LAWS AND REGULATIONS TO ARREST CRIMES RELATED TO WILD LIFE

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ABSTRACT

Why is hunting increasing at a very fast pace in the current scenario of our country and in fact all over the world? This needs to be looked at with much seriousness. Hunting with relation to illegal hunting is found so commonly in so many places across the world. Hunting is paving way to animal extinction, which is the result of man’s cruelty, selfishness, senselessly harming the animals which in turn results in loss of a wide number of animals. To address these concerns, many countries have started to establish laws and regulations to manage wildlife populations and prevent over-hunting. These laws often establish hunting seasons, bag limits, and other restrictions on hunting to ensure that wildlife populations remain healthy and sustainable.

The issue of wildlife hunting is a complex and controversial one, with different perspectives and opinions depending on cultural, ethical, and environmental factors. This research paper will include the measures/steps taken for the protection of wildlife and ways by which we as humans can protect the wildlife.

Key Words: Animal extinction, over-hunting, hunting seasons, illegal hunting

INTRODUCTION

The natural habitat of wildlife, which includes both flora (plants) and fauna (animals), is crucial for maintaining Earth’s ecological balance and biodiversity. Poachers and other unauthorized and illegal hunters of wild animals constitute a serious threat to ecology and biodiversity. Wildlife hunting is a subset of environmental crime and is described as the illegal exploitation of natural resources, such as the poaching of elephants, the removal of endangered orchids, or the unauthorized cutting down of trees. It also covers subsequent actions like the production of articles made from wild animals, their import and export, their sale to clients, and, most crucially, their possession because these crimes wouldn’t happen if there was no market for wildlife products.

The recent pandemic (COVID-19), which has resulted in job losses and rising unemployment, as well as mythological beliefs, traditional medicine, a lack of patience, an increase in man-animal territorial conflicts because of the growing human population, international socio-economic inequalities, and even the rush from adrenaline are being cited as causes for the current trend of wildlife hunting and crimes.

This review essay examines the major issues and mitigation measures related to the current state of wildlife hunting and crime in India from a worldwide viewpoint. The statistics of wildlife seizure instances reported here are from state-by-state geographic regions.

BACKGROUND

Wildlife hunting is the practice of pursuing and killing animals for sport, food, or other purposes. Hunting has been a part of human culture for thousands of years and can take many different forms depending on the culture, location, and type of animal being hunted.

While hunting can be done for subsistence purposes, with the aim of providing food for oneself or one’s community, it is also often done for recreational purposes. Some people enjoy the challenge and thrill of pursuing and killing wild animals, while others see it as a way to connect with nature and to appreciate the beauty and complexity of the natural world.

However, wildlife hunting can also have negative impacts on animal populations and their ecosystems. Overhunting can lead to declines in animal populations and can disrupt the delicate balance of food chains and ecosystems. Additionally, some hunting practices, such as trophy hunting or poaching, can be detrimental to the survival of certain species and can contribute to the illegal wildlife trade.

As a result, there are often debates and controversies surrounding the ethics of wildlife hunting. Some argue that hunting can be done in a responsible and sustainable way and can even have positive effects on conservation efforts. Others argue that hunting is inherently cruel and unnecessary, and that alternatives such as wildlife tourism or non-lethal wildlife management should be pursued instead.
Ultimately, the question of whether wildlife hunting is ethical or not depends on a variety of factors, including the motivations of the hunters, the methods and practices used, and the impact on the environment and animal populations. **CURRENT TRENDS OF WILDLIFE HUNTING AND CRIME IN INDIA**

The indigenous and endangered species of flora and fauna in forest ranges suffer losses due to insatiable human greed and their rampant poaching activities; in particular, several vertebrate species are in danger of going extinct. Data from the WILDLIFE CRIME CONTROL BUREAU and other police authorities show that over 9253 poachers were apprehended in various poaching instances in India between 2012 and 2018, but that only 2% of them were ultimately found guilty.

