

EVS Case Study - II

The Indian Wildlife (Protection) Act, 1972

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1 Description of the Act

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India has some of the most biodiverse regions of the world. It hosts 4 of the world's 35 biodiversity hotspots, namely, the Western Ghats, the Eastern Himalayas, the Indo-Burma region and the Nicobar group of islands in Sundaland. These regions provide home to a large number of rare and threatened animal and plant species. About 33% of Indian plant species are endemic, with some forests exhibiting extremely high rates of endemism. Several well-known large mammals are found in India, such as the Asian Elephant, Indian leopard, gaur, etc. According to Conservation International, an American nonprofit environmental organization, India is among the seventeen megadiverse countries of the world. It, along with the other sixteen countries, is home to about 60-70% of the world's biodiversity [1].

All the above facts indicate that the need for conservation of wildlife in the country is among the matters of prime importance. Indian environmental enthusiasts identified this need quite early, and with the help of the Govt. of India, made provisions for the protection and conservation of wildlife in the Indian Constitution. India was the first country to be able to do so, by enacting the Indian Wildlife (Protection) Act [2] on 9 September 1972.

The Indian Wildlife (Protection) Act of 1972 provides a basic framework to ensure the protection and management of wildlife in the country. It extends to the whole of India, except the state of Jammu and Kashmir, which has another similar law enacted.

The Act has 7 chapters and 6 schedules. The chapters include:

- key definitions such as the definitions of 'animal' and 'wildlife';
 - appointment of different forest officials such as Director, Chief Wildlife Warden, etc. and the duties and powers vested in the officials of the Wildlife Advisory Board;
 - prohibition of hunting of wild animals, and prohibition of picking, uprooting, etc. of specified plants;
 - the special cases under which these might be permitted (e.g. scientific research and education);
 - declaration of Sanctuaries, National Parks and closed areas, recognition of Zoos;
 - prohibition, prevention and detection of trade/commerce of wild animals;
- etc.

The 6 schedules provide for varying degrees of protection. Schedule I and part II of Schedule II provide absolute protection – offences 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 plants in Schedule VI are prohibited from cultivation and planting [3].

The Act has undergone several amendments since its enactment in 1972. The implementation of the Act has been more effective as a result of these amendments. The latest amendment has been proposed through a bill introduced in Lok Sabha this year [5].

Scope of the Act

The Act covers the entire biodiversity that exists throughout the country. It includes wild animals, birds and plants, endemic as well as exotic. Every flora or fauna that forms a part of country's massive biodiversity, is automatically under the protection and security imposed by this Act. The Act allows declaration of an adequate area of reserved forest as Sanctuary. It also allows certain areas to be marked as Closed/Protected Areas. The Act recognizes Zoos, National Parks, Tiger Reserves, Biosphere Reserves, etc. It has also setup a National Tiger Conservation Authority and regulates trade or commerce in wild animals, animal articles and trophies.

Contravention of provision of the act are punishable with imprisonment from 1 to 7 years and/or with fine upto ₹50 lakhs depending on the nature of offence [7].

With the changing times, wildlife protection action has become much more challenging. Consequently, the scope of this Act, which is the only law facilitating conservation action for biodiversity, needs to be widened much beyond the existing one. For example, species of other life forms which do not come under the category of wild animals need to be covered under the law; there is no provision related to trade or any activity related to exotic species, due to which exotic birds are imported/smuggled into the country [6]; etc.

2 Benefits and Costs of the Act

Costs

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For the recreation and expansion of reserves, land acquisition is at the forefront of all factors. The total estimated cost for land acquisition (comprising mainly of agricultural lands) is given to be around ₹385,330 million. The consequences of such vast land acquisition are indeed severe for the locals. Thus, compensations were provided to the affected, keeping in mind the average size of a household, number of adults, etc. and leading to a total cost of ₹101,020 million. Converting agricultural land to feasible habitats requires afforestation and creation of grasslands, amounting to a cost of ₹4982.7 million. Infrastructure such as buildings, vehicles, equipment, arms-ammunition, etc., are crucial to the sustenance of the reserve, and were budgeted at ₹461.1 million. Around ₹7 million and ₹4.3 million were also budgeted for tourism and park-fencing purposes respectively. Thus, total estimated cost was around ₹500 billion per 1000 sq. km.

