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AN APPRISAL ON WILDLIFE CONSERVATION IN INDIA

AUTHORED BY - SUBHASHREE MUKHERJEE

Abstract:

To protect the Environment as a whole not only protection of air, water, soil, climate conservation of forest and wildlife is equally important. As per the history of India from ancient to till date wildlife has a great importance in India. From the British period conservation of wildlife has started and 1st Law regarding wildlife protection passed by British India government after independence parliament of India also enacted so many laws relating to protection of all the elements of environment ecosystem and biodiversity. Not only laws various projects are also launched by government of India for endangered animals like project ssssssstiger, project elephant. For industrialization and economic development of the country deforestation was done and for that reason animals facing loss of habitats. For conservation of wildlife habitats must be conserved. There is only way to maintain the environment and development principles of sustainable development should be applied. Government should take strong actions for implementation of laws.

Introduction:

According to Cambridge dictionary wildlife refers animals and plants that gives independently of people, usually natural conditions. Wildlife also includes undomesticated animals, species who grow up naturally. Existence of wildlife is most significant element to maintain the balance of ecosystem and equally important for survival of human kind. According to IUNC Red list 2019 26, 5000 animal, plants and other organisms are leveled as threatened in India. Due to high pollution rate, increasing population growth and climate change some of habitats of wild life is already destroyed and rest of habitats are in danger. Because of lack of habitats huge number of wild animal species have become endangered, not only animal species but plant species are also threaten. To establish the technological projects deforestation was done due to making of dams over river for irrigation which is necessary for agriculture and making hydroelectricity by using hydropower. Constitution of India under part –IVA of constitution provides some fundamental

duties in article 51A. According to Article 51A (g) “it shall be the duty of every citizen of India to protect and improve the natural- environment including forest, lakes, rivers and wildlife and to have compassion for living creature.”¹all kinds of uncultivated flora and fauna comes under the preview of wildlife. Every creature has a natural right to survive and get protection from extinction. In India from the ancient period environment and animals were treated with kindness and respects. Not only that some of the animals has religious importance in Santana dharma from Vedic period to till date. At present parliament of India has enacted laws to protect the various elements of environment including wild life.

HISTORY OF CONSERVATION OF WILDLIFE IN INDIA:

History of not only indicates battles, monuments, sculptures, scriptures history has other side like wild life portrayer who painted animals from different parts of different geographical areas of India. Paintings discovered by ASI these pictures have their own historical significance.² Significant Concept like Conservation of wildlife comes from ancient period in India. In Vedic period some Specific animals have connected with specific God and Goddesses these specific animals like lion , tiger, elephant, cow they were protected from human as they are considered as symbol of God or Goddesses³. Not only animals some plants are also protected under Santana dharma for religious practice. In India from the ancient period there is a practice of conservation nature and wildlife.

During the Maurya dynasty in India Chandra Gupta Maurya as great king had adopted the principle of conservation, his minister kautillya decided all rules regulations regarding wildlife conservation procedures were written by him. Serious punishment for the persons those found guilty of animal cruelty also written by kautilya After that Samrat Asoka influenced by Budhisim had made laws regarding prohibition of hunting of wild animals. Burning of farm chaff after harvest was banned by king Asoka for protection of environment and laws regarding prohibition of animal cruelty also enforce by the king to protect animals.⁴

In Mughal dynasty Badshah Akbar bred tiger leopard and other animals for hunting purpose they

¹ Bare ACT CONSTITUTION OF INDIA; UNIVERSAL Lexis Nexis, p-24

² <https://core.ac.uk/download/pdf/144879266.pdf>. (Retrieved on 25.11.2023 at 8.55p.m.)

³ <https://core.ac.uk/download/pdf/144879266.pdf> (retrieved on 22.11.2023 at 8.15 p.m.)

⁴ helastwilderness.org/wp-content/uploads/2016/08/History-of-Conservation-in-India (retrieved on 24. 11. 23 at 8.05 p.m.)

have created reserves was known as sikargaha for the protection of wild animals. Akbar's son Jahangir was known as nature lover. Jahangir had enforced laws prohibition of hunting of wild animals. Jahangir had made free so many animals from sikargaha. He had made strong rules to stop hunting. IN his regime slaughter of wild or domestic animal in Thursday and at time of Jains festivals was restricted⁵.

