

● A LEGAL EVALUATION OF PROTECTION OF WILDLIFE VIS. A VIS. SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT



Praveen Kumar Rathi*

Abstract

Unbridled technological development in various sphere of life viz. industrial, domestic, municipal etc., has immensely contributed in surging the brunt of environmental deterioration, which bring the state of environment, particularly in the context of wildlife protection, at the verge of catastrophe. Celebrated provision under the Constitution of India mandates the State to take all possible and practical means and measures for the protection of flora and fauna which is the essential element of wholesome environment. State is directed to take every possible effort to achieve above mentioned tasks under Article 48-A of the Constitution of India, which was inserted by 42nd Constitutional Amendment Act, 1976. Besides this, there is a federal legislation titled as the Wildlife Protection Act, 1972 which specifically provides about the appointment of authorities for the protection of wild fauna, and also vested them with powers for achieving objectives of the Act. In this research paper, author has analyse the impact of growing technology upon the decreasing wildlife in India, which was a hub of enormous species of wild animals including Tiger, Leopard including the Snow Leopard, Elephants, Bear, Birds etc., and the ensuing consequences.

Key words

Wildlife Protection, Science and Technology, Socio-legal Effects and Environment.

I. INTRODUCTION

For centuries, India has been known as a country with abundance of natural resources with ample diverse flora and fauna in its vast geographical areas. Culture and tradition of this great nation are so high that inhabitants regard nature and its facades equivalent to divine powers, thus, worshipping the great forces existing in the form of rivers, lakes, trees, wildlife etc. The concept of environment found place in the Kautilaya's Arthashashtra. In other words Kautiliyan Jurisprudence dealt with the law relating to environmental protection. The rulers were duty bound to maintain and protect forests and its produce,¹ and almost all kinds of wild animals. Mythological texts are filled with praise and aspect of preservation of flora and fauna, including wildlife, where they get the prominent place equivalent to Gods and Goddesses.

Even, each individual was under a duty to protect the nature. The animals, trees, water, air and land were treated as a divine power as they supervise and control the universe. For a variety of other reasons the trees, animals, air, water and land were worshipped by

*Assistant Professor (Law), Himgiri Zee University, Dehradun, Uttarakhand (India).

¹S.C. Tripathi, *Environmental Law*, 4th Ed. CLP Allahabad, (2010), p.15

ancient men.² The world history reveals that almost all religious and philosophical writings express concern for protection and adequate use of natural resources and also need for preserving natural wealth for the sake of future generations. Forest and wildlife are natural assets of immense value and have been a vital source of human sustenance. They have been an integral part of human existence since time immemorial because of their role and ecological balance, environmental stability, and conservation of biodiversity, food security and sustainable development have been recognised ubiquitously.³

But, with the passing of time men forget his duties toward the nature and start exploiting it without using his wit, which ultimately brought the state of environment at the brink of extinction. Technological developments in the field of human luxury played a vital role, on one hand, in the progress of humans, but, on the other hand in the destruction and imbalance of nature. Technology simplifies the way we do things. The research and development for technological innovations has been growing at a fast pace. It becomes highly imperative in our competitive world to find out the impact of technology on all stakeholders. The sustainable aspect of development in any sector is the need of the hour and technological development also needs thorough impact assessment. In the view of this author, there is a need to balance development with environment as it becomes our responsibility towards the entire ecosystem, the resources of which are being exploited in lieu of technological development.

Although, India has sufficient Legal Framework in the form of Anti-poaching Laws⁴ and Constitutional Mandate for wildlife protection and preservation, but so far they failed to be as effective as they were once contemplated to be because of destruction of Habitats of Wild Animals and unabated human population growth.

II. LAWS FOR THE PROTECTION AND PRESERVATION OF WILDLIFE IN INDIA

Legal protection of wild animals, in reality, starts from British Era. There were several important legislation viz. The Madras Elephant Preservation Act, 1873; The Elephant Preservation Act, 1879; Wild Birds Protection Act, 1887; Wild Birds and Animals Protection Act, 1912; Hailey National Park Act, 1936 etc. aimed towards the protection of wild animals like Tiger, Elephant, Birds etc. before Independence. However, in 1972, parliament of India has enacted the Wildlife (Protection) Act, which is applicable in whole of the territory of India, except the Jammu & Kashmir. Besides this, Constitution of India also contains some provisions for wildlife conservation.

