



Only enforcing the law will save the tiger

By Praveen Bhargav

Is amendment of the Wildlife Protection Act a solution to effectively address the challenges posed by tiger poaching? Focusing on stronger enforcement by fortifying the foundations of frontline protection and investigation mechanisms is a far greater priority than amending the law.

Union Minister for Environment Jairam Ramesh in response to the tiger crisis has outlined two action points to address the challenge of poaching — amending the Wildlife Protection Act (WLPA) and strengthening the Wildlife Crime Control Bureau (WCCB). Are these the measures that we need to control poaching? Perhaps not.

First, amending the law and increasing penalties are unlikely to deter poachers if enforcement on the ground continues to be weak. The existing penalties provided in the WLPA for hunting in a tiger reserve are not inadequate — the minimum imprisonment on first conviction is three years but can extend to seven years.

The minimum fine is Rs 50,000 which can extend to Rs 2 lakh. For a second conviction, the imprisonment is not less than seven years, together with a minimum fine of Rs 2 lakh which can extend to Rs 5 lakh. Let alone a poacher, even an abettor faces such a strong penalty.

But, what is the conviction rate? To date only a few high profile cases have resulted in full sentences. Increasing the penalty alone may not make a difference unless enforcement mechanisms at state level are strengthened. Entrenched illegal wildlife syndicates use determined criminals who are deterred, not by increased penalties as much as by strong enforcement.

Second, the WLPA has a complete chapter on forfeiture of property derived from illegal hunting and trade. For the provisions of this chapter to be effectively enforced, a competent authority, an administrator and an appellate tribunal require to be constituted. However, six years after enactment, hardly any of the tiger states have moved to establish the prescribed mechanisms. As a direct consequence, the process



of law to effectuate attachment of property of notorious wildlife traders cannot even be set in motion due to non-implementation of existing provisions.

Third, strengthening the WCCB may be useful for dissemination of collated information on wildlife crime and for interface with international agencies tracking the illegal wildlife trade. However, real time primary intelligence to prevent illegal hunting

requires to be developed and acted upon at field level.

It is in this context that a proactive approach of preventing illegal hunting must be accorded very high priority. The discourse on wildlife crime has often thrown up ideas of Central forces and agencies to exclusively fight the menace. While this may be necessary in insurgency ridden reserves or for dealing with investigation of cases having national/ international ramifications, it may not be a practical strategy under our present constitutional framework.

Broadly two approaches may be necessary — one for dealing with poaching in tiger reserve states where the law and order situation is satisfactory and a stronger approach for reserves that are either under severe pressure or overrun by armed insurgents.

For the first category, strengthening of protection and patrol mechanisms at state level must be immediately addressed. The core issue of poor working conditions of frontline field staff, the lack of recruitment resulting in severe staff shortage and the age-

ing of the force has been the subject of considerable debate. And yet this fundamental task is not being adequately tackled, leaving many reserves practically unguarded.

Investigation & prosecution

While prevention of poaching is indeed the desired goal, even the best protection machinery cannot completely eliminate poaching. Such wildlife crimes must be thoroughly investigated and perpetrators prosecuted. This will not only increase deterrence but also indirectly lead to prevention.

At present such a mechanism is either non-existent in many states or is in serious disarray. The already short staffed protection units of the forest department who are not trained in investigation and prosecution cannot be burdened with this responsibility any longer.

A comprehensive solution lies in the creation of a specialised wildlife crime investigation cell in every state under the crime branch. This cell can be structured as an elite investigation unit with a small complement of forest officials on deputation to in-

fuse the necessary wildlife knowledge.

The lack of wildlife forensic facilities is another major problem in effectively securing convictions of wildlife criminals. Infrastructure and resources on wildlife forensics is woefully inadequate with just one major specialised resource at the Wildlife Institute of India in Dehradun. Therefore, establishing a wildlife forensic laboratory in every state would be extremely important.

Finally, to tackle the growing problem of reserves overrun by armed insurgents in states where the law and order has practically collapsed, a highly trained Tiger Protection Force (TPF) can be raised for deployment in identified reserves. The TPF must be placed under the command of field directors of the tiger reserves and remain deployed till normalcy is restored.

Right now, focusing on fortifying the foundations of frontline protection and investigation mechanisms is a far greater priority than amending the penal provisions of the WLPA.

(The writer is a member of the National Board for Wildlife)