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WHY FORESTRY AND WILDLIFE CRIMES ARE A MAJOR THREAT TO THE INDIAN SUBCONTINENT: A CRITICAL ANALYSIS OF CURRENT PERSPECTIVES

Mr. Souradipta Bandyopadhyay*

Prof. (Dr). Rathin Bandyopadhyay**

Introduction

Conservation of nature and the preservation of the environment upon which we are nurturing are paramount for development. It is not an option; instead, it has become the supreme prerogative. In Indian culture, since ancient times, the watchword of social life was to "live in harmony with nature."¹ From the words inscribed in Charak Samhita, it was written that the destruction of forests was considered the most perilous activity for humanity and its interest. Harming animals and birds, too, was against the fundamental Hindu precepts of ahimsa.² Indian culture taught that man is part of nature, not a molder or superior to it. The interdependence and the close connection with the other environment segments were the foundation of human life. This philosophy of peaceful co-existence has been, in one way or another, enumerated and incorporated in the Indian constitution under Articles 48-A and 51- A(g).

However, environmental harm became an ever-present reality in our country as time passed. Over the last two decades, criminologists have made a significant effort in their acquaintance with the functionalities of

* Ph.D. Research Scholar, Department of Law, University of North Bengal

** Professor, Former Head, Department of Law, Dean, Faculty of Arts, Commerce and Law. University of North Bengal.

¹ S.C.Shastrri, Environmental law (12th Edition ,Eastern Book Company ,2022)

² Id. at 7.

different establishments in society and the criminal justice system's role, primarily to react to the damage caused to nature and its various components. Forestry and wildlife crime is now recognised as two of the most lucrative criminal activities in the globe bringing billions of dollars of illegal profit to the organised criminal belt. The Indian subcontinent is blessed with nearly 6.5 % of the world's known wildlife species, where almost 7.6% of mammals and 12.6% of birds are located here.³ Thus, this country has become a soft target for such criminal activities.

Due to the seriousness of the issue currently, criminologists from around the world are showing interest and getting involved in environmental issues and terming such kinds of activities under the vision of “Green Criminology”. In this new field, researchers are not only concerned about environmental degradation but also trying to comprehend the links between green crimes and other forms of criminal activities such as white-collar crimes or organised crimes.⁴ When the notion of Green criminology materialized, offences related to the environment were highly neglected in any criminological literature.⁵ Later, this field became an important study area for researchers and scholars.

The notion of India welcomes the diversity of culture and its people along with the flora and fauna situated here. Its culture and people are grounded upon its ecology. Yet the ecocide is redefining the Indian environment.

³ India our Endangered Wildlife; A cause of Concern. United Nation Office on Drugs and Crime [https://www.unodc.org/southasia/frontpage/2012/june/our-endangered-wildlife-a-cause-for-concern.html#:~:text=Major%20wildlife%20crime%20in%20India,claws%20are%20used%20.\(May 1.2022,12:00 PM\),](https://www.unodc.org/southasia/frontpage/2012/june/our-endangered-wildlife-a-cause-for-concern.html#:~:text=Major%20wildlife%20crime%20in%20India,claws%20are%20used%20.(May%201.2022,12:00%20PM),)

⁴ Angus Nurse, *An Introduction to green criminology & environment justice*, (SAGE Publications , Limited , 2015)

⁵ Michael. Lynch et al., *Green criminology: Crime, justice, and the Environment* (1st ed.2015).

This process irrevocably alters this country's landscape, impacting economic and ecological safety.⁶ The rapid decline of the wild is the weakening of the will to preserve and safeguard them. The degradation and encroachment have severely threatened the wildlife inhabitants of this country. Today the spectacular wildlife of this country is in great peril. The illegal trade and hunting in the forest of wild animals are decimating most of the creatures. For example, star tortoises for the pet market, owls are sacrificed for superstition, leopards for their pelts, and pangolins for the massive demand for their scales and flesh on the International market.⁷ The scale of the issue with forestry and wildlife crimes in India is enormous. Although the environmental movement is increasing in the country, it is doing so, at a slow rate.

