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**GREEN CRIMES IN THE FORESTS OF KAZIRANGA, ASSAM**Jayanta Boruah & Namrata Chakrabarty<sup>1</sup>**ABSTRACT**

Green crime, in the recent times has evolved as one of the primary issues across the globe. In nations like India, where most of the poor masses reside in forest areas, illegal activities in relation to forests are steadily growing. As a result of its unpleasant effect on nature, it is slowly grabbing attention of mankind worldwide. Green crime usually takes place through the formation of a network system between the localities and individuals involved in the green crimes who reside at urban areas, known as eco-mafia. Green crime not only disrupts ecosystem of the forest but also breaks the management of the forest. Thus in Kaziranga National Park wildlife crime which includes poaching rhinos and other species has reached such a stage which is very disturbing. The existence of wild animals in Kaziranga National Park has become a matter of worry because of the presence of eco-mafia who are very active in those areas. Rhino poaching in Kaziranga has become a great matter of concern and one of the major green crimes in that area. This article will, hence, focus on the nature of green crimes and the issues connected to it, committed in the forest of Kaziranga, Assam from the facts that were collected through Doctrinal method of research.

Keywords- Green crime, Illegal activities, Eco-mafia, Rhino Poaching

**INTRODUCTION**

In India, the duty of preserving and safeguarding the forests is vested equally on the state<sup>2</sup> as well as the citizens<sup>3</sup>. As forests cater to those necessities of ours which are fundamental for

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<sup>1</sup> Research Scholar at North-Eastern Hill University & Advocate at Gauhati High Court

surviving on this Earth, it becomes a moral duty for the entire humanity to safeguard and preserve the forests. Furthermore, the preservation of forests, currently, has turned into a crucial task as they possess the ability to act as the vital carbon-sink for decreasing the effect of climate change which is now a big issue. Even though, human beings have shown compassion to the nature, but they have also made sufficiently great contributions in the destruction of the environment. It is estimated that, in India crimes related to the environment has rose from 4,732 in 2016 to 42,143 cases in 2017, amongst which most are dangerous to the forest cover.<sup>4</sup> Environmental crime or Green crime is regarded to be a socio-economic offence. Even though the definition of “environmental crime” is not a uniform one, but is mostly accepted as a term which includes all unlawful activities detrimental to the environment and whose goal is to make profits for persons or associations or corporations by misusing, harming, trading or thieving of natural resources, which also involves grave crimes and crimes which are coordinated across national boundaries. Environmental/Green crime also involves corporate offences in the sectors involving forests, misuse and trading of gold and other precious metals or minerals, unapproved fisheries, smuggling of dangerous waste and chemicals and supporting non-state armed groups and terrorists by wealth accumulated illegally from natural resources.<sup>5</sup> The concerned authorities hardly regard harm and injustice to environment as “crime” and most of the injury to the environment and human health is a result of such environmental crime.<sup>6</sup> Green Crime is a genuine and developing worldwide issue, and one which takes different variations. It isn't limited by national boundaries, and can influence a country's economy, security and even its identity as a nation. A huge extent of crimes related to both wildlife and pollution is executed by well-organized networks of criminals, drawn by the generally safe and high benefit nature of these kinds of wrongdoing. Similar routes are used to illegally trade animals across nations

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<sup>2</sup>IND CONST. Art 48A.

<sup>3</sup>IND CONST, Art 51(A)(g).

<sup>4</sup>Bhaskar Tripathi, India has some of the most polluted cities, yet 70% of its environmental crimes ‘crimes’ involve smoking, SCROLL (May 03, 2020, 11:11 PM) <https://scroll.in/article/941896/india-has-some-of-the-major-polluted-cities-yet-70-of-its-environmental-crimes-involve-smoking>.

