CHAPTER 2

STATUS OF WILD ANIMALS
2.1. INTRODUCTION

The legal status of wildlife was not recognized in a single day but took many years of history to get world wide support through politically, socially and scientifically. Though the need of wild life was scientifically proved by ecologists and conservation of nature had become an important subject in biology but legal and political support were received through series of international conferences and political and social movements. Now every branches of education have given a status to environment and its various elements. From Literature to Political Science and from Sociology to Biology everywhere environment as well as wild life has got very strong position. Various political movements have given birth of a new theory i.e., Environmentalism which directly accepted the status of nature, forest and wild life. Different social movements and conflicts have also given status to environment and wild life which tell us that a balance is needed between man and nature for making a better society. As both politics and sociology had recognized the conservation of nature as well as protection of wild life so some legal instruments were drafted by many governments in their legislature within the nation. The civilized society realized the necessity of the wild life and development of environmental laws has proved the status of wild life. From time to time numerous international organizations were being established for conservation and protection of nature including wild animals, wetlands, forests and migratory birds and others living elements. But the major steps were taken by different international conventions and agreements for conservation of natural resources as well as development of status of environment including wildlife also. First time people got the idea of legal mechanism to control the environmental pollutions and ecological degradation through the Stockholm Conference in 1972. It was the Magna Carta in the field of environmental laws. The historic Rio Declaration in the Earth summit in 1992 recognized that states should cooperate in the spirit of global partnership to conserve, protect and
restore the health and integrity of earth's ecosystem. The Earth Summit also recognized the sustainable development concept for using of natural resources. Afterwards the numerous international conferences and some conventions and agreements directly related to wildlife created a legal status for wildlife throughout the globe.

India, the land of vast natural resources and large biodiversity, very early realized the importance of wild life. The various mythological documents and texts of Hindu sages and law givers directly narrated about protection and cares of nature including wild life. Ancient texts of major religions of India like Islam, Buddhists, Jains categorically define protection of environment and its all elements. Later the rulers of some princely states of India took few steps for reserve forests and protected areas but those were mainly for their hunting purpose. During the British period some legal steps were taken for statutory protection of birds, rhinos, elephants and national parks in compare with some international status. But after Independence, the status of wild life got the new dimension as local and international movements relating to animals and ecology created new wave for better environment. India took part in numerous international conferences and declarations and also became member of many international organizations. All those international organizations took important role for protection of wild animals and at the same time conventions and declarations regarding birds, whales, flora and fauna formed a stable status for wild life which influenced Indian legislator and policy maker very much. Starting from ancient period to modern age status of wild animals always recognized in India either through religious text or constitutional mandate.
2.2. DEVELOPMENT OF STATUS OF WILDLIFE THROUGH INTERNATIONAL CONVENTIONS

Laws for conservation of wildlife and protection of natural resources are the living law under the ambit of environmental laws. Environmental laws are the development of international laws which is based on third generation human rights or right to solidarity. Though international laws are soft laws but it has been realized by all nations that the necessity of implementation of international norms in the municipal statute for better future. The responsibility of the state to protect the environment is now well accepted notion in all countries. In Corfu Channel Case, the international law gave rise to the principle of “state responsibility” for pollution emanating within one’s own territories.¹ The same responsibility of the state is also mentioned in the United Nations Conference on the Human Environment, Stockholm, 1972. The declaration says “the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.” This protection for future generation was very much accepted by judiciary in India and adopted in various international conventions also.

The conservation of wildlife got its legal status through different international treaties, conventions, agreements and protocols. International conservation law was developed through the development of international environmental laws. Perhaps the first international wildlife treaty was made between France and Britain on 1867 relating to fisheries². In 1884, the first meeting of International Ornithological Congress was held for protection of birds in international level.³ In 1902 Convention to Protect Birds useful for Agriculture was organized for prohibition on killing of birds. Such type of international and transnational conventions and agreements developed the

¹ ICJ Reports (1949)
conservation awareness as well as status of wildlife. An International Committee for preservation of birds between America and European countries were established in 1922. Most important foundation for status of wildlife was in 1933 when ‘Convention relating to the Preservation of Fauna and Flora in their Natural State’ was organized in London. After the Second World War, lots of international conventions were organized in the field of wildlife protection as well as for ecological development also under the auspices of United Nations Organization. IUCN has also established a commission on national parks and protected areas which has taken planning and management for protected areas and also promotes the networks for conservation of those areas.4

But conservation laws as well as international environmental laws got its dynamism after the Stockholm Declaration in 1972 when through out the world got knowledge about legal control over the ecological pollution and environmental degradation. In the Stockholm Conference the former secretary general of UNO, U.Thant appealed, “like or not we are traveling together on a common planet and we have no national alternative but to work together, to make an environment in which we and our children can live a full and peaceful life.” So environmental issues should be taken as a global issue and the Stockholm Declaration in 1972 recognized that man is the part of nature and life depends on it.5

After the awareness spread by Stockholm Conference, there was a wave of environmental protection in national and international level. The United Nations Environment Program (UNEP) was set up in 1973 by the General Assembly of United Nations as a result of a recommendation from the United Nations Conference on the Human Environment held in Stockholm in 1972 and within the span of ten years a huge numbers of international treaties were adopted regarding international and regional problem of conservation of natural resources and protection of wild animals. Those were CITES in 1973, 6

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4 as per official website of CNPPA
5 Environmental Justice: Scope and Access, Hon’ble Justice Sunil Ambwani; AIR 2007 Journal 49
Convention on Conservation of Migratory Species in 1979, Conservation of Polar Bear in 1973, Conservation of Atlantic Marine Living Resources in 1980 and finally World Charter For Nature in 1982. So the Stockholm declaration was the epicenter for such type of euphoria about international conventions in the field of conservation of natural resources those international and regional treaties and conventions developed the status of wildlife and animals. Those international obligations forced as well as inspired the different states to legislate rules and regulation for conservation and protection of wild animals in the national level.

The United Nations Environment Program (UNEP) took the initiatives to chalk out a plan for World Conservation Strategy in regard to form an international norm for the conservation of natural resources which finally got the approval by the General Assembly of UNO and the program was launched in 1980 with endorsement form governments and scientists in 34 countries. Lately when ‘The World Charter for Nature’ was adopted by General Assembly of UNO on 29th October, 1982, it declares that:–

(a) Mankind is a part of nature and life depends on the uninterrupted functioning of Natural systems which ensure the supply of energy and nutrients.

(b) Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation.

Again a new Earth Charter Initiative was launched in 1994 by Morris Strong, chairman of the Earth Council and Mikhail Gorbachev, president of Green House International. A new ‘Earth Charter Commission’ was formed in 1997 to oversee this project. The secretariat for this commission was established at the earth council, Costa Rica. Finally in Paris Earth Charter was approved and released by the Earth Charter Commission in March 2000. The commission would seek to endorse of Earth Charter by the U.N. General

6 Introduction to international law; J.G.Starke; Aditya Books/Butterworths; Pp 414
Assembly in 2002 i.e. in 10\textsuperscript{th} anniversary of Rio Earth Summit.\textsuperscript{7} So all those international conventions have given the new dimensions to the conservation of nature and it’s all the elements living and non living. Indian government and specifically legislature were very much influenced by all those international norms and as far as possible those were adopted in Indian context for conservation of ecology. The direct wildlife related only law was passed in 1972 as The Wildlife (Protection) Act in India. But this act was amended to give effect the provision of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) as India is party to the said, to cope with some global problem like killing of African elephants and import of ivory.

Indian judiciary also adopted various principles of international laws regarding protection of wildlife and conservation of their habitat. In this point Delhi High Court in an important case, very wisely interpreted the necessity of national laws for conservation of wildlife in international lines and also said "it may be realized that the parties to the ‘Convention on International Trade in Endangered Species of Wild Fauna and Flora’ (CITES), being greatly concerned by the decline in population of African elephant, the import and export of African ivory for commercial purposes has been prohibited. As a result import of ivory would no longer be possible to meet the requirement of the domestic ivory trade. If ivory trade is allowed to continue, it will lead to large scale poaching of Indian elephants."\textsuperscript{8} India was always a staunch supporter of conservation of ecology from very beginning and participated maximum numbers of international treaties and convention for environment and ecology. The reflection of such support can be seen in Indian legislations as well as judgment of Indian courts in several times.

\textsuperscript{7} Introduction, R.Narayan-J.Kumar; Ecology & Religion, Deep & Deep Publication, Pp xxv
\textsuperscript{8} M/s Ivory Traders and Manufacturers Association v/s Union of India AIR 1997 Delhi 275 FB
In 1977, India ratified World Heritage Convention and then five natural sites (Kaziranga National Park, Keoladeo National Park, Manas National Park, Sundarbans National Park and Nanda Devi National Park) have been declared as area of ‘outstanding universal value’. India was a party in the international convention regarding wetlands for waterfowl habitats at Ramsar in Iran and has also implemented the international norms of Ramsar Convention for Wetland Conservation in Protocol of 1982. Six sites are declared as Ramsar sites; Chilika Lake (Orissa), Sambar Lake (Rajasthan), Loktak Lake (Manipur), Keoladeo National Park (Bharatpur), Harike Lake (Punjab) and Wular Lake (Jammu & Kashmir). A National Level Committee in India has identified twenty one wetlands for intensive conservation and management purposes on priority basis.

The Indian judiciary is always vigil on the matter of international conferences and in numerous cases they adopted various principles in accordance with international treaties in absence of statutory laws. In 1999, the Supreme Court in *A.P.Pollution Control v/s M.V.Naydu*\(^9\) case decided right to water as a fundamental right under Article 21 of Indian constitution keeping in mind the importance of United Nations ‘Water Conference’ in 1977. In *People United for Better Living in Calcutta v/s State of West Bengal*\(^10\) case, where petition was filed by a citizen’s group for rapid filling of water bodies in Calcutta and High Court gave the judgment in reference with Treaty on Wetlands in Ramsar Convention and Water Conference, 1977 where India was a party. In *Tirupathi Intellectual Forum*\(^11\) case Supreme Court of India said that there is no doubt about the fact that a responsibility bestowed upon the government to protect and preserve tanks, which are an important part of the environment of the area. In this case indirectly Supreme Court said whatever is important to environment that should be protected by government and no one can deny such responsibility.

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\(^9\) *AIR 1999 SC 812*
\(^10\) *AIR 1993 CAL 215*
\(^11\) *Intellectual Forum, Tirupathi v/s State of A.P., AIR 2006 SC1351*
2.3. STATUS OF WILDLIFE UNDER VARIOUS ORGANISATIONS

The history of wildlife conservation is very long and full of struggle. All of these started by some careful people who had the foresight to understand the necessity of wildlife in the ecology of the nature. Several international organizations were established through some international conventions and agreements and some pioneering efforts were also taken by few environmentalists and social activists in international as well as in regional level to set up institution for conservation and protection of wildlife. Those international organizations and conventions established the status of wildlife in international level which encouraged the governments and people of different nations. Perhaps ‘International Council for Bird Preservation’ is the first international organization which was established by a group of ornithologists before the World War II in 1922 though in 1895 one ‘International Conference for Bird Protection’ was held in Paris. After the formation of UNO, lots of international agencies were set up for the conservation and protection of wildlife in the earth. The major step was taken when IUCN was established in 1948 under sponsorship UNESCO. Again IUCN itself established a fund raising organization i.e. International Wildfowl Research Bureau (IWRB) in 1961. Afterwards the Conservation Foundation and the Smithonian Institute were set up in Washington DC and at the same time Fauna Preservation Society was set up in London. So there was a lot of awareness and activities in the international level about the ecological conservation and wildlife protection.

Today there are many important Institutions like the United Nations and its specialized agencies; International non-governmental organizations (NGOs) like the International Union for Conservation of Nature (IUCN), Friends of the Earth (FOE), Green-peace International, and World Wide Fund for Nature (WWF) are playing active role for reorganization of status of wildlife in the world. Again in regional level, institutions like the European Union (EU), the Commonwealth, Association of South East Asian Nations (ASEAN),
Organization of African Unity (OAU), and South Asian Association for Regional Cooperation and so on are doing their jobs for the status of wild animals. Some institutions established special purpose like the International Whaling Commission (IWC), International Seabed Authority (ISA), and International Tribunal on Law of the Sea (ITLOS) are trying for implementation of international norms decided in environmental laws through various conventions. There are very important organizations that played major role in wildlife conservation with great efforts.

INTERNATIONAL COUNCIL FOR BIRD PRESERVATION (ICBP)

‘International Council for Bird Preservation’ is the first international organization which was established by a group of ornithologists in 1922. Most probably it was the first international organization which was established before the World War II and it is the oldest council for the preservation of birds. The main function of this organization is to preserve the birds and its habitat. It is an international council consisting various national organization from different part of the world. This council provides scientific support and knowledge to different agencies who do work for birds and its habitat.

INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)

There was a need of a monitoring institution for the protection of flora and fauna in international level. For the conservation purpose ‘United Nations Educational, Scientific and Cultural Organisation’ (UNESCO) took the initiatives in 1946 and finally International Union for the Protection of Nature (IUPN) was adopted in October 1948 following an international conference in Fontainebleau, France. The objectives of IUPN were revised in World Conservation Congress in Montreal, Canada and IUPN was chanced into IUCN in 1956. It is a most effective organization for monitoring and protection of biological resources world wide. Through its several commissions IUCN is monitoring the endangered species and those species which are facing
extinction. IUCN has organized several conventions on biological diversity for public awareness. It has also established a commission on national parks and protected areas which has taken planning and management for protected areas and also promotes the networks for conservation of those areas. It also established many monitoring units during 80’s for conservation projects, like, Species Conservation Monitoring unit, Threatened Plants Monitoring unit, Wildlife Trade Monitoring unit, Protected Areas Data unit. The World Heritage Committee(WHC) designates sites of heritage sites on the basis of technical evaluation reports of the IUCN and at the same time IUCN accepts the responsibly to encourage the nomination of those areas which have the universal value.12 Apart from this, IUCN provides scientific supports through its Species Survival Commission (SSC) for listing of endangered species for Convention on Migratory Species (CMS). In 1954, the commission on ecology was set up to apply science of ecology to conservation. The aim of this commission is to encourage a better general understanding of ecology and purposeful application to the practical nature protection programs.

After the establishment of IUCN, it took constant initiative for protection of migratory wild species. That effort was also recognized in UN Convention on Human Environment in Stockholm at 1972. Finally the Convention for conservation of migratory species was organized in 1979. IUCN again in 1986 organized an international conference in Ottawa with ‘World Wide Fund for Nature’ (WWF) and ‘United Nations Environmental Program’ (UNEP) to discuss progress since publication of World Conservation Strategy.

IUCN took major initiatives for wetlands conservation in international level. They launched a project in 1961 for protection of wetlands and finally Ramsar Convention was signed by member countries in 1971 which was only international convention regarding conservation of wetlands. Under this treaty each party agreed to promote wetland research and also to conserve wetlands

12 Role of IUCN in governance of biological resources, Anwar Sadat; Indian Journal of International Law, Oct-Dec, 2005, ISIL, (vol. 45 no. 4)
and waterfowls. The technical assistance and support for setting up wetlands of national importance is provided by IUCN with International Waterfowl Research Bureau (IWRB). Article 8 of Ramsar Convention says that IUCN shall perform the continuing bureau duties under this convention until such time as another organization or government is appointed by majority of two-third of all contracting parties. IUCN helps to develop conservation science, manages field projects all over the world and brings together players from different domains and sectors to develop and implement policy, laws and practice. Today IUCN is the largest professional global conservation network and a leading authority on the environment and sustainable development. It has more than 1,000 member organizations in 140 countries including many government and non-government organizations.\(^\text{13}\) An Indian delegation had recently participated in the 4th World Conservation Congress held at Barcelona, Spain during 5\(^{th}\) to 14\(^{th}\) October 2008.\(^\text{14}\)

**IUCN – SPECIES SURVIVAL COMMISSION (IUCN-SSC)**

International Union for Conservation of Nature set up a monitoring commission for protection and preservation of natural resources in the world and finally ‘Species Survival Commission’ (IUCN-SSC) was established in 1949 which was previously known as ‘Survival Service Commission’. Species Survival Commission started collection of data of endangered and vulnerable species throughout the world and it has the main aim to maintain the bio-diversity of wild species in the world. The specialist groups under IUCN-SSC prepare an overall system for developing and promoting conservation action plans. In 1966 SSC published Red Data Book about the compilation of Extinct, Endangered, Vulnerable and Rare animals species to the attention of the secretariat Convention on International Trade in Endangered Species (CITES). Again in 1978 IUCN published a Plant Red Data Book to inform about 250 species of threatened plants prepared by

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\(^{13}\) [http://www.iucn.org/about/]

\(^{14}\) Annual Report (Executive Summary), 2008 – 2009, Ministry of Environment and Forests, Government Of India
botanists. The World Bank also incorporates the IUCN-SSC data as an indicator of world development.\textsuperscript{15}

**STRUCTURE OF THE RED LIST CATEGORIES UNDER IUCN\textsuperscript{16}**

![Diagram of Red List Categories]

**Figure 1**

IUCN mainly classified all the present species into 3 types like Critical, Endangered and Vulnerable. Again according to their classification those species divided into 9 categories like Extinct (EX), Extinct in Wild (EW), Critically Endangered (CR), Endangered (EN), Vulnerable (VU), Near Threatened (NT), Least Concerned (LC), Data Deficient (DD) and Not Evaluate (NE).

**CONSERVATION MONITORING CENTRE (CMC)**

The International Union for Conservation of Nature again took an initiative by establishing Conservation Monitoring Unit in 1983 for providing data to the

\textsuperscript{15} Role of IUCN in governance of biological resources, Anwar Sadat; Indian Journal of International Law, Oct-Dec, 2005, ISIL, (vol. 45 no. 4)

\textsuperscript{16} official Website of IUCN
various conservation development bodies. The UNEP-World Conservation Monitoring Centre has a mandate from the Governing Council of UNEP (United Nations Environment Program) to provide a range of biodiversity in collaboration with WCMC 2000, a UK-based charity. UNEP-WCMC has worked together for international conventions, the World Parks Congress and others with a range of stakeholders to prepare a Strategic Plan for the period 2006-2011. Each year a number of Activity Areas will be identified within each of these Strategic Objectives.