The Constitution of India, 1950

To protect and improve the environment, including protection of wild animals, is a

²*Ibid.*

³Prakash Chandra Shukla, "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: A Step to Undo Historic Injustice" in the Book "An Introduction to Environmental Rights", Edited by Dr Rathin Bandopadhyay and Dr Rajendra Dhar Dubey, Central Law Publication, Allahabad, (2010), p. 100.

⁴The Wildlife (Protection) Act, 1972; Biodiversity Act, 2002; and there is also "Wildlife Conservation Strategy, 2002".



constitutional mandate under Article 48-A and Article 51A(g).⁵ It is a commitment for a country wedded to the ideas of a welfare State. The Indian Constitution contains specific provisions for environment protection under the chapters of Directive Principles of State Policy and Fundamental Duties. The absence of a specific provision in the Constitution recognizing the fundamental right to clean and wholesome environment has been set off by judicial activism in the recent times.⁶

Initially, the Constitution of India had no direct provision for environmental and wildlife protection. Global consciousness for the protection of environment in the seventies, Stockholm Conference and increasing awareness of the environmental crisis, including hunting and eradication of wildlife, prompted the Indian Parliament to do 42nd Amendment to the Constitution in 1976. The Constitution was amended to introduce direct provisions for protection of environment, forest and wildlife. This 42nd Amendment added Article 48-A to the Directive Principles of State Policy.

The Wildlife (Protection) Act, 1972

The Wildlife (Protection) Act was enacted on 7th September 1972. It provides legal guidelines for the protection, conservation and management of wildlife in India. It covers all matters relating to India's wildlife,⁷ including protected areas,⁸ activities within protected areas, control of hunting and poaching, trade of wildlife,⁹ enforcement and administrative functions of wildlife authorities.¹⁰ The Act authorises the appointment of Directors and other officers, after the establishment of sanctuaries, national parks, as well as zoos.

It also empowers the Directors and other officers of the Ministry of Environment and Forests to be in charge of wildlife in India, and armed them with ample powers in order to ensure the protection of wild animals a from smuggling and poaching.¹¹ Under the Act, the Ministry of Environment and Forests and state forest departments manage sanctuaries and national parks through regulations that prohibit various activities within them. Regulations for specific national parks and sanctuaries are to be drawn up in consultation with local authorities, which differs from place to place. The Wildlife (Protection) Act, 1972 also provides almost complete or partial protection of wild species, listed under various Schedules.

However, despite of these laws, wildlife in India is rapidly decreasing because of improper implementation and corruption in officials responsible for wildlife protection. But, bigger factor for their destruction is our lifestyle in which science and technology play a greater role.

⁵The Constitution of India, 1950; Articles 48-A and 51A(g).

⁶*Subhash Kumar v. State of Bihar*, AIR1991SC 420; *Sansarchand v. State of Rajasthan* (2010) 10 SCC 604.

⁷The Wildlife (Protection) Act, 1972; Sections 9-17

⁸*Ibid*, Sections 18-38.

⁹*Ibid*, Prohibition of Trade or Commerce Sections 49 A, 49B, and 49 C.

¹⁰*Ibid*, Sections 3-8 deal with Authorities in the Act.

¹¹*Ibid*, Section 50.

III. GROWTH OF SCIENCE AND TECHNOLOGY: POSITIVE AND NEGATIVE IMPACTS ON WILDLIFE

"Scientific progress and technological development are major forces underlying improvements in productivity and living standards. New technologies offer considerable promise for decoupling economic growth from long-term environmental degradation. But there is no guarantee that innovations will appear when and where they are most needed, or at a price that reflects all environmental and social externalities associated with their deployment"¹²

It is humbly submitted that science and technology is sine qua non for human development and progress and no country can ignore it, otherwise it failed to pace with developed nations. The advancement in technology has been exceptionally fast in the 20th and 21st century. With electronic technology and machines being produced and improved all the time, it was very likely that along with the positive aspects of these new advancements, people would also consider the negative aspects and look to criticise new technology.

