

## **THE CRISIS OF CONSERVATION A GLANCE AT THE LEGISLATIVE FRAMEWORK AND GROUND-LEVEL ENFORCEMENT OF FOREST AND WILDLIFE PROTECTION LAWS IN INDIA WITH FOCUS ON RAJASTHAN**

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### **ABSTRACT**

India's vast ecological diversity, protected under an elaborate legislative framework, is facing a conservation crisis. Despite strong statutory mandates aimed at protecting forests and wildlife, enforcement at the ground level is often fragmented and inconsistent. Rajasthan, with its unique arid ecosystems and threatened biodiversity, presents a microcosm of these challenges. This paper critically examines India's primary forest and wildlife protection laws, the Indian Forest Act, 1927; the Wildlife (Protection) Act, 1972; the Forest Rights Act, 2006; and associated constitutional provisions, while exploring their implementation gaps. Using Rajasthan as a focal point, it interrogates institutional failings, conflicts between conservation and community rights, and systemic pressures such as poaching, encroachments, and infrastructural expansion. The analysis concludes with recommendations for harmonizing conservation laws with localized enforcement mechanisms and ecological realities.

*Keywords: Forest Law, Wildlife Protection, Rajasthan, Conservation Enforcement, Forest Rights Act, Indian Forest Act, Biodiversity Law.*

### **INTRODUCTION**

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India is globally recognized for its biological richness, being home to nearly 7–8% of recorded species despite accounting for only 2.4% of the world's land area. Its forest ecosystems are vital not only for biodiversity but also for sustaining the livelihoods of around 275 million people who depend directly or indirectly on forest resources. Yet, the rapid pace of urbanization, land conversion for infrastructure and mining, and pressures from tourism and agriculture have deeply affected forest and wildlife habitats.<sup>3</sup>

Rajasthan, though largely arid and semi-arid, is a critical ecological zone. From the tiger habitats of Ranthambore and Sariska to the fragile desert grasslands of the Great Indian Bustard, the state houses some of India's most threatened biomes. However, ground-level implementation of legal protections has often fallen short. Conservation laws clash with economic goals, and bureaucratic approaches frequently exclude local communities.

## LEGAL FRAMEWORK FOR FOREST AND WILDLIFE PROTECTION IN INDIA

### The Indian Forest Act, 1927

The Indian Forest Act, 1927 was originally designed to assert colonial control over forest resources and continues to inform forest governance today. It classifies forests into reserved, protected, and village forests, and empowers forest officers to regulate access and penalize offences. While effective in establishing a legal framework for forest categorization and protection, the Act has been criticized for its revenue-centric and exclusionary approach. Forest-dwelling communities were historically alienated from their traditional habitats, treated as encroachers under a law that favored state control over conservation or community rights.<sup>4</sup> The rigidity of the 1927's Act has led to legal ambiguities and implementation paralysis in the modern context, especially where forests are inhabited by marginalized groups seeking recognition of land rights under later statutes like the Forest Rights Act, 2006.

### The Wildlife (Protection) Act, 1972

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<sup>3</sup>The Indian Forest Act, No. 16, Acts of Parliament, 1927(India); see also Ghosh, Arunabha, *India's Forest Policy: Retrospect and Prospect*, 12 Environmental Policy & Law 134 (1983).

<sup>4</sup> *Id.*

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The Wildlife (Protection) Act, 1972 marks a pivotal shift toward species conservation and habitat protection. It provides for the creation of Protected Areas (PAs), regulates hunting and trade of wild animals, and categorizes species into Schedules I to VI with increasing levels of protection. Notably, Schedule I species such as tigers and elephants receive the highest level of legal safeguards.<sup>5</sup> The Act has been amended multiple times, most notably in 2002 and 2006, to include stricter penalties, provisions for community reserves, and the establishment of the Wildlife Crime Control Bureau. It also empowers officials to seize property related to wildlife crimes. Despite its robust legal architecture, enforcement remains weak. Poaching cases frequently collapse due to poor investigation and inadequate forensic evidence. Moreover, state forest departments often lack the capacity or political will to enforce the Act rigorously, especially in states like Rajasthan with large, difficult-to-monitor territories.<sup>6</sup>

### **The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**

The Forest Rights Act (FRA), 2006, was enacted to recognize and vest forest rights in forest-dwelling Scheduled Tribes and other traditional forest dwellers. The Act confers both individual and community rights over forest land and resources, and mandates that no forest rights holder can be evicted without recognition of rights under due process. The FRA has transformative potential, but its implementation has been fraught with resistance from forest departments and administrative delays. Forest bureaucracy often views the Act as a threat to conservation objectives, leading to denial or non-processing of legitimate claims. Rajasthan has seen widespread conflicts in this regard, with thousands of claims rejected without proper hearings or documentation.<sup>7</sup>

### **The Environment (Protection) Act, 1986**

Passed after the Bhopal gas disaster, the Environment (Protection) Act, 1986 acts as an umbrella law allowing the central government to take all necessary steps for protecting the environment.

