WILD LIFE PROTECTION: A LEGAL CRITIQUE WITH SPECIAL REFERENCE TO PUNJAB, HARYANA AND UNION TERRITORY OF CHANDIGARH

SUMMARY OF THE THESIS
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SUMMARY

“The movement for the conservation of wild life is essentially democratic in spirit, purpose and method”

- The Ex. U.S. President Theodore Roosevelt

The importance of the continued existence of wild life and wilderness to the quality of life on the planet earth is an indisputable fact. But, unfortunately, the so called progress with the civilization, has posed a grave danger to the ecosystem in general and wildlife in particular all over the world including India. Global warming, habitat destruction in the name of development, human greed are few major factors which have put our wildlife under threat; causing overall detriment to biodiversity. Infact, the immense importance of conservation of wildlife for mankind can be understood from the fact that the extermination of wild life will ultimately lead to the extinction of human race itself. As rightly said by Jeffrey Mc Neely,

“Everytime we lose a species we break a life chain which has evolved over 3.5 billion years.”

As per the estimated data on wild life crime India has more than ten thousand cases, where the skins of tiger, leopard or otter have been seized from 2005-2010. Leopards, rhinoceros, reptiles, birds, insects, rare species of

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1 Quoted in Defenders of Wildlife. For Details visit http://www.defenders.org/ind_v2html. Theodore "Teddy" Roosevelt (October 27, 1858 – January 6, 1919) was the 26th President of the United States (1901–1909). He is noted for his exuberant personality, range of interests and achievements, and his leadership of the Progressive Movement. Roosevelt's achievements as a naturalist, explorer, hunter, author, and soldier are as much a part of his fame as any office he held as a politician. For details visit; http://en.wikipedia.org/wiki/Theodore_Roosevelt (Accessed on 15/10/2011).

2 Ibid, Jeffrey A. McNeely is Senior Science Advisor at IUCN, where he has worked since 1980. For details see; http://ec.europa.eu/environment/greenweek2010/content/jeffrey-mcneely.html (Accessed on 16.10.2011)
plants are being smuggled into the countries in Southeast Asia and the People's Republic of China.\textsuperscript{3} According to Interpol, the trade in illegal wildlife products could be $12 billion a year globally.\textsuperscript{4}

Like the diverse cultures and religions, so is the wide variety of flora and fauna, in India. The Indian subcontinent’s fauna is an eye candy for its nature lovers. Around 23.68\% of India is covered by forest hugging a rare and incomparable treasure of the wild heritage be it its flora, fauna, avi-fauna or aqua-fauna. This covered area of forest is an abode of several well known large mammals including the Asian Elephant, Bengal Tiger, Asiatic Lion, Leopard and Indian Rhinoceros, often engrained culturally and associated with deities religiously. Other, well known large Indian mammals include ungulates, such as, the rare Wild Asian Water Buffalo, Common Domestic Asian Water Buffalo, Nilgai, Gaur and several species of Deer and Antelope. Some members of the dog family such as the Indian Wolf, Bengal Fox, Golden Jackal and the Dhole or Wild Dogs are also widely distributed. It is also home to the Striped Hyaena, Macaques, Langurs and Mongoose species.

Unfortunately, during the recent turbulent history of India, much of this tradition has been lost. Extensive hunting by the British and Indian rajas, large-scale clearing of forests for agriculture, availability of guns, poaching, strong pesticides and the ever increasing population have had disastrous effects on India's environment. To overcome this threat to the valuable assert of India, in the past few decades the Indian government has taken serious steps towards environmental management.

\textsuperscript{3} For details of the cases see Infra chapter V.

Besides providing constitutional protection to wildlife, India enacted the Wildlife Protection Act in year 1972, and launched Project Tiger to safeguard crucial habitat; in addition to other legislation. Today, along with more than five hundred wildlife sanctuaries, India hosts seventeen biosphere reserves\(^5\), seven of which are part of the World Network of Biosphere Reserves. The country also proudly encompasses twenty-five wetlands, as registered under the Ramsar Convention\(^6\).

At the state level too, the respective governments are joining hand with the central government to achieve the objective of “save environment-save earth”. To keep the spirits high, the contribution of fourth pillar of our democracy i.e. media, also, cannot be ignored.

The research work is divided into seven chapters, which move in the direction to achieve the objective of understanding the legislation on wild life protection and evaluate the level of implementation of such policies.

Chapter I throw light upon the subject of research, its problem profile, object of study, research hypothesis, analysis of literature and universe of study.

To understand the subject of research it is first important to have clarity with respect to the term animal and to see as to what importance they hold in the life of human beings. The Second Chapter “Importance of Animals and Their Legal Status”, deals with the study of meaning and definition of animals in general. With this view, a comprehensive study is taken up with respect to the various aspects of animals and the contribution they make in our life. In addition to it, the various threats that humans have imposed to their survival are also studied hereunder.


