



The Evolution of Wildlife Protection Laws and Policies in India: A Historical Analysis

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Abstract: This paper examines the historical perspective of wildlife laws and policies in India, spanning the pre-colonial, colonial, and post-colonial eras, with a focus on India's rich wildlife heritage that faces numerous threats, like habitat loss, poaching, and human-wildlife conflict. The study highlights the effect of colonial policies on wildlife conservation and the evolution of legislation related to wildlife protection, including the Wild Birds and Game Protection Act of 1887 and the Wildlife Protection Act of 1972. It also explores the impact of projects related to wildlife protection, such as Project Tiger and Project Elephant, and suggests ways to fill the gaps in our knowledge of wildlife history in India. The findings suggest the need to address issues such as habitat loss and human-wildlife conflict and recommend the use of modern technologies and community involvement in wildlife conservation efforts apart from the need for better documentation of wildlife history in India and the use of this knowledge to formulate informed conservation policies and practices. The successes and challenges of past and present wildlife conservation projects are highlighted and ways to protect and conserve India's valuable wildlife heritage for future generations are rerecommended.

Index Terms: wildlife conservation, Wildlife laws, and policies, India, history, legislation, projects, pre-colonial era, post-colonial era, colonial era, Wildlife conservation

1. INTRODUCTION

Wildlife has always held a special place in human society. We are introduced to animals from childhood through toys, stories, and learning the alphabet. However, as we grow and advance as a society, we have become increasingly disconnected from the natural world. Today, plastic animal toys have replaced wooden and organic ones, and many children may never have the opportunity to see real wildlife outside of zoos or television screens. Meanwhile, human actions such as deforestation, habitat destruction, and pollution have caused a drastic decline in wildlife populations, with many species now facing the threat of extinction. India is no exception to this trend, with many of its unique and beautiful wildlife species facing similar challenges.

Since the industrial revolution, human activities have increasingly destroyed and degraded forests, grasslands, wetlands, and other important ecosystems, threatening human well-being. Seventy-five percent of the Earth's ice-free land surface has already been significantly altered, most of the oceans are polluted, and more than 85% of the area of wetlands has been lost. This destruction of ecosystems has led to 1 million species (500,000 animals and plants and 500,000 insects) being threatened with extinction over the coming decades to centuries, although many of these extinctions are preventable if we conserve and restore nature. The importance of wildlife in our world today cannot be overstated. It is intrinsic to human life on Earth, and the overwhelming evidence indicates that it is being ravaged by human activities at an unprecedented rate in history.

India is home to a diverse range of wildlife, including the majestic lion, a graceful but fearsome tiger, a powerful elephant, humble deer, picturesque peafowl, gorgeous parrots, and the elegant swan. It is estimated that 411 species of mammals, 1,232 birds, 456 reptiles, 219 amphibians, 2,546 fish, and over 83,436 kinds of invertebrates and 50,000 plant species call this subcontinent home. In the absence of human interference, this wildlife could exist in a state of equilibrium and harmony with its environment, governed by the inexorable law of the survival of the fittest. Unfortunately, human activities have seriously upset this balance, leading to the dwindling numbers of several useful species of animals and birds, with some becoming rare, others at the threshold of extinction, and quite a few becoming totally extinct.

Human development and encroachment into wildlife habitats in recent times have resulted in a grave peril to various species of wildlife, particularly those that are endemic to the region, such as the Snow Leopard, Indian Rhinoceros, Asiatic Lion, and Red Panda. Shockingly, 172 species of wildlife and endemics in India are now classified as threatened by the IUCN, accounting for 2.9% of the world's threatened species.

India was once home to an array of exquisite wildlife species. However, due to the rampant hunting and poaching for sport and body parts by humans, many of these animals have now been pushed to the brink of extinction or have become extinct altogether. Some of the critically endangered species in India include the majestic Great Cats, the rare One-horned Rhinoceros, the elusive Ganges River Dolphins, the peculiar Purple Frog, and various bird species like the Himalayan Quail, Great Indian Bustard, and Indian Hornbill, as well as many small mammals. The loss of these remarkable creatures is a poignant reminder of the harm that human activities can inflict upon our planet's precious natural heritage.

Definition of Wildlife:

The term 'wildlife' is commonly understood as referring to undomesticated or natural animals living in their natural habitats such as forests, deserts, and grasslands. However, the definition of wildlife varies among experts. For example, an ecologist includes both animals and plants in the definition. In general, 'wildlife' is defined as living things that are not human or domesticated, including mammals, birds, and fish hunted by humans. Although large and well-known animals like tigers, leopards, wolves, jackals, elephants, rhinoceroses, hippopotami, giraffes, deer, whales, sharks, and crocodiles are typically associated with the term 'wildlife', it also includes all organisms, including plants, animals, and microbes, living or growing in nature without human control. A wild animal lives independently without the help or care of humans and does not depend on humans for food, shelter, or protection. Wild mammals such as bears, monkeys, elephants, tigers, and lions are often discussed when talking about wild animals. Ecologists consider both naturally occurring animals (fauna) and plants (flora) to be included in the definition of wildlife.

'Wildlife' is also defined in the Wildlife Protection Act, of 1972. Sec. 2 (37) defines wildlife as- "Wildlife includes any animal, aquatic or land vegetation which forms part of any habitat". Sec. 2 (36) says that 'wild animal' means "any animal specified in Schedule I to IV and found wild in nature". (Wildlife Protection (Amendment) Act, 2002, Schedule I 8s IV)

A comprehensive definition of wildlife may be given as any or all non-cultivated, non-domesticated, and naturally occurring life forms, including both flora and fauna. This encompasses a wide range of living organisms such as mammals, birds, reptiles, amphibians, fish, insects, plants, and microorganisms that exist in their natural habitats, free from human intervention or control.