British rulers after defeating the Bangal rulers in battle of Palasy in 1775. British had declared reward for tiger killing. British officially had announced £4800 to Maharaja jodhpour for killing 1,579 tiger. At the British period there was a concept that less number of tiger means more cultivation. Bangal famine 1770 caused due to negligent behavior of British. But they show the reason that due to fear of tigher the Indian farmers were unble to cultivate. less number of tigher means more cultivation and more revenue this concept was established by t British ruler. ⁶ in British period at maharao of kotah in Rajasthan declared 25 rupees to to anyone who will kill the lion more rupees for killing tigers were also declared. Not only in Rajasthan but also in Madras presidency same award was announced by collector.⁷ First law for the protection of wild birds. Wild Birds Protection Act, 1887 by the British India Government. This legislation was for prohibition of sale and hunting of birds of specific species. During breeding season of birds. East India Company had introduced reward for killing tigers and panthers. India had versatile wildlife all the rulers of India captivated for hunting in the various forests of India for their wildlife. Conservation of wildlife is the only way to save wildlife and ecosystem and the whole environment of the concern region. Conservation of wildlife in India started for the first time in the year of 1904 when Mary Curzon wife of lord Curzon who was the viceroy of India. Lady Curzon was willing to visit kaziranga forest, which was famous for one horned Rhino. However, during her visiting hours she did not find any one horned Rhino. This situation has created a thought in her mind there is need of conservation of this species of Rhino. She has pushed her opinion before Lord Curzon the viceroy of that time to take steps for conservation of rhino population. After taking initiative by viceroy Kaziranga National Park was established in In the year of 1905 it is the excessive protection provided for wildlife.⁸ To protect the wild birds and Animals. Another legislation was enacted by British India Government which is known as Wild birds and Animal protection Act, 1912. Asiatic Lions in Gir very fewer populations were remain

⁵ <https://enrouteindianhistory.com/wildlife-under-mughals/> (retrieved on 24.11.23 at 8.00 p.m.)

⁶ <https://core.ac.uk/download/pdf/144879266.pdf> (Retrieved on 27.11.8.00 p.m.)

⁷ <https://core.ac.uk/download/pdf/144879266.pdf> (Retrieved on 27.11.8.10 p.m.)

⁸ ([Tigersafariindia.com /blog/120 years –of-wildlife-conservation-in-India/](https://Tigersafariindia.com/blog/120-years-of-wildlife-conservation-in-India/) (retrieved on 28.11.2023 at 11.00 a.m.)

due to poaching and hunting by nawab junagharth. As per the instruction of British Government Nawab of junagharth has taken steps to stop the hunting of not only lions but also all the types of wildlife are prohibited. In the year of 1905 only 60-70 Lions are left after this banning of hunting in the year of 1936 according to first census report conducted by nawab the report that 287 lions are in Gir landscape.⁹ Wild birds and Animals Protection Act was Amended Act 1935 was passed by British India Government. In 1935 Hailey National Park was establish major part of Kumon hills and some parts of Garhwal hills was taken for national park. It was established in India in the year of 1936. It was renamed for the 1st time In 1950s as Ramganga.¹⁰ Edward James Corbett was a Indian born British hunter and naturalist and a author who initially who hunted lots of man eater tiger and leopards he never killed a tiger without confirmation that this one is man eater.¹¹ For contribution of Corbett for the wild life conservation in the year of 1956 Ramganga was renamed again as Corbett National park. He had shared his experience through this book Man Eaters of Kumon and jungle Lore where he explained his hunting experience, about his enjoyment and he also had done criticism about commercial success in exchange of destruction of eco system. His book had played a role for spreading awareness among people about the significance of wildlife in ecosystem of environment. For his nature loving contribution Romagna national park known as Corbett national park from the year of 1956.

