An attempt is made to present a brief overview of wildlife in India by highlighting important events that contributed to the extinction of some of our native species with the habitats they inhabited. With an approachable tone that goes beyond just reporting the facts, India's Wildlife History connects the dots between the country's ecological history and its current state. Forest communities, wildlife conservation in its many forms, the historical context of wildlife protection and exploitation, and notable figures are all part of the chapter.

Examining the effects of hunting throughout the Mughal and Raj eras, starting with allusions to the “wild and dangerous” in the Ramayana, the Vedas, and other texts. Next, we looked at how “royal hunting preserves” came to be, how big game hunters like Jim Corbett shifted their focus from guns to cameras, how people’s attitudes towards wildlife changed over time, the early success of Project Tiger, and the current wildlife problem. It was also noticed about the other strategies that centre on conservation efforts inside communities. Although it may be appealing, pessimism is deceiving. One possible takeaway from this research is that there was hope in the past.

In ancient times, the Rishis had cautioned against the loss of wildlife due to deforestation because they understood the significance of animals. In ancient times, different kinds of fruits, trees as well as animals were linked to different birth stars in human society. This shows how deeply rooted nature is and how important it is. There is a strong bond between indigenous peoples and the natural world. One example is totemism; a practice wherein tribal communities link their clans to specific plants or animals. As a result, members of these clans are believed to have shared ancestry and engage in a strict code of conduct that forbids interclan sexual relations (exogamy). This custom played a paramount role in preserving endangered species. Environment’s Protection was a responsibility, and any damage may result in a fine proportional to its usefulness, in accordance to *Manu Smriti*, a leading ancient as well as foremost *Smritis*, which is believed to have been written around 200 B.C. The monarch was obligated to do something. Additionally, Dharmashastras state the same thing. The forest and the activities related to wildlife are mentioned in all ancient texts. These texts cover a wide variety of topics, which includes themes such as forest importance, wildlife's place in religion

²⁴⁴ Wildlife Sanctuaries, Wildlife Institute of India, www.wii.gov.in

and daily life, and wildlife exploitation, preservation efforts, conscious efforts to preserve wildlife for future generations, restrictions on overexploitation, and much more.

Wildlife conservation and protection is a major concern in India due to rising concerns about illicit trafficking and resource exploitation. It is imperative that all levels of government, as well as residents of the protected areas, non-profits, government agencies, the general public, and law enforcement agencies, work together to achieve this goal. In addition to its abundant natural resources, India boasts a long and illustrious history of cultural, indigenous natural resources, as a result, the country's population is very diversified. Therefore, protecting this precious resource and maintaining a balanced ecosystem should be everyone's first priority. Regardless of whether the country's regulations meant to safeguard animals and their environments have been enacted and are being enforced, it is nevertheless evident that the actual situation on the ground differs from what the laws intend. The hunting and trading of animals for human benefit continues, as does the maltreatment of wildlife. Animals and their habitats are negatively affected by human activities that include the uses of dangerous compounds, namely in manufacturing, construction, recreation, transportation, and everyday living. Even though these regulations have been passed, wildlife trading and illicit hunting in India still go on.

It is evident from the study of religion and wildlife that all of India's religious philosophies have contributed to the idea of protecting India's wild creatures. Killing or destroying these priceless gifts of nature, namely wild animals, is forbidden and condemned in Hinduism since, according to the religion, every species is interdependent in some way. Since almighty, the supreme is responsible for creating all living things, protecting them is a human obligation; after all, if man is unable to produce something new, then he has no right to kill it. There are numerous passages in the "*Quran*" as well as "*Hadith*" that stress the significance of preserving our planet's flora, fauna, soil, water, and air. Conserving as well as preserving are fundamental values in Sikhism since everything is seen as an incarnation of God. The teachings of nonviolence are central to Jainism and Buddhism. Cruelty to animals, including sacrifice, was something they strongly opposed.

We are now able to gain a better understanding of the various religious activities and the ways in which they are connected to the natural world. This is because we have a better understanding of how animals are depicted in religious texts and how these allusions may have an effect on the ideas that people have about the natural world. In light of this, numerous ancient Hindu texts including the Vedas, Upanishads, Bhagavad Gita, Islam, Jainism, Buddhism, and Sikhism contained teachings that addressed environmental protection and the care of wild species. Nevertheless, these ideas are supported by moral authority rather than statute. Environmental and animal ethics have become worthless coins, to the point where even this moral sanction has lost its importance. Over time, the necessary sincerity was lacking in the application of the timeless knowledge contained within these writings. They banished the old knowledge that had a feeling of sympathy for all living things. At first, the decline in value was gradual. But technology progress hastened not just economic growth but also environmental degradation and the extinction of many species. Though it has benefited humans, technological and scientific progress has proven disastrous for the existence of wild animals.

Every state must implement these laws properly and rigorously, and public education regarding wildlife's conservation is thus essential. The district along with the municipal level conservation efforts and the successful execution of wildlife protection regulations are the state government's responsibility. Effective ideas, solutions are urgently needed for wildlife protection in India and wildlife conservation. The government must address the current demands and needs of the people when numerous animal species are on the brink of extinction. It is necessary for the state and federal government to work together and carry out all relevant legislation. Using preservation techniques for safeguarding animals, stop unlawful poaching, and market this wildlife in general and endangered species.

CHAPTER III
INTERNATIONAL CONVENTIONS AND ORGANIZATIONS
GOVERNING WILDLIFE

Within the context of an introductory statement of this chapter, the broad international reach of wildlife has been discussed. An overview of the most important international wildlife conventions and non-governmental organizations is the goal of this chapter. The function of *NGOs* has been investigated in relation to the preservation of wildlife. Secondly, wild animals are explained in a concise manner as both an experimental instrument and a source of entertainment.

"It would be absolutely useless for any of us to work to save wildlife without working to educate the next generation of conservationists." - Jane Goodall²⁴⁵

3.1 INTRODUCTION

International agreements and treaties protecting animals are necessary for the preservation of biodiversity and the sustainable use of natural resources on a global scale. The signing of these accords represents a united front among governments committed to ending illegal wildlife trade, poaching along with protecting habitats and endangered species. Through collaboration and the distribution of duties, at these gatherings, we hope to promote ecological harmony, rally behind conservation efforts, and learn to live in harmony with nature. The importance of these multinational organizations in protecting the world's diverse wildlife from threats like climate change and habitat loss is growing as the world's population gets smaller and smaller.

As the number of threats to biodiversity continues to rise, the governance of wildlife on a global scale is becoming increasingly important. Many factors, like as habitat loss, global warming, illicit trafficking, and poaching, are contributing to these threats. In the midst of states grappling with these difficulties, international treaties and organisations have evolved as crucial vehicles for forging collaboration, establishing legal frameworks, and supporting sustainable practices to safeguard wildlife species along with their habitats where they live. When it comes to international treaties meant to preserve and safeguard wildlife and natural resources, India is and will be at the forefront.

One of the cornerstones of international wildlife governance is “*Convention on Biological Diversity (CBD)*”, adopted in year 1992 at “*Earth Summit in Rio de Janeiro*”. The CBD aims to conserve biological variety, promote equitable utilisation of genetic resources, and ensure balanced utilisation of its components. This legally binding treaty sets out commitments for countries in order to formulate plans for the protection of biodiversity on a national scale, thereby encouraging concerted global effort to safeguard ecosystems and species.

Another key instrument is “*Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*”, established in 1973. *CITES* oversees trading of species that are endangered internationally by instituting permit system, implementing stringent regulations to forestall their overexploitation. Sorting species according to their level of protection and the impact of trade, *CITES* plays a critical role in ensuring that international commerce does not threaten wildlife populations. Its effectiveness is enhanced by the collaboration of member countries, which work together to enforce regulations and share information about endangered species.

In addition to these conventions, various international organizations contribute significantly to wildlife governance. “*International Union for Conservation of Nature (IUCN)*” serves as world-renowned expert on environmental hazards and steps to protect them. Through initiatives as in “*Red List of Threatened Species*”, IUCN also provides essential data that informs conservation strategies and policy decisions worldwide. Furthermore, the World Wildlife Fund (WWF) and similar NGOs mobilize resources, advocate for policy changes, and

²⁴⁵ Jane Goodall is an English zoologist, primatologist and anthropologist.

engage local communities in conservation efforts, highlighting the importance of grassroots participation in safeguarding biodiversity.

The interplay between these conventions and organizations illustrates a multi-faceted approach to wildlife governance. While conventions provide a legal framework, organizations often focus on implementation and advocacy, bridging the gap between policy and action. Collaborative efforts, such as transboundary conservation initiatives, exemplify how countries can work together to manage shared resources and protect migratory species.

Despite significant progress, challenges remain. Issues such as inadequate funding, lack of political will, and the need for the purpose of enhancing developing nations' capacity can hinder effectiveness of these international frameworks. Additionally, emerging threats, such as the consequences of changing climate on wildlife habitats as well as the rise of new illegal trade routes, demand adaptive strategies and enhanced international cooperation.

In conclusion, international conventions and organizations are indispensable in the ongoing struggle to protect the planet's wildlife. By fostering collaboration, establishing legal frameworks, and promoting sustainable practices, they create a platform for nations to address the complex and interconnected challenges facing biodiversity. As we move forward, strengthening these frameworks and ensuring their effective implementation will be crucial for securing a sustainable future for wildlife and the ecosystems upon which we all depend. It is our moral and ecological responsibility to ensure that biodiversity continues to thrive, highlighting inherent worth of every living thing in preserving the fragile equilibrium of our world.

The extinction of several species of birds and animals is a sad reality of our modern world. Land development along with farming are displacing natural plant and animal habitats. Fact number two: fur, jewelry, meat, and leather are all products of animals that are hunted or poached. The killing of animals for their fur, jewelry, meat, or leather is another leading cause of animal extinction. Wildlife will soon join the ranks of the extinct unless drastic measures are taken to save them.

Humanity will likely go extinct as a species if many animal species go extinct. This means that we humans have an obligation to protect not only other species but also our own planet and, most importantly, our own lives.²⁴⁶

3.2 INTERNATIONAL CONVENTIONS AND TREATIES

There are two main approaches that international treaties and conventions with the goal of protecting wildlife and natural resources have taken: protecting species and protecting habitats or ecosystems.²⁴⁷ In order to better understand how to safeguard wildlife, the researcher often goes into detail about various international conventions and treaties. The most significant wildlife conservation efforts undertaken by nations are detailed in this chapter.

²⁴⁶ Sneha Mahawar, International conventions and treaties dealing with wildlife, June 24, 2021.

²⁴⁷ International Wildlife Law: Protecting Global Biodiversity, Lewis & Clark Law School, available at: <https://www.environmentallaw.lclark.edu> (last visited on December 10, 2024)

3.2.1 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Federal governments and regional trade agreements groups freely join international CITES. In 1963, members of “*International Union for Conservation of Nature*” (IUCN), CITES was drafted after the passing of a resolution. Both the governmental along with non-governmental groups alike are part of IUCN. It equips public, corporate, & NGOs with the information as well as tools they need to improve society, grow economically, and protect the environment simultaneously. July 1975 marked the official start of CITES. A total of 183 nations and presently engaged in regional economic integration. The mission of the CITES is protection of endangered species from worldwide trade in botanical along with animal specimens. Based in Geneva, Switzerland, the “*Secretariat*” of CITES runs under the supervision of “*United Nations Environment Programme- (UNEP)*”. Performs consultative, coordinating, service functions in convention’s operations. “*Conference of the Parties-(CoP)*”, all Contracting Parties to the CITES Convention comprise the primary decision-making authority. South Africa's Johannesburg hosted the 17th Conference of the Parties in 2016. Both 1983 along with 1981 CoPs were held in India. The parties are bound by CITES by law, although it does not supersede a country's own laws. Instead, it lays out a procedure that both sides must follow; ultimately, it is up to each country to pass its own laws to make CITES a reality.

3.2.1.1 Function of CITES

- Barriers on international trade of specific species is the main mechanism by which the CITES achieves its goals.
- There must be a licensing mechanism in place to authorize the introduction, import as well as export, further re-exporting, of certain species covered under this convention from the sea.
- In order to oversee the licensing procedure and offer advise on how trade impacts the legal status of the species, Convention parties must appoint Management Authorities and Scientific Authorities, respectively.
- Different methods of protecting species from overexploitation are detailed in all three Appendices of convention.²⁴⁸

3.2.1.2 India and CITES

The Indian government has been a signatory to the CITES treaty since 1976, marking the beginning of the country's involvement in protecting endangered plant and animal species. India has made numerous measures to safeguard its species and adhere to the regulations laid down by CITES, earning it the reputation of an engaged CITES Party:

- The international trade of wild animals that are considered endangered is illegal in India.
- Import licenses and export certifications are two of the tools India uses to rein in alien species that are invasive.

²⁴⁸ CITES, available at: <https://www.cites.org> (last visited February 1, 2023).

- For the purpose of enforcing CITES requirements, “*Ministry of Environment and Forests*” maintains a CITES Cell. This cell provides support to the Indian government in carrying out the CITES program in a legal, administrative, and technical sense.
- Of the world's 34 most biodiverse regions, four are located in India: the “*Himalayas, Western Ghats, Indo-Burma, and Sundaland.*”
- Diversity of species: Up to seven or eight percent of the species from whole world, according to CITES, India is the home to these species.

Trading species or specimens requires a CITES permission, which can be obtained by anyone with lawful possession of the item in question. The State Wildlife Authority issues “*Legal Procurement Certificates*” (LPCs) to those who apply for permits.²⁴⁹

3.2.2. CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (CMS)

“*Conservation of Migratory Species of Wild Animals*” also called “*Bonn Convention*”. Concerning commercial exploitation of wild animals, only this treaty addresses the matter. There are 173 migratory species that it protects at the moment. November 1, 1983 was the date of the Convention's enforcement. Since its inception in 1984, the Convention has been run by the Secretariat. There were 130 signatories to the Convention as of November 1, 2019, with 129 nations and the EU making up that total. As of this past November, the Maldives became the newest member. Covered Species- The Convention has two appendices that address covered species.

Migratory Species- Species that migrate do so in response to conditions of changing environment, such as those affecting food availability, temperature, and shelter. Migratory species often and reliably traverse international borders. Conservation of species within or passing through a state's borders or jurisdiction is to be defined under this treaty. “*Migratory species connect the planet and we welcome them home.*” At CMS COP-13, this was the main topic. At CMS COP-13, the Great Indian Bustard, or Gibi, served as the official mascot. The IUCN has designated it as a species in perishing jeopardy, and the WPA, 1972 has placed in most stringent category of protection, Schedule I.

3.2.2.1 India & CMS

- Since 1983, India has formally joined the Convention.
- On preserving as well as the managing of “*Siberian Cranes (1998), Marine Turtles (2007), Dugongs (2008), and Raptors (2016),*” India together with CMS has signed non-binding “*Memorandum of Understanding (MoU)*”.
- India accounts for almost eight percent of the world's total biodiversity, although only covering 2.4% of Earth's land area.
- Among Arctic and the Indian Oceans lies the Central Asian Flyway, a vast network of bird flyways that covers the Indian subcontinent. Along this flyway live nearly 279 populations

²⁴⁹ Dr. S K Khanduri IFS (Retd), Former IGF WL, Ministry of Environment, Forests, and Climate Change, Government of India and Principal Chief Conservator of Forests, Government of Kerala, “Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)- Implementation in India for Conservation of Biological Diversity” 2024/02/IGNFARF (2024).

of 182 species of migratory waterbirds, inclusive of 29 species that are considered to be globally endangered.

- India provides temporary refuge for a number of migratory species. Currently, India is serving as a temporary home for a number of species, including the amur falcon, humpback whales, dugongs, bar-headed geese, marine turtles and back-necked cranes.
- The UNEP has overseen Convention on Migratory Species (CMS) since 1983 with the goal of protecting migratory species in all the nations where they occur.
- To ensure the continued presence of migratory species in all of the nations where they make their home, the UNEP established the CMS in 1983.
- This convention provides a worldwide forum for the preservation and responsible use of migratory species and the places they call home. The Convention establishes the lawful basis for globally coordinating conservation efforts across a migratory range and unites the States that migratory animals travel through, known as the Range States.
- The 13th Conference of Parties (COP) held from February 17th to 22nd, 2020, was hosted in Gandhinagar, Gujarat for the Convention CMS.²⁵⁰

3.2.3 CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

In 1992, “*Earth Summit*” in “*Rio de Janeiro*” was a historical turning point for environmental leaders, who came up with holistic plan- “*sustainable development*”, for ensuring that future generations could live comfortably on a planet that was both habitable and healthy for them. The CBD, was a landmark agreement reached at the Rio conference.

A global legal agreement with 196 ratifying nations, *CBD* is devoted to “*the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the utilization of genetic resources.*”

The targets of Aichi Biodiversity

At its “*Nagoya Summit*”, CBD endorsed “Aichi Biodiversity Targets.” These targets are an array of twenty inspirational yet achievable objectives that make up this short-term plan. Following is a classification of them:

- **Strategic Goal A:** Stop biodiversity loss in its tracks by making it a priority in governments and societies at large.
- **Strategic Goal B:** Minimize immediate effects on biodiversity while maximizing utility over the long run.
- **Strategic Goal C:** The purpose of this goal is to endeavour in order to increase biodiversity, and it includes species, ecosystems, and genetic variety as components of this objective.
- **Strategic Goal D:** The ecosystem services as well as benefits of biodiversity should be expanded to include all aspects of society.
- **Strategic Goal E:** In order to improve implementation, planning’s participatory capacity building, knowledge management techniques should be utilised.²⁵¹

²⁵⁰ CMS| Convention on the Conservation Migratory Species, available at: <http://www.cms.int> (last visited March 29, 2023).

²⁵¹ Convention on Biological Diversity, available at: <https://www.cbd.int> (last visited on March 29, 2023).

3.2.3.1 India and CBD

CBD received India's Sixth National Report on Biological Diversity, which was filed not too long ago. India is not only first country in Asia and among the megadiverse countries that are rich in biodiversity, but along with three other nations, India was one of the world's first to hand in the report. A national report is a mandatory component of the reporting requirements for organisations that are signatories to international treaties like CBD. The responsible nation of India has never failed to fulfil its international responsibilities, and it has previously submitted five national reports to the CBD in a timely manner.

Key Highlights of the Report

The study's most notable feature is its status report on the twelve national biodiversity objectives (NBTs) that were established during the convention and are in line with the twenty global targets of Aichi biodiversity. The research states that India is on pace to accomplish eight NBTs and has already surpassed or surpassed two of them. The report states that India has achieved 17% of the terrestrial component of Aichi objective 11 also 20% of the applicable NBT for biodiversity-managed areas.

There is an estimated annual need of around 1,09,000 crore rupees for biodiversity initiatives, although India has been contributing a substantial amount- 70,000 crores- indirectly through numerous development projects operated by the federal and state governments.

The twelve national biodiversity targets set by India were these:

- I. In 2020, a crucial portion of population, mostly young people, will understand the value of biodiversity and be willing to do what they can to preserve and responsibly utilise it.
- II. Implementation of national and state plans, development programs, and strategies to alleviate poverty take biodiversity values into account by 2020.
- III. We have established measures to reduce the pace of deterioration, loss of all-natural habitats and fragmentation by 2020. We have also adopted activities to improve the environments and ensure well-being of humans.
- IV. Strategies for reduction of genetic erosion and protecting genetic diversity of farmed plants, farm animals, & the wild relatives, as well as other species with social, economic, and cultural significance, will have been devised and put into place by the year 2020.
- V. To ensure the management of populations of prioritised invasive alien species, it is necessary to identify these species and their paths by 2020 and establish strategies to control them.
- VI. Agriculture, forestry, and fisheries are managed in a sustainable manner by 2020.
- VII. By 2020, more than 20% of the country's landmass and all of its inland and coastal waters, and also the marine zones, will have been ecologically preserved through fair and effective management of protected areas (PAs) and other conservation strategies, that are area based; these areas will have been seamlessly integrated into the country's broader landscapes and seascapes, and they will have been home to species, biodiversity, and ecosystem services.
- VIII. By 2020, we will have identified the services of ecosystems which are most significant for livelihoods, human health and water, and we will have developed plans to safeguard

these services, with a focus on meeting the needs of women and marginalised populations.

- IX. National laws will put into effect by 2015, provisions of Nagoya Protocol pertaining to access to resources that are genetic along with the equitable distribution of benefits generated by their utilisation.
- X. Every level of government must work together by 2020 to implement a national action plan for biodiversity that is both effective and participatory.
- XI. By 2020, national initiatives will have been reinforced to protect traditional biodiversity knowledge based on community members' experiences, in line with national laws and international agreements.
- XII. By 2020, in order to support implementation of national targets & 2011-2020 *Biodiversity Strategic Plan*, we have identified and implemented the Resource Mobilisation Strategy. This strategy will allow for the expansion of financial, human, and technological resources.

Two of India's twelve National Biodiversity Targets have been met or surpassed. Additionally, India is aiming to accomplish the remaining two goals by 2020 and is now well on its way to completing eight of them.

In 2011, the United Nations Convention on Biological Diversity established the 20 targets of Aichi Biodiversity, which are compatible with India's NBTs. The alarming decline in species richness prompted the establishment of the Aichi objectives. Reduction of pressures on biodiversity, improving its status, increasing its benefits, and improving implementation are the five strategic goals upon which the targets are based.

“*National Biodiversity Strategies and Action Plans*” (NBSAPs) are required of all parties under CBD. Additionally, parties must compile reports on a national level.²⁵²

3.2.4. WORLD HERITAGE CONVENTION (WHC)

“*World Heritage Convention- WHC*” is a crucial tool of conservation efforts on a global scale. In 1972, the Convention was founded with the principal objective of cataloguing and preserving cultural and natural artefacts that are determined to possess Outstanding Universal Value. It embodies a grand vision: that certain locations are so important that safeguarding them should be everyone's duty, not just that of any one country, but of the entire global community, for both the present and the generations to come.²⁵³

After the World War I, the concept of a global campaign to preserve cultural artefacts began to take shape. One of the most important things about the WHC is that it combines the ideas of protecting natural areas and cultural artefacts into one single document. The Convention acknowledges the interplay among natural world together with humans and critical importance of maintaining harmony between the two.

²⁵² Convention on Biological Diversity (CBD), Ministry of Environment, Forest and Climate Change, available at: <http://www.moef.gov.in> (last visited on March 31, 2023).

²⁵³ Chapter 1 Wildlife Law, International Conventions, Thomson, Environmental studies, Thomson Ecology Handbook, Thomson Environmental Consultants, www.thomsonec.com

3.2.4.1 UNESCO-WHO

“The United Nations Educational, Scientific, and Cultural Organization's General Conference adopted the Convention on the Protection of Cultural and Natural Heritage of the World on November 16, 1972.” The global Heritage Convention of UNESCO is responsible for the preservation of cultural, natural sites that are considered global heritage sites.²⁵⁴ The preservation of natural heritage sites is an important responsibility of the wildlife department of India's Ministry of Environment and Forests. Additionally, with the support of external funds, we have initiated a wildlife conservation project. There will be two distinct phases of the project, which will each take ten years to complete. The project will be carried out at four world heritage sites located in India: Kaziranga, Manas, Nanda Devi, and Keoladeo National Parks.²⁵⁵

3.2.4.2 Indian natural landmarks are listed as following:

3.2.4.2.1 Conservation Area of Great Himalayan National Park (2014)

- Great Himalayan National Park, in the Indian state of Himachal Pradesh, is famous for its towering mountain peaks, mountain meadows, along with riverine forests. The park can be found in the western part of the Himalayan Mountain range.
- It includes land that collects water from glaciers and snowmelt, which in turn feeds into several rivers.
- It provides an oasis for many different kinds of wildlife, that includes some organisms that fall under the danger of extinction, thanks to its 25 distinct forest types.²⁵⁶

3.2.4.2.3 Kaziranga National Park (1985)

- The park was officially established in 1974.
- Its 42,996 hectares are situated in Assam, India. The valley of Brahmaputra floodplain is home to the biggest untouched and representative region, which happens to be this park.
- A tiger reserve was established there in 2007. The total area of the tiger reserve is 1,030 sq. km., including a core area of 430 sq. km.
- In 1985, UNESCO recognised it as a World Heritage Site.
- As a significant bird area, it has been recognised by BirdLife International.²⁵⁷

3.2.4.2.4 Keoladeo National Park (1985)

- Up until the late 1800s, this marshland in Rajasthan was used as a duck hunting reserve. Unfortunately, the hunting season ended not long after, and in 1982, thus, a national park was formally established in the region.
- 375 different bird species and many other animals call Keoladeo National Park home. Notable resident breeding populations of non-migratory birds include the imperial eagle

²⁵⁴ The World Heritage Convention, available at: <https://whc.unesco.org> (last visited on April 1, 2023).

²⁵⁵ UNESCO World Heritage Centre, World Heritage List, available at: <https://whc.unesco.org> (last visited on April 2, 2023)

²⁵⁶ Great Himalayan National Park Conservation Area, Ministry of Culture India, available at: <https://www.indiaculture.gov.in> (last visited on April 1, 2023).

²⁵⁷ UNESCO World Heritage Centre, Kaziranga National Park, available at: <https://whc.unesco.org> (last visited on April 1, 2023).

and greater spotted eagle, as well as the Siberian crane, a species in urgent decline, and migratory waterfowl from the Palaearctic.

- A large number of non-migratory birds make their home there and breed there.²⁵⁸

3.2.4.2.5 Manas Wildlife Sanctuary (1985)

- An area rich in biodiversity can be found in Assam's Manas Wildlife Sanctuary. It is a section of the Manas Tiger Reserve and is on the banks of the Manas River.
- The varied terrain of the location, which includes hilly terrain, grasslands, and tropical evergreen forests, contributes to its serene atmosphere and breathtaking natural beauty.
- Tigers, larger one-horned rhinos, swamp deer, pygmy hogs, and Bengal floricans are just a few of the endangered animals that rely on it for survival.²⁵⁹

3.2.4.2.6 Nanda Devi and Valley of Flowers National Parks (1988, 2005)

- Both “Nanda Devi and Valley of Flowers National Parks”, in the Indian state of Uttarakhand, are situated amid the breathtakingly beautiful high-altitude West Himalayan landscapes.
- The rugged and mountainous terrain of Nanda Devi National Park is possessed by the summit of *Nanda Devi*, which is India's second-highest peak. However, visually pleasing alpine flower meadows can be found in the Valley of Flowers.
- A large number of animals, including the Snow Leopard and the Himalayan Musk Deer, which are considered to be globally vulnerable, call these parks home.²⁶⁰

3.2.4.2.7 Sundarban National Park (1987)

- Among the most biologically diverse habitats on Earth, Sundarbans are home to the biggest mangrove forests.
- It sits on the border between Bangladesh and India, at the confluence of the rivers Brahmaputra and Ganges. Many species of animals, including some that could soon become extinct, rely on Sundarbans Forest and rivers for survival.
- The greatest concentration of tigers on Earth may be found in mangrove forests. These majestic creatures have evolved to swim great distances in search of food, and they subsist mostly on crabs, water monitor lizards and fish. Also, these tigers have a reputation for being "man-eaters," likely because they come into contact with locals so often.²⁶¹

3.2.4.2.8 Western Ghats (2012)

- Embracing Indian states namely, Kerala, Goa, Maharashtra, Gujarat, Karnataka & Tamil Nadu, the Western Ghats form a mountain range that extends beside the western coast of India.

²⁵⁸ UNESCO World Heritage Centre, Keoladeo National Park, available at: <https://whc.unesco.org> (last visited on April 1, 2023).

²⁵⁹ UNESCO World Heritage Centre, Manas Wildlife Sanctuary, available at: <https://whc.unesco.org> (last visited on April 1, 2023).

²⁶⁰ Nanda Devi and Valley of Flowers National Parks (1988, 2005), available at: <https://www.indianculture.gov.in> (last visited on April 1, 2023).

²⁶¹ Sundarbans National Park- UNESCO World Heritage Centre, available at: <https://whc.unesco.org> (last visited on April 3, 2023).

- The Palghats are a 30-kilometer gap at about 11 degrees North that cuts across them once. These ranges cover 1600 kilometres and affect the weather patterns of the scorching heat of the Indian subcontinent is alleviated by the monsoon season and blocks the southwest monsoon winds.
- The Western Ghats are home to tropical evergreen forests and 325 endangered species.²⁶²

3.2.4.2.9 Khangchendzonga National Park (2016)

- One of the most prominent features of Khangchendzonga National Park in Sikkim is Mount Khangchendzonga, which ranks third in the world for height.
- The Park is characterised by valleys with steep sides, mountains covered in snow, and several lakes and glaciers, one of which is the 26-kilometer-long Zemu glacier, which surrounds the base of Mount Khangchendzonga.
- It protects a number of native and endangered flora and fauna and spans more than 25% of Sikkim state.²⁶³

3.2.5 RAMSAR CONVENTION

Signed in 1971 in the Iranian city of Ramsar, the Ramsar Convention is a treaty that classifies wetlands. To protect the wetlands that migrating waterbirds rely on for reproduction, numerous nations and NGOs worked together in the 1960s to negotiate the treaty. Since its inception in 1975, the Ramsar Convention has worked to promote sustainable development on a worldwide scale by coordinating initiatives in the area, national as well as international levels for protecting and wisely utilise world's wetlands.

As of October 2020, there are 171 parties that have agreed to abide by the *Ramsar Convention*. Specifically, the treaty aims to protect "Wetlands of International Importance" for their role as fish and bird habitats. To our knowledge, no other international pact has ever focused on a single ecosystem (wetland.) The original intent of the treaty was to ensure the safety of areas that were home to waterbirds. Through the years, the treaty's purview has grown to encompass the preservation of all types of wetlands.

There are three main areas addressed by the Ramsar Conventions:

- Designating suitable wetlands within their respective territories is a requirement for 171 parties contracting with the List of Wetlands by Ramsar which are of International Importance.
- The declared wetlands require meticulous management and maintenance.
- When working with shared wetland systems that extend across multiple contracting parties' territories, all parties must exercise caution and seek appropriate consultation before proceeding.

As of the month of October in the year 2020, a list of wetlands recognised as having international significance includes 2406. Regulatory regimes do not exist inside the Ramsar

²⁶² Western Ghats- UNESCO World Heritage Centre, available at: <https://whc.unesco.org> (last visited on April 3, 2023).

²⁶³ Khangchendzonga National Park- UNESCO World Heritage Centre, available at: <https://whc.unesco.org> (last visited on April 4, 2023).

Convention. Two amendments, the Paris Protocol of 1982 and the Regina Amendments of 1987, altered the Ramsar Convention.

An instrument associated with the 1990-established Ramsar Advisory Mission is the Montreux Record. This document enumerates the Ramsar Sites that necessitate prompt action. In 1997, the inaugural World Wetlands Day took place. On February 2nd, it supports the goal of the Ramsar Convention and marks its 10th anniversary. The signatories to the convention get together for a COP once every three years.²⁶⁴

The following six international organisations are partners with the Ramsar Convention:

- IUCN, Bird Life International,
- International Fund for Wetlands,
- WWF,
- the International Institute for Water Management,
- The Trust for Wildfowl and Wetlands,
- Included with the conference is a six-year strategy plan. Most recently, during COP12, “*4th Ramsar Convention Strategic Plan 2016- 2024*” was agreed.

The 18 members of the Ramsar Convention Standing Committee serve until new members are elected at the following COP. The Convention is trilingual, using English, Spanish, and French.

The Ramsar Convention's main goal and all of the work that the Ramsar Convention does is based on these three principles:

- Wise usage- Control the inappropriate usage of wetlands.
- In accordance with the Ramsar List- List of Internationally Significant Wetlands, designate appropriate wetlands for efficient management.
- International Cooperation- To encourage nations to work together on issues involving shared wetland systems, species, and transboundary wetlands.

Definition of Wetlands

As per the expansive definition provided by the Ramsar Convention,

“Areas of marsh, fen, peatland, or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish, or salt, including areas of marine water whose depth at low tide does not exceed six meters,” constitute wetlands.

Wetlands comprise of rivers, mangrove forests, marshes, swamps, coastal & marine environments- estuaries, coral reefs, tidal flats, coastal lagoons, and inland wetlands includes- lakes, ponds, peatlands, floodplains, deltas.²⁶⁵

²⁶⁴ Ramsar Convention, available at: <https://www.ramsar.org> (last visited on April 5, 2023).

²⁶⁵ Michael Bowman, Peter Davies, et.al., *Lyster’s International Wildlife Law* 406 (Cambridge University Press, New York, 2nd edn., 2010).

3.2.5.1 India and Ramsar Convention

The Ramsar Convention has recognized 96 sites in India. Ten more wetlands in India are now protected by the Ramsar Convention and listed as Maharashtra's first state i.e; *Nandur, Punjab's Beas Conservation Reserve, Keshopur- Miani Community Reserve and Nangal Wildlife Sanctuary & Wetland*, and from UP's: *Nawabganj Bird Sanctuary, Saman Wildlife Sanctuary, Sandi Bird Sanctuary, Parvati Agra Bird Sanctuary, Samaspur Bird Sanctuary and Sarsai Nawar Jheel (wetland)*. The "Nal se Jal" program in India is quite ambitious; by 2024, it hopes to have piped water available to every home. This expansion will help them achieve this goal.

3.2.5.2 India and Wetland Conservation

On February 1, 1981, the Ramsar Convention on Wetlands was ratified by India. The following are part of India's national wetlands conservation schemes, which encompass 4.63 percent of the country's total land area:

- The 2017 Rules for conserving as well as managing of Wetlands.
- To put 2017 Wetland Rules into action, *Ministry of Environment, Forest & Climate Change* issued set of instructions in January 2020.
- The following wetlands were subject to Indian regulation:
 - Under the Ramsar List, wetland areas are designated.
 - Notification of these wetlands is required by federal, state, and Utah regulations.
- The Wetlands Rules in India do not apply to the following wetlands:
 - Channels along rivers.
 - Fields of rice.
- Man-made bodies of water are built with certain purposes in mind, including but not limited to irrigation, recreation, salt production, aquaculture, and drinking water.
- FCA of 1980, State Forest Acts, and *Indian Forest Act, 1927* all served to safeguard wetlands.
- The WPA, 1972 serves as a legal shield for some types of wetlands.
- To which the "*Coastal Regulation Zone Notification*" of 2011 applies to certain types of wetlands.²⁶⁶

3.2.6 TRADE RECORDS ANALYSIS OF FLORA AND FAUNA IN COMMERCE (TRAFFIC)

In the interest of sustainable development along with biodiversity conservation, a preeminent non-governmental organization known as the Wildlife commerce Monitoring Network (TRAFFIC) focusses on wildlife commerce. It is a collaborative effort between WWF and the International Union for the Conservation of Nature (IUCN). It has expanded from its 1976 inception into a worldwide network committed to delivering research-driven, action-oriented conservation solutions. Cambridge, United Kingdom is home to TRAFFIC's headquarters. The purpose of this regulation is to prevent the commercial trade of endangered species from jeopardizing ecological preservation efforts. A great number of species have gone extinct due,

²⁶⁶India's Wetland Wonder- Press Information Bureau- Government of India, available at: <https://www.ramsar.org> (last visited on October 1, 2024).

in large part, to the illicit wildlife trade. For instance, 448 rhinos were illegally poached in South Africa in 2011 to meet the record demand for rhino horn. Years of progress in rhino protection in Africa might be undone if this happens.

3.2.6.1 Purpose of TRAFFIC

- The organisation has been instrumental in shaping international wildlife trading conventions since its inception.
- Its primary goal is to bring together experts in the field to share information and resources regarding the most recent developments in the global wildlife trade, including tiger parts, elephant ivory, and rhino horn.
- As part of our ongoing efforts to strengthen policies and provide rapid outcomes, we also handle large-scale commercial trade in commodities including timber and fishery items.²⁶⁷

3.2.6.2 India and TRAFFIC

- WWF-India's TRAFFIC program division has been in operation out of New Delhi since 1991.
- Ever since, it has maintained tight relationships with a wide range of organisations and national and state governments to support research, monitoring, and efforts to end illegal wildlife trade.
- TRAFFIC trains and gives feedback to a diverse group of authorities in India who are involved in wildlife enforcement and other related programs as part of capacity-building initiatives aimed at reducing the loophole in effective wildlife law enforcement.
- Investigating and analysing patterns in the wildlife trade.
- Visitors There are several current activities in India related to wildlife, including studies of tiger and leopard poaching and trade, owl and peacock commerce, hunting community dynamics, medicinal plant trade, bird trade, and more.

Raising Awareness

- “*Don't Buy Trouble,*” an early consumer awareness campaign by TRAFFIC India, cautions tourists to think twice before purchasing trinkets from unfamiliar places. Reserves, airports, parks, travel agencies, wildlife lodges, schools, and college/universities are just a few of the important places where the program has been incredibly successful since 2008.
- The illegal trade in body parts poses a threat to 4 Asian big cats and is the subject of the “*WANTED ALIVE*” series by TRAFFIC.
- Fighting wildlife crime through fostering international alliances.
- TRAFFIC played a key role in coordinating the foundation of SAWEN, the *South Asia Wildlife Enforcement Network*, among nations of *South Asia*.
- The Royal Government of Bhutan held an intergovernmental conference in the town of Paro, Bhutan, in January 2011 to formally create SAWEN. A primary objective of the SAWEN project was to encourage regional governments to collaborate in the fight against wildlife crime.²⁶⁸

²⁶⁷ TRAFFIC| Trade in Wild Species, available at: <https://www.traffic.org> (last visited on April 5, 2023).

²⁶⁸ Ibid.

3.2.7 UNITED NATIONS FORUM ON FORESTS (UNFF)

At the Earth Summit in 1992, a UN conference on environmental development, international forest management was a hotly debated subject. A worldwide policy framework for environmentally responsible forest management has come a long way since then. When it came to developing international forest policy, the “*Intergovernmental Panel on Forests (IPF)*” was the place to be from 1995 to 1997, and since 1997 to 2000, “*Intergovernmental Forum on Forests (IFF)*” was a place to be. The International Pine Forest and *International Forestry Forum’s Proposals for Action on Sustainable Forest Management* were a major product of these groups. In order to expand upon the work done by the IPF and the IFF, the UNFF was established.²⁶⁹

United Nations Forum on Forests mandates:

Enacted in October 2000 as a subsidiary body of the “*Economic and Social Council of the United Nations (ECOSOC), the United Nations Forum on Forests (UNFF)*” aims to promote “*the management, conservation, and sustainable development of all types of forests and to strengthen long-term political commitment to this end...*” The UN Earth Summit was a turning point in UNFF’s mission and purpose. All UN Member States and specialized agencies are members of the UNFF, which has universal membership.

3.2.7.1 United Nations Forest Instrument- UNFI

On April 28, 2007, following lengthy debates, the historic “*Non-Legally Binding Instrument on All Types of Forests- NLBI*” approved by *Forum’s Seventh Session*. Many consider the instrument to be a turning point. For the first time in UN history, all member states reached a unanimous agreement on a worldwide framework for environmentally responsible forest management. Worldwide cooperation and domestic efforts to curb deforestation and forest degradation, increase sustainable livelihoods, and lessen poverty among those who rely on forests are expected to be greatly influenced by the instrument. The instrument was rechristened UNFI during the 2015 11th UNFF session. The UNFI has received the backing of more than one country. The *UN General Assembly* has given its stamp of approval to the UNFI. Details regarding the activities of the UNFF can be found on their website.

3.2.7.2 India and UNFF

India has been an active participant in the UNFF from its inception and is a founding member:

- Country- Led Initiative (CLI)

Dehradun, India, played home to the 2023 CLI, when delegates from forty nations and twenty international organisations deliberated forest fire control and certification. The suggestions made by this project were given by India at 19th session of the UNFF.

- 2019 United Nations Faculty Forum (19th Session)

²⁶⁹ UN Forum on Forests- UNFF| IISD Earth Negotiations Bulletin, available at: <https://www.enb.iisd.org> (last visited on April 6, 2023).

From May 6-10, 2024, New York City hosted the 19th United Nations Football Festival, in which India took part. A component of India's revised National Forest Policy measures to reduce the likelihood and severity of forest fires, which the country just released. Additionally, India informed the UNFF that forest cover rising at a steady rate throughout previous fifteen years.

- Forest Analysis Tool

In 2007, India embraced the Forest Instrument.

- Reported voluntarily

In 2014, during the 11th session of the UNFF, India voluntarily presented a report. Forest conservation policies, laws, and enforcement actions were detailed in the report.²⁷⁰

3.2.8. INTERNATIONAL WHALING COMMISSION (IWC)

An NGO recognised by “*International Convention for the Regulation of Whaling- ICRW*”, IWC was formed. As a whole, fifty-nine nations are part of “*International Whaling Commission*”, which oversees *commercial, scientific, and indigenous subsistence whaling*. The United States capital, Washington, D.C., was the site of its signing in 1946. The International Centre for Resource Women is based out of Impington, close to Cambridge, England. The country put an end to commercial whaling in 1986. There has been no change to this ban. One such non-governmental group that works to protect whales and regulate whaling is IWC. Legally, IWC is based on “*International Convention for the Regulation of Whaling*”. Established in 1946, this convention is among primary international environmental laws. The nations that are members of the IWC have all put their signatures on this convention. At present, the International Wrestling Congress is a member of 88 different governments worldwide. International Women's Civil Rights Workers (ICRW) was established in 1946 in Washington, DC. Ensuring adequate oversight of whale populations is the stated purpose of the Convention, as mentioned in the preamble. The outcome is a more structured environment in which the whaling industry may grow.

3.2.8.1 Whale Sanctuary

It was in 1994 that the Whale Sanctuary of Southern Ocean was formed, encircling the Antarctic continent. The International Whaling Commission has declared this region off-limits to any commercial whaling. We have only two sanctuaries which are recognised by the IWC at this time. On a tiny island republic of Seychelles in Indian Ocean sits another marine sanctuary- the Indian Ocean Whale Sanctuary.

The goals of the whale sanctuary primarily include a greater amount of responsibility been placed on the Commission since its establishment in 1946. And the International Whaling

²⁷⁰ United Nations: Economic and Social Council, *United Nations Forum on Forests: report on the twelfth session (25 April 2016 and 1 to 5 May 2017): 22 (Official records, 2017: supplement)* (United Nations, New York, 2018).

Commission (IWC) works to resolve issues such as bycatch and entanglement, pollution, and debris in the water, ship-whale collisions, and the need for sustainable whale viewing.

3.2.8.2 India and IWC

India has been an outspoken supporter of whale conservation efforts since its 1981 membership in IWC. The country has cast votes in favor of important conservation measures, including the ban on commercial whaling in 1982, the Southern Ocean Sanctuary in 1994, and Berlin Initiative in 2003.²⁷¹

3.2.9 INTERNATIONAL UNION FOR CONSERVATION OF NATURE (IUCN)

At the *French town of Fontainebleau* on October 5, 1948, the IUCN was established. With a shared goal of preserving the planet's natural resources, it united governments and NGOs for the first time in history. In addition to disseminating scientific information and resources to aid conservationists in making more informed decisions, its stated purpose was to foster international cooperation. Since its founding in 1948, IUCN has matured into preeminent worldwide authority on environmental issues and the measures needed to protect them. The resources provided by the IUCN are vital in achieving the trifecta of human flourishing, economic growth, and environmental preservation. For the first ten years of its existence, studying how humans affect the natural world was IUCN's primary focus. Environmental impact assessments, that were formerly considered antiquated, are now ubiquitous in all industries, thanks to this campaign that brought attention to the harm that pesticides inflict to biodiversity.²⁷²

Much of IUCN efforts in the 60s and 70s concerned safeguarding habitats as well as the animals that inhabit them. "*Established in 1964, the International Union for the Conservation of Nature's Red List of Threatened Species*" has grown into the preeminent database on the worldwide danger of species extinction. Several important international accords owe a great deal to the work of the IUCN. The WHC (1972), the CITES (1974), "*Ramsar Convention on Wetlands* (1971), and the *Convention on Biological Diversity*" are all examples of such agreement. With the release of the *IUCN, World Conservation Strategy* in 1980, *UNEP*, and the *WWF* symbolised a turning point in the evolution of conservation and sustainable development. The strategy guided the definition of "sustainable development" and defined the global conservation agenda. An updated plan called "*Caring for the Earth*", was released by three groups in run-up to the 1992 Earth Summit. UN Framework Convention on Climate Change, the Rio CBD, and the UN Framework Convention on Desertification (*UNFCCC*) were all shaped by it, and it laid groundwork for environmental policy on a global scale (UNCCD).

3.2.9.1 India & IUCN

In 1969, MoEFCC was responsible for India's admission as a State Member of IUCN.

²⁷¹ Ibid.

²⁷² International Union for Conservation of Nature (IUCN), available at: <https://iucn.org> (last visited on April 8, 2023).

Located- New Delhi, IUCN has India's Country Office first opened its doors in 2007. Along with its Members and Commissions, IUCN India strives to lessen the extinction of species and ecosystems by educating people about the importance of biodiversity and how to sustainably use it. The organization also works to improve policy and governance in the country so that ecosystems and habitats, particularly protected areas, are better managed. Lastly, it tackles issues like poverty reduction, food insecurity, and climate change.²⁷³

3.2.10 GLOBAL TIGER FORUM (GTF)

The GTF was established by nations that were willing to join forces in order to protect the five subspecies of tigers that are still alive today. These subspecies are located in 14 different countries that make up the tiger range. The goal of the GTF is to promote controls and appropriate programs and to launch a worldwide campaign to do just that. The only international and transnational organisation attempting to save the TIGER on a global scale is GTF, established in 1994 having New Delhi as headquarters. Once every three years, the General Assembly of GTF convenes. One of the crucial objectives of GTF is in partnership with the Governments of Nepal, Bhutan and India, along with the WWF, the GTF is undertaking a situation analysis study to evaluate the state of tiger habitat in ecosystems located at high altitudes.²⁷⁴

3.2.10.1 Integrated Tiger Habitat Conservation Program (ITHCP)

To protect wild tigers as well as their habitats, and population of humans in crucial Asian locations, the International Tiger Heritage Conservation Program (ITHCP) was launched in 2014 as a strategic financing tool. It has already helped twelve programs in six nations (India, Bangladesh, Nepal, Bhutan, Indonesia, and Myanmar) manage Tiger Conservation Landscapes more effectively. There will be more wild tigers by 2022 according to the GTRP- "*Global Tiger Recovery Programme*," which is receiving some of the money. Only the Global Tiger Fund (GTF) has the support of governments from all across the world, making it unique among worldwide organisations that aim to save tigers. Only the Global Tiger Fund (GTF) has the support of governments from all across the world, making it unique among worldwide organisations that aim to save tigers. Suggestions made at a 1993 global tiger conservation conference in New Delhi, India, led to its establishment.²⁷⁵

3.2.11 COALITION AGAINST WILDLIFE TRAFFICKING (CAWT)

A "*voluntary public-private [international] coalition of like-minded governments and organizations that share the goal of eradicating the illegal trade in wildlife and wildlife products*," the "*Collaboration Against Wildlife Trafficking- CAWT*" was formed in 2005 by US Department of State. The three goals of the CAWT are to reduce demand from consumers, increase enforcement to limit supply, and rally political support at the highest levels. According

²⁷³Medani P. Bhandari, *Green Web- II Standards and Perspectives from the IUCN Program/ Policy Development in Environment Conservation Domain- with reference to India, Pakistan, Nepal, and Bangladesh* (River Publishers, New York, 2nd edn., 2020).

²⁷⁴ Global Tiger Forum, available at: <https://www.globaltigerforum.org> (last visited on April 17, 2023).

²⁷⁵ IUCN Save Our Species, Integrated Tiger Habitat Conservation Programme, available at: <https://www.iucnsos.org> (last visited on April 14, 2023).

to a news release from the State Department in 2005, the following organizations were among the genuine members of the CAWT: Smithsonian Institution, *“Conservation International, Save the Tiger Fund, American Forest and Paper Association, Wildlife Conservation Society, Traffic International, Smithsonian Institution, WildAid, and Conservation International”*. Under the auspices of the CAWT, *“Association of Southeast Asian Nations - Wildlife Enforcement Network- ASEAN-WEN”* was granted around \$3 million by USAID, \$1 million by the U.S. State Department. In countries where wildlife products are highly sought for, this funding was utilized to bolster capacity-building initiatives.

Actor and wildlife advocate Harrison Ford was featured in one of the CAWT’s public awareness videos that came out in 2008. Viewers are urged to abstain from purchasing goods derived from animals or plants that have been involved in the illicit trade of any kind after viewing these films. *“Key global fora such as the London Conference on Illegal Wildlife Trade (2018), the INTERPOL/IFAW Cyber-Enabled Wildlife Crime Workshop (2018), the CITES Conference of the Parties 18 (2019), the INTERPOL Wildlife Crime Working Group (2019), and the First High-Level Convention on Wildlife Trafficking (2019)”* have featured the Coalition's efforts to bring attention to the problem regarding wildlife trafficking on the internet and the part played by the commercial sector in combating it from the start. The goal of these meetings was to speed up significant policy changes and promote multi-sector cooperation among NGOs, lawmakers, and law enforcement.

More than three million listings for endangered species were removed or disabled from the Coalition's platforms, according to its most recent status report (March 2020). Contributing factors included improved algorithms as a consequence of *“monitoring key search terms, stronger policies of wildlife, enhanced staff ability for detecting illegal products, reports sent in by volunteers through a Cyber Spotter program, regular monitoring and data sharing from wildlife experts, and collation and shared learning”*.²⁷⁶

3.2.11.1 India & CAWT

Joining the CAWT- an alliance of NGOs and government agencies- is one way India is working to end the illegal trade in wildlife and wildlife products. In 2006, India became a frontrunner in the Asian region's battle against wildlife trafficking by joining CAWT. In 2005, the US Department of State developed the CAWT. The governments of the US, Australia, and the UK are all involved with the CAWT, alongside India. Various international and NGOs are also part of the CAWT. Since India is involved in all three stages of wildlife trafficking- as a transit, source and destination country- in response, the government has initiated multiple initiatives. The CWT Programme combats wildlife trafficking. In 2018, this program was initiated with the aim of protecting wildlife that is at risk of being trafficked. Legal analysis, capacity development for enforcement agencies, and monitoring trade patterns are all part of the program's activity. E&L Assistance for the PAN India. By assisting enforcement agencies, this

²⁷⁶ Nurse, “A global movement: NGOs and the policing of international wildlife trafficking” *Journal of Trafficking, Organized Crime and Security* 2 (1) 50-61 (2016).

effort seeks to decrease the illicit trade in specific species. Citizen science efforts, such as the cyber spotter program, are also a part of the project.²⁷⁷

3.3 NON- GOVERNMENTAL ORGANIZATIONS GOVERNING WILDLIFE

When it comes to problems that affect more than just one country and necessitate concerted effort from all parties involved, international organisations are indispensable cogs in the global wheel. The formation of these groups is prompted by governments, international organisations, or institutions with the common goal of advancing global issues such as human rights, environmental protection, economic development and peace. Charters, treaties, or formal agreements connect member states to common responsibilities and objectives, allowing them to function.

In combating the worldwide problems of habitat degradation, illicit wildlife trade, and biodiversity loss, international organisations committed to wildlife conservation are crucial. In their global mission to save the species that are endangered and the ecosystems that support them, these groups work to bring together local communities, governments, and NGOs. International cooperation is crucial for the preservation of wildlife in light of the growing threats posed by climate change, poaching, deforestation and the over-depletion of natural resource stocks.

3.3.1 International Non- Governmental Organizations Governing Wildlife

“*World Wide Fund for Nature (WWF), the International Union for Conservation of Nature (IUCN)*”, and the CITES are just a few of the prominent international organizations that work tirelessly to protect wildlife around the world. The “*WWF, Oceana, the Sierra Club*”, and many more are making great strides to preserve world's dwindling animal populations. There are five big groups in India that are trying to protect animals from the growing number of predators. Globally, influential groups are fighting for environmental protection. In the midst of global environmental crises like climate change, which endangers the very survival of many species of animals, these organizations are advocating for sustainability. Their data is crucial, and they help to organize conservation efforts and establish legislative frameworks to safeguard ecosystems and species.

In addition to bringing attention to the value of biodiversity, these international organizations strive to incorporate conservation initiatives into development plans on both scales namely-national and international. The long-term viability of species and state of the world's ecosystems are both greatly improved by their efforts.²⁷⁸

3.3.1.1 World Wildlife Fund (WWF)

In Morges, Switzerland, the *World Wildlife Fund* commenced operating in 1962. It all started as a global effort to collect money for conservation efforts around the world. Chi-Chi, a huge

²⁷⁷ India and US sign wildlife agreement| WWF, available at: <https://www.panda.org> (last visited on April 26, 2023).

²⁷⁸ Robert Boardman, *International Organization and the Conservation of Nature* (The Macmillan Press LTD, London, 1981).

panda adopted by a London Zoo, served as inspiration for the organization's emblem. Originating in Switzerland, the World Wildlife Fund has grown to encompass more than 100 nations and counts over 5 million supporters worldwide. Nature and wildlife protection are two of the organization's primary goals. It has been a leading voice in the fight against wildlife crime and changing climate and in defence of few include the Amazon rainforest, one of the most ecologically crucial regions on Earth.²⁷⁹

3.3.1.2 OCEANA

“Rockefeller Brothers Fund, Pew Charitable Trusts, Marisla Foundation, and Oak Foundation” were the four foundations that collaborated to develop Oceana in the year 2001. Oceana was established as a result of their efforts. In its mission to preserve and restore the world's oceans, Oceana has grown into the biggest international advocacy organisation in this arena. The founders of this non-profit set out to create a stir about the worldwide significance of ocean conservation and restoration. Over one million square miles of ocean have been protected thanks to the efforts of this organisation, which is also continuing to fight against concerns such as pollution and overfishing.²⁸⁰

3.3.1.3 NATURE CONSERVANCY

Since its founding in 1946, the Nature Conservancy has been known as the Ecologists Union. The organisations began their operations in 1951 under the name Nature Conservancy, with its headquarters located in Arlington, Virginia, in US. The Conservancy is fully committed to the conservation of natural regions, which includes the preservation of climate as well as lands, oceans, and other bodies of water. The organisation works with many different groups, including as governments, communities, businesses, and conservation organisations, to accomplish its purpose of preserving Earth's resources for the benefit of future generations.²⁸¹

3.3.1.4 JANE GOODALL INSTITUTE

Since its founding in 1977, the Jane Goodall Institute has been an active organisation in the United States, with its headquarters located in Virginia State. Jane Goodall, a well-known primatologist from the United Kingdom, was the one who came up with the concept for the institute. Chimpanzees along with other primates are the exclusive or primary focus of the organisation, which is committed to their preservation. In order to accomplish this objective, the institute conducts research, provides local and national entities with the authority to carry out conservation initiatives, and organises and educates people located all over the world. The Gombe Stream National Park in Tanzania, which is located in East Africa, is the location of the organization's most prominent research program.²⁸²

²⁷⁹ World Wildlife Fund: WWF- Endangered Species Conservation, *available at:* <https://www.worldwildlife.org> (last visited on May 2, 2023)

²⁸⁰ Oceana | Department of Economic and Social Affairs- Sustainable Development Goals, *available at:* <https://www.sdgs.un.org> (last visited on May 2, 2023)

²⁸¹ William D. Blair Jr., “The Nature Conservancy: Conservation Through Cooperation” 30 (1) Journal of Forest History 37 (1986).

²⁸² The Jane Goodall Institute Global, *available at:* <https://www.iucn.org> (last visited on May 9, 2023).

3.3.1.5 SIERRA CLUB

John Muir, a conservationist, created the Sierra Club in 1892 as an environmental organization. The year 1892 marked the beginning of all operations for the Sierra Club. It is located in California, in the United States of America. The majority of the organization's activities are related with grassroots mobilization and progressive movements that are aimed at advancing environmental interests. The Club has, over the course of its existence, advocated for environmentally friendly legislation, taken measures to combat global warming, advocated for the utilisation of green energy, opposed the used fossil fuels, fought against dam construction, and pushed for the protection of natural forests.²⁸³

3.3.1.6 WILDLIFE CONSERVATION SOCIETY

This society was established in 1895, the same year as the New York Zoological Society began its operations. It was renamed in 1993 with the intention of preserving natural regions and species all around the world by conservation activities, education, scientific research, and mobilisation. There are five parks that are owned and operated by the Society with locations in New York City. These parks serve as natural institutions, where they educate the approximately four million people who visit them each year about the importance of conservation education. Over five hundred different conservation projects are overseen by the Wildlife Conservation Society, which has a presence in more than sixty different countries.²⁸⁴

3.3.1.7 ROYAL SOCIETY FOR THE PROTECTION OF BIRDS

Emily Williamson formed *Plumage League* in 1889, which later became *Royal Society for the Protection of Birds*. This organization began its operations as the Plumage League. The United Kingdom is served by the organisation, which has significant facilities in various regions all over the country.²⁸⁵ The Society's mission is to safeguard endangered plant and animal species, including birds and other animals. The organisation selects regions that require significant wildlife protection and, in collaboration with a variety of partners, develops and is responsible for putting into action actions that are geared towards sustainability. At the same time that it aids conservation efforts on a global scale, the Society oversees or controls over 170 nature reserves throughout the United Kingdom. With more than one million members, it is the most extensive conservation organisation in Europe.²⁸⁶

3.3.1.8 CONSERVATION INTERNATIONAL

With its headquarters in Arlington, Virginia State, in US, Conservation International is an environmental organisation that operates on a non-profit basis. In the year 1987, two individuals who were passionate about environmental preservation, namely Spencer Beebe and Peter Seligmann, created the organisation. This organisation is responsible for identifying hot

²⁸³ Sierra Club, available at: <https://www.sierraclub.org> (last visited on May 9, 2023)

²⁸⁴ Wildlife Conservation Society (WCS) | Department of Economic and Social Affairs- Sustainable Development, available at: <https://www.sdgs.un.org> (last visited on May 11, 2023).

²⁸⁵ Royal Society for the Protection of Birds (RSPB)- Pacific Northwest National Laboratory | PNNL, available at: <https://www.tethys.pnnl.gov> (last visited on May 12, 2023).

²⁸⁶ Peter Holden, Richard Gregory, RSPB Handbook of British Birds (Bloomsbury, United Kingdom, 5th edn., 2021).

spots all around the world. Hot spots are regions that have a distinct biological richness and are in grave danger due to reasons such as the degradation of habitat. After that, the organisation helps to organise its partners, which include governments, corporations, and communities, to participate in conservation initiatives. There are more than thirty nations throughout the world in which Conservation International operates, and the organisation has been instrumental in the construction of one thousand two hundred protected areas all around the world. With the use of science and policy, the organisation intends to find answers to the problems that the earth is facing in terms of its environment.²⁸⁷

3.3.1.9 NATURAL RESOURCE DEFENSE COUNCIL

In the 1970s, a group of lawyers who were passionate about protecting the environment came together to form the Natural Resources Defence Council. The headquarters are New York City, in the United States, and it has 2.4 million members. The purpose of the organisation is to actively advocate for environmentally responsible policies from all levels of government along with businesses in the industrial sector. Its goal is to exert an effect on legislation that encourages conservation, as well as the subsequent implementation and enforcement of such legislation. Significant operations are carried out by the Council in a number of places around the US and in Beijing, China. It works to ensure that people in every country throughout the world having the freedom to enjoy unpolluted air, water, and natural resource utilisation.²⁸⁸

3.3.1.10 NATIONAL AUDUBON SOCIETY

Since 1905, the National Audubon Society has been running for some time now, with its main office in the American state of New York. Mina Hall and Harriet Hemenway, who felt strongly about the issue of mass waterbird murder, were the ones who came up with the idea for the organisation. Providing protection for waterbirds including herons, egrets and gulls was the primary objective of the organisation. Waterbird sanctuaries have been established by the Society around the coasts of the US. Through the use of advocacy, the organisation has been successful in obtaining key laws, namely “*Endangered Species Act, 1973*”, “*Alaska National Interest Lands Conservation Act 1980*”. The Society also organises field trips for the purpose of bird-watching in order to further its cause. In addition, it uses education and scientific community in order to raise awareness of the problem. When it comes to the conservation activities of birds that migrate outside the borders of the United States, it provides assistance to other international organisations.²⁸⁹

3.3.2 National Non- Governmental Organizations Governing Wildlife

Through aiding government initiatives, raising awareness, saving animals, and influencing legislation, national NGOs in India are essential to the conservation of wildlife. Through

²⁸⁷ Conservation International Foundation- UNCCD, available at: <https://www.unccd.int> (last visited on May 14, 2023).

²⁸⁸ Robert Brinkmann (ed.), *The Palgrave Handbook of Global Sustainability* 2525-2532 (Springer Nature Link, May 15, 2023).

²⁸⁹ Major International Wildlife Conservation Organizations Active in The World Today, available at: <https://www.worldatlas.com> (last visited on May 1, 2023).

research, education, and legal actions, these groups strive to preserve endangered species, their habitats, and the humane treatment of animals on a local and national basis.

3.3.2.1 WILDLIFE SOS

The Wildlife SOS organisation founded in 1995 by a group of persons who needed in order to preserve the rich biodiversity, ancient forests, and natural history of India. They were inspired to launch a movement as well as bring about some change that would last in order to accomplish these goals. Today, the organisation is “*working towards the protection of Indian wildlife, the preservation of habitats, the study of biodiversity, the conduct of research, and the development of alternative and sustainable livelihoods for communities that were formerly involved in poaching or who are dependent on wildlife for their sustenance.*” These are all things that are being done in the present day. In India, the practice of dancing bears is considered to be both barbaric and illegal. One of its most significant accomplishments is that it has been successful in putting an end to this tradition. In addition to assisting nomadic people in creating sustainable alternative legal livelihoods, the non-governmental organisation has been responsible for the rescue of around 628 sloth bears that were believed to be in risk of extinction. Consequently, this has led to the development of a viable paradigm for the implementation of conservation measures that are sustainable.²⁹⁰

3.3.2.2 ARANYAK AND HARGILA ARMY

Purnima Devi Barman made the decision to strive towards the preservation of storks, despite the fact that other individuals and organisations are working to rescue endangered animals. When she saw a decrease in the number of people in the area around her home in Assam, the researcher recognized that something was wrong. The Greater Adjutant Stork, often referred to as hargilas or bone swallowers, are regarded as repulsive creatures due to the fact that they behave in a manner that is similar to that of a scavenger. As a result, the majority of them are either removed from trees through smoking or had the trees that house their nests chopped down.

As a result of this kind of human behaviour, these storks have become endangered, as stated by the “*Red List of Threatened Species maintained by IUCN*”. This led Purnima to initiate contact with the natives and start educating them about the unique traits of these birds. The non-governmental organisation Aaranyak really helped her develop a community-based program in Kamrup, Assam, to protect storks. Along with around 400 other women, the “*Hargila Army*” is fighting for the storks' preservation. It is now Purnima who is at the helm of this group.²⁹¹

3.3.2.3 INDIAN RHINO VISION 2020 (IRV 2020)

Because of its thick skin and horn, the rhinoceros for an extremely lengthy period has been critically important. As a matter of fact, they were quite popular with poachers, who would abandon them to perish after removing their priceless horns during the process. In Asia, rhinos

²⁹⁰ Wildlife SOS- Saving India's Wildlife, available at: <https://www.wildlifesos.org> (last visited on May 12, 2023).

