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“THE ROLE OF LAW AND POLICY IN SAFEGUARDING INDIA’S WILDLIFE: AN ANALYTICAL PERSPECTIVE”

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ABSTRACT

Wildlife resources play a fundamental role in human existence and progress, making their conservation a matter of great importance. However, in the modern era, ecosystems and biodiversity are facing extreme threats, leading to a growing number of flora and fauna species becoming endangered. Wildlife resources include all naturally thriving species—both terrestrial and aquatic—that exist without human interference. Preserving these species in their natural wilderness is essential for maintaining ecological balance. Unfortunately, human activities, including poaching, logging, habitat destruction, wildfires, disease outbreaks, urban expansion, and negative human-wildlife interactions, have critically endangered many wildlife species. In response, researchers, governments, conservationists, and local communities have initiated various wildlife conservation efforts to mitigate these threats. Among the most effective measures is wildlife law enforcement, which aims to protect biodiversity in protected areas and wildlife habitats. This paper critically explores how legal and policy frameworks contribute to the protection and conservation of wildlife in India.

KEYWORDS: *Wildlife, poaching, Human-wildlife conflict, conservation efforts, law enforcement, policy frameworks.*

1. INTRODUCTION

There is a general belief that India's efforts to protect wildlife through legal measures are not sufficiently robust. To the contrary, India's laws about protecting animals and their natural environments are among the most severe in the world. The increasing loss of animals and forests in India has prompted the government to pass several laws. The Wildlife Protection Act -1972⁴⁰ which forms the prime law in charge of governing wildlife crimes in India after independence along with other supporting laws.

While this was happening, many wildlife species were already in danger of extinction due to human activities like pollution, habitat loss, and deforestation. Numerous stunning and

distinctive animal species in India are also struggling with this issue. Wetlands have diminished in extent by over 85%, most oceans are contaminated, and 72 percent of the Earth's terrestrial surface that is not covered by ice has already been drastically changed.⁴¹ Although many of these extinctions are avoidable through conservation and restoration efforts, the degradation of ecosystems has put one million species at risk of extinction in the next decades to centuries.⁴²

2. WILDLIFE DEFINITION AND CONCEPT

As defined in “Section 2[37] of the Wildlife Preservation Act of 1972”, “wildlife” encompasses

⁴¹ 72 Percent of the Earth's Ice-Free Lands Now Impacted by Exploitation for Food, Fiber, Fuels—New IPCC Report Finds, Defenders of Wildlife, <https://defenders.org/newsroom/72-percent-of-earths-ice-free-lands-now-impacted-exploitation-food-fiber-fuels-new-ipcc> (last visited Aug. 11, 2025).

⁴² UN Report: Nature's Dangerous Decline 'Unprecedented'; Species Extinction Rates 'Accelerating', United Nations Sustainable Development, (last visited Aug. 13, 2025).

⁴⁰ The Wildlife (Protection) Act, No. 53 of 1972 (India).

all kinds of life, whether on land or in water, and all plant life that is a component of any ecosystem. The term 'wildlife' is not only limited to wild animals in particular but also caters all organisms that can be seen and heard in their natural habitats without human interference. It comprises plants, birds, reptiles, amphibians, fish, and insects. Wildlife inhabits tropical rainforests, dry deserts, oceans, and freshwater habitats.

In addition to animals, "wildlife" includes plants, mushrooms, and microorganisms that assist sustain a healthy ecosystem. Wildlife reigns in biodiversity, ecological stability, and ecosystem services. Wildlife conservation has evolved due to environmental awareness, cultural standards, and scientific understanding. Humans' long-time perspective of wildlife as food has led to widespread poaching, habitat destruction, and slaughter. However, conservation efforts have increased as ecological sciences have recognised the importance of animals to ecological sustainability. Many cultures and faiths revere certain animals and their natural settings; therefore, safeguarding wildlife is part of their rituals. Hinduism and Buddhism safeguard sacred animals like snakes, tigers, and elephants. Many indigenous people around the world have lived in harmony with environment by using conservation measures based on their traditional wisdom.

3. WILDLIFE PROTECTION BEFORE INDEPENDENCE

3.1 Madras Elephant Preservation Act, 1873

Early laws protecting wildlife were narrow in scope, covering only certain regions and species. The first Wild Life Statute was passed in 1873 to save wild elephants in Madras. The statute included a penalty for violators of the embargo and a new universal prohibition on killing wild elephants.⁴³ The Elephant Preservation Act of 1879 was the first significant effort by the federal government, which took place six years later.

⁴³ Wild Elephants Preservation Act, 1873, Tamil Nadu Act No. 1 of 1873. (1873). Retrieved Aug 15, 2025.

3.2 The Elephant Preservation Act, 1879

To ensure the continued existence of elephants, this law was passed. It is illegal to harm, capture, or kill wild elephants unless doing so is necessary to protect oneself or another when the elephant is causing damage to houses or crops, or on or near a major public road, railway, canal, or as authorized by a license issued under this Act.⁴⁴

An offender may be liable to the penalties and periods of imprisonment, respectively, provided for a first or second conviction in section 3 of this Act. Conviction under this section renders a license holder's license null and invalid, and the Magistrate must receive the permit.

3.3 The Wild Birds and Animals Protection Act, 1912

In 1887, the Wild Birds Protection Act was passed by the Central Government. It forbade the sale or ownership of wild birds that had been killed or seized during the recognized nesting season. In 1912, a more comprehensive law was passed. Wild Birds and Animals Protection Act. Most British India was subject to this law, which limited hunting to certain times of the year and required permits for particular species.⁴⁵ No laws were passed to control wildlife trading; instead, they exclusively dealt with hunting. This led to animal predators' persistence and numerous species' extinction.

