



An overview of legal literature regarding combating illegal wildlife trade and crimes in India

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Abstract

It is general estimate that a multibillion-dollar business supports the illegal collection, trade and distribution of live animals and plants, as well as their components and by-products. Various products made from wildlife, are exchanged, including pets, food, traditional medicines, leather goods, skins and trinkets. The illegal wildlife trade encompasses a wide range of operations, including the illegal logging of protected forests to supply the demand for exotic woods, the unlawful fishing of marine life and it is endangered for food and the poaching of elephants to supply the ivory market.

Since 1987, consumer preferences for animals, have evolved and increased. It's important to notice that due to their increased scarcity and other factors, driving up demand during the 1990s, wild animals and the products they produce have come to carry expensive price tags. However, a deeper look into the black market is bound to uncover much more. A strive is made in the present study, to discuss about the legal literature which is related to combating the illegal wildlife trade, its features, shortcomings and requirement of amendments in it.

Keywords: wild life, trafficking, illegal, constitution, law, etc.

Introduction

Wildlife trafficking is currently among the top five trafficking organizations, after the organ trade, human trafficking and illegal drug trafficking. Currently, this trade has a transnational component and works on global scale. To fulfill their cravings for lavish things, the illegal trade in body parts and flesh, superstitions, pets and variety of other wants, today's population is willing to compromise the rights of vulnerable animals. They are ignorant of the fact that the harm continues to become worse. Additionally, the destruction done to wildlife, has countless harmful effects, hazards and occasionally even sparks a pandemic. But the way these defenseless people are treated today is characterized by ignorance, negligence and defiance of the law.

Over 35,000 protected species which are subject to trade regulations laid out by CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) and its signatories, which are obligated to punish trade who violates these regulations. However, many acts that harm wildlife have nothing to do with these particular species. For example, Millions of species that are not listed by CITES, may be illegally harvested and traded internationally, as is frequently the case in timber and fish trafficking^[10].

CITES is limited to regulating international trade, so illegal wildlife harvesting, such as the poaching of protected species, does not fall within its scope if the product is not transported internationally^[11].

Aims and objectives of study

The main goal is to reveal the truth about state-sponsored propaganda against illegal wildlife trafficking and criminality in India and to look behind the scenes. The following are the objectives:

- To draw attention to how the State has fallen short of its obligations under the Constitution to protect wildlife.
- To draw attention to the problems with the current administrative and legal structure.

- To draw attention to the shortcomings of the current law enforcement organizations charged with stopping the illegal wildlife trade.
- To compare and contrast the legal systems in India, the USA, and the UK and make conclusions
- To come up with ideas and strategies after thoroughly researching illicit wildlife trafficking in India.

Scope and methodology

An extensive literature analysis on the topic is to be used, a doctrinal model of research technique will be proposed, and the issues under study will be methodically addressed to achieve the study's predetermined objectives. This research will employ the descriptive, comparative and analytical writing genres. The researcher will mostly rely on secondary materials like books, commentaries, articles from journals, magazines, periodicals, newspaper reviews, and websites, as well as sources such as statutes, regulations, conventions, treaties and committee reports.

Overview of literature related to wildlife/ animal laws in India

The following articles and studies which are related to wildlife and animal laws in India, may be sorted into two groups for the present study:

- Theoretical perspectives on the illegal wildlife trade in India and around the world, which are covered in writing and studies.
- Studies based on an integrated observation of the illegal wildlife trade and crime in India, as well as the effects on sustainability, public health, and the environment.

Humans' careless exploitation of the environment, has resulted in a record-breaking loss of biodiversity and a deteriorating climate disaster. The COVID-19 epidemic has brought attention to the threat that illegal wildlife trade and crimes pose to human health a very bad effect. These may be studied into the following:

a. animal laws of India, Maneka Gandhi, universal law publishers, 4th ed., 2011

This literature provides a general overview of the rules related to many kinds of animals, including domestic animals, performance animals, experimental animals, animals used for extracting meat and wild animals which are generally, killed during hunting and poaching. It also covers numerous plans, groups, programmes, and conservation methods developed for the preservation of wildlife in India.

b. a treatise on wildlife conservation in India, chhanda das, Classique books, 2007

The Book played a significant role in detailing the legislative actions which are taken in India after Independence to address the illegal wildlife trade. The creation of the Indian Animal Welfare Board and its goals, are described in detailed and its effectiveness. It passionately refutes the notion that despite making significant advancements in every industry, India hasn't taken steps to safeguard its enchanting flora and wildlife even in the twenty-first century. Education and awareness gaps continue to exist regarding this concept. It has been explained, how the British exploited these creatures as a symbol of chivalry and royal position during the colonial era. It also explores the various theories behind protecting animals. From the time of the Vedas to the independence of India, it provides a description about spans from Buddhist to Jain conservation of wildlife.

c. Handbook on wildlife law enforcement in India, Samir Sinha, TRAFFIC India, WWF India, Natraj Publishers.

