

Constitution of India and Environmental Governance: Administrative and Adjudicatory Process

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Lecture-7

Forest & Wildlife Law: Introduction to Wildlife Protection Act, 1972

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7.D. WILDLIFE LAW

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In the final section of this module, we get into a very special law, wildlife law. Perhaps this is the first and only conservation law enacted in independent India, while most of the laws concerning Natural Resources came before India became independent. This arguably is the only conservation law, where law in relation to natural resources focusing primarily on protection, conservation and security for a particular kind of a life form, wildlife.

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I. WILDLIFE PROTECTION ACT, 1972



- **I. OBJECTS AND REASONS:** Protection of flora and fauna ; Regulation and Control of Trade in Wildlife ; Maintenance and Management of wildlife habitats on cooperative and scientific lines ; Effectively control increased poaching and illegal trade ; Provide for scientific and participatory management of buffers around National Parks and Sanctuaries and Corridors linking them ; Management on the basis of the principle of sustainable utilization of forest produce.
- **II. AUTHORITIES :** A. **NATIONAL BOARD FOR WILDLIFE :** A 47 Members Body with P.M as the Chairman- functions through a Standing Committee comprising of the Vice Chairman (- Minister of EF & CC), Member secretary and 10 members from the National Board, nominated by Vice-Chair (s.5B)
- **FUNCTIONS (S. 5C) -**Promote conservation and development of wildlife; - frame policies and advise central government and state governments as to promoting wildlife conservation and effectively controlling poaching and illegal trade in wildlife;



The Wildlife Protection Act also have a very interesting origin. Normally in international relations, after a nation gets into an international treaty arrangement at the global level, the government would start working on coming up with a law at the internal domestic level to be in line with whatever commitment that it has made at the international level through that particular treaty. That has been the case with India most of the time, and perhaps this Wildlife Protection Act is an exception.

Even before India got into an international arrangement concerning protecting wildlife, India enacted its own brand-new law for wildlife protection. And the international arrangement came one year later, in the form of Convention on International Trade in Endangered Species, CITES for short, this came in 1973. In the Indian Wildlife Protection Act, we see to it that demonstrate to the global community that India is thinking ahead of the times when it comes to the requirement of conserving whatever that is left of something which is very valuable.

Wildlife, the world over is an endangered variety of plants and animal kind, endangered because of a number of human interventions, endangered because of lack of facilities and scientific mechanisms of protection. Wildlife being rare to find as something which is found in wilderness and that is why expression wildlife comes into existence is very special because it normally would flourish in its natural habitat.

And because of the demands of the communities of people everywhere in the world for economic development, many of these wildlife areas have shrunken in space, with the result,

not only their habitats are lost, even the wildlife getting no support or succour or anything to really feed itself. They have become very rare in their occurrence. It is in the objective of conserving the ecosystems and protecting these life forms, the law was thought to be enacted and that came into existence in the year 1972.

Interesting thing about the Wildlife Protection Act was that when the law was made in the first place, it was thought that wildlife has something to do with animals only, wild animals. And so, when they crafted the law in 1972 it primarily focused on only animal life. But later, an amendment came to this law as to include some of those rare species of plants, which are grown in wilderness and not to be found in the cultivated form, also requiring protection as the wild animals. They, the law was refined through this particular option.

The other important thing that you had to notice when you start examining this body of law is that it had a particular scheme of governance in the year 1972 that got totally revamped in the year 2002. And what we have is the Wildlife Protection Act of 1972 as thoroughly amended in 2002 which is in operation now. We will as we go along, we will know what kind of change capable to this law. And at what stage this law is in operation as of now. The basic objective is for protecting life forms of very rare kind which are found in wilderness.

And to come up with a specific law to control something which is clandestinely carried out a big trade at the international level, illegal trade in wildlife, and the parts of wildlife, regulate and control and limit the smuggling activity in relation to wildlife. Also, the law is proactive in terms of providing for a management mechanism for wildlife habitats and protection through a cooperative and scientific mechanism.

The idea is essentially to control poaching and illegal trade on that and provide for scientific and participatory management of those that are actually very close to the wildlife habitats, but they should act as buffers, those that are acting as buffers around these and also their protection. The principle is to manage these on sustainable utilization of forest produce. It has the same kind of structure as the forest law has, two tiers of governance.