By this Act, the Government of State may designate a specific period of the year, or portion thereof, across all or part of its territories as a closed season for any wild bird or animal species, including females and juvenile animals. Any animal or bird that hasn't been seen or killed before the close time starts, or any part of it, including plumage, cannot be sold, purchased, or owned. It is also illegal to capture or kill any animal or bird that hasn't been caught before the close time starts.

⁴⁴ The Elephants Preservation Act, 1879 (Act No. 6 of 1879).

⁴⁵ The Wild Birds and Animals Protection Act, 1912 Act no. 8 of 1912.

Penalties

Anyone found guilty of, or trying to commit, an offense under Section 3 may be punished with up to fifty rupees. Anyone found guilty a second time under this provision faces a maximum of one hundred rupees in fines, one month in prison, or both on each consecutive conviction.⁴⁶

In addition to the punishments provided for in Section 4, the convicting Magistrate may order the confiscation of any bird or animal that was the subject of the offense or any portion of it when a person is found guilty under Section 3. Any violation of this Act shall not be tried in a court lower than a Presidency Magistrate or a Magistrate of the second class. For scientific inquiry, the state government may provide a license to any individual under certain restrictions and conditions.

3.4 Bombay Wild Birds and Animals Protection Act 1933

This act was endorsed to deliver further protection for wild birds and animals in the Bombay Presidency (now divided into Maharashtra and Gujarat). It prohibited hunting, capturing, and trading of protected species within the region.⁴⁷

3.5 Madras Wild Birds and Wild Animals Protection Act 1935

This act was introduced to guard wildlife in the Madras Presidency (now Tamil Nadu). It regulated hunting, capturing, and trading of protected species within the region.

These acts laid the foundation for conservation of wildlife in India, highlighting the importance of protecting forests, wildlife, and their habitats. After independence, these acts were further expanded and strengthened to address the growing concerns of conservation of wildlife in the nation.

4. WILDLIFE PROTECTION AFTER INDEPENDENCE

4.1 Constitutional Framework on Protection of Wildlife in India

As India's highest legislation, the Constitution lays out the country's basic political code, the rights, responsibilities, and obligations of its citizens, and the principles that guide the government's policies, powers, structures, and procedures.⁴⁸ Protecting wildlife was a priority for India's constitution-drafting parliament after independence.⁴⁹

The preservation of the biosphere was formally added to the official agenda of international law and policy during the 1972 Stockholm United Nations Conference on the Human Environment. Speaking at the conference, Mrs. Indira Gandhi, the country's prime leader at the time, showed how committed the country was to protecting the environment.⁵⁰

"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 and management, as appropriate nature conservation including wildlife must therefore receive importance in planning for economic development."⁵¹

To guarantee adherence to the tenets of the Stockholm Declaration, which was adopted by the International Conference on Human Environment, Article 48-A, which is a part of the Directive Principles of State Policy, and Article 51-A (g), which is a part of the Fundamental Duties, were added to the Indian Constitution in 1976. These clauses particularly deal with the preservation and advancement of wildlife and the environment.

⁴⁸ Animal Legal & Historical Centre the constitutional scheme of animal rights in India. <https://www.animallaw.info/article/constitutional-scheme-animal-rights-india> (last visited Aug. 12, 2025)

⁴⁹ Ibid.

⁵⁰ United Nations Conference on the Human Environment, Stockholm 1972, United Nations, (last visited Aug. 15, 2025).

⁵¹ Principle 2, Stockholm Declaration, United Nations Conference on the Human Environment, (last visited Aug. 15, 2025).

⁴⁶ Ibid. Section 4.

⁴⁷ Bombay Wild Animals and Wild Birds Protection Act, 1951 Act 24 of 1951.

The Seventh Schedule of the Indian Constitution divides subjects into three lists: the Union List, State List, and Concurrent List. These lists demonstrate how the Union and State governments have different legislative authority. State legislatures formerly held exclusive power over conservation issues, as stated in Entry 20 of the State List (List II), which oversaw the protection of wild animals and birds. However, the 42nd Amendment Act of 1976 removed Entry 20 and moved the topic to the Concurrent List (List III) as Entry 17-B, guaranteeing that federal and state governments could pass laws protecting wildlife in response to mounting environmental concerns and the need for a unified strategy.

By giving the federal and state governments more authority to regulate, the 42nd Amendment Act of 1976 greatly improved wildlife conservation efforts and allowed extensive environmental legislation to be implemented. Consequently, there has been more uniform application of historic laws like the "Wildlife Protection Act of 1972" and subsequent conservation initiatives throughout states. By establishing a framework for cooperation in biodiversity protection, India's Constitution reaffirms the country's dedication to ecological preservation and animal welfare. Several modifications were made to the Constitution in 1974 with the 42nd Amendment, which added two additional Articles aimed at safeguarding species and the environment;

Article 48-A

"The introduction of Article 48-A into the chapter on the - "Directive Principle of State Policy" via the Constitution (Forty second Amendment) Act of 1976. Article 48-A reads as follows: "The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country."⁵²

Thus, environmental Protection and improvement is constitutionally required and mandated by Article 48-A. Therefore, ecological

laws like the "Environment (Protection) Act, 1986, the Wild Life (Protection) Act, 1972, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974, the Forest (Conservation) Act, 1980, the Indian Forest Act, 1927 and the Biological Diversity Act, 2002," as well as a few other more minor laws that aim to provide or expand the scope of wildlife protection in India, are based on this article.

