

Wildlife Conservation and Protection by instrumentality of Law: India Chapter

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Abstract

Wild lives are our resource, a part of environment and biological diversity. Constitution of India mandates the obligation of State and individuals for protection and conservation of wild animals. Being a member of international community, international law also imposes obligation on India on the matter. The study found that India accepted most of the recognized norms of International Environmental Law because of judicial interpretation of different Constitutional provisions. It is also found that India has a well-codified environmental jurisprudence in particular to wild life protection and supplemented by active and vigilant higher judiciary. There are many grey areas in implementation of legislations concerning wildlife and consequently it brings a setback to entire mechanism of protection and conservation agenda.

Keywords: Constitution of India, environmental jurisprudence, higher judiciary, implementation, international environmental law and protection of wildlife

Introduction

India is the home of diverse varieties of wild flora and fauna. It is estimated that there are about 75,000 species of animals, of which 340 species are mammals, 1200 birds, 420 reptiles, 140 amphibians, 2000 fishes, 50,000 insects, 4000 molluscs and several other species of vertebrates. In this regard, Tripathi^[1] rightly remarked that the enormous and continuous decline of wild animals and birds in the context of India has been a cause of grave concern. Notably, some wild animals and birds in India already have vanished and others are in the danger of being so. The known paradise of the wild life is being eroded mainly due to human encroachment.

It is a fact that many people are under the impression that India does not have strong wildlife conservation laws. On the contrary, we have some of the most stringent legislations to protect wildlife and habitats. It is imperative that all conservationists familiarize themselves with these laws, so that they can contribute effectively.

Methods and materials

The researcher adopted collaborative legal research methodology in particular its doctrinal and empirical components. In order to undertake this academic exercise, the researcher formulate

research problems concerning area of fundamental important of protection and conservation of wild life resources of India by applying case study and analytical legal method of thought process after brief review of literature in the field. Primary sources like case law, legal documents, conference proceedings and secondary sources like commentary by authoritative experts and juristic writings are used in the process. And finally, come to generalization and interpretation of the study by tools of legal reasoning through induction, deduction and analogy.

Result and discussion

A brief commentary on the result of this academic exercise is sufficed as separate headings and sub-headings and analytical discussion of the matter as follows:

Need for Conservation

The gradual emergence of the human beings as the most dominant species among all other species of animals and the attempt of the human beings to set them apart from other species is the main underlying cause of the contemporary environmental disaster. The main reason behind a threat to the wildlife and the ecosystem is the constantly growing deforestation, poaching and negligence towards animals and nature.

At the present estimate, 81 species of mammals, 38 species of birds, 18 species of amphibians and reptiles considered to be endangered in India. The tiger is the largest living member of the cat family, followed by the lion and the leopard. Habitat destruction and poaching brought about a sharp decline in their number and the national census of tigers in 1972 recorded that there were just 1827 of them in our country.^[2]

Constitutional provision concerning wild life

India also accepted most of the international norms on International Environmental Law as mandated by Constitution of India.

The Indian Constitution is amongst the few in the world that contains specific provisions on environmental protection particularly on wild life protection. The judicial interpretation has strengthened the Constitutional mandate. Under Article 48A as inserted by the 42nd Amendment, the State is put under an obligation to endeavor to protect and improve the environment and to safeguard the forests and wild life in the country. Part IV –A dealing with “Fundamental Duties” under the Constitution vide Article 51A (g) imposes a duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures. By virtue of the 42nd Amendment Act in 1976 moved wild life and forests from the State List of the Constitution (VII Schedule) to the Concurrent List.