²⁹¹ Aaranyak.org, available at: <https://www.aaranyak.org> (last visited on May 12, 2023).

can only be found in two locations: “Kaziranga National Park in Assam and Chitwan National Park in Nepal”. Both of these parks are listed as potentially in risk on the “International Union for Conservation of Nature (IUCN) list”.

Indian Rhino Vision 2020 was initiated in 2005 with the objective of achieving a wild population of bigger one-horned Rhinos in the state of Assam that numbered at least 3,000 by the year 2020. Despite extensive conservation, approximately 8 of these rhinos were taken, that led to the implementation of further security measures. Their efforts, on the other hand, have resulted in people in the approximately twenty- nine thousand rhinos in Assam by the year 2020 with these limited numbers.²⁹²

3.3.2.4 SAHYADRI NISARGA MITRA (SNM)

For two reasons: its scales and its flesh, the Indian Pangolin is one of the species that is dealt with the most in the world of animal trafficking. According to traditional Chinese medicine, their scales, which were historically widely used, are said to possess medicinal characteristics. On the other hand, the IUCN classified this critter as falling into the endangered category in the year 2015.

SNM, which stands for Sahyadri Nisarga Mitra, is an NGO founded in 1992. Its primary mission is to preserve the endangered Indian Pangolins that are found in the Konkan regions. Additionally, the organisation is involved in the conservation of marine turtles and bird species. By incorporating local populations in their different operations, the Society for Nature Conservation (SNM) hopes to strengthen its conservation efforts and provide more effective protection for species, particularly the pangolin.²⁹³

3.3.2.5 WILDLIFE TRUST OF INDIA (WTI)

A group with a strong commitment to protecting wildlife and their natural environments is the Wildlife Trust (WTI). A group of three individuals that embarked on the adventure of founded in 1998, wildlife preservation is currently a thriving organisation with over 150 dedicated experts. These professionals include “*conservation biologists, scientists, sociologists, wildlife veterinarians, managers, lawyers, finance experts, and communication specialists*”.

Both in terms of its "depth" and "breadth," the organisation is responsible for around 44 projects in India. Their "breadth" programs address concerns that are not restricted by geographical limits, such as training forest staff and minimising unintentional wildlife fatalities. Their "depth" projects, on the other hand, concentrate on the conservational challenges that are special to a particular region.²⁹⁴

3.3.2.6 WORLD WIDE FUND FOR NATURE- INDIA (WWF- INDIA)

²⁹² Indian Rhino Vision 2020 (IRV2020)- Panda.org, available at: <https://www.fin.awsassets.panda.org> (last visited on May 14, 2023).

²⁹³ Sahyadri Nisarga Mitra, available at: <https://www.snmcpn.org> (last visited on May 15, 2023).

²⁹⁴ A. Alonso Aguirre (ed.), *Tropical Conservation Perspectives on Local and Global Priorities* (Oxford University Press, New York, 2017).

With its headquarters located in New Delhi, WWF-India was founded on November 27, 1969. In order to establish peace between people and nature, this top national conservation NGO works to safeguard wildlife and their habitats, combat climate change, promote sustainable development, educate the public, conduct research, and engage the community.²⁹⁵

3.3.2.7 WILDLIFE PROTECTION SOCIETY OF INDIA (WPSI)

Wildlife Protection Society of India is a non-governmental organization that promotes eco-friendly practices. Established in 1994, its mission is to conserve India's biodiversity. WPSI addresses conflicts between humans and animals, fights poaching and the illegal wildlife trade, and runs awareness campaigns. Both Indian and foreign contributors have contributed to this registered non-profit organization.²⁹⁶

3.3.2.8 WILDLIFE CONSERVATION TRUST (WCT)

The headquarters of the Wildlife Conservation Trust (WCT), an Indian non-governmental organization, are located in Mumbai. Its goal when it was founded in 2002 was to safeguard India's natural environments. In 23 states, WCT operates in about 160 protected areas, which includes a sizable chunk of India's national parks and tiger reserves.²⁹⁷

3.4 ROLE OF NON- GOVERNMENTAL ORGANIZATIONS GOVERNING TO WILDLIFE PROTECTION

Non-governmental organizations (NGOs) and Inter-governmental Organizations (IGOs) are the two most common kinds of global groups. IGOs like the UN, WHO, and WTO are mostly concerned with matters of government, including public health, trade rules, and peace and security. Conversely, NGOs are usually not-for-profit groups that focus on social justice, environmental sustainability, and human rights. The primary motivation for IGOs is cooperation between states, but NGOs may operate autonomously or in tandem with governments, IGOs, and other interested parties.

Among the many non-governmental organisations, we encounter are those concerned with wildlife and environmental protection, among other things. Any group that is not directly affiliated with the government, such as a nonprofit, advisory committee, or professional association, is considered a non-governmental organisation. NGOs in India are numerous and well-connected to local communities. In the field of wildlife management, NGOs have been instrumental for more than a hundred years.

From combating animal extinction to eradicating illegal activities in wilderness areas, from managing disasters to ensuring sustainable livelihoods, from working together to manage forests to providing policy inputs, they are involved in every step of the developmental spectrum. They vary from organizations that conduct research and monitoring to clubs that

²⁹⁵ WWF INDIA, available at: <https://www.wwfindia.org> (last visited on May 25, 2023).

²⁹⁶ WPSI- Wildlife Protection Society of India, available at: <https://www.wpsi-india.org> (last visited on May 25, 2023).

²⁹⁷ Wildlife Conservation Trust, available at: <https://www.wildlifeconservationtrust.org> (last visited on May 29, 2023).

promote wilderness camping. For our daily needs, trees are more important than we realise. They provide an infinite variety of goods as well as services, which includes energy, housing, along with medicinal, additionally, to being a source of raw materials. The jungles are not only places of social gathering and celebration for the forest dwellers and those who inhabit the surrounding regions, but also places where they work to provide for their families.

Nevertheless, there is still hope! Indian NGOs are leading the charge to preserve wildlife, forests, and livelihoods while also supporting people and the earth, in the midst of a world where people are becoming more concerned with reducing human interference with other species' habitats and ways of existence.

Numerous NGOs in India and elsewhere are devoted solely to raising awareness, protecting, and preserving wildlife. In fact, no developing nation has more non-governmental organizations (NGOs) dedicated to protecting wildlife than the US. The government is starting to see NGOs in a different light, seeing them as collaborators in creating policies and programs as well as organizations that can help them execute their initiatives.

The role *NGOs* in shaping policies to safeguard wildlife, rallying support of public for preservation efforts, ensuring survival of threatened forests & animal species is becoming increasingly crucial.²⁹⁸

3.4.1 Vital Role played by Non-Governmental Organizations for conserving wildlife:

There are multiple things that *non-governmental organizations (NGOs)* that focus on protecting wildlife do to combat these dangers and keep biodiversity intact. The following are examples of important tasks:

3.4.1.1 Preservation of Natural Habitation

Wildlife can only stay alive if their natural habitats are preserved and restored. Conservation efforts are spearheaded by non-governmental organizations (NGOs) that aim to create and oversee the upkeep of wildlife reserves and national parks as safe havens for endangered species. In order to preserve natural habitats, NGOs work in tandem with local people and governments to restore habitats, conduct anti-poaching patrols, and rescue and rehabilitate animals. Additionally, they participate in habitat restoration initiatives to repair damaged ecosystems and establish migration routes for animals.

3.4.1.2 Efforts to combat poaching and illegal trade

Animals that are on the verge of extinction, such as tigers, rhinos, and elephants, continue to face the grave danger of poaching. The fight against poaching is a joint effort by local people, law enforcement, and wildlife protection NGOs. To combat the demand for illicit wildlife products, they launch awareness programs, use surveillance technologies, and send out anti-

²⁹⁸ Heather Mathewson, James Giocomo, et.al., *Wildlife Techniques Manual- The Role of Nongovernment Organizations in Wildlife Management* (Johns Hopkins University Press, Baltimore, Maryland, USA, 8th edn., 2019).

poaching patrols. Protecting endangered animals from trafficking is a primary priority for non-governmental organizations (NGOs).

3.4.1.3 Preservation of Species

The protection of endangered species is a primary goal for many non-governmental organizations. Conservationists study these species' ecological requirements and dangers, then create strategies to safeguard them and keep tabs on their numbers. Restoration of habitat, community-based conservation projects, and captive breeding programs are all examples of what can be considered conservation activities.

3.4.1.4 Raising Knowledge and Conscience

The key to winning over supporters and encouraging behavioural change is getting the word out about why wildlife conservation is so important. In order to raise awareness about wildlife issues, encourage sustainable lifestyles, and provide local populations the tools they need to become good stewards of their natural resources, NGOs run educational outreach workshops, programs and campaigns.

3.4.1.5 Advancing Policies

Animal welfare non-governmental organizations fight for the establishment of regulations and statutes that bolster preservation initiatives and save imperilled animal species. Protecting the rights of species NGOs fight for animal welfare and try to pass laws that protect animals. Together with national and international organizations, they work to create and implement conservation legislation, set aside areas for wildlife to live in, and find solutions to the problems that are causing biodiversity to dwindle.

3.4.1.6 Ecotourism Promotion

Environmentally conscious non-governmental organizations in India work with native populations to provide ecotourism activities that highlight the country's rich biodiversity and rich cultural history.

3.4.1.7 Building long-term employment opportunities

Environmentally conscious non-governmental organizations (NGOs) work to protect wildlife by promoting ecotourism, which in turn helps local populations sustain themselves.

3.4.1.8 Leveraging their influence

Environmental protection is impacted by NGOs because of their standing, influence, and trustworthiness. To exert influence, they can draw on their knowledge, engage in political negotiating, or mobilize social movements.²⁹⁹

3.5 WILDLIFE SPECIES AS A TOOL FOR RESEARCH IN LAB EXPERIMENTS:

For a long time, scientists have utilised vertebrates and invertebrates alike in their lab experiments for a wide variety of goals, from studying ecology to creating new medicines.

²⁹⁹ Ibid.

While there are many benefits to using animals in research, there are also serious environmental, ethical, and scientific concerns that must be addressed. Study using wildlife is discussed in this article, along with its importance, the many kinds of study that employ them, the ethical concerns that arise, and the increasing focus on non-animal testing methods.

3.5.1 What Part Do Wildlife Species Play in Lab Experiments?

Many fields rely on wildlife species as a resource, including environmental science, biology, medicine, genetics, and pharmacology. Scientists can examine intricate ecological processes, biological systems, and disease mechanisms in a controlled lab setting using these tools, which allows for more regulated and reproducible research than what would be achievable in wild contexts.

Medical Science Research- Animals and plants have played a significant role in improving human health through biological research.

Studies on Genetics- To better understand heredity and evolutionary processes, wildlife species are invaluable research models.

Research on the Environment and Ecosystems- Ecology studies conducted in controlled laboratory settings also make use of wildlife species to elucidate topics like climate change, adaptation, and conservation efforts. One way that scientists evaluate the impact of pollution on ecosystems is by studying the physiological and behavioural traits of various species of wildlife. To research the effects of changing climate on biodiversity to determine the toxicity of chemicals and environmental pollutants, scientists employ model animals including frogs, fish, and insects among others.

Research on wildlife in the lab can shed light on conservation biology and help scientists create plans to save endangered species. We can learn more about the effects of human activities on animal populations and ecosystems, such as habitat loss, climate change, and deforestation, by studying these species in controlled settings.

3.5.2 Considerations of Ethics in Wildlife Research

There have been heated moral discussions over the usage of animals in scientific research. Concerns about animal care, the possibility of pain, and the absolute need to use animals in studies are at the heart of the ethical debate. As a result of these worries, stringent rules and procedures have been put in place to guarantee that research using animals is conducted ethically.

3.5.2.1 The Principle of 3Rs

The scientific community has embraced the "3 Rs" principle- "*Replacement, Reduction, and Refinement*"- to tackle ethical difficulties. The aim of this principle is to lower the animal population subjected to studies as much as feasible, find suitable alternatives to animals whenever possible, and improve experimental methods so that animals experience as little pain as possible.

Replacement- The term "replacement" describes the practice of conducting some types of research without using actual animals by using alternative models, such as simulated environments, cell cultures, or artificial tissues.

Reduction- Minimising the variety of animals used in experiments is a key component of reduction, which aims to create research that employ fewer animals while still generating meaningful scientific results.

Refinement- Improving research methods to lessen the suffering of test subjects is an important part of the refinement process.

There has been a concerted effort by many researchers to find alternatives to using animals in their studies, and these have included in vitro (cell-based) and in silico (computer-based) approaches. Nonetheless, animals are still needed for some intricate ecological and biological research.

3.5.2.2 Welfare of Wildlife

The significance of wildlife welfare within the larger framework of wildlife research is becoming more widely recognised, alongside the ethical considerations surrounding laboratory animals. The housing of wildlife species employed in lab-based ecological studies frequently presents additional obstacles compared to the controlled settings and regulated standard care utilised for laboratory species utilized in biomedical researches. Wildlife species, for instance, may suffer unnecessary stress and physical harm during capture, handling, and transportation.

Strict measures are in place to ensure the welfare of wildlife species when researchers are working with them. Ethical review boards, for instance “*Institutional Animal Care and Use Committees*” (IACUCs), have been set up by many nations and organizations to examine and authorise research methods that include animals. Their job is to make sure the studies are needed and that welfare criteria are satisfied.

Innovative Approaches to Non-Conventional Research- There are now viable alternatives to conducting research on animals in captivity, thanks to developments in both technology and scientific knowledge.³⁰⁰

3.5.3 Indian Legal Perspective on Wildlife Species as a Tool for Research in Lab Experiments

Although the WPA, 1972 contains requirements for safeguarding wildlife species and their habitats, it does not specifically address using wildlife species as research tools for research in lab experiments.

Indian law takes a two-pronged stance on animal experimentation; on the one hand, it forbids practices like dissection and cosmetic testing, while on the other, it allows “Experimentation of Animals.” “*The Prevention of Cruelty to Animals Act, 1960*” permits usage of species in

³⁰⁰ Animal Testing: Animals Used in Experiments, available at: <https://www.peta.org> (last visited on May 22, 2023).

experiments as a dispensation from animal abuse. This suggests that under particular circumstances, as outlined in Chapter IV of the animal experimentation is not regarded as cruelty under the Act. The Act clearly states that doing research on animals, especially those used in research that require procedures on them is no longer permitted the test is for “the goal of progress through fresh discoveries, of physiological understanding or expertise” that would help advancement of medical understanding. Under medical advancement, such as extending or saving lives, or relieving suffering or to fight any illness, for people, either plants or animals. Every pointless experiment or procedure on an animal that someone wants or wants to behaviour, is not legally protected. The statute only permits worthwhile experiments that are intended to further scientific study because it stipulates that only experiments for "advancement by new discovery" are deemed legal. Since dissection is only used as a teaching tool to help students comprehend anatomy or physiology, rather than to make new discoveries or advance the body of knowledge already in existence, it is evident that it does not, to put it mildly, fit under the same category at educational institutions. Therefore, dissection should have been banned from schools and colleges a long time ago.³⁰¹

3.6 WILDLIFE AS A SOURCE OF ENTERTAINMENT- Wildlife as a Form of Amusement: Moral Issues and Nature's Function in Human Satisfaction

Humans are affecting the lives of untamed creatures through entertainment for themselves. Animals have been utilised for a variety of reasons for a very long time. Whether they are domesticated animals used for food production and farm labour or wild animals used for transportation or warfare. It may be difficult to grasp that this entire situation falls under the category of animal cruelty. The mistreatment of animals in the context of transportation. Horses and elephant examples predominate. Capturing and confining millions of animals for entertainment purposes occurs annually. There is a hidden world of cruelty going on behind the scenes of these activities that seem enjoyable and educational.

The term "wildlife entertainment" is vague. When animals are exploited for the sake of entertainment, usually at the expense of their health and safety, this practice is known as wildlife entertainment. Circuses, animal shows, interactive attractions (like elephant rides) and chances to pose for photos with wild creatures all fall under this category.

Trauma, both mental and physical- The training methods employed by the animals featured in these shows are frequently designed to shatter their spirits. Chronic health problems and psychological illnesses are common outcomes of their solitary confinement in cramped, desolate cages.

Disruption of normal routines- Natural behaviors such as hunting, roaming, and socializing are not allowed for animals in entertainment. Because of this, their mental health can take a nosedive, and they may exhibit violent or otherwise unusual habits like pacing or swaying.

³⁰¹ Syed S.Y.H. Qadri and Subbaraya G. Ramachandra, *Laboratory Animals- Regulations and Recommendations for the Care and Use of Animals in Research, Chapter 8- Laws, Regulations, and Guidelines Governing Research Animal Care and Use in India* 237-261 (Academic Press, West Bengal, 2nd ed., 2018).

The truth about poaching and breeding- The poaching of wild animals for their use in entertainment is a major problem that endangers not only the animals themselves but also entire species. Poached as infants, elephants endure "the crush," a cruel training method that includes shackling and beatings meant to break their spirit for the sake of entertainment.

Furthermore, captive-bred animals endure psychological and physiological problems at a young age due to inadequate surroundings; as a result, they are unable to engage in their normal behaviors and exhibit elevated levels of stress and hostility.

Mistreatment of animals in amusement parks and circuses- Training is essential for animals if they are to learn to obey human directions and form friendly relationships with humans. Training, for wild animals, is a code phrase for the inhumane treatment they endure while in captivity.

Animal parks/zoos- Loneliness, melancholy, and boredom can also affect animals housed in zoos and aquariums. Even while some zoos adhere to the food and space regulations, the animals are nonetheless physically and psychologically confined in tiny cages with very little room to move around. 'Zoochosis,' the collective nouns for feelings of boredom, despair, and loneliness, affects even them. Animals suffering from this illness, which is not well cured by medication, exhibit a wide range of behavioural issues.

Including wild animals in amusement parks or games- While it's heartening to witness animals imitating human actions, you can't help but wonder: is that natural? Does that help the animal in any way? Or is it merely a behaviour we impose on animals to prove our dominance? It may seem like a give-and-take relationship when you train animals to do things like run races, jump hurdles, and play basketball; in exchange, the animals get food and shelter, and the people get entertainment.

The standards being followed in their trainings, shelters, and transportation, though, are something that I think we can all relate to. People take advantage of their inherent aggressiveness for their own sadistic enjoyment; some of them have never even received training. While it is feasible to use positive reinforcement trainings, not everyone does so due to the time and effort required. Without this, sports could be viewed as animal cruelty. Even though people nowadays are more sympathetic towards animals, they often inflict harm on them without realising it. We ought to stop being complicit in these kinds of things or at least do our part.³⁰²

Over the course of many centuries, there has been a dramatic shift in the way humans interact with wildlife. Throughout history, there is a vast array of human-animal interactions, from using them as allies, guardians, or resources to engaging with nature for recreation. Whether it's through wildlife preserves, documentaries, or leisure activities like safaris and zoos, wildlife continues to be a vital source of entertainment for millions worldwide. Wildlife viewing is

³⁰² Our entertainment affecting lives of wild animals, available at: <https://www.worldanimalprotection.org.in> (last visited on May 25, 2023).

incredibly entertaining, but it also begs the moral question of how we should treat animals in these environments and what effect it may have on their health.

An Upsurge in Wildlife-Based Amusement

When zoos first appeared in the 1800s and 1900s, circuses, and shows that brought exotic animals into cities marked the beginning of the full-fledged role that wildlife played in the entertainment industry. When it came to the animals involved, these early forms of wildlife entertainment were frequently exploitative and focused more on satisfying human curiosity than on ensuring the creatures' well-being. However, as cultures grew, the awareness of animal rights and welfare changed, and the entertainment business surrounding wildlife began to shift toward more ethical and conservation-conscious ways. This shift occurred as these societies progressed.

3.6.1 Different kinds of wildlife-themed entertainment:

3.6.1.1 Works of fiction and nonfiction

Viewing documentaries and other nature films is one of the best and most widely used ways for people to connect with animals. Wild Kratts, Planet Earth, and The Blue Planet have enthralled viewers all over the globe by revealing the wonders, intricacies, and precariousness of nature. In addition to stressing the need of conservation, these documentaries frequently offer stunning images of animals in their native environments.

3.6.1.2 Aquariums and zoos

Wildlife shows at aquariums and zoos have been around for a long time. Animals, their habitats, and the challenges they confront in the wild can be better understood via close observation at these facilities. Although zoos are making strides toward more realistic and compassionate displays, many still question the morality of preserving animals in captivity for human amusement.

3.6.1.3 Ecotourism and Safaris with Wildlife

People who are looking for more hands-on experiences can go on wildlife safaris or participate in ecotourism, which allows them to see animals in their native habitats. Wildlife viewing opportunities abound in popular tourist spots such as the Galápagos Islands, India's Ranthambhore National Park, and Africa's Serengeti. Spectators can observe endangered species like the Bengal tiger and the “Big Five”- lion, leopard, elephant, and rhinoceros- in their natural habitats. Sustainable tourism, or ecotourism, seeks to do double duty by bolstering conservation efforts and local economies.

3.6.1.4 Wildlife Reserves and Parks

People can also get the chance to contact with animals in more natural, supervised environments at many wildlife reserves and parks across the world. Visitors can join in on

conservation-focused activities such as animal feedings, nature walks, or volunteer programs at some parks.³⁰³

3.7 CONCLUSION

Currently, the issue of illegal poaching, the killing of animals for their tusks, skins and horns is being tackled by the wildlife agencies of basically every country. These people may have plenty of money now, but they don't know what the future holds for the animals that will be able to sustain their way of life. The absence of animals would lead to the extinction of trees, which in turn would cause soil erosion, higher temperatures, the drying up of rivers lakes, the elimination of rainfall, and the extinction of plants and crops. The fact that this has both immediate and far-reaching repercussions should be obvious to everyone on this planet. Furthermore, it takes a group effort to save animals. The success of the endeavor depends on everyone's contributions. Wildlife officials need to put stringent safeguards in place to minimize human intervention in important forest regions and create appropriate policies for wildlife tourism if they want to regulate criminal operations efficiently.

International organizations are vital in resolving global issues through cooperation, dialogue, and shared governance. While fighting for peace, economic stability, and human rights, they adjust to the demands of a changing world. Through their work in diplomacy, humanitarian assistance, and the enforcement of international law, these organizations are vital to preserving global peace and order. Without the assistance of international organizations, no country can solve the world's most difficult challenges. Some of these challenges include climate change, wildlife trafficking, and conflicts between humans and other animals. Through their venues, international organizations foster discourse, support multilateral agreements, and build global standards and norms. Furthermore, they facilitate diplomatic engagement, confidence-building, and peaceful conflict resolution among states. Over the centuries, human settlement and resource exploitation have caused a dramatic fall in the total number of wildlife species. Cruelty towards other species and disruption of Earth's natural coexistence resulted from our ancestors' long-standing practice of exploiting animals for food and clothes.

The survival of animal species and the preservation of biodiversity depend on non-governmental organizations (NGOs) that focus on wildlife protection. These organizations do tremendous work to promote sustainable development, protect ecosystems, and rescue endangered species. Wildlife confronts several challenges, but to overcome them, governments, individuals, and communities must collaborate. If we all pitch in to help non-governmental organizations (NGOs) that protect animals continue their important work, Earth's natural heritage may remain around for a long time to come.

Wildlife species have been extremely useful research instruments in numerous scientific fields, such as biology, medicine, and ecology. The mechanics of disease, ecological systems, and human health are all illuminated by them. Aiming to ensure the responsible and humane care

³⁰³ Amir Shani and Abraham Pizam, "Towards an ethical framework for animal-based attractions" 20 *Int. J. Contemp. Hosp. Manag.* 679-693 (2008).

of animals, guidelines like the 3 R's concept were developed in response to ethical concerns around the use of wildlife in research.

The development of in vitro models, computer simulations, and organ-on-a-chip has increased the number of practical alternatives to animal testing. Despite these advancements, many fields will continue to rely on animal research, especially when trying to solve complex biological and ecological problems. Discovering a way to safeguard animal populations while also achieving technological progress sufficient to fulfil ethical commitments is the next critical step.

There are pros and cons to using wildlife as a form of entertainment. It offers great potential for learning, fun, and a stronger bond with nature, on the one hand. Conversely, it prompts serious moral concerns over animal cruelty and the exploitation that may accompany their exploitation for human entertainment. As long as we are using animals for entertainment purposes, we must put their welfare first, support conservation initiatives, and act ethically and sustainably when interacting with them. We need to work toward a future where wildlife is more than simply an attraction- it's an essential component of Earth's biodiversity. This can be achieved through ethical wildlife tourism, conservation efforts, or more compassionate zoo procedures.

CHAPTER IV

LEGISLATIVE FRAMEWORK AND JUDICIAL RESPONSE

TOWARDS WILDLIFE LAWS IN INDIA

Chapter IV explores the legislative framework as Part I and judicial remedies that protect wildlife conservation in India as Part II. The chapter dives into important statutes like Forest Conservation Act, 1980 and the Wildlife (Protection) Act, 1972, highlighting how these regulations have helped to preserve India's abundant biodiversity. Legislations, policies and state sector schemes pertaining to wildlife from Indian states Punjab and Himachal Pradesh are also covered in Part I. In addition, the chapter delves in judiciary's role for its interpretation and implementation these legislations, shedding light on significant court rulings that have affected wildlife preservation. In doing so, it elucidates the complex relationship between legislative mandates and court actions aimed at protecting India's endangered species. In part II the judicial perspective, case laws highlighting the rulings of both the wildlife and animal rights from the Supreme Court as well as High Court has been discussed.

"Wild animals are less wild and more human than many humans of this world."

- Munia Khan³⁰⁴

4.1 INTRODUCTION

Of the world's thirty-six designated hotspots of biodiversity, four out of these are located in India namely- the "*Western Ghats, Indo-Burma region, the Himalayas & Sundaland*". The sheer variety of lives on planet is largely attributable to India. The plant and animal life in these regions is incredibly varied, including some that are unique to these ecosystems and cannot be found anywhere else in the world. Many species call the Indo-Burman region home, and the Himalayas are vital to the survival of endangered as well as rare species, for instance; the red panda, the snow leopard. "*UNESCO World Heritage site, the Western Ghats*" are teeming with rare and endangered species that are among the most extraordinary on the planet. Among the many animals that rely on Sundaland for their survival is the orangutan.

The historical, cultural as well as geographical characteristics of our nation are also added to magnitude of country's biodiversity. The natural environment is deeply intertwined with our country's rich cultural legacy. Symbolic in art, religion, and culture, wildlife is an integral part of the ecosystem. India has made remarkable strides in protecting its wildlife, including world-renowned species namely: the Great Indian Rhinoceros, Bengal Tiger, even though country is facing increasing pressure from factors including habitat loss, poaching, and global warming. There has been a recent uptick in India's animal conservation initiatives. A growing number of individuals across the globe are starting to understand how important it is to protect this rich natural heritage. This is proven by the recent surge in preservation and conservation movements.

India is confronted with the pressing issue of protecting its abundant biological heritage in the face of increasing human interference. The country is home to an enormous variety of species. Since India's independence, the country's legal framework for protecting wildlife has changed considerably, mirroring the country's increasing awareness of ecological values and the importance of strong protections. The primary legislation that offers a comprehensive framework for wildlife conservation, management of habitat, along with management of commerce in wild animals is the *WPA, 1972*, that is considered a milestone piece of legislation.

A Framework for Lawmaking

Central to India's wildlife laws is the 1972, *Wildlife (Protection) Act*. It authorizes the creation of *national parks and wildlife sanctuaries*, regulates the taking of wild plants and animals for commercial purposes, and sets up authorities to oversee wildlife management. The Act has been revised multiple times to account for new information and problems; the most recent revisions, in 2003 and 2006, significantly increased the punishment for wildlife offenses and enhanced protections.

³⁰⁴ Munia Khan is a former lawyer, a poet, writer and editor of several books and anthologies.

Judicial Response

There has been a proactive role for the Indian judiciary in maintaining and enhancing wildlife laws. The courts have stressed the significance of protecting wildlife and ordered authorities to punish offenders severely in a number of landmark rulings. Below are a few noteworthy instances:

- Several decisions have been made by the Supreme Court to safeguard forests, as they are crucial to the preservation of species.
- The courts have adopted a hard stance on wildlife crimes, such as poaching and illicit trafficking, and perpetrators face lengthy prison terms and heavy fines.
- To bring awareness to wildlife concerns as well as to seek judicial involvement for conservation measures, public interest litigations (PILs) have shown to be a successful tool.

Difficulties and Paths Ahead- Conservation efforts for India's wildlife nevertheless confront many obstacles, notwithstanding the country's strong legislative structure and the involvement of the judiciary. Some examples are- As a result of growing urbanization, industrialization, and agricultural development, habitats are being lost and fragmented. Secondly, as human populations grow, they encroach on natural areas, posing a threat to animals. The demand for wildlife items on a worldwide scale drive poaching and the illegal wildlife trade. Lastly, because of climate change, ecosystems are changing and species distributions are being affected.

We must do the following to overcome these obstacles- Law enforcement should step up its efforts, such as by conducting more patrols, collecting intelligence, and prosecuting those found guilty. Conservation activities benefit greatly from local knowledge and involvement, which is why there has to be more community involvement. The fight against transboundary wildlife crime requires enhanced international cooperation. More money and resources: For studying and protecting wildlife.

Conservation efforts in India are well-grounded in the country's legal framework and responsive judiciary on wildlife laws. To secure the future of India's abundant wildlife, however, it is essential to effectively implement plans, raise public awareness, and deal with existing and new threats.

India's legislative framework governing wildlife conservation is designed to safeguard its rich biodiversity, which includes numerous endangered species and diverse ecosystems. This framework is grounded in laws, regulations, and judicial oversight that collectively work towards protecting wildlife and their habitats from exploitation, poaching, and degradation. When it comes to protecting endangered species and resolving conflicts between humans and wildlife, an essential role has been played by the court in striking a balance between the requirements of local populations as well as conservation legislation. The effectiveness of wildlife conservation laws depends on their passage and subsequent judicial review. At the core of India's wildlife protection system lies a combination of robust legislation and an active judicial response that has evolved over time to address emerging environmental challenges.

This multi-tiered approach ensures the sustainability of wildlife and their ecosystems, balancing conservation efforts with the needs of development and human welfare.³⁰⁵

While India has made tremendous achievements in creating wildlife conservation legislation, the enforcement of these regulations often encounters obstacles. Here, the judiciary plays a key role. Indian courts have historically taken a proactive approach on wildlife conservation, interpreting environmental legislation with a view to safeguarding ecological equilibrium. Landmark court interventions, such as the SC in the “*T.N. Godavarman Thirumulpad v. Union of India case (1997)*”³⁰⁶, have reaffirmed the need of enforcing wildlife protection legislation and balancing development requirements with environmental concerns. The courts have also been instrumental in interpreting the provisions of WPA in ways that strengthen its implementation, ensuring that policies are aligned with India’s constitutional commitment to environmental protection under “*Article 48A and Article 51A(g)*” of Indian Constitution, which respectively mandates the state to preserve the environment along with the citizens to safeguard wildlife. The Indian Constitution recognises the right to safeguard all living beings as a basic human right. Furthermore, numerous animal welfare regulations have been enacted, including federal statutes such as the *WPA, 1972* and the “*Prevention of Cruelty to Animals Act, 1960*”, and state laws that forbid the slaughter of cows and provide protection for cattle.³⁰⁷

Many of our religious and cultural practices place a premium on protecting wildlife. The way we handle animals, especially those who are in danger of extinction, is absolutely unacceptable. India passed its first animal preservation legislation in 1879, protecting elephants, “*The Elephants Preservation Act, 1879*” and again in 1887 “*Wild Birds Protection Act, 1887*”, protecting wild birds. Everyone knows that protecting animals is important for our own species' survival as well as for future generations. Long after independence, growing concerns over the extinction of species prompted environmentalists to pay more attention to plant and animal life.³⁰⁸

‘*Wildlife*’ was initially a state subject before the Indian Constitution divided powers between the federal government and the individual states. According to *Article 252*, the federal government could not legislate on the subject unless at least two state legislatures passed a resolution authorizing it.³⁰⁹

Possible pioneering legislation protecting wildlife and their environments was the “*Hailey National Park Act, 1936*” that created Uttar Pradesh’s park with present day name as “*Corbett National Park*”.³¹⁰

Preserving game for hunting was the primary goal of most of the early laws. “*Indian Forest Act, 1927*” authorized establishment of sanctuaries, set restrictions on the development of

³⁰⁵ PP Mitra, *Wild Animals Protection Laws in India* (Bharat Law House Jaipur, 1st edn, 2016).

³⁰⁶ AIR (1997) 2 SCC 267

³⁰⁷ Sunitha Knipakam, “Biodiversity- Wildlife Conservation Laws in India” *International Journal of Advanced Research* 1111 (2017).

³⁰⁸ S.A.K. Azad, *Hunting of Wild Animals and its Legal Control in India*, AIR 2004, p 210.

³⁰⁹ S. N. Dhyani, *Wildlife management: Wildlife Protection Legislation*, (1994), p 61.

³¹⁰ Sanjay Upadhyay, Videh Upadhyay, *Forest Laws, Wildlife Laws and the Environment* (2002), p 229.

protected or reserved forests.³¹¹ Poachers and others who kill endangered animals for sport or for financial benefit may face severe punishments under a new law meant to protect these creatures. India is home for few of the world's oldest laws, which includes the Wildlife (Protection) Act.³¹²

“Asoka, king of Magadha”, established a statute regarding the preservation of animals and the environment in the third century B.C., which is the first codified regulation on wildlife. This provides a brief overview of the vast history of wildlife. It was in 1887 that the British introduced the first codified law in India, the Wild Birds conservation Act, and thus began a new age in legislation pertaining to the protection of wildlife. The previous administration passed laws making it illegal to own or sell some species wild birds that were killed or captured during their breeding season.³¹³ The government of British enacted *“Wild Bird and Animals Protection Act, 1912”*, and later in 1935 it was amended. The Act of 1912 made history by criminalizing the first-ever outlawing of taking of *“wild birds & animals”* and by making defiance a crime. It granted the power to local governments to enforce the act's protections for any wild bird or animal they deemed worthy, regardless of whether it was mentioned in the schedule or not.³¹⁴

Not long after gaining their independence, the Constituent Assembly delegated legislative power to the state assembly and added *“Protection of Wild Birds & Wild Animals”* as *“entry no. 20 in the State List”* of Draft Constitution. The *“42nd Amendment Act of 1976”* transferred it to Concurrent List. The inclusion of "forests" has given the center greater influence³¹⁵ and *“wild animal and bird preservation”*³¹⁶ in the Concurrent List.³¹⁷

³¹¹ Divan and Rosencranz, *Environmental Law and Policy in India* (2001), p. 31.

³¹² B. K. Sharma, *Environmental Chemistry, Wildlife* (2007) p. 6.

³¹³ Sanjay Upadhyay, Videh Upadhyay, *Forest Laws, Wildlife Laws and the Environment* (2002), p 228.

³¹⁴ Ibid.

³¹⁵ Entry 17A, Schedule VII, The Constitution of India.

³¹⁶ Entry 17B, Schedule VU, The constitution of India.

³¹⁷ S. N. Dhyani, *Wildlife management: Wildlife Protection Legislation*, (1994), p 62.

PART I- LEGISLATIVE PERSPECTIVE
LEGISLATIVE FRAMEWORK GOVERNING WILDLIFE
PROTECTION LAWS IN INDIA

4.2 NATIONAL LAWS

The preservation of natural habitats and species is currently among humanity's top priorities. There have never been greater threats to biodiversity than the ever-increasing intrusion of human activities into natural areas. Globally, national laws have been passed by governments to control the extraction of natural resources, conserve endangered species, and keep ecosystems in a state of ecological equilibrium, all with the goal of protecting wildlife and preserving ecosystems. National attempts to protect animal populations and reduce human activities that endanger them, including illegal trade, habitat loss, and poaching, rely on these laws.

The distinguished environmental, economic along with social circumstances of every nation are reflected in its wildlife laws, which can differ greatly from one another. Nonetheless, these statutes all have the same overarching goal: to create institutional arrangements which strike to maintain equilibrium among preservation initiatives and the requirements of human progress. Some of the many topics covered by these statutes include the control of wildlife trade, the preservation of habitats, the administration of protected areas, and sustainable hunting practices.

The preservation of endangered species is a cornerstone of national wildlife laws. Strict regulations are put in place by governments to stop the hunting, capturing, and trading of endangered animals. Protected zones are defined by these rules as places where humans are required to adhere to stricter regulations in order to ensure the safety of native species. Poaching and trafficking are discouraged by the harsh penalties that can be imposed for breaking these rules, which include jail and heavy fines.

Land use and development are also regulated by national legislation in an effort to reduce habitat loss. Clearing grasslands, marshes, and forests for agriculture, urbanization, or infrastructure expansion is a significant cause for loss of habitat, which in turn contributes to the decline of wildlife in such areas. Our nation is home to numerous well-established nature preserves, wildlife reserves, and national parks that serve as safe havens for native species. Not only are these places critical for protecting species, but they also help keep biodiversity high.

In addition, the promotion of sustainable practices in the fishing, forestry, and agricultural sectors is greatly aided by national wildlife regulations. These regulations help prevent the overexploitation of wildlife populations and environmental deterioration by controlling the extraction of resources.

In the years leading up to and following India's independence in 1947, the country's legal framework has come an extensive distance in recognizing significance of wildlife conservation for preserving ecological balance and protecting India's natural heritage. This change reflects both the changing political landscape in India and a growing awareness of the importance of

environmental protection for national development, moving away from the colonial-era system of resource management and towards a more comprehensive framework of conservation that focuses on protecting biodiversity and endangered species.

Pre-Independence Wildlife Laws

The interests of local princely princes and British colonial rulers had a considerable influence on wildlife management before to independence. The overarching goal was frequently to generate income through sport hunting, however there were some efforts to control hunting and protect specific species.

Regulations from the Past: In the third century BC, under the rule of Emperor Ashoka, the first known instance of wildlife conservation was the issuance of edicts safeguarding specific creatures. But codified laws were a long time in coming.

During the British Era, the government passed several landmark statutes pertaining to animals. Among them were, some bird species, especially those hunted for sport or commerce, were the targets of the “*Wild Birds Protection Act, 1887*”. The “*Wild Birds and Animals Protection Act, 1912*”, this law allowed for creation of game reserves and extended protection to a broader variety of animals. The regulations were later adjusted by amendments and state-level statutes, but overall, the emphasis was on hunting regulations rather than complete conservation.

There were a number of restrictions imposed by these pre-independence laws. They neglected habitat protection, lacked effective enforcement measures, and frequently gave priority to game animals over other types of wildlife.

Post-Independence Wildlife Laws

Once India gained its independence, the country began a process of nation-building and development that included a recommitment to protecting the environment and its wildlife.

Legal Requirements: Adopted in 1950, the Constitution of India established protection of environmental as a cornerstone of state policy along with fundamental duties through inclusion of provisions pertaining to wildlife and the environment.

Concerning the wildlife’s protection, “*Wildlife (Protection) Act, 1972*” was watershed moment in India's strategy for protecting its natural resources occurred with the passage of this historic law. A thorough structure was laid out for, reserved regions, in order to preserve vital habitats, national parks and refuges for endangered species have been established. Conservation of Species, making a list of endangered species and putting rules on hunting and trade. Another important aspect was trade control which focuses on keeping an eye on and regulating the trade of wildlife goods. In response to new threats and in an effort to fortify existing safeguards, the Act has undergone multiple revisions. Stricter punishments and better enforcement methods for wildlife offenses were introduced by important revisions in past few years.

The conservation of wildlife has undergone sea changes since the country gained its freedom. There has been a change in emphasis from pre-independence regulation and exploitation to

post-independence protection and conservation, with the former highlighting the importance of preserving species for ecological harmony and advantages for upcoming generations. Preserving habitats along with animals through the application of scientific management methods. The significance of local communities in conservation initiatives should be acknowledged through community involvement. Addressing transboundary wildlife issues requires international cooperation, which entails collaborating with other governments and international organizations.

A number of other landmark statutes were enacted to supplement WPA initiatives in wildlife conservation and to fortify the environmental framework by dealing with more generalized concerns like pollution regulation, biodiversity preservation, limited usefulness of the natural resources.³¹⁸

Recognizing importance of wildlife resources or taking measures to prevent their depletion, the country has enacted many animal Acts. The next parts go over the various pre as well as post-independence wildlife laws and their provisions in detail in chronological order.

4.2.1 PRE- INDEPENDENCE WILDLIFE LAWS

4.2.1.1 THE INDIAN PENAL CODE, 1860

“Killing” is against law, maim, or damage animals, according to “*Indian Penal Code (IPC), 1860*”. These measures are meant to spare animals needless suffering. Many provisions pertaining to animal protection are also included in the “*Indian penal code*”. Definition of “animal” is also provided, along with sanctions for mischievous and irresponsible animal behavior.³¹⁹

In **Section 47**, word “animal” is defined. Anything other than a human being is considered an animal.³²⁰

Section 289- Negligent treatment of animals

Anyone caught in the act of carelessly or intentionally not taking reasonable precautions with an animal in their possession is subject to a fine of up to 1000 rupees (or six months in prison, depending on the severity of the offense), or both.

This section establishes penalties for individuals who do not ensure the proper care of any animal under their custody. The term "animal" encompasses both feral and tamed creatures. There will be consequences for anyone who keep dangerous animals like tigers and bears as pets and then let them go. The main obligation of those who own these animals is to prevent harm that they can inflict when left unattended.³²¹

Section 428- Causing mischief by killing or maiming a ten- rupee species.

³¹⁸ Surender Mehra, Study and Practice of Wild Life Laws in India: Concepts, Acts, Rules and Notifications (Natraj Publishers, Hardcover-1, 2020)

³¹⁹ The Indian Penal Code, 1860 (Act 45 of 1860)

³²⁰ The Indian Penal Code, 1860 (Act 45 of 1860), s 47.

³²¹ The Indian Penal Code, 1860 (Act 45 of 1860), s 289.

Section defines “causing mischief” as the act of harming an animal valued at 10 rupees. Someone can face up to 2 years in prison, a fine, or both if they hurt animals worth ten rupees or more by murdering, poisoning, maiming, or rendering them useless.³²²

Section 429- Causing mischief by maiming or killing cattle, sheep, or other animals worth more than fifty rupees.

Poisoning or injuring livestock with a market value of fifty rupees or more is punishable by Section 429 of the Code. The punishment for any animal- whether it's an elephant, horse, camel, mule, bull, buffalo, cow, or ox- is a fine, imprisonment for up to 5 years, or both, depending on severity of the crime. The animals' value is not taken into consideration.³²³

4.2.1.2 MADRAS ELEPHANT PRESERVATION ACT, 1873

In 1873, “*Madras Elephant Preservation Act*” was passed, which is often pointed to as the Forest Act of Madras. The act that was passed in 1873 is typically referred to by its current name, which is the “*Tamil Nadu Wild Elephants Preservation Act*”.

In 1873, “*Madras Wild Elephant Preservation Act*” enacted, which marked the beginning of conservation efforts in India for the Egyptian elephant, also known as the *Elephas maximus*. Within the realm of animal conservation, the initial law was restricted to particular locations and species. 1873 was the year that Madras passed the first Wild Life Statute, which was intended to protect wild elephants. Those who violated the embargo were subject to a penalty, and the law stipulated that the slaughter of wild elephants was prohibited in general.

“An act to prevent the indiscriminate destruction of wild elephants,”

The above stated, are the words that appear in the preamble of statute. The “*Elephant Preservation Act, 1879*” was the initial attempt made by the Central Government, which was six years after the initial effort.³²⁴

4.2.1.3 THE ELEPHANT PRESERVATION ACT, 1879

For protecting elephants, Elephant Preservation Act, 1879 was passed into law. No person is allowed to injure, kill, or capture a wild elephant, or attempts to injure, capture or kill, one, unless doing so is necessary for his or another person's safety, when an elephant is discovered damaging dwellings or crops, on or near a major public road, canal, or railway as authorized by a license issued as per this statute. For example, if an elephant is discovered damaging buildings or crops, this incident falls under this category. If an individual violates section 3 of the Act, they are subject to a sentence of up to Rs. 500 for each elephant that is involved in the violation. Any person found guilty of violating the terms of a licence issued under this Act may be fined up to Rs. 500. In accordance with this clause, the maximum punishment for a second offense is either a fine or a prison sentence of up to six months, or both.³²⁵

³²² The Indian Penal Code, 1860 (Act 45 of 1860), s 428.

³²³ The Indian Penal Code, 1860 (Act 45 of 1860), s 429.

³²⁴ Madras Elephant Preservation Act, 1873 (Act 1 of 1873).

³²⁵ The Elephant Preservation Act, 1879 (Act 6 of 1879), s 3.

In the event that an individual who possesses a license that was issued in accordance with this Act is found guilty of violating this section, the license will be revoked and must be presented to the Magistrate.³²⁶

4.2.1.4 WILD BIRDS PROTECTION ACT, 1887

The primary legislation in India with the purpose of protecting wild birds was passed in 1887 and was called “*Wild Birds Protection Act*”. The British govt. approved it. There were some wild birds that were killed or captured during the mating season, and the legislation made it illegal to sell or possess it. According to “*Wild Birds Protection Act*”, which was passed by Centre in 1887, it’s illegal to possess or sell wild birds that have been recently taken or killed during mating season that has been publicly announced.

In the first place, this act established community reserves in order to safeguard wild birds. Secondly, this act made it unlawful to sell, expose, or offer for sale wild birds, eggs, skin, or feathers. And this act prohibits the sale of wild birds.

To make it illegal to enter a reserve with the intention of killing or capturing a wild bird, the law was changed.³²⁷

4.2.1.5 THE CRIMINAL PROCEDURE CODE, 1893

Offences involving wildlife can be found under either the “*Wildlife (Protection) Act, 1972*” (WPA) or “*Code of Criminal Procedure, 1893 (CrPC)*”. Forest officials can search, arrest, and hold people for wildlife violations according to the Wildlife Protection Act, whereas the Criminal Procedure Code specifies how searches and seizures are to be conducted.

“The process for searching premises” *Section 100*³²⁸ is one such provision in *CrPC*. “To search an individual without a witness is permitted”³²⁹ (Section 51 goes on to explain). *Section 50 (8)* “States unequivocally that the WPA and other special laws are supreme,” and *Section 50 (1)* “Authorizes the forest rangers to conduct warrantless searches, make arrests, and hold suspects for violations involving animals.” These clauses are part of the WPA.

While investigating a wildlife offense, forest officials and law enforcement officers can use statutes from the *Wildlife Protection Act* and the *Criminal Procedure Code*. A memorandum detailing all events and circumstances is required, as is strict adherence to the search and seizure protocol. The accused ought to be brought before a magistrate at the earliest convenience. Obtaining fingerprints and a photograph of the accused is essential.³³⁰

4.2.1.6 THE INDIAN FISHERIES ACT, 1897

Preservation together with management of fisheries resources is foremost goal of “*Indian Fisheries Act of 1897*”, which primarily seeks to control fishing activity. “*The Indian Fisheries*

³²⁶ The Elephant Preservation Act, 1879 (Act 6 of 1879).

³²⁷ The Wild Birds Protection Act, 1887 (Act 10 of 1887).

³²⁸ The Code of Criminal Procedure, 1893 (Act 10 of 1893), s 100.

³²⁹ The Code of Criminal Procedure, 1893 (Act 10 of 1893), s 51.

³³⁰ The Code of Criminal Procedure, 1893 (Act 10 of 1893).

Act, 1897” comprises of seven sections. Although not specifically addressed, certain clauses do have an indirect effect on wildlife.

The Act forbids the use of explosives or poisons during fishing in order to protect fish habitats and other aquatic organisms from harm. Fishing method regulation: Wildlife can indirectly benefit from fishing method regulation by preventing harm to juvenile fish and other aquatic life. Protection of aquatic ecosystems and their inhabitants, as well as other species, is one of the many conservation measures granted by the Act to the government in the sake of sustainable fisheries development.³³¹

4.2.1.7 WILD BIRDS AND ANIMALS’ PROTECTION ACT, 1912

In year 1912, British India’s government passed a legislation to protect certain species of wild birds and animals from being hunted or captured. It was a major milestone in the fight to protect local animals. The act comprises of nine sections.

The vital provisions of the act include protected species. The Act mainly aimed at safeguarding avian species such as kingfishers, herons, egrets, rollers, sandgrouse, jungle fowl, partridges, peafowl, pheasants, quail, spurfowl, woodcock, and spurfowl. Additionally, it provided safeguards for specific animal species. The Act made it illegal to harm or capture any of these endangered species through means such as poisoning or trapping. Damage to or removal of any portion of their bodies, including eggs, was likewise forbidden. With some exceptions, the Act did not prohibit the taking or killing of wildlife species when done in the interest for protecting one's life or one's property. When it comes to enforcement, the Act gives the government the ability to seize any protected bird or animal, or any portion of it, that is implicated in a crime. Penalties for infractions were also outlined in it.

An important step toward protecting India's flora and fauna was “*Wild Birds and Animals Protection Act*”, passed in 1912. The importance of preserving biodiversity was highlighted by it and set the stage for future legislation to do the same.

The Act failed to safeguard a large number of endangered species because it did not extend its protections beyond a narrow list of species.³³²

4.2.1.8 THE INDIAN FOREST ACT, 1927

An important statute controlling the administration and preservation of India's woods is the *Indian Forest Act, 1927* with eighty-six sections, divided into thirteen chapters. The purpose of its enactment was to standardize and streamline regulations concerning forests along with the transportation of forest products, & taxes that are applied to timber or other forest goods. Important parts of the law are as follows:

Forest Classification: The legislation divides forests into three distinct types, namely reserved, protected and forests of villages. Most of rights of forest residents are severely limited in reserved forests, which are the most protected forests. Forests with a moderate degree of

³³¹ The Indian Fisheries Act, 1897 (Act 4 of 1897).

³³² The Wild Birds and Animals Protection Act, 1912 (Act 8 of 1912).

protection, which yet grant certain rights to local communities, are known as protected forests. The goal of village forests is to foster community development and sustainable forest usage. Local communities administer these woods.

The Act governs a range of activities that take place within forest regions, which includes to guarantee sustainable forest management, regulations are in place to control logging and other types of timber extraction. To protect forests from overgrazing and its negative impacts, the Act establishes regulations for grazing. The Act also establishes procedures to control and avoid forest fires.

Although protection of wildlife is not the Act's principal aim, that's because it limits things that could harm habitats for animals. This Act also acknowledges, rights of the community with some limitations, the right of communities residing in forests to access and utilize forest resources. Wildlife can reap the benefits of the government's conservation efforts according to the Act's provisions allowing for the development and preservation of forest.

When it comes to managing and protecting India's forests, the Indian Forest Act is still an essential piece of legislation. Despite its detractors, the Act is still being worked on to make it better and stronger so that forests and the people who live in them are protected.³³³

4.2.1.9 HAILEY NATIONAL PARK ACT, 1936

In 1935, the “*United Province National Park Act*” created Hailey, India's first national park. *Sir Malcolm Hailey*, who served as Governor of the United Provinces at the time, is the inspiration for the park’s name. *Corbett National Park*, commonly known as “*Jim Corbett National Park*, is situated in the Nainital region of the Uttarakhand” state in northern India. Year 1879 marked the beginning of the area's designation as a reserve forest. A number of British individuals, including E.R. Stevans and E.A. Smythies, put up the idea for establishing a national park in the early 1900s. Sir Edward Jim Corbett was in charge of overseeing the process of demarcating the park, which started in the 1930s.³³⁴

Between the years 1952 and 1957, the park gained the name “*Ramganga National Park*”. “*The park was renamed Jim Corbett National Park*” in 1957 in order to pay tribute to Jim Corbett, who was an author and conservationist regarding animals.³³⁵

4.2.2 POST- INDEPENDENCE WILDLIFE LAWS

4.2.2.1 THE CONSTITUTION OF INDIA, 1949

Indian wildlife has occasionally been protected for nearly a century by a number of species-specific laws. There were no provisions for wildlife’s protection in lengthy and convoluted India’s Constitution. Therefore, until later amendments, the Constitution's wording lacked any explicit provisions for the preservation and advancement of wildlife.

³³³ The Indian Forest Act, 1927 (Act 16 of 1927).

³³⁴ The Uttar Pradesh National Parks Act, 1935 (U.P. Act No. 1 of 1935).

³³⁵ Jim Corbett National Park & Tiger Reserve India Information, Available at: <https://jimcorbettnationalpark.com> (last visited October 19, 2023).

At 1972, “Stockholm United Nations Conference on Human Environment”, preservation of biosphere was given paramount importance in international law as well as policy. At “Stockholm United Nations Conference on Human Environment”, “India's PM, Mrs. Indira Gandhi”, expressed her nation’s commitment for protecting environment. During her time as prime minister, Mrs. Indira Gandhi of India stated,

"The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning and management, as appropriate... nature conservation including wildlife must therefore receive importance in planning for economic development."

"In order to adhere to the principles outlined in the Stockholm Declaration, which was adopted by the International Conference on Human Environment, the Indian government passed the 42nd Amendment Act to the Constitution in 1976. This act included two sections that specifically addressed environmental protection and wildlife promotion: Article 48- from Directive Principles of State Policy and Article 51-A (g) in Fundamental Duties".

The principal purpose of most early statutes was to protect hunting game. In addition to establishing sanctuaries, *Indian Forest Act of 1927* protected or designated forest areas have hunting restrictions. The 42nd Amendment, passed in 1976, transferred forest together with wildlife protections from State List to Constitution's Current List. Consequently, federal government now plays a more significant role in crafting policies pertaining to wildlife.³³⁶

Although the Indian Constitution does not specifically state that it is dedicated to protecting wildlife, it does include provisions that indirectly encourage the conservation of wildlife:

- Article 51A(g) of the Indian Constitution lists as one of the basic responsibilities of every Indian citizen the conservation and improving of the natural environment, which includes wildlife, rivers, lakes, forests, as well as the maintenance of a compassionate attitude toward all forms of life. Citizens must take action to safeguard wildlife, as this emphasizes.³³⁷
- “Article 48A of Directive Principles of State Policy” provides that State should make an effort to maintain as well as enhance the environment, as well as protection of forests alongside wildlife of nation. Though these principles are not legally enforceable, these do provide guidance for government policies & actions which are focused for protecting environment, particularly wildlife.³³⁸
- List III of the Concurrent List is where the words “Forests” & “Protection of wildlife species” are located in Constitution's Seventh Schedule. Because of this, wildlife conservation efforts may be better coordinated across the state as well as federal levels of government.

³³⁶ Shyam Divan, Armin Rosencranz, *Environmental Law and Policy in India* (Oxford University Press, 2001).

³³⁷ The Constitution of India, art. 51 A (g).

³³⁸ The Constitution of India, art. 48A.

- Constitution of India ensures “*right to life and personal liberty as mentioned under Article 21*”. It has been ruled in multiple court decisions that this right include the “*right to a healthy and clean environment*”, which is crucial for existence of wildlife.³³⁹

Although these provisions do not specifically address wildlife, they do lay the groundwork for protecting environment under the constitution, which includes conservation of species. They stress that protecting the nation's biodiversity requires efforts from individuals and the government alike.

4.2.2.2 THE CINEMATOGRAPH ACT, 1952

An Indian statute that controls the screening of films and its approval for public display is the Cinematograph Act of 1952. This act aims for prevention of films shown in India from infringing on anyone's rights or having harmful or offensive content.

In an effort to curb animal cruelty in the film industry, India's Cinematograph Act of 1952 includes regulations pertaining to wildlife in eighteen sections.

No animal shall ever be subjected to cruelty while being filmed, as stated in the Act. Prohibitions on using dangerous substances, inflicting pain, or putting animals in danger's lives are all part of this.

The Certification Rules of the Cinematograph Act of 1952 and the Performing Animals (Registration) Rules of 2001 need to be reconciled. Any animal used in a film or at a public equestrian event is considered a “performing animal” for the purposes of entertainment. A producer of a film is required by the Cinematograph Act of 1952 to attest that the animal or animals used in the film were not subjected to cruelty.

As part of its certification process, the *Central Board of Film Certification (CBFC)* reviews films, including those containing animal characters, to make sure they follow certain rules. Certifying or re-certifying films for public screening may be necessary if they portray animal cruelty. Punishments for infractions of this Act consists of both fines as well as imprisonment, as outlined in enforcement provisions.³⁴⁰

4.2.2.3 THE PRESERVATION OF CRUELTY TO ANIMALS ACT, 1960

A statute passed in 1960 with forty-one sections, in India called the “*Prevention of Cruelty to Animals Act*” seeks for safeguarding species from needless hurt or distress. It states that an animal's caretakers have a responsibility to ensure the well-being and safety of the animal by following appropriate measures. Preventing and protecting animals from harsh treatment, needless suffering, excessive labor, torture, and abuse is the aim of the legislation. “*The Animal Welfare Board of India*” is recognised as the authoritative body in this. It regulates usage of animals for research or the treatment of animals used for entertainment venues like circuses. It forbids the aforementioned experiments and any behavior associated with them, such as

³³⁹ The Constitution of India, art. 21.

³⁴⁰ The Cinematograph Act, 1952 (Act 37 of 1952).

training and exhibition, and it allows for the inspection of any facility that handles animals in any way, including but not limited to: working, eating, resting, performing, or slaughtering.

Although the fundamental target of “*Prevention of Cruelty to Animals Act, 1960*” is domesticated animals, it does contain provisions that are applicable to wild animals as well as explained below:

- All animals kept in enclosures, whether in zoos or sanctuaries, are considered "captive animals" under the Act. Responsible parties are obligated to guarantee the welfare of these animals and alleviate any needless suffering. This involves making sure they have access to veterinary treatment, food, water, and shelter.
- The legislation interacts with the issue of wildlife animals kept in captivity for the purpose of amusement, including circuses and similar events. Any practice that results in the needless suffering of animals, such as their exhibition or training, is forbidden by this law. The practice of coercing wild animals into performing artificial activities for the entertainment of humans is one example of what this tries to stop.
- Safeguards Against Cruelty: The Act makes it illegal to treat animals cruelly in any way, shape, or form. This includes several types of wildlife exploitation and abuse. As an example, the Act could potentially apply if someone were to purposefully injure or kill an untamed animal without a valid reason.³⁴¹

4.2.2.4 THE WILDLIFE (PROTECTION) ACT, 1972

Principles together with customs of a community are reflected in its laws, and these laws change with time. People often bring up the need of protecting wildlife and plants in public places, and the reason for this is that we want to get nature's vital biological balance back in the wild. They are mistaken in thinking that our nation does not have robust laws protecting wildlife. We actually have some of the most stringent regulations for the protection of wildlife along with their habitats from world. *WPA, 1972* is fundamental wildlife statute enacted by Indian government.

Wildlife in India was rich and habitats were mostly unspoiled until the middle of the last century. A lot of people like going hunting. It became apparent to decision-makers in the early 1970s that wildlife survival was at risk unless a standard, well-structured law was published across the nation. Up until 1972, wildlife preservation in India was very fragmented and neglected. In an effort to address these issues, WPA, 1972 established strong legal framework to save natural flora, wildlife, and birds. The 1972 statute was approved by the Parliament of India in response to a request by eleven states. The states argued for the need for a comprehensive national legislative framework to protect wildlife, as described in Article 252 of the Indian Constitution. It wasn't until September 9, 1972, but on August 21, 1972, the statute was signed into law. Two goals were intended by the Act: first, that all areas should provide protection for endangered species; and second, that all places should provide protection for all species.

³⁴¹ Prevention of Cruelty to Animals Act, 1960 (Act 59 of 1960).

The 1972 statute, a landmark law in our nation, provided a solid foundation for the country's initiatives to safeguard its wildlife. At a time when global concern for endangered species was at an all-time high, this act marked a sea change in the country's strategy for protecting its rich biodiversity.

As a result, the WPA of 1972 was enacted. With the exception of Jammu & Kashmir, which passed its own legislation in 1978 known as the "*Jammu & Kashmir Wild Life (Protection) Act*", it became applicable to all of India's states. It is against the law to hunt, poison, or trap wild animals according to this statute. According to the homepage of Conservation India, the wildlife legislation was passed by the government of India for multiple reasons. National Parks alongside the Wildlife Sanctuaries, defined as areas with minimal human interference to protect native flora and fauna, can be created under this law. This law also prohibits hunting endangered species and regulates the wildlife trade.

The Act has undergone several revisions since its inception in order to accommodate changing animal threats. These revisions have strengthened the legislation, increased the penalties for wildlife crimes, and introduced novel concepts like Community Reserves to inspire citizen participation in conservation efforts. Wildlife statute has been a light for other countries in the region and has been instrumental in protecting wildlife in India, despite ongoing challenges with its implementation. This exemplifies India's commitment to preserving its natural resources for the advantage of upcoming generations.³⁴²

In judgement of "*State of Bihar v. Murad Ali Khan*"³⁴³ Indian SC elucidated the goals of the wildlife statute. The SC acknowledged the lengthy history of wildlife laws & emphasized the necessity for both parliament and the courts to safeguard wildlife. The judicial branch held the view that environmental degradation and ecological imbalances had reached a tipping point, beyond which no action could be spared.

Three primary goals that prompted the wildlife legislation are as follows:

- Primary objective is to ensure that all states have laws in place to safeguard wildlife.
- To outlaw the sale and purchase of wildlife as well as wildlife products.
- To design together with maintaining guidelines for areas protected under the legislation which includes national parks as well as sanctuaries also.

When it came to protecting endangered species and other wild animals, this law was the first of its kind. It included provisions for birds, reptiles, amphibians, insects, and more. Additionally, it addresses the development of wildlife sanctuaries together with national parks, as well as controlling of commerce involving wild animals, their goods, and trophies.

The act enumerates six schedules that, when fully enforced, would provide complete protection to rare and endangered species. Parliament passed the wildlife legislation, and the President assented to it on September 9, 1972. Multiple revisions to the WPA, 1972 have been made thus far. The various amendments are as follows:

³⁴² Dr. Udit Raj Sharma, Animal Rights & Wildlife Protection Law In India- A Contemporary Developments

³⁴³ AIR 1989 SC 1.