WILDLIFE TRADE MONITORING UNIT (WTMU)
This is a unit of Conservation Monitoring Centre (CMC) under the auspices of IUCN. The chief function of this unit is to monitor the wildlife trade through all over the world through its advanced computerized data and other machineries. All datas are maintained by WTMU after getting information from the annual reports submitted by members of CITES. According to Tiliman, the analysis of these data aids conservation efforts in two important ways. First, it provides an indication of the impact of trade on the species listed on appendices on CITES. Secondly, such analysis enables us to compare the import and export records of a large number of countries i.e. the major wildlife consumers and thus gain an insight into how well the conservation is being implemented.

TRADE RECORDS ANALYSIS OF FLORA AND FAUNA IN COMMERCE (TRAFFIC)
This TRAFFIC is a very important specialist group under the auspices of IUCN which was established to collect records regarding wildlife trade and smuggling in different countries. After getting fund from IUCN, WWF and other international sources, TRAFFIC is working as a watchdog to record the wildlife crime and infringement of provision of CITES. The IUCN-SSC

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17 Official website
18 Role of IUCN in governance of biological resources, Anwar Sadat; Indian Journal of International Law, Oct-Dec 2005, ISIL, (vol. 45 no. 4)
recognizes TRAFFIC as its expertise primary source for wildlife trade and TRAFFIC also recognizes IUCN-SSC as expert on biological status of wild species.

WORLD HERITAGE COMMITTEE (WHC)

World Heritage Committee was established on the basis principle taken in World Heritage Convention in 1972. This committee is the executive body of the World Heritage Convention and provides all sorts of assistance and responsible for allocating finance from World Heritage Fund which was created for protection and conservation of heritage sites all over world. This committee designates sites of heritage sites on the basis of technical evaluation reports of the IUCN and at the same time IUCN accepts the responsibly to encourage the nomination of those areas which have the universal value. The World Heritage Committee is composed of 21 state parties which are elected by the General Assembly of States Parties for a four-year term and establishes the sites to be listed as UNESCO World Heritage Sites. It is responsible for the implementation of the World Heritage Convention, and allocates World Heritage Fund and financial assistance upon requests from States Parties.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES (CITES)

CITES is an international agreement between national governments in the international level with an aim to ensure that international trade in the specimens of wild animals and plants does not threaten their survival. Because the trade in wildlife and plants through the cross border of the countries, the effort to regulate it requires international cooperation to safeguard certain species from over exploitation. States that have joined to be bound by this international convention are known as ‘Parties’. All the parties are divided into standing committee, animal committee and plant committee. There is a

19 Role of IUCN in governance of biological resources, Anwar Sadat; Indian Journal of International Law, Oct-Dec, 2005, ISIL, (vol. 45 no. 4)
20 Official website
secretariat of CITES who works in collaboration with other international organizations like, UNEP, IUCN and TRAFFIC. In 1963 the IUCN general assembly took a decision for an international convention on to regulate trade, export, import of rare and threatened wildlife species, their body parts and trophies. IUCN drafted a plan to control wildlife trade and to impose ban on trade of threatened wildlife to be drawn up and updated along with Red Data Book and on advice of international expert committee. In 1973, the Convention on International Trade in Endangered Species (CITES) was organized in Washington with all initiatives taken by IUCN. The total 25 articles of this convention are treated as ‘Magna Carta’ for protection of wildlife by most of conservationists in the world. The convention came into force on 1st July 1975.

FUNCTIONS OF CITES WITH OTHER ORGANISATIONS

![Diagram of CITES functions with other organizations]

CITES was ineffective in controlling illegal trade in the Royal Bengal Tiger, one-horned rhinoceros and the Asian elephant within India. Trade in rare animals is monitored by organization called the Convention on the International Trade in Endangered Species (CITES). Animals on the list called

21 Official website of CITES
22 Role of IUCN in governance of biological resources, Anwar Sadat; Indian Journal of International Law, Oct-Dec, 2005, ISIL, (vol. 45 no. 4)
23 http://www.cites.org/eng/disc/org.shtml
Appendix I may not be traded at all, and trade in Appendix II animals must be strictly controlled. The black rhino is on Appendix I. Appendix II animal is the colobus monkey, whose beautiful black and white fur was once used in the fashion trade. In the 1970s about 20,000 skins were exported from Kenya every year. But after Kenya joined CITES the highest number recorded in any one year between 1980 and 1985 was 314.

WORLD WIDE FUND FOR NATURE (WWF)
One of the major steps for the protection of wildlife was taken through the establishment of ‘World Wildlife Fund’ in 1961 at international level. WWF is an international organization with aims to conserve natural resources around the world. It works through education and training and by protecting biological sites, plants and animals species. World Wildlife Fund was founded in UK by a British naturalist and painter Sir Peter Scott in 1961 using the logo of Chi-Chi, a female giant panda at London Zoo. As a greatest voluntary organization, it had created a fund with the support of IUCN, UNESCO, UNEP and FAO to encourage conservational programs for protection of wildlife and nature. Later ‘World Wildlife Fund’ name has been changed into ‘World Wide Fund for Nature’ for wider context. The main aim of this organization was to spread awareness about wildlife conservation and to promote various policy and projects regarding wildlife conservation. The WWF-International is located at Gland in Switzerland. WWF has helped the Nigerian Conservation Foundation to set up new national parks to conserve over 2500 species of plants and animals in the area including the last remaining lowland Gorillas in Nigeria.

INTERNATIONAL WHALING COMMISSION (IWC)
The first attempt to control the killing of whales was in 1948, when the 14 whaling countries formed the International Whaling Commission (IWC). Its members agreed to meet at the start of each whaling season, to decide on the ‘quota’ of whales for the year. This meant that they estimated how many whales the population could afford to lose, fixed a starting date for season, and
agreed that they would all stop killing when the quota had been reached. Recently IWC has renewed a five-year whaling quota for Eskimos for subsistence hunting in the US and Russia on May 29. The 76 national IWC voted by consensus to allow 280 bowhead whales to be hunted and caught until 2012. About 260 bow-heads were reserved for Alaskan natives in 10 villages, with 20 bowheads for the Russians. Japan presently wants quotas to hunt minke whales, supported the move but was unhappy that it had not yet got the long sought “community whaling” status. An Indian delegation attended the 60th Annual meeting of the IWC was held at Santiago, Chile from 23rd to 27th June 2008 and played a proactive role during the meeting in its efforts to conserve the whale population in the world.

COMMISSION ON NATIONAL PARKS AND PROTECTED AREAS (CNPPA)

IUCN's Commission on National Parks and Protected Areas (CNPPA) is the leading international scientific and technical body concerned with the selection, establishment and management of national parks and other protected areas. Its membership includes more than 500 protected areas professionals from about 120 countries. CNPPA is served by IUCN's Protected Areas Program in order to promote the establishment of a world-wide network of effectively managed terrestrial and marine protected areas. The Commission on National Parks and Protected Areas (CNPPA) under auspices of the International Union for Conservation of Nature and Natural Recourses (IUCN) first major categorized the different types protected areas on the basis of their objectives in the world as a positive means of harmonizing both conservation and development interests furthering the concept of sustainable development. As per the report of CNPPA, there are mainly Eight categories of Protected Areas like, (I) Scientific Reserve, (II) National Park, (III) Natural Monument/National

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24 Quotas for Eskimos, Down to Earth, June 30, 2007, Pp 13
26 http://www.unep-wcmc.org/protected_areas/data/cnppa.html#CNPPA
Landmark, (IV) Nature Conservation Reserve/Managed Nature Reserve/Wildlife Sanctuary, (V) Protected Landscape or Seascape, (VI) Resource Reserve, (VII) Anthropological Reserve/Natural Biotic Area; (VIII) Multiple Use Management Areas. This report itself conceded that this categorization was not rigidly applicable to all situations in different position. Thus the strategy on their use and objectives constitutes a unified structure of protected areas for achieving a multiple, use sustained yield natural resource management.  

INDIAN ORGANISATIONS FOR PROTECTION OF WILDLIFE

Apart from being the member of various international organizations, Indian has initiated many steps for the protection of wildlife and nature in the national as well as regional level also. Numerous organizations are established in India through governmental with non governmental venture also.

BOMBAY NATURAL HISTORY SOCIETY (BNHS)

This is one of the oldest societies in India that started its work in 1883 to campaign for conservation of natural heritage of our country. This institution has acclaimed the international reputation for its contribution to increase awareness and knowledge for wildlife including mammals, birds, reptiles and other flora and fauna in the nature. The Society’s collection is very precious and is recognized by the Government of India as a National Heritage collection which includes specimen of about 60,000 insects, 7500 amphibians and reptiles, 17,000 mammals, 26000 birds and 8500 herbarium specimens. In 1987 the Government of India has awarded the Indira Gandhi Paryavaran Puruskar to the society for its outstanding work for its scientific studies, research and education on conservation of wild flora and fauna in India.

27 Environmental Law; Dr.L.A.Khan; Central Law Agency, Pp 267
CENTRE FOR WILDLIFE STUDIES (CWS)

Centre for Wildlife Studies (CWS), Bengalooru is a non-profitable charitable trust registered in 1984 under the Indian Trusts Act 1952. CWS is the chief implementation partner for research, conservation and capacity-building projects supported in India by the Wildlife Conservation Society, New York. CWS is recognized as a "Scientific and Industrial Research Organization" (SIRO) by the Department of Scientific and Industrial Research, Ministry of Science and Technology, Government of India. There is a Research Advisory Board that evaluates progress and future directions with respect to SIRO status from time to time. The Centre for Wildlife Studies has a Board of Trustees. The main objectives, as described in the official website, are to promote and carry out activities related to scientific study, appreciation and conservation of natural habitats and wildlife with special emphasis on ecological field studies. Also to provide support to individuals and institutions to conduct research in conservation science and promote science based conservation by conducting both non-formal and formal education and training. To give aids and assistance the government and civil society institutions in improving the scientific management of nature reserves, zoos and wildlife habitats in the country. Again to promote conservation objectives by means of books, pamphlets, periodicals, brochures, audiovisual, video graphic, photographic and other communication techniques. In 1999, CWS was recognized as a research institution by Manipal Academy of Higher Education (MAHE), for registering students working for their doctoral degree.

THE INDIRA GANDHI CONSERVATION MONITORING CENTRE (IGCMC)

The Indira Gandhi Conservation Monitoring Centre (IGCMC) supports biodiversity and natural resources conservation in India through collecting, managing, disseminating and making accessible, relevant data and knowledge, and by providing appropriate technical, analytical and networking services. As

a long-term strategy, the IGCMC aims to consolidate its existing position by extending its support base and data network, to cover information related to all forms of natural resources and major issues related to the environment, like climate change. The IGCMC extensively uses Remote Sensing and Geographic Information Systems for providing data on habitats and ecosystems in the country so that the requisite spatial information becomes available to resource managers and planners. The Centre maintains databases on India’s environment, especially its flora and fauna, habitats of conservational importance including forests, wetlands, national parks and other protected areas.29

THE WILDLIFE PROTECTION SOCIETY OF INDIA (WPSI)
The Wildlife Protection Society of India (WPSI) was founded in 1994 by famous naturalist Belinda Wright, its Executive Director, who was an award-winning wildlife photographer and filmmaker till she took up the cause of conservation. From its inception, WPSI's main aim has been to bring a new focus to the daunting task of tackling India's growing wildlife crisis. It does this by providing support and information to government authorities to combat poaching and the escalating illegal wildlife trade - particularly in wild tigers. It has now broadened its focus to deal with human-animal conflicts and provide support for research projects. With a team of committed environmentalists, WPSI is one of the most respected and effective wildlife conservation organizations in India. It is a registered non-profit organization, funded by a wide range of Indian and international donors. The Society’s Board Members include leading conservationists and business people.30 Apart from illegal trade in tiger and leopard parts, WPSI started investigating the otter pelt trade which led to rampant poaching and habitat destruction of otters in India. In 2000 alone, WPSI has records of 326 otter skins seized in sites as far apart as Delhi, West Bengal and Uttar Pradesh.

29 official website of IGCMC
30 official website of the Wildlife Protection Society of India
THE WILDLIFE INSTITUTE OF INDIA (WII)
Rapid human and livestock population increase and a rather lopsided distributive development pattern have marginalized or unjustly exploited the country’s bountiful wilderness areas such that the species richness and the range of habitat types that the country used to be proud of are today highly eroded and fragmented. So the need was felt for an organization to help and strengthen endeavors for recovery. It was important to have an agency which, while looking at forests holistically, combined their management with conserving their biodiversity and protecting the interests of the people in their vicinity in a manner that would be practical and scientifically oriented. Such a thought process led to the setting up of Wildlife Institute of India (WII) at Dehradun in 1982 with a mandate to train government and non-government personnel, carry out research, and advise on matters of conservation and management of wildlife resources. WII was accorded autonomy in April 1986, which furthered its pace of growth. With many countries in south and south-east Asia region regularly sending their personnel to its training programs, WII is already considered an important regional centre for training and education in wildlife management and conservation.\[31\]

WORLD WIDE FUND FOR NATURE – INDIA (WWF INDIA)
In 1969, WWF-India was set up as a charitable Trust for protection of wild plants and animals within India with the express objective of ensuring the conservation of the countries wildlife and wild habitats. This is the largest and most experienced organization for conservation of natural resources and protection of wildlife. WWF-India is the part of WWF-International with nearly 27 independent organizations and having its secretariat in New Delhi. It has been working for more than three decades for conservation of wildlife through field program, research and education and raising fund for conservation. Already WWF has supported many projects in India like, Gir Ecological Project, Lesser Cat Project etc. the major step of conservation was

\[31\] official website of the Wildlife Institute of India
to count the tiger in India under the tiger project in 1972. WWF-India launched
various field projects in the period of 1970s and 1980s including Madras Snake
Park, Crocodile Bank, Sea Turtle Conservation Project. WWF enlisted number
of tigers with the help of governments of India, Nepal and Bangladesh. Soon
laws were made to protect tigers as a predator of food pyramid.

THE INDIAN CRANES AND WETLANDS WORKING GROUP (ICWWG)
In late 2001, conservationists and scientists from all over India met in
Bharatpur to revitalize the defunct Indian Working Group on Cranes. As, in
1998-2002, researchers of Wildlife Institute of India proved that Etawah and
Mainpur districts of Uttar Pradesh had the highest density of Sarus Cranes in the
world and largest population of black-necked Storks. After much deliberation,
Dr. George Archibald, co-founder of the Wisconsin-based International Crane
Foundation, suggested that the new Group be formed under the leadership of
K.S. Gopi Sundar, then a researcher with the WII. Also, he suggested that the
Group be based out of the Delhi-based Wildlife Protection Society of India.
The decisions were unanimously agreed upon and the new Group was renamed
the Indian Cranes and Wetlands Working Group (ICWWG) that will work with
collaboration with Wildlife Protection Society of India (WPSI) in national level
and with the help of International Crane Foundation (ICF). This working group
will work for conservation of Cranes as well as wetlands and various aspects
surrounding the wetlands. 32

2.4. RELIGIOUS THOUGHTS ABOUT WILDLIFE IN INDIA
India has long history and tradition of conservation of nature with rich cultural
heritage and all the major religions of Indian society have mentioned the
conservation of wildlife directly or indirectly. Animals and plants have been
protected from very beginning as integral parts of religious practices. Ancient
Indian mythology says that God remains in the whole universe and within

32 official website of The Indian Cranes and Wetlands Working Group . . .
every creature. This point of view has helped Indian to maintain a constant link with nature and wildlife.

The concept of divine world is based on the principle that God creates divine forces to run the universe. Indian should feel proud for their old religious scriptures where worship of nature is taught for religious purpose. The Rig-Veda is the earliest scripture out of four Vedas and have been contributed by the Aryans who came from outside and The Aryans were mainly nature-worshippers. The hymns of the Rig-Veda are generally addressed to various elements of nature like, the sun, the moon, the sky, the wind which were believed as so many gods. The pre-Aryan races used to worship some Mother-Goddess and also practiced some form of yogic meditation. Worship means acknowledgement of our dependence on the environment. More or less all Indian religions notions are concern with environment.

Wild animals have an important status in religious and traditional culture of India. In much art, culture, folklore and fairytales there are a reflection of interdependence of man and animal. Almost every major religion of India has a powerful nexus with god and wild life. The textual interpretation of all religions depicts that there should be a happy balance between use and misuse of every of nature. The most important dimension of all religions that man and nature are inextricably related with each other for their survival and man should avoid to misuse of nature. According to V.R. Krishna Iyer, animal welfare is part and parcel of our cultural heritage. Every time cruelty is practiced on man or beast or insect, we do violence to the Buddha and Mahavira. Every torture on an animal and every export of animals is a sin to the memory of the founders of Bharatiya Samskar. 33

Lord Buddha’s religion was based on experience and logic. He used to believe on theory of evolution. In the contemporary period Sikhism preaches that life is made of earth, air, water, fire and sky. He also said “justice to animal citizens is as basic to humanism as social justice is to an exploited people. You are no true Hindu, Buddhist, Jain, Parsi, Christian or Muslim if you do not accept the indivisible

33 'Random Reflection' by V.R.Krishna Iyer, Pp 191
unity of creation and the power of the invisible creator. So it is that love of animals, in the widest connotation, is integral to the divine vision. Be you secular or spiritual, ecological fundamentals compel us to a compassionate relationship with our sub-human brethren. Here, indeed, is the starting point of the deeper awareness of the harmony of nature. Karuna and Ahimsa as a part of our cultural heritage.”

According to Mary Evelyn Tucker, Associate Professor of religion at Bucknell University (USA), the environmental crisis is also a moral and spiritual crisis and with our effort we are creating new modes of being religious in the contemporary world.

Each religion teaches that we should respect the fact that nature is not dependent of humanity on the contrary human being is very much dependent on nature. Man is a species like the billions of others in nature’s creative process which includes animals, birds, trees, oceans, seas, rivers, mountains, valleys, jungles and deserts. The sun, the moon and the stars are part of it. No organism is insignificant in nature. Each has its special place and utility. Nothing in nature is exclusive and isolated. Every organism including human being is interrelated to every other organism. Man has to recognize his place in the scheme of things. He has to grasp the universe as an organic whole. The fundamental change in our relationship with nature is the only solution to the problem of ecology. The human survival and growth depends on man’s balanced and wise attitude with the universe.

