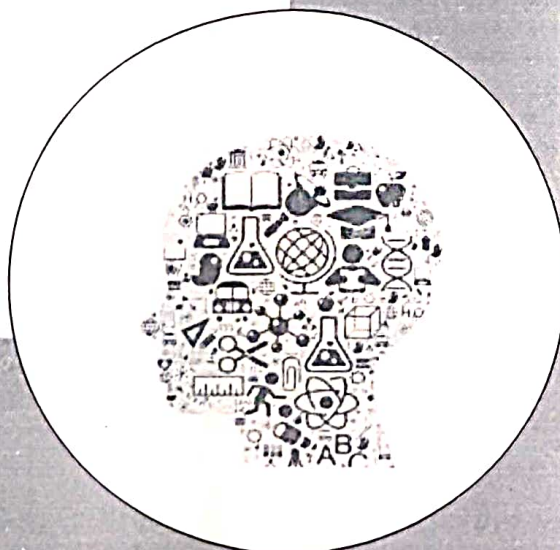


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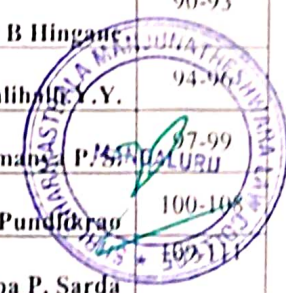
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Wildlife Crimes in Karnataka: Environmental and Legal Perspectives

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Abstract

Wildlife has been a part and parcel of our ecosystem and as enshrined under Art. 51A(g) of the Indian Constitution, it is the fundamental duty of all citizens of India to protect and improve the same. The selfish and dominant behaviours of human beings have made wildlife to become extinct. Every day various crimes are taking place against wildlife such as killing, poaching, taking out protected plants, illegal trade etc., and the same are committed contrary to national and international legislation. The superstitious beliefs and the urge to make more money have made human beings kill wild animals and use their body parts for various purposes. Pangolin scales, deer horns, star tortoise, elephant tusks, skin, shells, etc., of different animals, are used illegally for different purposes. India is rich in its flora and fauna, around 5.3 per cent of the geographical area is covered with wildlife protected areas. The Karnataka State alone is covered with around 41,590.16 sq. km of forests area and reports several cases of wildlife crimes every year. In this paper, the presenter focuses on the crimes happening against wild animals in the State of Karnataka, impact on the environment and the efforts and measures taken by the government and forest officials along with various laws to control the wildlife crimes in the Karnataka State.

Keywords: Wildlife Crimes, Karnataka, Forests, Legislation, Environment, Protected Area.

Introduction

Forests are the abode for all living creatures on the earth and source of sustenance through fresh air, water, fertile soil, and land. The tribal and rural people are purely dependent on forests for their livelihood by adopting agricultural forestry as their source of earning. Forests besides the source of livelihood and shelter for living creatures have become sources for illegal activities against wildlife. The term 'wildlife' was used first time in the book "Our Vanishing Wild Life" written by the American Zoologists William Temple Hornaday in 1913 and since then the word has had its wide usability and connotation. In simple terms, the native wild flora and fauna are called Wildlife. Section 2(37) of the Wildlife (Protection) Act, 1972 defines that, "wildlife includes any animal, aquatic or land vegetation which forms part of any habitat".

Wildlife Crimes

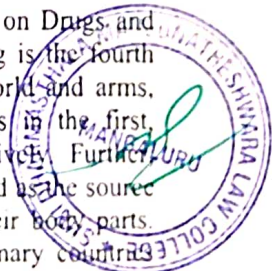
Wildlife crimes include illegal activities like poaching, maltreatment of badgers, birds and bats, coursing, theft of animal eggs, trafficking in protected species, animals' products, and protected plants, using animals without registration and license, use of contagions, traps, or explosives to kill or hurt animals etc. Wildlife crimes are categorised under illegal trade and the same is called 'organised transnational crime' and has threatened the survival of several wild species throughout the world. Transnational crime includes criminal offences which are directly involve more than one country.

