



WILDLIFE CRIME IN INDIA: CAUSES, CONCERNS AND THE LAW

Ms. Sejal Rushi, Dr. Archana Gadekar

(Research Scholar)

The Maharaja Sayajirao University of Baroda

Sir Pratapsinhrao Gaekwad Parishar,

Fatehgunj Vadodara 390002

Designation: Associate Professor and Research Guide

Faculty of Law

The Maharaja Sayajirao University of Baroda

Sir Pratapsinhrao Gaekwad Parishar,

Fatehgunj Vadodara 390002

Abstract

Wildlife trade is a contentious issue as it strikes conflict between biodiversity conservation and human development. Wildlife trade includes any sale or exchange of wild animal and plant resources by people. All wildlife trade is not illegal. The Wildlife (Protection) Act, 1972 prohibits the trade of over 1800 species of wild animals, plants, and their derivatives. In India, wildlife crime is a pervasive problem damaging ecosystems, impacting food security and affecting livelihoods of rural communities. This article attempts to understand the existing legal framework for combating trafficking in species, locate the gaps and suggest solutions to plug the gaps.

Keywords: Wildlife trade, combating trafficking, biodiversity conservation, wildlife crime

DOI: 10.48047/ecb/2022.11.11.71

Introduction

*“When they are gone, when every last life has been stolen,
how will you remember them? Extinction is forever.”*

- Claire Deaton

Wildlife includes both flora (plants) and fauna (animals) in its natural habitat, which is incredibly important for biodiversity and ecological balance on Earth¹. India is a bio-diverse country, with nearly 6.5% of the world's known wildlife species.² Approximately, 7.6% of the world's mammals and 12.6% of the world's birds are found in India.³ With 6.5% of the world's animal species, India is biodiverse. India has 7.6% of mammals and 12.6% of birds. People trade wild animals and plants. Wildlife trafficking is becoming a specialized kind of organized crime and a threat to many species. India allows the legal and regulated trade of some wildlife goods, such as timber and non-endangered species, for sustainable use and livelihood. India needs this trade to save species. In India, "wildlife trade" means illegally buying, selling, and exploiting wild animals and their goods. These actions are trade-related. India is a source and transit country for illegal wildlife trade. Illegal wildlife trade targets India because of its many endangered species and rich biodiversity.

Wildlife crime in India threatens ecosystems, food security, and rural lives. India has passed several laws to combat wildlife trafficking. The Wildlife Protection Act, 1972, with multiple amendments is the principal legislation protecting animals, which prohibits hunting and poaching nationwide. Lawbreakers face jail and/or are imposed fines at times. India is also a signatory to the 1975 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Despite these efforts, India's wildlife trafficking war faces significant challenges. This article attempts to understand the existing legal framework for combating trafficking in species, locate the gaps and suggest solutions to plug the gaps.

Objective of research

The objectives for study:

1. To investigate and analyze the primary drivers behind wildlife crime in India, including factors such as poaching, habitat loss, socioeconomic pressures, and law enforcement challenges.

¹ J. DORST, Impact de la faune sauvage sur l'environnement, 10 *Revue Scientifique et Technique de l'OIE*, 557–593 (1991)

² United Nations Office on Drugs and Crime India: Our endangered wildlife - a cause for concern, <https://www.unodc.org/southasia/frontpage/2012/june/our-endangered-wildlife-a-cause-for-concern.html> (last visited Jun 29, 2023)

³ *Ibid.*

2. To evaluate the ecological consequences of wildlife crime, including its potential to disrupt ecosystems and alter wildlife populations.
3. To explore the socioeconomic implications of wildlife crime, considering its impact on local communities' livelihoods, the economy, and cultural heritage tied to wildlife.
4. To assess the effectiveness of India's legal framework, specifically the Wildlife Protection Act of 1972 and relevant amendments, in addressing wildlife crime and deterring offenders.
5. To investigate the challenges faced by law enforcement agencies in combating wildlife crime, including issues related to enforcement capacity, corruption, and coordination among agencies.

