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THE EVOLUTION OF WILDLIFE CONSERVATION LAWS IN INDIA & THE ROLE OF JUDICIARY

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Abstract

The Indian judiciary is specifically highlighted in this paper's examination of the court's role in protecting and conserving wildlife. Commencing with an exploration of the legislative framework governing wildlife conservation, it routes through the realm of judicial activism in concentrating issues such as wildlife trafficking, poaching, and cruelty to animals. The paper examines the efficacy of DNA and forensic technologies, alongside the invaluable contribution of sniffer dogs in combatting illegal wildlife trade. It reviews the existing legal provisions for wildlife protection in India, advocating for potential legislative amendments. With the help of case studies and jurisprudential analysis, it examines the evolving concept of animal rights, including the intriguing question of whether animals can be recognized as juristic persons. Additionally, it talks about the intersection between humanism and animalism within constitutional patterns. This paper features India's commitment to international treaties and conventions for wildlife conservation, while also highlighting the fundamental role played by specialized tribunals and NGOs. Eventually, we have tried to interpret the essence of the dynamic and evolving jurisprudence in protecting wildlife and ecosystems for future generations.

The Wildlife Protection Act, 1972:

Religious and cultural practices place an excessive value on animals. The treatment of animals, particularly including several endangered species, is far from ideal. The Elephant Preservation Act of 1879 and the Wild Birds Protection Act of 1887 were one of the first laws in India to safeguard and protect wild animals. It is wellknown that guarding wildlife is crucial to the survival of humankind as well as all the other species in the world. Long after the independence, environmental apprehensions about the flora and fauna came to light due to the growing loss of animals.³

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³ "Environmental legislation", The Statesman, 19 January 2017

The Indian Constitution instituted the division of powers between the central and state governments. Primarily, wildlife was a state subject, and the Parliament lacked the constitutional authority to pass laws concerning wildlife unless the legislatures of two or more states passed a resolution by Article 252, which provided the Parliament the authority to pass the needed legislation. The Hailey National Park Act, of 1936, which established the Hailey (now Corbett) National Park in the State of Uttar Pradesh, may have been the initial comprehensive law for the preservation and protection of wildlife and its environment.

The majority of the first legislation was largely designed to protect animals for use in hunting. Restrictions in reserved or protected forests were introduced in the Indian Forest Act of 1927, which also permitted the establishment of sanctuaries. Legislation should be enacted to save many endangered species, capture the poachers who hunt them for their benefit as well as hunters who engage in unlawful and futile deaths, all should face harsh penalties. The Wildlife Protection Act was most likely passed by India first.⁴

"Safeguard of Wild Birds and Wild Animals" was ranked No. 20 on the State List by the Constituent Assembly in the Draft Constitution after the independence, and state legislatures were given the authority to enact laws.⁵

The 42nd Amendment Act of 1976 eventually shifted it to the Concurrent List. By adding the matters "protection of wild animals" and "forests" along with "birds" to the Concurrent List, it has permitted the centre more authority. Several actions have been taken nationwide through the passing of several Wildlife Acts in identification of the value of wildlife resources and to stop their decline.

BACKGROUND OF THE WILDLIFE PROTECTION ACT 1972:

Following the widespread extinction of wildlife as a result of hunting, the British government in India implemented reforms to the protection of wildlife. Significant laws were enacted by the British government, including the Wild Birds and Animals Protection Act of 1912, the Indian Forest Act of 1878, and the Indian Fisheries Act of 1897.

- Only in 1972 was the Wildlife Protection Act, India's most comprehensive wildlife protection law passed.

⁴ Indira Gandhi Conservation Monitoring Centre (IGCMC), New Delhi and the United Nations Environmental Programme (UNEP), World Conservation Monitoring Centre, Cambridge, UK. 2001. Biodiversity profile for India⁵ Entry 17B, Schedule VU, The constitution of India.

