

“If we save our Wild Places, we will ultimately save ourselves.”

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The most beautiful, elongated, extreme compassionate and the endless path towards the real nature's beauty is what we called or referred as by the name of *'Wildlife'* or an *'Extensive Green Woods for the Survival or Sustainability of the different Wildlife Species'*. The more we refer this, the more delighted version of this *'Beautiful Green Diversity'* we know about it. *Wildlife*, where different *'Fauna Species'* lives, nurture, survives, meet up their different sustainability needs, fulfil different food demands of them, explores out their beautiful life journey with full of compassion. This elongated path or the *'Green Diversity'* of what we known by the name of *'Wildlife'* has been in alarming threat for the last few decades, as, we have the sole conclusive proof regarding this as how the depletion or the extreme illicit degradation have been caused to the entire *'Fauna or the Wildlife Species'* by *'Anti-Mankind/Inhumane Treatment by Barbaric Mankind'* which have turned their *'Dignified Life'* into *'Dreadful Apprehension of Endangered Species'*. These would not have actually happened if the society would have been pro-active or might some strict actions would have been taken up by the *Government, Legal Activists, Fauna Departments/Wildlife Institutions, Pro-Active Media or other Social Institutions of India* earlier. But, as the actions had not been taken up earlier in order to curb these brutal menaces against the innocent or naive *Fauna Species*, have indeed resulted their life into the *'Dreadful/Horrified Silence of Loss'*. Under this *Research Article*, the *Researcher* has emphasised on different concepts of *'Wildlife Destructions'* under *Indian and Foreign Territories*, their *'Active Causes, Effects and Consequences'*, their *'Legal Redressals'* through different *'Indian Facets of Laws and their Pro-Active Provisions'* for the all-round minimisation and sustainability of *'Fauna Species'* on the greater mass.

KEYWORDS: (Wildlife, Green Woods, Fauna, Mankind, Legal Redressals.)

1. INTRODUCTION ON WILDLIFE v. MAN-WILDLIFE CONFLICTS:

The *Environment*¹ deals in the wide large aspects which includes the biotic and abiotic components at large that further deals in the biological, physical and the other important socio-cultural species and aspects of our environment including the air, water, plants species, forests reserves, wildlife covers, the other natural species and their respective dwelling homes or the shelters of them which ultimately forms the baseline of the *Environment*. The *Environment* is therefore, the greatest source of the survival of both mankind or human as well as the *Flora* and *Fauna* species in short or in other words we can connote it to be *Plant Kingdom* and the *Animal Species* at large who lives or possess their respective shelters at *Forests and Wildlife Covers* at large. Undoubtedly, for the last few decades, the *Man-Wildlife Conflict* have been in the legal scenario or picture which have less rendered the importance and benefits to the entire *Wildlife Species*². The laws though have formulated for the all-round development of the *Wildlife Structure's*, *Wildlife Species*, *Illicit or Immoral Activities* been committed against the *Wildlife Masses* by the *Anti-Humans*, but the rate of implementation is very less and they are still in the verge of development for them i.e., for the all-round development and nurture of the entire '*Wildlife/Fauna Species*'³. The Indian Government facet has given birth to the most fruitful and pro-active '*Legal Formulation*' in form of the '*Act*' namely the '*Wildlife Protection Act, 1972*' which is having the foresighted vision to combat the illicit atrocities been committed against the '*Wildlife Masses*' on the larger aspect with having the best remedial measures and also to compensate the wrongdoers for barbaric and ruthless activities⁴.

1.1 THE THREATS REVOLVING AROUND THE ENTIRE WILDLIFE VICINITIES:

When talking about the threats been tolerating or facing up the entire '*Wildlife Domain*' or the '*Large Scale of the Fauna Species*' is not at all been concealed to most of the society at large, the *Indian Government*, other *Social Institutions* of our developing or diversified country like India. The harsh activities including the '*Large scale killing practices of these Innocent Wild Animals by the Savage Human Being* for their sole pleasure and benefits, *Illicit Hunting and Poaching of the Wild Animals* for the wide scale commercialization process has sabotaged the sustainability of the *Fauna Species* on the brutal aspect, *Selling of Ivory Tusks of Elephant* through which there is a high global business for the hunters who roam different

¹<https://www.yourarticlelibrary.com/environment/meaning-definition-and-components-of-environment/6157>.

²<https://acadpubl.eu/hub/2018-120-5/2/197.pdf>.

³Ibid.