Table 4.1 Amendments of Wild Life (Protection) Act, 1972

Year	Short Title of Amended Legislation	Amendment
1982	<i>Wild Life (Protection) Amendment Act, 1982</i>	Provisions allowing transportation, capture of wild species for using for scientific population control was added to the Act in 1982 through an amendment.
1986	<i>Wild Life (Protection) Amendment Act, 1986</i>	Consequently, no one is allowed to trade with wild species that are listed in first two Schedules of the 1986 Amendment Act. Additionally, at that time, licenses were revoked for the internal trading of animals and animal products. Also outlawed is the sale of any kind of Indian ivory.
1991	<i>Wild Life (Protection) Amendment Act, 1991</i>	No individual is authorized to hunt any wild animal, with the exception of vermin, according to the 1991 Amendment Act. However, there were specific justifications for hunting, such as the need to preserve life, do research, raise animals in captivity, or implement scientific management practices.
1993	<i>Wild Life (Protection) Amendment Act, 1993</i>	As per proviso to <i>sub-section (I) of section 38H</i> of WPA, 1972 (hence referred to as the principal Act), the words "six months from the date of such commencement" were replaced with "eighteen months from the date of such commencement" according to the <i>WP Amendment Act, 1993</i> . The act was revoked later that year, though.
2002	<i>Wild Life (Protection) Amendment Act, 2002</i>	To guarantee the ecological and environmental security of the country, the Wild Life (Protection) Amendment Act, 2002 establishes protections for wild creatures and plants, along with everything connected to, supplementary to, or incidental to, these protections.
2006	<i>Wild Life (Protection) Amendment Act, 2008</i>	In year 2006, wildlife amendment statute was revised with the goal of strengthening tiger and “ <i>other endangered species protection by combating crimes against</i>

		<i>them through the Special Crime Control Bureau”.</i>
2013	<i>Wild Life (Protection) Amendment Act, 2013</i>	<p>A bill presented before Rajya Sabha in year 2013 stating that the Poaching or hunting of wild animals is punishable by up to seven years in prison.</p> <p>The bill also safeguards Scheduled Tribes' hunting rights in the Andaman & Nicobar Islands.</p> <p>Furthermore, in 2015, bill was asked to withdraw in order for further amendment the WPA, 1972. Therefore, this indicated a variety of improvements that needed to be made before it could be implemented. The Rajya Sabha approved these revisions.</p>
2021	<i>Wild Life (Protection) Amendment Act, 2021</i>	<p>Legislation governs how wild creatures and plants are protected. The bill's stated goals include implementing the “<i>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</i>” and increasing the number of species protected by law.</p>

Framework of Wildlife Protection Legislation

On September 9, 1972, the wildlife statute came into being. There is a total of sixty-six sections in the act, broken down into seven chapters and six schedules. The state had already established a statute to ensure the safety of its wildlife before this legislation was enacted, since it was on the state's list of priorities. Protecting wildlife, flora, and fauna, as well as any and all subjects related thereto, is the express purpose of this Act. It covers the entirety of India. A variety of levels of protection are provided by its six schedules.

In 1986, a comprehensive law known as the “*Environment (Protection) Act*” was passed, which covered all aspects of the environment, that consists of air, water, land, alongside their interconnections. The Principal Act, which is the “*Wildlife (Protection) Act, 1972*”, following is long title for legislation:

“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.”

Essential Provisions of Wildlife statute is as following:

Section 1 In 1972, law was enacted and is called the “*The Wild Life (Protection) Act, 1972.*” The act has been extending to whole of India including “*Jammu & Kashmir*” state.³⁴⁴

Section 2 Various definitions as defined in the Act are included in this section. The definitions are included in section 2 under clauses (1) to (39).

Board- As indicated in subsection (1) of section (6), an advisory board was established to ensure the preservation of wildlife.³⁴⁵

Chief Wildlife Warden- It is the official who oversees a state's wildlife department according to statute.³⁴⁶

Collector- Any official nominated by the State Government who is not lower in status than a Deputy Collector or the principal officer responsible for the management of a district's revenues is referred to as a “collector.”³⁴⁷

Forest Officer- Official designated by the forest department to ensure the safety of wildlife, as detailed in *clause (2) of section 2.*³⁴⁸

Hunting- The phrase “hunting” encompasses a wide range of grammatical forms and related phrases,

(a) preying on, harming, or attempting to harm any animal, whether in captivity or not; and (b) catching, snaring, trapping, driving, or baiting any animal, whether in captivity or not; (c) harming, killing, or stealing any portion from any animal’s body; If species are a wild bird or reptile, damaging its eggs or nest is also a crime;³⁴⁹

National Park- A “*National Park*” is defined as an area that has been officially designated as such by either “*section 35 or section 38, or by sub-section (3) of section 66.*”³⁵⁰

Protected Area- “*National Parks, conservation reserves, sanctuaries, and community reserves*” that have been designated under “*sections 18, 35, 36A, and 36C*” of legislation are all considered “*protected areas.*”³⁵¹

Sanctuary- A “sanctuary” is a designated area for wildlife that has been officially designated as such by a state government.³⁵²

³⁴⁴ The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

³⁴⁵ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(4).

³⁴⁶ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(7).

³⁴⁷ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(9).

³⁴⁸ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(12A).

³⁴⁹ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(16).

³⁵⁰ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(21).

³⁵¹ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(24A).

³⁵² The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2 (26).

Taxidermy- In its many grammatical forms and related phrases, "taxidermy" refers to the process of mounting, preparing, or curing trophies.³⁵³

Wild Life- Any creatures, whether they live in water or on land, and any plant life that is a component of any ecosystem is considered "wild life."³⁵⁴

Wildlife Warden- A person designated as such by the "*Chief Wildlife Warden or members of the advisory board*" as stated in *clause (b) of sub-section (1) of section 4*.³⁵⁵

Zoo- A "zoo" is defined as any place, permanent or temporary, that houses animals in captivity for the agenda of public display or ex-situ conservation; this definition encompasses not only zoos but also circuses and off-exhibit facilities like rescue centers and conservation breeding centers.³⁵⁶

Authorities appointed under the act

Section 3 Officials like the wildlife conservation department's director and assistant directors are chosen in this section, as well as any other officials that may be required. In carrying out their duties, the duly chosen directors must adhere to any regulations or specific directives issued by the federal government. The director will have delegated authority to the assistant director herein.³⁵⁷

Section 4 Under this section, the government has the authority to designate relevant officials, including chief wildlife wardens, wildlife wardens, an honorary wildlife ward for each district, and any other officials deemed essential. The government's designated officials are expected to carry out their duties in line with the regulations or specific directives issued by state govt. or published in the official gazette. According to "*chief wildlife warden*", other staff, including one honorary warden, and the wildlife warden, will all submit to him.³⁵⁸

Section 5 The delegation authority is discussed in this section. With approval from the state govt., the director/chief wildlife warden can give any subordinate official full or part of his authority. Whenever the director or chief wildlife warden delegates authority and responsibility to another individual, that individual must adhere to the directives of their superior and ensure that all actions are carried out according to the provisions of this Act, rather than straying from its scope through delegation.³⁵⁹

Section 6 The wildlife advisory board's constitution is covered in this section. The administration is obligated to form a wildlife advisory board with the following members when this Act has been initiated, as stated in this section.

³⁵³ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2 (30).

³⁵⁴ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2 (37).

³⁵⁵ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2(38).

³⁵⁶ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 2 (39).

³⁵⁷ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 3.

³⁵⁸ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 4.

³⁵⁹ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 5.

The board consists of a Chief Wildlife Warden, State Forest department's forest officer, Secretary of the state government or the official in charge of the union territory's forests, Nominated officer by director, Officers from the State Forest Department up to number five will also be on this board, Three individuals chosen by the state government to represent NGOs that work with wildlife, Three representatives from the State Legislature, or two representatives from the Legislative Assembly of a Union territory that has a legislature, The State Tourism Development Corporation's Managing Director, An Inspector-General or higher-ranking State Police Department officer.

Additionally, the board should have no more than three tribal representatives and no more than 10 individuals thought by the state to be interested in wildlife protection.

- The Vice-chairman of the Board will be chosen by the Government of a state.
- Chief warden or the forest incharge of forest department would be appointed by the Government of a state to serve as the board's secretary.
- Board members shall be compensated for carrying out and exercising their roles and obligations.³⁶⁰

Section 7 This section outlines the process that the board must adhere to. It specifies that board will convene two times in a year at a location determined by the State Government. Simply because of a vacancy on the board, an irregularity in the board's procedure, or flaws in the board's constitution, the court's actions or proceedings cannot be deemed illegal. The board is required to control its own problems and processes.³⁶¹

Section 8 The Wildlife Advisory Board's responsibilities are outlined in this section. It declares that the State Advisory Board's responsibility is to advise the government of a state on matters concerning the designation of areas as national parks, sanctuaries, or closed areas. The Board must also assist the Government in developing policies for the preservation as well as preservation of wildlife.³⁶²

Hunting of wild animals

In accordance to Wild Life (Protection) Act of 1972, “*hunting*” encompasses poisoning, murdering, trapping, or attempting to trap any wild animal. Additionally, it involves driving or utilizing any animal for transportation, harming wild animals or any portion of their bodies, murdering reptile or bird eggs, or disrupting a reptile or bird nest or eggs. It is prohibited for anyone to hunt any of the animals listed in “*Schedules 1, 2, 3, and 4*”.

Cases where hunting of wild animals is permitted

Section 11 According to *Section 11* of WPA 1972, hunting wildlife animals is allowed under the following conditions:

- The Chief Wildlife Warden may issue a written allow and explain why a person is permitted to hunt an animal listed in Schedule 1 if he or she is convinced that the wild species poses

³⁶⁰ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 6.

³⁶¹ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 7.

³⁶² The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 8.

a risk to lives of humans or properties, or if the animal has an incurable disease from which it cannot be recovered.

- The “*Chief Wildlife Warden*” may grant a permission in writing to someone to hunt an animal listed in II, III or IV Schedule if he or she is convinced that wild species is becoming a problem for human lives or property, or if the animal has contracted an incurable disease from which it cannot be recovered.
- Hunting is legal and no crime is committed if species is killed or injured to save one's own or the life of another. Any harm caused to wild species in self-defense is not illegal. The death of an animal was unavoidable, so long as the individual in question has not broken any laws pertaining to this act.
- Any creatures killed in this way will belong to the government.³⁶³

Authorization to use for designated operations

Section 12 Permission to hunt can be granted for specific reasons, as stated in this section. If a person wants to go hunting for specific reasons, Chief Wildlife Warden can legally grants him permission to do so by drafting an order and collecting the required fee. So long as the relevant federal or state governments have already given their consent, the necessary permits can be issued. The following are examples of such specific purposes:

- For the aim of educating others.
- For the aim of scientific research, such as relocating the wild species to a new habitat to see how it adapts to that new environment.
- In the interest of scientific management, for example, in order to ensure that a specific species' population remains stable.
- For the purpose of preserving the animal's body for future use in a museum or other comparable establishment by collecting specimens of different sorts from its tissues.
- To extract the venom from snakes for use in the production of several types of therapeutic medications.³⁶⁴

Sanctuaries

Section 18 The official designation of the sanctuary is addressed in this section. The state administration proclaims the areas as sanctuaries. If a certain region does not already have reserve forest status or territorial waters, they can proclaim it a wildlife sanctuary through an official notification. In order for an area to be designated as a sanctuary, it must possess sufficient ecological, faunal, and floral value to ensure the correct preservation and development of an appropriate habitat for wildlife species.³⁶⁵

Section 19 The collector is obligated to ascertain the type and extent of any individuals claim in or over the land that has been designated as a wildlife sanctuary under section 19. Anyone trespassing on the territory designated as a wildlife sanctuary can be subject to his investigation.³⁶⁶

³⁶³ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 11.

³⁶⁴ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 12.

³⁶⁵ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 18.

³⁶⁶ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 19.

Section 21 To specify the boundaries of the wildlife sanctuary, the government of state has issued a notice, and the collector is required to publish it in all regional languages in every town or hamlet, particularly for surrounding area. Additionally, any other party asserting ownership of the property has two months from the date of the proclamation to present their case to the collector. Any such claim must be in writing and include all relevant information, including the amount and details of any compensation sought in relation to the claimed property.³⁶⁷

Section 22 The collector is required to contact the claimant after publishing the notice. It is important to verify that the individual asserting ownership over the land designated as a wildlife sanctuary actually owns the land and that their claim was filed according to section 21 of the wildlife statue. The State Government's records or the evidence offered by such an individual can confirm this.³⁶⁸

Section 23 The powers that the collector shall exercise during the course of inquiry are discussed in Section 23. The collector can authorize an official or himself to investigate, demarcate, and map any property he deems necessary. It can go to a civil court to try a case if it wants to.³⁶⁹

Section 24 & Section 25 The collector is required to make a determination under this provision regarding any claim to property that has been designated as a national park, sanctuary, or zoo, and must either reject or admit the claim. Depending on his preference, he can either partially or fully accept the assertion. After considering the claim, the collector has a few options. He can either remove the land from restricted areas or declare it a wildlife sanctuary. Another option is to acquire the land through an agreement between the landowner and the government, where the government agrees to give up some rights to the property in exchange for compensation. Lastly, he can consult with Chief Wildlife Warden to permit landowner to use the land within the sanctuary limits. After receiving approval from the court or the claimant, the collector may pay out compensation partially in cash and partly in property.³⁷⁰

Section 27 The limitation within the sanctuary is discussed in this section.

- The following individuals are exempt from entering or residing within the sanctuary boundaries: the on-duty public servant, anyone with a valid permission to do so from Chief Wildlife Warden or another authorized officer, anyone with legitimate claim to the immovable property within the sanctuary, anyone passing through on a highway, and any dependents of the authorised officer, the individual with a right to immovable property, or someone staying within sanctuary borders.
- There are certain rules that everyone residing within the sanctuary must follow. First, they can't break the law. Second, if someone breaks the Act, they have to help find them. Third, if a wild animal dies, they have to report it and take care of it until the Chief Wildlife Warden comes along. Fourth, if there's a fire in the sanctuary, someone living there has to put it out. Fifth, if there's an investigation into a crime, they have to help the chief wildlife warden, forest officer, or police officer with their investigation.

³⁶⁷ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 21.

³⁶⁸ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 22.

³⁶⁹ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 23.

³⁷⁰ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 24, 25.

- No one is to harm, demolish, relocate, or otherwise change the perimeter of the wildlife sanctuary, and no one is to molest any wild animal on this property.³⁷¹

Prohibition and Permit Grant in Sanctuary

Section 28 The issuance of permissions for sanctuary is discussed in this section. Any person may apply to “*chief wildlife warden*” for permits to live or enter sanctuary for the purposes of lawful business, tourism, scientific research, studying or investigating wildlife, or any of the aforementioned activities. Permits may be granted contingent upon the fulfillment of specific requirements and the payment of fees specified in this Act.³⁷²

Section 29 to 32 In order to maintain and safeguard the sanctuaries, the Wildlife Protection Act imposes specific prohibitions and restrictions, as discussed in “*Sections 29, 30, 31 and 32*”. No one is allowed to enter the sanctuary armed or in possession of any explosives, hazardous materials, or chemicals, and no one is allowed to light or keep a fire going inside the sanctuary, according to these regulations.³⁷³

Section 35 The designation of national parks is addressed in the section 35 of the legislation.

- State government has the authority to formally designate an area as National Park if it determines that the area is suitable for the establishment of a national park and the development of wildlife or its habitats based on its ecological, fauna as well as flora, or zoological relationship. An area that needs to be designated as a national park should have its boundaries indicated in the notice.
- When a region is to be designated as a national park, the process of investigating and settling claims pertaining to that region must be initiated. Every right to the territory that must be designated as a national park will be held by government of a state once claiming period has passed and any claims pertaining to the piece of land for consideration have been handled by the government of a state.
- The only way to change a national park's borders is for the state legislature to enact a resolution.
- Unless authorized by the Chief Wildlife Warden, no one may harm, remove, capitalize on, or destroy all kind of wildlife within National Park. The State Government must be convinced that the destruction, damage, or exploitation in question is required for the enhancement or preservation of the creatures in the National Park before Chief Wildlife Wardens issues permit for such activities to the concerned parties.
- National Park does not permit livestock to graze within its restricted region. With one notable exception, livestock grazing is permitted in national parks when the owner has the proper authorization to do so and is using the animal as a mode of transportation.³⁷⁴

³⁷¹ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 27.

³⁷² The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 28.

³⁷³ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 29, 30, 31, 32.

³⁷⁴ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 35.

Zoo Recognition and Central Zoo Authority

Section 38 A national park, sanctuary, or zoo can be declared by the federal government at any time, according to Section 38. The sections 38-A to 38-J address topics related to zoos: recognition, acquisition, restriction of harassing and exploitation of animals in zoos.³⁷⁵

Wildlife Products, Trophies, and Trade in Wild Animals

Section 39 According to this provision, the government owns all wild animals. It asserts-

- Wildlife that is not considered vermin, as well as any wildlife that has been discovered dead or accidentally killed, The State Government shall own any trophy, uncured trophy, meat, instrument, weapon, vessel, trap, or tool used for hunting wild animals in a zoo; in case of a National Park or Sanctuary, the Government shall own same. Ivory, whether imported to country or any article made from it, is also considered property.
- Within 48 hours, anyone in possession of any government property must return it to the closest police station or authorized official.
- Nothing may be purchased, retained, transferred, sold, or otherwise dealt with in any way affecting property of government without express written consent of Chief Wildlife Warden.³⁷⁶

Section 43 Regulations that govern sale and transportation of wild animals are discussed within this section. It asserts-

- No one may engage in the business of taxidermy without first obtaining the Chief Wildlife Warden's authorization, and no one may sell or offer to sell, either for profit or as a present, any of the wild animal which is listed in I & II Schedule, or any product that contains any portion of an animal.
- If a person is moving from a particular state to a different and brings with them any trophies, animals, or other items from their previous state, they may be subject to a tax on these items. Chief Wildlife Warden or another authorized official whose jurisdiction's change has affected must be notified of such a transfer within thirty days. No individual may engage in the transfer of any uncured trophy, animal, or animal product without first obtaining the appropriate ownership documentation.
- The Chief Wildlife Warden is required to conduct a thorough investigation into the previous certificate's ownership before issuing an updated certificate in the title of the purchaser. Additionally, the individual may choose to attach an identifying mark on the animal's body, an uncured prize, or an animal-related item.³⁷⁷

Prevention and Detention of Offences

Section 50 The authority to enter, search, arrest, and detain are covered in this section. It asserts-

- Notwithstanding anything stated in any other legislation of the country to the contrary, this legislation shall remain fully effective. Whenever "*forest officer, police officer (not*

³⁷⁵ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 38.

³⁷⁶ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 39.

³⁷⁷ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 43.

included in the sub-inspector designation), Chief Wildlife Warden, Director, or any other authorized authority” has probable cause to believe that an individual has violated this Act, then-

- i. Have the right to demand that this person show the proper paperwork in order to inspect any plant, animal, trophy, uncured trophy, meat, or plant product that is in their possession, as well as any zoo or aquarium specimens that are in captivity.
 - ii. Has the authority to pull over any ship or automobile in order to conduct a lawful search of any property, including but not limited to land, vehicles, buildings, belongings, and luggage.
 - iii. May confiscate any item containing animals, whether it be a vehicle, vessel, weapon, meat, wild animal, trophy, uncured trophy, plant, or portion thereof, unless the authorized person is at ease that the offender shall seem to as well as answer the charges brought against him for violating this Act. No fishing vessel not used for commercial purposes may be confiscated from a fisherman whose residence is within 10kms of park along with the sanctuary area while fishing in the territorial waters of such an area.
- If a person is engaging in an activity that requires a permission or licence but does not have one, any authorized person can issue an order to halt that activity, as long as the appropriate paperwork is in accordance with this Act. Even without a warrant, an authorised officer can legally hold and arrest anyone- as long as the suspect can prove to the arresting officer that he would comply with any legal process that may be initiated against him.
 - Any individual apprehended or property confiscated by an authorized official while exercising their authority must be brought before the Magistrate for proper disposition in compliance with the law.
 - The failure to present the necessary documentation, permits, or licenses, or the failure to show innocence, makes any person accused of engaging unlawfully against this Act guilty of an offense under this Act.
 - If an authorised officer seizes any wild animal, uncured trophy, meat, plant, or its derivative, the authorised officer can sell it and utilize the money for whatever is required by this Act. The owner will get the money from the sale if it turns out the property isn't owned by the government.
 - An authorised officer is required to offer help to anyone who approaches them in order to prevent or identify an offense.
 - An individual must hold the position of Wildlife Chief Warden or Assistant Director or above in order to be granted the authority to issue a search warrant, demand the production of any document, receive any proof, or both.³⁷⁸

Cognizance of Offences

Section 55 Not any court shall, under any circumstances, take cognizance of or become aware of any violation of the legislation based on a grievance from an individual apart from Chief Wildlife Warden or a state-authorized representative, the Director of Wildlife Protection or an authorized representative, or an individual who has been given sixty days' notice to lodge a complaint with State or Central Government, or an authorized officer thereof.³⁷⁹

³⁷⁸ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 50.

³⁷⁹ The Wild Life (Protection) Act, 1972 (Act 53 of 1972), s. 55.

4.2.2.5 THE FOREST (CONSERVATION) ACT, 1980

“The Forest (Conservation) Act, 1980 (FCA, 1980)” a law passed by the Indian Parliament that guarantees the preservation of forests including its resources. The Parliament of India passed it in order to put a stop to the growing deforestation of India's forests. On October 25, 1980, it became effective and included five sections.

The Forest Conservation Act's primary purpose is to safeguard natural forests while simultaneously meeting the basic needs of those who live in or near them. The FCA was put into effect to enhance the way of living for those who live near woods and to safeguard the natural riches of the forest.

Forest legislation, enacted in year 1980, was put into place to protect forests by restricting the speed at which they are cut down. Forests play a crucial role in our natural environment because they serve to maintain the water cycle and the ecosystem of the earth.³⁸⁰

4.2.2.6 THE ENVIRONMENT (PROTECTION) ACT, 1986

In year 1986, Indian Parliament approved *“Environment Protection Act”*. Following *“Bhopal gas tragedy”*, the Indian government, in line with *“Article 253 of the Constitution”*, enacted the *Environment Protection Act of 1986*. It was approved in May 1986 and became effective on November 19 of the same year. There are four chapters and twenty-six sections.

This law was enacted in 1986 by the Parliament. According to introduction, *“An Act to provide for the protection and improvement of the environment, and for matters connected therewith: Whereas, decisions were made to take appropriate measures for the protection and improvement of the human environment at the United Nations Conference on the Human Environment, held in Stockholm in June 1972, and attended by India,”* in 1976. Given the importance of protecting individuals, animals as well as plants, and property from harm, it is imperative to implement the decisions described above for maintaining and improving our environment.³⁸¹

Federal government is empowered by the *“Environment (Protection) Act of 1986”* for protecting as well as enhancing quality of our environment, regulation as well as reduction of pollution from all sources, as well as forbidding or restricting construction and/or operation of industrial facility due to environment's concerns. Because it offers a framework that the federal government can use to coordinate several state and federal agencies employing different provisions like the *“Water Act, the Environmental Protection Act, 1986”* is frequently referred as the Umbrella Legislation.

The purpose of passing the *“Environment (Protection) Act, 1986”* was to safeguard and enhancing the environment. The power to create agencies whose responsibility it is to combat contamination of the environment in all its manifestations and address regional environmental

³⁸⁰ The Forest (Conservation) Act, 1980 (Act 69 of 1980)

³⁸¹ Environment (Protection) Act, 1986 (Act 29 of 1986)

concerns is granted to “*Government under section 3(3)*”. 1991 was the most recent amendment to the Act.³⁸²

After consulting with the respective state governments, the federal government can adopt any measures it thinks are needed or appropriate protection and improvement of environment.

4.2.2.7 NATIONAL ZOO POLICY, 1998

The “*National Zoo Policy, 1998*,” a comprehensive strategy addressing zoo management in India, was issued in October 1998 by the “*Ministry of Environment and Forests*”. The National Zoo Policy of 1998 in India marks a major change in the way that people think about zoos. It shifts away from the conventional perspective of zoos as simple collections of exotic animals for public amusement and highlights their important function in the preservation of nature.

Fundamental Concepts of the Policy for the National Zoo:

- **Emphasis on Conservation- Protecting Endangered Species** First and foremost, zoos play an essential role in preserving these species. In order to keep endangered species populations sustainable, captive breeding programs are actively seeking their participation.
- **To put captive-bred animals back into their native environments**, the policy backs reintroduction initiatives that are based on solid scientific evidence. Thorough preparation, genetic management, and monitoring after release are necessary for this.
- **Collaboration with Scientists and Research:** Zoos are strongly encouraged to participate in scientific studies pertaining to ecology, animal behavior, and reproduction. Acquiring this knowledge is crucial for enhancing methods of captive management and creating successful conservation plans.
- Zoos, academic institutions, and government organizations should work together to accomplish conservation objectives, according to the policy.
- Here are the sets of guidelines that are contained in the policy:
 1. Guideline for Parks
 2. Rules and regulations for the Deer Park
 3. Rules for the care of Zoo Elephants
 4. Guidelines for zoo population control measures
 5. Regulations for the establishment of rescuing shelters
 6. Zoo standard procedures for the proper disposal of animal parts
 7. Rules for euthanasia to zoo animals.³⁸³

4.2.2.8 THE BIOLOGICAL DIVERSITY ACT, 2002

³⁸² Environment (Protection) Act, 1986- CPCB| Central Pollution Control Board, available at: <https://cpcb.nic.in/env-protection-act/>, (last visited on December 20, 2023).

³⁸³ The National Zoo Policy, 1998- WWF India, Available at: <https://awsassets.wwfindia.org> (Last visited on January 10, 2024).

In an effort for preservation of India's rich biodiversity, country's parliament passed “*Biological Diversity Act, 2002*” comprising of sixty-five sections. Moreover, it guarantees a just & equitable distribution of advantages accruing from the utilization of biological resources. Objectives of the legislation include mainly preservation of traditional information, make usage of natural resources sustainably, distribute benefits fairly, and conserve biodiversity. India is a signatory to the “*Convention on Biological Diversity (CBD)*”, and the purpose of passing the Act was to meet the requirements of the CBD. India ratified the CBD in 2002, and the passage of this Act is a direct result of the country's desire to meet its commitments under the treaty.³⁸⁴

Important characteristics

- National Biodiversity Authority (NBA): A regulatory organization that is responsible for making sure that the act is being carried out. The NBA allows access to biological resources, encourages study, and makes it easier for people to share the benefits.
- “*Biodiversity Management Committees (BMCs)*” are formed through local self-government institutions to carry out the stipulations of the legislation.
- Biodiversity funds: Established at local, state as well as national levels.³⁸⁵

4.2.2.9 THE COMPENSATORY AFFORESTATION FUND ACT, 2016

One of the most important laws enacted by the Indian government to reduce the negative effects of clearing forests for development has been the “*Compensatory Afforestation Fund Act, 2016*” (CAF Act). By requiring afforestation efforts in other areas, it lays the groundwork for making up for forest loss. The Indian Supreme Court was instrumental in passing this law after it acknowledged the necessity of a special budget and procedure to guarantee compensatory afforestation.

The purpose of this legislation is to create a fund that will be credited with money from various sources. These sources include user agencies, the FCA, 1980, net current value, “*compensatory afforestation, additional compensatory afforestation, penal compensatory afforestation*”, and apart from this the amounts recovered from these agencies. To oversee administration of these funds, an authority will be established at the state or national level and union territory. With these funds, projects will be funded through initiatives such as “*Green India Programme*”, wildlife protection, assisted natural regeneration, conservation of forests, development of forest-related infrastructure, artificial regeneration, conservation of forests, preservation of forests, and assistance with artificial regeneration.

Among the many possible uses for the funds are reforestation and planting trees, enhanced process of self-renewal, managing trees, preservation of wildlife, treatment of the catchment area and reducing water and soil use. The act emphasis on transparency and accountability. Funds must be used transparently and afforestation initiatives must be monitored and evaluated.

An important step towards making sure development operations is environmentally responsible is the Compensatory Afforestation Fund Act, 2016. Implementation, problem-solving, and

³⁸⁴ The Biological Diversity Act, 2002 (Act 18 of 2003)

³⁸⁵ Biological Diversity Act- 2002, National Biodiversity Authority, Available at: <http://nbaindia.org> (Last Visited January 11, 2024).

placing an emphasis on ecological integrity and community involvement are critical to its success, though. By enhancing these parts, the CAF Act has the potential to be an effective instrument for protecting the biodiversity and forests of India.³⁸⁶

4.2.2.10 BHARATIYA NYAYA SANHITA, 2023

The Indian Penal Code (IPC), 1860 has been replaced with the Bharatiya Nyaya Sanhita (BNS), 2023 which has rules for protecting wildlife and promoting animal welfare.

Section 2(2)- This section defines the word “animal”. The term “animal” refers to any living being which is not a human.³⁸⁷ Under the IPC, the word animal is defined under section 47.

Section 291- Section 291 of the BNS and section 289 of IPC addresses neglectful conduct toward animals and holds people accountable if they don't take precautions to keep their animals safe punishable with an imprisonment for 6 months or fine upto five thousand or both.³⁸⁸

Section 325- Mischief involving the killing, poisoning or maiming of animals is addressed in Section 325 of the BNS, which carries fines or imprisonment of up to five years, or both.³⁸⁹ Section 428 & 429 of IPC deals with the provisions as explained under section 325 of BNS.

4.2.2.11 BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

The Code of Criminal Procedure (CrPC), 1893 has been replaced with the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023. Under BNSS, provisions related to wildlife have been primarily embedded under sections that deal with orders for search & seizures on the individuals held for violations and regarding the handling animals for the public safety & that are dangerous causing nuisance.

Section 49- The process for searching an arrested individual is described in Section 49 of the BNSS and section 51 of CrPC. It states that a person who is detained- with or without a warrant- and is unable to be released on bail may be searched by the arresting officer or the police officer to whom the arrested person is turned over by a private person.³⁹⁰

Section 103- The obligation of those in charge of closed areas to permit searches is covered under section 103 of BNSS and section 100 of CrPC. It describes the duty of those who live in or are responsible for a closed area to allow law enforcement personnel to enter when they are carrying out a search or executing a warrant.³⁹¹

Section 152(1)(f)- This section deals with the provisions for handling dangerous animals causing nuisance. A District, Sub-divisional, or other specially-empowered Executive Magistrate may take decisive action in cases involving “any dangerous animal” under this

³⁸⁶ The Compensatory Afforestation Fund Act, 2016 (Act 38 of 2016)

³⁸⁷ The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s 2(2).

³⁸⁸ The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s 291.

³⁸⁹ The Bharatiya Nyaya Sanhita, 2023 (Act 45 of 2023), s 325.

³⁹⁰ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s 49.

³⁹¹ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s 103.

section. Following the collection of evidence and the receipt of a police report or other reliable information, the magistrate may issue a conditional order mandating that the individual in question:

- Within a certain amount of time, destroy, confine, or get rid of the harmful animal, or
- Show up and explain why such a move is inappropriate.³⁹²

4.3 STATE LAWS

India has a thorough legal structure for wildlife protection, with “*Wildlife Protection Act, 1972*” serving as foundation. On other hand, number of states have passed their own wildlife laws just to address the different biodiversity along with conservation requirements throughout country. These state laws frequently work in conjunction with national legislation by giving more precise regulations that are customized to address the distinct wildlife concerns and opportunities that exist in each state. These state regulations are essential for supporting national efforts and making sure that wildlife conservation is effective throughout the country. Here, the state legislation pertaining to wildlife in the states of Punjab and Himachal Pradesh are the primary focus.

4.3.1 PUNJAB STATE WILDLIFE LEGISLATIONS

4.3.1.1 PUNJAB WILD BIRDS AND WILD ANIMALS’ PROTECTION ACT, 1933

The “Punjab Wild Birds and Wild Animals Protection Act”, which was passed in 1933, was one of primary laws that sought to protect wildlife in Punjab region. This act is historically significant since it was one of the first attempts to safeguard wildlife in Punjab. The “*Punjab Wild Birds and Wild Animals Protection Act of 1933*” is a law that protects wild birds together with animals in state of Punjab. It applies to all wild animals & birds, regardless of whether they are in the wild or in captivity.

The purpose of the act:

- With the exception of certain situations, it is illegal to kill, capture, or possess wild birds and animals.
- With a few exceptions, it is illegal to buy, sell, or offer wild birds as well as animals for sale.
- A license is required for some activities, including the use of traps, nets, or hawks to capture wild birds and animals.
- Makes it illegal to employ certain substances, including medications and chemicals, to catch wild animals.
- It is against the law to use cars to chase or stampede wild animals.³⁹³

4.3.1.2 PUNJAB WILDLIFE PRESERVATION ACT, 1959

The Punjab Wildlife Preservation Act, which was passed in 1959, was an important law that was designed to conserve and preserve wildlife in the Indian state of Punjab. It created a legal

³⁹² The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act 46 of 2023), s 152(1)(f).

³⁹³ Punjab Wild Birds and Wild Animals Protection Act, 1933 (Act 2 of 1933).

framework that included limitations on hunting, provisions for wildlife sanctuaries, and a system of licenses and permits for activities linked to wildlife. This Act was crucial to the early efforts to conserve wildlife in Punjab, and it helped to provide the groundwork for future, more thorough laws.

The legislation includes:

- The state government is permitted to designate certain regions as wildlife sanctuaries under the statute.
- Hunting gear and guns are subject to legal restrictions.
- The use of cars to chase after game animals is not allowed by this law.
- The law forbids hunting game animals from specific kinds of vehicles.
- The statute makes it illegal to hunt with the assistance of certain live decoys.³⁹⁴

4.3.1.3 PUNJAB WILDLIFE (PROTECTION, PRESERVATION, CONSERVATION AND MANAGEMENT) ACT, 1974

Principal law that protects wildlife in Punjab is the “*Punjab Wildlife (Protection, Preservation, Conservation and Management) Act of 1974*”. The purposes of the legislation include protecting the well-being of animals and their ecosystems, as well as limiting hunting. Protecting wildlife in Punjab, India is primarily mandated by the 1974 “*Punjab Wildlife (Protection, Preservation, Conservation and Management) Act.*”

Important Provisions:

- State government has the authority to designate certain regions as wildlife sanctuaries, which effectively ban the taking or killing of any wild animals found there.
- Hunting is subject to certain regulations, and hunters must obtain special permissions in order to pursue game species.
- The use of specific hunting implements is forbidden, including poison, snares, and nets.
- It is illegal to utilize motor vehicles in pursuit of game animals.
- The employment of some tactics, such live decoys, is outright forbidden when hunting.
- Hunting endangered or threatened species is strictly forbidden.
- When a wild animal is discovered dead, dying, or murdered, the government claims ownership of it.

This act establishes a number of regulations pertaining to wildlife in Punjab, which includes Policies of the Punjab Zoo, Parks, and Safari Parks, Guidelines for Private Game Reserves, Guidelines for Private Animal Breeding Facilities and Eliminate Regulations on Trophy Hunting.³⁹⁵

4.3.1.4 THE PUNJAB PROTECTED AREAS ACT, 2020

In 2020, the Punjab Protected Areas Act aims to establish regulations for the safeguarding, maintenance, preservation, and administration of environmentally significant regions, as well

³⁹⁴ The Punjab Wild Life Preservation Act, 1959 (Act 14 of 1959).

³⁹⁵ Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, 1974 (Act 2 of 1974).

as for related issues. The entire province of Punjab was governed by it as of September 10, 2020.

The essential elements of the act are:

- The Act specifies and categorizes many types of places that are protected, namely national parks, nature reserves, wildlife sanctuaries, wilderness regions, buffer zones, and wildlife reserves.
- Management Board: It creates a Management Board to supervise the management and preservation of certain protected areas.
- Conservation Measures: The Act describes a number of different ways to conserve biodiversity, including restoring habitats, protecting species, and managing resources in a sustainable way.
- Limitations on Human Activities: It limits certain human activities, including as hunting, logging, and mining, in protected areas in order to reduce their influence on the environment.
- Public Awareness: The Act highlights the significance of public awareness as well as education initiatives in order to encourage protection of the environment.³⁹⁶

4.3.2 STATE SECTOR SCHEMES- PUNJAB

4.3.2.1 FT 14 CONSERVATION, MANAGEMENT & DEVELOPMENT OF WILDLIFE IN THE PUNJAB STATE

As a state-run program, the Punjab Forest Department's FT 14 plan aims to protect and enhance the province's flora and fauna. The state's animal sanctuaries and zoos are the major focus of the program's efforts to maintain and enhance them. Disputes between humans and other animals are also addressed. This is the Punjab Forest Department's single plan that addresses all matters pertaining to wildlife development and conservation.

To conserve and safeguard wildlife in the state, the Forest Department has been putting this plan into action with the following elements:

- Conservation efforts both within and outside of protected areas will be supported.
- Zoo upkeep, maintenance, and ex-situ conservation provisions include feed fodder.
- Appropriate funding for animal rescue efforts as well as other costs, such as administrative and emergency expenses.
- Compensation for incidents involving humans and animals.

Primary Goals

- Protecting and restoring natural ecosystems is of utmost significance for the survival of species.
- Preserving Species is utmost aim of the scheme. Taking Action to Protect Vulnerable and Endangered Species.
- The aim of human-wildlife conflict mitigation is to lessen the frequency and severity of encounters between the two species.

³⁹⁶ The Punjab Protected Areas Act, 2020 (Act 23 of 2020)

- Education and Public Awareness is another goal. Raising public understanding of the need of protecting wildlife.

Central Projects

- National parks, animal sanctuaries, and other forms of protected land can be better maintained and equipped if we work together to strengthen these places.
- Proactive Steps Against Poaching is another important initiative. Taking Action to Stop Illegal Wildlife Trade and Poaching.
- Involving local populations in conservation initiatives and offering them alternative livelihood options is a great way to get them involved.
- Scientific investigations into animal populations and their requirements are the focus of research and monitoring efforts.

Funding and its Implementation

The basic funds for the program primarily comes from the state government, but it may also receive help from central government programs and other sources. The Department of Forests and Wildlife Preservation in Punjab is responsible for its implementation, working along with a number of different stakeholders.³⁹⁷

Other Schemes

4.3.2.2 FT 35 GREENING PUNJAB MISSION (GPM)

In June 2012, the council of ministers made the decision to create a fund called the “Greening Punjab Fund.” This fund was established to provide support for actions connected to the conservation along with development of current forest & tree cover in the state, as well as to further enhance these efforts. Various boards, corporations, authorities, and the Department of State were supposed to contribute to this fund. By means of the Green Punjab Fund, the following goals and areas of operation are accomplished:

Planting as many trees as possible on all available area in the state, including both forest and non-forest territory, in order to create green cover.

- To establish nurseries that provide the required provisions for the protection of plants raised under this mission.
- raising awareness among the public
- Establishing and maintaining forest awareness parks across the state.
- Research and training initiatives related to forestry, among other things.

Area of Implementation: Ideally, the whole Punjab, except any forested areas.

4.3.2.3 FT 23 PUNJAB COMMUNITY FORESTRY PROJECT AND PROMOTION TO E- GOVERNANCE, RESEARCH, TRAINING, AND EXTENSION ETC.

Punjab Community & Social Forestry Project: Promotes e-Governance, research, training, extension, and forestry education is the sole forestry program supported and funded by the

³⁹⁷ State Scheme- Punjab Forest, <https://forest.punjab.gov.in> (last visited September 2023).

state. Development and protection of forests are both encompassed in this plan. There are a lot of things done under this strategy, including plantation work, plant raising and maintenance, promoting information and communication technology and e-governance in the state, and capacity building programs (forest research and training).³⁹⁸

4.3.2.4 FT- 03 ASSISTANCE FOR DEVELOPMENT OF SELECTED ZOOS

“Assistance for Development of Selected Zoos: Assists in the development of selected zoos.” In the state Punjab, you can find one big zoo and three smaller ones. The Mahendra Chaudhry Zoological Park, Chhatbir is a massive zoo located near the hamlet of Chhatbir in the S.A.S. Nagar district. It occupies 505 acres of natural forest and is home to around 1,637 animals representing over 128 species, including several endangered and uncommon ones. Bir Talab (Bathinda), Mini Zoo (Ludhiana), Deer Park (Neelon), Bir Moti bagh (Patiala) are the locations of the small zoos in the state. The Punjab Zoos Development Society Funds (PZDS) cover around a third of each zoo's operating expenses. The Executive Body of PZDS, chaired by the Financial Commissioner (Forests), Punjab, authorized the Annual Plan of Operations of all the zoos, and the funds were then utilized.³⁹⁹

4.3.3 HIMACHAL PRADESH STATE WILDLIFE LEGISLATIONS

4.3.3.1 THE HIMACHAL PRADESH PRIVATE FORESTS ACT, 1954

The private forests of Himachal Pradesh are regulated and protected by *“Himachal Pradesh Private Forests Act, 1954”*. Protecting environment and promoting sustainable resource management are two of its stated goals in regulating the usage of privately held forest lands.

Briefly, these are its salient characteristics:

- The Act provides a precise definition of a "private forest," an essential term for establishing the scope of the law. In most cases, this definition encompasses all non-government held forest land.
- Tree Cutting Regulations: The Act's primary goal is to control tree cutting in private woods. It is common practice for owners to seek authorization from specific authorities prior to felling trees, especially those of high monetary value. This regulation promotes sustainable harvesting practices and aids in the prevention of deforestation.
- Forest Management Plans: The government may be able to compel private forest owners to create and execute forest management plans under the Act. To keep the forest's ecology intact, these plans detail sustainable harvesting strategies, replanting initiatives, and more.
- Soil and water conservation measures in privately owned forest areas may be a part of the Act. Erosion control, watershed protection, and biodiversity preservation are all possible components of this.
- In order to ensure that the Act's obligations are followed, it usually contains fines for infractions, such cutting down trees without permission or not following management plans. Fines and even jail time are possible outcomes of such sanctions.

³⁹⁸ Ibid.

³⁹⁹ Ibid.

The Himachal Pradesh Private Forests Act, 1954, is an important piece of legislation because it strikes an equilibrium among rights of private landowners and the interest of public in protecting forests for reasons such as their economic, social, and ecological value. As a whole, it helps the state's conservation efforts and encourages ethical forestry practices.⁴⁰⁰

4.3.3.2 THE HIMACHAL PRADESH LAND PRESERVATION ACT, 1978

A significant statute that aims to preserve and safeguard the state's land resources is the Himachal Pradesh Land Preservation Act, 1978. Water conservation, soil erosion, and maintaining a healthy ecosystem are all things it aims to fix.

The main provisions are as follows:

- Notification of places: The state government is given the authority by the Act to determine which places are vulnerable to erosion or that necessitate specific conservation measures, and then to notify those areas. These regions will be subject to the Act whenever notice is given.
- Limits and Regulations: The government has the authority to place limits and regulations on certain activities inside designated regions. Land use regulations, tree cutting restrictions, mining and quarrying restrictions, and grazing management regulations are all examples of what may fall under this category.
- The Act authorizes the state to take proactive steps toward land preservation. Soil conservation practices such as afforestation, terracing, and contour bunding are all part of this. Building check dams and other structures to regulate water flow and stop erosion could potentially be part of the plan.
- Authority can now compel landowners to conduct certain activities or take precautions to safeguard their property thanks to the Act. Involvement of individuals in land preservation projects is therefore guaranteed.
- Punishments: The Act establishes fines and jail time as means of enforcing its requirements. This prevents people from engaging in actions that cause harm to the environment.

In 1978, the Himachal Pradesh government passed “*Land Preservation Act*”, that is crucial for protecting the natural resources of the state. Environmental preservation, agricultural output, and regional prosperity are all boosted by its advocacy of sustainable land management practices.⁴⁰¹

4.3.3.3 HIMACHAL PRADESH FOREST (SETTLEMENT) RULES, 1965

The Himachal Pradesh Forest (Settlement) Rules, 1965 were promulgated by the Lieut. Governor of Himachal Pradesh in accordance with the authority deliberated upon him by “*section 76 of Indian Forest Act, 1927*”.

To facilitate settlement of rights in forest regions within Himachal Pradesh, a set of rules known as the Himachal Pradesh Forest (Settlement) Rules, 1965 was formulated in line with the

⁴⁰⁰ The Himachal Pradesh Private Forests Act, 1954 (Act 6 of 1955)

⁴⁰¹ The Himachal Pradesh Land Preservation Act, 1978 (Act 28 of 1978)

“*Indian Forest Act, 1927*”. To maintain a balance between traditional forest uses and conservation efforts, these regulations are essential for registering and identifying forest rights.

An outline of the main points that these regulations address:

- The regulations lay out the process for investigating and documenting the type and extent of public and private rights to forest or wasteland property. This encompasses the rights to forest products namely timber, grazing, and more.
- Forest Settlement Officer: A Forest Settlement Officer is designated by the regulations to oversee the settlement process, hear claims, and resolve disputes pertaining to forest rights.
- Methods for Settlement: The regulations outline the procedures that must be followed in order to reach a settlement. These procedures comprise notifying communities and individuals of proposed protected or reserved forests, inviting their claims, documenting evidence, and issuing orders on the claims.
- Different kind of Rights: The regulations acknowledge different kind of rights, including the rights to gather firewood, graze cattle, and harvest timber for agricultural or household use. Past practices, regional norms, and the state of the forest inform the determination of the scope and character of these rights.
- For the purpose of transparency and to avoid encroachments, the regulations also detail the process for demarcating the limits of reserved and protected forests.

The preservation and administration of Himachal Pradesh's forests are greatly aided by these regulations. The rights of individuals and communities are defined in such a way that promotes use of forest resources and helps to reduce conflicts sustainably.⁴⁰²

4.3.3.4 THE WILDLIFE (TRANSACTION AND TAXIDERMY) RULES, 1973

The Wild Life (Protection) Act, 1972, established “*Wildlife (Transaction and Taxidermy) Rules, 1973*”, to govern with dealings in along with handling taxidermy and other wildlife items. The illegal wildlife trade together with protecting endangered species were major goals of these regulations, which sought to regulate as well as oversee such activities.

A summary of main provisions addressed by these regulations is as follows:

- The regulations laid forth the steps to take in order to get a license to sell wildlife trophies, animal products, or engage in taxidermy. Those engaged in these pursuits were to be regulated and monitored by this licencing system.
- Licensees were obligated to keep meticulous records of their transactions, which encompassed the origin of specimens, specifics of purchases, and customer information. By doing so, we were able to monitor the whereabouts of animal specimens and foil any attempts at illicit trading.
- The regulations also provided taxidermists with standards for the care and storage of specimens, as well as the keeping of relevant documents. Ethical and scientific taxidermy techniques were the intended outcomes of this.
- Specimen travel: The regulations ensured that no unlawful trafficking of wildlife specimens could take place by regulating their travel, requiring permits, and outlining specific criteria.

⁴⁰² Himachal Pradesh Forest (Settlement) Rules, 1965- Indian Kanoon, <https://indiankanoon.org>

- Certain endangered species were frequently subject to trade restrictions, and the sale of specific animal items was outright forbidden, as a result of the regulations.⁴⁰³

4.3.3.5 WILD LIFE (PROTECTION) HIMACHAL PRADESH RULES, 1975

In terms of national wildlife policy, WPA of 1972 is paramount. This act, together with its later revisions, is the principal law governing wildlife management and protection in Himachal Pradesh state of India.

Governor of Himachal Pradesh hereby establishes the “*Wild Life (Protection) Himachal Pradesh Rules, 1975*”, in accordance with authority granted to him under “*section 64 of the Wild Life (Protection) Act, 1972*”.

These guidelines set forth the protocols and policies for Himachal Pradesh's wildlife protection. They address a number of topics, including hunting permits, animal royalties, and the makeup and duties of the State Board for Wildlife. The regulations also outline the application procedure and provide forms for various licenses.

The wildlife legislation of 1972 and these regulations serve as a cornerstone of Himachal Pradesh's wildlife conservation initiatives, which are meant to preserve the state's abundant biodiversity and natural heritage.⁴⁰⁴

4.3.4 STATE SECTOR SCHEMES- HIMACHAL PRADESH

4.3.4.1 HP STATE AUTHORITY (CAMPA)

To inspect the distribution of compensatory afforestation funding, the state of Himachal Pradesh formed “*Compensatory Afforestation Management and Planning Authority*” (CAMPA). The practice of planting new trees to make up for forest area that has been cleared for non-forest uses, such as infrastructure construction, is known as compensatory afforestation. Deforestation has devastating impacts on ecosystems, which is why this action is mandated by law.

CAMPA is an independent organization led by a Chief Executive Officer who is an additional main chief conservator of forests. The CEO is supported by a Deputy Conservator of Forests who serves as the Joint CEO.

Using the funds successfully for afforestation, reforestation, and allied operations is HP CAMPA's principal responsibility. Being a project manager entails not just conceptualizing and launching initiatives, but also keeping tabs on how things are coming along. In order to make sure that compensatory afforestation doesn't only cover up forest cover loss, the authority takes things like species selection, site compatibility, and long-term management into account. HP CAMPA is also involved in advancing statewide research and development efforts

⁴⁰³ The Wildlife (Transaction and Taxidermy) Rules, 1973, Indian Kanoon, <https://indiankanoon.org> GSR 198 OF 1973

⁴⁰⁴ The Wildlife (Protection) Act, 1972 (Act 53 of 1972), S 64.

concerning afforestation and sustainable forest management. Protecting the forest ecosystem and increasing biodiversity in Himachal Pradesh is the ultimate goal.⁴⁰⁵

4.3.4.2 HIMACHAL PRADESH INTEGRATED DEVELOPMENT OF WILDLIFE HABITATS

Wildlife habitats in Himachal Pradesh and throughout India are being protected and conserved through the “*Integrated Development of Wildlife Habitats*” (IDWH) project. Government of India is financially supporting this program.

The Himachal Pradesh IDWH probably refers to the state's work on a program from the national government with the same name. This program is important for protecting wildlife in India, and Himachal Pradesh, which has a lot of different plant and animal species, takes part in it.

Possible ways in which Himachal Pradesh participate in the IDWH initiative are as follows:

- **Preserving Natural Habitats:** Himachal Pradesh is home to a number of parks, sanctuaries, conservation zones, and community reserves that work together to keep species and their habitats safe. In order to help the state government manage and improve these protected areas, the IDWH initiative offers both financial and technical support. Possible actions in this regard include building infrastructure, conducting scientific studies, restoring habitats, and combating poaching.
- **Wildlife Outside of Protected Areas:** The IDWH scheme backs conservation initiatives in non-protected areas since it knows that wildlife is present outside of protected areas. Protecting vital wildlife corridors, reducing human-animal conflict, and bolstering community-based conservation efforts are expected to be some of the ways that Himachal Pradesh puts this funding to use.
- **Snow leopards, hanguls, and a variety of birds are among the endangered species that call Himachal Pradesh home.** An element for the rescue of incredibly endangered species is part of the IDWH plan. Habitat restoration, captive breeding, and public education are all possible components of species-specific conservation programs that the state government is likely to employ in accordance with this rule.
- **Involvement of Local Communities:** The IDWH plan highlights the significance of engaging local communities in animal conservation efforts. In order to promote ecotourism, give alternative economic options, and raise awareness about the need of wildlife protection, Himachal Pradesh probably interacts with locals in and near protected areas.

Himachal Pradesh is doing its share to preserve its abundant wildlife and biodiversity by being an active participant in the IDWH project. The plan guarantees for preserving the natural resources of the state for future by laying forth a framework for comprehensive and coordinated conservation efforts.⁴⁰⁶

Other Schemes

⁴⁰⁵ HP Forest CAMPA, <https://hpforest.gov.in> (last visited 12 march 2023)

⁴⁰⁶ Himachal Pradesh Integrated Development of Wildlife Habitats, <https://moef.gov.in>

There are a number of programs and campaigns in Himachal Pradesh (HP) aimed at preserving and promoting the state's flora and fauna. Among them are:

- **Wildlife Week:** Public competitions are planned by the HP Forest Department for Wildlife Week. In 2024, as part of Wildlife Week, there was a small marathon to encourage people to live in harmony with animals.
- **Awareness Campaign on Forest Fires:** In order to educate the public about forest fires and their prevention, the HP Forest Department launches an 8-day campaign. Displays, conversations, and performances in public spaces are all part of the campaign.
- **Strategy for Operations Management:** A ten-year strategy is being developed by the HP Forest Department to enhance the habitats of wildlife. The strategy hinges on conducting annual habitat monitoring and evaluations.
- **Efforts to Improve Biodiversity:** To protect and manage the state's flora and fauna, the Himachal Pradesh State Biodiversity Board does its best effort. For stakeholders, the board creates materials including literature and awareness campaigns.
- **The Snow Leopard Initiative:** In the Spiti Valley, there is a state-sponsored initiative to study and protect snow leopards. One component of the project is a radio-collaring initiative to learn more about snow leopards and the food they eat.
- The HP Forest Department is also involved in public outreach on state-owned parks and sanctuaries for wildlife.⁴⁰⁷

4.4 NATIONAL WILDLIFE ACTION PLAN

National Wildlife Action Plan for 2017-2031

A future Wildlife Conservation Road Map was laid out by India in their “*3rd National Action Plan on Wildlife for 2017–2031*”. Launched in 1983, second plan was followed by a third action plan that ran from 2002 to 2016. Unique to India's third National Plan of Action on Wildlife is the country's first public expression of concern about the effects of climate change on wildlife, which places an emphasis on the need to include adaptation and mitigation strategies into wildlife management strategies.

The environment minister “Dr. Harsh Vardhan” unveiled the plan during “Global Wildlife Program” (GWP) launch. The GWP is a collaboration between the World Bank and 19 member nations that began in 2015 with the goal of combating wildlife trafficking in order to advance sustainability and conservation. India has the opportunity to learn about wildlife habitat management best practises and ways to minimize human-animal conflicts at the four-day conference.

In February 2016, the plan was first introduced by the Department of Environment. Former Minister JC Kala headed a 12-person team that drafted this idea. The GWP is a collaboration between the World Bank and 19 member nations that began in 2015 with the goal of combating wildlife trafficking in order to advance sustainability and conservation. During the course of the four-day meeting, India gained knowledge about how to effectively manage wildlife habitats and reduce human-animal conflicts.

⁴⁰⁷ Wildlife notifications, HP forest <https://hpforest.gov.in>

In February 2016, the initiative for “Third National Action Plan on Wildlife for 2017–2031” was unveiled by Department of the Environment. Former Minister JC Kala headed a 12-person team that drafted this idea. The plan uses a "landscape approach" to protect all wildlife, including wild plants along with animals, that play important role to the environment as well as humankind. It stresses the need of restoring ecosystems while rescuing endangered species of wildlife.

The growing involvement of the corporate sector in wildlife conservation is something the state has also highlighted. Corporate social responsibility funds, along with sufficient and consistent funding, will be made available to implement the National Wildlife Action Plan, according to the plan.⁴⁰⁸

⁴⁰⁸ National Wildlife Action Plan (NWAP) 2017-31, available at: <https://ntca.gov.in> (last accessed on 16, July 2024)

PART II- JUDICIAL PERSPECTIVE

JUDICIAL RESPONSE TOWARDS WILDLIFE PROTECTION LAWS IN INDIA

4.5 CASE LAWS

4.5.1 Supreme Court's Judicial Rulings Under Wildlife (Protection) Act, 1972

State of Bihar v. Murad Ali Baig (1989)- In year 1989, the Indian Supreme Court rendered a landmark decision in *State of Bihar v. Murad Ali Baig*, which addressed interpretation and implementation of the wildlife legislation of 1972. In light of provisions of the wildlife legislation & the Indian Criminal Code, it sought to determine whether or not the hunting as well as killing of elephants is legal. The phrase “*hunting*” is defined in “*Section 2(16)*” of the 1972 Act. The Apex Court has ruled that, due to their inclusion in Schedule I and the range and list of creatures covered therein, it is reasonable to assume that hunting elephants is prohibited.⁴⁰⁹

Tarun Bharat Sangh, Alwar v. Union of India (1992)- A crucial ruling in Indian environmental law was rendered in a case from year 1992 of *Tarun Bharat Sangh, Alwar v. Union of India*. An environmental NGO called Tarun Bharat Sangh accused the Rajasthan state along with Union of India of widespread illegal mining in the Sariska Tiger Reserve in Alwar, Rajasthan, and filed a public interest lawsuit against them under Article 32 of the Constitution. Nevertheless, the petitioner asserted that the Government of a state had granted licenses for the execution of illicit mining operations, and that the activity had intensified in the region. Upon reviewing the situation, the Supreme Court made an order prohibiting any additional mining activities within the "protected" region.⁴¹⁰

T.N. Godavarman Thirumulpad v. Union of India (1997)- India's forest and wildlife jurisprudence was revolutionized by this historic case. The Supreme Court gave the expression “*forest*” a broad interpretation, encompassing any regions that fit the dictionary's definition of a forest, regardless of who owns them. It bolstered the goals of the Wildlife (Protection) Act of 1972, enforced the Forest (Conservation) Act of 1980, and resulted in continuous court scrutiny of forest and wildlife conservation. The Court underlined the significance of biodiversity preservation, ecological balance, and sustainable development.⁴¹¹

Animal Welfare of India v. A Nagaraja and Ors. (2014)- In the historic 2014 Apex Court of India judgment of “*Animal Welfare Board of India v. A. Nagaraja and Ors.*”, the usage of bulls for bullock cart races nationwide and for Jallikattu events in Tamil Nadu was first outlawed.

Jalikkattu traditional sport, which is part of a celebration during the State of Tamil Nadu's Pongal festival every year and involves a number of bull fights, was investigated by Madras High Court. The traditional sport's credibility was called into consideration. The competitors' audience attempted to cling to the fierce bulls as these powerful bulls were released throughout

⁴⁰⁹ AIR 1989 SC 1.

⁴¹⁰ 1992 Supp (2) SCC 448.

⁴¹¹ AIR (1997) 2 SCC 267.

the competition. For those who survived the bulls and made it to the end, the many festival sponsors offered prizes.

In 2014, the SC declared Tamil Nadu's state statute shall be irrational and unconstitutional. It requested the Union Government to amend the PCA's rules and made suggestions stating that "bulls" should be covered by "Prevention of Cruelty Act (PCA), 1960". Disregarding the ruling of Supreme Court, the "Ministry of Environment and Forests" once more authorized the Jallikattu event's organizers to carry out the traditional sport in 2016. Nevertheless, PETA India and the Animal Welfare Board decided to take the issue seriously.

The Jallikattu event has been lavishly planned and the organizers are spending a fortune on it, despite a ban from the Indian Supreme Court. This is in response to numerous petitions that were filed with the Apex Court on January 14, 2016.⁴¹²

Centre of Environment Law, WWF-I v. Union of India and Ors. (species best interest standard and eco- centrism) 2013- The Supreme Court of India addressed the crucial matter of saving the endangered Asiatic lion by supporting its relocation from Gir National Park in Gujarat to Kuno Wildlife Sanctuary in Madhya Pradesh in the 2013 case of Centre for Environment Law, WWF-I v. Union of India & Ors. The Court marked a dramatic change from anthropocentric to ecocentric legal reasoning when it stressed that the "species best interest" norm must be used to inform wildlife choices. It maintained that regardless of national borders or political pride, conservation efforts should put the survival and sustainability of species first. The Court reaffirmed the significance of centralizing decisions under the Wildlife (Protection) Act, 1972, by preserving the function of the National Board for Wildlife and instructing the central government to carry out the translocation in conformity with ecological and scientific principles. In addition to advancing conservation at the species level, this ruling made eco-centrism a legal and constitutional need in Indian environmental jurisprudence.⁴¹³

Sansar Chand v. State of Rajasthan (2010)- The Supreme Court upheld the conviction of a prominent wildlife trafficker who was engaged in the illicit trade of leopard skins and other protected animal parts under the Wildlife (Protection) Act, 1972, this case is a landmark case in India's fight against wildlife crime. The Court underlined the seriousness of organized wildlife crime, pointing out its disastrous effects on biodiversity and ecological balance. It decided that there was enough evidence to support the conviction, including recovered items and an extrajudicial confession. The ruling reaffirmed the necessity of strictly enforcing wildlife rules in order to prevent poaching and safeguard endangered animals.⁴¹⁴

Chief Forest Conservator (Wildlife) v. Nisar Khan (2003)- The Supreme Court addressed the growing concern over the illicit bird trade in India in this case, especially in light of the 1991 modification to the Wildlife (Protection) Act, 1972, which broadened the term of "hunting" to include "trapping." The license renewal of bird trader Nisar Khan was refused because his company engaged in the illegal activity of trapping wild birds. The Court maintained the rejection, ruling that acts that contravene animal conservation legislation are not covered by an

⁴¹² (2014) 7 SCC 547.

⁴¹³ (2008) 8 SCC 234.

⁴¹⁴ (2010) 10 SCC 604.

individual's freedom to trade under Article 19(1)(g). The state's obligation to protect biodiversity and stop the exploitation of wild species was reaffirmed by this ruling.⁴¹⁵

4.5.2 High Court's Judicial Rulings Under Wildlife (Protection) Act, 1972

Salman Khan v. State of Rajasthan (1998 Blackbuck Poaching Case)- The landmark case of Salman Khan related to wildlife concerns the 1998 blackbuck poaching case in Jodhpur Rajasthan. Salman Khan, along with other co-actors, was accused of hunting blackbucks, a protected species, while filming “Hum Saath Saath Hain” in Kankani area of Jodhpur. Salman Khan illegally hunted and killed two Schedule I blackbucks, contravening Section 9's absolute hunting ban and attracting up to three years' imprisonment or fines under Section 51. The case involved multiple trials and legal challenges spanning over two decades, ultimately leading to Khan's conviction and sentencing to imprisonment. The co-accused actors (Saif Ali Khan, Tabu, Sonali Bendre, and Neelam Kothari) were acquitted.⁴¹⁶

Mansoor Ali Khan Pataudi v. State of Haryana (Blackbuck poaching case- 2005)- The “Pataudi wildlife case” refers to the legal proceedings against Mansoor Ali Khan Pataudi (also known as Tiger Pataudi) and 7 others for allegedly hunting a blackbuck in 2005 in Haryana, according to a report by the Wildlife Trust of India. Pataudi, a former Indian cricket captain, was charged under the Wildlife (Protection) Act, 1972, sections 9, 39, and 51. These sections relate to hunting endangered species, possession of carcasses, and penalties for such offenses.

The trial was ongoing at the time of the report, and evidence from witnesses was being recorded. Ultimately, several others were convicted in the case, while Pataudi died during the course of the trial, and his name was dropped as an accused.⁴¹⁷

Tilok Bahadur Rai v. State of Arunachal Pradesh (1979)- Indian Supreme Court considered the question of killing a tiger in self-defense in year 1979 case. While on watch duty, Tilok Bahadur Rai, a soldier, shot & killed tiger which was immediately threatening to kill him. Rai was accused of murdering a protected species in violation of the WPA. Rai maintained that he saved his own life by acting in self-defense. To establish that the accused acts in good faith when killing the animal, the court held that it is critical to understand the surrounding environment, the dangers the accused faced, and the specifics of the killing. The court deliberated and ultimately decided that the defendant fired his weapon in self-defense, killing the charging tiger.⁴¹⁸

Ivory Traders and Manufacturers Association v. Union of India, (1997)- Indian government's restriction on the ivory trade was contested in the landmark case of “Ivory Traders and Manufacturers Association v. Union of India (1997)”. The petitioners in this case contended that their right to engage in any lawful trade, business, or occupation was violated by the government's prohibition on owning mammoth ivory and associated items, as well as by amendments to the 1972 WPA that forbade the importation of ivory artifacts (g). In this kind

⁴¹⁵ (2003) 4 SCC 595.

⁴¹⁶ Criminal Case No. 206/1999, FIR No. 163/1998.

⁴¹⁷ 2005 SCC Online P&H 574.

