

# **Wildlife (Protection) Act, 1972**



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# INTRODUCTION

**(EXTRACT OF SUMMARY COMPILED BY 450 EXPERTS FROM 132 COUNTRIES)**

- Humanity is rapidly destroying the natural world upon which our prosperity and survival depends.
- Changes wrought by decades of pillaging of Forests, Oceans, Soil and Air threaten society as much as climate change.
- One million species on earth face extinction.
- Global temperature has already risen by 1.5<sup>0</sup>C and will rise by another 3<sup>0</sup>C by end of this century.
- Halting, reversing these trends will require a sweeping overhaul of the way reproduce and consume.

# WHAT IS BIODIVERSITY

- It is the variety and variability of life on Earth. It is the most amazing thing on the planet.
- It's key to sustaining health, wealth, food, fuel and all of the vital services we need.
- Each plant and animals is part of a complex web of life.
- Humans are also part of the rich diversity and use it to enhance our quality of life.

## Contd...

- Bio-diversity includes the range of ecosystems like deserts, oceans, rivers, tropical forests, mangroves etc.
- The genetic codes that make each individual within a species are unique are part of biodiversity.
- Biodiversity is extremely complex, dynamic and varied like no other feature on earth.

# NUMBER OF SPECIES ON EARTH

- Conservative estimate - 13.6 Million
- Recent Estimate - 8.70 Million
- Known Species - 1.76 Million

India is among the 12 mega bio-diversity countries in the World harboring nearly 8% of the World's Bio-diversity with only 2.4% of World's land area and 16% of World's population.

# LIFE UNDER THREAT OF EXTINCTION

- Of all known Mammals - 21%
- Of Reptiles - 28%
- Of all known Birds - 12%
- Of all known Amphibians - 40%
- Marine life - 33%
- Of freshwater Fishes - 37%
- Of Plants - 70%
- Of Invertebrates - 35%

**(overall one in three species is under threat)**

# DIRECT DRIVERS OF BIO-DIVERSITY LOSS

Habitat degradation and change	-	31%
Habitat loss	-	13%
Climate change	-	7%
Invasive species	-	5%
Pollution	-	5%
Disease	-	2%
Over Exploitation	-	37%

# BROAD CONSERVATION POLICY

- The last 50 years has seen significant change in Govt. policy vis-à-vis conservation of Forests, Wildlife.
- Since 1992 Govt. has stopped exploitation of Forests and Wildlife for commercial purpose.
- Since 2000, in Sanctuaries and National Parks, nothing can be removed, not even a blade of grass.
- All Wild animals and their body parts are declared as Govt. property.
- No person can keep any wild animal or body part without ownership certificate from CWLW.

## Contd....

- No Govt. or private organisation can keep animals in captivity without permission of CZA.
- Use of wild animals in circuses is banned.
- Trade in wild animals and animal products is illegal.
- No Forest land can be diverted for non-forestry purpose without prior approval of Govt. of India.
- No plant and animal species can be either exported or imported.
- Social Forestry is given a big boost to achieve the goal of 33% of land under tree cover.

# **LEGISLATIONS IN PLACE**

## **NATIONAL ACTS**

1. Indian Forest Act 1927
2. Wildlife (Protection) Act 1972
3. Forest (Conservation) Act 1980
4. Environment (Protection) Act 1986
5. Biodiversity Act 2002
6. WALTA Act 2002

## **INTERNATIONAL CONVENTIONS:**

1. CITES
2. CBD
3. Ramsar Convention.
4. Convention on Migratory Birds.

# WILDLIFE (PROTECTION) ACT 1972

(As amended by Act No. 18 of 2022, w.e.f 1.4.2023)

## SEC.II. DEFINITIONS: -

1. **“Animal”** includes mammals, birds and reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs.
7. **“Chief Wildlife Warden”** means the person appointed as such under clause (a) of sub-section (1) of section-4.

