



# Wildlife (Protection) Act (WPA), 1972

## Introduction

### ▪ Constitutional Provisions for Wildlife:

- The [42<sup>nd</sup> 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)