International Law obligations and India

By virtue of Constitutional provisions India has an obligation to enact law and comply with those treaties which it has ratified in domestic level unless treaty directly conflict with domestic law. The following table highlighted important treaties and soft laws which impose obligation on India under international law concerning protection and conservation of wild life:

Table 1 Important International Treaties and soft law which cast legal obligation on India concerning protection and conservation of wildlife

Sl. No.	Title	Year of adoption
Treaty		
1.	Paris International Convention for the Protection of Birds	1950
2.	Ramsar Conventions on Wetlands of International Importance, especially as Waterfowl Habitat	1971
3.	Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora	1973
4.	Bonn Convention on Conservation of Migratory Species of Wild Animals	1979
5.	UN Convention on the Law of the Sea	1982
6.	Convention on Biological Diversity (Rio de Janeiro)	1992
Soft law		
7.	Stockholm Declaration on Human Environment	1972
8.	Nairobi Declaration on Human Environment	1980
9.	UN GA Resolution 37/7 World Charter for Nature	1982
10.	Rio Declaration on Environment and Development	1992
11.	Statement of Principles on the Management, Conservation and Sustainable Development of all types of Forests	1992
12.	Report of the Expert Group Meeting on Identification of Principles of International Law for Sustainable Development	1995
13.	UN GA Resolution 55/2 UN Millennium Declaration	2000
14.	Johannesburg Declaration on Sustainable Development	2002
15.	UN GA Resolution 2030 Agenda for Sustainable Development	2015

(Compile by Author)

Wild life laws in India: brief overview of historical development and present

The wild life law have a long history and is the culminate result of an increasing awareness of the compelling need to restore the catastrophic ecological imbalances introduced by the depredations inflicted on nature by human being. Tripathi traced the evolution of this branch of environmental law in the country.^[1] The earliest codified law can be traced to 3rd Century B.C.

when Ashoka, the King of Maghadha, enacted a law in the matter of preservation of wild life and environment. But, the first codified law in India which heralded the era of laws for the wild life and protection was enacted in the year 1887 by the British and was titled as the Wild Birds Protection Act, 1887. This Act enabled the then Government to frame rules prohibiting the possession or sale of any kinds of specified wild birds, which have been killed or taken during the breeding season. Again the British Government in the year 1912 passed the Wild Birds and Animals Protection Act, 1912 (8 of 1912) as the Act of 1887 proved to be inadequate for the protection of wild birds and animals. The Act of 1912 was amended in the year 1935 by the Wild Birds and Animals Protection (Amendment) Act, 1935.

After the Second World War the freedom struggle for India started taking its shape and wild life was relegated to the background. But after independence, the Constituent Assembly in the Draft Constitution placed "Protection of Wild Birds and Wild Animals" at entry No.20 in the State List and the State Legislature has been given power to legislate.

It was not till late 1960's that the concern for the depleting wild finally aroused. The first comprehensive legislation relating to protection of wild life was passed by the Parliament and it was assented by the President on 9th September, 1972 and came to be known as The Wild Life (Protection) Act, 1972.

Besides WPA; the Indian Penal Code, 1860; the Code of Criminal Procedure, 1973; Customs Act, 1962; Indian Forest Act, 1927; Forest Conservation Act, 1981; Prevention of Cruelty to Animals Act, 1960 are some of the important weapons available for check and control of wildlife offences including trade.

Wild Life Protection Act, 1972

Wild Life Protection Act (WPA), 1972 provides the legal framework for safeguarding the wild animals, plants, and their habitats. The Act adopts a two pronged conservation strategy; specified endangered species are protected regardless of location, and all species are protected in designated areas to be called National Parks and Sanctuaries. While the act clearly defines hunting it also prohibits the usage, supply etc. of animal articles, Animal article means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal has been used and ivory imported into India.

The Act is an important statute that provides a powerful legal framework for: Prohibition of hunting, Protection and management of wildlife habitats, Establishment of protected areas, Regulation and control of trade in parts and products derived from wildlife and Management of zoos. Moreover, the Act also provides for several categories of Protected Areas/Reserves, viz. National Parks, Wildlife Sanctuaries, Tiger Reserves, Conservation Reserves, and Community Reserves.

