



Illegal Wildlife Trade in Bangladesh and India: A Study of Comparative Law

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Abstract

Poaching of wildlife and misuse of plant habitats were considered one of the local, small-scale activities carried out by opportunists or miscreants for the purpose of illegal trade or smuggling of certain species. However, the irony is that over the past few decades. It has progressively become a major contributor to illegal trade with a hotspot for serious crimes" including those involving wild animals. Wildlife trafficking has become a serious threat to ecosystem conservation, putting species at risk of extinction and causing loss of biodiversity. The main objective of this work is to ensure that Bangladesh's legal framework is compatible with international regimes, particularly in preventing wildlife trafficking. Additionally, the study undertook systematic research to assess Bangladesh's commitments, performance, and limitations and compare them with the situation in India. Bangladesh is classified as a riparian country under IUCN Red List criteria IV and V. The study reviewed books, journals, research articles, supplements, news, and analysis on both substantive and ancillary national laws, beyond the Wildlife Crime Convention, providing a comprehensive set of legal rules and principles governing interactions between traffickers and species.

Keywords: illicit trade; trafficking; species.



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Abstrak

Perburuan satwa liar dan penyalahgunaan habitat tumbuhan dianggap sebagai salah satu kegiatan lokal berskala kecil yang dilakukan oleh oportunist atau penjahat untuk tujuan perdagangan ilegal atau penyelundupan spesies tertentu. Namun ironisnya hal itu terjadi dalam beberapa dekade terakhir. Satwa liar secara progresif menjadi kontributor utama perdagangan ilegal dan menjadi pusat kejahatan serius" termasuk kejahatan yang melibatkan satwa liar. Perdagangan satwa liar telah menjadi ancaman serius terhadap konservasi ekosistem, menempatkan spesies pada risiko kepunahan dan menyebabkan hilangnya keanekaragaman hayati. Tujuan utama dari perdagangan satwa liar adalah Tujuan dari penelitian ini adalah untuk memastikan bahwa kerangka hukum Bangladesh kompatibel dengan rezim internasional, khususnya dalam mencegah perdagangan satwa liar. Selain itu, penelitian ini juga melakukan penelitian sistematis untuk menilai komitmen, kinerja, dan keterbatasan Bangladesh dan membandingkannya dengan situasi di India, yang merupakan negara tepi sungai di bawah IUCN. Kriteria Daftar Merah IV dan V. Studi ini meninjau buku, jurnal, artikel penelitian, suplemen, berita, dan analisis mengenai undang-undang nasional substantif dan tambahan, di luar Konvensi Kejahatan Satwa Liar, yang menyediakan seperangkat aturan dan prinsip hukum komprehensif yang mengatur interaksi antar pelaku perdagangan manusia dan spesies.

Kata Kunci: perdagangan gelap; perdagangan manusia; spesies;

A. Introduction

No private organization can import or export wild animals without proper authorization or lawful

consent from the forestry department in Bangladesh. A Cites (The Convention On International Trade In Endangered Species Of Wild Fauna And Flora) ¹clearance which is an essential that the animals and plants are not endangered regarding this and CITES was signed in 1973 and came into force in 1975 to regulate international trade in wildlife, prevent the exploitation of wildlife and promote conservation through international cooperation. The forestry department is responsible for issuing the required certificate or valid license for the import or export of rare wild animals for specific purposes. However, a significant number of wildlife animals are being smuggled into the country each year without proper certification or licenses. ²

There were around ‘seven thousand tortoises, ‘thousand & seventy’ birds and almost ‘hundred sixty’ mammals among the ‘eight thousand, two hundred & forty-seven’ animals devoured recently by the wildlife crime control unit at the Hazrat Shahjalal international

¹ Shiv Sahay Singh, “2054 Cases Registered for Killing, Trafficking of Wild Animals WCCB Has Conducted Various Species-Specific Operations.”

² Akash, “Deeper and Darker than You Think: Illicit Wildlife Trade in Bangladesh.”.

airport.³ due to the smuggling of animals through cargo planes, they were quickly cleared from the airport with fake documents. These are kept in different places and usually not kept anywhere for more than ten days & approximately a vast number of trafficked animals were seized during the last six years in our country.⁴

Lions and tigers are trafficked to India through Bangladesh so that illicit wildlife traders can supply these wild animals in the markets according to their demand by dodging taxes. Thereafter, all these animals are trafficked to India, Thailand, Malaysia, China, Singapore, and other countries, using Bangladesh as a crime corridor. Illegal wildlife smuggling is going on through Bangladesh. The animals are transported by air and then transported by road to different points in the country. All the traffickers, poachers, and actors involved in this organized crime are set to establish a billion-dollar business by using our routes.⁵

Wildlife trafficking threatens the security of a country, undermines the rule of law, fuels corruption,

³ Khan, "Animal Trafficking via Bangladesh Countries."

⁴ Khan.

⁵ Roy, "Wildlife Trafficking Bangladesh Remains a Transit Hotspot."

impedes economic progress, contributes to the spread of disease, deprives local communities through their natural resources and pushes rare & wild animal towards endangered species. Several animals are used as the main ingredient in traditional medicines to street vendors and local herbalists such as; in the way of animal derivatives were sold include oils, which contained fat or bile extracts, meat (both fresh and dried) bones and also having beliefs that all these contains aphrodisiac properties purported to produce medicines are commonly sold as ointments for providing relief from joint and muscular pain or may be otherwise.⁶ the united nations office on drugs and crime (UNODC) recognizes the illegal wildlife trade as the third largest transnational crime after drugs and human trafficking and the government needs to take the issue seriously.⁷In addition to environmental problems or the causes of wildlife habitat and food crises, we are noticing another issue of wildlife extinction. That is, a kind of malpractice called “KABIRAJ” is openly⁸ selling the meat of different kinds

⁶ Alves et al., “Medicine from the Wild: An Overview of the Use and Trade of Animal Products in Traditional Medicines.”

⁷ “United Nation Offices on Drugs and Crimes.”

⁸ Shapaw, “Poachers Are Tigers Main Enemy.”

of animals and birds in the markets all over the country. They continue to use obscene language as arthritis, pain and sexual enhancement. The recent “TAKKHAK” (reptile: tokay gecko) hunting in Chittagong region is the result of this series. To which extent the matter of the enactment, implementation and enforcement of legislations on the cross-border movement of wildlife animals are in question though few areas are protected under the existing laws of Bangladesh hence; there are kinds of remarkable inconsistency can be observed in liaison with cites.⁹

So, this paper aims to improve the protection of wildlife trafficking in Bangladesh by reviewing and evaluating the current legal system in Bangladesh and identifying its shortcomings. The report includes a comparative analysis with India, highlighting the significant progress made by India in combating wildlife trafficking, particularly through the Wildlife Protection Amendment Act, 2022. The measures and coordination have strengthened India’s conservation efforts. The paper compares these advances with the current situation in Bangladesh, highlighting gaps and

⁹ Islam, “Rumors and Misconceptions Threaten Tokay Geckos in Bangladesh.”

areas for improvement. Finally, it offers comprehensive solutions and practical recommendations to tackle the problem of wildlife trafficking in Bangladesh at its source, protect animals and promote law and order to maintain ecological balance. In addition to, this study includes both thematic analysis¹⁰ and theoretical analysis. Thematic analysis is a qualitative method that focuses on identifying, analyzing, and interpreting patterns or "themes" in the data. Doctrinal studies examine what law is and how law is developed and used in specific situations by studying the doctrines of law. A theoretical¹¹ framework is developed through a variety of qualitative data analysis techniques, including journal and research methods and secondary data analysis. Data collection is important in this type of research, so primary data and information are analyzed. To complete this study, a variety of research methods will be used including primary and secondary data, documents, books, literature reviews journals, materials, important public information, research

¹⁰ "Anal. Int. Funding to Tack. Illegal Wildl. Trade."

