

## **WILDLIFE CONSERVATION AND MANAGEMENT: THE LEGAL FRAMEWORK**

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### **INTRODUCTION**

Wildlife means the animals, birds, plants species and other insects which are living in the forest peacefully. But there are many illegal businessmen in the world who think that if they do illegal business with the wildlife then there are no rules which can catch them. But there are several strict laws which deal with the wildlife conservation and management. There are National as well as State boards to protect the wildlife animals and birds in India. Even there is an act named as (WALPA) Wildlife Protection Act (1972) which specially looks after the protection of the wild animals especially those animals and birds which are going to be extinct within few years. In this Act there are provisions for prohibition of hunting by that is Minimum of 3yrs or 7 yrs of imprisonment or imprisonment with Rs.10000. Along with the National Parks, Wildlife Sanctuaries and Tiger Reserves WALPA has included Conservation Reserves and Community Reserves to protect the wildlife. WALPA deals with the illustrated legal rights which are proposed to protect the wildlife. A wildlife Crime Control Bureau (WCCB) was constituted on 2006 to control the illegal businesses running with the help of wildlife products.

There are lots of rights and acts and laws to protect the wildlife. There is a plan known as National wildlife protection plan (2002-2016) which took the place of the earlier plan which was enacted in 1983. The plan especially focuses on escalation and further improving the quality of the protection of the protected area network and also conserving these places of endangered wildlife and habitats, for controlling trade practices of wildlife products for research, education, and training. The State Laws present were outdated and provided punishments which were not in proportion to the offence, so many of the Acts and Laws were changed to protect the wild animals and birds which are in the danger of being extinct. The central Government had no power to make laws which look at steadily in a particular way to the subject related to the entry-20(protection of wild animals and birds) of the state list in the seventh schedule. The legislation of the State of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan and West Bengal have passed decisions for giving powers to the parliament to pass necessary Acts and Statutes for the protection of the wildlife.<sup>1</sup>

Wildlife management is balance between the natural changes of the population and the wildlife from day to day. Wildlife management is done to increase or to decrease the population of wild animals, tree, plant species, insects and other things which comes under

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<sup>1</sup> Available at: <<http://www.conservationindia.org/resources/the-legal-framework-for-wildlife-conservation-in-india-2>> Accessed on: 11 October, 2017

the term 'Wildlife'. Sometimes the managers of the wildlife try to change the habitats of the wild animals so that it not only gives benefit to the wild animals but also the population residing aside. In the wildlife management the wildlife manager should do changes in a particular species so that the wildlife population will increase and that will affect the wildlife habitats. Habitats may be large or small but these habitats are affected by the natural change and the disturbances created the human beings. Some benefits which are not seen are also important and that which we get from the wildlife. The new vision for wildlife has begun from 1960s for the conservation and management of wildlife. There is a act to save the endangered species that is Endangered Species Act (ESA) which was made in 1973 to save the backbone of the wildlife habitat.

For the management of wildlife there are some essential things which should be present in a habitat that are mentioned below:<sup>2</sup>

1. In the area there must be food.
2. For their shelter there must be covered area for their protection and for nesting etc.
3. There must be an open field for the herbivorous animals to graze and large area so that there must not be shortage of food in a common area.

There must be some effective laws to be made to stop the harms which are done to the wildlife.

### **NATIONAL WILDLIFE ACTION PLAN (NWAP)**

The first National Wildlife Action Plan (NWAP) was adopted in 1983 based on the meeting of Indian Board for wildlife held in 1982. These plan has summarizes methods of protecting the habitats of Flora and Fauna which are still in existence. Government is working constantly for increasing the ratio of these almost extinct habitats which help in maintaining the ecological system. Many social awareness programs are in process to save these wildlife sanctuaries. Habitat is harmed by the developmental of dams, mines, etc made problems in conservation of wildlife habitat.

#### **Plans of National Wildlife Action Plan (NWAP)**

1. Escalating and Improving the Protected Area Network such as National Parks, Tiger Reserves, Wildlife Sanctuaries, Conservation reserves etc.
2. Refurbishment of Ruined habitats Outside the Protected Areas.
3. Controlling of the illegal hunting usually associated with the use of wildlife rights, and illegal trade of the wild animals and the direct products which are made from the trees and plants species.
4. Every group of people should have participation in the conservation of the wildlife.

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<sup>2</sup>Available

at: [https://nndfw.org/Summit%20Presentations%202015/Intro%20to%20wildlife%20management\\_CSmith.pdf](https://nndfw.org/Summit%20Presentations%202015/Intro%20to%20wildlife%20management_CSmith.pdf)

Accessed on: 7 October, 2017

5. Every person in the society should be given education upon the topic of conservation of wildlife and about the importance of wildlife.
6. This plan conveys to increase wildlife tourism.
7. Improve the economical position of the protected areas such as the wildlife sanctuaries, Tiger Resource, National Parks etc.

