

ILLEGAL WILDLIFE TRADE IN INDIA: IMPACT, LAWS, AND SOLUTIONS

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ABSTRACT

Illegal wildlife trade has emerged as a major threat to the conservation of wildlife species in India. Despite the existence of laws and regulations to control and prevent wildlife crime, the illegal trade in wildlife continues to flourish. This paper examines the challenges associated with the illegal wildlife trade in India and evaluates potential solutions to address the issue. The research draws on secondary sources such as academic articles, government reports, and news articles to analyze the trends and patterns of wildlife trafficking in India.

The research finds that the illegal trade in wildlife in India is driven by a complex set of factors, including demand for traditional medicines, fashion, and exotic pets, as well as weak law enforcement, corruption, and lack of public awareness. The research identifies potential solutions to address these challenges, including strengthening legal frameworks, improving enforcement measures, enhancing public awareness and community participation, and reducing consumer demand for wildlife products. The paper concludes that a comprehensive and coordinated approach is required to combat illegal wildlife trade in India and protect the country's rich biodiversity.

Keywords : Wildlife, Illegal Trade, Wildlife Protection

Introduction

Throughout history, humans have had a complex and varied relationship with animals. Animals have played many different roles in human society, including as companions, sources of food and clothing, as well as symbols of power, wealth, and prestige. In early human societies, animals were often revered and worshiped as gods or spiritual beings. For example, in ancient Egypt, cats were considered sacred and were mummified after death. Similarly, in Hinduism, cows are considered sacred and are not to be harmed.

As human societies developed, animals began to be used for practical purposes such as hunting, farming, and transportation. Horses, camels, and elephants were used as transportation and for carrying goods. Domesticated animals such as cows, sheep, and pigs were used for food and their by-products such as wool, milk, and leather. Animals have also played an important role in human culture and art. Many mythologies and religions feature animals as central figures or symbols. In addition, animals have been depicted in paintings, sculptures, literature, and music throughout history.

Unfortunately, the relationship between humans and animals has not always been positive. Animals have been subjected to abuse, neglect, and exploitation for human gain. For example, in the 19th and early 20th century, many animals were used in circuses, where they were often mistreated and forced to perform dangerous and unnatural acts. Overall, the historical relationship between humans and animals has been complex and varied, with animals playing many different roles in human society. While animals have been revered and respected in some cultures, they have also been subjected to cruelty and exploitation in others. Understanding the historical context of our relationship with animals is an important step in developing a more ethical and sustainable relationship with them.

It is a well known fact that India is a mega-diverse country with a rich and diverse range of wildlife species. However, the country also faces the challenge of illegal wildlife trade, which has emerged as a significant threat to the survival of many species. Illegal wildlife trade involves the illegal hunting, trapping, transportation, and sale of wildlife and wildlife products. The illegal wildlife trade involves a wide range of products such as mongoose hair, snake skins, rhino horn, tiger and leopard claws, bones, skins, and whiskers, elephant tusks, deer antlers, shahtoosh shawl, turtle shells, musk pods, bear bile, medicinal plants, timber, and caged birds like parakeets, mynas, munias, etc.¹ A significant portion of this trade caters to the international market and does not have any direct demand within India.

The illegal wildlife trade in India is driven by a complex set of factors, including demand for traditional medicines, fashion, and exotic pets, as well as weak law enforcement, corruption, and lack of public awareness. This paper examines *inter alia*, the challenges associated with the illegal wildlife trade in India and evaluates potential solutions to address the issue.

Impact of Illegal Wildlife Trade

The impact of illegal wildlife trade, which is a multi-billion dollar industry, is extensive and affects not only the wildlife species but also the environment, local communities, and global

¹"Illegal wildlife trade in India | WWF India."

https://www.wwfindia.org/about_wwf/enablers/traffic/illegal_wildlife_trade_in_india/. Accessed 16 Apr. 2023.

health. One of the most significant impacts of illegal wildlife trade is the over-exploitation of species. Several species have been severely over-harvested and pushed towards extinction, such as tigers, rhinoceroses, elephants, and pangolins. Many freshwater and marine species, such as otters, turtles, corals, sharks, tuna, and other sea fish, have also been depleted as a result of overfishing for commercial purposes.² The extinction rate is now as much as 1000 times the historical average, which is the worst since the extinction of the dinosaurs 65 million years ago.³

