Chapter - 6

PROTECTING THE WILD

“I conclude that, while admitting the need for a legislative measure for the protection of animals, consonant with the wishes and feelings of the most cultivated classes in India, and of itself a sign of advancing civilisation and morality, it would be a task as difficult as hateful to prove that the people at large have any abnormal and inborn tendency to cruelty. The shadow of evil days of anarchy, disorder, and rapine has but lately cleared away and given place to an era of security, when, as the country proverb says, “the tiger and the goat drink at one ghat.” The people are better than their creeds, but it is not easy to defend their practice, though it is often more due to necessity, custom, and ignorance than to downright brutality of intent.

J.L.Kipling”

The protection of the wildlife started with the agenda of protecting life of the people, cattle and property which was germinated after the formation of forest department and enactment of forest acts after 1874. The formation of reserve forest formally excluded them from their traditional rights over forest. These contributed to bring the idea of so called ‘scientific forestry/ conservancy’ of forest and wildlife. Colonial state used forest rules as a means to debar the local inhabitants from using forest produce including wildlife. This led to a rift between local inhabitants and the state. The preservation of fauna was not the main concern of the British government towards the reservation of forest. It was more an attempt to brought forest land under the British administration so as to maximum exploitation of forest produce. The colonial interventions also changed the attitude of the indigenous people and other communities towards the access of forest resources including wildlife. This chapter discusses the British policies and legislations towards wildlife protection, wildlife conferences, cases of poaching, conviction and protection of wildlife. This chapter

1 Kipling, J.K., (1904), Beast and men in India, A popular sketch of Indian animals in their relation with the people, London: Macmillan & co., p. 14
also reveals the role of local inhabitants in the protection of wildlife and their response towards British policies towards wildlife.

A mutually interdependent relationship binds men, plants and animals together as an essential part of eco-system. But this relationship was hardly realized by men who have through the ages destroyed the forest for their benefit. Destruction of one part of this system can lead to serious repercussion on the human life and cause imbalances in nature. This was apparently known to people, which is evident from religious taboos and restrictions of indiscriminate felling of trees and killing of animals in ancient and medieval India. But the forest conservation of the modern age suggests that the policy makers were not aware of the importance of interdependence. A good number of mammals were extinct and many were put in the list of endangered animals. In 1620 catalogue of living species 4226 mammals were included of which 46 are already extinct and 152 are endangered.\(^2\) Man’s so called love for sports, trade and his greed for magical powers, for ivory, for bones, oil meat for fur and feathers for horns and antlers has endangered the elephant, the rhino, whale, tiger, the giant panda and others.\(^3\) Men tried to create a new order in which he can be the master, which ultimately caused miseries to human life. Wildlife is always been used as natural wealth since the ancient period. The worship of nature and some of the wild animals like buffalo, lion etc., indicates the importance of wildlife in Assam. Human beings have always either set aside areas for protection and conservation of species or followed lifestyles and cultural values that are harmonious with the needs of other species. In India wildlife were also protected for their religious sentiments.\(^4\) The earliest known examples in India of areas being set aside to provide protection to the species living in them are from around 300 BC, during the time of Emperor Ashoka. The administration of Emperor Ashoka is known to have had a clear-cut policy of exploiting and protecting natural resources (including wild fauna), with specific officials tasked with protection duty. In the subsequent years, many different rulers followed similar policies. In addition, over 600 different tribes and non-tribe local people who lived in and depended on natural resources and wild flora and fauna for their subsistence, livelihoods, cultural and religious way of life have also been practicing conservation in different ways one such example was the conservation of

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\(^2\) Chakrabarti, K.,(1991) *Man Plant And Animals Interaction*, Darari Prokashan, Calcutta, p.3

\(^3\) Ibid. p.1

\(^4\) (NAI), Home, Public- A August, 1900, File No. 299
nature in mangroves by the *Jaintias* in Meghalaya. But after the annexation of Assam by the British, the tribes and the forest dwellers were considered as the greatest threat for the wild animals as they shared the same place and resources. Gradually through a process of forest legislations they were debarred from any kind of rights over forest and were deprived from the access of the forest products including wild animals. Wild animals and birds are a very valuable form of forest produce and need to be conserved every bit as much as timber, fuel and bamboos. In any country the perpetuation of an indigenous fauna is necessary for commercial, agricultural, scientific, aesthetic or sporting reasons and it cannot ignore the beauty of nature without these magnificent wildlife as Pandit Jawaharlal Nehru pointed out that “…life would become very dull and colourless if we did not have these magnificent animals and birds to look at and to play with.”5 Theodore Roosevelt said, ”the nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased, and not impaired, in value.”6 Julius Nyerere, speaking of the wildlife in Africa, said, “The wild creatures, and the wild places they inhabit, are not only important as a source of wonder and inspiration, but are an integral part of our natural resources and of our future livelihood and well-being.”7 These statements depicts that the preservation of wildlife is not only necessary for protecting natural beauty or balance of nature but it is also important for our economic needs. Hunting for food was common among various tribes of the province. Many species provided clothing and a host of other useful products. Meat of elephant, rhinoceros, deer, birds and even snakes were eaten by the human beings. The wildlife preservation for its spiritual and aesthetic values could be observed in the statement of Dr. Olaus J.Murie, noted American naturalist. According to him, “Nature gives spiritual values no one can do without, although many think they can or haven’t the chance to find out. People become different in the wilds-more helpful and happy.”8 This way the preservation of wildlife is essential for various purposes but conservation does not mean blanket protection to all floral and faunal species.9 It means proper control. Lack of proper control over game hunting led to the acceleration of various wild species.

6 Ibid. p.11
7 Ibid. p.11
8 Ibid. p.11
The ‘scientific conservation’ of wildlife in sanctuaries started during British rule. Though it was a very late phenomena in India. During early period of their rule the British government attempted to exterminate the wild animals as it was supposed to be a hurdle in the task of the extension of cultivation being main source of revenue. The nineteenth century movement for the protection of wildlife forced the government of India to take steps for the protection of wildlife. It was in 1869-72 that the question of legislating for the preservation of game in India was for the first time considered in India. But the government of India decided that such legislation was neither necessary nor desirable. At this time the Madras Government solicited a reconsideration of this decision, and was informed that, while averse to the introduction of game licenses, which would interfere seriously with the means of livelihood of a large number of wild tribes, the Government of India would not object the declaration of a “close season” for certain kinds of game. But the Government of Assam viewed that no such rules is needed in the province.

The nineteenth century witnessed a huge discussion the subject of wildlife along with the forest and landscape. Wildlife was not only a favourite game but the very survival of forestry programme began to be contested by the wild animals. Similarly the people of Assam practiced both hunting and revered them. The folktales of Assam tell how the villagers often stayed away from dense forest for fear of wild animals. However the expansion of the agrarian frontier by the British government led the vermin eradication became an official policy in regard to the wildlife management. Even when the forest conservancy became an important issue in the agenda of British history, wildlife conservation occupied a back seat. Since the early 19th century there was significant change in the history of wildlife in Assam. The British policy of vermin eradication for the expansion of cultivation not only excluded wildlife from the forest but also excluded native people from their rights over forest. The British interest in the protection of wildlife is a much later phenomenon. The occasional legislative pieces show the increasing interest of the British officials in protecting wildlife. The arrival of both amateur wildlife lovers and professional zoologist changed the understanding of wildlife beyond the parameters of game or mercantile trade. The value of birds recognized as insect eaters and thus valuable for planters and