Besides this, the course of changing meaning of status of animals is undertaken in work, right from the ancient era, to find out, that how their status met variations with the divergent thinking dimension of human beings. In this part various theories speaking on the status of animals are also delved into.

The third chapter “International Framework of Animal Protection with Special Reference to Wildlife” is an overview of various national and international conventions, protocols and treaties, made out to save the wild life. Since, as stated above, that animals are universal subject of concern, thus, firstly the efforts of policy makers on international platform are studied. Then I have discussed the measures taken by the government of India to implement the provisions of said international conventions within country to save the wild life.

In India, the concern for protection of animals has not only been raised to the status of fundamental law, but also it is looked with human rights approach. Indian constitution is perhaps the first Constitution in the world which contains specific provisions for the protection and improvement of environment and safeguarding wild life. In addition to it, many comprehensive sets of animal protection laws have also been enacted periodically by the Central and the State government. Thus, in the fourth chapter, thrust has been laid upon the study of various constitutional and legislative measures framed for wild life protection in India. In this part, various projects under taken by the government for conservation of wildlife, like project tiger, project elephant etc. has also been discussed.

Wild Life Protection Act, 1972, as passed by the Parliament, provides a comprehensive national legal framework for wild life protection in specific. This Act basically aims at protecting the wild species of the country. The detailed discussion on the various provisions of the said Act along with the judicial response thereto, has been analysed in the fifth chapter of the work in order to see
that whether the aim with which the said Act was legislated, has actually been achieved, or, there still exist some lacunas in it. Infact, the recent ascending graph of wild life crime has today, forced us to rethink, that whether the present Wildlife Act 1972 has actually served well to achieve the desired objective. Due to this a new Wild Life Protection (Amendment) Bill 2010 has been proposed which strives strengthening the said Act further. A noticeable change has been observed in the punishment provisions to curb the wildlife crime at maximum. Thus, in this chapter the proposed Wild Life (Amendment) Bill 2010 is also discussed.

Any research work stands without full enclosures unless the grass root reach of the legislative policy is analysed. With an objective to find out how far the general public is aware of the policies and laws in relation to wild life and whether in practice the concerned government officials are effectively working for the conservation of wild life in the states of Punjab, Haryana and U.T. Chandigarh, an empirical study which was conducted has been discussed in the sixth chapter.

The combined efforts of the effective administrative mechanism, strong judiciary and vigilant masses can only lead to life synchronized with compassion for wild heritage which will ultimately save our mother earth from the losses of valuable species gifted by nature. Thus, finally based upon the research, in chapter VII, all the subjects of the research topic, that had been studied, are examined and concluded. Various existing loopholes are discussed which further follows with few important suggestions for effective implementation of laws with respect to wild life conservation, in the background of Wildlife (Amendment) Bill 2010.

To conclude, researcher through this work has tried to submit that these docile creatures too have a right to be protected which we can advance by conferring restricted personhood status to them. In their protection lies our survival and growth, as remarked by Mahatma Gandhi ji,
The greatness of a nation and its moral progress can be judged by the way its animals are treated.\footnote{For details visit: http://www.awbi.org/. (accessed on 15.10.2011)}

To conclude it can be said that today the mankind need to serve the tentacles of threats imposed on wildlife not for anything else but for his own survival. The diversity of animal life needs to be preserved because of the immense current benefits and future gains that it can bring to mankind. Moreover, the wild landscapes that now harbor our wildlife comprise less than 3 percent of our country’s landscape of which only 1 percent is inviolate for wildlife. Hence; these remaining wildlife habitats are wonderful laboratories of nature and an irreplaceable library of life where we can study nature at work and benefit from the knowledge we gain. We must save our wildlife for ethical and aesthetic reasons also. Further we must remember that our forests that sustain animal communities are products of millions of years of natural evolution. Thus they too have a right to survive and evolve as nature intended them to, at least in some parts of the once-green earth that we have so drastically modified.

A proactive effort of the masses and strong legislation can definitely uphold this treasure for today and for our forthcoming generations, because once we destroy these intricate ecological webs there is no bringing them back. This truth cannot be ignored that these species as a component of ecology, are one like us but unfortunately, as rightly said by William Ralph Inge, that

\begin{quote}
We have enslaved the rest of the animal creation, and have treated our distant cousins in fur and feathers so badly that beyond doubt, if they were able to formulate a religion, they would depict the Devil in human form.\footnote{William Ralph Inge (6 June 1860 – 26 February 1954) was an English author, Anglican priest, professor of divinity at Cambridge, and Dean of St Paul’s Cathedral, which provided the appellation by which he was widely known, "Dean Inge.". For details visit, http://en.wikipedia.org/wiki/William_Inge_%28priest%29. (accessed on 16/11/2011)}
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