⁴¹⁸ 1979, Cri LJ 1404.

of law, court decided, could not be considered to infringe upon the rights guaranteed by “Article 19(1)(g) of the Indian Constitution”.⁴¹⁹

Rajendra Kumar v. Union of India (1998)- This case was dealing with validity of the ivory trade prohibition imposed by the Indian government. Rajendra Kumar, the petitioner, dealt in ivory, mostly that of long-extinct mammoths. The petitioner argued that “Sections 5, 27, 33, 34, 35, and 37 of the Wildlife Protection Amendment Act of 1991” were unconstitutional because they infringed upon “Article 19(1) (g) of the Indian Constitution”. The petitioner's existence as an ivory product trader was impacted by the amendment, which refers to the prohibition on the selling and trading of ivory products and objects made from ivory. The Court held that limitations imposed by the Wildlife legislation of 1972 and its amendment were consistent with CITES, the Constitution, & its provisions.⁴²⁰

World Wide Fund for Nature India v. Union of India & Ors. (1994)- The Delhi High Court highlighted in this case that safeguarding wildlife and natural habitats is a constitutional duty connected to the fundamental right to life under Article 21 and not only a policy goal. The Court acknowledged that human life and dignity are directly impacted by environmental deterioration, including risks to wildlife. It concluded that citizens have an obligation under Article 51A(g) to safeguard wildlife and the environment, and the State has an obligation under Article 48A to do the same. The ruling upheld people's right to ask the court to step in when these obligations are disregarded.⁴²¹

4.5.3 Supreme Court's Judicial Rulings on Animal Rights

Naveen Raheja v. Union of India (2001)- Naveen Raheja v. Union of India (2001) case started as a public interest lawsuit about the condition of captive tigers brought by animal rights activist Naveen Raheja. The death of tigers at the Nandankanan Zoo in Bhubaneswar was one of the two occurrences that sparked the case. A story about a tiger at an Andhra Pradesh zoo being skinned alive. Petitioner's Concerns: Raheja had serious concerns over the way tigers are treated in captivity and the fact that these creatures do not receive enough protection. The Supreme Court was completely taken aback by the facts presented. To understand better how zoos and reserved forests were managing their tiger populations, the SC decided that the chairwoman of Central Zoo Authority needed to be brought before it immediately. The zoo had to take note of the situation and act appropriately when the Supreme Court issued its orders concerning the aforementioned issue.⁴²²

N.R. Nair and Ors. v. Union of India and Ors. (2001)- This case addressed the ban on usage of specific species of animals for training and performances. The Kerala High Court's unusual leave was the main challenge the Supreme Court faced in this appeal. The High Court of Kerala rendered a decision in this case. According to Section 22 of “Prevention of Cruelty to Animals Act, 1960”, court upheld a “Ministry of Environment and Forests” declaration that lions, panthers, tigers, bears, monkeys etc shall not be used as performing or trained animals. The

⁴¹⁹ AIR 1997 DEL 267.

⁴²⁰ AIR 1998 RAJ 165.

⁴²¹ (1994) 54 DLT 286.

⁴²² (2001) 9 SCC 762.

court decided that animal abuse is a common practice. It rejected the appellants' contention on the grounds that non-living humans also have right to free movement and that there was no violation of Article 19(1)(g) of Constitution regarding the freedom to participate in any trade or activity. After that, they are frequently mistreated and imprisoned within a cell, where their freedom of movement is restricted and they are trapped.⁴²³

Wildlife Rescue & Rehabilitation Centre v. Union of India (2016)- The case concerns illegal elephant ownership, transportation, and treatment, especially in relation to tourism and festivals, and it centers on the preservation of captive elephants. The Supreme Court's involvement in this case emphasizes how crucial it is to uphold regulations pertaining to animal welfare and wildlife conservation.⁴²⁴

Hospitality Association of Mudumalai v. In Defence of Environment and Animals (2020)- The Supreme Court of India affirmed the Madras High Court's recognition of an elephant corridor in the Sigur Plateau, Nilgiris, in this case, thereby reaffirming the constitutional and statutory obligation to preserve wildlife habitats. In order to maintain ecological equilibrium, the Court underlined the value of protecting elephants' migratory paths and their ecological significance as keystone species. It dismissed the arguments of the petitioners, who were primarily resort owners and contested the corridor's definition, noting that man-made barriers like electric and barbed-wire fences were to blame for the absence of elephants in particular areas. The Court held that the Wildlife (Protection) Act, 1972, gives the federal and state governments the authority to control land use and establish protected areas, citing Articles 21, 48A, and 51A(g) of the Constitution as well as the precautionary principle. In order to restore unhindered elephant migration, it consequently mandated that unlawful resorts be sealed, fences taken down, and lands abandoned. The ruling upheld habitat-based protection as a fundamental tenet of Indian wildlife law and was a significant step toward giving ecological conservation precedence over economic interests.⁴²⁵

State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005)- In the 2005 case, the Supreme Court maintained a Gujarati legislation that forbade the killing of bulls and bullocks of any age. Emphasizing that animal preservation is consistent with Directive Principles of State Policy, specifically Articles 48 and 51A(g), the Court determined that the ban was constitutionally lawful. According to the ruling, these limitations represent the country's dedication to environmental principles and animal care while also serving the general public interest.⁴²⁶

4.5.4 High Court's Judicial Rulings on Animal Rights

Maneka Gandhi v. Union Territory of Delhi and ors. (1994)- The public interest lawsuit "Maneka Gandhi v. Union Territory of Delhi and Ors." was brought by Maneka Gandhi in response to the conditions at Delhi's Idgah Slaughter House. The 1984 petition, which alleged violations of several laws and regulations, including the Prevention of Cruelty to Animals Act,

⁴²³ AIR 2001 SC 2337.

⁴²⁴ (2016) 13 SCC 478.

⁴²⁵ (2020) 10 SC 589.

⁴²⁶ (2005) 8 SCC 534.

brought attention to the filthy and cruel conditions. The case was first brought to the Supreme Court under Article 32 of the Constitution, and the High Court was later ordered to consider it.⁴²⁷

People for Ethical Treatment of Animals v. Union of India (2004)- “The People for the Ethical Treatment of Animals (PETA) v. Union of India” (2004) was a significant case that addressed treatment of animals that are utilized in the film industry. PETA submitted a writ suit to the Bombay High Court, objecting to the Cinematography Act of 1952's censorship of the film "Taj Mahal." The acronym PETA stands for “People for the Ethical Treatment of Animals”. The main accusation was that the people who made the movie "Taj Mahal" broke the “Prevention of Cruelty to Animals Act, 1960” and “Performing Animals Registration Regulations, 2001” in a blatant manner when the movie was being filmed. The HC ruled in favour of PETA stating that any film that wants to use animals or plans to use animals must meet the following requirements:

- In order to get a certificate outlining the several provisions of the Performing Animals Registration Regulations of 2001 from the Animal Welfare Board of India.
- If any film intends for using an animal for duration of its filming, the Welfare Board would decide whether or not the animal is not subjected to harsh treatment.
- The Animal Welfare Board then closely examines “Performing Animals (Registration) Rules, 2001” and “Prevention of Cruelty to Animals Act, 1960” to ascertain whether the film's creators are following these laws.⁴²⁸

Gauri Maulekhi v. Union of India, (2010)- The “Gauri Maulekhi v. Union of India (2010)” case was mainly concerned the unlawful smuggling of cattle’s over borders of India to nearby nations such as Bangladesh and Nepal.

This case dealing with irregular shipment of buffalo & livestock from India to Nepal. Nepal celebrates the Gadhimai festival every five years. During this occasion, the indigenous people of Nepal’s Bara District sacrifice various animals, including buffaloes, rats, goats, pigs, and more. Among the most massive human sacrifices ever carried out was that which took place during the Gadhmai Festival. Two laws namely, “Overseas Trade (Development and Regulation) Act of 1992” along with “Prevention of Cruelty to Animals Act of 1960”, were followed by the Supreme Court's ruling. No non-human living thing may be made to endure needless pain and suffering in order to satisfy human interests, in accordance to the rulings of court.⁴²⁹

Kennel Club of India (KCI) v. Union of India (2013)- “Kennel Club of India (KCI) v. Union of India”, was a 2013 case where “Prevention of Cruelty to Animals (PCA) Act, 1960”, was seriously challenged in court, particularly in regard to dog breeding and registration.

⁴²⁷ Writ Petition (C) No. 15010 of 1993.

⁴²⁸ (2004) Writ Petition (PIL) (Lodging) No. 2490 of 2004.

⁴²⁹ Writ Petition (PIL) No. 77 of 2010.

According to the petitioner, the “Animal Welfare Association Board of India” had notified Indian Veterinary Council that puppies of various dog breeds, including Doberman, Cocker Spaniel, Great Dane, Boxer, and others, were all undergoing unnecessary and preventable cosmetic operations. They consequently carried out operations such as docking tails. The Madras High Court ruled in favour of the veterinarians, overturning Kennel Club of India's notice to stop practices of trimming puppy's ears. Section 11 of Prevention of Cruelty to Animals Act of 1960 states that clipping a dog's ears or chopping off its tail is completely up to the owner's discretion and does not amount to cruelty.⁴³⁰

4.6 CONCLUSION

In conclusion, the global effort to preserve biodiversity relies heavily on national wildlife regulations. By protecting endangered species, regulating land use, and encouraging international cooperation, these rules reduce the environmental impact of people. Considering that things like pollution, climate change, unsustainable development, wildlife regulations play an increasingly critical role in preserving ecosystems and species.

Several measures to safeguard the environment have been periodically implemented by the Indian legislative. If we go back in time to 1860, when the Indian Penal Code was passed, it made it a crime to maim or kill animals, but it didn't include any provisions for protecting wildlife. Following this, the Elephants Preservation Act of 1879 was one of several measures passed by the British Parliament to criminalize the taking of wild animals for their flesh and fur. After realizing it was inadequate, the British government abolished the Wildlife Birds Protection Act of 1887 and replaced it with “*The Wild Birds and Animals Protection Act of 1912*”, which was the first direct codified legislation in India to protect wildlife. Time passed, and the Indian parliament finally passed an effective environmental protection law- the Forest Conservation Act of 1980- to curb human-caused environmental degradation and the “*Indian Forest Act of 1927*”, which unified country's legislations pertaining to forests and forest products.

Finally, there has been a marked shift in India's legal framework for safeguarding wildlife since the country gained its independence. Indian values have evolved and the country now recognizes wildlife as a valuable part of its history, as seen by the change from colonial-era resource management laws that emphasized hunting to a present legislative framework that places a premium on biodiversity conservation. To address the lack of a wildlife protection law, parliament passed “*Prevention of Cruelty to Animals Act, 1960*” and “*Wildlife Protection Act, 1972*”, with aim of safeguarding as well as improving wildlife. India has made great strides in protecting its biodiversity through its wildlife protection legislation, which is based on the Wildlife legislation of 1972 and its revisions. Habitat preservation, species-specific conservation efforts, and wildlife trade legislation are all part of the Act's all-encompassing legislative framework. The Wildlife Protection Act of 1972 and subsequent restrictions did a fantastic job of protecting India's rare and exotic plant and animal species. Despite ongoing challenges such as poaching, habitat destruction, and human-animal conflict, the country's

⁴³⁰ AIR 2013 (NOC) (Supp) 1439 (Mad.).

wildlife conservation efforts must be supported by legislative and judicial initiatives if they are to endure over the long run.

The involvement of the judiciary in proactively interpreting and strictly enforcing wildlife laws and in holding individuals and state entities responsible for wildlife crimes has been crucial in developing this system. Recent landmark decisions have upheld the precautionary principle, highlighted the significance of wildlife for its own sake, & put conservation ahead of development concerns. Nevertheless, difficulties remain notwithstanding these improvements. Efficacious animal conservation remains hindered by implementation gaps, scarce resources, and ever-changing concerns for instance, changing climate and habitat fragmentation. A complicated problem of human-wildlife conflict necessitates sophisticated solutions, as it is frequently influenced by socio-economic issues and the struggle for resources. Balancing conservation imperatives with developmental needs is crucial for India's wildlife protection framework to succeed. A comprehensive strategy is needed to ensure the protection of natural resources of India for upcoming generations. This strategy should incorporate scientific knowledge, community involvement, and existing legal frameworks.

Over the years, India's wildlife rules have evolved to mirror the nation's expanding recognition of biodiversity and significance of robust preservation initiatives. There was little law before independence, but since then, the framework has been much stronger, with an increased emphasis on safeguarding, scientific management, and community involvement. Persistent actions to combat poaching, habitat degradation, and human-animal conflict are necessary for the preservation of India's rich wildlife.

Wildlife conservation in Punjab and Himachal Pradesh is complicated since, despite their close vicinity, the two states offer quite different landscapes and ecological issues. By incorporating elements from the comprehensive Wildlife Protection Act of 1972 and modifying them to meet their unique requirements, both states have sought to fortify their respective legal systems. The largely agricultural terrain and sparse forest cover of Punjab make it vulnerable to issues like illegal wildlife trading, habitat fragmentation, and human-animal conflict caused by crop damage. By prioritizing the creation of community reserves and raising public awareness, the state is demonstrating that it recognizes the importance of coordinated conservation initiatives. In contrast, Himachal Pradesh is home to a plethora of species thanks to its varied topography alongside the abundance of plant together with animal life. In order to preserve its distinctive natural heritage, the state must prioritize the protection of ecosystems at high altitudes, the management of wildlife tourism, and the mitigation of the impacts of infrastructural development. There are a number of places that need improvement, but both states have shown they are serious about protecting wildlife. Communities that rely on forest resources must have access to sustainable livelihood options, and enforcement mechanisms must be strengthened. Human-wildlife conflict must be addressed through scientific means. For the long run, it's crucial to include climate change into conservation plans, use technology for monitoring and surveillance, and encourage cooperation between states to deal with transboundary wildlife challenges.

In the end, a comprehensive strategy that takes into account the specific ecological circumstances of both Punjab and Himachal Pradesh, encourages community involvement, and

strikes a balance between conservation objectives and developmental requirements will determine the fate of wildlife in these states. The future of both states' precious biodiversity depends on their commitment to scientific inquiry, efficient policymaking, and flexible management approaches.

CHAPTER V
COMPARATIVE ANALYSIS OF WILDLIFE WELFARE LAWS IN
AFRICA, AUSTRALIA, UNITED KINGDOM, UNITED STATES OF
AMERICA AND INDIA

Chapter V features different ecological and cultural situations in Africa, Australia, United Kingdom, United States of America and India giving rise to vastly different wildlife regulations. The African laws pertaining to the fight against poaching and habitat destruction varies. Controlling alien species and protecting native species are top priorities under Australian law. Habitat preservation and controlled hunting are the primary emphases of UK legislation. When it comes to managing habitats, hunting, and endangered species, US laws are a patchwork of federal and state legislation. Indian law places an emphasis on community participation and protections for particular species. Euthanasia in wild species for countries in comparison has been discussed. The enforcement, community involvement, and development/conservation balance are the main points of differentiation.

“Time is running out for nature and wildlife around the world.” – Jennifer Morgan⁴³¹

5.1 WILDLIFE WELFARE LEGISLATIONS IN AFRICA

Africa has long been known as the best continent in the world for wildlife viewing. Africa is homeland to several of world's famous fauna in human culture. The wildlife endowment of the African continent is more abundant and diverse than that of most other areas on Earth. With multiple advantageous use for the wildlife resources, this endowment serves as a natural legacy for both current and future generations. It contains a few uncommon animals that are not commonly found elsewhere in the world. Africa is best known for the enormous diversity and richness of its wildlife.⁴³² Wildlife Law Africa provides information on African wildlife legislation, criminality, and enforcement. It also highlights the issues that African wildlife is experiencing.

The position of policies pertaining to wildlife in South Africa comprises a variety of regulations and programs serve as compass points for wildlife conservation, including the “*National Biodiversity Strategy and Action Plan (2005)*”, the “*National Biodiversity Framework (2008)*”, and “*National Protected Area Expansion Strategy*” (2008). These documents were published between 1997 and 2005, 2008, and 2008, respectively.

Botswana has a robust wildlife legislation. The “*Wildlife Conservation and National Parks Act of 1992*” the primary statute controlling preservation of wildlife. Prior to this legislation, wildlife conservation and park management were governed by two separate statutes. “*The National Parks Act (repealed) 1967*” and “*Fauna Conservation Act (repealed) 1961*” were both repealed. Wildlife Conservation and the legislation of the Parks, the preamble states that it was enacted to "make further and better provision for the conservation and management of Botswana's wildlife," "to give effect to CITES and any other international convention for the protection of fauna and flora to which Botswana is a party," and "to give effect to any other international convention for the protection of fauna and flora to which Botswana is a party".⁴³³

5.1.1 POSITION OF WILDLIFE LAWS IN UNITED REPUBLIC OF TANZANIA

The legislative foundation for wildlife’s preservation in Tanzania is formed by “*Wildlife Conservation Act, the National Parks Act, and the Marine Parks and Reserves Act*”. The primary Zanzibari legislation pertaining to wildlife is “*Forest Resources Management and Conservation Act*.”⁴³⁴

5.1.1.1 THE WILDLIFE CONSERVATION ACT, 2009

⁴³¹ Jennifer Morgan is an American German environmental activist specializing in climate change policy.

⁴³² Animal life- Africa- Encyclopedia Britannica, available at: <https://www.britannica.com/place/Africa/Animal-life>, (last accessed on February 22, 2022).

⁴³³ The Future of Traditional Customary Uses of Wildlife in Modern Africa: A Case Study of Kenya and Botswana, *Advances in Anthropology* 2012. Vol. 2 31-38 Published Online February 2012 in SciRes (<http://www.SciRP.org/journal/aa>)

⁴³⁴ Introduction to Tanzania's Wildlife Legislation, available at: <https://wildlifelawafrica.com/2019/02/06/introduction-to-tanzanias-wildlife-legislation/> (Last visited on February 22, 2022).

In an effort to better manage, protect, and utilise wildlife and wildlife products in a sustainable manner, “*Wildlife Conservation Act, 2009*” was enacted. It is main statute for the protection of Tanzania's animals. Only mainland Tanzania is subject to the Wildlife Conservation Act. The legislation aims to accomplish several things, such as safeguarding and managing areas rich in wildlife, preserving wildlife resources and their habitats, extending system of protected areas, encouraging group involvement in wildlife’s preservation, and promoting the sector of wildlife contribution to Tanzania's sustainable development.

The official has the authority under Section 121 of Wildlife Conservation statue to make regulations relating to wildlife conservation, management, and utilisation, techniques for obtaining animal permits and licenses as outlined in the Act, along with CITES-related matters, forms for submitting these applications, and associated fees. After the Wildlife Conservation Act was repealed, two new regulations were enacted: “*CITES (Implementation) Regulations, 2005*” and “*Wildlife Conservation (Non-Consumptive Wildlife Utilisation) Regulations, 2007*”. To implement “*Wildlife Conservation Act*”, two sets of regulations were passed: “*Wildlife Conservation (Capture of Animals) Regulations, 2010*” and “*Wildlife Conservation (Dealings in Trophies) Regulations, 2010*.”⁴³⁵

5.1.1.2 THE NATIONAL PARKS ACT, 1976

The care and preservation of park animals is a primary focus of the National Parks Act. A national park is defined, established, and maintained in accordance with “*National Parks Act*”. Established under the National Parks Act, Tanzania's national parks are overseen and maintained by “*Tanzania National Parks Authority*” (TANAPA).⁴³⁶

5.1.1.3 THE MARINE PARKS ACT, 1994

In 1994, legislation on “*Marine Parks and Reserves Act*” was passed, which established, managed, and monitored marine parks along with reserves. “*The Marine Parks and Reserves Unit*” is existed by Act, its mission is for establishing along with supervising the control, managing, together with administration of the legislation. The legislation also creates the revolving fund to collect money from marine parks and reserves and pay programmes that are part of reserves and parks management plans. This legislation establishes a legislative framework for marine environment management, conservation, and sensible usage.⁴³⁷

5.1.1.4 THE FOREST RESOURCES MANAGEMENT AND CONSERVATION ACT, 1996

The legislation aims to guarantee that Zanzibar's forest resources are managed and conserved in a sustainable manner. Forest resources are defined as all wild animals, wild plants, biodiversity components, the Act's definition- "natural resources" includes living as well as non-living things that rely on trees for sustenance, shelter, or habitat, as well as any resources associated with forest ecosystems. The legislation establishes forest, nature forest reserves in Zanzibar, as well as a management body to oversee reserves of the forests and administration.

⁴³⁵ The Wildlife Conservation Act, 2009

⁴³⁶ The National Parks Act, 1976

⁴³⁷ The Marine Parks and Reserves Act, 1994

The legislation also addresses for protecting wild plants and animals, also prohibited acts involving protected animals and plants.⁴³⁸

Wildlife Policies in Tanzania

“The National Environment Policy” encompasses all environmental issues and is part of the country's environmental management framework. *“The National Environment Policy”* tackles a wide range of environmental issues, including land degradation, water scarcity, deforestation, aquatic system degradation, destruction of natural areas for wildlife and biodiversity, and pollution. Conservation and improvement of Tanzania's biological variety and other forms of natural heritage are important objectives of the country's National Environment Policy. Loss of natural ecosystems poses a serious risk to the country's animal populations, which in turn hurts the tourism industry.

Sectoral policies on wildlife are included in the National Environment Policy to guarantee that wildlife resources are safeguarded and used sustainably. Protection of wildlife's natural heritage, vulnerable ecosystem, endangered species should be emphasised in sectoral policies, as should encouraging local community participation and benefits. To minimise negative impacts on wildlife, policy requires *“Environmental Impact Assessments (EIA)”* heretofore any developmental projects could be done in wildlife preservation zones.

In 2001, *“National Biodiversity Strategy and Action Plan”* passed. It focuses on aquatic biodiversity, agrobiodiversity, and terrestrial protection of biodiversity. An inclusive and equitable society that values and makes responsible use of all forms of biodiversity is the overarching aim of the plan, and takes responsibility for activities that fulfil both conflicting current needs and legitimate future demands. In order to combat illicit biological resource use and encourage participation from rural communities or the private sector in resource utilisation, the plan aims to provide a framework for effective management policies and the establishment of appropriate legislative, regulatory, and institutional mechanisms.

“Tanzania's National Forest Policy” was adopted in year 1998 to increase forest sector's contribution to the country's long-term development. There are four main areas of policy that pertain to forests: institutional human resources, land management, goods and companies derived from forests, and management and conservation of ecosystems. The expansion of wildlife resource evaluation and the incorporation of animal conservation into forest reserve management are both mandated under the National Forest Policy. In wildlife's management within forest reserves, the policy also promotes increased coordination between forestry and wildlife authorities.

Tanzania's Wildlife Policy, which was approved in 2007, and it is ranked as an important policy that dealt with preservation of wildlife. The foremost aim of policy is to protect as well as preserve wildlife along with wetlands, ensuring their sustainable use, to manage and develop wetlands along with wildlife resources, with the goal of bettering research into available resources, as well as outreach, instruction, and general knowledge. Wildlife and wetland utilisation of resources regulations, monitoring, building capacity, infrastructure development

⁴³⁸ The Forest Resources Management and Conservation Act, 1996

and modernisation, international cooperation, and human resource development and capability building are all outlined in the Wildlife Policy as government priorities in wildlife conservation.⁴³⁹

Tanzania's National Policies for National Parks were adopted in 1994 and focus on national park management. The strategy's end objective is the preservation of parks and the guarantee of their unwavering commitment to animal protection. The policy addresses a wide range of issues, including park design, cultural resource management, public education and information, benefit sharing, preservation and management of wilderness, and natural and cultural resource management. The policy describes the government's stance on park usage, park development, concessions, tourism, and law enforcement.

Within reserves or marine parks, the legislation prohibits fishing, hunting, killing, or capturing fish or other animal, as well as damaging any nest, roe, or spawn. Possessions of a weapons, poisons, grenades, traps, etc in a maritime park or reserve is also prohibited. It is illegal to kill, hurt, destroy, capture, collect, or otherwise take any wild animal or plant, or to destroy a wild animal's nest or egg, according to the “*Zanzibar Forest Resources Management and Conservation Act*”.⁴⁴⁰

Penalties in Tanzania Wildlife Legislation

A wide range of penalties are available under Tanzanian law. The principal statute controlling criminal offences is the Penal Code. A court of law may impose certain punishments, which are listed in it. The choices include providing security to maintain peace, fines, imprisonment, physical punishment, forfeiture, compensation, and death. Administrative, monetary, and prison punishments are all part of Tanzania's wildlife regulations.

Fines

The general criteria for the issue of fines under Tanzanian law are found in Section 29 of the Penal Code. When no specific amount of money is specified for the amount of a fine, the court may impose an unlimited amount of money as a fine, as long as the fine is not exorbitant. Failure to notify an authorised official of one's disqualification to hold a permit and deliberately hindering or assaulting an authorised officials in performing his duties are not punishable under the statue of conservation. Only prison sentences are specified, and the Penal Code will be used to determine the amount of the fine to be imposed.⁴⁴¹

Tanzania's wildlife legislation also includes compensation and repayment as monetary penalties, akin to fining.

Imprisonment

⁴³⁹ Juma J. Kegamba, “The Influence of Conservation Policies and Legislations on Communities in Tanzania” 33, Springer 3137-3170 (2024).

⁴⁴⁰ Zanzibar Forest Resources Management and Conservation Act, 1996

⁴⁴¹ The Penal Code [CAP.16 RE 2022], s. 29.

The Constitution of Tanzania provides everyone the right to freedom therefore, in accordance with Article 15, to lead a life of liberty. No one can be taken into custody, locked up, confined, detained, or deported unless there are certain conditions, following proper procedures, and it's all part of carrying out a court's decision, order, or sentence after a criminal conviction or legal ruling. An individual who is liable to the possibility of receiving a fine alongside or instead of an imprisonment sentence or to community service under a community service order if the court so deems under the Community Service Act.

Tanzanian wildlife legislation includes prison terms. In some cases, prison sentences are offered as an alternative to or in addition to the payment of fines. For the offence of possessing, buying, selling, or otherwise dealing in trophies of animals worth more than Tshs. 1,000,000, the maximum imprisonment term as per the conservation statute of wildlife is not less than 20 years and not more than 30 years (USD 457). In addition to the prison sentence, a fine of the value of the trophy which is ten times will be imposed.

The offences of possessing, buying, selling, or otherwise dealing in a trophy of an animal whose worth does not exceed Tshs. 100,000, Section 86 (2) (b) of the Wildlife Conservation Act provides for a very long prison term not exceeding 20 years tenure of 30 years (USD 45). This prison sentence will be served instead of paying fine that is equivalent to ten times of value of prize in question.⁴⁴²

For violations of hunting, killing, capturing, or hurting an animal in a national park without authorisation or a licence, the maximum prison term which is not less than 3 years and not more than 7 years under National Parks statute. Failing to report of killing or injuring of a non-domesticated species in a marine park is punishable by maximum sentence of two years under Marine Parks and Reserves Act. For most infractions under conservation statute, the maximum prison sentence is not less than 6 months.

Repeat Offenders in Tanzania

Repeat violators face harsher fines under Tanzanian wildlife legislation. Repeat offenders face a double penalty under the Marine Parks and Reserves Act. Furthermore, it considerably increases the penalty for anyone who violates the Act in any other way. If an individual is convicted for an offence as per the Zanzibar's conservation legislation within two years of a previous conviction under the same Act, he or she is subject to a twofold fine, double imprisonment sentence, or both.⁴⁴³

5.1.2 POSITION OF WILDLIFE LAWS IN KENYA

5.1.2.1 THE WILDLIFE CONSERVATION AND MANAGEMENT ACT, 2013

Background of the Legislation- WCMA

⁴⁴² The Wildlife Conservation Act, 2009 s. 86 (2) (b).

⁴⁴³ African Wildlife Foundation- Strengthening Legal Mechanisms to Combat Wildlife Crime, available at: <https://www.awf.org> (last visited on October 30, 2023).

“The Wildlife Conservation and Management Act, 2013” is Kenya's main law controlling “wildlife conservation and management” (WCMA). *“The Wildlife (Conservation and Management) Act (Repealed)”* deals with preservation of concerns in Kenya prior to enactment of WCMA. This law was enacted in 1976 and considerably updated in 1989, but no other changes have been made since then. When compared to the unlawful advantages obtained by wildlife criminals, the Act imposed very light sanctions. It also failed to address the contemporary concerns of animal preservation. An effort to revise the *“Wildlife (Conservation and Management) Act”* started in 1997 with the draughting of a bill to deal with contemporary animal conservation issues. Attempts to alter this law were unsuccessful, and it was never passed.

Components of “Wildlife Conservation and Management”- WCMA

The WCMA was adopted for providing for protecting, conserving, management, and sustainable use of wildlife in Kenya, among other things, according to the preamble. The Act covers wildlife resources on community, public & private property, as well as Kenyan territorial seas. The execution of the Act is guided by the broad themes of devolution, public involvement, sustainable use, ecosystem approach, and benefit sharing. Proper implementation of the Act requires the *“Cabinet Secretary (CS)”* responsible for wildlife-related affairs to create and publish a national strategy for wildlife’s management and preservation at least every five years. Using this strategy as a roadmap, the wildlife sector and its resources can be better protected, managed, and regulated.

The WCMA is comprehensive and covers most aspects of wildlife’s management together with preservation. It includes Kenya's *institutional framework* for wildlife’s preservation, wildlife sector regulations, protected area protection and management. The Act addresses human-wildlife conflict, how to reduce it, how to achieve mutual benefit, crimes and punishments, and compliance and enforcement.

To make sure the Act's provisions are applied correctly, the CS can establish rules. Under WCMA, no restrictions have been issued. However, the Act's transition clause states that any regulations issued in *“Wildlife (Conservation and Management) Act”* (Repealed) would continue with effect until they are replaced by regulations issued under WCMA. *“Wildlife (Conservation and Management)” “(Recognised Airfields) Regulations”, “Wildlife (Conservation and Management) (National Parks) Regulations”, the “Wildlife (Conservation and Management)” “(Control of Raw Ivory) Regulations, and the Wildlife (Conservation and Management) (Aloe Species) Regulations”* were all created under the repealed Act.

The WCMA was updated in 2018 to address a number of flaws that prohibited it from being properly enforced, including the lack of minimum penalties, a diverse category of endangered species, and disregard for the requirements of the CITES Convention.⁴⁴⁴

5.1.3 EUTHANASIA PRACTICES CONCERNING WILD SPECIES IN AFRICA

⁴⁴⁴ The Wildlife Conservation and Management Act, 2013

According to the South African Veterinary Council (SAVC), it is believed that it is morally and ethically permissible to put an animal to death if it cannot enjoy freedom from extreme pain, serious injury, or terminal disease, freedom from hunger and thirst that cause suffering, or freedom to exhibit its normal behaviour.

Nonetheless, there are certain grey areas. The incident of Mozambican vets amputating a lion's front leg after it became caught in a snare as an example. "The animal is now happily breeding and hunting after recovering". Often, the things we consider to be barriers for wild animals have very little effect.

5.2 WILDLIFE WELFARE LEGISLATIONS IN AUSTRALIA

Australia is one of the most biodiverse countries on the planet. It is one of just 17 "megadiverse" countries, with more species than any other developed country. The majority of Australia's species can be found nowhere else on the planet, making its protection even more crucial. The Australian Wildlife Conservancy is Australia's largest private landowner and manager of conservation land, safeguarding endangered wildlife spanning 12.5 million hectares in renowned places like the Kimberley, Cape York, Kati Thanda-Lake Eyre, and the Top End. AWC is designing and implementing a new conservation paradigm after recognising that 'business as usual' for conservation in Australia will result in further extinctions.⁴⁴⁵

Animal testing for cosmetics and their ingredients is now illegal on a nationwide level, thanks to a new law. The current deadline for implementing this restriction has been pushed back to July 2020. Also, in May 2018, new penalties were announced for live exporters that violate animal welfare requirements. These fines are a result of revisions to the Export Control Act 1982 and "*Australian Meat and Livestock Industry Act 1997*." As a federal nation, Australia has delegated much of the duty for animal welfare to its individual states and territories. Since the API's 2014 debut, there have been several advancements in animal welfare. The Australian Capital Territory has outlawed sow stalls completely, despite the fact that the Territory has no extensive pig farming operations. Importantly, the State of "*Victoria's Animal Welfare Action Plan*" recognised species as sentient in 2017. It was the intention of the New South Wales Cabinet to outlaw greyhound racing in July 2017, although that plan was subsequently reversed, who only authorised minor reforms to the business.

In many aspects of animal welfare, however, there remains space for improvement. At the Commonwealth level, animal sentience is still not recognised. A number of agricultural tasks, including raising, transporting, and slaughtering, have been standardised under a set of "*National Model Codes of Practice for the Welfare of Livestock*", that were draughted by the Commonwealth Government. Though they cover a wide range of species, these Model Codes do not constitute binding law. The majority of these Codes have been adopted into state and territorial legislation. These Codes make numerous exceptions to basic animal safeguards, such as piglets being mutilated without anaesthetic, hens being housed in cages, and sow cubicles and farrowing crates being used. Prior to slaughter, no stunning is required.

⁴⁴⁵ AWC - Australian Wildlife Conservancy, available at: <https://www.australianwildlife.org> (last visited on May 8, 2023).

A new set of “*Australian Animal Welfare Standards*” and Guidelines, agreed upon by the whole country, will eventually supersede the Model Codes, according to the federal government. Only four of these Guidelines have been finished in almost a decade; they pertain to sheep, cattle, land transport, sale yards, and depots. The brutal exploitation of animals in entertainment activities including rodeos, circuses, and races is legal in Australia. There is a practice of keeping and training marine creatures for the purpose of entertainment.

According to the Australian Constitution, each of the states and territories is primarily responsible for enacting laws pertaining to the welfare of animals. Live animals and animals processed in slaughterhouses registered for export are subject to the jurisdiction of the Australian government, which oversees commerce and international agreements. In order to oversee animal welfare and the implementation of the previous “*Australian Animal Welfare Strategy (AAWS) 2010–2014*”, a national intergovernmental committee called the Australian Animal Welfare Advisory Committee was formed. This committee consisted of representatives from the various state and territory governments.

With the announcement that the states and territories would be entrusted with the coordination and administration for the Strategy's current operation in late 2013, the Australian government stepped back from taking the lead on domestic animal welfare issues. “*The Australian Animal Welfare Advisory Committee*” was also kicked out. It appears that animal welfare is not anymore, a top priority for the federal government, as the duty for it has been passed down to the states and territories from the Commonwealth government. The current Australian Department of Agriculture, which was formerly known as the Department of Agriculture and Water Resources, appointed Animal Health Australia to spearhead the development of “*Australian Animal Welfare Standards and Guidelines*” via the Animal Welfare Task Group. “*The Voice for Animals Bill*”, that sought to establish a separate statutory body to advise on matters pertaining to the preservation of animal welfare in activities regulated by the Commonwealth, was unsuccessful in 2015. Enforcement of animal protection laws is often carried out by officials of the relevant state or territory government, in addition to inspectors authorised by the RSPCA, who work under contract with the government.

Animal welfare must once again be the responsibility of the Australian government, which must recognise its significance as a national issue and allocate adequate funding for education, policymaking, monitoring, and enforcement. We are firmly requesting that the Australian government revise and update the Australian Animal Welfare Strategy, as well as create a suitable strategy for its implementation. One way the government may demonstrate its concern for animal welfare is by making it a legal requirement that all animals, are sentient. Each of the Standard Codes of Practice for dealing with farm animals should be codified into law in Australia. Legislation pertaining to farm animals ought to forbid practices such as severe confinement, mutilations performed without anaesthesia, and the export of live animals. In addition, there has been a call for the Australian government to outlaw some cruel practices involving animals, including but not limited to: fur farming, wildlife farming, and the use of

animals in entertainment activities including rodeos, circuses, racing, and aquatic mammal shows.⁴⁴⁶

5.2.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT, 1999 (EPBC ACT)

“The Environment Protection and Biodiversity Conservation Act 1999 (EPBC)”, is Australia's primary environmental law, governs movement of animals, plants, and products into and out of the country. The Act aids in the protection of the environment from the dangers of international wildlife movement. It's also how Australia fulfils its CITES commitments, an international treaty that governs international wildlife commerce. It establishes a legislative framework for safeguarding and managing plants, animals, biological systems, and historic sites that are both nationally and internationally important, as defined by the EPBC Act as matters of national environmental importance.

EPBC statute is an important element of Australian legislation pertaining to environment which came into effect on July 16, 2000.

- *“Environment Protection and Biodiversity Conservation Act 1999”*
- *“Environment Protection and Biodiversity Conservation Regulations 2000”*

Under the EPBC Act, the federal government of Australia can work with the individual territories and states to develop a comprehensive strategy for protecting Australia's natural resources, cultural artefacts, and biodiversity. Under the EPBC Act, the federal government of Australia is responsible for safeguarding areas of national environmental importance, while the individual states and territories are in charge of protecting areas of state and local significance.

Purposes of the legislation

Following are the primarily aims of EPBC for achievement:

- providing environmental protection, particularly in topics of national environmental significance
- create a more efficient nationwide environmental evaluation and permits procedure to safeguard Australian biodiversity
- improve the preservation, administration of significant cultural and natural sites
- restrict the transboundary movement of flora and fauna, including plant and animal specimens, wildlife products, and wildlife-derived goods
- promote ecologically sustainable growth by conserving and using natural resources in an environmentally sustainable manner
- acknowledge Indigenous people's contribution in biodiversity preservation, ecologically usage sustainably in Australia
- encourage utilisation of individuals who are indigenous, biodiversity information with participation and cooperation of the knowledge owners⁴⁴⁷

⁴⁴⁶ Australia- World Animal Protection, available at: <https://api.worldanimalprotection.org> (last visited on May 9, 2023).

⁴⁴⁷ Environment Protection and Biodiversity Act, 1999.

5.2.2 REGULATION AND PRACTICE OF EUTHANIZING WILD SPECIES IN AUSTRALIA

According to the Australian Veterinary Association (AVA), there is a set of policy which is to be followed for the purpose of euthanizing wildlife species.

It is often the most compassionate option whenever it pertains to the welfare of sick or injured animals. A veterinarian or, in the absence of a veterinarian, a non-veterinarian with the necessary education and experience should handle the triage of sick or injured wild animals and their subsequent euthanasia. The euthanasia procedure must be humane, causing a quick loss of consciousness followed by death with the least amount of suffering. Wherever possible, recommended practises or norms of conduct should be followed. Government should provide personnel and organisations concerned in the care and euthanasia of animals with enough funding, training, and support.

Management options for sick or injured wildlife include non-intervention, euthanasia, or rescue and rehabilitation. Licenced wildlife carers with the necessary training and resources must be on hand for rehabilitation. The majority of jurisdictional rules of practise for the care of wildlife provide conditions for the release of animals after rehabilitation. Regulations differ between jurisdictions, and there are often very few facilities where permanently crippled wild animals can be kept in captivity.

Disability might be behavioural or physical. Animals that cannot be rehabilitated and released or kept permanently in captivity as authorised by law must be put to death. Also, animals whose pain cannot be adequately alleviated must be put to sleep. Any decision about euthanasia must be justifiable, supported by both legal and welfare considerations.⁴⁴⁸

5.3 WILDLIFE WELFARE LEGISLATIONS IN THE UNITED KINGDOM

In UK, a great deal of law addresses environments and species. The following are the major legislations:

5.3.1 NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

This statute permitted England & Wales to establish “*National Parks and Areas of Outstanding Natural Beauty*”.⁴⁴⁹

5.3.2 THE WILDLIFE AND COUNTRYSIDE ACT, 1981

“*The Wildlife and Countryside Act, 1981*” (as amended) remains the primary legal framework for wildlife conservation in the United Kingdom. This law protects a wide range of protected species and ecosystems, and it forms legal foundation for formation of *Sites Special Scientific*

⁴⁴⁸Euthanasia of injured wildlife, Australian Veterinary Association, available at: <https://www.ava.com> (last visited on 6 May, 2023).

⁴⁴⁹ National Parks and Access to the Countryside Act, 1949

Interest Areas (SSSIs). Therefore, in UK, this is major mechanism for wildlife protection.⁴⁵⁰ This law is divided into four sections:

- Wildlife protection, which includes the preservation of the wild birds, their eggs, & nests, along with other animals and plants.
- Countryside, National Parks, and Nature Conservation
- Public Access Rights
- Distinctive provisions⁴⁵¹

5.3.3 THE PROTECTION OF BADGERS ACT, 1992

“The Protection of Badgers Act, 1992” harmonised existing badger protection legislation. This law is meant to protect badgers from persecution. Individual badgers and their sets are both protected under the act.⁴⁵²

Badgers and their sets are protected under this animal welfare law, which makes it illegal to:

- Capture, hurt, or kill a wild badger on purpose
- Possess a badger, whether alive or dead
- Attempt to destroy or impede an active badger sett.⁴⁵³

5.3.4 THE CONSERVATION (NATURAL HABITATS, & C.) REGULATIONS, 1994

“The Conservation (Natural Habitats, &c.) Regulations 1994”, has been implement in two pieces of European legislation, hence allowing for the designation along with preservation of "Special Protection Areas", "Special Areas of Conservation", along with the designation of "European Protected Species," such as bats and great crested newts.⁴⁵⁴

5.3.5 THE WILD MAMMALS (PROTECTION) ACT, 1996

The legislation provides for conservation to all wild mammalian species and is more of an animal welfare act than a conservation act.⁴⁵⁵

5.3.6 HEDGEROWS REGULATIONS, 1997

The purpose of these laws, which fall under the jurisdiction of the local government, is to protect valuable hedgerows from removal. Before destroying a hedgerow, owners and managers must obtain permission from their local authorities, and permission may be denied if the hedgerow supports a varied range of or protected species.⁴⁵⁶

5.3.7 THE COUNTRYSIDE AND RIGHTS OF WAY (CRoW) ACT, 2000

⁴⁵⁰ The Wildlife and Countryside Act, 1981.

⁴⁵¹ UK Wildlife Law, available at: <https://www.surreywildlifetrust.org> (last visited on 7 May, 2023).

⁴⁵² Nick Bonsall, Complying with UK Wildlife Legislation, <https://www.buildingconservation.com/articles/complying/wildlife-legislation.htm>. 7 may 2022

⁴⁵³ The Protection of Badgers Act, 1992

⁴⁵⁴ The Conservation (Natural Habitats, &c.) Regulations, 1994

⁴⁵⁵ The Wild Mammals (Protection) Act, 1996

⁴⁵⁶ The Hedgerows Regulations, 1997

The legislation requires all government agencies to consider biodiversity when performing their duties. Furthermore, the rights of the statutory nature conservation body (Natural England for England) to interfere in the management of SSSIs have been strengthened, and steps have been taken to aid in the prosecution of persons who break wildlife laws.

In short, this act strengthens preservation of SSSIs (*Sites of Special Scientific Interest*), which was originally created in “*Wildlife and Countryside Act*”. Third parties who harm or destroy an SSSI can likewise be prosecuted under the Act.⁴⁵⁷

5.3.8 NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT, 2006

This legislation allowed *English Nature*, Countryside Agency, Rural Development Service of the Department for Environment, Food, and Rural Affairs to merge to become Natural England, which was established in October 2006.

The significance of preserving biodiversity was given legal foundation, requiring government departments to consider biodiversity when performing their duties and to proactively take action to improve the preservation of ecosystems and designated species. Local governments have a legal obligation to promote preservation together with improvement of SSSIs in both operational and decision-making functions.⁴⁵⁸

5.3.9 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS, 2010

“*The Conservation (Natural Habitats, & c.) Regulations 1994*” in England and Wales were amended, and these regulations came into effect to integrate the numerous revisions. They cover European site designation and protection, as well as European protected species protection.⁴⁵⁹

5.3.10 EUTHANASIA PRACTICES CONCERNING WILDLIFE SPECIES IN THE UNITED KINGDOM

Animal welfare is protected under the provisions of “*Animal Welfare Act, 2006*” (applicable in England and Wales), “*Animal Health and Welfare (Scotland) Act, 2006*”, and “*Welfare of Animals (Northern Ireland) Act, 2011*”. Veterinarians are not authorised to euthanise a distressed animal under any of these statutes. Any species may be killed or its disposition arranged for by a police officer, an inspector (who may be appointed by the local authorities), or both. The animal's well-being necessitates its euthanasia, and a veterinarian's certification of this fact may be required. An inspector or policeman may go on without a veterinary certificate if there's no other viable option except to destroy and the situation demands immediate action.⁴⁶⁰

⁴⁵⁷ The Countryside and Rights of Way Act, 2000

⁴⁵⁸ Natural Environment and Rural Communities Act, 2006

⁴⁵⁹ The Conservation of Habitats and Species Regulations, 2010

⁴⁶⁰ Euthanasia of animals- Professionals- RCVS, available at: <https://www.rcvs.org.uk> (last visited on March 19, 2023).

5.4 WILDLIFE WELFARE LEGISLATIONS IN THE UNITED STATES OF AMERICA

In USA, state and local laws provide minimal legal safeguards for wild animals. The major rules safeguarding wildlife at both the state and federal levels are those governing when and where hunting is permitted. People who commit acts of cruelty towards wild animals are now being prosecuted in some states.

Other federal wildlife laws are still in place. The Endangered Species Act and the Migratory Bird Treaty Act are two examples. However, these rules only protect a tiny number of creatures, and even then, the protections are insufficient. Just like domestic cats and dogs, wild animals experience pleasure and suffering, but they have far broader legal rights. Wild animals act as a significant segment in our ecosystems as well as its surroundings. And it is influenced by every aspect of human activity, including where we construct and what we do on developed land.

Factory farming has an impact on not only the 9 billion animals grown for food each year, but also the wild creatures who drink from polluted sources of water and dwell on land degraded by agricultural activities.⁴⁶¹

Each state also has its own wildlife protection laws, as well as rules governing when and how wildlife can be killed through hunting and fishing. Few states have legislations prohibiting the usage of wild species in public performances. The first statewide restrictions on the use of elephants in entertainment were established in Illinois and New York in 2017. This is typically regarded as the start of a larger trend.⁴⁶²

5.4.1 BALD GOLDEN EAGLE PROTECTION ACT, 1940

“The Bald and Golden Eagle Protection Act (16 USC 668-668c)”, prohibits the "taking" of bald or golden eagles, their nests, eggs, or any of their body parts (including feathers), as stated in a law that was issued in 1940 and has been amended multiple times since then.

The act prohibits the practice to "take, possess, sell, purchase, barter, offer to sell, purchase, barter, transport, export, or import any bald eagle [or any golden eagle], living or dead, or any part (including feathers), nest, or egg thereof, at any time or in any manner."

For a first offence, violation of legislation can result in penalty up to \$100,000 (\$200,000 for corporations), a year in prison, or both. Additional violations have harsher penalties, and a second violation of this Act is a felony. *“The US Fish & Wildlife Service”* also provides information on eagle management, eagle resources, and bald and golden eagle species information.⁴⁶³

5.4.2 MARINE MAMMAL PROTECTION ACT, 1972

⁴⁶¹ Animal Legal Defense Fund, Wildlife Laws- Wildlife Protection, available at: <https://www.aldf.org/wildlife> (last visited on March 20, 2023).

⁴⁶² Animal Legal Defense Fund, Laws that Protect Animals- Federal, State, & Local, available at: <https://aldf.org/article/laws-that-protect-animals/> (last visited on March 20, 2023).

⁴⁶³ Bald and Golden Eagle Protection Act- US Fish and Wildlife Service, available at: <https://www.fws.gov> (last visited on March 26, 2023).

In 1972, Congress approved “*Marine Mammal Protection Act (MMPA)*”. This statute codified a nationwide strategy to save marine mammal populations from extinction so that these animals can continue to play an essential role in the ecosystems.

Each of the three federal departments is responsible for carrying out “*Marine Mammal Protection Act*”:

- A variety of marine animals, including seals, porpoises, dolphins, and sea lions, are safeguarded by NOAA Fisheries.
- Polar bears, sea otters, manatees, and walrus are all under the purview of the US Fish and Wildlife Service.
- The Marine Mammal Commission is an independent, science-based watchdog that keeps tabs on federal programs and regulations that deal with the effects of humans on marine life and the habitats in which it lives.⁴⁶⁴

5.4.3 THE ENDANGERED SPECIES ACT, 1973 (ESA)

“*Endangered Species Act (ESA) of 1973*” one of the powerful statutes in US for conserving wild plants and animals. The “*US Fish and Wildlife Service (USFWS)* and the *National Marine Fisheries Service (NMFS)*” are in charge of enforcing it. An ESA-classified species might be either “threatened” or “endangered” according to the law. In order to prevent further harm to endangered and threatened species and the environments in which they live, the ESA has imposed some limitations on certain human activities. With the help of ESA safeguards, numerous species have been rescued from the verge of extinction.⁴⁶⁵

5.4.4 THE LEGAL AND ETHICAL DIMENSIONS OF EUTHANASIA OF WILD SPECIES IN THE UNITED STATES OF AMERICA

In United States of America, emergency euthanasia may be the most ethical course of action when an animal is suffering from injuries that are going to kill it soon.⁴⁶⁶

Gunshot is acceptable under certain circumstances for the euthanasia of wild animals that are free to roam, have been captured, or are kept in confined spaces, provided that the bullet is targeted at the head (to destroy the brain), whenever possible, and that the practitioner is properly licenced and trained.⁴⁶⁷

- If the animal has an owner, permission must first be acquired.
- If an animal is considered to be wild, its “owner” is the State, Federal, or Tribal agency in charge of the species or the area where the animal was discovered or is currently found.

⁴⁶⁴ Marine Mammal Protection Act Policies, Guidance, and Regulations, NOAA Fisheries, available at: <https://www.fisheries.noaa.gov> (last visited on March 26, 2023).

⁴⁶⁵ Wildlife Conservation - National Humane Education Society, available at: <https://www.nhes.org> (last visited on March 26, 2023).

⁴⁶⁶ Emergency Euthanasia of Wildlife, American Veterinary Medical Association, available at: <https://www.avma.org> (last visited on March 26, 2023).

⁴⁶⁷ Euthanasia of Wildlife Species, Guidelines for - Animal Care, University of Illinois Urbana-Champaign, available at: <https://animalcare.illinois.edu> (Last visited on March 26, 2023).

If at all feasible, the appropriate authorities should be alerted first for protected species that are suffering from fatal injuries that are about to occur (such as threatened or endangered species, migratory birds, and certain game species).

One must notify the appropriate authorities of the death or euthanasia of any such animal. The authorities may also provide particular instructions on how to handle the animal's body and any equipment it may have, such as a radio collar.

“The American Association of Zoo Veterinarians (AAZV) Guidelines on Euthanasia of Nondomestic Animals (Guidelines on Euthanasia of Nondomestic Animals)” and the AVMA Guidelines on Euthanasia both cover approved techniques for euthanizing wild animal species, exotic pet species, and their hybrids.⁴⁶⁸

5.5 WILDLIFE WELFARE LEGISLATIONS IN INDIA

The diverse array of flora and fauna found in India is a priceless resource. Among the world's most biologically diverse regions is India. This country is home to a diverse array of plant and animal life. Lions, bears, tigers etc, various reptiles, crocodiles, and Asian elephants are among the wild animals that are native to this country. There are a wide variety of birds that call that area home, including flamingos, pelicans, parakeets, and peafowl. Right now, India is home to three areas that are exceptionally rich in biodiversity, that are located in *“Western Ghats, the Easter Himalayas, and the Indo-Burma region”*, amongst world's 34 biodiversity hotspots.

To protect and preserve its diverse and exceptional wildlife resource, India has set up around 515 sanctuaries in addition to 104 national parks and 18 bio-reserves. A variety of species of both animals and plants are unique to India. For example, a survey indicated that 12.6% of bird species, 7.6% of mammalian species, 6.2% of reptile species, and 6.0% of floral species are exclusive to India.⁴⁶⁹ According to the study, over 33% of species of plants are endemic to India, with almost 70% of its species of plants and animals being unique to the area and very diverse, it is one of the most biodiverse places on Earth.⁴⁷⁰ The varied and unique flora and fauna of India are a direct result of the subcontinent's varied and unusual climate, which is mirrored in the country's extensive forest belt. India boasts an extensive network of forests, ranging from tropical rainforests in the *Andaman Islands*, the *North-Eastern region*, and *Western Ghats* to Eastern and Southern wet deciduous forests, Deccan and Western Gangetic Plain thorn forests, and Himalayan coniferous forests.⁴⁷¹

Indigenous animals, like the *“Nilgiri Leaf Monkey, Bengal Tiger, Indian White-rumped Vulture, and Asiatic Lion”*, are in grave danger due to human development and habitat loss.

⁴⁶⁸ AVMA Guidelines for the Euthanasia of Animals: 2020 edition, available at: <https://www.avma.org> (last visited on March 27, 2023).

⁴⁶⁹ Biodiversity Profile for India, Indira Gandhi Conservation Monitoring Centre (IGCMC), New Delhi and the United Nations Environmental Programme (UNEP), World Conservation Monitoring Centre, Cambridge, UK. (2001)

⁴⁷⁰ Thapar, V., Land of the Tiger: A Natural History of the Indian Subcontinent, University of California Press (1998)

⁴⁷¹ Trites, M.E., Wildlife of India Harper Collins, London (2001)

About 2.9% of all endangered species are located in India, where 172 native and endemic species are on the IUCN's list of danger.⁴⁷²

Indian Laws Concerning the Preservation of Wild Species

In the beginning of the 1970s, when it became apparent that the tiger population in India was declining and on the verge of extinction, the need to protect and conserve these beasts became immediately apparent. This was largely attributable to hunters' engaging in illegal trade, poaching, and hunting for their own personal gain. During the 1969 IUCN General Assembly meeting in Delhi, participants and others around the world voiced serious concern over the dwindling number of India's wilderness areas and the dangers that humans were causing to in danger wildlife species in the nation. Tiger hunting was outlawed nationwide in 1970 by the Indian government. The Wildlife legislation was passed and put into force in 1972 by the same government. A plan was also put in place to encourage cooperation between NGOs and the government in the fight to protect wildlife.

"The International Union for Conservation of Nature and Natural Resources (IUCN)" also developed the World Conservation Strategy with collaboration with *"Food and Agriculture Organization of United Nations (FAO)"* and *"United Nations Educational, Scientific and Cultural Organization (UNESCO)"*, with support of *"United Nations Environment Programme (UNEP)"* and *"World Wildlife Fund (WWF)"*.⁴⁷³ Fundamental goal for the policy is maintenance of vital processes of ecology along with the life-support systems, with the goal of maintaining genetic diversity and guaranteeing the sustainable use of ecosystems and animals.

5.5.1 WILD LIFE (PROTECTION) ACT, 1972

The Indian government passed the legislation to safeguard flora and fauna that were in risk of extinction, part of their larger attempt to maintain the country's abundant biodiversity. The first laws enacted to protect wildlife and natural areas were enacted during the time of Emperor Ashoka in the third century BC; nevertheless, it was not until 1972 that the Animal Protection Act was enacted.⁴⁷⁴ In 1887, the British government of India passed the "Wild Bird Protection Act," and in 1912, they passed the "Wild Birds and Animal Protection Act," which was amended in 1935. After that, in 1972, the government of the independent India passed the WPA, 1972 in an effort to provide protection and ensure the safety of wild plant and animal species. New requirements and adjustments were reflected in the Act through periodic updates in 1976, 1982, 1986, 1991, 1993, 2006, and 2022. These updates also included measures to improve implementation. Sections 48A, 51A (g), and 48 of the Indian Constitution also include provisions that attempt to safeguard national heritage.

⁴⁷² Groombridge, B. (ed)., The 1994 IUCN Red List of Threatened Animals. IUCN, Gland, Switzerland and Cambridge, UK. pp 286 (1993)

⁴⁷³ World Conservation Strategy, IUCN, (1980), available on: <http://data.iucn.org/dbtw>. Accessed on January 30, 2021

⁴⁷⁴ Joshi A., Sardesai, N., Sharma, R. S., Mohammed A. & Babu C. R., Protection of Wild Genetic Resources of Plants and Microbes through Wildlife (Protection) Act, 1972, Handbook of Environment, Forest and Wildlife Protection Laws in India, WPSI and Natraj Publishers, Dehadun (1998)

The WPA, 1972 is intended to safeguard the habitat's management and protection, creating protected areas for instance parks, sanctuaries, and tiger reserves, zoos & their management, hunting is prohibited, trading of parts & products obtained from wildlife is regulated as well as controlled and conservation together with community reserves are established.

The government's wildlife preservation plan or the WP Act must be followed before any human activity can take place in a National Park or Tiger Reserve, as these places are strictly protected. No grazing is allowed in Parks either, though the *Chief Wildlife Warden* may make an exception for sanctuaries. Although the Act prohibits the commercial exploitation of forest goods in wildlife sanctuaries and national parks, local communities do have the right to harvest forest produce solely for their urgent needs. Wild animals, reptiles, birds, fish, amphibians, insects, crustaceans, and coelenterates included in the Act's four schedules are all off-limits to hunting in protected areas and anywhere else. A fine of at least 10,000 rupees and imprisonment sentence of three to 7 years are possible outcomes of a guilty verdict.

Two additional protected areas, Community reserves and Conservation reserves, both were additions in WPA, 1972. Both new types of areas that are protected give local people, civic society, also the stakeholders a stronger say in how protected areas are managed. Lots of places that should be preserved but aren't part of the plan are nonetheless safeguarded. National parks and sanctuaries fall into specific categories. The law also makes it illegal to: Unless it is for the betterment or benefit of wildlife and its habitat, it is against the rules of wildlife management to harm or disturb wildlife or their natural habitats. Only the state government, in cooperation with the local government, can make this decision. Wildlife Protection Boards at both the levels- national as well as state.

Aside from WPA, 1972, there are a few other Acts and laws that provides for the purpose of conservation as well as protection of wildlife. Legislations such as IPC, 1960; CrPC, 1974; the "*Indian Forest Act, 1927; the Customs Act, 1962; the Forest (Conservation) Act, 1981; the Environment (Protection) Act, 1986; the Prevention of Cruelty to Animals Act, 1960; the Biological Diversity Act, 2002; and the Arms Act, 1959*", all of which include provisions for wildlife protection. On a global scale, the United Nations has adopted an agreement called the CITES. India ratified in year 1976. 'Wild animals and plants' the Convention states that our planet's natural systems, in all their many and lovely forms, are interdependent and should be preserved for the sake of upcoming generations.⁴⁷⁵

5.5.2 THE INDIAN FOREST ACT, 1927

Following precedent set by the British, this statute was enacted by the Indian government in 1878. Combining and setting aside forest zones, including wildlife, and regulating forest products like lumber were the primary objectives of this Act. This Act also detailed the steps to take when designating a forest as a restricted, protected, or village forest. The best safeguarded of these three forest kinds are reserved forests. In these woods, it is illegal to do

⁴⁷⁵ Prof. Kalpana Chatruvedi, "The Evolution of Wildlife Protection Laws and Policies in India: A Historical Analysis" 8 *International Journal of Novel Research and Development* 360 (2023).

things like graze cattle, cut down trees, fish, quarry, use forest products, or hunt, and violators could face fines or jail time according to the Act.⁴⁷⁶

5.5.3 THE FOREST (CONSERVATION) ACT, 1980

Adopted in 1980 and updated in 1998, the “*Forest (Conservation) Act*” aims to conserve forests, prevent deforestation, and provide related goods. The Act is divided into five sections that deal with forest conservation. Forest land could only be used for forest purposes according to this Act, which also mandated prior approval from each state's government. There was pressure on state governments to lift prohibitions on non-forest uses of forests, including reserved forests, because there was no way for them to make up for the wood that was cut down as a result of logging. Unless the government grants its authorisation, it is currently prohibited to use forests for non-forest activities.⁴⁷⁷

5.5.4 THE ENVIRONMENT (PROTECTION) ACT, 1986

To safeguard and enhance the environment as a whole, lawmakers enacted the Environment (Protection) Act in 1986. The power to prevent environmental contamination in all its forms and to address environmental issues as they occur is also granted to the Central Government by this law. The Act was updated again in 1991.⁴⁷⁸

5.5.5 THE BIOLOGICAL DIVERSITY ACT, 2002

“*The Biological Diversity Act, 2002*” passed by the Indian government with the intention of protecting India's rich biodiversity, making responsible usage of its parts, creating systems to ensure that everyone benefits fairly from scientific discoveries and other uses of biological resources. This legislation was enacted to strengthen India's responsibilities under “*United Nations Convention on Biological Diversity (CBD)*”, the country accepted on *June 5, 1992*, since it is a party to the CBD. This Act supplements other statutes enacted with a purpose of protection and conserving forests together with wildlife.⁴⁷⁹

5.5.6 EUTHANASIA OF WILD FAUNA IN INDIA

In India, active euthanasia is still prohibited. Euthanasia is a procedure that has been used for many years to put animals to sleep, particularly stray dogs. It is still used today despite being governed by laws, rules, and instructions. In order to combat the threat posed by the expanding number of stray dogs and the subsequent occurrences of rabies infections, the British first adopted it as a technique in India. Even after India gained its independence, this program- through which an estimated 50,000 dogs were slaughtered annually- was continued by the Indian government. The *Welfare of Stray Dogs (WSD)* organisation even reported that the practise of murdering stray dogs has generally failed to contain the growing dog population and the rise in rabies infections. Studies conducted by “*World Health Organization- WHO and Animal Welfare Board of India (Ministry of Environment & Forests)*” also revealed that the

⁴⁷⁶ Indian Forest Act, 1927.

⁴⁷⁷ Forest Conservation Act, 1980.

⁴⁷⁸ The Environment Protection Act, 1986.

⁴⁷⁹ The Biological Diversity Act, 2002.

methods for dog population control that are effective in developed countries are not always successful in developing countries, as the socio-economic and other circumstances for both of these categories of countries greatly differ. Given this knowledge, most people thought that euthanasia should only be considered in very specific cases as a last resort, and that the best way to control the dog population would be to develop effective and systematic methods for doing so.⁴⁸⁰

5.6 EMBARKING ON A JOURNEY FROM ANNIHILATION TO EVENTUAL RETURN- ERA OF CHEETAHS BACK IN INDIA

“Exciting to think of India as having cheetahs again.”

- Dr. Laurie Marker⁴⁸¹

India and Africa’s tie up is an additional opportunity to retain the Asiatic cheetah’s population in India which were extinct since Indian Independence. In 1947, the last Asiatic cheetah was seen in India, and by 1952, the country had formally recognized the extinction of the species. The traversing path from the extinction to its reintroduction of cheetahs took place on September 17th, 2022 marking the 72nd birthday of Narendra Modi.⁴⁸² After almost a decade of long legal battle, the Apex Court through a writ petition filed by the NTCA⁴⁸³, allowed the re-introduction of the extinct Asiatic cheetahs in India. Although the cheetah's extinction was tragic, but the chapter of cheetahs came into existence over again. The reintroduction of cheetahs from South Africa and Namibia, along with conservation efforts and new amendments in the legislations, renewed optimism. We can protect the incredible wonders that remain in our natural ecosystems and return their fragile balance if we all work together with a motive to reconnect with the nature.

It is notable that the momentous plan was unveiled to reintroduce cheetahs to India at the “19th National Tiger Conservation Authority Conference”⁴⁸⁴ held under the chairmanship of Shri Bhupender Yadav⁴⁸⁵ and presence of hon’ble members of parliament on January 5th 2022. During the 19th conference it was unveiled the cheetah introduction plan in India: a total of fifty cheetahs to be introduced to national parks across the country over next five years.