At the highest level you have National Board for Wildlife, a huge body, a humongous body with Prime Minister as the chairman. And as many as 47 other members who are drawn from various departments and ministries of the government, almost who is who in the government

are part of this and few experts, who constitute the highest decision making body of the National Board for Wildlife.

And since it is such a big body, and you cannot expect the Prime Minister in all the other major heads of various ministries to attend the same all the time. It has been worked out in this law to create what is called as a Standing Committee comprising of 10 members headed by the Vice Chairman, who is actually the Ministry of Environment, Forest and Climate Change. And a member Secretary, once again drawn from the Environment Ministry and 10 other members drawn from the National Board for Wildlife, who are the ones who actually act on behalf of and take decisions for the National Board for Wildlife.

As far as its functions are concerned, it is essentially interested in providing the basic template and a frame for conservation and development of wildlife. For all those functions of the state to implement, to frame policies or advise central government and state governments, in promotion of wildlife, its conservation and effectively controlling poaching and illegal activities in relation to that.

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- recommend setting up of management of National Parks, Sanctuaries and other protected areas and activities in relation to them; - Carry out impact assessment of various projects and activities on wildlife or its habitat ; - review, progress in conservation from time to time and suggest reforms and prepare and publish status report, once in two years.

B. STATE BOARD FOR WILDLIFE (S.6): Has 31 Members with CM in the Chair – has similar composition and functions as the National Board at the State level

C. STATE ADVISORY COMMITTEE (S.33B): – Advices on measures to be taken for better conservation and management of the NP & Sanctuary including participation of people living within and around them

D. CONSERVATION RESERVE MANAGEMENT COMMITTEE (S.36B) : - Advises Chief Wildlife Warden to conserve, manage and maintain the conservation Reserve

E. COMMUNITY RESERVE MANAGEMENT COMMITTEE (S.36 D):-responsible for conserving, maintaining and managing the community Reserve, besides



The management mechanism for national parks and sanctuaries and other protected areas, they come up with recommendations. They carry out impact assessment of various projects and activities on wildlife or its habitats. So, anything that is to be done in these areas, which would actually take away a small portion of the wildlife areas, it has to have the clearance from this particular body. An impact assessment study it carries out and then takes a call

whether it should be made available for other activities, or should it be confined only as Wildlife Preservation and Protection Areas.

It reviews conservation practices being observed from time to time in all the states and in the process, it will also come up with suggestion of reforms and prepares once in two years a status report. It is very important because the National Authority needed to prepare such a kind of a status report for it being relayed to the global body. As was mentioned a while back, the international legal arrangement is CITES, Convention on International Trade and Endangered Species.

And then the secretary, which would actually gather report once in two years from all the member countries as to what is the current status of species, flora and fauna, and their ecosystems concerning wildlife all over the world, and then come up with suitable mechanisms for a cooperative venture amongst nations and also come up with technical support for nations wherever they need one to take care of, conserve and protect wildlife.

Similar to this, at the state level you have a very big body called the State Board for Wildlife, with its chief minister as the Chairman. It has similar compositional functions as the National Board at the state level, and each state will have what is called as an Advisory Committee. And this Advisory Committee is the feedback; it gives the advice for measures to be taken, for better reservation management of national parks and sanctuaries, including participation of the people living within and around them.

And there are also the Committees for Conservation Reserve, Management Committee and Community Reserve Management Committee, these are advisory committees which advises the respective bodies, Conservation Reserve authority of the community reserve body to take care of those respective protected areas in the wildlife.

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Being responsible for preparation and implementation of the management plan for the community reserve and takes steps to ensure protection of wildlife and its habitats in the reserve.

III. **CLASSIFICATION :- CREATION OF EACH CATEGORY OF WILDLIFE AREA FOLLOWS PROCEDURES SIMILAR TO LAND ACQUISITION LAW**
PROTECTED AREAS

- FROM THE EARLIER CLASSIFICATION OF 1972, GAMES RESERVE WAS DELETED IN 1981 AND CLOSED AREA DELETED IN 2002. THE ENTIRE PROTECTED AREA AND ITS MANAGEMENT HAS BEEN RE-CAST AND WORKED AS UNDER SINCE 2002:

1. **NATIONAL PARKS:-** Area of ecological, faunal, floral, geomorphological, natural or zoological significance- The area covered under this may include the one which was formerly declared as a sanctuary.