India is rich in varied wildlife products which includes Rhino horn, Tiger, Snake skins, Mongoose hair, Elephant tusks, Leopard claws, skins, bones, whiskers, Deer antlers, Turtle shells, Bear bile, Shahtoosh shawl, Musk pods, Timbers, and Medicinal plants. Most of the animal products are in demand outside India and for this reason wildlife trafficking is rampant in the county. Wildlife trafficking alone contributes to many other crimes like killing, poaching, depleting the number of existing endangered species, etc.

According to United Nations Office on Drugs and Crime (UNODC), wildlife trafficking is the fourth largest transnational crime in the world and arms, drugs, and human trafficking stands in the first, second and third categories respectively. Further, the report says that India is considered as the source country for the wild species and their body parts. Thailand and India are the two primary countries which have supply chain of illegal tiger products in the world. According to the World Wildlife Seizure Database (WWSD) report around 1000 to 62,000 seizures have been reported in India from 2004 to 2015.

Wildlife in Karnataka

Karnataka has a total of 41,590.16 sq. km of forests area out of 1,91,791 Sq.km of its total geographical area. Around 21.68 per cent of Karnataka's geographical area is covered with protected forest, reserved forest, village forest, unclassified forest, and private forest. These forests further comprise of



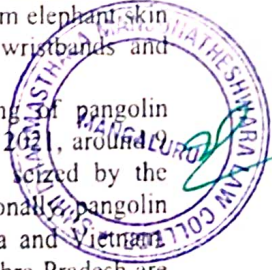
Jamamalai, Betta, Bane, poramboke, Kumki, Paisari, Anritmahal Kaval, Assessed wasteland, Kharab lands, Inam lands, thickly wooded areas, plantations, and other lands as well. The protected forest areas of the state include 30 wildlife sanctuaries (including 5 tiger reserves), 5 national parks, 14 conservation reserves and 1 community reserve. Karnataka is home to a large variety of wild flora and fauna and is considered one of the richest states in India in terms of wildlife population. The different species of animals, amphibians, reptiles, fishes, birds, insects, and plants are found in the State and around 25 per cent of the elephant and 10 per cent of the tiger population of India are found in the State. The most wonderful tropical forests of Karnataka covering 60 per cent of Western Ghats and the same are gifted with diverse flora and fauna. The flora of the Western Ghats has a high degree of varieties of medicinal plants and flowering plants called angiosperms alone recorded about 4,700 species. And the faunal species found in the Western Ghats region includes elephant, sambar, gaur, chital bonnet, striped hyena, common giant, leopard, sloth bear, Indian chameleon, Indian pangolin, and common krait.

Several flora and fauna species of Karnataka are recognized as endangered. Out of the total known fauna of the State, 102 species fall under diverse categories of danger and of these 30 species of animals and 52 species of amphibians are the prominent groups. The Karnataka Forest Department has declared around 40 wild animals as endangered species in the State. Some of the endangered animals of Karnataka includes Elephants, Lion-tailed Macau, Tiger, Sloth bear, Blackbuck, Wild dog, Indian brown mongoose, Travancore flying squirrel, Kolar-leaf nosed bat, spotted eagle, Leatherback turtle and Olive ridley turtle.

Wildlife Crimes in Karnataka

Karnataka has become a hub of wildlife poaching and trafficking. Wildlife poaching and trafficking in Karnataka are rampant because of the existence of wildlife traffickers' networks. The state has always been a main collection and trafficking centre for wildlife parts and a flock for wildlife traffickers from the east, west and central parts of India. There are several suspected kingpins of poaching and wildlife trafficking in entire south India. They have their network and operators which involve the nomadic tribal groups from Karnataka, Rajasthan, and Madhya Pradesh. Wildlife trade of elephants, small mammals like pangolins, leopards, tigers have largely been reported in Karnataka. The poachers have been found with tiger and leopard pelts stacked like newspapers. Besides, the geographical location of Karnataka makes it convenient for traffickers to get their work done easily. For example, the State