⁴Ibid.

parts of the *World's or Indian based Forests* has gain up the market boon for them for sure but as every coin has two sides, so in totally, one side of the coin i.e. the *Commercial Exploitation* been done by the *Commercial Exploiters* has been in greatest benefit but the *Animal's Life* has been brutally downtrodden⁵. Like the question here is why these menaces have been eagerly and on the continuous basis been committed against them, as *Wild Animals* do have their respective '*Living and Sustainable Rights*' which is actually not been understanding by the '*Anti-Humans*'. India is a country of rich diversification where millions of '*Fauna Species*' lives and nurture their best and sustainable life in the respective '*Wildlife Habitats*' of *Indian Origin*. Just like humans lives in home, they live at *Forestland* for their daily basis survival. Similarly, as if someone snatches away the medium of living for humans, so they become '*Helpless*', in the same way snatching or rupturing the '*Animal's Right or Life*' will lead or expose them to be '*Helpless and Migrated*' from their own beautiful and rich shelter to '*Dreadful Environments*' where their survivals grossly affected in the negative manner⁶.

2. THE MASSIVE REDRESSAL THROUGH THE LEGAL FACETS OF WILDLIFE PROTECTION ACT, 1972:

2.1 MEANING AND IMPLICATIONS OF WILDLIFE PROTECTION ACT, 1972

The Act as by '*Ipso Facto*' suggests i.e., the '*Wildlife Protection Act, 1972*' having '*Protection*' as the name that indeed reflects or highlights about the gross nurture or the overall protection of an '*Endangered Fauna Species*' in the greatest manner. The overall protection has been covered for the innocent '*Fauna Species*' from the '*Anti-Humans*' in terms of remedial measures such as '*Compensatory Provisions under the Wildlife Protection Act, 1972*', the stoppage of the '*Anti-Mankind*' from committing harsh crimes against the entire '*Wildlife Masses/Vicinity*', the '*Deterrence Effect*' to restrict an '*Immoral Intentions*' of an '*Anti-Humans*'⁷. The Act emphasizes around the overall and sound development of the entire '*Wildlife Species*' and the establishments of the '*Sanctuaries and Parks*' for them in order to shift the bulk lists of an endangered '*Wild Species*' to these safer '*Sanctuaries and*

⁵<https://www.researchgate.net/publication/330161598>.

⁶www.wwf.org.au.

⁷<https://acadpubl.eu/hub/2018-120-5/2/197.pdf>.

Parks' in further order to supply or provide them with a decent and sustainable life pattern⁸. The *Act* formulated in 1972 with acquired the following such developments and fruitful missions, below mentioned are some of the core objectives and developments as follows:

- ✓ The onset of the *Wildlife Protection Act, 1972* not just actually minimized the '*Large Scale Illicit*' practices of '*Hunting and Poaching*' but also has positively endeavoured the living standardisation of the entire '*Fauna Species*'⁹.
- ✓ By having commencement of this *Act*, the different forms of '*Sanctuaries and Parks*' have been established by the joint support of *Indian Government*, whose main rationale or purpose was to secure the threatened life of an '*Endangered Fauna Species*', in which they have managed beautifully and efficiently the perfect management of the risked '*Endangered Species*'¹⁰.
- ✓ The *Act* rationally minimized the other gross atrocities which have been illicitly and immorally been encroaching by the '*Anti-Mankind*' for last few decades, as the offenders has to be exposed to the rigorous and other forms of compensatory punishments¹¹.

2.2 THE LEGAL FACETS OF WILDLIFE PROTECTION ACT, 1972:

Years passed and the system of redressal came forward in the form of '*Wildlife Protection Act, 1972*' with having some key components and elements of it in order to preserve, protect, nurture and control the rising cases of atrocities towards the '*Fauna Species*' on the larger scale. Below mentioned are some of the '*Legal Highlights*' of the '*Wildlife Protection Act, 1972*' as follows:

- ✓ ***Section 32 of the Wildlife Protection Act, 1972:*** The rationale of this *Section* is very much clear, as it is prohibited on the part of any such person to use chemicals, weapons and other harmful things in the sanctuary which in other way led to the danger or peril of the '*Fauna Species*' or other '*Endangered Species*' in the '*Wildlife Habitat*'. The purpose of this *Section* is to preserve an endangered habitat of the *Wildlife*¹².

⁸Ibid.

⁹Supra Note 7.

¹⁰Ibid.

¹¹Ibid.

¹²https://legislative.gov.in/sites/default/files/A1972-53_0.pdf.