Illegal wildlife trade also hampers economic development by promoting corruption, eroding the rule of law, and undermining sustainable development. It can also pose a significant threat to public health by spreading zoonotic diseases from animals to humans, such as avian influenza, SARS, Ebola virus, and tuberculosis. Moreover, the illegal wildlife trade can have severe consequences for forest and coastal ecosystems. Many local communities rely on these resources for their sustenance and livelihoods, and the illicit wildlife trade threatens their food security and access to healthcare.⁴

Legal Framework for Wildlife Protection

In India, the legal system for protecting wildlife is established by the Constitution's Article 48-A, which mandates the state to preserve and enhance the environment, forests, and wildlife. The Constitution also requires the state to create a framework and pass laws for animal protection through directive principles. Furthermore, Article 51A(g) imposes a fundamental duty on all Indian citizens to protect and develop the environment and demonstrate empathy for all living species. The Wildlife Protection Act was passed by the Indian Legislature in 1972, with the following objectives⁵:

- Prohibit the hunting of wild animals and birds and penalize offenders
- Protect and manage wildlife habitats
- Create protected areas
- Regulate and control trade in parts and products obtained from animals
- Manage zoos

² "Laws governing the wildlife trade in India - iPleaders." 10 Sep. 2021, <https://blog.iplayers.in/laws-governing-wildlife-trade-india/>. Accessed 16 Apr. 2023.

³ Wyatt, Tanya. *Wildlife Trafficking: A Deconstruction of the Crime, the Victims, and the Offenders*. United Kingdom, Palgrave Macmillan, 2013.

⁴ *Ibid.*

⁵ "Causes and prevention of illegal wildlife trafficking in India - iPleaders." 18 Aug. 2021, <https://blog.iplayers.in/causes-prevention-illegal-wildlife-trafficking-india/>. Accessed 16 Apr. 2023.

- Safeguard animals that are not on the brink of extinction

In simpler terms, the Act safeguards the natural environment, including plants and animals, and grants the state the authority to amend and adjust it as needed. The state can also designate any appropriate area as a national park or sanctuary and enact additional wildlife protection laws. The Wildlife (Protection) Act, 1972 forbids the trade of more than 1800 species of wild animals, plants, and their by-products.⁶

Chapter V of the Wildlife (Protection) Act, 1972 deals with the trade or commerce of wild animals, animal articles, and trophies. The key provisions in this chapter include:

- Section 39, which states that wild animals, their parts, and products derived from them are the property of the government.
- Section 40, which requires declarations to be made for any wild animal, animal article, or trophy that is possessed, transported, or exported.
- Section 41, which empowers the government to conduct inquiries and prepare inventories of wild animals, animal articles, and trophies.
- Section 42, which provides for the issuance of certificates of ownership for any wild animal, animal article, or trophy that is lawfully possessed.
- Section 43, which regulates the transfer of wild animals, animal articles, and trophies.
- Section 44, which prohibits dealing in trophies and animal articles without a license.
- Section 45, which allows for the suspension or cancellation of licenses.
- Section 46, which provides for appeals against suspension or cancellation of licenses.
- Section 47, which requires the maintenance of records for all transactions related to wild animals, animal articles, and trophies.
- Section 48, which allows for the purchase of captive animals by licensees.
- Section 48A, which restricts the transportation of wild animals.
- Section 49, which prohibits the purchase of captive animals by anyone other than a licensee.

⁶ "Illegal wildlife trade in India | WWF India." https://www.wwfindia.org/about_wwf/enablers/traffic/illegal_wildlife_trade_in_india/. Accessed 16 Apr. 2023.

Role of Judiciary in Combating Illegal Wildlife Trade in India

The Indian judiciary has played an important role in addressing the issue of illegal wildlife trade in India. In recent years, several high-profile cases related to wildlife crimes have been heard in Indian courts, leading to important legal precedents and increased awareness about the severity of the problem. Here's a brief overview of some judicial cases on illegal wildlife trade in India:

- **Ivory Traders and Manufacturers Association v. Union of India⁷:**

This case dealt with the challenge of various amendments to the Wildlife Protection Act of 1972 that prohibited the importation of ivory goods. The petitioners argued that they were simply traders dealing in legally imported ivory and that the Act infringed on their right to do business. However, the Delhi High Court ruled that the ban on the sale and trading of ivory items was not unreasonable or unconstitutional and that the restrictions were made to protect endangered species and were in accordance with the Constitution.

