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BLACK MARKETING OF ANIMALS **AND THEIR BODY PARTS**

AUTHORED BY- VARUN PURI

Abstract

As we all can agree that humans, plant and animals, are all the creation of nature and we all have the rights to live and also have the rights to reap the benefits from nature. By reaping benefits from nature does not mean over-exploiting the nature rather reaping the benefits from the nature within limit and with sustainably. All the other species are dependent upon each other for survival and even if some of the creatures are affected the other creatures relied on that also gets effected. To prevent extinction of the animals in India, Indian government has made some acts to protect the animals like Wildlife protection Act, prevention of cruelty to animals acts etc. In this we would be analysing the black marketing of animals and their body parts, how is it done, where is it done, what are the measures to prevent these, whether the laws implemented are effective or not and some cases related to it. The main idea behind this is to make people about this and how does it affect the animals and encouraging people not to buy illegal products made out of animals by hunting those animals.

Introduction

As we can see that we , the humans have developed and evolved into more adaptable and more advanced species . Though at the same time we have caused more and more damage to the environment and the ecosystem. As we are causing more pollution and we are affecting the ecosystems and various food chains by hunting various animals for our own pleasure, pride and status , which results in the extinction of animals .

The hunting of animals started from the ancient period where the humans used to kill and hunt the animals for their survival and their subsistence. Then , during the times of the Kings and the British raj in india , the indian Kings and the British used to hunt the animals for pride, trophies, sport and status . Now during the modern period the animals are blackmarketed and also their body parts are

blackmarketed (like horns of Rinos , tiger's furr , elephant's trunk etc) after hunting those animals .

Nowadays India is one of the major hub of blackmarketing for plants, animals and their body parts as india is rich with biodiversity and has large number of flora and fauna . India is the 8th world's most biodiversed region with around 1,02,718 species of fauna and its has various regions where we can find various fauna .

Due to this most of blackmarketing of animals and their body parts are happening from india illegally, and despite various measures by the government this is still a prevailing problem as the measures and the laws are not appropriate and strict as they should be. This has become a general problem as according to World Wide Fund for nature (WWF) , wildlife trafficking is the fourth largest form of organised crime after drugs, human trafficking and counterfeiting. This form of organised crime is worth an estimate of 15 billion dollars per annum

Legal wildlife trade

Wildlife trade is a multi-billion dollar global industry that involves the buying and selling of wild animals and their products, such as skins, bones, and meat. While some wildlife trade is legal and sustainable, much of it is illegal and unsustainable, and poses a significant threat to many endangered and vulnerable species.

Legal wildlife trade refers to the buying and selling of wild animals and their products that is conducted in accordance with national and international laws and regulations. It can take many forms, such as hunting, trapping, fishing, and farming, and can involve a wide range of species, from insects to mammals.

The legality of wildlife trade depends on the species involved, the location where the trade is taking place, and the purpose of the trade. For example, some species may be legally traded for their meat, hides, or other products, while others may be protected by international treaties and laws that prohibit their trade for commercial purposes.

It is important to note that legal wildlife trade can still have negative impacts on animal welfare and conservation, and that the enforcement of laws and regulations can be challenging, particularly in

countries with weak governance and law enforcement systems. As such, it is important to ensure that legal wildlife trade is conducted in a sustainable and responsible manner, and that it does not contribute to the decline of vulnerable or endangered species.

Legal wildlife trade are mostly done by zoo authorities and national parks through authentic and licensed dealers according to the wild life act . To keep a check on the activities on the zoos in india there is an authority, which is known as the central Zoo authority set up under section 38A of wildlife act 1972 and their functions Are mentioned in section 38C of the wildlife act . The rules related to legal wild life trade is mentioned in section 39 to 49 of the wildlife act 1972.

Section 39 states that all the wild animals are the property of the government, irrespective of the fact whether they are dead or alive.

Section 43 defines the regulation of transfer of animals .

Section 48 defines that the animals should be purchased from a licensee who should have a certificate of ownership.