has good transportation connectivity with Mumbai and Chennai from where much unlawful shipment used to be done out of India. The body parts of various animals are shipped without giving a chance to recognise. The bones of leopards and tigers are trafficked hiding with other products and it would be difficult for the forests officials to recognise identify and nab the culprits. The animal body parts were shipped to China and some parts of South Asian Countries for the preparation of medicines and other artefacts. Bangalore is the chosen destination for traffickers to ship easily the pelts, tusks, live animals and their body parts. Many times, the forests officials have found skins of deer and blackbucks used by religious leaders of coastal areas of Karnataka. Also, monitor lizards were subject to poaching for their meat. Further, there are instances where slender loris have become the target of traffickers who extract their eyes and crush them to make fine powder and the same will be used as a drug. Wildlife crimes are continuously happening in the State. In the present year, the Karnataka Forest Vigilance Wing (KFVW) has booked around 565 wildlife crime and timber cases. Recently, On 16th November 2021 Karnataka forests officers of Chickballapur range have arrested 3 deer poachers who were cutting deer meat in a reserve forest and 20 pairs of antlers have been recovered from them. Birds like rose-ringed parakeets were trafficked in Bengaluru and the same were seized by the police on March 29, 2021. Star tortoises were also trafficked in Karnataka and recently in November, 2021 around 571-star tortoises were found abandoned at bus stops in Bengaluru. There is a high rate of wildlife crimes in protected tiger reserves and surrounding areas in Karnataka. In September 2021, forests officers of Bandipur Tiger Reserve nabbed poachers for killing a tiger. Subsequently in November, 2021 poachers killed a deer in Nagarhole tiger reserve. There are increasing cases of elephant's electrocution in the state. Elephants are trapped and made to electrocute for black beads that are made from elephant skin. Black beads or passion beads are made from elephant skin after dying and shaping to make wristbands and necklaces of red-coloured beads. There are high cases of trafficking of pangolin scales in Karnataka. In October 22, 2021, around 9 kgs of pangolin scales have been seized by the Karnataka Forest Officers. Internationally, pangolin scales are in high demand in China and Vietnam. Poachers from Tamil Nadu and Andhra Pradesh are increasing in Karnataka for pangolin scales which are in high demand for Chinese medicine. Other than Chinese medicine pangolin scales are also used for the manufacture of satellites by using the rich minerals extracted from the pangolin scale. In 2020, several cases of pangolin poaching have been



reported in Karnataka. In the Chikkamagaluru district of Karnataka, the forests officials have busted pangolin trade racket and they have seized around 6 kgs of pangolin scales. Pangolin poaching has become a common incident in the Chikkamagaluru and Ballari districts of Karnataka. The hunting and trading of pangolin are banned under the Wildlife (Protection) Act, 1972. During 2009-2017 around 5,772 pangolins were seized from Karnataka, Odisha, Tamil Nadu, and Madhya Pradesh.

Karnataka Forests Department and Protection of Wildlife

The Karnataka Forests Department is striving hard and putting lots of effort into safeguarding the Wildlife. The Karnataka Forests Department vision is towards sustainable development of forests and consolidation, protection and conservation of forests, biodiversity and wildlife. Habitat improvement is its objective and the department is headed by Principal Chief Conservation of Forests. The present working strength of the Department is 8951 Executive Personnel including Indian Forests Service Officers (IFSO) and Field Staff of various cadres. The works carried out by the Karnataka Forest Department are categorised into; protection, conservation, regulatory and sustainable management. Overall, the primary mandate of the Karnataka Forest Department is to protect the forests and wildlife, safeguarding the rich biodiversity of the State and guaranteeing that the ecological balance of the forests ecosystems is maintained properly.

Karnataka Forest Cell

The Karnataka Forest Cell is working hard to curb poaching and the illegal wildlife trade. The Karnataka Forest Cell is in-charge of the strict enforcement of the provisions of Forests and Wildlife Protection legislations of the country and state that have been enacted mainly for protection of Indian forests which include: Wildlife Protection Act, 1972, the Indian Forest Act, 1927, the Wildlife Protection Rules, 1995, The Forest Conservation Rules, 1981, the Karnataka Forest Act, 1963, the Karnataka Forest Rules, 1969, the Forests Conservation Act, 1980, The Karnataka Preservation of Trees Rules, 1957 etc.

