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# **A JOURNEY OF OUR VANISHING WILDLIFE: A CRITICAL STUDY**

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**Abstract:** Conservation of living natural resources-plants, animals, and micro-organisms, and the non-living elements of the environment on which they depend-is crucial for development. Today, the conservation of wild living resources is on the agenda of the governments; nearly four cent of the earth's land area is managed explicitly to conserve species and ecosystems, and all but a small handful of countries have national parks. The challenge facing nations today is no longer deciding whether conservation is a good idea, but rather how it can be implemented in the national interest and within the means available in each country.

In view of its ecological, social and economic value, wildlife is an important renewable natural resource, with significance for areas such as rural development, land-use planning, food supply, tourism, scientific research and cultural heritage. If sustainably managed, wildlife can provide continuous nutrition and income and contribute considerably to the alleviation of poverty as well as to safeguarding human and environmental health. Despite a plethora of legislations that attempt for the management of wildlife, India is witnessing a steady decline in the wild animals in the forest area. Thus, the present paper will focus on particularly laws and policy relating to wildlife and their natural habitats in reference with scientific and cultural importance.

**Keywords:** Environment, Natural-resource, Wildlife Management.

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**Introduction:** Wildlife resources constitute a vital link in the survival of the human species and have been a subject of much fascination, interest, and research all over the world. Today, when wildlife habitats are under severe pressure and a large number of species of wild fauna have become endangered, the effective conservation of wild animals is of great significance. Because every one of us depends on plants and animals for all vital components of our welfare, it is more than a matter of convenience that they continue to exist; it is a matter of life and death. Being living units of the ecosystem, plants and animals contribute to human welfare by providing material benefit to human life; knowledge about genetic resources and their preservation; and significant contributions to the enjoyment of life (e.g., recreation). Human society depends on genetic resources for virtually all of its food; nearly half of its medicines; much of its clothing; in some regions, all of its fuel and building materials; and part of its mental and spiritual welfare. Considering the way we are galloping ahead, oblivious of what legacy we plan to leave for future generations, the future does not seem too bright. Statisticians have projected that by 2020, the human population will have increased by more than half, and the arable fertile land and tropical forests will be less than half of what they are today. Genetic resources are treated as inexhaustible mineral resources, but we need to care about them. It is here that the concept of management and conservation of wildlife comes into play, because anything that is not human or undomesticated is 'wildlife'. Presence or absence of an animal or plant in a region is determined by ecological and historical factors. Animals and plants are living indicators of the characteristics of their environment; their ranges mark the places where environmental conditions are the same or similar.

Wildlife is one of our most precious resources. Although men usually cherish exotic, endangered species as a source of wonder and delight, many of these species are essential to the continued balance and survival of the world's ecosystems. As a resource, wildlife is more vulnerable than most, for once a species disappears from the earth it is irretrievably lost. Man's blunders and wanton destruction have already wiped out an alarming number of species and more will follow them unless immediate corrective measures are taken. This Comment, after reviewing the dimensions of the problem, examines past, present and possible future legislative solutions to the problem of endangered species and appraises current efforts at international cooperation in this sensitive field.

Wildlife management is interdisciplinary that deals with protecting endangered and threatened species and subspecies and their habitats, as well as the non-threatened agricultural animals and game species. The Wildlife Management program emphasizes both applied and basic research in wildlife ecology, management, education and extension. Wildlife management takes into consideration the ecological principles such as carrying capacity of the habitat, preservation and control of habitat, reforestation, predator control, re-introduction of extinct species, capture and reallocation of abundant species and management of "desirable" or "undesirable" species.

**Concept of Wildlife:** In our environment there are several living and non-living elements are available. Their existence is very much needed for maintaining of balance in ecology or equilibrium of nature. Out of all natural resources, wildlife constitutes renewable natural resources in the ecology. Wildlife is an important component in the biodiversity of our nature. It is wild and undomesticated animals living in their natural habitat like forests, wetlands, grassland etc. Scientifically wildlife means the game or fur-bearing vertebrates and to the plants, and lesser animals which interact directly with the game species.<sup>1</sup> In wider sense wildlife means any or all the non-cultivated and non-domesticated life. In General concept wildlife means those biotic creatures in the environment which are living in wilderness and are not domestic or cannot be domesticated. Now ecologists include naturally born animals or fauna as well as plants or flora both in wildlife. Then Wildlife actually includes all the living elements in the ecology like all plants, animals and micro-organisms living in their natural habitat in wild state other than the cultivated plants and domestic animals. The aquatic and terrestrial animals living in the jungle or water like lions, tigers, elephants, leopards, bears, rhinoceros, whales, birds etc. They all are living in the earth within their own habitats and have a great role in the ecosystem.

