

## WILDLIFE TRAFFICKING AND CONSERVATIONS

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### ABSTRACT

*Wildlife trafficking is a serious significant threat to society and mainly to global diversity, undermining every conservation effort. Wildlife trafficking majorly contributes to the decline of numerous species. There are several impacts which include ecological, economic, and social that arise from the illegal trade and poaching of wildlife species for traditional medicines, and luxury products, demand for exotic pets and their body parts which are of high value in the black market. Now, many conservational schemes are evolving to address these challenges through law enforcement, international cooperation, etc., The emerging legal provisions, one of which is the Wildlife Protection Act 1972 and advanced technology which include DNA analysis, satellite monitoring and machine studying ensure that there are no illegal activities on the wildlife. Also, it is important to strengthen the legislation and penalties to minimize the traffickers. Public awareness and education campaigns also play a vital role in increasing awareness of wildlife protection. This paper dives into the concepts of wildlife trafficking, their conservation, the legal challenges of fighting wildlife trafficking, the need to protect endangered species and to ensure ecological integrity.*

**Keywords:** Wildlife Trafficking, Conservation, Biodiversity, Law Enforcement.

### THE CONCEPT OF WILDLIFE TRAFFICKING

The word “Wildlife” includes any animal, bees, butterflies, crustaceans, fish and moths, and aquatic or land vegetation that forms part of any habitat<sup>1</sup>. This illegal trade of wildlife which is either dead or alive is called “Wildlife trafficking”. Wildlife trafficking includes the act of illegal trade, smuggling, poaching, capture or collection of endangered species that are considered to be protected wildlife, their products and derivatives<sup>2</sup>. Wildlife trafficking

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<sup>1</sup> Wildlife Protection Act 1971, s 2(37)

<sup>2</sup> UNODC’s Module 3: Criminal Justice Responses to Wildlife Trafficking

<<https://www.unodc.org/e4j/en/wildlife-crime/module-3/key-issues/criminalization-of-wildlife-trafficking.html>> Accessed on 12 June 2024

includes a wide range of products from mongoose hair to elephant tusks and cages birds like mynas to medicinal plants and timber. It is also a point to note that a small portion of this illegal trafficking enters the international market and doesn't have a direct connection and demand within India.<sup>3</sup>

## IMPACTS OF WILDLIFE TRAFFICKING

Wildlife crimes which include trafficking, and poaching, are a big business. They are mostly run by illegal international organisations. The value of the illegal wildlife is not easy to figure out and it's quite impossible, but it is considered as a multi-billion dollar industry. The concept of wildlife trafficking not only affects the wildlife species but also affects the environment, the degradation of global health and the standard of living of the local communities.<sup>4</sup> Using illegal wildlife trade, there is a population decline of the wildlife species resulting in extinction and invasive species. As there is a decline in wildlife species there is further exploitation which ultimately results in climate change, changes in ecosystems and loss of biodiversity. So, many species are named endangered and kept in zoos and natural eco-parks for safety and security. Rangers and wildlife officers are said to manage the protection and the main problem is that they are risking their lives, but are underpaid. Since the year 2009 over 1300 rangers worldwide have been dead during their duty, that is 2 deaths per week.<sup>5</sup> Now of the loss of biodiversity and wildlife, there is a huge loss from the costs of recovery which includes the loss from tourism resulting from depletion, loss of natural resources and loss of ecosystem services that hinder the need for socio-economic development. Also, wildlife trafficking may result in causing diseases and pathogens to spread faster. One such example is HIV which was spread through hunting non-human primates resulting in about 35 million deaths and still going. Illegal Wildlife trade causes corruption which completely erodes the rule of law. One of the main things to consider is the presence of the local communities. They rely on these resources for their livelihood and security and this illegal wildlife trafficking threatens their food security and their access to other benefits.<sup>6</sup>

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<sup>3</sup> "Illegal wildlife trade in India | WWF India"

<[https://www.wfindia.org/about/about\\_wwf/enablers/traffic/illegal\\_wildlife\\_trade\\_in\\_india/](https://www.wfindia.org/about/about_wwf/enablers/traffic/illegal_wildlife_trade_in_india/)> Accessed on 12 June 2024

<sup>4</sup> WWF's Illegal Wildlife Trade <<https://www.worldwildlife.org/threats/illegal-wildlife-trade>> Accessed on 13 June 2024

<sup>5</sup> J.Mann, N.Besley, The Thin Green Line: Annual Report 20/21, the Thin Line Foundation, Balnarring, Australia

