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BREEDING THE BIRDS, SECURING THE GRASSLAND? EVALUATING INDIA'S LEGAL APPROACH TO THE PRESERVATION OF THE GREAT INDIAN BUSTARD

~ *Srimayee Mohapatra*

ABSTRACT

What is the point in safeguarding species if the habitats that they rely on are disappearing? Although there are a significant number of laws in place in India, there are still major hurdles to the conservation of wildlife in the country. The Great Indian Bustard offers a useful opportunity to review the interaction between different land uses, the importance of habitat protection and its role in the recovery of species.

India has a complex legal framework which is meant to protect wildlife, but the implementation of these laws is a great challenge. *The Wild Life (Protection) Act, 1972* marked a significant step forward in providing an official framework for wildlife conservation.

Using the Great Indian bustard as an example, this article addresses the need to strengthen the legislative framework concerning the habitat needs of endangered species and focuses on the gaps between conservation objectives and the use of land for different purposes. It seeks to evaluate the extent to which the current legal and regulatory framework considers the connection between habitat security and species survival. It also examines potential institutional and legal steps that might contribute to better habitat protection and guarantee that conservation measures are adequate to enable species to persist in their natural environment.

INTRODUCTION

The **Great Indian Bustard** (*Ardeotis nigriceps*), known as Godawan in Rajasthan, is one of the heaviest flying birds. It is classified as Critically Endangered on the IUCN Red List,¹ Schedule I of the **Wildlife (Protection) Act 1972**, and is the state bird of Rajasthan².

India's relationship with its wildlife is an interesting one. From ancient times until the colonial period, and up to modern-day India, wildlife has been a source of inspiration for people. Wild animals have been an important part of human society. India used to be a habitat for a diverse range of wonderful wildlife species. We have the most stringent enactments to ensure wildlife and living spaces. The wildlife of India is a mix of species of diverse origins. The region's rich and diverse wildlife is preserved in numerous national parks and wildlife sanctuaries across the country.

What is the point of preserving species when their habitat is disappearing? Even if they survive, how are they going to live and thrive in a place where there's no real guarantee of protection or conditions allowing them to do so? We can only preserve them for a short while, but how long can you preserve something when there is no consistency? By giving them status, they can be better protected. The home range of a species is determined by a complex set of interactions involving both external and internal factors that may have considerable impact on its use of resources.

II. Historical Evolution of Wildlife Conservation Laws in India

Historically, the Indian laws for wildlife started with the **Indian Forest Act, 1927**³, which, to a large extent, was meant for the management of forest produce rather than conservation. In this country, the **Wild Life (Protection) Act, 1972**, for the first time laid down comprehensive legislation for the conservation of wildlife and their habitat. The Act not only provided for the establishment of protected areas but also for the regulation of hunting and trade in wildlife (The Wildlife (Protection) Act, 1972).

(a) Indian Forest Act, 1927:

¹ BirdLife International, 'Ardeotis nigriceps' *The IUCN Red List of Threatened Species* (2018) e.T22691932A134188105 <https://dx.doi.org/10.2305/IUCN.UK.2018-2.RLTS.T22691932A134188105.en> accessed 11 October 2026.

² Wildlife (Protection) Act 1972, sch I.

³ Indian Forest Act 1927, preamble.

The Indian Forest Act, 1927 is a deviation, a relic from the past, created with a different objective in view, because the British needed resources from the forests for their own needs. The forest policy and management system in India were the creation of the British government, which laid down the framework of rules in the 19th century. The rationale given was that forest management required professional skills, and only a well-organised, professional department with a centrally directed hierarchy could manage the forests, since local people were not found to have the requisite expertise. The real reason was, of course, that the British wanted to exploit the forest resources for their own industrial use.

A new law needs to depart from the old forest policy by giving more importance to conserving forests and their wealth and, by extension, traditional forest dwellers and tribal people. What is needed is a shift to community-based conservation of forests using scientific methods to conserve the forest wealth. The need for such a conservation strategy cannot be overemphasised because Data reproduced in *EnviStats-India 2018: Environmental Accounts*, drawing on the *India State of Forest Report 2017*, show that only 2.99 per cent of the country's area is classified as very dense forest, while moderately dense forests account for 9.38 per cent and open forests account for 9.18 per cent of the country's geographical area, according to the State Forest Report 2017⁴. New law needs to address the conflict by creating incentives for tribals and demarcating all forest lands to conserve them, to prevent their diversion to other use.

