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Rapid decline of wild animals and birds in India has been a cause of grave concern. Some wild animals and birds have already become extinct in the country and others are in danger of being so.

The Wild Birds and Animal Protection Act, 1912 had become completely outmoded. The existing state laws were not only outdated but provided punishments which were not commensurate with the offence.

An urgent need for introducing comprehensive legislation, which would provide protection to wild animals and birds, was felt.

But the Central Government had no power to make a law in this regard as the subject matter related to entry - 20 of the state list in the Seventh Schedule.

The legislatures of the states of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh and West Bengal Passed resolutions empowering parliament to pass the necessary legislation on the subject.

Accordingly Wild Life (Protection) Bill was introduced in the Parliament, having been passed by both the Houses of Parliament, received the assent of the President on 9th September 1972.

Wildlife (Protection) Act, 1972

The Act was enacted by the Parliament of India in 9th September, 1972
under article 252 of the Indian constitution



The Wildlife Protection Act, 1972 is an Act of the Parliament of India enacted for protection of plants and animal species.

Before 1972, India only had five designated National Parks.

The Act established schedules of protected plant and animal species; hunting or harvesting these species was largely outlawed.

The Act provides for the protection of wild animals, birds and plants; and for matters connected therewith or ancillary or incidental thereto.

It extends to the **whole of India**, except the State of **Jammu and Kashmir** which has its own wildlife act.

It has **six schedules** which give varying degrees of protection. Schedule I and part II of Schedule II provide absolute protection - offences under these are prescribed the highest penalties.

Objective of the Act

The Act adopts a two pronged conservation strategy—

- (i) Specified endangered species are]3rotected regardless of location,**
- (ii) All species are protected in specified areas.**

The Act has SEVEN Chapters

Chapter I – (Preliminary)

Short title, extent, and commencement

- (1) This Act may be called the Wildlife (Protection) Act, 1972.
- (2) It extends to the whole of India, except the State of Jammu and Kashmir.
- (3) It shall come into force in a State or Union Territory to which it extends, on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provision of this Act or for different States or Union Territories.

Definitions

CHAPTER II – (Authorities to be appointed or constituted under the Act)

1. Appointment of Director and other officers
2. Appointment of Chief Wildlife Warden and other officers
3. Power to delegate
4. Constitution of the Wildlife Advisor-Y, Board
5. Procedure to be followed by the Board
6. Duties of the Wildlife Advisory Board

Chapter - III (Hunting of Wild Animals)

- 9. Prohibition of Hunting**
- 10. Maintenance of records of wild animals killed or captured**
- 11. Hunting of wild animals to be permitted in certain cases**
- 12. Grant of permit for special purposes**
- 13. Suspension or cancellation of licence**
- 14. Appeals**
- 15. Hunting of young and female of wild animals**
- 16. Declaration of closed time**
- 17. Restrictions on hunting**

Chapter - IIIA - (Protection of Specified Plants)

Chapter - IV (Sanctuaries, National Parks and Closed Areas)

Sanctuaries

- 18. Declaration of Sanctuary
- 19. Collector to determine rights
- 20. Bar of accrual of rights
- 21. Proclamation by Collector
- 22. Inquiry by Collector
- 23. Powers of Collector
- 24. Acquisition of rights
- 25. Acquisition proceedings
- 26. Delegation of Collector's powers
- 26A Declaration of area as Sanctuary
- 27. Restriction on entry in sanctuary
- 28. Grant of permit
- 29. Destruction, etc., in a sanctuary prohibited without a permit
- 30. Causing fire prohibited
- 31. Prohibition of entry into sanctuary with weapon
- 32. Ban on use of injurious substances
- 33. Control of sanctuaries
- 33A Immunization of live stock
- 34. Registration of certain persons in possession of arms

National Parks

- 35. Declaration of National Parks
- 36. Declaration of Game Reserve

Game Reserve

- 37. Declaration of closed area

Sanctuaries or National Parks declared by Central Government

- 38. Power of Central Government to declare areas as Sanctuaries or National Parks

Chapter IVA - Central Zoo Authority and Recognition of Zoos

Chapter V – (Trade or Commerce in Wild Animals, Animal Articles and Trophies)

- 39. Wild animals, etc., to be Government property
- 40. Declarations
- 41. Inquiry and preparation of inventories
- 42. Certificate of ownership
- 43. Regulation of transfer of animal etc.
- 44. Dealings in trophy and animal articles without licence prohibited
- 45. Suspension or cancellation of licences
- 46. Appeal
- 47. Maintenance of records
- 48. Purchase of animal, etc. by licensee
- 48A Restriction on transportation of Wildlife
- 49. Purchase of captive animal, etc. by a person other than a licensee

Chapter VA - (Prohibition of trade or commerce in trophies, animal articles, etc. derived from certain animals)

- 49A Definitions
- 49B Prohibition of dealing in trophies, animal articles, etc. derived from Scheduled animals
- 49C Declaration by dealers

Chapter VI (Prevention and detection of offences)

- 50. Power of entry, search, arrest and detention
- 51. Penalties
- 52. Attempts and abetment
- 53. Punishment for wrongful seizure
- 54. Power to compound offences
- 55. Cognizance of offences
- 56. Operation of other laws not barred
- 57. Presumption to be made in certain cases
- 58. Offences by companies

Chapter VII - Miscellaneous

- 59. Officers to be public servants
- 60. Protection of action taken in good faith
- 60A Reward to persons
- 61. Power to alter entries in Schedules
- 62. Declaration of certain wild animals to be vermin
- 63. Power of Central Government to make rules
- 64. Power of State Government to make rules
- 65. Rights of Scheduled Tribes to be protected
- 66. Repeal and Savings

The Act has **SIX** Schedules (I-VI)

- The six schedules give varying degrees of protection.
- Species listed in Schedule I and part II of Schedule II get **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.