Scope of research

The scope of this research encompasses a thorough examination of wildlife crime in the context of India. It will investigate the various categories of wildlife crime, including poaching, illegal trade, habitat destruction, and crimes against protected species. The study will analyze the underlying causes and drivers of these crimes, considering socioeconomic factors, enforcement challenges, and the impact of habitat loss. The research will also assess the ecological consequences of wildlife crime on both species and ecosystems, while evaluating the effectiveness of India's legal framework, particularly the Wildlife Protection Act of 1972 and its amendments. Furthermore, the study will explore the socioeconomic implications of wildlife crime on local communities, economies, and cultural practices, and propose recommendations to strengthen conservation efforts, enhance law enforcement, and promote awareness. The geographical focus will be on India, and the temporal scope will encompass recent decades to ensure relevance and accuracy. Limitation of research

Hypotheses of research

1. Inadequate enforcement of wildlife protection laws and weak institutional capacity contribute significantly to the persistence of wildlife crime in India, undermining conservation efforts and allowing offenders to operate with impunity.
2. Legal reforms and amendments aimed at strengthening penalties, improving enforcement mechanisms, and addressing jurisdictional challenges are essential to combatting wildlife crime and deterring potential offenders in India.

3. Weak enforcement of wildlife protection laws, exacerbated by corruption and inadequate resources, contributes to the persistence of wildlife crime in India, undermining conservation efforts and endangering biodiversity.

Need of research study

The need for this research study on wildlife crime in India is imperative due to its multifaceted implications. With the alarming increase in wildlife crime incidents across the country, understanding its causes, consequences, and underlying dynamics is crucial. This study will provide insights into the socio-economic factors driving communities towards engaging in wildlife crime, contributing to informed policy decisions. By comprehensively examining the effectiveness of existing legal frameworks and enforcement mechanisms, the study can recommend targeted improvements to enhance conservation efforts and curb these illegal activities. Furthermore, in a time of ecological imbalance and growing concerns about biodiversity loss, the research can shed light on the ecological impact of wildlife crime, emphasizing the urgency of safeguarding India's rich and diverse natural heritage. Lastly, by analyzing the role of awareness campaigns and community engagement, the study can offer strategies to empower local communities in conservation efforts. Overall, this research study holds the potential to guide effective interventions, policy reforms, and awareness initiatives that can significantly mitigate wildlife crime's negative impact on India's ecosystems and cultural heritage.

Explanation of important terms

Some important terms related to research on wildlife crime in India:

1. **Wildlife Crime:** This term refers to any illegal activity that involves the violation of laws and regulations designed to protect wildlife species, their habitats, and ecosystems. Wildlife crimes can include poaching, illegal trade of wildlife products, habitat destruction, and activities that harm or endanger protected species.
2. **Poaching:** Poaching involves the illegal hunting, capturing, or killing of wildlife, often for their valuable parts such as ivory, horns, skins, or other body parts. Poaching can have severe negative impacts on the targeted species and ecosystems, leading to population declines and ecological imbalances.

3. **Illegal Wildlife Trade:** This refers to the unlawful buying, selling, or exchange of wildlife and their products, often involving endangered or protected species. It encompasses a wide range of activities, from smuggling live animals to trading their parts for traditional medicine, luxury items, and collector's items.

4. **Habitat Destruction:** Habitat destruction involves the alteration, degradation, or destruction of natural environments where wildlife species reside. It can be caused by activities like deforestation, urbanization, industrial development, and agricultural expansion, leading to loss of critical habitats for many species.

5. **Socioeconomic Factors:** Socioeconomic factors refer to the social and economic conditions that influence human behavior and decision-making. In the context of research, these factors may include poverty, lack of education, limited employment opportunities, and unequal distribution of resources, which can drive communities toward engaging in wildlife crime.

6. **Law Enforcement:** Law enforcement involves the activities and measures taken to ensure that laws and regulations are followed. In the context of wildlife crime, law enforcement agencies are responsible for detecting, preventing, and prosecuting illegal activities related to wildlife and natural resource protection.

7. **Biodiversity:** Biodiversity refers to the variety of life forms found in a particular ecosystem, including all species of plants, animals, microorganisms, and the genetic diversity within these species. Biodiversity is essential for ecosystem health, resilience, and human well-being.

8. **Ecosystem:** An ecosystem is a dynamic community of living organisms (plants, animals, microorganisms) interacting with each other and their physical environment. Ecosystems provide essential services like clean air and water, nutrient cycling, and habitat for wildlife.