Developments in science and technology in the contemporary world are fundamentally altering the way people live, connect, communicate and transact, with profound effects on economic development. Through breakthroughs in health services and education, these technologies have the power to better the lives of poor people in developing countries. Eradicating malaria, a scourge of the African and Asian continents for centuries, is now possible. Cures for other diseases in man and animals, which are endemic in developing countries are also now become possible, allowing people with debilitating conditions to live healthy and productive lives.¹³

Our country has also stride significantly in the direction of science and technological advancement. India ranks third among the most attractive investment destinations for technology transactions in the world. Modern India has had a strong focus on science and technology, realising that it is a key element of economic growth. India is among the topmost countries in the world in the field of scientific research. India is aggressively working towards establishing itself as a leader in industrialisation and technological development. Significant developments in the nuclear energy sector are likely as India looks to expand its nuclear capacity.¹⁴

This has also been contributing a bit in the arena of wild animal protection in various National Parks and Sanctuaries in India as Wild Life Authorities installed CCTV Cameras in the jungle, by which vigil over the illegal movement and activities in the forest can be made more effectively. Moreover, modern animal tracking system has been a huge success in the preservation of rare species which are at the brink of extinction like one Horne rhinoceros, Ganges river dolphins, Purple frog, birds species such as

¹²OECD "Technology Policy and The Environment", OECD Publication, Paris, France (2002), p.7.

¹³Lee Roy Chetty, "The Role of Science and Technology in the Developing World in 21st Century", available at: <https://ieet.org/index.php/IEET2/more/chetty20121003> (visited on 30/10/2017).

¹⁴Science and Technology Development in India, available at: <https://www.ibef.org/industry/science-and-technology.aspx> (visited on 30/10/2017)



Himalayan Quail, Great Indian Bustard and Indian Horn-bill and many small mammals.¹⁵

On the other hand, however, this sort of development has also contained some cons, particularly its negative impacts upon the environment and this trend is still continuing. First, with the decline of mortality rate, population growth is on surge, particularly in India. Now it is the second largest country of the world after China and the rate of growth still continuous alarmingly. The earth is now overcrowded and consumption habit of the people is on the rise. While India has only 2.4 percent of the total area of the world i.e. 2.5 million square miles, it has 16 percent of the world population. While global population has increased three fold during the last century from 2 billion to 6 billion, the population of India has increased nearly five times from 238 million (23 corers) to 1 billion in the same period. As per the 2001 census, India's population stands at 1027 million and currently it is 1.25 billion, and it is increasing by about 17 million every year which is equivalent to the population of Australia, area wise Two and half times bigger than India.¹⁶ One can easily understand that the pressure of such enormous population growth be ultimately affect the forest cover and deforestation would be inevitable, which in turn affect the wild animals.

Secondly, Unplanned Urbanization is also a sort of result of technological growth, because Industries are established in the vicinity of cities alluring the rural population for employment, thus, encouraging their exodus in the cities which are already overcrowded. From the earlier days we noticed that generally the civilization started near the water courses, and this trend is still going on, but instead of civilization, it is now resulting in growth of slums thus, putting huge pressure on aquatic flora and fauna and wildlife.

Thirdly, rapid industrialization, is another cause of worry as far as health of wildlife is concerned because it contributes tremendously in increase in pollution, which makes the wild environment unsuitable for wild animals. Immediately after the independence, major steps were taken in our country in its stride for development in order to give its economy a big boost. Industrialization was then considered the most important factor that can put the country in the path of progress, and indeed it do so. But to our utter surprise industrialization, which is one of the major facet of scientific and technological growth, along with wayward development brought with it the danger to the human civilization and wild flora and fauna as well, by contributing in surge of environment pollution.

It is to be noted that large number of plants and animal species are beneficial to humans in one way or the other. Many of the medicines such as aspirin, penicillin, quinine, morphine and vincristine have been derived from uncultivated plants, the pollination in which takes place due to humming Birds and Honey Bees. If we talk about the ancient medicinal system of Ayurveda, it has also been using extracts and juices from various plants and herbs to cure problems like blood pressure, diabetes and many other neurological problems since ages.

¹⁵Unfortunately, many rare Indian species of wildlife has already vanished till now like Indian Cheetah, Indian Aurochs, Sivatherium, etc.

¹⁶Sukanta K. Nanda, *Environmental Law, CLP*, Allahabad (2009), p. 10.

