

EVOLUTION OF WILDLIFE LAWS IN INDIA AND THE ROLE OF COMMUNITY IN HUMAN-WILDLIFE CONFLICT AND CONSERVATION

AUTHOR – NELSON P RAJ, LL.M- CONSTITUTION AND ADMINISTRATION LAW, SCHOOL OF LAW- CHRIST (DEEMED TO BE) UNIVERSITY, BENGALURU

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Abstract

India, known for its rich and diverse ecological heritage, has witnessed an evolving relationship between humans and wildlife spanning ancient reverence, colonial exploitation, and modern conservation efforts. This paper traces the historical evolution of wildlife protection laws in India from pre-colonial religious and cultural norms, through colonial-era regulatory statutes, to contemporary legal frameworks dominated by the Wildlife Protection Act, 1972 and related constitutional provisions. Despite these comprehensive statutory instruments and constitutional mandates such as Articles 48A and 51A(g), India faces escalating human-wildlife conflict driven by habitat loss, expanding agricultural and infrastructural development, and social pressures. The study critically examines judicial interventions that have expanded environmental and animal welfare rights, highlighting landmark cases that underscore the role of courts in conservation governance. Moreover, it explores the vital yet underrepresented role of local communities in conservation practices, analyzing mechanisms such as the Forest Rights Act and Joint Forest Management that enable participatory governance. The paper proposes legal and policy reforms aimed at bridging gaps between law and practice, emphasizing capacity building, inclusion of community knowledge, and sustainable coexistence strategies. Ultimately, this research advocates for an integrative approach to wildlife conservation that aligns ecological preservation with social justice and participatory governance.

Introduction

Brief on India's diverse ecosystems have shaped the wildlife laws

India has rich ecological heritage throughout its geography and landscapes, it has a vast and extraordinary biodiversity. But however the growing connection between humans and wildlife from worship to concurrent existence during the pre-colonial period to unfair treatment during the British regime, has played an important role in shaping the Indian wildlife laws. The Indian renovation efforts can be traced back to the Vedas and Aryans who worshipped nature and animals. Mahabhartha and Ramayana which also gave significant priority to animals, the Ashokan 5th pillar edict

was one of the first documented conservation law, Ashoka was one of the first kings to ban the killing of certain animals. wherein the animals were being worshiped but the the colonial laws were introduced during the British time tracing back to the Madras Elephant Preservation Act of 1873 and the Wild birds protection Act 1887.¹⁷⁹⁸

The post independence marked a significant improvement in the wildlife legislation with the Wildlife Protection Act 1972 which shows the protective regulation in conservation and preservation which led to the creation National parks restrictions on and conservation projects

¹⁷⁹⁸ Siddharth Rajak & Kalpana Chatruvedi, The Evolution of Wildlife Protection Laws and Policies in India: A Historical Analysis, 8 Int'l J. Novel Rsch. & Dev. 354 (2023), available at <https://www.ijnrd.org>.

like the project Tiger and Project Elephant.¹⁷⁹⁹ The constitutional provisions such as Article 48 and Article 51 A(G) are some of the constitutional provisions that exist for conservation and preservation of wildlife. Despite the existence of the legislations and the constitutional provisions India with its Geographical area faces a lot of increase in human wildlife conflict and ecological pressures from the expansion in agricultural and the fast growing human development.¹⁸⁰⁰

In the modern times there is lot reporting crop de predation and retaliatory killings by humans and displacement caused BAE animals such as leopards tigers elephants and these we looked to the conservation measurements with the actual ground real and experiences of the local while the legal structure with the Wildlife Protection Act 1972 it falls back with the The new relationship and knowledge of the local communities they are simultaneously impacted Integral to the conservation outcomes.¹⁸⁰¹

The study examines the evolution of wildlife laws in India from a from a history perspective to the modern day legislation by assessing the Statutory Challenges in managing the conflict between humans and wildlife This interrogates the less represented community Voices in making a decision, this paper looks to propose policy and reforms that participatory governance promotes community interest by having the vision of sustainable coexistence between humans and wildlife.

Literature Review

1. Siddarth Rajak and Prof Kalpana Chaturvedi, *The Evolution of Wildlife Protection Laws and Policies in India: A Historical Analysis*.¹⁸⁰²

¹⁷⁹⁹ Ibid at 14

¹⁸⁰⁰ Anju C. Thomas & Sumana Vedanth, Human Wildlife Conflict: The Nuances of Indian Law That Render it Ineffective, 7 Int'l J. Multidisciplinary Rsch. (IJFMR) (Mar.–Apr. 2025), <https://www.ijfmr.com>.

¹⁸⁰¹ Ibid

¹⁸⁰² Siddharth Rajak & Kalpana Chaturvedi, The Evolution of Wildlife Protection Laws and Policies in India: A Historical Analysis, 8 Int'l J. Novel Rsch. & Dev. 354 (2023), available at <https://www.ijnrd.org>.