<sup>6</sup> IBID 2

## LEGAL IMPLICATIONS FOR THE PROTECTION OF WILDLIFE

When the Constitution was adopted the issues about forests, birds and wild animals were included in the state list but it was later moved to the concurrent list under the Seventh Schedule under Article 246<sup>7</sup>, when it was amended in the year 1976. This allowed both state and central governments to enact laws on forests and wildlife. The state also must protect and improve the environment and safeguard the forest and wildlife of the country which is stated in Article 48A.<sup>8</sup> Article 21<sup>9</sup> which ensures the right to life which is a fundamental right, also includes the protection and preservation of the environment, and the balance in ecology which is free from air, water and other forms of pollution without which life cannot be enjoyed. This contention under Article 21 was held by the court in the case of *K.M. Chinnappa vs Union of India*<sup>10</sup>. In addition to the fundamental rights, it's the fundamental duty of every citizen under Article 51A(g)<sup>11</sup>, to improve and protect the environment of the state which includes forests and wildlife and it's a fundamental duty of the citizens of the state to safeguard the public property where forests are also treated as a public property under Article 51A(i)<sup>12</sup>. There are also other laws that mainly focus itself on wildlife and environmental protection which include the Environmental Protection Act, of 1986, the Forest Conservation Act, of 1980 and the Wildlife Protection Act, of 1972.

### WILDLIFE PROTECTION ACT 1972

The Wildlife Protection Act was passed by the Legislation of India in the year 1972 with the objectives of creating protected areas for wildlife and managing it, prohibiting the acts of hunting of wildlife, punishing offenders, regulating trade and products which is got from animals and safeguarding the animals that are not in the process of extinction. By the said act more than 1800 species are banned for trade which include plants, animals and their by-products. Chapter V of the Wildlife Protection Act, 1972 which includes Sections 39-49 deals with the trade of wildlife.<sup>13</sup> Section 44 prohibits the dealing of animal articles and trophies without a license. The transportation of wild animals is restricted via section 48A and the

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<sup>7</sup> Constitution of India, 7<sup>th</sup> Schedule, Art 246

<sup>8</sup> Constitution of India, Art.48A

<sup>9</sup> Constitution of India, Art 21

<sup>10</sup> *K.M. Chinnappa vs Union of India* [2002] AIR 724 (SC)

<sup>11</sup> Constitution of India, Art.51A(g)

<sup>12</sup> Constitution of India, Art.51A(i)

<sup>13</sup> iPLeader's "Causes and Prevention of Illegal wildlife trafficking in India"(18<sup>th</sup> August 2021,)

<<https://blog.ipleaders.in/cause-prevention-illegal-wildlife-trafficking-india/>>Accessed on 13 June 2024

purchase of such animals is prohibited by anyone other than a presence of license under section 49. The authority is vested in various officers not below the sub-inspector to arrest, search, enter and call for detention under section 50. In the case of the Wildlife Amendment Act in the year 2002, Chapter 6(A) was included which states that any person or trust who has got in possession of any property from illegal hunting or trade of wildlife under this act the property will be forfeited by the State government.

The Current status of wildlife development under the Wildlife Protection Act, of 1972 includes 2 conservation projects which include “Project Tiger” and “Project Elephant”. Project Tiger was initiated in the year 1973 for the reason of protecting and maintaining the population of the species of Bengal tigers. This project is accompanied by both the Ministry of Environment and the Ministry of Forest and Climate Change. One of the main goals is to maintain ecologically compatible land used in the reserves. St.Petersburg Declaration<sup>14</sup> was entered by countries like India, Russia, China and 9 other countries in order to save the tigers that are remaining at the edge of extinction. Project Elephant was launched in 1992 by the Central government and was proposed by the National Elephant Conservation Authority. It comes under Schedule I of the Act. Monitoring the Illegal Killing of Elephants (MIKES) was then implemented. Under the two ministries said earlier, a total of 88 corridors were identified.<sup>15</sup> In the case of A. Rangarajan vs Union of India<sup>16</sup>, the court came forward for the protection of elephant corridors where the court ordered the Government of Tamil Nadu to immediately close all the resorts which are illegal in the hills of Niligiri within 48 hours as there was the presence of a main elephant corridor.