10 (NAI), Home, Public-A, 1886, November, 34/61, Sub: Preservation of game birds and animals in India
11 Ibid.
agriculturist as it saved paddy fields from insects. The early initiatives in this regard can be seen in 1830s when the Asiatic society of Bengal carried out investigation into zoological behavior of mammals of the region. In 1845, Edward Blyth (1810-73), the British Zoologist and curator of the museum prepared a draft of the Animals of Himalayan Mountains, those of the valleys of the Indus of the province of Assam, Sylhet, Tipperah, Arracan and of Ceylon. He further reported extensively on the mammals, birds and reptiles in khasi hills in 1851. A note was also prepared by T.C.Jordon, civil Surgeon and naturalist, on some of the species of birds of north-Eastern Frontiers of India. In 1876, Major, H.H.Godwin-Austin, Deputy Superintendent of Topographical survey of India, prepared a list of the Birds collected on the expedition into Dafla hills and the adjacent part of Darrang Terai. Later the journal of Bombay Natural History Society issued a series of essays based on some amateur observations and notes, mostly on birds and reptiles. Birds came to capture the imagination of the people from mere meat to natural life. E.C.Stuart Baker spent a considerable part of his career in Assam and adjoining localities. His interest mostly focused on the birds and their nesting habits and towards this end, collected their specimens in great detail. Between 1892 and 1901 he published a number of essays on the birds of North Cachar hills and Cachar. His report- Fauna of British India, completed during 1922-30 helped in cataloguing of the Birds of India particularly of Assam. Similarly, Henry Neville Colart, a medical officer employed with Makum Tea Company, studied birds since the late nineteenth century. Then, Charles Mcfalcone Inglis (1870-1954), a planter, Dorothea Craigie Milburne, wife of a tea-planter also spent times in studying the birds. The British Ornithologist mostly concentrated on

12 (NAI), Home, Public-B, 1884, October, Sub. Need for a wild bird protection act.
14 Blyth, E., (1845) Draft of Fauna Indica, (Comprising the Animals of the Himalaya Mountains, those of the valley of the Indus, of the Province of Assam, Sylhet, Tipperah, Arracan and of Ceylon with occasional notion of species from the Neighbouring countries), JASB, Vol. XIV, pp. 845-878
16 Jerdon, T.C., (1870), Notes on some new species of birds from the North-eastern frontiers of India, Proceeding of JASB, Calcutta: Baptist Mission press
collection and preservation of Bird’s skin, classification, identification, and geographical distribution of birds. The gradual shift from an aggressive damage to the appreciation of wildlife came to be reflected in the works of H.S.Nood, belonging to the Indian medical service and a civil surgeon and hunter, who passionately recorded and commented on animals, birds, reptiles, and insects.\textsuperscript{19} Edward Blyth prepared a memoir on the Asiatic species of Rhinoceros in 1862. This note also discusses about elephants, hippopotamus, large deer and antelopes but carnivore were not discuss in this memoir. According to Blyth no carnivore is worthy of much note.\textsuperscript{20} In the meanwhile, the translated versions of English works were also made available in Assamese. Till the middle of the 20\textsuperscript{th} century zoology and science of conservation was primarily regulated and shaped by the Europeans. It was Birds and reptiles played a key role in drawing attention to this region and not the mammals. Gradually the forest officers, who managed the forest department, began to show keen interest in the lives of animals away from the powerful paradigm of animals as an element of anti-forestry. A.J.Milroy, forest conservator, directed his attention to the well-being of the elephant and successfully integrated this changing paradigm with the institutional practices of the imperial forestry. P.D. Stracey also advanced the cause of the elephant.\textsuperscript{21} From that time the subject of wildlife gained further institutional support and the fauna of the region became part of the larger science. Similarly, making a departure, E.P.Gee, British planter, helped in comprehensively reorienting the space given to fauna within the political practices of the province.

By the early nineteenth century the extension of rhinoceros from Kamrup and Goalpara has hastened by the yearly incursion of large shooting parties from Bengal, which has led to the reckless and indiscriminate destruction of all game.\textsuperscript{22} These parties included novices who fire at anything that get up in front of them. In the case of rhinoceros the slaughter of female and immature animals brought the species to the verge of extinction. In case of rhinoceros it was felt by the British officials quiet necessary to preserve the few that were left.\textsuperscript{23} The shooting of rhinoceros was

\textsuperscript{20} Blyth, E., (1862), A Memoir, on the living Asiatic Species of Rhinoceros, \textit{JASB}, vol. XXXIX (2), pp. 243-263
\textsuperscript{22} (ASA), AARP, (1905) Agriculture and Revenue Dept, Revenue-A, Sub. Rules for the regulation of sport in reserved forests. Letter from J.C.Arbuthnott, commissioner of Assam valley districts to, the secretary to the chief commissioner of Assam
\textsuperscript{23} Ibid.
prohibited in Bengal before 1905 and it was urgently felt to stop the destruction of rhinoceros in Assam by shooting or by pitfalls. The British officials felt that unless sufficient efforts should be made otherwise, the complete extinction of a comparatively harmless and most interesting creature would be a question of a very short space of time. In such situation J.C. Arbuthnott, Commissioner of Assam Valley district, suggested absolute prohibition of the destruction of the animal in certain tracts where it was still known to exist anyhow for a period of years.24 The other reason for the extinction of the animal was that they breed slowly and their horn is worth more than its weight in silver, and its flesh is prized as food, they presented a tempting mark to the native hunter.25 Rhinoceros live in the swamps near Kajiranga but were so much scarce by 1905 that the animal was extinct on the South bank and very nearly so on the north. Buffalo were reduced to a few small and scattered herds. The spotted deer were rare and the swamp deer were also becoming so. On the other hand owing to the spread of Hinduism, the population of bison was slowly increasing by 1905, while tigers were common and leopards were plentiful at least in Goalpara district.26 Bison were generally found in the Mikir Hills and in the cold weather, sometimes descend to the jungles at their feet. It was mostly the concern over decreasing population of rhinoceros and elephants that led to the start of protection policies towards wild animals in Assam.

6.1 Policies and Regulatory Acts towards Wildlife
The colonial interest in the protection of wildlife is a much later phenomenon. The occasional legislative pieces by colonial administrators only tried to control the access of wildlife in their hands. The British forest policies and legislations seek to extend their extensive powers over the forest resources including wildlife, to control the extraction and transit of forest produce and to enable the acquisition and management of forests. The need of timber for ship building, railway, other industries and exports made it essential for the government to get control of the forest. The forest control was also necessitated for the extension of agricultural lands to be able to maximize taxes from peasants, and the extermination of carnivores that preyed on herbivore species that were preferred for hunting by the elite. The British took control of most

24 (ASA), AARP, (1905) Agriculture and Revenue Dept, Revenue-A
25 Allen, B.C., (1905), Kamrup District Gazetteer, Shillong, , p.17
26 Ibid., p. 14
forests in India as part of the need to earn revenue from timber and other forest resources and restricted the use of forests, grasslands and other areas as local people believed destroying the forests. The British forest policy tried to have full control over the access of forest resources by eliminating the local tribes from the cultural rights over the access of forest resources. The first Forest Act was enacted in 1865 which mainly facilitate the acquisition of such forest areas as could supply timber to the railways. This act, merely sought to establish the claims of the state to the forest land if needed, subject to the provision that the existing rights not be condensed. A fine of Rs. 500/- was inflicted by the sections 4 and 5 of Act VII of 1865 for the infringement of forest rules one of which might provide for the issue of a prohibition for the “collection and removal of elephants’ tusk;” but these rules would only apply to “government forests,” declared to be such under section 2 of the Act, and not to open forests generally. So the attempts of the British officers to capture elephants in the Zamindari Elakas and in the provinces which were governed by the Rajahs thus could not satisfy the expectation of the British authorities to have complete access of the forest resources which resulted in the forest conference of 1874. It discussed the defects of the act of 1864. It was found that the major lacuna of this act was related to the extent of control over forests exercised by them. The forest act of 1864, provided that for the protection of the forest only after it was selected and declared a government forest. But for effective control, it was argued that the state should have the power to protect any forest in anticipation of its demarcation and management. It resulted in the passing of the forest act of 1878. It outlined an elaborate procedure for the settlement of the respective rights of ‘private persons’ and government, in the land being reserved. The provisions of the act of 1878 assert the absolute control and ownership right of the state over forest and waste land but at the same time some kind of flexibility was adopted to deal with the diverse socio-political circumstances in which different state forest has to be managed. The exercise of flexibility particularly with regard to the settlement of rights led to some kind of freedom in some regions in regard to the access of forest products but it did not allow the access