- Following India's independence, the introduction of long-range weapons and cars accelerated the country's wildlife loss.
- The government freely gave farmers access to firearms to safeguard crops from wild animals' clutches, which led to the widespread eradication of wildlife. Since poachers shot wild animals without cause or permission between 1947 and 1951, India's wildlife was severely destroyed throughout the nation. The cheetah went extinct in India in 1951 as a result.
- In addition, India had just five National Parks before the Wildlife Protection Act of 1972 was passed. Thus, extensive regulation was desperately required to save India's flora and fauna. ⁶

The Wild Birds and Animals Protection Act, 1912:

The Wild Birds Protection Act was passed by the Centre in 1887 and forbade the sale or ownership of freshly killed or captured wild birds while they were in the designated nesting season. The Central Government implemented a more comprehensive law in 1912. The Wildlife and Wild Birds Protection Act. This ordinance, which covered the majority of British India, limited hunting during certain seasons and required licences for the hunting of certain species. Indeed, the main purpose of all the laws was to control hunting, not the commerce in wildlife. ⁷

The Indian Forest Act, 1878:

The British colonial government's sneaky purpose was first shown in the Forest Act of 1865, which served as a model for the Act of 1878. The state's inadequate authority over the woodlands was one of its most obvious problems. Pro-British opponents said that the act's definition of a forest, which is defined as "land covered with trees, brushwood, and jungle," made it difficult to build plantations on arid areas. Seeing the shortcomings in this regulation, a group of forest authorities met in 1874 to discuss its restrictions. It was determined by the

⁶ Byju's (Wildlife Protection Act 1972: Features, (Wildlife Protection Act UPSC) <https://byjusexamprep.com/upsc-exam/wildlife-protection-act-1972>

⁷ A commentary on the Wildlife (Protection) Act 1972, and includes a compilation of the Supreme Court and High Courts judgements on Wildlife (Protection) Act 1972, Indian Forest Act, 1927, Forest (Conservation) Act, 1980 and other relevant statutes

participants that the act had not given the state the authority it needed to manage or preserve forests. The process of producing an effective substitute was so discussed.

The updated Forest Act of 1878 served as the main tool used by the British government to maintain control over Indian forests. It offered a legislative framework that strengthened the state's total ownership and further disadvantaged rural residents. By defining forests broadly to cover any land that might be declared as such, this act redefined what forests were. It stated that the subcontinent's woods were divided into three groups: village forests, protected forests, and state or reserved forests.⁸

The Indian Fisheries Act, 1897:

Dr. Francis Day was sent by the Government of India (GOI) to look at freshwater resources in South India, then across India and Burma. In 1878, two reports were released by Dr. Day of Madras Medical Service: Freshwater Fish and Fisheries of India & Burma and Sea Fish and Fisheries of India. Dr. Day served as the Director General of Fisheries of India in 1864 and as a Surgeon Major with the British Army in Bengal. Dr. Day pioneered the introduction of legislative measures to protect the fisheries. The Indian Fisheries Act (Act IV of 1897) was enacted nationwide in India based on this rationale, outlawing the use of dynamite and poisoning of waterways with the intention of killing fish.

This Act gave the former Provincial Governments the authority to create regulations governing the following:

(a) the installation and use of fixed engines; (b) the building of weirs; and (c) the size, type, and application of nets to be used. It also forbade any fishing in designated water for a maximum of two years. A major development in India's fishing history was the introduction of this Act. Day's efforts also yielded the benefit of duty-free salt for fish curing.⁹

Landmark cases which have modelled wildlife Conservation Policies

1. Chief Forest Conservator (Wildlife) v. Nisar Khan, 2003¹⁰

⁸Ministry of Culture, (The Forest Act of 1878) <https://amritmahotsav.nic.in/district-repository-detail.htm?25146>

⁹ Government of Tamil Nadu (Department of Fisheries and Fishermen Welfare) <https://www.fisheries.tn.gov.in/History>

¹⁰ Chief Forest Conservator (Wildlife) v. Nisar Khan, 2003 SCC OnLine SC 240

The appellant in this case was a bird seller dealing in birds that were common in the state of Uttar Pradesh, such as buntings, parakeets, mainas, and munias. A state government issues license to operate his firm was given to him, and it was all fine until 1990. He applied to the licensing authority for the renewal of the license for an additional year, but the license was rejected because he couldn't continue his business of captive bird breeding without hunting, which also included bird trapping. Respondent filed a writ case at the Supreme Court, arguing that this decision has violated his fundamental right to trade or commerce, as guaranteed under Article 19.

The ruling of the Supreme Court declared:

The Wildlife Protection Act, 1972's Sections 9 and Section 2(16) forbids breeding of birds in captivity through the capture of birds, hence the licensing body has appropriately declined to renew the license. The appellant's argument that these actions have violated his basic rights was rejected because Article 19 forbids him from running any company if it endangers public order or is determined to be against the law.