## ROLE OF JUDICIARY

In addressing the various problems of illegal wildlife trade in India, the Indian judiciary played a very important role in addressing these issues. Article 32 and Article 226 allow the citizens of the state to file cases in the Supreme Court and High Court respectively, in case there is a violation of fundamental rights within the jurisdiction. In the case of State of Rajasthan vs Salman Khan<sup>17</sup>, actor Salman Khan is accused of the case of poaching two blackbucks in the

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<sup>14</sup> Tiger Initiative “The St. Petersburg Declaration on Tiger Conservation” (Russia 2010) <[https://globaltigerforum.org/wp-content/uploads/2023/05/st\\_petersbur\\_declaration\\_english.pdf](https://globaltigerforum.org/wp-content/uploads/2023/05/st_petersbur_declaration_english.pdf)> Accessed on 14 June 2014

<sup>15</sup> iPleader’s “Wildlife Protection Act, 1972” <<https://blog.ipleaders.in/the-wildlife-protection-act-1972-and-its-impact-in-protecting-wildlife-in-india/>> Accessed on 12 June 2024

<sup>16</sup> A. Rangarajan vs Union of India [1996] W.P(C) No. 897/1996

<sup>17</sup> State of Rajasthan vs Salman Khan [2016] 1 (SCC) 1 [13]

year 1998 while filming a movie in Rajasthan. Even though the case was charged in the year 1998, the court gave its judgment in 2021, with Salman Khan acquitted of all charges for the act of poaching. The issue of weak law enforcement in wildlife crime cases was highlighted by the court. One of the important cases in the aspect of trafficking is the Pangolin Trafficking Case, 2019<sup>18</sup>. In the state of Orissa, a pangolin trafficking occurred in the year 2019. At that time pangolins, a member of the endangered species were rescued from the traffickers and were around 50 in number. The court highlighted the need for strong law enforcement to protect the endangered species in the state.

### **CONSERVATION OF WILDLIFE**

The act has been many times amended to blend in facing the modern issues related to wildlife trafficking organised crimes, online trade and social media, dealing with armed groups, drugs and weapons, laundering and blackmailing and cyber-crimes such as hacking. The amendment of the act in the year 2003 paved its way by extending the field of protected areas like sanctuaries, national parks, conservation reserves and community reserves which were included via Section 36A and Section 36C respectively. There are many popular wildlife sanctuaries in India which include “Corbett National Park, Uttarakhand”, “Kaziranga National Park, Assam”, “Keoladeo Ghana National Park, Rajasthan”, “Nagarhole National Park, Karnataka” and “Bandipu National Park, Karnataka”. Community reserves and conservation are the buffer zones and corridors for migration which are established in natural parks and sanctuaries. There are a total of 214 community reserves and 97 conversation reserves in India. The National Wildlife Plan played a very important role in the creation of many reserves from 2002 to 2016.<sup>19</sup>

The concept of wildlife corridors is important in minimizing the conflicts between humans and wildlife. These wildlife corridors are connected with protected areas like national parks which also ensure the movement of the wildlife without interfering with human settlement. Wildlife corridors also play a huge role in Project Elephants and Project Tigers. For example, the Mudahalli Elephant Corridor is connected with the Sathyamangalam Tiger Reserve striking down the problem of drought during summer. The reason they are connected is because animals

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<sup>18</sup> State of Madhya Pradesh vs Rajesh Garg & Others M.Cr.C No. 26988/2019

<sup>19</sup> Study IQ’s “Wildlife Sanctuaries in India” < <https://www.studyiq.com/articles/wildlife-sanctuaries-of-india/> > Accessed on 13 June 2024

move from one place to another in search of water in summer. So, by these corridors connected many mammals can migrate themselves without intervening in the human population.<sup>20</sup>

### **CURRENT TRENDS AND IMPROVEMENTS NEEDED**

India being a densely populated country, is becoming the major hub for wildlife trafficking around the world. India has a total of 28 states from which 7 states have been registered with the highest number of cases of wildlife trafficking which include Uttar Pradesh, West Bengal, Madhya Pradesh, Assam, Maharashtra, Rajasthan and Karnataka. Among these 7 states, Uttar Pradesh is considered the major hub for wildlife trafficking in northern India. Rajasthan in the western India and Karnataka in the southern region of India. There have been a total of 302 cases in Uttar Pradesh, and 196 cases in Rajasthan were filed under the Wildlife Protection Act, 1972, since 2016. Also, in the southern region of India, almost 52 finger parakeets were found to be dead and more than 571 star tortoises were in possession in November 2021. Bengaluru being the capital of Karnataka plays a major role in the process of exportation of wildlife products from the southern part of India. The number of Asian lions being hunted and illegally transported has increased in Gujarat.<sup>21</sup> The one-horned rhino which is also called the Indian Rhino is a very widespread species. It has decreased in India due to the process of poaching and hunting for their value in medicine which is said to cure epilepsy, fever and cancer. At the end of the 20<sup>th</sup> century, there were only 200 of them, but this was later been increased by the initiative taken by the WWF fund and the enactment of laws<sup>22</sup>. One such case that happened in Rajasthan is the Sariska Tiger Reserve Case<sup>23</sup>, which happened in the year 2005 from which the Wildlife Act was amended by taking this case. It was found that many of the tigers in the Sariska Tiger Reserve which is present in Rajasthan have been poached. In response to this, the Wildlife Protection Act was amended making poaching a non-bailable offence. Also, the Government of India launched Operation Tiger, which is a national program to protect and conserve tigers in the world.