Significance of Wildlife In India:

India is a economically weak country. Still since the year of Independence to till date Our government had invested huge money for the protection of wildlife. In India, wildlife of the country is considered as wealth of the country. Wildlife is too significant for biological Diversity of India. Wildlife has massive importance to all in economic development. Wildlife and forests are the most valuable thing of our country. To preserve the wildlife and forest indicates actual preservation of biological diversity of India. There is difference between conservation and preservation. "If there is direct involvement of mankind to save and maintain balance between wildlife and ecosystem is known as Conservation. Preservation is a process where mankind should leave wildlife alone for their natural growth and nature system of life. Conservation permits proper use of nature and wildlife."¹² But in case of preservation there is no chance of

⁹ <https://www.tigersafariindia.com/blog/120-years-of-wildlife-conservation-in-india/> (retrieved on 29.11.2023.11.55 a.m.)

¹⁰ <https://www.britannica.com/place/Corbett-National-Park> (retrieved on 29.11.2023 at 7.30 p.m.)

¹¹ https://en.wikipedia.org/wiki/Jim_Corbett// (retrieved on 29.11.2023 at 8.20 p.m.)

¹² WILDLIFE CONSERVATION AND MANAGEMENT; REENA MATHUR; Rastogi Publication;p-29-30

permission to use of nature and wildlife. Conservation permits proper use. Preservation indicates non-use of wildlife and nature. conservation of wildlife is essential for economic growth of the country. Sometimes preservation is necessary to protect wildlife from extinction. To conserve the wildlife is not only for economic reason there is another like Biophilia and ecopsychology¹³. There is a connection between nature and Humankind. Flora fauna of is also important for medical treatment of human body.

LAWS, PROJECTS AND ORGANIZATION Related to wildlife in INDIA:

part III of the constitution of India deals with fundamental rights Article 21 provides right to life and personal liberty. Through judicial interpretation of right to life M. C. Mehta vs. Union India¹⁴ it was held that right to life under article also indicates right to live a dignified life in a pollution free environment free from disease and infection which causes due to pollution. In Vellore Citizens Welfare forum vs. Union of India¹⁵ It was held that right to clean environment is the most basic right but development cannot be stopped so there is need to maintain balance between environment and development. Sustainable development also comes under the purview of right to life under Article 21.¹⁶Part IV of the constitution provides Directive principles of state policy among all the directives there is a article 48A which provides that “ the state shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country. There are Fundamental duties under 51A of constitution of India, It is one of duties of citizens of India under Article51A(g) to protect and improve the natural environment including forests, lakes, rivers and wildlife and compassion living creatures. Article 253 empowers the parliament to implementation of international agreement, treaties and conventions in national laws through enactments. Following laws are related to wildlife protection:

Central board for wildlife was established in the year of 1952, after that wildlife protection Act was passed by parliament of India in 1972. Under this Act central board of wildlife renamed as National board for wildlife.

¹³ WILDLIFE CONSERVATION AND MANAGEMENT; REENA MATHUR; Rastogi Publication;p-31

¹⁴ AIR1987 SC965

¹⁵ AIR1996SC2715

¹⁶ Constitution of India; Professor Narendra kumar; Allahabad Law agency; p-299

WILDLIFE PROTECTION ACT, 1972: Main objects of wild life protect ACT, 1972 are as follows:

- i) To protect the wild animals birds and plants.
- ii) To make sanctuaries and National parks for the preservation and protection of animals and birds.
- i) To stop poaching of already endangered species of animal.
- iii) Saving wildlife creates a proper ecosystem.

WILDLIFE PROTECTION (AMENDMENT ACT), 1986: Sub section (1) of section 44, chapter –VA was amended.

ENVIRONMENT PROTECTION ACT, 1986: The objects of this Act are as follows:

- i) To implement the Stockholm conference (United nations Conference on the Human Environment) in which India had participated Environment protect Act was passed to implement UNCED.
- ii) Though there were existing laws related various components of environment like air, water, fores but there is need of general legislation to give complete protection to environment.
- iii) To regulate the environment protection procedure there is a need of legislation like Environment protection Act.

INDIAN FOREST CONSERVATION ACT, 1980: Main objects of this Act are as follows:

- i) To stop deforestation
- ii) Maintain ecological balance of the environment.
- iii) To protect habitats of wildlife.
- iv) To protect the environment from pollution.