The authors Siddarth Rajak and Prof Kalpana Chaturvedi gives a brief input on the evolution of wildlife laws in India in Pre Colonial era, Colonial Era and Post Colonial Era, they say that the wildlife and animals are introduced to humans from childhood and its been a integral part of human beings since the humans came into existence, the author says that since the start of industrial revolution and other human activities to present, humans have destroyed the natural environment so much that few species thrive to survive and conservation is the need of the hour. The evolution of wildlife protection laws dates back to the time of Vedas and Aryans who worshipped nature and animals. Mahabhartha and Ramayana which also gave significant priority to animals, the Ashokan 5th pillar edict was one of the first documented conservation law, Ashoka was one of the first kings to ban the killing of certain animals. During the colonial time it brought in legislations but increased exploitation, the British introduced Wild Birds Protection Act (1887) and Wild Birds and Animals Protection Act (1912) which concentrated on regulations regarding hunting than that on conservation. The Forest Act 1878 got regulations on use of forests. Post colonial period India focussed on preservation and conservation, by the introduction of wildlife protection act 1972 which became the spine of the conservation by law and by establishment of protected areas and ban on wildlife trade and start of Project Tiger 1973 and Project Elephant in 1992 showed the sign of conservation and preservation, over the years the act was also amended and the Third National Wildlife action plan 2017- 2031 reflects more on climate awareness and conservation and other related issues.

2. Anil Kumar, *Legal frameworks for wildlife conservation in India: Challenges and solutions*.¹⁸⁰³

India has one of the richest biodiversity in the world, but due to habitat destruction, wildlife conservation face threats like illegal wildlife trade, poaching, and climate change. The author examines India's legal status, the author identifies main legislations like the Wildlife Protection Act 1972, Forest Conservation Act 1980 and Biological Diversity Act 2002 as foundational pillars. These laws have helped in the making of the protected areas, regulations for wildlife exploitations and amalgamation of international commitments like CITES in national policy. The article throws light upon continuous implementation challenges such as untrained and inadequate enforcement agencies, insufficient funds, and administrative bottlenecks, socio-economic pressures from communities that depend upon forests and interference from politicians complicate the enforcement. Increasing urbanization and habitat disruption come in as major concerns of climate-related issues.

The author talks for many broader dimensions moves for progressiveness, which include legal reforms, stricter penalties and streamlined judicial processes, and give adequate training for enforcement agencies and equipping them with proper measures and take anti-corruption measures. The use of technological interventions like remote sensing, geographic information system and wildlife forensics they are proposed for the modernization of wildlife conservation practices. The engagement of the community and plan for alternative livelihoods are focused to

reduce human animal conflict and gain local support.

The author concludes by saying that the indian legal structure is vast in theory and its success depends upon proper implementation of these laws with coordination and community/public participation by keeping it straight in conservation with sustainable development and by strengthening these organisational frameworks the nation can ensure longterm protection of it's ecology and heritage.

3. Razit Sharma and Ayush Raturi, *WILDLIFE PROTECTON IN INDIA : A LEGAL ANALYSIS*.¹⁸⁰⁴

The authors Razit Sharma and Ayush Raturi have given a comprehensive historical and legal analysis of wildlife protection in India, going to it's development and evolution from colonial acts to modern constitutional directions. The starting legislations such as the Madras Elephant Preservation Act 1873, Wild Birds Protection Act 1887 which aimed directly at specific species and threw some light on hunting regulations and prohibition. The Wild Birds and Animals Protection Act 1912 and the Indian Forest Act 1927 strengthened protection but at the same time remained utilitarian in its nature. Post independence, wildlife and forest was under the state list and after the 42nd constitutional amendment 1976 wildlife and forest moved to the concurrent list (entries 17A and 17B) which gave powers to parliament to enact a uniform legislation. This led to the formation of the backbone act for wildlife conservation the Wildlife Protection Act 1972 which gave detailed schedules of protected species of wildlife, it led to the establishment of national parks and

¹⁸⁰³ Anil Kumar, *Legal Frameworks for Wildlife Conservation in India: Challenges and Solutions*, 4 Int'l J. Civ. L. & Legal Rsch. 212 (2024), available at <https://www.civillawjournal.com>.

¹⁸⁰⁴ Razit Sharma & Ayush Raturi, *Wildlife Protection in India: A Legal Analysis*, 6 Int'l J. Creative Rsch. Thoughts 652 (2018), available at <https://www.ijcr.org/papers/IJCRT1813403.pdf>.

sanctuaries and it also prohibited hunting. The authors also talk about laws like the prevention of cruelty to animals act 1960 and national zoo policy 1998 which speaks about humane treatment of animals and ex-situ conservation. Few judicial intervention includes cases like State of Bihar vs Murad Ali Khan, Chief Forest Conservator vs Nisar Khan which talks about role of judiciary in interpreting and conservation of wildlife laws. The authors also talk about the role of communities that worship nature and wildlife such as Bishnois community who till date rescue and worship animals and have certain festivals that worship animals. They recommend and promote stricter penalties and community involvement in conservation and habitat management for sustainable conservation. The article shows the constitutional validation and constitutional duties under article 48a and 51A(g) to protect wildlife and conservation as moral and legal crucial methods.

