

**REPORT ON EVENT:
“RELEASE OF INTERIM
REPORT
ON
AN EMPIRICAL STUDY ON
IMPLEMENTATION OF
WILDLIFE PROTECTION
LAWS IN INDIA”
AND
“PANEL DISCUSSION
ON
WILDLIFE PROTECTION &
RELATED LAWS”**

**At Symbiosis Law School,
NOIDA on 22nd August, 2015**

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Report on Release of Interim Report

Research Project: An Empirical Study on Implementation of Wildlife Protection Laws in India

Concept Note:

The relation between 'Nature' and its creations having life, i.e., animals, including human kind, and creations having no-life, i.e., air, water, & land has always been a focus of philosophical study of all the times. In our contemporary age also, this relation is being explored with different perspectives wherein emphasis has always been to make 'it' realize to the man-kind that every other creation of the Nature is as important as any human being is; it is very important for us to realize that the survival of all the creations is essential for the very survival of 'life' on our planet earth. But, sad fact is that we are yet to realize relevance of other creations of the Nature, having life, or not having any life. This project work is one of such efforts wherein mankind is targeted to make them realize the very relevance and the very importance of wildlife in our present day's age.

When we explore the history of this relation between man and the Nature, we find that ancient texts used to tell us that it was *dharma* of each individual in society to protect 'Nature'; it's influence is visible when we find that people in ancient times used to worship the 'objects' of 'nature'. Trees, water, land and animals were given considerable importance in our ancient texts and in daily life of the man also. In fact the *Manusmriti* had prescribed different punishments for causing injury to plants and animals. Kautilya is said to have gone a step further when he determined punishments on the basis of the importance of a particular animal. However, the contemporary scenario of relation between 'man' and 'nature', especially in context to 'wildlife' is rather worrisome.

Given the fact that human population continues to expand, pushing wildlife into increasingly smaller areas of 'natural' habitat and bringing humans and wildlife into more frequent conflict, the human dimension of wildlife management and conservation has become a critical aspect. This relational aspect becomes more critical in context to a country, like India, which is thickly populated as well as having abundance of wildlife resources.

In order to reduce the harm of interaction between humans and the wildlife, the Parliament has enacted various legislations, like, Indian Forest Act, Wildlife Protection Act, & Forest Conservation Act. The ultimate object of these laws is to protect the forests and the wildlife. As the State is empowered u/s Sec. 35 & Sec. 38 of the Wildlife Protection Act, 1972, and Chapter II of the Indian Forest Act, 1927 to declare an area as 'national park', 'wildlife sanctuary', or 'reserved forest', the State has declared several areas as 'protected areas'. The

object of above mentioned legislative enactments and executive decisions are found to be getting failed when we notice the ground realities. The situation seems to be bleak when we take notice of other facts that say that at present more than 100 species of mammals, more than thirty species of birds, and more than ten species of amphibians and reptiles are considered to be endangered in India. The tiger, the largest living member of the cat family is one of them; it is followed by the lion and the leopard. The national census of tigers in 2014 recorded that there were just 2226 of them in our country.¹ One of the major reasons for this poor situation is the habitat destruction by the civilized population, and poaching by the uncivilized ones.

It can-not be denied that implementation of these legislations is the key through which we can ensure protection & survival of the wildlife. But, the facts tell the story otherwise when we take notice that even after more than four decades of the Wildlife Protection Act coming into existence, very few cases are found to be reported before the prosecution agencies while every second day news-report appear that an offence of killing a wild-life animal has been committed. On the basis of preliminary observations, it was found that poor implementation of the Act is one of the reasons that give strength to prospective offenders to commit crimes/offences against the wildlife; the other reason for this poor state of affair is the fact that very few cases get reported, and, fewer is the rate of punishment. Sometimes it is accused that the Act is just a paper tiger which in actuality has been reduced to the whims and fancies of the abusers and the ones responsible for implementation alike. So much so that wildlife on India is on the verge to solely exist only in the text books of our future generations.

With the aim to support the established legal and institutional framework that promotes conservation/preservation, protection & survival of wildlife, the Symbiosis Law School, Noida, in association with Wildlife Law Research & Resource Center (WLRRC) has undertaken this project work. It is aimed further that legal literary & awareness in r/o wildlife is enhanced in the society.

This project is aimed at conducting a comprehensive and holistic study on 'efficacy and potency of wild life protection laws' and 'implementation of the court precedents in practical aspect' so that real impact of the laws, since their inception, may be determined. The present 'report' is 'interim report' which shows the trends of wildlife related cases that were filed before the Courts during two decades, i.e., from 1990 to 2010. This 'interim report' is merely statistical representation of such cases; analysis of such cases will be made to draw conclusions & inferences during 'stage II' of the project work.

¹ The Times of India, New Delhi Edition, dt. 21st January, 2015.

The Event: Release of Interim Report

The event was hosted by the Symbiosis Law School, Noida, at its campus on 22nd August, 2015. It was conducted in two sessions, 'Session I – Release of Report', and 'Session II – Panel Discussion on Wildlife Protection & Related Laws'.