HINDU THEOLOGY

The Hindus have way of life to respect for natural world including for animals and birds. Further Hindu philosophy was to treat all other species just like their children. The most important aspect of the Hindu mythology was the association accorded to different species with reincarnation and duties. It was believed that Supreme Being has actually gets himself incarnated in the form of

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34 The Rights of Our Animal Brethren, Justice V.R.Krishna Iyer, LAWYERS UPDATE ; July 2005
various species. The Vedas, Purans, Upanishads and other religious texts give a wide description about Hindu belief and faith on wild life and forest. The Upanishads says about four ashrams or stages of life i.e. student, householder, Forest-dweller and sannyasin. So the forests were regarded as a part and parcel of their life cycle and the concept of Aranayakas contain in the thoughts of ancient Indians.

Hindu religion is very much associated with nature, trees, rivers, mountains including wild life and animals. Trees, forests, animals and wild life have given a great importance in classical or Shastric texts. Manu smriti prescribed different punishments for feeling trees and plants. Charka samhita described the destruction of forests as most dangerous act against the mankind. In yajurveda there is a wide description about mutual relationship and respect between man, wild life and nature. It also says all human being should be helpful to wildlife and should never kill any animal. In the Yajurveda killing of animals was prohibited and it was observed that no parson should kill animals and also to be helpful to all animals for obtaining heaven after death.

Various ancient shastras were founded on the philosophical basis provided by the different darshanas or the school of philosophies which define the logical, epistemological and methodological structure of Hindu thought. In yagyavalka smriti there is strict prohibition for animal killing and also provision for staying in hell in case of killing of animal. Vishnu samhita and Skandha puran, both ancient hindu religious texts have advocated in favor of wildlife and nature and also totally restricted animal killing. In fact the ten reincarnation of lord Vishnu (Dashavatar) was the mutual respect towards wild animals and a massage to treat them as god. Various stages of lord Vishnu like, kurma (tortoise), meen (fish), baraha (pig), were the indication of status of wild animals in Hindu mythology.

Hindus have the belief to the 330 millions gods and goddesses and they all are related with one or more animals as bahana (carrier) for particular god or goddess. With the god their carriers or bahanas are also worshiped in India.
This worship shows the respect over those particular species was recognized very earlier.

**Animals related with Hindu God and Goddess**

<table>
<thead>
<tr>
<th>God &amp; Goddess</th>
<th>Vehicle (Bahana) or Associated Animals</th>
</tr>
</thead>
<tbody>
<tr>
<td>• GANESHA</td>
<td>MOUSE / ELEPHANT HEADED</td>
</tr>
<tr>
<td>• BRAHMA</td>
<td>SWAN / WILD GOOSE</td>
</tr>
<tr>
<td>• VISHNU</td>
<td>GARUDA / EAGLE</td>
</tr>
<tr>
<td>• SHIVA</td>
<td>NANDI / BULL</td>
</tr>
<tr>
<td>• INDRA</td>
<td>ELEPHANT (AIRAVATHA)</td>
</tr>
<tr>
<td>• VAYU</td>
<td>THOUSANDS OF HORSES / ANTELOPE / LION</td>
</tr>
<tr>
<td>• VARUNA</td>
<td>SWANS / CROCODILE / MAKARA</td>
</tr>
<tr>
<td>• THE SUM</td>
<td>A CHARIOT DRIVEN BY 7 HORSES</td>
</tr>
<tr>
<td>• SKANDHA KUMARA</td>
<td>PEACOCK</td>
</tr>
<tr>
<td>• MANASA</td>
<td>SNAKE</td>
</tr>
<tr>
<td>• SARASWATI</td>
<td>PEACOCK / SWAN</td>
</tr>
<tr>
<td>• LAXMI</td>
<td>OWL</td>
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<tr>
<td>• DURGA</td>
<td>LION</td>
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<tr>
<td>• KAMA</td>
<td>PARROT</td>
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<tr>
<td>• BRISHAPATI</td>
<td>GOLDEN CHARIOT DRAWN BY 4 HORSES</td>
</tr>
<tr>
<td>• SUKRA</td>
<td>8 HORSES,</td>
</tr>
<tr>
<td>• SHANI</td>
<td>VULTURE / CROW / CHARIOT DRAWN BY 8 HORSES</td>
</tr>
<tr>
<td>• RAHU</td>
<td>BLACK LION</td>
</tr>
<tr>
<td>• KETU</td>
<td>VULTURE</td>
</tr>
<tr>
<td>• YAMA</td>
<td>BUFFALO</td>
</tr>
<tr>
<td>• VAIRAB</td>
<td>DOG</td>
</tr>
</tbody>
</table>

*Table 1*
In 2500 BC Mahenjodaro and Harappan inscription shows the Hindu had a belief on Pashupati (the Lord of Animals). Hindu till has a religious practice to offer milk and fruit to the snake in Nag Panchami or snake festival and venomous snakes are regarded as snake deity. Also during the period of Dusherra to Magha Panchami the fishing of Hilsa is prohibited by custom was mainly to allow the sustainable growth of species.

ISLAMIC PRINCIPLES
The ecological activities are seen as a subject matter of a wider human effort to usher for a just and peaceful society. ‘Islam’ means ‘to enter into peace’ and Peace with nature based on divine ethical principles which are immutable. Islam literally ‘peace’ is a very comprehensive concept and implies absence of all conflict and prevalence of absolute harmony.

The Holy Quran also refers the rules and regulation for there proper meaningful use and directions, not to disturb the balance between the different elements and forces of nature. The holy Quran is the only scripture and soul of this religion. True to this concept of unity or monotheism, it advocates that men and nature are not diametrically opposed to each other but each draws energy and sustenance from the other. Almighty God has created nature and men with some purpose. These purposes are both spiritual and material i.e. elevation and sustenance of humanity and humanity in turn should respect the forces of nature to preserve eco-system.

Islam through its scripture Holy Quran pointed out that man is only a part of the nature’s web and he has no right to disturb that web. In case he does otherwise he will have to face harsh punishment on the Day of Judgment and lose the right of trusteeship of nature. The holy Quaran not only enunciates the importance of water but clearly prohibits man from misusing and polluting it in any way. Extravagance in using is strictly forbidden. Those who pollute it will be charged with indictable offence on the Day of Judgment. The Holy Prophet

36 Environmental Law; Dr.I.A.Khan; Central Law Agency, Pp 29
37 Islam and Ecology; Janardan Kumar; Ecology & Religion, R.Narayan-J.Kumar; Deep & Deep Publication, Pp 147
warns his companion Saad against misusing water even if it is being drawn from a flowing river.\textsuperscript{38} A number of obligations have been imposed on him while dealing with nature. Severe punishment may be inflicted on him for transgressing those limits. Trusteeship of ‘Allah’ and accountability to Allah and unity of nature are the three concepts of Islam and they form the pillars of environmental ethics of Islam.\textsuperscript{39} The importance of natural resources was also understood by Islamic philosophers in very early days. So men were treated as a trustee of nature not the owner who has no right to alter the balance of nature. Not only that Islam is very much strict about the misuse of natural resources and punishments are also provided in this religion.

In the Quran, paradise is described as full of greenery, vegetation, flowing streams, gardens of delight rich in fruits of all kinds: in contrast the description of Hell is of a raging fire, Roding heat, boiling water and molten brass. One feels tempted to infer that a green eco-friendly earth is paradise and an earth oppressed by global warming is Hell.\textsuperscript{40} So Quran compared greenery, forests and with heaven. Then if we can create such type of environment in our ecosystem then our earth will become like heaven.

CHRISTIANITY
The interrelations between man and animals are mentioned in many parts of The Bible whether Old Testament or New Testament. As per Old Testament wild animals and forests and rivers were developed by God and human beings were the last creation of God. So God gave more preference to wild animals and their habitat and also very much aware about existence of man depends on nature including wildlife. God’s covenant with Noah brings out in unambiguous terms the place of every organism in nature. God commands Noah to bring forth with him every living thing that was with him-birds and

\textsuperscript{38} ibid, Pp 151
\textsuperscript{39} Introduction, R.Narayan-J.Kumar; Ecology & Religion, Deep & Deep Publication, Pp xxix
\textsuperscript{40} Islam and Ecology; Intiaz Ahmad; Ecology & Religion, R.Narayan-J.Kumar; Deep & Deep Publication, Pp 170
animals and every thing that creeps on the earth—which they may breed abundantly on the earth and be fruitful and multiply upon the earth.

According to the concept of Fr. Curien which reminds us that the living creatures become party of God’s covenant. The Bible teaches the ground of this responsibility, viz., and man’s stewardship. God kept man in the Garden of Eden to till and keep it. The earth became the subject of a curse on account of the fall of the first man. Man’s stewardship over the earth is unique on account of his being ‘in the image of God’ which gives him a dignity and responsibility for care, security, and protection of nature. In fact man beautifies the earth by his labour. The earth which was like barren ground needs man loves touch to produce fruits in various seasons. Now it is up to us to realize these words of St. Paul: “For all things are yours, whether it be . . . the world or life or death or the present or the future, all are yours; and you are Christ’s and Christ is God’s”.

The Noah story of survival and new beginning calls for radical reorientation before it is too late. It culminates with the assurance that God the Creator does not want destruction, does not want catastrophes to happen again and again. He established a covenant with humans and all living creatures. “That is with you,” in other words “with all flesh”, with “the earth”

Francis of Assisi says to the birds comes from the story of Noah and the Ark and from Jesus ‘Sermon on the Mount.’—— “My little sisters, the birds, many are the bonds that unite us to God . . . Praise Him for the food He has taught you, for your numbers that his blessing has multiplied, for your species which he preserved in the ark of olden time and for the realm of the air. He has reserved for you. God sustains you without having to sow or reap. He gives you fountains and streams to drink from, mountains and hills in which to take refuge, and tall trees in which to build your nests. How the Creator must love

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you to grant you such favors”. Others may not have preached to the birds, as Francis of Assisi did.42

BUDDHISM

Buddhism spread the philosophy of non-violence during the 6th century BC and fought against all kinds animal killings and animal sacrifices. In accordance with the spirits of the Buddhist precepts, all over the world one should abstain from killing animal either for past time or for sacrifice. In the ancient India before the birth of Buddhism the slaughtering of animals for sacrifices was common. In the sixth Century B.C, Buddhism which flourished in many parts of Asia mainly founded on charitable relation between all living beings. The ‘JATAKA’, complied in about second century B.C, is about stories of reincarnation of Lord Buddha as various wild animals like fish, cock, pigeon, elephant, horse etc. The Buddhist follower emperor Ashoka the great promoted the planting and preservation of flora and fauna. He prescribed various punishments for hunting the creatures, like, ants, squirrels, rats, birds and for cutting of trees also. He established two kinds of hospitals, one for man and another for beasts.

Buddhadasa Bhikshu called his forest monastery in south Thiland the “Garden of Empowering Liberations,” it is a place where diverse forms of life-humans, animals, plants and birds-coexist as cooperative microcosm of a larger ecosystem. So for Buddhists all ecosystems with their inhabitants and organisms like humans, animals, birds, insects, plants etc mean their religion. According to the Buddhist monk of Thiland Buddhadasa Bhikshu, the entire cosmos is a cooperative. The sun, the moon, the stars, humans, animals, plants, trees, rivers and seas are members of the cooperative. Buddhist philosophers maintain that our birth and existence are inextricably linked with the nature denying us any autonomous existence. Buddhism has very often been referred to as ecological religion or religious ecology.

42 Christianity and Ecology; Bas Wielenga; Ecology & Religion, R.Narayan-J.Kumar; Deep & Deep Publication, Pp 127
JAINISM

Jainism preached universal love towards all creatures of god in this nature. Jainism prohibits the eating of any kinds of meat and killing any animal. A layman is forbidden to take the life of such beings or to commit any injury to them. Non-violence to any animal—higher or lower—is always commendable. In Jainism ahimsa has been given the greatest importance and has been called the highest virtue (paramo dharmah) which is the foundation of the Jain religion.\(^{43}\) Jain philosophy has laid utmost stress on the importance of environment and its conservation. Jain culture is primarily based on the principle of nonviolence which is an absolute taboo. Therefore killing of any kind of living beings is totally forbidden in Jain’s Scriptures. The excessive veneration of the banyan tree by the Buddhists because of Buddha’s enlightenment under this tree (Boddhi Vriksha) has universal acceptance.\(^{44}\) Curiosity of the present generation can be satisfied by explaining the correlation between correct religious principles and scientific facts. Ancient people never exploited any component of the nature and always opted for conservational activities. But the man’s greed for accumulating material things or possession of items beyond requirements has disturbed the entire world in caring for the conservation of nature but the goal can only be achieved by spiritual and ancient conservative traditions.\(^{45}\)

SIKHISM

Sikhism also believed God as the source of life and death of all creatures in the earth. He alone is their master and without his ‘Hukum’ nothing can be developed or changed. The bounties of nature draw sustenance only from him and destroy to nature’s beauty is the cause of displeasure of the almighty.\(^{46}\) Sikhism or Khalsa has demonstrated through performance of its followers, the

\(^{43}\) Environmental Law; Dr.I.A.Khan; Central Law Agency, Pp 29
\(^{44}\) Ecological Awareness in Jaina Culture; Shreeranjan Soorideva; Ecology & Religion, Deep & Deep Publication, Pp 77
\(^{45}\) Jainism and Ecology; Ashok Kumar Jain; Ecology & Religion, Deep & Deep Publication, Pp 82
\(^{46}\) Introduction, R.Narayan-J.Kumar; Ecology & Religion, Deep & Deep Publication Pp xxix
most laudable virtues of protecting and enriching the natural environment, making the most efficient use of natural resources, for man’s sustained benefits in terms of food, nutrition, health and good living and developing the true spirit of partnership and sharing in community life. In Sikhism, God (Purusa) is considered as the Supreme Being. Sikhism being a totally spiritual experience and actively engaged in uplifting the secular is quite open to the dynamics of nature. Guru Nanak considered Nature or ‘Qudarat’ as activating in the cyclic order initiated by God in space and time under some set rules which originate through internally harmonized biotic communities. Man’s actual environment consists of a thin layer of soil, water and air near the surface of earth and this environment composed of biotic communities is generally known by the name of biosphere.

Guru Nanak, the founder of Sikhism, used to create awareness lucidly through his songs about interrelation between man and nature. To him, therefore, Nature was an aesthetic appearing where ‘aesthetic’ refers to sensible being and becoming in the widest sense. He mainly developed some basic ideas about nature. Firstly, Nature is primarily ‘aesthetic appearing’ - producing wonder and joy’ for all. Secondly, man is not in confrontation with Nature, he is part of it. Man’s inner nature-his inclinations, his thoughts, and even his loves-is as much a part of nature as are the nether regions and the skies. Thirdly, Nature is living and is not apart from god, but a part of God. It is his wonderful craft. In the Guru’s works a variety of poetic metaphors emphasize that nature is his abode, his countenance, his art, his consciousness, his power and his wisdom.

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47 Environmental Law; Dr. I.A. Khan; Central Law Agency, Pp 29
BISHNOI

This community of Rajasthan played a unique role for conservation and protection of wildlife in India. This tribe of Western Rajasthan worship nature and conserve trees and medicinal plants, provide food and water to animals and are vegetarians in their diet. They protected the trees over the centuries and do not cut trees for fuel and timber and remove only the dead trunks and twigs and wild animals like spotted deer, black buck and blue bulls can be seen foraging fearlessly in and around their villages. The Bishnois do not chase away the animals Even if the crop is consumed by herds of deer in their fields.

Bishnoi cult was founded by Jambhoji who taught 29 or Bishnoi principles of conservation for wildlife and nature. During the reign of Rathore king Rao Jodhaji, in the year 1451 AD, Jambaji was born in the village of Pipasar. His message included twenty-nine basic tenets and two major commandments were a prohibition against the cutting down of any green tree and the killing of any animal. He met Sultan Sikandar Lodi in Delhi and persuaded him to stop cow-slaughter. Many Jats, Rajputs, and Brahmins accepted his creed and his teaching prompted the inhabitants of hundreds of villages. Jambaji’s message of humanity and respect for all living things was eagerly accepted. Bishnoi is a distinct sect of Hindus who treated environment protection as a part of their religious duty. In 15th century this religion was founded by Guru Jambheshwar who gave new message of love and peace adding fresh dimension to human consciousness, enlarging man’s vision of the universe and cosmic life. He propounded 29 principles which deal with specific aspects of life.

According to Bishnoi faith we have a culture where trees are regarded more precious and revered as lives. In the year of 1730, near Jodhpur in Rajasthan in a Khejris village 365 Bishnoi gave up their lives to safeguard the Khejri trees. Bishnoi faith preaches that trees are brothers and sister. It was led by a ready Ms. Amerite Bai. They hugged to their trees. The man of the king kept felling the trees and side by side they too were axed. It may be stated that

50 Ecological Journey, Madhav Gadgil, permanent black; Pp 174
the first Chipko movement was started by these brave people in India which also inspired generation after generation to Indians and finally the in 1970’s Chipko and other ecological movements were the continuation of those movements made by Bishnois from 15th century.

2.5. STATUS OF WILDLIFE UNDER VARIOUS POLITICAL THEORIES

In the politics the environment is a very important term relating to various issues of civilized society like, global warming, ozone depletion, overpopulation and deforestation. There are some global environmental problems including radioactivity, pesticides, conservation of wildlife which need global public support to solve the matter. Law is only one element as per Ball & Bell, what is a major cross disciplinary topic and lawyers need some understanding of the scientific, political and economic processes involved in environmental degradation. Ecological responsibility is closely linked with economics and politics. It will make man realize the unity in the economic and political system and will promote distributive justice and sense of liberation, an opening for fraternity and love, and motivate man to do away with the economic-growth model which destroys ecological security and environmental protection. Wildlife conservation, preservation of nature and clean environment were not only limited to scientific and ecological explanation on the contrary the pollution free environment was turned into a demand from all over world. People throughout the world realized the necessity of protection of wild life for balanced ecology and better environment. They started to agitate for good environment and preservation of nature. The conservation of nature was turned into a political slogan and day by day it got importance in national as well as international politics also. So good environment and conservation of

51 Environmental Law; Simon Ball & Stuart Bell; Universal Law Publishing Co.
nature were transformed into a ‘right’ and it gave birth of new political thought which is known as Green Movement. Such type of political awareness for global warming, ozone depletion, ecological imbalance has formed an ideology in late 20th century i.e., environmentalism. This type political theory always place nature and ecology at the centre of debate. It widens the very early definition of politics given by Aristotle who said that the aim of politics was good life but not only for human being but also for the non human creatures and the living elements of the earth. Again according to Plato, there are three constituent elements of human personality like reason, sprit and appetite. In Plato's ideal state political authority should be vested in those people in whom reason enjoys primacy over spirit and appetite. Greek political theory was mainly based on an analysis of the nature of man. So from very beginning the concept of politics includes good life for non human creatures also. Environmental right was also brought under the division of Human right. Such type of right is known as right to solidarity or third generation right after civil and political rights being the first generation and also after social and economic rights being the second generation. This concept of right has been globally accepted by many international organizations through various conferences. This political perspective seek to protect the nature from air pollution, radiation, nuclear test, commercial Whaling, Seal culling and other mode of ecological degradation.