2. Consumer Education and Research Society, Ahmedabad v. Union of India, 2000¹¹

In this particular case, the Gujarati government, operating under Section 18 of the Act, assigned a portion of the forest area in the Lakhpat Taluka of Kutch as a "wildlife sanctuary" called Narayan Sarovar Chinkara Sanctuary. The state government then issued a notification designating 94.87 square kilometers of land as part of the aforesaid reserve forest.

The state administration withdrew the notices when the petitioner raised objections to them. The state government did the following:

- The size of the sanctuary was determined to be larger than required, and the state government decided to delimit it. This decision was likely to be favorable in methodically developing the region economically by utilizing its mineral richness.
- It inspired the state assembly to approve a suitable resolution in support of such. In an exercise of its authority under Section 26A(3) of the Act, the state legislature enacted a resolution reducing the statutory limit.

¹¹ Consumer Education and Research Society, Ahmedabad v. Union of India, 2000 SCC OnLine SC 407

- After the government sent out a notification to that effect, the petitioner again challenged it, claiming that there wasn't enough space to protect the animals.

The High Court:

- The petition was rejected by the High Court, which ruled that the 1200 chinkaras should remain inside the 444.23sq. km. area because the state legislature was aware of the mammals. It was also preserved that the region's economic growth will probably support the local populace as a whole as well as add to the preservation, development, and conservation of the local flora and wildlife.

The Petitioner challenged the judgement of the High Court on the following grounds:

- The state authorities assumed incorrectly that the contested notification was meant to protect the local chinkara population.
- It was released to save the ecological balance and protect the ecology.
- The resolution was passed by the state legislature only based on the state government's judgement, not using its intelligence to acquire all the pertinent data.
- It was carried to the legislature's notice that a sizable number of trees on the site that was leased to establish a cement plant had not been revealed.

The ruling of the Supreme Court declared:

- When the state legislature has formally determined that the outcome was made after a competent assessment of the facts, it would not be correct to invalidate their resolution. The statement implied that the state legislature, not the state administration, was liable for deciding whether to reduce the area. It is deceptive to contest the authority and functions of the state legislature, which is composed of intellectuals and representatives who are well concerned of the local communities and how to safeguard them.
- Even though the state legislature acted swiftly and without wisely weighing all the accessible information when passing the resolution, it would not be sensible to overturn their choice unless there is considerable evidence to suggest that their choice will damagingly impact the environment and wildlife.

- According to the court, there are a lot of trees in the informed area despite it being an edaphic thorn forest. The Forest Committee has allocated it as a candidate location for classification as a biosphere reserve, but it has also noted that the region is in reverse, and that industrial development is not possible there.

3. **Naveen Raheja v. Union of India, 2001**¹²

Wildlife enthusiast Naveen Raheja filed a public interest lawsuit in this matter under Article 32 of the Indian Constitution, noting the dangers faced by the tigers kept in cages at the Bhubaneswar Zoo and the horrific incident in which a tigress was skinned alive at the Nehru Zoological Park in Hyderabad. Worries about the treatment of animals in zoos and allocated forests were brought up by him. The Supreme Court was frightened by the horrific behaviors that the humans engaged in, causing the animals to suffer dreadfully.

The ruling of the Supreme Court declared:

- The tiger should have been shielded by the zoo's officials, but they were unsuccessful in doing so and the animal was left exposed to abuse while they were kept there.
- Animal cruelty cannot appear when helpless, voiceless animals are treated in such a terrible way. If it is, the Prevention of Cruelty to Animals Act, of 1960, will come in force and there will be consequences.
- The state must take the required actions, as instructed by the court, to guarantee that such an incident never happens in any controlled forests or zoos.

4. **Rural Litigation and Entitlement Kendra v. U.P. State:**¹³

Notable among public interest litigations is the Doon Valley case. The dispute started because of excessive mining in the hilly areas. In one instance, RLEK and a number of residents petitioned the Supreme Court to halt the progressive mining that was destroying trees and the forest cover in Mussoorie. It was also accelerating soil erosion, which resulted in landslides and groundwater blockages. The Court granted permission for the valley to be reforested and for all mines to close.

¹² Naveen Raheja v. Union of India [(2001) 9 SCC 762].

¹³ Rural Litigation and Entitlement Kendra v. U.P. State AIR 1985 SC 652

5. **Vellore Citizens Welfare Forum v. Union of India and Ors, 1996¹⁴**

This case is involving several tanneries in the state of Tamil Nadu, there was a conflict in the current case. These tanneries were polluting the Palar River, which was the key supply of potable water. The establishment of a panel with maximum authority to manage the problem was permitted by the Supreme Court. To strike a balance between environmental protection and improvement, the Supreme Court examined the report before making its ruling. The Court recognized that these Indian tanneries employ thousands of people and are the main source of foreign exchange for the nation. All people are in threat of health problems, and the ecology is destroyed.