Forestry and Wildlife Crimes: An Introspection

Forestry and wildlife crimes are unique kind of crime that seldom fit into the traditional categories or classifications which usually defines criminal activities. These crimes are also often considered victimless crimes as there is no presence of a human being to file a complaint against such categories of offences. These activities are also a multi-billion dollar business run primarily by international syndicates worldwide, which has also remained a low-risk venture due to the ineffectiveness of the governments in constraining such activities. How and when the creation of ecological disorganization will be considered a crime remains a significant challenge to society. To answer this question, the traditional definition of crime can be enumerated. Simply put, the violation of codified law is considered a crime. Laws are created by the country's

⁶ 3 Perna Singh Bindra. *The Vanishing: India's Wildlife Crisis* 3(1st ed.2017).

⁷ *Id* at 4.

legislation and enforced with a penalty. These are indicators for a person to show what he can or cannot do in society. However, green criminologists focus more on social harm than the legal definition of crime.⁸ The reason why many crimes are occurring is not legally defined as a crime, and the laws that apply to them are not typically criminal but are administrative. From the above perspective, it is hard to define exactly what constitutes forestry and wildlife crimes owing to the difficult nature of these offences.

The illicit trading and exporting of flora and fauna caused unparalleled damage to the region's social, economic, and environmental development. Nevertheless, transit, poaching, harvesting, acquisition, and illegal logging have remained the most profitable in black markets. The United Nations Office on Drugs and Crime (UNODC) has defined forestry and wildlife crimes which are as follows” *Taking, trading (supplying, selling or trafficking), importing, exporting, processing, possessing, obtaining and consuming of wild fauna and flora including animals, birds, fish, timber and other forest products in contravention of national or international law. Broadly speaking, wildlife and forest crime is the illegal exploitation of the world's flora and fauna*”⁹ These menaces accelerate the eradication of forest and wildlife resources and trigger the processes of deforestation, desertification, and other categories of environmental degradation. This directly influences the area's biodiversity as various species diminish in number or even become extinct forever due to these

⁸ Lynch, supra note 5 at 53.

⁹ Overview Of Wildlife and Forest Crime, United Nations Office of Drugs and Crime, <https://www.unodc.org/unodc/en/wildlife-and-forest-crime/overview.html>(May 04 .2022, 10:30 A.M).

above-stated activities.¹⁰ These criminal activities also destroy rare natural habitats, ultimately robbing the nations and the population of their natural resources. The government is also deprived of its legitimate revenues, hindering developmental activities. The loss of income from the illegal trade in plants, wildlife, and plant materials erodes the rule of law in a region.

These complex criminal activities are often linked with grand corruption, organised crimes, and violence, so it also threatens national security. The United Nations has also recognised that forestry and wildlife crime is one of the significant transitional criminal activities once an emerging threat.¹¹ These criminals exploit the crevices in international and national legislation and the criminal justice system. The governments also often lack the resolve and capability to restrain and control the exploitation of their natural assets.

Despite stringent sanctions, forestry and wildlife-related offences are substantial profitable organized criminal stirs that come second to the trafficking of ammunition, drugs, and firearms. It is rather complicated to estimate the actual scale of this menace. The subjects of flora and fauna are both heterogeneous and currently utilised and consumed for various purposes. For example, forest items and wildlife articles are used for fuel, food, medicine, manufacturing goods, etc. However, as these creations are not constructed in a uniform manner or benchmark, thus price variation occurs. This attribute also makes valuing trafficking and illegal trading of

¹⁰ Cf. Jacqueline &L. Schneider, Reducing the illicit trade in endangered wildlife, 24 JOURNAL OF CONTEMPORARY CRIMINAL JUSTICE. 274-289,(2008).[Reducing the Illicit Trade in Endangered Wildlife | Semantic Scholar](#)

¹¹Jaqueline Supra note 10 , at 278.

flora and fauna very challenging. ¹²Nevertheless, many nations have not put forestry and wildlife crime on a priority list. This section has remained overlooked and barely understood despite the gory consequences it can bring to a nation. The legal mechanism is also not up to date to counter the challenging levels and the dynamic patterns of trafficking in wild flora and fauna. Illicit trade of such items provides opportunities to make a handsome profit as it supplies goods considered inexpensive compared to legally sourced material.