¹¹ Hutchinson and Duncan, "Defining and Describing What We Do: Doctrinal Legal Research."

papers, statistics and instrumental analysis related to the wildlife industry. In addition, this study will review international documents and recommendations, legislation and policy documents related to the Bangladesh issue and compare them with the laws and policies of India.

B. Discussion

1. General Conceptions: Wild Life, Wildlife Trade & Illicit Wildlife Trade

Wildlife refers to all life forms (animals and plants) found in natural environments such as marine, freshwater and terrestrial ecosystems. The Bangladesh Wildlife (Safety and Protection) Act, 2012 defines "wildlife" in Schedules I, II and IV, focusing on the conservation of biodiversity. The legal exchange of wildlife such as food, hides, timber and medicine. The global wildlife trade involves hundreds of millions of plants and animals. However, as stated in Article I(c) of the Convention on International Trade in Wild Animals and Wildlife, wildlife trade is neither illegal

nor unlawful.¹² involving the illegal cross-border movement of live animals, plants and their derivatives (such as fur, wood and medical supplies). The illegal wildlife trade is highly lucrative, generating an estimated \$7 billion to \$23 billion annually.¹³ It causes biodiversity loss, environmental damage, violates national and international laws, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and causes serious problems for conservation money.¹⁴

Illegal wildlife trade, monitored globally by CITES, is one of the most profitable illicit industries, following drugs, counterfeit goods, and human trafficking. According to WWF, this trade is worth at least USD 19 billion annually, with timber and seafood being the most significant commodities.¹⁵ Recent data highlights over 12,000 seizures in the EU, involving more than 317,000 live birds, over 2 million live reptiles, 2.5 million crocodile skins, 1.5 million lizard skins, 2.1 million snake skins, 73 tons of caviar,

¹² Dr.TAPAN kumar day, *Wildlife Law Enforcement In Bangladesh*.

¹³ Threat and Natural, *Rise Environ. Crime*.

¹⁴ No et al., "Wildlife (Conservation and Security) Act , 2012 Chapter I."

¹⁵ "Illegal Wild Life Trade WWF India."

1.1 million coral pieces, and nearly 20,000 hunting trophies traded annually.¹⁶ It is factually quite obscure to get the accurate measure of the market value for the entire illegal wildlife trade being also the reason for its concealed nature. Hence it has been commissioned that several non-governmental & governmental agencies have reckoned the worth of illicit trade in wildlife and tentatively which is the amount of USD 20 billion (dollars) per year; communicated by the official correspondence of the Interpol. It would be cumbersome to unveil the exact value so ¹⁷far, the trade concerned in the distinct part of the globe but shall be subject to the unduly expensive.

In order to tailor a better understanding to the usage of the following terms and concepts given hereinafter been defined as employed in this study: “Uncured Trophy” refers to uncured or unprocessed wildlife parts at risk of destruction. A “Corridor” is a government-protected passage for animal movement between forests. “Biodiversity “covers the genetic

¹⁶ Dr.TAPAN kumar day, *Wildlife Law Enforcement In Bangladesh*.

¹⁷ “Illegal Wild Life Trade WWF India.”

diversity of species in aquatic, terrestrial, and marine ecosystems. A “Trophy “is a processed part of a wild animal, such as skins or tusks. “Wild Animal” includes all species considered wild at any life stage. “Endangered Species” are at immediate risk of extinction, while “Vulnerable Species” face potential future threats. “Hunting “involves any act of harming or capturing wildlife, including destroying nests or eggs.¹⁸

2. Frameworks To Combat Worldwide Illicit Wildlife Trade (Cites: Revisiting The Parent Tool)

CITES provides a legal framework to regulate international trade in wild species with the aim of promoting conservation. In particular, Section 2 classifies species as appurtenances according to their protection and requires that their trade be strictly controlled or prohibited. Article 8 provides administrative control for the state to impose penalties for violations, seize illicit goods and keep records of transactions. Several resolutions also

¹⁸ “THE Wildlife (Conservation and Security)Act,.” Section-2(10) to 2(30)

highlight the role of CITES in promoting international cooperation and management.¹⁹ The Sustainable Development Goals, particularly target 15.7 and United Nations General Assembly resolutions (2015, 2017), strengthen international resolve to combat illegal wildlife trade and ensure sustainable conservation.²⁰

The CITES Secretariat is not a law enforcement agency and does not conduct investigations or seizures. These duties are delegated to local governments. If an individual or organization wishes to report a CITES violation, the Department of Conservation can facilitate communication by sending a message to the local authorities.²¹ As stated in CITES Notice 2004/078, the Department of Conservation is the recipient of information on combating illegal wildlife trade and provides guidance on the delivery of this information.²² The pretension for a leading worldwide wildlife trade monitoring network to promote international co-operation for addressing

¹⁹ "Enforcement - Introduction."

²⁰ "Convention on International Trade in Endangered Species of Wild Fauna and Flora, (Cites)." *Article (I- XIV)*

²¹ "Enforcement - Introduction."

²² "Enforcement - Introduction."

the wildlife trade issues through contributing a certain emphasis on the mandates of the convention on international trade in endangered species of wild fauna and flora and the convention on biological diversity has come to end on the advent of traffic, since from 1976. ²³traffic is the core collaborator for cites in terms of assistance to the formulation of any decision and process or providing information. As the supplementary body it makes sure that international wildlife trade is at sustainable levels and obstruct the threats toward the conservation of species by signing a memorandum of understanding²⁴ purported to undertake joint activities for capacity building held on 1999 between traffic & cites.

CITES member states meet every two to three years in a Conference of the Parties (CoP), a fortnightly event hosted by member states.²⁵ The conference reviews implementation of the Convention, assesses progress in animal protection, considers revisions to the list of names in Annexes I

²³ "TRAFFIC and CITES, 'WWF-India.'"

²⁴ "TRAFFIC and CITES, 'WWF-India.'"