It is also important to keep in mind Article 21 of the Indian Constitution, which, according to **M. C. Mehta v. Union of India**, encompasses the right to a clean and healthy environment. Therefore, Article 48-A must be interpreted in accordance with India's commitments under international law and the fundamental rights guaranteed by the Constitution.

The Supreme Court held that the right to life within the ambit of the Constitution includes the right to live with dignity and also incorporates within its field "the protection and preservation of the environment, ecological balance free from pollution of air, water, sanitation without which life cannot be enjoyed," in the case of **"K. M. Chinnappa, T. N. GodavarmarThirumalpad vs. Union of India."**⁵³

Article 51A

"The Constitution (Forty-second Amendment) Act of 1976" also introduced the fundamental duties of the citizens of India in "Article 51A in Part IV-A of the Constitution," which aligns with "Article 29(1) of the Universal Declaration of Human Rights." While these are in itself non-justiciable and unenforceable in the Courts of Law, they hold special accord in the interpretation of the tenets of the Constitution and are frequently resorted to for aiding in the explanation of the Constitution and others as well.

In the context of wildlife protection and environmental conservation, Article 51A reads as follows "It shall be the duty of every citizen of

⁵² The Constitution (Forty-second Amendment) Act, 1976.

⁵³ K. M. Chinnappa, T. N. GodavarmarThirumalpad vs. Union of India, 1997 (3) SCC 312.

India...(g) to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures; ...(h) to develop the scientific temper, humanism, and the spirit of inquiry and reform.....”

Having sympathy for all forms of life and doing everything we can to preserve and develop our natural environment are duties imposed on us by Article 51 A (g). The Supreme Court gave careful consideration to the meaning of Article 51A (g) in 2014 case *“Animal Welfare Board of India v. A. Nagaraja & Ors.”*⁵⁴ and ultimately ruled that compassion for all living animals encompasses concern for their general well-being and concern. The Indian Supreme Court has recognized the principles of Article 51 A (g) and Article 51 A (h), the need to foster a scientific temperament, as the founding documents of animal rights law in the country. Furthermore, in the case of *“State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors.”*⁵⁵ decided in the 2005 year, the Supreme Court held that the Parliament intended that Articles 51A and Articles 48 and 48A be read together and in consonance with each other to ensure that the soul of all the provisions concerned is honoured to the widest extent possible.

4.2 The Wildlife (Protection) Act, 1972

A law evolves through time because it reflects the hopes and values of a society. Up until the middle of the previous century, most India's animal species and their natural habitats were unaltered. Hunting was a very popular sport. In the early 1970s, when policymakers recognized the necessity to implement a single, well-organized law across the country, wildlife's survival was in jeopardy. As a result, the 1972 Wildlife (Protection) Act was passed.⁵⁶ All of India's states were required to comply with it.⁵⁷

The animal Protection Act was specifically designed to protect endangered species, regulate hunting, limit the traffic in animal products, and establish protected places like national parks and sanctuaries.⁵⁸

When protecting endangered species and other wild animals, this law was the first of its kind. It included provisions for birds, reptiles, amphibians, insects, and more. Additionally, it addresses the establishment of wildlife sanctuaries and national parks and the control of commerce involving wild animals, their goods, and trophies.

The statute specifies the whole shield of rare and endangered species in six schedules. On September 9, 1972, the President approved the “Wildlife Protection Act 1972” after Parliament passed it. The Principal Act, which is the Wildlife (Protection) Act of 1972, will have the following long title substituted for the original:

“An Act to provide for the protection of wild animals, birds and plants, and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.”

4.2.1 Authorities established by the 1972 Wildlife (Protection) Act

The Director is the highest-ranking official in charge of protecting wildlife at the federal level. The other officials and assistant directors help him out as needed. Whenever the Central Government issues instructions for the Director to carry out his responsibilities or use his authority, the Director must comply.⁵⁹

Chief Wildlife Warden and other officers appointed

In addition to all other wildlife wardens, honorary wardens, and other staff members mandated by law, the State Government appoints a Chief Wildlife Warden, also referred to as the Chief Conservator of Forest. Periodically, the state government issues

⁵⁴ Animal Welfare Board of India v. A. Nagaraja & Ors., 2014 7 SCC 547 (last visited Aug. 18, 2025).

⁵⁵ State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat & Ors., 2005 8 SCC 534, (last visited Apr. 15, 2025).

⁵⁶ Wildlife (Protection) Act, 1972, National Portal of India, (last visited Aug. 20, 2025).

⁵⁷ Ashok Kumar, Laws that Protect Wildlife: The Wildlife (Protection) Act, 1972, (2002), p. 18.

⁵⁸ Nalin Ranjan Jena: People, Wildlife and Wildlife Protection Act., Economic and Political Weekly (1994) p 2767.

⁵⁹ The Wildlife Protection Act, 1972, Section 3.

directives that the Chief Wildlife Officer must follow in order to do his duties. The Chief Wildlife Officer will have the final say over all staff members and representatives, especially the Wildlife Warden.

4.2.2 The National Board for Wildlife's Constitution

Section 5A was added by the Wildlife (Protection) Amendment Act of 2002. The National Board for Wildlife was founded in accordance with this clause.⁶⁰

The National Board is in charge of advising the federal and state governments on matters pertaining to wildlife conservation, including the establishment and maintenance of protected areas such as national parks and sanctuaries, routinely assessing the country's wildlife conservation programs, and promoting the growth and preservation of forests and wildlife.⁶¹

4.2.3 Hunting of Wild Animals

"The Wildlife (Protection) Act, 1972", specifically section 9, incorporates the regulations about taking wild animals. No one may hunt for any creatures listed in the Act's schedules I through IV.⁶²

Situations in which hunting wild animals is allowed

Section 11 specifies the circumstances under which hunting wild animals is permissible. According to Section 11, the following is how Schedule I species are differentiated from the creatures listed in Schedules II-IV. If a state's chief wildlife officer (CWO) discovers that an animal is gravely injured, terminally ill, or a threat to human life. In that case, he can approve the hunting of the Schedule I animals by a written directive that outlines the justifications for the authorization.