The seven Indian states with the highest number of wildlife crime cases reported in the last eight years are Uttar Pradesh, Rajasthan, Maharashtra, Assam, West Bengal, Madhya Pradesh, and Karnataka, according to statistics from the NATIONAL CRIME RECORDS BUREAU study on wildlife crime. Since 2016, the total 8-year data indicate a decline in wildlife crime instances, in contrast to the World Wildlife Crime increasing graph from 2016 published by UNITED NATIONS OFFICE ON DRUGS AND CRIME in 2020. Given the quantity of species that have been either smuggled in or stolen in a single instance, it is still worrying. The most tigers have been stolen in the last ten years 50-100 in 2016. In contrast, the government seized 37,267 turtles between 2015 and 2016, which works out to an average of 100 turtles every day. More than 2000 incidences of the slaughter or trafficking of wild animals were reported in India over the course of the last three years (2018, 2019, and 2020), leading to the arrest of roughly 4,000 suspects for various wildlife crimes.

The number of incidents reported, and people detained in the years 2018, 2019, and 2020, respectively, was 648:1099, 805:1506, and 601:1231, which shows that either wildlife crime is done by a lone individual or by a small group of people. **STATISTICAL DATA**

Over the past 8 years (2014-2021) a significant increase in animal incidences of *wild life crimes* have been witnessed in the Indian states. The states of Uttar Pradesh (UP), Rajasthan (RJ), Maharashtra (MH), Assam (AS), West Bengal (WB), Madhya Pradesh (MP), and Karnataka (KA) have reported a greater number of cases of wildlife crime than the other states in India, according to the NCRB annual report.¹ The majority of wildlife cases in the past eight years (2014-2021) have been reported in the states of Uttar Pradesh and Rajasthan. India (IN) recorded the most cases (859) over this time period, which subsequently declined to 615 cases by 2021.

**IMPACT OF WILDLIFE HUNTING ON ANIMALS AS WELL AS THE ENTIRE ECOSYSTEM**

Wildlife hunting can have a significant impact on both individual animals and entire ecosystems. Some of the potential impacts of wildlife hunting include:

1. **Decline in Population**: Hunting can lead to a decline in the population of a particular species, particularly if the hunting is not managed sustainably. If too many animals are hunted or if the hunting occurs during breeding seasons, it can have a negative impact on the overall population. For example:

   **Wildlife Protection Society of India** – It was founded in 1994 by Belinda Wright. The WPSI has implemented a successful conservation campaign around the tiger reserve areas in Central India. The campaign was launched in April 2011.

   WPSI also organizes a Secret Information Reward Scheme to collect the poaching and the wildlife crime information around the Tiger reserves in Central India. The scheme is in collaboration with the Maharashtra and Madhya Pradesh governments.
The WPSI conducts Wildlife Law Enforcement Workshops which organizes highly active sessions and involves the active participation of everyone.

The Indian Rhino Vision 2020 project aimed to achieve a wild population of at least 3,000 greater one-horned rhinos spread across seven protected areas in the Indian state of Assam by 2020.

2. **Imbalance in Ecosystems**: Hunting can also disrupt the balance of ecosystems. If a predator species is overhunted, for example, the prey species may become overpopulated and cause other environmental problems.

3. **Spread of Disease**: Hunting can also lead to the spread of diseases between animals. If hunters come into contact with an infected animal, they can carry the disease to other animals and ecosystems.

4. **Poaching**: Unregulated hunting can lead to poaching, which can have a significant impact on both individual animals and ecosystems. Poaching can result in the extinction of species, as well as disrupt the natural balance of ecosystems.

5. **Negative Impact on Local Communities**: Hunting can also have negative impacts on local communities, particularly if they rely on the same wildlife for their own subsistence. If wildlife populations decline, it can impact the livelihoods of these communities.1

**MAJOR CHALLENGES IN TACKLING WILDLIFE IN INDIA**

**Human coexistence and conflict with wildlife**

In India, 65% of the population, or roughly 900 million people, live in rural areas that border protected areas like national parks, wildlife sanctuaries, and biosphere reserves, which accounts for about 5% of the country’s total land area and is three times lower than the global average of 16%. This has led to a situation where marginal rural households and wildlife are competing for space and food, which is made worse by a lack of education about wildlife, a lack of alternative sources of income, poor governance, inadequate conservation policies, unemployment, and socioeconomic inequalities.