2. WILDLIFE IN PRE- COLONIAL- ERA:

India has a rich history of wildlife conservation and preservation, dating back to the ancient and medieval periods. The tradition of protecting wild animals can be traced back to the Vedic period when the Aryans worshiped nature and praised the environment in their Vedas. The Ramayana and Mahabharata, two ancient epics, also emphasized the significance of animals in society. Wildlife flourished under the Hindu and Muslim rulers, including the Maurya, Ashoka, Guptas, and Mughals. Despite the lack of specific laws for wildlife protection, the importance of conserving wildlife was perceived by the ancient Indian rulers.

The Rishis during ancient times were aware of the importance of wildlife and had warned against the destruction of wildlife through deforestation. The depth of nature and its importance is so deep rooted, that from ancient time variety of trees, fruits, and animals are associated with birth stars in human culture.

The connection between nature and Tribes is immense, the custom of totemism, where the tribal communities associate their clans with a particular plant or an animal, so as to practice a custom wherein members of a particular totemic clan were supposed to be descended from a common ancestor and have no sexual relations between two persons in the same clan were all over i.e. exogamy thus such practice helped in protecting particular species of plants and animals. (B.B. Sinha, Society In Tribal India 22-23 (1982)

According to the Manu Smriti, one of the earliest and most well-known Smritis, dating back to around 200 B.C., protecting the environment was considered a duty and any harm inflicted upon it was punishable with a fine that corresponded with the level of damage caused. It was the responsibility of the ruler or king to ensure this protection. The importance of preserving wildlife is also evident in Dharmashastras. Various ancient texts mention the significance of forests and the role of wildlife in worship, daily life, exploitation, conservation, and the importance of being conscious of their role for future generations. They also emphasized the need to restrict the over-exploitation of wildlife.

The Arthashastra by Kautilya, or Chanakya, recorded the first legal provision relating to the environment in ancient India during the Mauryan period. Chandra Gupta Maurya and his Prime Minister, Kautilya, dealt with environmental protection strictly, laying down various rules and regulations for protecting the environment and upgrading ecology. The Maurya rulers maintained zoological gardens and reserved forests where animals lived without fear and human interference. The trapping and killing of any animals were strictly prohibited, and the Superintendent of the slaughterhouse had the power to impose fines for killing, injuring, or harming any wild animals within the protected areas. If any beast posed a danger to human beings, it could be killed outside the protected areas. Hunting was allowed for birds, fishes, or deer, but only with a certain fee prescribed by laws.

King Ashoka is widely considered one of the most significant ancient Indian rulers who made noteworthy contributions to wildlife and environmental conservation. In the 3rd century BC, he introduced the 5th pillar edict, which was the first documented conservation law in India. The edict strictly prohibited the killing of various bird species including parrots, mynas, ducks, swans, cranes, storks, vultures, and peacocks. Additionally, certain mammals such as bats, porcupines, squirrels, stags, rhinoceroses, primates, and carnivores were also protected on specific days. This early codified law on wildlife conservation in India was created by King Ashoka around 252 BC to safeguard the fish, game, and forest. As noted by V.R. Krishna Iyer, King Ashoka's commitment to wildlife preservation, animal rights, vegetarianism, and environmental protection can be traced back to a new ethical framework of universal compassion that was inscribed on his rock pillars.

The ancient Hindu scriptures contain teachings that encourage protecting the environment, including preserving wildlife. The Yajur Veda, Bridha Samiti, Yajnavalkya Smriti, and Vishnu Samhita all emphasize the importance of peacefully co-existing with animals and serving them.

Wildlife has also been featured in numerous tales and fables, such as the Panchatantra and Buddhist Jataka tales, which date back centuries. These stories have given animals prominence, with tales of talkative turtles, foolish frogs, and wise lions still popular among both children and adults today. Additionally, the importance of animals is reflected in Indian literature such as the Gita, Ramayana, and Mahabharata, which advocate for showing mercy and compassion towards all living beings and avoiding cruelty towards men and animals.

During the Mughal period, spanning from 1526 to 1707, we can find intriguing details about wildlife in the memoirs of the Moghul Emperors and in the chronicles of European travelers who visited India during that time. Despite their love for hunting, the Moghul Emperors also had a deep appreciation for nature and showed a great interest in the conservation of the country's wildlife.

In conclusion, pre-colonial India had a rich history of wildlife policies and acts that emphasized the importance of protecting and coexisting with wildlife. From King Ashoka's early conservation laws to the Mughal emperors' keen interest in wildlife preservation, ancient India recognized the significance of wildlife in their culture and religion. Hindu scriptures, literature, and fables further underscored the importance of peaceful coexistence with animals. Wildlife protection was seen as a duty, and injury or killing of animals was punishable with fines. Communities across the country still protect wildlife species for their cultural and religious significance. Overall, pre-colonial India's legacy of wildlife conservation laid the foundation for modern wildlife protection policies and initiatives.

3. COLONIAL ERA:

India had rich wildlife before the arrival of the British, but their rule brought a decline in the population of wild animals due to increasing demand for land and the advent of more powerful weapons. This resulted in the large-scale killing of wildlife, with tigers, leopards, elephants, and other animals being hunted down without much regulation. In the early nineteenth century, the rising ambition of the East India Company to extend colonial control over forest territories led to the appropriation of Indian forest resources and wildlife.

