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## **The legislative measures for curbing the illegal and illicit encroachment on wildlife and forest reserves at large**

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### **Abstract**

The environment comprises of the several fruitful and productive factors such as air, water, soil, pond, biotic components and other abiotic components, wildlife reserves and forest masses at large which makes the ecology and an environment complete and effective. But, for last couple of years the illicit and immoral steps of the anti-humans have corrupted the sustainability of our environment and ecology at large by having been committed dangerous and brutal steps or activities including the Hunting and Poaching of Wild Animals, the Illegal Excavations of Forest and Natural Resources, Forest Fires, Deforestation being the most dangerous steps being committed by the mankind in order to degrade the vegetation covers of the fertile and productive forest areas and land of the ecosystem. The various types of the massive destruction of the Forests Reserves and the Wildlife Reserves being committed by the anti-humans at large are as mentioned below, and they are as follows.

**Keywords:** Environment, forest, ecology, deforestation, animals, biotic

### **Introduction**

#### **The massive degradation of the forests and wildlife reserves due to the brutal encroachments of deforestation**

The sabotage of the rich sources of the Forest Reserves and their main products which are being highly important for the survival of the local tribes of the forest areas and also for various flora and fauna species are being densely and grossly affected by the immense and heavily cutting down of the trees which is known by the name of Deforestation.

The main rationale behind extensive cutting down of the trees by the anti-humans is nothing but for their sole benefit and interest i.e., precisely for the commercial exploitation of the trees they did cut, for the construction of dams and hotels on the barren land after being cut down the substantial portion of the developed and fertile forest land masses, for building houses, construction of reservoirs on the barren land, extraction of oil, for mining drilling purposes and so on.

This is the worst kind of act being committed by the mankind for last couple of years as they are so insensitive that by ruining and spoiling one's dwelling homes and shelter in context with the wildlife species, flora and fauna species, they are creating yet another for their own benefit and sole interest, this seems so irrational and irrelevant as it is in short, a kind of negative retreat or in other words if we can state it is a kind of non-compassion showing to the wild creatures and other flora species of our ecosystem <sup>[1]</sup>.

#### **Loss of Wildlife Species due to the brutal killing practices being adopted by the Mankind**

We can able to see the reduction among the Wildlife creatures at large for the last couple of years as there has been the high amount of reduction in the various renowned species among the Wildlife including the giant names such as Black Buck, The Royal Bengal Tiger, Spix's Macaw, Kihansi Spray toads, Indian Cheetah, Great Indian Bustard, Indian Vulture and so on and also on the other hand there are so many flora species which have also become vanished due to the regular Deforestation and Forest Fires including Milkworts, Lotus, Umbrella Tree, Musli, Ebony Tree and so on. The loss pertaining to the Wild Birds used to be found on the periphery of the forests including Siberian Crane, White-Rumped Vulture, Himalayan Quail, Red-Headed Vulture and so on due to the illegal encroachment of anti-humans on the Forest Resources and Products for last couple of years which have indeed sabotaged the rich cultural heritage of the Forests and Wildlife Reserves at large <sup>[2]</sup>.

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### **Hunting and Poaching of Animals which amounted to the Loss of Biodiversity and the Vegetation Covers of the Wildlife and Forests Reserves at large**

Hunting and Poaching is the most brutal sabotage of the large varieties of the different species of the Forests and Wildlife Reserves at large. It comprises of the several ranges of species which includes the amphibians, mammals, aquatic species, coral reefs in the water bodies, and so on. The epidemic threat of causing immense harm to the Wildlife Species in form of extensive Hunting and Poaching indeed breakdowns and ruins the substantial homes and shelters of the several Wildlife Species and other species of the Forests and Wildlife Reserves on the larger and an extensive manner. This is the biggest reason behind the reduction and shrunk of the different species of our ecosystem and an ecology at large <sup>[3]</sup>.

### **Loss of Mobility which is caused due to the large-scale deterioration of the Natural Environment at large**

The free movement of the Wild Birds and Wild Species of the large Forest Reserves are very much indispensable for their effective maintenance of the food chain and other sort of sustainability, but due to the rapid cutting down of tress through the process of Deforestation being committed by the anti-humans on the larger scale have devastated and deteriorated the enriched vegetation covers of the Forest and Wildlife Resources at large and also have sabotaged the aesthetic concern of the Natural Environment and Ecology at large, which in turn has increased the less roaming capabilities and adequate movement of the Wild Birds and Animals on the larger scale, and due to this particular negative change in them has caused the entire Wild Species of the Forests and Wildlife Reserves at large a massive destruction in their movement which curtailed and restricted them into a limited place. Thus, at any cost the Government has to take an immediate stringent step to curb this wrongdoing on part of the anti-humans so that the Wildlife Kingdom and their respective species can be able or in other words can positively and constructively supposed to sustain their life without any negative hindrance being imposed upon by the anti-humans or the inhumane mankind at large era <sup>[4]</sup>.