4. Jessica Eisen, *Animals In the Constitutional State*.¹⁸⁰⁵

The author Jessica Eisen explores the unfolding of constitutional provisions that recognise the fundamental value of animal interests, wherein there is change from long established constitutional theory that focus only on human dignity. The author Jessica Eisen figures out a new theme of constitutional protection for animals that are evident in constitution of Germany, India, Switzerland and Brazil wherein the animals are treated as constitutional cover and not merely a property or symbol. The author criticises the existing constitutional structure that comes to a conclusion of legal infringement rely

upon self representations and democratic involvement, the author says that the animals are not capable of representing in constitutional self assertion of human centered model, the author suggests a additional theory of constitutionalism embodied in the duty of the state to protect its vulnerable section which includes non humans and animals, through a comparative examination the author talks about how the courts in Germany and India have interpreted the provisions of the constitution to give importance to animal welfare by citing concepts such as species best interest and dignity of animal. The supreme of india in animal welfare board vs nagaraja throws light on compassion for animals in constitutional interpretation. The author says that the protection of animals through constitution is not only symbolic but shows the evolution of recognition of animals throughout and the recognition of animal suffering and subjectivity, the author calls for independent enforcement agencies, involvement of public and reforms institutionally and doctrinally to make constitutional commitment towards animals more broad and effective.

5. Rashmi Ranjan, *The Role of Judiciary in Conservation of Wildlife in India (JETIR, 2024)*.¹⁸⁰⁶

The article discusses the key role of the Indian judiciary in promoting wildlife conservation by way of public interest litigation, constitutional interpretation and legal enforcement. The constitutional provisions under the article 48 A lay stress on the directive principles and Under article 51A(G) in the fundamental duties, which instruct both the citizens and the state to conserve

¹⁸⁰⁵ Jessica Eisen, *Animals in the Constitutional State*, 15 Int'l J. Const. L. 909 (2017), <https://doi.org/10.1093/icon/mox088>.

¹⁸⁰⁶ Rashmi Ranjan, *The Role of Judiciary in Conservation of Wildlife in India*, 11 Int'l J. Emerging Tech. & Innovative Rsch. 227 (2024), available at <https://www.jetir.org/papers/JETIR2404227.pdf>.

and preserve the wildlife and environment. The Indian judiciary has repeatedly invoked and quoted these provisions under the constitution of India to widen the scope of environmental jurisprudence. Very few key case laws like Animal Welfare Board of India vs. Nagaraja and Centre for Environmental Law vs. Union of India discuss how the Indian courts have viewed and understood that the right to life under 21 includes right to a healthy environment, which extends protection to non-human beings. The Indian Supreme Court and High Courts have intervened to prevent the illegal trade of wildlife and mining in protected areas, and have strictly enforced the prohibition on hunting and trade of protected species. The author also points towards the setting up of the National Green Tribunal as a special tribunal for wildlife litigations and environmental adjudication.

6. **Saloni Bhatia, Stephen M. Redpath, Kulbhushansingh Suryawanshi & Charudutt Mishra, *Beyond conflict: exploring the spectrum of human-wildlife interactions and their underlying mechanisms.***¹⁸⁰⁷

In this article the author challenges the overpowering of human-animal conflict by proposing a new framework that helps in understanding human-wildlife relationship. The authors talk about the factors influencing human replies towards wildlife impacts, wherein they suggest social interaction such as laws and policies, awareness, community participation. They compare with value-oriented responses such as religion, modernization, personal norms, attachment to place and others; they also talk about the response of human

to human-animal conflict through impacts of study animal behaviour, nature and type of species and the threat to native wildlife and ecology. The article refers to authors Bruskotter and others who proposed the perception of risks, values and other perceptions which increase the tolerance of humans towards the carnivorous animals. The authors do a comparison of how various communities across the globe handle the human-wildlife conflict in various harsh conditions and geographical locations; this would help and spread other humans to handle the human-animal conflicts in other parts of the world and over a period of time help in coexistence of human and animals with less repercussions with each other.

7. **Inonge Milupi, *Human-Wildlife Conflicts: Assessing the Causes, Consequences and Management Strategies in Mosi-Oa-Tunya National Park Livingstone in Zambia.***¹⁸⁰⁸

In this article the author refers to human-wildlife conflict as (HWC) and it's a current threat to environment and wildlife in Africa; here the author refers to human-wildlife conflicts where the wildlife threaten, kill and cause injury to humans and their domesticated animals, and cause damages to crops. The author refers to Thirgood which says that there are 5 types of human-wildlife conflict and they're predation upon game species, predation upon domestic animals or livestock, crop raiding, others include human injuries and property damages. The author identifies and maps down the main areas where there is existence of human-wildlife conflict in Zambia and lists down the animals that cause human-wildlife conflicts by interviewing and data

¹⁸⁰⁷ Saloni Bhatia, Stephen M. Redpath, Kulbhushansingh Suryawanshi & Charudutt Mishra, *Beyond Conflict: Exploring the Spectrum of Human-Wildlife Interactions and Their Underlying Mechanisms*, 54 *Oryx* 621 (2020), <https://doi.org/10.1017/S003060531800159X>.

