



Preliminary comments on the Wild Life (Protection) Amendment Bill, 2021 (Bill No 159 of 2021 as introduced in the Rajya Sabha) to amend the Wild Life (Protection) Act of 1972

These are Wildlife Conservation Society-India's (WCS-India) preliminary comments and recommendations on the Wild Life (Protection) Amendment Bill, 2021 (hereafter referred to as the Draft Amendments) tabled before the Rajya Sabha recently to amend the Wild Life (Protection) Act 1972 (hereafter referred to as the WLPA).

At the outset, the work that has gone into the Draft Amendments should be appreciated as it has resulted in addressing several concerns of the members of the conservation community in India. The following aspects are especially of note:

1. Increasing the ambit of the legislation by using the term "Wildlife" which includes any animal, aquatic or land vegetation which forms part of any habitat.
2. Including provisions for addressing the problem of invasive species
3. Authorizing WCCB to take the cognizance of the offence and filing of Complaint before the Court.
4. Dropping of permanent listing of species as vermin
5. Increasing the penalties for all offences
6. Inclusion of species listed under CITES
7. Simplifying the categorisation of species under the Schedules.
8. Directing CCF to manage wildlife sanctuaries and preparing management plans in consultation with Gram Sabhas in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
9. Not allowing the renewal of arms within ten kilometers of a sanctuary except under the intimation to the Chief Wildlife Warden
10. Allowing State governments to use Central government land to form conservation reserves
11. Allowing the amendment of any entries in the Schedule via notification under section 61

Having stated the above, we would like to submit that the WLPA is an iconic and important piece of legislation in India for wildlife conservation till date. Hence we feel that there are aspects of the Draft Amendments that need careful consideration. We have highlighted some of these below. We urge that more time be given for experts to send detailed responses and also open it to public consultation.

GENERAL COMMENTS

1. **Removal of group level listing in the Schedules:** Listing individual species instead of groups (i.e., all Holothurians, all Signathidians, Testudinidae, Tryonychidae, Hornbills etc.) is a major deviation from the current Act and will need further consideration. This can give rise to taxonomic ambiguity when identifying species and filing WLORs in many cases. This is especially true when parts and products are being traded. Additionally, many species from

these groups have not been included in the current schedules (See Annexure 1). Also, new species are still getting described -- this is especially true for invertebrates, coral, sponges and amphibians, and these newly reported won't get due protection as per legislation.

2. **Names of species in the Schedules:** Misspelt and incorrect naming of species can lead to confusion and uncertainty during legal proceedings. We urge that species names (common and scientific) be standardized as much as possible. This can be done by using the IUCN Red List when possible. (Some examples of this are listed in Annexure 2)
3. **Criteria for inclusion in Schedule:** We urge that a criteria for including species in Schedule be well defined. Species that have been listed as 'Critically Endangered' and 'Endangered' under the IUCN Red List should be included in Schedule I and Schedule II (plants) in the absence of other systems for evaluating.
4. **Application of provisions of Act in respect of species listed in Schedule I or II and Schedule IV:** We recommend that species from Schedule I and II are not included in Schedule IV as well, especially since Chapter VB legitimizes trade and breeding of these species, while Schedule I and II species do not have this exemption. Listing any native species in Schedule IV will lead to confusion especially since group level listing has been removed.
5. **Critique on the definition of 'zoo':** It will be useful to include the definition of ex-situ so as to bring in facilities such as aquariums, botanical garden, and gene banks within a zoo's ambit.

Inclusion of 'circus' within the definition of 'zoo' can have a very deleterious effect on conservation and is in fact an antithesis to conservation given the stress that animals are put through in circuses. Inclusion of 'circus' will also be in direct contradiction to the government's move towards banning use of animals in circuses of India as was evidenced by a draft notification on November 28, 2018, banning the use of all animals in circuses across the country.

6. **Decoupling research activities from the definition of hunting:** Currently permission for research is provided as an exemption to prohibition on hunting in Section 9 and permits for the same are provided under Section 12. This view causes research work involving wild animals to be seen as hunting which is an offence with penal consequences.

Research activities for the purpose of wildlife conservation should be seen in a different light and not be clubbed with hunting as that creates a barrier for researchers who are out to help with the cause of conservation. Research itself has several nuances and it would be better if new sections are created within the legislation to regulate the same with adequate safeguards. This would encourage more young researchers and conservation enthusiasts to enter the conservation arena.

7. **Breeding of Indian native species included within Schedule IV of Draft Amendments raise concerns:** Sections 49M, 49N and 49O of Draft Amendments legitimize breeding of



CITES species for commercial purposes. This has hitherto not been the case with wildlife conservation in India and such activities must be approached with great caution and sufficient baselining to understand the ecological and ethical impacts of such breeding.