<sup>5</sup>Nellemann, C., Rune Henriksen, et. al. (eds.) The Rise of Environmental Crime – A Growing Threat To Natural Resources Peace, Development And Security, (UNEP, 2016), p. 7

<sup>6</sup> Melissa L. Jarrell, Environmental Crime and Injustice: Media Coverage of a Landmark Environmental Crime Case, The Southwest Journal of Criminal Justice, (Vol. 6(1), 2009), p. 25

and continents are regularly used to sneak weapons, medications and individuals. Undoubtedly, green crimes regularly happens connected at the hip with different offenses, for example, forgery in passports, defilement, tax evasion and murder.<sup>7</sup>

## **LEGAL AND INSTITUTIONAL FRAMEWORK ADMINSTERING THE FORESTS OF ASSAM**

The topic of 'Forest' is listed under the concurrent list of our Constitution, as such both the Center as well as the State gets the power to make laws on issues concerning the administration of forests.<sup>8</sup> Therefore, in situations of legal inconsistency associated to any issue over the administration of forest made by the Union, the state can legislate to resolve such issues, being in conformity with the Center, in their particular jurisdictions. The key National Legislations that administer the regulation of forests are- Indian Forest Act;<sup>9</sup> Wildlife Protection Act;<sup>10</sup> Forest Conservation Act<sup>11</sup> and in some measure the Biological Diversity Act.<sup>12</sup> While in Assam, the significant laws which govern the matter of 'forest' are- Assam Forest Regulation 1891 (a replica of the Indian Forest Act) which gives the State Government authority to proclaim forests as reserved, protected and village forests besides governing the Department of Forest;<sup>13</sup> Assam (Removal and Storage of Forest Produce) Regulation Act 2000 considered as a pivotal Act as it specifies various offences associated with trading, smuggling and stealing forest produces along with their punishments and also gives authority to the forest officials to search, seize and arrest the persons accused of committing such offences;<sup>14</sup> and lastly, the Assam State Biodiversity Rules 2010 which

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<sup>7</sup> Virender Sindhu, Environmental crimes: An analysis, International Journal of Advanced Educational Research (Vol 3(1), 2018) p.274

<sup>8</sup> IND. CONST. Concurrent List, Entry 17-A Forests & Entry 17-B Protection of Wild Animals and Birds.

<sup>9</sup> Forest Act 1927, No. 16, Acts of Parliament, 1927 (India).

<sup>10</sup> Wildlife Protection Act 1972, No. 53, Acts of Parliament, 1972 (India).

<sup>11</sup> Forest Conservation Act, 1980, No. 69, Acts of Parliament, 1980 (India).

<sup>12</sup> Biological Diversity Act, 2002, No. 13, Acts of Parliament, 2003, (India).

<sup>13</sup> The Assam Forest Regulation, 1891, Regulation 7 of 1891, (Assam).

<sup>14</sup> The Assam Forest (Removal and Storage of Forest Produce) Regulation Act, 2000, No. XII, Acts of Assam State Legislative Assembly, 2000 (Assam).

was passed with the aim of executing the goals of the BD Act in Assam and it also enumerated certain offences in relation to the safeguarding of forests.<sup>15</sup>

Although, the Forest department is the chief institution formed for the protection of forests in Assam, this department is again further sub-divided into 4 main wings - Territorial Wing which has jurisdictions in particular areas spread in Ranges in every district and safeguard such areas; the Social Forestry Wing – it focusses mainly in increasing the forest cover through plantation activities with the aid of the localities; Wildlife Protection Wing which is basically endowed with the duty of safeguarding the wild animals and plants through the means of maintaining records and keeping an eye on the ongoing unlawful activities against those wild species; and finally the Research and Analytical Wing which further sub-divided into Genetic Division entrusted with the duty of accumulation of seeds from Genetically Superior Plus Trees and maintaining them, secondly the Silviculture division which focusses on research related activities associated with preservation of forests and the thirdly, the Forest Research and Survey Division whose duty is to conduct surveys, research and make people aware about the conservation of forests.<sup>16</sup> Besides the institutional framework, the BD Act has formed the Assam State Biodiversity Board (ASSB) and the Biodiversity Management Committees (BMCs) principally for the purpose of monitoring Access and Benefit System along with that it is also endowed with the duties of keeping an eye on the safeguarding and preservation of the forests and these activities are usually carried out by way of cooperation with the forest department itself.<sup>17</sup>

## **ENVIRONMENTAL CRIMES AGAINST FORESTS OF KAZIRANGA NATIONAL PARK**

Poaching for their horns remains a serious threat where the one-horned rhinoceros are targeted and their horns are smuggled. Despite being illegal, rhino horns are still used in some traditional Asian medicines for the treatment of a variety of illnesses. As per the Vietnamese, the horn of the Rhino provided remedies for fever and liver problems and most importantly it cures cancer diseases. The Kaziranga National Park (KNP) on May 2020 had

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<sup>15</sup>Assam Biodiversity Rules, 2010.