Karnataka Forests Department Wildlife's Wing

The Forests Wing of Karnataka Forests Department protects and manages five national parks and thirty-three sanctuaries including five tiger reserves, fourteen conservation and one community reserve. The wildlife wings of Karnataka conserve the wildlife listed under the schedules of the Wildlife Protection Act. Since 1973 the 'Project Tiger Scheme' has been implemented and the Government of India provides monetary assistance of around 60 per cent share and 40 per cent is provided by the

Karnataka Government. This scheme is implemented in various reserves of Karnataka. Under the scheme several works are carried out such as prevention of poaching, tiger protection force, organising anti-poaching camps, formation of water holes for the animal during drought seasons, patrolling squads, habitat improvement works etc. The 'Project Elephant Scheme' is another scheme that envisages the protection of elephant habitat in national parks, reserves forests and wildlife sanctuaries. Several works are carried out under the scheme such as anti-poaching camps, erection of solar fencing, capturing, translocation and maintenance of problematic elephants, the establishment of rapid response teams, procurement of tranquilization equipment and drugs, public awareness programme, etc. The voluntary relocation and rehabilitation programmes have also been conducted by the Karnataka Forest Department in the tiger reserves according to the guidelines of the National Tiger Conservation Authority (NTCA). The District Level Implementation Committee is constituted by the Government of Karnataka under the chairmanship of the respective authority.

National Crime Record Bureau (NCRB)

Wildlife crimes data of Karnataka State is provided by NCRB in its 2020 report. According to the NCRB report, the environment-related offences in Karnataka in the year 2018 were 400, in 2019 were 459 and in 2020 were 413 respectively. Further, the report provides that in 2020 under the Indian Forests Act, 1927 and Forests Conservation Act, 1980 the environment-related offences in Karnataka are 94 cases and under the Wildlife Protection Act, 1972 the environment-related offences in Karnataka are 09 cases.

Department Inspector General of Police (Criminal Investigation Department (CID)) Forest Cell

In 1973 the CID forests cell was established as a sub-unit of the Department Inspector General of Police (CID). ADGP is the unit head and it works based on standing order no: 621 dated 31 March 1973. It works to protect forest produce keeping a close touch with the forest officers, forest surveillance organisation of the state and officers of the neighbouring state. It also acts as a nodal agency sustaining cooperation with the forest department and Wildlife Crime Control Bureau (WCCB) concerning forest and wildlife offences. Further, the forest cell conducts various workshops and awareness programmes on the protection of wildlife. In the last three years, the CID forests cell has arrested around 1,947 criminals and has seized properties like vehicles worth 24 crore rupees. In 849 cases it has also levied fines and also has filed the charge sheet in 2005 cases. At present, around 197 cases are pending trial in court.

The Wildlife Protection Act, 1972

Certain protected species have been listed under Schedules I to IV of the Wildlife (Protection) Act, 1972. Around 1800 species of wild animals, plants and their parts which are illegally trafficked in the country are prohibited under the Wildlife (Protection) Act, 1972. The Act prohibits various activities committed against the wildlife such as entering a protected area with a weapon, trade, hunting, possession, purchase, abetment, attempt, habitat destruction, causing fires, transportation, etc. Under Schedule, I or Part two of the Schedule II offences relating to wild animals or their parts and products are included. Punishment and penalty have been enhanced for those who involve in hunting and altering the boundaries of National Park/Wildlife Sanctuaries; 3 years imprisonment is extended to 7 years with the fine of 10 thousand rupees and on an instance of the successive offence of the like nature, the imprisonment shall be not less than 3 years and the same may extend 7 years with a minimum fine of 25 thousand rupees.

Further, section 51A has been inserted in the Act for making some conditions that will be applicable while granting bail. The section reads as, "When any person accused of the commission of any offence relating to schedule I or part II of schedule II or offences relating to hunting inside the boundaries of national park or wildlife sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973, no such person who had been previously convicted of an offence under this Act shall be released on bail unless; (a) the Public Prosecutor has been given an opportunity of opposing the release on bail; and (b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he/she is not guilty of such offences and that he/she is not likely to commit any offence while on bail".