²⁵ Dr.TAPAN kumar day, *Wildlife Law Enforcement In Bangladesh.*

and II, and discusses reports from various groups.²⁶ Proposals are made to improve the effectiveness of the Convention, including financial implementation. Observers, including non-Parties, may attend but cannot vote or participate in discussions, and their participation is determined by the sending country.²⁷ The international union for conservation of nature's red list considering as world's most comprehensive source of information since 1964; relating to the animals, fungus & plants with the status of globally threatened species. IUCN constantly aimed to assessing the species with the risk of extinction & afterwards classify the species step by step into, at first global level amongst one of nine categories & thereafter, eleven at the regional or national level according to the required criteria²⁸ in regards of their geographical range, population trend, size & structure. Red list criteria shall check few matters such as; momentum & range of species' reduction in the recent times, numbers of mature individual still

²⁶ "Convention on International Trade in Endangered Species of Wild Fauna and Flora, (Cites)." *Article III, IV, XVII*

²⁷ Dr.TAPAN kumar day, *Wildlife Law Enforcement In Bangladesh.*

²⁸ "Background and History, "The IUCN Red Lis."

left & the possible chance of declining all such species over the next 100 years, finally forwarding the assessment result for the experts' review. The IUCN red list process has become a large initiative comprised of staffs of IUCN global species program, partner organizations, partner networks who compile species information and IUCH species survival commission experts to make the IUCN red list an inevitable source; used by non-governmental organizations involved in conservation issues, government agencies, wildlife department, researchers & commercial organizations²⁹ etc.

According to the list exceeding 32,000 species are on the verge of extinction out of 120,000 & counting in the present days; including 14% birds, 26% mammals, 33% reef building corals, 34% conifers & 41% of amphibians respectively.³⁰ whereas, Bangladesh has made an assessment result on 2015³¹ enlisted 31 species as regionally extinct & which was only 13 during 2000 which denoted that still Bangladesh required enough data to assess the

²⁹ "Background and History, "The IUCN Red Lis."

³⁰ IRFANULLAH, "Why the Red List Is Crucial."

³¹ BANGLADESH, "IUCN Bangladesh Country Office, Red List of Bangladesh: A Brief on Assessment Result."

extinction risk of 278 animal species, which was 17 percent of 1619 species in total. Thus, it helped Bangladesh to record 14 new animal species, including six mammals³² for the very first time; on the contrary the red list is increasing day by day in favor of Bangladesh. Hence, Bangladesh should have prepared for recovery plans for threatened species and prioritize the conservation process.

3. Regulations to Eliminate Crimes In Wildlife From Bangladesh: Comparative Analysis Between (Bangladesh And India)

A. Bangladesh Standpoint: Cross Border Trafficking In Wildlife

In English common case laws of *r* (on the application of gray and another) v Aylesbury crown court, Mr. James gray, a former horse trader, faced convictions under the animal welfare act 2006 for various offenses related to neglect and causing suffering to animals. Mrs. Gray also appealed against her conviction, but her appeal was

³² Dr.TAPAN kumar day, *Wildlife Law Enforcement In Bangladesh*.

dismissed, and she was ordered to pay prosecution costs. Mr. Gray sought to challenge the crown court's decision on points of law, leading to a judicial review. The case involved interpreting sections of the animal welfare act 2006, such as defining protected animals, determining knowledge or reasonable steps, and certification processes. The crown court heard extensive evidence and found Mr. Gray guilty on multiple charges, emphasizing the act's aim to promote animal welfare. This case underscores the legal intricacies surrounding animal welfare legislation and the importance of interpreting and applying relevant provisions accurately. ³³so, it is not from now on, the British law was aware of the protection of wildlife from a long-time ago. On the other hand, in Bangladesh, it has been reported and caught the miscreant's red handed on the airport for trafficking products made of animals & many endangered species³⁴ such as: birds & turtles several times. But when the matter comes to

³³ Court), R (Gray and another) v Crown Court at Aylesbury, EWHC 500 (.

³⁴ Roy, "Wildlife Trafficking Bangladesh Remains a Transit Hotspot."

smuggling wildlife by using a cross border, our country can be a smashing example surrounded with couple of adjacent neighboring countries.³⁵ however, wildlife trafficking includes both flora & fauna ³⁶but while considering the situation of Bangladesh, wild animals are the victims of this same illicit trade in comparison to that. It is well mentioning that if the plant habitats somehow missed out from the limelight being the reason of blurry understanding between global & national regulations; ³⁷a possible inference shall be drawn in this regard hereinafter. In the case of Bangladesh, tigers & elephants are the main focus for the illicit trade across the border to other state by criminal gangs with the involvement of indigenous people also. Such incidents led to the USA listing India as a focused country since the livestock from Bangladesh been smuggled over

³⁵ Roy.

³⁶ Wittig, "IV. Poaching, Wildlife Trafficking and Organised Crime."

³⁷ Duffy and Humphreys, "Mapping Donors: Key Areas for Tackling Illegal Wildlife Trade (Asia and Africa)."

there.³⁸ constant needs of tiger parts in the local markets for the local medication purpose developed by the territorial people on the basis of their illusive beliefs through extended bluff practices;³⁹ also waging the indigenous traffickers for the intermediary trade in wildlife.

B. Engagements of Indigenous Miscreants

The trade of wildlife resources has always been important for the livelihood of a large number of the people in our country, especially in the tribal areas. The communities settled around our forests for a long time rely on the natural resources for their survival.⁴⁰ they are involved in the forestry business for cash or in the barter system⁴¹ so that they can meet their daily needs. However, such trade was sustainable and did not seriously affect the survival of plant and animal species but later on this scenario was changed. A large portion of this

³⁸ Kabir and Muzaffar, "Bangladesh Environment 2002 A REVIEW OF THE PRESENT STATE OF Bangladesh Environment 2002."

³⁹ Saif et al., "Local Usage of Tiger Parts and Its Role in Tiger Killing in the Bangladesh Sundarbans."

⁴⁰ BAANIYA, *Illicit Wildlife Trade. A Global Review.*

⁴¹ BAANIYA.

trade is meant for the international market and perhaps there has no direct demand for this in Bangladesh. Eventually, Bangladesh's wildlife continues to be exploited for conducting trade in the international markets. The trade driven by consumer greed has turned into commercialization and has taken the shape of an integrated covert operation also.⁴²the sources of the expedition are harvesters, collectors or hunters who often live in rural areas without having direct access to the distribution channels. They have to rely ultimately on observers or buyers for marketing their products. There are also numerous intermediaries who run an integrated nexus between the transportation and market relating to illegal wildlife products.⁴³In current status of Bangladesh has a population of over 160 million people, and the world bank⁴⁴reported an unemployment rate of 4.7% in 2022.during annual monsoons, economic hardships exacerbate, leading to job losses and vulnerability. Consequently, many in

⁴² Islam, "Prevalence and Determinants of Contraceptive Use among Employed and Unemployed Women in Bangladesh."

⁴³ Islam.