Hindu religious scripture has given the concept of wildlife in ancient India. Atharva Veda classifies animals in two groups: (i) Gramya-pasu or tame animals and (ii) Aranya-pasu or wild animals. The five tame animals are: horse, cow, goat, sheep and man himself. The five cattles belonging to the human society are dedicated to the Lord of Cattle. Man is also an animal, of course, the paradhya-pasu (highest animal) while others are anu-pasu i.e. those who follow him<sup>2</sup>. Existence of man is not independent of his surroundings. Other than those five other animals are wild animals or the animals of forests.

Wildlife means wild animals collective<sup>3</sup> or literally animals, birds, insects, etc that are wild and live in a natural environment.<sup>4</sup> Wild animal is an animal that is naturally untamable, unpredictable, dangerous or mischievous or any animal which is not statutorily designated as a domestic animal.<sup>5</sup> According to Halsbury's Laws of England (2nd Edition, 1931) animals are two types i.e. Domestic or tame and Wild. Wild animals include not only lions, tigers, eagles and other animals of an undoubtedly savage nature but also all not classed as domestic or tame such as deer, foxes, hares, rabbits, game of all kinds, rooks, pigeon, wild fowl and the like and all fishes, reptiles and insects. <sup>6</sup>The term 'animal' according to Halsbury's Laws of India (1999) includes all living creatures other than human beings. It also includes amphibians, birds, mammals, reptiles and other young ones and in the case of birds and reptiles their eggs also.<sup>7</sup>

In India, the first consolidated and appropriate statutory definition of 'Wildlife' is given in the Wildlife (Protection) Act, 1972. Wildlife includes, as per Section 2(37) of the Act, any animal, aquatic or land vegetation which form part of any habitat and Section 2(36) specified the concept of Wild Animal only those are mentioned in the Schedule I to IV of the said Act and found wild in nature. Animal includes, as per Section 2(1) of the Act, mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs. Section 47 of the Indian Penal Code, 1860 and Section 2 (a) of the Prevention of Cruelty to Animals Act, 1960 both law have given the wider definition of animal which means any living creature other than a human being. Wild animals consist of mammals, amphibians, reptiles, fishes, birds, crustacean, insects, coelenterates, mollusca, echinodermata etc as listed in the first four schedules of this Act and out of those they are mainly classified into Rare and Endangered species, Big Game species and Small Game Species.

**Need for the Protection of Wildlife:** The conservation of wildlife is of immense importance to the mankind. The extinction of the wildlife will ultimately lead to the extinction of the human race itself. Since the origin of life about 3.7 million years ago, wildlife is maintaining an ecological balance. Different ways in which the wildlife is beneficial to mankind are as under:

- (i) **Economic Importance:** Different plants, animals and micro-organisms are of great economic importance to mankind. The products and by-products of different plants are used by human beings for different

activities of their life. They also release oxygen, prevent soil erosion, floods and advancements of deserts. Many plants have medicinal value. Similarly, different wild animals are used by the human beings for different purposes and the micro-organisms serve as decomposers and release inorganic compounds from the dead matter into the environment which is used as manure by the plants<sup>8</sup>.

- (ii) **Ecological Balance:** The living organisms in an eco-system interact with one another through food chains and maintain the balance of nature, maintain the environment as self-sustaining system.
- (iii) **Gene Banks:** Wildlife is of immense value as gene bank for breeding programme in agriculture, horticulture, apiculture, sericulture, floriculture, piggery, poultry, fishery and animal husbandry.
- (iv) **Conservation of bio-diversity:** Wildlife has a great role to play in the conservation of bio-diversity. The wildlife must be preserved whether useful or not as no one knows that wild species having no use at present may possess un-explored value and may turn out to be very useful latter on. Many new uses may be found in the existing wild species.
- (v) **Scientific value:** Experiments are carried on wild animals like monkey, guinea pig, rat, fruit fly etc. which have contributed a lot in adding to our knowledge in different scientific fields like biology, medicine etc. Wild animals are also used for carrying out experiments to evolve new surgical methods and for testing the efficiency of new medicines.
- (vi) **Recreation and Sports:** Wild animals are a source of fun and recreation to public in circus shows, zoological parks and aquaria. Many people enjoy visiting national parks and sanctuaries. Wild animals also provide a good sport in their habitat to the hunters.
- (vii) **Aesthetic Value:** Wildlife is a source of aesthetic value. Green forests, graceful beasts, melodious birds, colorful fishes and beautiful butterflies in fields and grasslands give grace to the biosphere.
- (viii) **Cultural Value:** Wildlife is a source of inspiration to poets and artists to compose poems and songs and to make paintings and sculptures. Many animals have contributed to idioms, proverbs and poems. In India the wild life has a close connection with various religions also.