In addition, the limitations in international and municipal control areas, tribulations in identifying illegal items and accessory products, and the trafficking routes have resulted in the ineptitude to curtail unlawful trades in this sector. Many countries' forestry and wildlife sections still have encouraged corruption to yield considerable profit from the forest officials, politicians, and business people. ¹³This has given the corporate an opportunity to engage in illegal practices without fearing the law of the land. Hopefully, as a ray of light, some international organizations, and NGOs, have launched worldwide campaigns to bring the world's attention to the problem of environmental crimes. However, the capability to deal with this menace and the political resolve to tackle this issue is still not proportional to the problem's margin.

A. The Basis Behind the Augmentation of Crimes Worldwide

The environment of an area is the founding pillar of sustainable development and peace and security. The increasing environmental crime, including crimes against forests and wild animals, threatens the state's

¹² Wildlife and Forest Crime Analytic Toolkit , United Nations Office on Drugs and Crime 3 (2012), https://www.unodc.org/documents/Wildlife/Toolkit_e.pdf.

¹³ Jonathan P. Kazmar, The international illegal plant and wildlife trade: biological genocide?, Winter (UNIVERSITY OF CALIFORNIA DAVIS JOURNAL OF INTERNATIONAL LAW AND POLICY, 105-109,(2000)

ecosystem, livelihood, and revenue streams. With the rising transitional organized crime, the criminals are also pivoting their direction from human trafficking, drugs, and ammunition to untried sectors- forest commodities, wildlife articles, minerals, hazardous waste, illegally extracted gold, etc. The primary rationale behind the increasing environmental crime is the proletarian risks and the elevated profit due to poor administration system, corruption, poor prosecution of cases, inadequate support from institutions, low esteem of employees, and political interference. In the case of the prosecution and the judiciary, the situation is critical in many developing counties of southern Asia.¹⁴ The international community is also lagging in combating the rising threat of environmental-related criminal activities.¹⁵ The allocation of dimensioned resources to international enforcement has become a massive challenge to institutions like INTERPOL, WCO, UNODC, and UNEP to combat transactional environmental crimes.¹⁶ The following factors contribute to forestry and wildlife crimes-

i. Poverty

Poverty is considered one of the leading causes behind such atrocities as it encourages the recruitment of low-level perpetrators or smuggling. It is also the reason for poaching and illegal hunting, as economically weak people often hunt to satisfy their needs. The lack of educational opportunities and unemployment also work as a catalyst.

¹⁴ The Rise Of Environmental Crime A Growing Threat To Natural Resources, Peace, Development And Security, UNEP Interpol Rapid Response Assessment Report, 11 (2016) file:///C:/Users/a/Downloads/-The_rise_of_environmental_crime_A_growing_threat_to_natural_resources_peace_development_and_security-2016environmental_crimes.pdf.pdf.

¹⁵ Id.

¹⁶ Id.

ii. High demand for products

Due to the lucrative essence of the illegal business, there is an elevated demand for forestry and wildlife articles, products, and cheap illegal minerals in domestic and international black markets. The buyers also place loftier bids where the wildlife-related article is regarded as uncommon and rare. For instance, decorative products and medician items made of ivory and rhino horns, and tiger skin are scarce and highly expensive.¹⁷ In the case of illegal transportation of timbers, the trucks and vessels openly transport millions of logs every year across the borders. Permits are rarely checked. There are also reports of false eco-certification permits, website hacking for access, or the making of forged custom papers worldwide.

iii. Changing the nature of organized crime

Despite stringent laws, rules, and regulations, crimes such as human trafficking, drugs, and prostitution still pose a substantial threat. In comparison, the risk factors involved in environmental crimes are considered low, where illegal articles can be smuggled freely with a bribe or falsified permits. Organized criminal groups, primarily transnational in nature, are becoming a significant threat. These criminals are also changing their character and tactics as law enforcement agencies. They have a sophisticated, far-reaching network, but they have a close connection with bureaucrats.¹⁸ This quagmire of networks in a country is becoming a massive challenge to the law and judiciary.