⁴⁴ "The World Bank Data."

rural and hilly areas turn to selling bushmeat as a vital source of income. Poverty and seasonal variations in food and work availability drive this phenomenon. Wildlife markets serve as vital trading hubs, offering high-value animals like tigers and crocodiles. The study notes that in hill markets and rural areas, local species are predominantly traded, while urban markets feature both native and exotic species. Various factors such as market type, law enforcement presence, and proximity to ports influence what's sold. Markets closer to law enforcement typically trade fewer high-value wildlife, whereas those near ports see more such transactions.⁴⁵ Bangladesh implemented a ban on wildlife killing in 2012 and established the wildlife crime control unit (WCCU) to enforce it. From June 2020 to June 2023, the WCCU conducted 1,726 operations, seizing over 16,000 wild animals and 264 trophies. Additionally, they pursued 33 cases against

⁴⁵ Mahadi Al Hasnat, 'When It Rains, It Pours: Bangladesh Wildlife Trade Booms during Monsoon' Mongabay (Dhaka, Bangladesh, 21 August 2023) <<https://news.mongabay.com/2023/08/when-it-rains-it-pours-bangladesh-wildlife-trade-booms-during-monsoon/>>.

individuals engaged in the trade, resulting in the discipline of 38 offenders for illegally capturing and selling wild animals in wildlife markets, as reported by the forest department.⁴⁶ In recent case study, the high court bench comprising justice Naima Haider and Justice Kazi Zeenat Haque issued the order after the preliminary hearing of a writ petition aimed at stopping the issuance of licenses for elephant keeping. The writ, filed on 18th February by Actress Joya Ahsan and the animal rights organization people for animal welfare foundation, alleges the use of elephants in circuses, social functions, and extortion activities, as well as the training of elephants through torture for these purposes. Deputy attorney general Amit das Gupta represented the state at the hearing, while lawyer Shakib Mahbub represented the petitioners.⁴⁷ In addition to, Syeda Rizwana Hasan, chief executive of the Bangladesh environmental lawyer's association (BELA), emphasizes the critical role of

⁴⁶ Bangladesh, The forest department of Bangladesh.

⁴⁷ Correspondent, 'HC Suspends Issuing Licence For Elephant Keeping' THE BUISNESS STANDARD (DHAKA, BANGLADESG, 25 February 2024) <<https://www.tbsnews.net/Bangladesh/Court/Hc-Suspends-Issuing-Licence-Elephant-Keeping-798842>>.

government goodwill in safeguarding the environment and natural resources. So, we observe that despite of laws, rules and obligations to protect wildlife trend in Bangladesh, the current government efforts are insufficient. On account of this, they should call for immediate action to protect natural resources, enhance law enforcement against wildlife trades, and provide alternative livelihoods to reduce dependence on wildlife.⁴⁸

C. Bangladesh Against Wildlife Crime: Concentrated & Complementary Legal Regime

The constitution of Bangladesh: the constitution of Bangladesh, established in 1972, does not explicitly mention preventing illicit wildlife trade. However, it provides a framework for environmental protection and conservation. According to the article 18a of the constitution states that the state shall endeavor to protect

⁴⁸ Dr Mohiuddi FOUNDER OF FAROOQUE, 'Bangladesh Environment Lawyer Associations(BELA)' (1993) <<https://Belabangla.Org/%0A%0A>>.

and improve the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests, and wildlife for present and future citizens. Government.

Right after securing the liberation, Bangladesh took initiatives to conclude many development challenges and preserving valuable resources such as: livestock, fauna & flora were one of those by the promulgation of an order, named, Bangladesh wild life (preservation) order, 1973 from the president; now repealed.⁴⁹ The wildlife (preservation & security) act, 2012: to combat new challenges changed with times, the house of nation accommodates new provisions through the enactment of a novel law called, the wildlife (conservation & security) act, 2012. This act of 2012 authorizing the government to form a “wildlife advisory board”⁵⁰ through complying cites standard for the development and management of biodiversity, forest & wildlife;

⁴⁹ “He Bangladesh Wild Life (Preservation) Order, 1973 (President’s Order) (PRESIDENT’S ORDER NO 23.”

⁵⁰ *THE Wildlife (Conservation And Security)Act’, (N 31).
Section 3*

comprised with experts by the enhancement of their official potency. ⁵¹in accordance with the provisions of this act & which has made it compulsory for every private person to register their names ⁵²for the collection of any preserved wildlife species or any product made wherefrom; shall be also subject to the punishment for any breach of it ⁵³amounted up to 01 year of imprisonment and can be extended for the recurrence of such offence up to 02 years of imprisonment.⁵⁴

Government of Bangladesh has been empowered to declare any part of its territory as; protected area, sanctuary, core zone, community conservation areas (defined in the definition clause all such terms) relating to the wildlife, plant preservation & smooth growth thereof under the shade of this law⁵⁵. Entrance of any people within any restricted or protected area declared by authority and has done any

⁵¹ "He Wildlife (Preservation & Security) Act, 2012." *Sec 5*
⁵² *THE Wildlife (Conservation And Security) Act', (N 31).Sec*

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⁵³ "THE Wildlife (Conservation and Security)Act,." *sec 12.*

⁵⁴ "THE Wildlife (Conservation and Security)Act,." *sec39.*

⁵⁵ "THE Wildlife (Conservation and Security)Act,." *sec 2.*

prohibited act thereon; shall be liable and can be punished with the imprisonment up to 02 years & can be extended the amount of imprisonment up to 05 years.⁵⁶

Under the protection of the act of 2012, illegal killing of tigers and elephants are strictly punishable with the imprisonment up to 07 years also shall be extended up to 12 years of imprisonment for recurrence of the offence; as both of those animals were declared most endangered ⁵⁷in Bangladesh. Not only imprisonment rather any amount of pecuniary punishment can be imposed upon the convicted person by the competent magistrates. ⁵⁸hence involvement of trade in tiger or elephant or any commodities made thereof, such offender has to suffer with 03 years of imprisonment shall be extended subject to the recurrence of such offence up to 05 years⁵⁹. Within the framework of this law; illegal killing or trading in crocodile,

20. ⁵⁶ "THE Wildlife (Conservation and Security) Act,."sec 13,17-

⁵⁷ "THE Wildlife (Conservation and Security) Act,."sec35.

⁵⁸ "THE Wildlife (Conservation and Security) Act,."sec36.

⁵⁹ "THE Wildlife (Conservation and Security) Act,."sec44(4).

leopard and birds or migratory birds are prohibited for which punishment can be maximum 05 years but not less than 01 year of imprisonment⁶⁰ along with abetting someone to commits any of the offences mentioned hereinbefore shall be punishable by the meaning of this act.⁶¹

Forum for trial: all the offences defined under this act, shall tried by the 1st class judicial & metropolitan magistrate and court of sessions⁶² provided that, no court will take cognizance of any offence without having written complaint ⁶³from the aggrieved person. Except & otherwise; it has made cognizable and non-bail-able ⁶⁴when the offence relating to illegal trade or killing of tiger or elephant and made the court of sessions enable to try it.⁶⁵

Mobile court act, 2009: actually, made the way of prosecution speedy and may be efficient by holding mobile court at the location of crime

⁶⁰ "THE Wildlife (Conservation and Security)Act,."sec36(2).

