

---

# MANAGEMENT AND CONSERVATION OF WILDLIFE IN INDIA: WITH SPECIAL REFERENCE TO WILDLIFE PROTECTION (AMENDMENT) ACT, 2022

---

Anamika Gautam, Doctoral Research Scholar, Department of Law, Central University of  
Punjab, Bathinda

Dr. Sukhwinder Kaur, Assistant Professor, Department of Law, Central University of  
Punjab, Bathinda

## ABSTRACT

The Wildlife Protection Amendment Bill (No. 18 of 2022) aims to streamline the existing law on wildlife protection in tune with international obligations. Recent amendments to the WLPA 1972, have by and large received appreciation from all stakeholders, except a few provisions attracting criticism from conservationists and others, alike. While the Amendment Act of 2022, expands the purview of the parent Act through the use of words like, “Conservation”, and “Management of Wildlife” in the long title itself<sup>1</sup>; it also makes a fit case for scrutiny on certain issues; for instance, use of Elephants for Religious and other purposes, poorly defined terms, like ‘vermin’ etc.

The Act has incorporated a few pragmatic measures; like regulation of invasive alien species, surrendering the captive animals without any punitive action, and consultation with Gram Sabha for nominating an area as a ‘Conservation Reserve’ in tribal populated areas and enhanced quantum of punishment; a lot more improvisation still has the scope. In that context, this research paper is primarily divided into two parts, First Part includes an appraisal of the amendments introduced, and the Second Part contains suggestions for relevant changes to be further incorporated.

**Keywords:** ‘Conservation’, ‘Invasive Species’, ‘Any other purpose’, Scientific Authority, ‘Management Authority’, ‘CITES’.

---

<sup>2</sup> Wild Life (Protection) Amendment Act, 2022, § 2, No. 18 Acts of Parliament, 2022 (India).

## INTRODUCTION:

The Wildlife (Protection) Amendment Act 2022, aims to strengthen the protection of endangered species. It was passed in the Rajya Sabha in December 2022. The Amending Act of 2022 adds several provisions to the Act of 1972 to upkeep international commitments. With an objective to fulfill the CITES mandate, it adds a new Chapter VB, for regulating the international trade of wildlife species by establishing two dedicated statutory bodies, the Management and Scientific Authority. It has reshuffled Schedule listings and has arranged the wild animal species in two Schedules, plant species in one Schedule, and CITES-listed species in a separate schedule. And, has enhanced the quantum of punishment for contravention of its provisions. Thereby, it has tried to stringently protect the wildlife coming within its scope through a reinforced scheme. In that context, the present paper attempts to appraise the efficiency of the amendments introduced. The paper is divided into two sections:

The first Part intends to make an appraisal of the fresh changes introduced into the Parent Act through the latest Amending Act. And, bring some clarity on the provisions that are ambiguously worded, or phrases used that fall short of the context & content; along with comments on the provisions added afresh. For instance, “any other purpose” is used in the context of elephant trade & transport; and the scope of inclusion within the term “vermin”<sup>2</sup>.

And, second part humbly proposes fresh additions to the now amended Act, deriving from CITES Model Law.

### Part I: Appraisal of the Amending Act

#### 1. Welcome Steps:

- Expansion of the term “Person” to include ‘include any firm or company or any authority or association or body of individuals whether incorporated or not’.<sup>3</sup>
- Inclusion of ‘ex-situ’<sup>4</sup> conservation facilities under the definition of ‘zoos’ expands the purview of the Act<sup>5</sup>.

---

<sup>3</sup> Wild Life (Protection) Amendment Act, 1972, § 2(34), No. 53, Acts of Parliament, 1972 (India).

<sup>4</sup> Wild Life (Protection) Amendment Act, 1972, § 2(24), No. 53, Acts of Parliament, 1972 (India).

<sup>5</sup> Ex Situ Conservation is the conservation and maintenance of plant samples outside their natural habitat, either in the form of the whole plant, or as a seed, pollen, and tissue or cell culture.

Botanical Survey of India, <https://bsi.gov.in/page/en/ex-situ-conservation>, (last visited June 6, 2023).

<sup>6</sup> Wild Life (Protection) Amendment Act, 1972, § 2(39), No. 53, Acts of Parliament, 1972 (India).