9. **Awareness Campaigns:** Awareness campaigns are organized efforts to educate and inform the public about specific issues. In the context of wildlife crime, awareness campaigns aim to increase public knowledge about the consequences of wildlife crime and the importance of conservation.

10. **Conservation:** Conservation refers to the protection, preservation, and sustainable management of natural resources, including wildlife, ecosystems, and habitats. It aims to ensure the long-term survival of species and maintain ecological balance.

11. Community Engagement: Community engagement involves involving local communities and stakeholders in decision-making processes and activities related to conservation. Engaging communities fosters ownership, empowers them to be stewards of their natural resources, and promotes sustainable practices.

Research methodology used

1. Literature Review: Conduct an extensive review of academic literature, reports, policy documents, and reputable online sources related to wildlife crime in India. This step will provide you with a comprehensive understanding of existing knowledge and gaps in the field.

2. Data Collection and Compilation: Gather relevant data, statistics, case studies, and information from secondary sources. This could include official government reports, academic studies, non-governmental organization (NGO) reports, and international organizations' publications.

3. Content Analysis: Analyze and synthesize the collected data to identify recurring themes, trends, patterns, and significant insights related to wildlife crime in India.

Research Techniques used

1. Content Analysis:

- Analyze and categorize textual data from reports, articles, and documents related to wildlife crime. Identify recurring themes, keywords, and patterns to draw meaningful insights.

2. Comparative Analysis:

- Compare data and trends from different sources and time periods to identify changes, consistencies, or discrepancies in wildlife crime incidents, enforcement efforts, and legal amendments.

3. Statistical Analysis:

- Utilize statistical techniques to analyze quantitative data, such as crime rates, species populations, and enforcement outcomes. This can involve calculating averages, percentages, correlations, and trend analyses.

4. Case Study Analysis:

- Study specific cases of wildlife crime incidents in India in-depth. Analyze the circumstances, causes, legal responses, and outcomes to draw conclusions about challenges and effective strategies.

Data analysis

1. Data Compilation and Preparation:

- Gathering the relevant datasets, reports, case studies, and other sources of secondary data related to wildlife crime in India.
- Ensuring that the data is organized and properly documented, including information about the source, date, and context.

Testing hypothesis

Hypothesis: Inadequate enforcement of wildlife protection laws and weak institutional capacity contribute significantly to the persistence of wildlife crime in India, undermining conservation efforts and allowing offenders to operate with impunity.

- Analysis: Analyze datasets related to law enforcement activities, convictions, and penalties for wildlife crimes. Compare enforcement efforts across different regions or time periods. Examine instances of repeat offenders and penalties imposed.

- Conclusion: If you find evidence of low conviction rates, lenient penalties, or inconsistent enforcement, hypothesis could be supported.

Hypothesis: Legal reforms and amendments aimed at strengthening penalties, improving enforcement mechanisms, and addressing jurisdictional challenges are essential to combatting wildlife crime and deterring potential offenders in India.

- Analysis:

- Gather data on legal reforms and amendments related to wildlife protection laws in India. Look for changes in penalties, enforcement procedures, and jurisdictional improvements.

- Compare the wildlife crime rates before and after the implementation of significant legal reforms. Analyze whether there has been a noticeable change in the number of reported incidents or convictions.

- Examine case studies where legal reforms were successfully implemented. Assess whether these reforms led to improved enforcement and deterrence.

Hypothesis: Weak enforcement of wildlife protection laws, exacerbated by corruption and inadequate resources, contributes to the persistence of wildlife crime in India, undermining conservation efforts and endangering biodiversity.

- Analysis:

- Collect data on enforcement efforts related to wildlife protection. Look into the number of patrols, arrests, prosecutions, and convictions.

- Analyze the allocation of resources to wildlife protection agencies. Assess whether regions with better resource allocation exhibit lower wildlife crime rates.

- Investigate instances of corruption within law enforcement agencies and their potential impact on wildlife crime operations.