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<sup>5</sup>The Wildlife (Protection) Act, No. 53, Acts of Parliament, 1972 (India).

<sup>6</sup>M.K. Ranjitsinh, *Securing India's Wildlife: The Imperative of the Wildlife (Protection) Act*, 24 Environmental Law & Practice Review 22 (2019).

<sup>7</sup>Bandi, M., *The Political Ecology of Forest Rights in Rajasthan*, Indian Journal of Human Rights & the Law, 18(2), 2022, pp. 59–73.

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Though not exclusively concerned with wildlife or forest protection, it plays a critical supporting role, particularly through Environmental Impact Assessment (EIA) mechanisms for projects near ecologically sensitive zones.<sup>8</sup> However, the EIA regime has faced severe criticism for being diluted, non-transparent, and frequently bypassed. In Rajasthan, EIAs have often been waived for mining or tourism projects near sensitive habitats, undermining the legal protections under the WPA and Forest Act.

## CONSTITUTIONAL PROVISIONS AND JUDICIAL INTERVENTIONS

The Indian Constitution, through Article 48A, directs the state to protect and improve the environment, while Article 51A(g) imposes a fundamental duty on citizens to preserve nature. These provisions, though non-justiciable on their own, have formed the basis for a wide body of environmental jurisprudence.

In *T.N. Godavarman Thirumulpad v. Union of India*,<sup>9</sup> the Supreme Court significantly widened the definition of “forest,” bringing several ecologically sensitive areas under judicial protection. In *Centre for Environmental Law v. Union of India*,<sup>10</sup> the Court stressed the maintenance of protected areas and directed the rationalization of national park boundaries. However, judicial activism has not always translated into executive action. In many cases, orders remain unimplemented due to weak institutional will and bureaucratic resistance at the state level.

## GROUND-LEVEL ENFORCEMENT CHALLENGES

### Institutional Gaps and Enforcement Mechanisms

While India’s environmental legal regime appears comprehensive on paper, its success is critically undermined by fragmented and under-resourced enforcement structures. Forest departments are primarily responsible for the on-ground implementation of both the Indian Forest Act and the Wildlife Protection Act, yet they operate with outdated infrastructure, insufficient human resources, and low morale. According to an audit by the Comptroller and Auditor General (CAG), many state forest departments, including Rajasthan’s, face vacancies

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<sup>8</sup>Shibani Ghosh, *Prevention and Control of Pollution: A Case for Reforming the Environmental Impact Assessment Process in India*, Indian J. L. & Soc’y, 3(2), 2012.

<sup>9</sup> (1997) 2 SCC 267.

<sup>10</sup> (2013) 8 SCC 234.

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exceeding 30% in frontline forest staff roles, such as forest guards and foresters. Patrol routes remain unmanned, leaving vast forest areas exposed to illegal logging, grazing, and wildlife crimes. Rajasthan, despite being home to critical tiger habitats, has had no specialized anti-poaching squad with adequate equipment in several districts.<sup>11</sup> The disconnect between forest departments and law enforcement agencies (such as police) often leads to delays or dismissals of wildlife crime cases, since forest officers lack powers of arrest under the CrPC unless expressly empowered. Moreover, there is insufficient coordination with the judiciary, which delays trials and contributes to poor conviction rates.