Some case laws for National Wildlife Action Plan (NWAP)

1. *Tribunal at its own motion v. Ministry Of Environment & Others*<sup>3</sup> on 4 April, 2014
2. *Centre For Environment Law, WWF-I v. Union of India & Others*<sup>4</sup> on 15 April, 2013
3. *Suo Moto(Court on its own motion) v. State Of Karnataka* on 8 October, 2013

## THE WILDLIFE (PROTECTION) ACT 1972

The Wildlife (Protection) Act was passed on 1972 by the parliament under article 252 of the constitution on the request of eleven States. It was planned to complete National Legal Framework for wild life protection. The Act adopts two pronged conservation strategy-

- (i) Specified endangered species are to be protected,
- (ii) All the species should be protected in a specified area.

The Wildlife Protection Amendment Act which was made on 1991 extended the Wildlife Protection Act 1972, to the whole of India except the State of Jammu and Kashmir. The major Act on wildlife protection for spreading the protected areas such as Wildlife sanctuaries, Tiger reserves, National Parks etc. and to regulate the illegal practices which are with the involvement of the wildlife and the products derived from the wildlife<sup>5</sup>. The National Board for Wildlife (NBFW) headed by the prime minister of India frames the policy of wildlife conservation. The National Wildlife Action Plan (2002-2016) was adopted in 2002, possess on support and participation of people on wildlife conservation. India's conservation planning is based on the philosophy of determining and preserving representative wild habitats across all the ecosystems. There are five categories of the Protected Areas as Wildlife Sanctuaries, National Parks, Tiger Reserves, Conservation Reserves and Community Reserves.<sup>6</sup> These protected area networks are there to protect the wild animals and different species of trees and birds and the things that comes under wildlife.

- a) Wildlife Sanctuaries<sup>7</sup>- Wildlife Sanctuaries are made so that the animals are kept under a surveillance to protect them from the illegal traders and other factors harming

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<sup>3</sup> (1998) 9 SCC 623

<sup>4</sup> (2013) 8 SCC 234

<sup>5</sup> Available at: <[http://shodhganga.inflibnet.ac.in/bitstream/10603/63693/9/09\\_chapter%202.pdf](http://shodhganga.inflibnet.ac.in/bitstream/10603/63693/9/09_chapter%202.pdf)> Accessed on: 7 October, 2017

<sup>6</sup> Available at: <<http://www.envfor.nic.in/sites/default/files/protected-area-network.pdf>> Accessed on: 7 October, 2017

<sup>7</sup> The Wildlife (Protection) Act 1972, Chapter III Available at: <[http://lawmin.nic.in/ld/P-ACT/1972/The%20Wild%20Life%20\(Protection\)%20Act,%201972.pdf](http://lawmin.nic.in/ld/P-ACT/1972/The%20Wild%20Life%20(Protection)%20Act,%201972.pdf)> Accessed on: 8 October, 2017

As per Chapter IV Section 18(1) Of Wildlife Protection Act, 1972- "The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the

them. This area is made and maintained by the State Government. These types of areas are made after taking many types of things in mind, such as territorial factors, geographical factors etc. which directly affects the wildlife.

- b) National Parks<sup>8</sup> - This protected area as if appears to the State government as an area within or outside a sanctuary and its richness in flora & fauna needs to be constituted as a National Park for the reason of protecting and promoting the wildlife.
- c) Tiger Reserve<sup>9</sup> - The areas of National parks and sanctuaries established for observations and systematical research as used for educational purpose and constituted for the protection of tiger without disturbing the livelihood and rights of the tribal peoples living in the forest. These areas are established by the certain authorities that are assigned the responsibility for the formation of tiger reserve.
- d) Conservation Reserve<sup>10</sup> - This protected area were setup after consulting from a group of people residing near the national park or a sanctuary for protection of wildlife i.e. flora & fauna and for preservation of forest land and natural resources. This protected area are established and owned by the central government.
- e) Community Reserve<sup>11</sup> - The state government may provide some part of land as assigning responsibility to the local communities for providing protection to wildlife and cultural values which is not comprised of national park or sanctuary.

The provisions of the statute may be more effective once the following measures are implemented which may be enumerated as:

1. We should plant more and more trees and also we should not cut trees so that the birds could make their nest and could live peacefully, and many herbivorous animals also get their food properly.

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territorial waters as a sanctuary if it considers that such area are of adequate ecological, faunal, floral, geomorphologic, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.

<sup>8</sup> Ibid at 5; As per Chapter IV Section 35(1) Of Wildlife Protection Act, 1972- A National Park can be defined as "Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphologic or zoological association or importance, needed to be constituted as a National Park for the purpose of protecting, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park."

<sup>9</sup> Ibid; As per Chapter IV Section 38V (4) (i) Of Wildlife Protection Act, 1972- A Tiger Reserve can be defined as "core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose."

<sup>10</sup> Ibid; As per Chapter IV Section 36A (1) Of Wildlife Protection Act, 1972- A Conservation Reserve can be defined as "The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat: Provided that where the conservation reserve includes any land owned by the Central Government, its prior concurrence shall be obtained before making such declaration."