14. **Govt. property** means as in section 39.
15. **“Habitat”** includes land, water or vegetation which is the natural home of any wild animal.
16. **“Hunting”** with its grammatical variations and cognate expressions, includes,
  - a. Killing or poisoning of animal or captive animal and every attempt to do so,
  - b. Capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so,
  - c. Injuring or destroying or taking any part of the body of any such animal or in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles or disturbing the eggs or nests of nests of such birds or reptiles.

20. **“Meat”** includes blood, bones, sinew, eggs, shell or carapace, fat and flesh, whether raw or cooked.
31. **“Trophy”** means rugs, skins, and specimens of such animal mounted in whole through a process of taxidermy and antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb.
39. **“Zoo”** means an establishment where captive animals are exhibited to public.

## CHAPTER-III

- SEC.9:** Prohibition of Hunting: No person shall hunt any wild animal in Schedule-I & II, except as provided U/s 11 and 12.
- SEC.11(a):** The Chief Wildlife Warden may if satisfied that any wild animal has become dangerous to human life or is so disabled or diseased as to be beyond recovery, permit any person to hunt such animal.
- SEC.11(2):** The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence.
- SEC. 12 :** The CWW may grant permit to hunt an animal for education, scientific research and management.

## **SEC.27: Restriction on entry in sanctuary:**

No person other than

- a. A public servant on duty.
- b. A person who has been permitted to reside within the limits of the sanctuary.
- c. A person who has any right over immovable property within sanctuary.
- d. A person passing through the sanctuary along a public highway and
- e. The dependents of the person referred to in clause (a), (b) or (c) can enter sanctuary.



## **SEC.28: Grant of permit:**

1. The Chief Wildlife Warden, may permit to enter or reside in a sanctuary for all or any of the following purposes, namely
  - a. Investigation or study of wildlife;
  - b. Photography, film shooting;
  - c. Scientific research;
  - d. Tourism;
  - e. Transaction of lawful business.
2. A permit to enter or reside in a sanctuary shall be issued subject to payment of such fee as may be prescribed.





**Sec.29:** Destruction, etc., of habitat in a sanctuary prohibited

**Sec.30:** Causing fire prohibited:

**Sec.31:** Prohibition of entry with weapon.

**Sec.32:** Ban on use of injurious substances in Sanctuaries.

**Sec.33:** Control of Sanctuaries by CWW.

**Sec. 34:** Every person living within 10 Km of Sanctuary to register with CWW.



# Sec.38C: Functions of central zoo authority (CZA)



- No Zoos can operate without recognition from CZA and no new Zoo can be set up.
- CZA prescribes minimum standards for upkeep of animals and specifies feed chart for each group of animals.
- Teasing, feeding, injuring, molesting or disturbing any animal are cognizable offence under Sec-38 J.
- No circus / animal facility can operate without CZA recognition.

# Sec.380: NATIONAL TIGER CONSERVATION AUTHORITY (NTCA)

- a. To approve the Tiger Conservation Plan for Tiger Reserves.
- b. Evaluate sustainable ecology and disallow any ecologically unsustainable land use.
- c. Lay down standards for tourism activities and guidelines for TRs.
- d. Address and mitigate man animal conflicts.
- e. Estimation of population of Tiger and its natural prey species, status of habitats.
- f. Approve coordinate research.



# SEC.38Y: CONSTITUTION OF WILDLIFE CRIME CONTROL BUREAU (WCCB)



- i. Collect and collate intelligence related to organized Wildlife Crime activities and to disseminate the same to state.
- ii. Coordination of actions by various Depts., like Forest, Police, Customs, Railways, Ports.
- iii. Implementation of obligations under the international conventions and protocols.
- iv. Assist authorities in foreign countries and international organisations for Wildlife Crime control.
- vi. Advice the Government of India on issues relating to wildlife crimes having national and international ramifications.