The third world countries are most sufferers of environmental pollution and ecological degradation. But first world is also under the danger of pollution and scarcity of natural resources. The main cause is over consumption and heavy use for business purpose. So they are ecologically careless as they are very much economically conscious. Comparatively the socialists' countries are more careful about ecology as they have already made constitutional mandate for preservation of nature and protection of environment.

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53 Political Theory; Ideas & Concepts; Sushila Ramaswamy; Macmillan, Pp 51
54 Man and Ecology in Marx and Gandhi; Tapan Kumar Chattopadhyay; MITRAM, Pp 12
In India though there is no such green party or environmental protections are not taken into consideration for political thought and agenda in spite of that lots of environmental and conservation movements are organized in social and community level. The political short sight ness and bureaucratic inactivity generated such type of public demand for better ecology. As per Maneka Gandhi, “...... what can be quickly achieved with a single stroke of a bureaucratic pen takes years of petition and protest. This is it is so important to become part of the political process. It is also why animal welfare movement is seriously handicapped; animal cannot participate in the political process so carry no clout with policy makers. No voice, no choice.”

The political parties, especially Congress party under Indira Gandhi and also Rajiv Gandhi to some extent, did make conservation of natural resources top priority. But development started to get in the way. There was a pressing need for wildlife habitats to set aside. Even the present Prime Minister Dr. Manmohan Singh has written letters to the chief ministers of various states and the inter-state coordination committees for the welfare of these wild animals. Considering that tigers were saved from the brink of extinction, it’s clear that the cats are no difficult animals to be saved. It’s only an effective time bound response that these species need to resurrect themselves. In the past, lack of infrastructure, no accountability and lack of political will had marred the conservation movement in general.

ENVIRONMENTALISM AND GREEN POLITICS
Politics is conflict and reconciliation of conflict of the universe. When politics is related with conflict and reconciliation of conflict of environmental issues then it is called environmental politics. It may be confined in national level with local problems or may be extended at international level with international issues. Protection of environment is the main for environmental politics. It has created a wave among the public to demand good environment and better

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55 The Sunday Statesman Magazine (22 March 26, 2009)
56 All the (W)right moves? Belinda Wright; The Sunday Indian, 8 Oct – 14 Oct, 2007
ecology not for them only but also for plant and animals. In America, Rachel Carson created a mass awareness through her book titled ‘Silent Spring’ which motivated American people to celebrate ‘World Earth Day’ on 22\textsuperscript{nd} April in 1970. Rachel Carson is described as mother of modern environmentalism and her book has become a valid document for environmental movement. The word ‘ecology’ was frequently used in ‘green movement’ and Deep ecology was a radical version of environmentalism mainly conceived by the Norwegian philosopher Arne Naess in the early 1970s and developed in the USA by American environmentalists Bill Devall and George Sessions in 1980s.\textsuperscript{57}

Environmentalism or green political thought deals with matters relating to ecology and environment. It demands the need for laws and policies for protection of environment and its elements. The environmentalism was developed out of industrial society and a negative effect of heavy industrialization, over population and more urbanization. Since 1970s, it was the consensus of global public opinion and they are the combined groups of activities of ecologists, environmentalists, politicians and social activists. In many capitalist countries a growing number of people or group of people are doing campaign and program for protection of environment and public awareness. This is known as Green Movement. Environmental protection as already received the huge support in many political movements through out the world.

This decade of 1970s was very important for Green political party. Organizations like ‘Friends of Earth’ or ‘Greenpeace’ were established in 1969 and first recognized Green political party was formed in 1972 in New Zealand. All these political development were the negative impact of World War II by the welfare states of Western Europe.\textsuperscript{58} In March 1983, environmental politics got the new dimension through their Parliamentary representation when 27 members of green party (Die Griinen) were elected for West German Bundestag. In 1988, total 118 green representatives were sent to 9 national

\textsuperscript{57} Literary Theory and Criticism, Patricia Waugh (International Student Edition), Pp 536
\textsuperscript{58} Political Theory; Ideas & Concepts; Sushila Ramaswamy; Macmillan, Pp 429
assemblies of West Europe (Austria, Belgium, Finland, Italy, West Germany, Luxembourg, Portugal, Sweden and Switzerland). Then 15 West European countries recognized green party as national party. Further conservation of ecology and protection of environment got the support as a powerful political agenda throughout Europe and USA. In 1984 United Nations Organization constituted World Commission on Environment and Development (WCED) under the auspices of United Nations Environment Program (UNEP). ‘The United Nations Environment Program’ (UNEP) was set up in 1973 by the General Assembly of United Nations as a result of a recommendation from the United Nations Conference on the Human Environment held in Stockholm in 1972. This World Commission on Environment and Development published a report titled “Our Common Future” which was prepared by Norwegian Prime Minister G.H.Brundtland in 1987.

In America, Canada, Russia, Australia and New Zealand green movements were made by political activists for perfect law and policy. All European countries have green political parties and they have been elected for Parliament in many countries also. In Holland, there is an animal party also. Many intellectual and academic persons have joined there. They have already won seats in the parliamentary election also. The party wants constitutional amendments guaranteeing animals the right to freedom from pain and stress caused by man. Now maximum people of that country are demanding for ethical treatment for animals and environmental protection. This awareness was created by political movement in there. Al Gore, when he was US Vice-President, said to the environmentalist writer Bill McKitiben, “We are in an unusual predicament as a global civilization. The maximum that is politically feasible, even the maximum that is politically imaginable right now, still falls short of the minimum that is scientifically and ecologically necessary.”

Green politics has a political ideology which gives preference to ecological protection and this politics is advocated by supporters of green movements.

59 Hope, Human and Wild, Bill McKitiben, Little Brown, Boston(1995), Pp 1
[as referred in Literary Theory and Criticism; Patricia Waugh, Pp534]
This ideology is based on some basic concepts of ecology, conservation and peace movements and also deals with social justice and civil liberties. The philosophy of environmentalism was developed by the thought which was originally enlightened by political thinker Rousseau in France and naturalist Henry David Thoreau in USA. Green politics in America started as conservation movement (Sierra Club, San Francisco) after industrial revolution. But in Germany first time green party was established as a political party. Green politics generally tells about peace movements though better environment and ecology. It is the extension part of socialism for good environment for all and combines ecology, socialism and Marxism to criticize the capitalist system as the cause of ecological crisis and inequality in society. The western model of capitalist industrial development exists as the dominating development paradigm. Since globalization and liberalization loomed large, this model of development is actually preparing a recipe for disaster. With the emergence of modern environmentalism and the gaining the popularity of the concept of ‘sustainable development’, there is at present on going search for an alternative paradigm of development to save the planet earth from ecological disasters.60

The Green Party has included many ideas within economic and ecological program. They are against the present parliamentary system because there is non existence of true democracy and community interests are not given preference. But trying to put these ideas into practice is the most difficult task in the industrialized Western societies. Originally, Mahatma Gandhi in India and Martin Luther King Jr. and previously Thoreau in USA inspired the social justice in the program of the Greens. Welfare of wild life as well as domestic animals should be taken as a political agenda by each and every party in India and ecological protection should be an election agenda here also.

60 Marxism and Ecology: some reflections, Ambarish Mukhopadhyay; Society and Change vol. XII No.1
ECO FEMINISM

Eco feminism is a relatively new part of the feminist movement, evolving out of political activism over the past three decades. In 1974 the term "ecofeminism" was introduced by the French feminist Francoise d'Eaubonne. Recently, ecofeminism has been considered a substantial theory in the field of feminism as well as environmentalism. Peace marches, anti-nuclear protests, environmental and animal liberation movements have raised the consciousnesses of many. The feminism and women's movements is to realization of social and economic rights for disadvantaged and under-represented people which will automatically include poor women. So feminism is basically awareness or some time movement for social and economic rights by women who are very less represented in every sector of the society. A range of theoretical positions has emerged from these movements on the assumption that there is a critical connection between the domination of nature and of women.

The role of tribal women who joined in large number in the Chipko movement was very much appreciable. The tribal women were so much involved that they hugged the trees like their offspring and nullify the attempts of felling down the trees. It was an active eco feminist movement against the government anti ecological decision by marginalized women in India. So in the case of a social movement by women, then the poor women will always support for their right also. Taking the instance of Chipko movement Prof. Ramaswamy has proved that the basic economic issues can not be separated from the purely abstract political rights even in the case of women in the Himalayan foothill also.

The feminist political theory from very beginning has been demanding for equal political rights and to access equal resources. Though there are very few women who are politically powerful through out the world but in Western countries no laws are there that can restrict women from being politically

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61 Political Theory; Ideas & Concepts; Sushila Ramaswamy; Macmillan, Pp 344
62 ibid, Pp 348
powerful. Vandana Shiva of India has played a major role in the global movement for ecofeminism. According to this eco-feminist campaigner Vandana Shiva, women and children are disproportionately vulnerable to environmental hazards in many countries. She has suggested a more sustainable approach to agriculture and ecology by engaging women in farming process. The concept of eco-feminism according to her is like ‘Shakti’, as the female principle in Hindu tradition. Whereas others go for the worship of primeval Goddesses and still others of a re-reading of their Jewish, Christian or Islamic tradition for a more secular approach as eco-feminism path.

The concept of eco-feminism was also accepted by international environmentalists through various international conventions. According to Principle 20 of The Rio Declaration on Environment and Development, 1992, women have a vital role in environmental management and development. Their full participation is therefore essential to achieve sustainable development.

MARXIAN THOUGHT
Marxism is often regarded as an anti-environmentalist philosophy and most of the Communist states have the tendency to dismiss environmentalism as nostalgic and reactionary. Eco-centrism is opposed to techno centrism and Human being as part of a global ecosystem, and subject to ecological laws. These ecological laws constrain human action through imposing limits to economic and population growth. The ecologists criticize Marx’s productivist spirit while sharing with his anti-capitalist position. This productivist spirit of Marx and Engels is the reason for their anti-ecological myth but they were very much aware of ecological degradation in capitalist societies. Ecological critics of Marx regard his productivism as ‘Promethean’. This critique is based on Marx’s frequent references to Aeschylus’s Prometheus Bound. Marx’s hero was Prometheus of the Greek legends who taught humans how to transform the earth by establishing mastery over nature with the help of fire. Marx adopted a ‘promethean’ i.e. Pro-technological, anti-ecological views in maximum of his

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63 Man and Ecology in Marx and Gandhi, Tapan Kumar Chattopadhyay, Mitram; Pp 84
writings. The concept of Promethean is one of the most serious of the ecological criticisms against Marx. He used the concept of Prometheus from the Greek mythology and Prometheus was one of the Greek gods who brought the ‘Fire’ to earth for the development of human science and technology. So Marx’s promethean concept was very much for the scientific and technological development and this development is presumed against the ecology and environment. Marx is thus seen as one of our age’s most devout worshippers of the machine who adopted an extreme productivist point of view.

But this allegation is not correct Marx and Engel cannot simply be condemned out as anti-ecological. The fact is that they were never so. Eco-socialists such as David Pepper, Paul Burkett, and Peter Dickens have argued that Marx also saw nature as a condition of well-being for human beings. Throughout their lives they have consistently expressed their concerns about sustainability of natural resources of a country. Marx and Engels were very much aware about the bad impact of capitalist society and they argued that the chief source of ecological destruction was capitalism. They both were concerned about depletion of coal and iron ore reserves and destruction of forests with other ecological degradation. Marx and Engles discussed numerous ecological problems like issue of soil degradation and also explored other issues of sustainability – such as those related with forest, rivers and streams, air quality, disposal of waste, environmental toxins and so on. Even Marx argued the reproduction of plants and animals would go on unceasingly unless checked externally. In 1844, Marx clearly mentioned in ‘Economic and Philosophical Manuscript’ about importance of nature. He wrote, “Man lives from nature, i.e., nature is his body, and he must maintain a continuing dialogue with it if he is not to die. To say that man’s physical and mental life is linked to nature simply means that nature is linked to itself, for man is a part of nature.” From this concept it is very much clear Marx was very active about the interrelation and interdependency between man and nature. But in capitalist
economic condition sustainable use of natural resources was not possible and presently the Brundtland report witnessed of enormous difficulties in creating a sustainable development strategy in the capitalist society. Marx’s main interest was to find out the essence of capitalist exploitation in analyzing the internal dynamics of capitalism in Western Europe and its contradiction with the social character of production.

Marx hoped Ecological balance would be restored with the emergence of a higher socio-economic formation after the downfall of capitalism which was proved later with the developments of Soviet Union and other East European socialist countries. His Promethean concept in Marx’s work was the symbol of technology, creativity, revolution and rebellion against the god or established religion of that time. It should be kept in mind that Marx was not only thinker attracted to the ancient mythology of Prometheus, the predominant cultural hero of the entire Romantic period. Marx’s critique of capitalism was basically a revolt against the dehumanization of man in bourgeois society. Socialist ideas have arisen from a protest against the inhuman capitalist system and a revolt against the exploitation of man by man.66 Later when Marxist governments in various countries and political parties came to power implemented socialist politics radically different from capitalist countries. But those Marxist governments could not do away with ecological degradation.

GHANDHIAN PHILOSOPHY

The father of our nation Mahatma Gandhi always preached about Ahimsa or non violence. He was very much in favor of development but not at the cost of environmental degradation. Gandhi is known for his technique of ‘satyagraha’ in Indian independence movement, entered in Indian politics after his local satyagraha practice in Champaran, Kheda and Ahmedabad. His revolt against the western machines was not less than British rule in India. Development according to him was enrichment of human life rather than standard of living with scant respect for human and social values. In a lecture at Allahabad on 22

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66 Man and Ecology in Marx and Gandhi, Tapan Kumar Chattopadhyay, Mitram; Pp 19
December 1916 he argued that material advance had a strong tendency to lead to moral decay. He was always in support of cottage industries as for more employment and less pollution. He gave the lesson for the protection and preservation of environment including trees, birds and animals. Gandiji said, “Earth provides enough to satisfy every man’s needs but not every man’s greed”. So Gandhi one of the greatest political philosophers of this millennium rightly pointed out about the utility of natural resources. But he cautioned the greed of people for nature and also elaborated the Gandhian solutions of eco-crisis. Gandhi’s idea on non-violence is now most useful against the crisis of civilization on earth. In connecting the essay of Thoreau on “Civil Disobedience”, Gandhi had developed forms of civil disobedience and non-violence as a set of conscious political tools in Africa and India. Gandhi’s practical application of all these thoughts in the social and political spheres was very special one. Gandhi was much inspired by Jesus, Sermon on the Mount, and by the writings of Thoreau, Ruskin, and Tolstoy.

In 1985, a Jaipur-based NGO Tarun Bharat Sangh generated environmental movement for the cansevation of ecology and protection the rights of local residents which was led by Rajendra Singh with the help of Gujjar and Meena communities in Alwar district. The Sangh was previously engangeded for a period of two decades in Gandhian community development program centering on the construction of ‘johads’ or traditional water reservoirs.

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67 Emergence of Gandhi, J P Mishra; YOJANA, August 2007; Pp 46
68 Environmental law; H.N.Tewari; Pp16
69 Gandhi and the Green Parry, Petra K.Kelly; Green Politics in India, Dr.S.P.Udayakumar; Transcend South Asia, Pp 30
2.6. SOCIAL MOVEMENTS FOR PROTECTION OF WILDLIFE AND NATURE

Increasing population and rapid industrialization have created a pressure on the natural resources including forests and wildlife. This pressure has also generated another reaction on the over the human beings also. Throughout world in every nation, men have got the idea of preservation of nature. Protection and conservation of natural resources has become prerequisite and integral item for each and every environmental movement in regional as well as in global level. The term ‘movement’ means joint action or mass action. In movements the quantum of work is done speedily and an impetus which gives the momentum of any movements. In a movement not only the mass action but a large number of peoples are involved. In maximum cases the international conventions and agreements have created impetus for movements on local issues. Environmental movements are developing its sphere in capitalist countries to underdeveloped countries also and through those movements new socio-economic rights are being written in the history again.

Socialist ideas have always arisen from a protest against the inhuman capitalist system by state or any other authority and a revolt against the exploitation of man by man. This movement on the basis of social concept relating to environmental protection created a new type of movement against the capitalist exploitation of natural resources. People realized that clean environment and better ecology are the part and parcel of the modern civil society. So whenever there was an attack to the ecology, they protested and that formed various movements throughout the world. All environmental movements or green movements or sometimes conservation movements were inspired by some scientific, political, social and cultural influence. The main purposes of those movements were the sustainable use of natural resources and protection of ecology for a better future. Those movements were represented by ecologists, environmentalists, social activists and above all the common people.

70 Environmental Movements: Government's Efforts, L.J. Bhosale, Environmental Movements in India, Rawat Publications, Pp 165
at large. About role of public for sustainable development, Brundtland Commission suggested about effective citizen’s participation in decision making. The previous concept was about people’s understanding to make the project more effective and their implementation. Now Brundtland Commission’s realization that “our projects will be better if they are based on the people’s own analysis of the problem they face and solution”

Today, ecology is associated not only with the biological sciences; it has penetrated the social sciences in which its focus is on the interrelationship and interdependence of society and nature. The environmental movements grew out of amenity movement which was the reaction of the industrialization in England. In Europe Industrialization i.e, consumption of fossil fuel and discharge of industrial wastes created pollution towards ecology as well as society also. The early conservation movement had included preservation of biodiversity and fisheries and wildlife management with soil and water conservation. Though USA started the conservation movement in practical form at mid 18th century but Europe created the scientific awareness about ecology and importance of conservation and Germans and French were the pioneer in scientific forestry from 17th and early 18th centuries.