- In the context of management and protection of Wildlife sanctuaries, consultations with Gram Sabha in preparation for the 'Management Plan' have been accorded importance<sup>6</sup>.
- Restriction on renewal of Arms License to a person residing within 10 kilometers of the Wildlife Sanctuary without intimation to CWLW or other Authorised Officer<sup>7</sup>.
- Surrender of Captive Animals, animal articles, trophies, ivory, etc. without any punitive measures and without compensation.<sup>8</sup>
- The Management Authority or any officer, including an officer of the Wild Life Crime Control Bureau (WCCB), authorized in this behalf by the Central Government specifically empowered to raise complaints to the court regarding offenses under the Act.<sup>9</sup>

## 2. Schedules: A separate schedule for species listed in the CITES Appendices.

For the protection and conservation of wild animals, the Parent Act originally had four Schedules with varied degrees of protection granted to species based on their listing in the Schedule. But as a matter of fact, the Act prescribed only two separate degrees of Protection: one for the animals listed in Schedule I & Part II of Schedule II and the other for the animals listed in Schedule III, IV & Part I of Schedule II.

Accordingly, we now have two Schedules for the Wild animals with two separate degrees of protection and any chances of confusion have been taken care of. Species listed under Schedule I can be permitted to be hunted only if it has become dangerous to human life or is so disabled or diseased as to be beyond recovery, that too with CWLW's order in writing supported with reasons. Schedule I enlists as many as 597 numbers of species; that include mammals (Part A, 183 entries), birds (Part B, 208 entries), reptiles (Part C, 62 entries), amphibians (Part D, 4 entries), fishes (Part E, 20 entries), echinodermata (Part F, 1 entry, sea cucumber), mollusks (Part G, 9 entries), anthropods (Part H, 1 entry, rubber coral), butterflies (Part I, 96 entries), dragonfly (Part J, 1 entry), and corals (Part K, 12 entries).

Animals listed under Schedule II, can be hunted apart from the grounds mentioned above, also

---

<sup>7</sup> Wild Life (Protection) Amendment Act, 1972, § 33, No. 53, Acts of Parliament, 1972 (India).

<sup>8</sup> Wild Life (Protection) Amendment Act, 1972, § 34(4), No. 53, Acts of Parliament, 1972 (India).

<sup>9</sup> Wild Life (Protection) Amendment Act, 1972, § 42A, No. 53, Acts of Parliament, 1972 (India).

<sup>10</sup> Wild Life (Protection) Amendment Act, 1972, § 55(ad), No. 53, Acts of Parliament, 1972 (India).

for the danger to property (including standing crops)<sup>10</sup>. This Schedule has 1553 listings, in the following manner; (Part A: mammals, 34 entries), (Part B: birds, 1134 entries), (Part C: reptiles, 22 entries), (Part D: amphibians, 32 entries), (Part E: fishes, 10 entries), (Part F: Molluscs, 15 entries), (Part G: anthropods, 10 entries), (Part H: butterflies, 295 entries), and (Part I: porifera/sponges, 1 entry).

Hunting for special purposes<sup>11</sup> may also be allowed for Educational, Scientific Research, Scientific Management, Specimen Collection, and preparation of Snake-venom for life-saving drugs too; with prior permission from Central Government in case of Schedule 'I' listed species, and from State Government in case of Schedule 'II' listed species.

For plants, there is Schedule III (Specified Plants, 19 entries in place of 6 entries originally).

Additionally, to fulfil international obligations, Schedule IV for species listed in CITES appendices have been appended. The Schedule contains Appendix I (627 entries); Appendix II (497 entries), and Appendix III (217 entries).

Addition of new species through a specified Schedule for CITES Appendices is an appreciable measure, along with further listings in the amended Schedules I, II, III.

### **3. Defining the scope of term “Vermin”:**

As per the definition prior to recent amendment, it meant “*any wild animal specified in Schedule V*”; e.g. common crow, fruit bats, mice, rats. As per definition under Section 2 clause 34, "vermin" means any wild animal notified under section 62. However, there is no definite and uniform criteria specified for declaring a species as such.

The Schedule especially made for “vermin” specie is no more there, rather in terms of Sections 61& 62, Central government has the authority to determine a specie as such, for a particular time and space.

