



WILDLIFE PROTECTION ACT, 1972

- The most significant legislation on wildlife protection which is based on the ecosystem approach and a regulatory regime of command and control is the **Wild Life Protection Act, 1972**.
- The objective of this enactment was three-fold...
 1. To have a uniform legislation on wild life throughout the country
 2. To establish a network of protected areas, i. e., national parks and sanctuaries
 3. To regulate illicit trade in wild life and its products.



WILDLIFE PROTECTION ACT, 1972

History behind WLP Act, 1972

The earliest codified law can be traced to 3rd Century B.C. when Ashoka, the King of Maghadha, enacted a law in the matter of preservation of wild life and environment.

But, the first codified law in India which heralded the era of laws for the wild life and protection was enacted in the year 1887 by the British and was titled as the Wild Birds Protection Act, 1887 (10 of 1887).

This Act enabled the then Government to frame rules prohibiting the possession or sale of any kinds of specified wild birds, which have been killed or taken during the breeding season.

Again the British Government in the year 1912 passed the Wild Birds and Animals Protection Act, 1912 (8 of 1912) as the Act of 1887 proved to be inadequate for the protection of wild birds and animals.

The Act of 1912 was amended in the year 1935 by the Wild Birds and Animals Protection (Amendment) Act, 1935 (27 of 1935).



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History behind WLP Act, 1972

- After the Second World War the freedom struggle for India started taking its shape and wild life was relegated to the background.
- But after independence, the Constituent Assembly in the Draft Constitution placed "Protection of Wild Birds and Wild Animals" at entry No.20 in the State List and the State Legislature has been given power to legislate.
- It was not till late 1960's that the concern for the depleting wild finally aroused.
- The first comprehensive legislation relating to protection of wild life was passed by the Parliament and it was assented by the President on **9th September, 1972** and came to be known as The Wild Life (Protection) Act, 1972.



WILDLIFE PROTECTION ACT, 1972

The Wild Life Protection Act, 1972 has **66** Sections and has been divided into **seven** chapters relating to

- i) Preliminary,
- ii) Authorities to be Appointed or Constituted under the Act,
- iii) Hunting of Wild Animals,
- iiiA) Protection of Specified Plants,
- iv) Sanctuaries, National Parks (Omitted 1991) and Closed Areas,
- ivA) Central Zoo Authority and Recognition of Zoos,
- v) Trade or Commerce in Wild Animals, Animal Articles and Trophies,
- vA) Prohibition of Trade or Commerce in Trophies, Animal Articles, Etc, derived from Certain Animal,
- vi) Prevention and Detection of Offences,
- viA) Forfeiture of Property Derived from Illegal Hunting and Trade,
- vii) Miscellaneous, and Schedules:- I, II, III, IV, V, VI.



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LIST OF AMENDING ACTS

- The constitution (Forty-second Amendment) Act, 1976.
- The Wild Life (Protection) (Amendment) Act, 1982 (23 of 1982).
- The Wild Life (Protection) (Amendment) Act, 1986 (28 of 1986)
- The Wild Life (Protection) (Amendment) Act, 1991 (44 of 1991).
- The Wild Life (Protection) (Amendment) Act, 1993 (26 of 1993).
- The Wild Life (Protection) (Amendment) Act, 2002 (16 of 2003)
- The Wild Life (Protection) (Amendment) Act, 2006



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WHY AN ACT FOR WILDLIFE?

- ✓ Rapid decline of India's wildlife, one of the richest and most varied became a cause of grave concern.
- ✓ In India wildlife conservation is a major challenge.
- ✓ Wildlife trafficking is a major threat for conservation.
- ✓ It has both local as well as a universal spread.
- ✓ Illegal wildlife trafficking is estimated to be billions of US dollars annually.
- ✓ It is reportedly next only to narcotics and illegal arms trafficking.



WILDLIFE PROTECTION ACT, 1972

Preliminary

2. Definitions:

- (1) Animal includes mammals, birds, reptiles, amphibians, fish other chordates and invertebrates and also includes their young and eggs.
- (15) Habitat includes land water or vegetation which is natural home of wild animals
- (16) Hunting with its grammatical variations and cognate (related to) expressions includes:
- i). Killing or poisoning of any wild animal or captive animal and **every attempt to do so**
 - ii). Capturing coursing, snaring, trapping driving or baiting any wild or captive animal and **every attempt to do so.**
 - iii) Injuring or destroying or taking any part of the body of any such animals.
- (17) “Land” includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural.



