

## Nature of offences for Wildlife Conservation in India

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**Abstract:** - The conservation of wildlife is a global priority with the survival of wildlife species largely dependent on habitats beyond political boundaries. India being situated in the tropical region harbors rich biodiversity with just 2% of the world's land area. India has a rich heritage of wildlife as well as a long history and tradition of conservation. India is home to a number of rare and threatened animal species, wildlife management in the country is essential to preserve these species. Indian mythology is equally profuse in references to our regard and love for wild animals. Different animals were associated with different Gods and were thus provided with religious sanctity and ensured conservation.

In 1972, India enacted the Wildlife Protection Act and Project Tiger to safeguard crucial habitat; further federal protections were promulgated in the 1980s. The Wildlife Protection Act, 1972 is an Act of the Parliament of India enacted for protection of plants and animal species. The Act provides for the protection of wild animals, birds and plants. It extends to the whole of India, except the State of Jammu and Kashmir which has its own wildlife act. The main causes of extinction of wild lives are poaching. Enumerable animals and birds are hunted for meat, skin, ivory, horns etc. ruthlessly. Hence, National Wildlife Action Plan has been adopted in 1983 for wildlife conservation. Many sanctuaries and National Parks have been established for the protection of dwindling wildlife. Numerous wildlife conservation projects have been undertaken in India, both at the government at the individual level, to protect the rich wildlife of the subcontinent. Wildlife conservation involves both protection and scientific management of wild species and their environment. Some species have become extinct due to natural causes, but the greatest danger to wildlife results from the activities of man. There is a threat to wildlife and it requires attention to save the country from losing its green heritage. Conservation of wild animals is the social responsibility of every citizen of Indian in addition to that of the Government.

**Keywords:** *Wildlife conservation, Wildlife Protection Act, India, Poaching.*

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### Introduction

The wild animals collectively and the native fauna of a region is called wildlife. Wildlife traditionally refers to non domesticated animal species that include all plants, fungi and other organisms that grow or live wild in an area without being introduced by humans.

In India about 200 species of wild animals and birds have become extinct and another 2500 species are on the verge of extinction. For example, Blackbuck, Chinkara, Wolf, Swamp Deer, Antelope, Tiger, Rhinoceros, Gir Lion, Crocodile, Flamingo, Pelican, White Crane, Grey Heron, Mountain Quail etc. In India various steps have been taken for the adoption of wild life management through trained personnel for the conservation of wildlife.

The Wildlife (Protection) Act enacted in 1972 has several provisions for the wildlife conservation. In this connection wildlife conservation week is celebrated from 1<sup>st</sup> to 7<sup>th</sup> October every year. There are many sanctuaries and National parks were developed to protect the natural habitat and wildlife.

Deforestation is one of the main reasons for loss of wildlife. Mass scale killing of wild animals for meat bones, hair, teeth, skin etc is common throughout the world. Therefore the need for wildlife conservation has become a necessity.

Hence some Steps for the wild life conservation has to been taken (Smriti Chand).

### Steps for the wild life conservation

- (i) To survey and collect all the information about wildlife, especially, their number and growth.
- (ii) To protect habitat by protecting forests.
- (iii) To delimit the areas of their natural habitat.
- (iv) To protect wildlife from pollution and from natural hazards.
- (v) To impose complete restriction on hunting and capturing of wildlife.
- (vi) To impose restrictions on export and import of wildlife products and severe punishment to be given to those who indulge in this activity.
- (vii) To develop game sanctuaries for specific wild animals or for general wildlife.
- (viii) To make special arrangements to protect those species whose number is very limited.
- (ix) To develop general awareness at national and international level regarding protection of wildlife.

### The Wildlife Protection Acts in India Definitions under the Act (Section 2)

- **"animal"** includes amphibians, birds, mammals, and reptiles, and their young, and also includes, in the cases of birds and reptiles, their eggs.
- **"animal article"** means an article made from any captive or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal has been used and an article made therefrom.