### **The International Trade of the Forest and Wildlife Resources or Products has caused the extensive Loss of Wildlife and Forests Species**

Like India, a country of developing State, the practice of commercial exploitation of the different forests resources and products are very much common and are also becoming a threat for several other Wildlife Species and other Flora Species of the Forest Vegetation at large. The selling of the Ivory Tusks of an Elephant in most of the Forests and Wildlife Reserves under the Indian Subcontinent are the greatest source of income for the commercial activists which hunts the Wild Animals and then sell their substantial body parts to different countries and generates the income for them which is yet another the most savage treatment towards the innocent and naive Wild Species of the Forests and Wildlife Reserves at large. This savage and brutal encroachment being committed by the anti-humans at large has to be stopped and prohibited in order to secure and safeguard the sustainability of the Wildlife Kingdom at large.

### **1.2 The legal statutes/ acts to minimize the encroachments Against flora and fauna**

Besides being the greatest sabotage and degradation of the

Ecology, Forests Reserves and the balanced sustainability of the Wildlife Reserves at large, the Indian Government have framed out several Acts for the effective elimination and prohibition of the brutal acts being committed by the Mankind at large so that they can preserve and maintain the balanced structure of the Wildlife and Forest Masses at large, below mentioned are some of the Acts been made and framed by the Government of India, they are as follows.

#### **Under the Wildlife (Protection) Act, 1972**

This Act was been made by the positive contribution of the Government of India to curb and curtail the negative steps of the anti-humans towards the greatest devastation and degradation of the Natural Environment, Wildlife Reserves and the Forest Resources at large. The main focus was on to curb the illicit steps and acts of the anti-humans against the enriched sources of the Wildlife Reserves at large. It includes the following efficacies and regulations being made under this Act to minimize and prohibit the following brutal acts of anti-humans and they are as follows.

- The Government has made the stringent rules and regulations regarding the prohibition on the hunting of the Wild Animals which ultimately would safeguard the sustainability of the Wildlife Ecology at large and also the life of the Wildlife Species shall about to be enhanced in its best and efficient manner. The Section 9 of the Wildlife (Protection) Act, 1972 mentions the express provision that no person shall hunt any wild animals as specified or given under Schedule I, II, III, and IV <sup>[6]</sup>.
- Under Section 17A of the Wildlife (Protection) Act, 1972, there is being the express provision that no person willfully uproots, pick and collect any specified plants from any forest land or area. Thus, by making or framing such strict rules this Act fruitfully and effectively preserves the rich heritage and other various species of the Flora or the Plant Kingdom at large root <sup>[7]</sup>.
- Under Section 29 of the Wildlife (Protection) Act, 1972, there is having an express provision that no person shall destroy, exploit or remove any of the Wildlife Species from the sanctuaries or destroys the shelter, homes or in other language their dwelling homes without being the express permission or consent of the Chief Wild Life Warden <sup>[8]</sup>.
- Under Section 30 of the Wildlife (Protection) Act, 1972, there is having an express provision of prohibition of causing the fire onto the sanctuaries where the Wildlife Species lives or in other language, we can say that there is the mandatory prohibition being set on the persons to cause any kind of illicit act pertaining to the cause of fire in the premises of sanctuaries where the Wildlife Species lives. The rationale behind such a regulation is to safeguard and protect the endangered Wildlife Species at large which have been listed under the imminent threat list or an Endangered Species <sup>[9]</sup>.
- Under Section 31 of the Wildlife (Prohibition) Act, 1972, there is having an express provision that no person shall be allowed to enter into the sanctuaries with the presence of harmful and dreadful weapons in their respective hand as if it would not be made or simply if this regulation would not be made or formulated under this Act then the life of the Wildlife Species would have been in danger as any time someone could come or have entered upon into the sanctuary and could kill the Wildlife Species, therefore, this rule has been strictly made by the

Government of India in order to conserve the endangered Wildlife Species at large and also to maintain and safeguard their greatest sustainability ratio <sup>[10]</sup>.