The disappearance of cheetahs in India was totally “Human-Caused Extinction”. An unfortunate consequence of our disconnection from nature is the cheetah's impending extinction. A combination of factors, including trophy hunting and the great demand for their distinctive fur, hastened their extinction. The last three native cheetahs in India were hunted by

⁴⁸⁰ Animal Euthanasia and Laws in India, available at: <https://www.pashudhanpraharee.com> (last visited on April 10, 2023).

⁴⁸¹ The founder of Cheetah Conservation Fund (CCF)- a global leader in research and conservation of cheetahs, in an interview to National Herald said on the arrival of cheetahs in India again.

⁴⁸² Narendra Modi- Narendra Damodardas Modi is the 14th Prime Minister of India.

⁴⁸³ National Tiger Conservation Authority- NTCA is a programme for protection of Tigers and Tiger Reserves in India known as “Tiger Protection Programme” established in 2005 by the Ministry of Environment, Forest and Climate Change, <https://ntca.gov.in>

⁴⁸⁴ National Tiger Conservation Authority- Ministry of Environment, Forest and Climate Change, 19th Meeting of NTCA was held at Conference Hall of the NTCA at New Delhi on January 5th 2022 where action plan for introduction of cheetah in India was unveiled, <https://ntca.gov.in>

⁴⁸⁵ Bhupendar Yadav- Union Minister for Environment, Forests and Climate Change of India.

“Maharaja Ramanuj Pratap Singh Deo”⁴⁸⁶, a prince from the royal family of Koriya which is now in Chhattisgarh in India. The formerly population of cheetahs was wiped out with the passing of the last one. That was the period when the species' formal extinction was announced.

The Supreme Court of India on Project Cheetah

After decades of long legal battles, the Indian Apex Court in a civil writ petition of “*Centre of Environment Law, World Wide Fund- India vs. Union of India and others*”⁴⁸⁷ approved the Cheetah importation in a wildlife sanctuary in Madhya Pradesh named Kuno Park.⁴⁸⁸ The Apex Court was hearing the plea filed in 2010 by “*National Tiger Conservation Authority*” which was requesting authorization to import African cheetahs from Namibia. Referring to the creature as a “*foreign species*” the Supreme Court in 2013 had denied the entry of the wild species.

A plea submitted by the *National Tiger Conservation Authority* (NTCA) asking for permission to introduce African cheetahs from Namibia was being heard by a bench chaired by Chief Justice of India S.A. Bobde⁴⁸⁹. The NTCA had previously informed the court that it merely wanted to know if the country had a complete prohibition on reintroducing cheetahs. The group had previously cited a 2013 ruling by the highest court in a wildlife case, stating that the ruling does not prohibit law enforcement from following established procedures to transfer cheetahs from Africa to appropriate locations in India. African cheetahs that are to be transferred from Namibia to India will be housed at the Nauradehi Wildlife Sanctuary⁴⁹⁰ in Madhya Pradesh, according to the NTCA's statement to the supreme court on 22 February 2019. After that, the NTCA announced that they will reevaluate all possible cheetah reintroduction sites and devise a strategy for any necessary precautions before bringing the cheetahs. Reports also indicated that the government of Madhya Pradesh had contacted it in an effort to reintroduce cheetahs to the Nauradehi Wildlife Sanctuary. Wildlife specialists M.K. Ranjitsinh and Dhananjai Mohan, as well as the Director General (wildlife) of the “*Ministry of Environment and Forests*”, will serve on an expert panel that the supreme court appointed to advise NTCA. Every four months, the panel will report back to the court on the project's progress. The intergovernmental organization that advises nations and organizations on matters of biodiversity, changing climatic conditions, and sustainable development- “*International Union for the Conservation of Nature*” (IUCN)- has reportedly voiced no opposition to the translocation process, according to the authority. It had previously notified the court that the IUCN had consented to assist with the cheetah's relocation.

⁴⁸⁶ Maharaja Ramanuj Pratap Singh Deo was the last ruler of erstwhile Korea State, he shot the last three Asiatic cheetahs in the Sal forests of Koriya District, Chhattisgarh State in 1947.

⁴⁸⁷ Supreme Court of India, “*Centre of Environment Law, World Wide Fund- India vs. Union of India and others*”- (2013) 8 SCC 234, <https://main.sci.gov.in>

⁴⁸⁸ Kuno National Park- Kuno Palpur Wildlife Sanctuary and National Park is situated in Madhya Pradesh in the Vindhyan Hills of Central India, www.kunonationalpark.org

⁴⁸⁹ S.A. Bobde- Hon'ble Justice Sharad Arvind Bobde was 47th Chief Justice of India, <https://nalsa.gov.in>

⁴⁹⁰ Nauradehi Wildlife Sanctuary- the largest wildlife sanctuary of Madhya Pradesh, <https://nauradehiwls.in>

Ongoing Reviving Cheetah Population at Kuno National Park

In accordance with the ambitious cheetah reintroduction project, eight Namibian cheetahs were released into enclosures at Kuno National Park in Madhya Pradesh on September 17, 2022. There were five females and three males among the group to be released first time in India after its extinction. Another twelve cheetahs were transported to the Kuno Park from South Africa in February 2023. So as of now total of seventeen cheetahs have been translocated in India.

After 70 years since the extinction of big cats in India, and translocation, the female cheetahs gave birth the litter of cheetahs and hence cheetah cubs were born on the land of India. Officials have stated that there are currently thirteen cubs, seven females, and six males among the Kuno National Park's total population of twenty-six cheetahs. As of now 2025, there are total of 31 cheetahs in India.⁴⁹¹

For the reviving of cheetah population in India, eco-climatic conditions were researched and several studies were conducted for an eco-climatic habitat for the adaptation of cheetahs as the cheetahs translocated were not born in India. This study utilized cheetah presence locations from Southern Africa, specifically South Africa, Botswana, Namibia and Zimbabwe, in conjunction with pertinent eco-climatic variables for the purpose of analysing area in India. Due to the fact that southern Africa was the most likely source from which the Indian population of cheetahs would be obtained, this extent of the study was restricted to that region. A suitable habitat for cheetahs was characterized by the presence of forest systems that are open and scrub, semi-arid settings, little human effects, and temperatures that were typically higher in comparison to colder regimes.⁴⁹²

5.7 CONCLUSION

Table 5.1 Comparison of wildlife welfare laws in Africa, Australia, United Kingdom, United States of America and India

Comparison Point	Africa (Tanzania & Kenya)	Australia	United Kingdom	United States of America	India
Principal Legislation	The Wildlife Conservation Act, 2009, The Wildlife Conservation and Management Act, 2013	The Environment Protection and Biodiversity Conservation Act, 1999	The Wildlife Countryside Act, 1981	The Endangered Species Act, 1973	The Wildlife (Protection) Act, 1972
Protected Areas	Game Reserves,	National Parks, Marine	National Parks, Sites of special	National Parks,	National Parks, Sanctuaries, Reserves

⁴⁹¹ Cheetah cubs born in India, The Wildlife India, www.thewildlifeindia.com

⁴⁹² Action Plan for Introduction of Cheetah in India (With Emphasis on the First Release Site- Kuno National Park), Wildlife Institute of India, <https://wii.gov.in>

	National Parks	Parks, Reserves	scientific interest	Wildlife Refuges	
Hunting	Regulated; often allowed under strict permit	Regulated; heavy penalties for illegal hunting	Regulated; illegal hunting penalized	Strictly regulated (licensing, quotas)	Prohibited without license
Global Alignment	CITES, CBD	CITES, CBD, CAMBA, JAMBA	CITES, CBD, Bonn Convention	CITES, CBD, Migratory Bird Treaty	CITES, CBD
Penalties	Varies; some have strong enforcement, others weaker	High penalties including jail & fines	Criminal penalties & fines	Severe penalties under federal law	Fines & imprisonment under WPA
Challenges	Funding, enforcement, human-wildlife conflict	Bushfires, invasive species, land-use conflicts	Urban development pressures	Political influence, habitat loss	Implementation gaps, poaching, habitat loss
Euthanasia of Wildlife Species	Practiced selectively for severely injured, diseased or human-wildlife conflict animals, often constrained by resources & conservation priorities.	Widely accepted as a humane management tool for injured wildlife and invasive species, guided by strict animal-welfare codes.	Permitted under animal-welfare law for suffering or dangerous wildlife, with strong veterinary oversight & ethical guidelines.	Commonly used by wildlife agencies for irreversibly injured, diseased, or overpopulated species, regulated at federal and state levels.	Legally restricted & rare, allowed mainly to relieve extreme suffering under the Wildlife Protection Act with official authorization.

Euthanasia of Wildlife Species

The most compassionate way is determined by the species, circumstance, and particular animal because there are numerous circumstances in different kind of euthanasia for wild animals could be required. Investigators are recommended to contact with veterinarians with experience in the relevant species and with applicable professional society rules when drafting the design of a field study since a plan for euthanasia is necessary, even if euthanasia is not the desired outcome. The overarching objective should be to reduce staff physical and emotional dangers, as well as animal misery and agony. Where the execution of any of the following standards is

impractical, the IACUC- "*The Institutional Animal Care and Use Committee*" will often defer for professional society guidelines; nonetheless, any request to deviate from these guidelines needs to be specifically justified. Under the condition that the practitioner is specially trained, the following techniques are listed.

Euthanasia when acceptable

Chemical: Euthanasia techniques that are approved for use on domestic animals or wildlife kept in captivity can also be used on animals that are left to roam free. In some cases, premedication with an injectable or inhaled substance may lessen the hazards to human safety or animal suffering.

Physical techniques: Small animals may be dislocated in the cervical region or beheaded.

Euthanasia when acceptable with conditions

Inhalation: Agents that are classified as appropriate for the euthanasia of domestic animals under identical settings are likewise permissible under similar circumstances for the euthanasia of free-ranging wildlife. Animals must be tiny enough to fit into a container that is well sealed. When animal pain related to restraint can be avoided, animals of a greater size may need to be confined in order to apply a face mask.

Physical methods: Gunshot is permitted under some circumstances for the putting an end to the lives of wild, captive, or otherwise limited animals, as long as the doctor or nurse administering the lethal injection has the proper credentials and the bullet is aimed at the brain, whenever possible.

Exsanguination, cervical dislocation or decapitation, thoracic compression, potassium chloride (intravenous or intracardiac), and other methods may be employed to guarantee the demise of sedated or otherwise comatose animals.⁴⁹³

A significant development in preserving wildlife has been taken with the reintroduction of cheetahs to India through partnerships with African countries. This program demonstrates a forward-thinking strategy to reviving endangered species and enhancing India's natural heritage while also assisting in the restoration of ecological balance and fortifying international collaborations for biodiversity preservation.

⁴⁹³ Standards and Procedures, Euthanasia of Wildlife Species, Guidelines for, UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN, Office of the Vice Chancellor for Research and Innovation- Animal Care

CHAPTER VI

ANALYSIS OF IMPLEMENTATION OF WILDLIFE WELFARE LAWS IN PUNJAB AND HIMACHAL PRADESH- AN EMPIRICAL STUDY

The empirical research conducted in Indian states Punjab and Himachal Pradesh is covered in Chapter VI entitled “ANALYSIS OF IMPLEMENTATION OF WILDLIFE WELFARE LAWS IN PUNJAB AND HIMACHAL PRADESH- AN EMPIRICAL STUDY”. The core data for the empirical study for both states was gathered from a variety of respondents on the subject using questionnaires and schedule methods. Both the Punjab and Himachal Pradesh states' original data were gathered from their respective populations. The segment-I general public from both states, as well as segment-II members of legal fraternity, were the respondents of the primary data collected for these states. Segment-III wildlife wing of Punjab and Himachal Pradesh was covered via personal interviews. The core data gathered from every respondent in both states analysed using “*Statistical Package for Social Sciences- SPSS*” tool.

6.1. INTRODUCTION

Wildlife in India is as varied and rich as the country's landscapes and temperatures. The country's varied landscapes, which range from the tropical Western Ghats to the snow-capped Himalayas. A huge variety of both plants along with animal life could be found in the Himalayas. Not only India's abundant wildlife an asset to the world's ecology, but it is also a point of national pride. The government has set up an intricate network of wildlife sanctuaries and national parks to preserve its rich history and diverse fauna and flora.

With assistance of the “*Wildlife Institute of India (WII)*”, “*National Wildlife Database Centre*” has been working on the creation of a National Wildlife Information System (NWIS) that would provide information about India’s areas that are protected. There are relationships involving “1014 *Protected Areas* in India, which includes 106 *National Parks*, 573 *Wildlife Sanctuaries*, 115 *Conservation Reserves*, along with 220 *Community Reserves*”. These Protected Areas encompass total of 1,75,169.42 km² from India’s geographical area, that is approximately 5.32% of total land area.⁴⁹⁴

The Wildlife Wing manages “*Wildlife Sanctuaries, Community Reserves, Conservation Reserves, Wetlands, Zoo, Tiger Safari, Mini Zoos and National Parks.*”

Table 6.1: Segmentation of Wildlife Wing- Punjab

Sr. no	Name	District	Category of Wildlife Wing	Area (approx.)
1	Abohar Wildlife Sanctuary (AWS)	Fazilka	Wildlife Sanctuary	18,650 hectares (ha)
2	Bir Aishwan (Aishban) Wildlife Sanctuary	Sangrur	Wildlife Sanctuary	264.40 ha
3	Bir Bhadson Wildlife Sanctuary	Patiala	Wildlife Sanctuary	1,022.63 ha
4	Bir Bhunerheri Wildlife Sanctuary	Patiala	Wildlife Sanctuary	661.66 ha
5	Bir Chahal Wildlife Sanctuary	Mansa	Wildlife Sanctuary	Not mentioned

⁴⁹⁴ National Wildlife Database Cell, <https://wii.gov.in> (last visited 25 February, 2024)

6	Bir Dosanjh Wildlife Sanctuary	Patiala	Wildlife Sanctuary	517.59 ha
7	Bir Gurdialpura Wildlife Sanctuary	Patiala	Wildlife Sanctuary	620.53 ha
8	Bir Mehaswala Wildlife Sanctuary	Patiala	Wildlife Sanctuary	123.43 ha
9	Bir Motibagh Wildlife Sanctuary	Patiala	Wildlife Sanctuary	654.00 ha
10	Harike Lake Wildlife Bird Sanctuary	Ferozepur	Wildlife Sanctuary	8,600.00 ha
11	Jhajjar Bacholi (Bachauli) Wildlife Sanctuary	Rupnagar	Wildlife Sanctuary	116.00 ha
12	Kathlaur Kushlian Wildlife Sanctuary	Gurdaspur	Wildlife Sanctuary	758.40 ha
13	Takhni- Rehampur Wildlife Sanctuary	Hoshiarpur	Wildlife Sanctuary	382.00 ha
14	Nangal Wildlife Sanctuary	Ropar	Wildlife Sanctuary (Ramsar Site)	116 ha
15	Harike Wetland	Ferozepur	Wetland (Ramsar Site)	4100 ha
16	Kanjli Wetland	Kapurthala	Wetland (Ramsar Site)	490 ha
17	Ropar Wetland	Ropar	Wetland (Ramsar Site)	1365 ha
18	Rakh Sarai Amanat Khan Conservation Reserve	Tarn Taran	Conservation Reserve	1223 acres
19	Ranjit Sagar Dam Conservation Reserve	Gurdaspur	Conservation Reserve	4,559.71 acres
20	Ropar Wetland Conservation Reserve	Ropar	Conservation Reserve	521.12 acres
21	Kali Bein Conservation Reserve	Kapurthala	Conservation Reserve	210 ha

22	Beas River Conservation Reserve	Amritsar	Conservation Reserve (Ramsar Site)	185 km stretch of the river Beas
23	Lalwan Community Reserve	Hoshiarpur	Community Reserve	1266.80 ha
24	Keshopur- Miani (Chhamb) Community Reserve	Gurdaspur	Community Reserve (Ramsar Site)	340.00 ha
25	Panniwala-Gumjal-Haripura-Diwankhera Community Reserve	Fazilka	Community Reserve	16861 acres
26	Siswan Community Reserve	SAS Nagar	Community Reserve	3199.45 acres
27	Mahendra Chaudhary Zoological Park- ChhatBir	SAS Nagar	Zoo	202 acres
28	Tiger Safari Zoo- Ludhiana	Ludhiana	Tiger Safari	56 ha
29	Neelon- Deer Park	Ludhiana	Deer Park	8,679 ha
30	Bir Moti Bagh- Deer Park	Patiala	Mini Zoo	654.00 ha
31	Deer Park Bir Talab	Bathinda	Deer Park	10.4 ha

Source: Department of Forests & Wildlife Preservation, Punjab

Table 6.2: Segmentation of Wildlife Wing- Himachal Pradesh

Sr. no	Name	District	Category of Wildlife Wing	Area (approx..)
1	Bandli Wildlife Sanctuary	Mandi	Wildlife Sanctuary	32.11 sq.km
2	Chail Wildlife Sanctuary	Solan	Wildlife Sanctuary	16 sq.km
3	Chandra Tal Wildlife Sanctuary	Lahaul & Spiti	Wildlife Sanctuary	38.56 sq.km + (11.53 sq.km for consideration)

4	Churdhar Wildlife Sanctuary	Sirmour	Wildlife Sanctuary	55.52 sq.km
5	Daranghati I & II Wildlife Sanctuary	Shimla	Wildlife Sanctuary	171.50 sq.km
6	Dhauladhar Wildlife Sanctuary	Kangra	Wildlife Sanctuary	982.86 sq.km
7	Gangul- Siyabehi Wildlife Sanctuary	Chamba	Wildlife Sanctuary	108.40 sq.km
8	Kais Wildlife Sanctuary	Kullu	Wildlife Sanctuary	12.61 sq.km
9	Kalatop- Khajjiar Wildlife Sanctuary	Chamba	Wildlife Sanctuary	17.17 sq.km
10	Kanawar Wildlife Sanctuary	Kullu	Wildlife Sanctuary	107.29 sq.km
11	Khokhan Wildlife Sanctuary	Kullu	Wildlife Sanctuary	14.94 sq.km
12	Kibber Wildlife Sanctuary	Lahaul & Spiti	Wildlife Sanctuary	2220.12 sq.km
13	Kugti Wildlife Sanctuary	Chamba	Wildlife Sanctuary	405.49 sq.km
14	Lipa Asrang Wildlife Sanctuary	Kinnaur	Wildlife Sanctuary	31 sq.km
15	Majathal Wildlife Sanctuary	Solan	Wildlife Sanctuary	30.86 sq.km
16	Manali Wildlife Sanctuary	Kullu	Wildlife Sanctuary	29 sq.km
17	Nagru Wildlife Sanctuary	Mandi	Wildlife Sanctuary	132.3731 sq.km
18	Pong Dam Lake Wildlife Sanctuary	Kangra	Wildlife Sanctuary	207.59 sq.km
19	Rakchham- Chitkul Wildlife Sanctuary	Kinnaur	Wildlife Sanctuary	304 sq.km

20	Renuka Ji Wildlife Sanctuary	Sirmour	Wildlife Sanctuary	3.87 sq.km
21	Rupi- Bhaba Wildlife Sanctuary	Kinnaur	Wildlife Sanctuary	503 sq.km
22	Sechu- Tuan Nalla Wildlife Sanctuary	Chamba	Wildlife Sanctuary	390.29 sq.km
23	Shikari Devi Wildlife Sanctuary	Mandi	Wildlife Sanctuary	29.94 sq.km
24	Shimla Water Catchment Wildlife Sanctuary	Shimla	Wildlife Sanctuary	10 sq.km
25	Talra Wildlife Sanctuary	Shimla	Wildlife Sanctuary	46.48 sq.km
26	Tundah Wildlife Sanctuary	Chamba	Wildlife Sanctuary	64 sq.km
27	Pong Dam Lake	Kangra	Wetland (Ramsar Site)	307.29 sq.km
28	Renuka Wetland	Sirmaur	Wetland (Ramsar Site)	2.5 sq.km
29	Chandertal Wetland	Lahaul & Spiti	Wetland (Ramsar Site)	38.56 sq.km
30	Shilli Conservation Reserve	Solan	Conservation Reserve	1.49 sq.km
31	Shri Naina Devi Conservation Reserve	Bilaspur	Conservation Reserve	17.01 sq.km
32	Darlaghat Conservation Reserve	Solan	Conservation Reserve	0.67 sq.km
33	Dhauladhar Nature Park (Zoo) Gopalpur	Kangra	Zoo	12.5 ha
34	Renuka ji Tiger Zoo	Renuka Ji	Zoo	402.8 ha
35	Rewalsar Zoo Park	Mandi	Zoo	4 ha
36	Himalayan Nature Park Kufri Zoo	Kufri	Zoo	90 ha

37	Great Himalayan National Park	Kullu	National Park	905.4 sq.km
38	Pin Valley National Park	Lahaul and Spiti	National Park	675 sq.km
39	Simbalbara National Park	Sirmour	National Park	27.88 sq.km
40	Khirganga National Park	Kullu	National Park	705 sq.km
41	Inderkilla National Park	Kullu	National Park	94 sq.km

Source: Himachal Pradesh Forest Department

Research Methodology

In the Empirical study, the collection of data is done by “Scheduled Interview and Questionnaire Methods” from state of Punjab and Himachal Pradesh, divided in three different segments such as:

Table 6.3: Segmentation of Data Collection

Segment I	Segment II	Segment III
General Public	Legal Fraternity	Personal Scheduled Interviews- Wildlife Wing

6.1.1. Sample Group

Public authorities, such as officials from wildlife wing, members of legal fraternity and the general public which included make up the sample group for this research. It is possible to assert the involvement of the sampling group in the activity of the research is representative of the entire universe of the sample group because there was no sorting done in the universe of the sample group. There were a few numbers of samples of wildlife wing, legal fraternity and the general public in which no data was received due to a variety of reasons. It is possible to acknowledge that the researcher had not received responses from all the public sample group in total.

The sample size that has been collected from 442 respondents is from two states namely Punjab and Himachal Pradesh. Simple Random Sampling is used for arranging these samples. The “Scheduled Interview” is conducted on “Structure-Based Questions” from the Public Authorities of the Wildlife Wing of Punjab and Himachal Pradesh and “Questionnaire Method” which contained “Open-Ended and Closed-Ended Questions” from Legal Fraternity and General Public.

Table 6.4: Segmentation of General Public- Punjab

Category of General Public	Respondents
School Teachers	29
Doctor	18
Social Activist	13
Businessman	23
Other	19
Total	102

Table 6.5: Segmentation of General Public- Himachal Pradesh

Category of General Public	Respondents
School Teachers	30
Doctor	27
Social Activist	4
Businessman	16
Other	23
Total	100

Table 6.6: Segmentation of Legal Fraternity- Punjab

Category of Legal Fraternity	Respondents
Legal Practitioners	54
Law Academicians	22
Law Students (final year)	24
Total	100

Table 6.7: Segmentation of Legal Fraternity- Himachal Pradesh

Category of Legal Fraternity	Respondents
Legal Practitioners	68
Law Academicians	13
Law Students (final year)	19

Total	100
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Table 6.8: Segmentation of personal scheduled interviews and meetings conducted with concerned Officials and Experts in wildlife wing Punjab

Sr. no	Name	Category of Wildlife Wing	Interviewee	Respondents
1	Bir Bhadson Wildlife Sanctuary	Wildlife Sanctuary	Divisional Forest Officer (DFO)	1
2	Bir Bhunerheri Wildlife Sanctuary	Wildlife Sanctuary	DFO	1
3	Bir Moti Bagh Wildlife Sanctuary	Wildlife Sanctuary	Range Forest Officer (RFO)	1
4	Bir Gurdialpura Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
5	Bir Mehaswala Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
6	Bir Dosanjh Wildlife Sanctuary	Wildlife Sanctuary	DFO	1
7	Harike Lake Wildlife Bird Sanctuary	Wildlife Sanctuary	DFO	1
8	Takhni Rehmapur Wildlife Sanctuary	Wildlife Sanctuary	DFO	1
9	Nangal Wildlife Sanctuary	Wildlife Sanctuary (Ramsar Wildlife)	DFO	1
10	Jhajjar Bacholi (Bachauli) Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
11	Kanjli Wetland	Wetland (Ramsar Site)	RFO	1
12	Harike Wetland	Wetland (Ramsar Site)	RFO	1

13	Ropar Wetland	Wetland (Ramsar Site)	RFO	1
14	Kali Bein Conservation Reserve	Conservation Reserve	Chief Wildlife Warden	1
15	Beas River Conservation Reserve	Conservation Reserve (Ramsar Site)	Conservator of Forests	1
16	Lalwan Community Reserve	Community Reserve	DFO	1
17	Siswan Community Reserve	Community Reserve	DFO	1
18	Mahendra Chaudhary Zoological Park- ChhatBir	Zoo	Principal Chief Conservator of Forests (HoFF)	1
19	Tiger Safari Zoo- Ludhiana	Tiger Safari	Officer- Incharge Zoo	1
20	Deer Park Bir MotiBagh	Mini Zoo	Officer- Incharge Zoo	1

Table 6.9: Segmentation of personal scheduled interviews and meetings conducted with concerned Officials and Experts in wildlife wing Himachal Pradesh

Sr. no	Name	Category of Wildlife Wing	Interviewee	Respondents
1	Chail Wildlife Sanctuary	Wildlife Sanctuary	DFO	1
2	Kibber Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
3	Kalatop- Khajjiar Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
4	Majathal Wildlife Sanctuary	Wildlife Sanctuary	DFO	1
5	Manali Wildlife Sanctuary	Wildlife Sanctuary	DFO	1
6	Shimla Water Catchment Wildlife Sanctuary	Wildlife Sanctuary	DFO	1

7	Kais Wildlife Sanctuary	Wildlife Sanctuary	DFO	1
8	Dhauladhar Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
9	Churdhar Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
10	Bandli Wildlife Sanctuary	Wildlife Sanctuary	RFO	1
11	Pong Dam Lake	Wetlands (Ramsar Site)	RFO	1
12	Chander Taal Wetland	Wetlands (Ramsar Site)	RFO	1
13	Renuka Wetland	Wetlands (Ramsar Site)	RFO	1
14	Shilli Conservation Reserve	Conservation Reserve	Conservator of Forests	1
15	Shri Naina Devi Conservation Reserve	Conservation Reserve	Conservator of Forests	1
16	Great Himalayan National Park	National Park	DFO	1
17	Pin Valley National Park	National Park	Chief Conservator of Forests	1
18	Khirganga National Park	National Park	Principal Chief Conservator of Forests	1
19	Dhauladhar Nature Park (Zoo) Gopalpur	Zoo	Officer-Incharge Zoo	1
20	Himalayan Nature Park Kufri Zoo	Zoo	Officer-Incharge Zoo	1

6.1.2. Method of Data Collection

The researcher has also opted for empirical study for which the primary data will be collected by questionnaires by various respondents. Primary data will be gathered from selected respondents 442, from which there will be members of Legal Fraternity of Punjab and

Himachal Pradesh, General Public from Punjab and Himachal Pradesh, the Wildlife Wing of Punjab & Wildlife Wing of Himachal Pradesh. The data used in this study was mainly gathered from the respondents is used to prove/ disprove the research hypothesis.

Table 6.10: Methodological Approaches for Data Collection

Methodology	Qualitative Method	Quantitative Method
Data Collection Technique	Interview	Questionnaire
Sample Size	40	402
Target Population	Wildlife Wing of Punjab & Himachal Pradesh	Legal Fraternity and General Public from Punjab & Himachal Pradesh

Table 6.11: Respondents Profile

Category	Number of Respondents
Wildlife Wing of Punjab & Himachal Pradesh	40
Legal Fraternity and General Public from Punjab & Himachal Pradesh	402
Total	442

Table 6.12: Data Categorization

Category	Punjab	Himachal Pradesh	Total
Wildlife Wing	20	20	40
Legal Fraternity	100	100	200
General Public	102	100	202
Grand Total	222	220	442

6.1.3. Data analysis method

The “*Statistical Package for Social Sciences (SPSS)*” tool has been used for analyzing primary data which is collected from Survey 442 participants. Further, data is tested, interpreted, and displayed using a variety of statistical data processing methods. The *SPSS* version 26 has been used for analyzing the collected data. First, frequency distribution for demographic information was used to examine the data. Finally, relevant statistical tests such as Chi square, t test is used to address the primary study questions.

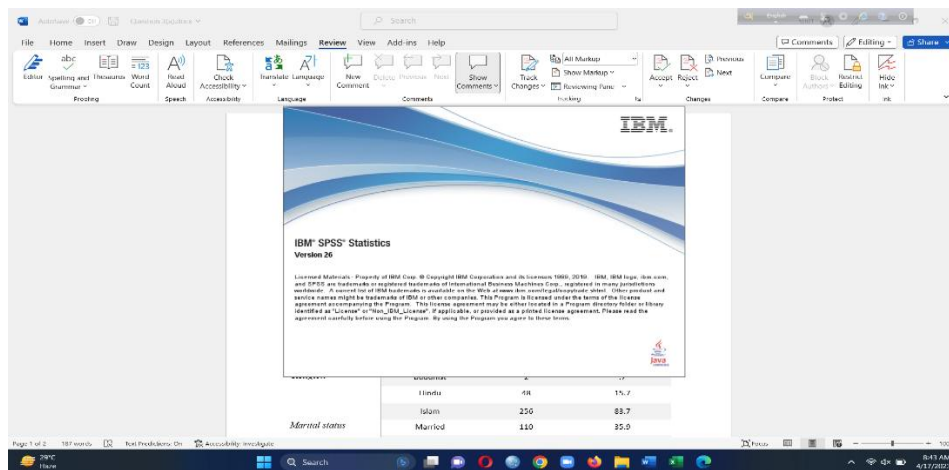


Figure 6.1: SPSS window

6.2. Demographic Analysis:

A survey was conducted to assess people's knowledge and opinions about wildlife and its conservation. 202 respondents in total participated in this study. Most of participants reported being familiar with the wildlife in their state (88.1%), and a significant proportion had visited a wildlife sanctuary (85.6%). Most respondents believed that tourists or people exploring wildlife areas caused disturbance or damage to wild creatures (76.7%) and supported a ban on the use of plastic inside the wildlife area (95.0%). Additionally, most respondents wished to see some part of the sanctuaries converted into a tourist attraction spot in their state (77.7%) and supported proper screening of visitors to ensure that no weapons are transported within the sanctuary area (95.5%). Furthermore, most respondents believed that changing environmental scenarios, especially climate change, were impacting wildlife (87.6%), and setting up factories nearby wildlife areas impacted wildlife (96.5%) in a negative way. Most respondents also agreed that crimes involving endangered species, natural resources, and deforestation should carry harsher penalties (91.1%). However, opinions were divided on whether the arrival of 8 cheetahs in the country would guarantee a suitable home in the complex ecosystem (56.9% agreed and 43.1% disagreed)

6.2 SEGMENT I: QUESTIONNAIRE FOR GENERAL PUBLIC

Note: The data for Segment 1 and Segment 2 were gathered by a field survey questionnaire. Alternatively, in order to gather information for Segment 3, interviews were conducted, which enabled a more personalized and direct interaction with the respondents.

6.3. Awareness about wildlife sanctuaries.

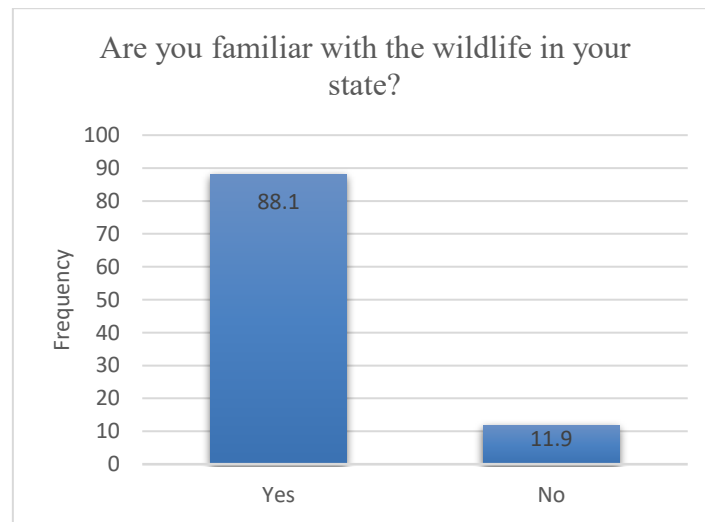


Figure 6.2: Awareness of respondents about wildlife sanctuaries

Figure 6.2 and Table 6.13 Chi- square test and Table 6.14 Test Statistics displays the awareness of respondents about wildlife sanctuaries in their respective States. There are a total 202 respondents who have answered stated questions. As per the Frequency value, 178 participants are aware about with it, and 24 respondents not aware about it. The percentage distribution opted by respondents, 88.12% are aware about with it, 11.88% respondents not aware about it.

Table 6.13 Chi-Square Test- Awareness of Respondents about Wildlife Sanctuaries

Awareness of respondents about wildlife sanctuaries			
	Observed	Expected	Residual
<i>Yes</i>	178	101	77
<i>No</i>	24	101	-77
<i>Total</i>	202		

Source: Authors Calculation

Table 6.14 Test Statistics- Awareness of Respondents about Wildlife Sanctuaries

Awareness of respondents about wildlife sanctuaries	
Chi-Square	117.406 ^a
Df	1
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A chi-square test (Table 6.5,6.6) is conducted to examine whether respondents' familiarity with wildlife in their state was related to their response (Yes/No). The observed frequencies for Yes and No were 178 and 24, respectively. The expected frequencies for Yes and No were 101.0 each, as per the assumption of equal proportions of respondents answering Yes or No. The statistic of chi-square test is important, $\chi^2(1, N = 202) = 117.406$, $p < .001$, indicating that respondents' familiarity with wildlife in their state was significantly related to their response. Specifically, a much larger proportion of respondents answered Yes than No, and this difference was unlikely to have occurred by chance.

6.4. Have you ever visited any wildlife sanctuary?

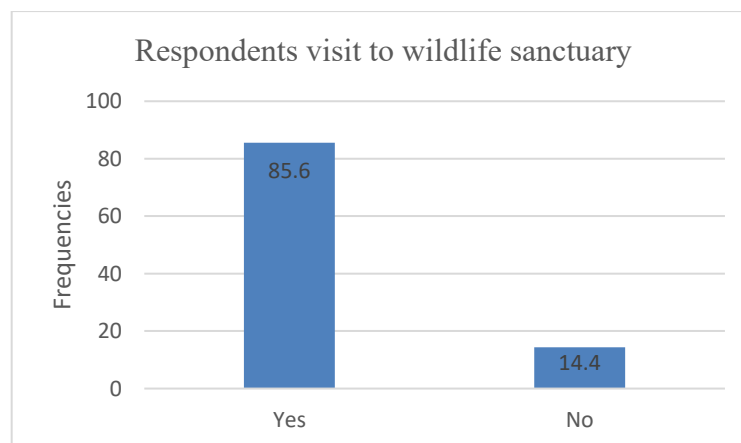


Figure 6.3: Respondents visit to wildlife sanctuary

This table represents responses of the respondents on the visit to any wildlife sanctuary. There is total of 202 respondents that answered above-stated question. As per the Frequency value, 173 respondents have visited the wildlife sanctuary, and 29 respondents are not visited the wildlife sanctuary. The percentage distribution opted by respondents, 85.64% are visited the wildlife sanctuary, and 14.36% respondents are not visited the wildlife sanctuary.

Table 6:15 Chi-Square Test- Respondents visit to wildlife sanctuary

Respondents visit to wildlife sanctuary			
	Observed	Expected	Residual
Yes	173	101.0	72.0
No	29	101.0	-72.0
Total	202		

Table 6.16 Test Statistics- Respondents visit to wildlife sanctuary

Have you ever visited any wildlife sanctuary?	
Chi-Square	102.653 ^a
Df	1
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A chi-square test is shown an important association among the variable in interest and observed frequencies, $\chi^2(1, N=202) = 102.653$, $p < .001$. Thus, the null hypothesis is rejected, suggesting that observed data is unlikely to have occurred by chance. It is concluded that respondents can visit wildlife sanctuaries or any physical location.

6.5. Do you believe that tourists or people exploring the wildlife area cause disturbance/damage to wild creatures?

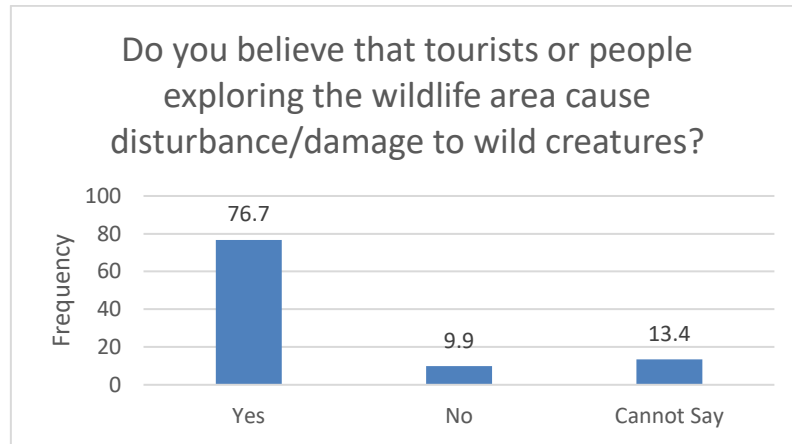


Figure 6.4: Disturbance/damage caused by tourists

This table shows the about the awareness of respondents about wildlife sanctuaries in their respective States. There is a total 202 respondents that answered the question. Under the Frequency value, 155 respondents agreed with it, and 20 respondents not agreed, and 27 respondents cannot say anything. The percentage distribution opted by respondents, 76.73% are agreed with it, 9.90% respondents not agreed, and 13.37% not replied on it.

Table 6.17 Chi-Square Test- Disturbance/damage caused by tourists

Do you believe that tourists or people exploring the wildlife area cause disturbance/damage to wild creatures?			
	Observed	Expected	Residual
Yes	155	67.3	87.7
No	20	67.3	-47.3
Cannot Say	27	67.3	-40.3
Total	202		

Table 6.18 Test Statists- Disturbance/damage caused by tourists

Do you believe that tourists or people exploring the wildlife area cause disturbance/damage to wild creatures?	
Chi-Square	171.574 ^a
df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 67.3.	

A chi-square test is conducted for examining whether there is nexus between tourist activities and disturbance/damage to wildlife in a particular area. The test statistic was 171.574 with two degrees of freedom, and p-value was .000, indicating a significant relationship between the variables. Based on these results, we can conclude that tourists or people exploring the wildlife area cause disturbance/damage to wild creatures. Therefore, rejected null hypothesis, accepted alternative hypothesis which states the nexus between tourist activities and disturbance/damage to wildlife. It is significant to take measures to minimize the impact of human activities on wildlife and their habitats for preservation of biodiversity and protect the environment.

6.6. According to you, should there be a ban on using plastic inside the wildlife area (using and throwing of single-use plastic bottles, wrappers etc.).

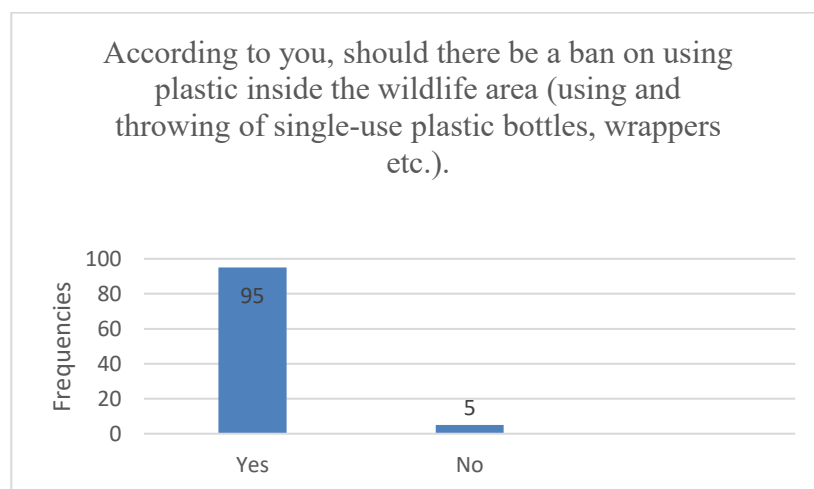


Figure 6.5: Ban on using plastic inside the wildlife area

This table shows that there should be ban on using plastic inside the wildlife area (using and throwing of single use plastic bottles, wrappers etc) or not. about the awareness of respondents about wildlife sanctuaries in their respective States. There is a sum up of 202 respondents that answered the question. As per Frequency value, 192 respondents agreed with it, 10 respondents not agreed. The percentage distribution opted by respondents, 95.05% are agreed with it, and 4.95% respondents not agreed.

Table 6.19 Chi-Square Test- Ban on using plastic inside the wildlife area

According to you, should there be ban on using plastic inside the wildlife area (using and throwing of single use plastic bottles, wrappers etc).			
	Observed	Expected	Residual
Yes	192	101.0	91.0
No	10	101.0	-91.0
Total	202		

Table 6.20 Test Statistics- Ban on using plastic inside the wildlife area

According to you, should there be ban on the use of plastic inside the wildlife area (use and throw of single use plastic bottles, wrappers etc).	
Chi-Square	163.980 ^a
Df	1
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A chi-square test is conducted to determine if there is nexus between the using plastic inside wildlife areas and environmental damage caused by it. The test revealed a statistically significant nexus between variables, with chi-square valuing 163.980 and 1 degree of freedom, p-value of .000. Based on the results, it concludes that there is an important association between the use of plastic inside wildlife areas and environmental damage. Therefore, it can be argued

that there should be a ban on the using plastic inside wildlife areas, including the using and throwing of single-use plastic bottles, wrappers, and other items.

6.7. Do you wish to see some part of the sanctuaries to be converted into tourist attraction spot in your state?

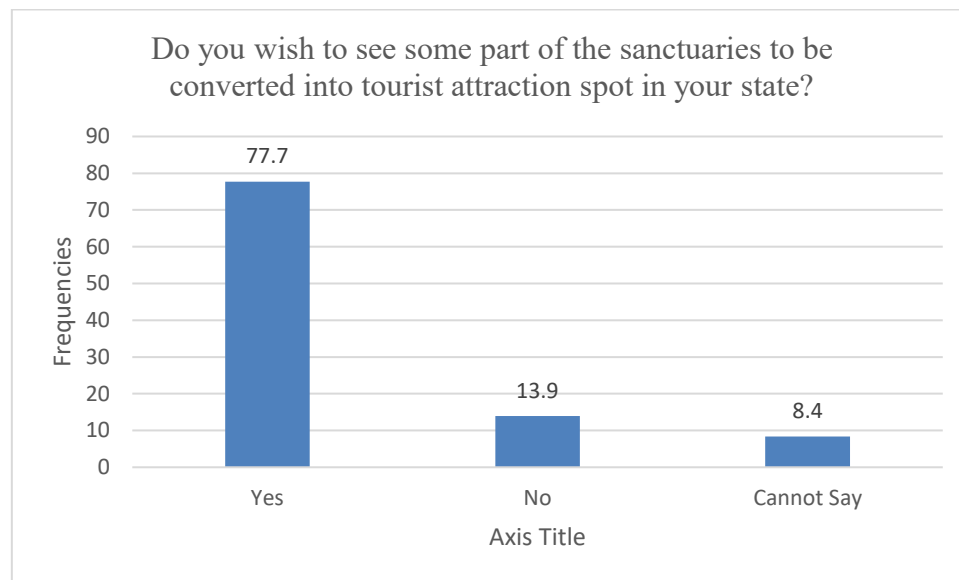


Figure 6.6: Sanctuaries to be converted into tourist attraction spot

This table shows the opinions of respondents on to see some part of the sanctuaries to be converted into tourist attraction spot in your state or not. There are 202 respondents that answered the question. As per, Frequency value, 157 respondents agreed with it, 28 respondents not agreed and 17 cannot say anything. The percentage distribution opted by respondents, 77.72% are agreed with it, 13.86% respondents not agreed and 8.42% respondents cannot say anything.

Table 6.21 Chi-Square Test- Sanctuaries to be converted into tourist attraction spot

Do you wish to see some part of the sanctuaries to be converted into tourist attraction spot in your state?			
	Observed	Expected	Residual
Yes	157	67.3	89.7
No	28	67.3	-39.3

Cannot Say	17	67.3	-50.3
Total	202		

Table 6.22 Test Statistics- Sanctuaries to be converted into tourist attraction spot

Do you wish to see some part of the sanctuaries to be converted into tourist attraction spot in your state?	
Chi-Square	180.010 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 67.3.	

A *chi-square* analysis is conducted to examine the relationship between respondents' willingness to convert parts of the sanctuaries into tourist attraction spots in their state. The test revealed a statistically significant relationship between the variables, with chi-square value of 180.010a and two degree of freedom, p-value of .000. Based on this result, the null hypothesis should be rejected, indicating that there is important nexus between respondents' preference in relation to converting parts of sanctuaries into tourist attraction spots and the variables being studied. Therefore, it can be concluded that respondents are likely to prefer some parts of the sanctuaries to be converted into tourist attraction spots in their state.

6.8. Should visitors to the sanctuary area be properly screened to ensure that no weapons are transported within the sanctuary area, in your opinion?

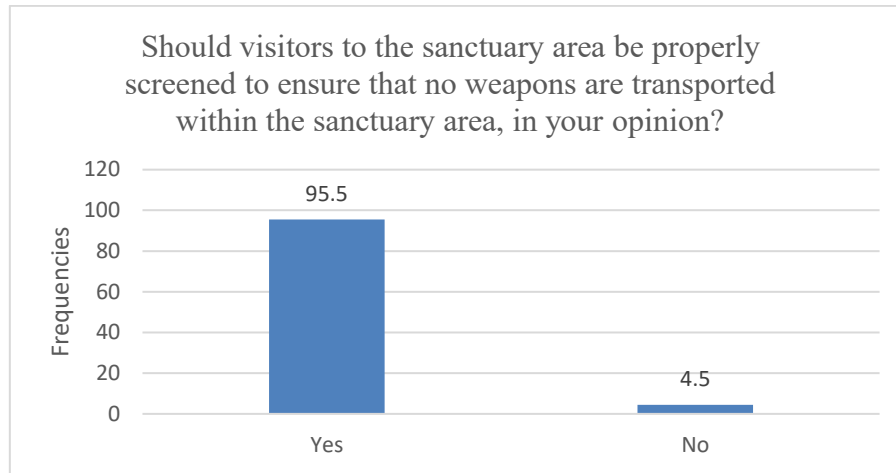


Figure 6.7: Should visitors to the sanctuary area be properly screened

This table shows the visitors to the sanctuary area should be properly screened to ensure that no weapons are transported within the sanctuary area, in your opinion or not. There are 202 respondents that answered the question. As per, Frequency value, 193 respondents agreed with it, 9 respondents not agreed. The percentage distribution opted by respondents, 95.54% are agreed with it, and 4.46% respondents not agreed.

Table 6.23 Chi-Square Test- Should visitors to the sanctuary area be properly screened

Should visitors to the sanctuary area be properly screened to ensure that no weapons are transported within the sanctuary area, in your opinion?			
	Observed	Expected	Residual
Yes	193	101.0	92.0
No	9	101.0	-92.0
Total	202		

Table 6.24 Test Statistics- Should visitors to the sanctuary area be properly screened

Should visitors to the sanctuary area be properly screened to ensure that no weapons are transported within the sanctuary area, in your opinion?	
Chi-Square	167.604 ^a
Df	1
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A *chi-square* analysis is conducted to examine the relationship between respondents' opinion about visitors being screened for weapons before entering the sanctuary area. The sample consisted of 202 participants. The analysis revealed a significant association between respondents' preference for screening visitors for weapons (Chi-Square = 167.604, df = 1, $p < .001$). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between respondents' preference for screening visitors for weapons and the variables being studied. Therefore, it can be concluded that respondents are likely to prefer visitors to the sanctuary area be properly screened to ensure that no weapons are transported within the sanctuary area.

6.9. Do you think that changing scenario of environment especially climate change is somehow impacting wildlife?

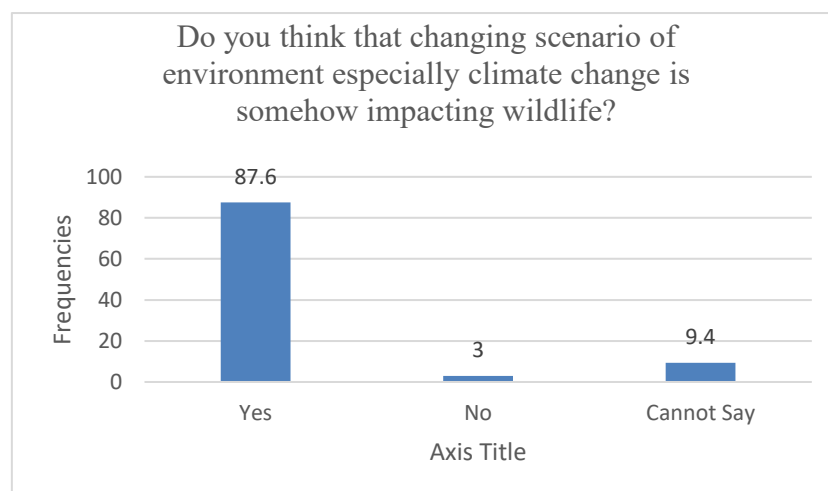


Figure 6.8: Changing scenario of environment

This table shows that the changing scenario of environment especially climate change is somehow impacting wildlife or not. about the awareness of respondents about wildlife sanctuaries in their respective States. There are 202 respondents that answered the question. As per, Frequency value, 177 respondents agreed with it, 6 respondents not agreed and 19 respondents cannot say anything. The percentage distribution opted by respondents, 87.62% are agreed with it, and 2.97% respondents not agreed, and 9.41% respondents cannot say anything.

Table 6.25 Chi-Square Test- Changing scenario of environment

Do you think that changing scenario of environment especially climate change is somehow impacting wildlife?			
	Observed	Expected	Residual
Yes	177	67.3	109.7
No	6	67.3	-61.3
Cannot Say	19	67.3	-48.3
Total	202		

Table 6.26 Test statistics- Changing scenario of environment

Do you think that changing scenario of environment especially climate change is somehow impacting wildlife?	
Chi-Square	269.178 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 67.3.	

A *chi-square* analysis is conducted to examine the relationship between respondents' opinions about whether changing environmental scenarios, especially climate change, are impacting

wildlife. The sample consisted of 202 participants. The analysis revealed a significant association between respondents' opinions about the impact of changing environmental scenarios on wildlife (Chi-Square = 269.178, df = 2, $p < .001$). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between respondents' opinions about the impact of changing environmental scenarios on wildlife and the variables being studied. Therefore, it can be concluded that respondents believe that changing environmental scenarios, especially climate change, are impacting wildlife.

6.10. Do you think that setting up of factories (industries) nearby wildlife area impacts wild life?

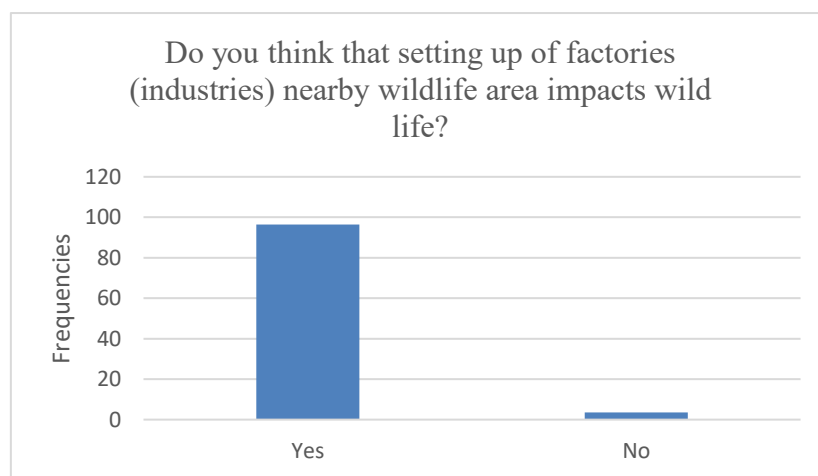


Figure 6.9: Setting up of factories (industries) nearby wildlife area impacts wild life

This table shows that the changing scenario of environment especially climate change is somehow impacting wildlife or not. There are 202 respondents answered the question. As per, Frequency value, 195 respondents agreed with it, 7 respondents not agreed. The percentage distribution opted by respondents, 96.53% are agreed with it, and 3.47% respondents not agreed.

Table 6.27 Chi-Square Test- Setting up of factories (industries) nearby wildlife area impacts wild life

Do you think that setting up of factories (industries) nearby wildlife area impacts wild life?			
	Observed	Expected	Residual
Yes	96	96.53	-0.53
No	7	3.47	3.47

Yes	195	101.0	94.0
No	7	101.0	94.0
Total	202		

Table 6.28 Test Statistics- Setting up of factories (industries) nearby wildlife area impacts wild life

Do you think that setting up of factories (industries) nearby wildlife area impacts wild life?	
Chi-Square	174.970 ^a
Df	1
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A *chi-square* analysis is conducted to examine the relationship between respondents' opinions about whether the setting up of factories or industries near wildlife areas impacts wildlife. The sample consisted of (insert sample size) participants. The analysis revealed a significant association between respondents' opinions about the impact of factories or industries on wildlife (Chi-Square = 174.970, df = 1, $p < .001$). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between respondents' opinions about the impact of factories or industries on wildlife and the variables being studied. Therefore, it can be concluded that respondents believe that the setting up of factories or industries near wildlife areas impacts wildlife.

6.11. Is it right to say that the wildlife has been harmed by the way factories dispose off their waste?

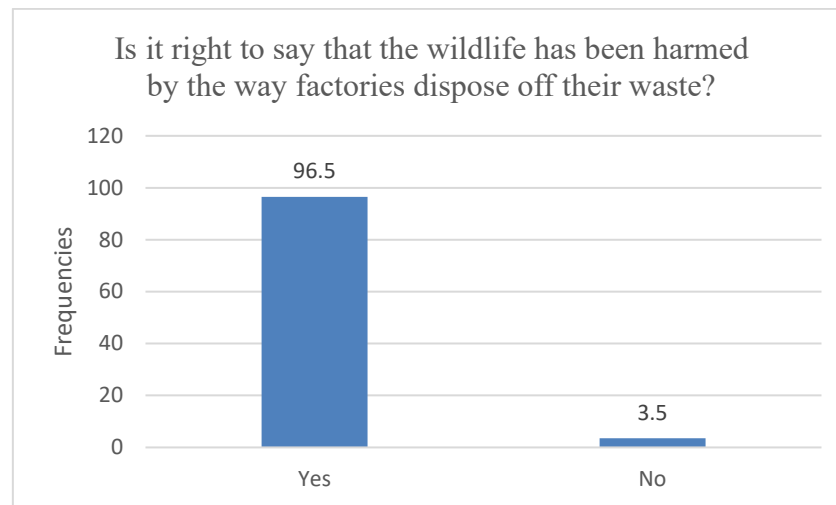


Figure 6.10: Wildlife harmed by the way factories dispose off their waste

This table shows that Is it right to say that the wildlife has been harmed by the way factories dispose off their waste or not. There are 202 respondents that answered the question. As per, Frequency value, 195 respondents agreed with it, 7 respondents not agreed. The percentage distribution opted by respondents, 96.53% are agreed with it, and 3.47% respondents not agreed.

Table 6.29 Chi-Square Test- Wildlife harmed by the way factories dispose off their waste

Is it right to say that the wildlife has been harmed by the way factories dispose off their waste?			
	Observed	Expected	Residual
Yes	195	101.0	94.0
No	7	101.0	-94.0
Total	202		

Table 6.30 Test Statistics- Wildlife harmed by the way factories dispose off their waste

Is it right to say that the wildlife has been harmed by the way factories dispose off their waste?	
Chi-Square	174.970 ^a
Df	1
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A *chi-square* analysis is conducted to examine the relationship between respondents' opinions about whether wildlife has been harmed by the way factories dispose of their waste. The sample consisted of 202 participants. The analysis revealed a significant association between respondents' opinions about the impact of factory waste disposal on wildlife (Chi-Square = 174.970, df = 1, $p < .001$). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between respondents' opinions about the impact of factory waste disposal on wildlife and the variables being studied. Therefore, it can be concluded that respondents believe that the way factories dispose of their waste has harmed wildlife.

6.12. Do you believe that inhuman activities in the wildlife area adversely affect natural resources?

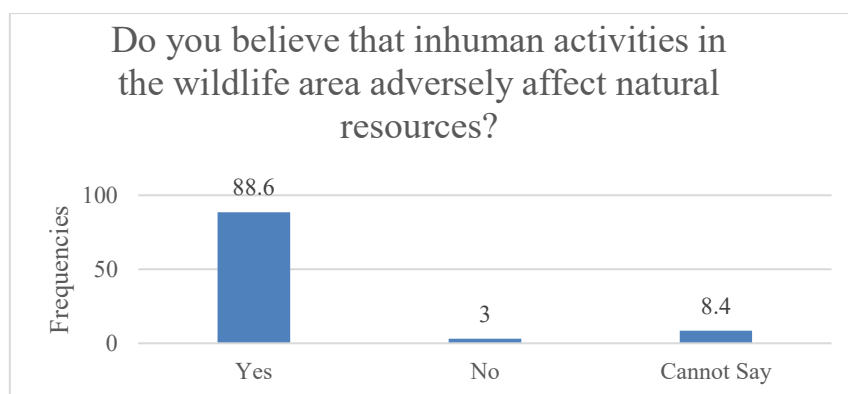


Figure 6.11: Inhuman activities in the wildlife area

This table shows that belief of respondents about on inhuman activities in the wildlife area adversely affect natural resources. There are 202 respondents that answered the question. As per, Frequency value, 179 respondents agreed with it, 6 respondents not agreed and 17

respondents cannot say anything. The percentage distribution opted by respondents, 88.61% are agreed with it, and 2.97% respondents not agreed, and 8.42% respondents cannot say anything.

Table 6.31 Chi-Square Test- Inhuman activities in the wildlife area

Do you believe that inhuman activities in the wildlife area adversely affect natural resources?			
	Observed	Expected	Residual
Yes	179	67.3	111.7
No	6	67.3	-61.3
Cannot Say	17	67.3	-50.3
Total	202		

Table 6.32 Test statistics- Inhuman activities in the wildlife area

Do you believe that inhuman activities in the wildlife area adversely affect natural resources?	
Square	278.683 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 67.3.	

A *chi-square* analysis is conducted to examine the relationship between respondents' beliefs about whether inhuman activities in wildlife areas adversely affect natural resources. The sample consisted of 202 participants. The analysis revealed a significant association between respondents' beliefs about the impact of inhuman activities on natural resources (Chi-Square = 278.683, df = 2, p < .001). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between respondents' beliefs about impact of inhuman

activities on natural resources along with variables being studied. Therefore, it can be concluded that respondents believe that inhuman activities in wildlife areas adversely affect natural resources.

6.13. According to you, what could be the possible reasons that has led to the involvement of public in wildlife offences?

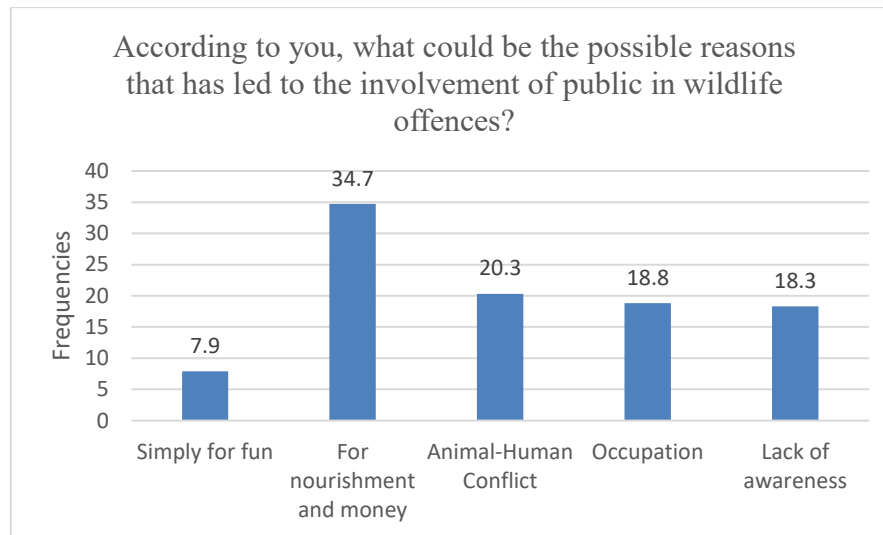


Figure 6.12: Possible reasons that has led in involvement of public in wildlife offences

This table shows that what could be the possible reasons that has led in involvement of public in wildlife offences. There are 202 respondents that answered the question. As per, Frequency value, 16 respondents with Simply for fun, 70 on For nourishment and money, 41 on Animal-Human Conflict, 38 on Occupation, and 37 on Lack of awareness. The percentage distribution opted by respondents, 7.9% respondents on Simply for fun, 34.7% on For nourishment and money, 20.3% on Animal-Human Conflict, 18.8% on Occupation, and 18.3% on Lack of awareness.

Table 6.33 Chi-Square Test- Possible reasons that has led in involvement of public in wildlife offences

According to you, what could be possible reasons that has led to the involvement of the public in wildlife offenses?			
	Observed	Expected	Residual
<i>Simply for fun</i>	16	40.4	-24.4
<i>For nourishment and money</i>	70	40.4	29.6
<i>Animal-Human Conflict</i>	41	40.4	.6

Occupation	38	40.4	-2.4
Lack of awareness	37	40.4	-3.4
Total	202		

Table 6.34 Test Statistics- Possible reasons that has led in involvement of public in wildlife offences

According to you, what could be the possible reasons that has led to the involvement of public in wildlife offences?	
Chi-Square	36.861 ^a
Df	4
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 40.4.	

A *chi-square* analysis is conducted on examining the nexus between respondents on what could be the possible reasons that has led to the involvement of public in wildlife offences. The sample consisted of 202 participants. The analysis revealed a significant association between respondents' beliefs about the impact of inhuman activities on natural resources (Chi-Square = 36.861, df = 4, p < .000). Based on this result, the null hypothesis should be rejected, indicating that there has been an important nexus between respondents' nourishment money could be the possible reasons that has led to the involvement of public in wildlife offences.