National parks and Tiger Reserves are by law more strictly protected, allowing virtually no human activity except that which is in the interest of wildlife conservation. Grazing and private tenurial rights are disallowed in National Parks but can be allowed in sanctuaries at the discretion

of the Chief Wildlife Warden. The amended Act does not allow for any commercial exploitation of forest produce in both national parks and wildlife sanctuaries, and local communities can collect forest produce only for their bona fide needs. ^[3] Under the scheme of the Act no wild mammal, bird, amphibian, reptile, fish, crustacean, insects, or coelenterates listed in four Schedules of the Act can be hunted either within or outside protected areas. On conviction, the penalty for hunting is imprisonment for a period ranging from a minimum of three to a maximum of seven years with fines not less than 10,000 rupees.

Community reserves and conservation reserves are two new categories of protected areas that have been included under the Act. These two categories provide a greater role for local communities, stakeholders and civil society as well as the opportunity to protect many areas of conservation value that cannot be designated under strict categories such as wildlife sanctuaries or national parks. In addition, the Act also prohibits the destruction or diversion of wildlife and its habitat by any method unless it is for improvement or better management and this is decided by the state government in consultation with the National and State Boards for Wildlife.

It is also pertinent to mention that the Act contains elaborate procedures for dealing with legal rights in proposed protected areas and acquisition of any land or interest under this law is deemed as an acquisition for a public purpose. However, with the enactment of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, compliance of various provisions relating to tenurial and community rights must be ensured.

Apart from protected area establishment, other important aspects of the WLPA include procedures for the appointment of state wildlife authorities and wildlife boards, the regulation of trade in wildlife products and the prevention, detection and punishment of violations of the Act. Moreover, the 2006 amendment introduced a new chapter (IV B) for establishment of the National Tiger Conservation Authority and notification of Tiger Reserves (before this amendment, Tiger Reserves were not defined under the law, but were merely administrative designations to enable funding under Project Tiger).

The Wildlife Crime Control Bureau (WCCB) was constituted vide the 2006 amendment to monitor and control the illegal trade in wildlife products. WCCB would complement the efforts of the state governments, primary enforcers of the Wildlife (Protection) Act, 1972 and other enforcement agencies of the country. The Bureau is headed by a Senior Police Officer, and the organization achieved substantial progress in the subject assigned to it. WCCB is also partnering with UN University and CIESIN-Earth Institute at Columbia University through the Wildlife Enforcement Monitoring System Initiative.

The Act also provides for investigation and prosecution of offences in a court of law by authorized officers of the forest department and police officers. Section 9 of the Act prohibits hunting of wild animals and birds specified in Schedule I, II, and III and IV, except as provided under Sections XI and XII. This classification has been made keeping in mind the significance and population of wildlife. Those highly threatened find a place in Schedule I. As of punishment for offences, Section 51 of the Act prescribes a maximum imprisonment of six years, Rs 25,000 fine or both for hunting animals and birds specified on Schedule I.

Indian Forest Act, 1927

The main objective of the Indian Forest Act (1927) was to secure exclusive state control over forests to meet the demand for timber. Most of these untitled lands had traditionally belonged to the forest dwelling communities. The Act defined state ownership, regulated its use, and appropriated the power to substitute or extinguish customary rights. The Act facilitates three categories of forests, viz. Reserved forests, Village forests and Protected forests.

Reserved forests are the most protected within these categories. No rights can be acquired in reserved forests except by succession or under a grant or contract with the government. Felling trees, grazing cattle, removing forest products, quarrying, fishing, and hunting are punishable with a fine or imprisonment. Although the Indian Forest Act is a federal act, many states have enacted similar forest acts but with some modifications.

The Forest Conservation Act (1980)

Deforestation causes ecological imbalance and leads to environmental deterioration. Deforestation had been taking place on a large scale in the country and it had caused wide spread concern. In order to check rapid deforestation in the name of agriculture and other development projects (allowed under the Indian Forest Act) the Forest Conservation Act in 1980 with an amendment in 1988 was enacted. The Act made the prior approval of the federal government necessary for de-reservation of reserved forests, logging and for use of forestland for non- forest purposes.