Offences Under The Wild Life (Protection) Act, 1972 A Discussion based on Case Law has been reported (Avinash Basker, 2014).

The **Wildlife Protection Act, 1972** is an Act of the Parliament of India enacted for protection of plants and animal species. Before 1972, India only had five designated national parks. Among other reforms, the Act established schedules of protected plant and animal species; hunting or harvesting these species was largely outlawed. The Act provides for the protection of wild animals, birds and plants; and for matters connected therewith or ancillary or incidental thereto. It extends to the whole of India, except the State of Jammu and Kashmir which has its own wildlife act.

The first Indian Forest Act enacted in 1865

The Madras Wild Elephant Preservation Act enacted in 1873: This was the first wildlife legislation in Modern India

Govt. of India enacted the Elephant Preservation Act 1879

The Indian Forest Law Act VII enacted in 1878

The Indian Forest Act enacted in 1927

The Wildlife (Protection) Act enacted in 1972

The Government of India enacted **Wild Life (Protection) Act 1972** with the objective of effectively protecting the wild life of this country and to control poaching, smuggling and illegal trade in wildlife and its derivatives. The Act was amended in January 2003 and punishment and penalty for offences under the Act have been made more stringent. The Ministry has proposed further amendments in the law by introducing more rigid measures to strengthen the Act. The objective is to provide protection to the listed endangered flora and fauna and ecologically important protected areas. The Wild Life Protection Act (The "Act") was enacted in 1972 and has been amended six times since then, the last amendment taking place in 2006.

**Introduction to the Act:** The Act aims to conserve protected species of wildlife through two primary mechanisms: 1) prohibiting the hunting of all protected species and providing for strict regulation of their possession, transport and trade; and 2) safeguarding wildlife

habitat by providing for the creation and management of protected areas (sanctuaries, National Parks, conservation reserves and community reserves 1 ). The Act does not allow for hunting / capture of any animal species once included on any one of Schedules I-IV.2 There are few exceptions to this rule in the nature of permits to hunt an animal which has become diseased or dangerous to human life or property<sup>3</sup> or for scientific research, etc.<sup>4</sup> The Act does not provide for a sustainable use model, whereby hunting (including capture) of a listed species is regulated / managed for subsistence or commercial use. Once a species is listed in Schedules I-IV, hunting (including capture) of such species is banned, and the possession and trade of such species (including derivatives in the form of trophies and articles) is strictly regulated.

### **The Wildlife (Protection) Act, 1972 (Last amended in 2006)**

The Wildlife (Protection) Act (WLPA), 1972 is an important statute that provides a powerful legal framework for:

- Prohibition of hunting
- Protection and management of wildlife habitats
- Establishment of protected areas
- Regulation and control of trade in parts and products derived from wildlife
- Management of zoos.

The WLPA provides for several categories of Protected Areas/Reserves:

- National Parks
- Wildlife Sanctuaries
- Tiger Reserves
- Conservation Reserves
- Community Reserves

### **Various species classified in Schedules I to VI are**

There are six schedules which give varying degrees of protection. This act has been amended from time to time.

Species in Schedule I : Can be hunted only in very special conditions if they are a threat to human life

Species in Schedule II : Can be hunted if they are a threat to human life or property

Trade of Species in Schedule I or Part II of Schedule II invites very stringent Punishment

Species in Schedule VI : Are specified plants whose possession, collection, sale etc. is regulated by Chapter III

Species in Schedule V: Are Vermin which can be hunted freely. This includes Common crow, Fruit bats, Mice, Rats

Other important acts which impact wild life conservation

- a. Forest (Conservation) Act, 1980 with Amendments Made in 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto

- b. The Environmental (Protection) Act 1986 No. 29 OF 1986 [23rd May, 1986.]