The BIOLOGICAL DIVERSITY ACT, 2002: this Act also has some major objects, objects are as follws:

- i) Main object of this Act is to conserve the biological diversity in India.
- ii) To maintain the sustainable use of natural resources.
- iii) To protect the wildlife.
- iv) To protect wildlife habitats.
- v) To protect genetic diversity.

NATIONAL WILDLIFE ACTION PLAN 1983: first national wildlife action plan has been adopted after 15th meeting of Indian board for wildlife which was held on 1982.

STRATEGY OF ACTION PLAN, 1983:

- i) To build up the protected areas for wildlife.
- ii) To establish constructive supervision of protected area.
- iii) Conservation of wildlife
- iv) Preservation of endangered species of wild animals and plants.
- v) Re institution of habitats of endangered animals.
- vi) To stop poaching, monitoring and research about wildlife animals.
- vii) Spread awareness among people about importance of wildlife in ecosystem of environment.

NATIONAL WILDLIFE ACTION PLAN 2017-2031: This plan has been made to spread the awareness among people that without their support it was almost impossible to protect wildlife and ecosystem. The main focus of NWAP 2017-31 are on climate change, rehabilitation of endangered species, health issues of wildlife, monitoring of, costal and marine ecosystem, reduction of problems between human and wildlife.¹⁷

National organizations to protect wildlife some of them are as follows: this Governmental organizations were working to produce report about present condition of wildlife and about their habitats. Some of the government organizations are as follows:

- i) Zoological Survey of India.
- ii) National Tiger conservation Authority.
- iii) Wildlife institute of India etc.

Some of the NGOs to the related wildlife conservation research are as follows: following Ngos are working for the protection of wildlife and ecosystem

- a) Wildlife Conservation Society- Bangaluru,
- b) Wildlife Trust of India, new Delhi,
- c) Nature Conservation Society, Mysore etc.

¹⁷ WILDLIFE CONSERVATION AND MANAGEMENT; Reena Mathu r; Rastogi Publication; p-86

PROJECT RHINO: There are three species in a Asia javan rhino, Sumatran Rhino, Greater one-horned Rhino which are konown as Indian rhino. According to the report of zoological survey of India 2006 there wrere 2,577 one horned rhino. But after strict preservation population increased and aprox 4014 polulation as per zoological survey of India 2022. 18Rhino project in had started from 2005 to protect and conserve Indian Rhinos. Indian Rhino vison is population modeling project. through this project there are 3000 rhino pollution after increasement of rhino population in the protected areas of Aasam manas national park.3000 rhinos. which are distributed among 7 protected areas of the country by the year of 2020.

TIGER PROJECT: Through tiger protect which was launched in 1973 to protect royal Bengal tiger. Huge area of Turkey to Russian cost from north to Siberia and from south of Indonesian island once upon a time these areas are known as habitats of tigers. There were 9 tiger species in world but among them 3 species are already extinct Caspian tiger, The Balinese tiger, The Javan tiger. Other 6 species are Siberian tiger, Sumatran tiger, Indo- Chinese tiger, Malayan tiger, Southchina tigers, Bengal tigers of India. all of these 6 species of tiger species are endangered due to pollution and growing population. But south china tigers and Malayan tigers are critically endangered. Bengal tigers are distributed among India, Bangladesh, Nepal, Bhutan, china and Myanmar. In India project was started in 1973. In India tiger protect was started to conserve royal Bengal tigers. Tiger reserve policy helps a lot to preserve tigers in India. Due to poaching royal Bengal tigers are endangered in India. But after long time implementation of tiger project since 1973 to till date it is going on. According to Tiger census released on April, 2023 tiger population is all over 3,167 tigers are there in India¹⁹. aproximately75% of tiger population of the world belongs to India.

PROJECT ELEPHENT: Another big project to save wild animal is project **elephant. Elephant are also in danger due to loss of habitats. Due to deforestation and** growing industrialization elephants are losing their habitats. There are three species of elephants are there in the world. African savanna elephant, African forest elephants, Asian elephants. In India project elephant was started by government of India in the year of 1992. 32 elephants were reserved for the 1st time reserved in Jharkhand. As per Elephant census report of 2017 aprox 29, 9 64 elephants are

¹⁸ <https://www.google.com/search?q=current+population+of+one+horned+rhinoceros+in+india> (retrieved on 23 december 2023 at 7.50p.m.)

