



WILDLIFE CONSERVATION INTENTIONS IN INDIA

By I.Nisha Padmavathy
From SRM, School of law

INTRODUCTION

Wildlife conservation is an action in which human beings make responsible efforts in order to protect animals, plants and their environment. The importance of wildlife conservation is extremely essential as the wildlife and wilderness plays a significant role in preserving the ecological balance and maintains the element of human life. The Wildlife conservation mission is to secure the species and to enlighten the humankind on living viably with other species. The International Union Conservation of Nature evaluated that around 27,000 species are in the possibility of extinction. India is native for extensive range of animals. India is amongst the most bio diverse domain of the world and consists of 3 of the world's 36 bio diversity hotspots.¹ Due to decline in the number of wild animals, human poaching activity and intrusion, the national parks and protected areas were formed by the government of India in 1935. Nilgiri langur and the brown and carmine Beddome's toad of the Western Ghats are some of the evident endemics. India nurtures around 172, or 2.9% of IUCN (International Union for Conservation of Nature). India is situated at the junction of the three territories Afrotropical, Indomalayan and Palearctic which attributes components from each of

them and which also stimulates migration of avifauna from these places.

ADVANCEMENT OF WILDLIFE PROTECTION:

EVOLUTION OF LEGISLATION WILDLIFE CONSERVATION:

- 1887- Wild Birds Protection Act by British Indian Government, according to this act possession and sale of wild birds which are either killed or seized is illegal.
- 1912-Wild Birds and Animal Protection Act, but this act was amended in the year 1935 and then Wild Birds and Animal Protection (Amendment) Act 1935 was passed.
- 1927-Indian Forest Act, was widely based the preceding act called Indian Forest Act which was enforced by British in 1878. Both the act 1878 and 1927 were developed to preserve the region of the lands of forest and wildlife, especially to preserve timber.
- 1972-The Wildlife (Protection) Act, the act provides shelter for wild animals, plants and birds, in order to assure environmental and ecological security.²

OBLIGATION FOR PROTECTION WILDLIFE:

Before the Wildlife Protection Act was implemented "Forests" were a part of wildlife was a state subject. After the Wildlife Protection Act was enacted it was a nationwide law in the region of environment especially wildlife and reasons for the implementation of the law includes:

- India as a rich variety of flora and fauna. There was a rapid fall in number of species

¹Article report- Wildlife conservation laws in India by Samir sharma-

²Article report- Wildlife protection act upsc by Ayush Verma-



that exists in India, for example, during the 20th century, India was a place to around 40000 tigers but by 1970's the number had exceedingly reduced to 1820.

- The radical shrinkage in flora and fauna can result in ecological imbalance, which may alter the aspects of climate and ecosystem.
- Previous to the enactment of this act there were only around five national parks.³

Every organism that is present on the earth has an exclusive space in the food chain and aids the ecosystem in its individual way. But, in the recent times, abundant number of animals and birds are at risk. If we do not take early rigorous action, it wouldn't be long until the species which are at risk turns extinct, which does not end there. Cause of extinction of animals and birds will have a tremendous effect on human race. It is our obligation to conserve our wildlife.

WHAT ARE THE OTHER PERILS TO WILDLIFE IN INDIA?

The Humans are now the biggest hazard to earth, are wrecking the planet and has killed around 80% of animals, birds, marine life. Eradication of habitat is a direct fall in Indian wildlife by eliminating trees, contaminating rivers, which results changes in human life with various environmental issues. Assam flood 2019, which caused danger to the life of wild animals in Kaziranga National Park.

DEFORESTATION

Deforestation means permanent clearing the forest for metropolitan use, to make room for something other than forest. In 2009, India

had made to the tenth place globally in the amount of loss of forest.

LOSS OF HABITAT

Activity which is done by human such as mining for natural resources causes habitat extirpation, which in turn causes extinction of wild species in India and disruption in ecosystem.

POACHING

Poaching is one of the methods for illicit hunting of wild animals for trophies and ivory, fur of many animals including claws. Elephant, Tigers, Rhino which are considered to be India's top endangered species are important target for poaching which amounts for wildlife trade.

ROAD KILL

Over ten years, the current enemy of India's wildlife is Road kill. Indian wild animal due to the lack of prey which tends pushes the animals towards the highway passing through the jungle. Motorcycles on highway has killed numerous.