¹⁷ Threats: Illegal Wildlife Threats.World Wildlife Fund, <https://www.worldwildlife.org/threats/illegal-wildlife-trade>. (May 15, 2022,12:30 AM)

¹⁸ DAAN P. VAN UHM, TRANSNATIONAL CRIME AND GLOBAL SECURITY 79 (Philip Reichel Ryan ed .1st ed. 2010)

iv. Impact of corruption

The consequence of corruption, which facilitates all forms of wildlife crimes, can be far-reaching and can negatively impact the environment. The effect of vice occurs throughout the value chain, transit, transport, destination places for wildlife articles, and products involving both private and public sectors. Criminals mainly resort to corruption as a direct result of illegal enterprises becoming legitimate wildlife sources. It can also hinder the criminal justice system of any country. The corruption in public institutions also enables the illicit exploitation of forests. Thus it shields the criminals indulging in forestry crimes in a region.

B. A Looming Threat in Asia

The illegal business of transnational crimes, including trade in flora and fauna items in the Pacific region and East Asia, generates almost USD 19.5 billion annually. Southeast Asia also plays an essential role in the global illegal flora and fauna trade. The ASEAN (Association of Southeast Asian Nations) countries contribute almost 25% of the global illegal wildlife trade. This region is also a gateway to China and other Asian countries, where the world's largest illegal wildlife markets are situated.¹⁹ law enforcement agencies often target low-level offenders while leaving the high-level criminals and their web of networks intact. Sanctions and punishments for environmental crimes are unproductive, as is already said. There is a requirement to overhaul the legislature's jurisdiction to combat the considerable threat of corruption that facilitates illegal trade in this continent's timber and wildlife. For instance, the four rare species of

¹⁹ Trade in The illegal Wildlife Southeast Asia : Institutional Capacities in Indonesia, Singapore, Thailand and Viet Nam. https://www.oecd-ilibrary.org/sites/14fe3297-en/1/2/1/index.html?itemId=/content/publication/14fe3297-en&mimeType=text/html&_csp_=25b688c51d1ce4e2a7604120f3818d65&itemIGO=oecd&itemContentType=book. (6th May, 11:45 PM)

Pangolins are the most poached animals in the world. The helmeted hornbill is now on the list of endangered species due to its popularity of curved skulls. Sumatra and Java Asian Rhinos are also critically endangered due to poaching.²⁰ The rationale behind the internationalization of environmental crimes is the growing level of economic and social globalization. This tendency has also chaperoned Western countries' demand for wildlife offshoots from Asia, such as reptiles, tropical birds, ivory, and rare plants.²¹

The Asian subcontinent is one of the prominent destinations for a substantial share of endangered species poached around the globe. A variety of wildlife articles are poached in Asia. The local markets mainly contain spiders, snakes, birds, turtles, and squirrels. Also, high-profile products such as tiger skins, ivory, rhino horns pangolin shells are traded. Most of them are trafficked from various destinations. Some animals also die during transport. Especially the countries nearing India, such as Myanmar, serves as a medium for wild animal articles smuggled from Nepal, North East India to China. One of the leading commodities here is tiger skin which is also smuggled across the Himalayas to the major retail centres such as Xining, Linxia, and Shigatse.²² In parallel to the wild animal parts, these same routes are being used to smuggle many wood and timber products. Southeast Asia, therefore also gradually experiencing

²⁰Poached for its Horn.This rare Bird Struggles to survive. National Geographic <https://www.nationalgeographic.com/magazine/article/helmeted-hornbill-bird-ivory-illegal-wildlife-trade>. (3rd May, 2022, 5:30PM):

²¹ Toine Spapens & Win Huisman., *Tackling Cross-Border Environmental Crime; A Wicked Problem*. 54 (1st ed, 2010).