27 Guha., R., Forestry In British And Post-British India: A Historical Analysis, EPW, vol. 18, no. 45/46 (Nov. 5-12, 1983), P.1940
28 Guha., R., Forestry In British And Post-British India: A Historical Analysis, EPW, vol. 18, no. 45/46 (Nov. 5-12, 1983), P.1940
29 Ibid.
30 Ibid. p.1942
31 Ibid.
of wild animals by the forest dwellers or local tribes. Forest Act No. VII of 1878
given right to the local government to restrict the killing or catching of elephants,
hunting and shooting, poisoning water and setting traps or snares in reserve and
protected forest from time to time. If anyone found guilty of violating any of these
rules shall be punished with imprisonment for a term which may extend to six months
or with fine not exceeding five hundred rupees or with both, in addition to such
compensation for damage done to the forest as the convicting court may direct to be
paid.  

The forest act of 1878 led the full control of British over forest as well as
wildlife by the British government and the local inhabitants were curtailed from the
access of the forest resources including wildlife. The Indian arms act of 1878
provided for the control of guns and cartridges used against wild animals.
The hunting and access to forest were debarred by the government forest regulation.
The Assam forest regulation in 1891 debarred any one from using forest produce of
any land at the disposal of the government, which was not included in a reserved
forest or village forest in Assam. The forest rules also prohibit the poisoning of water
and regulate or prohibit hunting, shooting and fishing and setting of traps or snares
and any person who was found to violate these rules were punished with fine which
might extend to fifty rupees.  

Though these regulations put some restrictions on
hunting of elephants or fishing but these regulations did not attempted to put
restrictions on the killing of mega fauna. The killing of wildlife for rewards continued
till 1927. But by the early twentieth century attention were paid by the British official
towards the declining population of mega fauna like tiger, rhinoceros and elephants. It
led to the emergence of a new interest group. These were the ‘conservationists’,
mainly rulers and hunters who were concerned about depleting wildlife populations.
Most of these people had no connection with the common masses and local tribes nor
did they understand their needs, knowledge and practices. Local people were largely
considered the greatest threat to wildlife populations as they shared the same space
and resources as wildlife. The formation of game reserve, game sanctuary, wildlife
sanctuary and then National Park led to the shifting of the villages and people of the
periphery. They were no longer allowed to enter these areas and in this way through a
process they were totally excluded from their indigenous right over forest. The British
monopolized the wildlife not only before the formation of the game sanctuaries but

32 Forest Act No. VII of 1878.
33 (NAI), Revenue and Agricultural Department, Branch- forest, A, 1892, January, File No. 1-2
even after its formation. The tribes were excluded as they were called to be the
destroyer of wild animals on the other side the restricted hunting was permitted to
British officials and to elite class though with some restriction.
The first act which attempted to preserve any wild animal was Elephant Preservation
Act, 1879 as discussed in the previous chapter. But the Act did not put any steps
towards the preservation of other animal. The attempt to preserve elephant was for its
strategic use and not for the preservation of the animals. The wildlife protection act
was a much later phenomenon. In this attempt the British Government passed “The
Wild Birds and animals Protection Act, in 1912. Through this act, the local
government was authorized to restrict by notification in the local official gazette the
killing of any wild birds or animals which in its opinion was desirable to protect or
preserve. They could also declare the whole year or any part thereof to be a close time
throughout the whole or any part of its territories for any kind of wild bird or animals
to which this act applies or for female or immature wild birds or animals of such kind
and capture or killing of any such birds or animals during close season would be
unlawful according to section 3 of the act. The possession, sell or buy or to offer to
sell or buy any plumage of any such bird captured or killed during such close time
was unlawful. Whoever does or attempt to do any act in contravention to these rules
were punished with fine which may extend to fifty rupees. Secondly whoever having
already been convicted of an offence under this section is again convicted there under
shall on every subsequent conviction be punishable with imprisonment for a term
which may extend to one month or with fine which may extend to one hundred rupees
or with both.

Under the provision of rule 8 of the rules for the preservation of wildlife in reserve
forest, published under notification no. 154-R., dated 19th January, 1937, certain
shooting blocks in the reserve forests were declared for the purpose of limiting the
members of particular species of game, that might be killed or hunted or in some case
absolutely protecting the entire species. Revised shooting rules came into force from
the 1st June 1938. The rules were framed to preserve animals and birds in the reserves
and yet at the same time to afford facilities for shooting at reasonable rates. The
objective appears to be collection of more and more revenue even at the cost of

34 Act of VIII of 1912, passed by the Governor General of India in council.
35 The Assam Gazette, 4August, 1937
36 RAPA, for the year 1938-39, Shillong: AGP, (1939), P.20
exploitation of forest resources and eliminating tribes from the forest, their natural habitat. The forests department never ardent as much importance to the protection of wildlife as it did for the other forest resources. There were only a few isolated cases in which the fauna of Assam were protected protection. That was probably because of the importance given by the forest department to timber operations more than anything else for its commercial use. The wild Birds and animal Protection Act, 1912 was, therefore, not effectively put into force in the province of Assam. The non-implementation or the irresponsible administrative attitude towards the effective implementing of the act led to disastrous impact especially in the case of the swamp deer which had been exterminated over large areas where formerly they were numerous. Consequently, it was rapidly becoming extinct in the province. Thus, it has been found that the issue of wildlife protection was taken casually and no strict steps were taken against those who used to kill wild animals in total contravention of the rules of the Act. Only the passing of legislations was not sufficient for the protection of wildlife but implementation of the rules was never taken into consideration. Burton viewed that the “existing game laws are excellent in themselves but it is in their efficient application that the trouble arises.” On the other hand by forming forest reserve or wildlife sanctuaries in the name of scientific conservation, eliminated the tribes and forest dwellers from their cultural habitats and the British government established their full control over forest resources to play its monopoly and earn revenue as much as possible even at the excessive destruction of forest resources.