¹⁹ <https://www.google.com/search?q=tiger+population+in+india+2023> (retrieved on 26 December 2023 at 7.30 p.m.)

there in India which indicates 60% of the Asian elephant population of the world belongs to India²⁰. Asian male elephants have tusk. Elephant tusk has a huge value due to this male elephants are killed by poachers. Killing elephants and keeping any ivory item is a punishable crime under wildlife protection Act 1972. Minimum three years imprisonment with fine of Rs. 50,000. Trading of ivory is illegal in so many countries including India. In USA and in UK Ivory trading is illegal. International programme organized by parties resolution of CITES, MIKE organized by COP in the year of 2003 with the aim to monitoring elephant population illegal killing of elements²¹.

RIGHTS OF ANIMALS UNDER INDIAN LAW: To protect the rights of animals in India the following laws are there to protect animals,

Indian penal code: Indian penal code 1860 section 428 and 429 provide protection to animals, section 428 of IPC provides punishment for killing, poisoning, maiming, or rendering useless any animal or animals of the value of ten rupees or upwards are simple or rigorous imprisonment for up to two years, or with a fine, or with both.

Section 429 of IPC provides punishment for killing, poisoning, maiming, or rendering useless any animal or animals of the value of fifty rupees or upwards (which automatically includes all cattle/beasts of burden) are simple or rigorous imprisonment for up to five years, or with a fine, or with both²².

Section 39 of Wildlife Protection Act, 1972 prohibit to cause injury to Animals. As per section 39 of wildlife protection Act term Animal includes amphibians, birds, reptiles and mammals and their young. In the case of bird and reptiles, even their eggs are included in this category only except vermin listed by each state.

If any person causes injury to animal. The penalty for the person guilty of an offence under this Act is imprisonment for a term of three years, or with fine of twenty-five thousand rupees, or with both. In a second offence, the term of imprisonment will be seven years with fine of ten thousand

²⁰ <https://www.google.com/search?q=current+population+of+elephant++in+india> (retrieved on 28 December at 7.40 p.m.)

²¹ WILDLIFE CONSERVATION AND MANAGEMENT; Reena Mathur; Rastogi Publication; p-212.

²² INDIAN PENAL CODE 1860, section-429

rupees²³.

Section 11 of Prevention cruelty to Animal Act,1960 includes different kinds to cruelty which may causes to animals these are as follows:

- i) Cruelty against person's own pet.
- ii) Inhumane transportation of animals.
- iii) Inhumane living condition of animal is amounts to cruelty even for animals which are pre-determined for slaughter.
- iv) Ear docking
- v) Tail docking.
- vi) Release animal from captivity for the purpose of shooting,

If anyone committed above mentioned offences then the offender will have to pay fine which shall extend to fifty rupees. If it is the case of second offence, he will be fined with not less than twenty-five rupees but which may extend to one hundred rupees or with the imprisonment for up to three months or with both. As per amendment bill 2022 offender shall be punishable, in case of 1st offence fine which may extent to fifty rupees and for sub sequent offence fine may extend up 200 rupees or imprisonment for a term not less than three months or with both.²⁴.

ROLE OF JUDICIARY IN CASE PROTECTION OF ANIMALS: In Indian constitution we are having fundamental rights under part-III of constitution article 21 provides right to life including right to clean environment and pollution free ecosystem. part-iv of constitution deals with directive principle of state policy from article 36-51. Article 48 and 48 states about responsibility of state to protect animals, and establish animal husbandary in modern way by using scientific methods of animal breeding, providing medical treatment if necessary to any animal.

Article 51A (g) provides that it is the fundamental duty of every citizen of India to protect natural environment including wildlife, forest, river, lakes etc.

Animal Welfare Board v.A Nagaraja and Ors²⁵ In Tamil Nadu there are a historic sport like culture organised which is known as jallikattu. In this game of jallikattu bulls are poked by sharp

²³ https://peepalfarm.org/animalrights?gad_source (retrieved on 29 .12.2023. AT 8.P.m.)

