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WILDLIFE PROTECTION ACT, 1972: A CRITICAL APPRAISAL OF INDIA'S CONSERVATION FRAMEWORK

~ GUGASRIPRIYA SIVAGAMI RAVI

INTRODUCTION

India is recognised as one of the world's biologically diverse countries. Its forests, wetlands, mountains, grasslands, deserts, rivers and coastal ecosystems support a vast range of animals, birds, reptiles, fish, insects and plant species. This natural wealth is not merely a source of aesthetic value or tourism revenue; it is essential to ecological balance, climate resilience, food security, water conservation and the survival of human communities. Yet, wildlife in India faces persistent threats from habitat fragmentation, illegal development and human wildlife conflict.

The Wild Life (Protection) Act, 1972 ("WPA") constitutes India's principal legislation for wildlife conservation. Enacted as Act No. 53 of 1972, it was designed to provide a uniform legal regime for the protection of wildlife across the country. Its present long title states that it seeks the conservation, protection and management of wildlife and matters connected with it, with a view to ensuring the ecological and environmental security of the country. The Act has developed substantially through amendments in 1982, 1986, 1991, 2002, 2006 and 2022.

The WPA is significant because it adopts a multi layered model of conservation. It protects individual species from hunting regulates possession, transport and trade in wildlife articles and safeguards specified plants; creates protected areas establishes specialised conservation institutions and provides penalties and enforcement powers against wildlife crime. The legislation therefore seeks to address wildlife conservation not as narrow issue concerning animals alone, but as a matter of environmental security, public responsibility and intergeneration justice.

CONSTITUTIONAL AND LEGAL BASIS

The Wildlife Protection Act functions within the constitutional framework governing environmental protection. The Forty Second Constitutional Amendment inserted Article 48A, under which the state shall endeavour to protect and improve the environment and safeguard the forests and wildlife of the country. Article 51A(g) creates a corresponding fundamental duty for every citizen to protect and improve the natural environment, including forests, lakes, rivers and wildlife, and have to compassion for living creatures.

Wildlife conservation is also related to Article 21 of the constitution. The right to life has been interpreted by the judiciary to include the right to enjoy a healthy and pollution free

environment. The loss of forest and wildlife can impair ecological processes that directly support human life such as groundwater recharge, soil preservation, flood moderation, pollination and climate regulation. Consequently, wildlife protection is not a matter of charity toward animals, it is an essential component of environmental governance.

The constitutional division of legislative power also reflects the national importance of wildlife. “Protection of wild animals and birds” appears in Entry 17B of the concurrent List. Thus, both Parliament and State Legislatures may legislate on the subject, although parliamentary law prevails in case of inconsistency. In *Centre for Environmental Law, WWF India v. Union of India*, The supreme Court linked the statutory framework with Articles 48A and 51A(g).

SCOPE AND OBJECTIVES

The WPA extends throughout India and covers wild animals, specified plants, wildlife habitats, trophies, animal articles and wildlife trade. The Act defines “wildlife” broadly to include animals as well as aquatic and land vegetation that forms part of any habitat. This is an important feature because a species cannot be protected effectively without conserving the ecosystem on which it depends.

The expression “animal” includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates along with their young and eggs. The definition of “hunting” is equally broad. It includes killing, poisoning, capturing, coursing, snaring, trapping, driving or baiting a wild or captive animal, as well as attempts to carry out such acts. It further includes injuring an animal, taking a part of its body and in the case of wild birds or reptiles, damaging or disturbing eggs and nests.

The core objectives of the WPA are to prevent hunting and exploitation of protected wildlife, conserve critical habitats through protected areas; control trade and commerce in wildlife derivatives, protect specified plant species and create statutory authorities and enforcement mechanisms to prevent wildlife offences which regulate international trade in endangered species and strengthen ecological and environmental security. The Act has thus evolved from a law centred primarily on restricting hunting into a comprehensive biodiversity conservation statute.

PROHIBITING ON HUNTING

Section 9 is among the most important provisions of the WPA. It prohibits the hunting of wild animals specified in schedules I and II, except where Sections 11 and 12 apply. The statutory prohibition is significant because hunting can rapidly reduce populations of vulnerable species, disturb breeding cycles and cause ecological imbalance. It also ensures that wildlife is not treated as an object of unrestricted private appropriation.