An Example of legal wild life trade is like when SHREE NARENDRA MODI ordered or brought cheetahs to India from Africa for the purpose to re-populate those cheetahs.

ILLEGAL WILDLIFE TRADE

Illegal wildlife trade refers to the buying, selling, and trading of animals and plants that are protected by law. It involves the illegal trade of live animals, as well as their parts and products, such as ivory, rhino horns, and tiger bones. This trade is a significant threat to the survival of many species of wildlife around the world, including endangered and critically endangered species.

The illegal wildlife trade is driven by demand for products made from animals and plants, including traditional medicines, luxury goods, and exotic pets. The trade is a lucrative business, worth billions of dollars annually, and is often associated with organized crime and corruption.

The impacts of the illegal wildlife trade are widespread and devastating. It contributes to the decline of many species, disrupts ecosystems, and has negative impacts on local communities who rely on wildlife for their livelihoods. It also poses a significant risk to human health, as it can facilitate the spread of zoonotic diseases.

Efforts to combat the illegal wildlife trade include strengthening laws and law enforcement, raising public awareness, supporting sustainable livelihoods for local communities, and reducing demand for wildlife products. Conservation organizations, governments, and law enforcement agencies around the world are working together to combat this destructive trade and protect wildlife.

The causes of black marketing of animals

The black marketing of animals refers to the illegal trade of animals, either for their meat, fur, organs, or as exotic pets. Some of the causes of black marketing of animals include:

Poaching: Poaching is the illegal hunting or capturing of wild animals. Poachers often target animals with valuable body parts, such as elephants for their ivory tusks, rhinos for their horns, or tigers for their fur. Poaching is a major cause of the black marketing of animals.

Demand for exotic pets: There is a high demand for exotic pets, such as parrots, monkeys, and reptiles, which fuels the black market trade of these animals. Some people are willing to pay high prices for these animals, which encourages illegal traders to capture and sell them.

Traditional medicine: In some cultures, certain animal parts are believed to have medicinal properties. For example, rhino horn is believed to have healing properties in traditional Chinese medicine. The demand for these animal parts for traditional medicine can drive the black market trade.

Weak laws and enforcement: Weak laws and enforcement can make it easier for illegal traders to capture and sell animals. In some countries, the laws protecting animals are weak, and enforcement is often ineffective, which creates a loophole for black marketers to exploit.

Poverty: Poverty can drive people to engage in the illegal trade of animals. In some cases, people may

hunt or capture animals illegally as a means of making a living, even though they may be aware that it is illegal.

Cultural beliefs: In some cultures, there is a demand for certain animal products for use in religious or cultural ceremonies. For example, in some African countries, there is a demand for leopard skins for use in traditional ceremonies. This demand can fuel the black market trade of animals.

How is black marketing of animals in India is done

The black marketing of animals in India is a serious problem that involves the illegal trade of endangered and protected species, as well as domestic animals. This illegal trade is often carried out through a network of middlemen, who buy animals from poachers or breeders and sell them to customers, including pet shops, private collectors, and even circuses.

One common method of black marketing of animals in India involves poaching of wild animals like tigers, leopards, and elephants for their skin, bones, and other body parts, which are highly valued in traditional Chinese medicine and as luxury items. These animals are hunted illegally and then transported to black markets, where they are sold to dealers.

In addition to poaching, domestic animals like dogs, cats, and birds are also subject to black marketing. This can involve illegal breeding and smuggling of animals, as well as theft of pets from their owners. These animals are then sold to pet shops or directly to customers, often at inflated prices.

The black marketing of animals in India is a serious threat to biodiversity and animal welfare, and the government has taken steps to crack down on this illegal trade. However, enforcement remains a challenge, and the trade continues to flourish in many parts of the country.

Major places in India where illegal blackmarketing of animals is done and how

Northeast India: This region is a hotspot for illegal trade in exotic animals such as pangolins, tokay geckos, red pandas, bears, rhinos and elephants. The animals are poached from the forests and

smuggled across the borders to China, Myanmar, Bangladesh and Nepal, where they are sold for their meat, scales, skin, bones and other parts that are used for food, medicine or ornaments¹²³.