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Hunting of Wild Animals

- Sec.9: Prohibition of Hunting
- Sec.11: Hunting of wild animals to be permitted in certain cases
- Sec.12: Grant of permit for special purposes





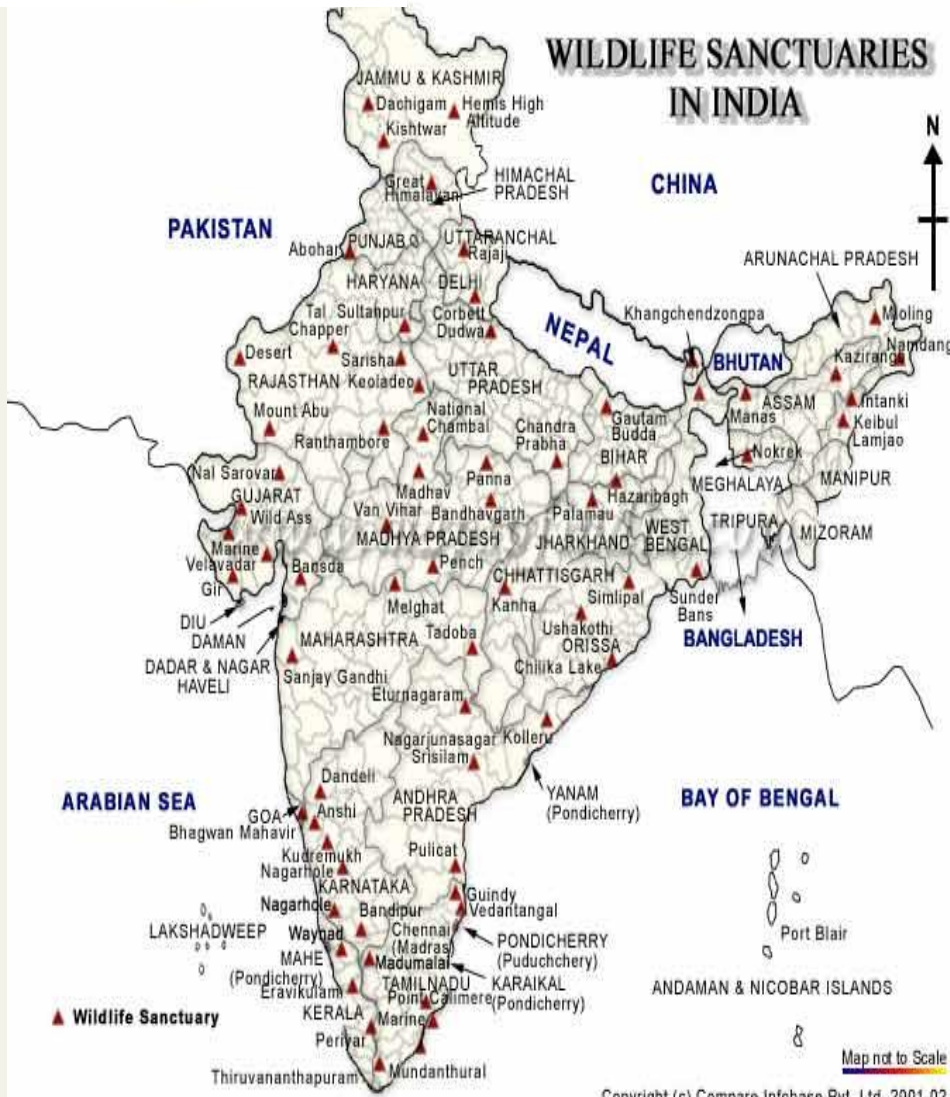
WILDLIFE PROTECTION ACT, 1972

Protected Areas under Wildlife (Protection) Act 1972

- Sanctuaries (Section 26-A)
- National Parks(Section 35)
- Conservation reserves (Section 36-A)
- Community reserves (Section 36-C)
- Section-27 – Restriction on entry
- Section-28 – Grant of permit by CWLW for
 - a) investigation and study of wildlife
 - b) Photography
 - c) Scientific research
 - d) Tourism
- Permit subject to payment of prescribed fee
- Section-29 Destruction etc., Prohibited in Wildlife Sanctuary