(b) Prevention of Animal Cruelty Act(1960):

in India. It lays out how cruelty towards animals may be defined and the Prevention of Animal Cruelty Act is the basic animal welfare legislation punishment set for various types of animal cruelty. The Prevention of Animal Cruelty Act also provides for the Animal Welfare Board of India, which is charged with animal welfare promotion, as well as coordination, supervision of animal shelters, and advisory services to the government on animal welfare matters. The enforcement of animal-welfare legislation remains a challenge. During his audit of the Animal Welfare Board of India, the Comptroller and Auditor General of India found deficiencies in monitoring of animal cruelty complaints and noted that the board had limited human resources to do its work. This raises questions about the monitoring and coordination of enforcement of the prevention *Cruelty to Animals Act, 1960*⁵.

⁴ Ministry of Statistics and Programme Implementation, *EnviStats-India 2018: Environmental Accounts* (Government of India 2018) 2.7, table 2.3.

⁵ ¹ Comptroller and Auditor General of India, *Report No 3 of 2024*, section 5.1.5.4, 107–08.

(c) Wild Life (Protection) Act 1972

The Wild Life (Protection) Act 1972 was enacted to provide a legal framework for the protection of India's wildlife. It has been amended several times since its enactment. The 1991 amendment made it possible to cover some of the endangered plant species. In addition, the amendment added acts of hunting, wildlife trade, and zoo management to the list of offences under the Act⁶.

Apart from the volume of protected species, the effectiveness of wildlife laws depends on the detail and extent of protective measures. Upon a closer examination of the schedules, SS Bisht pointed out some deficiencies in terms of organisation and coverage of the protected species⁷. Although meant to help, the WLPA has been overly restrictive and counterproductive to actual conservation efforts. It is hard to disagree that the WLPA has reduced levels of hunting and serves as a good legal framework for protectionist conservation. However, it is unclear and hard to quantify to what extent it has contributed to the recovery and reassurance of wildlife populations.

The **Rhesus macaques** (*Macaca mulatta*) can cause problems in agriculture and lead to conflicts between wildlife conservation and farmers' interests. The case study on the human-macaque conflict in India showed that the approach based on cultural and religious beliefs could influence the public's acceptance of management strategies⁸. Nevertheless, the current case study presented the challenge of human-wildlife conflict management rather than the example of legal protection under the Wildlife (Protection) Act, 1972

(d) Forest (Conservation) Act, 1980.

This Act is intended to protect regulating the diversion of non-forest land for non-forest purposes. The Indian states had previously adopted a very fragmented approach to forest governance and conservation. The states had a lot of autonomy over their forest reserves. **The Forest (Conservation) Act 1980** was enacted on 27 December 1980.

⁶ Wild Life (Protection) Amendment Act 1991 (Act 44 of 1991).

⁷ S S Bisht, 'A Critical Review of the Schedules of the Wildlife (Protection) Act, 1972 and their Amendments' (1999) 125(10) *The Indian Forester* 943.

⁸ Sindhu Radhakrishna, 'The Monkey Is Not Always a God: Attitudinal Differences toward Crop-Raiding Macaques and Why It Matters for Conflict Mitigation' (2018) 47 *Ambio* 175.

III. The Great Indian Bustard: Habitat Loss and Competing Land Uses

The Indian legal framework has safeguarded its flora and fauna for generations. The new age argument only focuses on the multiplication of species without knowing and understanding the root cause of it. This approach does not take into consideration the main issue or the interlinking: what is the use of keeping the species if their habitat is getting destroyed? Even if they are surviving, how will they multiply in an environment where there is no proper protection or environment to thrive? We can only keep them safe for a short period; how long can we protect them when there is no consistency in giving them status so that they can be more protected? Animals use behavioural techniques and physiological control to adjust their surroundings. Strong ecological flexibility enables a species to withstand unpredictable environmental changes. However, in the context of dramatic changes in the environment, those species that are less adaptable require more attention.