# SEC.39: WILD ANIMAL, ETC. TO BE GOVERNMENT PROPERTY:

## (1) Every

- a. Wild animal, which is hunted in contravention of any provisions of this Act
- b. Animal article, trophy or uncured trophy or meat derived from any wild animal
  - a. Ivory and articles made from ivory
  - b. Vehicle, vessel, weapon, trap or tool that has been used for has been seized under the provisions of this Act.

**Shall be the property of the State Govt.**

2. Any person who obtains possession of such Govt. property shall within 48 hours report to nearest Police or Forest Officer.



## Sec. 40: Declaration:

2. No person shall after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified.

2B. Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wildlife Warden.



**SEC. 44:** Dealing in trophy and animal articles without license prohibited.

**SEC.48A:** No person shall transport any wild animal or wild animal article without permission from CWW **(except tail feather of Peacock)**



# CHAPTER-VA

## SEC. 49B: PROHIBITION OF TRADE OR COMMERCE IN TROPHIES, ANIMAL, ARTICLES, ETC.

### No person shall

- a. Commence or carry on the business as:
  - i. A manufacturer of or dealer in scheduled animal article as Taxidermist
  - ii. A dealer in trophy
  - iii. A dealer in any captive animal scheduled animal.
  - iv. A dealer in meat derived from any scheduled animal



## **SEC. 50: POWER OF ENTRY, SEARCH, ARREST AND DETENTION:**

**(1) Any forest officer, Police Officer not below the rank of a sub-inspector, Customs Officer not below the rank of inspector and Post guard not below the rank of Asst. Commandant is empowered to:**

- a. Require any such person to produce for inspection any captive animal, wild animal, animal article and meat.
  - b. Stop any vehicle or vessel in order to conduct search.
  - c. Seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy or any specified plan.
3. Any person detained, or things seized under the foregoing power, shall forthwith be taken before Magistrate to be dealt with according to law.

## **Sec.51: PENALTIES:**

1. Any person who contravenes any provisions of this Act shall on conviction, be punishable with imprisonment for a term which may extend to 3 years or with fine which may extend to Rs.1.00lakh or with both.

Where the offence committed is in relation to any animal specified in schedule-I or Part-II of Schedule-II or hunting in a sanctuary or National Park or altering the boundaries of a sanctuary or National Park, such offence shall be punishable with imprisonment for a term which shall not be less than 3 years but may extend to 7 years and also with fine which shall not be less than Rs.25,000/-.

## **SEC. 54: POWER TO COMPOUND OFFENCES:**

1. Any officer of a rank not below the rank of Deputy Conservator of Forests, is empowered to compound a case by collecting "C" fee.
2. On payment of such sum of money the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken.
3. The officer compounding any offence may order cancellation of any licence or permit granted under this Act.
4. The sum of money to be accepted as composition under sub-sec.(1) shall in no case exceed Rs.5.00 lakh.

**Provided that no offence for which a minimum period of imprisonment has been prescribed in sec.51 shall be compounded.**



## **SEC. 55: COGNIZANCE OF OFFENCES:**

No court shall take cognizance of any offence against this Act on the complaint of any person other than

- a. The Director of Wildlife Preservation, Govt. of India.
- aa. The Member Secretary, Central Zoo Authority.
- ab. Member Secretary, National Tiger Conservation Authority
- ac. Field Director of Tiger Reserves or
- b. The Chief Wildlife Warden or any other officer authorised in this behalf by the State Govt. or
- bb. The officer in-charge of the Zoo in respect of violation of provisions of sec.38J or
- c. Any person who has given notice of not less than sixty days.

## **SEC. 56: OPERATION OF OTHER LAWS NOT BARRED.**

## **SEC. 57: PRESUMPTION TO BE MADE IN CERTAIN CASES.**

Where it is established that a person is in possession, custody or control of any captive animal, animal article, meat, the burden of proving that he is in lawful possession shall lie with the accused.

***Live and let live.***



***Thank You***