6.14. How does deforestation impact wildlife habitat?

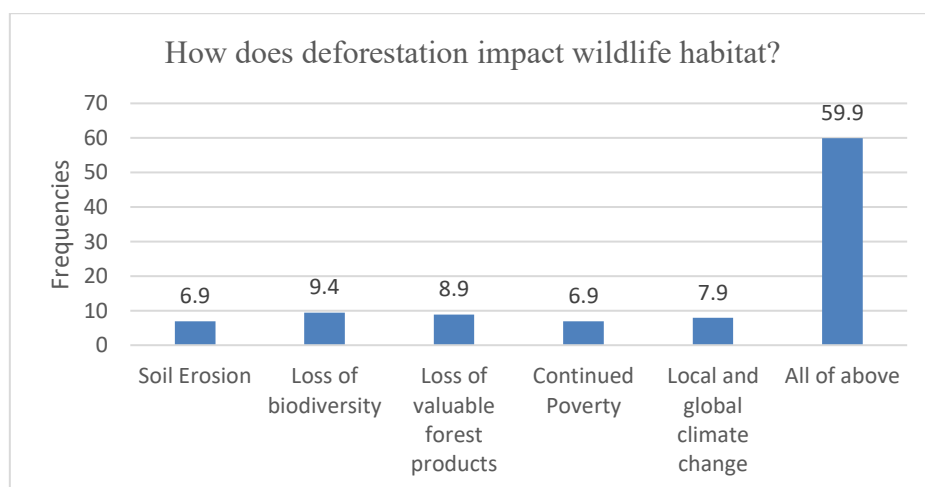


Figure 6.13: Deforestation impact on wildlife habitat

This table shows that how does deforestation impact wildlife habitat. There are 202 respondents that answered the question. As per, Frequency value, 14 respondents for Soil Erosion, 19 respondents on Loss of biodiversity, 18 respondents on Loss of valuable forest products, 14 respondents on Continued Poverty, 16 respondents on the Local and global climate change, 121 respondents on the All of above. The percentage distribution opted by respondents, 6.9% respondents on Soil Erosion, 9.4% respondents on Loss of biodiversity, 8.9% respondents on Loss of valuable forest products, 6.9% respondents on Continued Poverty, 7.9% respondents on the Local and global climate change, 59.9% respondents on the All of above.

Table 6.35 Chi-Square Test- Deforestation impact on wildlife habitat

How does deforestation impact wildlife habitat?			
	Observed	Expected	Residual
<i>Soil Erosion</i>	14	33.7	-19.7
<i>Loss of biodiversity</i>	19	33.7	-14.7
<i>Loss of valuable forest products</i>	18	33.7	-15.7
<i>Continued Poverty</i>	14	33.7	-19.7
<i>Local and global climate change</i>	16	33.7	-17.7
<i>All of above</i>	121	33.7	87.3
<i>Total</i>	202		

Table 6.36 Test Statistics- Deforestation impact on wildlife habitat

How does deforestation impact wildlife habitat?	
<i>Chi-Square</i>	272.475 ^a
<i>df</i>	5
<i>Asymp. Sig.</i>	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 33.7.	

A *chi-square* analysis is conducted for examining nexus between respondents' how deforestation impact wildlife habitat. The samples consist 202 participants. Analysis revealed a significant association between respondents' beliefs about the impact of inhuman activities on natural resources (Chi-Square = 272.475, df = 5, $p < .000$). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between

respondents' there are numerous reasons for deforestation including Soil Erosion, respondents on “*Loss of biodiversity, Loss of valuable forest products, Continued Poverty, Local and global climate change*”, and all above.

6.15. What triggers the extinction of fauna and the destruction of flora?

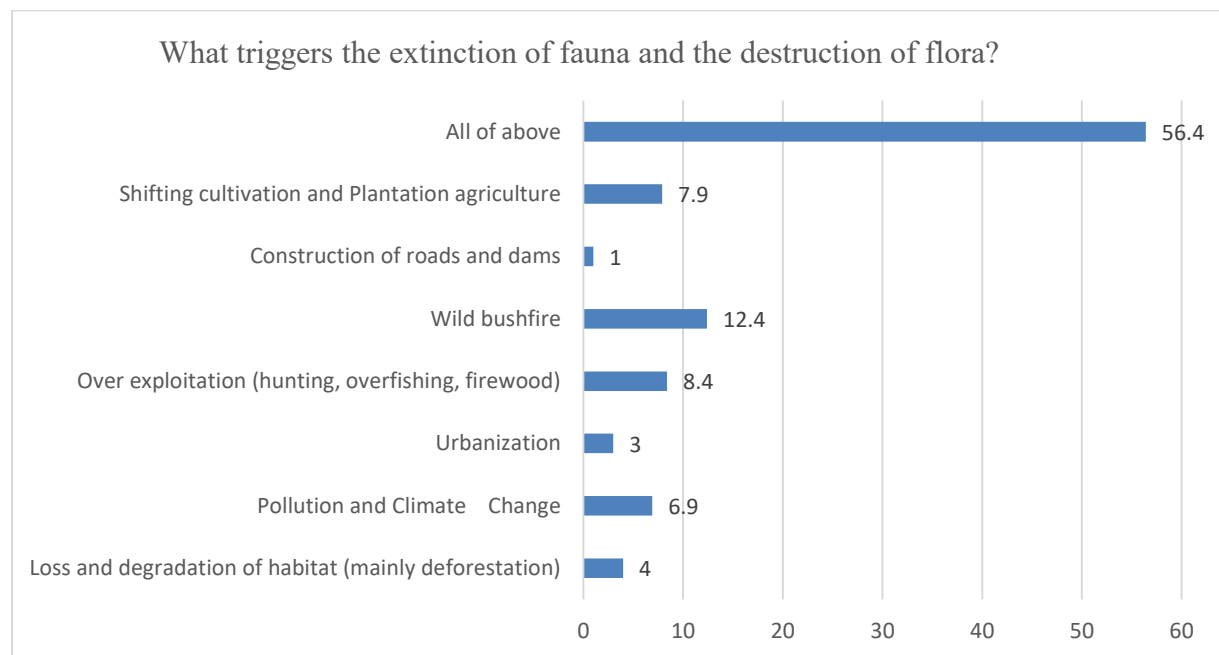


Figure 6.14: What triggers the extinction of fauna and the destruction of flora

This table shows that how does deforestation impact wildlife habitat. There are 202 respondents that answered the question. As per, Frequency valuing upto, 8 respondents for Loss and degradation of habitat (mainly deforestation), 14 respondents on Pollution and Climate Change, 6 respondents on Urbanization, 17 respondents on Over exploitation (hunting, overfishing, firewood), 25 respondents on Wild bushfire, 2 respondents on Construction of roads and dams, 16 respondents on Shifting cultivation and Plantation agriculture, and 114 respondents on All of above. The distribution in percent picked by respondents, 4.0% respondents for Loss as well as degradation of habitat (mainly deforestation), 6.9% respondents on Pollution and Climate Change, 3.0% respondents on Urbanization, 8.4% respondents on Over exploitation (hunting, overfishing, firewood), 12.4% respondents on Wild bushfire, 1.0% respondents on Construction of roads and dams, 7.9% respondents on Shifting cultivation and Plantation agriculture, and 56.4% respondents on All of above.

Table 6.37 Chi-Square Test- What triggers the extinction of fauna and the destruction of flora

What triggers the extinction of fauna and the destruction of flora?			
	Observed	Expected	Residual
Loss and degradation of habitat (mainly deforestation)	8	25.3	-17.2
Pollution and Climate Change	14	25.3	-11.2
Urbanization	6	25.3	-19.2
Over-exploitation (hunting, overfishing, firewood)	17	25.3	-8.2
Wild bushfire	25	25.3	-.2
Construction of roads and dams	2	25.3	-23.2
Shifting cultivation and Plantation agriculture	16	25.3	-9.2
All of above	114	25.3	88.8
Total	202		

Table 6.38 Test Statistics- What triggers the extinction of fauna and the destruction of flora?

What triggers the extinction of fauna and the destruction of flora?	
Chi-Square	370.911 ^a
df	7
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 25.3.	

A *chi-square* analysis is done to examine nexus between respondents on triggers that extinction of fauna and the destruction of flora. The sample consisted of 202 participants. The analysis revealed a significant association between respondents' beliefs about the impact of inhuman activities on natural resources (Chi-Square = 370.9112, df = 7, $p < .000$). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between respondents on the triggers that extinction of fauna and the destruction of flora are Loss and degradation of habitat (mainly deforestation), Pollution and Climate Change, Urbanization,

Over exploitation (hunting, overfishing, firewood), Wild bushfire, Construction of roads and dams, and Shifting cultivation and Plantation agriculture.

6.16. Should crimes involving endangered species, natural resources, and deforestation carry harsher penalties?

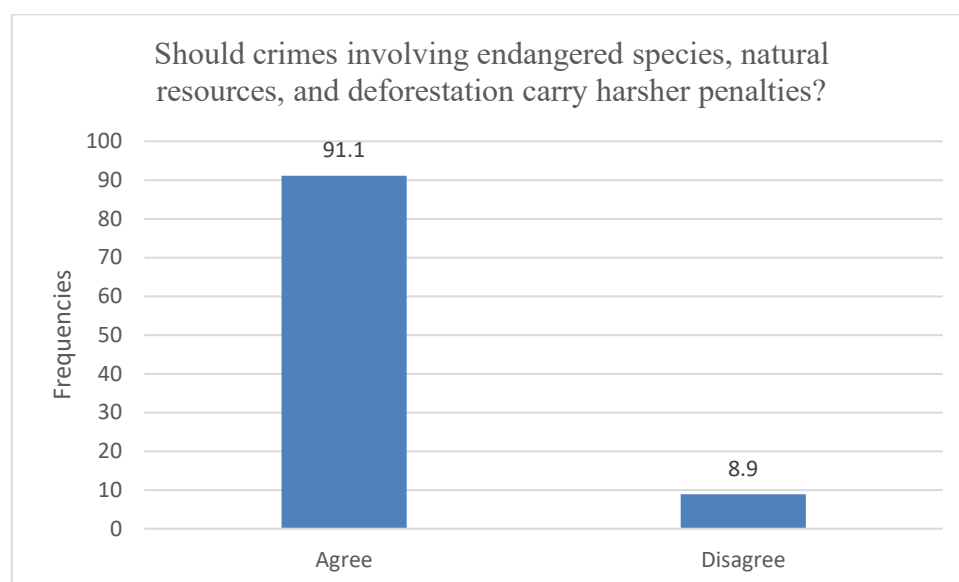


Figure 6.15: Crimes involving endangered species, natural resources, and deforestation carry harsher penalties

This table shows that the crimes should involving endangered species, natural resources, and deforestation carry harsher penalties? There are 202 respondents that answered the question. As per, Frequency value, 184 respondents agreeing, 18 respondents disagree on it. The percentage distribution opted by respondents, 91.09% respondents agree on it and 8.91% respondents disagree on it.

Table 6.39 Chi-Square test- Crimes involving endangered species, natural resources, and deforestation carry harsher penalties

Should crimes involving endangered species, natural resources, and deforestation carry harsher penalties?			
	Observed	Expected	Residual
<i>Agree</i>	184	101.0	83.0
<i>Disagree</i>	18	101.0	-83.0
<i>Total</i>	202		

Table 6.40 Test Statistics- Crimes involving endangered species, natural resources, and deforestation carry harsher penalties

Should crimes involving endangered species, natural resources, and deforestation carry harsher penalties?	
Chi-Square	136.416 ^a
df	1
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A *chi-square* analysis is conducted to examine the relationship between respondents' opinions about whether crimes involving endangered species, natural resources, and deforestation should carry harsher penalties. The sample consisted of (insert sample size) participants. The analysis revealed a significant association between respondents' opinions about harsher penalties for such crimes (Chi-Square = 136.416, df = 1, $p < .001$). Based on this result, null hypothesis must be rejected, indicating that there is significant relationship between respondents' opinions about the need for harsher penalties for crimes involving endangered species, natural resources, and deforestation and the variables being studied. Therefore, it can be concluded that respondents believe that such crimes should carry harsher penalties.

6.17. Do you think the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem?

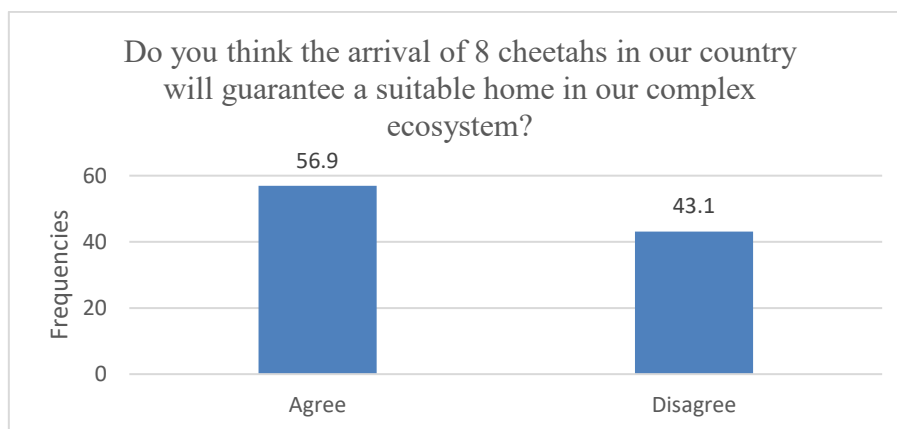


Figure 6.16: Do you think the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem

This table shows that the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem. There are 202 respondents that answered the question. As per, Frequency value, 115 respondents agreed, 85 respondents disagree on it. The percentage distribution opted by respondents, 56.93% respondents agree on it and 43.07% respondents disagree on it.

Table 6.41 Chi-Square Test- Do you think the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem?

Do you think the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem?			
	Observed	Expected	Residual
Agree	115	101.0	14.0
Disagree	87	101.0	-14.0
Total	202		

Table 6.42 Test Statistics- Do you think the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem?

Do you think the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem?	
Chi-Square	3.881 ^a
df	1
Asymp. Sig.	.049
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 101.0.	

A chi-square analysis is conducted to examine the relationship between respondents' opinions about whether the arrival of eight cheetahs in the country will guarantee a suitable home in the complex ecosystem. The sample consisted of participants. The analysis revealed a marginally important association among respondents' opinions about suitability of ecosystem for the

arrival of cheetahs (Chi-Square = 3.881, df = 1, p = .049). Based on this result, null hypothesis cannot be rejected at the conventional level of significance ($p > .05$), indicating that no strong evidences of important nexus between respondents' opinions and variables being studied. Therefore, it cannot be concluded with confidence that respondents believe the arrival of eight cheetahs in the country will guarantee a suitable home in the complex ecosystem. However, further investigation may be necessary to explore this relationship in more detail.

6.3 SEGMENT II: QUESTIONNAIRE FOR LEGAL FRATERNITY

6.18. Do you foresee any flaws in the current Wildlife Protection Act of 1972?

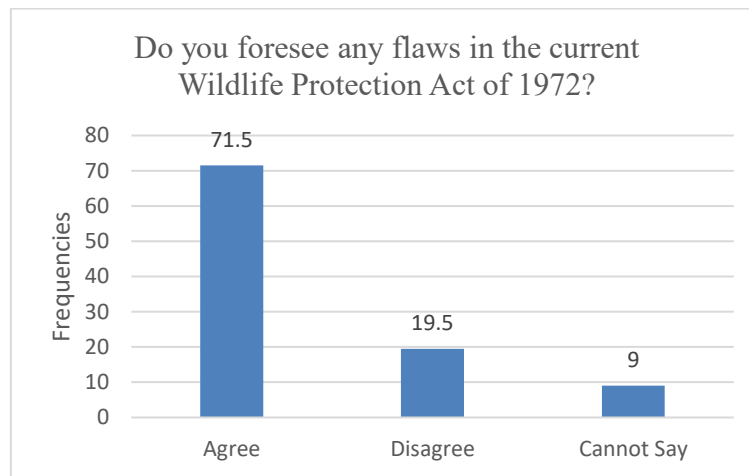


Figure 6.17: Flaws in the WPA, 1972

This table shows flaws in current WPA, 1972. There are 200 respondents that answered the question. As per, Frequency value, 143 respondents agree with it, 39 respondents disagree, and 18 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 71.50% agree with it, 19.05% disagree, and 9.00% Cannot Say anything.

Table 6.43 Chi-Square Test- Flaws in the WPA, 1972

Do you foresee any flaws in the current Wildlife Protection Act of 1972?			
	Observed	Expected	Residual
<i>Agree</i>	143	66.7	76.3
<i>Disagree</i>	39	66.7	-27.7
<i>Cannot Say</i>	18	66.7	-48.7
<i>Total</i>	200		

Table 6.44 Test Statistics- Flaws in the WPA, 1972

Do you foresee any flaws in the current Wildlife Protection Act of 1972?	
Chi-Square	134.410 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on any flaws in the current Wildlife Protection Act of 1972 related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 143, Disagree is 39, and 18 for Cannot Say, respectively. The expected frequency is 66.7 for all, with accordance to assumption of proportions in equal segments of respondents answering. The *chi-square test statistic* was crucial, $\chi^2(1, N = 200) = 134.410$, $p < .000$, indicating flaws in Wildlife Act, 1972, significantly related to their response. Thus, it may be concluded that Rejected Null-Hypothesis in favour of Alternative Hypothesis, concluding that there are flaws in the current Wildlife Protection Act of 1972.

6.19. In light of the evolution in the pattern of wildlife crimes today, do you suggest making changes to the Wildlife Protection Act?

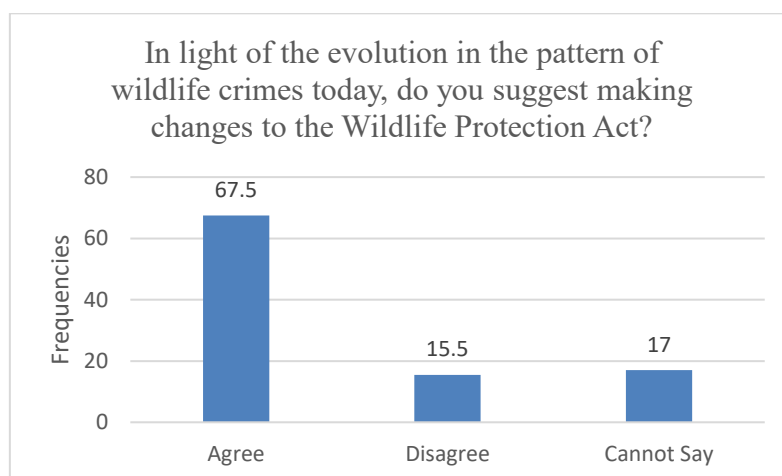


Figure 6.18: Evolution in the pattern of wildlife crimes

This table shows the light of the evolution in the pattern of wildlife crimes today, do you suggest making changes to the Wildlife Protection Act. There are 200 respondents that answered the question. As per, Frequency value, 135 respondents agree with it, 31 respondents disagree, and 34 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 67.50% agree with it, 15.50% disagree, and 17.00% Cannot Say anything.

Table 6.45 Chi-Square Test- Evolution in the pattern of wildlife crimes

In light of the evolution in the pattern of wildlife crimes today, do you suggest making changes to the Wildlife Protection Act?			
	Observed	Expected	Residual
Agree	135	66.7	68.3
Disagree	31	66.7	-35.7
Cannot Say	34	66.7	-32.7
Total	200		

Table 6.46 Test Statistics- Evolution in the pattern of wildlife crimes

In light of the evolution in the pattern of wildlife crimes today, do you suggest making changes to the Wildlife Protection Act?	
Chi-Square	105.130 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on the evolution in the pattern of wildlife crimes today, do you suggest making changes to the Wildlife Protection Act, related to their response

(Agree/Disagree/Cannot Say). The observed frequency for Agree is 135, Disagree is 31, and 34 for Cannot Say, respectively. The expected frequency is 66.7 for all, based on assumptions of proportions in equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 105.130$, $p < .000$, indicating flaws in Wildlife Act, 1972, significantly related to their response. Thus, it may be concluded that Rejected Null-Hypothesis in favour of Alternative Hypothesis, concluding in light of the evolution in the pattern of wildlife crimes exist today.

6.20. Are you satisfied with the effectiveness of the current conservation measures in catching wildlife offenders?

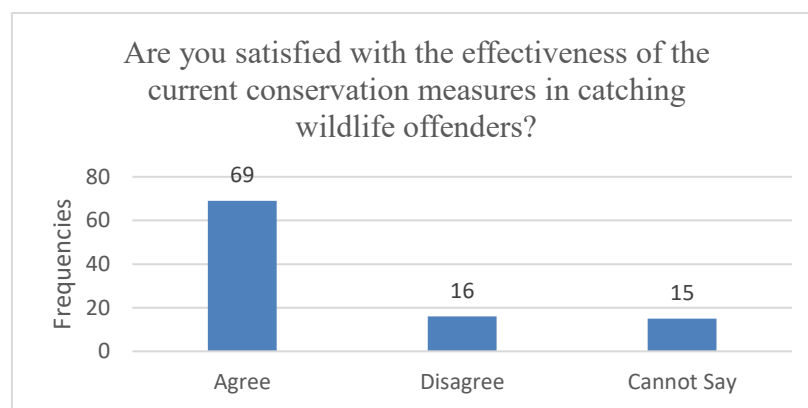


Figure 6.19: Effectiveness of current conservation measures

This table shows the satisfaction with the effectiveness of the current conservation measures in catching wildlife offenders. There are 200 respondents that answered the question. As per, Frequency value, 138 respondents agree with it, 32 respondents disagree, and 30 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 69.00% agree with it, 16.00% disagree, and 15.00% Cannot Say anything.

Table 6.47 Chi-Square Test- Effectiveness of current conservation measures

Are you satisfied with the effectiveness of the current conservation measures in catching wildlife offenders?			
	Observed	Expected	Residual
<i>Agree</i>	138	66.7	71.3
<i>Disagree</i>	32	66.7	-34.7

Cannot Say	30	66.7	-36.7
Total	200		

Table

6.48 Test Statistics- Effectiveness of current conservation measures

Are you satisfied with the effectiveness of the current conservation measures in catching wildlife offenders?	
Chi-Square	114.520 ^a
Df	2
Asymp. Sig.	0
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A *chi-square test* is conducted on satisfaction with effectiveness of current conservation measures in catching wildlife offenders, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 138, Disagree is 32, and 30 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumption of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 114.520$, $p < .000$. Thus, it may be concluded that Reject the Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents satisfied with the effectiveness of the current conservation measures in catching wildlife offenders.

6.21. Do you agree that wildlife crimes should be brought under the main stream of crimes like crimes like criminal offences under the Indian Penal Code?

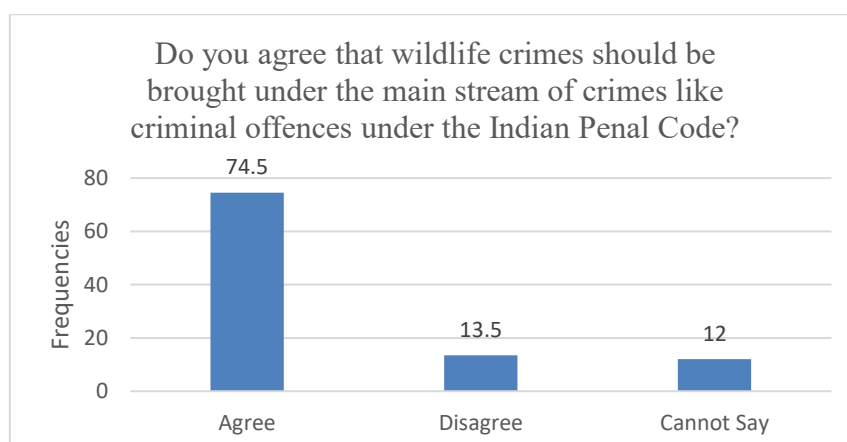


Figure 6.20: Offences under IPC

This table shows the wildlife crimes should be brought under the main stream of crimes like criminal offences as per IPC or not. There are 200 respondents that answered the question. As per, Frequency value, 149 respondents agree with it, 27 respondents disagree, and 24 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 74.50% agree with it, 13.50% disagree, and 12.00% Cannot Say anything.

Table 6.49 Chi-Square Test- Offences under IPC

Do you agree that wildlife crimes should be brought under the main stream of crimes like criminal offences under the Indian Penal Code?			
	Observed	Expected	Residual
<i>Agree</i>	149	66.7	82.3
<i>Disagree</i>	27	66.7	-39.7
<i>Cannot Say</i>	24	66.7	-42.7
<i>Total</i>	200		

Table 6.50 Test Statistics- Offences under IPC

Do you agree that wildlife crimes should be brought under the main stream of crimes like criminal offences under the Indian Penal Code?	
<i>Chi-Square</i>	152.590 ^a
<i>Df</i>	2
<i>Asymp. Sig.</i>	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A *chi-square test* is conducted on wildlife crimes should be brought under the main stream of crimes like criminal offences under the Indian Penal Code or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 149, Disagree is 27, and

24 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on the assumption of proportions in equal segments of respondents answering. The *chi-square test statistic* was significant, $\chi^2(1, N = 200) = 152.590$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents agreed on the wildlife crimes should be brought under the main stream of crimes like criminal offences under IPC.

6.22. Should national along with international levels of wildlife crimes receive same exemplary punishments?

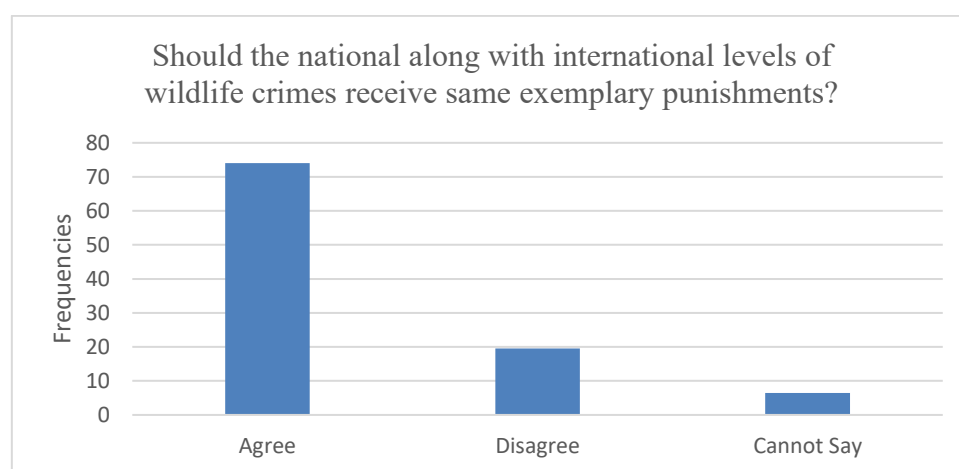


Figure 6.21: Exemplary punishments for wildlife crimes

This table shows that the national along with the international levels of wildlife crimes receive same exemplary punishments or not. There are 200 respondents that answered the question. Under the Frequency value, 148 respondents agree with it, 39 respondents disagree, and 13 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 74.00% agree with it, 19.50% disagree, and 6.50% Cannot Say anything.

Table 6.51 Chi-Square Test- Exemplary punishments for wildlife crimes

Should both national and international levels of wildlife crimes receive the same exemplary punishments?			
	Observed	Expected	Residual
<i>Agree</i>	148	66.7	81.3
<i>Disagree</i>	39	66.7	-27.7

Cannot Say	13	66.7	-53.7
Total	200		

Table 6.52 Test Statistics- Exemplary punishments for wildlife crimes

Should both national and international levels of wildlife crimes receive the same exemplary punishments?	
Chi-Square	153.910 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A *chi-square test* is conducted on the both national and international levels of wildlife crimes receive the same exemplary punishments or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 148, Disagree is 39, and 13 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumptions of proportions divided in equal portions of respondents answering. The *chi-square test statistic* was important, $\chi^2(1, N = 200) = 153.910$, $p < .000$. Thus, it may be concluded that Reject the Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents agreed on the both national and international levels of wildlife crimes receive the same exemplary punishments.

6.23. Should there be more severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority)?

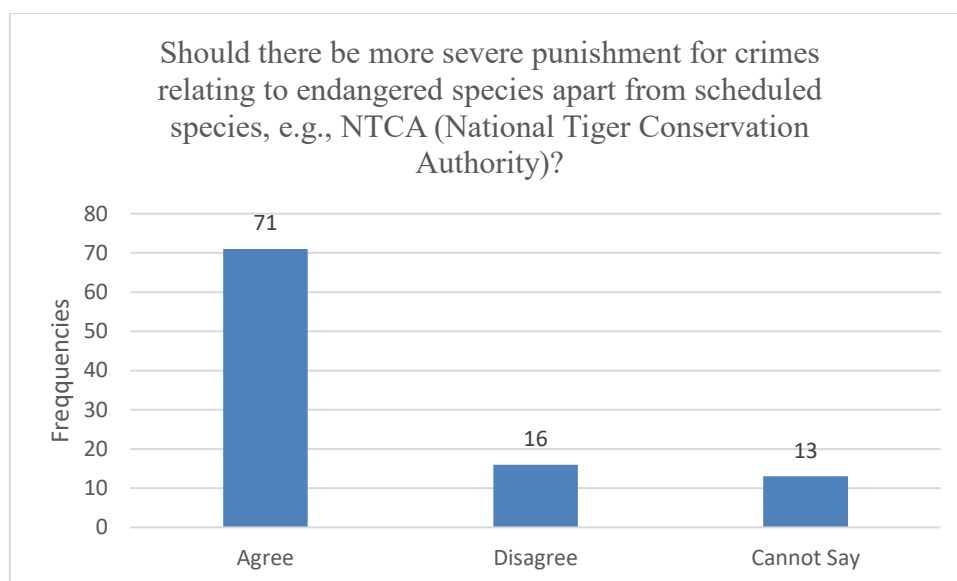


Figure 6.22: Severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority).

This table shows that Should there be more severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority) or not. There are 200 respondents that answered the question. As per, Frequency value, 142 respondents agree with it, 32 respondents disagree, and 26 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 71.00% agree with it, 16.00% disagree, and 13.00% Cannot Say anything.

Table 6.53 Chi- Square Test- Severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority).

Should there be more severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority)?			
	Observed	Expected	Residual
<i>Agree</i>	142	66.7	75.3
<i>Disagree</i>	32	66.7	-34.7
<i>Cannot Say</i>	26	66.7	-40.7
<i>Total</i>	200		

Table 6.54 Test Statistics- Severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority).

Should there be more severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority)?	
Chi-Square	127.960 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on Should there be more severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority) or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 142, Disagree is 32, and 26 for Cannot Say, respectively. The expected frequency is 66.7 for assumption of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 127.960$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of Alternative Hypothesis, concluding that most respondents that agree that there should be need of more severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority).

6.24. Do you see future for wildlife with the present legal frame work?

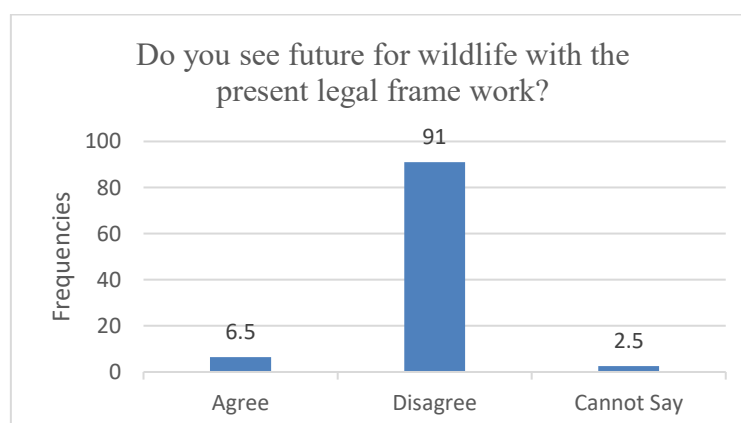


Figure 6.23: Future for wildlife with the present legal frame work

This table shows that does any future for wildlife with the present legal frame work or not. There are 200 respondents that answered the question. As per, Frequency value, 13 respondents agree with it, 182 respondents disagree, and 5 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 6.50% agree with it, 91.00% disagree, and 2.50% Cannot Say anything.

Table 6.55 Chi-Square Test- Future for wildlife with the present legal frame work

22. Do you see future for wildlife with the present legal frame work?			
	Observed	Expected	Residual
<i>Agree</i>	13	66.7	-53.7
<i>Disagree</i>	182	66.7	115.3
<i>Cannot Say</i>	5	66.7	-61.7
<i>Total</i>	200		

Table 6.56 Test Statics- Future for wildlife with the present legal frame work

22. Do you see future for wildlife with the present legal frame work?	
<i>Chi-Square</i>	299.770 ^a
<i>Df</i>	2
<i>Asymp. Sig.</i>	.000
a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A *chi-square test* is conducted on does any future for wildlife with the present legal frame work or not. related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 13, Disagree is 182, and 5 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumptions of proportions of equal segments of respondents answering. Chi-square test statistic was important, $\chi^2(1, N = 200) = 299.770$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of Alternative Hypothesis, concluding most of respondents disagreed on future for wildlife with the present legal frame work.

6.25. Is the lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates, the cause of wildlife crimes?

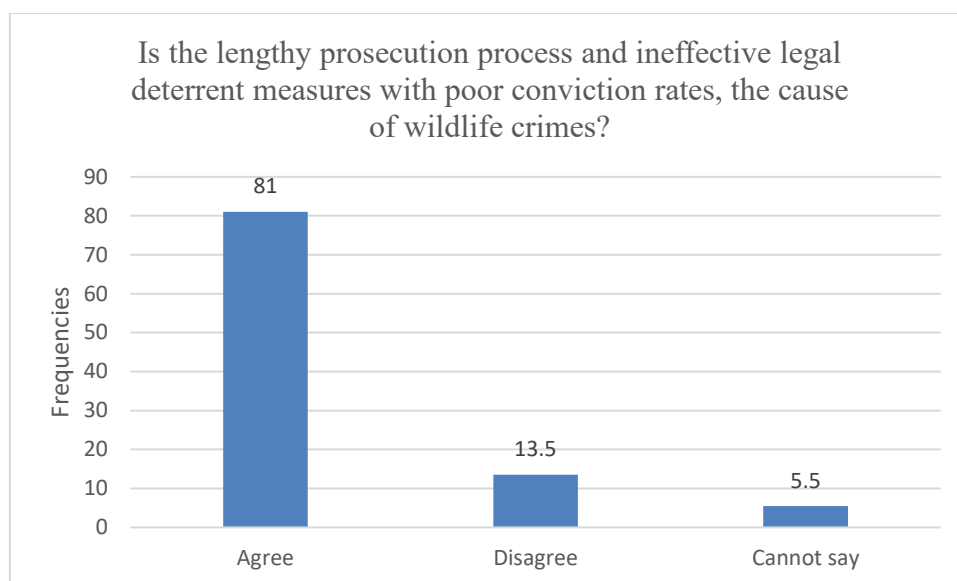


Figure 6.24: Lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates

This table shows that lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates, the cause of wildlife crimes or not. There are 200 respondents that answered the question. As per, Frequency value, 162 respondents agree with it, 27 respondents disagree, and 11 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 81.00% agree with it, 13.50% disagree, and 5.50% Cannot Say anything.

Table 6.57 Chi-Square Test- Lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates

Is the lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates, the cause of wildlife crimes?			
	Observed	Expected	Residual
Agree	162	66.7	95.3
Disagree	27	66.7	-39.7
Cannot say	11	66.7	-55.7
Total	200		

Table 6.58 Test Statistics- Lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates

Is the lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates, the cause of wildlife crimes?	
Chi-Square	206.410 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A *chi-square test* is conducted on lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates, the cause of wildlife crimes or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 162, Disagree is 27, and 11 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumption of proportions of equal segments of respondents answering. The chi-square test statistic was important, $\chi^2(1, N = 200) = 206.410$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of Alternative Hypothesis, concluding that most of respondents agreed on lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates, the cause of wildlife crimes.

6.26. Is there a vital role and scope for forensic science implication with respect to wildlife crimes, i.e., does forensic science play a crucial role in curbing wildlife crimes?

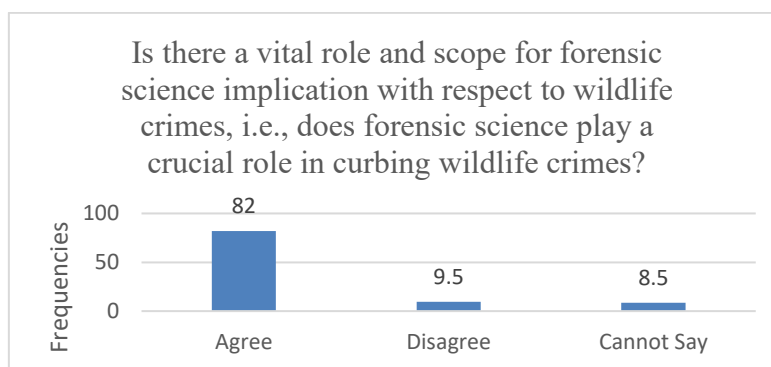


Figure 6.25: Vital role and scope for forensic science implication with respect to wildlife crimes

This table shows that there a vital role and scope for forensic science implication with respect to wildlife crimes, i.e., does forensic science play a crucial role in curbing wildlife offences or not. There are 200 respondents that answered the question. As per, Frequency value, 164 respondents agree with it, 19 respondents disagree, and 17 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 82.00% agree with it, 9.50% disagree, and 8.50% Cannot Say anything.

Table 6.59 Chi-Square Test- Vital role and scope for forensic science implication with respect to wildlife crimes

Is there a vital role and scope for forensic science implication with respect to wildlife crimes, i.e., does forensic science play a crucial role in curbing wildlife crimes?			
	Observed	Expected	Residual
Agree	164	66.7	97.3
Disagree	19	66.7	-47.7
Cannot Say	17	66.7	-49.7
Total	200		

Table 6.60 Test Statistics- Vital role and scope for forensic science implication with respect to wildlife crimes

Is there a vital role and scope for forensic science implication with respect to wildlife crimes, i.e., does forensic science has a key role to play in curbing wildlife crimes?	
Chi-Square	213.190 ^a
Df	2
Asymp. Sig.	0
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A *chi-square test* is conducted where there is a vital role and scope for forensic science implication with respect to wildlife crimes, i.e., does forensic science play a crucial role in curbing wildlife offences or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 164, Disagree is 19 and 17 for Cannot Say, respectively. The expected frequency is 66.7 for all, based on assumptions of proportions of equal segments of respondents answering. The *chi-square test statistic* was important, $\chi^2 (1, N = 200) = 213.190$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of Alternative Hypothesis, concluding that most respondents agreed on there a vital role and scope for forensic science implication with respect to wildlife crimes, i.e., does forensic science play a crucial role in curbing wildlife crimes.

6.27. Is the present wildlife crime investigation process equipped with the standard forensic facilities?

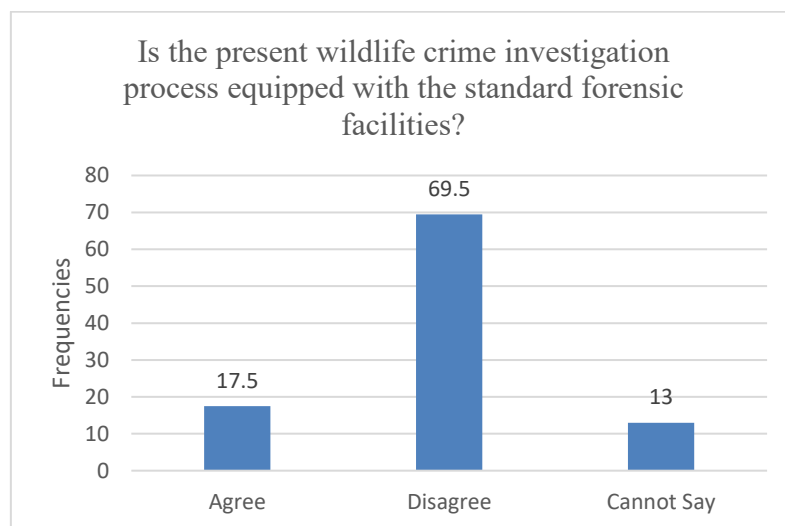


Figure 6.26: Present wildlife crime investigation process equipped with the standard forensic facilities

This table shows that does the present wildlife crime investigation process equipped with the standard forensic facilities or not. There are 200 respondents that answered the question. As per, Frequency value, 35 respondents agree with it, 139 respondents disagree, and 26 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 17.50% agree with it, 69.50% disagree, and 13.00% Cannot Say anything.

Table 6.61 Chi-Square Test- Present wildlife crime investigation process equipped with the standard forensic facilities

Is the present wildlife crime investigation process equipped with the standard forensic facilities?			
	Observed	Expected	Residual
<i>Agree</i>	35	66.7	-31.7
<i>Disagree</i>	139	66.7	72.3
<i>Cannot Say</i>	26	66.7	-40.7
<i>Total</i>	200		

Table 6.62 Test statistics- Present wildlife crime investigation process equipped with the standard forensic facilities

Is the present wildlife crime investigation process equipped with the standard forensic facilities?	
<i>Chi-Square</i>	118.330 ^a
<i>Df</i>	2
<i>Asymp. Sig.</i>	.000
a. 0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on does the present wildlife crime investigation process equipped with the standard forensic facilities or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 35, Disagree is 139 and 26 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumptions of proportions of equal segments for respondents answering. The chi-square test statistic was crucial, $\chi^2(1, N = 200) = 118.330$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that majority of respondents

disagreed on present wildlife crime investigation process equipped with the standard forensic facilities.

6.28. Is there a necessity for specialized basic training of the forest officers in charge of crime scene investigation?

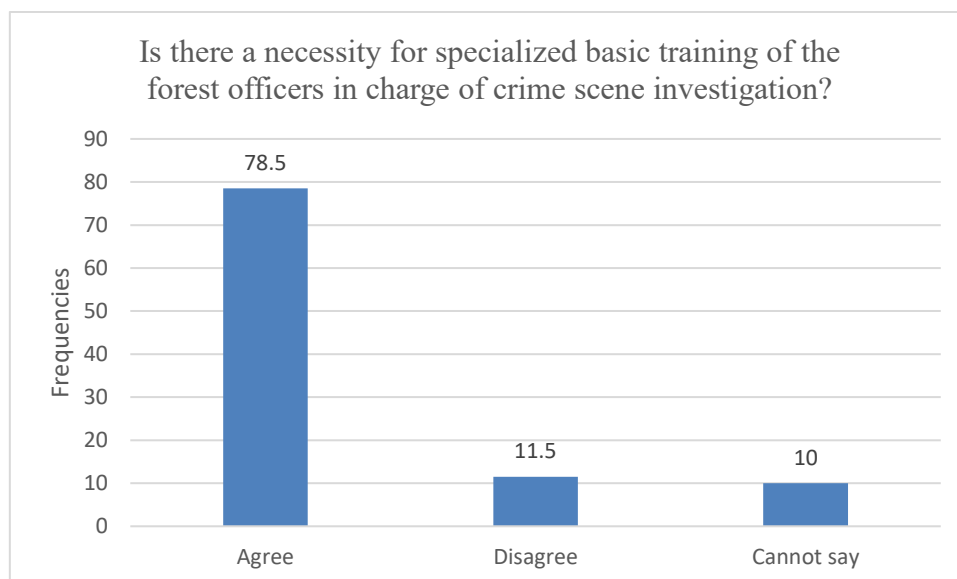


Figure 6.27: Necessity for specialized basic training of the forest officers in charge of crime scene investigation

This table shows that does there a necessity for specialized basic training of the forest officers in charge of crime scene investigation or not, there are 200 respondents that answered the question. As per, Frequency value, 157 respondents agree with it, 23 respondents disagree, and 20 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 78.50% agree with it, 11.50% disagree, and 10.00% Cannot Say anything.

Table 6.63 Chi-Square Test- Necessity for specialized basic training of the forest officers in charge of crime scene investigation

Is there a necessity for specialized basic training of the forest officers in charge of crime scene investigation?			
	Observed	Expected	Residual
<i>Agree</i>	157	66.7	90.3
<i>Disagree</i>	23	66.7	-43.7

<i>Cannot say</i>	20	66.7	-46.7
<i>Total</i>	200		

Table 6.64 Test Statistics- Necessity for specialized basic training of the forest officers in charge of crime scene investigation

Is there a necessity for specialized basic training of the forest officers in charge of crime scene investigation?	
Chi-Square	183.670 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on does there a necessity for specialized basic training of the forest officers in charge of crime scene investigation or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 157, Disagree is 23 and 20 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on the assumptions of proportions of equal segments for respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 183.670$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents agreed that there is necessity for specialized basic training of the forest officers in charge of crime scene investigation.

6.29. Should laws on wildlife forensics be strengthened with appropriate policies that enhance compliance and enforcement of wildlife laws?

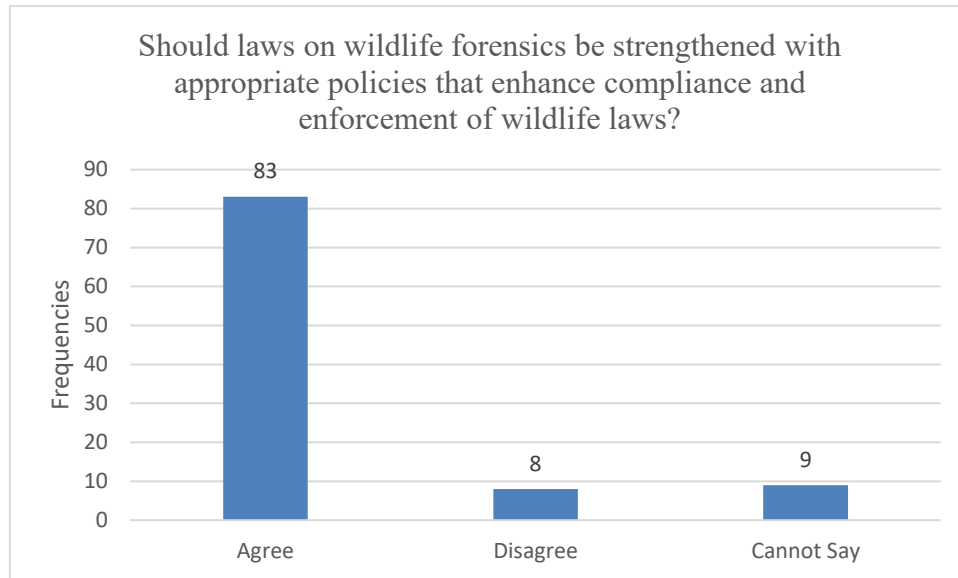


Figure 6.28: Laws on wildlife forensics be strengthened with appropriate policies that enhance compliance and enforcement of wildlife laws

This table shows that Should laws on wildlife forensics be strengthened with “*appropriate policies that enhance compliance and enforcement of wildlife laws*” or not, there are 200 respondents that answered the question. As per, Frequency value, 166 respondents agree with it, 16 respondents disagree, and 18 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 83.00% agree with it, 8.00% disagree, and 9.00% Cannot Say anything.

Table 6.65 Chi-Square Test- Laws on wildlife forensics be strengthened with appropriate policies that enhance compliance and enforcement of wildlife laws

Should laws on wildlife forensics be strengthened with appropriate policies that enhance compliance and enforcement of wildlife laws?			
	Observed	Expected	Residual
<i>Agree</i>	166	66.7	99.3
<i>Disagree</i>	16	66.7	-50.7
<i>Cannot Say</i>	18	66.7	-48.7

Total	200		
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Table 6.66 Test Statistics- Laws on wildlife forensics be strengthened with appropriate policies that enhance compliance and enforcement of wildlife laws

Should laws on wildlife forensics be strengthened with appropriate policies that enhance compliance and enforcement of wildlife laws?	
Chi-Square	222.040 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on Should laws on wildlife forensics be strengthened with “appropriate policies that enhance compliance and enforcement of wildlife laws” or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 166, Disagree is 16 and 18 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on the assumptions of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 222.040$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents agreed on the laws on wildlife forensics should be strengthened with appropriate policies which enhance compliance along with the enforcement of wildlife legislations.

6.30. Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same rights to life as humans?

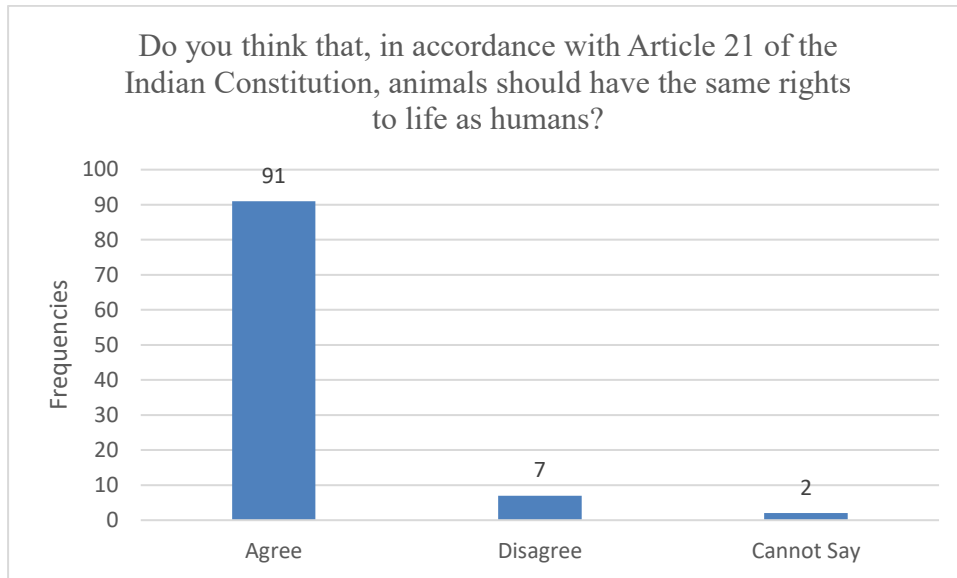


Figure 6.29: In accordance with Article 21 of the Indian Constitution, animals should have the same rights to life as humans

This table shows that does in accordance with “Article 21 of the Indian Constitution”, animals should have same rights to life alike humans or not, there are 200 respondents that answered the question. As per, Frequency value, 182 respondents agree with it, 14 respondents disagree, and 4 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 91.00% agree with it, 7.00% disagree, and 2.00% Cannot Say anything.

Table 6.67 Chi-Square Test- In accordance with Article 21 of the Indian Constitution, animals should have the same rights to life as humans

Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same rights to life as humans?			
	Observed	Expected	Residual
<i>Agree</i>	182	66.7	115.3
<i>Disagree</i>	14	66.7	-52.7
<i>Cannot Say</i>	4	66.7	-62.7

Total	200		
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Table 6.68 Test Statistics- In accordance with Article 21 of the Indian Constitution, animals should have the same rights to life as humans

Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same rights to life as humans?	
Chi-Square	300.040 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on does in accordance with “*Article 21 of the Indian Constitution*”, animals should have same rights to life alike humans or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 182, Disagree is 14 and 4 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumptions of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 300.040$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents agreed on the in accordance with “*Article 21 of Constitution of India*”, animals should have same rights to life alike humans.

6.31. Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans?

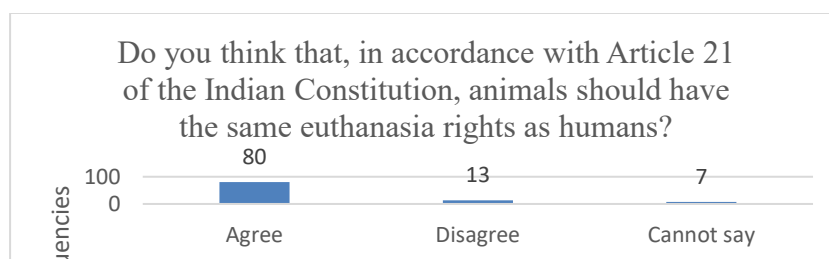


Figure 6.30: In accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans.

This table shows that does in accordance with “*Article 21 of the Indian Constitution*”, animals should have same euthanasia rights as humans or not, there are 200 respondents that answered the question. As per, Frequency value, 160 respondents agree with it, 26 respondents disagree, and 14 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 80.00% agree with it, 13.00% disagree, and 7.00% Cannot Say anything.

Table 6.69 Chi-Square Test- In accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans.

Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans?			
	Observed	Expected	Residual
<i>Agree</i>	160	66.7	93.3
<i>Disagree</i>	26	66.7	-40.7
<i>Cannot say</i>	14	66.7	-52.7
<i>Total</i>	200		

Table 6.70 Test Statistics- In accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans.

Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans?	
<i>Chi-Square</i>	197.080 ^a
<i>Df</i>	2
<i>Asymp. Sig.</i>	0
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on does in accordance with “*Article 21 of the Indian Constitution*”, animals should have same euthanasia rights as humans or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 160, Disagree is 26 and 14 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumptions of proportions of equal segments of respondents answering. The *chi-square test statistic* was important, $\chi^2(1, N = 200) = 197.080$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of Alternative Hypothesis, concluding that most respondents agreed on the in accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans.

6.32. Are you convinced with the role of WCCB, “(The Wildlife Crime Control Bureau was created to complement the existing state machinery to deal with the wildlife crime having ramifications beyond state and national borders. It is not intended to perform the normal and routine functions falling within the domain of the States / Union Territories, as crime including the implementation of the Wild Life (Protection) Act, 1972, is mandate of the State Governments.)”?

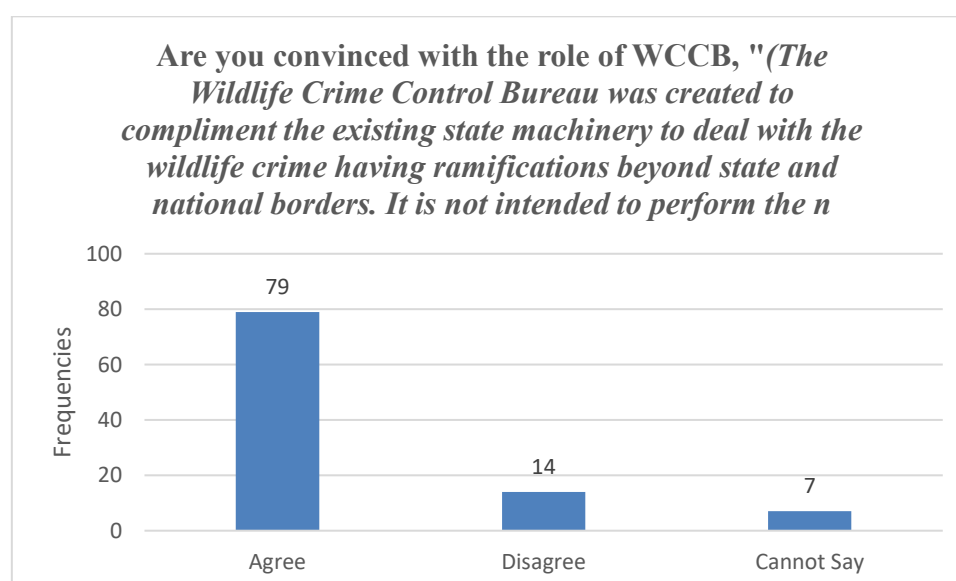


Figure 6.31: Role of WCCB

This table shows the convinced with the role of WCCB, “(The Wildlife Crime Control Bureau was created to complement the existing state machinery to deal with the wildlife crime having ramifications beyond state and national borders. It is not intended to perform the normal and routine functions falling within the domain of the States / Union Territories, as crime including the implementation of the Wild Life (Protection) Act, 1972, is mandate of the State

Governments.)”, there are 200 respondents that answered the question. As per, Frequency value, 158 respondents agree with it, 28 respondents disagree, and 14 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 79.00% agree with it, 14.00% disagree, and 7.00% Cannot Say anything.

Table 6.71 Chi-Square Test- Role of WCCB

Are you convinced with the role of WCCB, “(The Wildlife Crime Control Bureau was created to complement the existing state machinery to deal with the wildlife crime having ramifications beyond state and national borders. It is not intended to perform the normal and routine functions falling within the domain of the States / Union Territories, as crime including the implementation of the Wild Life (Protection) Act, 1972, is mandate of the State Governments.)”?			
	Observed	Expected	Residual
Agree	158	66.7	91.3
Disagree	28	66.7	-38.7
Cannot Say	14	66.7	-52.7
Total	200		

Table 6.72 Test Statistics- Role of WCCB

Are you convinced with the role of WCCB, “(The Wildlife Crime Control Bureau was created to complement the existing state machinery to deal with the wildlife crime having ramifications beyond state and national borders. It is not intended to perform the normal and routine functions falling within the domain of the States / Union Territories, as crime including the implementation of the Wild Life (Protection) Act, 1972, is mandate of the State Governments.)”?	
Chi-Square	189.160 ^a
Df	2
Asymp. Sig.	.000

a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.

A chi-square test is conducted on convinced with the role of WCCB, the observed frequency for Agree is 158, Disagree is 28 and 14 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on the assumptions of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 189.160, p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents agreed with the role of WCCB.

6.33 Should legal aid training be parted to forest department and judiciary respectively with the concerned aspects?

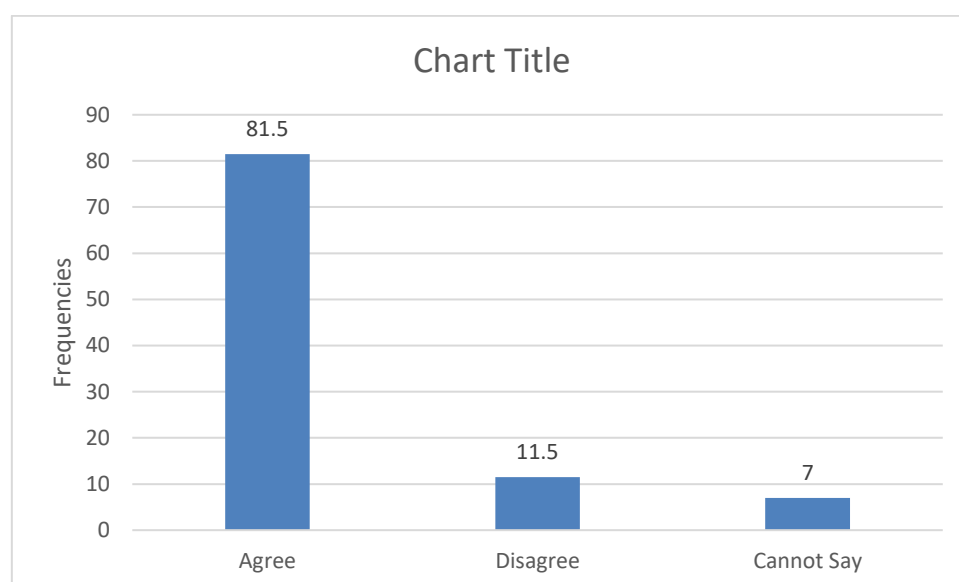


Figure 6.32: Legal aid training be parted to forest department and judiciary respectively with the concerned aspects

This table shows that the legal aid training should be parted to forest department and judiciary respectively with the concerned aspects or not. there are 200 respondents who that answered the question. As per, Frequency value, 163 respondents agree with it, 23 respondents disagree, and 14 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 81.50% agree with it, 11.50% disagree, and 7.00% Cannot Say anything.

Table 6.73 Chi-Square Test- Legal aid training be parted to forest department and judiciary respectively with the concerned aspects

Should legal aid training be parted to forest department and judiciary respectively with the concerned aspects?			
	Observed	Expected	Residual
<i>Agree</i>	163	66.7	96.3
<i>Disagree</i>	23	66.7	-43.7
<i>Cannot Say</i>	14	66.7	-52.7
<i>Total</i>	200		

Table 6.74 Test Statistics- Legal aid training be parted to forest department and judiciary respectively with the concerned aspects

Should legal aid training be parted to forest department and judiciary respectively with the concerned aspects?	
<i>Chi-Square</i>	209.410 ^a
<i>Df</i>	2
<i>Asymp. Sig.</i>	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on legal aid training should be parted to forest department and judiciary respectively with the concerned aspects or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 163, Disagree is 23 and 14 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumption of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 209.410$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that the legal aid training should be parted to forest department and judiciary respectively with the concerned aspects.

6.34 Should India abide with the CITES “(the Convention on International Trade in Endangered Species of Wild Fauna and Flora is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival).” Regulations and terms, so as to collaborate with local and international partners including INTERPOL?

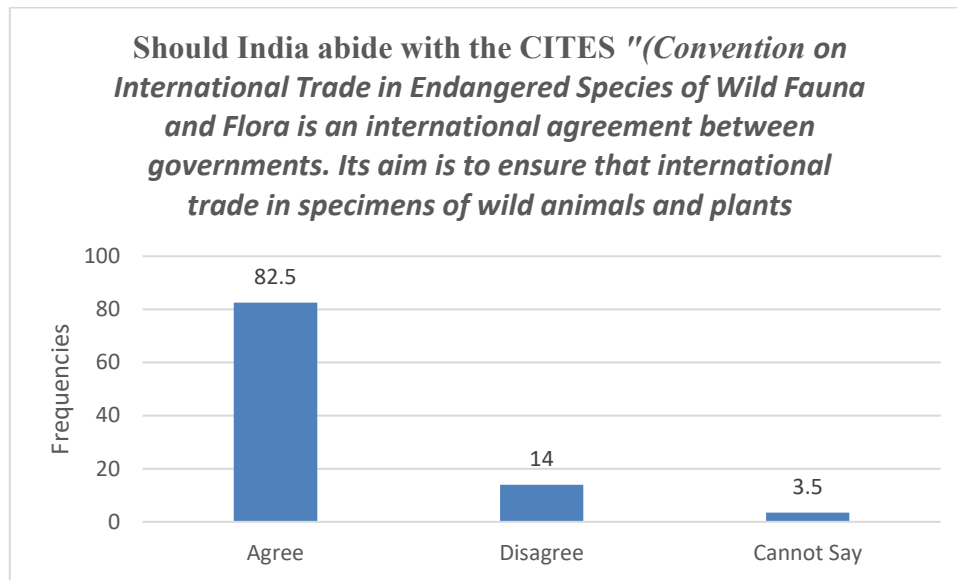


Figure 6.33: Should India abide with the CITES

This table shows that India should be abide with the CITES. Regulations and terms, so as to collaborate with local and international partners including INTERPOL or not. there are 200 respondents that answered the question. As per, Frequency value, 165 respondents agree with it, 28 respondents disagree, and 7 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 82.50% agree with it, 14.00% disagree, and 3.50% Cannot Say anything.

Table 6.75 Chi-Square Test- Should India abide with the CITES

Should India abide with the CITES. Regulations and terms, so as to collaborate with local and international partners including INTERPOL?			
	Observed	Expected	Residual
Agree	165	66.7	98.3

<i>Disagree</i>	28	66.7	-38.7
<i>Cannot Say</i>	7	66.7	-59.7
<i>Total</i>	200		

Table 6.76 Test Statistics- Should India abide with the CITES

Should India abide with the CITES. Regulations and terms, so as to collaborate with local and international partners including INTERPOL?	
<i>Chi-Square</i>	220.870 ^a
<i>Df</i>	2
<i>Asymp. Sig.</i>	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on India should be abide with the CITES, related with their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 163, Disagree is 23 and 14 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on the assumptions of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 209.410$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that India should be abide with the CITES.

6.35 Is the support and co-operation from the Indian judiciary satisfactory, including Green Bench “(In the absence of an effective environmental tribunal, India’s Supreme Court has established a “green bench” within the Court)?”