2. **SANCTUARIES :-** Area of ecological, faunal, floral, geomorphological, natural or zoological significance

- This is the same as in the case of a National Park- Even the object for the creation for these categories is the same, i.e., Protection, propagation or development of wild life or its environment.



In terms of classification, the original of classification in 1972 was that it had four protected areas in the wildlife area. One was called as the National Sanctuary, the second one National Park, the third one closed area, and the fourth one gaming reserves. After a few years of the enactment, it was held that creating a separate area for gaming reserves, gaming reserves, a particular patch of wildlife area where people can come and carry out shooting activity, shooting wildlife as a sport.

Because traditionally, as we know, the royalty in India used to practice killing the wildlife mainly to save the civilian life, their property and their life to be the one which has to be taken care of by the ruler, they would go on a hunting expedition and kill these animals and it became a spendable sport. But these people would go to the wildlife areas, kill an elephant, kill a lion, kill a leopard and then bring the trophy and display it as a display caballero.

And then conservation and protection of these when they became something of utmost importance and significance, carrying on this particular kind of an activity where there is a sport form, people just wantonly going on a killing spree. And as a result, the numbers would come down and there has been instances. Over a period of five years since India became independent, there was sudden depletion in the number of these wildlife, tiger, elephants, lions and things like that.

And soon it was felt very necessary that creation of a protected area in the form of games reserve is a misnomer, almost farcical because you say it is the Protected Area, protection from what, protection from any kind of human activity, protection from any injurious

activity. To have a game reserve in such an area was considered to be anathema. And as such, that through an amendment was removed the category of gaming reserves.

Then certain areas in the wildlife under the protection of wildlife law, were considered as closed areas because during certain seasons, these were closed from any kind of human activity, maybe because they were the breeding grounds or it is at that particular part of the season of the year, it is dangerous to enter or these were the ones which required utmost protection on certain points of time in the year in a particular season. And if protection was not accorded, the entire Wildlife Area would be troubled in some form or another and so closed areas were created.

Then it was felt in the year 2002 that even the idea of closed area is not appropriate, you will have to broaden the scope and ambit of the protected areas, which should always include all these closed areas and so there is no need for a separate category and so forth category, the closed area was also taken away through an amendment in the year 2002. And in 2002, the entire protected area was redrawn into four categories of wildlife areas. The first one, the National Park, the second one sanctuary, as you could see both the National Park and sanctuaries figured in the earlier categorization as well and they continue to be there under the new amended National wildlife law.

What is a National Park? A National Park is a very special reserve. It is an area of ecological faunal, floral, geomorphological, natural and zoological significance. So, the kind of animals that you find there, the kind of plants that you find there, you do not find anywhere else. And so, these are very special areas. And the areas covered under this will include all, which was formally defined as the sanctuary, National Park. Sanctuary has a similar connotation and in terms of the description for National Park and century, it is the same. The object of creation of these categories is also the same protection, propagation and development of wildlife or its environment which are very unique.

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- Both come under the exclusive jurisdiction of the Wildlife authorities and are subject severe restrictions and even prohibition under certain circumstances, as to access, for the people in these wildlife areas. The actual difference between the two lies in the relative legal status between the two and the graded severity of restrictions and prohibitions imposed and applied with regard to them. For instance, while grazing, with the permission of the authorities is allowed inside the Sanctuaries, it is totally prohibited in National Parks. Similarly, there can be permanent structures for residence of the local communities with in a Sanctuary. But, in the National Park, no permanent structures are allowed. It is the usual practice of States to first declare an area as a Sanctuary, in the first instance, after observing the required formalities. After some time, once again upon observance of the required formalities, the State would normally declare a Sanctuary as a National Park. But, this is not a mandatory requirement. There can be a declaration of a National Park, without going through the stage of a Sanctuary.