⁶¹ "THE Wildlife (Conservation and Security)Act,."sec 37,38.

⁶² "THE Wildlife (Conservation and Security)Act,."sec 41.

⁶³ "THE Wildlife (Conservation and Security)Act,."44(1).

⁶⁴ "THE Wildlife (Conservation and Security)Act,."sec43.

⁶⁵ "THE Wildlife (Conservation and Security)Act,."sec 44(3).

with penalizing the convicted perpetrator on the spot for maximum 02 years of imprisonment with fine and shall sent to the regular court of sessions where the punishment is more than 02 years as to the nature of the offence, which one is severe.⁶⁶ The penal code, 1860: as it is understandable that, wildlife crime is organized in nature therefore, prosecution can be sustained in accordance with the provisions relating to the following offences such as; criminal conspiracy, providing false evidence to the public servant, forgery and theft along with the illustration given in the code.⁶⁷ Special powers act, 1974: special measures can be found to prevent and for concluding more speedy trials & effective punishments for certain grave offences such as; dealing in black market &

⁶⁶ Government Of The Republic Of Bangladesh, 'Mobile Court Act, Bangladesh Version' (Bangladesh Laws, 2009)
<[Http://Bdlaws.Minlaw.Gov.Bd/Act-Details-1025.Html](http://Bdlaws.Minlaw.Gov.Bd/Act-Details-1025.Html)>.Sec2-4

⁶⁷ Government Of The Republic Of Bangladesh Bangladesh, 'The Penal Code', (Bangladesh Laws, 1860)
<[Http://Bdlaws.Minlaw.Gov.Bd/Act-11.Html](http://Bdlaws.Minlaw.Gov.Bd/Act-11.Html)>.S 120A,177,463,378

smuggling in wildlife may punishable with life imprisonment.⁶⁸

4. Prevention of Illicit Wildlife Trafficking In India: Concentrated & Complementary Legal Regime

Asia serves as the epicenter of the global illegal wildlife trade, driven by the substantial purchasing power of major economies in the region. This demand for rare and endangered species as pets, medicines, and food fuels a trade valued at around \$23 billion annually, posing a grave threat to iconic wildlife species.⁶⁹ this illicit trade encompasses trafficking in animal parts like elephant ivory, rhino horns, tiger bones and genitals, leopard pelts and paws, and bear paws and gallbladders, often destined for traditional

⁶⁸ *Government Of The Republic Of Bangladesh Bangladesh, 'Special Power Act' (Bangladesh Laws, 1974)* <[Http://Bdlaws.Minlaw.Gov.Bd/Act-462.Html](http://Bdlaws.Minlaw.Gov.Bd/Act-462.Html)>.SEC 25,25b

⁶⁹ African Wildlife Foundation, 'Africa Wildlife Foundation. 2015 World Wildlife Day Highlights Severity Of Wildlife Crime.' <[Https://Www.Awf.Org/News/World-Wildlifeday-Highlights-Severity-Wildlife-Crime %0A](https://www.awf.org/news/world-wildlifeday-highlights-severity-wildlife-crime)>.

medicines and luxury goods such as clothing, rugs, and wall-hangings.⁷⁰

Between 2018 and 2020, approximately 2054 cases were reported for the illegal killing or trafficking of wild animals in India, leading to the arrest of about 3836 individuals. In 2018, there were 648 cases with 1099 arrests, followed by 805 cases and 1506 arrests in 2019, and 601 cases with 1231 arrests in 2020. This information was provided based on data from the wildlife crime control bureau and state forest and police authorities over the past three years.⁷¹ The conservation ethos in India has ancient roots, with Asoka's 3rd century B.C. Edicts outlining early guidelines for elephant preservation. Over time, conservation efforts have adapted to societal changes, leading to significant developments in wildlife policing, especially in

⁷⁰ Sandeep Kumar Mohanty And Soumya Prakash Patra, 'Tramelling The Illegal Wildlife Trading: A Comparative Legislative Analysis Of China And India' (2021) 27 Sasi 549.

⁷¹ SHIV SAHAY SINGH, '2054 Cases Registered For Killing, Trafficking Of Wild Animals WCCB Has Conducted Various Species-Specific Operations' The Hindu (Kolkata, 11 December 2021) <<https://www.thehindu.com/news/cities/kolkata/2054-cases-registered-for-killing-trafficking-of-wild-animals/article37934115.ece>>.

recent years. India's immense biodiversity underscores its pivotal role in the global wildlife trade, encompassing a variety of species beyond just the charismatic ones. The wildlife (protection) act of 1972 stands as India's cornerstone legislation for animal conservation, complemented by its early ratification of treaties, reflecting its commitment to international cooperation in safeguarding endangered flora and fauna.⁷²

5. Preventive Measures Against Illicit Wildlife Trade: Despite Significant Challenges, There Are Positive Strides In India's Wildlife Efforts.

These include growing public awareness, international collaboration, innovative solutions by NGO's, policy advocacy, and occasional successes in specific regions or species conservation. While obstacles persist, these positive aspects offer hope for effective wildlife

⁷² 'Laws Governing The Wildlife Trade In India' (1969) <[*Uti Possidetis: Journal of International Law, Vol. 5, No. 3 \(2024\)*](https://www.wwf.org/about_wwf/enablers/traffic/illegal_wildlife_trade_in_india/#:~:Text=Trade%20In%20Over%201800%20Species%20Of%20Wild%20Animals%2C,Endangered%20Species%20Of%20Fauna%20And%20Flora%29%20Since%201976.>.</p></div><div data-bbox=)

conservation through collaboration, innovation, and advocacy. Government agencies involved in combating wildlife crime include: the wildlife preservation and enforcement framework in India involves multiple agencies, including the directorate of wildlife preservation, the wildlife crime control bureau (WCCB),⁷³state forest departments, state police departments, the central bureau of investigation (CBI), Indian customs, the department of revenue intelligence, the Indian army, paramilitary forces like the coast guard and ITBP, and forensic institutions like the directorate of forensic sciences and state forensic directorates. The wildlife institute of India plays a crucial role in developing techniques for identifying wildlife parts and supporting enforcement efforts.⁷⁴ Additionally, Interpol, established in 1923, collaborates globally to combat environmental crime, including wildlife crime, with each member country having a national

⁷³ Government Of India Under The Ministry Of Environment And Forests, 'Wildlife Crime Control Bureau' <[Http://Wccb.Gov.In/Index.aspx](http://Wccb.Gov.In/Index.aspx)>.