The local government argued that the act was in the interests of scientific research but the reality on the ground is different. By 1917-18, 4,500 licenses had already been issued in the Eastern circle of Assam’s forest department alone. Though the licenses were issued to protect crops from wild animals but the issuing of gun licenses in such number undoubtedly enhanced the offences against wildlife as it has been found that the number of wild animals in certain districts where they were in large numbers became scarce. Even with the exception of a few cases reported by the forest department, no action was taken under the act to protect dear or other animals against

38 Tottenham, W.F.L., and Blunt, A.W., RAPA, for the year 1917-18, Shillong: AGP, (1918) P.29
39 Burton, R.W., (1953), The Preservation of wildlife in India, Bangalore: Bangalore press, p. 155
their wholesale slaughter during the close season. The revenue and police officials apparently did not realize that they had any responsibility as far as enforcing of the provision of the act was concerned, and a divisional forest officer had even reported that a large drive took place during the close season within a few hundred yards of a police station and a number of deer were killed while the police looked on. There used to be absurdly small fines imposed even on those convicted of killing deer. In 1917-18, for example there were two convictions of killing deer where the persons accused had to pay Rs. 15 and Rs.5 only, although in latter case, the offender realized Rs. 80 by the sale of the flesh. In this way the punishment did not serve as a deterrent to the violators of the rules. Two sanctuaries viz. Kaziranga in the erstwhile Sibsagar district and Manas were established by 1920s to provide adequate protection to the animals they shelter. The amendment of Section 24 of the Assam forest regulation prohibited the killing of rhinoceros. If anyone killed a rhinoceros within a reserve forest was convicted and punished with imprisonment for a term which extended to six months or with a fine which might be one thousand rupees or both. There were instances of omission and commission in implementation of the law. As for instance, in Sibsagar district, there was a case of rhino shooting in the Kaziranga Reserve where the poachers were detected, accused and later on acquitted. The guns were confiscated and the horn was sold in auction for Rs, 1,230. The divisional forest officer appealed to the deputy commissioner for a retrial of the case on the ground that the magistrate’s decision was not in accordance with the evidence of the case, but the government ruled that no appeal could be file. That was a very good instance of how lightly some magistrates were apt to regard cases of poaching. Under such circumstances the efforts made for the protection of rhino were bound to fail.

6.2 Poaching, Conviction and Protection
By the early nineteenth century romanticists of United Kingdom concerned about the excesses of industrialization and urbanization. This movement was called ‘Return to Natural Environments’ and steps were adopted for protecting sensitive eco-system.

43 Ibid.P.86
44 Ibid.p.86
46 Leg Jacob, W.R. RAPA, for the year 1922-23,Shillong: AGP (1923) P. 12
47 Hadique, R., op.cit., p. 139
48 Leg Jacob, W.R. RAPA, for the year 1922-23, Shillong: AGP, (1923) P. 12
By the middle of nineteenth century a form of environmentalism emerged in Germany which advocated the efficient utilization of natural resources through the application of science and technology which is coined as ‘Scientific conservation’. This approach was applied in all the countries of the world with varying degrees. By the later part of nineteenth century it became clear that in many countries wild areas had either disappeared or were in danger of disappearing. This realization gave rise to the conservation movement in USA and later to all the countries. British government also had to take some steps for the protection of flora and fauna though it was not their main concern. In the name of ‘scientific forestry’ forest were reserved and British Empire was extended to forested land. In this way the indigenous people were denied of their traditional right. This created a rift between indigenous people and the forest rules. The local inhabitants refused to follow state rules. Their access of forest which they were practicing since pre-British rule was remarked as ‘the act poaching’. The British government also remarked that preservation would not be possible in the presence of indigenous people. According to British government, preservation of wildlife was possible only in reasonable numbers in places, such as the interior of reserves, where they could do no harm to any one and to study about their habits are source of great interest and delight to men of real culture throughout the civilized world.49

The access of forest resources including wildlife by the local inhabitants were termed as act of poaching. The cases of poaching were registered and convictions were obtained. However, in the lack of evidences and in some cases because of the negligence of the forest staff some cases were left without any conviction and finally in most of the cases rhinoceros horns were retained by the government and accused were left un-convicted. Rhinoceros horn had good market and through the legal activities government has legalized their act of poaching on the other hand the access of forest resource by local inhabitants were illegal activities. Nine cases of infringement under the Wild Animals Protection Act were detected in 1921 in Darrang and Sadiya division and tried in court during the year. But convictions were obtained in 7 cases and 2 acquittals were due to want of sufficient evidence.50 Four cases under the Wild Animal’s Protection Act were detected in 1923 in the Sadiya

49 PRFA, for the year 1929-30, Shillong: AGP, 1930, p.4. Para-20
50 PRFA, for the year 1921-22, Shillong: AGP, 1922, p.4, para-21
Division and convictions were obtained in all of them.\textsuperscript{51} Two cases of infringement under the same act were detected in 1924 in Sadiya. Both cases were prosecuted and convictions obtained. In Darrang one case of shooting deer was compounded by the divisional forest officer.\textsuperscript{52} Sometime forest subordinates had to pay for vexatious prosecution. A forest subordinate in 1927 in Sylhet who ran a case in court against offenders alleged to have killed a deer in close season was ordered by the magistrate concerned to pay Rs.96 compensation for vexatious prosecutions, though the judgment was quashed by the appellate court.\textsuperscript{53} Similar case was registered in 1928 in Nawgaon where the trying magistrate directed the deputy ranger who detected the alleged offence to pay Rs.50 compensation to the accused for vexatious prosecution. But the case appeared genuine and was lodged to the High Court where the magistrate’s order was set aside.\textsuperscript{54} Two cases of rhino shooting in Kamrup were disposed of by fines of Rs. 20 and Rs.25. The divisional forest officers recommended that, game sanctuary cases should be tried at Gauhati (Guwahati) instead of at the subdivisional headquarter but no steps were adopted for it. Four cases of shooting deer, 3 in Darrang and 1 in Sadiya were detected during 1928 and compounded.\textsuperscript{55} Three cases of rhino-horn smuggling were detached in Goalpara but prosecutions could not be made for want of sufficient evidence; the horns have however, been retained by government. In 1932 conviction was obtained in 4 poaching cases of the previous year as well as in one case of the year. Two cases of the year were compounded. The punishments inflicted were adequate and a number of guns were confiscated, but confiscation automatically followed conviction in all cases.\textsuperscript{56} The largest number of cases acquitted was in Nowgong. In the year 1934-35, three cases of illegal shooting of elephants were reported from Nowgong.\textsuperscript{57} Eight cases of elephant shooting occurred in Nowgaon, some of which had undoubtedly been killed for their tusks. Ivory poaching was always been prevalent in Nowgaon and the North Cachar hills, and unfortunately received stimulates from the creation a few years ago of an ill-advised Ivory Mahal in Nowgong. Government stated that it was almost impossible to

\textsuperscript{51} PRFA, for the year 1923-24, Shillong: AGP, 1924, p.15, para-20
\textsuperscript{52} PRFA, for the year 1924-25, Shillong: AGP 1925, p. 4, para- 21
\textsuperscript{53} PRFA, for the year 1927-28, Shillong.: AGP, 1928, p. 5, para. 20
\textsuperscript{54} PRFA, for the year 1928-29, Shillong: AGP, 1929, p.4, para, 14
\textsuperscript{55} PRFA, for the year 1928-29, Shillong: AGP, 1929, p.4, para, 14
\textsuperscript{56} PRFA, for the year 1932-33, Shillong: AGP, 1933, p. 4, para-25
\textsuperscript{57} PRFA, for the year 1934-35, Shillong, AGP, 1935, p. 4, para-32
obtain witnesses in such case.\textsuperscript{58} British government viewed that there was so much money in this business, that various organizations at the back of the poachers made it impossible to stop all killings of rhino and tuskers.\textsuperscript{59} In many cases it was seen that through the ‘poachers’ were caught red handed they were left without any conviction. Though the cases of poaching was registered almost every year but conviction was not obtained in all the cases. The problem was with the efficient implementation of laws. In some cases even if the accused persons caught red handed no action was taken against them. In Sibsagar, a case of Rhino shooting in the Kaziranga reserve was detached where the accused persons were caught red handed. In spite of this the accused persons were acquitted. The guns were however, confiscated and the horn was sold in auction for Rs.1230, the Divisional Forest Officer appealed to the Deputy Commissioner for a retrial of the case on the grounds that the magistrate’s decision was not in accordance with the evidence of the case but government ruled that no appeal could be filed. This was a very good instance of how lightly some magistrate regarded cases of poaching of this nature. J.S.Owden, the Conservator of Forest agreed that, “Unless something can be done to ensure that when the few cases of this sort which are discovered will receive a proper trial and adequate sentences will be passed, our effort at protection of rhinoceros are bound to fail.”\textsuperscript{60} The rules against the ‘poachers’ were not successfully implemented because of the negligence of officers and secondly as they retained the horn. However, it was not in every case that conviction was not obtained as cases of poaching after 1931 were taken seriously and accused were punished. Adequate punishment was inflicted and a number of guns were confiscated during 1932 in four poaching cases of the previous year.\textsuperscript{61} In 1946 one culprit of poaching of 1945 was convicted with 2 months rigorous imprisonment. Official recorded that by the end of British rule cases of poaching became less and the forest officers tried to prevent the cases of poaching as far as possible.\textsuperscript{62} The government took various steps for the protection of wildlife. Detachment of the Assam rifles were send year to year to have an eye on the poachers and regular patrols certainly had a deterrent effect and it made it more difficult for the poachers to indulge in indiscriminate slaughter of animals. In order to stop smuggling of both