<sup>16</sup>Kaushik Phukan, Ranger Forest Department, Genetic Cell Division, Basistha, Assam

<sup>17</sup>Nayan Das, Technical Assistant, ASBB.

reported its first rhino poaching case of the year 2020 after the concerned officials discovered an adult male carcass without its horn.

P Sivakumar, Director of KNP, said that they discovered the carcass beside the Duamaribeel situated in the Eastern Range Agoratoli range of the park and also verified that this poaching case was the first one after a period of 13 months, the last case was reported on April 1, 2019, in Gohpur side of Biswanath division.<sup>18</sup> The Director also said that they have retrieved eight rounds of empty cartridges of AK-47. According to him, the period of lockdown had seen a spike in cases of attempt to poaching.<sup>19</sup>

Many instances of rhino poaching were reported in the years leading up to 2013. The years 2013 and 2014 saw a great spike in the poaching cases with 27 such incidents in each year. However the numbers dropped to 17 in 2015 and 18 in 2016, again in 2017 and 2018, there were 6 cases while 2019 saw three incidents.

Bibhab Talukdar, who is a conservationist and authority on Asian rhinos, said the recovery of AK-47 cartridges makes it look like a well-planned crime, which was well-organised by individuals possessing advanced arms and ammunition.<sup>20</sup> He also added that the occasion Buddha Purnima which is signified by a full moon day, is the day poachers are usually most active. He also raised concern, when localities of Kamargaon caught a rhino poacher from Arunachal Pradesh during the lockdown period, on how he was able to travel during that period and attempt such an offence.<sup>21</sup>

However there lies an amazing fact that the extinction of the population Rhino is not something new, in the late 1800s and early 1900s, rhino hunting as a sport became popular among the rich.<sup>22</sup> According to reports, in the early 1900s, the one-horned rhinos started

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<sup>18</sup> Esmon Martin, Lucy Vigne & Bibhab Talukdar, Rhino poaching in Assam: Challenges and opportunities, Research Gate, (27 May 2020 1.30 pm) [https://www.researchgate.net/publication/267236037\\_Rhino\\_poaching\\_in\\_Assam\\_Challenges\\_and\\_opportunities](https://www.researchgate.net/publication/267236037_Rhino_poaching_in_Assam_Challenges_and_opportunities)

<sup>19</sup> Ratnadip Choudhury, Rhino Poached, Horn Hacked Off In Assam's Kaziranga, AK-47 Bullets Found, NDTV, ( 25 May 2020 7:45 pm) <https://www.ndtv.com/india-news/rhino-poached-horn-hacked-off-in-assams-kaziranga-ak-47-bullets-found-2226400>

<sup>20</sup> Ibid.

<sup>21</sup> Kaziranga National Park, Rhino Poaching Crisis and Conservation in Assam (19 Jan, 2017), <https://www.kaziranga-national-park.com/blog/rhino-poaching-crisis-conservation-assam/>

<sup>22</sup> Ibid.

coming close to extinction. Moreover, there was a huge drop in the population of Rhinos due to merciless firing by some militants in Assam where more than 200 rhinos were shot. Methods and measure of Conservation were implemented and executed in the starting of the 20th century and hence hunting was made a prohibited activity in Assam, Bengal, and Myanmar.

## CONCLUSION

The previously mentioned facts feature the deplorable condition of Kaziranga National Park alone while there are numerous such offenses taking place in different pieces of Assam and even in whole India. It appears that despite the fact that the law accommodates suitable arrangements to manage such offences yet there is by all accounts an absence of sufficient assets to implement such laws. In the case of Kaziranga, we have seen that how the poachers carry modern and advanced arms thus always being one step ahead of the Forest officials, so it is high time the forest guards should also be given proper arms and be made well-equipped. Sometimes, even the localities are themselves associated with the activities of poaching and smuggling them to third parties thus making it harder for the Forest Dept. to get hold of such offences. Thus it is the need of the hour that more than framing laws, efforts shall be made to expand the present resources of the forest department and to establish Special Courts at the regional levels vested with special jurisdictions over issues concerning the Environment.