It's not only the plants which are useful, many of the extracts from animal species are rich in nutrients and anti-oxidants which we extract from them either by force or killing, however, wild animals have become the object of experiments and observations for human benefits, another form of cruelty upon them. For instance, the oil from liver of Cod fish is rich in Omega 3 and Omega 6 anti-oxidants that helps fight ageing, chemicals derived from shrimps and lobsters are used in treating fungal infections, venom of Cobra is used as a cure for leprosy and the list does not end here. Today, various species of animals are also being studied and researched upon to find cures to deadly diseases like cancers, Alzheimer's and Parkinson's.¹⁷

IV. Wild Animals bear the brunt of Development of Science and Technology

Conceding the fact that growth of science and technology in multiple aspects of human life make it more luxurious and comfortable, one must not forget the ill consequences of its rampant, arbitrary and mindless use just for the sake of human convenience. Followings are the major impacts of indiscriminate growth of science and technology upon the wild animals and creatures:

Firstly, with the availability of sophisticated weapons, poaching in the jungles in India, and particularly in the State of Uttarakhand, become much more easier for the poacher, who inclined to finish the carnivorous animals like tigers, leopards, snow leopards etc. It is honestly submitted by this author that as a result of this unchecked poaching, sharp decline in the population of carnivorous animals is noticed, which is extremely harmful to the ecological balance.

Secondly, as the habitats of these predators are vanishing due to unplanned urbanization and deforestation, and also by poaching, their population has come down alarmingly. On the other hand, sharp increase in the population of herbivorous animals, particularly Indian Antelope (*Boselaphus tragocamelus*), is noticed, which are notorious to invade the growing crops.

Thirdly, particularly in the State of Uttarakhand, as a result of deforestation and poaching, increase in the unwarranted human interference in the habitat of wild animals, is resulting in frequent clashes between humans and wild animals. Often, wild elephants found venturing in human habitations in the State because of decrease in their habitat areas. Similarly, leopards, which are fortunately found in large numbers, invaded the human populace in search of easy prey. The victims are generally those poor, who are forced to live near the borders of jungles due to poverty or those, who have made their residence in the periphery of jungle. National Green Tribunal of India has also raised its concern against such human activities in the case of *Salim Khan v. Union of India*¹⁸ that "As the exercise of relocation and rehabilitation of the villagers is going on (in Hoshangabad District of Madhya Pradesh), the families vacated from the core area of the Tiger Reserve have started moving into the newly allotted land and constructing their

¹⁷Pawan Kotiyal "Reasons Why We Need To Save Wildlife" 7th June, 2016 , available at: <https://www.tourmyindia.com/blog/reasons-to-save-wildlife/> (visited on 30/10/2017).

¹⁸Decided on 4th April 2014 by National Green Tribunal.



houses as well as taking up agricultural activities".¹⁹

Fourthly, other Human activities directed toward certain commercial interest also adversely affecting the state of affair of wildlife and working as fuel in the process of deterioration of wild animals. Use of wild animals for commercial and entertainment purposes is another curse. Matter was raised against such cruel behaviour in the Delhi High Court in the case of *People for Ethical Treatment of Animals v. Union Of India & Others*²⁰ where honourable court has dismissed the petition alleging maltreatment given to wild animals while making a commercial movie, due to the lack of adequate material, none the less also expressed its concern upon the topic.

The Kerala High Court upheld a notification by the Ministry of Environment and Forests stating that bears, monkeys, tigers, panthers and lions shall not be exhibited or trained as performing animals. When the notification was challenged in the Supreme Court, the court declared that animals suffer cruelty as they are abused and caged to make them perform, and therefore, this contravenes the mandate of constitution to treat the wild animals compassionately.²¹ It also dismissed the argument that the petitioners' right to carry out any trade or business under article 19(g) of the Indian Constitution was violated as those activities that caused pain and suffering to the aforementioned animals would not be allowed.²²

In *Sansar Chand v. State of Rajasthan*²³ the Apex Court of India has expressed its concern over unabated hunting of rare wild animals, particularly Tiger in the following words:

"Until recently habitat loss was thought to be the largest threat to the future of tigers, leopards etc. However, it has now been established that illegal trade and commerce in skins and other body parts of tigers, leopards etc. has done even much greater decimation. Poaching of tigers for traditional Chinese medicine industry has been going on in India for several decades. Tigers and leopards are poached for their skins, bones and other constituent parts as these fetch high prices in countries such as China, where they are valued as symbols of power (aphrodisiacs) and ingredients of dubious traditional medicines. This illegal trade is organized and widespread and is in the hands of ruthless sophisticated operators, some of whom have top level patronage. The actual poachers are paid only a pittance, while huge profits are made by the leaders of the organized gangs who have international connection in foreign countries. Poaching of wild life is an organized international illegal activity which generates massive amount of money for the criminals".²⁴

The Honourable Court, while pointing out the importance of preservation of wildlife, further observed that "Preservation of wild life is important for maintaining the ecological balance in the environment and sustaining the ecological chain. It must be

¹⁹*Ibid*, at para 8.