When a Schedule II-IV animal threatens individuals or properties (including standing

crops on land), the CWO or an Authorized Officer may allow hunting; due to the difference above, hunting Schedule I animals is still unlawful, even if they threaten property. Second, only the Chief Wildlife Officer can hunt Schedule I animals. Nobody should kill a wild animal if they can be caught. The Chief Wildlife Warden can tranquilize or translocate animals under Section 9 of the Wildlife Protection (Amendment) Act, 1991. No animal capable of rehabilitation in its natural habitat should be captive.⁶³ Within a particular area, anyone may be allowed to hunt these animals. The killing or injury of a wild animal in self-defence or in the course of protecting another person is another circumstance under which hunting of wild animals may be legal, provided that the animal in question becomes public property.

Safety of Specified Plants

For the "Wildlife (Protection) Act, 1972", "specified plants" are included in Schedule VI. This schedule only consists of six species of plants. In 1991, the Act included Chapter III-A, which makes it illegal to intentionally remove, damage, abolish, obtain, or gather certain plants from forest land or areas designated by the Central Government through notification. Additionally, this chapter forbids the sale, gifting, possession, or transportation of any listed plants, whether alive or dead, as well as any of its components or derivatives.

4.2.4 National Tiger Conservation Authority

Over the years, the implementation has brought attention to the necessity of a legally backed legislative authority to guarantee tiger protection. A task group was formed to look at the difficulties facing tiger conservation in the country⁶⁴ in response to recommendations given by the National Board for Wildlife. Among the many achievements of the Task Force are the establishment of the Wildlife Crime Control Bureau and the improvement of Project Tiger by the distribution of administrative and statutory

⁶⁰ Government of India. (2002). The Wildlife Protection (Amendment) Act, 2002, Section 5A (2). Ministry of Law and Justice. <https://legislative.gov.in>.

⁶¹ The Wildlife Protection (Amendment) Act, 2002, Sec 5C.

⁶² The Wildlife Protection (Amendment) Act, 1991, Sec 9.

⁶³ The Wildlife Protection Act, 1972, Sec 11(l)(a).

⁶⁴ National Tiger Conservation Authority, Government of India, <https://ntca.gov.in/> (last visited Aug. 15, 2025).

authority. It has been proposed that an annual report be submitted to the Central Government and presented to Parliament in order to address the locals' concerns and regularly review the commitment to Project Tiger. Tiger Conservation Authority's Responsibilities and Authorities

Subsection (3) of section 38V of this act assigns the authority the responsibility of approving the tiger conservation plan prepared by the state government, establishing standard standards for tiger conservation, monitoring and protecting habitats, estimating tiger populations, conducting mortality surveys, organizing patrols, and resolving human-wild animal conflicts. Additionally, it promotes harmony with locals. While the "Tiger Conservation Authority" has the authority to issue written directions to anyone concerned with protecting tigers and tiger reserves, these directions must not infringe upon the rights of the local population, especially scheduled tribes, and everyone is obligated to comply with them.⁶⁵

4.2.5 Trade or Business in Wild Animals, Trophies, and Animal Products

The State Government will be the owner of any illegally hunted wild animals (apart from vermin), trophy, meat, imported ivory, or items made from it, as well as any vehicle, vessel, weapon, trap, or tool used to commit an offense under the Wildlife Protection Act (as defined in Section 39).

Any item, trophy, weapon, vehicle, or instrument used to hunt any animal in a sanctuary or national park that the central government has declared is owned by the central government.⁶⁶ If one is in charge of, in custody of, or in possession of any animal listed in Schedule I or Part II of Schedule II, as well as any animal article, trophy, or uncured trophy derived from such an animal, as well as dried skin, musk, or horn, they must notify the Chief

Wildlife Warden or the Authorized Officer within thirty days of the act's start.

No one may obtain, receive, keep, sell, offer for sale, transfer, or transport any animal mentioned in Schedule I or Schedule II or any of the materials above without the Chief Wildlife Warden's written approval or a certificate of ownership. Anyone may inherit and retain in their care or custody any trophy, uncured prize, or animal included in Schedule I or Part II of Schedule II. If so, the person has 90 days from the date of inheritance to inform the Chief Wildlife Warden (CWW) or another designated official. It is within the authority of the chief wildlife Warden or another designated officer to conduct inspections and take inventory of artifacts, trophies, and dried skins of animals on private property.

4.2.6 The Prohibition on the Sale of Trophies and Other Animal Products Originating from Specific Species⁶⁷

With a modification, the term "scheduled animal" was first used in 1986. An animal is deemed scheduled if it is listed in Schedule I or Part II of Schedule II. On the other hand, depending on the degree of protection they receive, wild animals are categorized into multiple schedules.⁶⁸ It is illegal to start or operate a business selling animal products made from animals listed in the Schedule, according to Section 49-B. But if the government sees fit, it can exempt any Central Government-owned or -controlled company or the community filed under the Societies Registration Act, 1860 or any other legislation that is in effect at the moment from export duties by publishing an order in the official gazette, whether it's a general or specific order.

Individuals engaging in the activities listed in section 49B must notify the Chief Wildlife Warden within 30 days of the occurrence of any stock, along with the location or locations where the stock is stored and a detailed description of the goods. If an individual wants to keep some

⁶⁵ The Wildlife Protection (Amendment) Act, 2006, Section 380 (2).