<sup>11</sup> Ibid; As per Chapter IV Section 36C (1) Of Wildlife Protection Act, 1972- A Conservation Reserve can be defined as "The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices."

2. We should stop cutting down forest. As we are cutting down forests many animals such as Elephants, Tigers and other animals that are not getting their food properly are coming to the nearby villages and attacking the villagers and damaging their crops.
3. We should stop the killing of animals. Many animals are being endangered from being extinct. So there should be some powerful acts against the illegal businessmen.
4. We should fight against the illegal businessmen like a group to stop the killing of wild animals and the trees.
5. There should be some powerful punishments to punish the illegal traders, so that no other person should think of doing it.
6. The wildlife department should impose some effective rules and regulations to stop the harming of wildlife.

The biological diversity of the world is badly affected due to excessive harming of the wildlife. Global warming is increasing day by day because the plants and trees are being cut too much.

So to conserve the wildlife we are having protected area networks.

Therefore, the following measures may be implemented for better wildlife management:

- 1) There are many protected area networks in India, but some of them are not maintained properly. This should be rectified.
- 2) To manage the wildlife, the protected areas should have so much of place that the animals, birds and other species those come under wildlife could live freely.
- 3) The wildlife managers should take care of the things that the animals could live peacefully and freely in the area where they are being kept.
- 4) The wildlife managers should take care that the cutting of trees should not be allowed in protected areas.
- 5) Wildlife management should include human activities because human activities affect the wildlife directly.
- 6) Wildlife management should be like that every species of animals should be affected. It should not be for one species of animals.
- 7) Wildlife management should observe that not too much of animals or not less animals effect the environment directly.

## **EXCEPTIONS OF WILDLIFE CONSERVATION AND MANAGEMENT**

There are certain exceptions of wildlife conservation and management as –

- 1) Hunting of wild animals to be permitted in certain cases<sup>12</sup> – If any wild animal has become dangerous to human life and if any wild animal has lost its control over own self then the hunting of that wild animal is permissible under law i.e. wildlife protection act, 1972.

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<sup>12</sup> The Wildlife (Protection) Act 1972, Chapter III Available at: <[http://lawmin.nic.in/ld/P-ACT/1972/The%20Wild%20Life%20\(Protection\)%20Act,%201972.pdf](http://lawmin.nic.in/ld/P-ACT/1972/The%20Wild%20Life%20(Protection)%20Act,%201972.pdf)> Accessed on: 8 October, 2017

- 2) Grant of permit for special purposes<sup>13</sup> - It is lawful for the chief wildlife warden to grant permit for hunting for some special purposes that deals with education, scientific research and scientific management.
- 3) Grants of permit for special purposes<sup>14</sup> - It gives the power to chief wildlife warden with previous permission from State Government to grant permit for picking, uprooting, acquiring or collecting from a forest land for some special purposes that deals with education, scientific research, collection and protection in systematic arrangement of dried plants of any scientific institution, promotion of wildlife by any individual or an institution approved by the central Government.
- 4) Purchase of captive animal, etc. by a person other than a licence<sup>15</sup> - It is the exception for any recognised or public museum for purchasing, acquiring or receiving any captive animal or wild animal.

## CONCLUSION

The wildlife conservation and management is certainly a device through which we can protect those animals which are most likely to get extinct. We should conserve the wildlife as it is very much useful to us. The food chain of the wild animals helps the ecological system of the world. The analytical study of the provisions of the laws relating to the protection of Wild life and the conservation of forests management establish that they are sufficient and well placed to protect and conserve the wildlife but the only hindrance remains from the awareness part and the willingness of the people. Though the forests are required for many of the requirements of the people but in the same time the onus is upon the people to minimize the harm and to proactively work for creating newer forests by planting more plants and with more planned and professional manner.

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<sup>13</sup> Ibid at 10; As defined in Chapter III Section 12 of Wildlife (Protection) Act, 1972- it gives the power to chief wildlife warden to grant permit for hunting for special purposes "Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant a permit, by an order in writing stating the reasons therefore, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of, (a) Education; (b) Scientific research; (c) Scientific management"

<sup>14</sup> Ibid; As defined in Chapter IIIA Section 17B of Wildlife (Protection) Act, 1972-it gives the power to chief wildlife warden to grant permit for picking, uprooting, acquiring or collecting from a forest land for special purposes, "The Chief Wild Life Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of- (a) Education; (b) Scientific research; (c) Collection, preservation and display in a herbarium of any scientific institution; or (d) Propagation by a person or an institution approved by the Central Government in this regard.

<sup>15</sup> Ibid; As defined in the Chapter V Section 49 of Wildlife (Protection) Act, 1972-it is the exception for any recognized zoo or public museum that they can purchase any captive animal, "No person shall purchase, receive or acquire any captive animal, wild animal, other than vermin, or any animal article, trophy, uncured trophy or meat derived there from otherwise than from a dealer or from a person authorized to sell or otherwise transfer the same under this Act.

Provided that nothing in this section shall apply to a recognized zoo subject to the provisions of Section 38 - 1 or to a public museum"