An Act to provide for the protection and improvement of environment and for matters connected there with

### Nature of offences

Cognizable, non cognizable, bailable, non bailable, compoundable, noncompoundable

The offences under the Act can be divided into three categories:

- 1) Offence of Hunting (or Picking, Uprooting, etc., of Specified Plants) – S. 9, 17A, and 2(16)
- 2) Offences relating to Unauthorized Possession, Transport and Trade - Sections 40, 42, 43, 44, 48, 48A, and 49, and Chapter V-A
- 3) Offences relating to Protected Areas/Habitat Destruction – Sections 27, 29, 30, 31, 32, 33-A, 34, 35(6), 35(7), 35(8), 36-A(2), 36-C(2), and 38-V(2).

The Legal Framework for Wildlife Conservation in India has been reported (Praveen Bhargav, 2007). The Government of India has introduced various types of legislation in response to the growing destruction of wildlife and forests. These are:

### Wildlife Trade

It refers to the sale and exchange of animal and plant resources. This includes ornamental animal products such as corals for aquaria, reptile skins for the leather industry, tortoise shell, as well as ornamental plants such as orchids and cacti (Samir Sinha, 2009). The Wildlife is traded for many reasons in India such as for food, fuel, fodder, clothing, ornaments, sport, pets, scientific collections, religion and traditional beliefs. The trade in wild animals, plants and their derivatives, of species which are specified in Schedules I to IV and Schedule VI of the Wildlife (Protection) Act, 1972 is illegal in India. This Act provides protection to these species against hunting, trading and any other form of exploitation.

### Wildlife Crime Control Bureau

It is a statutory multi-disciplinary body established by the Government of India under the Ministry of Environment and Forests, to combat organized wildlife crime in the country. The Bureau has its headquarter in New Delhi and five regional offices at Delhi, Kolkata, Mumbai, Chennai and Jabalpur; three sub-regional offices at Guwahati, Amritsar and Cochin; and five border units at Ramanathapuram, Gorakhpur, Motihari, Nathula and Moreh. Under Section 38 (Z) of the Wild Life (Protection) Act, 1972. It is mandated to collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so as

- to apprehend the criminals .
- to establish a centralized wildlife crime data bank.
- to co-ordinate actions by various agencies in connection with the enforcement of the provisions of the Act.
- to assist foreign authorities and international organization concerned to facilitate co-ordination and universal action for wildlife crime control.
- for the capacity building of the wildlife crime enforcement agencies for scientific and professional investigation into wildlife crimes .
- to assist State Governments to ensure success in prosecutions related to wildlife crimes
- to advise the Government of India on issues relating to wildlife crimes having national and international ramifications, relevant policy and laws.
- It assists and advises the Customs authorities in inspection of the consignments of flora & fauna as per the provisions of Wild Life Protection Act, CITES and EXIM Policy governing such an item.

### Conclusion

Wild life is nature's gift and its decline has an adverse effect of ecology and hence there is an urgent need to protect the wild life. Wildlife is a potential source of useful products of global interest. Plants and small creatures also benefit agriculture. Farmers use insects, plants, and other animals as alternatives to synthetic chemicals for pest and predator control. The Central and State Governments have initiated some special programs aimed at preserving endangered species. The medication used in the treatment of various ailments owes its origin to plants and animals rather than chemical synthesized commercial products. The climate changes taking place in the world today, are affecting not only humans, but also the wildlife. Wildlife deserves preservation due to its enchanting beauty and sheer appeal to

the human spirit. Worldwide, it is this aesthetic value that becomes more important and provides economic justification. Conservation of wild animals is the social responsibility of every citizen of Indian in addition to that of the Government. It is the goal of the conservationists to create and expand ways to preserve endangered species and maintain the biodiversity. Hence the Government of India enacted Wildlife (protection) act,1972 with the objective of effectively protecting the wildlife of India. The Government has imposed complete restriction on hunting, smuggling and illegal trade of wildlife and its derivatives. The punishment for these offences under this act are very severe which in turn protect the survival of wildlife and its natural habitat.

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