⁷⁴ Students Of Lawsikho Courses, 'Laws Governing The Wildlife Trade In India' Law Shikho India Learning (10 September 2021) <[Https://Blog.Ipleaders.In/Laws-Governing-Wildlife-Trade-India/](https://Blog.Ipleaders.In/Laws-Governing-Wildlife-Trade-India/)>.

central bureau (NCB) to facilitate coordination. In India, the NCB operates under the central bureau of investigation (CBI). Interpol's efforts to combat environmental crime, initiated in 1992, have expanded to include dedicated officers focused on combating wildlife crime worldwide, working with various authorities.⁷⁵

The non govt organizations play vital roles in wildlife protection: cites (convention on international trade in endangered species of wild fauna and flora): ensures that international wildlife trade doesn't threaten species survival, with each member nation enacting domestic laws to implement cites regulations. Moreover, cites, born out of a resolution at a 1963 IUCN meeting, became active in July 1975. Its aim is to safeguard species from detrimental international trade. Each member state commits to creating and enforcing domestic laws in line with cites regulations, ensuring global wildlife protection.⁷⁶

⁷⁵ Ibid.

⁷⁶ Union Of Government And Civil Society Organisations., 'Iucn (International Union For Conservation Of Nature) I' (1948) <<https://www.iucn.org/about-iucn>>.

WCS: the counter wildlife trafficking program by WCS-India is dedicated to supporting government agencies in detecting, investigating, and prosecuting criminal groups involved in wildlife trafficking. Through collaboration, their aim is to boost conviction rates and dismantle organized wildlife trafficking networks, ultimately safeguarding India's diverse species and their natural habitats. The initiative acts as a crucial facilitator, providing authorities with essential knowledge, skills, and technologies to combat wildlife crime effectively.⁷⁷

WWF INDIA: focuses on biodiversity conservation through collaboration with various stakeholders, ensuring a healthy environment for future generations.⁷⁸ efforts such as "save the tigers" ⁷⁹programs have successfully reduced tiger poaching by engaging ordinary citizens in

⁷⁷ Vanay Verma, 'Causes And Prevention Of Illegal Wildlife Trafficking In India' Law Shikho India Learning (18 August 2021) <<https://Blog.Ipleaders.In/Causes-Prevention-Illegal-Wildlife-Trafficking-India/>>.

⁷⁸ 'Wwf India's Mission' (1969) <https://Www.Wwfindia.Org/Who_We_Are/Mission/>.

⁷⁹ Species And Landscapes Dr. Dipankar Ghose, Director, 'Save The Tiger Wwf-India' (1973) <<https://Join.Wwfindia.Org/Save-The-Tiger.Php>>.

conservation. In west Bengal, collaboration between poachers and forest officials has led to a decline in rhino poaching, prompting authorities to involve local communities in awareness-raising initiatives to deter poaching activities. Organizations like WWF advocate for wildlife conservation measures and accepting donations to support their cause can help combat wildlife crime globally. Contributing to organizations like save animals facing extinction and WWF can play a crucial role in protecting endangered species and preserving biodiversity.

In 2016, India took a significant step in combating trans-boundary wildlife trafficking by formally joining the south Asia wildlife enforcement network (SAWEN). This collaboration involves seven other south Asian countries and focuses on communication, coordination, collaboration, capacity building, and cooperation to tackle wildlife crimes across borders. This initiative enhances regional efforts to combat illegal wildlife trade through joint action and

sharing of resources and expertise.⁸⁰ Moreover, the collaboration between UNEP and the CITES secretariat aims to enhance nations' environmental governance to meet CITES standards in combating illegal wildlife trade. This involves appointing management and scientific authorities, enforcing trade regulations, punishing illegal activities, and seizing illicit specimens. UNEP'S "wild for life" campaign utilizes influential figures with a collective social media reach of over one billion people to raise awareness about the impacts of illegal wildlife trade, aiming to reduce demand for such goods internationally.⁸¹ Apart from, *third national action plan on wildlife for 2017-2031*: India released its third national action plan on wildlife for 2017-2031, marking a significant step in wildlife conservation. This plan, building upon previous ones from 1983 and 2002-2016, stands out for its inclusion of climate change concerns and integration of measures to mitigate its impact on

⁸⁰ Sanjaya Acharya, 'Trafficking Of Wildlife: An Emerging Problem In South Asia' (2019) 19 *Global Journal Of Human-Social (E)* 1 <<https://www.researchgate.net/publication/334372384>>.

⁸¹ "WILD FOR LIFE."

wildlife. Environment minister dr. Harsh Vardhan unveiled the strategy on the launch day of the global wildlife program (GWP), a world bank initiative involving 19 nations to combat wildlife trafficking and promote sustainability. The plan emphasizes learning from international best practices in wildlife habitat management and reducing conflicts between humans and animals. Developed by a committee chaired by former minister JC kala, the plan adopts a landscape approach to conserve all wildlife, prioritizing the recovery of endangered species while preserving their ecosystems. Additionally, it highlights the growing role of the business sector in wildlife conservation and ensures adequate funding, including corporate social responsibility resources, for its implementation.⁸²

On the other hand, cites, a treaty endorsed by 183 nations, serves as a vital tool for wildlife preservation by overseeing global trade in more than 35,000 species of flora and fauna. Its permit system aims to guarantee that international

⁸² "NWAP_Brochure_2017_31."

transactions involving listed species are environmentally sound, lawful, and easily traceable, while also preventing the commercial exchange of endangered species.⁸³ Bangladesh, India are one of them.

6. Indigenous Legal Regime For India Against Illicit Wildlife Trafficking

The constitution of india,1950: the constitution of India recognizes the fundamental right of citizens to carry on any trade, business or profession under article 19(1)(g). However, this right is not absolute and may be subject to reasonable restrictions in the public interest. Destruction or depletion of flora and fauna can result in serious ecological imbalance that threatens human life, which violates article 21 of the constitution. Although the constitution does not explicitly mention wildlife protection, it does imply provisions such as article 21 and the provisions of the consolidated list, state list and

⁸³ Sharon Guynup, Chris R Shepherd And Loretta Shepherd, 'The True Costs Of Wildlife Trafficking' (2020) 21 *Georgetown Journal Of International Affairs* 28.

concurrent list. In particular, article 48-a emphasizes the state's obligation to protect and improve the environment, including forests and wildlife, and article 51-a(g) imposes a fundamental duty on all citizens to protect, improve and show compassion for the environment. To living things.⁸⁴

There was a famous landmark case “*m/s. Ivory traders and manufacturers vs union of India and others*” stated that, the petitioners contested amendments to the wildlife protection act of 1972, which banned the importation of ivory goods. They argued that neither the original act nor the 1991 amendment act covered them, as they were legitimate traders dealing in legally imported ivory. They claimed that these laws violated their constitutional right to conduct business under article 19(1)(g). However, the Delhi high court ruled that the ban on ivory sale and trading was reasonable and constitutional. The court held that the laws were in line with the constitution and necessary to protect endangered species. It concluded that safeguarding animals from

⁸⁴ Government Of India, ‘The Constitution Of India: Selective Comments’ (1950) Part IXA Constitution Of India 1.

extinction outweighed the right to do business, and thus, the laws were valid. So, this case is enhanced to prevent illicit wildlife trafficking.⁸⁵

The India penal code, 1860: sections 428 and 429 of the Indian penal code prohibit causing injury to animals with a value over Rs 10, including throwing acid on cows. Offenders may face a fine of Rs 2000 and/or up to five years in jail. Public nuisance under section 268 covers acts causing annoyance or endangerment to the public, with a fine of up to 200 rupees. Theft, as per section 378, includes taking away movable property, such as animals, with an intention of dishonesty. Offenders may face up to three years in jail, a fine, or both.⁸⁶ The prevention of cruelty to Animals act, 1960: this act was established to prevent the infliction of unnecessary suffering on animals, particularly in the context of covert poaching activities. It stipulates those individuals found guilty of cruelty towards animals, as outlined in section 11, can be fined up to 50 rupees. Repeat offenders within a

⁸⁵ M/S Ivory Traders And Manufacturers . Vs Union Of India And Other (1997) AIR1997DEL.