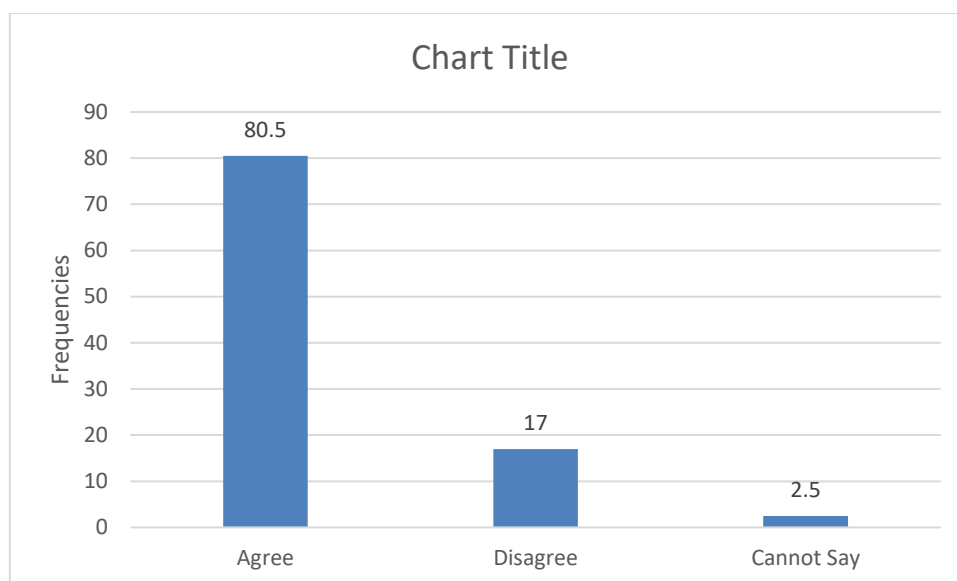


Figure 6.34: The support and co-operation from the Indian judiciary satisfactory, including Green Bench

This table shows that the support and co-operation from the Indian judiciary satisfactory, including Green Bench. There are 200 respondents who answered the question. As per, Frequency value, 161 respondents agree with it, 34 respondents disagree, and 5 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 80.40% agree with it, 17.09% disagree, and 2.51% Cannot Say anything.

Table 6.77 Chi-Square Test- The support and co-operation from the Indian judiciary satisfactory, including Green Bench

Is the support and co-operation from the Indian judiciary satisfactory, including Green Bench?			
	Observed	Expected	Residual
<i>Agree</i>	161	66.7	94.3
<i>Disagree</i>	34	66.7	-32.7
<i>Cannot Say</i>	5	66.7	-61.7
<i>Total</i>	200		

Table 6.78 Test Statistics- The support and co-operation from the Indian judiciary satisfactory, including Green Bench

Is the support and co-operation from the Indian judiciary satisfactory, including Green Bench?	
Chi-Square	206.530 ^a
Df	2
Asymp. Sig.	0
a.0 cells (0.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on the support and co-operation from the Indian judiciary satisfactory, including Green Bench, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 161, Disagree is 34 and 5 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumptions of proportions of equal segments of respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 206.530$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that most of respondents agreed on the support and co-operation from the Indian judiciary satisfactory, including Green Bench “(In the absence of an effective environmental tribunal, India’s Supreme Court has established a “green bench” within the Court)”.

6.36 Should landowners be made responsible for deepening antipathy towards wildlife?

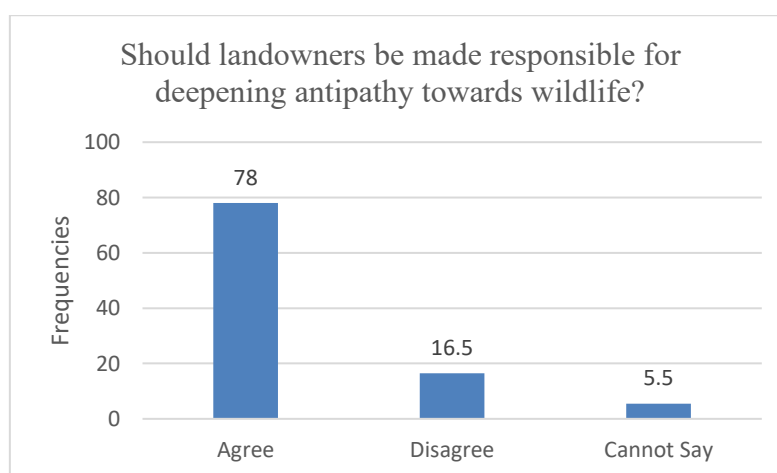


Figure 6.35: Landowners responsible for deepening antipathy towards wildlife

This table shows that the landowners should be made responsible for deepening antipathy towards wildlife or not, there are 200 respondents that answered the question. As per,

Frequency value, 156 respondents agree with it, 33 respondents disagree, and 11 respondents cannot say anything about the Act. The percentage distribution opted by respondents, 78.00% agree with it, 16.50% disagree, and 5.5% Cannot Say anything.

Table 6.79 Chi-Square Test- Landowners responsible for deepening antipathy towards wildlife

Should landowners be made responsible for deepening antipathy towards wildlife?			
	Observed	Expected	Residual
<i>Agree</i>	156	66.7	89.3
<i>Disagree</i>	33	66.7	-33.7
<i>Cannot Say</i>	11	66.7	-55.7
<i>Total</i>	200		

Table 6.80 Test Statistics- Landowners responsible for deepening antipathy towards wildlife

Should landowners be made responsible for deepening antipathy towards wildlife?	
Chi-Square	183.190 ^a
Df	2
Asymp. Sig.	.000
a. 0 cells (.0%) have expected frequencies less than 5. The minimum expected cell frequency is 66.7.	

A chi-square test is conducted on the landowners should be made responsible for deepening antipathy towards wildlife or not, related to their response (Agree/Disagree/Cannot Say). The observed frequency for Agree is 156, Disagree is 33 and 11 for Cannot Say, respectively. The expected frequency is 66.7 for all, relied on assumptions of proportions of equal segments of

respondents answering. The chi-square test statistic was significant, $\chi^2(1, N = 200) = 183.190$, $p < .000$. Thus, it may be concluded that Rejected Null-Hypothesis in favour of the Alternative Hypothesis, concluding that the landowners should be made responsible for deepening antipathy towards wildlife.

6.4 SEGMENT III: Personal scheduled interviews and meetings conducted with concerned Officials and Experts in Wildlife Wing Punjab and Himachal Pradesh

1. Name of the department

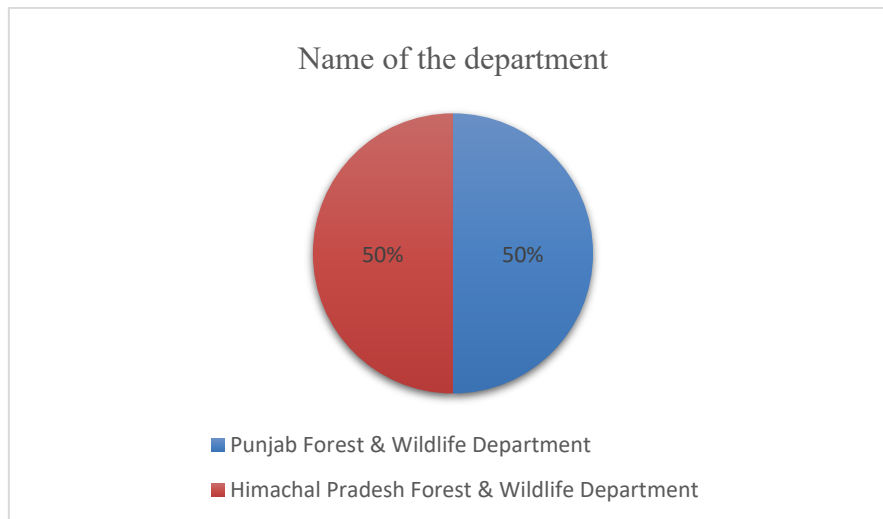


Figure 6.36 Name of the department

The pie chart illustrates that personal interviews and meetings were equally distributed between the Punjab Forest & Wildlife Department and the Himachal Pradesh Forest & Wildlife Department, each accounting for 50% of the total interactions. This suggests a balanced approach in gathering expert insights from both regions for the study.

2. Have you ever observed a fire incident in zone?

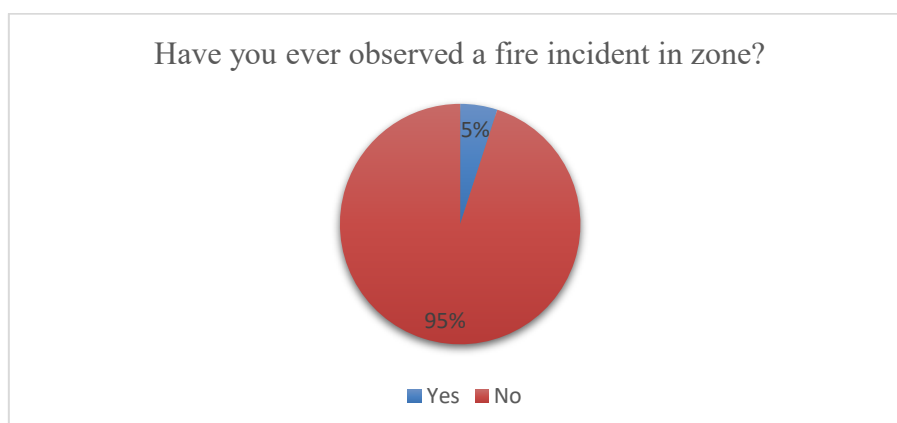


Figure 6.37 Fire Incident observation

The pie chart indicates that 95% of respondents have never observed a fire incident in the zone, while only 5% have witnessed such an event. This suggests that fire incidents in the area are relatively rare based on the surveyed participants' experiences.

3. Did you inform wildlife officials about any wild animal deaths that occurred in the area due to fire incident?

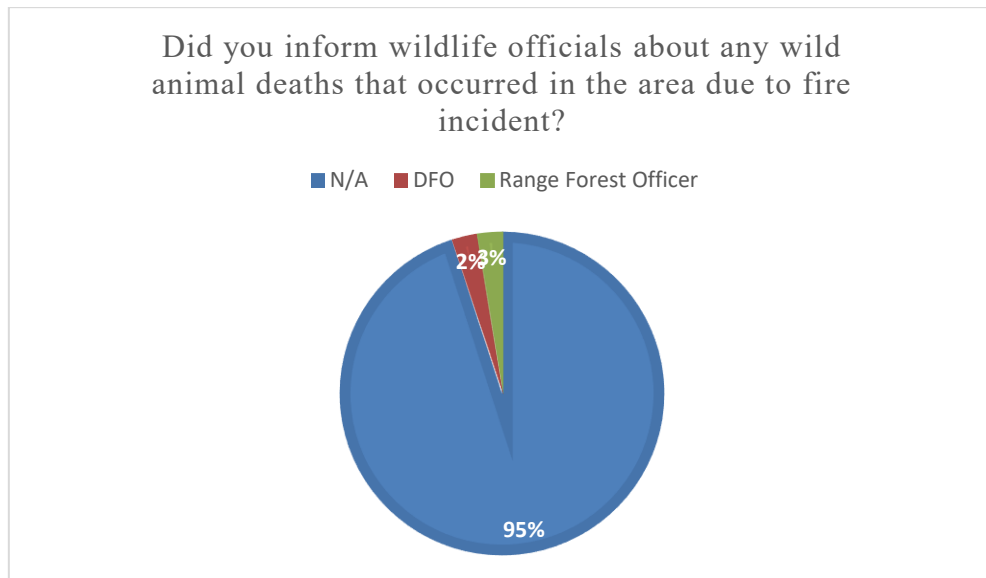


Figure 6.38 Information to wildlife officials about wild animal deaths due to fire incident

The pie chart shows that 95% of respondents marked "N/A," indicating they did not report wild animal deaths due to fire incidents. Only a small percentage informed either the DFO or RFO, suggesting limited reporting of such events.

4. Do you believe that tourists or people exploring the wildlife area cause disturbance/damage to wild creatures?

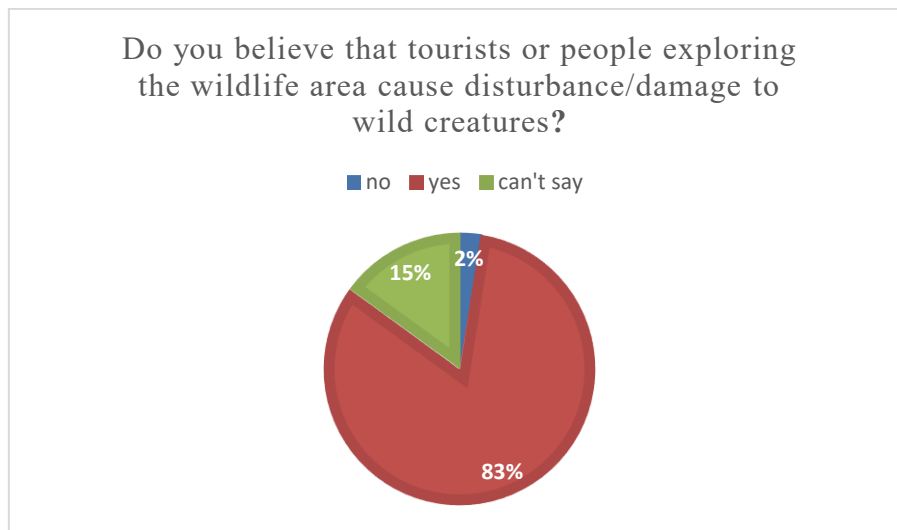


Figure 6.39 Tourists or people exploring the wildlife area cause disturbance/damage to wild creatures

The pie chart reveals that 83% of respondents believe tourists or visitors disturb or harm wildlife, while 15% are unsure, and only 2% think there is no impact. This indicates a strong perception that human activities in wildlife areas negatively affect wild creatures.

5. According to you, should there be ban on using of plastic inside the wildlife area (using and throwing of single use plastic bottles, wrappers etc)

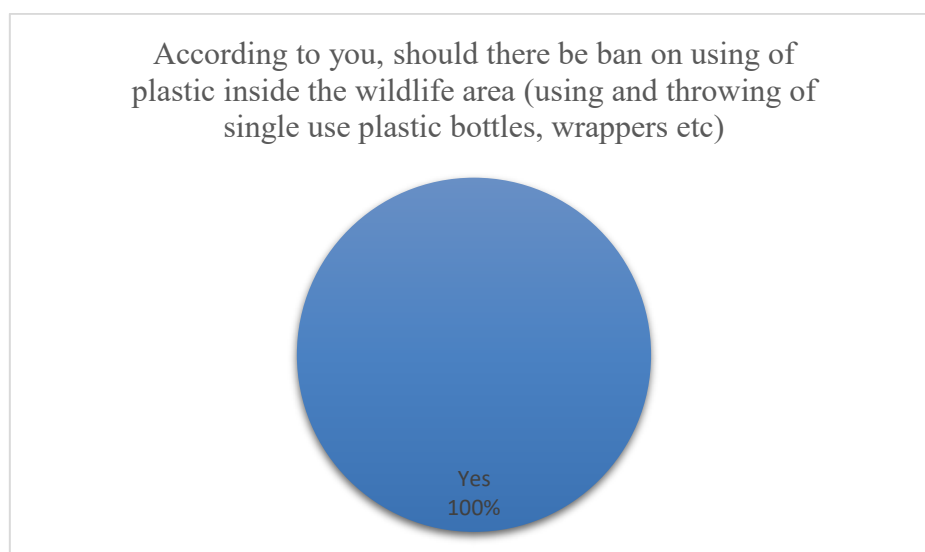


Figure 6.40 Ban on using of plastic inside the wildlife area (using and throwing of single use plastic bottles, wrappers etc)

The pie chart indicates 100% of respondents supporting ban on single-use plastics in wildlife areas. This highlights strong public awareness and concern about plastic pollution's impact on the environment and wildlife.

6. Do you think that changing scenario of environment is impacting wildlife?

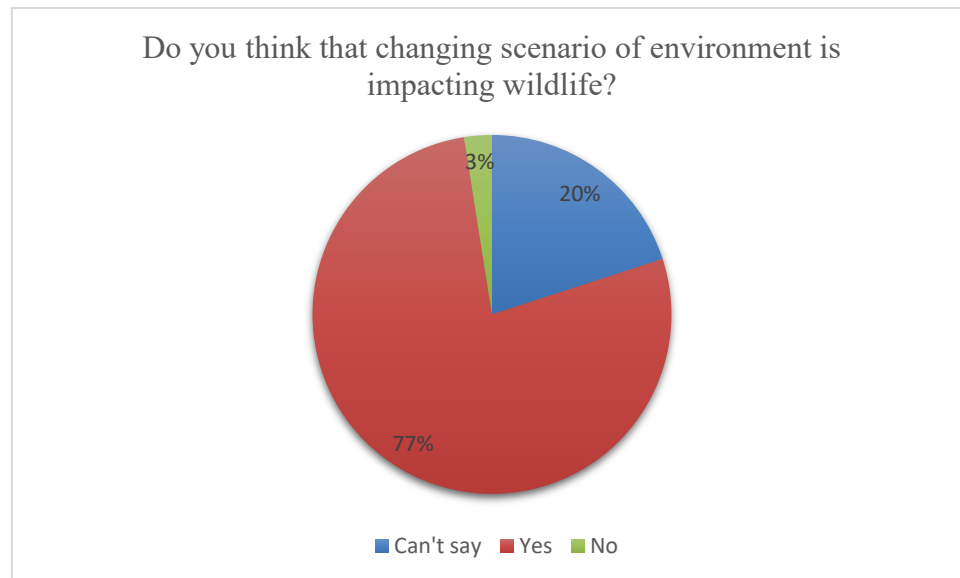


Figure 6.41 Changing scenario of environment is impacting wildlife

The pie chart shows that 77% of respondents believe environmental changes are impacting wildlife, while 20% are uncertain, and only 3% disagree. This indicates a sharp consensus on negative effects of changing environment on wildlife.

7. Do you think that setting up of factories (industries) nearby wildlife area impacts life of wild life?

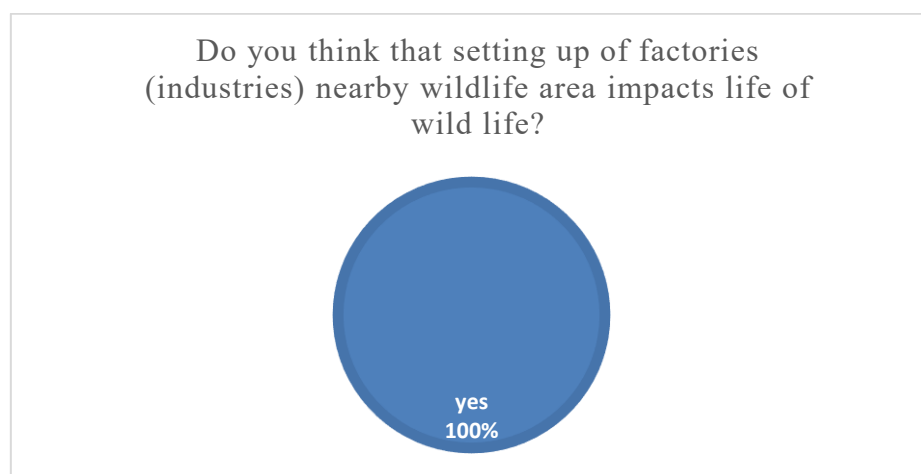


Figure 6.42 Setting up of factories (industries) nearby wildlife area impacts life of wild life

The pie chart indicates 100% of respondents believing that setting up factories near wildlife areas negatively impacts wildlife. This highlights strong concern regarding industrial activities affecting natural habitats.

8. If yes, is the waste disposal system responsible for affecting wildlife?

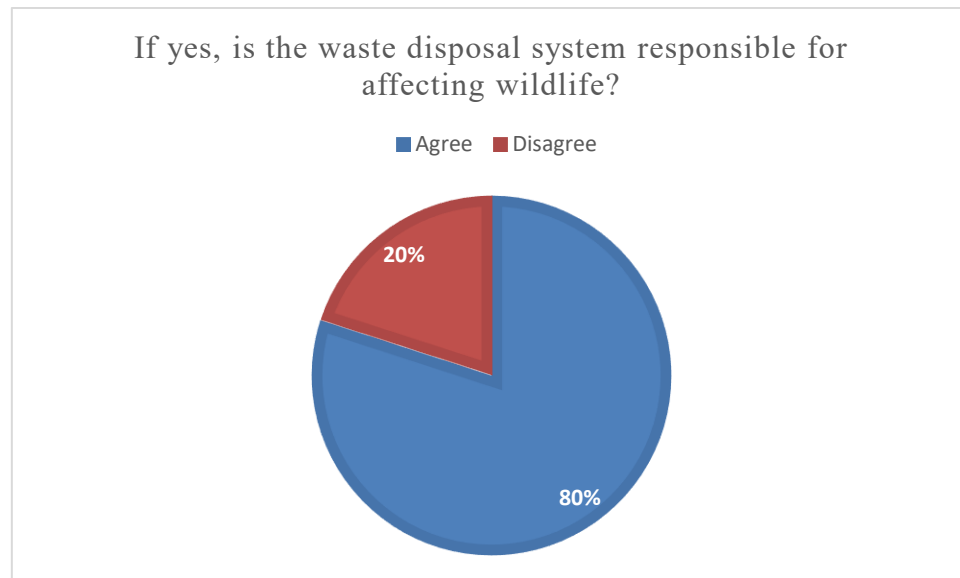


Figure 6.43 Is waste disposal system responsible for affecting wildlife

The pie chart shows, 80% respondents agree that waste disposal systems are responsible for affecting wildlife, while 20% disagree. This indicates a strong perception that improper waste management negatively impacts wildlife and their habitats.

9. Do you think that there is proper management when it comes to cleanliness of the wildlife area?

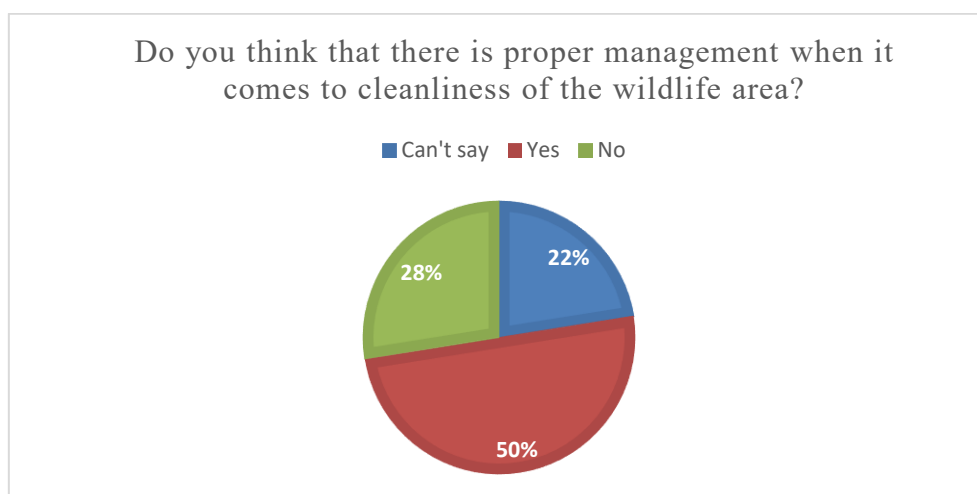


Figure 6.44 Proper management when it comes to cleanliness of the wildlife area

The pie chart indicates that 50% of respondents believe there is proper management of cleanliness in the wildlife area, while 28% think otherwise, and 22% are uncertain. This suggests mixed perceptions regarding cleanliness management in the area.

10. Do you believe that natural resources are impacted due to inhuman activities in the wildlife area?

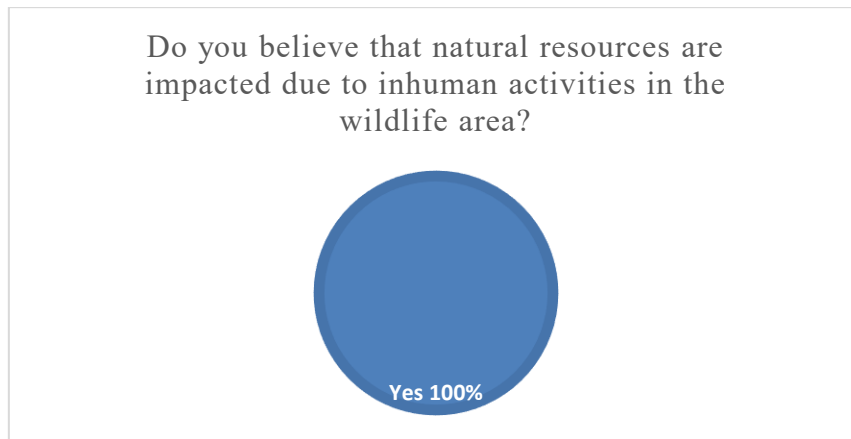


Figure 6.45 Impact of inhuman activities in the wildlife area on natural resources

The pie chart shows that 100% of respondents believe natural resources in the wildlife area are impacted due to inhuman activities. This highlights a unanimous concern about human-induced environmental degradation.

11. Is it legal to capture or kill wild animals who are determined to be attacking people or causing damage?

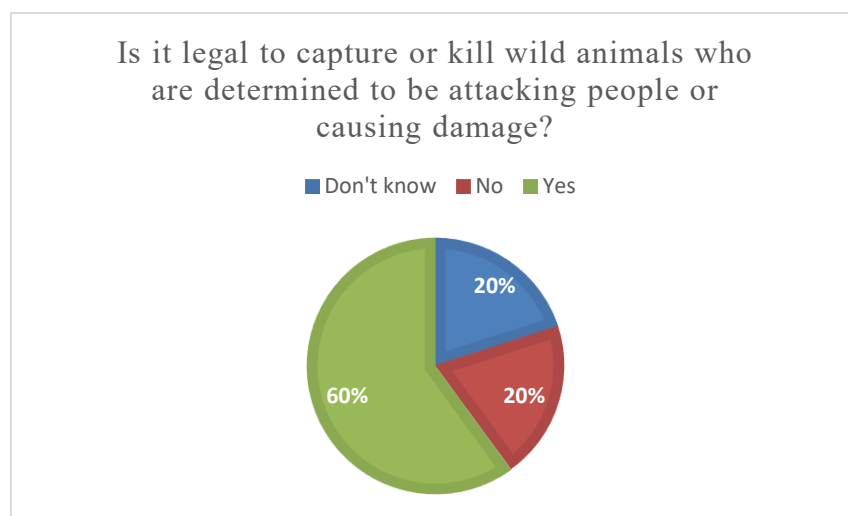


Figure 6.46 Is it legal to capture or kill wild animals who are determined to be attacking people or causing damage

The chart shows that 60% believe capturing or killing wild animals that attack people is legal, while 20% think it is illegal, and 20% are unsure. This indicates a lack of clarity on wildlife protection laws among respondents.

12. If yes, please state from whom you have permission to capture these wild species.

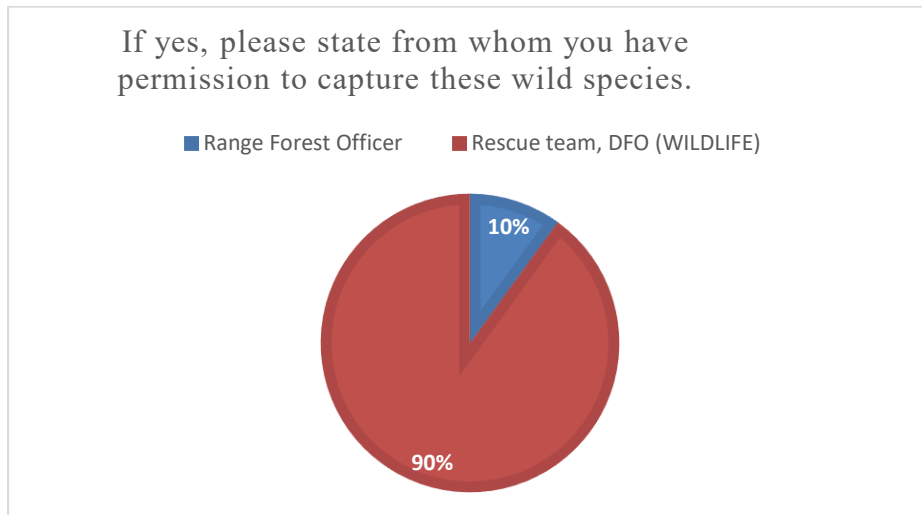


Figure 6.47 Permission to capture these wild species

The chart shows that 90% believe permission to capture wild species is granted by the Rescue Team and DFO (WILDLIFE), while 10% think it is the Range Forest Officer. This highlights a dominant reliance on wildlife authorities for such actions.

13. Are visitors allowed to access the department/area?

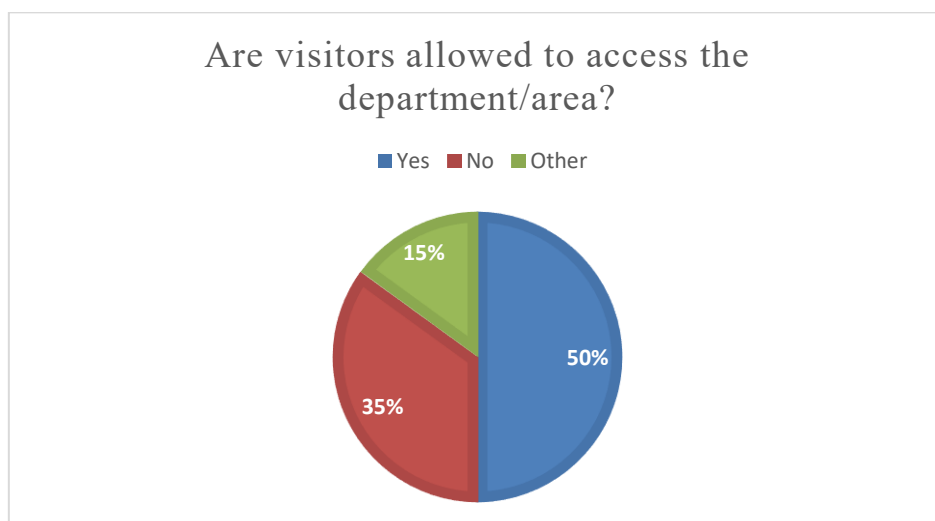


Figure 6.48 Are visitors allowed to access the department/area?

The chart indicates that 50% of respondents say visitors are allowed access, 35% say they are not, and 15% selected "Other."

14. If yes, please specify for what purposes

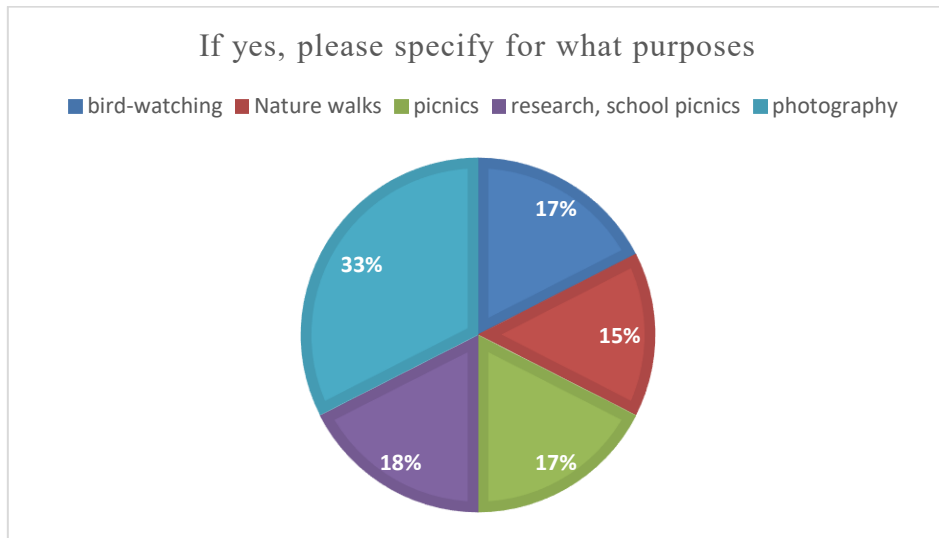


Figure 6.49 *If yes, please specify for what purposes*

The chart shows that visitors access the area mainly for photography (33%), followed by research and school picnics (18%), bird-watching (17%), general picnics (17%), and nature walks (15%).

15. Whether anyone in your region has been found guilty of killing a wild animal?

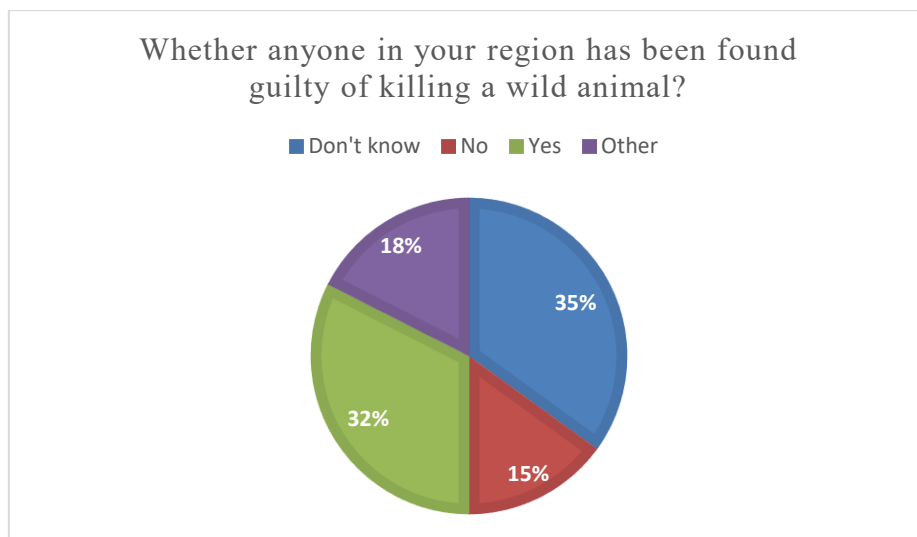


Figure 6.50 *Whether anyone in your region has been found guilty of killing a wild animal*

The chart indicates that 35% of respondents don't know if anyone has been found guilty of killing a wild animal, 32% say yes, 15% say no, and 18% chose other.

16. Have you seen any instances of wild animal hunting in the past two years?

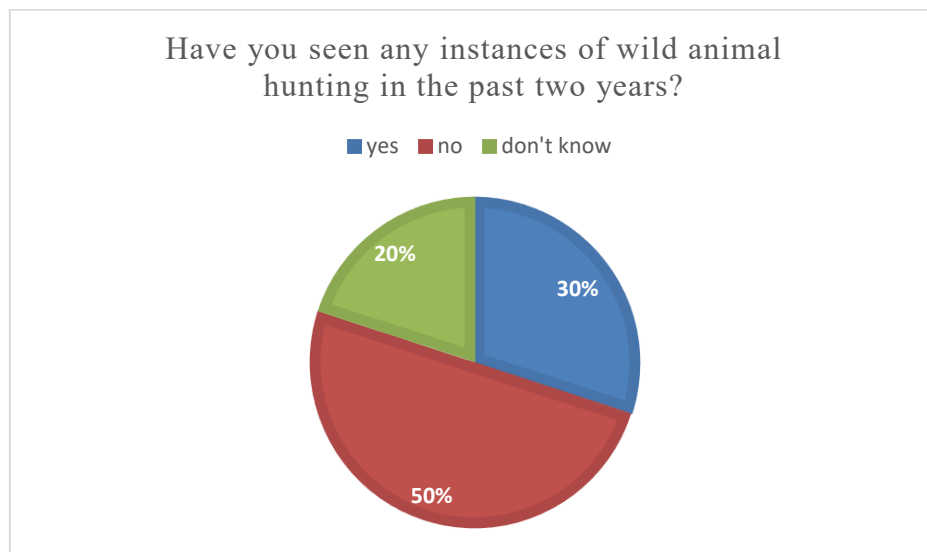


Figure 6.51 Instances of wild animal hunting in the past two years

The chart shows that 50% of respondents have not seen wild animal hunting in the past two years, 30% have, and 20% are unsure.

17. What procedures have been made to safeguard the safety of the wild creatures in the region?

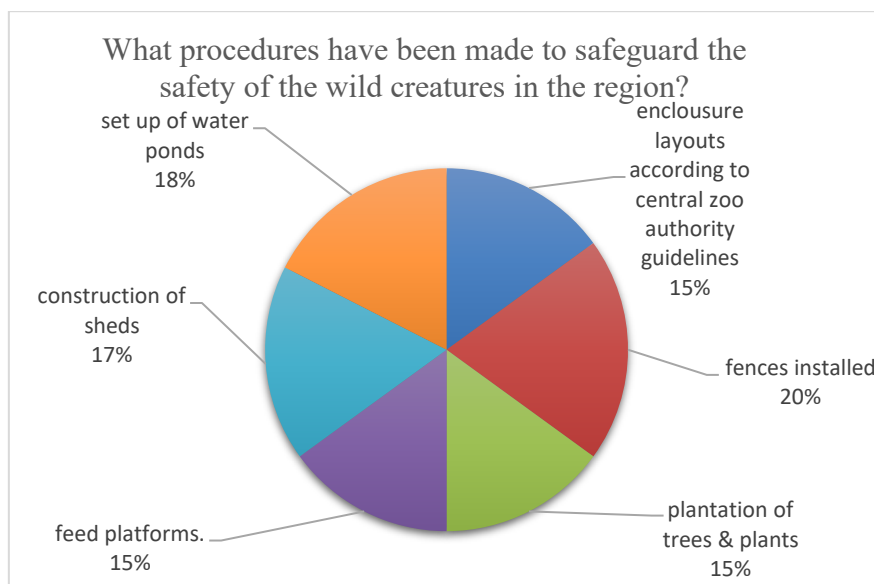


Figure 6.52 What procedures have been made to safeguard the safety of the wild creatures in the region?

The chart presents various measures implemented to protect wildlife. These include installing fences (20%) to prevent unauthorized access, setting up water ponds (18%) to provide

hydration, constructing sheds (17%) for shelter, following enclosure guidelines (15%) to ensure a safe habitat, implementing rescue operations (10%) to save distressed animals, and enforcing wildlife protection laws (20%) to regulate human interaction with wildlife.

18. Whether any initiatives have been taken to enhance wild animals' habitat in the region?

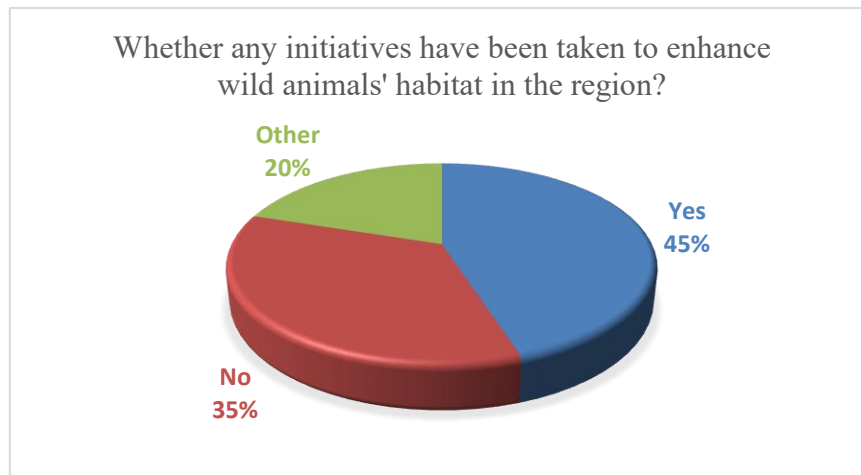


Figure 6.53 Initiatives have been taken to enhance wild animals' habitat in the region

The chart illustrates responses regarding efforts to enhance wild animals' habitat in the region. Among respondents, 45% acknowledged that steps have been taken, 35% stated no actions have been implemented, and 20% provided other responses. These measures may include afforestation, water resource management, habitat restoration, and legal enforcement for wildlife conservation.

19. How are wildlife offences evolving in your area?

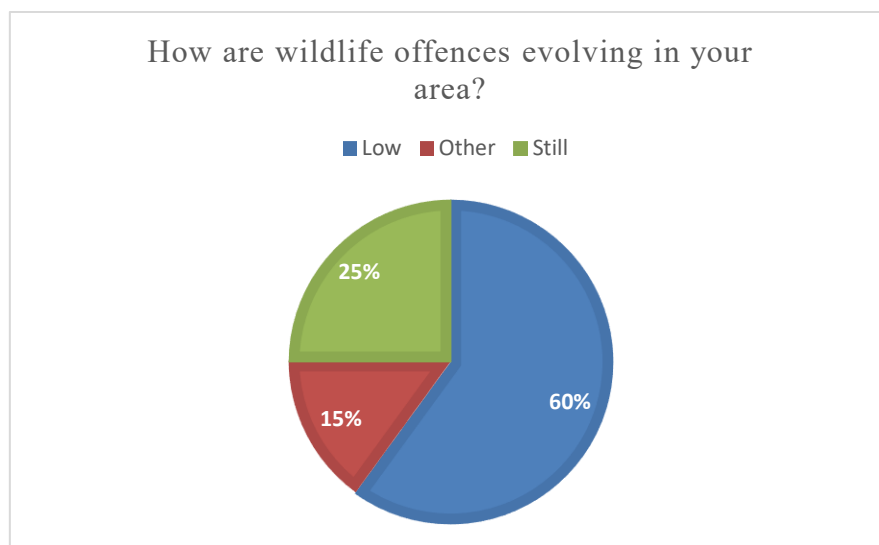


Figure 6.54 How are wildlife offences evolving in your area?

The chart represents how wildlife offenses are evolving in the area. According to the responses, 60% indicated that offenses are low, 15% provided other responses, and 25% stated that offenses are still occurring. This suggests that while efforts to control wildlife crimes may be effective, some incidents continue to persist, requiring further monitoring and enforcement.

20. What groups of individuals are more susceptible to wildlife offences?

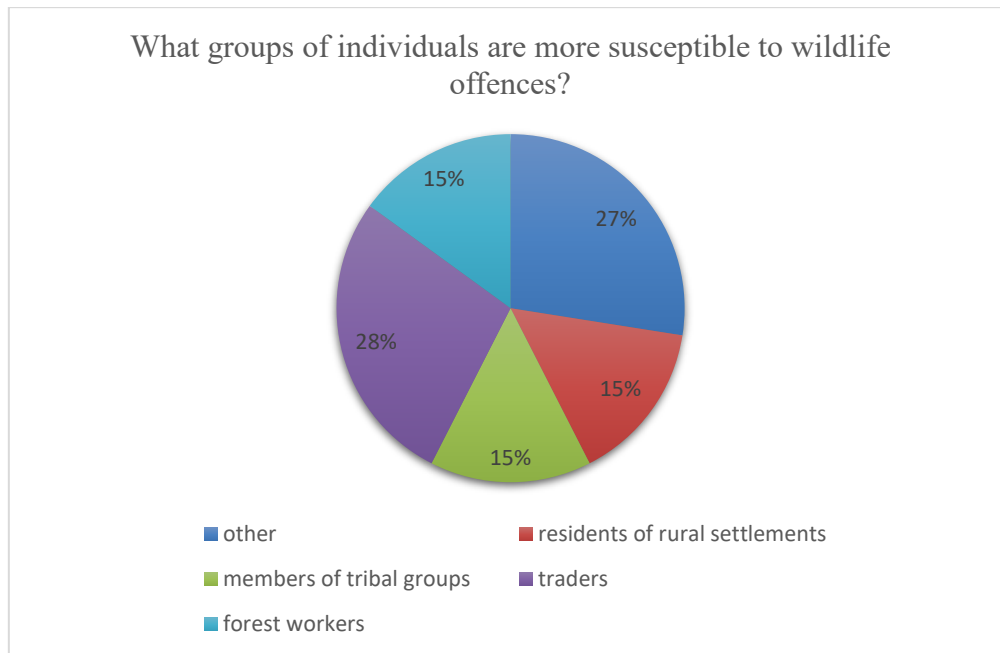


Figure 6.55 Groups of individuals more susceptible to wildlife offences

The chart illustrates the groups of individuals more susceptible to wildlife offenses. Traders stand up most percentage at 28%, followed by "Other" at 27%. Residents of rural settlements, members of tribal groups, and forest workers each account for 15%. This indicates that individuals engaged in trade and those from various backgrounds, including rural and tribal communities, are more exposed to wildlife-related offenses.

21. What type of wildlife crime is most common in this area?

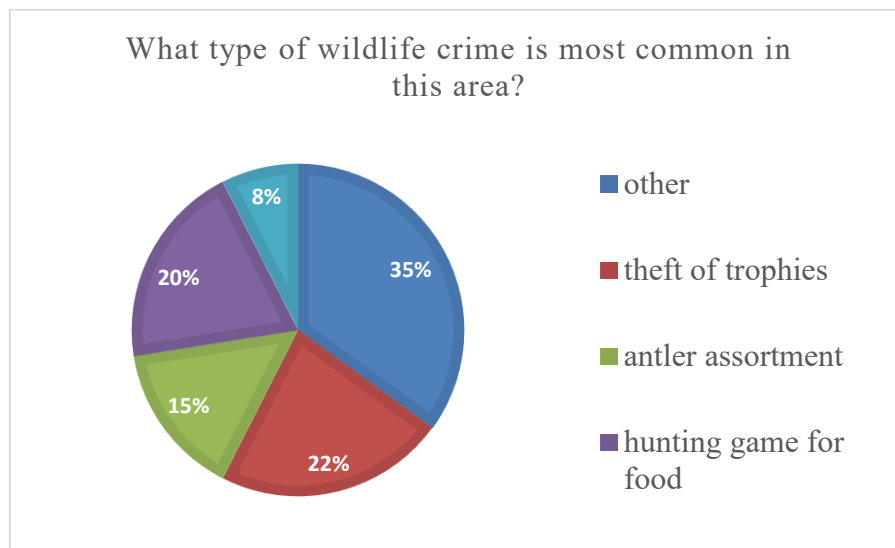


Figure 6.56 *What type of wildlife crime is most common in this area?*

The chart illustrates the most common types of wildlife crime in the area. The "Other" category accounts for the highest percentage at 35%, indicating various unclassified offenses. The theft of trophies follows at 22%, suggesting a significant concern for illegal wildlife collection. Hunting game for food represents 20%, while antler assortment accounts for 15%. The least common category is hunting game for its skin, bones, and other parts, at 8%. This data highlights the diverse nature of wildlife crimes, with a notable emphasis on trophy theft and subsistence hunting.

22. Through what sources you get to know about the crime?

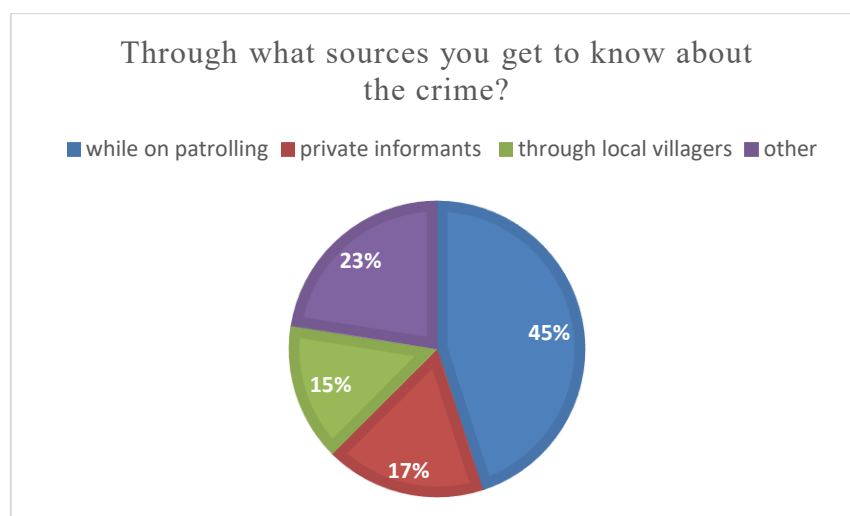


Figure 6.57 *Through what sources you get to know about the crime?*

The chart illustrates the primary sources through which individuals become aware of wildlife crimes. The most common source is while on patrolling, accounting for 45%, indicating that direct surveillance plays a crucial role in crime detection. Other sources contribute 23%, which may include various indirect means of information gathering. Private informants provide 17% of the information, highlighting the role of confidential sources in reporting crimes. Lastly, local villagers contribute 15%, reflecting community involvement in wildlife crime detection. This data underscores the importance of multiple channels in monitoring and preventing wildlife offenses.

23. What challenges do investigators encounter while looking into wildlife offences?

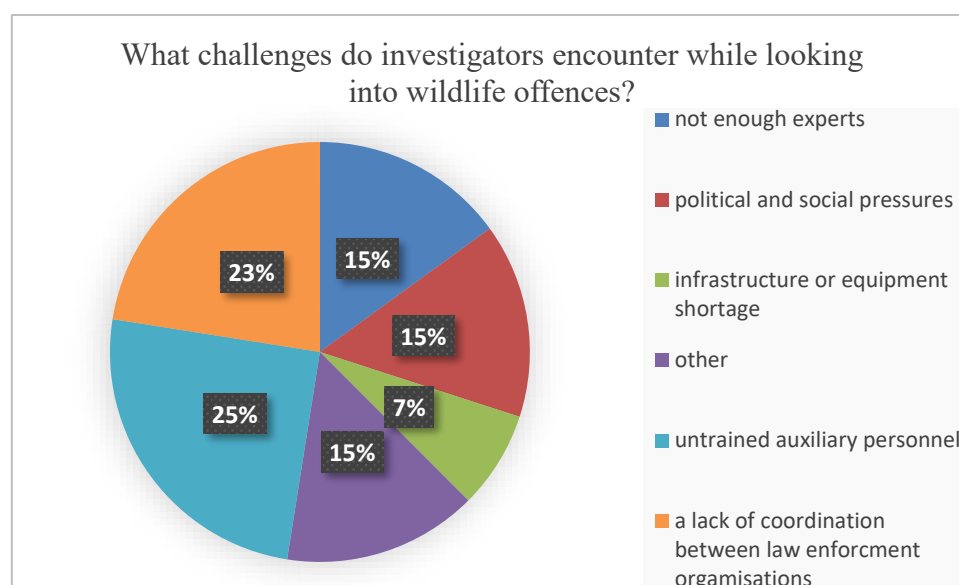


Figure 6.58 *What challenges do investigators encounter while looking into wildlife offences?*

The chart highlights the key challenges faced by investigators in handling wildlife offenses. The most significant issue is a lack of coordination between law enforcement organizations (25%), which can lead to inefficiencies in tackling crimes. Infrastructure or equipment shortages (23%) are another major challenge, indicating resource constraints in investigations. Several other obstacles, each contributing 15%, include not enough experts, political and social pressures, untrained auxiliary personnel, and other unidentified challenges. Additionally, 7% of responses point to miscellaneous barriers not specifically listed. These findings suggest that strengthening inter-agency collaboration, increasing expert personnel, and improving resource allocation can significantly enhance wildlife crime investigations.

24. How many deaths- natural or otherwise- have took place in region during last five years, including those caused by poaching and accidents?

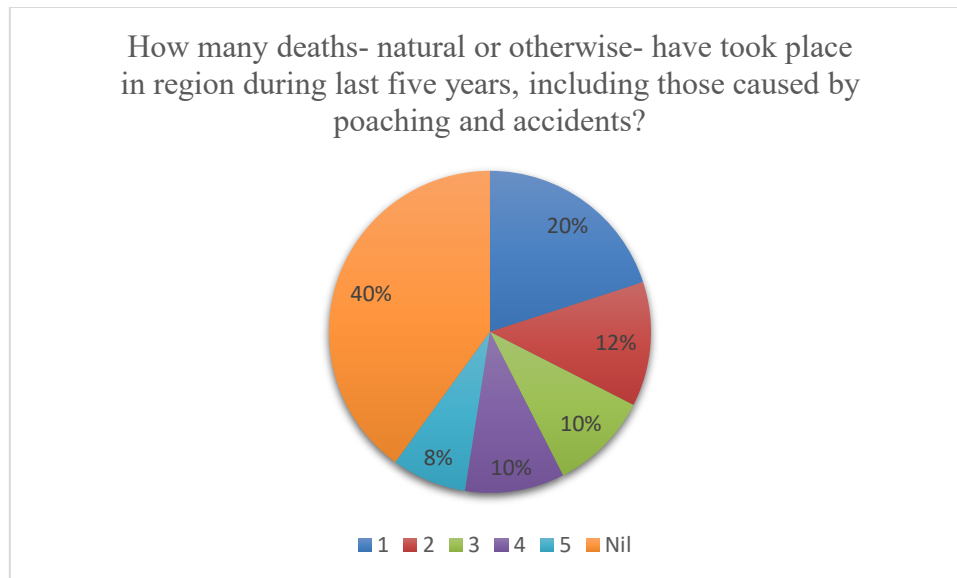


Figure 6.59 How many deaths- natural or otherwise- have took place in region during last five years, including those caused by poaching and accidents?

The data on wildlife deaths over the period of past five years, which includes that too caused by poaching and accidentally, reveals that 40% of respondents reported no recorded deaths, indicating a relatively stable wildlife population in certain areas. However, the remaining 60% of responses highlight varying levels of mortality, with 20% reporting one death, 12% reporting two deaths, and 10% each noting three and five deaths, while 8% recorded four deaths. These findings suggest that while some regions have maintained stable wildlife numbers, others continue to experience losses due to natural causes, poaching, or accidents. To ensure better conservation, targeted efforts should be directed toward regions with recorded deaths to mitigate risks and protect wildlife populations.

25. Do you believe the funds you received through the State plan were sufficient for the upkeep for the department?

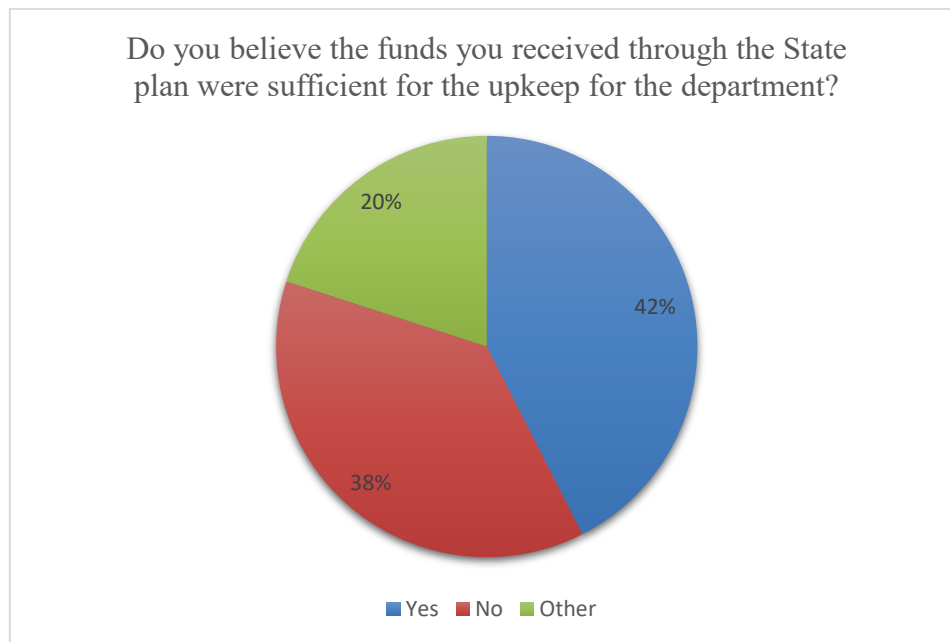


Figure 6.60 Do you believe the funds you received through the State plan were sufficient for the upkeep for the department?

The survey results indicate that opinions are divided regarding the sufficiency of funds received through the State plan for departmental upkeep. While 42% of respondents believe the allocated funds were adequate, a significant 38% feel that the financial support was insufficient to meet the department's needs. Additionally, 20% of respondents provided other perspectives, suggesting a mix of nuanced opinions on funding adequacy. These findings highlight the need for a closer evaluation of budget allocations, ensuring that departments responsible for critical functions receive the necessary resources to operate effectively and address any funding gaps.

26. What actions has the department done to safeguard the safety of the wild animals?
Please specify

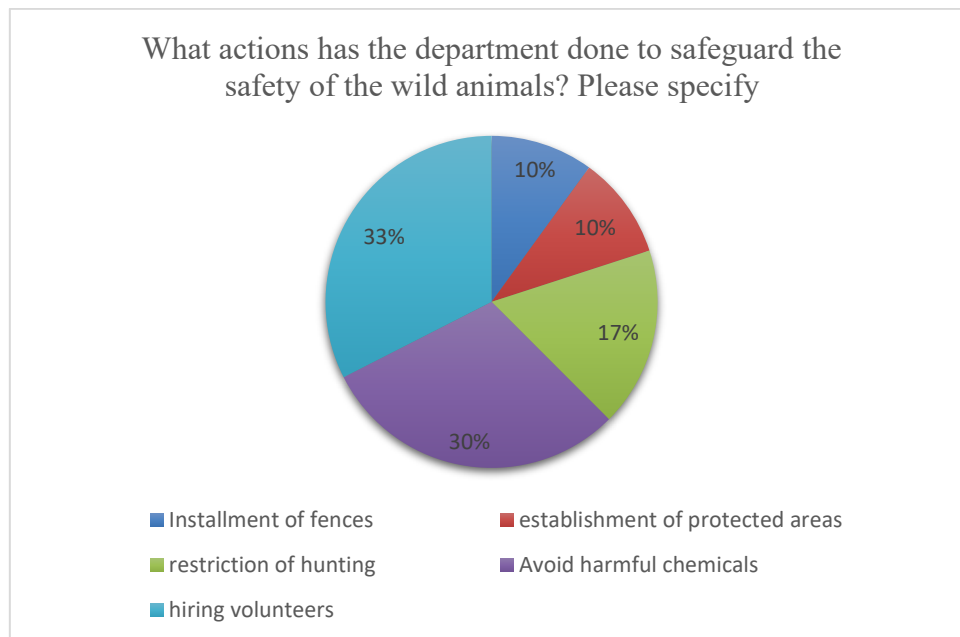


Figure 6.61 What actions has the department done to safeguard the safety of the wild animals?

The pie chart illustrates various actions taken by the department to safeguard wild animals. The most significant effort is hiring volunteers (33%), followed by avoiding harmful chemicals (30%), while installing fences and establishing protected areas have the least emphasis at 10% each.

27. Do you feel the employees of the Wildlife Department are having trouble carrying out their tasks?

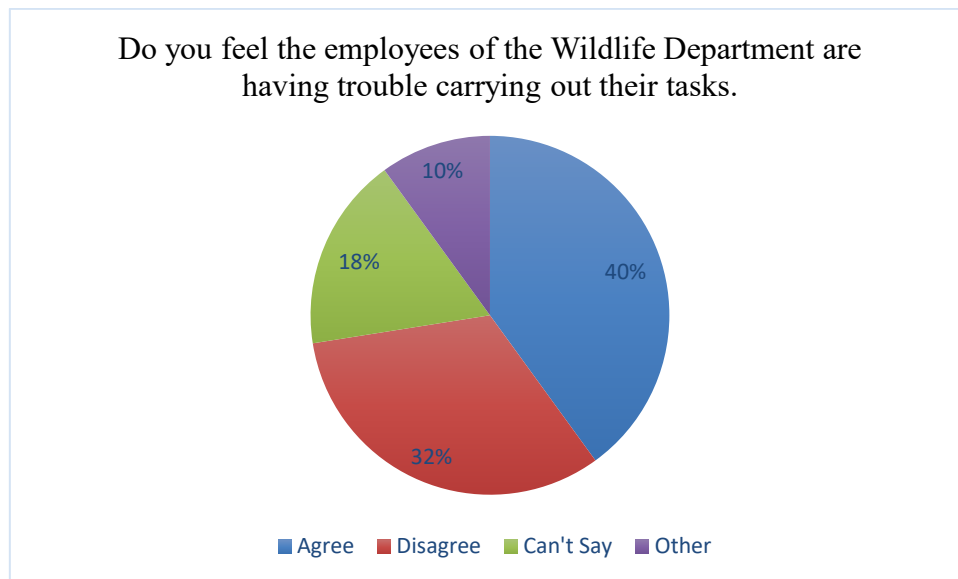


Figure 6.62 *Do you feel the employees of the Wildlife Department are having trouble carrying out their tasks.*

The pie chart shows that 40% of respondents agree that Wildlife Department employees have trouble carrying out their tasks, while 32% disagree. Additionally, 18% are uncertain, and 10% have other opinions.

28. Do you recommend changing/implementing the Wildlife Laws to reflect the recent modifications in patterns of wildlife crimes?

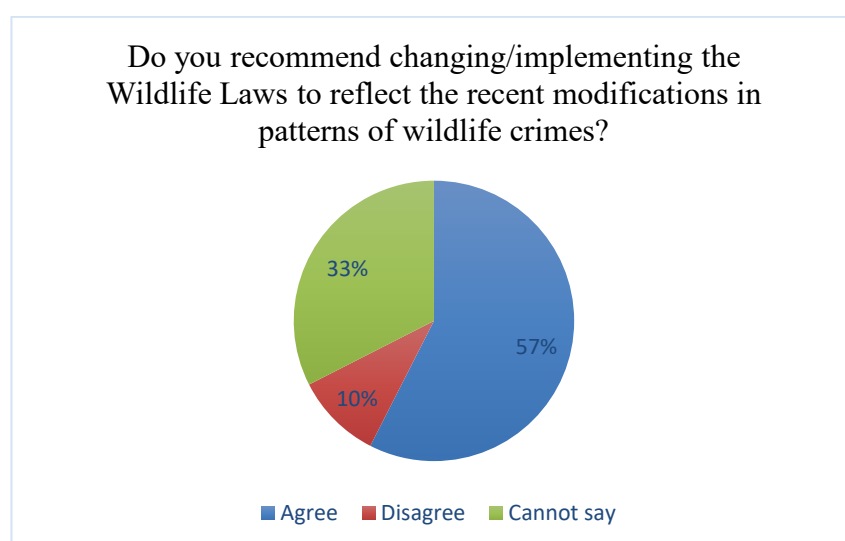


Figure 6.63 *Do you recommend changing/implementing the Wildlife Laws to reflect the recent modifications in patterns of wildlife crimes*

The pie chart indicates that 57% of respondents support changing or implementing wildlife laws to address evolving wildlife crime patterns, while 10% oppose it, and 33% are uncertain.