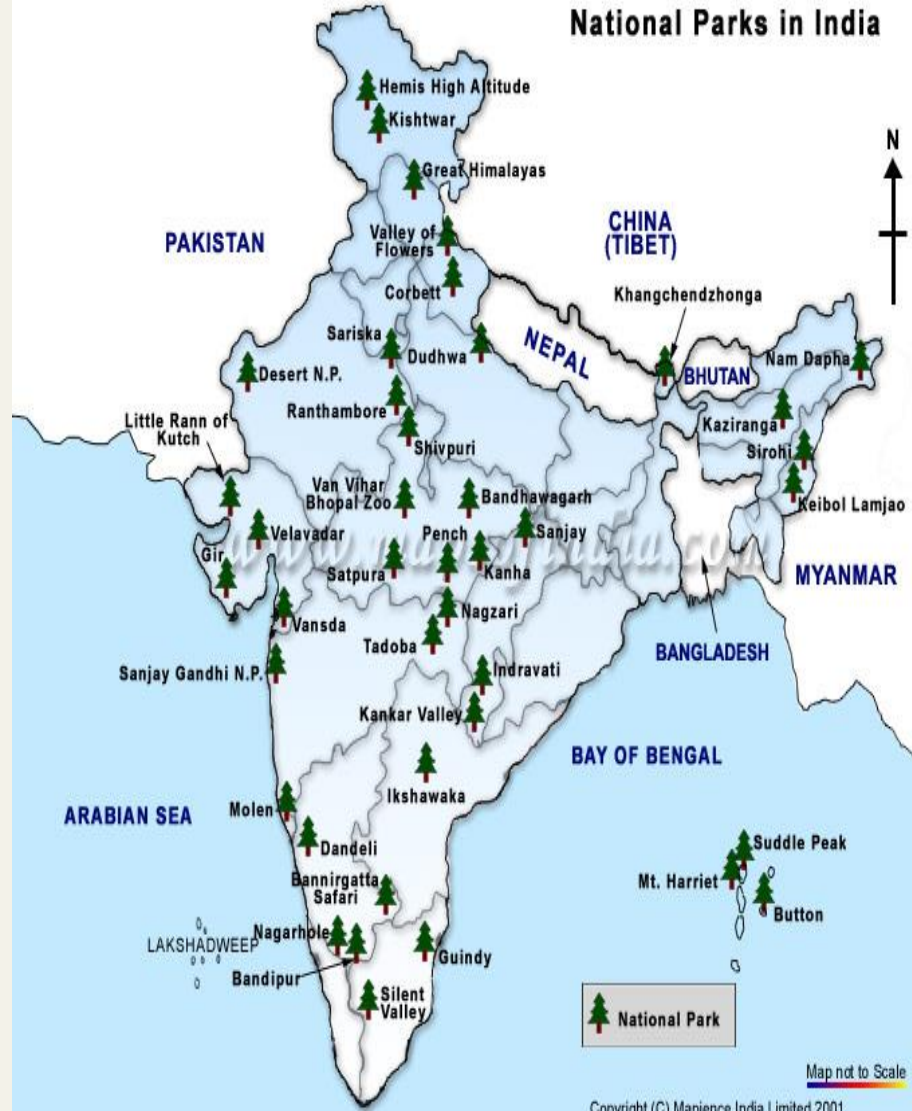


WILDLIFE SANCTUARIES IN INDIA



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National Parks in India



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Cont.....

- Section- 30 Causing of fire prohibited
- Section- 31 Entry with weapon prohibited
- Section- 32 Ban on injurious substances
- Section-33 Control of sanctuaries.
 - CWLW may permit construction of roads
 - Buildings, fencing, barrier, gate
 - Regulate grazing
 - Permit habitat improvement works
- Section – 39.
 - (1) Every –
 1. Wild animal
 2. Animal article
 3. Imported ivory
 4. Vehicle, weapon, tool, trap involved in offence **shall be Govt. property**
 - (2) Any person who obtains such Govt. properties shall report to authorities within 48 hrs.