Then what is the difference between a National Park and a Sanctuary? Both of them of course, under the exclusive jurisdiction of the government in the form of wildlife authorities and both of them are subject to severe restrictions of any human activity and even prohibitions under certain circumstances, as to access for the people in these areas. The actual difference between the two lies in the relative legal status vis-a-vis the two. And the gradation of severity and restrictions and prohibitions imposed would actually distinguish in national park and a sanctuary. That is at the highest at the National Park level, slightly less in the case of a sanctuary.

And so, sanctuary and a national park in terms of the level of severity of restrictions and controls, a sanctuary is below and National Park is above that. For example, grazing of cattle and carrying out animal husbandry activity through this grazing can be there in a sanctuary that too with the permission of authorities. But it is totally prohibited in a national park, no grazing in national parks. Secondly, in the case of sanctuary, as we know, that in forest and wildlife areas, communities of people live there for centuries, the tribal communities, for as many communities as we have seen in all our earlier discussions.

And in case they have a permanent settlement, permanent settlement can be there for the local communities only in a sanctuary. In a national park, no permanent structures are allowed, there can only be temporary habitats. And the usual practice all over India is that states first declare a particular area as a sanctuary, and then later would over a period of time after imposing severe restrictions and when the environment is congenial declare it as a national

park. But there is no hard and fast rule that they should start with a sanctuary and then derive that into a national park.

There can be a declaration of a national park without going through the stage of a sanctuary. And how do these national parks and sanctuaries get declared? It is the same process, as is being followed under the forest law. For the creation of a reserve forest, for the creation of village forest, or the creation of a protected area law, protected forests there, same is the procedure here, the declaration of an intention or creation of this, hearing of objections, settlement of claims, taking possession, and then declaration and establishing the authority, the speed with regard to that particular eco sensitive area.

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3. CONSERVATION RESERVE (s.36A): - Declaration of any area owned by the Govt. (-when the land is owned by the Central Govt., its prior concurrence a must), especially that which is adjacent to NP and Sanctuaries and those which link one protected area with another, after consultation with local communities for protecting landscapes, seascapes, flora and fauna and their habitat- This is essentially, to provide protection to those areas, near and around NPs and Sanctuaries, to act a buffer. It is also to secure the corridors of passage to facilitate free and uninterrupted movement of wildlife.

4. COMMUNITY RESERVE (s. 36 C):- Declaration of any private or community land not comprised within a National Park, Sanctuary or a conservation Reserve, upon the community/individual volunteering to conserve wildlife and habitat, to protect fauna, flora and traditional and cultural conservation values and practices.

IV. ZOOLOGICAL GARDENS (ss.38A-38J)

V. PLANS, PROGRAMMES AND AUTHORITIES CREATED SPECIALLY FOR THE CONSERVATION OF CERTAIN KINDS OF WILDLIFE, LIKE TIGER ETC. (ss.38K-38X & 38Y-38Z)



The third category, which is something that has been created and brought into existence, only from the year 2002, through an amendment to the Wildlife Act, is what is referred to as Conservation Reserve. Under the earlier law, the 1972 law, National Park and sanctuaries were created alright. But you know animals which remained in the national parks and sanctuaries, they do not understand the belief in the demarcation of areas created by human beings that this is National Park, that is where you will live, this is a society, which is our home, that kind of an understanding these animals will not get.

They stray away from this area and it may be a usual practice with them, that they are either found the outside of these national parks and sanctuaries in search of food, in search of water,

and water is available outside these, these would like to come out. But when they come out, since they do not have the protection, the 24 hours vigilance on the part of the authorities there, it is quite possible that they may become subjects of poaching, killing and loss.

And so, the government thought that given this particular sensitive situation, where the wildlife should be allowed to go to those corridors, corridors like a pathway, which would enable them from moving from national parks and sanctuaries to perhaps a nearby water body, quench their thirst and come back and further they should get protection. And these would act as buffers as a shock absorber for any kind of external threats to these protected species and varieties of plants and animals.