This powerful legislation has, to a large extent, curtailed the indiscriminate logging and release of forestland for non-forestry purposes by state governments. While the federal government imposed such strict restrictions, it did not simultaneously evolve a mechanism to compensate state governments for loss of timber logging revenues. This anomaly coupled with increasing pressure for land due to a burgeoning population has generated considerable resentment within state governments resulting in growing pressure to dilute the restrictive provisions of the Act. The Supreme Court of India has currently imposed a complete ban on the release of forestland for non-forestry activities without the prior approval of the federal government.

The Environment (Protection) Act, 1986

Undoubtedly, the Act has important constitutional implications with an international flavor. The concept behind this Act is borrowed from the proclamation adopted by the UN Conference on the Human Environment held at Stockholm in 1972.

The Environment Protection Act is an important legislation that provides for coordination of activities of the various regulatory agencies, creation of authorities with adequate powers for environmental protection, regulation of the discharge of environmental pollutants, handling of hazardous substances, etc. The Act provided an opportunity to extend legal protection to non-forest habitats ('Ecologically Sensitive Areas') such as grasslands, wetlands and coastal zones.

The Biological Diversity Act, 2002

India is a party to the United Nations Convention on Biological Diversity of 1992. The provisions of the Biological Diversity Act are in addition to and not in derogation of the provisions in any other law relating to forests or wildlife. In this regard, Myneni rightly summed up that the objects of the Act are conservation of biological diversity; sustainable uses of its components, and fair and equitable sharing of benefits arising out of utilization of genetic resources.^[4]

National Zoo Policy, 1998

The growing awareness for natural and wild life conservation has made zoos as popular institutions. Today when wild habitats are under severe pressure and a large number of species of wild fauna have become endangered, the zoos have not only to sustain their own populations but also augment the depleting populations of endangered species in the wild. The main objective of the zoos is to complement and strengthen the national efforts in conservation of the rich biodiversity of the country, particularly the wild fauna.^[5]

National Wildlife Action Plan (2002-2016)

The plan replaces the earlier Plan adopted in 1983 and was introduced in response to the need for a change in priorities given the increased commercial use of natural resources, continued growth of human and livestock populations, and changes in consumption patterns.

The Plan most closely represents an actual policy on protection of wildlife. It focuses on strengthening and enhancing the protected area network, on the conservation of endangered wildlife and their habitats, on controlling trade in wildlife products and on research, education, and training.

The Plan endorses two new protected area categories: “conservation reserves,” referring to corridors connecting protected areas, and “community reserves”, which will allow greater participation of local communities in protected area management through traditional or cultural conservation practices. These new categories of protected areas are likely to bring in corridor areas under protection. The Plan contains various recommendations to address the needs of local communities living outside protected areas and outlines the need for voluntary relocation and rehabilitation of villages within protected areas. The Plan recognizes the need to reduce human-wildlife conflict and emphasizes the establishment of effective compensation mechanisms. It includes the restoration of degraded habitats outside protected areas as a key objective.

National Forest Policy (1998)

The National Forest Policy, 1988, (NFP) is primarily concerned with the sustainable use and conservation of forests, and further strengthens the Forest Conservation Act (1980). It marked a significant departure from earlier forest policies, which gave primacy to meeting government interests and industrial requirements for forest products at the expense of local subsistence

requirements. The NFP prioritizes the maintenance of ecological balance through the conservation of biological diversity, soil and water management, increase of tree cover, efficient use of forest produce, substitution of wood, and ensuring peoples' involvement in achieving these objectives. It also includes meeting the natural resource requirements of rural communities as a major objective. The NFP legitimizes the customary rights and concessions of communities living in and around forests, stating that the domestic requirements of the rural poor should take precedence over industrial and commercial demands for forest products.