However, the Act recognises limited exceptions under Section 11, the Chief Wild Life Warden may permit the hunting of a Schedule I animal where it has become dangerous to human life or is disabled or diseased beyond recovery. A significant safeguard applies such an animal cannot be ordered to be killed unless capture, tranquillisation or translocation is not possible. If the animal is captured, it should not be kept in captivity unless rehabilitation in the wild is

impossible and reasons are recorded in writing. This reflects the statutory preferences for non lethal solutions.

Section 12 allows the grant of permits for specified purposes including education, scientific research, scientific management, collection of specimens for recognised zoos or museums and derivation of snake venom for life saving drugs. “Scientific management” includes translocation to an alternative suitable habitat and wildlife population management without killing, poisoning or destroying animals. Such permissions must remain exceptional and must be supported by written reasons and statutory safeguards.

The importance of science based translocation was examined in *Centre for Environmental Law, WWF India v. Union of India*. The Supreme Court considered the proposal to create a second habitat for Asiatic lions outside the Gir landscape. The court emphasised that the issue concerned the long term survival of an endangered species, not merely the interests of one state. It adopted an ecocentric approach, recognising that wildlife possesses intrinsic value rather than value only for human use.

PROTECTION OF PLANTS AND HABITATS

The WPA does not limit protection to fauna. Chapter IIIA provides for the protection of specified plants. Section 17A prohibits a person from wilfully picking, uprooting, damaging, destroying, acquiring or collecting any specified plant from forest land or notified areas. It also restricts possession, sale, transfer and transportation of specified plants, whether alive or dead, except as permitted under the Act.

The inclusion of plants is environmentally important, plant species provide food, cover, nesting locations and breeding habitats for animals. The destruction of vegetation can therefore be as harmful to wildlife as direct hunting. The Act’s recognition of flora reinforces an ecosystem based approach to conservation.

The strongest habitat protection mechanism under the WPA is protected area system. Section 18 authorises a State Government to declare an area as a wildlife sanctuary where it has ecological, faunal, floral, geomorphological, natural or Zoological significance. Within a sanctuary, destruction, exploitation or removal of wildlife and forest produce is restricted and activities such as carrying weapons or using injurious substances are regulated.

Section 35 provides for the declaration of national parks; they generally receive a higher degree of protection because they are intended to preserve ecosystem and biodiversity from incompatible human activities. The Act also recognises conservation reserves under Section 36A and community reserves under Section 36C. These categories are especially valuable because wildlife often lives outside conventional national parks and sanctuaries. Corridors connecting forests, wetlands near settlements and community managed landscapes may be vital for migration, feeding and breeding.

The legal framework therefore acknowledges that conservation cannot be achieved solely by protecting a few charismatic animals. Effective conservation requires protection of landscapes, prey species, water bodies, vegetation and ecological corridors.

INSTITUTIONAL STRUCTURE

The WPA establishes authorities at Central and State levels under Section 3, the Central Government may appoint the Director of Wildlife Preservation and other necessary officers. Under Section 4, State Governments may appoint a Chief Wildlife Warden, Wildlife Wardens and Honorary Wildlife Wardens. These officers are central to issuing permits, managing protected areas, conducting enforcement operations and implementing the Act.

The National Board for Wild Life (“NBWL”), constituted under Section 5A, is an important statutory authority. It is chaired by the prime Minister with the Union Minister in charge of forests and wildlife acting as Vice Chairperson. The Board promotes conservation and development of wildlife and forests advises Central and State Governments on anti poaching measures, recommends protected area management policies examines the impact of projects on wildlife habitats and reviews the progress of wildlife conservation in India.

At the State level, State Boards for Wild Life advise governments on selecting and managing protected areas, framing conservation policy, amending schedules and harmonising the needs of tribal and other forest dwelling communities with wildlife protection. This function is important because a durable conservation policy cannot ignore local livelihoods, customary knowledge and the rights of communities living near forests.

The Act also creates specialised bodies; the Central Zoo Authority supervises and regulates recognised zoos. The National Tiger Conservation Authority oversees tiger conservation and tiger reserve planning. The Wild Life Crime Control Bureau supports the collection and dissemination of intelligence concerning organised Wildlife crime and assists in coordination among enforcement agencies. These institutions demonstrate that contemporary conservation requires specialised scientific and investigative capacity.

