

Conservation of Endangered Animal Species and Related Legal Provisions.

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I. Introduction

India, at one time, had one of the richest and most varied fauna in the world. However, over the last several decades there has been rapid decline of India's wild animals and birds which is a cause of grave concern. Some wild animals and birds have already become extinct e.g. the cheetah and others are on the brink of extinction. Areas which were once teeming with wild life have become devoid of it, and many sanctuaries and parks are empty or almost empty of animals & birds. Thus, the Sariska Tiger Reserve in Rajasthan and the Panna Tiger Reserve in Madhya Pradesh today have no tigers.

The tiger is not only India's national animal but it is at the apex of the ecological pyramid. Besides, it is an evaluator of the ecological health of our forests. It is reported that over 300 rivers either emerge from or pass through tiger habitats in India today. So by protecting the tiger we protect our ecosystems and the various other species that share space with the tiger.

Shera was the symbol of the recent Commonwealth Games, but ironically Shera has been almost exterminated in our country. The Sher Khan of Rudyard Kipling's 'Jungle Book', which once abounded in India, is rarely to be seen today. Several cases reveal how avaricious and rapacious persons have by organized crime destroyed large parts of the wild life of India and brought many animals e.g. tigers, leopards, bison, etc. almost to the brink of extinction, thereby seriously jeopardizing and destroying the ecological chain and ecological balance in our environment.

One of the main causes for this degradation of the wild life is organized poaching which yields enormous profits by exports to China and other countries.

II. Article 48A of the Constitution states as follows :

"48A. Protection and improvement of environment and safeguarding of forest and wild life. – The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country".

III. Article 51A (g) of the Constitution

states that it is the duty of every citizen of India to protect and improve the natural environment including the wild life.

The **Wildlife (Protection) Act, 1972** was enacted for this constitutional purpose. Chapter III of the said Act prohibits hunting of wild animals except in certain limited circumstances. Chapter IV enables the State Government to declare any area as a sanctuary or national park, and destruction or removal of animals from those areas is prohibited except under very limited circumstances. Chapter V & VA prohibits trade or commerce of wild animals, animal articles or trophies. Chapter VI makes violation of the provisions of the Act a criminal offence.

By the **Wildlife Protection (Amendment) Act, 2002** the punishment has been increased vide Section 51 as amended, and the property derived from illegal hunting and trade is liable to forfeiture vide Chapter VIA.

First of all we may consider **why preservation of wild life is important for human society**. Preservation of wild life is important for maintaining the ecological balance in the environment and sustaining the ecological chain. It must be understood that there is inter-linking in nature. To give an example, snakes eat frogs, frogs eat insects and insects eat other insects and vegetation. If we kill all the snakes, the result will be that number of frogs will increase and this will result in the frogs eating more of the insects and when more insects are eaten, then the insects which are the prey of other insects will increase in number to a disproportionate extent, or the vegetation will increase to a disproportionate extent. This will upset the delicate ecological balance in nature. If we kill the frogs the insects will increase and this will require more insecticides. Use of much insecticide may create health problems. To give another example, destruction of dholes (wild dogs) in Bhutan was intended to protect livestock, but this led to greater number of wild boar and to resultant crop devastation causing several

cases of abandonment by humans of agricultural fields. Destruction of carnivorous animals will result in increase of herbivorous animals, and this can result in serious loss of agricultural crops and other vegetation.

It must be realized that our scientific understanding of nature, and in particular of the ecological chain and the linkages therein is still very primitive, incomplete and fragmentary. Hence, it is all the more important today that we preserve the ecological balance because disturbing it may cause serious repercussions of which we may have no idea today.

As already stated above, the wild life in India has already been considerably destroyed. At one time there were hundreds of thousands of tigers, leopards and other wild animals, but today there are only about 1400 tigers left, according to the Wildlife Institute.

Until recently habitat loss was thought to be the largest threat to the future of tigers, leopards etc. However, it has now been established that illegal trade and commerce in skins and other body parts of tigers, leopards etc. has done even much greater decimation. Poaching of tigers for traditional Chinese medicine industry has been going on in India for several decades. Tigers and leopards are poached for their skins, bones and other constituent parts as these fetch high prices in countries such as China, where they are valued as symbols of power (aphrodisiacs) and ingredients of dubious traditional medicines. This illegal trade is organized and widespread and is in the hands of ruthless sophisticated operators, some of whom have top level patronage. The actual poachers are paid only a pittance, while huge profits are made by the leaders of the organized gangs who have international connection in foreign countries. Poaching of wild life is an organized international illegal activity which generates massive amount of money for the criminals.

Interpol says that trade in illegal wild life products is worth about US\$ 20 billion a year, and India is now a major source market for this trade. Most of the demand for wildlife products comes from outside the country. While at one time there were hundreds of thousands of tigers in India, today according to the survey made by the Wildlife Institute of India (an autonomous body under the Ministry of Environment and Forests), there were only 1411 tigers left in India in 2008. There are no reliable estimates of leopards as no proper census has been carried out, but the rough estimates show that the leopard too is a critically endangered species.