UNITED STATES OF AMERICA
The National Parks like, Yosemite and Yellowstone in the US are an instance of monumental nationalism and gave Americans not only grand spectacles in nature but also a millennia-long history, longer than that of the cathedrals of Europe. In USA social movement for environmental cause probably started in 1739 when residents of Philadelphia with Benjamin Franklin petitioned before Pennsylvania Assembly for prevention of waste dumping form tanneries in that district. The most influential conservationists were Henry David Thoreau and George Perkins Marsh from very early day’s conservation movement stared in USA. The 19th century’s movement resulted the creation of Yellowstone

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71 Environmental Law; S.Shantakumar, Second Edition (2008), Pp 367
72 Man and Ecology in Marx and Gandhi; Tapan Kumar Chattopadhyay; MITRAM, Pp 83
73 Making Conservation Work, edited by Ghazala Shahabuddin & Mahesh Rangarajan; Pp 7
National Park in 1872 which was probably first national park in world and the establishment of 'Hot Spring National Park' was also the impact of early conservation movement in USA. In March 1872, American Congress established Yellowstone National Park through the process of law in the Territories of Montana and Wyoming as a public park for the benefit and enjoyment of the people. There military engineers and cavalrmen developed park roads and buildings, enforced regulations against hunting, grazing, timber cutting or vandalism and devoted their best to serve the visiting public. Afterwards the United States of America authorized additional national parks and monuments on the federal lands of the country. Today almost every nation maintains numerous national parks and protected areas for wild animals and forests. The establishment of Yellowstone National Park generated worldwide National Park movement.

But movement for conservation of natural resources was chiefly philosophized by John Muir (1838-1914) and Henry David Thoreau (1817-1862) in United States. John Muir studied ecology and geology both and successfully lobbied American congress to form Yosemite National Park. He used to believe in rule of conservation of nature. The conservation movement mainly developed in modern day during the period between 1850 to 1920 in America and that idea inspired throughout the world for conservation. Later in USA the concept of environmentalism was developed. In 1891, American parliament passed 'The Forest Reserve Act' through which forest land was separated from public interference. Afterwards nearly 50 million acres lands were transferred for forest conservation by several presidents in America. The conservation movement in the United States was an 'American part' of a major revolution throughout the Western world against the then-dominant social philosophy of the self-regulating market in the late nineteenth century.74

In early 20th century measures were taken for conservation of 'American Bison'. American President Theodore Roosevelt institutionalized the conservation movement in USA. In 1905 Roosevelt took all the necessary steps

74 The Vulnerable Planet, John Bellamy Foster, Cornerstone Publication, Pp 69
for establishment of ‘United States Forest Service’ and appointed renowned forester Gifford Pinchot (1865-1946) as head of that organization and he is also known as ‘Father of American forestry’. In 1916 the ‘National Park Service’ was started by President Woodrow Wilson. The National park Service in USA preserves the natural resources for the enjoyment, education, and inspiration of future generations. President Wilson signed “The National Park Service Organic Act” on August 25, 1916 creating the National Park Service for the protection of 40 national parks in the county. The Service would promote and regulate the use of Federal areas known as national parks, monuments and reservations. The National Park System of the United States comprises nearly 384 areas covering more than 83 million acres in 49 States.

Later President Franklin Roosevelt signed ‘The Migratory Bird Hunting Stamp Act’ in 1934 which requires an annual stamp purchase by all hunters. The sale of Federal Duck Stamp created an important role for protection of wetland and habitat conservation. In 1937, the hunters lobbied to congress to enact ‘Pittman-Robertson Wildlife Restoration Act’ for imposing taxes on hunting equipments. Later that tax money was used for only for protection and restoration of wildlife habitats. In fine conservation movement in USA was the collective effort of ecologists, philosophers, politicians and various governmental agencies like US Forest Service. Another big development program was taken in the mid-1970s during the bicentennial of the American Revolution and nearly the two dozen historical parks were developed commemorating the national Revolution. On July 4, 1976, President Gerald R. Ford, once a seasonal ranger at Yellowstone, spoke at Independence Hall and signed legislation making Valley Forge a national historical park.

Later society was more modern and developed and more development created more pollution which led towards ecological degradation. The western world has seen very strong peoples environmental movements in modern time also emerging in the 1960s and all the laws relating to environment started coming in 1970s as a result of strong political pressure to implement those laws. In the period of 1960s and 1970s, various movements for civil rights like
Liberation of Blacks, Alleviation of Poverty and Anti-Vietnam War created a platform for another social movement against pollutions and ecological degradation for better environment. But Rachel Carson, writer of “Silent Spring” which motivated American people to celebrate “World Earth Day’ on 22nd April in 1970, is called as mother of environmental movement. The awareness about adverse effect of pesticide inspired people for a new environmental movement which prompted the American President to create an advisory panel on pesticide.

Again protest also demonstrated in the 1970’s by Vietnam War veterans who suffered danger due to exposure to ‘Agent Orange’ which was code name of one herbicide used by US Military. This herbicide containing Dioxin sprayed in South Vietnam to defoliate forest areas during 1961 to 1971 killed and damaged to nearly 4,00,000 people and also caused deformities to unborn children. Finally the American Congress created a comprehensive set of legislation for conservation of species in danger or becoming extinct by enacting ‘The Endangered Species Act’ in 1973. This statute was based on congressional finding about various American Species which became extinct due to human activity and also other species of “esthetic ecological, educational, historical, recreational and scientific value” were in danger of extinction.

**Impact of Literature, Society and Politics in the Law making process**

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Figure 3
EUROPE AND UNITED KINGDOM

Modern Environmental movements in Europe mainly started during the second half of 19th century in many parts of the continent. People realized the necessity of wildlife laws during that century but before wildlife had been mainly preserved as game species or quarry species and protected the areas for hunting purpose. Public awareness about wildlife protection and social movement for conservation of natural resources came into existence at western part of globe in 19th century and more particularly after World War II. In Germany, environmental movement started in 1960s and the formation of a ‘grand coalition’ in 1966 with the support of green party was a great step against the conventional politics in multi-party system. In France, environmental movement started through anti-nuclear movement in 1968. The agronomist René Dumont became the first ecologist to contest the French Presidency in 1974 and later became Environment Minister in Socialist governments and also formed the French Greens party. In Italy, ecological movement developed through student and workers protests during 1968-1969 on the issues of health and the urban environment like France and Germany. Later conservation movement broadened concept of early movement and Conservation aimed not only to preserve natural resources expressly but emphasised more on sustainable use of natural resources like forest and wildlife for human beings.

The United Kingdom most probably had developed conservation movement with the help of various voluntary organizations and public spirit. So official bodies were not established to monitor the environmental pollutions or to legislate the laws within the country. The most important organizations like Royal Society for the Protection of Birds (1929), Norfolk Naturalists Trust (1926) and National Trust (1899) were the example of people’s awareness due to environmental movement in England. Some legislations like, The Sea Birds Protection Acts of 1869, 1872 and 1880 were made from very beginning in Victorian times to prevent the cruelty against the sea birds and to restrict the
international trade in feathers for clothing and hats. But modern conservation laws and policies were adopted mainly after the publication of two important reports of ‘Huxley Committee’ and ‘Ritchie Committee’ during the period of 1947 relating to conservation. Again in 1952, ‘Faulkner committee’ was appointed for prevention of pollution of sea by oil. In 1954 UK organized an international conference to prohibit discharge of oil in sea and coastal areas.

The second phrase of conservation movement started after the World War II by enacting several laws for the protection of natural resources during 1947 by moderate conservationists. In Britain, The World Wide Fund for Nature (WWF) was launched by an appeal for collection of large public subscription in 1961. Then the conservation of wildlife got the dimension in modern society. In 1970s campaigns were run to make people ashamed about wearing fur coats and people realize the cruelty involved in making fashionable dress. Sometimes ink was thrown over them and some conservation organizations, such as the Wildfowl and Wetlands Trust, refused to admit people who were wearing the skin of a striped or spotted cat. The trade was becoming smaller partly because the animals had become rare and partly because fewer people now want to buy fur as it became unfashionable. A survey in 1988 found that 7 out of every 10 people in Britain thought that it was wrong to kill animals for their fur. In 1990 the famous ‘Harrods Store’ in London closed down its fur department. In spite of public awareness, government took small initiatives and was slow to change the law to make the use of wild-trapped fur illegal. In 1977 by the formation of Greenpeace, environmental awareness again acquired an organizational identity in Britain. British India also started forestry in the mid 19th century and protection of delicate teak trees was an early step for ecological idea. German foresters such as Dietrich Brandis and Berthold Ribbentrop headed the Forest Service of India and generated scientific awareness of conservationism in British India.

76 Marine Oil pollution: International Control, G. Ajith Kumar; LAW AND ENVIRONMENT, Pp 203
78 Save our World, Beehive Books, Pp 16
THIRD WORLD COUNTRIES

Not only the developed countries like America or England became aware about ecological matter but every part of the society realized the necessity of conservation of wildlife and natural resources. Some times it was protest against the colonial regime over their sovereignty over natural resources.

Wangari Maathai is an environmentalist, and women's rights activist and a parliamentarian who developed the ‘Green Belt Movement’ in Kenya. In 2006, she founded the United Nations Billion Tree Campaign which has got the worldwide support. Again in 1974, ‘The Environment Liaison Centre’ was established by Mathai to promote the participation of non-governmental organizations in the work of the UNEP. After the Stockholm Conference in 1972, UNEP established its head quarter in Nairobi. Maathai also encouraged the women of Kenya to plant tree nurseries throughout the country, searching nearby forests for seeds to grow trees native to the area. On June 5, 1977, world environment day, the National Council of Women of Kenya (NCWK), an umbrella organization for women, marched towards Kamukunji Park where they planted seven trees in honor of historical community leaders. This was the first "Green Belt" planted by what became the Green Belt Movement. In 1989, Maathai strongly protested the construction of the 60-storied building of Kenya Times Media Trust Complex in the area of Uhuru Park. In spite of several problems from Keniyan government against Mathai, she continued the Green Belt Movement and in October 2004, the Nobel Peace Prize was awarded to Wangari Maathai for her contribution to sustainable development, democracy and peace.

In the matter of conservation of ecology or environmental protection, the people from economically developed as well as underdeveloped countries all have generated crusade in their native land. The present generation need to take the ideas of those revolutionaries who rose above the narrow mindedness of orthodox religions to geniuses like Gandhi and Marx and some theories are

till relevant today. Sunderlal Bahuguna, Medha Patkar or Arundhati Roy of India and Blue Wexter, Rudolph Rich, Karen Silkwood of USA has done their bits in their own ways not only through highlighting the problem but finding the equitable solution. The pressure groups like ‘Corporate Watch’ in UK and ‘Inter Faith’ in US are doing commendable works to make transnational companies or multinational corporations to become eco-friendly. These are not limited within the capitalists or western developed countries but this campaign has been spread through out the world. Eco-friendly societies like ‘Friends of the Earth’ ‘The green peace Movement’, ‘Chipko Movement’, ‘Save Earth Day’, ‘Narmada Bachao Andolan’ etc. are all advocating for ecological development and a balance method for economic development.

So as per word of E.F. Schumacher, “Small is Beautiful” and that is the motto of the environmental, ecological, and green movements across the world. Each and every member of the society has understood the utility of balanced ecology. So it is not surprising that anthropologists, sociologists and environmentalists, all of them either individually or group levels are determined not to bring the ecological crises on focus but suggestive ways how to combat it. Even a causal survey of human history would show that a solution has come up only out of a problem. Ecological movements from the 1960s onwards have asserted that man is essentially dependent on the environment and people must live within the limits of the earth’s finite supply of resources.

SOCIAL MOVEMENTS IN INDIA

In India also, people in small and large groups are organizing their protests for protection of wildlife, forests and others natural resources. Before independence or during the British period maximum stress was given towards the development and natural resources were consumed without ecological

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80 The many-straw revolution, Ashish Kothari, Down to Earth Jan 1-15,2009, Pp 55
81 Gandhi and the Green Party, Petra K.Kelly; Green Politics in India, Dr.S.P.Udayakumar; Transcend South Asia, Pp37
82 Islam and Ecology; Imtiaz Ahmad; Ecology & Religion, R.Narayan-J.Kumar;Deep & Deep Publication, Pp163
consideration. Such type of ecological degradation and environmental pollution by the state efforts frustrated the masses of India. Later when India got the independence, the entire citizen after obtaining the environmental awareness they protested and directly agitated against any activity of the state hampering the ecology and environment.

The pressure groups are agitating for their demands of just and equitable development without hampering the ecological balance of the nature. In 1971, the Ramsar Convention on wetlands as waterfowl habitat and in 1972 the landmark Stockholm Declaration made people aware about international environmental problems. The global environmental issues became the impetus and moved the people of India also to get speed for environmental protection.

The civilized society also raised their voices against the environmental pollution and ecological degradation. In every environmental movement the marginalized people or the downtrodden people always took the active role every where in the world. Previously the civilized people were more involved in industrialization and the indigenous people or the tribal people make the protest against the declination of forest and wildlife destruction. But later the members from all parts of the society came for active participation. According to S.K Dey, the father of community development movement in India, apart from four estates of democracy in India- the executives, legislatures, judiciary and the press, the fifth estate were an imperative. According to him this fifth estate is ‘people’. This fifth estate therefore can be rightfully called ‘voluntary organs of the people’.\(^{83}\) The voluntary action by mass of people is an alternative initiative against injustices and irregularities through power of politics in India. This awareness of people should come from every part of the society. In case of India this mass initiatives can emerged from all sectors of the society has been proved. The tribal people and particularly the marginalized people have played a vital role for social movement relating to environment and ecology in every corner of the country. If we have to measure the success of environmental protection movements in the background of tribal people’s

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\(^{83}\) Introduction to Environmental Law; S.Shantakumar, Second Edition (2008), Pp 367
right to livelihood as human right, then we are to lament in despair that the entire movement is nothing but a fine rhetoric empty of all meaning and worth. In the Chipko movements and other environmental movements in the modern India, the participation of tribal and marginalized peoples has proved their dedication and dependency towards forests, wildlife and nature.

The history of India reveals about the development of social awareness through active public participation and protests. Without movement nothing can be achieved and in India lots of laws were passed as an effect of public agitations and social movement. In India perhaps the first environmental and conservation movement was organized by Amrita Devi in the Jodhpur area of Rajasthan in 1730. She with her 362 followers protested the felling of Khejri trees in that area and hugged the trees tightly. The contractor and their workers axed to death those trees with the protestors including Amrita Devi. After the independence lots of social movements were in India regarding protection of environment and conservation of wildlife. Previously monkeys were exported to foreign countries for cruel experiment and through agitation and movement by Rukmini Devi, Central Government banned this brutal export. The propaganda and movement influenced to Pandit Neheru so much that he took initiative to pass legislation and finally Prevention of Cruelty to Animals Act, 1960 came into existence. Justice Krishna Iyer, said laws are decorative pieces on the statute book unless there are powerful movements supportive of their provisions. According to him grassroots greens are growing in India, Sundarlal Bahaguna and Medha Patkar being conspicuous among masses of have-nots and handicapped, economic pariah and the proletariat who have nothing to lose except their lives.

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84 Right to livelihood and environmental protection; Dr.N.K.Chakraborty, Indian Bar Review, Vol XXIII(3&4) 1996
85 Random Reflection, V.R.Krishna Iyer, Pp 241
In the Bible, the flood was shown as the consequence of violence done by human beings. God grieves about human wickedness spoiling the earth and threatens to let it all be destroyed through his judgment. A future is closing in on us with disastrous changes of the global climate due to excessive emission of gasses from the burning of fuel, leading to heating up, rising sea levels, more ferocious storms and other catastrophes. These environmental movements were very radical and some times also violent against the Government policies and some private bodies against rapid industrializations and commercialization of natural resources. Actually these movements have established human rights and equitable access to natural resources by all peoples civilized or marginalized in contemporary India. The ecological movements in India, according to some writers these Chipko movement and the Narmada agitation are not for degradation of Indian forests or depletion of natural resources but such type of frustration mainly by peasants originated from draconian Indian Forest Act, 1878 of British Government introduced by them to use vast number of timber for railway tracks. The last century’s country wide tribal resistance, according to many environmental historians, like Ramachandra Guha, Madhav Gadgil and Mahesh Ranagarajan, was mainly against age old arbitrary colonial laws. Presently the hundreds of millions of people not only to be able to vote but also take part in Government decisions in rapid growing democracy which affects their lives and livelihood. This political decentralization has helped to people of India to agitate for anti-Dam, anti-SEZ, anti-Industry campaign against corporation Governments and elite societies. At the same time the Government of India as well as its officials has now become so active for providing support through some new legislations like The Right to Information Act, 2005 or National Rural Employment Guarantee Act, 2005 or other social laws. An ecological movement though contributes to green goal of forming a sustainable relationship between human beings and nature but may even have the adverse effect by creating more opposition to the environmental cause also.

86 Common shades of green, Raj Chengappa; INDIA TODAY; July 17, 2006; Pp 79
87 Tribals Vs / Or / And Tigers, SUNDAY HINDUSTAN TIMES, Kolkata; June 24, 2007
88 The many-straw revolution , Ashish Kothari, Down to Earth Jan 1-15,2009, Pp 55
THE CHIPKO MOVEMENT

Chipko movement was grass root level of movements with the purpose of preservation of forests to maintain the ecosystem in the sub-Himalayan region by the marginalized and poor people who raised their voice against the cutting the trees and also for conservation of nature on the area. Many provisions of India forest laws, enacted in during the British period, were against the interest of the forest dwellers and the tribal people. Their persistent resentment against the forest laws gradually took the shape of a people’s movement in the 1970s. This is commonly known as the Chipko movement which was the reincarnation of centuries before the Chipko movement in Khejari village where 294 men and 69 women of Bishnoi community sacrificed their lives to protect their forest from the soldiers of King Abhay Singh of Jodhpur who had come to cut and take away trees from their forests. Chipko movement started in the area of Uttarkhand where there was hilly, mountainous area with very steep slopes thickly covered with forests or mixed nature-predominantly broad-leaved trees. This movement to protect the trees began around the year 1968. It gradually developed into a mass movement with the active involvement of the tribal people, both men and women but women joined in this movement in huge scale. The police firing could not suppress the movement. The famous Ghandhian, Sundarlal Bahuguna joined in this movement and gave it huge popularity. This non violent movement impressed then prime minister to declare in emphatic language in 1980 that not a single tree in the Himalayan region should be touched for next fifteen years. The Chipko movement has a glorious record and became an inspiration to many future activities and gave rise to several environmental movements like Appiko, Narmada Bachao, Save Western Ghats, Jungle Jeevan Bachao and many others. Chipko Andolan was the most organized and best known contemporary movement against the exploitation of forests by an outside agency or from state intervention and spread throughout India in the 80s.