Tamil Nadu: This state is a hub for illegal trade in star tortoises, a species that is native to India and Sri Lanka. The tortoises are captured from the wild and transported to Chennai, where they are packed in boxes or bags and shipped by air or sea to Southeast Asian countries such as Malaysia, Singapore and Thailand. The tortoises are in high demand as pets or for their supposed medicinal properties¹.

Uttar Pradesh: This state is a source and destination for illegal trade in owls, a species that is protected under the Wildlife (Protection) Act, 1972. The owls are trapped from the wild and sold in markets or online platforms for their feathers, claws, bones and meat that are used for black magic, sorcery or superstition. The trade peaks during the festival of Diwali, when owls are sacrificed as an offering to Goddess Lakshmi¹.

Rajasthan: This state is a major centre for illegal trade in sand boas, a species of snake that is endemic to India and Pakistan. The snakes are hunted from the wild and sold in markets or online platforms for their skin, blood and meat that are used for medicine or aphrodisiacs. The snakes are also believed to bring luck and wealth to their owners¹.

Effect of black marketing of animals on environment or biodiversity

Black marketing of animals, also known as wildlife trafficking, can have a significant negative impact on the environment and biodiversity in several ways:

Loss of species: The illegal capture and trade of wildlife can lead to the depletion of populations, and in some cases, the extinction of species.

Disruption of ecosystems: Wildlife trafficking can disrupt natural ecosystems by removing key species from their habitats, leading to imbalances in food webs and other ecological relationships.

Introduction of invasive species: Black market trading of animals can also introduce non-native and

potentially invasive species into new ecosystems, which can cause further damage.

Spread of diseases: The illegal trade in wildlife can also facilitate the spread of diseases between animals and humans, particularly when animals are kept in unsanitary and overcrowded conditions.

Damage to local economies: Wildlife trafficking can also damage local economies that rely on tourism and other industries that depend on healthy ecosystems and biodiversity.

Overall, the black market trade of animals is a serious threat to the environment and biodiversity, and efforts must be made to combat this illegal activity through increased regulation and enforcement, as well as public education and awareness campaigns.

India's laws against animal trafficking

In India, there are several laws and regulations in place to prevent black marketing of animals, which include the following:

Prevention of Cruelty to Animals Act, 1960: This act prohibits the sale, purchase, and transportation of animals for slaughter that are unfit for human consumption. It also lays down guidelines for the transportation of animals, ensuring that they are not subjected to unnecessary pain and suffering.

Wildlife Protection Act, 1972: This act provides for the protection of wild animals and plants, and prohibits the hunting, killing, and capturing of any wild animal without a license.

The Indian Penal Code, 1860: The IPC criminalizes the theft and sale of animals, including cattle.

The Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980: This act provides for the prevention of black marketing and hoarding of essential commodities, including food and animal feed, and imposes strict penalties for violations.

The Prevention of Food Adulteration Act, 1954: This act prohibits the sale and distribution of adulterated or misbranded food products, including animal feed.

The Meat Food Products Order, 1973: This order lays down guidelines for the slaughter of animals for meat consumption, ensuring that the animals are not subjected to unnecessary pain and suffering.

The Transport of Animals Rules, 1978: These rules lay down guidelines for the transportation of animals, ensuring that they are transported in a humane manner and are not subjected to unnecessary pain and suffering.

Overall, these laws and regulations aim to protect animals from exploitation and cruelty, and to prevent their sale and purchase in black markets.

The Performing Animals (Registration) Rules, 2001: These Rules regulate the exhibition and training of performing animals and require them to be registered with the Animal Welfare Board of India.

The Experiments On Animals (Control And Supervision) Rules, 1968: These Rules lay down the guidelines and conditions for conducting experiments on animals for scientific purposes.