⁶⁶ The Wildlife Protection Act, 1972 Section 40(1).

⁶⁷ Chapter VA inserted by The Wildlife Protection Amendment Act, 1986.

⁶⁸ The Wildlife Protection Amendment Act, 1986. Section 49A.

of the stock for himself, the Head Wildlife Warden can issue a certificate of ownership after consulting with the Director, who must be satisfied with the request. The decision to deny the certificate of ownership can be challenged through an appeal. Within thirty days of the transfer of ownership, whether by gift, sale, or any other means, the new owner must notify the Chief Wildlife Warden.⁶⁹

4.2.7 Penalties

Anyone found guilty of violating the terms of a license or permission under this Act may face a fine of up to ₹25,000, imprisonment for up to three years, or both. For offenses involving animals listed in Schedule I or Part II of Schedule II, including their meat, products, trophies, or uncured trophies, the penalty includes a minimum of three years in prison (extendable to seven years) and a fine of at least ₹10,000. Similar punishments apply to hunting in a sanctuary or national park or altering their boundaries.

Repeat offenders of such crimes face a mandatory minimum of three years in prison (up to seven years) and a fine of at least ₹25,000. Violations of Chapter VA attract the same penalties: a minimum of three years' imprisonment and a fine of at least ₹10,000. For a first-time minor offense, the punishment may be up to six months' imprisonment, a ₹2,000 fine, or both. For a second offense, the punishment can be up to one year in jail or a ₹5,000 fine.

Offenses committed within a tiger reserve's core area, including illegal hunting or altering boundaries, attract harsher penalties. First-time offenders may be sentenced to 3–7 years' imprisonment and fined between ₹50,000 and ₹2,00,000. Repeat offenders face a minimum of seven years in prison and fines starting at ₹5,00,000.

The court may order the confiscation of any tools, vehicles, weapons, or equipment used in committing the offense. Licenses under this

Act or the Arms Act, 1959, may be revoked. Individuals convicted of hunting in a sanctuary or national park are ineligible for probation under CrPC Section 360 unless they are minors.

Bail for serious wildlife crimes may be denied if the Public Prosecutor objects and the court finds no reasonable grounds to believe the accused is innocent or won't reoffend. Authorized officers may accept a monetary composition of up to ₹25,000 in lieu of prosecution. However, certain senior officials and informants are exempt from the requirement that courts only act upon formal complaints.

4.2.8 Assets Acquired via Illegal Wildlife and Trade Forfeiture

An official holding the office of Deputy Inspector General is required to take all necessary actions to track down and identify any property that has been unlawfully acquired by anyone after receiving a complaint from a competent authority. This could include any pertinent question, study, or investigation of any person, place, item of property, document, etc. An officer will be tasked with carrying it out in compliance with any directives and standards issued by the appropriate authority.⁷⁰

Suppose the property is suspected to be hidden and acquired unlawfully. In that case, the officer-in-charge has the authority to either seize the item or prohibit its transfer or other disposition if seizure is not feasible. An exemption to this rule states that the transfer of any of these items requires the approval of an officer or other competent authority. Notice must be given to the individual in question.⁷¹ The competent authority must notify the owner of the property in question and ask them to justify why the property should not be deemed as having been acquired illegally. He will have thirty days to complete this. To accomplish this, he can include his income, earnings, evidence, and any other pertinent details that he uses. The competent authority can record a finding

⁶⁹ The Wildlife Protection Amendment Act, 1986. Section 49C.

⁷⁰ The Wildlife Protection (Amendment) Act, 2002, Section 58E.

⁷¹ The Wildlife Protection (Amendment) Act, 2002, Section 58F.

regarding whether all or part of the assets in question were obtained illegally after taking into account the explanation (if any) and giving everyone a fair chance to be heard.⁷²

Within 90 days, the competent authority must define any properties it determines to have been illegally acquired if it is satisfied that some are so without being particular. The item will be released as soon as the impacted party establishes that it is not susceptible to forfeiture since it was not obtained illegally.⁷³ With a chairman and as many other members as it thinks fit, the State Government may create an Appellate Tribunal for Abandoned Property to hear cases challenging decisions rendered under Sections 58K (1), 58L, Section 58F, or Section 58I. The Chairman must have the qualifications of a High Court Judge. All service terms and conditions must adhere to the regulations.

4.2.9 Wildlife Crime Control Bureau (WCCB)

The WCCB was constituted by the Government of India under the Ministry of Environment, Forest & Climate Change on June 6, 2007, as a statutory body to combat organized wildlife crime. It was established under Section 38(Y)⁷⁴ of the Wild Life (Protection) Act, 1972.

India, under the supervision of the WCCB, is actively profiling criminals to combat transboundary wildlife offences and enhance enforcement measures. The WCCB aims to attain excellence as an intelligence and enforcement agency, aligning with international standards in wildlife crime intelligence. It works as a unified entity within the intelligence community, striving to conserve wildlife by strengthening the capacity of enforcement agencies and creating deterrence against organized wildlife crime networks. To achieve its objectives, the WCCB has developed mechanisms for gathering intelligence on

wildlife crime and illegal trade, ensuring timely dissemination of information to relevant agencies for effective action. It maintains a wildlife crime database management system to analyse trends and generate records for informed policy decisions. Additionally, it coordinates efforts between state and central enforcement agencies to ensure better implementation of the Wildlife Protection Act, 1972. Furthermore, it fulfils India's obligations under international conventions and protocols, assisting global law enforcement agencies in tackling wildlife crimes. Lastly, the WCCB provides strategic advice to the Government of India on wildlife crime issues with national and international ramifications, recommending policy changes to strengthen conservation efforts.⁷⁵

Actions initiated by WCCB:

The Wildlife Crime Control Bureau (WCCB) has taken significant actions to combat wildlife crime in India. It has profiled 1,882 criminals involved in wildlife-related offences in its Wildlife Crime Database Management System.⁷⁶ In May 2018, WCCB coordinated India's involvement in INTERPOL's multinational enforcement operation, resulting in 52 wildlife cases being registered and 98 criminals apprehended.