⁸⁶ Ratanlal Ranchhoddas, 'Ratanlal & Dhirajlal's The Indian Penal Code (Act Xlv Of 1860)' (2007).

three-year period face increased fine, ranging from 25 to 100 rupees, and are also prohibited from owning animals in the future.⁸⁷ The performing animals (registration) rules, 2001: section 3 of the performing animals (registration) rules requires individuals to apply for registration if they intend to train or exhibit animals for performances. The authority responsible for granting registration may impose conditions deemed necessary for the welfare of the animals. These conditions could encompass provisions for regular watering and feeding breaks during transportation, measures to prevent unnecessary suffering during training or exhibitions, ensuring that animals perform acts in accordance with their natural instincts, and prohibiting the participation of sick, injured, or pregnant animals.⁸⁸ The wildlife act was passed by parliament under article 252 of the constitution of India following resolutions passed by 11 state assemblies. Subsequently, the wildlife subject was

⁸⁷ Stephen D Krashen, 'The Prevention Of Cruelty To Animals Act, 1960', Tetrahedron Letters, Vol 46 (1982) <[Http://Eprints.Uanl.Mx/5481/1/1020149995.Pdf](http://Eprints.Uanl.Mx/5481/1/1020149995.Pdf)>.

⁸⁸ Rule The-Performing-Animals-Registration-Rules-, 'The Performing Animals (Registration) Rules', Vol 1972 (2001).

moved to the concurrent list through the 42nd constitutional amendment in 1976, which gave parliament the power to make wildlife laws without recourse to article 252 (1).⁸⁹ The wildlife protection act, 1972: the law regulates trade and commerce involving wild animals, animal products, trophies and derivatives of certain animals. Violation of these provisions will result in imprisonment or fines⁹⁰. Also, under section 26(1)(i) of the Indian forest act, 1927,⁹¹ any person who contravenes any rule of the state in respect of hunting, shooting, fishing, poisoning of water or setting traps or snares shall be punished as follows: this area. The wildlife conservation act, 1972 is the primary law for wildlife conservation in India. A number of modifications were made to adapt to changing circumstances. The main components of this law are: the law divides animals into 'wild

⁸⁹ Maladya*, "WILDLIFE TRAFFICKING CRIMES - ISSUES WITH ENFORCEMENT."

⁹⁰ "The Wildlife (Protection) Act, 1972 (Last Updated 01-04-2023) INDIA."

⁹¹ Sections and Ii, "Of the Control Over Forests An."

animals' and 'wild animals', and wild animals are divided into six categories.⁹²

Only species listed in schedule v (pests) may be hunted without a permit. Other species require special permits and conditions for hunting. List (I) animals can only be hunted in exceptional circumstances with permission from the chief wildlife warden, usually when they pose a threat to human life or are seriously disabled or diseased. List (I) through iv species may be hunted with a permit if they pose a threat to people or property, are disabled, or are irreparably ill. Animals listed in schedules i to iv and vi are protected wherever they are found. Additionally, wild animals as defined in this act are protected as part of their habitat within protected areas. Additionally, the wildlife protection act, 1972⁹³ outlines various crimes against wildlife in India. Crimes include hunting or killing protected animals, damaging or destroying national parks, illegal possession of wild animals or their products, trading in protected animals,

⁹² "The Wildlife (Protection) Act, 1972 (Last Updated 17-08-2024) INDIA."

⁹³ "The Wildlife (Protection) Act, 1972 (Last Updated 17-08-2024) INDIA."

trespassing in a protected area, carrying weapons in this area, lighting fires or using hazardous substances or chemicals in the protected area, and violence or bad behavior in the garden.⁹⁴ In the famous landmark case *"The State of Bihar V. Murad Ali Baig"*⁹⁵ dealt with the legality of elephant hunting under both the Indian penal code and the wildlife protection act. The supreme court ruled that killing or hunting elephants is illegal under the wildlife protection act, 1972, as they are classified under schedule i. The court also emphasized that the definition of "hunting" under this act differs from that in section 429 of the Indian penal code. Additionally, the court noted significant differences in the elements of an offense under the wildlife protection act compared to those under the Indian penal code.

⁹⁴ Govt. Act, "Wildlife Protection Amendment Act."SEC (9-38)

⁹⁵ Kanoon, State Of Bihar vs Murad Ali Khan, Farukh Salauddin & ..., 1989 AIR,.

7. India's Emerging Legal Measures Oozed A Novel Pathway: Despite Having So Many Special Laws, They Did Not Stop, They Implemented An Existing Law For Protection of Wildlife.

So, the wildlife protection amendment bill of 2022, ⁹⁶culminating in its enactment into law, represents a monumental leap forward for India's conservation efforts. This transformative legislation reflects India's steadfast commitment to preserving its diverse wildlife and pristine ecosystems. By introducing progressive amendments, India demonstrates proactive leadership in addressing evolving conservation challenges. While championing the protection of endangered species and their habitats. Through this forward-thinking initiative, India. Not only reaffirms its dedication to biodiversity preservation but also fosters sustainable coexistence between humans and wildlife. The wildlife protection amendment act of 2022 ⁹⁷serves as a beacon of hope for a brighter future, where environmental harmony flourishes, ensuring a

⁹⁶ "Wild Life (Protection) Amendment Bill."

⁹⁷ Govt. Act, "Wildlife Protection Amendment Act."

legacy of abundance for generations to come. Furthermore, the wildlife protection amendment bill, 2022 was introduced in the Lok Sabha by the minister of environment, forests and climate change on December 17, 2021. It amends the wildlife protection act 1972, which provides for the protection of wild animals. Animals, birds and plants of India. ⁹⁸the main reasons for implementation are

Improved species protection: the purpose of this bill is to further strengthen protections for legally protected species. To achieve this goal, we amend existing laws to bring them into line with the convention on international trade in endangered species of wild fauna and flora (cites). ⁹⁹cites is an international convention that ensures that international trade in wildlife specimens does not threaten the survival of species. The recent news, we observed that, India's latest tiger census reveals a significant increase in the tiger

⁹⁸ 'Wild Life (Protection) Amendment Bill' (N 160).