²⁴ PREVENTION OF CRUELTY TO ANIMALS (AMENDMENT) BILL 2022

²⁵ (2014) 7 SCC547

sticks and tails of bulls are twisted to the level that it may lead to fracture. After these arrangements, bulls are released in the crowd of people who are jumping upon the bulls. Sometimes red chilli is rubbed to the eyes of bulls by people for aggression and bulls are forced to drink alcohol. All this causes the death of bulls. People stab bulls with knives to stop them, not only this to stop them, some people are jumping over them, dragging them on the ground, which leads to broken bones. Animal Welfare Board filed a case before the Supreme Court with a demand to impose a ban on this practice like jallikattu. Ministry of Environment and Forest has imposed a ban on jallikattu and the Supreme Court also upheld the enforcement of the ban on jallikattu. SC observed that term life includes all forms of life, not only animals also have right to life and security.

Sachin Pandey v. State of West Bengal, proposal for establishment of a 5 star hotel in the area possessed by zoo authority in which area cultivation of grasses was done for elephants and there was an old animal husbandry. But the main issue of this case is that if Taj Bengal established with its 7 floor building, then it will affect the coming of seasonal birds in Alipore Zoo. Sachin Pandey raised the issue of protection of environment with development. Court observed that ecology is the most important part of life and according to the directive provided in Article 48A, it is the responsibility of the state to protect and improve the environment including forests, wildlife, rivers and lakes. Court held that Taj Bengal can be made with five floors, not with seven. Development and environment both should be done by applying the principles of sustainable development.

*Abdul Hakim Qureshi v. State of Bihar*²⁶ petitioner filed case before Supreme Court questioning the constitutional validity of ban on cow slaughter in Bihar on ground of article 25-28 provides right to religion. Court held that neither in Quran nor in Hadis or any other religious book cow slaughter is mandatory for Bakr-eid, instead of cow, camel and goats can be sacrificed in Bakr-eid. Ban on cow slaughter is neither unconstitutional nor infringement of any fundamental right.²⁷

*Chief Conservator Wildlife v. Nisar Khan*²⁸. Appellant was a dealer of Munia birds which are found in the state of Uttar Pradesh. State government had granted license of business to him upto the year of 1990. After expiration of license he applied for renewal of licenses for next year, but his

²⁶ AIR 1961 SC448

²⁷ <https://ijalr.in/role-of-the-indian-judiciary-in-the-preservation-of-endangered-species-a-brief-analysis> (retrieved on 31 December 31, 2023 at 8.30 p.m.)

²⁸ AIR 2003 SC 1867

application for renewal of license was rejected on ground that that it would not be possible for him business of breeding of captive birds without hunting which includes trapping of birds. The respondent filed writ petition before supreme court against order of high court. According to the respondent his fundamental right right to carry on business under article 19. SC held that licensing authority has not done any wrong full act by denial of renewal of license because business of breeding of captive birds through trapping them is prohibited under section 9 and section 2(16) wildlife protection Act, 1972. SC also held that ground of violation of fundamental right is refused on ground that there are some reasonable restrictions under article 19, if the business is threat to public health and peace and if any business is illegal in the eyes of any existing law then that person must be prohibited to carry on this type of business²⁹.

CONCLUSION:

Due to global warming and climate change the whole world is facing the same problem like India extinction of some species of animals and some of the species are in endangered position. main reason for this condition is loss of habitats of animal through deforestation which is caused in country like India for development and industrialization. For economic development industrialization is necessary but ecological imbalance can destroy not only country or subcontinent but it can destroy the total environment of earth. Whole world will destroy. If ecological imbalances raised no industry can solve the problem. Financial development is an integral part of a country but environment is essential part of human existence without human existence there shall be no country side by side without financial development no country can run its development. So both are important for the survival of a country. India to save the wildlife and ecology there is need of stronger laws and need of proper implementation of laws. Government should take more strong steps for implementation of wildlife protection laws and laws against poaching of animals. Through implementation of principles of sustainable development both development and to save environment both can run parallelly.

²⁹ <https://blog.ipleaders.in/supreme-court-india-role-protecting-fauna-india/> (retrieved on 1.01,2024 at 8.30 p.m.)