INTERPOL's final report on Operation Thunderstorm praised WCCB for its sensitization and capacity-building programs.⁷⁷ Recognizing the extensive illegal trade of Indian star tortoises, particularly from Karnataka, Tamil Nadu, and West Bengal to Southeast Asia, WCCB launched Operation Save Kurma (December 2016–January 2017), leading to the seizure of over 15,912 live turtles and the arrest of 55 suspects—one of the largest turtle seizures in South Asia. India is also strengthening regional cooperation through its participation in SAWEN

⁷² The Wildlife Protection (Amendment) Act, 2002, Section 58I.

⁷³ Ibid.

⁷⁴ Constitution of Tiger and other Endangered Species Crime Control Bureau.

⁷⁵ Ibid.

⁷⁶ Wildlife Crime Control Bureau, <https://wccb.gov.in/> (last visited sept. 2, 2025).

⁷⁷ OPERATION THUNDERBIRD” and “OPERATION SAVE KURMA” Result in Huge Seizures throughout

the Country, <https://www.pib.gov.in/newsite/printrelease.aspx?relid=158813> (last visited sept. 2, 2025).

(South Asia Wildlife Enforcement Network) alongside Maldives, Afghanistan, Pakistan, Bangladesh, Bhutan, Nepal, and Sri Lanka. At the UNEP's Annual Environmental Enforcement Awards (2018), nine winners from Asia, including representatives from India, China, Korea, Malaysia, Nepal, Thailand, and Vietnam, were recognized for their efforts in preventing transboundary environmental crime, further reinforcing India's leadership in wildlife protection efforts.

4.3 Wildlife Protection Amendment Act, 1993

The goal of these revisions was to make the act as a whole more thorough and all-encompassing. Chapter IV allowed the Central Government to establish the "Central Zoo Authority," whose job is supervising the operations and administration of the country's zoos. Section 26 of the "Wildlife Protection Act" was also added. The addition of Section 38H by the amendment clarified that zoos in India must have the necessary recognition from the Central Zoo Authority to be set up.⁷⁸

4.4 Wildlife Protection Amendment Act, 2006

The conservation of tigers and equitization of tribal rights within tiger reserves were the driving forces for the passage of this Act. In keeping with the goals of Project Tiger's Tiger Conservation, the amendment sought to establish a system for managing and balancing the livelihood of tribal people.⁷⁹

4.5 Wildlife Protection Act 1972 with Amendment Act of 2022:

This act underwent significant amendments in 2022, strengthening the wildlife conservation framework in India. The preamble was revised to emphasize conservation, protection, and management of wildlife instead of merely its protection. The amendments restructured the schedules, reducing them from

six to four by eliminating the vermin schedule and introducing a new schedule for species listed under CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora). The definition of habitat was expanded to include specified plants, ensuring a broader ecological scope. The term vermin will now be notified by the Central Government rather than being listed in a separate schedule. Changes were also made to the definition of a zoo, incorporating conservation breeding centres and ex-situ conservation facilities. A standing committee for the State Board for Wildlife (SBWL) was introduced to enhance decision-making efficiency.

The amendment restricted hunting to Schedule I and II species and removed hunting provisions for Schedule III and IV animals. Additionally, construction rules within sanctuaries were tightened, prohibiting government lodges for commercial purposes without approval. The powers of the Central Government were broadened to allow it to declare conservation reserves alongside sanctuaries and national parks. The Wildlife Crime Control Bureau replaced the Tiger and Other Endangered Species Crime Control Bureau, expanding its mandate to tackle wildlife-related crimes more effectively. These revisions aim to align Indian laws with international conservation standards while ensuring comprehensive wildlife management and ecological security.

5. PROVISIONS UNDER OTHER LAWS:

5.1 Animal Cruelty Prevention Act of 1960

The Prevention of Cruelty Act of 1960 divided all life into two categories: humans and other animals, to control human treatment of animals.⁸⁰ In this law, domestic and captive animals are specifically addressed. Anyone in charge of an animal must look out for its health and safety and do everything they can to save it from experiencing needless pain or suffering.⁸¹

⁷⁸ Gitanjali Gill, "Biodiversity and the Indian Judiciary: Tracing the Trajectory," BRICS LAW JOURNAL Volume VIII (2021) Issue 2.

⁷⁹ Comments on Wildlife Protection Amendment Bill, 2021, Submission to The Parliamentary Standing Committee on Science and Technology, Environment, Forests and Climate Change Parliament of India.

⁸⁰ Raju Z. Moray, From Cruelty to Compassion, The Lawyers, Vol. 10(6), 1995, p. 4.

⁸¹ Section 3, The Prevention of Cruelty to Animals Act, 1969.

Animal cruelty is defined and outlawed in Section 11 of the Act. It is criminal to use an animal for labour if it is unsuited for the job or if the animal is beaten, kicked, overridden, overdriven, overloaded, tortured, or treated in any way that causes it unnecessary pain. To knowingly administer any harmful substance or drug, to keep the animal chained, to fail to provide adequate nutrition, water, or shelter, to let an animal die on the street, to kill or mutilate an animal by injecting strychnine into its heart, or to do any other cruel act is also cruelty.