¹⁸⁰⁸ Inonge Milupi et al., *Human-Wildlife Conflicts: Assessing the Causes, Consequences and Management Strategies in Mosi-Oa-Tunya National Park Livingstone in Zambia*, 9 *Int'l J. Rsch. Geography* 1 (2023), <https://doi.org/10.20431/2454-8685.0901001>.

collection. Wherein the respondents spoke about the main species causing human wildlife conflicts are elephants, baboons, hippos and buffalo, the author suggests measures in resolving human wildlife conflicts in the surrounding areas of mosi-oo-tunya national park such as community participation, environmental and wildlife awareness and scaring of animals than killing them. The author comes to a conclusion by saying that the human wildlife conflicts in protected areas in africa is the real issue population control of certain species is necessary in order to protect other species, training, innovative techniques through government through compensation to human wildlife conflict affected people and proper land planning must be the measure to reduce human wildlife conflict.

8. **Praveen Bhargav**, *Key constitutional provisions for wildlife protection*.¹⁸⁰⁹

The author says that while the constituent assembly was drafting the indian constitution, the constituent assembly spoke and debated about the issues related wild animals, forest and where should they be included among the three lists and the constituent assembly came into a conclusion of including all forest and animals under the state list. Later on in the 42nd constitutional amendment in 1976 forest and wild animals were included in the concurrent list in the 7th schedule article 246 of the India constitution, the 42nd amendment includes the both union and the state to enact laws and incase of inconsistency between central and the state laws then the central laws shall take over the state laws.

The indian constitution talks about article 48A under the directive principles

of state policy that the state shall improve the environment and safeguard it's forests and wildlife in the country. Under article 19(1) and 19(1)(b) this guarantees freedom of speech and expression and peaceful assembly and the author says that these constitutional provisions helo civil society to take part in protection of wildlife under the purview of article 19(1)(a) and 19(1)(b) and falicitate advocacy for wildlife and public interest litigation. The author also refers to the role of the supreme court and other courts in understanding the applicability of article 21 not is applicable to human being but also to environment and animals and the reference of supreme court in landmark judgements such as centre for environmental law vs Union of India and animal welfare boards vs A nagaraja included right to life includes right to clean and healthy environment. The author concludes that this article is a reminder that wildlife conservation in india is not only pertaining to laws and policies but it is a duty of every individual and the state.

9. **Rasika A**, *Animal Welfare and Protection of India and Related to Indian Laws*.¹⁸¹⁰

The author starts of by a quote of Mahatma Gandhi that the greatness of a nation and its moral progression is measured by the way the animals are treated.

The author talks about various laws and policies that are directly dealing with animal protection the author talks about the growth of animal welfare board of india and the constitutional frameworks in animal protection. The author highlights and explores various laws and statutes such as the wildlife protection act 1972, prevention of cruelty to animals,

¹⁸⁰⁹ <https://www.conservationindia.org/resources/the-constitutional-imperatives-in-protection-of-wildlife> (accessed on 12.07.2025)

¹⁸¹⁰ Rasika A., *Animal Welfare and Protection of India and Related to Indian Laws*, 4 Indian J. Legal Rev. 307 (2024), available at <https://ijlr.iledu.in>.

environment protection act 1986 and the developments in the Bhartiya Nyaya sanhita 2023. The author throws light on the constitutional provisions under article 48, 48A and 51A(g) which together talks about duties of state and it's citizens to protect the environment and it's animals and it's a constitutional duty of both of them, the articles such as 243 G and 243 W which gives powers to local governance bodies to regulate animal husbandry and prevent cruelty. A good portion of the article talks about the functioning of the Animal welfare board of india in taking initiatives in education, collaboration with NGO's ethical treatment in industries and animal birth control. The author talks about 5 freedoms of animal welfare such as nutrition, environment, health, behaviour and mental state. The author further shows some interpretation done by the judiciary in recognising article 21 to animals in strengthening enforcement, advancements in public awareness and fostering ethical practices in various sectors.

10. Narendra Kaur, *Illegal Wildlife Trade in India*.¹⁸¹¹

The autho Narendra kaur khalsa gives a comprehensive analysis on illegal wildlife trade in India, by showing it's ecological, social economic dimensions and legal dimensions of the illegal wildlife trade. The author details out in identifying the illegal wildlife trade as the serious threat to biodiversity which is taken out in medicine, exotic pets, superstitious beliefs fashion, international animal trafficking and tradition. All these have led to the population decline of species such as tigers elephants, pangolins and various other birds. The article outlines the grave

impact of illegal wildlife trade, animal trafficking and ecological degradation. It also highlights the extinction rate that has increased about 1000 times in historical average and erosion of forests, coastal ecosystems which helped the local communities sustain. The indian legal framework in the wildlife protection act 1972 is critically examined and has highlighted the prohibition of hunting and regulations of trade and establishment of protected areas such as sanctuaries, national parks and reserves. It also highlights the constitutional provisions such as 48 A and 51 A(G) about the state and citizens duty to protect wildlife and the judicial intervention in ivory trade case, black buck poaching and Sariska tiger reserve case and implementation of laws and reduction of corruption and increase in public awareness and conserve India's rich ecology and biodiversity.

2. Historical evolution of wildlife laws in India

2.1 Ancient India- Through the where is religious texts from the Vedas Mahabharata and Ramayana And the Guptas and the later dynasties there has always been the presence religious norms associated with animals and their worship which led to conservation.

