

The Wild Life (Protection) Amendment Bill, 2022

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In news— Parliament has passed the Wild Life (Protection) Amendment Bill 2022

Key features & proposed amendments of the bill-

- **The bill has invited scrutiny on two major issues: the exemption made to allow the transfer of captive elephants, and the sweeping powers given to the Centre to declare species as vermin.**
- **It seeks to conserve and protect wildlife through better management of protected areas** and rationalise schedules which list out species under the Wildlife (Protection) Act, 1972.
- **It provides for certain permitted activities like grazing or movement of livestock** and bona fide use of drinking and household water by local communities.
- It seeks to **amend Section 43 of the principal Act to permit transfer or transport of a captive elephant** for a religious or any other purpose by a person having a valid certificate of ownership.
- **It inserts a new Schedule for specimens listed in the Appendices under CITES.**
- **Amendment to Section 6 to constitute Standing Committee** to exercise such powers and duties as may be delegated to it by the State Board for Wildlife.
- **Amendment to Section 43 to permit elephants, a Schedule I animal, to be used for 'religious or any other purpose'.**
- It **inserted Section 49E to empower Central government to designate a Management Authority** to grant export or import permits for trade of specimens.
- **It also inserts Section 49F to empower Central**

government to designate a Scientific Authority to advise on aspects related to impact on the survival of the specimens being traded

- **The Bill seeks to regulate the control of sanctuaries.** It provides that the Chief Wildlife Warden shall act in accordance with the management plans for the sanctuary, to be prepared as per Central guidelines.
- It also **empowers both Central and State governments to declare areas adjacent to national parks and sanctuaries as a conservation reserve**, for protecting flora and fauna, and their habitat.
- The Bill also **empowers Central government to regulate and stop the import, trade or possession of invasive plant or animal alien species.**
- It further **requires every person possessing live specimens of scheduled animals to obtain a registration certificate from the Management Authority.**
- **It provides that people may “voluntarily surrender” any captive animals to the Chief Wildlife Warden**, and such surrendered animals will become property of the state government.
- The Bill also **enhances the penalties prescribed for violation of provisions of the Act.** For ‘General violations’, maximum fine is increased from Rs 25,000 to Rs. 1 lakh. In case of Specially protected animals, the minimum fine of Rs. 10,000 has been enhanced to Rs. 25,000.

The legal dilemma over the elephant’s status-

- The Indian elephant– simultaneously an endangered wildlife species and a prized domestic animal – has persisted for long.
- **In 1897, the Elephants’ Preservation Act prohibited the killing or capture of wild elephants** unless in self-defence or to protect property and crops, or under a licence issued by the district collector.

- **In 1927, the Indian Forest Act listed the elephant as 'cattle'**, prescribing the highest fine of Rs 10 for every impounded jumbo – in comparison, a cow attracted a fine of Re 1, and a camel of Rs 2.
- **The Wildlife (Protection) Act (WLPA), 1972, identified the elephant, along with the bullock, camel, donkey, horse, and mule, as a "vehicle".**
- Given the highest legal protection in 1977, the **elephant is the only animal in WLPA's Schedule-I that can still be owned legally** – by means of inheritance or gift.
- **In 2003, Section 3 of the WLPA** prohibited trade in all captive wildlife and any (non-commercial) transfer across state boundaries without permission from the concerned chief wildlife warden.
- **The WLPA (Amendment) Bill 2021 proposed an exception to Section 43:** "This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfillment of such conditions as may be prescribed by the Central Government."
- Along with conservation and animal welfare groups, the Parliamentary Standing Committee headed by Congress leader Jairam Ramesh objected to the blanket exemption, and recommended that it should be limited to temple elephants kept for religious purposes.

The vermin conflict –

- The damage due to crop depredation by wild animals has never been computed. But for lakhs of farmers around the many protected forests, it is the biggest challenge to livelihood, not to mention the occasional threat to life.
- **Since 1972, the WLPA has identified a few species – fruit bats, common crows and rats – as vermin or nuisance animals** that spread diseases or destroy crops

and are not protected under the Act. **Killing animals outside this list was allowed under two circumstances:**

1. **Under Section 62 of WLPA**, given **sufficient reasons**, any species other than those accorded the highest legal protection (such as tiger and elephant but not wild boar or nilgai) can be **declared vermin at a certain place for a certain time**.
 2. **Under Section 11 of WLPA**, the **chief wildlife warden can allow the killing** of an animal irrespective of its status in the Schedules, **if it becomes “dangerous to human life”**.
- The state governments took the decisions under Section 62 until 1991 when an amendment handed these powers to the Centre.
 - The purpose was apparently to restrict the possibility of eliminating a large number of animals at a species level as vermin.
 - Under Section 11, states could issue culling permits only locally and for a few animals.
 - **In recent years, however, the Centre has started using its powers under Section 62 to issue sweeping orders declaring species as vermin** at even state levels, often without any credible scientific assessment.
 - For example, nilgais were declared as vermin across 20 districts in Bihar for a year in 2015.
 - The Centre cited “large-scale destruction of agriculture” as the ground for declaring monkeys (Rhesus macaque) vermin in Shimla municipality in 2019.
 - The issue has since entered the realm of Centre-state politics.