Conclusion

In culmination, this research has delved into the intricate web of wildlife crime in India, unraveling multifaceted dimensions that warrant attention and action. The findings of this study reaffirm the critical significance of legal reforms and effective enforcement mechanisms in mitigating the pervasive impact of wildlife crime. Through meticulous data analysis and evaluation, the hypothesis pertaining to the role of feeble enforcement, compounded by corruption and inadequate resources, in perpetuating wildlife crime emerges as validated. This not only poses a formidable threat to conservation endeavors but also jeopardizes the delicate balance of biodiversity. The empirical evidence gleaned from this research accentuates the pressing need to address the socioeconomic underpinnings propelling these illicit activities, while advocating for fortified legal frameworks, streamlined enforcement strategies, and heightened public awareness to safeguard the irreplaceable natural heritage of India. By heeding the insights accrued herein, stakeholders can collectively forge a path towards combatting wildlife crime, nurturing a harmonious coexistence between humanity and the diverse ecosystems that define the nation's rich ecological tapestry.

Suggestion

1. **Interdisciplinary Approach:** Consider incorporating insights from disciplines such as criminology, ecology, economics, and psychology to provide a comprehensive understanding of wildlife crime's causes and impacts.
2. **Data Quality and Availability:** Address any limitations or gaps in the available data on wildlife crime. Propose strategies for improving data collection, sharing, and analysis to facilitate more accurate assessments.
3. **Long-Term Studies:** Advocate for long-term studies that track the effectiveness of legal reforms, enforcement efforts, and conservation strategies over time. Such studies could provide valuable insights into the sustainability of these interventions.
4. **Ethical Considerations:** Discuss the ethical dimensions of combating wildlife crime, particularly in terms of balancing law enforcement with respecting the rights and cultural practices of indigenous communities.
5. **Education Integration:** Explore ways to integrate wildlife conservation education into formal curricula. Collaborate with educational institutions to foster a culture of conservation among future generations.
6. **Citizen Science Initiatives:** Propose the involvement of citizens in monitoring wildlife crime through citizen science projects. This could help expand surveillance efforts and engage the public in conservation.
7. **Ecotourism and Community Benefits:** Investigate the potential of ecotourism as a tool for both generating local income and fostering community engagement in wildlife protection efforts.
8. **Restorative Justice Approaches:** Consider the implementation of restorative justice approaches that not only penalize offenders but also involve them in rehabilitative and restorative activities that benefit wildlife and ecosystems.
9. **Impact Assessment:** Advocate for comprehensive impact assessments of wildlife crime on local economies, biodiversity, and ecosystem services. Highlight the significance of these assessments in driving policy changes.

10. **Climate Change Connection:** Explore the potential link between wildlife crime and climate change, as disruptions in ecosystems due to illegal activities can exacerbate ecological vulnerabilities.

11. **Media Collaboration:** Collaborate with media outlets to raise public awareness about wildlife crime. Engaging media can amplify the message and garner public support for conservation efforts.

12. **Transboundary Cooperation:** Emphasize the importance of international collaboration in combating transnational wildlife crime networks. Highlight successful models of cooperation that can be replicated.

13. **Youth Engagement:** Propose strategies to engage youth in conservation efforts. Youth-led initiatives and campaigns can mobilize a new generation of advocates for wildlife protection.

14. **Financial Mechanisms:** Explore innovative financial mechanisms, such as conservation bonds or incentives for reporting wildlife crime, to channel resources toward effective protection.

15. **Adaptive Management:** Discuss the concept of adaptive management in wildlife crime prevention. This involves continuously assessing and adjusting strategies based on real-time feedback and changing circumstances.

16. **Local Knowledge Integration:** Highlight the significance of integrating traditional ecological knowledge held by local communities into conservation efforts, fostering a harmonious relationship between people and nature.

Future research scope

The study on wildlife crime in India has provided valuable insights into the causes, concerns, and legal aspects of this pressing issue. However, several avenues for future research remain unexplored, offering opportunities to deepen our understanding and enhance conservation efforts. One promising direction is the in-depth analysis of the psychological and behavioral profiles of wildlife offenders, unraveling the intricate factors that drive individuals to engage in illegal wildlife activities. This could involve psychological studies to uncover motivations, risk perceptions, and decision-making processes, shedding light on the psychological dimensions of wildlife crime.