- Under Section 38J of the Wildlife (Protection) Act, 1972, there is the stringent provision being made or formed which talks about the prohibition on tease to any Wild Animals living in the Zoos. The main rationale behind making of such rule is to simply eliminate and minimize the cruel and barbaric act of savage of anti-humans towards the Wild Species presents in the Zoos, and this Section also reveals the effective safeguarding and conservation of the Wildlife Species by stating that no persons shall supposed to tease any of the Wild Animals in the Zoos in any of the forms i.e. precisely by any act of noise, tease, molest, any other grave injury being imposed by the mankind to the wide endangered Wild Species, or by feeding any Wild Species, thus, this Section effectively curbs the illicit practices of anti-humans and also conserves and reasonably protects the Wildlife Species at large <sup>[11]</sup>.
- Under Section 49B of the Wildlife (Protection) Act, 1972 mentions about the mandatory prohibition on the commercial activities which includes the selling and carrying business related to the commercial exploitations of the Ivory Tusks, Animal Trophies of the Scheduled Wild Animals or other Wildlife Species who have been specified under Schedule I, II, III, and IV of the same Act as discussed above <sup>[12]</sup>.
- Moreover, besides the Act what mandates about the conservation and effective protection of the several endangered Wildlife Species, there are other positive and constructive steps which mentions about the due treatment of the Wildlife Species at large including the proper management of the Zoos Premises, active stoppage of the hunting of Wild Animals in the sanctuaries and zoos at large, as well there have been the active protection of the protected areas inside the sanctuaries, zoos, forest areas, wildlife zones, etc.
- Under the Wildlife (Protection) Act, 1972, there have been the proper and due making of the protected areas which deals in namely there has to be the proper Tiger Reserves, so that the Tigers can be effectively conserved and are not subject to be killed and prone to hunt easily by the savage hunters, there has to be the effective and due protection for the Wildlife Sanctuaries and their due maintenance as well, there has to be the proper and fruitful establishments of the National Parks and along with that the National Parks have to be served nicely and duly so that, the entire Wildlife Creatures and other useful components of the Wildlife Reserves shall be maintained cautiously <sup>[13]</sup>.

#### **Under the Indian Forest Act, 1927**

This Act was mainly formed to protect the rich heritage and socio-cultural value of the Forests at large. Under this Act, the State mandate was very clear that they did want to take the fullest control of the Forest Areas so that not even a single kind of wrong acts shall be supposed to be committed by the wrongdoer pertaining to the illicit acts of degradations of the rich vegetation of the Forests Reserves at large <sup>[14]</sup>.

This Act basically facilitated three main forests covers at large namely the Reserved Forests, Village Forests and the Protected Forests. Under the Reserved Forests Zone, the Government has made out the most stringent rule as by Ipso

Facto, the name suggests i.e. the word being used known by the name of Reserved Forests, so it has been completely reserved by the Government for their own reasonable use and not exactly being used for the irrational use by them as well and the Government has curtailed every single right to have an access to it as it was solely under the control of the Government. The acts of fishing, hunting wild animals, grazing cattle, removing forests products are being made highly punishable at that time if any person willingly commits any such offence or if any such person would have been showed the non-compliance of any such rules and regulations been made out under the pursuit of this Act namely the Indian Forest Act, 1927.

Under Section 26(1) (b) of the Indian Forest Act, 1927, there has been an express provision that some of the acts have been mandatory prohibited to be performed by any person which includes setting of the fire to the reserved area of the Forest Land which this Act fruitfully protects and reserves effectively, kindling and burning of fire on to the Reserved Forests Land so as to jeopardising the aesthetic concern, sabotaging and depleting the vegetative covers of the Reserved Forest Land and thus, by performing such an act the person willing to cause that Reserved Forest Area to be endangered shall have to be punished under this Act <sup>[15]</sup>.

Under Section 26(1) (f) of the Indian Forest Act, 1927, there has been an express provision that no person shall burns any tree, their barks, their leaves or their respective strips or other source of degradation in terms of gross damage to the trees under the Forests Areas at large. In short there was the gross prohibition on the abovementioned acts by any such person, and if he would have been performed against the rules been made under this Section, then such a person shall be made severely liable for those acts being committed by them and the Act would punish the wrongdoer <sup>[16]</sup>.