This amendment has attracted criticism in two perspectives. First, as to the ‘Meaning’, as vermin stands for “small animals such as rats and mice which cause problems to humans by carrying disease and damaging crops or food”<sup>12</sup>. As per this definition, only those animals

---

<sup>11</sup> Wild Life (Protection) Amendment Act, 1972, § 11, No. 53, Acts of Parliament, 1972 (India).

<sup>12</sup> Wild Life (Protection) Amendment Act, 1972, § 12, No. 53, Acts of Parliament, 1972 (India).

<sup>13</sup> Collins, <https://www.collinsdictionary.com/dictionary/english/vermin> (last visited June 6, 2023).

which affect humans through diseases, or adversely affect crops, are to be categorized under the term. As an alternative, word “Problem Animal”<sup>13</sup> has been suggested.

Further, In the wake of research indicating zoonotic origin of many infectious diseases, including Ebola, SARS, Covid19; it suggests for incorporating an ‘enabling provision’ to include feral population of domestic/tamed animals within the purview of this provision<sup>14</sup> as these animals may possibly carry infectious diseases like rabies, parvovirus.

And this leads to the Second issue, which is as to ‘Content’. As whenever a specie is to be so designated for a particular area, the authority for such declaration is with the Central government, even if the geographical area facing the problem lies within territory of a state.

The researchers submit that the “suggested enabling provisions” are already there<sup>15</sup> and through amendment, an entry in any Schedule, (except Schedule I) can be added afresh for resolving the genuine concern. However, the only issue for consideration; as evidenced through past incidences<sup>16</sup> is with the authority entrusted with power to invoke the said provisions.

The Amending Act has categorized wild animal species into two Schedules where earlier were four Schedules. It also specifies that any animal other than those listed in Schedule 1, can be classified as ‘Vermin’ by the Central Government. The list includes 34 mammals, 1134 birds, 22 reptiles, 32 amphibians, 10 fishes, 15 molluscs, 10 anthropods, 295 butterflyies and 1 sponge (porifera) specie; which may be declared as vermin by the Central Government.

The researchers appreciate that the purpose of identifying a species as such has been to control the population of such species within a geographical area; and in absence of any procedure in the Act for such determination, states have evolved their own practices to do away with the excess population. it becomes pertinent to prescribe some definite criteria and process for declaring any animal as ‘vermin’ for the time being, until the problem created by their excess population is taken care of.

---

<sup>14</sup> Debadityo Sinha, Deepa Padmar, *Comments on The Wildlife (Protection) Amendment Bill, 2021*, Vidhi Centre for Legal Policy, (Jan. 15, 2022) [https://vidhilegalpolicy.in/wp-content/uploads/2022/01/Submission\\_WLPA\\_Bill\\_2021\\_VCLP\\_15012022.pdf](https://vidhilegalpolicy.in/wp-content/uploads/2022/01/Submission_WLPA_Bill_2021_VCLP_15012022.pdf)

<sup>15</sup> Ibid.

<sup>16</sup> Wild Life (Protection) Amendment Act, 1972, § 61 & 62, No. 53, Acts of Parliament, 1972 (India).

<sup>17</sup> Jayan Menon, *Wild boars: Vermin To Many, But Centre Points To Their Role In Ecological Balance*, Manorama Online (June. 3, 2023, 9:20 PM), <https://www.onmanorama.com/news/kerala/2022/05/30/centre-points-out-role-of-wild-boars-in-ecological-balance.html> html

Additionally, adoption of scientific measures at different levels in a precautionary manner ensuring no more culling than scientifically required, with periodical reviews to assess the progress of measure adopted to resolve the problem caused must be ensured. Some of the criteria for such determination may include, prey and predator relationship; population of such animal within a determinate local area as opposed to a whole state, curbing any probable attempts to illegally weed out whole or substantive population of animal so declared 'vermin' in the name of population control, etc. Record maintenance of population as well as death by killing pursuant to such declaration at District or Forest Division level, with DFO, being notified as 'Nodal Officer' for the purpose and time being has been suggested. Simultaneously, publication of such information for ensuring transparency and constitutional obligations is also suggested.