The 'report' was released by Hon'ble Mr. Justice Sanjiv Sachdeva, Judge, High Court of Delhi in the presence of five panellists, the Director of S.L.S.-Noida, faculty members of the S.L.S.-Noida, and the learners of the S.L.S.-Noida. During 'Session – II', discussion on 'wildlife protection law and related issues' was carried by the five panellists under the Chairmanship of Mr. Kamal Datta (Joint Director, Wildlife Crime Control Bureau), Dr. R. Gopinath (Deputy Conservator of Forests, Delhi), Dr. Sandip Sharma (wildlife photographer), Dr. Madhuker S. (Project Coordinator), and Mr. Vyom Raghuvanshi (Advocate, Supreme Court of India).

Session - I

The event began with arrival of the Chief Guest, Hon'ble Mr Justice Sanjeev Sachdev, Judge at Delhi High Court who was welcomed & felicitated by the Director, Dr. C.J. Rawandale. Shortly after that, Dr. Madhuker S. (Project Coordinator) was felicitated by the Chief Guest, Hon'ble Mr. Justice Sanjiv Sachdeva. Immediately after the felicitation ceremony, the 'report' was released by the Chief Guest with congratulations to the S.L.S.-Noida for taking such a wonderful initiative.

The session continued with a brief a presentation on important contents of the 'report' by two researchers, Yashaswee Sarkhel and Akshiptika Verma. They started with informing the audience about 'why' & 'how' of the project, and continued with showing a summary of statistical data while sharing key observations made so far.

At last of the first session, the Chief Guest addressed the gathering. The Hon'ble Justice congratulated the team for its efforts, and spoke about how the lawyers have a special role to play in our society. He started his talk by reminiscing of his college days, legal studies during that time and the importance of sincerity in life. He further emphasized on the 'dharma' of a lawyer and why the legal profession, being a noble one, must be treated as a 'profession', and not a 'business'.

The Hon'ble Chief Guest then traced the changes that have come about in the last half a decade which compel serious need for 'conservation of resources', including protection of animal life, by quoting that "You have not inherited this Earth from your ancestors but have borrowed it from your future generations". He pointed out that how simple steps that we will take now can make a big difference tomorrow. For instance, he brought into notice of the audience that many courts in High Court of Delhi do not use paper; and at such Courts, every

record is maintained in soft copies, based on the belief that recycling paper is an option but not using paper in the first place would be a better solution.

The Hon'ble Chief Guest emphasised that at such discussions, issue of 'unintentional killing of animals' should also be raised. He pointed out how the road passing through 'ridge' in Delhi has divided the 'forest' area into two due to which the animals have either to live & stay at one side of the other ridge, or they have to cross the roads to go to the ridge of the other side. He further pointed out that how the animals get killed while crossing the roads in r/o there is no penal law. It was further pointed out by the Hon'ble Chief Guest that this issue is a bigger problem in core forest areas. According to the Hon'ble Chief Guest, a problem more specific to wildlife would be the fashion in which forest areas have been divided; on the one side of the road is area which is habitable for animals with availability of food, and on the other hand, divided by the road is the area where water may be available and both these areas cannot be accessed by animals since there are no animal bridges in India which in turn leave animals with an option to either drink water or eat food.

The Hon'ble Chief Guest ended his talk with leaving the students with two fundamental questions as food for thought; Is the legal framework adequate to save the animals?, & are we doing enough?

Next, Dr C.J. Rawandale, Director, S.L.S.-Noida, extended the vote of thanks to the Chief Guest and used this as an opportunity to also trace the difference between what 'ought' to be and what 'is'. In his words, 'existence' ought to go hand in hand with 'co-existence', whereas, presently, we are achieving 'existence' by means of 'extinction' of species which in turn at some point will lead to our extinction. With these words, the 'session - I' ended at very positive note. There was a break of ten minutes before the next session started. During this break, a short movie, on all the field visits that were undertaken by the researchers, was shown to the audience.

Session - II

This session started with welcome & introductory note by the anchors; all the four panellists, Mr. Kamal Datta (Joint Director, W.C.C.B.), Dr. R. Gopinath (D.C.F, Delhi), Dr. Sandip Sharma (Wildlife Photographer), and Mr. Vyom Raghuvanshi (Advocate, Supreme Court of India) were felicitated by the fifth panellist Dr. Madhuker S. (Project Coordinator).

The 'panel discussion' session was declared 'open' by the Chairperson Mr. Kamal Datta. He began by congratulating the law school on the tremendous efforts put in to the research project and went on to speak on the peculiarity of wildlife crimes as compared to other crimes. He pointed out four such peculiarities: (i) in case wildlife crimes there are no victims that can

speak, instead we are required to speak for them; (ii) the perpetrators in these cases do not suffer from any stigma; (iii) there are no eye witnesses, since everyone present at the time of commission of the crime happen to be parties to the crime, it becomes difficult to have independent eyewitness; (iv) there is no 'risk' in wildlife crimes but the gains are huge. He further pointed out at a report released by the United Nations that says that there is a turnover of ten billion dollars in illegal trade of animal parts, and China is the main importer of parts of animals, like, the rhino horn.