The concept of '**scheduled animal**' was introduced in 1986 vide Amendment Act 28 of 1986.

- A scheduled animal is defined to include any animal listed in Sch I and Part of II of Sch II whereas, a wild animal is listed in different schedules i.e. Schs, I, II, III and IV in accordance with the degree of protection accorded to it.
- Scheduled animal has been accorded the highest protection. Trade in any such scheduled animal is completely banned.

SCHEDULE I (Sections 2, 8,9,11, 40,41, 48,51, 61 & 62)

PART I MAMMALS

PART II AMPHIBIANS AND REPTILES

PART III BIRDS

PART IV CRUSTACEA AND INSECTS

PART IVA COELENTERATES

PART IVB MOLLUSCA

PART IV-C ECHINODERMATA

SCHEDULE II (Sections 2, 8, 9,11, 40, 41, 43,48,51, 61, and 62)

PART - I

Assamese macaque (*Macaca assamensis*)

Bengal Porcupine (*Atherurus mecrourus assamensis*)

Bonnet macaque (*Macaca radiata*)

Cetatean spp. (other than those listed in Sch. I and Sch. II, Part II)

Common langur (*Presbytis entellus*)

PART - II Beetles

SCHEDULE III (Sections 2, 8, 9, 11 and 611)

Barking deer or muntjac (*Muntiacus muntjak*)

Chital (*Axis axis*)

Gorals (*Nemorhaedus goral*, *Nemorhaedus hodgsoni*)

Hegdeer (*Axis porcinus*)

Hyaena (*Hyaena hyaena*)

Nilgai (*Boselaphus tragocamelus*)

Sambar (*Cervus unicolor*)

Wild pig (*Sus scrofa*)

Sponges (all calcareans)]

SCHEDULE IV (Sections 2, 8, 9,11 and 61)

Five-striped plam squirrel (*Funambulus pennanti*)

Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)

Hedge hog (*Hemiechinus auritus*)

Indian porcupine (*Hystrix indica*)

SCHEDULE - V (Sections 2, 8, 61 and 62)

Common crow, Fruit bats, Mice, Rats

SCHEDULE VI (Section 2)

Beddomes' cycad (*Cycas beddomei*)

Blue Vanda (*Vanda soerulec*)

Kuth (*Saussurea lappa*)

Ladies slipper orchids (*Paphiopedilum* spp.)

Pitcher plant (*Nepenthes khasiana*)

Red Vanda (*Ranantthera inschootiana*)

Definitions under the Act (Section 2)

- **"wildlife"** includes any animal, bees, butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat.
- **"animal"** includes amphibians, birds, mammals, and reptiles, and their young ones, and also includes, in the cases of birds and reptiles, their eggs.
- **"animal article"** means an article made from any captive or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal has been used and an article made therefrom.
- **"hunting"** includes
 - (a) capturing, killing, poisoning, snaring, or trapping any wild animal, and every attempt to do so
 - (b) driving any wild animal for any of the purposes specified in sub clause
 - (c) injuring, destroying or taking any body part of any such animal, or in the case of wild birds or reptiles, disturbing or damaging the eggs or nests of such birds or reptiles.
- **"taxidermy"** means the curing, preparation or preservation of trophies.
- **"trophy"** means the whole or any part of any captive or wild animal (other than vermin) which has been kept or preserved by any means, whether artificial or natural. This includes:
 - (a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy
 - (b) antler, horn, rhinoceros horn, feather, nail, tooth, musk, eggs, and nests and shells.
- **"uncured trophy"** means the whole or any part of any captive animal (other than vermin) which has not undergone a process of taxidermy. This includes a freshly killed wild animal, ambergris, musk and other animal products.
- **"vermin"** (**harmful to crops, farm animals, or game, or which carry disease, e.g. rodents**) means any wild animal specified in Schedule V.

The Code has been amended several times

S. No.	Short title of amending legislation	Year
1	Wild Life (Protection) Amendment Act 1982	1982
2	Wild Life (Protection) Amendment Act 1986	1986
3	Wild Life (Protection) Amendment Act 1991	1991
4	Wild Life (Protection) Amendment Act 1993	1993
5	Wild Life (Protection) Amendment Act, 2002	2002
6	Wild Life (Protection) Amendment Act 2006	2006
7	Wild Life (Protection) Amendment Act 2013	2013

The Draft Wild Life (Protection) Amendment Bill, 2010 emphasis on:

1. Enhance Penalties and Strengthen Officials
2. Greater Harmony with CITES provisions
3. Ban on Trade in Peacock Feathers
4. Wildlife Research
5. Provisions for Leg Hold Traps