#### **Under the Forest (Conservation) Act, 1980**

The mandate and true rationale behind forming the Forest Conservation Act of 1980 was to create an urgent check on the continuous and extended Deforestation process at large being immensely and highly committed by the brutal and savage anti-humans against the norms of the nature and to de-reserve the Reserved Forests Areas under the Indian Forests Act, 1927. This Act was having the clear and precise sort of objective that the forests land shall not be used for any purpose pertaining to the Non-Forest Purposes defined under Section 2 of the Forest (Conservation) Act, 1980. The term Non-Forest Purposes further excluded the following acts or in other words we can say that these acts were not subject to the part of the Non-Forest Purposes under Section 2 of the Forest Conservation Act, 1980 including the acts of cultivation of tea, coffee, the cultivation of spices, rubber, palms, oil-bearing, for any other acts pertaining or relating to the horticultural crops, medicinal plants and so on <sup>[17]</sup>.

Under Section 3-A of the Forest Conservation Act, 1980, it has been clearly stated that if there has been a violation of the Section 2 i.e. if any person use the forest land for the Non-Forest Purposes which has been restricted under Section 2, then there shall be the punishment provision against such a person i.e. the punishment will contain the simple imprisonment for a period which may extend to 15 days and thus by imposing such a punishment, a deterrent effect shall be imposed upon the Environmental Perpetrator <sup>[18]</sup>.

In the case namely Vilas Shankar Donode v. State of Maharashtra<sup>19</sup>, the Bombay High Court declared and

interpreted that the construction of the road in the Forest Land Area was considered to be the Non-Natural Use of the Forest Land and was further held that the construction of the road inside the premises of the Forest Land Area was illegal and unreasonable in nature.

Moreover, it was conclusively being held and framed out by the Central Government that any single Non-Forest Use of the Forest Land on an extensive mass shall have to be taken the prior sanction or the reasonable permission of the Central Government otherwise, it shall be held contrary and non-compliance of the orders and rules being directed by them and for such a wilful omission the offender or the wrongdoer shall be held severally liable and the punishment shall be given according to the provisions of Section 3-A of the Forest (Conservation) Act, 1980.

In the case namely *Ishwar Chandra Gupta v. State of U.P.* [20], the Hon'ble Allahabad High Court directed the Central Government to make and formulate an Advisory Committee for an effective conservation of the Forest Land at large and make sure that there shall be a total compliance of Section 2 of the Forest (Conservation) Act, 1980 by each civilians in the Indian Society, and further the Hon'ble Court held that the Central Government shall put a reasonable check on the effective compliance of Section 2 of the Forest (Conservation) Act, 1980, which will ultimately save and protect the entire Forest Ecology and make them a sustainable structure.

In the case namely *T.N. Godavarman Thirumulpad v. Union of India* [21], the Hon'ble Supreme Court held that forest is the largest ambit and it does not only include the forests and their respective products but it also includes the entire forest land, dry cropland and the other biotic and abiotic components of the Forest Ecology at large and also it includes the different species of flora and the fauna structure which precisely means the entire Animal and the Plant Kingdom at large.

In the case namely *Goa Foundation v. State of Goa* [22], the Hon'ble Court held that, that even the Ministry of the Central Government has given the sanction regarding the operation of an industry in the forest land, then also the permission of the Advisory Committee is being mandatory which has been formed by the Central Government on the direction being issued by the Hon'ble Supreme Court of India. The rationale behind this abovementioned mandate is to simply protect and conserve the entire Forest Ecology at large and also to improve and safeguard the Forest Reserves large.

In the case namely *Mohd. Hazi Rafeeq v. State of Uttaranchal* [23], the Hon'ble Court held that, no saw-mills can be installed within the radius of 10 km from an existing forest, because if it would have been installed, it will deplete and harm the species living there in the Forest Kingdom and the entire food chains and sustainability of the Forest Reserves and Ecology shall be disturbed and affected negatively.

In the case namely *Naresh Kumar Jain v. Commr.* [24], the Hon'ble Court permitted the lease extension of the petitioner for doing out the business of Stone-Mining under the broken area of the Forest Land but the Hon'ble Court has restricted and warned him also to do out or to operate the business of the Stone-Mining within the limitations of the broken area of the Forest Land only and not to cause any damage to the trees of that area or the trees situated in any other part of the Forest Area.