Following the court's verdict in favor of the petitioners, all tanneries were directed to pay a fine of Rs. 10,000 to the collector's office. In addition, the government of Tamil Nadu was instructed by the court to award Mr M.C. Mehta with an amount of Rs. 50,000 for his environmental protection efforts. The court in this case also highlights the Green Benches Constitution of India, which focuses particularly on issues related to environmental conservation and expeditious and effective resolution of environmental disputes.

Wildlife Illegal Trading in India: Case Studies

The illegal online trade of wildlife parts is developing gradually common. In Meerut, a suspicious person was recently caught attempting to sell an albino civet cat to a tourist via a social networking chat room. The person was caught by undercover police officers the day when he went to deliver the cat.

During the investigation, the police were astonished to find price lists and pictures of various Indian birds, including sunbirds, peregrine falcons, and peacocks, in the emails conveyed and obtained by the arrested individual. In addition, the email history of the suspect exposed that they had internet banking details for immediate payments and various shipping procedures for convenient delivery. It was shocking to see such an effective system in place for illegal trading.

It seems that there is a substantially efficient network of individuals engaged in this illegal trade. Pet store owners work with these sellers and traders who with the help of internet reach and contact their clients. These pet store owners sell exotic animals to traders at excessive prices and make huge profits out of it.

¹⁴ Vellore Citizens Welfare Forum v. Union of India and Ors, AIR 1996 SC 2715

Wildlife trafficking is a worldwide strategy that contains the illegal trade of various animals including mammals, insects, and reptiles. These animals are commonly kept in safe environments to protect them from any kind of harm. For example, a King Cobra may be conserved in a vivarium that closely mimics its natural habitat for study and observation. However, illegal traders then advance to sell these animals at very high prices.

Wildlife researchers face a major challenge due to the conflicting legal statuses of wild animals in different countries. For instance, the star tortoise is protected by the India's Wildlife (Protection) Act, 1972, but does not have protection in many other countries where it is without restrictions and lawfully traded. This difference leads to the trafficking of thousands of star tortoises from India each year, which often results in their death due to harmful transportation methods used by traffickers who overlook the animals' welfare. Once the tortoises reach their destination, they are usually put in captive-breeding facilities, dishonestly labelled as "captive-bred," and sold through the illegal wildlife trade network. The inability to accurately discriminate between animals raised in captivity and those in the wild makes it easier for offenders to evade punishment.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) intends to control the trade of wildlife, but it doesn't safeguard all species. Some countries permit the lawful sale of a limited number of wild animals each year. This results in creating loopholes that unlawful traders can exploit to either legitimize their trade or function without being detected and stay hidden.

*“Several traders are selling restricted exotic wildlife in India. There is also a big market out there, especially in the metropolitan cities where buyers can afford such expensive pets, for many of whom owning an exotic animal or bird becomes a matter of pride and a status symbol. Earlier, an Alexandrian parakeet (*Psittacula euphoria*) or a hill mynah (*Gracula religiosa*) were kept as pets, but now we have youngsters who want to keep a snake or a spider as pets at home – cultural boundaries are also fast vanishing in this age of computers,”* said by a veteran expert on control on wildlife trade in India, Ashok Kumar, Founder and Director of TRAFFIC India and the Chairman of Wildlife Trust of India¹⁵. Ghost banking, tax evasion, arms and narcotics trafficking are some of the related crimes of illegal wildlife trade.

¹⁵ Shekhar Kumar Niraj & Annabel Soper (Illegal Wildlife Trade in India)

[/http://awsassets.wwfindia.org/downloads/traffic_panda_8_oct.pdf](http://awsassets.wwfindia.org/downloads/traffic_panda_8_oct.pdf)

The illegal trade of pets is a major threat as it can spread viruses across the world. Unfortunately, many safety methods and provisions are not followed while moving animals, leading to unhygienic situations. Transport carriers and holding areas are hardly ever purified, making these animals carriers of viruses and harmful bacteria.

The illegal animal trade is a worldwide issue that affects nations like Pakistan, Dubai, and Bangladesh. Recently, a trader in the Kolkata revealed that two pairs of exotic chimpanzees were traded to a wealthy and influential client in Dubai, United Arab Emirates. The client bought the chimpanzees as an attractive addition to their farmhouse.