\textsuperscript{58} PRFA, for the year 1933-34, Shillong: AGP, 1934, p. 3, para- 28
\textsuperscript{59} PRFA, for the year 1930-31, Shillong: AGP, 1931, p.5, para-18
\textsuperscript{60} PRFA, for the year 1931-32, Shillong, AGP, 1932, p.5, para-26
\textsuperscript{61} PRFA, for the year 1932-33, Shillong: AGP, 1933, p. 4, para- 25
\textsuperscript{62} PRFA, for the year 1946-47, Shillong: AGP, 1947, p. 14, para- 107
rhinoceros horn, which was extremely valuable and ivory, the question of classification of these two articles as forest produce where ever found was raised in 1931.\textsuperscript{63} For the protection of two horned Rhinoceros in Cachar, special steps were taken to patrol the country where these animals were supposed to live.\textsuperscript{64} Section 24 of the Assam forest regulation was also amended and by the new regulation anyone who killed a rhinoceros in a reserved forest was punishable with imprisonment for a term which might extend to six months or with a fine which might extend to be thousand rupees or both.\textsuperscript{65} Anti-poaching campaigns were conducted from 1930 onwards. A detachment of Assam Rifles under a British Officers was sent to spend some 6 weeks in North-Kamrup, while an anti-poaching campaign was successfully conducted in Goalpara by Mr. M.C. Jacod, Assistant Conservator of forest, who entered upon his duties enthusiastically.\textsuperscript{66} Government stated that the Cacharis and Mechès, buried their unlicensed guns and remained peacefully at home during the occupation of their district by the Assam Rifles, but the visit of the latter had an excellent effect in giving the quires, any vague ideas about local Game rule, while the forest subordinates knew that the poachers could resort again to threats of violence, the Rifles were speedily return.\textsuperscript{67} The anti-Poaching campaign in Goalpara and Kamrup continued during 1931. Mr. M. C. Jacob, Assistant Conservator of forest, was in charge of the campaign in Goalpara up to the end of January 1932 when he proceeded on leave. Mr. M.M. Srinivasan, Assistant Conservator of Forest, took charge of the campaign up to the close of the year.\textsuperscript{68} The anti-poaching campaign was vigorously pursued in Eastern Goalpara with every gratifying result. Staging huts have been erected along the previously unpatrolled long stretch of southern boundary and the situation was brought under control. Government congratulated the divisional forest officer and the sub-divisional for their efforts not only to stop active poaching but also to get into touch with the promoters in the back-ground. Finally, rhinoceros horns were declared forest produce which debared others from the access of rhinoceros horn and legalized government access of it.\textsuperscript{69} Throughout the British rule in the Province government took all the possible measures to exploit wildlife.

\textsuperscript{63} PRFA, for the year 1931-32, Shillong: AGP, 1932, P.5, para-25
\textsuperscript{64} PRFA, for the year 1931-32, Shillong: AGP, 1932, p.5, para-26
\textsuperscript{65} PRFA, for the year 1931-32, Shillong: AGP, 1932 p.5, para 25
\textsuperscript{66} PRFA, for the year 1930-31, Shillong: AGP, 1931, p.5, para-18
\textsuperscript{67} PRFA, for the year 1930-31, Shillong.: AGP, 1931, p.5, para-18
\textsuperscript{68} PRFA, for the year 1931-32, Shillong: AGP, 1932, p.5, para-24
\textsuperscript{69} PRFA, for the year 1932-33, Shillong: AGP, 1933, P.4, para-25
One of the obstacles in successfully protecting the wild animals from poaching was the lack of sufficient staff. In western Goalpara the campaign against poaching was not successful because of the lack of sufficient staff and in such case poaching could not be reduced there at any rate.\textsuperscript{70} With the inadequate staff it was hardly possible for the government to prevent the poaching within the reserve forests but it was reported by the government to have been reduced.\textsuperscript{71} Special steps were taken with the help of the commissioner, Surma valley and Hill Division and the Superintendent, Lushai Hills, to try and afford protection to the few specimens of two-horned Sumatrensis Rhinoceros left in the Hati-Thal in Cachar, for the killing of which some organization gave financial help to Lushai poachers.\textsuperscript{72}

Forest staff faced difficulty in keeping out deer-poachers from the reserved forests in the Kochugaon and Haltugaon division (formally known as Goalpara). The leases for catching snakes and monitor lizards for their skin in these divisions were instrumental in allowing poachers to mark down the habitats of game, but also upset the balance of nature, resulting in serious damage by rats in plantation.\textsuperscript{73} The greater encouragement was given to the breeding of the Half wild stock buffalo for which Assam has been famous which needs crossing with wild bulls from time to time to preserve its size and milking quality.\textsuperscript{74} The government of Assam did all that was possible for the wild buffalo and though the herds still existing outside reserved forest were certain to be killed out in the course of time, the species any how would be preserved from extinction inside the reserve.\textsuperscript{75} Still sometime animals were killed for the protection of life and crops. In 1945 it was reported that one rhino was killed in protection of crops.\textsuperscript{76} Total protection of wildlife was impossible because of ‘poaching’. The shooting of wild animals continued till 1946 the reason for which is uncertain. However, the protection of crops other than the cases of poaching could be probable reason for the shooting of wild animals. The PRFA (1946-47) shows the following statistics of wild animals shot in Assam during 1946 and 1947.

\textsuperscript{70} Ibid., 25
\textsuperscript{71} PRFA, for the year 1931-32, Shillong: AGP, 1932, p.5, para-24
\textsuperscript{72} Ibid., p.5, para-20
\textsuperscript{73} PRFA, for the year 1935-36, Shillong: AGP, (1936), p.15, para-110
\textsuperscript{74} PRFA, for the year 1935-36, Shillong: AGP, (1936), p.15, para-110
\textsuperscript{75} PRFA, for the year 1940-41, Shillong.: AGP (1941), p. 26, para 149
\textsuperscript{76} PRFA, for the year 1945-46, Shillong.: AGP (1946), p. 22, para 123
Table No. 6.1. Statistics of the number of wild animal shot in 1945-46