In the case namely *M.C. Mehta v. Union of India* [25], the Hon'ble Supreme Court with the very fruitful and productive interpretation has declared that for the better conservation and fruitful improvement and development of the Forest Ecology

at large the mining operations has to be mandatorily ceased and prohibited in different areas which are nearer to the periphery of the Forest Land. The mining operation has to be under the grave and vigilant scrutiny of the Environment Impact Assessment and the prior permission of the Central Government of India as the case may be.

In the case namely *Kamaljeet Singh Ahluwalia v. State of Bihar* [26], the Hon'ble Jharkhand High Court held that the mining activities under the premises and periphery of the Forest Land or the Protected Forest Land shall have to stopped or prohibited and if being allowed as well then, that has to be allowed or being sanctioned by the Central Government in order to protect and conserve the Forest Ecology at large.

In the case namely *Tarun Bhagat Sangh v. Union of India* [27], the Hon'ble Supreme Court held that even if the mining operations were getting performed outside the Tiger Reserves Zone in the Forest Land, which also has been specified by the Hon'ble Supreme Court within the land of the Protected Forest Zone, then also the prior sanction or the permission is being necessary to be taken up by the Central Government for the further continuation of the Mining Activities by any such person.

#### **Under the Forest Rights Act, 2006**

This Act was been made and formulated for the dual purposes i.e. the former was for the effective conservation and development of the Forest and Wildlife Reserves on the larger scale and second most objective for making and constructing the Forest Rights Act of 2006 was to recognize and vest the Forest Rights to the Forest Dwellers in the name of the Scheduled Tribes and Other Traditional Forest Dwellers on the larger scale. This Act was also known by the name of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 [28]. In India, there are so many varieties of cultural diversities being present and has explored the flavour and experimentations of several other indigenous instincts in forms of traditional cultural experimentations and diversities been present in the Forest Ecologies for the last couple of years and that too in form of the Tribal People been living across the Forest Peripheries for their gross and total livelihood. In short, they are totally relied upon the heritages, cultures, and the staple foods of the Forest Reserves and the Wildlife Components on the larger scale. This Act, is mainly being framed and made in order to provide and vest the Forest Rights to the several Tribes of the Forests or the Other Forest Dwellers in forms of Scheduled Tribe and Other Traditional Forest Dwellers. In other words, we can say that this Act has been made to recognize the rights of the several indigenous people or group of their masses in the Indian Subcontinent. The below mentioned are some of the common highlights which focuses on to their core features or the characteristics at large, they are as follows:

- This Act was the fruitful and an active collaboration of the Hon'ble Supreme Court along with other International Bodies to recognise the rights of an Indigenous People which have been existing in our Indian Heritage for the last longer time period [29].
- With an advent or the commencement of this Act, there has been the fruitful preservation and recognition of the rights of the Scheduled Tribe Masses which has also been enshrined in the Indian Constitution, 1950. Therefore, this Act is in the positive and parallel consonance of the Indian Constitution which on one side provides the



correct safeguarding of the rights of an indigenous people and on the other hand, it prevents the damage of the wilful cutting of the trees in the forest, immoral cutting and illegal selling of the Forest Properties, and thus by these abovementioned preventions it safeguards the Forest Dwellers and their effective sustainability of their particular dwelling homes and other forms of survivals<sup>[30]</sup>.

- Under Section 3 of the Forest Rights Act, 2006 there has been the express grant of 13 Forest Rights to the other Forest Dwellers and Other Traditional Forest Dwellers which includes the Right to Livelihood, Right to Hold, Right to Ownership, Right to Use the Forest Land, Right to Dispose of the Forests Produce, Right to Live in the Premises of the Forest and so on likethat<sup>[31]</sup>.
- This Act has been effectively and vigilantly focused on to the various aims and objectives pertaining to the Conservation of the Forests on the larger scale, protection and safeguarding of an Indigenous Masses of the Society who lives within the periphery of the Forest Land for their gross survival, this Act also minimizes and makes out the pro-active measures for the productive survival and sustainability of the Forest Dwellers at large which mainly either includes the Scheduled Tribes and Other Traditional Forest Dwellers of the different Forest Lands been existing since the longer period of time in our Indian Society<sup>[32]</sup>.