The punishment for cruelty to animals can be as follows: a fine of up to fifty rupees for a first offense, and a fine of a maximum of one hundred rupees for an additional or subsequent offense within the three years of the first offense, or three months in prison, or both.⁸² Conducting studies on wildlife to progress our understanding of their physiology or to discover new ways to save or prolong life or fight against diseases, whether they affect humans, animals, or plants, is not illegal and can be done legally. Subsection 17 establishes regulations for the conduct of experiments on animals. If these rules aren't followed, the Committee can ban animal research.

Registering oneself with the appropriate authorities is mandatory to exhibit or train performing animals, as stated in the Act. With the proper paperwork and the applicable price, anyone who wants to show or train performing animals can register with the relevant authorities. This Act will not be enforced in the following cases:

- (i) When animals are being trained for legitimate military or police purposes, or when those animals are being displayed, or
- (ii) When an animal is kept in a zoological garden or by an association for scientific or educational exhibitions.⁸³

5.2 The Customs Act, 1962

The Customs Act, 1962 is essential in addressing wildlife crime by overseeing the import and export of wildlife species and their derivatives, in accordance with the Wildlife Protection Act, 1972 and CITES. The illicit wildlife trade constitutes a major global crime, jeopardizing biodiversity and exacerbating corruption. The Customs Act authorizes authorities to prohibit, regulate, confiscate, and prosecute anyone engaged in the smuggling of wildlife and associated products.⁸⁴ Section 11 permits the government to limit the importation or exportation of species; Sections 104 and 105 authorize arrests and searches pertaining to trafficking; and Sections 110, 111, and 113 facilitate the confiscation of smuggled items.

The Controlled Delivery Regulations (2022) equip law enforcement with instruments to monitor and disrupt criminal networks involved in wildlife trafficking. Customs officials cooperate with the Wildlife Crime Control Bureau (WCCB) and international organizations to oversee borders, ports, and airports, intercept contraband, and prosecute violators. Enhancing enforcement measures under the Customs Act is crucial for safeguarding endangered species, averting ecological harm, and upholding international conservation standards. The integration of CITES principles into national laws assures adherence to international wildlife conservation regulations.

5.3 The Arms Act, 1959

The Arms Act, 1959 is pivotal in wildlife protection by governing the possession and utilization of firearms, often employed in poaching and illicit hunting. Wildlife crime, especially the poaching of endangered species such as tigers, elephants, and rhinoceroses, continues to pose a significant threat to biodiversity. The Arms Act restricts firearm accessibility to persons who would misuse them

⁸² The Prevention of Cruelty to Animals Act, 1960, Sec 11.

⁸³ See, The Prevention of Cruelty to Animals Act, 1960, Section 27.

⁸⁴ Wild Hub, Indian Customs: The Guardian of Wildlife Frontiers of India, Wild Hub Community (2025), available at <https://wildhub.community/posts/indian-customs-the-guardian-of-wildlife-frontiers-of-india>. (last visited Sept 2, 2025).

for poaching, hence enhancing the Wildlife Protection Act, 1972 in preserving India's biological legacy.⁸⁵

According to the Arms Act, persons are required to secure licenses to own firearms, thereby restricting unauthorized access to weapons that may be utilized for unlawful hunting. Section 25 of the Act enforces stringent penalties for unlawful firearm ownership, serving as a deterrence to wildlife offenses. The Act also authorizes law enforcement agencies to confiscate illegal firearms and penalize anyone engaged in poaching activities. The WCCB, in conjunction with forest departments and customs agents, oversees firearm utilization in wildlife-sensitive regions to deter unlawful hunting.

Notwithstanding rigorous legislation, illegal arms trafficking persists as a significant concern, with poachers frequently obtaining guns via black markets. Numerous organized wildlife trafficking syndicates function transnationally, employing advanced guns to poach endangered animals. Augmenting enforcement procedures, escalating punishments for firearm-related wildlife offenses, and bolstering inter-agency collaboration can substantially enhance conservation initiatives. The amalgamation of weapon regulations and wildlife protection measures guarantees the safeguarding of endangered species from illicit hunting and poaching.

The Arms Act is crucial in safeguarding India's biodiversity through the regulation of firearm access and the imposition of stringent penalties. It not only inhibits the indiscriminate slaughter of wildlife but also bolsters conservation efforts designed to preserve natural equilibrium. Enhancing firearm rules and rigorously enforcing wildlife protection legislation will alleviate the dangers of

poaching, hence fostering a more sustainable and secure ecosystem for India's wildlife.

5.4 The Indian Penal Code, 1860

A few sections meant to protect animals are also in the Indian penal code. It specifies the meaning of "animal" and the consequences for acts of cruelty or neglect toward animals.

'Animal' is defined under Section 47. 'Animal' means any living thing that isn't a person.⁸⁶

Section 428: Causes ten rupees' worth of damage by killing or injuring an animal. Any person found guilty of causing harm by murdering, poisoning, maiming, or rendering an animal or animals worth ten rupees or more useless will be punished with a fine, two years in prison, or both.⁸⁷

Section 429 - Damage caused by the death or injuring of any animal valued at fifty rupees or more, including cattle, etc.⁸⁸

One can be fined or imprisoned for up to five years for maliciously harming, killing, maiming, or offering useless an animal worth fifty rupees or more, including but not limited to elephants, camels, horses, mules, buffalo, bulls, cows, or oxen, regardless of their value.

Section 289 - Imprudence about animals

Whoever wilfully or negligently fails to ensure that any animal is restrained correctly to prevent harm to humans or serious injury from the animal can be punished with a fine of up to one thousand rupees six months in prison, or both.

