

Wildlife Laws in India

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[DOI:10.5281/Vettoday.15877958](https://doi.org/10.5281/Vettoday.15877958)

Introduction:

- The rules and regulations related to wildlife protection become the talk of the town and hug the limelight when a filmstar is arrested for hunting a wild blackbuck, or when a dinner party with exotic dishes of meat from several wild animals is organised for the invited VVIPs comes to light.
- TV talk shows and newspapers report at regular intervals that such offences are not unknown and occur regularly in many remote corners of the country. Often, we come across news regarding seizure of tiger skins, elephant tusks, rare butterflies, star turtles and rare birds or medicinal plants at the time of smuggling.
- Let us examine whether existing laws and rules related to wildlife protection and conservation are sufficient as a deterrent to control crimes against wildlife in our country.
- The first Indian forest act enacted in 1865.
- The Madras wild elephant presentation act enacted in 1873.
- Government of India enacted the elephant presentation act 1879.
- The Indian Forest law act will be enacted in 1878.
- The Indian Forest act enacted in 1927.
- Forest Conservation act 1980.

The Wildlife Protection Act 1972

- This act was enacted under the provision of article 252 to prevent the decline of wildlife animal and birds it prohibits
- The poaching of certain animal expects for the purpose of education or scientific research.

Section 2 (Captive animal means any animal Specified in Schedule I, II, III or IV which is captured or kept or bred in captivity)

Section 2 (16) Hunting Killing or poisoning of any wild or captive animal

Protected Area:

- Sanctuary — Sec.18 Sec.34
- National Park — Sec.35

- Conservation reserve — Sec.36 A-B
- Community Reserve — Sec.36 C-D

The Wildlife Protection Amendment Bill 2002 propose.

Amendment acts 16 of 2003

Section 40 Every person in possession of custody of any captive animal specified in schedule I or Part II of Schedule II

Section 42 Certificate of ownership

Section 43 No person who has with him a captive animal with a certificate of ownership shall transfer by way of sale or offer for sale

Section 51 Penalties

- Offence related to animal of Schedule I or Part II of Schedule II Minimum 3 yrs. Imprisonment upto 7 yrs and fine not less than 10,000/-
- Second and subsequent offence minimum 3-year Imprisonment upto 7 years minimum fine 25000

Hunting in a national park or sanctuary or alternation of boundaries (minimum 3-year Imprisonment upto 7 year and fine not less than 10000).

Section 51-A Any arrested person accused of hunting in a national park or wildlife sanctuaries offence related to Schedule I or Part II of Schedule II

Section 57 It is established that a person is in possession custody or control of any captive animal.

Section 52 Attempt and amendment she'll be deemed to have contravened that provision or rule, order.

Wildlife Amendment Act 2006

- Notified on 4 September 2006
- Creation of National Tiger Conservation Authority
- Wildlife Crime Control Bureau
- Offence related to core area of a tiger reserve, hunting or boundary alteration in tiger reserve

Some revelant section of the Criminal Procedure Code 1973

Section 50 Person arrest (without warrant) to be informed of ground of arrest and of right to bail

Section 56 Person arrest to be taken before magistrate or officer in-charge of police station

Section 57 Person arrest not to be detain beyond 24 hours

Wildlife protection (Amendment) Act 2002

- Introduce community Reserve
- NBWL (National Board for Wildlife)

Wildlife Protection (Amendment) Act 2006

- National Tiger Conservation Authority (NTCA)
- Formation of Wildlife Crime Control Bureau (WCCB)

Wildlife Protection (Amendment) Act 2022

- CITES (Convention on International Trade in Endangered Species)
- Recognised wildlife schedule I, II and IV

Project Tiger (1973)

- Flagship initiative for Tiger Conservation

Project Elephant (1992)

- Elephant protection and habitat preservation

International commitment

- CITES (1976)
- Convention on Biological Diversity (CBD)
- Ramsar Convention on wetland
- Conservation on migratory species

Conclusion:

- Protection of wildlife is not possible by the government machinery alone. Active cooperation of the public, committed and active and educated non-governmental.
- Organisations and individuals are essential ingredients for successful wildlife protection. There should be more a participatory approach to wildlife conservation. There should be a complete change in the vocabulary of conservation, a total rupture with the past mode of thinking, a radical shift in mental attitudes.
- The founding categories of the past discourse need to be reconfigured: 'separation' and 'exclusion' ought to be replaced with 'integration' and 'inclusion'.
- Local alienation stemming from exclusionary conservation policies have resulted in an active undermining of state conservation policies. We must remember that all species were created equal and man has no right to arrogate to himself the power to cause their extinction.
- We in India have inherited a remarkably rich heritage not only from cultural and historical point of view but also a treasure of wildlife unique on the

surface of the earth. We must not lose these treasures in the mad race towards urbanisation and industrialisation by following the footsteps of Western cultures.

Summary:

- Various laws have been enacted for protection and conservation of wildlife and to stop illegal trade in wildlife in India. These are wanting in view of growing international trade in medicinal plants and other faunal and floral derivatives.
- To be more effective, these laws are to be implemented with certainty, minimum time taken for awarding punishment and exemplary weight of punishment.
- Local people's participation essential for proper and effective implementation of wildlife protection laws and conservation of wildlife biodiversity.

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