²² The Globalization of Crime: A Transnational organized Crime Threat Assessment. United Nations Office On Drugs and Crime.164 (2010) https://www.unodc.org/documents/data-and-analysis/tocta/TOCTA_Report_2010_low_res.pdf.

deforestation. The Asian continent and EU have become the world's immense markets for illegally felled timber and wood outgrowths.²³

The commercial-scale eradication of the ecosystem of the Asian continent will inevitably result in pressure on not only agricultural outputs but also forestry practices as well. Countries such as Vietnam and China are essential in processing, importing, selling, and consuming illegal flora and fauna items produced in Asia. Apart from these, Myanmar, Singapore, Malaysia, Cambodia, and Indonesia are referenced as transit points for illegal forestry and wildlife products.²⁴ India and its neighbouring countries such as Bangladesh, Nepal, and Bhutan are also no exception to that. The illegal trade in wildlife articles is an increasing problem in Asia, buildup upon many distinct markets with distinct dynamics. This serious offence, although of international importance but has unfortunately received weak penalties under local laws.²⁵ The incessant loss of flora and fauna will lead to catastrophic biodiversity loss, which affects the region's stability in the long term.

C. Classifications of Forestry and Wildlife Offenses

To fight crime against flora and fauna efficiently, it is essential to recognize and identify potential offences and penalize them. Apart from orthodox offences, these crimes also cover associated criminal activities, which will subsequently be conferred. One of the substantial obstructions in forestry and wildlife crime is that this particular sector is not enumerated

²³ Id.

²⁴ Tackling the crossovers between forest and wildlife crime. Environmental Investigation agency. <https://eia-international.org/wildlife/crossovers-forest-wildlife-crime/>. (10th May, 4:50 PM)

²⁵ Global Wildlife Enforcement- Strengthening Law Enforcement Cooperation Against Wildlife Crime. The International Criminal Police Organization (INTERPOL) 12 (2019), WEB_Wildlife ProspectusMarch2019 (1).pdf.

in many nations. It still heavily depends upon administrative regulations and government policies. Also, there is no uniform consensus among the nations about the scope and elements of forestry and wildlife offences. Thus what may be legal in a country may be utterly prohibited in its neighbouring country. Thus, laws relating to such offences and their effectiveness also vary from country to country. This is why it is necessary to discuss the elements and nature of such offences, which are as follows:-

a. *Illicit logging*

Illegal exploitation of timber comprises activities associated with the felling and logging of trees. These offences also include logging in protected forests, felling trees without a permit, obtaining illegal logging permission, excessive logging, etc. It also involves the extraction of trees that belongs to an endangered species. In addition to that, damaging plants by way of ring barking or burning them just to damage them to the extent to harvest legally afterwards has also become a fashion. Many countries remove damaged trees to reduce forest hazards such as bushfires. According to the estimations of the World Bank, due to the failure of the governments to collect forest taxes and due to the loss of market value from illegal logging, almost 5 billion in revenue is destroyed each year.²⁶

b. *Illegal Poaching*

Illegal poaching or hunting is a complex offence that incorporates a variety of offences of illegal possession of wild animals. Mainly it means killing or hunting o protected or endangered species. People indulge in poaching one of the reasons is some think that certain parts of flora or fauna can be used in life-saving medicines. Others are also poached for food,

²⁶ 8 Wynet Smith, *Undercutting Sustainability: The Global Problem of Illegal Logging and Trade*. (1st ed, 2004).

²⁷However, money is the biggest factor behind these activities. Several countries have formulated specific legal methods to hunt for a specific species for a specific reason. Due to this reason, many endangered species are going extinct forever in a few years. Not only poaching or hunting and illegal destruction of habitats are also responsible.

c. Illegal processing of flora and fauna products

In chronology connected to forestry and wildlife crimes, animal and plant material processing comes only after illegal logging and hunting on the same. The processing of flora and fauna items illegally is a complex job in the supply chain. The illegally obtained items often reduce the production cost and benefit the operators who now adhere to laws and regulations. Rare materials illegally brought, such as mahogany, ivory, and ramin, are also utilized to make luxury items.²⁸

d. Trafficking, import, export

The import, export, and trafficking of forestry and wild animal articles entangle multiple cross-border activities. This also encloses illegal transportation without authorization and permits. Similarly, importing illegal items to a country is illegal as it violates the border crossing requirements and Customs laws. The trade-in flora and fauna commodities is a large industry, assessed to be worth billions of dollars, entangling thousands of exotic animals and plants nearly every year. Most countries have laws regarding the import and export of contraband items. However,

²⁷ Nicole Shea. *Poaching and Illegal Trade*. 5 (1st ed, 2013).