- The Vedas contains hymns raising animals and nature which two reflecting early ecological consciousness in preservation. The Manu Smruti and Yajna Valkya Smriti speaks about penalties that were imposed for killing of animals such as elephants cows and birds which indicated the protection norms of the wildlife. Sanathan Dharma which is dealing with animals and deities with reference with animals to each God wherein animals were considered as the vehicles for the deities example how the

¹⁸¹¹ Narender Kaur Khalsa, *Illegal Wildlife Trade in India: Impact, Laws, and Solutions*, 8 Int'l J. Soc. Sci. & Econ. Rsch. 758 (2023), <https://doi.org/10.46609/IJSSER.2023.v08i04.015>.

rat is considered a vehicle of Lord Ganesha.¹⁸¹²

- The Arathashastra which was written Kautilya in the 4th century this text includes details for forest management protection of elephants and also penalties for arming wildlife the Arthur Shastra also gives details on Protect forests and the hunting grounds which shows the involvement of governance of Wildlife.¹⁸¹³
- The Mauryan Empire Emperor Ashoka promoted the compassion towards living beings he also in the Ashokan edicts banned animal slaughter on certain days the Ashokan rock addicts reflects on treatment of wildlife in an ethical manner as he was influenced by the Buddhist principles.

2.2 Colonial period- In this. The British administration put the Madras Elephant Preservation Act of 1873 Wild Birds Protection Act 1887 and 1912 the Indian Forest Act 1927 All the three acts talks about preservation of forest and birds animals it looked at the aspect of law as a to reduce hunting at the same time it also gave license two specified persons for hunting.

- **The Madras Elephant Preservation Act 1873** is the oldest colonial statutes that was aimed to regulate control of elephant hunting and trade in India This act was enacted by British and its main aim was to put a control on elephant hunting and trade this was made to safeguard the elephants that were used for timber extraction and for military purposes this act prohibited capturing and killing of elephants without a license that was issued by the government this Act gave powers to the district officers to enforce and issue permits This laid down bases The other laws and this prioritised

the states control over Indigenous practices and balance on ecology.¹⁸¹⁴

- **Wild Birds Protection Act of 1887** this introduced by the British was to regulate the wildlife in India its primary focus was to stop the indiscriminate killings of wild birds especially during the breeding season The act was in a limited enforcement applying only to certain notified species and regions.
- **The Wild birds And Animals Protection Act 1912** broadened its protections and included selected wildlife This act introduced structured Prohibitions However this act was introduced to reduce hunting.¹⁸¹⁵
- **The Indian First Act of 1927** It is one of the most lasting legal framework that is governing the forest management in India This act was enacted by British and it classified reserved protected and village forest areas by granting powers to forest offices to regulate assess and penalize violations this act as influenced forest policies with ecological justice and tribal rights.¹⁸¹⁶

2.3. Post-independence legal developments:

- **The Constitution of India:**
- **Wildlife Protection Act 1972,** amendments, Project Tiger/Elephant.- The Wildlife Protection Act of 1972 It replaced the Colonial Wild Birds and Animals Protection Act of 1912 It has a comprehensive legal framework for wildlife protection across India this act prohibits the hunting Listed species established under the Wildlife Advisory boards this act paved the way for the creation National parks sanctuaries and other protected areas This act was amended in 1991 and in 2002 amendment it introd State Wildlife Board a National Board for wildlife and it created the National Tiger Conservation

¹⁸¹² Historical Development of Wildlife Laws in India, (unpublished manuscript, on file with author).

¹⁸¹³ <https://lawbhoomi.com/history-of-environment-protection-ancient-medieval-and-modern-india/>

¹⁸¹⁴ Wild Elephants Protection Act, 1873, (Madras Act V of 1873) (India).

¹⁸¹⁵ The Wild Birds and Animals Protection Act, 1912, No. 8 of 1912, India Code (1912).

¹⁸¹⁶ <https://ebooks.inflibnet.ac.in/esp13/chapter/indian-forest-act-1927/>

Authority in 2006 amendment it gave statutory protection for Project Tiger in the Wildlife Crime Control Bureau in the 2002 amendment it Harmon the act with CITES obligations and introduced Community and conservation reserves.

1817 1818

2:4 Project Tiger: Project Tiger was launch on first of April 1973 because of the DRAP decline of T India Project Tiger lead to the creation of tiger reserves with core and buffer zones and regulations in core areas which regulated human activity in buffers Initially there were nine reserves during the introduction of the project Tiger currently there are about 57 reserves Project Tiger gave a significant push to the declining tiger population in India wherein there were about 1800 tigers in the year 1972 and currently there are about 3682 tigers in India This shows the impact of this project.¹⁸¹⁹

2.5 Project Elephant: Project Elephant was launched in the year 1992 under the Central SCH to protect elephants both in wild and captive elephants and ensured the mitigate human elephant conflict There are about 30 notified elephant reserves across the country and about 150 recognized elephant corridors this focuses on protection of elephant corridors welfare elephants in captivity habitat restoration and Antipo Ching measures as per the 2017 Census India has about 29964 Asian elephant population which is leading to a 60 percentage population of Asian elephants.¹⁸²⁰