There is virtually no market for the skins or bones of tigers and leopards within India. The evidence available points out that tigers and leopards, poached in the Indian wilderness, are then smuggled across the border to meet the demand for their products in neighbouring countries such as China. When dealing with tiger and leopard poachers and traders, it is therefore important to bear in mind that one is dealing with trans-national organized crime. There is a larger criminal network that stretches across borders. This network starts with a poacher who in most cases is a poor tribal and a skilled hunter. Poachers kill tigers and leopards so as to supply the orders placed by a trader in a larger city centre such as Delhi. These traders are very wealthy and influential men. Once the goods reach the trader, he then arranges for them to be smuggled across the border to his counterpart in another country and so on till it reaches the end consumer. It is impossible for such a network to sustain itself without large profits and intelligent management.

Under the **Wildlife (Protection) Act, 1972**, trading in tiger, leopard and other animal skins and parts is a serious offence. Apart from that, India is a signatory to both the UN Convention on International Trade in Endangered Species (CITES) and the UN Convention against Transnational Organized Crime (CTOC). However, despite these National and International laws many species of wildlife e.g. tigers, leopards, bison etc. are under threat of extinction, mainly due to the poaching organized by international criminal traders and destruction of the habitats.

In landmark case of **Sansar Chand -versus- State of Rajasthan , 2010 on wildlife protection** ,decided by Hon'ble Supreme Court ,the accused Sansar Chand, had a long history of such criminal activities, starting with a 1974 arrest for 680 skins including tigers, leopards and others. In the subsequent years the appellant and his gang has established a complex, interlinking smuggling network to satisfy the demand for tiger and leopard parts and skins outside India's borders, particularly to China. The appellant Sansarchand was convicted under the Wildlife (Protection) Act, 1972 by all the three courts below and then he went in appeal before Hon'ble Supreme Court. It was alleged that the appellant and his gang were accused in 57 wildlife cases between 1974 and 2005. Sansar Chand the appellant had a long history of involvement with wildlife crime. Briefly stated, on January 5, 2003 the police arrested one Balwan who was traveling in a train with a carton containing leopard's skin. During investigation the said Balwan on January 7, 2003 made a disclosure statement to the SHO, GRP Bhilwara that the two leopard skins were to be handed over to SansarChand at Sadar Bazar, Delhi. The appellant was charge sheeted and after trial he was convicted. The appellant, Sansar Chand had been doing this illegal trade for more than 30 years. He is habitual of doing this illegal business of trade in skins and parts of panthers and tigers. He has, as far back as in 1974, committed his first crime when he was

barely 16 years of age and the conviction was upheld by the Supreme Court . A large number of cases are pending against him in Delhi, Uttar Pradesh and Rajasthan. Taking all these materials into account there is no doubt that the accused was held guilty of the offence charged.

It must be mentioned that persons like the SansarChand are the head of a gang of criminals who do illegal trade in wildlife. They themselves do not do poaching, but they hire persons to do the actual work of poaching. Thus a person like the appellant herein remains behind the scene, and for this reasons it is not always possible to get direct evidence against him.

IV. Recommendation And Suggestions

4.1 Role of Central and State government;

It is absolutely necessary that Central and State Governments and their agencies to make all efforts to preserve the wild life of the country and take stringent actions against those who are violating the provisions of the Wildlife (Protection) Act, as this is necessary for maintaining the ecological balance in our country.

4.2 The role of researchers in regard to tiger conservation.

Research can play a significant role in planning, implementing, monitoring and evaluation of management efforts in tiger conservation. Quality research can also serve as a warning system that works in advance in case things start going wrong. Knowledge of tiger ecology, population dynamics, prey-predator, copredator relationships, habitat ecology and poaching and trade dynamics is central to efficient management of tiger conservation. Research should be an integral part of — and should synergistically complement — management efforts.

4.3 The contemporary areas of research in wildlife conservation and the impact of such kind of research ;

We need to consistently and continuously research on issues such as habitat ecology, habitat restoration, population dynamics and ecology of flagship species. However, the focus of research interest should also extend to lesser known species. Not enough attention seems to be paid to less glamorous species such as amphibians or reptiles. But they may play a key role as indicator species for the special habitats that they occupy. Wildlife trade issues should also be actively studied and analysed.

They will not only provide an insight into various species and their ecological needs and roles, but also a strong scientific basis for their future conservation. Considering the dismal number of existing tigers in India.

4.4. The best way to tackle illegal wildlife trade

There is no single or simple answer to this challenge. To strengthen field-level protection, we should enable and empower the foot soldiers (forest guards, rangers, etc) to conserve India's biodiversity more effectively. We must acknowledge their adverse work conditions and do something about it. In addition, we need to work with local communities, especially the youth, to generate ground support and awareness. Also, intelligence driven enforcement must support such field conservation efforts. Collaboration, co-operation and capacity building among various enforcement agencies are crucial to a sustainable approach to tiger conservation. Also, we must engage with our neighbouring countries as well as the consumer countries to take collective steps because most markets for such wildlife products lie outside our geographical boundaries.

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