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Wildlife (Protection) Act (WPA), 1972

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Introduction

- **Constitutional Provisions for Wildlife:**
 - The **42nd Amendment Act**, 1976, Forests and Protection of Wild Animals and Birds was transferred from State to Concurrent List.
 - **Article 51 A (g)** of the Constitution states that it shall be the **fundamental duty** of every citizen to protect and improve the natural environment including forests and Wildlife.
 - **Article 48 A** in the **Directive Principles of State policy**, mandates that the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.
- **Wildlife (Protection) Act, 1972:** The Act was enacted for the protection of plants and animal species.
 - It extends to the whole of India except the State of Jammu and Kashmir.
 - Prior to this legislation, India had only five designated national parks.
At present, there are 101 National Parks in India.
- **Authorities Appointed under the Act:**
 - The **Central Government appoints the Director of Wildlife Preservation** and assistant directors and other officers subordinate to the Director.
 - The **State Governments appoint a Chief Wildlife Warden (CWLW)** who heads the Wildlife Wing of the department and exercises complete administrative control over Protected Areas (PAs) within a state.
The state governments are also entitled to appoint **Wildlife Wardens in each district**.

Salient Features of the Act

- **Prohibition of hunting:** It prohibits the hunting of any wild animal specified in Schedules I, II, III and IV of the act.
 - Exception:** A wild animal listed under these schedules can be hunted/ killed only after getting permission from the Chief Wildlife Warden (CWLW) of the state if:
 - It becomes dangerous to human life or to property (including standing crops on any land).
 - It is disabled or suffering from a disease that is beyond recovery.
- **Prohibition of Cutting/Uprooting Specified Plants:** It prohibits the uprooting, damage, collection, possession or selling of any specified plant from any forest land or any protected area.
 - Exception:** The CWLW, however, may grant permission for uprooting or collecting a specific plant for the purpose of education, scientific research, preservation in a herbarium or if a person/institution is approved to do so by the central government.
- **Declaration and Protection of Wildlife Sanctuaries and National Parks:** The Central Government can constitute any area as a Sanctuary, provided the area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance.
 - The government can also declare an area (including an area within a sanctuary) as a National Park.
 - A Collector is appointed by the central government to administer the area declared as a Sanctuary.
- **Constitution of Various Bodies:** The WPA act provides for the constitution of bodies to be established under this act such as the **National and State Board for Wildlife, Central Zoo Authority and National Tiger Conservation Authority.**
- **Government Property:** Hunted wild animals (other than vermin), animal articles or meat of a wild animal and ivory imported into India and an article made from such ivory shall be considered as the property of the Government.

Bodies Constituted under the Act

- **National Board for Wildlife (NBWL):** As per the act, the central government of India shall constitute the National Board for Wildlife (NBWL).
 - It serves as an **apex body for the review of all wildlife-related matters** and for the approval of projects in and around national parks and sanctuaries.
 - The NBWL is **chaired by the Prime Minister** and is responsible for promotion of conservation and development of wildlife and forests.
 - The **Minister of Environment, Forest and Climate Change** is the **Vice-Chairperson** of the board.
 - The board is 'advisory' in nature and can only advise the Government on policy making for conservation of wildlife.