***From Bustard Recovery Program: Phase 1 (2016–24), Final Report:*⁹**

This programme is an illustration of the kind of species recovery effort which necessarily involves the conservation of habitats. As per the Wildlife Institute of **India's Annual Progress Report 2023-24**, the recovery programme for this species had, till 2023, established captive breeding populations of 29 Great Indian bustards and 10 lesser Floricans.¹⁰ The report also indicates that among the interventions carried out for the recovery of these species were those dealing with nest predators and other threats in situ, including in their habitats. Thus, while these interventions suggest that the conservation efforts for these species go beyond breeding in captivity and release into the wild, the very fact that such interventions suggest that the conservation efforts for these species go beyond breeding in captivity and release into the wild, the very fact that such interventions are necessary raises the question about the adequacy of the ecosystem that is supposed to have been conserved under the existing legal and policy framework.

The Wildlife Institute of India's 2017 report, *Status and trend of Great Indian Bustard, Associated Wildlife and Threats in Thar*, highlights the challenges involved in protecting the habitat¹¹

⁹ S Dutta and others, *Bustard Recovery Program: Phase 1 (2016–24): Final Report* (Wildlife Institute of India 2024).

¹⁰ Wildlife Institute of India, *Annual Progress Report 2023–24* (Wildlife Institute of India 2024)

¹¹ S Dutta and others, *Status and Trend of Great Indian Bustard, Associated Wildlife and Threats in Thar* (Wildlife Institute of India and Rajasthan Forest Department 2017) [page number].

In this report, the Great Indian Bustard shows that the wildlife organisation has come across many challenges dealing with the bird's habitat safety. While performing their survey in the Thar landscape in 2016, the team managed to determine key sites of conservation importance, 11% of the sampled cells as having high conservation value, of which 62% were not covered by a protected area and lay outside protected areas.¹² The report also indicated that the number of Great Indian Bustards decreased with an increase in the amount of human intervention and infrastructure in the region. Furthermore, the team concluded that while birds were safe within protected areas, outside of them, they faced severe threats. In the report, the team then proposed to carry out a strategy that would secure breeding sites within the range of the bird while also taking into account potential outside threats¹³. With this in mind, it is interesting to analyse the extent to which conservation initiatives can protect ecologically important areas that are not within any protected regions.

Ministry of Environment, Forest and Climate Change, Government of India, *Integrated Development of Wildlife Habitats*¹⁴

The Integrated Development of Wildlife Habitats, a wildlife conservation scheme of the Government of India that provides both financial and technical assistance, has three components: support to protected areas, and recovery programmes for critically endangered species and habitat. According to the Ministry of Environment, Forest and Climate Change, the scheme's component on recovery encompasses 22 critically endangered species, including the Bustard and Floricans¹⁵. To be more specific, in 2016, the Government sanctioned Rs 33.85 crore for programme **entitled *Habitat Improvement and Conservation Breeding of Great Indian Bustard: An Integrated Approach, under the Compensatory Afforestation Fund Management and Planning Authority (CAMPA)*¹⁶**. These examples prove that government

¹² YV Jhala and others, *Habitat Improvement and Conservation Breeding of Great Indian Bustard: An Integrated Approach, Annual Progress Report I (April 2016–March 2017)* (Wildlife Institute of India 2017) 11.

¹³ Jhala and others (n 1) 11.

¹⁴ Ministry of Environment, Forest and Climate Change, 'Integrated Development of Wildlife Habitats' (Government of India) <https://moef.gov.in/wildlife-wl> accessed 11 October 2026.

¹⁵ Ministry of Environment, Forest and Climate Change, 'Integrated Development of Wildlife Habitats' (Government of India) <https://moef.gov.in/wildlife-wl> accessed 11 October 2026.

¹⁶ S Dutta and others, *Bustard Recovery Program: Phase 1 (2016–24): Final Report* (Wildlife Institute of India 2024).

policy takes both species recovery and habitat improvement into account as conservation priorities. However, the allocation of funds and the existence of a recovery programme do not on their own constitute proof that suitable habitats are being secured effectively in the long term. This requires looking at the programme's implementation as well as the legal protection available to the grasslands and open landscapes on which the Great Indian Bustard depends.