**Legal Framework for Wildlife Conservation:** The need for wildlife protection and conservation in India was felt in the early 1970s when it was noticed that the number of tigers in the country started to come down and reached the verge of extinction due to hunting, poaching and illegal trade by the hunters for their own selfish motive and benefits. In 1969, the International Union for the Conservation of Nature and Natural Resources (IUCN) General Assembly meeting was held in Delhi during which a serious concern was observed among the participants and the international community with regard to the declining number of wilderness in India and threats posed to the endangered species of wildlife in the country due to human activities. This resulted in imposing a national ban on the hunting of tigers in the year 1970 and then the Wildlife Protection Act was enacted and enforced in the year 1972 by the Government of India and a strategy was adopted and implemented to permit government and non-government organizations to work towards the conservation of wildlife. Further, the World Conservation Strategy was also formed by the International Union for Conservation of Nature and Natural Resources (IUCN) in collaboration with the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) with cooperation, advice and financial assistance received from the United Nations Environment Programme (UNEP) and the World Wildlife Fund (WWF).<sup>9</sup> The main aim of this strategy was to maintain the essential ecological processes and life-support systems, preserving genetic diversity and sustainable utilization of species and ecosystems.

Laws for conservation of wildlife and protection of natural resources are the living law under the ambit of environmental laws. Environmental laws are the development of international laws which is based on third generation human rights or right to solidarity. Though international laws are soft laws but it has been realized by all nations that the necessity of implementation of international norms in the municipal statute for better future. The responsibility of the state to protect the environment is now well accepted notion in all countries. In Corfu Channel Case, the international law gave rise to the principle of "state responsibility" for pollution emanating within one's own territories.<sup>10</sup> The same responsibility of the state is also mentioned in the *United Nations Conference on the Human Environment, Stockholm, 1972*. The declaration says "the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate." This protection for future generation was very much accepted by judiciary in India and adopted in various international conventions also.

The conservation of wildlife got its legal status through different international treaties, conventions, agreements and protocols. International conservation law was developed through the development of international environmental laws. Perhaps the first international wildlife treaty was made between France and Britain on 1867 relating to fisheries.<sup>11</sup> In 1884, the first meeting of International Ornithological Congress was held for protection of birds in international level.<sup>12</sup> In 1902 Convention to Protect Birds useful for Agriculture was organized for prohibition on killing of birds. Such type of international and transnational conventions and agreements developed the conservation awareness as well as status of wildlife. An International Committee for preservation of birds between America and European countries were established in 1922. Most important foundation for status of wildlife was in 1933 when 'Convention relating to the Preservation of Fauna and Flora in their Natural State' was organized in London. After the Second World War, lots of international conventions were organized in the field of wildlife protection as well as for ecological development also under the auspices of United Nations Organization. IUCN has also established a commission on national parks and protected areas which has taken planning and management for protected areas and also promotes the networks for conservation of those areas.<sup>13</sup>

With China being the largest importer of wildlife and wildlife products<sup>14</sup> including ivory and tigers derivatives, India has a serious cause for concern about its wildlife protection laws and porous borders. The concern about international trade in species however, is not reflected in the Wildlife Protection Act, which is mainly aimed at protection of indigenous species and has no provisions dealing with foreign species that may be trafficked through India. Coincidentally India is the preferred hunting grounds for wildlife trade given that according to one study, India along with 17 other mega diverse countries is home to about 60-70% of the world's biodiversity.<sup>15</sup>

Coupled with the poor enforcement of legislations and corruption of official machinery, the wildlife trade in India continues to flourish unabated. Consequently, the international wildlife trade has evolved into a serious conservation menace and has been a concern that was addressed by the United Nations' Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES)<sup>16</sup>. The CITES lists various Appendix I of species starting from the most endangered in Appendix I moving into the species of lesser concern in Appendix III.<sup>17</sup>