89 People’s Movement for Natural Resources, Kusum Karnik, ENVIRONMENTAL MOVEMENTS IN INDIA; Pp 29
THE SILENT VALLEY MOVEMENT

In Palghat district of Kerala, the Silent Valley is a densely forested hill area where slightest chirping of birds is audible and Kunthipura River flows across the valley. In 1976 state government took the initiative after the approval of central planning commission for construction hydel power project in the area of Western Ghats. But environmentalists throughout the world opposed the project. Famous ornithologist Salim Ali and other intellectuals of Kerala Shastra Sahitya Parisad (KSSP) raised their voice against the project. In international level, The WWF was very much opposed to the project and IUCN also showed their disapproval against the project. Under increasing pressure from national and international level, a joint committee was constituted under the chairmanship of Prof. M.G.K. Menon to evaluate the degradation of ecology due to that hydro electrical project. Finally on the basis of the report of the joint committee, state government and central government both withdrew the project due to the movements from environmentalists and Silent Valley was declared as National Park in 1983. This movement was an enormous effort of all section of the society including common people, local villagers and the members of Kerala Shastra Sahitya Parisad (KSSP).

THE NARMADA BACHAO ANDOLAN

Namada Bachao movement apart from organizing anti-dam rallies promotes non-consumerist life style of tribal communities as demonstrative of sustainable mode of living and also raising the question of an alternative mode of development. Conflicts over forests were so prominent in the early eighties, later was being superseded by conflicts over water, in particular the popular opposition to large dams. The ongoing movement against the Sardar Sarovar dam on the Narmada River that would displace millions of villagers was a burning example. In 1978 construction of two dams on Sardar Sarovar and Indira Sagar started on the Narmada valley in Gujarat. Narmada Bachao Andolan, an organization, protested the project on the issue of rehabilitation of

90 Introduction, Social Ecology, ed. by Ramachandra Guha, Oxford; Pp 6
locals, technical viability and ecological degradation. The people already affected by flood could not achieve their proper rehabilitation. World Bank also imposed condition for providing loan for the proposed work.

US Supreme Court restrained further development of reservoir in Tennessee river on the ground that it would violate the provision of ‘Endangers Species Act, 1973’ by causing the extinct of ‘snail darter’ in Tennessee Valley\(^{91}\) case on 1978. Though when ‘Snail darter’ was declared as an endangered species then Tennessee Valley Authority already had started the construction. But in Narmada Bachao Andolan\(^{92}\) case Supreme Court of India granted permission to raise the height of ‘Sardar Sarovar Dam’ and did not appreciate the impact of reservoir on the flora and fauna of local area. Actually in ‘Narmada Bachao Andolan’ case there was no existence of any endangered or threatened wild species in particular site and no such strong law like The US Endangered Species Act, 1973.

THE APPIKO MOVEMENT

In Uttara Kannada of Karnataka, another Chipko type movement, locally known as Appiko Chaluvali, was successful in saving trees from felling. The Appiko Movement tried to save the Western Ghats by spreading its roots all over southern India. In 1983 the youth of Belegadda village appealed to the forest officials to call off the order of felling of trees in natural forest at Salkani near Sirsi. After rejection of the appeal, they invited Sunderlal Bahuguna and started protest against the decision of forest department. The movement got the strength and intensity from the constant interaction with people at all levels of the society through the use traditional media. The Appiko movement in Karnataka was launched with three objectives i.e. ‘Ulisu’ (to conserve), and ‘Belisu’ (to grow) and ‘Balasu’ (to use prudently). The movement’s main objectives were to save the remaining tropical forests in the Western Ghats and

\(^{91}\) Tennessee Valley Authority v/s Hiram G Hill, (1978), 437, US 153
\(^{92}\) Narmada Bachao Andolan v/s Union of India, AIR 1999 SC 3345
to restore the greenery to denuded areas and also to propagate the idea of rational utilization to reduce the pressure on forest resources.

**THE TEHRI DAM PROJECT**

In reference to Indian position large dam and hydro electric projects cause a huge level of displacement of millions of people from the areas where they have been living for time immemorial. In the past, when dams were built, the people who occupied land in the submerge areas were often evicted without notice or proper compensation or rehabilitation. But on the other side there is lots destruction of ecological balance loss of habitat of wildlife populations. The concept of protecting displaced persons came to the forefront with the realization of the severity of problems caused by large scale uprootment of people and destruction of their cultures.

**MOVEMENT BY BISHNOI COMMUNITY**

Their philosophy is based on ‘29’ principles in favor of wild animals and nature developed by the founder of their sect. Bishnoi system of prudence proved more powerful against princely ways of life, like sports with animals and hunting. The Bishnoi protected the ‘Khejri’ at the cost of their lives in 1730 when 363 Bishnoi women with the leadership of Amrita Devi were axed down to death to prevent the felling down of trees by the order of local king. Still now Bishnois provide services to prevent hunting and extend complete protection to blackbuck and species living around in the nature.

All these grass-root efforts to stop felling led to a policy change within the Indian government that was more focused on the requirements of people and ecological impact. The Chipko movement of 1970s and Bhopal gas disaster of 1980s were two incidents of environmental degradation which generated public awareness within India. Then every segment of Indian society became vigil about chronic shortages of natural resources. The recent trend among various NGOs and other civil society organizations was to widen their agendas for ‘ecological conservation’. People in country realized the necessity of
conservation in society also. At a workshop conducted in Sariska in September 2000, the Tarun Bharat Sangh added Jangal (forests) and Janwar (wild animals) to its existing motto of Jan (people), Jal (water) and Jameen (land). The Tarun Bharat Sangh, a crusader for people’s rights also included wildlife conservation in their program at the Sariska National Park. So this workshop was ‘historic’ one to bring together many NGOs, communities, social activists and Forest Department officials to form a Sariska Tiger Reserve Management Committee. There is a global movement for the protection of environment which germinated a new hope for mankind for progress with sustainable development. Environmental laws in India already have given an integrated view based on ecological premises.

2.7. CONFLICT OF STATUS BETWEEN INDIGENEOUS PEOPLE WITH WILDLIFE

There is an eternal conflict between the status of tribal people or the forest dweller with the status of wildlife in the ecology on the earth. If protection of wildlife is needed to maintain an ecosystem for better ecology then at the same time protection of those forest dwellers and traditional people are needed for shake of social ecology. If wildlife protection become strict then it will be difficult to protect the existence of those people who totally depends on nature, forests and wildlife. So law should not be maintained in such a manner which will violate rights of the other people. Because ultimately law is the way to get the justice and justice is given when there is a right. Right to livelihood is a basic right which has been proved in several international conferences by the people of every part of the world. Today Nomad communities are also being deprived of their major base of sustenance due to rapid decline in the wild animal population. So law will balance the right to life as well as right to livelihood and both are human rights. In jungle wildlife and tribes both have

93 The Politics of Participatory Conservation, Priya Das, Making Conservation Work; permanent black Pp133
common habitat and equal rights. There are about 14 percent of the world’s population consist of tribal people who are living in the every corner of the world today. Tribal or indigenous peoples are groups of aboriginal sources with their own society, art, music, religion, language and legends. They live through hunting, herding, farming or fishing and they are totally dependent on the nature directly. Many tribes are destroyed in the name of progress and tribal peoples are totally isolated from civilization. The people in them are not backward but have a unique knowledge of their environment. Above all, they have a right to live in the wild nature. Many tribal people are now protesting to claim their rights in every parts of the world. They are defending their land, traditions and societies against other cultures. The tribes have given national and international support and organizations to help them survive in the present situation.

In India the traditional forest dweller or Scheduled Tribes had been living in the forests generation after generations. In the name of wildlife conservation they were prevented to enter their own land or they were sometimes evicted from their traditional land for the sake of ecology. So their condition was miserable in the past. Non-recognition of tribal’s rights over forests land and their habitat through several statutory provisions was a historical injustice. As per a study in the late 1980s by the Indian Institute of Public Administration (IIPA), 69 per cent of surveyed Protected Areas had humans living inside and 64 per cent had rights, leases or concessions to extract fuel and fodder, to graze, or the carry out other activities. The non-tribal ethnic groups of resident inside the sanctuary or protected areas were traders, land owners and owners of vast herds of cattle. Continuous confrontation is going on between local people and forest departments in many parts of India till now. Recently Tribal villagers West Midnapore district in West Bengal, chopped down around 6,600 young eucalyptus trees on a six-hectare land of state forest department plantation. As per villagers, these forest lands were

94 People, Parks & Wildlife Towards coexistence; Vasant Saberwal, Mahesh Rangaragan, Ashish Kothari, Pp 72
cleared and leveled by their forefathers and grew crops. According to many, forest departments have got away with declaring diverse lands as forests without following the law and labeling those occupying the land encroachers. During the period 1972-1991, rights of forest dwellers or tribal people within the notified areas weren’t determined. The root of problem lies on recommendation of prestigious National Commission on Agriculture (NCA), an agency attached to the Union ministry of Agriculture, then in charge of Forests, mentioned in 1976 that the tribal’s rights and privileges had brought destruction to the forests and so it was necessary to reverse the forests.

**TRIBES IN FAVOUR OF WILDLIFE**

Sometimes there may be a need to kill, either to protect their life and property but such occasions may happen to all in the society and almost in all religions. As they are much related with nature so conflict is also very much relate with tribes or forest dwellers also. National Park and Wildlife Sanctuary managers are not always successful to exclude people. Here the objective is to allow nature to take its course to manage its components. The human presence within some of the most spectacular ecosystems on earth has proved the coexistence of man and wildlife can possible in the protected areas and the Serengeti National Park, Tanzania, is the good example of the coexistence of humans and biodiversity. In Brazil once had 5 million Indians living in the Amazon forest today there are fewer than 2,00,000 and Native peoples have lived in the rainforests for centuries without damaging those forests. Once Australian Government for vermin control offered cash for each dingo tail brought in as wild dingo in Australia preyed on domesticated sheep. Aboriginal hunters did enough to claim the money but it was finally discovered that the hunters had decided amongst themselves to observe a taboo against killing breeding females or pups, thereby making sure that the dingo population remained safe

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95 Down to Earth, January 15; 2008; Pp 15
96 Down to Earth, February 15, 2008; Pp 4
97 Down to Earth, June 15, 2007; Pp 42
98 People, Parks & Wildlife Towards coexistence; Vasant Saberwal, Mahesh Rangaragan, Ashish Kothari, Pp 45
and sound. In this way the aboriginal races saved the wild species in spite of Government’s lucrative offer. As per President of Kudremukh Rashtriya Udhyana Virodhi Okkota, Kalkuli Vittal Hegde, in Karnataka, they are against the national park status because people will be evicted and multinational companies will gain entry to our forests in the name of research. This will allow them to exploit resources and use our indigenous knowledge to manufacture high-value products without any acknowledgement. According to him, National parks are made to give tourism and multi-national companies a boost; not to protect biodiversity. On the contrary the indigenous communities protect their environment and biodiversity.

The tribal people consume the forest produces or kill the wild animals only to satisfy the basic necessities of their lives and daily livelihood. They have no intention to poach or to smuggle the wildlife or their body parts but they are dependent on wildlife just for their food and livelihood. Disturbance in ecology is not due to destruction caused by the tribal people but due to unsystematic growth and development, unplanned deforestation and industrialization, and uncontrolled urbanization etc. of the human society. On the contrary Tribal people always protect the forest and nature traditionally as “God” and their culture has taught them treat forests and wildlife with good care for survival of their life. The Ode to Marang Buru is about tribal peoples stories of biodiversity conservation. Wild animals are regarded as god and goddess in several indigenous communities in India also. Animals are very much associated with Gods and saint which are divine and the sacred. Crocodiles, snakes and other animals are worshipped and killing of those animals against the taboo and custom of the some tribal communities as well as among Hindus also in India. On the sacred day of ‘Nag Panchami’ the cobra and other snakes are worshiped and are offered milk by millions of devotees in different parts of India mainly tribal people. All of these concepts have

99 Ecological Journey, Madhav Gadgil, permanent black; Pp 40
100 Down to Earth, April 30, 2008; Pp 27
101 Wildlife laws and its impact on tribes, Mona Purohit, Deep & Deep Publication; Pp 140
102 Down To Earth, Jan 1-15, 2009, Pp 62
developed the public conscience to protect the snakes from skin trade purpose in foreign countries. There are several instances in India where wild animals are being protected by tribes and local peoples for time immemorial.

Some times human interference is needed for wildlife development also. Many wetlands survive because of human use and have suffered very much when human interference was restricted for process of conservation. The classic example lies in the case of the Keoladeo National Park (Bharatpur), where a ban on buffalo grazing led to the rampant growth of the Paspalum weed which made the ecosystem inhospitable for many migratory species including the Siberian Crane.103 In Tamil Nadu, for centuries storks and other water birds around marshlands and lake have been protected in their nesting season by rural people. In Thane, wild dogs were highly valued by local tribes as they helped to chase tigers away, while wild buffaloes were welcomed in many other regions as mates of domestic buffaloes.104 So again in the case of wildlife conservation the development lies on the age old theory of ‘sustainable development’ of environmental management.

CONFLICT WITH HUNTING LAWS
The tribesmen are very closely related and even overlap with the Reserved Areas for wildlife which incurs conflicts and disturbances between them. But wildlife conservation has adopted some strict legal measures which entirely ignored the basic needs of the tribal over the nature. After the passing of Wildlife (Protection) Act in 1972 the scope of hunting was curtailed by the provision of law and a Sanctuary or a National Park could be notified without the rights of people living in those lands being determined and even after Amendment of 1991, hunting was totally banned. The hunter-gathers in the Indian subcontinent had begun to lose control over forests from the colonial period. Even where hunter-gathers comparatively autonomous of the forest department, ecological changes have forced new adaptive strategies like the

103 FRONTLINE, February 29, 2008; Pp 20
104 People, Parks & Wildlife Towards coexistence; Vasant Saberwal, Mahesh Rangaragan, Ashish Kothari, Pp viii
selling of small animals, honey and plants to nearby markets. The Jogi-Naths use snakes for street entertainment, had to pay the price for the clamp down on a rampant trade in snakeskin. Under Section 9 of the Wildlife (Protection) Act, 1972, no person shall hunt any wild animal as specified in Schedules I, II, III and IV of the Act. Almost all the species of snakes used or trapped by the Jogi-Naths for livelihood are illegal though they are not involved in the wildlife trade. Now all wild animals and wildlife produce are government property and Bawarias community is now in direct conflict with wildlife conservation laws regarding their bulk of the skins, feathers and hide which thrived in India in the 1960s and the 1970s. According to Section 39 of the Wildlife (Protection) Act No person shall without the previous permission in writing of the Chief Wildlife Warden acquire or keep in his possession, custody or control or transfer to any person by way of gift, sale or otherwise destroy or damage such government property. Many communities such as the Bawarias or Jogi-Naths are now moving for their new livelihoods to survive. A ban may have been essential to curb the rampant wildlife trade for better ecology but it should not hamper livelihood of marginalized communities who are surviving against all odds. Again the minor forest produce, fish and timber collected by tribal peoples were also restricted. So some indigenous people who were totally dependent on hunting and small game faced an acute problem for their livelihood and millions living within protected areas became outsiders in their own land.

So those modern conservation laws did lots of injustices towards forest dwellers, primitive tribe groups, schedule tribes and even those large numbers of persons who are totally depended on forests and nature for their habitat and livelihood. This restriction on the forest produce and entrance to the forest has created destruction of some primitive tribal groups. Banning on hunting and restriction on forest goods has directed those communities towards starvation death. Communities like Saperas, Kalandars, Madari, and Bahelias, though

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105 The Hunter and The Hunted; Conservation with Marginalized Communities, Bahar Dutt, Rachel Kaleta and Vikram Hoshing; Making Conservation Work, edited by Ghazala Shahabuddin & Mahesh Rangarajan; Pp 246 & 255
categories as OBCs, used to entertain people with snakes, birds, monkeys or bears through their performed tricks but now their occupations have been banned under the provisions of Wildlife Protection Act, 1972 and Prevention of Cruelty to Animals Act, 1960. Bawarias are Schedule Caste communities who are originally traditional nomadic hunting tribes. But more than 70% of those communities are suffering from starvation. Moghiyas, a hunter-gatherer tribe, mainly depend on forest and its bye-products and also on hunting for their survival and livelihood. According to her those people are not able to manage other occupation after evicted from forest. Again Pardhis in Bhopal are not able to manage with rag picking and begging and finally they used to catch some feathered game into the nearest forest. Same condition is applicable to Mankadias of Orissa continue to catch monkeys for their food and Shikligars in Punjab were found recently eating endangered monitor lizard as their food.\textsuperscript{106}

The Vaidas are native medicine men dealing in herbal medicine and bone-setting, their women serving as midwives. The specialist hunters, Phasepardhis snare antelopes, deer, quails and partridges and concentrated on the most desirable prey-species of the region, the blackbuck.\textsuperscript{107}

Such type of government policies and conservation laws have created many problems for primitive tribal groups and traditional forest dweller who are totally habituated with forest life and totally dependent on nature. Whenever they were evicted or separated from national parks and sanctuaries for the protection of wild animals and forest has generated a large amount of dissatisfaction among those people as well as social activists also. Such type of restriction has created a huge starvation death and malnutrition within those people.