IV.The Gap Between Species Recovery and Habitat Protection

The 1927 Act is India's response to the international environmental movement and the need for conserving wildlife, inspired by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). India ratified this convention in 1976,¹⁷ and it requires states' cooperation to ensure wildlife and other species protection during trade (CITES)

Captive breeding

Captive breeding deals with the symptom; protecting the grasslands deals with the cause. Grasslands store carbon in their soil, recharge aquifers, and support livelihoods; a landscape approach benefits people as well as birds. Reserves surrounded by hostile land generate conflict when animals spill out. Captive breeding, translocation, and enclosures are means; the end is a viable population in a working ecosystem.

Inadequate funding and resources

One of the major challenges to wildlife conservation laws in India is limited funding and resources. Law enforcement agencies do not have enough operational budget to perform their duties efficiently. In the context of the Great Indian Bustard, the effectiveness of conservation efforts depends not only on funding of captive breeding but also on resources for habitat management, monitoring, and protection.

Corruption and Political Interference

Political involvement is one of the issues that hinder the implementation of wildlife conservation laws. These aspects of governance lower the efficiency of the enforcement

¹⁷ Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), 'India' <https://cites.org/eng/parties/country-profiles/in> accessed 11 October 2026.

agencies; they might cause executive organs to take actions detrimental to the implementation of wildlife laws.

Lack of community involvement

Another challenge that contributes to the slow progress in implementing wildlife laws is the lack of community involvement. In most of these countries, due to weak infrastructure, poverty, corruption, and the perpetuation of obsolete cultural traditions, the people have continued to eke out a living from the natural environment. Currently, global biodiversity loss is a growing problem, and more species are now endangered and facing extinction. Because human society has developed, the habitat wildlife can inhabit is being reduced. So, saving endangered species and biodiversity conservation is a matter of urgency. For protecting endangered animals, *in situ* conservation and *ex situ* conservation are two main conservation strategies that are receiving growing attention, especially in the face of climate change. The most commonly used measures for *in situ* conservation usually include introduction, reintroduction, translocation, and assisted migration¹⁸. For protecting endangered animals, ***in situ* conservation and *ex situ* conservation** are two main conservation strategies that are receiving growing attention, especially in the face of climate change.

The Endangered Species Act (ESA), passed in 1973, was enacted to halt the rapid loss of animal life. Frequently referred to as the “crown jewel” in American environmental laws,¹⁹ the impact of human growth following the widespread extinction of wildlife as a result of hunting, the British government in India landscapes, not species, ought to be the unit of conservation.

In 2024, in the case of ***M.K. Ranjitsinh V Union of India***²⁰ the Supreme Court directed that low-voltage power lines in the bird’s priority habitat be buried underground. Renewable energy companies and the centre objected to this direction, saying that it would have negative repercussions on the economics of solar energy in the states of Rajasthan and Gujarat.

V. CONCLUSION

¹⁸ Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79, arts 2 and 9; IUCN/SSC, *Guidelines for Reintroductions and Other Conservation Translocations* (Version 1.0, IUCN Species Survival Commission 2013).

¹⁹ Endangered Species Act of 1973, 16 USC § 1531(b).

²⁰ *M K Ranjitsinh v Union of India* 2024 INSC 280.

The protection of India's rich and diverse wildlife is a very important goal, not only to maintain ecological balance but also to preserve the country's natural heritage for future generations. A breeding centre cannot take away the pressures; only the decisions and land use can. The improvement of legal frameworks by introducing stricter penalties and simplifying judicial procedures is essential to deter wildlife crimes and to bring about justice. Technological advances such as GIS, remote sensing and wildlife forensics can provide valuable tools for monitoring wildlife and enforcing laws. The answer lies in combining the two: retaining captive breeding as a form of insurance, but planning at the level of landscapes, protecting grasslands as ecosystems under the *Wildlife (Protection) Act, 1972* and in land-revenue records, routing and marking power lines the way the Supreme Court's Expert Committee recommends, rewarding farmers for low-input practices, and monitoring common species as indicators of healthy ecosystems. Ultimately, the success of Great Indian Bustard conservation efforts will be measured not only by how many young birds were raised in captivity. Species and habitat conservation are two sides of the same coin in India's wildlife conservation efforts.