²⁸ Dancan Brack. Illegal Logging. Energy, Environment and Development Programme. https://www.academia.edu/34798137/Illegal_Logging. (May 11, 2022, 11:30 A:M)

it has been seen that these laws often contain no characteristics for flora and fauna materials documented with other prohibited commodities.

e. Possession, Acquisition, Consumption

The constant demand for the rarest species is one of the most significant factors for worldwide forestry and wildlife criminal activities. There would have been fewer criminal activities in the forest if there were no demand for furniture constructed of exotic timber, foods produced from rare plants or animals, items made of ivory, horns of Rhinos, etc. Due to the unremitting demand from the primary consumer countries for the above-stated entities, most of the forest and wild animal-related criminalities are carried out.

f. Money laundering and other frauds

Forestry and wildlife-related offences generate substantial profit, which the criminals need to launder to conceal their source. Various instances show how such offences are connected with money laundering to evade financial regulations. There are very few endeavours to thwart such activities by pursuing the money trail. The confiscation of forestry and wildlife-related proceeds and identifying the masterminds behind the fiasco have been rarely organized by the authorities. Document frauds are also prevalent in this trail to hide the legality, volume, quantity, destination, and origin of the flora and fauna items. These frauds involve alteration and erasing the marks affixed to plants, animals, and other related parts.

g. Association with Criminal Organizations

Most forest and wildlife crimes are indirectly or directly linked with organized crime. Due to its lucrative payoff, many criminal organizations engage in such illegal activities in this sector. These organizations constantly operate across the peripheries of the nation. These crimes play a serious role in subsidizing other organised crimes, including terrorist ensembles.²⁹ Thus, forestry and wildlife crimes have become a threat to a country's national security. In addition to that, the illegal trade and exploitation of natural resources have become a recognized hazard to the environment.

h. Cyber trafficking

The illicit forestry and wild animal article trading have transformed with the advent of the internet. Online anonymous vendors now sell the articles which were sold to markets physically. Online anonymous vendors now sell the articles which were sold to markets physically.³⁰ A worldwide unregulated online market allows criminal entities to sell prohibited items and transport them. According to the International Fund for Animal Welfare (IFAW) survey report, there are almost 5,000 advertisements spread across social media and online marketplaces, listing almost 12,000 threatened species worth 4 million. These sites were astonishingly entirely open to the common public.³¹ Another digital menace is that the hackers

²⁹ The Environmental Crime Crisis. The International Criminal Police Organization (INTERPOL) 43 (2014) :
file:///C:/Users/a/Downloads/The%20Environmental%20Crime%20Crisis%20-%20Threats%20to%20sustainable%20development%20from%20illegal%20exploitation%20and%20trade%20in%20wildlife%20and%20forest%20resources%20EN%20(1).pdf.

³⁰ Kara Norton. The 21st Century Threat to Wildlife is “ Cyber Poaching ” PM. <https://www.pbs.org/wgbh/nova/article/21st-century-threat-wildlife-cyberpoaching/>. (May 15, 2022, 6:30PM)

³¹ *Disrupt : Wildlife Cybercrime*, International Fund for Animal Welfare (IFAW).. 23.(2019) IFAW_-_Disrupt_Wildlife_Cybercrime_-_FINAL_English_-_new_logo.pdf.

have also utilized the system designed to protect and monitor animals by exposing their location via radio tags and GPS collars to poachers.