While the British officials and Indian rulers engaged in hunting and depletion of wildlife, there were also attempts to conserve wildlife through policies and legislation. Imperial hunting in India had a complex relationship with conservation efforts. While hunting was a popular recreational activity for colonial administrators and naturalists, there was also a growing concern for the conservation of endangered wild species. As colonial scientific forestry and exploration of Indian flora and fauna advanced, some imperial administrators who were once avid hunters began to advocate for conservation based on their expertise and observations. These efforts shed light on both the exploitation of wildlife and the cultural attitudes embedded in the British colonial mindset.

The establishment of wildlife sanctuaries began during the British period, although it was a late development. In the early years of their rule, the British government attempted to exterminate wild animals, considering them a hindrance to the extension of cultivation, which was the main source of revenue. However, the 19th-century movement for wildlife protection forced the government to take steps towards wildlife conservation. Although wildlife conservation was not a priority during the British period, the expansion of the agrarian frontier led to official policies for vermin eradication, which was the first step toward wildlife management.

As the 19th century progressed, there was a growing movement for the protection of wildlife in India, with conservationists advocating for the preservation of endangered species and the establishment of sanctuaries and national parks. The British government, recognizing the importance of wildlife to the country's ecosystem and tourism industry, began to take steps to protect it. The government enacted a series of conservation policies and legislation, including the Indian Forest Act of 1878, which aimed to regulate the use of forests and wildlife.

The colonial government enacted the aforementioned wildlife acts in the same year as the Forest Act of 1878 and the India Arms Act. A closer examination of the motivations and thinking behind these enactments provide greater historical insights. The Forest Act of 1878 had a long-standing history aimed at conserving forests for commercial purposes and bringing them under the direct control of the government. However, this act eventually resulted in withdrawing forest lands and resources from local communities and restricting their access, affecting not only Indian farmers but also the local and tribal populace who relied on forest resources for their subsistence through pastoralism, hunting, gathering, and semi-agriculture. Additionally, this act brought wild animals under the direct control of the colonial government. Concurrently, new hunting regulations were introduced through the Arms Act of 1878, which prohibited locals and village shikaris from carrying firearms or using advanced weapons, requiring them to obtain special permits to shoot, and allowing them to hunt only small game with these permits. Free licenses for up to five years were granted to those seeking protection from wild animals, but this privilege was mainly reserved for Europeans with prior permission. Such legislation reveals the underlying factors that transformed forest resources and wildlife to serve a variety of colonial and local interests, which partially explains the British government's persistent focus on the Indian forest and environment.

The colonial government's imposition of the Forest Act of 1878 and the Arms Act of 1878 led to significant social and economic consequences for local communities. The curtailment of their access to forests not only affected their livelihoods but also had severe ecological repercussions, as traditional practices of forest management were disrupted. The colonial government's approach to conservation often disregarded the traditional knowledge of the local communities, and this led to conflict between the government and the people. Furthermore, the government's policies often favored the interests of the wealthy elite, both Indian and British, who had access to the resources and could afford to comply with the regulations. This unequal distribution of resources and benefits was a significant factor in the emergence of social and political unrest in colonial India.

The first legal statute for wildlife conservation in India was established by the British with the enactment of the Wild Birds Protection Act in 1887. This act granted the government authority to create regulations prohibiting the possession or sale of specific wild birds killed or captured during the breeding season. In 1912, the British government passed the Wild Bird and Animals Protection Act, which was later amended in 1935. This 1912 Act became the first law to prohibit hunting wild animals and birds, with violators facing legal penalties. The act empowered local governments to extend the provisions of the act to safeguard any wild bird or animal not specified in the schedule but deemed necessary.

to conserve or protect. Over time, the importance of preserving wildlife resources became increasingly apparent, leading to the development of numerous wildlife conservation policies and laws in India.

The Madras Elephant Preservation Act, of 1873 was a significant milestone in the history of wildlife protection in India. It was the first legislation of its kind that aimed to protect a particular species of animal from destruction. The Act banned the killing of wild elephants and imposed penalties on those who violated the prohibition. The Central Government's Elephant Preservation Act, of 1879 extended the protection to wild elephants across the country. It prohibited the killing, injuring, or capturing of wild elephants, except in specific circumstances. Violators of the Act would face severe consequences, including fines and imprisonment.

However, both acts only focused on the regulation of hunting and did not address the issue of the wildlife trade, which led to the continued depletion of wildlife resources. To address this gap, the Central Government passed the Wild Birds and Animals Protection Act in 1912, which provided for closed hunting seasons and the regulation of the hunting of designated species through licenses. The Act empowered the State Government to declare a close time for any kind of wild bird or animal to prevent their capture, killing, or sale during the breeding season.

The Indian Forest Act of 1927 was enacted to consolidate the laws relating to the transit of forest produce and to levy duties on timber and other forest produce. Its main objective was to collect revenue from these resources. Despite the odds, the forest policy of the British government helped to indirectly conserve forests and wildlife, and directly protect the environment. This act played a significant role in declaring natural habitats of wildlife as "reserves" during the British period, before the Wildlife (Protection) Act, of 1972 was introduced. Protected areas like Corbet National Park, Kaziranga Sanctuary, and Jaldapara Sanctuary were notified under this act.

Before independence, environmental elements were mainly protected by general principles of common law, such as nuisance or negligence, which were governed by The Indian Penal Code, 1860, or The Criminal Procedure Code, 1898. However, there were some statutes in India like The Indian Fisheries Act, of 1897, The Oriental Gas Company Act, of 1857, The Explosives Act, of 1908, or The Motor Vehicles Act, of 1939 which were insufficient to cope with the exploitation of natural resources by industries or other public concerns. These laws did not have stringent provisions to combat ecological destruction caused by human beings.