- ✓ **Section 38J of the Wildlife Protection Act, 1972:** The rationale behind the establishment of this *Section* is that a person is prohibited to tease, molest, feed, disturb any animals in the *Zoo*, or by committing any litter activities in the premises of the *Zoo*, which ultimately disturbs/degrades the biodiversity of the *Wild Animal/Fauna Species*¹³.
- ✓ **First Proviso of Section 51(1) of the Wildlife Protection Act. 1972:** This *Section* talks about the punishment provision for such wrongdoers/offenders who commits offence against animals listed in *Schedule I or Part II of Schedule II*, which shall be imprisonment which shall not be less than 3 years but which may extend to 7 years and also be liable with fine which shall not be less than Rs.10000¹⁴.

3. THE ROLE OF INDIAN JUDICIARY IN CURBING THE ATROCITIES AGAINST FAUNA SPECIES:

The journey of the *Indian Judiciary* in helping or reasonably controlling the high onset of atrocities against the innocent '*Fauna Species*' has been highly beneficial for the entire vicinities of the '*Wildlife Habitat*' or the large scale '*Endangered Species*' of the *Wildlife*.

The pro-active precedents and the decisions laid by the *Hon'ble Supreme Court and High Court* for the all-round protection and preservation of the entire '*Wildlife Species*' has been corroborated with rich source of redressal and minimisations of different savage atrocities been committed against them by the mankind. Below mentioned are some of the leading highlights or different *Indian Legal Cases* cited or decided by the apex *Courts in India*, for the greatest nurture and preservation of the '*Indian Wildlife Structure*'.

- In the leading case, the *Hon'ble Supreme Court* has clearly mandated that there is having an express provision that no person shall be allowed to enter into the sanctuaries with the presence of harmful and dreadful weapons in their respective hand as if it would not be made or simply if this regulation would not be made or formulated under this *Act* then the life of the *Wildlife Species* would have been in danger as any time someone could come or have entered upon into the sanctuary and could kill the *Wildlife Species*, therefore, this rule has been strictly made by the

¹³Ibid.

¹⁴Ibid.

Government of India in order to conserve the endangered *Wildlife Species* at large and also to maintain and safeguard their greatest sustainability ratio¹⁵.

- In the case namely *Vilas Shankar Donode v. State of Maharashtra*¹⁶, the *Bombay High Court* declared and interpreted that the construction of the road in the *Forest Land Area* was considered to be the *Non-Natural Use of the Forest Land* and was further held that the construction of the road inside the premises of the *Forest Land Area* was illegal and unreasonable in nature as it highly and probably depletes and destruct the standard living pattern and sustainability of the 'Fauna Species' on the larger scale.

- In the case namely *Mohd. HaziRafeeq v. State of Uttaranchal*¹⁷, the *Hon'ble Court* held that, no saw-mills can be installed within the radius of 10 km from an existing forest, because if it would have been installed, it will deplete and harm the species living there in the *Forest Kingdom* and the entire food chains and sustainability of the *Forest Reserves and Ecology* shall be disturbed and affected negatively.

- In the case namely *Tarun Bhagat Sangh v. Union of India*¹⁸, the *Hon'ble Supreme Court* held that even if the mining operations were getting performed outside the *Tiger Reserves Zone* in the *Forest Land*, which also has been specified by the *Hon'ble Supreme Court* within the land of the *Protected Forest Zone*, then also the prior sanction or the permission is being necessary to be taken up by the *Central Government* for the further continuation of the *Mining Activities* by any such person. The rationale of taking or obtaining permission was that to secure and preserve the rich diversity of the 'Fauna Species' as if the permission would not have been taken by the concerned person, then it could have posed serious threats over the 'Reasonable Sustainability of the Wildlife Habitat/Structure'.

¹⁵Section 31 of the Wildlife (Protection) Act, 1972.

¹⁶AIR 2008 Bom 10, Prof. Satish C. Shastri, *Environmental Law* (Eastern Book Company, Lucknow, 4thedn., 2012).

¹⁷AIR 2006 Utt 18, Prof. Satish C. Shastri, *Environmental Law* (Eastern Book Company, Lucknow, 4thedn., 2012).

¹⁸1993 Supp (3) SCC 115, Prof. Satish C. Shastri, *Environmental Law* (Eastern Book Company, Lucknow, 4thedn., 2012).