The illegal animal trade in India focuses the need for observing and lowering demand. The government, civic authorities, and citizens must act to keep wildlife in their natural environment and not treat them as objects for trade and personal benefits.

Birds Illegal Trading in India: Case Studies

A traveller at Ranchi airport saw a man carrying a purple Munia bird captive in a cage, along with some other birds that were involved in illegal activities. These helpless creatures are by force restrained away from their natural habitats, leading to the fall of many species due to their lack of ability to adapt to simulated environments. The United Nations has emphasized the connection between illegal poaching and other unauthorized practices in numerous recent arguments. They proceed from poached animals often operate further illegal trading, rising in an increasing number of birds being captured unlawfully each season.

In the village of Pangti, Nagaland, a red-breasted parakeet was unlawfully captured from the forest. A few children were playing around its lock in, ignorant of its painful condition. The parakeet was in a helpless state after being poached.

Poaching can take numerous forms, including non-quantifiable and non-commercial activities such as hunting or trapping birds close to forests or bodies of water.

The northeastern states of India, such as Nagaland, Mizoram, and Manipur, have lush rainforests. However, there is a substantial lack of bird calls due to threatening catching and hunting. Many wild birds and animals are hunted for their meat, following in repeated indiscriminate killings. Birds are also hunt down for the thrill they provide.

The Bombay Natural History Society (BNHS) is speaking about the issue of bird hunting, specifically in the northeastern states. In October 2012, many Amur Falcons were slaughtered in Nagaland. A coalition of NGOs interrupted to stop this indiscriminate hunting by focusing the cultural acceptance of hunting. Through several educational and advocacy attempts, villagers came to acknowledge the significance of complying with the law, directing to a cessation of hunting in 2013. However, hunting continues a persistent problem in Manipur and Mizoram. Thoughts with youth groups are ongoing to promote behavioural change.

There has been a drop in the population of wild birds in the northeast region, involving the shooting of exotic birds such as Pheasants and Tragopans with the use of firearms like muskets, air guns, and rifles.

To amend this longstanding method, it is crucial to re-evaluate the natural value of birds. By guarding birds under the Wildlife Protection Act of 1972 and granting them to fulfil their roles within ecosystems, we can drastically contribute to the diversity, pollination, and productivity of these ecosystems. Furthermore, improving eco-tourism and eco-communication proposals can also help enhance bird welfare.

Role of DNA and Forensics in Curbing Illegal Wildlife Trading

Over time, the extreme exploitation of natural resources has led to the unsustainable and often cruel depletion of ecosystem services across the global. The commercialization of wildlife has made it simple to produce income, but it has also developed a significant increase in dangers to numerous species globally.

However, recognizing the geographical origin of these products can help classify between legal and illegal ones. This, in turn, can ease the return of captured animals to their indigenous populations and

identify which populations are most heavily affected.

As per the INTERPOL, the unlawful trade of plants, animals, and their derivatives is an increasing underground market estimated at over \$20 billion annually. This unlawful activity undermines local, national, and international security, jeopardizes iconic species, and reduces global biodiversity.

Therefore, it is critical to address the issue of unnecessary exploitation of natural resources and the commercialization of wildlife products. By recognizing the geographical origin of these products, we can help safeguard endangered species and conserve the natural environment for future generations.

A latest study has explained that hunting for trade and animal collection is the second most substantial cause of decreasing populations of endangered species. This influences a range of animals, such as mammals, birds, and amphibians. In India, the unlawful trade in various species, specifically large carnivores, poses a major threat to the country's biological resources and scares the balance of the ecosystem.

To undertake this issue, wildlife managing authorities need efficient techniques to catch offenders. Enforcement of the Wildlife Protection Act of 1972 is important, and it involves recognizing unlawfully traded wildlife parts. This can be accomplished by analysing attributes such as hair characteristics, specific measurements of long bones, species identification, and age-specific tooth morphology. These techniques apply to various wildlife products, involving raw or cooked meat, as well as degraded or processed items like tanned skins, shoes, ties, belts, and necklaces.

DNA indicator technology is an efficient way to recognize species from different seizures. The method involves amplifying the informative segment of the mitochondrial gene and exposing it to gene sequencing. The NCBI is a freely available database that can be used to confirm raw sequences and identify matches. Recovering homologous sequences from NCBI should be done with cautiousness to minimize the risk of misidentification. Mitochondrial DNA methods are currently the leading method for species identification. DNA forensics shows promise in combating wildlife trading, but there is a requirement for improved institutional instruments for wildlife forensics in India.