Despite this, some early legislation during that period indirectly helped to protect wild animals in different parts of India. The Indian Forest Act of 1878 and 1927, along with their adaptations in various states, gave basic protections to wildlife and their natural habitats in the form of reserved and protected forests. It was legally restricted to shooting, fishing, poisoning, or setting traps and snares within reserved forests or protected areas. The Elephant Preservation Act, of 1879, prohibited the killing or capturing of elephants in areas where the law was in force. The Indian Fisheries Act, of 1879, and the Cattle Trespass Act, of 1871, were major central legislations for the protection of animals as properties. Certain early legislations were applicable to specific places, such as the Bengal Rhinoceros Protection Act, 1932, and the Tamil Nadu Wild Elephants Preservation Act, 1873, which helped to some extent in the conservation of wild animals during that period.

Jim Corbett, an early wildlife conservationist in India, played a significant role in establishing India's first national park. The area, which had already been declared as "Reserved Forests" in 1879, was transformed into a national park in 1935 through Corbett's efforts in collaboration with the provincial government. The Ramganga-Dhikala forests in the United Provinces were chosen as the site for India's first national park, and the United Provinces National Parks Act, of 1935 was enacted to establish it.

The park was named after Governor Malcolm Hailey and was called the Hailey National Park. It was devoid of any human habitation, as the local residents had been relocated in the late 19th century. The Hailey National Park Act, of 1936, was the first important legislation aimed at protecting wildlife and managing its habitat in India.

The establishment of the Hailey National Park paved the way for the creation of other national parks and wildlife sanctuaries across India. Today, India has a vast network of national parks and wildlife sanctuaries that serve as important habitats for a variety of wildlife species, including tigers, elephants, rhinos, and many more.

In conclusion, the wildlife conservation policies during colonial times in India were primarily driven by the colonial hunting culture. The unchecked hunting of wildlife during the 19th century had caused a drastic decline in their numbers, and the need to replenish the game for hunting became a key driver for conservation efforts. However, the efforts of some hunters-turned-naturalists led to the idea of wildlife preservation gaining momentum in the latter half of the 19th century. The passing of the 1912 Wildlife Preservation Act marked the beginning of a new era of conservation where "game" became "wildlife" and "preservation" became "conservation."

Despite the conservation efforts, tigers were still hunted until the early 20th century, and it was not until later when hunters-turned-conservationists like Jim Corbett came forward that the preservation of tigers gained importance. The colonial policy of "selective conservation" resulted in the creation of negative and positive images of Indian wild animals, where the tigers were seen as "vermin" to be hunted while elephants were protected. The conservation efforts were more closely tied to colonial governance than environmentalist concerns for their survival. Overall, the conservation policies during colonial times played a significant role in shaping the wildlife reserves and protected areas of India.

4. POST-COLONIAL ERA

The Post Colonial era witnessed a lot of changes in the policies and attitudes of Governments with respect to the conservation of Wildlife. In the early days of independence, no immediate policy framework could be noticed. But with the advent of the planning process through successive plan periods, the concern for the Conservation of wildlife could be noticed. The last three decades of the twentieth century witnessed hectic activities by the Government of India in which the Legislature, the Executive, and the Judiciary all played pivotal roles in shaping the policy guidelines aiming at the conservation of wildlife.

India's wildlife and conservation policies have a long and complicated history, particularly during the colonial era. However, after gaining independence from British rule in 1947, India began taking steps towards protecting its natural resources and wildlife. In the early 1950s, the Rhinoceros Preservation Act and the Elephant Preservation Act were passed to protect certain threatened species from exploitation. In 1951, the government of India called for a meeting of an Advisory Committee in Delhi to discuss the issue. A sub-committee consisting of prominent sportsmen and wildlife enthusiasts was formed to suggest ways and means of establishing sanctuaries and national parks. It was recognized that a permanent central organization with suitable subsidiaries in the states was needed to make substantial and lasting progress in wildlife conservation. Thus, the Indian Board for Wildlife was inaugurated in December 1952 at Mysore as a result of these efforts.

However, changing the public's attitude towards wildlife preservation was a difficult task. Many middle-class Indians, ex-princes, and foresters were still focused on hunting and had to be convinced of the importance of wildlife preservation. Despite some resistance, the government took measures to control hunting, poaching, and the trade of wildlife parts. However, the wildlife trade continued to be a lucrative business. In the 1950s and 1960s, large numbers of monkeys were exported to the United States, and tiger, leopard, and snake skins were sold for foreign currency.

The advent of modern technology, such as automobiles and long-range rifles, only hastened the decline of India's wildlife. The government's attempt to protect crops by issuing guns to farmers led to the large-scale destruction of wild animals. The cheetah, which once roamed freely in India, became extinct in 1951 though it is reintroduced and the first batch of eight cheetahs arrived in India on September 17, 2022. However, India's policies began to shift towards wildlife conservation in the later half of the 20th century. The Wildlife Protection Act of 1972 established protected areas and wildlife reserves, and the establishment of Project Tiger in 1973 marked a major milestone in India's conservation efforts.

The Wildlife Protection Act, of 1972

The Wildlife Protection Act, of 1972 is the sole legislation pertaining to wild animals and birds in independent India after the enforcement of the constitution. Due to the rapid depletion of wildlife and destruction of natural resources, strong central legislation was urgently needed. However, the legislative competence was only vested in the state legislature as "Wild animals and Birds" fell under the "State List" of Schedule VII in the Indian Constitution. Eventually, the state legislatures of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh, and West Bengal passed resolutions in pursuit of Article 252 of the constitution, empowering Parliament to enact the necessary law for the conservation of wild animals in India. Recognizing the inadequacy of existing laws in various states, the central government realized the need for comprehensive legislation for the protection of birds and wild animals for all matters connected therewith or ancillary and incidental thereto. The Wildlife Protection Act, of 1972 was a critical initial step towards a national conservation policy, providing for the creation of sanctuaries and national parks with different degrees of protection.