²⁰W.P(C) No. 23480/2005 Decided on 5th March, 2009.

²¹Constitution of India, 1950; Articles 48-A and 51-A(g).

²²N.R. Nair And Ors., Etc. v. Union Of India And Ors. Decided on 6 June, 2000.

²³(2010) 10 SCC 604.

²⁴*Ibid*, para 14.

understood that there is inter-linking in nature. To give an example, snakes eat frogs, frogs eat insects and insects eat other insects and vegetation. If we kill all the snakes, the result will be that number of frogs will increase and this will result in the frogs eating more of the insects and when more insects are eaten, then the insects which are the prey of other insects will increase in number to a disproportionate extent, or the vegetation will increase to a disproportionate extent. This will upset the delicate ecological balance in nature. If we kill the frogs the insects will increase and this will require more insecticides. Use of much insecticide may create health problems. To give another example, destruction of dholes (wild dogs) in Bhutan was intended to protect livestock, but this led to greater number of wild boar and to resultant crop devastation causing several cases of abandonment by humans of agricultural fields. Destruction of carnivorous animals will result in increase of herbivorous animals, and this can result in serious loss of agricultural crops and other vegetation".²⁵

Thus, it is submitted that state of wildlife in India, in general, and State of Uttarakhand, in particular, has gravely affected by human activities.

V. SOCIO-LEGAL EFFECTS

Enormous use of science and technology in mindless manner specially the use of machines is affecting the state of wildlife in adverse manner, both directly and indirectly. Following are the resulting socio-legal effects impacting both humans as well as wild animals and also creating the legal implications:

Forced Violation of law due to Wild Animals Intrusion

As a result of enormous pollution and decreasing animals habitats due to the deforestation, it is noticed that these animals often after crossing the jungle roam in the areas where people live, thereby, posing a serious threat to life and security of property of the folk. Thus, in order to protect their life and property the local people, in a manner induce to take records of such measures and devices which are meant either to kill these animals or causing serious harms to the body and health of such animals. For example, when elephants start trodding the farm land and cause damage to the crops standing in such farm land, it is obvious, that villagers encase of receiving no help from the concerned wildlife authorities, inclined to kill these elephant either by use of guns, poisons or fire. Same is the case with Indian antelope, wild boars, monkeys etc.

In other cases concerned to carnivorous predators like tigers and leopards when they start venturing in human dwelling areas in search of domestic animals and in some cases of also of human being, as easy food, the administration and local folk left with no option but to kill them in order to save the life and property of the people.

This is invariably results in the violation of legal provisions by such people because they have to kill the wild beast and herbivores by violating the provisions of wildlife (Protection) Act 1972 and mandate of constitution of India for ensuring their survival.

Loss of Life, Property and Crops

Another consequence of attraction of wild animals towards the human populated areas due to the abovementioned reasons often cross the loss of human lives, properties

²⁵*Ibid*, para 11.



movable and immovable and standing crops, hence, creating the huge financial crisis upon a common man along with the agony. This also violates one of the social security of peaceful life, to which every person is entitled to lead due to the inherent human dignity in him.

Smuggling

Abundant killing of wild animals by some greedy and anti social persons has economic reason, because they can make money by supplying the skin, bones, furs, feathers, ivory, tusk etc. to foreign countries by way of smuggling where these items are in high demand.

Damage to Ecology and Ecological Balance

Killing of wild animals either because use of poisonous pesticides and insecticide, modern agricultural practices, and resulting amount of pollution in the environment due to deteriorating water, air and soil quality...is causing irreparable damage to ecosystem. It is in a way disturbing the food web and food chain mechanism found in nature, once the ecological cycle gets disturbed, it become very difficult to bring back it ion track. This in turn generates more diseases, global warming, and erosion of natural resources vital for human consumption.

Deprivation the Natural Inherent Right to Wholesome Environment

In India, the honourable Apex Court has held in *Subhash Kumar v. State of Bihar*²⁶ that every person has right to enjoy the Wholesome Environment, which includes wild flora and fauna, besides pure air and water. Therefore, it may be submitted that elimination of wildlife, in a way, also depriving this aesthetic right of man to observe and enjoying the wild creatures.