Wild life conservation strategy (2002)

The Central Government has adopted a new strategy for conservation and protection of the wild life of the country. The highlights of the Strategy, 2002 are briefly summed up by Tiwari ^[6] as under:-

- 1) Wild life to be declared priority sector
- 2) Deterrent punishment for forest offender
- 3) Tourism – protect adverse impact in wild life
- 4) Interest of tribal and poor to be protected
- 5) Protection against traditional threats to wild life
- 6) Role of NGOs
- 7) Creative programmes on wild life
- 8) Prohibition on diversion of forest land
- 9) Notification as to eco-fragile zones
- 10) Illegal activities prohibited in protected areas
- 11) Commercial activities prohibited
- 12) No right lie in respect of wild life habitat
- 13) Vacant posts to be filled immediately
- 14) Management of protected areas
- 15) Setting up of Forest Commission
- 16) Setting up of working group

Other institutions as a partner for wild life protection and conservation

The Wildlife Institute of India (WII) is an autonomous institution under the Ministry of Environment and Forests, Government of India. WII carries out wildlife research in areas of study like Biodiversity, Endangered Species, Wildlife Policy, Wildlife Management, Wildlife Forensics, Spatial Modeling, Eco-development, and Climate Change. WII has a research facility which includes Forensics, Remote Sensing and GIS, Laboratory, Herbarium, and an Electronic Library. ^[8] Trained personnel from WII have contributed in studying and protecting wildlife in India. WII has also popularized wildlife studies and careers. The institute is based in Dehradun, India.

The Indian Council of Forestry Research and Education also runs the Forest Research Institute and the Indian Institute of Forest Management.

The Wildlife Protection Society Of India (WPSI) was founded in 1994 by Belinda Wright, its Executive Director, who was an award-winning wildlife photographer and filmmaker till she took up the cause of conservation.^[8] From its inception, WPSI's main aim has been to bring a new focus to the daunting task of tackling India's growing wildlife crisis. It does this by providing support and information to government authorities to combat poaching and the escalating illegal wildlife trade - particularly in wild tigers. It has now broadened its focus to deal with human-animal conflicts and provide support for research projects. With a team of committed environmentalists, WPSI is one of the most respected and effective wildlife conservation organizations in India. It is a registered non-profit organization, funded by a wide range of Indian and international donors. The Society's Board Members include leading conservationists and business people.^[9]

The WPSI works with government law enforcement agencies throughout India to apprehend tiger poachers and traders in tiger parts. WPSI also makes every effort to investigate and verify any seizure of tiger parts and unnatural tiger deaths that are brought to their notice. WPSI maintains a network of undercover agents and informants who gather intelligence on the illegal trade in endangered species.

In November, 2008, in one notable case, the notorious tiger poacher, "Dariya", was arrested by the Katni Forest Department, with information and assistance provided by Wildlife Protection Society of India.^[10] The WPSI Wildlife Crime Database has records of over 15,300 wildlife crimes involving more than 400 species that are targeted by wildlife traders and poachers. Data on wildlife crimes is received and processed daily with specially developed computer software. Important leads are verified and passed on to enforcement authorities for further action. In 2008 WPSI significantly expanded their database on tiger poaching and trade and related wildlife crimes. This data assists enforcement agencies in detecting wildlife crime and aids the apprehension and prosecution of criminals.

WPSI is actively involved in all of India's major wildlife conservation issues and have been in the forefront of media campaigns to highlight the importance of wildlife protection. The Society published many handbook and action oriented books in national and regional languages also. They have produced documentary films including like Bones of Contention (a short film documenting the crises faced by wild tigers in India as a result of poaching and the illegal trade in tiger parts.), Birds of the Indian Monsoon (a 45 minute film on the lives of Kepladeo Sanctuary's birds), The Killing Fields: Orissa's Appalling Turtle Crisis (a documentary on the mass slaughter of Olive Ridley sea turtles along the coast of Orissa) and "...And Then There Were None" (a short documentary film which investigates the rampant poaching of otters in India).

The Wildlife Trust of India, (WTI) is a national conservation organization committed to effective action for the protection of India's natural heritage. Our principal objectives include managing or preventing wildlife crises and mitigating threats to individual wild animals, their populations and habitats through holistic strategies and practical interventions.^[11] WTI was formed in November 1998 in response to the rapidly deteriorating condition of wildlife in India. WTI is a registered charity in India (under Section 12A of the Income Tax Act, 1961).