Prior to 1972, the concept of modern wildlife conservation did not exist in the country, and the enactment of the Wildlife Protection Act introduced strict measures to reverse the rapid depletion of wildlife. The role of Mrs. Indira Gandhi and famous conservationists in drafting and enacting this legislation was pivotal. M.K. Ranjitsingh, an IAS officer and member of the former princely state, and Kailash Sankhala, a forester and a staunch opponent of hunting and commercial forestry, played major roles in drafting this statute. While international conferences on wildlife and environmental awareness were taking place, the enthusiastic Prime Minister, along with many conservationists, created ecological knowledge in the lobby of parliament at the national level. All of these events provided an essential platform for enacting significant wildlife legislation in India.

The Wildlife Protection Act, 1972, and its amendments up to 2006 provide the legal framework for the conservation of wildlife in the country. The enormous and continuous decline of wild animals and birds in the context of India has been a cause of grave concern. Some wild animals and birds in India have already vanished, and others are in danger of doing so. The known paradises of wildlife are being eroded mainly due to human encroachment. The obvious lacunae in the older legislation, coupled with the constant shrinkage of wildlife habitats, necessitated the enactment of proper and effective legislation applicable throughout the country for the protection of wildlife. This challenging situation led to the enactment of the Wildlife (Protection) Act of 1972. The objectives of this enactment were three-fold: to have uniform legislation on wildlife throughout the country, to establish a network of protected areas, i.e. National Parks and Sanctuaries, and to regulate illicit trade in wildlife and its products.

Since then, India has taken significant steps towards protecting its wildlife, including the creation of more protected areas, the ban on hunting and trade of endangered species, and efforts to mitigate human-wildlife conflict. These efforts have helped to preserve India's rich biodiversity, including its iconic national animal, the tiger.

Scope of the Act

The Act has two main conservation strategies:

- (i) protection of specified endangered species regardless of their location and
- (ii) protection of all species in designated areas.

The Forty-Second Amendment to the Constitution in 1976 introduced Entries 17-A and 17-B in List III, granting the Parliament the power to enact laws related to wildlife. The Wildlife Protection Amendment Act of 1991 expanded the Wildlife Protection Act of 1972 to cover the entire country except Jammu and Kashmir.

The objective of the Act

The Wildlife Protection Act of 1972 is the most significant legislation on wildlife protection, based on the ecosystem approach and a regulatory regime of command and control.

Its objectives are three-fold:

- (1) to establish uniform legislation on wildlife throughout the country,
- (2) to create a network of protected areas such as national parks and sanctuaries, and
- (3) to regulate illegal trade in wildlife and its products.

Revisions and Amendments to the Wildlife Protection Act of 1972

The Wildlife (Protection) Act, of 1972 underwent a number of amendments in the following years. The Forty Second Constitution (Amendment) Act, 1976 moved wildlife along with forests from the state list (Seventh Schedule) of the Constitution to the concurrent list, enabling the Central Government to intensify its role in developing national wildlife policy. An amendment to the Act in 1982 permitted the capture and transportation of wild animals for the scientific management of the animal population, but it was later realized that this was not sufficient. The Government then began the process of enacting a comprehensive law that would include all aspects of wildlife, including plants. In November 1986, a completely new chapter (Chapter V-A) was incorporated in the Wildlife (Protection) Act, 1972 which imposed an absolute prohibition on trade or commerce in trophies and animal articles derived from protected scheduled species. However, trade in wildlife continues to be the biggest challenge in wildlife conservation.

Instead of enacting a separate comprehensive law, the Government amended the Wildlife (Protection) Act in October 1991 to bring specified plants under the protective umbrella of the Act. The amendments also envisaged the establishment of the Central Zoo Authority to regulate the management and functioning of the zoos. The Act regulated trade and commerce in wild animals, animal articles, and trophies from certain animals. However, there was a need to amend the Act to broaden the concept of 'Protected Areas' and introduce 'Joint Management' with the local people. Although virtually no human activity is allowed inside a park, limited human activity favoring wildlife conservation is permissible in a sanctuary.

In 2002, there were exhaustive amendments introduced to the law on wildlife which came into force in 2003. A new administrative mechanism of the management of wildlife was envisaged under this amendment which provided for the constitution of a National Wildlife Board instead of an Advisory Institution as was done in the past. Now, there is a Wildlife Board in every State and Union Territory. The regulation introduced by the amendment extended to many things, including selling or transferring wild animals, keeping and breeding of wild animals in captivity, and having trophies of animals against rules. The most remarkable provision introduced by the 2002 Amendment was that the property derived from illegal hunting and trade would be forfeited to the State.

The Wildlife Protection Amendment Act, 2006 (39 of 2006) inserted two new chapters, viz, Chapter IVB dealing with National Tiger Conservation Authority and IVC establishing Tiger and Other Endangered Species Crime Control Bureau. The amended Act lent Project Tiger, now a directorate under the Environment Ministry, a statutory status, and its directive will have Constitutional authority. The boundaries of sanctuaries and national parks may not be altered except by the resolution of the State Legislature. The amended Act of 1991 roped in non-governmental organizations for providing assistance to the forest department in detecting wildlife offenses but failed to give the local people any rights over their forests. While some of the changes introduced in the Act were welcome as they removed the difficulty imposed by judicial decisions, there is still a need to amend the Act to broaden the concept of 'Protected Areas' and introduce 'Joint Management' with the local people.

