

WILDLIFE (PROTECTION) ACT 1972

CONTEXT:

Ivory weighing over 10 tonnes in possession of the Kerala Forest Department will be shifted to a high-security centre. Besides ivory, around 200 kg of sandal oil, seized by the department officials from the illicit sandal oil distilling units earlier, will also be moved to the treasure chest that has come up on the campus of the State Forest Head-Quarters.

All wild animals and its meat and trophy including ivory are considered government property under the Wildlife (Protection) Act.

IMPORTANT POINTERS:

About Wildlife (Protection) Act 1972

- It provides for the safeguard and protection of the wildlife (flora and fauna) in the country.
- India is the first nation in the world to have made provisions for environmental protection in the constitution.
- The Wild Life Protection Act, 1972 is an Act of the Parliament of India enacted for the protection of plants and animal species. Before 1972, India had only five designated national parks.
- The Act provides for the formation of wildlife advisory boards, wildlife wardens, specifies their powers and duties, etc.
- It helped India become a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- The Wild Life Act provides for
 - State wildlife advisory boards,
 - Regulations for hunting wild animals and birds,
 - Establishment of sanctuaries and national parks,
 - Its provisions paved the way for the formation of the Central Zoo Authority. This is the central body responsible for the oversight of zoos in India. It was established in 1992.
 - Regulations for trade in wild animals, animal products and trophies, and
 - Judicially imposed penalties for violating the Act.
 - Harming endangered species listed in Schedule I of the Act is prohibited throughout India.
 - Hunting species, like those requiring special protection (Schedule II), big game (Schedule III), and small game (Schedule IV), is regulated through licensing.
 - A few species classified as vermin (Schedule V), may be hunted without restrictions.
 - The National Board for Wildlife was constituted as a statutory organization under the provisions of this Act.

- It's an advisory board offering advice to the central government on issues of wildlife conservation in India.
- It's the apex body to review and approve all matters related to wildlife, projects of national parks, sanctuaries, etc.
- The chief function of the Board is to promote the conservation and development of wildlife and forests.
- Alternation of boundaries in national parks and wildlife sanctuaries requires prior approval of the NBWL.
- Chaired by the Prime Minister, it has 47 members including the Prime Minister. Among these, 19 members are ex-officio members. Other members include three Members of Parliament (two from Lok Sabha and one from Rajya Sabha), five NGOs, and 10 eminent ecologists, conservationists, and environmentalists.
- The Act also established the National Tiger Conservation Authority.
 - Statutory body of the Ministry of Environment, Forest and Climate Change with an overall supervisory and coordination part, performing capacities as given in the Act.
 - Mandate is to strengthen tiger conservation in India.
 - It gives statutory authority to Project Tiger which was launched in 1973 and has put the endangered tiger on a guaranteed path of revival by protecting it from extinction.
- Considering the pathetic issues related to organized Wildlife Crime and illegal trade of wildlife parts and products, the Wildlife Crime Control Bureau was created in 2007 under the provisions of the Wildlife Protection Act 1972.
 - WCCB is a statutory multi-disciplinary body under the MoEFCC
- It has six schedules that give varying degrees of protection.
 - Schedule I and part II of Schedule II provide absolute protection – offenses under these are prescribed the highest penalties.
 - Species listed in Schedule III and Schedule IV are also protected, but the penalties are much lower.
 - Schedule V includes the animals which may be hunted. The specified endemic plants in Schedule VI are prohibited from cultivation and planting. The hunting to the Enforcement authorities has the power to compound offenses under this Schedule (i.e. they impose fines on the offenders).
- The act has been amended several times:
 - An amendment to the Act in 1982, introduced a provision permitting the capture and transportation of wild animals for the scientific management of the animal population.
 - The 2002 Amendment Act which came into force in January 2003 have made punishment and penalty for offenses under the Act more stringent.
 - Wild Life (Protection) Amendment Act, 2006 – provides for creating National Tiger Conservation Authority and Tiger and Other

Endangered Species Crime Control Bureau (Wildlife Crime Control Bureau).

- Constitutional Provisions for the Wildlife Act
 - Article 48-A: "The State shall endeavor to protect and improve the environment and to safeguard forest and wildlife of the country". This article was added to the Constitution by the 42nd Amendment in 1976.
 - Article 51-A(g): "It shall be the fundamental duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wildlife and to have compassion for living creatures".
 - Article 21: Right to a clean environment.

Schedules of the Wildlife Protection Act

Schedule I

- This Schedule covers endangered species.
- These species need high protection and therefore, provides Absolute Protection and the harshest penalties for violation of the law are under this Schedule.
- Species under this Schedule are prohibited to be hunted and traded throughout India, except under threat to human life.
- Examples: tiger, blackbuck, Himalayan Brown Bear, Brow-Antlered Deer, Blue whale, Common Dolphin, Cheetah, Clouded Leopard, hornbills, Indian Gazelle, etc.

Schedule II

- Animals under this list are also accorded high protection.
- Their trade is prohibited.
- They cannot be hunted except under threat to human life.
- Examples: Kohinoor (insect), Assamese Macaque, Bengal Hanuman langur, Large Indian Civet, Indian Fox, Larger Kashmir Flying Squirrel, Kashmir Fox, etc.

Schedule III & IV

- This list is for species that are not endangered, it includes protected species but the penalty for any violation is less compared to the first two schedules.
- Hunting and trading isn't allowed
- Examples: hyena, Himalayan rat, porcupine, flying fox, Malabar tree toad, etc.

Schedule V

- This schedule contains animals that can be hunted(vermin).
- Examples: mice, rats, common crow, fruit bats, etc.

Schedule VI

- The specified endemic plants in Schedule VI are prohibited from cultivation and planting.
- Examples: pitcher plant, blue vanda, red vanda, kuth, etc.

Sources

- The Indian Express
- The Hindu
- India.gov