Within just over a decade, WTI has secured numerous victories and milestones for wildlife in India including: - securing habitats and establishing contiguous forests; - changing public perceptions and attitude through effective campaigning; - promoting individual animal welfare in conservation and pioneering systematic wildlife rehabilitation techniques; - countering wildlife offences through undercover operations and legal assistance; - training and equipping frontline forest staff and helping build their morale; - carrying out field research to identify threats, develop and implement conservation strategies for lesser studied animals and ignored habitats; - advocacy for proactive reforms to create an atmosphere conducive to conservation; - promoting alternative livelihoods to minimize human dependence on forests resources and a lot more.

WTI currently focuses its resources on six priority landscapes – northeast India, western Himalayas, terai, southern Ghats system, central India and marine. These landscapes notwithstanding, we have and will continue to provide aid and assistance to wildlife in need in any part of India, either through direct intervention or by supporting initiatives of like-minded individuals or institutions.

WTI currently runs 12 Depth Projects that holistically address multiple conservation hurdles specific to an area through a multi-pronged approach. These projects, most often than not incorporate more than one of WTI's Big Ideas into their goals and generally last multiple years. The Breadth Projects are those that address specific conservation issues that may not be limited in time and space in the country. These projects most often than not address only one of WTI's priorities. These include capacity building of frontline staff, prevention of wild animal (particularly elephant) death due to train hits, Rapid Action Project aid to grassroots NGOs and individuals among others.

That began as a three-member team in a small room in south Delhi in 1998, is today a family of about 150 professionals from diverse backgrounds - conservation biologists, scientists, sociologists, wildlife veterinarians, managers, lawyers, finance experts and communication specialists - but committed to the common cause of wildlife. They are based in any of the 15 field stations in remote parts of the country and a central coordinating office in the national capital region. An eight-member Executive Management Team comprising experienced conservationists, scientists, managers and bureaucrats provide a visionary leadership to the vibrant and enthusiastic WTI team. The Board of Trustees of WTI comprises nine stalwarts who bring together a collective experience of at least 300 years in the field of conservation, education and management.

WWF-India is the Indian part of the WWF. It has an autonomous office, with the Secretariat based in New Delhi and various State, Divisional and Project offices spread across India. It is the largest organization engaged in wildlife and nature conservation in the country. Established as a Charitable Trust in 1969, it has massed over three decades of experience in the field. Having started with modest beginnings, the organization has come a long way helped by the efforts of its founders and associates who volunteered their efforts to lend momentum to this movement in its initial years.

WWF-India today is engaged in many activities for protection and conservation of the environment in the Indian context. Climate Change and Energy Conservation are among the

chief areas of concern. The Forest and Biodiversity Conservation Division strives to promote and enhance conservation of forest ecosystems through a participatory approach involving key stakeholders in India. Through its Environment Education Program, it aims at strengthening individual and institutional capacity in nature conservation and environmental protection through widespread education and awareness.

It is also worth to mention that Project Tiger- an initiative by the Government has been launched on April 1, 1973, has become one of the most successful conservation ventures in modern history. The project aims at tiger conservation in specially constituted 'tiger reserves' which are representative of various bio-geographical regions falling within India. It strives to maintain a viable tiger population in their natural environment. Today, there are 27 Project Tiger wildlife reserves in India covering an area of 37,761 km. Under the project, a 2008 census held by Government of India revealed that the tiger population had dropped to 1,411. Since then the government has pledged US\$153 million to further fund the project, set-up a Tiger Protection Force to combat poachers, and fund the relocation of up to 200,000 villagers to minimize human-tiger interaction. Side by side, Project Elephant, though less known, started in 1992 and works for elephant protection in India.