TRADE, TRAFFICKING AND PENALTIES

Wildlife crime is often economically motivated, Poachers and traffickers may target skins, ivory, bones, claws, meat, feathers, horns, musk, live birds, reptiles and exotic animals. Therefore, the WPA regulates not only hunting but also possession, transport, transfer, sale and commercial dealings in wildlife articles.

Section 39 declares certain wild animals, animal articles, trophies and related property to be Government property. The Act also restricts the transfer and transport of wildlife and prohibits dealings in trophies and animal articles without the required licence. Chapter VA prohibits dealings in trophies and animal articles derived from scheduled animals. These restrictions are necessary because illegal markets create incentives for poaching.

Chapter VI contains provisions for prevention and detection of offences, Authorised officers may exercise powers of entry, search, seizure, arrest and detention under Section 50. Section 51 prescribes penalties for contraventions of the Act, its rules or orders. The availability of strong procedural powers is important because wildlife offences are often concealed, mobile and connected to wider organised crime networks.

In *Sansar Chand v. State of Rajasthan*, the Supreme Court stressed that the spirit and provisions of the WPA must be effectively implemented to maintain the ecological chain and balance. The decision is significant because it recognises that wildlife crimes threaten not only individual animals but also the ecological systems on which society depends.

THE 2022 AMENDMENT AND CITES

The Wild Life (Protection) Amendment Act, 2022 was a major legislative development. It came into force on 1 April 2023. Among other changes, it rationalised the schedules, introduced provisions dealing with invasive alien species and added a new chapter concerning the regulation of international trade in endangered species under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Chapter VB establishes a framework for international trade in scheduled specimens. It provides for the designation of Management and Scientific Authorities and regulates import, export, re export and introduction from the sea of scheduled specimens. This is significant because illegal wildlife trade is frequently international in nature and cannot be addressed effectively by domestic anti hunting provisions alone.

Section 49M concerns the possession, transfer and breeding of living scheduled animal species listed in the CITES appendices and reflected in Schedule IV of the Act. The Ministry of Environment, Forest and Climate Change notified rules under Section 49M in February 2024. Person possessing such living specimens are requirements through the designated system. These provisions improve traceability and may assist enforcement agencies in distinguishing lawful possession from illegal trade.

The 2022 amendment also introduced Section 62A, empowering the Central Government to regulate or prohibit the import, trade, possession or proliferation of invasion alien species. This is an important development because invasive species can damage native biodiversity, alter habitats and adversely affect indigenous species.

CHALLENGES AND WAY FORWARD

Despite the WPA's comprehensive structure, implementation remains challenging. First, wildlife habitats are increasingly fragmented by roads, railways, power infrastructure, mining, urban expansion and other development projects. Protected areas cannot function in isolation if migration corridors and surrounding ecosystems are degraded.

Secondly, human wildlife conflict requires sensitive and scientific handling. Communities living close to forests may suffer crop loss, livestock depredation, property damage or threats to life. Conservation cannot succeed if affected persons receive delayed compensation or lack access to preventive support. Authorities must promote early warning systems, habitat restoration, secure waste management, livestock protection, insurance mechanisms and prompt relief.

Thirdly, enforcement agencies require adequate staffing, equipment, forensic support, training and coordination. Wildlife crime may involve local poachers, traders, transporters, online

sellers and international networks. The enforcement response must therefore combine intelligence led investigation with strong prosecution and public awareness.

Finally, conservation must be participatory in Forest dependent communities; indigenous peoples and local residents should not be viewed only as obstacles to conservation. Their traditional knowledge and involvement can contribute substantially to habitat monitoring, Conflict mitigation and sustainable resource use.

CONCLUSION

The Wild Life (Protection) Act, 1972 is the cornerstone of India's wildlife conservation regime. It prohibits hunting, safeguards specified plants establishes protected areas regulates wildlife trade creates conservation institutions and provides penalties against offenders. Its post 2022 framework also responds to contemporary concerns such as international wildlife trafficking, CITES compliance and invasive alien species.

The Act's true value, however, depends on effective implementation. Wildlife protection requires more than legal prohibitions. It requires habitat connectivity, scientific decision making, institutional accountability, community participation, swift enforcement and development planning that respects ecological limits. The survival of wildlife is inseparable from the survival of India's ecological systems. By enforcing the WPA in its letter and spirit, India can protect not only endangered species but also the environmental foundation necessary for present and future generations.