And that is how the idea of conservation reserve came about. It is a declaration of an area owned by the government and which is adjacent to a national park and sanctuary or that which would link one protected area with another. And this could be done in consultation with the local communities, for protecting the landscapes, seascapes, flora and fauna, and their habitats, because people are living there. And if you once you declare it as a conservation reserve, then people's activity will have to stop there and so you get into consultation with them, ascertain the area and then take a call on that in creating these conservation reserves. This is essentially to provide, as was mentioned earlier, protection to those areas near and around national parks and sanctuaries to act as a buffer. The idea is also to secure the corridors of passage to facilitate free and uninterrupted movement of wildlife. A fourth category of Wildlife Area exists as a protected area referred to as the community reserves.

It is quite possible that outside these wildlife areas which is directly under the control and authority of the state agency, there may be people who are interested in rearing wildlife, in protecting wildlife, perhaps they might have a long tradition of protection of wildlife in their own property. And these also need to be protected. And it is quite possible that the one who wants a piece of land and the one must be maintaining, managing and protecting this wildlife privately, may on account of old-age or any reason, they no longer be in a position to take care of them.

And suppose he wants to make an offer to the government, that "Look, this is an area, which I was taking care of, these are wildlife which I have been able to take care, I no longer am in

a position to do that I am surrendering this land, I am surrendering this wildlife for you to take care of.” Or in the alternative, if very enthusiastic people among the local community people come forward and then submit to the government, that look, we are wildlife enthusiasts, we would like to take care of wildlife, can you facilitate that?

And you know, under the wildlife law, protection and taking care of wildlife is the exclusive preserve of the government. And under the 2002 amendment of the law, the idea is essentially to expand this conservation ethic, beyond the government circles to people outside, to bring in and include people also into the whole scheme of wildlife management. In such situations, when people want to come forward, a portion of the government land may be earmarked and be made available to this group of people to take care of wildlife in that area.


That is referred to as Community Reserve. Declaration of any private or community land not comprised within the National Park, Sanctuary or a Conservation Reserve, upon the community or the individual volunteering to conserve wildlife and their habitats to protect them and the culture, the traditions associated with such conservation and practices in relation to wildlife. Then of course, you have something which is actually maintained, managed and taken care of by the government, as what is referred to as Zoological Gardens.

Zoological Gardens are those patches of dense forestry area which have several exciting varieties of perhaps even endemic varieties of plants or animals, primary animals, Zoological Gardens are for animals, which may be from India or which may be brought to India from elsewhere and they need a special type of protection. And that is made available under the aegis, authority, guidance, control and oversight of the government in the form of a Zoological Garden everywhere in India.

And for that, a host of provisions are made, what are the Zoological Gardens, how they have to be maintained, and not only that, that is protection of certain rare species in order to be used for education development and educational ventures, as a tourism attraction, as a tourist attraction for education, these are Zoological Gardens actually tells the tale of wildlife in a realistic form, so as to enhance our knowledge and understanding and perhaps intimacy with wildlife to take care, protect and conserve those that are on the verge of extinction or anything like that

But plans, programmes and authorities are also created for the purpose of conservation gave a very, very special variety of wildlife like tiger, elephant etc. It is what is referred to as Operation Tiger, elephant preservation projects and things like that, for which a host provisions under this law.

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VI. **PROCEDURAL REGOURS:** - Time-bound procedures; observance of principles of Natural Justice; Authorizations etc.

VII. **APPEALS** :- - to the Appellate Authority (ss.58N-O); Civil Courts barred from exercise of Jurisdiction (s.58 Q)

VIII. **STRINGENT PENAL REGUALTIONS** : - Findings under other laws not conclusive for proceedings under Ch. VI A (-Forfeiture of property Derived from illegal hunting and Trade – ss. 58 A – 58 Y); Rationalization of penalties and their enhancement – on the lines of Ch.V A of Narcotic Drugs and Psychotropic substances Act 1985

- THE UNIQUE FEATURE OF THIS LAW IS THAT THE JURISDICTION OF THE AUTHORITIES UNDER IT IS NOT CONFINED TO THE DESIGNATED AREAS ONLY. IT EXTENDS TO WHERE EVER THE WILDLIFE IS FOUND AND IN WHAT EVER FORM IT EXISTS (- INCLUDING ITS PARTS-) ! IT GIVES, A KIND OF EXTRA-TERRITORIAL JURISDICTION, TO BE EXERCISED, ON BEHALF OF THE AUTHORITIES, BY THE GOVT. OF INDIA, IN CHASING AND BRINGING TO JUSTICE THE OFFENDERS UNDER THIS ACT, EVEN BEYOND INDIAN TERRITORY - INTERPOL AND OTHER GLOBAL INSTITUTIONAL ARRANGEMENTS WOULD FACILITATE THIS.