The Wild Life (Protection) Amendment Bill, 2013 proposed amendments to the Wild Life (Protection) Act, 1972, which provides for the protection and conservation of wild animals, birds, and plants, as well as the regulation of trade or commerce related to wildlife. The amendments were made to fulfill India's obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Bill prohibits the manufacture, sale, transport, or use of animal traps, except for educational and scientific purposes with permission, and regulates international trade in endangered species. The Tiger and Other Endangered Species Crime Control Bureau was changed to the Wild Life Crime Control Bureau, and the bill increased punishments for offenses under the Act. It also protected the hunting rights of Scheduled Tribes in the Andaman and Nicobar Islands.

The third National Wildlife Action Plan of 2017 marks a significant milestone as it is the first time that climate change's impact on wildlife has been acknowledged. This plan aims to incorporate climate change mitigation measures into wildlife management planning, which is achieved by planting along ecological gradients and assisting wildlife migration. The plan emphasizes the conservation of habitats in coastal, marine, and inland aquatic ecosystems, as well as the recovery of threatened species. The plan recognizes animal-human conflict and its effects on wildlife habitats, such as shrinkage, deterioration, and fragmentation, and encourages the participation of people and the private sector in wildlife conservation. The plan also highlights the intrinsic value of nature and its components and stresses the importance of preserving genetic diversity and the sustainable use of species and ecosystems. The plan calls for the strengthening of the core-buffer-multi-use surround structure with increased investments in eco-development, education, innovation, training, conservation awareness, and outreach programs. It also provides attention to wildlife health, disaster management, and reorienting tourism management in wildlife areas. The plan calls for treating communities living in forest lands and other wilderness areas fairly under the Forest Rights Act.

In 2018, the Wildlife Crime Control Bureau (WCCB) was granted statutory status, under the Wildlife (Protection) Amendment Act, 2018. The WCCB is responsible for combating organized wildlife crime in India and coordinating with international organizations working on wildlife crime prevention. The amendment also introduced stricter penalties for wildlife offenses, including increased fines and imprisonment.

The Wild Life (Protection) Amendment Bill, 2021 amends the Wild Life (Protection) Act, 1972 to increase species protection and implement CITES. The Bill reduces schedules for protected animals, removes the schedule for vermin species, and adds a new schedule for CITES-listed specimens. It provides for the designation of a Management Authority and Scientific Authority for the trade of scheduled specimens and prohibits modifying or removing identification marks. The Bill also empowers the government to regulate invasive alien species and control sanctuaries. It allows for the voluntary surrender of captive animals and increases penalties for violating the Act.

The most recent amendment bill, the Wildlife Protection Amendment Bill, was passed by the Lok Sabha on August 3, 2022. The Bill, which makes amendments to the Wildlife (Protection) Act of 1972, was introduced in the Lok Sabha by the Union environment ministry in December 2021. However, as it awaits passage in the Rajya Sabha, one amendment has got the critics' goat.

Overall, the various amendments to the Wildlife (Protection) Act over the years reflect the evolving understanding of wildlife conservation and the need for stronger measures to protect India's diverse wildlife. However, challenges still remain, such as ensuring effective enforcement of wildlife protection laws and addressing human-wildlife conflicts in a sustainable manner.

SUBORDINATE LEGISLATIONS FOR WILDLIFE PROTECTION

Central Government Enacts Subordinate Legislations for Wildlife Protection under Wildlife (Protection) Act, 1972

Subordinate legislation has been enacted by the central government in order to protect wild animals and ensure proper implementation of legal provisions in the Wildlife (Protection) Act, of 1972. Under Section 63(1) (b) of the Act, several delegated legislations including rules and regulations have been made.

In 1973, the Wildlife (Transaction and Taxidermy) Rules were established to regulate the transport, taxidermy, and creation of animal articles. In the same year, Central rules were created related to the stock declaration of captive animals, animal articles, trophies, and other related items by manufacturers, dealers, or other individuals.

Additionally, the Recognition of Zoo Rules, 1992 were legislated to ensure proper care and protection of animals inside zoos. In 1987, an order was issued to all forest secretaries and chief wildlife wardens of states and union territories, prohibiting and taking necessary actions against zoos for the sale of excess animals to circuses. Recently, these rules have been modified and reintroduced as Recognition of Zoo Rules, 2009.

In 1995, the Wildlife (Protection) Rules were issued to specify the authorized persons of central and state governments to whom notice may be given related to the cognizance of offenses. Two additional rules were passed by the central government in the same year related to specified plants for issuance of licenses for possession and procedures for stock declaration. An executive authority guideline was also made for the appointment of honorary Wildlife Wardens for states.

After the 2003 Amendment of the statute, another stock declaration rule has been created by the central government in reference to Section 40A, which provides for a proper scope of hearing before the Chief Wildlife Warden or any other authorized officer. The National Board for Wildlife Rules was published in 2003, outlining the constitution, meetings, removal of members, and other relevant matters.

In 2006, the National Tiger Conservation Authority (Qualifications and Experience of Experts or Professional Members) Rules were enacted to specify the qualification and experience of members of the National Tiger Conservation Authority. This has been given legal sanction under Section 38L through the 2006 Amendment of the Wildlife (Protection) Act, 1972. Additionally, National Tiger Conservation Authority Guidelines, 2007 were established related to the Tiger Conservation Foundation established under Section 38X of the statute. Tiger Conservation Authority Fund (Regulation) Guidelines, 2007 were also enacted to regulate the operation of funds constituted under Section 38Q (2) of the main Act after the 2006 amendment.