The evidentiary value of a sniffer dog

The increase in planned unlawful wildlife trade is a major matter. As a part of the Trade Records Analysis of Flora and Fauna in Commerce (TRAFFIC) program, dogs are trained to detect wildlife articles such as tiger and leopard bones, skins, and bear bile, among others.

The Wildlife (Protection) Act of 1972 encourages various officials to conduct ground-level investigations, with the power of entry, the search of grounds, vehicles or vessels, arrest, and detention in case of suspicion of an offence under the Act. These executives include the Director or authorized officers, the Chief Wildlife Warden or other authorized officers, any forest officer, or any police officer not beneath the rank of sub-inspector.

It is worth recording that in issues related to wildlife crimes, the Wildlife (Protection) Act of 1972 takes priority over the Indian Evidence Act of 1872, which is also applicable.

While the Indian Evidence Act of 1872 permits for the testimony of numerous experts such as scientists, doctors, chemical analysts, bomb experts, engineers, and architects, sniffer dogs are vital in crime investigations due to their brilliant sense of smell. These dogs are precious in search and seizure operations, apprehending criminals, and detecting evidence and missing persons.

In court, there are restrictions to the admissibility of evidence showed by sniffer dogs. The main reason for this is that they cannot be cross-examined, which is an essential necessity for court reliability. In India, courts often consider evidence showed by sniffer dogs as inconclusive in cases including their use. The Supreme Court of India has stated that even if such evidence is permissible, it holds limited weight allowing the current state of scientific understanding. However, in a separate case, the Bombay High Court recognized the worth of evidence showed by sniffer dogs, highlighting their impartiality and reliability. The court observed that while evidence in criminal cases should meet high standards of reliability and infallibility, sniffer dogs offer a unique level of acceptability due to their inability to be influenced. Experience has shown that sniffer dogs' abilities transcend those of other uncovering methods, including highly developed technology, remarkably in cases involving drug detection or serious offences like robbery and murder.

The Bombay High Court has recognized that dogs are smart animals with highly advanced sensibilities. Some breeds of dogs are specifically used for hunting and chasing due to their exceptional capabilities. If a dog falls into one of these classifications and is shown to have been specifically trained for detection, its tracking evidence is admissible and must be relied upon as high-quality evidence.

In India, the conviction rate for offences involving wildlife is less than 3%. This figure includes evidence acquired through sniffer dogs and the oral evidence of their handlers. The dogs' training and expertise in identifying various wildlife stuff are also taken into account. Proper documentation and perfect recording of confiscated items can prove to the court that evidence from sniffer dogs not only helps investigations but also serves as valuable corroborative evidence. This evidence could possibly help authorities win the case.

Cases of Cruelty on Wildlife in India

- Animal welfare states to the overall well-being of animals and their capability to get used to their environments and conditions. It reflects humanity's connection with the natural world. Throughout history, taming of animals has been a common practice. In India, animals play a substantial role in agriculture and are also revered as deities. Animal welfare is directed by the country's constitution and laws, and the highest court identifies animal rights. However, despite efforts for the protection of animals, there has been examples of cruelty towards them persist in India, often without being reported.

Several examples of animal cruelty in India:

1. In the region of Kerala, Malappuram a bison was impregnated with a baby (also known as a *gaur*).

It was viciously killed for the selling of its meat in the market. This unpleasant incident took place in August 2020. Some of the local authorities obtained a tip about the poaching of a wild animal and performed a raid in response. The raid revealed that six individuals in the Pancha Forest area had killed a bison, with around 25 kilograms of meat recovered from their residences. It was examined in the investigation report that the men killed the Bison in the district of Poopathiripara and disposed of its bones, carcass, and hunting tools in the forest after butchering it. A massive quantity of meat was