⁹⁹ Hera Rizwan, 'Explained: The Wild Life (Protection) Amendment Bill Passed By The Parliament' India Times (11 December 2022) <<https://www.indiatimes.com/explainers/news/the-wild-life-protection-amendment-bill-passed-by-the-parliament-587181.html>>.

population, now totaling 3,167, With Prime Minister Narendra Modi attributing the success to initiatives like project tiger, launched in 1973. India now hosts over 70% of the world's tigers, marking a remarkable conservation achievement. The population growth is particularly notable in regions like the Shivalik and Gangetic flood plains in the north, as well as central India, where tigers have expanded into new territories In Madhya Pradesh And Maharashtra.¹⁰⁰ Streamlining schedules: current law includes six schedules for specially protected plants, specially protected animals and pest species. The amendment reduces the total number of graphs to four as follows The total number of graphs to four as follows: Reduce the schedule of specially protected animals to two (one for greater protection). 2.Eliminate schedules for pest species. Introducing a new list of specimens listed in the cites appendix (registered specimens)¹⁰¹ The penalties of amended law: the amended act imposes stricter penalties, including

¹⁰⁰ Correspondent, 'Tiger Census: India Now Has 3,167 Tigers, Numbers Show' Bbc News India (India, 11 April 2023) <<https://www.bbc.com/news/world-asia-india-65229322>>.

¹⁰¹ 'Wild Life (Protection) Amendment Bill' (N 160).

imprisonment and higher fines, for breaching its provisions. It boosts fines significantly, with the maximum fine for general violations rising from Rs 25,000 to Rs 1 lakh. For specially protected animals, the minimum fine jumps from Rs 10,000 to Rs 25,000.¹⁰² Improved enforcement and raising public awareness: the amendments provide for more effective enforcement of the law. For example, each state creates a new chief wildlife officer position. Also, this amendment aims to increase public awareness about wildlife conservation. For example, governments must conduct information campaigns.¹⁰³ Obligations under cites: the bill designates a management authority (for granting export or import permits) and a scientific authority (for advice on impact). It requires reporting of transaction details for scheduled specimens and prohibits modifying or removing identification marks from specimens.

¹⁰² IAS, "AN ANALYSIS OF THE WILDLIFE PROTECTION AMENDMENT ACT 2022."

¹⁰³ CORRESPONDENT, 'Wildlife Protection Act 1972- Salient Features, Amendment' ADDA 247 UPC (India, 5 October 2023) <<https://www.adda247.com/upsc-exam/wildlife-protection-act-1972/>>.

Possessors of live scheduled animals must obtain a registration certificate.

Control of invasive alien species: the bill empowers the central government to regulate or prohibit the import, trade, possession, or proliferation of invasive alien species.¹⁰⁴ this measure helps prevent the spread of harmful non-native species that can disrupt ecosystems. Better management of protected areas: the bill allows certain permitted activities within protected areas, such as grazing or movement of livestock, as well as the bona fide use of drinking and household water by local communities. Balancing conservation efforts with local livelihoods is crucial.¹⁰⁵ Conservation reserves: both state and central governments can now notify conservation reserves adjacent to national parks and sanctuaries. This step contributes to better habitat

¹⁰⁴ "RS CLEAR THE WILDLIFE PROTECTION AMENDMENT BILL."

¹⁰⁵ Shuchita Jha, 'Rajya Sabha Passes Wildlife (Protection) Amendment Bill 2021 Wildlife (Protection) Amendment Bill Allows For The Transfer Of Elephants For "Religious And Other Purposes" DOWN TO EARTH (India, 8 December 2022) <<https://www.downtoearth.org.in/news/wildlife-biodiversity/rajya-sabha-passes-wildlife-protection-amendment-bill-2021-86456>>.

management and wildlife protection.¹⁰⁶ Moreover, in India the urgent need to address wildlife trade, both legal and illegal, is crucial to prevent species extinction. Traffic, a partnership between WWF and IUCN, established in 1976, collaborates with governments and agencies to study, monitor, and influence actions aimed at curbing illegal wildlife trade and promoting sustainability in wildlife trade. But there were some salient features of previous WPA 1972. so that, because of the importance of protecting wildlife, the wildlife protection act amendment act, 2022 is taking a significant step forward in protecting India's wildlife. The amendments are expected to help reduce poaching and illegal wildlife trade and improve the overall conservation of India's wildlife.

¹⁰⁶ CORRESPOND, "Wildlife Protection (Amendment) Bill Passed In Rajya Sabha By Voice Vote."

8. Recommendations And Legislative Changes To Address Illegal Wildlife Trade And Crime In Bangladesh Should Include The Following Legislation

The Bangladesh CITES Management Agency, in collaboration with the CITES Secretariat, should immediately expand the national species list. This includes domesticated animals not currently listed in the CITES appendices but considered to be endangered or newly threatened. End the illegal wildlife trade. The Wildlife (Protection and Conservation) Act, 2012, should include a clear definition of “illegal wildlife trade is legal” and clearly define the criminalization of all unauthorized wildlife trade behavior. Conduct raids, armed attacks and undercover operations on shops and stores for the purpose of illegal wildlife trade. For example, one provision provides for sentences of up to 10 years in prison for repeat offenders or serious offenders.

Declaration of “concerned or concerning” areas: Under the Wildlife (Protection and Conservation) Act 2012, the government has the power to declare certain areas as “ecologically

sensitive” or “wildlife crime prone” Areas. This can be done by Gazette notification of such areas, which allows for the development of legal protection and the imposition of certain restrictions on activities such as development, deforestation or the inability to implement conservation measures such as monitoring, active surveillance and additional security in the following areas: pre-legal strategies, bridges and management. The new law should allow wildlife officers to work on a specialist basis: This should include the identification of wildlife hotspots and the ability to pre-emptively arrest and prosecute individuals before actual wildlife violence occurs. Reform should strengthen cooperation in areas covered by CITES and other international agreements to prevent transboundary wildlife trade, including through intelligence sharing, cooperation and protection. The joint surveillance will assess wildlife trade, protect animals and strengthen the law in Bangladesh, strengthening the existing law by combining the provisions of existing laws and making the fight against wildlife trade illegal.

C. Conclusion

The world is confronting a major turning point; rooted in a number of interconnected global challenges including infectious diseases such as COVID-19; financial instability & loss of biodiversity. These problems do not respect national or physical borders rather significantly resulted from the human activities alike; deforestation, proliferation of agricultural land, burning of fossil fuels and the prolonged hunting or trading in wildlife. Unfortunately, most of the wrongdoings have started frequently within the territories belonging to indigenous people without obtaining their prior, informed, and free consent are struggling across the globe to protect this planet & its 80% of biodiversity comprised in grasslands, forests, desserts & marine ecology by living & have lived and sustained these ecosystems for centuries, which is an often-overlooked reality. Hence, the destruction of the world's biodiversity and the exploitation of wildlife should be realized as the centerpiece of present & future global challenges not only in Bangladesh rather across the entire world. The miscreants need to be warned

and careful even if by indicating the fear of legal punishment is required. Needless to say, that national wildlife is struggling to adapt to nature. Some animals are on the verge of extinction due to their inability to adapt to changing environmental Conditions. That is why it is the responsibility of human to make nature habitable for all.

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