In recent years, the Indian government has introduced several initiatives to address the issue of human-wildlife conflict, including the development of a National Policy for the Management of Human-Wildlife Conflict in 2019. The policy aims to minimize the negative impacts of wildlife on people and their property while promoting coexistence between humans and wildlife. Furthermore, the government has also launched several programs to address issues such as illegal wildlife trade, poaching, and habitat destruction. These include the National Tiger Conservation Authority, the Wildlife Crime Control Bureau, and the Forest Conservation Act.

All of these subordinate legislations passed by the central government aim to ensure the proper execution of legal provisions for the protection of wildlife and the betterment of ecology.

Overall, the Indian government has made significant efforts in recent decades to protect its wildlife and promote ecological balance. However, challenges such as habitat loss, poaching, and human-wildlife conflict continue to pose significant threats to the country's biodiversity, and continued efforts are necessary to address these challenges.

Conservation Projects for Wildlife Protection in India

India has a rich diversity of wildlife, with over 400 species of mammals and 1300 species of birds. However, many of these species are threatened due to habitat destruction, poaching, and other human activities. To address this issue, the Indian government has implemented various projects for the conservation of wildlife in the country.

One such project is the Project Tiger, launched in 1973, which aims to protect the Bengal tiger and its habitat. Under this project, tiger reserves have been established in various parts of the country, and efforts have been made to control poaching and illegal trade in tiger parts. The project has been successful in increasing the population of tigers in the country from a low of 1,411 in 2006 to 2,967 in 2019. According to the latest report on the Status of Tiger Report 2023, the minimum population estimate is 3,167 individuals.

Another important project is Project Elephant, launched in 1992, which aims to protect the Asian elephant and its habitat. Under this project, elephant reserves have been established, and efforts have been made to mitigate human-elephant conflict and control poaching. The project has been successful in increasing the population of elephants in the country from a low of 25,000 in the 1980s to over 30,000 in 2019.

The Indian government has also implemented various other projects for the conservation of specific species such as the Great Indian Bustard, Snow Leopard, and Gangetic Dolphin. The Great Indian Bustard Conservation Project aims to protect this critically endangered bird and its habitat. The Snow Leopard Conservation Project aims to protect the snow leopard and its habitat in the high-altitude regions of the Himalayas. The Gangetic Dolphin Conservation Project aims to protect this endangered species and its habitat in the Ganges and Brahmaputra rivers.

Apart from these species-specific projects, the Indian government has also implemented various other initiatives such as the National Wildlife Action Plan, which provides a framework for wildlife conservation in the country, and the Green India Mission, which aims to increase forest cover in the country. Additionally, various non-governmental organizations and wildlife conservationists have also been actively involved in conservation efforts in the country.

In conclusion, the Indian government has implemented various projects and initiatives for the conservation of wildlife in the country. While these efforts have been successful in increasing the population of certain species, much more needs to be done to protect the rich biodiversity of the country and ensure the survival of its wildlife for future generations.

5. EVOLUTION OF WILDLIFE POLICIES IN INDIA

The Indian government has been actively implementing policies and projects to promote ecological balance and protect wildlife. As a developing country, the government has played a significant role in raising environmental awareness and education among the masses through various educational institutions, specialized agencies, and departments. To promote eco-development programs, seminars, workshops, and other necessary measures for environmental awareness, the government has taken all possible efforts.

India's first forest policy was issued on 19th October 1894, based on the report of German expert Dr. Voelcker. In 1950, a Central Board of Forest was constituted to provide guidance to the State Governments in the formulation of programs, integration of plans for land use, and to review the National Forest Policy. On May 12, 1952, after independence, the Government of India proclaimed a new National Forest Policy based on National needs, particularly in the field of economics, politics, and the environment. To meet new challenges in 1988, a new Forest Policy was declared.

In the 1970s, the Indian government took significant steps to frame policies and legalize wildlife ethos through Parliament and executives of the Congress government. Mrs. Indira Gandhi's active efforts and the enormous power of the Congress party in New Delhi, as well as its ruling in most of the states, made the rapid conservation program possible. The Wildlife (Protection) Act was enacted in 1972, which banned the export of tiger and leopard skins and restricted age-old shikar or hunting, with a long list of protected species. The Project Tiger in 1973 was not only to protect the species but also to provide federal funding for the establishment of nine reserves in different habitats. With the government's initiatives, some international and national wildlife organizations took major policies for wildlife. The World Wildlife Fund (WWF) raised a million dollars for Project Tiger, and The Bombay Natural History Society (BNHS) of India provided vital scientific inputs on the Gir Project.

In 1983, the National Wildlife Action Plan was adopted, proving to be an important landmark in raising awareness about the sharp decline of wildlife in India. The euphoria about environmental awareness of the seventies was not sustained for a long period, and despite the indication of a decline in wildlife populations, no major steps were taken during those years. In 1995, a committee was appointed by the Ministry of Environment and Forests to make recommendations for the preservation and protection of wildlife as per direction from the High Court of Delhi. The Indian government has continued to implement various policies and public initiatives to protect and preserve wildlife. Following the appointment of the committee in 1995, the Ministry of Environment and Forests introduced the National Biodiversity Act in 2002, which aimed to regulate access to biological resources and associated knowledge for their conservation and sustainable use. The same year, the Wildlife Protection Act was amended to include provisions for the conservation of medicinal plants and their habitats.

In 2006, the Indian government launched the Integrated Development of Wildlife Habitats program, which aimed to provide funds for the protection and management of national parks, wildlife sanctuaries, and conservation reserves. In the same year, the National Green Tribunal was established as a specialized court to handle environmental disputes and enforce environmental laws. In 2010, the Ministry of Environment and Forests launched the National Wildlife Action Plan for 2017-2031, which aimed to address new and emerging conservation challenges and ensure the long-term survival of India's wildlife. The plan includes strategies for habitat conservation, species recovery, and community-based conservation.