#### **Under the National Forest Policy, 1988**

This policy which came into force on 1988 by the positive declaration and an effective endeavour of the Indian Government in order to curb the brutal atrocities on the Flora and Fauna Species, the Ecology at large and the Forest Ecology which has been brutally sabotaged by the violent and an aggressive act of the anti-humans. This policy came up with the vivid and a constructive objective to protect and improve the Natural Environment at large, the total environment stability and along with that the core protection and safeguarding of the different flora and fauna species i.e. precisely the Animal and the Plant Kingdom on the large scale. In the case namely Lafarge Umiam Mining (P) Ltd. v. Union of India<sup>[33]</sup>, the Hon'ble Supreme Court held that the mission and objective behind the formulation of the National Forest Policy, 1988 and the Forest Rights Act, 2006 is to simply conserve the Forest Resources and the other Wildlife Products or the Reserves and along with that to safeguard and protect the interest of an different indigenous people masses which have been in the existence for the long lasting time period in the Forest Premises or the Forest Land in form of an inclusion of the Scheduled Tribe and the Other Traditional Forest Dwellers. The below mentioned are some of the core effective objectives of the National Forest Policy, 1988 under the comprehensive manner, and they are as follows.

- This policy is having the prime objective to conserve the Forest Ecology at large in order to safeguard the different layers and species of flora and fauna kingdom and also to protect the rich cultural heritage of the Forests and Wildlife Masses/ Reserves at large<sup>[34]</sup>.
- This policy apart from an effective preservation and conservation of the Forest Resources at large also benefits and think about the effective and fertile conservation of the soil fertility under the Forest Land in terms of checking out the soil erosion and denudation in the most prone areas of rivers, lakes, ponds, reservoirs

and so on like that<sup>[35]</sup>.

- This policy comes out with the optimistic mandate of preserving the rich heritage of the Forests Reserves and along with that the effective minimization of the Drought and Mitigating the chances of the Floods in the Forest Land which occurs due to the continuous cutting down of trees which results into the loose soil bonding capacity, as the rich soil conditions strongly grips up the bark of the trees but if the trees only gets cut down in the continuous period of time then obviously the soil erosion naturally takes place which further invites the natural calamities of Floods and Overgrazing into the Forests Lands on the regular interval of time<sup>[36]</sup>.
- This policy also focuses on to the more and more plantation of the trees in the Broken Forest Areas which is also known by the name of Afforestation. The lack of trees and saplings is the Prima Facie evidence of the Deforestation or the Continuing Deforestation into the productive lands of the Forests Reserves at large. Therefore, through the positive and constructive acts of Afforestation and by operating the Social Forestry Programmes, the policies framed under the National Forest Policy of 1988 effectively curbs the socio-legal menace of the most brutal encounters done by the anti-humans against the rich heritage and natural sustainability of the Forest Ecologies and Environmental Sustainability at large<sup>[37]</sup>.
- This policy also focuses on to the active revolution and optimistic steps and mindset being taken and observed by the common masses of the Indian Society in order to protect and conserve the rich heritage and the cultural sustainability of the Forest Reserves on the larger scale. The women's active involvement and along with that the fruitful steps of the males also can help the Forest Ecology to be conserved and get protected in their best and efficient manner. The positive steps include the active and effective demonstrations such as "Stop Savaging the Natural Resources of the Forest Ecology", "Stop Killing the Wild Animals", Stop Deforestation", "Stop Sabotaging Fauna Kingdom", Promote Go-Green Mechanisms All Where Including the Rich Periphery of the Forests Reserves at Large<sup>[38]</sup>.
- Under this policy i.e. the National Forest Policy of 1988 which effectively focuses on to the healthy conservation and fruitful development of the Forest Reserves at large also ensures about the greater forest sustainability and the greater forest productivity so that to meet an essential national need when arises through the Forest Resources by any such civilians, tribes, and other forest dwellers living in the close vicinity of the Forests in our Indian Society at large.
- Apart from the objectives being discussed above, there are another form of strategies being made under the National Forest Policy of 1988 in order to curb and eliminate the brutal practices of the anti-humans against the rich heritage of the Natural Environment and the Rich Cultural Heritage of the Forest Ecology at large, they are as follows:
- In order to encourage and effectively conserve the Forest Ecologies at large, we need to promote the positive activities of Afforestation and other forms of Social Forestry Programmes on the Forest Land and by making the civilians known about these active social movements on the large scale and these can be only achieved and

accomplished by the constructive steps being taken up in the hands of Indian Government by directing these to several other State Governments to implement it effectively under the various Districts and State to be fruitfully being implemented and exercised <sup>[39]</sup>.