- sold and circulated after the slaughter. Gradually, the criminals were arrested. Subsequently, a trial was held, and they were punished to imprisonment and a heavy fine.
2. A wild elephant recently drifted out of the Silent Valley Forest and appeared in a nearby village in search of food. Unfortunately, someone provided her a pineapple loaded with firecrackers. When she bit into it, the pineapple blows up in her mouth, fracturing her jaw. The elephant then went to the Vellar River in Malappuram and stayed in the water for several hours. Despite rescue attempts, she died from her injuries a few hours later. The forest police have implied that the person who handed the elephant the fruit filled with crackers was trying to harm wild animals by using it as bait.
 3. A 26-year-old resident of Kapurthala district in Punjab, was charged with hitting and running over a stray dog. The authorities saved a total of 12 dogs from his house. Maneka Gandhi, an activist and well-known supporter of animal rights, shared a video on Twitter that purportedly showed the accused hitting a dog with his car, causing it great pain before it died, as captured on camera. The video gained considerable attention on social media platforms, showing the injured dog limping away, leaving behind a footstep of blood on the road. Further investigation uncovered that the accused was involved in breeding and trading of dogs, often giving them to dog-fighting groups. Following objections from concerned residents to activists from People for Animals (PFA), an FIR was filed. Singh was recognized and detected using the vehicle registration number obtained from the CCTV footage. After a PFA representative submitted a complaint, Singh was found guilty in accordance with the applicable provisions of the Indian Penal Code and the Prevention of Cruelty to Animals Act.
 4. On 4th July 2020, in the district of Sundar Nagar, Bhopal, a 55-year-old man, shamelessly indulged in an unnatural sex with a cow at a dairy. This incident was taped by a CCTV camera fitted at the dairy. A man named, Sabir Ali, was under arrest and charged with committing immoral acts of penetrative sexual activity against an animal under section 377 of the Indian Penal Code, 1860.
 5. A few years ago in Bombay, a case of animal brutality took place wherein a stray dog was strapped with a chain to a car, and it was dragged on the road till it lost its life. The dog's dead body was recovered near the ONGC colony in Bandra. The Bandra Police filed charges against an individual who may have been possibly suspected of being involved in the gruesome act. He is yet unidentified. The front legs of the dog were attached with a rag, indicating that it was dragged behind a vehicle. There was a local journalist who found the unfortunate animal's dead body on the roadside with crumpled eyes and blood dripping out from its wounds.

Provisions for safeguard of wildlife in India

The Indian Constitution has provisions aimed at protection and encouraging animal rights in the country.

As per Article 48 of Part IV of the Indian Constitution aims the state to shape agriculture and animal husbandry in a contemporary and scientific manner while protecting and preserving cattle breeds. It also forbids the killing of cows, calves, and other milch and draught animals. Article 48A orders that the state shall defend and improve the environment, forests, and wildlife.

Under Part IV A of the Constitution, all citizens must defend and conserve the environment as per Article 51A(g). The Constitution also authorises the Parliament and state legislatures to pass and implement laws against animal cruelty while safeguarding wild animals and birds, as cited under Article 246, read along with the Seventh Schedule.

As per Article 243G and the Eleventh Schedule, Panchayats have been given the authority to manage problems about animal husbandry, dairy and poultry.

Likewise, as stated in Article 243W and the Twelfth Schedule, municipalities are under an obligation to create regulations associated to the prevention of animal abuse.

Section 428 of the Indian Penal Code, 1860 mentions that any individual who causes harm to an animal may face imprisonment for up to two years or a fine, or both.

Also, as per Section 429 of the Indian Penal Code, 1860, causing injury or death to an animal, irrespective of its value, can have consequences in a penalty of imprisonment for five years, or a fine, or both.

The Prevention of Cruelty to Animals Act was announced in 1960 with the main objective of stopping animal cruelty. This Act particularly deals with safeguarding animals from fighting or shooting competitions. Additionally, the Act also orders that animal owners provide their animals with proper food, shelter, and care. The Wildlife Protection Act of 1972 was presented to protect wildlife conservation and fight unlawful trading and smuggling of wildlife. This Act aims to safeguard endangered species worldwide.

Does the present legislation pertaining to the protection of wildlife in India need to be changed?

India has put in place numerous laws to guard its wildlife, but these laws are not being successfully enforced. The current legislation levies fines, penalties, and charges for any infringement of India's wildlife conservation rules. However, there have been recommendations to modify these laws to make them more effective.

1960 saw the passing of the Animal Cruelty Prevention Act, which became effective in 1974, numerous forms of animal cruelty are punished by fines and/or penalties. Yet, some advocacy groups consider that the punishments are ineffective. The highest penalty for a first-time offender is only fifty rupees, which is deemed by some as too lenient.