### **Encroachments and Land Use Conflict**

One of the biggest enforcement hurdles is the conflict between land development and conservation. Expanding human settlements, agriculture, and infrastructure projects have led to persistent encroachments within protected areas and forest lands. According to data from the Forest Survey of India, more than 1.25 lakh hectares of forest land in Rajasthan alone have been encroached upon as of 2021.<sup>12</sup> Despite legal prohibitions under the Forest (Conservation) Act, 1980, state authorities frequently divert forest land for mining, road expansion, or tourism. In Rajasthan's Alwar and Baran districts, illegal stone mining has operated with tacit state support, even when located within eco-sensitive zones around Sariska and Ramgarh Vishdhari sanctuaries. Clearances granted under the Environment Impact Assessment (EIA) Notification, 2006, are often obtained through flawed reports that downplay ecological damage. Public hearings, mandated under the EIA process, are sometimes waived under "urgent" infrastructure justifications.

### **Poaching and Wildlife Crimes**

Wildlife crime remains one of the most persistent threats to conservation. Poaching of flagship species like tigers, leopards, pangolins, and blackbucks continues, driven by demand in domestic and international markets. Rajasthan has witnessed a series of high-profile poaching incidents, most notably the near-extinction of tigers in Sariska in 2004, which revealed not only

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<sup>11</sup> Sinha, B., *The Institutional Vacuum in Forest Governance: An Analysis of Indian States*, Indian J. Public Administration, Vol. 66, No. 2 (2020), pp. 211–230.

<sup>12</sup> Forest Survey of India, *India State of Forest Report 2021*, Ministry of Environment, Forests and Climate Change (MoEFCC).

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enforcement failure but also administrative complicity. According to the Wildlife Crime Control Bureau (WCCB), Rajasthan ranked among the top five states in India for wildlife crimes between 2018 and 2022. Despite clear legal mandates under the Wildlife Protection Act, prosecution remains weak. Many forest officers lack forensic and procedural training, leading to improper seizure reports, chain-of-custody violations, and incomplete documentation, resulting in acquittals.<sup>13</sup> Cultural practices also play a role. In some areas, poaching is not driven by profit but tradition, particularly among marginalized communities like the Pardhis. Without long-term engagement strategies and sustainable alternatives, these communities continue to be seen as criminals rather than potential allies in conservation.

### **Human-Wildlife Conflict**

Human-wildlife conflict (HWC) is a major enforcement challenge, particularly in Rajasthan, where shrinking habitats push species like leopards, nilgai, and wild boars into agricultural lands and villages. Retaliatory killings, especially through poisoning or electrocution, have increased. In 2022 alone, over 40 leopards died due to human causes in Rajasthan, according to state forest department data.<sup>14</sup> While the Wildlife Protection Act provides for ex gratia payments to victims of wildlife attacks, compensation is delayed, inadequate, or unevenly distributed. This breeds hostility toward conservation laws, with affected communities viewing animals as a threat to life and livelihood rather than protected beings. Moreover, protected area demarcation often disregards traditional grazing corridors and community usage zones, thereby deepening alienation. In such zones, enforcement becomes a conflict zone between forest officers and locals rather than a space for co-management.

### **Implementation Gaps in the Forest Rights Act**

The Forest Rights Act, 2006 intended to democratize forest governance by empowering Scheduled Tribes and Other Traditional Forest Dwellers. However, its enforcement has faced institutional resistance and administrative delay. Forest departments, reluctant to cede control over forest land, often reject claims citing incomplete documents or boundary disputes. In Rajasthan, out of over 1.5 lakh claims filed under the FRA by 2020, less than 60% were

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<sup>13</sup>Wildlife Crime Control Bureau (WCCB), *Annual Wildlife Crime Data Report 2022*, Government of India.

<sup>14</sup> *Id.*

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accepted. Community Forest Resource (CFR) rights, which empower villages to manage and conserve forests collectively, remain under-implemented due to lack of political will and bureaucratic obstruction.<sup>15</sup> Furthermore, many Gram Sabhas are not equipped to engage with the legal process required to assert their rights, resulting in top-down evictions in the name of conservation. The lack of synergy between FRA implementation and wildlife protection laws creates overlapping jurisdictions and enforcement confusion.

## INSTANCES AS TO RAJASTHAN'S CONSERVATION LANDSCAPE

Rajasthan presents a unique ecological profile in India's conservation framework. Although known for its arid and semi-arid landscapes, the state is home to diverse flora and fauna adapted to desert conditions, including the Great Indian Bustard (*Ardeotis nigriceps*), an endangered species. The state's conservation challenge is aggravated by frequent droughts, desertification, and the increasing anthropogenic pressures.