Even though the Wildlife Protection Act, of 1972 covers a major part of preventing the Illegal wildlife trade there are still improvements that are to be brought to the act. One issue is that the

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<sup>20</sup> IBID '15'

<sup>21</sup> National Library of Medicine's "Current Wildlife crime (India Scenario) : Major challenges and prevention approaches" <[https://ijsser.org/2023files/ijsser\\_08\\_58.pdf](https://ijsser.org/2023files/ijsser_08_58.pdf)> Accessed on 15 June 2024

<sup>22</sup> World Wild Life's "Greater one-horned Rhino" <https://www.worldwildlife.org/species/greater-one-horned-rhino>/accessed on 15 June 2024

<sup>23</sup> Wildlife Protection Society of India vs Ministry of Environment and Forest & Others, W.P(C) No.337/2005



act does not cover the obligations that are stated in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which is an international treaty that regulates the trade of wildlife species so that they don't become endangered. According to the Smuggling in India Report 2019-2020<sup>24</sup>, there was an increase in the illegal trading of endangered fauna from different countries around the globe to India. Another major issue is that the act doesn't address issues related to the change in climate. For example, there are rising levels of sea in the Sundarbans region of India and Bangladesh. Even though there is an act to regulate and protect wildlife, there is a consistent decline in the population of migratory birds. According to the State of Birds' Report 2023<sup>25</sup>, a survey was taken in 1997 which recorded 64,500 individual birds of nearly 250 species in illegal trade in northern states of India. The report also said about the effects of many acts of humans that turn as a consequence to the migratory birds such as contractual farming, urbanisation, forest degradation, etc.

## CONCLUSION

Wildlife trafficking is an obstacle that makes the survival of many species in the world difficult. Despite the laws enacted for the purpose of wildlife and numerous projects initiated, there has not been any decrease in the rate of wildlife offences. The real problem is not the laws themselves, but the lack of communication and implementation of the laws enacted. It is very crucial to address these issues and strengthen the legal framework. The process of increasing and updating the penalties and striking down the number of loopholes will definitely pave the way for the increase in deterrence. There should be also regular amendments in the act to address the issues that change with time, both nationally and internationally. The advancement in technology also plays a major role in the process. The process of monitoring and tracking illegal activities of wildlife can be improved by utilizing tools like genetic forensics, satellite monitoring and AI. The support of the public and their education like raising awareness programs are also equally important for reducing wildlife trafficking. There is a need for a comprehensive and collaborative approach needed for combating wildlife trafficking which includes both strong legal measures and public involvement. Also, global cooperation is also a key factor in protecting endangered species and preserving plant diversity. Wildlife Protection Act, of 1972, is comprehensive and covers most of the aspects of the conservation and preservation of wildlife. The act makes different committees to regulate wildlife, but just

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<sup>24</sup> Directorate of Revenue Intelligence, "Smuggling in India Report 2019-2020", Chapter 6, Page 43-50

<sup>25</sup> State of India's Birds Report 2023, "Major Threats to Birds in India", Chapter 5, page 86

making different committees and assigning them work will not lead to wildlife preservation unless or until the act gets implemented. But the act also ensures the long-term existence of wildlife species. Other than law, there is a need for a strong system for the protection of animals from poaching, hunting and illegal trade like TRAFFIC, which is a wildlife trade monitoring system that was initiated in the year 1976. It monitors and influences action against the trafficking of wildlife and it also promotes only limited trade of wildlife for a good cause with a license. In conclusion, the act provides a system for the conservation of the wildlife species ensuring their preservation. It has also reduced a reasonable amount of wildlife trafficking. However, the act continuously needs updates and enforcement enhancements to blend in with the present time and also to face emerging threats both in the present and the future.

