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**THE WILD LIFE (PROTECTION) ACT, 1972**

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# **THE WILD LIFE (PROTECTION) ACT, 1972**

## **INTRODUCTION**

The Wild Life (Protection) Act, 1972 is an Act passed by the Parliament of India on August 21, 1972, and later implemented on 9 September 1972. This Act was enacted for the protection of plants, birds and animal species. The Wildlife Protection Act is an umbrella Act to protect wild animals and plants. Before this Act was enacted there were very few national parks. This Act includes provisions for protection of plants and animals, hunting, harvesting and various other ancillary matters connected thereto. It has six schedules which extend to all over India. Under this Act, various kinds of penalties are also laid down for the violation of the laws contained therein. This Act contains 66 sections and six schedules.

## **IMPORTANT PROVISIONS (in short)**

### **Section 2. Definitions.—**

In this Act, unless the context otherwise requires,—

[(1) “animal” includes amphibians, birds, mammals and reptiles and their young, and also includes, in the cases of birds and reptiles, their eggs;]

(2) “animal article” means an article made from any captive animal 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 ivory imported into India and an article made therefrom];

[(4) “Board” means a State Board for Wild Life constituted under sub-section (1) of section 6;]

(5) “captive animal” means any animal, specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;

(7) “Chief Wild Life Warden” means the person appointed as such under clause (a) of sub-section (1) of section 4;

(7A) “circus” means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;]

(9) “Collector” means the chief officer in charge of the revenue administration of a district or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under section 18B in this behalf;]

(10) “commencement of this Act”, in relation to—

a) a State, means commencement of this Act in that State,

(b) any provision of this Act, means the commencement of that provision In the concerned State;

(11) “dealer” in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;]

(12) “Director” means the person appointed as Director of Wild Life Preservation under clause (a) of sub-section (1) of section 3;

[(12A) “Forest officer” means the Forest officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other Act for the time being in force in a State;

(12B) “forest produce” shall have the same meaning as in sub-clause (b) of clause (4) of section 2 of the Indian Forest Act, 1927 (16 of 1927);]

(14) “Government property” means any property referred to in section 39 4[or section 17H];

(15) “habitat” includes land, water or vegetation which is the natural home of any wild animal;

(16) “hunting”, with its grammatical variations and cognate expressions, includes,—

[(a) killing or poisoning of any wild animal or captive animal and every attempt to do so;

(b) capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;]

(c) injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;

(17) “land” includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, [marshes and wetlands and also includes boulders and rocks];

(18) “licence” means a licence granted under this Act;

[(18A) “livestock” means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V;]

(19) “manufacturer” means a person who manufactures articles from any animal or plant specified in Schedules I to V and VI, as the case may be;

(20) “meat” includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;

(20A) “National Board” means the National Board for Wild Life constituted under section 5A;]

(21) “National Park” means an area declared, whether under section 35 or section 38, or deemed, under sub-section (3) of section 66, to be declared, as a National Park;

(22) “notification” means a notification published in the Official Gazette;

(23) “permit” means a permit granted under this Act or any rule made thereunder;

(24) “person” includes a firm;

[(24A) “protected area” means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;]

(25) “prescribed” means prescribed by rules made under this Act;

[(25A) “recognised zoo” means a zoo recognised under section 38H;

[(25B) “reserve forest” means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927 (16 of 1927), or declared as such under any other State Act;

(26) “sanctuary” means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66;]

[(27) “specified plant” means any plant specified in Schedule VI;]

(29) “State Government”, in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

(30) “taxidermy”, with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;]

[(30A) “territorial waters” shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);]

(31) “trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes—

(a) rugs, skins and specimens of such animal mounted in whole or in part through a process of taxidermy, and

[(b) antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;]

(32) “uncured trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a 9 [freshly killed wild animal, ambergris, musk and other animal products];

(33) “vehicle” means any conveyance used for movement on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse and mule;

(34) “vermin” means any wild animal specified in Schedule V;

(35) “weapon” includes ammunition, bows and arrows, explosives, firearms, hooks’ knives, nets poison, snares and traps and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;

10[(36) “wild animal” means any animal specified in Schedules I to IV and found wild in nature;]

11[(37) “wild life” includes any animal, aquatic or land vegetation which forms part of any habitat;]

section 4;

[(39) “zoo” means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public 2 [and includes a circus and rescue centres but does not include an establishment] of a licensed dealer in captive animals.]

**Section3. Appointment of Director and other officers.**—(1) The Central Government may, for the purposes of this Act, appoint,—

(a) A Director of Wild Life Preservation;

(c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

[(3) The officers and other employees appointed under this section shall be required to assist the  
Director.]