3 Contemporary Legal and Policy Frameworks

3.1 Critical analysis of major post-independence statutes (Forest Conservation Act 1980, Biological Diversity Act 2002).

- **Forest conservation Act 1980-**
This is a central government enacted legislation This was

passed to regulate the difference between forest land for non forest purposes across India the Act talks about no forest land can be de reserved or used for activities infrastructure development mining and agriculture without the approval of the central government the Act aims to reduce deforestation and to promote preserve ecological imbalance the act applies to all types of forests across India such as the Pro Imposed tect and the reserved forest The violation of this Act shall have penalties imposed.¹⁸²¹

- **Biological Diversity Act 2002**

Mainly aims to conserve biological diversity It promotes sustainable use ensures fair benefiting and sharing the biological resources it also gave institutional frameworks such national biodiversity authority which regulates the biological resources from foreign entities it also talks about state biodiversity boards which look at conservation within the state access. It also gave birth to biodiversity management community which maintains PBR peoples biodiversity registers in the local. Under section 36 and 38 of the the state government and the central government shall notify biodiversity heritage sites and prohibit collection of samples of endangered species. The wildlife Trade regulations were imposed to assist the commercial use of biological resources bio utilization ETC with prior approval from National

¹⁸¹⁷ The Wild Life (Protection) Act, No. 53 of 1972, INDIA CODE (1972)

¹⁸¹⁸ Wild Life (Protection) Amendment Act, No. 16 of 2022, INDIA CODE (2022).

¹⁸¹⁹ Project Tiger, MINISTRY OF ENV'T, FOREST & CLIMATE CHANGE, GOV'T OF INDIA, <https://projecttiger.nic.in>..

¹⁸²⁰ Project Elephant, MINISTRY OF ENV'T, FOREST & CLIMATE CHANGE, GOV'T OF INDIA, <https://projectelephant.nic.in>..

¹⁸²¹ Forest (Conservation) Act, No. 69 of 1980, INDIA CODE (1980).

Biodiversity board and state Biodiversity Board.¹⁸²²

3.2 Role of Courts in Wildlife Protection. After independence the Indian judiciary especially the high courts and the Supreme Court has played an important role in environment conservation and expanding the interpretation of Article 21 right to life with regards to environment and wildlife the courts also play an important role in monitoring compliances through petitions and public interest litigations it also plays a balancing role in cultural and traditional practices with ecological and animal welfare the courts have also given a futuristic judgments in Variety cases.

3.3 Landmark Judgements

A. Tarun Bharat Sangh, Alwar v. Union of India & Ors., (1993).¹⁸²³

- Facts- The petitioner Tarun Bharat Sangh, An environmental based in Jio in Rajasthan filed a writ petition under Article 32 of the Indian Constitution
- Widespread mining of marble and other minerals was taking place inside the Sariska Tiger Reserve in the Alwar district of Rajasthan illegally
- The location was declared as a tiger reserve under the Rajasthan Wild Animals and Birds Protection Act 1951 it was also notified as a national park and sanctuary under the Wildlife Protection Act of 1972 It was also declared as a protected forest under the Rajasthan Forest Act of 1953
- The petitioner claimed that mining licenses and leases that was granted by the government of Rajasthan violated Section Two of the Forest Conservation Act 1980 section 29 the Rajasthan Forest Act and section Three of

the Environment Protection Act 1986

- Mining was threatening the wildlife and was degrading the habitat loss and contravening the statutory prohibitions
 - **Judgement:** The court held that the grant of mining license in the notified protected area was illegal and was contradicting the Forest Conservation Act 1980 The court reaffirmed the central government approval under section two of the Forest Conservation Act is mandatory before any non forest activity which included mining can be PL in a protected forest
 - The court use the precautionary principle and public trust doctrine that the state holds natural resources in the for the people
 - The court ordered immediate cancelation of all mining licenses and immediate cessation of all mining operations in the protected area that was notified The court also mandated to restore measures for the environmental damages
 - The quote linked protection of the environment under Article 21 Right to Life end Article 48 a directive principle to protect environment and wildlife
 - Invoked Article 51 A (g) fundamental duty to

¹⁸²² Biological Diversity Act, No. 18 of 2003, INDIA CODE (2003).

¹⁸²³ Tarun Bharat Sangh, Alwar v. Union of India & Ors., (1993) Supp. (3) SCC 115; 1993 SCR (3) 21; JT 1993 (3) 1 (SC).

protect and improve the natural environment.

B. Chief Forest Conservator (Wild Life) v. Nisar Khan.¹⁸²⁴

- **Appellants:** Chief Forest Conservator (Wild Life) and others.
- **Respondent:** Nisar Khan, a licensed dealer in captive-bred birds.

• **Background:**

- Nisar Khan had been dealing in birds such as munias, parakeets, mainas, and buntings – species listed in **Schedule IV** of the *Wild Life (Protection) Act, 1972* (WPA).
- He was granted a licence valid until **31 December 1990**.
- For 1991, he applied for renewal, but the licensing authority refused, citing amendments to **Section 9** of the WPA, which expanded the definition of “hunting” to include “trapping.”
- The State issued a notice directing him to dispose of all birds in his possession before the end of 1991.

• **High Court Proceedings:**

- The Allahabad High Court (27 Aug. 1993) allowed Khan’s writ petition, holding he was entitled to carry on business in Schedule IV birds and directing consideration of his licence application.