SPECIFIC COMMENTS

1. **Amendment of the preamble:** We urge that this be substituted by - “An Act to provide for the conservation, protection and **research-driven** management of wildlife and **habitats ...**”. It is important to include habitat within the scope of this Act. It is also important that the management be based on sound research.
2. **Implication of section 9’s Prohibition of Hunting on Schedule IV species:** Given that certain vulnerable native species have also been added to Schedule IV of Draft Amendments, the prohibition of hunting for only Schedule I and II of Draft Amendments, leaves everything else open to risk of hunting.
3. **Grant of permit to enter or reside in a sanctuary should include some more conditions to facilitate research and wildlife management:** Currently it is the Chief Wildlife Warden that grants this permit. A separate clause should be added here to stipulate that such permits will be granted in a timely manner and in case permissions are denied, it should be done so after giving adequate reasons. The applicant should also be afforded an opportunity to be heard before rejecting them outright.

Although the Environment Ministry has issued [Guidelines for Scientific Research in the Wildlife Protected Areas](#) this has not been reflected in the main Act through enabling provisions. This need to be incorporated as ecological research is often time bound by season and delay in receiving permits might cause hurdles for researchers.

4. **Invasive and Schedule IV species as Vermin:** Under this sub-section, vermin has been defined as a wild animal notified under Section 62. The term ‘wild animal’ has been defined under Section 2(36) as any animal which has been specified under Schedules I and II. However, this does not include invasive alien species or species mentioned under Schedule IV of the Draft Amendments, which may acquire the nature of vermin.

Using the term ‘wild life’ instead of ‘wild animal’ is more appropriate in this context. Since ‘wild life’ under section 2(37) includes ‘any animal’, aquatic or land vegetation which forms part of any habitat.

5. **Procedure to declare vermin to be clarified:** The designation of species as Vermin under Section 62 should happen with explicit stipulation of giving reasons, basing it on scientific evidence by involvement of an advisory or supervisory body. Also there should be provision of periodic tracking of the fate of animal’s population as a result of notification. Considering the requirements of such processes we recommend that this section should be re-amended.



- 6. Need for an advisory or supervisory body to regulate invasive alien species:** The identification and then designation of species as invasive alien species should also happen on the basis of scientific evidence of their impacts through a supervisory or advisory body.

We hope that the above-mentioned concerns and recommendations will be considered.

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ANNEXURE 1

Examples of Indian species not included in Schedules I & II

Common Names	Scientific Name	IUCN Status	Previously included in the Schedules
Indian Narrow-headed Softshell Turtle	<i>Chitra indica</i>	Endangered	Previously covered as a family (Tryonychidae) in Schedule IV
Indian Eyed Turtle	<i>Morenia petersi</i>	Endangered	Previously not included in WLPA,1972
Assam Leaf Turtle	<i>Cyclemys gemeli</i>	Near Threatened	Previously not included in WLPA,1972
Assam Roofed Turtle	<i>Pangshura sylhetensis</i>	Critically Endangered	Previously not included in WLPA,1972.
Indian Roofed Turtle	<i>Pangshura tecta</i>	Vulnerable	Previously not included in WLPA, 1972. Common name of Tent turtle was erroneously kept with the old scientific name of Roofed turtle.
Brown Roofed Turtle	<i>Pangshura smithii</i>	Near Threatened	Previously not included in WLPA, 1972
South-east Asian Box Turtle	<i>Cuora amboinensis</i>	Endangered	Previously not included in WLPA, 1972
Indian Black Turtle	<i>Melanochelys trijuga</i>	Least Concern	Previously not included in WLPA, 1972



Impressed Tortoise	<i>Manouria impressa</i>	Endangered	Previously covered as a family (Testudinidae) in Schedule IV
Malabar Pied-Hornbill	<i>Anthracoceros coronatus</i>	Near Threatened	Previously covered as a family (4-C. Hornbills) in Schedule I
Malabar Grey Hornbill	<i>Ocyrceros griseus</i>	Vulnerable	Previously covered as a family (4-C. Hornbills) in Schedule I

ANNEXURE 2

Examples of species names that have been changed over the years, have been misspelt or mistyped in the Draft Act.

Common Name (WLPA)	Scientific Name (WLPA)	Common Name (IUCN/CITES)	Scientific Name (IUCN/CITES)	Comments
Indian Tent Turtle	<i>Kachuga tecta tecta</i>	Indian Tent Turtle	<i>Pangshura tentoria</i>	Update taxonomy
NA	<i>Trochus niloticus</i>	NA	<i>Rochia nilotica</i>	Update taxonomy
NA	<i>Cypraea talpa</i>	NA	<i>Talparia talpa</i>	Update taxonomy
Indian Soft-shelled Turtle	<i>Lissemys punctata punctata</i>	Indian Flap-shelled Turtle	<i>Lissemys punctata</i>	Draft act misspelt the species name as <i>punctate</i> , also common name needs to be updated as per IUCN name.
NA	<i>Lambis chiragra</i>	NA	<i>Harpago chiragra</i>	Update taxonomy
NA	<i>Lambis chiagra arthritica</i>	NA	<i>Harpago arthriticus</i>	Update taxonomy
NA	<i>Lambis scorpius</i>	NA	<i>Lambis indomaris</i>	Update taxonomy
NA	<i>Cypraea talpa</i>	NA	<i>Talparia talpa</i>	Update taxonomy
NA	<i>Cypraea mappa</i>	NA	<i>Leporicypraea mappa</i>	Update taxonomy
NA	<i>Cypraea limacina</i>	NA	<i>Staphylaea limacine</i>	Update taxonomy