But, ensuring this is again met by a challenge that manifests in poor record-keeping by the concerned officials due to reason at times within and at times out of their control. It is noteworthy, that in many states, population and death records exist only for star species that usually include, Tigers, Elephants, Lions, Wild Buffalos, deer etc; while none of these been in scope to be declared as 'vermin'.

Moreover, species like 'Wild boars (*Sus scrofa*)' etc. that have adversely affected crops on a large scale within few states have not been declared 'vermin' despite repeated demands by certain states, as such power lies only with Central Government<sup>17</sup>. Therefore, it is in the interest of wildlife as well as people affected adversely that such discretion must be exercised with caution where the necessity arises. As per the amended Section 61, only Central government can amend the entries in different Schedules appended to the Act, but this restrictive provision has proved to be a technical problem in actual situations in few states as highlighted above.

Therefore, the researchers opine that an independent Authority for declaration of an animal as such, without any extraneous considerations, but with sole objective to sort the problem caused by such animal, and decision taken after consulting an unbiased and objective criterion set on scientific parameters conducive to actual local demand, much like the proposed Management and Scientific Authority could be a better measure in that regard.

---

<sup>18</sup> Abhivad, *Centre Rejects Kerala's Plea to Declare Wild Boar as Vermin Despite Crop Loss, Attacks* (Apr. 29, 2022) <https://www.newsclick.in/centre-rejects-kerala-pea-declare-wild-boar-vermin-despite-crop-loss-attacks#:~:text=Wild%20boars%20account%20for%20around,4.6%20crore%20in%202018%2D19>.

#### 4. Regulation of Invasive Species

The Amending Act, under Section 62A empowers Central Government to regulate or prohibit the import, trade, possession or proliferation of invasive alien species, including appointment of the Director or any other officer to seize and dispose of, including through destruction, the species so notified.

In the definition clause under Section 2, clause '(16A)' "invasive alien species" has been added. It means "*a species of animal or plant which is not native to India and whose introduction or spread may threaten or adversely impact wild life or its habitat*". Its general meaning includes species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete natives and take over the new environments.

The researchers humbly suggest that the definition of 'Invasive Species' must only be in context of adverse impact upon the surrounding environment and wildlife where it is introduced and not merely on its status being native or non-native; be it a foreign species totally 'alien' to the wildlife in India in general, or 'native to India but alien' to a local area within an ecosystem comprising territorial limits spread over one or more of states.

The reason for such submission is supported by plausible apprehensions among researchers raising concerns that highlight invasion by native plant species through afforestation programmes in certain states where it was not localised earlier. Such activities when taken large scale undermine soil quality, overtake species native to such localised area. For instance, such invasion by a native species is taking place on a grand scale in the Central Himalayas, where an early succession pine species is replacing a late succession oak species.<sup>18</sup> Interestingly, an animal considered important or protected in one ecosystem may become invasive in another ecosystem within India. For eg. The population of House Sparrows (*passer domesticus*), a species native to Indian subcontinent is declining; but the National Biodiversity Authority ("NBA") has classified it as an invasive alien species in islands of India. Further, Indian bullfrog, Spotted Deer, Indian Hog Deer, Indian Barking Deer, Asian Elephant are all native to India and granted different protection status under the Wildlife (Protection) Act, 1972

---

<sup>18</sup> Nautiyal, Ankush, "*Is Chir Pine Displacing Banj Oak in the Central Himalaya? Socioeconomic Implications for Local People and the Conservation of Oak Forest Biodiversity*" (2015). (Dissertation, University of Arkansas).

(“WLPA”) but they are designated as invasive alien species for island ecosystems in India by the NBA.

Thus, the criteria for identifying a species as invasive must not entirely or merely depend on its being alien in origin, though it may take from the already identified criteria by the NBA.<sup>19</sup> Accordingly, there is need to develop more awareness and attributes about criteria for designating a specie as invasive, be it native or non-native to an ecosystem within a geographical area. Such identification, so far as possible must take input from state government where a species is adversely affecting the eco-system lying within state. Consequently, publication of such determination among the stakeholders is also necessary.