<table>
<thead>
<tr>
<th>Year</th>
<th>Tiger</th>
<th>Tigress</th>
<th>Leopard</th>
<th>Cheetah</th>
<th>Wild cat</th>
<th>Wild dog</th>
<th>Himalayan black bear</th>
<th>Wild elephant</th>
<th>Rhinoceros unicornis</th>
<th>mithan</th>
<th>Wild buffalo</th>
<th>Barking deer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>46</td>
<td>62</td>
<td></td>
<td></td>
<td>24</td>
<td>45</td>
<td>2</td>
<td>28</td>
<td>4</td>
<td>9</td>
<td>4</td>
<td>398</td>
</tr>
<tr>
<td>1947</td>
<td>147</td>
<td>7</td>
<td>13</td>
<td>1</td>
<td>24</td>
<td>3</td>
<td>11</td>
<td>20</td>
<td>2</td>
<td>88</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year</th>
<th>Swamp deer</th>
<th>sambar</th>
<th>Cheetal</th>
<th>Hog deer</th>
<th>Garal</th>
<th>porcupine</th>
<th>pigs</th>
<th>monkeys</th>
<th>Boar</th>
<th>Squirrel</th>
<th>Jackal</th>
<th>Sloth bear</th>
</tr>
</thead>
<tbody>
<tr>
<td>1946</td>
<td>3</td>
<td>180</td>
<td>2</td>
<td>46</td>
<td>233</td>
<td>279</td>
<td>500</td>
<td></td>
<td>89</td>
<td>27</td>
<td>63</td>
<td></td>
</tr>
<tr>
<td>1947</td>
<td>23</td>
<td>27</td>
<td>2</td>
<td>32</td>
<td>1</td>
<td>12</td>
<td>18</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>


The real efforts to preserve the great Indian rhinoceros as a living species was perhaps best made in the political area in Darrang where only 7 rhinoceros found alive, and the British official agreed that it requires more consideration. A bill was passed in the local legislative council during the year by which rhinoceros horns were included in the category of forest produce whether found in or brought from a forest or not. The council did not see its way to include elephant tusks under the same category though this would have greatly strengthen the hand of the law against the smuggling of elephant tusks and rhinoceros horns is being carried on regularly and extensively by a professional gang of dacoits and poachers in the Goalpara district, their trade in rhino horns was more easily checked, but with the law remaining as it was little could be done to stop the illicit trade in ivory which was carried on in the more jangly parts of the province. To control the illegal shooting and sale of flesh, skin and trophies of wild animals without restrictions and also of wild animals themselves were needed legislation. By 1938 the numbers of fauna were well protected and stock also increased. The fact was testified by the numbers of young rhino which was observed by the visitors in Kaziranga. Inspite of all these there were articles from time to time in the press deploring the whole sale destruction of game in and out of season. Other than these flood still continued to ruin the wild animals and death of wild animals by

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77 PRFA, for the year 1932-33, Shillong: AGP, 1933, p.4, para,27-28
78 PRFA, for the year 1937-38, Shillong: AGP, 1938, p. 19, para-137
79 PRFA, for the year 1938-39, Shillong: AGP, 1939, p. 28, para-146
80 PRFA, for the year 1937-38, Shillong: AGP, 1938,p. 19, para-139
train accident was also common by the 1920s. One elephant was reported to have been killed as a result of injuries from a train on the Tezpur-Balipara Railway against whom a civil suit was instituted for compensation in 1933.  

6.3 Tribes, Wildlife and British Policies

The life of the tribes could not be separated from forest. They were mostly depended on forest products for their livelihood. They caught animals for games, trade and exchange but their practice of hunting did not destroy the wild animals. They occasionally organized themselves to kill wild animals which did not affect the population of wildlife. Even they also preserved animals in mangroves. The *Jaintias* of Meghalaya protected wild animals like leopard, wild cats, civet cats, porcupines; mongoos, foxes, rabbits, hares, Phythons, lizards, monitor and animals of the mole (talpidae) and vole families (recrfdidae), in groves along with various trees and stream water for irrigation. These groves were also fire protected. Though there was no proper reason for the conservation of wildlife by tribes but their hunting practices did not destroy the wild animals. Some of the Assamese people also took active interest in wildlife conservation. They wrote eloquently on hunting and wildlife conservation. The tribes of Assam showed respect to wild animals in everyday life though they did not organize their conservation. The number of people who practiced professional hunting was marginal, only for a few it was a part of their leisure. The tribes of colonial Assam were not ignorant of the importance of the forest as well as wild life. What they were ignorant about was the concept of ‘scientific conservation’ that was used by the British to control the access to forest resources. To meet the growing needs of industries, railways and elephants government extended their empire up to the forested land and the aboriginal inhabitants were debarred from their rights over forest. The local tribes had their traditional rights over forest resources including wildlife but the colonial wildlife legislations gradually eroded the rights of local inhabitants over forest as well as wildlife. Not only this they also considered that

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81 PRFA for the year 1933-34, Shillong: AGP, 1934, p. 19
83 Ibid. p.89
85 See, S.Chaudhari, (2008), ‘Folk Belief and Resource Conservation: Reflections from Arunachal Pradesh, Indian Folk life, Serial No. 28, January, pp. 3-6
wildlife conservation was not possible in present of them. They were considered as ‘poachers’. In reality their right over forest was seized by the British and they were deprived of their traditional livelihood. The Secretary to the Chief Commissioner of Assam, in a letter to the Conservator of Forest, Assam and to the Deputy Commissioner of Khasi and Jaintia hills expressed the deplorable absence of birds and animals life owing to the sporting instinct of the Khasi population. The destruction was so much that Mr. Fuller, the then chief Commissioner of Assam, was doubtful indeed as to the possibility of checking the destruction of animals’ life by means of prohibitions or restrictions imposed upon general population. Local inhabitants were blamed for violating forest laws but their access of forest resources was part of their socio-cultural and economic life. The British were the real poachers who snatched the rights of the local inhabitants over forest.

The scientific management of forest came with the forests rules which restricted the rights of the tribals over forest and which served the purpose of the British government very well. Local inhabitants were a hindrance in the exploitation of forest on which the British defense relied heavily. The British authority accused forest dwellers of causing trouble and subsequently acquired their lands under the legal acts. Thus, each successive policy and legislations formulated and adopted by the British government resulted in increased restrictions on tribals. Even the British officials themselves accepted that it was essential to declare certain areas as reserve forest so as to give the necessary the legal powers to the authorities. The establishment of the game reserve restricted the hunting in the reserves. Though it was an attempt to protect wildlife from the indiscriminate slaughter but it was also for giving necessary legal powers in the hands of government. It was found that the best way to prohibit killing and snaring of game without special licenses in any tract was to make it a reserve forest which would gradually stock wildlife back in any tracts.

86 (ASA) AARP, Revenue-A, September, 1905, sub. Preservation of game in pine forest round Shillong.
87 (ASA) AARP, Revenue-A, sept. 1905, sub. Preservation of game in pine forest round Shillong.
91 (ASA), AARP, Revenue-A, September 1905, preservation of game in pine forest round Shillong.
Since 1905, attention was paid by the government to put restriction on the free access to wildlife in reserve forest. Local officials agreed that game could be restocked in the sanctuaries if the shooting or snaring of birds and animals were stopped. However, this protection was also not possible without the support of the local inhabitants and the local tribes. The colonial state accused indigenous people for the destruction of wildlife. However, the protection of wildlife was not possible without their support. Mostly local inhabitants or who were familiar with the local language were preferred for the task of game keeper. F.C.Henniker, Director of Land Records and Agriculture, suggested the name of one Rabha man who also knew Khasi for the job of gamekeeper. The game Keepers and watchers were successful in protecting the game from local people. Though it was the British officials who had taken steps for the protection of the wildlife, the number of people who benefitted from the felling of trees or killing of animals was much more. Thus people who destroyed environment were more than those who wanted to maintain ecological balance. Local tribes were mostly appointed as Game keepers and assistant game keepers. They were paid Rs. 25 for head game keeper and Rs. 12 or Rs. 15 for assistant game keepers a month for the preservation of game in reserve forests. In case of Shillong Khasis were appointed as game keepers. People of other tribes were also appointed as game keepers if they were familiar with the local language. It has been found that Rabhas, Garos, Hadems etc who knew Khasi were appointed in forests of Shillong. Though the tribes were called for their sporting instinct but they supported the government in the preservation of wildlife. F.C.Henniker, Director of the Department of Land Records and Agriculture suggested the name of a Rabha man who knew Khasia for the work of a game keeper. An attempt was also made by the government to generate consciousness among the people towards the preservation of wildlife. The Statesman reported, “at the same time it is generally admitted that if man impoverishes his environment he loses in mental and moral capacity and becomes a poorer being.” The London Times reported the speech delivered by the Duke of Brabant (now the King of The Belgians) at a dinner in his honour presided over by His Royals Highness