Efficiency of animal trade laws in India

India has several laws and regulations in place to prevent black marketing of animals, including the Prevention of Cruelty to Animals Act, the Wildlife Protection Act, and the Prevention of Money Laundering Act. However, the effectiveness of these laws in preventing black marketing of animals varies depending on the specific circumstances and region.

In some cases, law enforcement agencies have successfully prevented black marketing of animals and arrested individuals engaged in such activities. However, in other cases, enforcement has been lax, and illegal animal trade continues to thrive. Additionally, corruption and lack of resources can hinder effective enforcement of these laws.

Overall, while the laws are in place to prevent black marketing of animals, their enforcement can be inconsistent, and improvements are needed to ensure that they are more effective in protecting animals from illegal trade.

Are the laws for to prevent black marketing and illegal wildlife trade enough to prevent it?

This is a complex question that does not have a simple answer. India has a strong legal framework to prevent and punish blackmarketing and illegal wildlife trade, such as the Wildlife (Protection) Act, 1972, the Prevention of Cruelty to Animals Act, 1960, the Indian Penal Code, 1860 and the Customs Act, 1962. India is also a party to international conventions such as CITES that regulate trade in endangered species. However, laws alone are not enough to prevent blackmarketing and illegal wildlife trade. There are many factors that influence the effectiveness of laws, such as enforcement, awareness, governance, demand, supply, corruption, poverty, etc. Therefore, it is important to address these factors along with strengthening the laws and their implementation to prevent blackmarketing and illegal wildlife trade in India.

People's initiatives to stop and prevent illegal wildlife trade and black marketing of animals in India:

Coalition to End Wildlife Trafficking Online: This is a global initiative that brings together e-commerce, technology and social media companies to reduce wildlife trafficking online. The coalition works in partnership with wildlife experts from WWF, TRAFFIC and IFAW to provide companies with data, training, policy guidance and user education to help them spot and remove illegal wildlife products from their platforms.

Wildlife Crime Control Bureau (WCCB): This is a statutory body under the Ministry of Environment, Forest and Climate Change that is responsible for combating organized wildlife crime in India. The WCCB coordinates with various agencies such as state forest departments, customs, police, coast guard and international organizations to prevent and detect wildlife offences. The WCCB also conducts awareness campaigns, capacity building workshops and intelligence operations to curb illegal wildlife trade.

Wildlife Trust of India (WTI): This is a non-governmental organization that works for the conservation of wildlife and habitats in India. One of its focus areas is to combat wildlife crime

through various interventions such as rescue and rehabilitation of poached animals, legal assistance to enforcement agencies, anti-poaching training for frontline staff, community engagement and public awareness.

Wildlife SOS: This is another non-governmental organization that works for the protection and welfare of wildlife in India. It runs various projects such as anti-poaching units, wildlife rescue centers, conservation hotlines, education programs and advocacy campaigns to prevent and combat illegal wildlife trade. It also collaborates with government agencies, local communities and other stakeholders to address the root causes of wildlife crime.

Don't Buy Trouble: This is a public awareness campaign launched by TRAFFIC and WWF-India to educate consumers about the illegality and impacts of buying wildlife products. The campaign uses posters, social media, radio spots and other platforms to highlight some of the most traded wildlife species in India such as pangolins, star tortoises, owls and sand boas. The campaign urges people to avoid buying trouble for themselves and for wildlife by saying no to illegal wildlife trade.

Indian judiciary's remarks or initiatives to prevent illegal wildlife trafficking and black marketing of animals

Wildlife trafficking is a serious issue in India, as it is a major source, transit and destination country for illegal trade of wild animals and plants, or their parts. Some of the products that are in high demand are ivory, leather, red sandalwood, rhinoceros horn, tiger parts, and exotic birds.

Wildlife trafficking is driven by various factors such as traditional medicine, meat consumption, and pet ownership¹.