The state's protected areas include Ranthambore National Park, Sariska Tiger Reserve, Desert National Park, and Keoladeo Ghana Bird Sanctuary, among others. Each has witnessed both pioneering conservation attempts and serious failures in policy and enforcement. Rajasthan's case exemplifies the crisis of conservation in India, a dissonance between legislative intent and ground-level execution.

### The Tiger Reserves: Sariska and Ranthambore

The Sariska Tiger Reserve has suffered from high-profile failures, most notably the complete local extinction of its tiger population in 2004 due to unchecked poaching and administrative negligence. The subsequent reintroduction of tigers through translocation was a reactive measure rather than a preventive conservation strategy.<sup>16</sup> In contrast, Ranthambore has seen comparatively stable populations, yet faces threats from unregulated tourism, human-wildlife conflict, and insufficient buffer zones.

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<sup>15</sup>Ministry of Tribal Affairs, *FRA Status Report 2020*, Government of India.

<sup>16</sup>R. Sukumar, *The Story of Sariska: The Lessons Not Learned*, 9 *Conservation and Society* 1, 3–9 (2011).

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The Supreme Court in *Centre for Environmental Law, WWF v. Union of India*<sup>17</sup> emphasized the need for scientific conservation management, including landscape-level planning across tiger reserves. Yet, enforcement on ground in Rajasthan continues to be undermined by limited funding, staff shortages, and encroachment.

### **Desert National Park and the Great Indian Bustard Crisis**

The Desert National Park, spread across Jaisalmer and Barmer districts, is one of the last refuges of the Great Indian Bustard. However, the unchecked installation of wind turbines and power lines in and around the park has led to frequent fatal collisions. The Supreme Court in *M.K. Ranjitsinh v. Union of India*<sup>18</sup> ordered the laying of underground power lines to prevent further deaths of the species. Yet, compliance remains partial, illustrating the enforcement crisis.

### **Community Role and the Bishnoi Example**

Despite institutional shortcomings, community participation in conservation has played a meaningful role. The Bishnoi community, indigenous to western Rajasthan, is known for its deep reverence for wildlife and trees, often risking lives to protect blackbucks and chinkaras. Their involvement in grassroots conservation, however, is rarely integrated into formal policy frameworks.

A report by the Wildlife Institute of India suggested that integrating traditional ecological knowledge systems could significantly improve enforcement and compliance, particularly in arid zones.<sup>19</sup>

### **Development Pressures and Land Use Conflicts**

Rajasthan's expanding infrastructure, particularly solar energy projects in desert regions, has created a direct conflict with conservation efforts. Although renewable energy is critical for climate goals, the absence of proper environmental impact assessments and zoning has led to habitat fragmentation, especially in priority conservation areas.

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<sup>17</sup> (2013) 8 SCC 234.

<sup>18</sup> 2021 SCC OnLine SC 1247.

<sup>19</sup> Wildlife Institute of India, *Status of the Great Indian Bustard in India* (2020), available at [https://wii.gov.in/gib\\_status\\_report\\_2020](https://wii.gov.in/gib_status_report_2020).

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The Rajasthan High Court, in *In Re: Wildlife Protection in Jodhpur Division*,<sup>20</sup> emphasized the need for “prioritization of ecological zones over indiscriminate renewable energy expansion.” However, the lack of a coordinated legal mechanism to balance conservation and development continues to haunt Rajasthan’s environmental governance.

## RECOMMENDATIONS FOR STRENGTHENING CONSERVATION FRAMEWORKS

The current legislative regime suffers from fragmentation and occasional conflict, particularly between the Wildlife (Protection) Act, 1972 and the Forest Rights Act, 2006. Legal scholars have argued for a unifying biodiversity law that aligns conservation objectives with community rights without compromising either. Harmonizing definitions, jurisdiction, and procedural requirements across forest and wildlife laws is essential.<sup>21</sup>

Ground-level enforcement requires strengthening the institutional capacity of forest departments, including improved funding, recruitment, and training. Deployment of camera traps, satellite imagery, and drones for surveillance, already initiated in parts of Ranthambore—needs wider implementation. Technological integration must be supported by legal protocols for data use and accountability.

Recognition and institutionalization of community-led conservation practices, like those of the Bishnois, are necessary. Models such as Joint Forest Management (JFM) and Community Reserves under the Wildlife Act need urgent revival and reformation. Benefit-sharing models, financial and symbolic, should be integrated into wildlife governance policies.