92 (ASA) AARP, Revenue-A, September,1905, Preservation Of Game In Pine Forest Round, Shillong.
93 Chakrabarti, K., (1991), Man Plant and Animals Interaction, Darari prokashan, Calcutta, , p.8
95 (ASA), AARP.Revenue-A, sept. 1905. Sub. Preservation of game in pine forest round Shillong
96 (ASA), AARP.revenue-A, sept 1905, Sub. preservation of game in pine forest round Shillong
97 PRFA, for the year 1933-34, Shillong: AGP, 1935, P.18 para-99
the Prince of Wales, “we Belgians are still novices in the matter of the protection of Nature. We lack experience, for our first national park has only recently been established. To whom can we turn for guidance with greater confidence than to you [the British] who have been our precursors in this field? In course of my travels I have seen the many splendid results you have obtained. You have undertaken a real mission which stands out as an example and encouragement to all other. The English people themselves are imbued with a love of nature. They are brought on from earliest childhood to the lowest creatures, has left an indelible mark on the British character and heart. May I be allowed to suggest that it is this sentiment which underlines the chivalrous ideal of your nation—a nation whose solicitude for the weak has not been limited to its own frontiers.”

These writings convinced the patriotic Assamese to recognize that government is only doing their duty towards the rest of the world in following out a policy of preserving a strictly reasonable number of wild animals at no unreasonable cost in places where they can do no harm to the interests of mankind.

The materially minded too, who could be convinced by none except material arguments, were comforted by the reflection that the famous National parks of Africa, Canada, America and elsewhere are already visited every year by thousands of tourists (the tourist is everywhere recognized as a source of wealth to the country visited), and that there is no doubt but that the Assam Rhinoceros will in the course of time prove an attraction as profitable to the province as the Loch Ness Monster now is to Inverness-shire.

Here, two main points related to the protection of wildlife in India. Firstly, though protection of wildlife was not the main concern of the British but it led the start of what it is called ‘Scientific conservation’ of wildlife and secondly, it brought a consciousness among the local inhabitants of the preservation of wildlife and nature. The protection of wildlife was attempted by the British government but it could not be achieved without the support of local inhabitants.

6.4 Wildlife Conferences

A new phase of wildlife preservation was started in 1930s. The British administration started organizing All-India conferences for discussing various issues related to the better preservation of wildlife. The main agendas of these conferences were firstly, to

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98 PRFA, for the year 1933-34, Shillong: AGP 1935, P.18 para-99
99 Ibid.,
100 Ibid.,
review the existing position of the fauna and flora of India and to consider generally their protection and in particular to the protection of animals peculiar to India. It also discussed about what could be done for saving the rhinoceros, lion, asses and other such animals from extinction. It included the laying of the duty of preserving the forest to forest department and destruction of such wild animals such as dogs as tend to harm other more important game in the forest. Outside forest it focused on three issues- inclusion of history of wildlife in school text books, collection of statistics of important and rare wildlife in India, lastly on the ornithological societies for the protection and study of bird life and nature. The second agenda involved- inculcation of village cattle against infectious diseases particularly in the vicinity of game preserves for the protection of the wildlife. Thirdly, special legislation for the preservation of wildlife (other than the Indian forest act) enacted in various provinces that needed to be implemented. Fourthly, measures to restrict the possession or use of weapons which might be used for poaching and the feasibility of amending the arms rules. It emphasized to limit the length of the barrels of guns used for the protection of crops etc. and the use of such arms to certain seasons. It also put emphasis to limit the number of cartridges in the case of licenses taken out for protection or display. Fifthly, to consider the extent to which India could accede to the convention drawn up by the international conference for the protection of the Fauna and flora of Africa and the modifications necessary to make it suitable for India. Lastly, to consider whether the convening of an Asiatic Conference in London was desirable or not.101 This is the first time when the matter of the preservation of wildlife was taken into consideration. The conference for the protection of wildlife in India was held in 1934 in Delhi.

The society for the preservation of the fauna of the empire, Zoological Society of London, after five years of its work on wildlife in India, viewed that the stock of wildlife was progressively declining and there was need for reviewing the matter without any delay. The improve means of transport and communication led to the decrease of wildlife population. The society viewed that, “…during recent years every civilized country in the world has considered it necessary that this matter should receive greater attention than hitherto: for improved facilities of transport, closer settlement, etc., have all tended towards the unnecessary reduction of the wild life of

101 (NAI), EHL dept., Forest Branch, file no. 24-5/34, F, part X, Sub: All India conference for the preservation of wildlife 28th to 30th January, 1935, p. 5
The society recognized the economic interest of people and also aware of that at times wild animals did damage crops but it agreed that some ‘modus vivendi’ could be reached as was done in British Africa, where wild life was more numerous than in India. The society viewed that the Indian government would always consider it necessary to conserve large areas of forest for its economic reasons (e.g., the supply of timber, fuel etc.). In such forest wild animals found refuge and if they were afforded better protection they could be saved from extinction and balance of nature could also be maintained. The society recommended that the constitution of India should recognize the importance of wildlife as national asset. In the words of the society, “with great respect, we venture the opinion that as momentous changes in the constitution of India are now under consideration, it is fitting that the future of wealth of wild fauna with which Nature has endowed that country should be under considered, for all nations are agreed that the wild life of a country must be regarded as an important national asset.”103 The society owes the works of the British officials towards the preservation of wildlife and also praised the work of forest department as bulwark of fauna preservation. It enquired the prevailing condition of wildlife in some of the provinces of India. As the condition considerably differs in various provinces, the society’s suggestion for the protection of wildlife varies from province to province. The description given by the society for the province of Assam is as follows.104

The society viewed that some of the parts of Assam had an interesting assemblage of the large wildlife, but local authorities agreed that its destruction was in excess of reproduction and therefore it was as in other parts of India, doomed to destruction unless suitable steps were taken for its better conservation. The most notable animal in the province was the great Indian rhinoceros. This creature which earlier roamed all over the country was then restricted to a remote strip along the south side of the Himalayas and the number survivors was a fraction of what it was some twenty years ago. There was a few in the extreme north of Bengal and some were also existed in Nepal. By that time the existence of rhinoceros in Assam was limited to a few places near Brahmaputra River and in a few other spot that was also in limited number. British officials argued that their survival in Assam was probably due to a protection,

102 (NAI), EHL dept., Forest Branch, file no. 24-5/34, F, part X
103 Ibid.
104 Ibid, pp. 7-8
which was enacted after the slaughter of about 100 rhino by Kacharies and Assamese in the forest, reserve, Ripee sanctuary and N.Kamrup. However group hunting was a part of local culture. The society doubted that the effectiveness of legal protection and it said that if the vigilance was not maintained the species would disappear. Other species which according to the Society, needed careful protection were elephants, the bison (mithun), buffalo, sambur, takin, serow, swamp deer, spotted deer (this was very rare), hog deer and barking deer. The Society criticized the possession of firearms among villagers as they were obtained in the words of the Society, “...they are obtained with the main object of destroying every living thing which is encountered”.