Benefits

Studies show that flow benefits from tiger reserves range from ₹8.3 to ₹17.6 million yearly. Also, reserves conserve and protect stock valued at ₹22 billion to ₹656 billion. Visits to reserves lead to a cash inflow of ₹150-2000 per visit.

Besides economic benefits, there are vast ecological and socio-cultural benefits as well, due to the surplus of flora and fauna in the region. Owing to such policies, India's wildlife havens are in a state of slow but steady revival.

3 Future Estimates of Costs and Benefits

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1. The Act prohibits the hunting of wild animals, which can greatly reduce the number of endangered species in our country. Also, the act covers preservation of specific medicinal and commercial plants, thereby reducing their chances of illicit cutting in forest areas.
2. The creation of National Parks, Biosphere reserves, etc. generate employment opportunities for a lot of local people. In the coming years, as the Act identifies more and more protected areas, an equivalently large number of jobs shall be created. An example of this from the past is set up of The Ministry of Environment, Forest and Climate Change (MoEFCC) in 1985. It generated a lot of employment opportunities, ranging from Director and Assistant Director to Chief warden, Wildlife wardens and many more.
3. Since no outsider can cut the trees in the forest without permission, the future revenue sales of the forest department might increase. The forest department can even ensure that the cutting of trees is done in a judicial manner.
4. Since there is a special clause in the Act that allows picking of plants for research and educational purposes, more people might start taking interest in study of plant species. This will help not only identify some of the rarest forms of flora, but also make them available and known at the international level. For example, not all the plants that are endemic to India are known to us. A research effort in this direction might help in their identification and protection as well.
5. Even a small effort towards wildlife conservation can yield huge profits. A study conducted by an Indo-Australian team of scientists suggested that saving even two tigers can yield a capital benefit of more than ₹520 crore, which is way more than cost incurred by India on its mission to Mars, viz., ₹450 crore. According to an estimate, India is home to 2,226 adult tigers which comprise a capital benefit of about ₹5.7 lakh crores, which is almost equivalent to a third of the total currency that was demonetised by the government. A study suggested that each tiger has a flow benefit of about USD 2.7 million per year which in return is very high compared to the cost of maintaining six tiger reserves in India (₹23 Crores). The rate of return is about 356 times. No industry boast of such high rate of returns. These rate of returns are also expected to rise rapidly in future too [10].

6. The Act also identifies preservation of the reserves and closed areas that were identified earlier, so as to avoid their deterioration and recreation. For example, Tiger reserves can never be recreated. The cost of recreating a new tiger reserve reaches astronomical numbers because it needs land acquisition, rehabilitation, resettlement and habitat development. Recently, an area of about 1069 km sq. was acquired in Philbhit - Dudhwa Landscape for the for creating a tiger reserve on the patch. The minimum costs were approximated to be ₹4.62 million per ha. So, by preserving tiger reserves, we can decrease the future costs.

4 Recommendations for Enhancing the Act

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- The Wildlife Protection Act 1972 covers only the species which are endemic to India and has no law for the protection of birds and animals imported from other countries. There are cases of selling some of the rare species like blue throated macaw, the Military macaw, etc. which are mentioned on the list of International Union for Conservation of Nature (IUCN). In such cases, it is the responsibility of the state government to monitor such activities, but they are only restricted to ensure if the traders have proper licenses and the animal is disease free. To stop such activities, the government should make some amendments in the law, to protect endangered species irrespective of their origin [8].
- In the Act, a list of animals are declared as vermin for selective slaughter. Wild animals like Nilgai, wild boar in Bihar and rhesus monkeys in Himachal Pradesh were declared vermin since these animals were causing harm to residents and are abundant in population and come under the 'least concern' category in the IUCN conservation list. But culling wild animals by declaring them vermin is not a long term solution to human-animal conflict. The law should take into consideration some strong factors like long term population dynamics of the wild animals and it should also be region specific. Not all animals that come across as populated and create a nuisance for humans, may be in need of culling. Instead of culling, sterilizing them might be a better idea [9].
- There are some loopholes as well. For example, ownership certificates for animal articles are permissible, which serve as tool for illegal trading. The wildlife traders in Jammu and Kashmir easily get illegal furs and skins from other states, which after being made into caps, belts etc., are sold to other countries. This happens because J&K has its own Wildlife Act and it does not follow the central Wildlife Act. Moreover, hunting and trading of several endangered species, prohibited in other states, are allowed in J&K, thereby opening avenues for illegal trading of such animals. The government should amend the law to stop such activities.

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