## **5. Transfer/Transport of Elephant for Religious or Any other purposes**

A proviso has been added to Sub section (2) to Section 43 providing that transfer or transport of a captive elephant for religious or any other purpose, effected under Section 43 pursuant to valid certificate of ownership, shall be subject to such terms and conditions as may be prescribed by the Central Government under Clause (gviii) to Section 63.

Allowing the Elephants- a ‘Schedule I’ listed species to be traded for religious or “any other purposes” on terms and conditions formulated by the Central Government; when there is nothing to ascertain as to who will be authority to frame such rules, how the discretion will be guided, what would be the principles to be adhered to before allowing such transfer or trade.

The researchers reasonably believe that the phrase “Any other purpose” is wide enough to account for practices that may turn out to be deleterious for the health of the poor animal, and there must be some inference or guidance as to inclusion or exclusion of categories of purposes that may fit in. Otherwise, this particular degeneration may be capable of causing much damage to the progress achieved in conservation of the specie since the very inception of legal framework. The reason isn’t too obscure; it has the potential to increase a demand for the illegal trade of the specie; more so when India has abstained from voting against reopening of International Ivory Trade<sup>20</sup> at CITES CoP19 in Panama.

---

<sup>19</sup> Sandilyan s. et.al, *Invasive Alien Species of India*, (National Biodiversity Authority, 2018).

<sup>20</sup> Jay Mazoomdaar, *India’s Unusual Abstention In CITES Vote On Reopening Ivory Trade*, The Indian Express, (June. 4, 2023, 5:20 PM), <https://indianexpress.com/article/explained/ivory-trade-india-cites-vote-nairobi-8284057/>



## 6. Protected Areas: “Any change in the habitat or causing any adverse impact”

Under the Current Scheme, Chief Wildlife Warden (CWLW) has the authority to permit certain activities including; Photography, Scientific Research, Tourism etc. within a sanctuary<sup>21</sup>. The current amendment further permits “*film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life*”.

However, there is need to supplant the meaning to words, “*any change in the habitat or causing any adverse impact*”; so as to regulate the permitted activities and minimize disturbance to the wildlife. For instance, installation and removal of make-shift sets, tents, canopies, use of loud sound, high beam lights etc.

Further, the amendment<sup>22</sup> excludes certain activities from requiring permission from National Board of Wildlife (NBWL) under specified circumstances. For instance; bonafide use of water for drinking and household purposes by local communities within vicinity of sanctuary. This must be defined in terms of restrictive approach to mitigate the use of water resources in large scale agricultural or livestock rearing purposes.

## 7. Chapter VB : Regulation of International Trade in Endangered Wildlife

### Management Authority (Section 49E) and Scientific Authority (Section 49F)

A major addition is Chapter VB on regulating international trade in wildlife and the establishment of Management and Scientific Authorities to give effect to India’s commitment towards the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”). This chapter includes provisions for Conditions for Import<sup>23</sup>, Export<sup>24</sup>, Re-export of the scheduled specimen, provisions for introduction of scheduled animals from sea<sup>25</sup>, Possession, transfer and breeding of living scheduled animal species<sup>26</sup>, Compulsory licensing for breeders of Appendix I in Schedule IV species.<sup>27</sup> International trade in Specimens of species scheduled under CITES in contravention of provisions of this chapter is strictly prohibited<sup>28</sup>.

---

<sup>21</sup> Wild Life (Protection) Amendment Act, 1972, § 28, No. 53, Acts of Parliament, 1972 (India).

<sup>22</sup> Wild Life (Protection) Amendment Act, 1972, § 29, No. 53, Acts of Parliament, 1972 (India).

<sup>23</sup> Wild Life (Protection) Amendment Act, 1972, § 49J, No. 53, Acts of Parliament, 1972 (India).

<sup>24</sup> Wild Life (Protection) Amendment Act, 1972, § 49I, No. 53, Acts of Parliament, 1972 (India).

<sup>25</sup> Wild Life (Protection) Amendment Act, 1972, § 49 L, No. 53, Acts of Parliament, 1972 (India).

<sup>26</sup> Wild Life (Protection) Amendment Act, 1972, § 49M, No. 53, Acts of Parliament, 1972 (India).

<sup>27</sup> Wild Life (Protection) Amendment Act, 1972, § 49 N, No. 53, Acts of Parliament, 1972 (India).