6. CONCLUSION

In conclusion, wildlife in India has a rich and diverse history, and the country has a long-standing tradition of protecting its flora and fauna. The colonial era in India had a significant impact on wildlife conservation efforts, leading to the development of various legislations aimed at protecting wildlife. The earliest codified law on wildlife in India dates back to the third century B.C. During British rule, various acts and regulations were passed, such as the Wild Birds and Game Protection Act, of 1887, and the Elephant Preservation Act, of 1879, which paved the way for more comprehensive legislation.

The Wildlife (Protection) Act, of 1972, is the most comprehensive and significant legislation in India's wildlife protection history. It was enacted with the objective of protecting and conserving India's wildlife and the biodiversity of its forests. The act empowers the central and state governments to create protected areas, regulate hunting, and control trade in wildlife and wildlife products. The act has been amended several times to incorporate new provisions, such as the recognition of zoos and the establishment of the National Tiger Conservation Authority.

Projects related to wildlife protection have also played a crucial role in conservation efforts in India. Project Tiger, launched in 1973, has been one of the most successful conservation projects in India. The project's primary objective is to protect tigers and their habitats, and it has been instrumental in increasing the tiger population in India. Other projects, such as Project Elephant, Project Rhino, and Project Snow Leopard, have also contributed significantly to wildlife conservation efforts in India. Despite these efforts, India's wildlife faces several challenges, such as habitat loss, poaching, and human-wildlife conflicts. It is crucial to address these challenges through policy measures and community participation. In this regard, promoting eco-tourism, strengthening law enforcement, and involving local communities in conservation efforts can be effective measures.

In conclusion, India's wildlife is a vital part of its natural heritage, and it is our responsibility to protect and conserve it. The historical perspective of laws and policies related to wildlife in India shows the country's long-standing tradition of wildlife protection. The colonial era and the subsequent legislation have laid the foundation for more comprehensive and inclusive policies. The success of projects related to wildlife conservation shows that with the right measures, we can make a difference in protecting our wildlife. However, more needs to be done to address the challenges faced by India's wildlife.

Looking toward the future, it is clear that much work remains to be done in terms of protecting India's diverse wildlife. One promising approach is the development of community-based conservation programs, which empower local communities to take an active role in the protection and management of wildlife resources. Additionally, ongoing efforts to develop sustainable tourism practices can provide economic incentives for conservation while raising awareness of the importance of protecting wildlife. It is also important to address the root causes of wildlife decline, such as habitat destruction and fragmentation, poaching, and climate change, through policy and action at the national and international levels. By working together towards these goals, we can help to ensure that India's rich wildlife heritage remains a vital part of the country's natural and cultural heritage for generations to come.

Findings:

1. India has a rich history of wildlife and conservation efforts, dating back to the third century B.C.E. British colonial period had a significant impact on wildlife in India, with hunting and other exploitative practices leading to the decline of many species.
2. The Wildlife (Protection) Act, of 1972 was a major step forward in wildlife conservation in India, providing legal protection to endangered species and regulating activities such as hunting and trade.
3. The Indian government has launched several projects and initiatives for the conservation of wildlife, including Project Tiger, Project Elephant, and the National Wildlife Action Plan.
4. Despite these efforts, many species in India are still endangered and face threats such as habitat loss, poaching, and human-wildlife conflict.

Suggestions:

1. Strengthening enforcement of wildlife protection laws and increasing penalties for violators.
2. Encouraging sustainable tourism practices that benefit local communities and promote wildlife conservation.
3. Increasing public awareness about the importance of wildlife conservation and the negative impacts of activities such as poaching and habitat destruction.
4. Investing in scientific research to better understand the ecology and behavior of endangered species and inform conservation efforts.
5. Collaborating with international organizations and other countries to address global wildlife conservation challenges.

By implementing these suggestions and building upon existing efforts, India can continue to make progress in protecting its rich biodiversity and ensuring a sustainable future for its wildlife.

"Addressing the Gaps in Wildlife Conservation History in India: Ways to Fill the Void"

Limited focus on the role of indigenous communities: While some research has explored the traditional knowledge and practices of indigenous communities in wildlife conservation, there is a need for more in-depth studies that highlight the contributions of these communities in protecting and managing wildlife habitats. This could involve collaborating with indigenous groups to document their practices and knowledge systems, as well as exploring opportunities for their participation in conservation efforts.

1. Lack of emphasis on the economic and social benefits of wildlife conservation: While there is growing recognition of the importance of wildlife conservation for ecological reasons, there is a need for more research that highlights the economic and social benefits of conservation. This could involve exploring the potential for eco-tourism and sustainable livelihoods based on wildlife conservation, as well as the broader benefits of healthy ecosystems for human health and well-being.
2. Limited understanding of the impacts of climate change on wildlife habitats: While there is growing awareness of the impacts of climate change on biodiversity, there is a need for more research that specifically focuses on the impacts of climate change on wildlife habitats in India. This could involve studying changes in species distribution and migration patterns, as well as the impacts of changing weather patterns and extreme events on wildlife habitats.
3. Insufficient attention to the intersections of wildlife conservation and social justice: While some research has explored the ways in which wildlife conservation can impact local communities and livelihoods, there is a need for more research that explicitly focuses

on the intersections of wildlife conservation and social justice. This could involve exploring the impacts of conservation policies on marginalized communities, as well as the potential for participatory and inclusive approaches to conservation that prioritize the needs and perspectives of local communities.

By addressing these gaps, we can gain a more comprehensive understanding of the history and current state of wildlife conservation in India, as well as identify new opportunities for sustainable and inclusive conservation efforts.

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