The Supreme Court of India and the Indian judiciary have taken several initiatives to prevent illegal wildlife trafficking and blackmarketing of animals. Some of them are:

The Supreme Court has banned the online sale of wildlife products on e-commerce platforms such as Amazon, Flipkart, Snapdeal, etc. in 2019².

The Supreme Court has also directed the central and state governments to take steps to curb poaching and smuggling of endangered species such as tigers, elephants, rhinos, etc. in 20142.

The Supreme Court has upheld the constitutional validity of the Wildlife (Protection) Act, 1972, which is the main legislation for protecting wildlife in India. The Act provides for various offences and penalties for wildlife trafficking and poaching.

The judiciary has also delivered several landmark judgments against wildlife traffickers and poachers, such as the case of Wild Life vs. Ashok Kumar & Ors, where the accused was sentenced for trading in leopard skin.

Apart from the judiciary, several other governmental and non-governmental organisations are also working to combat wildlife trafficking in India. For example, the Wildlife Crime Control Bureau (WCCB) is a statutory body under the Ministry of Environment, Forest and Climate Change (MoEFCC) that coordinates with various agencies to prevent and detect wildlife crimes. The WCS-India's Counter Wildlife Trafficking (CWT) Program is another initiative that provides information, skills, technology, and expert support to tackle wildlife crime in India.

There are some case laws related to illegal wildlife trade and black marketing of animals in India and other countries. Some of them are:

R. Simon v. Union of India: This case involved the smuggling of exotic birds from foreign countries into India. The Supreme Court held that such trade violated the Wildlife (Protection) Act, 1972 and the Foreign Trade (Development and Regulation) Act, 1992 and directed the authorities to take strict action against the offenders.

Balram Kumawat Vs. Union of India & Ors: This case concerned the seizure of ivory and tiger skins from the petitioner's premises. The Supreme Court upheld the conviction of the petitioner under the Wildlife (Protection) Act, 1972 and the Customs Act, 1962 and observed that wildlife crimes have a deleterious effect on the ecological balance and biodiversity.

Pradeep Krishen vs. Union of India: This case dealt with the issue of sandalwood smuggling and felling of trees in protected areas. The Supreme Court issued various directions to curb the illegal activities and protect the forest resources.

United States v. Bengis: This case involved the illegal harvesting and export of rock lobsters from South Africa to the United States. The defendants were convicted of violating the Lacey Act, which prohibits trade in wildlife that has been illegally taken, possessed, transported or sold.

United States v. Khaophone Phetsomphou: This case involved the illegal importation and sale of endangered Asian arowana fish in the United States. The defendant was convicted of violating the Endangered Species Act, which prohibits trade in wildlife that is listed as endangered or threatened. These cases illustrate some of the legal challenges and consequences of engaging in illegal wildlife trade and black marketing of animals.

CONCLUSION

Here is a possible conclusion for your presentation:

The illegal trade of wildlife and wildlife products is one of the world's largest black markets and a serious threat to biodiversity, human health, and global security¹. It is driven by consumer demand and facilitated by transnational criminal networks that exploit the internet and transportation systems²³. The animals involved in this trade suffer from inhumane treatment, poaching, and habitat loss²⁴. Some of them are endangered species, such as elephants, rhinos, and helmeted hornbills²³.

To combat this trade, we need to adopt a holistic approach that involves multiple stakeholders, such as governments, law enforcement agencies, conservation organizations, local communities, and consumers. We need to strengthen the legal frameworks and enforcement mechanisms to deter and prosecute wildlife criminals. We need to raise awareness and reduce demand for wildlife products through education and advocacy. We need to support the conservation and welfare of wildlife and their habitats through sustainable management and alternative livelihoods. And we need to collaborate and share information across borders and sectors to disrupt the supply chains and networks of the illegal wildlife trade.

By taking these actions, we can protect the wildlife that enriches our planet and our lives. We can

also contribute to the global goals of fighting poverty, promoting peace, and ensuring health for all. The illegal wildlife trade is not only an environmental issue, but also a moral and ethical one. We have a responsibility and an opportunity to stop it before it is too late.

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