RAILWAY TRACK

Rail track in India intersects along with number of national reserve and jungle. For instance, in 2013 railway track Chapramari located in West Bengal killed 17 elephants such many accidents have occurred by trains in India.⁴

Environmental obstacles are of a challenge in India. Even though there has been steps taken for the protection for wildlife⁵, according to report by NGO Wildlife Protection Society of India (WPSI) in January 2020, India as lost

³ Article report- Why we need to save wildlife by Pawan kotiyal published on May 2013

⁴ Article report- Biggest threats of India by walkthroughindia

⁵ Article report-Wildlife threat published on March 3rd 2003 by indiaenvironmentalportal



110 tigers in 2019 in which third of them were lost to poaching, along with that in same year (2019) the country has lost 491 leopards,⁶ more rigorous steps has to be taken in order to conserve wildlife.

LAWS GOVERNING WILDLIFE PROTECTION IN INDIA:

WHAT DOES THE WILDLIFE PROTECTION ACT, 1972 DO?

The object of the act is to safeguard the formation of network of ecologically-valuable protected areas in the country and also to protect the catalogued species of animals, birds and plants.⁷

- The country's all inclusive list of endangered species was developed. The act also restricted hunting of endangered species.
- CITES is a multilateral treaty, the wildlife protection act aided India to join the party of Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES). The main purpose of CITES is to protect endangered animals and plants. It is also called as Washington Convention and was taken up as an outcome of the meeting held by IUCN (International Union for Conservation of Nature) members.⁸
- The Act established the wildlife advisory boards, wildlife warrens, determines their powers and duties. The animals which come under the Schedule according to Act's provision are forbidden from trading.
- Under the provisions of the act The National Board of Wildlife was authorized as a statutory organisation. The principal body to

inspect and authorize all matters related to wildlife, projects of national park, sanctuaries. The prime responsibility of the board is to promote the preservation and expansion of wildlife and forest.⁹

CONSTITUTIONAL PROVISIONS:

Article 48A: "Protection and improvement of environment and safeguarding of forests and wild life The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country."¹⁰ In 1976, this article was included in Constitution by 42nd Amendment.

Article 51A: The article lays down certain fundamental duties in which it includes fundamental duty to develop and protect natural environment which combines forests, lakes, rivers, and wildlife. Every citizen must have empathy towards for living creatures.¹¹

SCHEDULE OF WILDLIFE PROTECTION ACT:

Schedule 1: This schedule is for endangered species which demands severe protection. The wild animals which specified under this schedule they can be hunted only if they cause any danger to human life or if they are disabled or diseased and trading of animals under this schedule is prohibited. Rigorous punishment will be provided in violation of these rules. Examples: Tiger, Clouded Leopard, Blackbuck, Himalayan Brown Bear, Brow-Antlered Deer, Blue whale, Common Dolphin, Cheetah, Hornbills, Indian Gazelle, etc.

⁶ Newspaper article- Times of India published on January 1st 2020

⁷ Article report-Objectives and features of wildlife protection act,1972 by Hemant more published on June 4,2019

⁸ Article report-Wildlife protection act 1972 by byjus

⁹ Article report-Wildlife protection act by smiasacademy

¹⁰ India kanoon

¹¹ Article report-Constitutional imperatives in protection of wildlife by Praveen Bargav published on May 1st,2011



Schedule 2: Under this schedule wild animals can be hunted only if they are a threat to human beings and also if they are disabled or diseased and even trade is forbidden. Examples: Kohinor (insect), Assamese Macaque, , Large Indian Civet, Indian Fox, Larger Kashmir Flying Squirrel, Bengal Hanuman langur, Kashmir Fox, etc.

Schedule 3 and 4: This schedule is for wild animals which aren't in the category of endangered species that is in they are not in the risk of extinction. Hunting of these animals leads to penalty. The punishment for violation the rules is rigours but less in comparison with the schedule 1 and schedule 2. Examples: Hyena, porcupine, flying fox, Malabar tree toad, Himalayan rat etc.¹²

Schedule 5: The animals which can be hunted are included in this schedule. The animals which are announced as vermin such as common crow, mice, rats, fruit bat, can be hunted.

Schedule 6: This schedule comprises of the protection which provided for agricultural and medicinal plants.