WILDLIFE PROTECTION ACT, 1972

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- Section – 50 –
 - (1) Any forest officer can enter, search, arrest and detain.
 - (4) Any person detained shall be produced before a magistrate forthwith.
 - (8) Officer not below ACF can issue search warrant, record evidence.
 - (9) Any evidence recorded by the ACF before the accused shall be admissible before a magistrate. **However the State must notify either by name or by Rank through a Gazette Notification as prescribed in the Section 50 Sub-section 8. Without a notification the admissibility of the confessional statement may be challenged in the court of law.**



WILDLIFE PROTECTION ACT, 1972

Types of Wildlife Crime encountered

- Hunting with weapon, trap, snare, net, poison, livewire.
- Keeping live animals like Deer, tortoise, birds, snakes as pets.
- Keeping wild animal articles like skin, horns as trophies without possession certificate.
- Transporting wild animals and wild animal articles without transit permit.
- Road accidents
- Train accidents
- Trade through internet



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Illegal Trade through Internet

- www.ricepuller.com – offender name – B.Srinivas, MBA for trade in Red Sand boa (code : Double engine)
- www.olx.in - offender name – T.Karthik Reddy, B.Tech, M.Srinivasulu, MCA for trade in Indian soft shelled turtle (Code: Four wheeler)





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Species involved in Illegal Trade

- Star Tortoise
- Flap shelled Turtle
- Scaly ant eater
- Porcupine
- Red Sand boa
- Slender Loris
- Tiger / Panther Skin and Bones
- Crocodile, Snake or other Reptile skin
- Deer skin
- Frogs & Lizards
- Red sanders wood
- Herbal Species,
- Rhino Horn, Elephant Tusks, Pangolin Scales





WILDLIFE PROTECTION ACT, 1972

Difficulties in booking wildlife crime

- Vast jurisdiction of protection staff. (???)
- Lack of thorough knowledge of Wildlife Act.
- Lack of mobility and communication.
- Most of the crime occur late in the night.
- Scene of crime often in interior forests.
- People in nearby areas mostly illiterate and reluctant witnesses.
- Persons involved in hunting are well to do and influential.
- Lack of veterinary and forensic facilities
- Lack of knowledge of CrPC and other Laws.



WILDLIFE PROTECTION ACT, 1972

PENALTIES

- Any person who contravenes any provisions of this Act, except Chapter V-A and section 38J or any rule or order made there under or who commits a breach of any of the conditions of any license or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to three years or with fine which may extend to twenty five thousand rupees or with both.
- Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Sch.II, or meat of any such animal or animal article, trophy, or uncured trophy derived from such animal or where offence relates to hunting in a sanctuary or a National Park, or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees.
- Provided further that in the case of a second or subsequent offences of the nature mentioned in this sub-section, the term of imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees.



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- Section – 54 Power to compound offences
 - Officer not below Dy.CF only can compound
 - Maximum composition fee Rs.25000/-
 - On payment person shall be discharged and no further action taken
 - Offences with minimum imprisonment cannot be compounded

- Section – 55 Cognizance of offences
 - Court takes Cognizance of offence ONLY on a COMPLAINT.
 - This at times hurts the police cases as they are used to filing Police Report. Although they are empowered to file a complaint.

- Section – 57 When a person is in possession of animal, animal article etc., the burden of proof lies with the accused.



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SUPREME COURT ORDERS

‡ **WP (Civil) No.202/95, Dt:14.02.2000**

“restrained the Govts. from ordering the removal of dead, diseased, dying or wind fallen trees, drift wood and grasses etc., from any National Park or Game Sanctuary or forests”

‡ **WP (Civil) No.337/95, Dt:12.11.2000**

“Pending further orders, no de-reservation of forests / sanctuaries / national parks shall be affected”

‡ **WP (Civil) No.47/98, Dt:20.11.2000**

“No State Govt. or U.T shall setup a new Zoo without getting clearance from CZA and orders of Supreme Court”

A Bench of Justices A.K. Patnaik and Swatanter Kumar said: **“This court passed an order on July 24, 2012 that till final guidelines are issued, core areas won’t be used for tourism”.**

- Ban on Tourism in Tiger Core Areas – 16th Oct, 2012