Crop/livestock losses and human casualties are a result of the confrontation between humans and wildlife; when the latter occurs more frequently, the carnivore is labelled a man-eater as per the accepted practice and is put down. Wildlife conservationists and other stakeholders must collaborate with local rural communities (community-based approach), inspire them to take part in wildlife protection, offer incentives as a reward for maintaining ecosystems and associated biodiversity, prevent wildlife hunting/atrocities, and raise awareness among the rural populace of concepts like sustainable development and one health mission.

In order to address health issues including communicable illnesses, medication resistance, and food safety, the one health approach focuses on the interaction at the interface between humans, animals, and ecosystems.

**CASE LAWS**

With regard to the enforcement and applicability of legislation that safeguard animal rights, India’s judiciary has played a significant role. The Indian judicial system stood up for this cause and made sure that people never treat animals cruelly. The judiciary and legislature promote animal rights in the same way that they do human rights because it is crucial to protect and preserve animals from cruel treatment, enslavement, and other forms of abuse that they may be subjected to at the hands of humans. The court has made a significant contribution by upholding animal rights and conserving the environment.


In this case, the Court dealt with the hunting of elephants. The question before the court was whether the hunting of elephants is justified under the provisions of the Indian penal code and the Wildlife Protection Act. The Hon’ble Supreme Court held that since the elephant was an animal under the list of animals provided under Schedule 1, the hunting of elephants is prohibited.

Further, the Court observed that the offense of hunting as defined in the Wildlife Protection Act, 1972 is not the same as the offense provided under Section 429 of the Indian Penal Code, 1860. The ingredients of the offense under the Wildlife Protection Act and the Indian Penal Code are quite contrary. Hence the two offenses are not the same.

*Chief Forest Conservator (Wildlife) v. Nisar Khan, 2003*

In this case, the appellant was a dealer in birds namely Munias, Parakeets, Manias, and Buntings which were found in abundance in the State of Uttar Pradesh. He was granted a license by the state government for carrying on his business which was valid up till 1990. After the expiration of the term, he submitted his application to the licensing authority for the renewal of the license for the next year, but the license was...
refused to be granted on the ground that it wouldn’t be possible for him to carry on the business of breeding of captive birds without hunting which includes the trapping of birds.

The respondent challenged the order of the High Court and filed a writ petition in the Supreme Court contending that it was the violation of his basic fundamental right i.e., freedom to carry on trade or business under Article 19.

**The Supreme Court held that:**

The licensing authority has rightly refused to renew the license as the business of breeding birds in captivity by procuring them by trapping is prohibited under Section-9 and Section-2(16) of the Wildlife Protection Act, 1972.

The appellant’s plea of his violation of fundamental right was refused on the ground that Article 19 states restrictions that if any business is posing threat to public peace or is found to be illegal in the eyes of law, then he shall be forbidden to carry on any business.

**CONCLUSION**

Hunting has been a part of human culture and tradition for thousands of years and is still practiced in many parts of the world today. Hunting can have negative impacts on wildlife populations, especially if it is done in an unsustainable or unregulated manner. Over-hunting can lead to declines in animal populations and even extinction of certain species. The conservation of forest areas (wild habitats) and wildlife must be cooperatively conducted with joint efforts from local communities close to the forest, wildlife agencies as well as scientific laboratories working with wildlife. The protection of wild habitats relies on government policies, and scientific laboratories should focus on developing conservation strategies for endangered species through population genomic studies, selection and breeding to form sustainable ecosystems. The conservation of wildlife has a direct effect on human well-being and global health and therefore it urgently calls for a critical attention to protect and conserve the threatened wildlife species which are on the verge of extinction, through various scientific and preventive approaches to sustain a long-term healthy human race on Earth.

**REFERENCES**