VI. CONCLUSION

It is humbly submitted that wildlife, both carnivores and herbivores including micro organisms, is a precious gift of nature to this planet. The term 'wildlife' not only caters to wild animals but also takes into account all undomesticated life forms including birds, insects, plants, fungi and even microscopic organisms. For maintaining a healthy ecological balance on this earth, animals, plants and marine species are as important as humans. Each organism on this earth has a unique place in food chain that helps contribute to the ecosystem in its own special way.

With growing needs and aspirations, we tend to ignore the basic need to survive, which is supported by the environment we live in. Impact of technology on environment can be stated with day to day examples such as increasing pollution levels, reducing green cover, and global warming, and causing changes in weather patterns. We need a sustainable approach towards inclusive development.

But, sadly today, many of the animals and birds are getting endangered. The natural habitats of animals and plants are being destroyed for land development for urban purposes like human dwellings and establishing the industries and farming by humans. Poaching and hunting of animals for fur, jewellery, meat and leather are other great factors contributing to wildlife extinction. If soon, no stringent steps are taken to save

²⁶AIR 1991 SC 420.

wildlife, it would not be long when they will find a place only on the list of extinct species. The extinction of wildlife species will certainly have a fatal impact on human race as well. So, for us as humans, it becomes a great responsibility to save the wildlife, our planet and most importantly, our own selves. Here are few more reasons that will provide you an in-depth understanding why wildlife plays such a significant role in maintaining an ecological equilibrium on earth.

It is further submitted that the eco-system of a region is all about relationships between different organisms connected through food webs and food chains. Even if a single wildlife species gets extinct from the eco-system, which has now become a regular phenomenon, it may disturb the whole food chain ultimately leading to disastrous results upon the planet and greatest victims shall non else but we humans. Consider a simple example of a bee that is vital for growth of certain crops due to their pollen carrying roles. If bees get reduced in numbers, the growth of food crops would definitely lower owing to lack of pollination.

Similarly, if a specie i.e. antelopes, deers etc. gets increased in number, again it can have an adverse effect on the ecological balance. Consider another simple case of carnivores which is getting reduced every day due to human poaching and hunting. The reduction of these carnivores is leading to increase in the number of herbivores who are dependent on forest vegetation for their survival. It would not be long, when the number of herbivores in forests would soar to such a great extent that they would move to agricultural lands and villages for their food needs. Thus, saving wildlife plays a great role in ensuring a check on the ecological balance thereby, maintaining a healthy eco-system.

Thus, author wish to submit that existence of wildlife is absolutely necessary for survival of human beings on this earth. For minimising the negative impacts of indiscriminate growing science and technology upon wild animal, here are some suggestions underneath, which may be beneficial in maintaining the balance between growth of Science and Technology and preservation and conservation of wildlife:

First of all, there is immediate need to discard those policies and programs, which are, though on one hand, for the benefit of mankind, but, on the other hand, very harmful to the wild species threatening their very existence. Of course, we have to compromise a bit with our comfort, but, ultimately, extremely useful for human existence.

Second, both at national and international level, we must adopt and emphasise on the well established principle of Sustainable Development, so that wild animals can survive.

Third, adoption of Effective and operational Wildlife policy directing towards the preservation of wild animals on priority basis, is the need of time.

Fourth, science and technology must be environment friendly, therefore, it is humbly submitted that our scientist should focus upon those inventions and innovations in the field of science and technology, which do not harm the environment including the wildlife.

Fifth, government must at all levels require to take steps on urgent basis to stop unplanned growth of cities and unplanned urbanization, particularly upon the forest land.

Sixth, though we have Wildlife (Protection) Act, 1972 for preserving the wild animals from poaching and hunting, nonetheless, there is need of another effective and practical



legislation in this field. Otherwise, steps must be taken by concerned authorities to ensure the accountability of those, whom are entrusted with the powers and duties to protect the wildlife.

Last but not the least, effective judicial support is most vital in environment justice, in general, and wild animals protection, in particular. It is further submitted that, though, Indian Judiciary, including the Supreme Court and High Court of Uttarakhand, are very vigilant and active to protect and preserve the cause of environment including wildlife, but just contrary is the approach of executive authorities and bodies including central government, State Government, Wildlife Wardens appointed under the Wildlife (Protection) Act, 1972 and other concerned authorities. To sum up, it has been suggested that this approach cannot prevent destruction of wild animals, thus, judiciary must come forward and issue guidelines and directions to these executive bodies binding them to play their role more effectively in the protection of wildlife.