<sup>28</sup> Wild Life (Protection) Amendment Act, 1972, § 49H, No. 53, Acts of Parliament, 1972 (India).

Central Government is empowered to prescribe form and manner, fee for a permit or certificate for such trade and the procedure for cancellation of such permit<sup>29</sup>.

An officer not below the rank of an Additional Director General of Forests can be appointed as the Management Authority by the Central government for the purpose of issuance of permits and certificates for trade of scheduled specimens, submission of reports, and overall implementation of the CITES. One or more institutes engaged in research on species can be designated as Scientific Authority. And the main purpose of Scientific authority is to monitor the export permits granted for specimens of species listed in Appendix II of Schedule IV and the actual export. Both these statutory bodies are subject to general or special directions by the Central government in exercise of their functions and powers.

In context of Prevention and Detection of offences, power of Entry, Search, Seizure, Arrest and Detention have been conferred upon the Management Authority or any officer authorised by the Management Authority, and any customs officer not below the rank of an inspector or any officer of the coast guard not below the rank of an Assistant Commandant<sup>30</sup>.

Section 49M requires a person possessing a living specimen of an animal species listed in Schedule IV to report the details of such specimen or specimens to the Management Authority or the authorised officer; but the proviso appended thereto empowers the Central Government to exempt one or more such specimens from such for such period as it may deem fit. However, on what ground such exemption is to be granted is not specified. It is also provided that the Management Authority or an authorised officer may issue a 'Registration certificate' to a person possessing or acquiring through transfer such living animal specimen listed in Schedule IV to retain the possession.

However, researchers humbly submit that such permit must be regulated keeping in mind the conservation status, and impact upon health and overall wellbeing of the animal. Central Government is empowered to make rules in that regard, but the guiding principles or considerations have nowhere been prescribed.

---

<sup>29</sup> Wild Life (Protection) Amendment Act, 1972, § 49H, subsection 5, No. 53, Acts of Parliament, 1972 (India).

<sup>30</sup> Wild Life (Protection) Amendment Act, 1972, § 50, No. 53, Acts of Parliament, 1972 (India).

Provision for establishment of these statutory bodies is noteworthy, but there appears a discrepancy in context of functioning of Management and Scientific authorities and it must be supplied through some guiding principles that shall regulate the discretion wherever provided. So far as possible, their powers, functioning in relation with discretion granted to Central Government must be specifically stated.

## 8. Quantum of Punishment

The Bill also enhances the penalties prescribed for violation of provisions of the Act.

- For 'General violations', maximum fine is increased from 25,000 to 1 lakh. This includes an offence constituting the contravention of provisions of the Act, Rule or Order made thereunder or breach of conditions of license or permit granted under the Act. (Except Section 38J, i.e. prohibition of teasing animal in a zoo; and Chapter V A, i.e. prohibition of trade or commerce in trophies, animal article, etc).
- In case of Specially protected animals (i.e. animals listed in Schedule I)<sup>31</sup> and where the offence relates to a specimen of a species listed on Appendix I of Schedule IV, the minimum fine of Rs. 10,000 has been enhanced to Rs. 25,000. Also, for second or subsequent offence, the minimum fine amount has been enhanced from Rupees 25000 to one lakh rupees.

Pursuant to amendment the maximum fine amount for 'general violation' can be extend upto rupees 1 lakh, whereas for offences against Specially protected animals, minimum fine amount is rupees 1 lakh, with no upper limit prescribed.

In regard these amendments this is to be submitted that whatever be the nature of the provision of the Act, they all are there to protect and conserve and better manage the wildlife. That being the objective, it is suggested that the minimum fine limit for offences against Specially protected animals could be enhanced given the various factors including; organised nature of crime against these animals; illegal profits made out through illegal trade transactions, efforts and expense of the government agencies in protection and conservation of the specie involve in offence, its conservation status, etc.

---

<sup>31</sup> Wild Life (Protection) Amendment Act, 1972, § 51, No. 53, Acts of Parliament, 1972 (India). Subsection 1, Amended proviso.