- For protecting the rich heritage and reserves of the Forest Land, there is an effective and positive need of curiosity on the part of each State Government to protect and safeguard the different fauna and flora species on the large masses and also to put a check and balance system on each wrong being committed against the different products, components and vital resources of the Forest Ecologies at large. Along with these all mandates and a positive endeavour the State Government shall also to formulate and make some stringent legal provisions species of the endangered Fauna Diversities under the Indian Subcontinent at large, they are as follows:
  - Under Section 5 of this Act, there shall be the effective formation of the Board under this Act who deals with the various aspects of the cruelty cases of the Wild Animals and other grave and aggressive exploitations of different Fauna Species of the Indian Subcontinent. The Board comprises of the following persons or the authorities including the Inspector-General of the Forests, the Animal Husbandry Commissioner of the Government of India, the two main persons who will represent the Ministers of the Central Government of India who will further having an expertise in the matters pertaining to the Home Affairs and the Education at large, the next one person shall be the representative of the Indian Board for the Wildlife which shall further be appointed by the Central Government, the next three persons which shall be in the mind of the Central Government have been actively indulged or engaged in the animal welfare work which shall further be appointed by the Central Government of India. The next one person shall be the representative of the Veterinary Practitioners <sup>[40]</sup>.
  - Further, in continuance to Section 5 of this Act namely the Prevention of Cruelty to Animals Act, 1960 it involves two persons who will be representing the modern and indigenous systems of medicines and that two persons shall be further be nominated by the Central Government of India. Apart from these all persons, there shall be six other persons in form of the Members of the Parliament in which four persons has to be elected by the House of People or the Lok Sabha and two shall be elected by the Council of States or the Rajya Sabha in common <sup>[41]</sup>.
  - Under Section 6(d) of this Act mentioned above, the Central Government can anytime reconstitute this Board even after the expiry of its time frame or the duration and such reconstitution shall be taken into an effect for the period of 3 years in order to safeguard the Animal's Vicinity and also to protect them from the savage and brutal treatment by the anti-humans at large <sup>[42]</sup>.
  - Under Section 9 of this Act, there has been given out the comprehensive functions which the Board has to effectively serve in order to protect and safeguard the entire Fauna Species in the best and efficient manner, the below mentioned are some of its basic and natural functions, they are as follows <sup>[43]</sup>:
  - The Board is thereby vested with the wide powers to make and formulate some stringent laws and guidelines for the overall protection and prevention of the Wild Animals or the Fauna Species at large from the brutal encounters by the anti-humans on the larger scale and from time to time advise the Central Government regarding the amendments being made pertaining to the Fauna Species under the Indian Subcontinent <sup>[44]</sup>.
  - The Board while making rules and regulations pertaining to the overall protection, improvement and preservation of the Wild Animals in the Forests, Sanctuaries and Parks shall periodically advise the Central Government for its making or the formulating of rules for the same. The rationale behind the making is to prevent the Wild Animals from the savage treatment by the anti-humans in terms of illegal hunting and sufferance of brutal pain on the part of the Fauna Species at large, when the Fauna Species are illegally transported from one place to another and some other kind of atrocities when being committed against the naive animals in the Forests, Sanctuaries or Parks, etc.
  - The Board is vested with the power to make rules against the irrelevant and illegal slaughter of the Fauna Species which realised them with the incurable pain and other awful sufferings whether mental or an emotional one. Thus, the Board's duty is to advise the Government or any other Local Authority regarding the updates on to such rules or guidelines being made by them <sup>[45]</sup>.
  - The Board is under the obligation to advise the Central Government regarding the Animal Welfare or the comprehensive prevention of the Fauna Species from the unnecessary pain and sufferings being imposed on by the anti-humans of our Indian Society against them just for their own sole benefit and pleasure <sup>[46]</sup>.
  - The Board facilitates in relation to the gross and overall promotion and preservation of the Wild Animals or the Fauna Species at large as in form of funding the Animal Welfare Organisations, imparting education techniques to the local civilians of the Indian Society as how to effectively and nicely treat the Wild Animals without being the infliction of unnecessary pains and sufferings to them, and also by promoting animals or the entire species of the Fauna Masses in terms of their gross preservation and protection by circulating posters, pamphlets, stickers, public exhibitions, cinematographic documentary shoots and also by making social movies in relation to the gross preservation and protection of the Wild Animals on the larger scale and by committing these positive endeavours the Board preserves and constructively safeguards the entire species and vicinities of the Fauna Species on the larger extent <sup>[47]</sup>.
  - Under Section 11 of this Act, mentions about the lists of treatment with the animals in the most savage and barbaric manner by the owners, persons who are nurturing the Animals and so on like that. The lists enumerate the following such lists as follows:
    - The beating, getting kicked, torturing and over-driving of the animals by any person and as a consequence of the same what is exactly happening to them is nothing but the awful suffering of brutal and intolerable pain which results into the death of them as in form of slow-poison death which is in practicality very harsh, heinous and ruthless on the part of the anti-humans of our Indian Society at large. Therefore, by the commencement of the Act namely the Prevention of Cruelty to Animals Act, 1960 successfully and effectively curbs these brutal issues on the part of the endangered species of Fauna