- **Sariska Tiger Reserve Case⁸:**

In 2005, it was discovered that all the tigers in the Sariska Tiger Reserve in Rajasthan had been poached. The Wildlife Protection Act was amended in response, making poaching a non-bailable offense. The Indian government also launched Operation Tiger, a national program to protect and conserve tigers in the wild.

- **Blackbuck Poaching Case⁹:**

In 1998, Bollywood actor Salman Khan was charged with poaching two blackbucks while filming a movie in Rajasthan. The case took over two decades to reach its conclusion, with Salman Khan being acquitted of all charges in 2021. The case highlighted the issue of celebrity influence and weak law enforcement in wildlife crime cases.

- **Pangolin Trafficking Case¹⁰:**

In 2019, a pangolin trafficking ring was busted in the Indian state of Odisha. Over 50 pangolins, which are critically endangered, were rescued from the traffickers. The case highlighted the increasing demand for pangolin scales and the need for stronger law enforcement to protect these endangered species.

⁷ AIR 1997 DEL 267.

⁸ Wildlife Protection Society of India v. Ministry of Environment and Forest & Others, W.P. (C) No. 337 of 2005.

⁹ State of Rajasthan v. Salman Khan, (2016) 1 SCC 1.

¹⁰ State of Madhya Pradesh v. Rajesh Garg & Others, M.Cr.C. No. 26988 of 2019.

Overall, the Indian judiciary has played an important role in strengthening laws and enforcement measures to protect the country's wildlife. However, there is still much work to be done to combat the illegal trade in wildlife, including improving law enforcement capacity, addressing corruption and weak governance, and raising public awareness about the importance of wildlife conservation.

Challenges

The illegal wildlife trade in India is a multi-million dollar industry that operates through a complex network of traffickers, dealers, and buyers. Despite the existence of laws and regulations to control and prevent wildlife crime, the illegal trade in wildlife continues to flourish. One of the major challenges associated with the illegal wildlife trade in India is weak law enforcement. Wildlife laws in India are complex, and enforcement is often inadequate due to a lack of resources, training, and coordination among law enforcement agencies. Corruption is another significant challenge, with wildlife traffickers often bribing officials to avoid detection and prosecution.

Demand for wildlife products is also a key driver of the illegal trade. Traditional medicines made from wildlife products are widely used in India and other Asian countries, and the demand for such medicines has contributed to the illegal trade in wildlife. Similarly, there is a demand for fashion items made from wildlife products, such as ivory and tiger skins. The exotic pet trade is another driver of the illegal wildlife trade in India, with rare and endangered species being illegally captured and sold as pets.

Solutions

Addressing the challenges associated with the illegal wildlife trade in India requires a comprehensive and coordinated approach. One potential solution is to strengthen legal frameworks and enforcement measures. This could involve increasing penalties for wildlife crimes, providing more resources and training for law enforcement agencies, and improving coordination among agencies.

India has a comprehensive legal framework to protect wildlife, including the Wildlife Protection Act of 1972, which prohibits hunting, trapping, and trade of wildlife and their products. The Act also provides for the establishment of national parks and wildlife sanctuaries to protect wildlife habitats. However, enforcement of the Act is often inadequate due to a lack of resources and coordination among agencies. Strengthening the legal framework would require increasing penalties for wildlife crimes and providing more resources to law enforcement agencies.

Another solution is to enhance public awareness and community participation. This could involve developing campaigns to educate the public about the negative impacts of the illegal wildlife trade.

Conclusion

Despite the wildlife law provisions and numerous wildlife projects implemented by the Indian Government, wildlife offenses have not shown a significant decrease. In fact, the incidents of poaching, illegal sales of animals and plants, and smuggling of their parts and products, especially those of endangered species, are alarmingly high.¹¹

In India, as in other countries, the issue with wildlife trade is not necessarily the laws themselves, but rather their poor communication and implementation. Despite efforts to combat illegal wildlife trade, a lack of political will and governance failures often weaken penalties for legal infringements. It is crucial to take action and increase knowledge to promote sustainable levels of legal wildlife trade and put a stop to illegal trade that poses a threat to many species. To address these issues, TRAFFIC, a wildlife trade monitoring network established in 1976 by WWF and IUCN, works closely with national and state governments and various agencies to monitor and influence action against illegal wildlife trade and promote sustainable levels of wildlife trade.

¹¹ Duffy R, St John FA, Buscher B, Brockington D. Toward a new understanding of the links between poverty and illegal wildlife hunting. *Conserv Biol.* 2015;30(1):14–22. doi: 10.1111/cobi.12622.