• **Supreme Court Appeal:**

- The Chief Forest Conservator challenged the High Court’s order, arguing that post-amendment, licences for

dealing in such birds could not be granted unless statutory conditions were met, and that Khan’s activities involved prohibited trapping.

Judgment

- **Held:** The Supreme Court **set aside** the High Court’s order.
- **Reasoning:**
 - Licensing authorities must **strictly comply** with the WPA’s provisions and rules.
 - After the amendment to Section 9, “hunting” includes “trapping,” and dealing in Schedule IV birds is impermissible unless expressly allowed under the Act.
 - The High Court erred in directing the grant of a licence without ensuring compliance with statutory prohibitions.
- **Principle:** Wildlife protection laws must be interpreted and enforced strictly to prevent exploitation under the guise of licensing.

C. T N Godavaram Thirumulpad vs Union of India.¹⁸²⁵

Facts

T.N. Godavarman Thirumulpad v. Union of India litigation (W.P. (C) No. 202 of 1995), the Supreme Court received an application—assisted by the amicus curiae—highlighting the critical endangerment of the Asiatic wild buffalo, the State animal of Chhattisgarh. Reports indicated drastic population decline due to habitat loss, interbreeding with domestic buffaloes, poaching, and inadequate enforcement of the *Wild Life (Protection) Act, 1972*. The plea sought urgent measures to protect

¹⁸²⁴ Chief Forest Conservator (Wild Life) v. Nisar Khan, (2003) 4 SCC 595 (India).

¹⁸²⁵ T.N. Godavarman Thirumulpad v. Union of India, W.P. (C) No. 202 of 1995, Order dated 3 Apr. 2012 (India).

remaining herds in Udanti and Sitanadi sanctuaries and other habitats.

Judgment: The Court, invoking its powers under Articles 21, 48A, and 51A(g), directed the State of Chhattisgarh and the Ministry of Environment & Forests to prepare and implement a **species recovery plan**. Orders included: strict protection of habitats, prevention of interbreeding with domestic stock, enhanced patrolling, and periodic status reports to the Court. The directions reinforced that wild buffalo conservation is a constitutional and statutory obligation under the WPA, 1972, and part of the State's public trust duties.

4 Causes and Patterns of Human–Wildlife Conflict

- **Habitat encroachment** due to the growth in development and infrastructural projects mining and logging reduce wildlife habitats This has a vast impact on the spec species such as elephants leopards tigers and other animals who get close a contact human settlements which causes human wildlife conflict.
- For example the expansion tea plantations in the state of Assam Has caused an increase in human wildlife conflicts pertaining to elephants¹⁸²⁶
- **Agricultural expansions** The conversion of forest land into agricultural land for plantation of crops become an attractive source of food 4 animals such as elephants dear wild boar Nilghai and gaur. For example Paddy and tea and coffee plantations face seasonal elephant raids in Karnataka's Kodagu district
- **Retaliatory killings** due to the loss livestock and injuries cause to humans and lots of crop leads human beings into retaliatory killings such as poisoning

shooting and trapping of wildlife. For example killing of leopard in sugar cane After livestock predation incident in Maharashtra.¹⁸²⁷

4.1 Impact on local communities

- Livelihood shall be affect due to the Animals entering the agricultural areas which leads to loss in livestock agricultural productivity and crop loss.
- Property damage Animals such as elephants wild boars destroy the property and lands fences irrigation systems all lead The need of the hour in looking at the property damages done due to wildlife entering human settlements.
- Psychological well being Deaths caused due to wildlife entering human settlements causes trauma chronic stress etcetera.¹⁸²⁸

5. Community based conservation

- I. **Traditional knowledge and practices** the religious beliefs and functioning have LED preservation of forest patches due due to the cultural and religious beliefs biodiversity hotspots Water recharge Z and climate regulators have led to the functioning. For example orans in Rajasthan, Kavus in Kerala, Devarakadu in Karnataka Mawphlang Sacred Forest in Meghalaya. The Supreme Court recent directed the classification of sacred Groves as community reserves under Section 36-C of the Wildlife Protection Act 1972
- II. Bishnoi community in Rajasthan in the 15th century sect that was founded by Guru Jambeshwar in his teaching it prohibits harming animals and trees the Bishnui community is known for protecting Chinkara Black Buck and for the 1730 Khejrli o massacre Verin 363 Bishnois died defending the Kejri trees.

¹⁸²⁶ B.M. Nalini & M.P. Krishna, Report on Human–Wildlife Conflict, Its Causes, Effects and Control Measures in Kodagu Region of Karnataka, JETIR, Vol. 11, Issue 1 (2024), <https://www.jetir.org/papers/JETIR2401758.pdf>.

¹⁸²⁷ <https://pwnonlyias.com/current-affairs/human-animal-conflict/>

¹⁸²⁸ Rising Human–Wildlife Conflict: Causes, Impact, and Government Interventions, PWOnlyIAS (Dec. 16, 2023), <https://pwnonlyias.com/current-affairs/human-animal-conflict/>.