These are exhaustive taxonomical lists of species that cannot be traded internationally. The Wildlife Protection Act however, makes no accommodation to impose punitive measures for trade in these species domestically. Thus, though there exists an obligation to prevent trafficking of these species internationally and the onus of this lies on checkpoints and customs officials, there exists no domestic legislation that imposes punitive measures for the trade in these species domestically or specifically lists these species. India contains 172, or 2.9%, of IUCN-designated threatened species.<sup>18</sup> However, the Indian Wildlife Protection Act grants no special status to species that fall within the IUCN lists. A series of Regional Red Lists are produced by countries or organizations, which assess the risk of extinction to species.<sup>19</sup> The Wildlife Protection Act does not take any special cognizance of these lists. With the Wildlife Protection Act adopting this myopic approach to conservation of species that are migratory or trafficked animals in transit, India has become a global hotspot for the trade in wildlife.<sup>20</sup>

Along with the CITES Appendices, there is the International Union for the Conservation of Nature (IUCN) which is arguably the world's most comprehensive inventory of the global conservation status of biological species and the Red List of Threatened Species which lists the species that are faced with the highest threat of extinction.<sup>21</sup> India is a party to five major international conventions related to wildlife conservation.

Laws are made out of social, economic and political needs and in the case of wildlife laws scientific principles took important role to promote those elements. Social and ecological awareness moved people to be united and organize in international level to make laws for survival of mankind. International law deals with various environmental issues which is trans-boundary in nature like, air pollution or conservation of birds to provide developed form of justice to regulate environment in international level at the same time in regional level also.

In India the concept of wildlife laws is very new one comparatively other European and American countries. Earlier during British period there were several laws which indirectly saved the natural resources including forests and wild animals. Again in recently, Indian judiciary has taken an activist role for protection of wildlife, forest and more precisely environment and ecology. Presently higher judiciary more or less developed the concept of modern laws for conservation of wildlife in India. But most important role played by international laws in generating awareness among the masses in India and throughout the world. In fact judiciary

interpreted the national cases on the light of principles of international laws and established modern wildlife laws in India. At the same time legislature has enacted all the laws for wildlife and environment are based on concept of various principles adopted in different treaties and conventions. The Supreme Court of India has already decided that international conventions unless inconsistent with fundamental right must be read with statutory provision of municipal laws to enlarge the meaning for the object of constitutional guarantee.<sup>22</sup> So sources of wildlife conservation laws in India are mainly Common laws, statutory laws and judicial precedents out of those legislature and judiciary were very much followed the international laws.

The concept of wildlife for conservation of ecology came in international law regime very later but preservation or use of natural resources was very prominent among the western countries mainly European nations from very early. Previously the concept of international wildlife laws was limited only treaties made by two or more nations. In 1843 most probably the first wildlife treaty was made when France and Great Britain both agreed for limitation of catching fishes in North Sea. Later in 1882, 'North Seas Fisheries Convention' was organized when other than France and Great Britain, Germany, Belgium and Denmark all joined on agreement. So in early treaties the concept of wildlife was limited only on fishes because there was over consumption of such species on those days. Another treaty was signed in 1900 between United Kingdom, Germany, Spain, Belgium, France, Italy and Portugal as 'Convention designed to ensure the conservation of various species of wild animals in Africa which are useful to man or inoffensive' in London. In 1911 USA, UK and Russia made 'Convention for Preservation and Protection of Fur Seals' as fur traders of Russia started to move to the northern pacific islands for searching of seals and otters. The first global regulations relating to wildlife conservation was 'Convention for Regulating of Whaling' in Geneva where 26 nations signed together in 1931.<sup>23</sup> During the 1930s most important and useful international document was 'Preservation of Fauna and Flora in their Natural State' in 1933 which created worldwide awareness. After the devastation of World War II the national leaders of all nations realized the necessity of conservation of ecology including forests and wildlife and those periods some major steps were taken. The international conferences relating to Whaling Regulation in 1948, Protection of Birds in 1950, Antarctic fauna and flora in 1964 and African convention for conservation of nature and natural resources in 1968 were some very important legal regulation in international level for wildlife in nature.

**Conclusion & Suggestions:** Wildlife habitat and species around the world are facing a crisis. It is estimated that global warming may cause the extinction of 15–37% of species by 2050. This is another aspect which needs attention because we could lose about 1.25 million species. Unlike other environmental losses, this one cannot be reversed because nature does not give second chances to biodiversity.

The hunting and trading of animals are a growing menace that needs to be controlled. If the animals are not protected, then it can have a damaging effect on our earth's ecosystem. Harsh punishments must be given to the poachers for killing the helpless animals. Every care must be taken to protect these natural heritages of India so that they do not become a part of history.

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