4. THE ROLE OF OTHER INTERNATIONAL BODIES IN CURBING OR MINIMIZING THE BRUTAL ATROCITIES AGAINST FOREST AND WILDLIFE KINGDOM:

Beside several *Legislative Formulations* and other sorts of *Global and Domestic Statutes* being made for the all-round protection and development of the *Wildlife and Forests Kingdom* or the *Reserves* at large, there are yet another social centric *International Conventions* which are totally focused at the preservation and due development of the *Wildlife and Forests Reserves* at large, below mentioned are some of the lists for the same, and they are as follows:

- Under the *Convention* namely *The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, the mandate is very much clear behind the formation of it as it was successfully formed in the year 1975 just in order to maintain and sustain the ecological and nature's balance of both the *Forests* and *Wildlife Reserves* at large and also the main object behind forming this *Convention* is to put a reasonable ban and prohibition on the transportation of the different *Flora* and *Fauna Species* from one *State* to another *State* or in other words an *Interstate Transportation* of these different varieties of *Flora* and *Fauna Masses* or *Species* at large, so that the aesthetic concern and the balance of the natural vegetation of the *Forests Ecologies* can be maintained and preserved for the long lasting time¹⁹.

- Under the administration of the *United Nations Environment Programme,(UNEP)*, there is one such important *Convention* being made or formed through the collaborative support of this programme mentioned above which totally and fruitfully concerned in relation to the *Migration of the Wild Animals* and the *Convention* referred as *The Convention on Migratory Species of Wild Animals (CMS)*. This *Convention* signed on 1979 and the rationale and object to formed this *Convention* was to reasonably conserve the sudden migrations of the *Wild Animals* from the *Forest* due to the illegal encroachments of the anti-human's which lead to potentially jeopardised acts such as *Hunting, Excessive Deforestation, Forest Fires at large, Illegal Excavations of Timber, Slash and Burn Agriculture* which resulted into the extreme *Loss of Biodiversity* that ultimately has formed the productive and green land of the entire *Forest Ecology* been converted into the *Dreadful Silence of the Wild*

¹⁹https://sites.nationalacademies.org/cs/groups/pgasite/documents/webpage/pga_085207.pdf.

Species at large which has negatively resulted into the sudden migration of the *Wild Species* which this *Convention* after having been coming into the force has successfully regained the loss scenarios of the migration cases pertaining to the different species of *Wild Animals* in the *Forest Land* on the greater extent²⁰.

- Under the *Bern Convention, 1979* which contributed its pivotal and centric role in managing and conserving the rich heritages of *Forest Ecologies* in forms of different species of *Flora* and *Fauna* Masses at large. The atrocities of the anti-humans against the natural vegetation of the entire *Environment* at large have undoubtedly ill-treated the different *Wildlife Species* and their respective habitats at large which this *Convention* effectively solves out and positively endeavours to provide the maximum sustainability to the different *Flora* and the *FaunaSpecies* on the bulk especially in some parts of *South Africa* and *Europe* at large²¹.

- Under the *Environment Management and Coordination Act, 1999*, this *Act* has been made successfully in order to curtail and restrict the illegal and illicit acts of the anti-humans at large against the *Natural Environment* which includes the entire *Forests Ecologies, Wildlife Ecologies, Artificial Sanctuaries and Parks* for the effective, fruitful development and restorations of the different *Wild Species* which was on the urge of threat at large. The *Act* has gained a lot in terms of conserving the entire *Wildlife and Forests Resources* at large with the pro-active mandate of protecting and safeguarding the entire *Fauna and the Flora Species* on the greatest extent by applying the positive and constructive methods of conservation²².

- Under the *Ramsar Convention, 1971*, the *Convention's* main mandate and object is to protect and improve the *Wetlands* situated at the *Forest* against the illicit acts of anti-humans in terms of polluting the *Wetlands* with the harmful chemicals, dangerous effluents, poisonous dumping such as in form of sewage, fungal and other forms of harmful parasites which kills the *Water Birds, Aquatic Wild Species* and other forms of *Micro-Organisms* on the bulk, and by applying such rigid and stringent rules and guidelines pertaining to those, who commits such heinous acts of indirectly killing of

²⁰Ibid.

²¹<https://www.wildlifetrusts.org/international-conventions>.

²²<http://www.georgewright.org/291njogu.pdf>.

the huge species of *Fauna* and other *Aquatic Species* of the *Forest* at large, shall be liable for the hardcore and deterrent forms of punishment which in turn saves and effectively conserves the entire *Forest Ecology* under its best and efficient manner²³.