D. Indian Perspective

India contributes practically 8 % of the global wildlife with over 91,000 species of animal and 45,000 species of plants. The abundant share of natural resources of this nation thus has become a prime target of poachers from all over the world.³² The illegal trafficking of flora and fauna is expanding rapidly. The main trafficked items include leopard and tiger skins, bones, Rhino horns, snake poison, sea horses, turtles, ivory, Chiru Fleece, bear bile, musk pods, and medicinal plants, caged birds such as munias, and parakeets. ³³A majority of people have no clue regarding the existence of such a wealth of species in India. The menace of all kinds of above-stated forestry and wildlife criminal activities is a significant concern here, resulting in exterminating biodiversity, dissembling the ecosystem and food security, and stiffening people's livelihood.

The judiciary of India also is trying to interpret the existing legislations to provide maximum protection to the flora and fauna of the country so that no criminal can utilize the loopholes of the legislation. In the famous case of the *State of Bihar v. Murad Ali Khan & and others*³⁴, the apex court pointed out the ecological imbalances and the dire consequences of the ecological damage. According to the Supreme Court: “.....*The preservation of the fauna and flora, some species of which are getting*

³² *Spotlight on India's soaring wildlife crime*. UN environment Programme. <https://www.unep.org/news-and-stories/story/spotlight-indias-soaring-wildlife-crime>.(May 13th,2022, 5:30 PM)

³³ Id.

³⁴ (1988) 4 SCC 655.

*extinct at an alarming rate has been a great and urgent necessity for the survival of humanity and these laws reflect a last-ditch battle for the restoration, in part at least, a grave situation emerging from a long history of callous insensitiveness to the enormity of the risks mankind that goes with the deterioration of the environment. The tragedy of the predicament of the civilized man is that every source from which man has increased his power on earth has been used to diminish the prospects of his successors. All his progress is being made at the expense of damage to the environment which he cannot repair and cannot foresee".*³⁵ In *Sansar Chand v. State of Rajasthan*³⁶, the apex court demonstrated concern for the country's wildlife in light of increasing poaching incidents. There are a plethora of cases where the Indian courts have emphasized the significance of the protection of the environment, including the forest and wildlife. However, all such references can be viewed from the slant of philosophy as scarcely any case from the criminal courts has ever advanced to the apex court. Thus in this context, criminal law jurisprudence is yet to mature in this country.³⁷

A big challenge for India

Wild animals and forest rangers are also under threat due to the traffickers in forest areas. The duty of the forest rangers is integral not only to India's economic security but also to ecology. In India, there are several instances where forest rangers were butchered or severely wounded by poachers

³⁵ State of Bihar v. Murad Ali Khan & others. (1988) 4 SCC 655.

³⁶ (2010) 10 SCC 604.

³⁷ Dr.Madhukar Sharma. Research in Wildlife Protection Law and its Role in Making the Student Community Self-Reliant in Learning the Laws. 12. CPJ LAW JOURNAL 7(2022).

during duty.³⁸ The Covid pandemic situation in 2020 severely impacted the Forests of India as well. During that time, trespassing in the forest areas and poaching incidents increased. TRAFFICs report estimates that the illegal hunting in the forests also doubled during the lockdown period.³⁹ During that time, either a section of people were jobless or free; therefore, they got entangled in the illegal trading of flora and fauna for an additional source of earnings. The ongoing situation has become a massive challenge for India.

The legal framework of this country is quite stringent to prevent such atrocities; however, the execution part of the law and massive backlog of cases due to poor infrastructure abetting such untoward incidents. The major legislations that are enacted to protect endangered plants and animals are The Wildlife (Protection) Act, 1972, The Indian Forest Act, 1927, The Forest Conservation Act, 1980, The Environment (Protection) Act, 1986, The Biological Diversity Act, 2002, The Indian Penal Code, 1860. Out of these legislations, The Wildlife act of 1971 and the. The Forest Conservation Act of 1980 is widely used throughout the country by officials. The following **Table 1** will provide an assessment by the National Crime Records Bureau (NRCB) of the past five years.

³⁸ Perna Singh Bindra. Why India is the World's Deadliest Country For Forest Rangers. IndiaSpend. (14th May, 2022, 8:00PM) <https://www.indiaspend.com/why-india-is-the-worlds-deadliest-country-for-forest-rangers-85333/>.