How do you classify wildlife? What are the means, mechanism and markers for the same? This is internationally recognized and practiced. There is an international body called as International Union for Conservation of Nature, which has come with a scientific formulation of categorization of wildlife, essentially based on the threat perception, threat to their very survival. So those that are threatened, those that are endangered, those that are on the verge of extinction, those have become rare, they are put under different heads and there is an inventory of these which are put together there.

Based upon that, in every country they come up with tribunes under that law, India also has one such schedule. And in one such tribune, you have the list of these having the highest degree of protection to the one which has some degree of protection, they classified into various categories of flora and fauna, which are required to be protected under this law. It is a very stringent law and the procedures are very, very strictly to be adhered to.

And the authorities created under this law, who have powers of imposing penal sanctions. If you actually examine this law, looking into penal provisions of this law, and comparing it with the Indian Penal Code or the criminal law of the land, what you find is that this is far more stringent than criminal laws that we have. And it has been quite often seen that once you commit any offence with regard to wildlife, should one be guilty of one such wildlife crime, it is such a serious offence, that getting out of it and getting relief by the state is well impossible, very tough law.

And you must read in the newspapers, you must have heard from various other authors, in social media as well that very big people, very influential people in India, quite a few film stars were caught for violating this law. And even to this day, although the offence was supposed to have committed one or two decades back, are still moving from pillar to post of the court of law to get some relief. They are punished for that offence, not just a fine, even jail time is also being done by very unique body of law, and it has very stringent penal sanctions.

Committing an offence would land up one in so much difficulty, much greater stringency than what you have in the Penal Law of the land. Within this law there is an appellate authority that has been created. And so, if you have any grievance, if there are any problems in the administration, the appellate authority can be approached, which is created under this. And so, the alternate courts of law are barred from exercise of any jurisdiction over to them.

So, you cannot take it to the district court for any decision on any dispute that you may have, go to the appellate authority and from that appeal will lie in the High Court or the Supreme Court, as the case may be. The unique feature of this law is that the jurisdictional authorities under it is not confined to the designated areas it is not concerned with national park, sanctuaries, community reserve or conservation reserve.

Wildlife or its parts need have to be if it is privately held or owned, inventorized necessary authorizations and permissions to be obtained from the government, failing which wildlife wherever they are, the authorities will have the jurisdiction to catch hold of them and bring them to justice.

So, in terms of jurisdiction, it is not confined to the areas that are specified here, it extends to wherever this wildlife is found, wherever, yes, wherever, not just nationally, even internationally, even when outside India, that can be exercised of jurisdiction under this law, for the simple reason that this law is very much in line with the international legal arrangement called as CITES which actually provides for a facilitative mechanism.

And hence submitted in the wildlife law of a particular country, if the person, the fugitive offender has escaped from the country and is found elsewhere, provision is made whereby your wildlife authority can chase that offender, where that person is. And if you want to enter

into a foreign territory and with an arrangement with a foreign government with its cooperation, these authorities may arrest and bring him back to India.

In fact, any offence, any theft, any poaching that is done is equated with a heinous offence of international concern, like a genocide, like extermination of a large group of communities of people, which is referred to as genocide, such big an offence which is an international crime and another offence of slavery, slavery wherever it is practiced is violative of international law, human rights law.

Same is the case with regard to wildlife crimes. It is an international crime and being an international crime, the international criminal law, this kind is called *hostis humani generis*, enemy of humanity, and all the member countries of CITES can take action against such an offender and bring him to justice.

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II. EVALUATION



Excellent set of objectives; Application of Native wisdom and protection of interests of forest dependent communities "peripheralised"; Retains essentially a centralized, bureaucratic model of conservation; Classification of Wildlife Areas follows "Eco-Development project", Model; rationale continues to be insensitive to the very Indian ethos of community-Resource symbiotic relationship; The need to protect threatened species and their critical habitats from all destructively developmental activities and the recommendation of the expert committee in severely restricting 'development' and 'commercial' activities within a 5 k.m. belt around all protected areas, not seriously considered; Ensuring harmony with the working of other related laws – not attempted.