Game laws though existed but their enforcement appeared to be the exception rather than the rule. Owing to the local condition the society advocated the appointment of a special officer as game warden, preferably be seconded from the forest service but have jurisdiction outside the government forest areas. The sale of hides, meat and trophies derived from wild animals should be greatly restricted and adequately controlled. The existed small sanctuaries made solely for the rhinoceros should be extended so that they could provide shelter for many of the other faunal species then being slaughtered to excess. It was viewed by the Society that the cooperation of the native authorities and the chiefs in the outlying districts should be enlisted; otherwise it would be difficult to control of the destructive operations of the wilder tribes. The Society also recommended that some agreement should be made with the Bhutan state in regard to poaching incursions from that state to Assam. Lastly the society said that if these suggestions would not be taken into consideration the existence of fauna of Assam would be doubtful.

In 1933 the need of an All India conference for saving the country from extermination of the fauna with which she was so richly endowed was felt. The First Conference for the preservation of wildlife in India was held on 28\textsuperscript{th} January of 1935. This conference was the outcome of the agreements concluded at the conference for the protection of the fauna and flora of Africa held in London (1933). Mr. Stuart Baker

\textsuperscript{105} (NAI), EHL dept., Forest Branch, file no. 24-5/34, F. part X
\textsuperscript{106} (NAI), EHL dept., Forest, file no. 24-5/34, F. part X, sub: All India conference for the preservation of wildlife 28\textsuperscript{th} to 30\textsuperscript{th} Jan, 1935.
\textsuperscript{107} PRFA, for the year 1933-34, Shillong: AGP, (1935), p.18, para-99
attended the conference on behalf of India. The primary object of the conference was to arrange for international protection for the fauna and flora of Africa but at the same time, it was also hoped that the convention if agreed by the countries attended, should form a basis for protective legislation for other countries and for other parts of British Empire. The main proposal of the conference was the setting of certain areas as sanctuaries in order to ensure effective protection of flora and fauna varying in some extent in degree of protection afforded. Three principal types of reserves were recommended in the conference, (1) National Parks in which destruction of flora and fauna should be totally restricted (2) Strict Reserve in which forestry operations would be permitted (3) Other Reserves included suitable areas in which fauna should be completely protected. The convention of the conference for the protection of wildlife in Africa (London) formed the basis for international and national preservation of flora and fauna worthy of consideration by the government of India. The Inspector General of Forest in his opening speech at the opening of the conference discussed the subject of the protection of wildlife in India. He discussed how much India could adhere to that convention to protect the fauna in general and in particular those animals peculiar to India which required the most stringent measures to be adopted lest they would extinct. He pointed out that in many ways India was far advanced over Africa- the reserved forests of India most of which were established for many years past might be considered as the National Parks of this country. In his view because the dense population of India and the limited area of the reserved forests it would be impossible for government to consider closing of all forest operation in the interest of game. He agreed that there might have savannah forests where time was of no consequence and which were suitable for game sanctuaries; but under normal condition local governments were not least likely to forego the revenue from available forest estate merely in the interests of wild animals. The strict natural reserve was also impossible. He pointed out that strict shooting rules existed for all government forest. Other than rhinoceros emphasis was led to protect the all animals including reptiles for commercial purposes. Use of vehicles or air-craft and other

\(^{110}\) (NAI), EHL Department. Forest. File no. 24-21/34F. 1934 sub. All India conference for the preservation of wildlife, 1935, honorable members speech at the opening of the conference.
unsporting methods in the hunting of game was banned. IGF viewed that this matter received attention in some provinces and no doubt other provinces would also follow it.\textsuperscript{111}

As a result of All India Conference for the preservation of wild life at new Delhi on 28\textsuperscript{th}, 29\textsuperscript{th} and 30 January, 1935, a draft convention was prepared. The conversion has sixteen articles for the protection of wildlife in India. It also provided two lists of animals depending on the how much protection they needed. The first article authorized the provincial governments to deal with the protection of wild animals in their province. According to the convention the provincial governments were given freedom to adhere all the provisions or a part of the draft but it did not in any way restrict forest operations in the territories to which the convention may become applicable. This was for the first time the draft defined the term wildlife sanctuary. It says “The expression ‘Wild Life Sanctuary’ shall denote an area constituted by the competent legislative authority in which the hunting, shooting or capturing of any wild bird or animal, or specified bird or animal, is prohibited except by or under the control of the highest authority in the department responsible for the management of the Sanctuary, and the boundaries, ownership, or character of which shall not be altered without the sanction of the competent legislative authority.”\textsuperscript{112} But while defining the term wildlife sanctuary the commercialization of the sanctuary was also considered by the British authority as the draft also says that “In accordance with the above provisions facilities shall so far as possible be given to the general public for observing the fauna in wild life sanctuaries.”\textsuperscript{113} According to the draft “the expression ‘animal’ shall include all the vertebrate and invertebrates in their wild state and part thereof as well as eggs, egg-shells and nest.”\textsuperscript{114} The provincial governments were suggested to explore the possibility of establishing in their territories wildlife sanctuaries. Forest areas were also put under the direct control of the Contracting government (provincial governments) and were maintained as wild life reserve in which all killing, capturing, hunting and shooting of animals or fishing was prohibited. Hunting, shooting or fishing might be allowed to such limited extent as might be prescribed by rules for such area. These rules might limit the number, sex

\textsuperscript{111} (NAI), EHL Department. Forest. File no. 24-21/34F. 1934
\textsuperscript{112} (NAI), Department of education, health and lands, No. F.36-4/35-F, The 7\textsuperscript{th} August,1937. Sub. All-India conference for the preservation of wild life. Draft All-India Convention.
\textsuperscript{113} Ibid.
\textsuperscript{114} Ibid.
and size of animals permitted to be killed and might prescribe suitable close seasons and other regulations where such rules were necessary. The draft provided two list of Birds and animals to be protected depending on their level of protection the endangered species needed. Rhinoceros, leopard, Monitor lizard, pigmy hog were put in the annex ‘A’ which required rigorous protection. Monitor lizard of Assam was not put in the rigorous list. Elephant, bison, buffalo, deer, antelope and Gazelles, tigers including other birds and animals were put in the Annex ‘B’ were not required such rigorous protection as of Annex A but count not be hunted, killed or captured in any part of the territory of the Contracting Governments except under rules made by the competent authorities. The import and export of animals or trophies except at places where there is a customs station shoul be prohibited.115 This can be called a first formal step towards the preservation of wildlife in sanctuaries.

The nineteenth century consciousness towards preservation of wildlife fostered the movement for the protection of wildlife developed in the country. However, it was the provincial forest officers who took initiative for the protection of wildlife. In Assam it started in 1902 though earlier forest Acts put some restriction on hunting of wild animals in reserve forest but practically it did not protect wild animals. Through forest acts government had full control over forest as a part of the extension of their empire over forested land and excluded the aboriginal people who had traditional rights over forest. It created a rift between the local inhabitants and forest policies. This led to the violation of such acts by local inhabitants; they even involved themselves in the acts of poaching. But the real ‘poachers’ were the British governments but their act of ‘poaching’ was legalized by the forest acts and their claim over forest and forest produce. Though the British government’s main aim was to exploit the forest resources at their best but the attempts of local officers towards the protection of wildlife could also not be ignored. These official’s attempts led to the creation of forest reserve and subsequently game reserve for the protection of wildlife.

115 (NAI), EHL, file no. 81-1/37-F, Delhi records-1, Serial Nos. 1-42. Sub. Preservation of wildlife in India- All India convention.