29. Are you satisfied with the effectiveness of the current conservation measures in catching wildlife offenders?

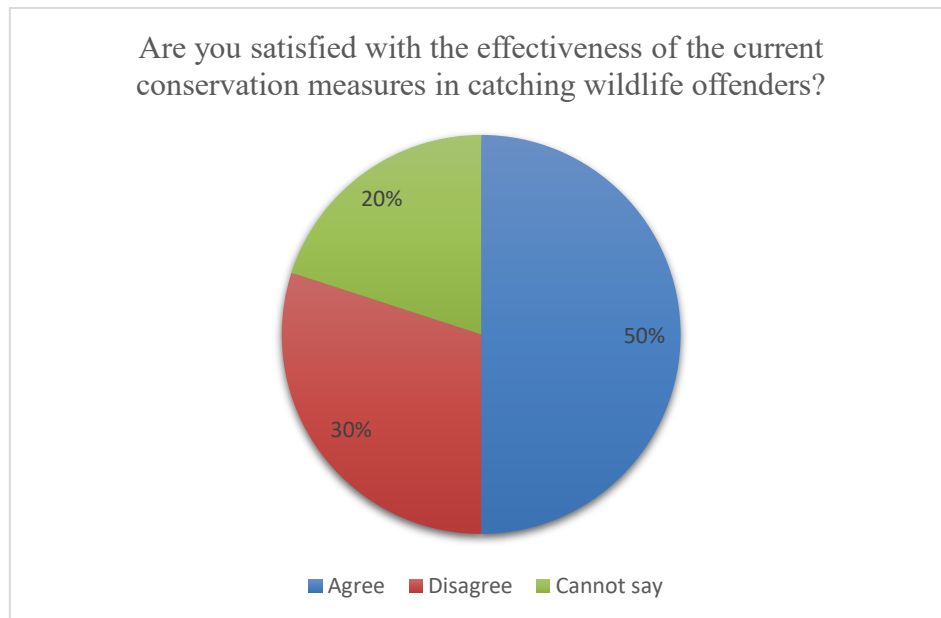


Figure 6.64 Are you satisfied with the effectiveness of the current conservation measures in catching wildlife offenders?

The pie chart reveals that 50% of respondents are satisfied with the effectiveness of current conservation measures in catching wildlife offenders, while 30% disagree, and 20% are uncertain.

30. Should crimes involving endangered species, natural resources, and deforestation carry harsher penalties?

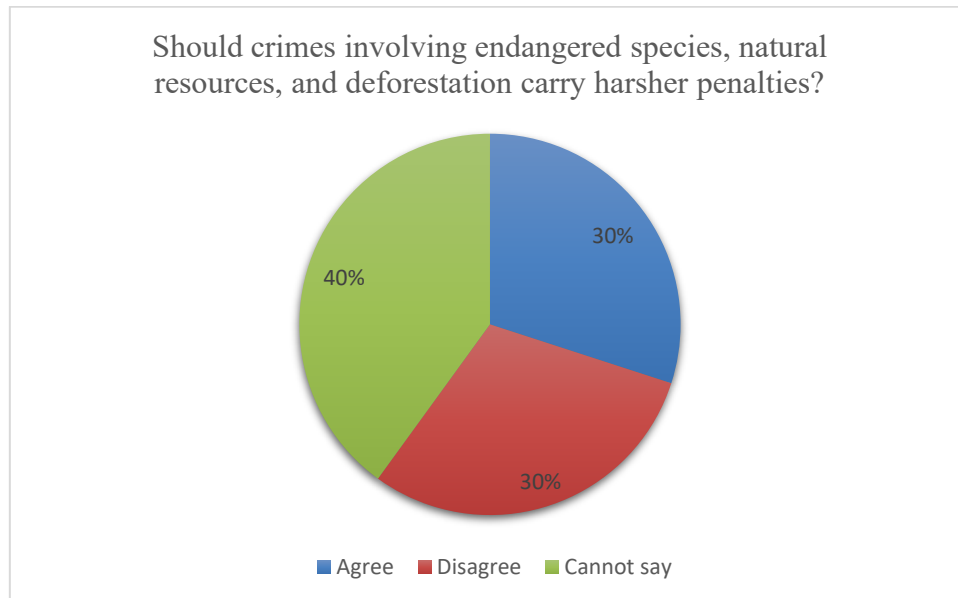


Figure 6.65 Should crimes involving endangered species, natural resources, and deforestation carry harsher penalties?

The pie chart shows that opinions are divided on harsher penalties for crimes involving endangered species and deforestation, with 30% agreeing, 30% disagreeing, and 40% uncertain.

31. What are the causes of destruction of flora and deforestation?

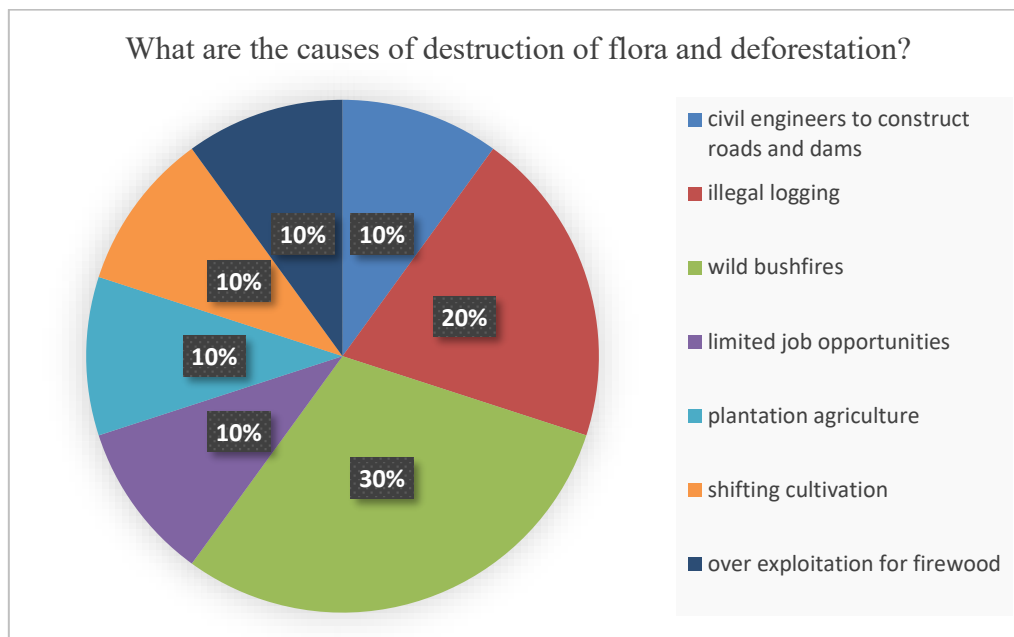


Figure 6.66 Causes of destruction of flora and deforestation

The pie chart shows a range of human and environmental factors behind the destruction of flora and deforestation. Wild bushfires are the single largest cause at 30%, reflecting both naturally occurring fires and those set deliberately for land clearing or agricultural expansion. Illegal logging follows at 20%, highlighting how timber extraction and commercial pressure contribute significantly to forest loss.

Meanwhile, the remaining factors—each at 10%—demonstrate that deforestation stems from multiple, interlinked issues. These include shifting cultivation (where land is cleared for temporary agriculture), plantation agriculture (often involving large-scale monocrops), and the overexploitation of forests for firewood. Limited job opportunities can push communities toward unsustainable land use, while construction projects (roads and dams) also play a role in habitat fragmentation and tree removal. Together, these diverse drivers underscore the problems of deforestation also emphasize the requirement for multifaceted solutions.

32. How does deforestation affect the environment?

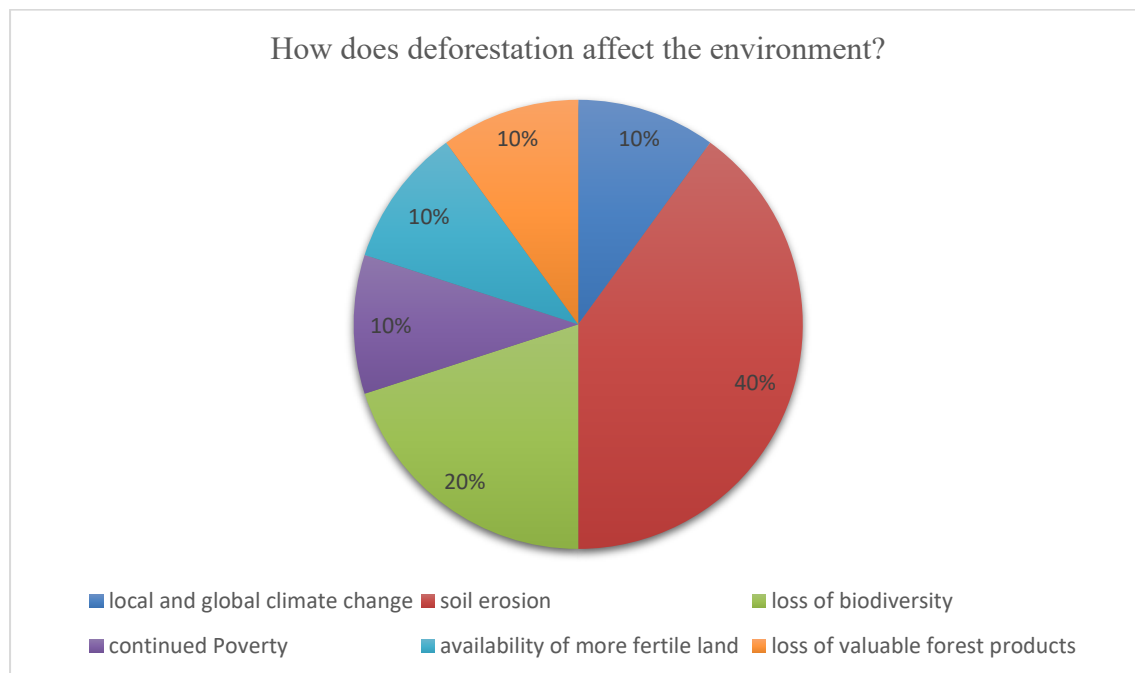


Figure 6.67 How does deforestation affect the environment

The pie chart illustrates the environmental impacts of deforestation. Soil erosion is the most significant consequence, accounting for 40%, as tree loss exposes soil to degradation. Loss of biodiversity follows at 20%, indicating that deforestation threatens plant and animal species. Other impacts include local and global climate change (10%), where reduced tree cover affects carbon levels and weather patterns. Continued poverty (10%) suggests that deforestation limits resources for communities relying on forests. Loss of valuable forest products (10%) highlights the depletion of timber, medicinal plants, and other resources. Surprisingly, availability of more fertile land (10%) is listed, suggesting that some view deforestation as beneficial for agriculture, though this is often temporary and unsustainable. Overall, the data emphasizes the severe negative consequences of deforestation, particularly soil degradation, biodiversity loss, and climate change.

33. Is it crucial to create protected areas for wildlife.

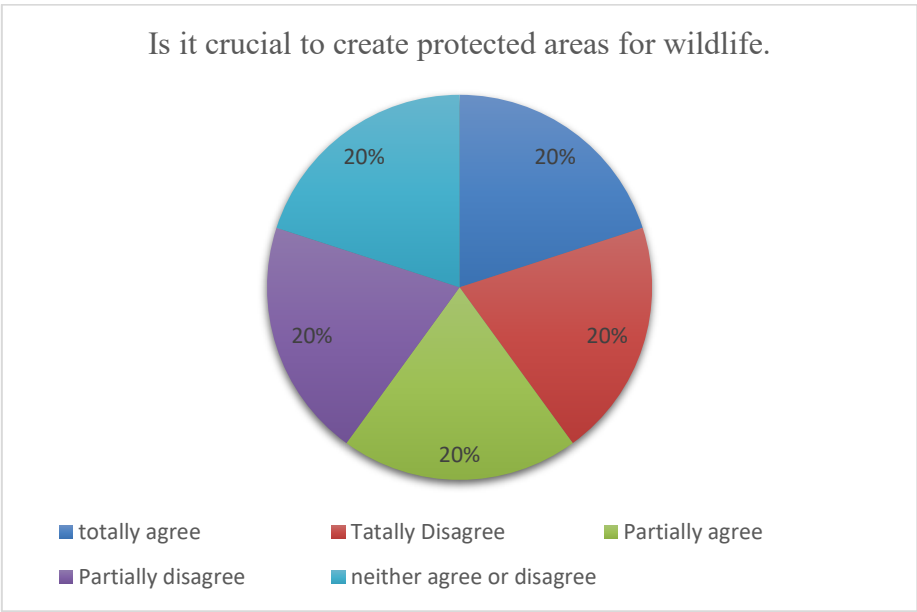


Figure 6.68 *Is it crucial to create protected areas for wildlife*

The pie chart shows a balanced distribution of opinions on the importance of creating protected areas for wildlife, with each response category, holding an equal 20% share. This suggests a divided perspective, with no clear consensus on the necessity of protected wildlife areas.

34. Is there any progress being made in the department efforts to restore the wild animals' habitat?

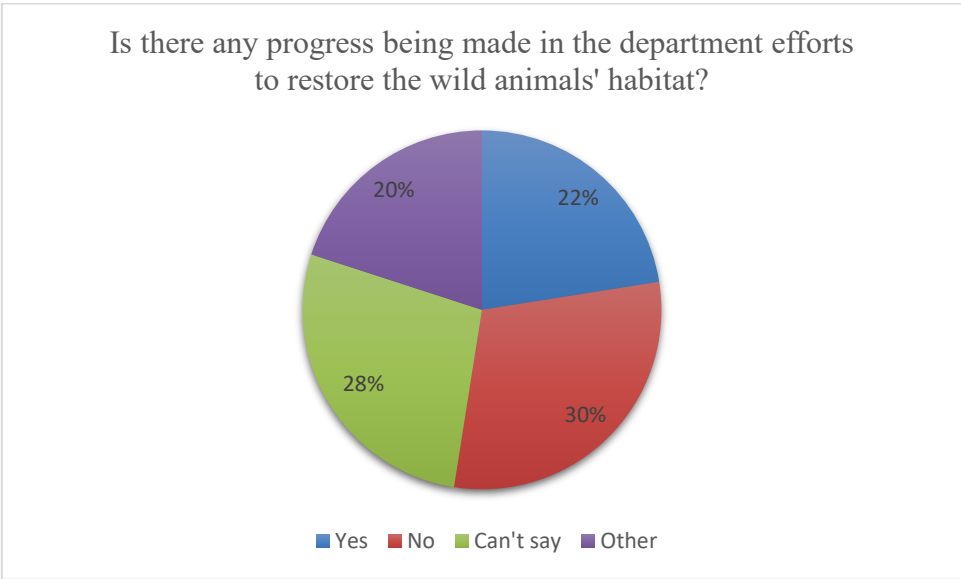


Figure 6.69 *Is there any progress being made in the department efforts to restore the wild animals' habitat?*

The pie chart presents opinions on the progress of restoring wild animals' habitats. The highest percentage (30%) of respondents believe no progress is being made, indicating concerns about conservation efforts. 28% of participants are uncertain (cannot say), suggesting a lack of clear information. 22% believe there is progress, while 20% selected "other," implying mixed or alternative views. The data suggests that while some acknowledge improvements, many remain sceptical or uninformed about habitat restoration efforts.

35. Are there any norms to be followed for transportation of any wild animal from one region to other.

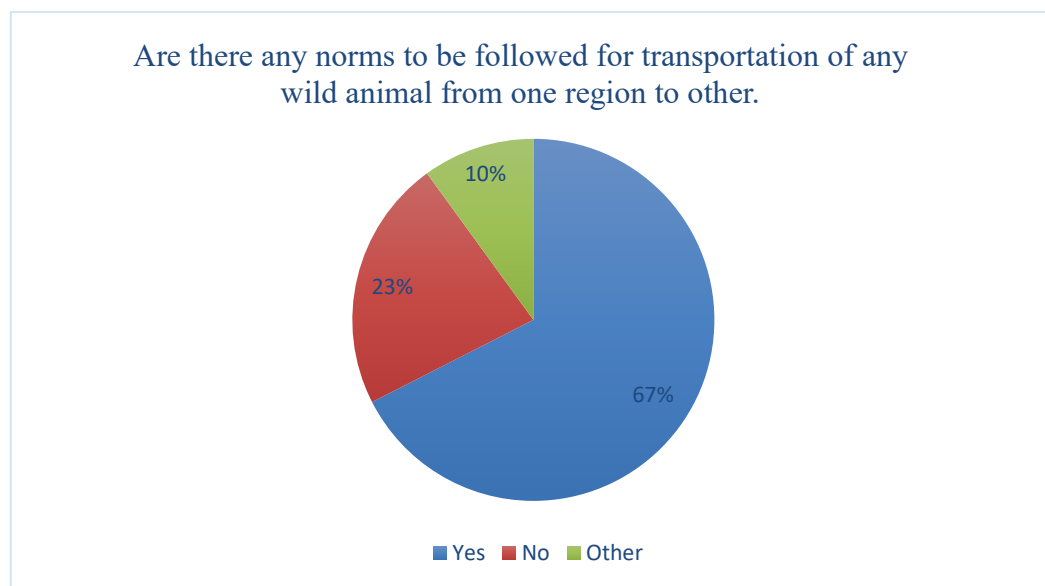


Figure 6.70 Are there any norms to be followed for transportation of any wild animal from one region to other.

Most respondents (66%) acknowledged the existence of norms for the transportation of wild animals between regions, while 22% believed no such regulations exist. Additionally, 10% selected "other," indicating uncertainty or alternative perspectives on the matter.

36. Do you think the arrival of 8 cheetahs will guarantee a suitable home in our complex ecosystem?

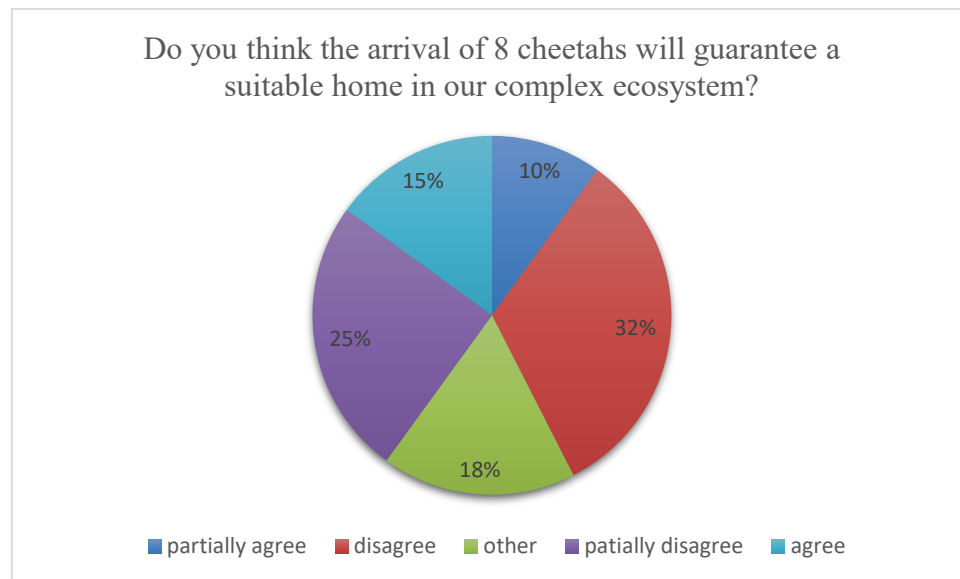


Figure 6.71 Do you think the arrival of 8 cheetahs will guarantee a suitable home in our complex ecosystem

The survey results indicate that 34% of respondents disagreed that the arrival of 8 cheetahs would guarantee a suitable home in the complex ecosystem, while 26% partially disagreed. In contrast, 16% agreed, and 11% partially agreed. Additionally, 18% selected "other." Overall, 60% expressed reservations, whereas 27% showed some level of agreement.

6.5 HYPOTHESIS TESTING

H₀1: There is no significant gap persisting between provisions of Wildlife (Protection) Act, 1972 and its actual enforcement, demonstrating a parity between policy and implementation.

Survey Findings: According to the responses of the legal fraternity and wildlife wing officials in Punjab and Himachal Pradesh, there is no significant gap between the provisions and its actual enforcement of the Wildlife (Protection) Act, 1972, demonstrating no substantial parity between legal policy and its implementation.

This hypothesis statement is supported by responses from respondents collected throughout Punjab and Himachal Pradesh. Among the legal fraternity, law practitioners in Punjab by 71% and in Himachal Pradesh by 59% expressed concerns over enforcement effectiveness. The law academicians acknowledged the parities by 79% in Punjab and 67% in Himachal Pradesh. Similar opinions were also portrayed by 63% of law students in Himachal Pradesh and 72% of those in Punjab.

Furthermore, the perception that the current legislative as well as administrative mechanisms are not adequately aligned affirmed by responses of Punjab wildlife wing officials by 74% and 61% by Himachal Pradesh wildlife wing officials highlighting the shortcomings in the legislation on- the-ground enforcement. Hence, Null Hypothesis Accepted.

H₂: There is a significant gap, as in contrast to Punjab, Himachal Pradesh operates with a more effective wildlife welfare law enforcement mechanism.

Survey Findings: When compared to Punjab, factors like high levels of participation from the community, enhanced forest governance, great eco-tourism initiatives and robust institutional frameworks all have a major impact on effective enforcement on rules and regulations related to wildlife in Himachal Pradesh, which provides better enforcement mechanism in state of Himachal Pradesh.

This statement is particularly agreed by 94% of respondents of school teachers, 91% of doctors, 89% of businessmen, 93% social activists and 90% of respondents from other public categories. The results show widespread support from many socioeconomic segments for Himachal Pradesh's significantly more robust enforcement and community-based strategy for enforcement of wildlife laws.

Notably, 92% of Himachal Pradesh's general public respondents agreed that ecotourism and public awareness initiatives have contributed to protect wildlife. Additionally, according to 86% of Himachal Pradesh's Wildlife Wing, strong institutional frameworks and community participation served as the foundation for effective implementation.

Compared to Punjab, the vast majority of public stakeholders believe that Himachal Pradesh's wildlife legislations are implemented more effectively. This perspective is particularly prevalent in areas like institutional frameworks, community involvement, public awareness, and ecotourism. Thus, Alternative Hypothesis is Accepted.

H3: There is a significant difference in the uniform implementation of wildlife legislation in Punjab and Himachal Pradesh having substantial impact by state and central wildlife authorities' coordination gaps.

Survey Findings: The uniform implementation of wildlife welfare standards in the states of Punjab and Himachal Pradesh is considered to be affected statistically by the lack of coordination between state and central wildlife authorities.

Perceiving variations between the 100 respondents from Punjab and Himachal Pradesh were clear for the legal fraternity. Nearly 35% of Punjab's legal practitioners stated concerns about the uneven collaboration with the state and central authorities. 40% of law practitioners, and most of them pointed to poor execution at the grassroots level. About 25% of law professors mentioned the absence of judicial accountability systems. But in Himachal Pradesh, the outlook was more positive. Many law practitioners, who made up 30% of the 100 respondents, recognized the Himachal Pradesh comparatively superior institutional infrastructure. 45% of law students expressed confidence in state-led awareness campaigns, whereas 25% of law professors highlighted the importance of structural reforms and effective community engagement in improving enforcement results.

Officials from the wildlife wing's responses confirmed the hypothesis substantially. Of the 100 officials in Punjab who responded, 62% said that the main barriers to efficient enforcement were poor state-central coordination and administrative delays. Concerns over inadequate field support and staffing were highlighted by the remaining 38%. In contrast, a significant 86% of the 100 officials polled in Himachal Pradesh attributed the effectiveness of enforcement initiatives to strong institutional structures and engaged community members. An improved integrated approach in Himachal was suggested by the fact that just 14% of respondents mentioned rare gaps in state-central cooperation.

These respondents-based, state-by-state variations support the alternative hypothesis that coordination gaps have a major impact on the effectiveness of wildlife law enforcement in the two states by confirming the existence of a considerable implementation disparity. Hence, Alternative Hypothesis Accepted.

CHAPTER VII

CONCLUSION, FINDINGS AND SUGGESTIONS

"The wildlife and its habitat cannot speak, so we must and we will." - Theodore Roosevelt

7.1 CONCLUSION

The Indian Government has implemented wide variety of conservation schemes and legislations designed to keep wild animals safe from extinction. After environmental and ecological challenges became widely recognized around the world, significant legislative measures were implemented to be founded & oversee areas that are declared protected by government. The adivasi and other forest dwellers in the community protested the strict regulations for protecting forests and animals since they were more preservationist in nature. Although the government has attempted numerous initiatives, India's conservation programme has failed to get significant support from the general public.

While there were significant conservation and ecological movements created by grassroots groups and academic organizations in the 1970s, India has not yet witnessed widespread public engagement in its conservation system. The government's conservation programmes fell short of their goal of raising awareness to public about the significance of protecting wildlife for ecological reasons, despite the fact that various programmes and initiatives were implemented by "*Ministry of Environment and Forests*".

Civilization's tragedy is indiscriminate slaughter of wildlife, which has degraded ecosystems and wiped-out wildlife populations. Man's unbridled greed for money has cast him in the role of plunderer of nature. Humanity has depleted every potential resource for further power on Earth, making it harder for future generations to achieve their goals. If we want to ensure the continued survival of life on Earth, we'll need to implement some recommendations for better environmental problem control and wildlife protection. We must drastically reduce land use if we are to save the planet's few remaining wild species.

All efforts made by humans to prevent the extinction of wild animals fall under the umbrella term "*wildlife conservation.*" It entails doing what's best for wild animals and plants by managing their habitats responsibly. Because to natural causes, many species have disappeared forever. Although mankind has benefited from progress, wildlife has been the primary victim of human development. Some of the primary reasons for the depletion of our once-abundant resources are the development of ever-more-powerful weaponry, the advent of industry and urbanization, and a population that is expanding at an exponential rate. We measure human advancement in terms of hunting, logging, draining swamps, and damming rivers for irrigation and industries. These activities have contributed to the precipitous decrease and eventual extinction of numerous local animal species.

Extinction is seen as a "*biological reality*" due to the fact that no species has ever lasted beyond a few generations without undergoing some sort of transformation or disappearing entirely. Success in evolution is defined by continued existence, while failure is expressed via extinction. When a species disappears for good, whether due to natural causes or human

interference, that's it. Individual wild animals are held to have the same right to survival as people have, which includes the freedom from human intervention.

The current mass extinction is distinct from others that have occurred in the past in crucial ways. To begin, human activity is to blame for the ongoing extinction crises. Second, it is happening now, not in a few million years' time. Third, because plant and animal populations are declining simultaneously, many species of animals that would not ordinarily become extinct at this time are in danger of doing so.

Poaching for products such as skin, meat, ivory, horns, rhino, musk, etc. has drastically resulted in reduction of wildlife populations and in some cases wiped out entire species. Deforestation, agricultural expansion, unchecked grazing, and the rise of urbanization are all factors contributing to environmental changes, thus extinction of flora and animals in recent times.

There are a number of reasons why we must conserve animals and why we must find solutions to safeguard them. The wildlife population performs an important economic function since it produces both food, fur. Food, lumber, paper, gums, resin, pharmaceuticals, fibres, oils, sugar, rubber, and more are all produced by plants. Fur, wool, silk, leather, musk, ivory, etc. all come from animals.

It is often possible to aid wildlife through making an ecosystem that is beneficial for its survival, with regards to accessibility of nourishment, hydration, and housing. Habitat management is a term for this approach. Preserving soil, planting trees, and controlling wildlife populations are all part of this.

Activities carried out by humans, such as cutting down trees for farming or adding to the pollution of our air, water, land, and wildlife, have put many species in danger of extinction. If a species' population is too large for its environment, it bears a danger for existence of other creatures as well as its own due to its excessive consumption of food resources. Controlled hunting or the reintroduction of natural predators in areas where they have declined are two options for reducing these populations. There are instances when even a species' native environment becomes hostile. Breeding them in captivity and releasing them into a protected location with ideal conditions for life is one way to ensure the survival of endangered animals.

Although India has a large population and a long history of civilization, its wildlife is in relatively good shape because protecting it is deeply ingrained in Indian culture. The Indian culture has a long and storied past that begins with the Vedas and continues to the present day. Edicts engraved into rocks and iron pillars all over India serve as a reminder that "*Emperor Ashoka*" proclaimed it a king's responsibility for protecting wildlife together with forests. Ashoka was the first (and possibly only) monarch to ban hunting many animals for food and sport.

The Indus Valley culture may possibly have been the origin of the Indian custom of treating nature with awe and respect. Seals from the Indus Valley depicting animals like rhinos, elephants, bulls, etc., evince a deep human interest in the natural world at the time. Indian miniature paintings are the most comprehensive source of animal art. Ancient texts like the 'Panchtantra' and the 'Hitopdesha' use animal fables to teach lessons about life and spread moral

instruction. Shri Krishna, the Hindu god, is often shown in tiny paintings that highlight and appreciate the importance of ecological balance.

Modern examples of Indian tradition include the memoirs of the “*Mughal emperor Babur (Babur Nama)*”, *Guru Nanak's hymns or 'Baramaha' (the season)*”, which depict every 30 days with strong birds picture, “*Emperor Jehangir's*” *personal records*, which demonstrate his enthusiasm for, and expertise in, the natural world. In Hinduism, rivers are revered because they are seen as a manifestation of the goddess Durga. The harvest is marked with the celebration of Nagapanchami, a festival dedicated to the worship of snakes. Forests set aside for religious purposes. The “Bhisnois” have gained notoriety for giving their lives to safeguard wildlife and forests. This long-held belief in natural preservation remains strong in modern times as well.

During the British India, lots of animals were killed. Each wild animal specimen was worth Rs. 25/- to the Collector in Madras Presidency. Deforestation for building of roads, railroads, human settlements, dams and other similar motive, as well as wanton slaughter of India's wild species, by British together with some Indian rulers in the 18th and 19th centuries, was a cause for grave concern.

The era of the British Raj saw a rise in popularity of hunting as a recreational activity. Historical records show that during this time period much of India's native fauna perished.

Many of these customs were lost throughout the recent upheavals in India's history. The 1854 publication of British Officer Major general Hutson's description of the birds of Delhi inspired people to value formal wealth in urban places.

In 1976, with the passage of the 42nd Amendment, wildlife together with forest areas made the transition from “*State List to the Concurrent List*”. “*The Directive Principles of State Policy*” were updated by adding Article 48A. Every citizen has a comparable obligation, stated under “*Article 51-A(g)*” within the current Chapter headed “*fundamental duties.*” India is first nation whose constitution explicitly mandates the conservation along with enhancement of wildlife.

The safety of migratory birds and other wild creatures is likewise a matter of worldwide concern. “*The International Convention for the Protection of Birds (1950)*”, *the Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)*, and *the Convention on the Conservation of Migratory Species of Wild Animals (1979)*” are just a few of the variety Conventions signed by different nations for wildlife's protection.

To summarize long history of wildlife, we know that Ashoka, king of Magadha, made a decree in 3rd century B.C. concerning preservation of wildlife and environment. “*Wild Birds and Game Protection Act of 1887*” was the primary law of its kind, marking a new era in the protection of our nation's wildlife. In the early days of wildlife conservation, laws were enacted only for certain regions and species. Similar to the Act for the “*Protection of Madras Elephants (1873)*”. “*The Elephant Preservation Act of 1879*” was the first major initiative taken by the federal government. In 1912, Congress passed an expanded version of the “*Wild Birds and Game Protection Act of 1887*”.

In 1972, Parliament passed wildlife legislation, the primary comprehensive piece of statute aimed at protecting animals. The Cinematograph Act of 1952, "*Prevention of Cruelty to Animals Act of 1996*", Indian Penal Code of 1860 (Sections 47, 289, 428, and 429) are just a few examples.

The judiciary is responsible for protecting the rights of people, and in case if any citizen's right that is guaranteed by the Indian Constitution is violated, the court may exercise its authority to award damages or compensation to the victim. The role of the legal system is substantial when it comes to handling cases involving animals.

Despite of this, a fact of matter is that percentage of those found guilty in wildlife crimes is extremely low. More than 80 thousand wildlife-related cases are currently pending in one of Delhi's designated courts. All of this transpired as a consequence of ineffective law enforcement by government agencies, a lack of education regarding wildlife concerns among magistrates in trial courts and the lack of proactive enforcement strategies employed by forest department workers in the courts.

To tackle organized wildlife crime, the Indian Government formed the "*Wildlife Crime Control Bureau*" as a statutory entity that reports with "*Ministry of Environment, Forest, and Climate Change*". As for the terms of "*Wild Life Amendment Act, 2006*" came into effect in June 2007. 2008 was the year it became operational.

As a result, the conclusion that can be drawn is that the judicial system ought to take an active role in carrying out the preservation as well as conservation species. In spite of the offenders' formidable origins, they need to be punished as quickly as possible before it is too late.

There are some queries that need to have their answers provided.

Like, is it possible to stop the poaching?

Is there a way to stop people like Salman Khan and Pataudi from contributing to the black buck's rapidly diminishing population of prey?

Could our nation's forests and parks be better managed in any way? There is always a public uproar whenever species are in danger, leading to the formation of expert committees to probe matter; nevertheless, some-time later, the situation gets returned to its actual state.

As far as the frontline forest crew is concerned, dealing with armed poachers is not part of their job description. The current movement to return forest lands to their original tribal owners is yet another significant challenge for all of the National Parks. It is a nice sentiment to declare that people should be allowed to protect their own trees. It is possible that it is happening in a few isolated places, in Maharashtra; but we will not be able to conserve tigers while there are tribal people living in similar area. Both the predator and prey populations would be somewhat overlapping. The fact that forest dwellers rely on hunting and other forest products to sustain their livelihoods is common knowledge, but wealthy people like Salman Khan and Pataudi, as well as forest contractors, hunt and destroy wildlife for the sheer enjoyment of it and out of avarice to make a few extra money. They are unquestionably worse criminals than the impoverished people who kill out of need.

It would appear that “*Salman Khan*” and the late “*Nawab of Pataudi, Mansoor Ali Khan*”, are simply minor actors in the horrible poaching act which has been going on. However, there are some perpetrators who are even more egregious than them. Skeletons, or more accurately, animal corpses and skins in this case, are emerging from a great deal of cabinets now that the authorities have begun wielding cudgels. The most satisfying result has been the capture of the notorious poacher Sansar Chand, also known as the “Veerappan of the North” as a result of the verdict handed down by the court in Rajasthan. For the past 35 years, he has been dealing in the purchase and sale of products derived from wildlife. As a result of his actions, the Sariska Forest Reserve in Rajasthan came dangerously close to losing its tigers.

Under WPA, 1972, he made history as one of the first wildlife trader to face criminal charges for five-year prison term. He was arrested before as well. The High Court of Rajasthan granted him parole in May 2004, but he somehow managed to escape. It's interesting to note that his whole family is said to be involved in the business. In October of last year, the suspects were the husband-and-wife team of Rani and Akash. Now, only lately, the judge released him on bond. Because he had connections with prominent bureaucrats and politicians, he was able to evade the law for such a considerable amount of time and play hide and seek with it. It will be important to discover the identities of all of these unseen backers. Also, the Sansar Chand is not the only organization that exterminates animals on the time close to becoming extinct. Numerous individuals can be described in his manner.

The government has not yet been able to establish an agency that is capable of controlling this trade, despite the fact that there have been discussions regarding the establishment of “*National Wildlife Preservation and Control Bureau*”, along lines of CBI, for obtaining intelligence as well put an end to poaching as well as the illicit trading of wildlife in the country. Even while existing law enforcement agencies are not adequately addressing the problem, it is quite clear that the district level courts, which are the venues in which such cases are heard, do not take wildlife offences quite seriously. Prior to iconic “*Salman Khan's black buck case*”, which took place in year 1998, crimes perpetrated against wildlife received scant coverage in the media. However, despite ongoing efforts, the district level judiciary remains inadequately sensitized. Precedents involving animals along with their poaching are handled in the same manner as those involving any other type of illegal activity, such as pickpocketing or minor theft.

Punjab is home to 13 Wildlife Sanctuaries and significant wetlands such as Harike, Ropar, and Keshopur-Miani, which are safeguarded by the Wildlife Protection Act of 1972 and the Wetlands (Conservation and Management) Rules established in 2017. The legal frameworks are designed to protect biodiversity, manage human activities, and maintain essential habitats for migratory birds and endangered native species.

Himachal Pradesh has established a system of nature preserves, which consists of 2 Parks and 33 Sanctuaries, with a goal for preservation of complete spectrum of bio-diversity that occurs naturally within the state. The wildlife legislation of 1972, as well as later revisions of the Act, have been accepted by Himachal Pradesh state as a fundamental piece of law that would be used to manage and direct issues pertaining to wildlife in HP. The residents of Himachal Pradesh are eligible for thirty distinct forms of compensation on the off chance that a human or domesticated species. This list can be seen here. The preservation of the region's native

animals is the focus of great deal of activity in HP. The Government of Himachal Pradesh state has reached the decision that the only animals and birds that should be kept in the Nature Parks are those that are native to the area.

The State Government has come to ending up that it shall establish a system of Nature Parks around the state, in which wild animals will be housed in expansive open enclosures as closely as possible to their natural habitats. In addition, there is work being done in the state to manage the wildlife. The term "wildlife preservation" has replaced "wildlife management" and "nature conservation" as the official name for this endeavour since the year 2001-2002. There are programmes run by the state together with the central government. Several of endangered species are currently being maintained in a variety of breeding centres, where they have been successfully reproduced. In this state, there are breeding projects for animals that were raised in captivity.

The Indian Board for Wildlife has implemented a wildlife conservation strategy that encompasses the following measures:

1. At the national level, wildlife and forests must be labelled a priority sector for which money should be set aside.
2. An expeditious and deterrent punishment must be meted out to individuals involved in poaching, the illegal trading of wild life along with its goods, demolition of its habitat, also other criminal acts, according to law enforcement officials.
3. While making sure it has no negative effects on animals and protected places, we should fully utilise the potential of wildlife tourism. Increased tourism should generate more money, which should only be added to the resources already available for conservation.
4. The interests of the impoverished and tribal people who live close to protected areas shall be protected carefully, and the public affected should be involved as much as possible. In the forests in the near areas of national parks along with sanctuaries, minor forest products shall be available. Maintenance of symbiosis between the woods, wildlife, and people depends on providing employment and income for these people. People ought to be inspired to start conservation and afforestation projects in new locations.
5. We should respond to newer risks like harmful chemicals and pesticides while simultaneously bolstering preventive measures against more established ones, such as traditional hazards to animals.
6. The numerous nonprofit organizations devoted to wildlife protection should receive more recognition and assistance from not only the people but also the government. To better emphasize their efforts and the achievements of successful governmental projects.
7. Creatively made TV shows about wildlife and the environment are enjoyed by people of all ages, as shown by the popularity of stations such as "*Discovery, National Geographic, and Animal Planet*". This has been suggested that "*Prasar Bharati*", our private channels, and organizations for instance, "*WWF for Nature*" shall work together to put more originality Indian material in multiple languages on our TV.

8. None of the non-forest uses should be allowed on forest land that is important for wildlife and has a fragile ecosystem.
9. The land that is located within ten kilometers of national parks along with wildlife sanctuaries shall be designated as "eco-fragile zones" in line with the requirements of the Environmental legislation, "section 3(v)", and rules pertaining to the same, specifically rules 5(viii) and (x).
10. Getting rid of developments that spread across and illegal actions in protected areas and forest lands.
11. No commercial monocultures should be used to replace woods.
12. There shall be no exclusion or reduction of areas that are essential and important to habitat of wildlife as a result of resolution of disputes involving national parks along with wildlife sanctuaries.
13. More than 2,000 open positions in Protected Areas' frontline workers must be filled as soon as possible, and they must be equipped with the bare necessities for effective service delivery. The prohibition on filling unfilled positions with new hires should be repealed in accordance with the Police Department. There is a need to look at creative solutions, such as reassigning surplus personnel to other divisions, employing locals on a voluntary or honorarium basis, and soliciting financial support from corporations and the general public in exchange for a larger hand in the execution of programmes.
14. Forest officers with expertise in wildlife management should oversee every protected area.
15. Reduce the incidence and intensity of human-animal conflicts by ensuring states have systems for crop insurance and fast ex gratia payments.
16. It is recommended that a Forest Commission be established to study the possibility of reorganising, reforming, and improving the whole forest infrastructure also associated areas.
17. Wildlife Action Plan will be overseen by a working committee.
18. The most essential resolution we can make is to finally start taking wildlife preservation seriously again after years of neglect. Board meetings should be held more frequently, for starters. The duty of protecting wildlife should not be taken lightly or become routine.

The National Board of Wildlife has demonstrated exemplary efforts in field of wildlife preservation. The increase in populations of animals across the nation is a direct result of the phenomena, exemplified by the notable increase in the Rhino and Cheetah populations. Moreover, the proactive measures implemented by the board, such as conducting impact assessments and dismantling illegal poaching operations, have resulted in the preservation of the diverse wildlife and a significant stride towards achieving genuine equity.

7.2 FINDINGS OF THE STUDY

The principal findings from the doctrinal and empirical study done for this study are set forth in this chapter. In addition to a comparative legal analysis with other countries, including Africa, Australia, UK and USA, the study concentrated on the enforcement of wildlife protection regulations in India, particularly in Punjab and Himachal Pradesh.

A. Doctrinal Study

1. The Judiciary's and NGOs' Inadequately Utilized Roles

Even though courts have rendered progressive rulings (such as Animal Welfare Board of India v. A. Nagaraja), there is still a lack of practical application.

In Punjab, there are less NGOs than in Himachal Pradesh (such as HP Wildlife Watchers). Their effectiveness is diminished when the government does not cooperate.

2. More Effective Enforcement Models Are Provided by Comparative Jurisdictions

The United States of America has specialized organizations with autonomous funding and skilled staff, such as the U.S. Fish and Wildlife Service.

The UK uses NGOs for active monitoring and incorporates wildlife crime teams into police forces.

Australia makes good use of federal-state cooperation, particularly when it comes to protecting endangered species.

Despite its biodiversity, poaching and corruption in enforcement affect Africa, yet community-based conservation strategies hold promise.

Cheetah reintroduction is a turning point in the Indian Wildlife History to preserve the unique creature back in India after 70 years since its extinction.

3. Divergent opinions on the Fundamental Rights of Article 21 of the Indian Constitution

The exploitation of wildlife in the entertainment sector is widely viewed as a violation of animals' right to a dignified existence, particularly in light of courts' broader reading of Article 21.

4. Ambiguity and Gaps in the Regulations

Regarding the usage of wild creatures in circuses, safaris, and private performances, there is a lack of clarity and enforcement notwithstanding the Wildlife (Protection) Act of 1972. Many operations are still carried out with gaps or inadequate supervision.

Ban on Wild Animals in Circuses: The MoEFCC and the Central Zoo Authority have outlawed the use of animals including lions, tigers, bears, and monkeys in circuses, but enforcement remains weak and divided between states.

5. Lacking Accountability and Transparency

Lack of data concerning wildlife involved in unlawful activities like trafficking & capturing, wildlife involved in research labs and inadequate oversight of accredited

organizations may culminate in abuse, unreported experiments, and noncompliance with regulations.

6. Inadequate Public Awareness and Involvement

The level of public participation and awareness in wildlife protection is still very low. The majority of individuals don't know enough about ethical issues, wildlife regulations, or how to report crimes like exploitation or illicit trafficking.

B. Empirical Study

7. Insufficient Enforcement Despite a Strong Legal System

Although the Wildlife (Protection) Act of 1972 in India offers a robust legislative framework, its application is still lacking, particularly in Punjab.

Because of its topography and emphasis on ecotourism, Himachal Pradesh has comparatively better enforcement; yet, problems still exist in isolated forest areas.

Political interference, inadequate budget, and a shortage of personnel were identified by forest officials in both states as the main obstacles.

8. Inadequate State Wildlife Board Operations

As required by Section 6 of the WPA, 1972, State Boards for Wildlife frequently do not convene on a regular basis in both Punjab and Himachal Pradesh.

Experts and civil society are rarely or never involved in state-level enforcement processes.

9. Wetland Protection Is Disorganized

The Wetlands (Conservation and Management) Rules, 2017 provide protection for wetlands that have been recognized as Ramsar sites, such as Harike (Punjab) and Pong Dam (Himachal Pradesh).

However, enforcement delays result from state forest departments' and central agencies' overlapping jurisdiction.

10. Gaps in Wildlife Crime Prosecution

Conviction rates for wildlife crimes are still low, and FIRs are frequently delayed.

According to field surveys, local communities in Punjab are not very aware of wildlife crimes, and they are rarely reported.

Because of a shortage of forensic and technological expertise, Himachal Pradesh demonstrated greater awareness but less successful convictions.

11. Improper Reporting and Data Maintenance

Real-time databases on habitat degradation, wildlife mortality, and poaching are absent from both states.

The majority of reports are manual, there are inadequate digital technologies, out-of-date, or not shared among agencies, according to officials.

C. Hypothesis Testing

The study examined a number of presumptions about the application and enforcement of laws protecting wildlife. Two alternative hypothesis and one null hypothesis were explored based on the responses of the respondents from the Indian State of Punjab and Himachal Pradesh; the respondents included the general public, legal fraternity and wildlife wing officials.

H₀1: There is no significant gap between provisions of Wildlife (Protection) Act, 1972 and its actual enforcement, demonstrating a parity between policy and implementation.

H₂: There is a significant gap, as in contrast to Punjab, Himachal Pradesh operates with a more effective wildlife welfare law enforcement mechanism.

H₃: There is a significant difference in the uniform implementation of wildlife legislation in Punjab and Himachal Pradesh has no impact by state-central coordination gaps.

While the null hypothesis was rejected because of observed inconsistencies and difficulties pointing to regulatory deficiencies, limited public participation, and enforcement limitations, identified by the respondents from both states, the results supported the alternative hypotheses.

The data gathered from the general public, wildlife wing officials, and members of the legal fraternity, on the other hand, supported the alternative hypothesis by pointing out a number of administrative and structural flaws.

Based on the alternative hypothesis, the efficacy of wildlife law enforcement is significantly and quantifiably impacted by such systemic flaws. The framework of respondents' opinions in both states confirms the necessity of thorough legal reforms, better interagency cooperation, and increased community involvement in order to close the gap between the creation of policies and their implementation in practice.

Therefore, in light of the aforementioned findings, the following recommendations should be considered in order to preserve the wildlife with legislative measures along with social/misc. measures and on the basis of empirical study:

7.3 SUGGESTIONS

A. Legislative Recommendations (Legal/Policy Amendments)

1. Section 9 of the WPA prohibits hunting as listed under I to IV schedules of the act. Terms like self defense and crop protection shall be more precisely defined so that loopholes are covered. Apart from this, there is substantial requirement of mandatory verification by the experts of wildlife wing before the grant of permissions for hunting.
2. There should be regulations placed on hunting. Only those who have been properly licensed should be allowed to hunt animals. During the mating season, there should be a moratorium on hunting.

3. Section 11 of WPA, deals with provisions related to hunting of wild species under certain conditions where Chief Wildlife Warden has discretionary powers to grant permits. It is suggested that, a public grievance redressal system for communities impacted by problematic animals should be included.
A multi-stakeholder group comprising forest officers, veterinarians, and wildlife NGOs should be mandated to approve such choices.
4. Section 27- 29 deals with provisions restricting the entries as well as activities within the area of sanctuaries. Local communities often face restrictions within the areas of sanctuaries which affect their livelihoods.
It is recommended that there is a requirement for modification to permit controlled community participation in conservation initiatives.
There shall be encouragement in relation to sustainable livelihoods such as growing medicinal plants and ecotourism.
5. Section 39 of WPA dealing with ownerships of wild animals by the government. There is ambiguity over the ownership during rescue or conflict situations.
There should be clarification provided on custody and accountability for rescued or rehabilitated wildlife in Section 39. In addition, there shall be collaborations made with NGOs for the same.
6. Powers of entry, search and seizure as laid down under section 50 of WPA, specifies the powers that are primarily vested in wildlife officials to enter, search and arrest individuals violating law.
These provisions shall also include judicial oversight procedures to stop misuse.
While conducting wildlife raids and seizures, use of body cams or digital evidence procedures shall be introduced.
7. Penalties for offenses committed against the WPA are outlined under section 51 of the act. Penalties are not stringent enough to deter organized wildlife related offences.
There is a dire need to significantly raise penalties and jail sentences, particularly for offenses involving Schedule I species.
Additionally, for repeat offenders, there shall be provisions which shall include non-bailable offence clauses and minimum punishment criteria.
8. The Schedules under the act, providing for the many different varieties of wildlife species of animals, plants and related items. Under all the six schedules, newly endangered species are frequently missing, and many species have old classifications.
Hence, an establishment of a biannual expert group to update and amend lists of species is required.
The fresh schedules listings shall incorporate insects, marine life, and lesser-known plants that are now endangered.
9. The trading internationally of wild species along with plants, as well as the goods derived from them, ought to be subject to legal oversight. It is imperative that any and all unlawful trafficking of wildlife species, products, and production to be brought on par with illegal

trafficking of drugs, and that the punishments for such illegal trafficking be just as deterrent as they are for drug trafficking.

10. It is imperative that laws be enacted to safeguard the existence of extinct animals, and those hunters who engage in activities that are both unethical and unlawful should face serious repercussions for their actions. In spite of the fact that Indian wildlife laws are extremely effective, they have not been effectively implemented due to a lack of legal empowerment for field employees and sensitivity training for the local judges.
11. Those who are apprehended for crimes against animals should be tried and condemned as quickly as possible. Crimes against wildlife require their own specialized tribunals. It takes the court an excessive amount of time to issue decisions on matters that have been brought before it, and perpetrators are frequently exonerated on the basis of technicalities. More crucially, wildlife dealers are granted bail within one or two days following the seizures, allowing it to continue trading up to the time of their final hearing, which typically takes place after a decade or so.
12. People ought to be taught about the necessity of wildlife conservation as well as the processes involved in doing so. Children need to be encouraged to have compassion for all living things. Legal literacy camps that inform people about wildlife legislation of 1972 may help, to certain extent, to reduce the amount of this horrific crime that is committed in our country. Villagers who live in close proximity to woods need to be educated about the need of preserving natural resources, other aspects of natural world, hence it is significant to organise audiovisual instruction for them.

B. Empirical Research- Based Recommendations

13. Ban on carrying plastic bottles or food packages should be strictly imposed in the areas of the wildlife sanctuaries, national parks, zoos, wetlands etc which are accessible for the visitors.
14. In order to aware public and a step to preserve wildlife do's and don'ts display boards mentioning rules and regulations must be placed well in the areas of sanctuaries, wetlands, zoos etc.
15. It is paramount to recruit more staff and experts to manage the wildlife wings due to the climate and development pressures, monitoring of protected areas and rising crimes.
16. Considering the authorities and experts hired in the wildlife wing of the states of Punjab and Himachal Pradesh have poor literacy rates, there was a significant communication gap that led to ambiguous responses. Therefore, it is suggested that the literacy level must be taken into account prior to hiring experts and officials for the wildlife wing.
17. There should be proper examining in the trends in hunting permits under Section 11 of the Wildlife (Protection) Act, 1972 to identify instances of abuse or overuse. Monitoring the effects of compensation plans in areas where people and wildlife clash to ensure prompt and equitable distribution shall be done.

18. Any mistreatment of wild animals that takes place in parks, zoos, wildlife sanctuaries, or any type of breeding facility should be reported to the authorities in charge of protecting wildlife and they should be held accountable.
19. Anyone who violates the laws and regulations of a sanctuary, zoo, or wetland region must face severe consequences or trials.
20. A Wildlife Crime Unit ought to be set up, which would be made up of young people who would volunteer their time to investigate crimes, administer databases, and keep track of leads in a manner similar to that of the narcotics bureau.
21. The essential prerequisite for efficient law enforcement is training for both forest rangers and officers of law enforcement in investigation of wildlife crimes. There are lots of policemen out there who doesn't even know the basics of vital things like how to preserve a crime scene, how to conduct forensic examinations, how to spot fakes, etc. Within the CBI, where officers have been given training, there have been some efforts made in this regard.
22. In addition, there has to be a few incentive programmes developed in order to recognize the great work done by cops and informers. The person who assists in the capture of the poachers shall be eligible for enticing financial rewards from the government.

C. Social and Miscellaneous Recommendations

23. The wild animals and plants should be conserved not only in their native habitats but also in the constructed ecosystems that are under human management, for instance zoological parks together with botanical gardens.
24. Within the framework of the conservation programmes, priority ought to go toward preserving wildlife animals that are on verge of extinction. Among them, priority shall be provided to endangered species before the vulnerable species, and then vulnerable creatures before the uncommon species.
25. It is important that the systems that support life, such as land, air and water, be properly maintained and preserved. Water holes and stream banks need careful management and protection for the benefit of many plant and animal species. In areas of the sanctuaries that do not have access to naturally salted soil, man-made salt licks will be placed around the grounds.
26. It is important to prohibit grazing by cattle since these animals are the vectors for the spread of diseases. All different kinds of valuable plants, animals, additionally, to their species that live in the wild, should be kept in protected areas. It is significant that the natural environments to preserve in protected areas the natural heritage of domesticated plant and animal species.
27. It is more significant to protect the ecosystem as a whole than any one particular species. It is important that the species also the habitat not have their potential fully utilised.

28. It is important to protect the habitats of migratory species, especially those that travel from other nations, and this can be done by establishing areas that are protected. Establishing parks, wildlife sanctuaries are necessary for preservation of species and promotion of their offspring.
29. It is important that those who live in jungle areas take part in efforts to preserve wild life so that they can one day become our defenders. Almost every protected area in India has evidence of human-animal conflict.
30. There ought to be rules and regulations governing tourism. One of the most essential things that national parks and sanctuaries do these days is attract visitors through tourism. But in recent years, a significant number of the nation's national parks have been experiencing an increase in the number of visitors from a variety of tourist demographics, an amount that is manifestly in excess of what they are able to accommodate. The fragile ecological system of wildlife preserves has been suffering significant damage due to consequences of the ever-increasing number of people who visit protected areas. It is recommended that steps be done to attract only a particular type of tourist who is a true admirer of nature and wildlife and who would benefit from visiting the area.
31. It is important to support both research and those who conduct it. Studying the myriad of facets and regulations that are connected to the conservation of wildlife should engage an increasing number of people.
32. It is imperative that measures be made in order to preserve the biota in their entirety. Any and all forms of environmental deterioration must to be eliminated, decreased, mitigated, or avoided whenever possible.
33. The government of the state ought to exercise more responsibility and should take the initiative to safeguard the state's native flora and fauna.
34. There should be enhanced knowledge of wildlife regulations through civil society involvement, local government agencies, and educational institutions.

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- International Union for Conservation of Nature (IUCN)
- International Plant Protection Convention
- IUCN Guidelines On state Gifts of Animals
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- Global Tiger Forum (GTF)
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- The Wildlife Trade Monitoring Network (TRAFFIC)
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APPENDICES

SEGMENT I

QUESTIONNAIRE USED FOR GENERAL PUBLIC IN STATE OF PUNJAB AND HIMACHAL PRADESH

1. Awareness about wildlife sanctuaries.
2. Have you ever visited any wildlife sanctuary?
3. Do you believe that tourists or people exploring the wildlife area cause disturbance/damage to wild creatures?
4. According to you, should there be a ban on using plastic inside the wildlife area (using and throwing of single-use plastic bottles, wrappers etc.).
5. Do you wish to see some part of the sanctuaries to be converted into tourist attraction spot in your state?
6. Should visitors to the sanctuary area be properly screened to ensure that no weapons are transported within the sanctuary area, in your opinion?
7. Do you think that changing scenario of environment especially climate change is somehow impacting wildlife?
8. Do you think that setting up of factories (industries) nearby wildlife area impacts wild life?
9. Is it right to say that the wildlife has been harmed by the way factories dispose off their waste?
10. Do you believe that inhuman activities in the wildlife area adversely effect natural resources?
11. According to you, what could be the possible reasons that has led to the involvement of public in wildlife offences?
12. How does deforestation impact wildlife habitat?
13. What triggers the extinction of fauna and the destruction of flora?
14. Should crimes involving endangered species, natural resources, and deforestation carry harsher penalties?
15. Do you think the arrival of 8 cheetahs in our country will guarantee a suitable home in our complex ecosystem?

SEGMENT II

QUESTIONNAIRE USED FOR LEGAL FRATERNITY IN STATE OF PUNJAB AND HIMACHAL PRADESH

1. Do you foresee any flaws in the current Wildlife Protection Act of 1972?
2. In light of the evolution in the pattern of wildlife crimes today, do you suggest making changes to the Wildlife Protection Act?
3. Are you satisfied with the effectiveness of the current conservation measures in catching wildlife offenders?
4. Do you agree that wildlife crimes should be brought under the main stream of crimes like criminal offences under the Indian Penal Code?

5. Should national along with international levels of wildlife crimes receive same exemplary punishments?
6. Should there be more severe punishment for crimes relating to endangered species apart from scheduled species, e.g., NTCA (National Tiger Conservation Authority)?
7. Do you see future for wildlife with the present legal frame work?
8. Is the lengthy prosecution process and ineffective legal deterrent measures with poor conviction rates, the cause of wildlife crimes?
9. Is there a vital role and scope for forensic science implication with respect to wildlife crimes, i.e., does forensic science play a crucial role in curbing wildlife crimes?
10. Is the present wildlife crime investigation process equipped with the standard forensic facilities?
11. Is there a necessity for specialized basic training of the forest officers in charge of crime scene investigation?
12. Should laws on wildlife forensics be strengthened with appropriate policies that enhance compliance and enforcement of wildlife laws?
13. Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same rights to life as humans?
14. Do you think that, in accordance with Article 21 of the Indian Constitution, animals should have the same euthanasia rights as humans?
15. Are you convinced with the role of WCCB, “*(The Wildlife Crime Control Bureau was created to complement the existing state machinery to deal with the wildlife crime having ramifications beyond state and national borders. It is not intended to perform the normal and routine functions falling within the domain of the States / Union Territories, as crime including the implementation of the Wild Life (Protection) Act, 1972, is mandate of the State Governments.)*”?
16. Should legal aid training be parted to forest department and judiciary respectively with the concerned aspects?
17. Should India abide with the CITES “*(the Convention on International Trade in Endangered Species of Wild Fauna and Flora is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival)*.” Regulations and terms, so as to collaborate with local and international partners including INTERPOL?

18. Is the support and co-operation from the Indian judiciary satisfactory, including Green Bench “(In the absence of an effective environmental tribunal, India’s Supreme Court has established a “green bench” within the Court)?”
19. Should landowners be made responsible for deepening antipathy towards wildlife?

SEGMENT III

QUESTIONS FOR PERSONAL INTERVIEWS CONDUCTED IN WILDLIFE WING IN STATE OF PUNJAB AND HIMACHAL PRADESH

Questions regarding the following sets of topics were asked to interviewees. However, the following lists of question are not exhaustive.

Punjab and Himachal Pradesh: The Wildlife Wing of the State manages Wildlife Sanctuaries, Community Reserves, Conservation Reserves, Wetlands, Zoo, Tiger Safari, and Mini Zoos throughout the state.

Section 1: Questions regarding concerned area of Wildlife Wing.

1. Name of the department.
2. Have you ever observed a fire incident in zone?
3. Did you inform wildlife officials about any wild animal deaths that occurred in the area due to fire incident?
4. Do you believe that tourists or people exploring the wildlife area cause disturbance/damage to wild creatures?
5. According to you, should there be ban on the use of plastic inside the wildlife area (use and throw of single use plastic bottles, wrappers etc).
6. Do you think that changing scenario of environment is impacting wildlife?
7. Do you think that setting up of factories (industries) nearby wildlife area impacts life of wild life?
8. If yes, Is the waste disposal system responsible for affecting wildlife?
9. Do you think that there is proper management when it comes to cleanliness of the wildlife area?
10. Do you believe that natural resources are impacted due to inhuman activities in the wildlife area?
11. Is it legal to capture or kill wild animals who are determined to be attacking people or causing damage?
12. If yes, please state from whom you have permission to capture these wild species and also mention the whole process of capturing such animals.
13. Are visitors allowed to access the department/area?
14. If yes, please specify for what purposes
15. Whether anyone in your region has been found guilty of killing a wild animal?
16. Have you seen any instances of wild animal hunting in the past two years?
17. What procedures have been made to safeguard the safety of the wild creatures in the region?
18. Whether any steps have been taken to enhance the wild animals' habitat in the region?

19. How are wildlife offences evolving in your area?
20. What groups of individuals are more susceptible to wildlife offences?
21. What type of wildlife crime is most common in this area?
22. Through what sources you get to know about the crime?
23. What challenges do investigators encounter while looking into wildlife offences?
24. How many deaths- natural or otherwise- have occurred in the region during the past five years, including those caused by poaching and accidents?
25. Do you believe the funds you received through the State plan were sufficient for the upkeep for the department?
26. What actions has the department done to safeguard the safety of the wild animals?
Please specify

Section 2: Questions regarding Wildlife Department/ Legal Awareness

27. Do you feel the employees of the Wildlife Department are having trouble carrying out their tasks?
28. Do you recommend changing/implementing the Wildlife Laws to reflect the recent changes in the pattern of wildlife crimes?
29. Are you satisfied with the effectiveness of the current conservation measures in catching wildlife offenders?
30. Should crimes involving endangered species, natural resources, and deforestation carry harsher penalties?
31. What are the causes of destruction of flora and deforestation?
32. How does deforestation affect the environment?
33. It is crucial to create protected areas for wildlife?
34. Is there any progress being made in the department efforts to restore the wild animals' habitat?
35. Are there any norms to be followed for transportation of any wild animal from one region to other?
36. Do you think the arrival of 8 cheetahs will guarantee a suitable home in our complex ecosystem?

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- **CONTEMPORARY RELEVANCE BETWEEN RELIGION AND ANIMALS**, NIU International Journal of Human Rights, Vol. 9(XX)- 2022, No. 24, 2022, Page no. 37-41.

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- **SUSTAINABLE DEVELOPMENT AND WILDLIFE CONSERVATION: AN OVERVIEW**, International Multidisciplinary Conference on Recent Trends in Environmental Science and Management (IMCRTESM), 06-08-2021 to 07-08-2021, Paper Presented.
- **IMPACT OF CLIMATE CHANGE ON WILDLIFE**, Two- Day International Conference on Environmental Concerns, Climate Change and Resource Management in the Western Himalayas, 05-06-2023 to 06-06-2023, Paper Presented.
- **WILDLIFE PRESERVATION AND SUSTAINABLE DEVELOPMENT: A GLOBAL PERSPECTIVE**, International Conference on Sustainable Development Goals for Environment Conservation (ICSDGEC- 2023), 12-07-2023 to 14-07-2023, Paper Presented.
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- **TWO DAY ONLINE NATIONAL WORKSHOP ON DATA ANALYSIS USING SPSS**, Organized by: Bharat Digital Academy (Registered Govt. of India) Aligarh, 11-05-2023 to 12-05-2023.

International Workshop

- **INTERNATIONAL VIRTUAL WORKSHOP ON RESEARCH METHODS, TOOLS AND TECHNIQUES FOR RESEARCH DESIGN**, Organized by: Internal Quality Assurance Cell (IQAC), Mendipathar College, Mendipathar, Meghalaya, India in collaboration with Cape Comorin Trust, India, 15-05-2023 to 17-05-2023.

TRAINING PROGRAMME AND COLLOQUIUM

INTERNATIONAL TRAINING PROGRAMME

- **INTERNATIONAL SHORT TERM TRAINING PROGRAMME- IX “ON ENVIRONMENT POLLUTION: A THREAT TO LIFE BELOW WATER & WORLD ENVIRONMENT DAY CELEBRATION WEEK”**, Organized by: Rishi Raj Govt. Autonomous College, Alwar, Rajasthan, India, 05-06-2023 to 11-06-2023.

INTERNATIONAL COLLOQUIUM

- **SEVEN DAYS WILDLIFE WEEK CELEBRATION & INTERNATIONAL COLLOQUIUM ON WILDLIFE CONSERVATION**, Organized by: Maharaja Ganga Singh University, Bikaner, Rajasthan, India, 01-07-2024 to 07-07-2024.