Section 9 of the Wildlife Protection Act, prohibits the hunting of animals specified under schedule I, II, III and IV except the permission provided under sections 11 and 12 of the Act. Section 9 further provides that, the enforcement agency in India could only charge the accused person/s with the offence of hunting. Sometimes, the offence of illegal possession of wild animals and products also takes place as a consequence of or as a part of hunting. For instance, if a person is charged for boiling a live pangolin to remove its scales, he commits the offences of both hunting and possession of the same. In the case of *Rekhchand v. State of Madhya Pradesh* (2008 (4) MPHT 464) the court held that, by finding leather of wild animal with possession of a person itself cannot lead to presume that he has

hunted or killed the animal, especially the matter of absence of the evidence substantiating the same. The court would have held him guilty if the accused had also been charged with the offence of illegal possession along with hunting. To prove the offence of illegal possession the burden of proof will be on the accused himself as per section 57 of the Act and further no strong evidence will be required to convince the court. Hence, it is extremely suggested for the enforcement agencies, especially the state forest departments to invoke the provision of the illegal possession under section 39(3) r/w 57 of the Wildlife Protection Act in along to the offence of hunting.

Wildlife Crime Control Bureau (WCCB)

A new chapter (IV B) was inserted in the 2006 amendment to the Wildlife Protection Act for the establishment of the National Tiger Conservation Authority and notification of Tiger Reserves. Before this amendment, Tiger Reserves were not defined under the law, but were merely administrative designations to enable funding under Project Tiger. Also, in the same amendment chapter (IV C) was inserted to constitute a Crime Control Bureau for Tiger and other endangered species and the same is named as Wildlife Crime Control Bureau.

The Forests Department, the Police, the Wildlife Control Bureau, the Customs Department and The Central Bureau of Investigation are the enforcement agencies. Especially the Karnataka Forest Department is authorised to file charge sheets directly and because of shortage of technical expertise, the forests department is overburdened with the cases. Section 50 of the Wildlife Protection Act provides for investigation and prosecution of offences in a court of law by authorized officers of the forest department and police officers.

In the State of Karnataka by *Hanur Police v. Sathish S/o Muniyappa Shetty* (CRL.R.P. No 28/2009) the Court noticed that under "uncured trophy" would attract an offence under section 39 and punishable under section 51 of the Wildlife Protection Act. The accused had committed an offence punishable under section 24(j) of the Karnataka Forest Act and Section 9, 39(1) r/w section 51 of the Wildlife Protection Act. The court held that the conviction of the accused of an offence punishable under section 24(j) of the Karnataka Forest Act cannot be sustained and the conviction of the accused of an offence punishable under section 9, 39(1) r/w section 51 of the Wild Life (Protection) Act and also for an offence punishable under section 379 IPC is confirmed.

Impact of Wildlife Crime on Environment

Wildlife crime shows a negative impact on the environment such as the extinction of targeted and non-targeted species and a long-term worsening of the ecosystem. Wildlife crimes harm targeted

species in several ways such, as the decline in the population size of wild animals, transformed the demographic and genetic structure and spread of disease. The impact on non-targeted species includes a torrent of incidental impacts species within impacted ecosystems. Overexploitation of wildlife will lead to interrupted interspecies communications and ecosystem's structure, varying species structure, working structure like seed diffusion, carbon storage, etc.

Conclusion

There is a significant need for ending wildlife crimes in Karnataka for the purpose of protection of biodiversity, human sustenance, and most importantly sustainable development. No doubt, Karnataka Forests Officials strictly follow the stringent laws of the country to protect wildlife and punish wildlife criminals but still wildlife crimes are uncontrollable in the State. Karnataka has also passed certain legislation on the protection of forests such as the Karnataka Forests Act, 1963, the Karnataka Preservation of Trees Act, 1976, the Karnataka Forest Rules, 1969 Amendment to the Karnataka Forest Rules, 2017, etc. These legislations of Karnataka deal only for the protection of forests trees but no provision deals with the protection of wild animals. For example, the Karnataka Forest Act deals with the establishment of reserved, village and district forests, control over forests lands, control over forest timber and other forest produce that are subject of transportation. Further, the Act imposes punishment and penalties for offences relating to forest produce and sandalwood trees. The stringent punishing provision for wildlife crimes needs to be included in the Karnataka forests laws. To sum up, wildlife crimes are happening every day in Karnataka and it is very much significant to understand that whenever criminals commit wildlife crimes, they end up committing several offences in furtherance of their illegal act. Hence, all relevant punishing provisions of the respective legislation need to be invoked properly so that no chance left for the accused to escape from punishment and the same should be deterrent for others.

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