Next, Mr. Datta spoke about the inadequacies that India suffers from at the state level. According to him, there is a lack of coordination among the different organs; among the various crimes, wildlife crimes are least on the priority which is reflected in the budgetary allocation made by the state authorities; and, there is insufficient power and expertise with the forest officials, since being primarily resource managers, they lack investigating skills which they are nevertheless expected to apply in the course of their work. He expressed displeasure because of having no wildlife forensic labs which in turn is a hindrance in the application of correct legal provisions, since in most cases the seized parts go unidentified. He further pointed out that there is a lack of availability of criminal data due to which no analysis is carried, which is in fact essential for stopping further crimes.

Mr. Kamal Datta further speak about few procedural aspects, like, provisions regarding filing of complaint instead of FIR, matters related to wildlife crimes are dealt with in normal courts wherein o a certain level of required empathy in judges for the animals is absent. To conclude, Mr. Kamal Dutta stated that the one way to strengthen the law is by incorporating provisions of international conventions to which India is a signatory.

Moving ahead in the session, the second panellist, Mr. Vyom Raghuvanshi (Advocate, Supreme Court of India) thanked the college for taking such a great initiative and for inviting him to be a part of such an august gathering. He shared his experiences while working upon the issues of wildlife protection.

The next speaker, Dr Sandeep Sharma (renowned wildlife photographer) highlighted the other aspect of wildlife, which dealt more with the wild life than with the laws governing wildlife. Along with a presentation on a tigress, *Machhli (T-16, titled 'Lady of the Lakes')*, he explained how animals are driven by morals, and how humans need to start learning firm animals. He gave instances when animals on various occasions have reposed their trust in human beings, for instance *Machhli* would leave her cubs around humans and then go for a hunt; he called upon us by saying that 'now it is our turn to do our best to be responsible custodians of that trust'.

This was followed by an interactive session among the panellists and the learners where Dr Sandeep Sharma shared many instances and stories from his experiences with tigers.

The next panellist, Dr. R Gopinath emphasized on the key hurdles of environmental protection. He pointed out that 60-70% of wildlife population lives outside the assigned areas for which animals cannot be blamed since they have been the earlier inhabitants. He further pointed out that human animal conflicts are common, and policies & proper documentation is lacking; for which, a holistic approach is the dire need of the hour.

By now, it had become an inter-active session between the panellist and the audience. The audience had raised no. of issues, like, how the forest department officials proceed when a complaint is registered?; what problems in r/o financial resources they face?; where do they fail in investigation? The technical questions were answered by Mr. Kamal Datta and Dr. R. Gopinath collectively. Dr. Sandip Sharma responded the questions that deal with experiences of a wildlife photographer.

The fifth Panelist, Dr Madhuker S. (Project Coordinator & Assistant Professor at S.L.S., Noida) gave an entirely different outlook to the discussion from the previous four panellists. He carried the mode of 'interactive session' by putting to the audience the most basic question, "what is meant by wildlife?", to every answer that came from the audience's side, he presented a counter which proved the proposed definition wrong. By this, he emphasized on the vagueness of the relevant definition clause in the Wildlife Protection Act, 1972. He went on to discuss how there are four organs on who share the burden of irresponsibility towards animals; the first three organs being the legislature, the executive, & the judiciary; and, the fourth being the people, the subjects of law.

He highlighted at fundamental of 'nature' that we use to learn as kids but forget in the process of growing up; its 'remove a single component of the food chain and the entire cycle collapses, which results in the extinction of mankind'. He concluded by sharing his experiences of field studies, and urged the audience to visit wildlife sanctuaries as a means to truly inculcate a love for animals. With the conclusion of interactive session during discussions carried by Dr. Madhuker S., the Chairperson declared the 'panel discussion' to have concluded.

Lastly, 'vote of thanks' was given by Dr. C.J. Rawandale, Director, S.L.S.-Noida. He started with the words 'stories have important role in the life of one's making', and shared his experiences with forest life. He thanked everyone for contributing in success of the event, and concluded by speaking of the need to go back to one's roots and learn. He said that on one hand we worship Gods in animal forms, and on the other hand, we ill-treat animals.

At last, all the eight research associates, Akshiptika Verma, Apurva Bharadwaj, Ambika, Deepankar Mishra, Dipshi Swara, Rajat Gautam, Shrayansh Niranjana, Sumbul Khare, & Yashaswee Sarkhel were felicitated with bouquets by the panellists. Then, every-one joined the 'high-tea' and carried the discussion informally.



(Release of Interim Report by the Chief Guest, Hon'ble Mr. Justice Sanjiv Sachdeva)



{Hon'ble Mr. Justice Sanjiv Sachdeva addressing the audience}



{Dr. Madhuker S. – Asstt. Prof. of Law, S.L.S.-Noida & Project Coordinator}



{The Panelists, (from left to right) Mr. Kamal Datta, Dr. Madhuker S., Dr. Sandip Sharma, & Mr. Vyom Raghuvanshi}



{Vote of Thanks by Dr. C.J. Rawandale, Director, S.L.S.-Noida}