Masses at large and also to efficiently and fruitfully preserves and protects them against the savage and brutal encounters by the anti-humans at large <sup>[48]</sup>.

In the case namely *K. Muniyasamythevar v. Supdt. of Police* <sup>[49]</sup>, the Hon'ble Madras High Court held that the fruitful prevention of the animals from the dangerous zones of the cruel treatment of animals by the anti-humans at large under Section 11 of the Prevention of Cruelty to Animals Act, 1960 is the need of the hour these days as most of the animals or the other varieties of the Fauna Species have been killed and vanished earlier only due to the savage treatment of the anti-humans against the entire masses of the Wild Animals by the torturing and jeopardizing acts of hunting, poaching, confining the animals, or by administering any chemical drugs to them in their food or through by indirect mode of feeding them any stuff. The Act, therefore of 1960 soundly curbs the mental and physical issues and other socio-legal hindrances of the Animals and also effectively preserves and protects them against the savage treatments and other forms of the brutal encounters being imposed by these anti-humans of our Indian Society at large.

In the leading case before the Hon'ble Supreme Court, the Hon'ble Court directed the Central Government of India to make rules under Sub-Sections (1) and (2) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 to ban the illegal slaughter houses within the local municipal area with an exception that the slaughter homes must possessing a valid license if they are operating a slaughter home in the close proximity or vicinity of the Municipal Area. The rationale behind this rule being directed by the Hon'ble Supreme Court of India is to prevent the intolerable and brutal pains on the part of the Fauna Species or the Animal Masses at large, and thus by activating such stringent rules this Act namely the Prevention of Cruelty to Animals Act, 1960 is being effectively and efficiently safeguarding and nurturing the entire endangered Fauna Species of the Forest Land on the larger extent.

- This Act namely the Prevention of Cruelty to Animals Act, 1960 with having the wider scope for the prevention, development, improvement and the efficient safeguarding of the animals from the brutal and savage treatment of the animals by the anti-humans on the larger scale have been undoubtedly minimized and eliminated from its grass root if we compare the earlier laws on the active prevention of the animals from the cruelty at large, as there were having no such active and stringent laws for the net protection and prevention of Wild Animals or the different forms of an Endangered Fauna Species at large <sup>[50]</sup>.
- Under Section 26 of the Act namely the Prevention of Cruelty to Animals Act, 1960 mentions the stringent punishment provisions for the non-compliance to any of the rules and regulations being formed under the Act pertaining to the exhibition or the training of the animals without being registered and such exhibitions and training of the animals as being prohibited by the Central Government caused them an intolerable pain and other forms of awful sufferings to them which sometimes may cause them their death in form of slow-poison one, then in such a case any person does, commits the act of causing an Animal Species or other Endangered Fauna

Species with their respective death or even they attempts to commit the same then, they shall be highly and severally liable for the punishment which shall be in the form of imprisonment that may extend up to three months and fine up to Rs.500 or with both.

### Conclusion

The offences listed under this Act namely the Prevention of Cruelty to Animals Act, 1960 is under the nature of the Cognizable Offence dealt under the Criminal Procedure Code of 1973. The entire Fauna Species and their respective habitats forms the basic and substantial part of the Forest Land, but with the rise in an advent of the anti-human's brutalities and gross atrocities made the entire sustainability's of the Fauna Species a great Herculean-Task to get survived in the Forest Land. There is the clear-cut rule and due process to file or institute a criminal suit against the wrongdoer of the Fauna Species i.e., within three months of the offence being committed against the Fauna Species by any person on the larger extent and not beyond the expiry of the three months' time frame under the Prevention of Cruelty.

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