Environmental Jurisprudence on wild life protection and conservation in India

India also accepted most of the international norms on International Environmental Law as mandated by Constitution of India. The Indian Constitution is amongst the few in the world that contains specific provisions on environmental protection. The judicial interpretation has strengthened the Constitutional mandate. Notable amongst the fundamental norms recognized by the courts as summed up by Divan and Rosencrany^[12] which are law of land are:

1. Every person enjoys the *right to a wholesome environment*, which is a facet of the right to life guaranteed under Article 21 of the Constitution.
2. Enforcement agencies are under an obligation to strictly enforce environmental laws.
3. Government agencies may not plead non-availability of funds, inadequacy of staff or other insufficiencies to justify the non-performance of their obligations under environmental laws.
4. The '*polluter pays*' principle which is a part of the basic environmental law of the land requires that a polluter bear the remedial or clean up costs as well as the amounts payable to compensate the victims of pollution.
5. The '*precautionary principle*' requires government authorities to anticipate, prevent and attack the causes of environmental pollution. This principle also imposes the onus of proof on the developer or industrialist to show that his or her action is environmentally benign.
6. Government developmental agencies charged with decision making ought to give due regard to ecological factors including (a) the environmental policy of the Central and State government; (b) the sustainable development and utilization of natural resources; and (c) the obligation of the present generation to preserve natural resources and pass on

to future generations as environment as intact as the one we inherited from the previous generation.

7. Stringent action ought to be taken against contumacious defaulters and persons who carry on industrial or development activity for profit without regard to environmental laws.
8. The power conferred under an environmental statute may be exercised only to advance environmental protection and not for a purpose that would defeat the object of the law.
9. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. The public at large is the beneficiary of the sea-shore, running waters, air, forests and ecologically fragile lands.

The present author further adds the following jurisprudence particularly with reference to wild life protection and conservation:-

10. Term 'hunting' under Wild Life (Protection) Act, 1972 includes "trapping of birds"^[13]
11. No right accrues after Notification under Section 18 of the Wild Life (Protection) Act, 1972 (Declaration of sanctuary)^[14]
12. Imposition of roster system for Tourist Vehicles not arbitrary ^[15]
13. Permission can be granted to destroy or exploit the area reserved for wild life for improvement and management of wild life ^[16]
14. Ownership of wild animals found dead in private land, can be claimed by the land owner ^[17]
15. Total prohibition in trade of imported Ivory can be made ^[18]
16. Granting of licence to deal in birds in captivity – satisfaction of Licensing Authority is necessary^[19]
17. Offences punishable under the WLP Act can be investigated by CBI ^[20]
18. Trade in Article of Ivory could be lawfully banned ^[21]
19. Provisions of WLP Act are mandatory ^[22]
20. Liability of State in attack by wild animals – State is not responsible for compensating the injured or dead, if attacked by the wild animals ^[23] and
21. Economic benefit must be subordinate to ensuring environmental stability. ^[24]

CONCLUSION

India and particularly North East India comprising eight States is known for its biological and cultural diversity and the unique Bramaputra and Barak river systems. The region is rich in biodiversity and is home to important populations of wild species, such as the rhino, elephant, tiger, wild water buffalo, pigmy hog, brow-antlered deer, and the Gangetic river dolphin. Three out of 34 global biodiversity hotspots cover parts of India: Himalaya, Indo-Burma, and Western Ghats, and Sri Lanka. Two out of these three, Himalaya and Indo-Burma, cover extensive portions of the NE. In just 8 % of the country's geographical area the region also house 21% of the important bird areas identified as per international criteria by the Bombay Natural History Society and Birdlife International.

Wild life is our important resources. Proper management, conservation and protection are solemn duties of all concerned. Protection of Wildlife alone is not possible only by laws and Government. Despite all of these laws and efforts, destruction of wildlife, illegal trade and poaching continues. Active cooperation from the common public is also very necessary. It is now high time for us to understand the gravity of the situation and act on its behalf. And this can only be achieved by our awareness and by further stringent laws by the Government. We must not lose the national treasures in our rat race of urbanization and modernization.

It is found that India has a strong set of laws, Acts and policies for the protection of forests and wildlife. The Judiciary is playing its role. The higher judiciary (Supreme Court and High Courts) are equally pro-activist and fortified its pronouncement and making a comprehensive environmental jurisprudence. It is for citizens to study these carefully and apply them appropriately while conducting conservation advocacy campaigns.

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