The Bishnu community continue to act as wardens of wildlife.¹⁸²⁹

- III. Joint Forest Management JFM It is a policy structure Which came in for Co management of forests by forest department and the local communities the benefits are the access to non timber forest products Which creates a link between the local communities and the forest. The joint forest management across India, Benefits on how responsibility affect forest regeneration through institutional design.¹⁸³⁰

6. Forest Rights Act (FRA), 2006 – Effectiveness in Conflict Mitigation

This act was enacted the correct and reduce injustices faced by Forest Dwelling Scheduled Tribes and other forest dwelling tribes this act recognizes the community and the individual rights over the natural res of the forest Forced Rights Act as an impacted in community forest resource rights it powers to the gram sabah to take over the forest management But however a significant propotion of fore conflicts arises from Noncompliance of Forest Rights Act and its provisions and lack awareness among communities.¹⁸³¹

7. Legal and policy reforms Wildlife conservation is the need of the hour strengthening the Wildlife Conservation through community perspective and implement the same through the law and policy. The Wildlife Protection Act 1972 should be amended and should recognize community cons conserved areas and integrate the Forest Rights Act into protected areas Organizing the First Rights Act and the Wildlife Protection Act would reduce conflicts in jurisdiction and at the same time mandating women from Schedule Tribes for representation in the joint forest management and Wildlife

Board. Such reforms Would align with the constitutional duties under Article 48A and 51 A (G).^{1832 1833}

7.1 Capacity Building

It is an but for participatory in conservation and the fundamental duty under Article 48A and 51A (g) More effective in standardized training module for the common force gods and gram Sabhas Dedicated conservation funds can finance Community LED initiatives which can be linked with ecotourism and non timber forest product.¹⁸³⁴

7.2 Participatory governance and ecological justice

This must be deepened through empowering Grams Abbas under the Forest Rights Act to Co manage with the forest department in the buffer zones and community reserves can foster ecological justice through conservation measures.

7.3 Aligning Conservation with Sustainable Development and Social Justice –

The Wildlife Conservation should be linked sustainable development with an object of social justice this balances out the ecological conservation of forest elephant corridors with livelihood this shall avoid fortress conservation and give way to alternative livelihood such as skill development agroforestry.¹⁸³⁵

Conclusion

The evolution of the wildlife Laws in India has a long tracing history shaped from the ancient time, Colonial times and the modern day conservation. From the an time through the

¹⁸²⁹ Razit Sharma & Ayush Raturi, Wildlife Protection in India: A Legal Analysis, 6 Int'l J. Creative Rsch. Thoughts 652 (2018), available at <https://www.ijcr.org/papers/IJCRT1813403.pdf>.

¹⁸³⁰ Milindo Chakrabarti et al., Joint Forest Management: Experience and Modeling, in FOREST RESOURCES: POLICY, INSTITUTIONS, AND MANAGEMENT MODELS 229 (2005).

¹⁸³¹ Impact of the Forest Rights Act on Land Conflicts, DRISHTI IAS (Apr. 17, 2024), <https://www.drishitias.com/daily-updates/daily-news-analysis/impact-of-the-forest-rights-act-on-land-conflicts>.

¹⁸³² Yashasvi Panwar, Wildlife Conservation Laws in India: Legal Framework, Importance & Key Acts, SADALAW PUBLICATIONS (Apr. 19, 2025), <https://sadalawpublications.com/wildlife-conservation-laws-in-india-legal-framework-importance-key-acts/>.

¹⁸³³ Anil Kumar, Legal Frameworks for Wildlife Conservation in India: Challenges and Solutions, 4(1) INT'L J. CIV. L. & LEGAL RES. 212 (2024), <https://www.civillawjournal.com/article/83/4-2-1-207.pdf>.

¹⁸³⁴ Wildlife Institute of India, Capacity Building for Participatory Management of Protected Areas, MINISTRY OF ENV'T, FOREST & CLIMATE CHANGE (2023), https://wii.gov.in/capacity_building_participatory_management.

¹⁸³⁵ Chitta Ranjan Pani, MoTA Backs Tribal Autonomy: Empowering Chhattisgarh's CFR Gram Sabhas, DOWN TO EARTH (Aug. 25, 2025), <https://www.downtoearth.org.in/forests/mota-champions-tribal-autonomy-upholding-gram-sabha-rights-in-chhattisgarhs-cfr-management>.

religious texts that supports worship of nature and animals, The colonial stat focused more on hunting and forest control. Post independence the creation of the Wildlife Protection Act 1972 along the constitutional mandates from Article 48A and 51 A(G) Sig tells us the The serious commitment for the conservation of wildlife and ecological preservation.

Despite the legal framework that exists there are challenges in Encroachment of habitat and the rising human wildlife conflict Highlights gap between law and the actual ground reality. The judiciary through its judicial activism has played an important role in conservation and strengthening wildlife and environment. Yet the complex relationship between the community and the wildlife continue in the aspect of human wildlife conflicts. The Indigenous knowledge through traditional community based approach in conservation continue in sustaining biodiversity but their representation in policy and governance is considered insufficient.

To ecological sustainability with social justice policy reforms must prioritize participation and empowering local communities through mechanisms like Forced Rights Act and joint forest management Building adopting scientific and technological tools in integrating the conservation with livelihood needs offer Hopeful pathways for coexistence ultimately protecting India rich biodiversity requires a holistic legal approach that balance protection and community welfare respecting the constitutional duties and embracing sustainable development.