5. CONCLUSIONS AND SUGGESTIONS:

God has created such beautiful and adorable nature in form of *Wildlife* and *Forestland* in which the former is the major eye attraction of several tourists and millions of creatures or species dwelling centre. As like human beings have their own respective homes where they live and rests, similarly we have so many dwelling hubs or shelters or the habitats for millions of *WildSpecies*, *Flora Species*, *Aquatic Species*, the other classes of *Terrestrial and Amphibians Habitat*, where they play, they eat, they spend their quality times with their families and what we humans being for our own sort of selfish pleasures and sole interest just getting into their life's by depleting or destroying their homelands and are badly converting them into a *Barren Land* or the *Wasteland* from where the life's sustainability rate becomes totally uncertain or vague on their respective part. This is not for which the *Human's Beings* have been made for but rather they have been made for doing the right deeds on their part, for promoting happiness towards several species of *Wild Animals* or either for the promotion of happiness towards their own family, they been made to promote and support compassion towards the *Wild Species* of the *Forest Land* and also to love the *Forest Resources* including *Trees*, *Saplings* and other important *Plant* or the *Flora Kingdom* of our *Natural Ecosystem*. Therefore, the entire violence or other forms of aggressions towards the naive and innocent species has to be stopped in its fullest extent on the respective form of the *Mankind*. The violence or the aggressions shall result into the extinction, destruction and complete loss of vegetation covers of our *Natural Environment* including the *Forest* and the *Wildlife Kingdom*. There must be the active participation of the society being needed now to curb these brutal encounters of the *Forest Offences* on the larger extent and along with that the positive or an optimistic mindset being the need of the hour in today's era as rather than to pollute and deplete the *Forest Resources* at large the society should think positively to make the *Forest Resources* intact, embraced and adhered with each other, planting of more and more trees, planting of the saplings into the barren lands which have been depleted either due to the maximum *Deforestation* and *Forest Fires* which is also known as *Afforestation* is being needed vehemently to protect and nurture the lost forest resources and components at large.

²³Ibid.

The savage human treatment towards our *Natural Vegetation* is the most barbaric and savage response of what nature is offering to us and in return what we are serving to them, this contrasting behaviour has resulted into the real loss of the nature's vegetation on the very serious way which further has destroyed the entire social relationships of the different *Wild Species* of the *Forestland* and *Millions of Habitats* for both *Fauna* and the *Flora Species* on the bulk amount, there has been for the last couple of years, a high rate deterioration graph being found in the *Rich and Fertile Biodiversity of our Natural Ecosystem*.

Mankind no doubt has actually encroached our wildlife in form of illegal hunting and poaching has brutally devastated the wildlife zone into the imminent threat and if we talk about the overall environment which effectively includes the natural resources has been highly exploited by the mankind in form of so many evil acts such as *Timber extraction, Slash and burn agriculture, Mining Extraction, Deforestation, Global Warming Emissions, Loss of Biodiversity*, etc. The Wildlife has undoubtedly a fruitful contribution towards our ecosystem at large as it maintains: *The Ecological Balance, Food Chain Cycle, Regulate the Equilibrium Position of our Environment, The Regulation of Effective Climatic Change*, etc.

The evil acts of mankind since the last some years have brutally and overexploited the balanced position of our effective environment. The environment is undoubtedly the greatest achievement of nature's beauty and sound creation. It's like we are surrounded by so many resources in our day-to-day life and we our self is in the greatest benefit of that. Things like trees, thick vegetation cover of the forest, timber, the greatest living sustainability through the biotic component i.e., Trees through which we and the entire flora kingdom getting the high and pure oxygen content.

The ecological balance and the living ecosystem of the environment is the part of the effective and sound environment through several species are getting benefit but what is the current scenario of our environment is not that sound and effective as the human illegal encroachment have been continuously devastating the enriched natural resources of the environment through so many negative acts and the consequence of them constantly been putting an alarming threat over the aesthetic concerns of the environment.

The time has come to take an active revolution so that the aesthetic concern of our environment should be prevented and protected effectively & efficiently. Therefore, it's a kind request to all those curious and conscious people of our *Indian Society* that the real time of raising our voice against the cruel and gruesome atrocities being committed by the anti-humans on the high scale for the last couple of years has come in further order to minimise and curb the savage practices of them and to make India proud once again to be called as the

country of *'Green Planet and the Diversified Heritage of Woods'* so that the entire remaining *Endangered Species* or the *Other Flora Species* shall once again come up with former enthusiasm to have a *'Cherished Meet with an Embracing Attitude'* rather to get the feeling of *'Distressed Pessimism'*.