The proactive role of the judiciary, especially the National Green Tribunal (NGT), has been critical. However, there is a growing need for specialized benches and regional green tribunals in states like Rajasthan to address ecological issues more promptly and locally.

A comprehensive conservation strategy in India, particularly in ecologically vulnerable states like Rajasthan, must prioritize a balanced blend of legal robustness, ground-level enforcement, inclusive participation, and adaptive governance. The current challenges, legal fragmentation,

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<sup>20</sup> 2023 SCC OnLine Raj 675.

<sup>21</sup> Kanchi Kohli & Manju Menon, *Development, Displacement and Biodiversity Loss in India*, 36 Economic and Political Weekly 12, 9–14 (2019).

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enforcement incapacity, and socio-ecological disjunction, require systemic reforms that go beyond mere statutory amendments. The following suggestions offer a roadmap for revitalizing India's forest and wildlife governance.

India's legal regime for conservation is often criticized for being fragmented. The overlapping provisions of the Indian Forest Act, 1927, the Wildlife (Protection) Act, 1972, and the Forest Rights Act, 2006 create regulatory ambiguities. A consolidated Code on Forest and Wildlife Governance, as suggested by legal scholars and the Law Commission, would help streamline objectives, clarify jurisdictional roles, and reduce litigation. Integration of the Environment Protection Act, 1986 as an umbrella legislation, with detailed rules and schedules under its fold, could further enhance legal clarity and administrative coherence.

The Forest Department remains the nodal enforcement body, but is severely understaffed and under-resourced, particularly in large states like Rajasthan. Increased budgetary allocations for forest protection, improved recruitment and training of forest guards, and capacity-building programs for forest officers are vital. Technological interventions, including the use of drones, remote sensing, and Geographic Information Systems (GIS), should be mandated through statutory rules to support surveillance and data-driven decision-making. Further, dedicated Wildlife Crime Control Units with trans-jurisdictional authority must be empowered to investigate and prosecute wildlife offenses, which often span state and even national borders. The WCCB should be decentralized for more localized action.

Top-down enforcement models often alienate forest-dwelling communities. It is imperative to recognize the role of local communities as stewards of conservation. Joint Forest Management (JFM) committees must be restructured to ensure genuine participation of tribal and local populations, including women. Access to decision-making, livelihood support linked to conservation activities, and revenue-sharing from ecotourism and forest produce should be institutionalized. Successful models like the participatory conservation approach of the Bishnoi community in Rajasthan, or the Mendha-Lekha model of forest governance in Maharashtra, demonstrate how co-management fosters both ecological and social sustainability. The Forest Rights Act's Community Forest Resource Rights (CFRR) must be implemented in true spirit, with simplified procedures and reduced bureaucratic interference.

In areas like Sariska and Ranthambore, human-wildlife conflicts are frequent and often result in retaliatory killings. A clear and timely compensation policy, preferably backed by an insurance model, should be integrated into the Wildlife Protection Act's rules. Community-based conflict resolution mechanisms, fencing, buffer zone management, and crop compensation schemes must be legally enforceable obligations rather than discretionary state actions.

With increasing desertification in Rajasthan and erratic climate patterns, conservation laws must incorporate climate-sensitive frameworks. Legal mandates for rewilding, native afforestation, watershed development, and climate adaptation planning should be embedded into conservation laws. States like Rajasthan should adopt a "landscape approach" rather than a site-based approach, ensuring ecological corridors and climate connectivity across protected areas.

## CONCLUSION

India's legislative framework for forest and wildlife conservation is arguably one of the most comprehensive globally. Yet, the crisis lies not in the text of the law but in its interpretation, integration, and enforcement. Rajasthan's case illustrates the urgent need for reforms, legal, administrative, and philosophical. Conservation can no longer remain isolated from socio-economic realities. It must engage with development, tradition, and justice. In a world grappling with ecological collapse, India's forests and wildlife offer both a warning and an opportunity. Protecting them, especially in states like Rajasthan where the fragility is high, will demand not just law and policy but a recalibration of the human-nature relationship. Conservation in India stands at a crossroads. The legislative framework, although comprehensive on paper, falters in its operationalization. Rajasthan exemplifies the national conservation paradox, rich biodiversity amidst chronic enforcement and developmental stress. A future-ready conservation strategy must be legally sound, locally participatory, technologically advanced, and ecologically holistic. Only then can India fulfill its constitutional, ethical, and global obligations toward forest and wildlife protection.