A person is subject to punishment in this section if he or she does not adequately care for any animal in their possession. All animals, whether wild or farmed, are considered animals. People will face consequences if they own wild creatures, such as tigers or bears, and one of those animals escapes and causes harm. Anyone controlling such an animal must keep

⁸⁵ Wildlife Protection Act of 1972 vs Arms Act 1959 - Indians for Guns, <https://indiansforguns.com/viewtopic.php?t=17841> (last visited Sept.5, 2025).

⁸⁶ Section 47, Indian Penal Code, (last visited Apr. 15, 2025).

⁸⁷ Section 428, Indian Penal Code, (last visited Sept.4, 2025).

⁸⁸ Section 429, Indian Penal Code, 3 (last visited Sept.5, 2025).

the public safe from damage from the animal running amok.

5.5 The Bharatiya Nyaya Sanhita (BNS)

BNS, 2023, which replaces the colonial-era Indian Penal Code (IPC), brings updated provisions to address contemporary crimes, including those indirectly related to wildlife crime and environmental protection. While specific wildlife offenses—such as poaching, illegal hunting, trade in endangered species, and habitat destruction—are primarily addressed under the Wildlife (Protection) Act, 1972, the BNS provides broader criminal provisions that can be invoked in cases involving wildlife crime, especially where organized crime, conspiracy, or violence is involved.

Section 111 of the BNS deals with "organized crime," which includes the illegal trade of wildlife and animal products (such as ivory or tiger skins) when conducted by criminal syndicates. This section allows for harsher punishments, including life imprisonment or even the death penalty in extreme cases, making it a strong deterrent against large-scale wildlife trafficking. Section 187 of the BNS (which replaces Section 120B of IPC) criminalizes conspiracy, which can apply to coordinated poaching or smuggling operations. Additionally, Section 260, concerning obstruction of public servants, may apply to those who interfere with forest officers or wildlife wardens during enforcement actions.⁸⁹

By enabling stronger action against networks involved in wildlife crime—often linked to larger criminal or international syndicates—the BNS complements the Wildlife Protection Act. Together, they form a more integrated legal framework to combat threats to India's biodiversity. The updated BNS also supports quicker trials and stricter sentencing, making it a valuable legal tool in the broader effort to

protect wildlife and preserve ecological balance.

6. SUGGESTIONS

- The Act should be amended to add measures for organized crime networks and to define "wildlife crime."
- Current wildlife protection laws require modernization to address emerging threats like cyber-enabled trafficking. Amending the Wildlife Protection Act to include stronger penalties, digital enforcement mechanisms, and faster judicial processes can significantly enhance legal deterrence.
- Poaching and illegal trafficking should be punished more severely, and bail should be limited for repeat offenders, in order to discourage organized wildlife crime.
- Public apathy and lack of knowledge about wildlife laws contribute to low compliance. Implementing nationwide awareness campaigns, school-level conservation education, and media partnerships can foster a stronger conservation ethic across society.
- Wildlife crime cases often face delays in the judicial system. Special fast-track courts or designated judicial officers can ensure timely and effective disposal of such cases.
- Fear of retaliation often prevents witnesses or insiders from reporting wildlife crimes. Establishing legal protection, anonymous reporting mechanisms, and incentives for whistleblowers can encourage more active public participation.

7. CONCLUSION

"The wild animals of today are not the foes of tomorrow. We share the same planet, let us live in peace."

– Paul Oxton

India's wildlife conservation has come a long way, from traditional practices to

⁸⁹ Animal Rights and Its Scope in the Indian Legal System, Naya Legal, <https://www.nayalegal.com/animal-rights-and-its-scope-in-the-indian-legal-system> (last visited Sept.6, 2025).

regulation, poaching and illegal trade continue to negatively impact biodiversity in India. The Wildlife (Protection) Act of 1972 is in place, but enforcement problems and organized trafficking networks make it difficult to protect wildlife. It is clearly evident that, despite having strong laws to protect and conserve wildlife, the illegal wildlife trade ranks as the fourth largest illegal industry globally, following narcotics, human trafficking, and counterfeit products. In order to safeguard the rich biodiversity of India, it is imperative to foster greater collaboration across national boundaries, establish more stringent legislation, and enhance the mechanisms for enforcement, with a mandatory duty on the public and concerned departments to adhere to such laws with serious legal consequences and penalties.

The Wildlife (Protection) Act, 1972 (WPA) lacks an explicit and comprehensive definition of the term “wildlife crime.” Although the Act lays down specific prohibitions—such as hunting, poaching, illegal trade, and destruction of wildlife habitats—there is no singular, umbrella provision that defines what constitutes a wildlife crime in its entirety. This omission leads to ambiguity in the scope and interpretation of offenses, causing inconsistency in legal enforcement and judicial decision-making. To provide a comprehensive legal response, the WPA must be modified to define “wildlife crime” broadly to include all criminal acts that harm wildlife species and habitats.

The judiciary has played a vital role in upholding environmental justice, but prolonged trials, easy bail, and the demand for absolute proof often delay justice. At the same time, marine biodiversity receives little attention under the Act, leaving many species unprotected. While flagship initiatives like Project Tiger, Project Elephant, Project Snow Leopard, and Project Cheetah are commendable, they also highlight uneven focus on other species.

On the positive side, India has shown global leadership through WCCB operations, regional cooperation in SAWEN, and participation in INTERPOL’s Operation Thunderstorm. These efforts underline that tackling wildlife crime is not only about protecting animals—it is also about preserving ecosystems, preventing organized crime, and ensuring public health.

Therefore, the way forward must involve stricter laws, specialized enforcement units, cross-border collaboration, and stronger public responsibility. Only then can India truly safeguard its biodiversity for generations to come.

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