## Part II : Further Amendments Proposed

Several provisions can be improved to bring clarity, strengthen conservation efforts and effectively implement the WLPA. Apparently, there are several neglected aspects of wildlife management which may be addressed through further amendments. Therefore, researchers humbly propose these suggestions:

- In cases of export, Import or Re-export of live specimen of a specie, internationally established guidelines should be followed. CITES Model Law recommends adoption into domestic laws and policies of Live Animals Regulations (LAR) of the International Air Transport Association (“IATA”) in respect of transport of animals by air, and IATA Perishable Cargo Regulations (PCR) for the transport of live plants, and CITES Guidelines for the Non-Air Transport of Live Wild Animals And Plants, 2022 (originally drafted at (CoP16, Bangkok 2013)<sup>32</sup> for deviations from the IATA regulations to state parties.
- Addressing Human-Wildlife Conflict, death of animal within protected areas due to man-made cause (e.g. open well), tourism related construction activities in Eco-Sensitive Zones, Animal Corridors in and around Protected Areas: there have been several incidences where courts have interfered to stop such construction activities in contravention of the WLPA, 1972<sup>33</sup>. Such incidents raise questions on integrity of the concerned state officials. Therefore, such activities with any probable harm to wildlife must be strictly prohibited and environmental degradation caused pursuant to such activities must be statutorily compensated.
- Compounding of Offences Section 54 In section 54 of the principal Act, in sub-section (4), for the words "twenty-five thousand rupees", the words "five lakh rupees" shall be substituted. This penalty amount is stipulated for ‘an offence against the Act, not being an offence where imprisonment has been prescribed’. However, researchers humbly

---

<sup>32</sup> CITES, CITES Guidelines for the Non-Air Transport of Live Wild Animals and Plants, 2022, [https://cites.org/sites/default/files/eng/resources/transport/E-FINAL\\_CITES\\_Non-air\\_transport\\_Guidelines.pdf#:~:text=Articles%20III%2C%20IV%2C%20V%20and%20VII%20of%20the,of%20injury%2C%20damage%20to%20health%20or%20cruel%20treatment](https://cites.org/sites/default/files/eng/resources/transport/E-FINAL_CITES_Non-air_transport_Guidelines.pdf#:~:text=Articles%20III%2C%20IV%2C%20V%20and%20VII%20of%20the,of%20injury%2C%20damage%20to%20health%20or%20cruel%20treatment).

<sup>33</sup> Utpal Parashar, *SC Panel Pulls Up Assam Govt Over Illegal Constructions In Kaziranga Animal Corridors*, Hindustan Times, (June. 6, 2023, 5:40 PM), <https://www.hindustantimes.com/india-news/sc-panel-pulls-up-assam-govt-over-illegal-constructions-in-kaziranga-animal-corridors-101647156857539.html>

suggest that how the amount so collected by way of penalty is to be utilised, must also be stated.

- Further incorporation in Schedules. According to the report provided by the Parliamentary Standing Committee, species listed in all three schedules of the Bill are incomplete<sup>34</sup>. The scientists, botanists, biologists are needed to be included to accelerate the process of listing all existing species of wildlife.

- For the preliminary, functions entrusted to Management Authority could include;

The power of Management Authorities to advise Central Government on CITES implementation;

Training & awareness programs on CITES for concerned officials & organisations.

## CONCLUSION

The Amendment Act of 2022 has brought many appreciable changes to the existing regime; however, it falls short of certain contexts as emphasized above. The researchers have made an earnest attempt to provide for the gap highlighted. In the conclusion, the researchers stress upon the requirement of protection of wildlife habitats and corridors both within and outside the PA network. In the past several incidences involving deliberate harm to wild animals and their habitat, illegal construction activities, disturbance by transport in and around the protected areas have been brought to light through media platforms. And, all these incidents happen despite there being laws and a huge taskforce within different departments and government agencies employed to avert these things. Not only the wrongdoer, but also the enforcement officials entrusted with responsibility to protect and manage wildlife should be made to pay for deficiency in their services. Additionally, more awareness programmes related to importance of wildlife in ecological balance and for raising sensitivity of common people for the wildlife, along with awareness about wildlife protection laws should be organised.

---

<sup>34</sup> Paragraph 4.22 Pg. 7, Government of India, *The Wild Life (Protection) Amendment Bill, 2021, Volume – I, Recommendations of the Committee*, (Rajya Sabha Secretariat, 2022).