Animal advocates are using the hashtag #NoMore50 to increase awareness about the important issue of animal abuse and to push for judicial changes that would make it a crime. In February this year, the Union Ministry of Fisheries, Animal Husbandry, and Dairying proposed changes to the 60 year old statute. However, during that session, the legislature did not take any legal action on those planned changes. As a result, animal rights activists are now mobilizing ahead of the forthcoming legislative session to urge the implementation of these changes.

Despite the efforts to alter the law, it remains unaffected. An Animal Welfare Bill was created by the Animal Welfare Board of India (AWBI) and submitted to the Ministry of Environment and Forests (now the Ministry of Environment, Forests, and Climate Change) in 2011. However, no steps were taken by the authorities, as per the former vice-chairman Chinnay Krishna of the AWBI.

Initially, the number of fines ranged from Rs. 10 to Rs. 50 for unlawful acts such as beating the animals, kicking, torturing, and injuring the animals. On the opposite, the amended and proposed draft indicates the amount of the fine to be a minimum of Rs. 75, 000. This is triple of the amount fine which was imposed before.

After taking Suo Moto notice in this case, the High Court called out the animal cruelty prevention case in "*Re: Bruno*" in tribute of poor dog. In the wake of three teenagers' unfortunate dog Bruno's death at Adimalathura Beach in Thiruvananthapuram, the court started a Public Interest Litigation (PIL).

The Animal Welfare Board of India (AWBI) has been mandated by the court to devise a practical strategy aimed at increasing public awareness of animal rights and duties. The AWBI has been given a month to provide the report, and the court has emphasised that prompt action is required to prevent future occurrences of the same kind. The court has also underlined how important it is that the state government modernise veterinary clinics and related infrastructure. The court has also emphasised that district administrations must be given the power to investigate allegations of animal mistreatment and has proposed laws that forbid flat dwellers from possessing specific animals.

Evolving Jurisprudence and Conclusion

By enforcing environmental laws and ensuring that they are implemented effectively, the judiciary plays a critical role in protecting species. The participation of the courts in wildlife conservation has been the subject of various examinations in this paper, focusing its importance in forming policies, enforcing regulations, and resolving disputes linked to wildlife protection.

Initially, the judiciary plays as a guardian of environmental legislation, interpreting and implementing laws that protect wildlife habitats, species, and ecosystems. Through landmark judgments and legal precedents, courts have acknowledged the fundamental rights of wildlife and supported the principles of sustainable development. By making governments and industries liable for environmental degradation, the judiciary promotes a culture of responsibility towards biodiversity conservation.

Secondly, the judiciary plays as a check against governmental actions or negligence for safeguarding of wildlife. With the help of public interest litigations (PILs) and judicial activism, courts have made authorities to address critical issues such as habitat destruction, poaching, and unlawful trade in wildlife artefacts. By interfering in cases of environmental degradation and species endangerment, the judiciary make sure that the interests of future generations are protected against short term economic interests.

Besides, the judiciary plays a fundamental role in solving conflicts between conservation objectives and developing projects. By matching competing interests and considering scientific evidence, courts attempt to achieve a harmonious coexistence between human activities and wildlife conservation efforts. Through the standard of sustainable development, courts encourage the implementation of ecologically sensitive practices that reduces harm to wildlife while raising socio economic progress.

Furthermore, the judiciary works as a forum for solving disputes arising from conflicts over natural resources and wildlife management. By arranging a platform for stakeholders to present their arguments and grievances, courts assist dialogue and negotiation towards reaching consensus-based outcomes. The courts endeavour to harmonise competing interests and promote cooperative methods of protecting wildlife through alternative dispute resolution processes including arbitration and mediation.

Adding up, the judiciary plays an essential role in maintaining international agreements and treaties pointed for the protection of wildlife and biodiversity. By merging principles of international law into domestic jurisprudence, courts contribute to the global attempt to combat transboundary dangers to wildlife, such as habitat loss, climate change, and wildlife trafficking. Through judicial aid and mutual assistance, courts improve the effectiveness of international conservation initiatives and encourage cross-border collaboration in wildlife protection.



In conclusion, the judiciary's responsibility in wildlife conservation is multifaceted and indispensable. By interpretation and enforcing environmental laws, holding governments responsible, solving conflicts, and upholding international obligations, courts contribute majorly to the preservation of biodiversity and the sustainable use of natural resources. However, there are still countless challenges to make sure efficient enforcement, improving judicial capacity and promoting greater public participation in environmental governance. Nevertheless, with continued judicial engagement and public awareness, the judiciary can remain to play a transformative responsibility in modelling a future where wildlife thrives in harmony along with humandevelopments.