Examples: Red vanda, blue vanda, pitcher plant, kuth, etc.¹³

THE PRIMARY PROJECTS IN INDIA ON WILDLIFE CONSERVATION:

PROJECT TIGER

Project Tiger has enriched the conservation of tigers and also has provided with exceptional changes in the ecosystem, it was first established in 1972. National Tiger Conservation Authority administers Project tiger; it is sponsored by Ministry of Environment Forest and Climate Change. The aim is to protect the tigers from extinction by providing possible community

in their natural habitat. Tiger task force provides guidance for the determination of number of tigers, their habitat, hunting habits, in which Corbett National Park and Ranthambore National Park are element of the project. The number of tiger as escalated in reserved area, in 1972, there was 268 tigers in 9 reserve areas which have risen to 1000 in 28 reserve areas in 2006 to 2000+ in 2016.

PROJECT ELEPHANT

In 1992, The Government of India proposed "Project Elephant"; the main intention of the project is to preserve elephants and their environment and also by establishing scientific and management measures they conserve the migratory routes. Domestic elephants are also included in this project, and conflicts are reduced between human-elephants. The project aspires to take preventive steps for protection of elephant against poaching and unnatural death.

CROCODILE CONSERVATION

PROJECT
The Government of India successfully accomplished a project to conserve the Indian crocodiles, which was also in the risk of extinction. The purpose of the project is to converse the crocodiles, the government too steps such as:

- They created sanctuaries to protect their natural habitat.
- The government also developed captive breeding.
- They also made the local people to participate in the project.
- To advance the management.

The crocodile conservation project is a major success and it has increased the number is

¹² Article report-Objectives and features of wildlife protection act,1972 by Hemant more published on June 4,2019

¹³ Article report-Wildlife protection act 1972 by byjus



crocodiles, 4000 alligator, 1800 crocodile, 1500 saltwater crocodiles are re-established.

UNDP SEA TURTLE

Wildlife institute originated the UNSP Sea Turtle in order to save Olive Ridley turtles. Odisha is a place where it has contributed towards the composition of a map of breeding of sea turtle. Around 10 coastal states in India the project has been set up. The project has also aided in the improvement of guidelines to protect the mortality rate of sea turtle. The project also uses Satellite Telemetry to track the migratory route of the sea turtle in the sea.¹⁴

CONCLUSION:

The activity of poaching, hunting, trading of wild animals is still flourishing in India which needs to be restrained. If extensive use of these methods is to be continued there'll be more consequences in the ecosystem. In 2018 report, the total number of endangered animals in India was 635 animal species but was less compared to report submitted to IUCN in 2014 which was 646, although in 2014, the total number endangered species in India was only 413. As these reports suggests, extreme measures must be taken in order to safeguard the wildlife. Loss of habitat and poaching are legitimate danger to India.

Eminent Environment and Biodiversity Act Enacted by Indian Government:

- Indian Forest Act, 1927
- Biological Diversity Act, 2002
- Fisheries Act, 1897

- Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006
- Mining And Mineral Development Regulation Act, 1957
- Environment Protection Act, 1986
- Prevention of Cruelty To Animals, 1960
- Air (Prevention and Control of Pollution) Act, 1981
- Water (Prevention and Control of Pollution) Act, 1974
- Forest Conservation Act, 1980

These are some of the measures which are taken by the Indian Government along with; they also signed a drafted conversation which included the bordering countries such as Nepal, Bangladesh which is linked with illicit wildlife species trade and preservation of tigers and leopards.

After all these efforts taken by the government in order to protect the wildlife there is still a significant amount of decrease in numbers of wildlife species which might be due to simple punishment which is provided in violation of the rules. According to Section 51 in The Wild Life (Protection) Act, 1972, the highest punishment for violating the rules is 3 years imprisonment which may extend up to 7 years with fine which shall not be less than twenty five thousand rupees, but in case of breach of rules relating to conversation of tiger sanctuaries the punishment is imprisonment up to 3 years which may extend to 7 years with fine for rupees ten thousand to two lakh rupees, and if they rules are broke the rules for the second time, the imprisonment is for not less than seven years with fine not less than five lakh rupees which may extend up to

¹⁴ Article report-Wildlife conservation initiatives by India Government by ranthamborenationalpark published on May 25th, 2017



fifty lakh rupees, though these punishments are followed still the activity of poaching are increasing, therefore there must be severe measures and punishments are to be taken in order to protect wildlife species and to obtain ecological balance and more awareness of wildlife conversation must be spread throughout the world.