³⁹ Indian wildlife amidst the COVID-19 crisis : An analysis of status of poaching and illegal wildlife trade. 23 (2020). <https://www.traffic.org/site/assets/files/12885/wildlife-amidst-covid-19-india-web.pdf>.

Table 1

Legislation	The Wildlife Protection Act, 1972					The Forest Act and The Forest Conservation Act,1980				
	Year	2016	2017	2018	2019	2020	2016	2017	2018	2019
Total Cases	852	818	778	612	651	3702	3005	2767	2111	2240
Total Reported Cases (Crime head wise)	859	826	782	618		3715	3016	2768	2112	2287
Total Pending Trial Cases From the Previous Year	306	2163	2563	2890	18244	1227	18464	18401	18506	3321
Case True but Insufficient Evidence	12	96	91	68	70	154	219	303	177	184
Persons arrested	1714	1479	1280	3782	154	6463	5247	4701	1076	1855

Source: An amalgamation of five years of data:2016-2020,

National Crime Record Bureau

The data furnished in **Table 1** inferred a gloom view of India's current forest sector. The overall elevation in numbers points there is a need to

address the problems of this sector, especially forest-related areas, without neglecting it anymore. It can be said that despite various legislations the crimes against flora and fauna have not been significantly decreed. As shown in above **Table 1** the log of pending cases and the slow disposal rate impede justice in forestry and wildlife-related cases. There is a significant number of persons have also been arrested each year by the officials. In addition to that, since the investigation related to wildlife hinged on the precise identification of species targeted by criminals, evidence plays an influential role. An apprehended person will be supposed innocent until proven guilty beyond doubt. Thus, no matter how intriguing the testimony of investigating officers is, the judges also cannot consider it unless corroborated with solid evidence. Thus there are instances where a person got away from the prosecution despite perpetrating the offence due to lack of evidence. According to the National Crime Record Bureau (NCRB) report of 2020, major of the wildlife-related crimes were reported from Uttarpradesh (185), Rajasthan (151), Assam(54), Maharashtra(68), Himachal Pradesh(21), Bihar(36), West Bengal(41) in just a single year.⁴⁰ This is disturbing information for these states. Most of India's famous protected forests and wildlife sanctuaries are situated within these states. Thus the above-stated numbers presumably indicate that the wildlife of these areas is under threat.

Consequences

Although India is currently facing multiple menaces of deforestation, pollution, and climate change, which directly impact the country's forest and wildlife, nevertheless, the ongoing trafficking and poaching are also a significant threat to ecological functions as they can cause local or global

⁴⁰ Crimes in India, 2020. Vol 2. National Crime Records Bureau. Ministry of Home Affairs.

extinction of species. Many endangered animals are permanently on the verge of extinction due to such criminal activities in this country. These activities are also causing a negative biological impact on other species too. Poachers and hunters nowadays are equipped with modern weapons. The current infrastructure of the administration is not as per with this threat, and as a result, forest rangers and local police are also getting killed at the hands of these criminals. Thus, all such instances pose a significant threat to the rule of law and good governance of the country, which ultimately raises an issue regarding India's national security.

E. Conclusion

Over the last couple of decades, it has been evident that the protection of the environment is not a protection of a specific nature. Instead, it is the systematic preservation of resources essential not only for human beings but also for flora and fauna, even for the future. Due to criminal activities, the current environmental crisis is not specifically land or border-related but affecting globally. Indeed the exploitation of nature has become a massive issue worldwide that needs to be anticipated in scientific and social thinking. Both poverty and reduction of poverty can have a consequence on conservation. The increasing unemployment, low wage rates, poor education system, ineffective political credentials, and low community participation are the most significant risk factors for any environmental offence. Although the task of alleviating poverty and improving the lives of forest dwellers, especially those living near forest areas, is a difficult task in India, this will indeed ensure the ecosystem's well-being and reduce criminal offending. Last but not least, India has a long way to go in eradicating this menace entirely. It's time that the government should develop a zero-tolerance policy toward such offences