This book provides an overview and in-depth understanding of animal crimes prevalent in the present time. With the use of examples, the areas of influence and other features of international organized wildlife crime, it delves into the mode of operation of wildlife crime. It also provides information on particularly endangered species and the trafficking of those species. It provides details on the main hotspot regions of India, as well as the main routes and international boundaries, where it is practiced. It provides a thorough explanation of how law enforcement agencies operate and how actions like criminal suspects' arrests, seizures and their detention take place. Additionally, it elaborates on the efforts of global organizations like Interpol and CITES, to protecting the wildlife from illegal poaching.

d. Study and practice of wildlife laws in India, Surender Mehra, Natraj publishers, Dehradun.

The book offers a comprehensive analysis of numerous facets of wildlife protection. It explores the background and development of wildlife in India as well as its legislative protections. The arrest, custody, seizures made, and how the investigation is conducted have all been covered in detail in the present literature.

Journals related to the wildlife trade and crimes

e. Partha Pratim Mitra & Saurav Bhaumik, Laws for Conservation of Wildlife under the Indian Federal Structure, 1 Env't L. & Soc'y J. 85 (2013).

The essay provides a very thorough understanding of the laws that were in effect before independence in related to the wildlife trade. The various States even developed laws,

to take control of India's natural resources are described in this journal. The provisions of British acknowledged government rights in the natural resources and had obtained full control over them. Second, it goes into detail on how the British as exploited the inland waters and turned the fishery, into entirely private property, bowing heavily to the Indian nomads. With the advent of the Government of India Act, 1935, the provinces gained further authority to create laws in this regard. As the Indian Constitution maintained the topics of forests and wildlife on the State List, it was the provinces who had full authority about framing the laws on this. However, the aforementioned topics were moved to the Concurrent List in 1976 from the state list. Later on, under the 73rd and 74th Amendments to the Constitution, local governments and municipalities were given authority to enact laws governing forestry and fisheries. It also addresses trends in change brought about by the division of legislative authority over wildlife in the federal government.

f. Anushree Malviya, wildlife trafficking crimes-issues with enforcement, 6 Env'tl. I.& prac. rev. 217 (2018)

The essay has gone into great detail to acknowledge the restrictions placed on CITES and according to the provisions of the Wildlife Protection Act, 1972. It also covers a variety of precedents designed to stop illegal wildlife trafficking in great detail. It also addresses significant problems which illegal trafficking is currently facing, such as the corruption in organized crime and syndicates. Additionally, it also suggests actions and initiatives to fill in the gaps in the existing statutory framework in this regard.

g. Narayan prasad Sharma, wildlife crimes: causative factors, volume, impact and measures for control, 9 NJA L.j. 135 (2015)

In this the author has studied the types of crimes against nature and wildlife, including their history, trends, methods of operation, severity and motivating factors. It also discusses how today's nations' environments, societies, economies, legal systems and political systems are affected by the illegal trade in wild animals, as well as how this type of organized crime fuels instability on a national and international scale.

Reports

h. The UNODC created the world wildlife crime report, 2020

On 9 July 2020, using the best data available from international organizations and enforcement agencies from throughout the world. This comprised information from the yearly reports on unlawful trade that CITES Parties have been obligated to deliver to the Secretariat since 2017. The parties have agreed that the International Consortium on Combating Wildlife Crime (ICWC) members may use this data for research and analysis on wildlife and forest crime.

Conceptual framework

Wet markets, which offer fresh food, meat, and live animals, act as breeding ground for infectious diseases. Scientists affirms that there's a good chance that the SARS-CoV-2 virus first appeared at a wet market in Wuhan, China. Many scientists, including Spangenberg, say that the world needs, at the very least, strict regulations, for live animals' markets for the protection of cramming stressed, ill animals into

cages together etc., is in many ways, the perfect setting to incubate new pathogens and an excellent way to transfer diseases from one species to another^[12].

Elizabeth Maruma Mrema, the head of the United Nations' Biodiversity Agency, has advocated for a universal ban on wildlife trade. But as Mrema also noted, these markets are important sources of food and income for millions of people, especially in low-income countries.

According to Hayman, this is one of the reasons why finding effective ways to stop disease epidemics can be challenging. He claims that animal exploitation is a component of it. But in addition to these factors, poverty, access to jobs, how people are treated in remote locations and how people interact with food are also influence the circumstances that cause spillovers^[13].

The cost of disease onset and spillover from wildlife will be considerably larger than the economic advantage of our exploitation of the environment, Latina says, so even on an economic basis, we will be obliged to adapt the wildlife regulations.

Latina asserts that we are a part of nature, a part of the ecosystem and our health is connected to the health of the environment, the health of livestock and the health of the wildlife. So, we need to come up with a better solution to coexist safely^[14].

Conclusion

After analysis of the above literature related to combating the wildlife and animal laws, it may be affirmed said that though sufficient work is in existence for the promoting and protecting the wildlife but there is a strong requirement of strict implementation of the existed laws. There is also a need of amendment in these laws to meet out the current social requirement in protection and promotion of wildlife in India.

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