In discussing right to livelihood of forest peoples vis-à-vis environmental protection, there was always a vested interest, be it feudal owners of forests in Prussia at the time of Marx or greedy contractors at the end of twentieth century, by their magic rod (money power) controlling by laws

\textsuperscript{106} Starvation among primitive tribal groups, Meena Radhakrishna; ECONOMIC & POLITICAL WEEKLY, May 2, 2009; VOL - XLIV, No- 18
\textsuperscript{107} Ecological Journey, Madhav Gadgil, permanent black; Pp 104
and regulations and implementing agencies always in their favor. So the present environmental movement to him is difficult to explain. In spite of so much promise unless our basic human nature transcends from narrow limitation and there will be no end of exploitation and oppression of the poor tribal forest people.\textsuperscript{108} On the other side establishment of several National Parks and Sanctuaries also restricted the movement of those community and finally evicted them from their habitat where they used to live generation after generation. All such legal dogmas intensified conflicts between forest officials and local people. The settlement of rights of forest people was little bit mitigated through another amendment in 2003 by giving preference rights of those people.

In the past several years, the economically advanced and politically powerful ethnic groups had established their hold over tribal lands. In certain cases, the agricultural poor were also given land in the forest area. These activities pushed the tribal people towards extinction. In 1970s, peasant protest in the Chhotanagpur areas and the western Himalayan area was generated due to denial of access to the protected area for the woods and other livelihood. Some tribal people boycotted joint committees meeting when one of them short dead by forest guard as a mistake of wood smuggler.\textsuperscript{109} Displacement from traditional forest land and restriction of usufruct rights over the forest created a difficult situation for the tribal people in the forest areas as well as government also.

\textsuperscript{108} Right to livelihood and environmental protection; Dr.N.K.Chakraborty, Indian Bar Review, Volume XXIII(3&4)1996
\textsuperscript{109} India’s Wildlife History AN INTRODUCTION; Mahesh Rangarajan; permanent black, Pp 115
2.7.1. **ROLE OF INDIAN JUDICIARY FOR RESOLVING THE CONFLICT OF INDIGENOUS PEOPLE AND WILDLIFE**

There is also a parallel problem of existence of indigenous people and their endangered cultures with the problem of ecological matter relating to endangered species in ecosystem. Tribal economy depends primarily on forest produce and livestock collection including wildlife from the forests which are also protected areas for wildlife by law. In this way Section 35 of Wild Life (Protection) Act, 1972 somehow infringes the right to livelihood which is their fundamental right. When certain areas are declared as protected areas under Sections 18, 35, 36A and 36C of the Act then the local people or scheduled tribes become trespasser in their own land and afterward they are relocated.

But the Indian judiciary has always played an important role for maintaining the balance between the rights of tribal people as well as right to environment. The Supreme Court directed the Record Officer and Forest Settlement Officer in *Banwasi Sewa Ashram v/s State of U.P.*\(^{110}\) case to relax the procedural rigor of section 4 and Section 6 of the Forest Act, 1927 and adopt a suitable procedure that would adequately safeguard the rights, interests of the Adivasis and forest dwellers or Banawasis living in Mirazapur district of U.P. before declaring reserve forest to the particular area.

In *Pradeep Krishen*\(^{111}\) case, the permission by Madhya Pradesh state government to the tribal people and villagers around the wildlife sanctuaries and national parks to collect the ‘Tendu leaves’ was challenged on the ground that such activity will damage the ecosystem and biodiversity of the areas. The Supreme Court refused to set aside the order of state government and established the traditional rights of tribal and village communities living in and around the protected areas to access over the sanctuaries and national parks. But it also said to take urgent steps to prevent any destruction or damage to the environment, the flora and fauna and nobody can cut the trees and hunt, shoot,
fish, trespass or pasture cattle in contravention of the rules wildlife in those areas.

Again in a famous case Supreme Court established the rights of tribal people in accordance with the protection of ecology. In Animal and Environment Legal Defence Fund v/s Union of India case, the Government of Madhya Pradesh allowed fishing permits to the displaced tribal people in a reservoir within Pench National Park while the Government of Maharashtra objected on ecological grounds as danger to environment like feeling trees, harm to crocodiles and turtles in the reservoir, disturbance to water fowl and migratory birds, and the possibility of lighting fires and throwing garbage and polythene bags around and into the reservoir. The Supreme Court had to resolve a dispute between two neighboring states on the rights of tribals and court stressed on the protection of fragile ecology and at the same time apex court also said that all efforts should be taken for rehabilitation, resettlement and livelihood of the tribal communities of the protected areas.

The impact of reservation of forest on tribal livelihood was decided in Fatesang Gimba Vasava v/s State of Gujarat case. In that case, the tribal population was supplied bamboo at reduced rates for making articles to sale them in the open market. But the state forest officials blocked the transport of articles on the ground of possible exploitation of forest in a reckless manner. The Gujarat High Court laid emphasis on the rights of tribals who depend on the forest for source of their livelihood. The court also observed that once bamboo chips were transformed into a commercially new and distinct commodity by human labor then the article was no more a produce of nature. So the communities can not be jeopardized on the ground of using the forest produce.

In Narmada Bachao Andolan case, the issue was about tribal people ousted from a forest areas and rehabilitation of huge tribal people ousted from their habitat was a gigantic problem. At the same time the height of the

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112 AIR 1997 SC 1070
113 AIR 1987 Guj 9
114 Narmada Bachao Andolan v/s Union of India AIR 2000 SC 3751
reservoir was raised to a certain height for the benefit of several villages and a few towns in Gujrat and Rajashtan. The Supreme Court found that the lands allotted to the displaced people are equal or better than their original land and court also said that engineering works for raising the dam and rehabilitation measures should go hand in hand. So in maximum cases Supreme Court established the rights of tribal people, traditional villagers or displaced persons with keeping intact the basic ecological structure of the environment.

Indian judiciary has always tried to give the ecology and environment more status than any other types of legal rights. In *Mahesh Kumar Virjibhai Trivedi v/s State of Gujarat*\(^{115}\) case, in 1978 the government allotted land to the petitioner for rehabilitation of Pakistani refuge. But later in 2001 the large area was declared as Wild Ass Sanctuary including the land of petitioner. He challenged that declaration of state government and demanded to live inside the sanctuary. Gujarat High Court decided that the petitioners can not claim any right to live there and also pointed out that no one has the right to enter or pass a land in the sanctuary without the permission of Chief Wildlife Warden u/s 27 and 28 of Wildlife (Protection) Act, 1972.

2.7.2. GOVERNMENT POLICIES ON TRIBAL PROTECTION WITH WILDLIFE CONSERVATION

The year 2007 is important in international level for the protection of the rights of tribal people. After a long debate, the UN Declaration on the Rights of Indigenous People was passed in General Assembly in 13\(^{th}\) September 2007 after a strong protest from America, Australia, Canada and New Zealand. Total 143 member nations including India voted in support of such declaration. According to the provision of this declaration states should give the legal recognition and protection to the land and resources traditionally owned by indigenous people. So this international document has established the individual and collective rights of indigenous people. The declaration was

\(^{115}\) AIR 2006 Guj 35
expected to adopt in 2006 but some African countries objected the definition of 'Indigenous people'. The UN secretary general, Ban Ki-moon described this declaration as a triumph of world's 270 million aboriginal people. In 1996 at the World Conservation Congress in Montreal a principles and guidelines for Indigenous Peoples and Protected Areas was adopted which requested the Director General of the Secretariat and IUCN to support and advocate the development and implementation of policy in relation to protected areas established on indigenous lands within available resources. In resolution 1.53 of the World Conservation Congress, IUCN has acknowledged that indigenous peoples have the right to participate effectively in the management of the protected areas established on their lands or territories. The IV World Congress on National Parks and Protected Areas, 1992, also recommended for the development of policies for protected areas to safeguard the customary interests of indigenous peoples. This system of protected area management was first published in 1978 by IUCN. Again WWF very much opposes interventions on the environment of indigenous peoples' territories without prior and free consent of affected indigenous communities. ILO Convention 169 recognised the social and cultural status of indigenous and tribal people widely. Later, in Agenda 21 and Convention on Biodiversity of Rio conference in 1992 also stressed on sustainable conservation as well as participations of local and indigenous communities on conservation programs of nature.

Then it became very necessary to save the tribal population from being exploited by the urban people in the name of environmental and ecological protection. There are many legal provisions for the preservation of wild life and also the protection of rights of the Scheduled Tribes in India and there are some direct and indirect provisions for welfare of both tribal people and wildlife in the Constitution of India. As per Prof. P. Leelakrishnan, the conflict regarding tribals lies at very foundations of all legislative policies and is the bye-product of the socio-economic development. Various nations have taken different legislative measures for restoration of tribal lands and protection of their

116 Down to Earth, Oct 15, 2007, Pp 11
habitat and livelihood within the national parks and sanctuaries. So there are many instances of conflict between maintaining the ecosystem of nature within the National Parks, Sanctuaries and protected areas and also keeping intact the rights of tribal and traditional forest dwellers inside the protected areas. In 1990s, a series of consultations made, termed ‘Building Bridges’ between wildlife conservations and social activists, to protect both wildlife and human rights. All of those consultations opposed the forcible displacement in the name of conservation at the same time protected the threatened species even against use in traditional practice of local people.

State should protect tribals from social injustice and exploitation but in practice Indian state has performed its role initiating half-hearted welfare schemes like the Integrated Tribal Development Program. They always subjected for resources extraction and suffered displacement problems from time immemorial. The state’s refusal to recognize tribal rights to forest lands and allow the project for national development based on industrialization. Mineral-rich forest areas and rivers sides, hill areas, prime landscape have been gradually acquired by the state for resource extraction as national interests by pushing out the resident tribal population. Now Indian government has tried to resolve the conflict between the tribal communities and ecosystem of protected areas like Sanctuaries and National Parks which are the natural habitat for tribal people and wildlife both. In 1983 a committee headed by Madhavrao Scindia submitted a report as “Eliciting public support for wildlife conservation — report of the task force” which focused on the dependence of rural people on forests and restriction in wildlife reserves triggers their antagonism. This report wanted funds for development programs in villages within the periphery of conservation zones. Government has taken some methods in their policies and principles which is betterment for nature as well as human beings also.

\[118\] Tribal politics and sustainale development, Amita Baviskar, Environmental movements in India, edited by S.N.Power, R.B.Patil, S.A.Salunkhe, Rawat Publication; Pp 41
Right of scheduled tribes was also protected by law from very beginning in this statute. Section 65 of Wildlife (Protection) Act, 1972 has given relaxation to the concept of prohibition of hunting for the tribes within the Territory of Andaman and Nicobar Islands. Those areas will be mainly guided by according to Notification of “Andaman and Nicobar Administration, No. 40/67/F No. G 635, Vol.III” issued on the Andaman and Nicobar Gazette, dated the 28th April, 1967.

So as per The National Forest Policy of 1998 “having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporation should be associated with the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forests.”

The Panchyat (Extension to the Schedule Areas) Act, 1996, empowers the Gram Sabha and Panchyat to prevent alienation of land in the scheduled areas for various public purposes. The Wild Life (Protection) Act, 1972 has mentioned that land can be acquired for Protected Areas as per norms of the Land Acquisition Act, 1894 but the incorporation of powers of local Gram Sabha and Panchyat has not been mentioned there. So land can be acquired even from any tribes without any consultation with concerned person or panchayat also. But this Act of 1996 provides that the Gram Sabha or Panchyat shall be consulted before acquiring land in the scheduled areas and to take appropriate action to restore any unlawful alienated land of any Scheduled Tribe. So this Act has given more power in the hands of local governments and also to establish the right of tribal people in the natural environment.

A standing committee in 2000 mentioned that ‘rights in forest and on forest’s produce’ are not adequately protected. The enactments of Forest Conservation Act, Wildlife Protection Act and several policies of central government have failed to protect the traditional rights of traditional forest
dwellers and schedule tribes. So any conservation effort to save tiger or other wild animals must take into account of the prevailing circumstances in the country where forests are not wilderness areas for animals only but also where tribal and other people live from generation after generation. On the basis of the recommendations of the NATIONAL BOARD FOR WILDLIFE, a Tiger Task Force was set up and finally Tiger Task Force has recommended that the report relating to Project Tiger should annually be sent to the Central Government for laying in parliament so that the commitment to the project Tiger is reviewed from time to time. The recommendations of the task force also include strengthening of statutory as well as administrative powers for protection of Tibal people and traditional forest dwellers that have been living with wild animals in the same habitat.

Community based forest management system has also became successful because they believe on autonomy of local villagers and tribals. In Zimbabwe, 'the Parks and Wildlife Act' of 1975 was a breakthrough for conservation as ownership of wildlife passed from the State to owner of the land where the animal use to live through the provision of this law. When the landowners became custodians of the wildlife, People started to realise wildlife resources as their own asset to be nurtured for benefits in future. Then fence-breaking elephant and zebra were not viewed as nuisances or conflict with humans. Many African countries have adopted same principle later by using traditional tribal areas and privately owned land for utilisation of wildlife conservation. In 1993, Nepal amended 'the National Parks and Wildlife Conservation Act' of 1973 to provide involvement of local people in species conservation and Buffer zone management was introduced in 1996 which allowed local people to access ecosystem resources in protected zones. In India there are some indigenous people who really believe on the theories of nature and at the same time they are worshipper of environment and its elements.

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119 Starvation among primitive tribal groups, Meena Radhakrishna; ECONOMIC & POLITICAL WEEKLY, May 2,2009; Vol - XLIV, No - 18
In 2006, finally the forest rights law makes an attempt to recognize the relationship of the tribal people and wildlife in the forest and also at the same time imposes certain duties on forest dwellers also for a greater balance between both. Previously conservation laws relating to forest rights have treated the tribal communities as anti ecology and not as friends. This fact has been considered by the National Tiger Conservation Authority and suggested that the tiger reserve states should recruit local forest dwelling tribes as field staff in the protected areas. In spite of several statutory provision a constant twist is remain between the status of wildlife and tribal people in the society. In 2006 Indian parliament passed the long demanded law to resolve the age old disputes between forest dwellers and forest officials on the ground of interference in the protected area for the wildlife. There was a constant demand for traditional rights over the forest land or the protected areas which are also habitat of forest dwellers and primitive tribes in the India. So the statute was finally passed with the purpose of sustainable use of natural resources and maintenance of biodiversity in one side and also to provide right to livelihood and right to live in the forest land for the traditional dwellers on the other side. This law has also enacted a new term mainly for the protection of wildlife in the forest which is the common habitat for both tribal and wildlife. So the ‘Critical Wildlife Habitat’ means any particular area within the protected areas, on the basis of scientific criteria are required to be kept as inviolate chiefly for the purposes of wildlife conservation. Ministry of environment and Forests of the Central Government after the consultation by the Expert Committee, which includes experts from the Ministry of Tribal will determine and notify the areas. Here ‘Habitat’ includes customary habitat and such other habitats in reserved forests and protected forests of primitive tribal groups and pre-agricultural communities and other forest dwelling scheduled tribes and Forest dwellers mean who primarily reside in forest lands and depend on the forest for bona fide livelihood needs.

Theoretically many legislations like 1991 Amendment to the Wildlife (Protection) Act, 1972; the Panchayat Extension to Scheduled Areas Act, 1996
and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of forest Rights) Act, 2006 enacted to remove the historical injustice to tribal people and forest dwellers but practically on the ground, conflicts and protests have intensified.  

2.8. IMPACT OF ECONOMIC LAWS ON STATUS OF WILDLIFE

Another challenge is sustainability of bio-resources which currently forms an indirect conflict with economic part of livelihood. The globalisation and its impact on commercialisation, mechanisation, monopolisation of the traditional natural resources without any benefits being shared with the local people of original lands has generated dissatisfaction among the members of third world countries. Classical economics, as is well known, defines itself as a science for the efficient utilisation of limited goods where as Capitalist economics are geared first and foremost to the growth of profits and avoided ecological problems. This capitalist world system began very early in Europe almost late 1400s when Columbus voyaged across the Atlantic. This growth of profits means rapid absorption of energy widening environmental degradation including the exploitation and misery of the vast majority of the world’s population.  

Nearly one-quarter of the land surface of the globe was distributed as colonies to half a dozen of European states between 1876 and 1915 and in the case of Africa, maximum part of this continent was divided between Britain, France, Germany, Belgium, Portugal and Spain. The rise of capitalism led to a loss of wildlife on a scale never before seen in human history which caused death of hundreds of millions of large animals at the hands of traders. The ‘fur trade’ was one of the driving forces behind European expansion into North America after the wipe out of fur-bearing animals in

120 Down to Earth, June 15, 2007; Pp 43
121 Ecology against capitalism, John Bellamy Foster; Pp 10
western Russia.\textsuperscript{122} The main source of environment destruction in the world is the demand for natural resources generated by the consumption of the rich country as well as rich people because of their heavy appetite.

The decline in natural soil fertility due to the disruption of the soil nutrient by capitalist agriculture would compensate for the loss of natural fertility, contributed to a widespread sense of a crisis in soil fertility. During the period 1830-1870, the depletion of the natural fertility of the soil through the loss of soil nutrients was the central ecological concern of capitalist society in both Europe and North America. The emergence of modern soil science, introduction of synthetic fertilizers and radical proposals for the development of a sustainable agriculture, aimed ultimately the growth of imperialism.\textsuperscript{123} The great political philosopher Karl Marx pointed out about the commercialization of nature for private or other ownership over natural resources. He wrote in the ‘Capital’, like, - “From the standpoint of a higher economic form of society, private ownership of the globe by single individuals will appear quite as absurd as private ownership of one man by another. World ecology has been profoundly altered by dynamic expansion of western capitalism, in whose other ecosystems were disrupted, first through trade and later by colonialism.\textsuperscript{124} Even a whole society, a nation or even all simultaneously existing societies together, are not the owners of the globe. They are only its possessors, its usufructuaries, and like boni patres familias (good fathers of families), they must hand it down to succeeding generations in an improved condition.”\textsuperscript{125}

In 1917 The Bolshevik Revolution in Russia gave birth to a new kind of egalitarian concept i.e. ‘Socialism’ and also generated two world systems, capitalism and socialism with the development of science and technology. A different life style started in west and among the people of the third world. All of these created a middle class society in the every country and mainly in the developing countries. In India the great middle class population increased from

\textsuperscript{122} The Vulnerable Planet, John Bellamy Foster; Pp 42
\textsuperscript{123} Ecology against capitalism, John Bellamy Foster, Cornerstone Publication; Pp 155 & 157
\textsuperscript{124} This Fissured Land, Madhav Gadgil & Ramchandra Guha, Oxford; Pp 116
\textsuperscript{125} Marxism and Ecology : some reflections, Ambarish Mukhopadhyay ; Soceity and Change Vol. XII No.1
5% in 1947 to 15% by 2000 AD. So there was a constant demand for betterment of life with equipment of modern life style and this demand developed the consumerism concept for middle class societies and also created a huge world of business, commerce and industries. So another destruction of nature including wildlife was started to meet with all modern needs of human society.