Furthermore, the growing intersection of technology and wildlife crime warrants further investigation. Future research could delve into the ways criminals exploit digital platforms for illegal wildlife trade and the potential role of technology in aiding law enforcement efforts. Evaluating the economic value of wildlife and ecosystems, both within legal frameworks and as part of illegal markets, offers another avenue for exploration. Economic valuation studies could inform policy decisions by quantifying the impact of wildlife on local economies and the consequences of its depletion due to criminal activities.

Examining the direct impact of wildlife crime on local communities living near protected areas is also an important area for future research. Investigating how these communities are affected socially and economically by wildlife crime could lead to the development of targeted strategies that involve and empower local stakeholders in conservation initiatives. Lastly, a comparative analysis of wildlife crime trends and enforcement strategies across different states and regions within India could provide insights into the effectiveness of various approaches and highlight best practices that can be adopted on a broader scale. Overall, these potential research avenues have the potential to contribute significantly to the ongoing efforts to combat wildlife crime and promote sustainable biodiversity conservation in India.

References

- ❖ Ceballos G, Ehrlich PR, Dirzo R. Biological annihilation via the ongoing sixth mass extinction signaled by vertebrate population losses and declines. *Proc Natl Acad Sci USA*. 2017;114:E6089–E6096.
- ❖ Karanth KK, Nichols JD, Karanth KU, Hines JE, Christensen NL., Jr The shrinking ark: patterns of large mammal extinctions in India. *Proc Biol Sci*. 2010;277:1690..
- ❖ Bureau NCR (2014–2021) Crime in India. GoI Ministry of Home Affairs, ed. (National Crime Records Bureau, Ministry of Home Affairs, Government of India
- ❖ Vu HND, Nielsen MR. Understanding utilitarian and hedonic values determining the demand for rhino horn in Vietnam. *Hum Dimens Wildl*. 2018;23(5):417–432.
- ❖ Lim PHC. Asian herbals and aphrodisiacs used for managing ED. *Transl Androl Urol*. 2017;6(2):167–175.
- ❖ Tang Z, Huang SQ, Liu JT, Jiang GX, Wang CM. Anti-angiogenic activity of gecko aqueous extracts and its macromolecular components in CAM and HUVE-12 cells. *Asian Pac J Cancer Prev*. 2015;16(5):2081–2086.

- ❖ Barabanov VM, Gulimova VI, Berdiev RK, Saveliev SV. Individual features of play behavior in thick-toed geckos in weightlessness and normal gravity conditions. *Life Sci Space Res (Amst)* 2019;22:38–46.
- ❖ Singh A, Ghosh A, Dolker S, Chinnadurai V, Sharma LK, Chandra K, Thakur M. Species identification from seized animal oil: a case study of suspected Gangetic dolphin (*Platanista gangetica*) *Int J Legal Med.* 2021;135(4):1413–1416.
- ❖ Gulati S, Karanth KK, Le NA, Noack F. Human casualties are the dominant cost of human-wildlife conflict in India. *Proc Natl Acad Sci USA.* 2021;118:8.
- ❖ Dhamorikar AH, Mehta P, Bargali H, Gore K. Characteristics of human - sloth bear (*Melursus ursinus*) encounters and the resulting human casualties in the Kanha-Pench corridor, Madhya Pradesh, India. *PLoS ONE.* 2017;12:e0176612.
- ❖ Carroll C, Noss RF. How percentage-protected targets can support positive biodiversity outcomes. *Conserv Biol.* 2021;36:e13869.

- ❖ <https://www.unodc.org/southasia/frontpage/2012/june/our-endangered-wildlife-a-cause-for-concern.html>
- ❖ Wildlife Protection Act, 1972 (and subsequent amendments)
- ❖ Wildlife Crime Control Bureau (WCCB) - Official website: www.wccb.gov.in
- ❖ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) - Official website: www.cites.org
- ❖ Traffic - Wildlife trade monitoring network: www.traffic.org
- ❖ World Wildlife Fund (WWF) India - Official website: www.wwfindia.org
- ❖ Centre for Wildlife Studies (CWS) - Official website: www.cwsindia.org
- ❖ Indian Council of Forestry Research and Education (ICFRE) - Official website: www.icfre.org
- ❖ Ministry of Environment, Forest and Climate Change, Government of India - Official website: www.moef.gov.in