This is an excellent law in terms of objectives of conservation and protection of wildlife. But the real problem with this law that we have enacted in India, although it came into existence in independent India, now after we became independent, it does not internalize the native wisdom of the communities of people, who have the ethic and practice of conservation and protection of wildlife even now.

If there are any wildlife species or varieties of plants and animals, which have to be tamed it is not the wildlife authorities who do it, they actually commandeer the services of those communities of people who are very intimately linked with these, because they know their

life, they know their attitudes, and they have been able to engage with them as to tame and control and regulate their activities and their talent is tapped.

Unfortunately, the law does not provide for that. So, to that extent, it does not have an Indian feel and flavour, it has a western model of national parks and sanctuaries, which tries to view a wildlife area just like a museum, like a painting, a painting is something that should be admired from a distance, you should not touch it. But wildlife is something which is part and parcel of the lives of the people who are living around these wildlife areas are very, very much within the wildlife areas in India.

And so, something with life, and throbbing with life cannot be treated like a museum piece. Unfortunately, this law treats wildlife in that manner. The need is to take in a little bit of a native and a local flavour and that kind of change need have to come to bring in the communities of people who have the talent, and the knowledge about that to protect that. The need to protect threatened species or critical habitats from all disruptively developmental activities has been not just been the concern of the government, even the courts of law have insisted that.

And they have actually laid down through judicial pronouncements and various administrative procedures. The no-go areas, very close to this wildlife habitats have been developed, within five kilometres of them or around all protected areas are already prescribed. But unfortunately, when the government wants to take an economic decision, it developmental decision, many times they ignore them with the result that the protected areas become unprotected. Ensuring harmony of working this law with other related laws like Biodiversity Act and Water Conservation laws has never been attempted.

So, there is an agenda for reform, of bringing in native wisdom into the whole scheme of things of governance of the wildlife areas. And also, to harmonize this law with other laws to strengthen them and in turn strengthen itself in its working to really deliver the objectives with which this law has been made.

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SUMMING UP

- *FOREST & WILDLIFE LAW AND ITS WORKING IS SYMBOLIC OF A BRITISH COLONIAL SOUL, IN AN INDIAN BODY! IT IS STILL AN IMPERFECT PICTURE OF A SYSTEM THAT IS STRUGGLING TO BALANCE, CONCERNS OF CONSERVATION, ADDRESSING THE NEEDS AND ENTITLEMENTS OF THOSE DEPENDENT ONES, WHO ARE ALSO ITS TRADITIONAL CUSTODIANS, BESIDES MEETING THE DEMANDS OF DEVELOPMENT, OF AN INDEPENDENT REPUBLIC.*
- *BIODIVERSITY, FOREST AND WILDLIFE LAWS CONSTITUTE, THE CORE, HEART AND SOUL OF EVERYTHING ABOUT THE MANAGEMENT OF LIFE AND LIFE FORMS IN ALL THEIR MANIFESTATIONS. NEED REMAINS TO EVOLVE POLICY AND LEGAL FRAMES TO HARMONISE THEM, IN EVERY POSSIBLE WAY.*



Supposing there may be support, their entire body of law that we inquired into both in the previous module and the present module, the forest and wildlife law and its working is very much like a British colonial soul in an Indian body because it has inherited most of the British viewing of forest as a state function, management exclusively by the state and people are only the subjects of it.

That has to change. It is still an imperfect picture of a system that is struggling to balance the concerns of conservation, addressing the needs and entitlements of those who are dependent on them and who are also the traditional custodians, alongside meeting the demands of development of an independent republic that is India.

Biodiversity, forest and wildlife laws in India, that constitutes the core, the heart and soul, of everything about the management of life and life forms, in all their splendour. Need remains to evolve the policy and frame of law, to harmonize all of them through consolidation, codification, and refinement on the suggested lines. Then perhaps, maintenance and management of forests and wildlife, along with biodiversity appears like a symphony in tune with the rest of the nature. Till then, we have problems of conservation, protection and management of all these areas.