After the destruction and economic degradation due to World War II, the international economic law was developed and day by day it got worldwide support in the world. In international level GATT (though now it has no existence) was established as a voluntary and multilateral body in 1948 for forming rule and regulation in trade and resolve international economic problem. GATT used to encourage liberalization, globalization and restriction free trade. But GATT required no ember should adopt any measure for environment which would hamper or distort trade. On the contrary there was some provision in GATT which had adverse effect on the natural environment of member countries.126 The growth of a corporate-financed coalition has developed the ability to mobilize many thousands of workers, along with officers of resource-extracting corporations, landowners, cattle grazers for providing a new political base. This populist and rationale concept for business serving politicians during the period of 1990s are seeking to undermine existing environmental laws and The Endangered Species Act, 1973 was under continual attack within Congress.127 According to Nairobi Declaration in 1982, all enterprises including multinational corporations, should take account of their environmental responsibilities when adopting industrial production methods of technologies, or when exporting to other countries. Timely and adequate legislation action is important in this regard.

GATT and after the WTO contains some provisions which are very much against the principle of environmental laws and the right of countries to pursue environmental protection policies applicable only within their own

126 Text Book on Environmental Law, Dr. N.Maheshwara Swamy, ASIA LAW HOUSE, Pp 350
127 Ecology against capitalism, John Bellamy Foster, Cornerstone Publication; Pp 106
borders. In a very famous decision of September 1997, when a dispute resolution panel shocked US environmentalists by ruling that an embargo against Mexican Tuna imposed under the US Marine Mammal Protection Act violated GATT. The United States had imposed the embargo after determining that Mexicans were fishing for Tuna with nets that often have the unintended effect of dolphins as well. According to the panelist the Mexican Tuna fishing took place outside of US water territory and the environmental laws of United States was interfering the right to trade of other countries over the natural resources. Despite the furor over the Tuna Dolphin decision, the WTO struck against other law in 1998, ruling against a US measure aimed at reducing unintended sea turtle morality as a byproduct of shrimp trawling. India, Malaysia and Pakistan challenge the US requirement before the WTO dispute resolution panel.128

After the economic liberalization in 1991, the industrial and services components of the economy have shown a high rate of growth of the GDP. India now has four times more population than was existed 150 years ago in this country. This country is the home of thousand bird species and numerous varieties of plants, including forest and grassland containing the large mammals such as the tiger and the elephant. Despite the enormous pressure of an expanding economy of huge population, the plants and wildlife species are getting survival in the Indian subcontinent. So India being a developing country has to cope with the demand of modern people in the era of Liberalization, Privatization and Globalization (LPG) and at the same time the ecology and environment must be protected. Recently Indian government decided to refuse the offer of loan from World Bank to save as they have enough support to protect tiger in India. The ace conservationists of India Valmik Thapar and Ullas Karanth said against such loan and finally members of National Board of Wildlife and other conservationists wrote to Prime Minister to reject the offer of World Bank.129 Some conservationists think World Bank program can give

128 Introduction to Environmental Law, S.Shantakumar; Second Edition, Nagpur; Pp 30
129 India rejects World Bank funds to save tigers . . ., TIMES OF INDIA, June14, 2008
leverage to china to curb trade in tiger body parts. According to Ullas Karanth massive funding would attract practice in the bureaucracy leading to a collapse of protection.\textsuperscript{130} Again such fund of Brettonwood organization may destruct the wildlife habitat through the developmental projects like highways, dams, mines, tourism business etc.

In India in various cases Supreme Court had given the judgments for closure down of those industries which were dangerous for the environment and created pollution for society. The economic development as per Supreme Court should not be allowed to take place at the cost of ecology or by causing wide spread environmental destruction and again environment should not hamper economic and other development.\textsuperscript{131} It is of common that now a day’s tanneries, dye-factories, acid factories, distilleries and hotels are contributing a lot to environmental pollution. Any trade or business which is offensive to flora and fauna can not be carried on in the name of fundamental rights as guaranteed in Constitution.\textsuperscript{132} Justice Krishna Iyer thinks if India is to obey the Gandhian-Nehruvian values of constitution, we have to re-think our new economic Policy and tighten our belts determined not to surrender to the North. Here is the point of confluence between the Mahatma, Ambedkar, Nehru and the Green Movement, all of them being enveloped in the Supreme Buddha teaching of \textit{ahimsa} and \textit{antyodaya}. He also said protest movements against commercial exploitation of seals and killing of other wild life are fuelled by a new awareness of justice for humbler sub-humans as the conscience of compassion for all living creatures-‘regardless of whether it affects human beings, non-human beings or the Earth herself.’\textsuperscript{133}

\textsuperscript{130} A Tiger in your bank, Down to Earth, June 1-15, 2008; Pp 58
\textsuperscript{131} Indian Council for Enviro-Legal Action v/s Union of India, (1996) 5 SCC 281 (Para 31)
\textsuperscript{133} Wounded Nature v/s Human Future, Random Reflections; V.R. Krishna Iyer, Pp 229
2.9. STATUS OF WILDLIFE AND ECOLOGY IN LITERATURE

The literature of different countries in different language has also given the special status to environment and ecology. Such type of writings has widen the awareness about environment and its elements and also set a new trend of literary theory. The philosophical view of Thoreau, Goethe and Muir generated many national park movements in the United States of America in very early day and those philosophical concepts developed international conservation rhetoric and literature through out the world. Apart from describing the beauty of nature those literature created awareness among people. Environmental themes feature abundantly in culture: in thrillers, adverts, literary novels, poems, tourism from country weekends to safaris, television wildlife documentaries, food scares, horror movies, dreams of rural retreat, books and films of children. This type of rapid awareness was developed after the environmental damage in the second half of twentieth century due to World War II. The ecological literature originally based on concept about life of biological communities. Such concept developed in twentieth century when American plant biologist F.E Clements said that plant communities functioned as a single complex organism.¹³⁴

Environmentalist and philosopher Val Plumwood writes, in Environmental Culture, of ‘massive processes of biospheric degradation’ and ‘the failure and permanent endangerment of many of the worlds’ oldest and greatest fisheries, the continuing destruction of its tropical forests and the loss of much of its agricultural land and up to half its species within the next thirty years.¹³⁵ Again in 1949, Aldo Leopold wrote “A Sand Country Almanac”. This book is called most important book for conservation where writer explained that humankind have some moral respect for the environment and it is unethical to harm it.

¹³⁴ People, Parks & Wildlife Towards coexistence; Vasant Saberwal, Mahesh Rangaragan, Ashish Kothari, Pp 48
The utopian society as visualized by Aldous Huxley in his landmark work ‘Brave New World’ is ultimately to land up to a the New Dark Ages Scenario in which our natural resources are wholly ruined and society totally broken down. The literature on the environmental degradation was continuing for general awareness of the public at large.

In 1962, Rachel Carson wrote the famous book titled “Silent Spring” (published by Houghton Mifflin) where she depicted the dangerous effect of environmental pollution on the society. In her word “The most alarming of all man’s assaults upon the environment is the contamination of air, earth, rivers, and sea with dangerous and even lethal materials. This pollution for the most part is irrecoverable; the chain of evil it initiates not only in the world but in living tissues is for the most part irreversible.” This book formed a wave among the readers as well as public at large about the use of pesticide in agriculture. In April 1970, millions of Americans celebrated Earth Day which was the largest environmental demonstration in the history of USA. So such adverse effect of pesticide inspired people for a new environmental movement which prompted the American President to create an advisory panel on Pesticide. So, Rachel Carson is called as mother of modern environmental movement.

Eco-criticism literary analyze the history about the concepts of ‘nature’ with an attempt to understand the cultural developments that have led to the present global ecological crisis. The environmental philosopher in early times like Henry David Thoreau, John Muir, Abbey and Dillard developed with their English counterpart such as Romantic critics like John Ruskin and William Moris this origin about the conservation awareness and environmental protection. Ruskin’s ideas inspired the great English poet and social critic William Morris who merged Ruskin’s Romantic critique of industrialism with a socialist cultural critique of capitalism. Thoreau has commitment towards the natural world with his critique of acquisitive society and the heart of these

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137 Silent Spring, Rachel Carson, Penguin Books, Great Britain, 1963; Pp 317
138 The Vulnerable Planet, John Bellamy Foster, Cornerstone Publication, Pp 67
traditions lays a critique against the modernization of the present developed society. The famous “Man and Nature” of naturalist George Perking Marsh was a turning point for public conservation and his classic was referred by Lewis Mumford as “the fountainhead of the conservation movement” in 1864 as it was the most detailed and systematic study of earth as transformed by human actions.\textsuperscript{139} Then U.S. government preserved Yosemite Park as a public park and later the federal government established Yellowstone as the first National Park in 1872.

But all credit goes to Berry Commander and Rachel Carson who in their path breaking publications ‘The Closing Circle’ and ‘Silent Spring’ respectively pinpointed first of all that economic development is not an unmixed blessing. Jerry Mander in his notable work “In the Absence of the Guard” says that millions of gallons of carcinogenic computers seep into the soil and water and poison them.\textsuperscript{140} The report of the United Nations Conference of 1972 at Stockholm was made in the well-known book “Only One Earth” by Barbara Ward, an economist, and Rene Dubos, a biologist. Both the scholars were known for their perceptive insight into the problems of environment.

So far, ecocriticism has grown most rapidly in the United States that came to prominence in the 1960s and 1970s. A few literary criticism about ecological hazard was written by Raymond Williams in his work, “The Country and the City” (1973) in Britain and in the USA by Annette Kolodny in “The Lay of the Land” (1975) which was a feminist study of the literary metaphor of landscape as female. But the term ‘ecocriticism’ first used in 1978 by US critic William Rueckert. The first British critic was Jonthan Bate who used the term in “Romantic Ecology” (1991). Ecologist and environmental justice campaigner Sandra Steingraber in her book “Having Faith” (2001) said that it was not ‘man’ at the top of the food chain but the breastfed infant.\textsuperscript{141}

\textsuperscript{139} ibid, Pp 8
\textsuperscript{140} Introduction, R.Narayan-J.Kumar; Ecology & Religion, Deep & Deep Publication, Pp xxi
\textsuperscript{141} Literary Theory and Criticism, Patricia Waugh (International Student Edition), Oxford, Pp 530
The legendary hunter and animal lover Jim Corbett wrote some immortal books about tigers, wildlife and nature of India from his personal experience. Nearly half a century he was regarded not only as a hunter but he was treated as a friend of Indian wildlife and local poor people. His evergreen books are ‘Man Eaters of Kumaon’ in 1944, ‘The Man Eating Leopard of Rudraprayag’ in 1948 and ‘Jungle Lore’ in 1953. He never treated hunting as a recreation or a pleasurable game on the contrary he was against monetary reward for killing any dangerous animals.

In the Vedic literature mother earth is personified as the goddess Bhumi or Land and Prithvi or Earth. Then Earth is the affectionate mother who showers her mercy on her children. Her beauty and profusion are limitless. The Arians were the mainly nature worshipers and they always praised the each and every elements of the environment in their four Vedas.

The Indian poets and writers have been admiring Indian ecology and biodiversity from time immemorial. Kalidas, the great Indian poet in ancient India, wrote in the praise of Himalayas in ‘Meghdoot’ by describing it as the loftiest mountain on the earth surface located on the north of the country. The Himalayan ranges have influenced the climate, culture, ecology and environment of subcontinent. These are the ranges from where several rivers have taken birth like, the Ganga and the Yamuna, which have built up the Gangetic belt the most fertile land for the prosperity and development of maximum Indians. Such type of rivers, mountains, forests, birds, animals all those were the constant inspirations the writers, poet, laureates and philosophers and others. Dr. Salim Ali published his first book, ‘The Book of Indian Birds’ which later became a classic selling over more than 50,000 copies and remained popular till 60 years after a first publication.

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142 Environmental Law; Dr. I.A. Khan; Central Law Agency, Pp 27
143 India’s Wildlife History AN INTRODUCTION; Mahesh Rangarajan; Pp 83
ENVIRONMENTALISM IN LITERATURE
The concept of Environmentalism is not only limited to the political thought but also in philosophy and in literary theory. Under literary theory environmentalism is treated both a critique of industrial modernity as well as a distinctively modern movement in which an indispensable role is played by science; by the methods and technologies, for example modern forms of communication, especially television, with its power of sending iconic images across the world to mass audiences. As per Patricia Waugh, these technologies have helped to create the global perspective that is fundamental to environmentalism: the sense of relationship between the most local things-some too small for the human eye and the largest -scale. It is important to insist on environmentalism’s modernity, because the movement is often accused of nostalgia and hostility to modern culture and technology.144

In Indian position, as per Prof. S.N.Dhyani, green philosophy contain a cluster of eco friendly values concerning human beings, animals and other living creatures for the present environmental crisis which reflects the interdependence and coexistence between man and nature and also between living and nonliving creatures. He accepted the ecological awareness of in the ancient Indian philosophy from the Vedic period. In ancient India Vedic hymn declares “the earth is our mother and we are its children.” As per Prof. Dhyani this interdependence was understood in ancient Vedic period where it was believed as far mountains, forests and trees were in existence, human race would exist.145 So environmental literatures also helped to develop the status of wild animals in society and generated awareness among public.

144 Literary Theory and Criticism, Patricia Waugh (International Student Edition), Oxford, Pp 533
145 Fundamentals of Jurisprudence the Indian approach; Dr.S.N.Dhyani; Central Law Agency, Pp 385
2.10. JURISPRUDENCIAL STATUS OF WILDLIFE IN NATURE

In the western society previously nature was used to believe as a part of human life and living. God was used to presume as the creator of all living elements in the nature. But later after the reformation and modernization of the western society, the concept of nature was separated from god as well as from human being also in the Judeo-Christian tradition. As per Fr. Kurien Kalapurachal, the reformation was influenced by the philosophy of Emmaunuel Kant and the evolution theory of Darwin not to think about the ecology in the 19th century. Darwin revealed the self-evolutionary character of the universe and the natural force. Kant accepted whole heartedly the mechanical view of nature. Like Newton, Kant believed that nature is composed of immutable, hard and dead conglomerations of moving particles. But again the concept of interrelationship between man and nature was developed after awareness spread over by some philosophers and jurists.

Thomas Hobbes defined the relationship between man and nature in some conflicting way. He said that in a state of nature everyone is entitled to everything; but this leads to friction. So Hobbes believed that man’s life in a state of nature was one of fear and selfishness. In his own words the life of man was solitary, poor, nasty, brutish and short. It is the fundamental dictate of the law of nature that people desire peace, so to escape from the state of nature they entered into the social contract. So according to Hobbes, people have adopted the social contract theory due to the fear of nature and accepted statutory law as made by sovereign authority. Being the social animal, man has accepted the rule of sovereign authority in a modern and civilized society.

The French lawyer Karel Vasak gave the concept of third generation human rights in 1999, at the 10th Study of the International Institute of Human Rights at Strausbury. The subject of solidarity rights are the individuals, the local and the regional collectiveness and the international human society. The third generation human rights is the combination of both collective rights and

147 Dias Jurisprudence, fifth edition, Aditya Books Butterworths, Pp 79
individual rights and these rights consist of right to peace, right to development and right to environment also. Though the rights of individuals, groups and non-governmental agencies have made the declaration but it can not impose any legal obligations to state for any activity against environment.\textsuperscript{148} Third generations of human rights are on the concept of fraternity and brother hood of French revolution which is essential for the realization of the major concern of the international community such as peace, development and environment. The new thought about third generation human rights as it was also proposed to be called as Solidarity Rights.

The foundation of Indian environmental jurisprudence lies on Stockholm Conference of Human Environment, 1972 and Prof. S.N.Dhyani has compared Environmental Jurisprudence with the Kelsenian Grundnorm where a series of descending and subordinate norms each deriving their viability and subordinate norms each deriving their viability and validity from the norm superior to themselves. According to him it had generated a new jurisprudence on environment protection with judiciary as a watchdog who has played a commendable role in preserving ecology and environment without overlooking the need for establishing linkages between environment and development under Articles 21, 48-A and 51A (g) of the constitution.\textsuperscript{149} The Indian Judiciary has been providing a constant support to the environmental values for the preservation and conservation of total environment of the country. Indian Supreme Court in \textit{Kamalnath} case\textsuperscript{150} held that disturbance caused to the basic environmental elements such as, air, water and soil which are essential for life, would be the violation of basic fundamental rights within the meaning of Article 21 of Indian constitution. So to get a good ecology is very much right for each and every person in the country and this right is actionable before the court of law. Wildlife for better ecology is part of those basic rights of human beings.

\textsuperscript{148} Right to Environment as a third Generation Human Rights: some reflections, Kshemendra Mani Tripathi, \textit{NYAYA DEEP}
\textsuperscript{149} Fundamentals of Jurisprudence the Indian approach; Dr.S.N.Dhyani; Pp 385
\textsuperscript{150} M.C.Mehta v/s Kamalnath, AIR2000 SC 2083
2.11. CONCLUSION

Wildlife conservation has scientific, legal, societal and economic components. The status of wildlife and other animals got support through various political and social movements year after year in many parts of the world. The legal sanctity of wildlife got its force more lately. After receiving support from other branches of social science, wild animals got legal reorganization in the society. Natural science or biological science proved the utility of wildlife for better ecology more early but social science established the status of wild animals in society which took many years. Finally after realizing the status of wild animals in the society law gave the protection through its own mechanisms. Ecological issue has been playing an important place in contemporary social and political life all over the world and all great political thoughts like liberalism, socialism are being increasingly re-examined from an ecological perspective. So, successful conservation law must be made taking all human actions including socio-cultural traditions into consideration. Conservation of ecology including wildlife has been established as a status in natural as well as social science also.