- **Standing Committee of NBWL:** The NBWL constitutes a Standing Committee for the purpose of approving all the projects falling within protected wildlife areas or within 10 km of them.
 - The committee is chaired by the Minister of Environment, Forest and Climate Change.
- **State Board for Wildlife (SBWL):** The state governments are responsible for the constitution of the state board of wildlife.
 - The Chief Minister of the state/UT is the chairperson of the board.
 - The board advises the state government in:
 - The selection and management of areas to be declared as protected areas.
 - The formulation of the policy for protection and conservation of the wild life
 - Any matter relating to the amendment of any Schedule.
- **Central Zoo Authority:** The act provides for the constitution of **Central Zoo Authority** consisting of a total 10 members including the Chairperson and a Member-Secretary.
 - The Environment Minister is the chairperson.
 - The authority provides recognition to zoos and is also tasked with regulating the zoos across the country.
 - It lays down guidelines and prescribes rules under which animals may be transferred among zoos nationally and internationally.
- **National Tiger Conservation Authority (NTCA):** Following the recommendations of the Tiger Task Force, the **National Tiger Conservation Authority (NTCA)** was constituted in 2005 for strengthening tiger conservation.
 - The Union Environment Minister is the Chairperson of NTCA and the State Environment Minister is the Vice-Chairperson.
 - The Central Government on the recommendations of NTCA declares an area as a Tiger Reserve.
 - More than 50 wildlife sanctuaries in India have been designated as Tiger Reserves and are protected areas under the Wildlife Protection Act, 1972.
- **Wildlife Crime Control Bureau (WCCB):** The act provided for the constitution of **Wildlife Crime Control Bureau (WCCB)** to combat organized wildlife crime in the country.
 - The Bureau has its headquarters in New Delhi.
 - It is mandated to:
 - Collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to the State to apprehend the criminals.
 - Establish a centralized wildlife crime data bank.
 - Assist State Governments to ensure success in prosecutions related to wildlife crimes.
 - Advise the Government of India on issues relating to wildlife crimes having national and international ramifications, relevant policy and laws.

Schedules under the Act

The Wildlife (Protection) Act, 1972 has divided the protection status of various plants and animals under the following six schedules:

- **Schedule I:**

- It covers endangered species that need rigorous protection. The species are granted protection from poaching, killing, trading etc.
- A person is liable to the harshest penalties for violation of the law under this Schedule.
- Species under this Schedule are prohibited to be hunted throughout India, except under threat to human life or in case of a disease that is beyond recovery.
- Some of the animals granted protection under the Schedule I include:
 - The Black Buck
 - Bengal Tiger
 - Clouded Leopard
 - Snow Leopard
 - Swamp Deer
 - Himalayan Bear
 - Asiatic Cheetah
 - Kashmiri Stag
 - Fishing Cat
 - Lion-tailed Macaque
 - Musk Deer
 - Rhinoceros
 - Brow Antlered Deer
 - Chinkara (Indian Gazelle)
 - Capped Langur
 - Golden Langur
 - Hoolock Gibbon

- **Schedule II:**

- Animals under this list are also accorded high protection with the prohibition on their trade.
- They cannot be hunted except under threat to human life or if they are suffering from a disease/ disorder that goes beyond recovery.
- Some of the animals listed under Schedule II include:
 - Assamese Macaque, Pig Tailed Macaque, Stump Tailed Macaque
 - Bengal Hanuman langur
 - Himalayan Black Bear
 - Himalayan Newt/ Salamander
 - Jackal
 - Flying Squirrel, Giant Squirrel
 - Sperm Whale
 - Indian Cobra, King Cobra

- **Schedule III & IV:**

- Species that are not endangered are included under Schedule III and IV.
- This includes protected species with hunting prohibited but the penalty for any violation is less compared to the first two schedules.
- Animals protected under Schedule III include:
 - Chital (spotted deer)
 - Bharal (blue sheep)
 - Hyena
 - Nilgai
 - Sambhar (deer)
 - Sponges
- Animals protected under Schedule IV include:
 - Flamingo
 - Hares
 - Falcons
 - Kingfishers
 - Magpie
 - Horseshoes Crabs

- **Schedule V:**

- This schedule contains animals that are considered as **vermin** (small wild animals that carry disease and destroy plants and food). These animals can be hunted.
- It includes only four species of wild animals:
 - Common Crows
 - Fruit Bats
 - Rats
 - Mice

- **Schedule VI:**

- It provides for **regulation in cultivation of a specified plant** and restricts its possession, sale and transportation.
- Both cultivation and trade of specified plants can only be carried out with prior permission of competent authority.
- Plants protected under Schedule VI include:
 - Beddome's cycad (Native to India)
 - Blue Vanda (Blue Orchid)
 - Red Vanda (Red Orchid)
 - Kuth (Saussurea lappa)
 - Slipper orchids (Paphiopedilum spp.)
 - Pitcher plant (Nepenthes khasiana)