**Section4. Appointment of Life Warden and other officers.**—(1) The State Government May, for the  
purpose of this Act, appoint,—

(a) a Chief Wild Life Warden;

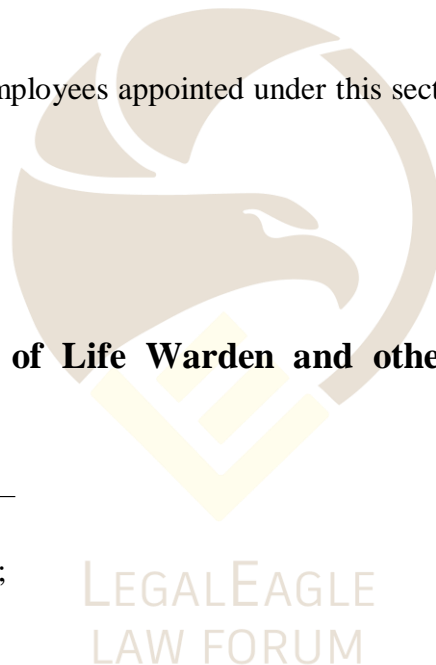
(b) Wild Life Wardens; 5

[(bb) Honorary Wild Life Wardens;]

(c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wild Life Warden shall be subject to such general or special directions, as the State Government may from time to time, give.

(3) [The Wild Life Warden, the Honorary Wild Life Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wild Life Warden.



**Section 9. Prohibition of hunting.**—No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.]

**Section 11. Hunting of wild animals to be permitted in certain cases.**—(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,—

(a) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by Order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted;

(b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt 2 [such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted].

(2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence: Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be Government property

**Declaration of sanctuary.**—2

[(1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.]

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

**Section 20. Bar of accrual of rights.**—After the issue of a notification under section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

**Section 21. Proclamation by Collector.**—When a notification has been issued under section 18, the Collector shall 3 [within a period of sixty days] publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation—

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
- (b) requiring any person, claiming any right mentioned in section 19, to prefer before the Collector, within two months from the date of such proclamation, a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation, if any, claimed in respect thereto

**Section 23. Powers of Collector.**—For the purpose of such inquiry, the Collector may exercise the following powers, namely:—

- (a) the power to enter in or upon any land and to survey, demarcate and make a map of the same or to authorise any other officer to do so;
  - (b) the same powers as are vested in a civil court for the trial of suits.
24. Acquisition of rights.—(1) In the case of a claim to a right in or over any land referred to in section 19, the Collector shall pass an order admitting or rejecting the same in whole or in part.
- (2) If such claim is admitted in whole or in part, the Collector may either—

- (a) exclude such land from the limits of the proposed sanctuary, or
  - (b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land” and on payment of such compensation, as is provided in the Land Acquisition Act, 1894(1 of 1894).
- [ (c) allow, in consultation with the Chief Wild Life Warden, the continuation of any right of any person in or over any land within the limits of the sanctuary.]

**Section 30. Causing fire prohibited.**—No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

**Section 31. Prohibition of entry into sanctuary with weapon.**—No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

32. Ban on use of injurious substances.—No person shall use, in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wild life in such sanctuary

**Section 39. Wild animals, etc., to be Government property.**—

(1) Every—

(a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or 1 [bred in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed or by mistake; and

(b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed,

[(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed;).

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act.] shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat 1 [derived from such animal or any vehicle, vessel, weapon, trap or tool used in such hunting] shall be the property of the Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the, nearest police station or the authorised officer and shall, if so required,

hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer—

(a) acquire or keep in his possession, custody or control, or

(b) transfer to any person, whether by way of gift, sale or otherwise, or (c) destroy or damage, such Government property.

#### **Section42. Certificate of ownership.—**

The Chief Wild Life Warden may, for the purposes of section 40, issue a certificate of ownership in such form, as may be prescribed to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification.

#### **Section46. Purchase.—**

(1) An appeal from an order refusing to grant or renew a licence under section 44 or an order suspending or cancelling a licence under section 45 shall lie— (a) if the order is made by the authorised officer, to the Chief Wild Life Warden; or (b) if the order is made by the Chief Wild Life Warden, to the State Government.

(2) In the case of an order passed in appeal by the Chief Wild Life Warden under clause

(a) of sub-section (1), a second appeal shall lie to the State Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) An appeal under this section shall be preferred within thirty days from the date of the communication, to the applicant, of the order appealed against: Provided that the appellate authority may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

#### **Section65. Rights of Scheduled Tribes to be protected.—**

Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration.

### **Amendment and Loophole**

The Wildlife Protection Act 1972, which was amended in 2002, banned the sale of captive elephants which were not registered with the forest department. However, the exemption under Section 40 giving special status to elephants regarding possession, inheritance or acquisition, has enabled the elephant traders to defy the ban and continue with the illegal trade of these elephants. The trend is people are 'gifting' elephants using a loophole in the law and the trade flourishes.

### **CONCLUSION**



India is a country blessed with a huge diversity in natural resources. It has a variety of flora and fauna. Such resources must be protected and reserved. For the same reason, the Wildlife Protection Act, 1972 was brought into force. Many changes were brought with the Amendment Act, 2002. This Act acts like a blanket of protection for various flora and fauna from illegal poaching, killing, trading in wild animals and various species of plants. This Act consists of 60 Sections and divided into 8 chapters. This Act empowers the State as well as the Central government to declare any area as Sanctuary, National Park. Various restrictions are imposed to carry any activity under these areas and officers are appointed to administer the activities which are carried on under those areas. Many restrictions on trade and commerce are imposed to stop the illegal activities. This act helps in protecting, conserving and preserving the wildlife.

## About the Author



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I'm Aarohi Adbe, student of B.A.LLB 3rd year from Manikchand Pahade law college Aurangabad, Maharashtra. Amazing experience interning with LEGALEAGLE LAW FORUM and got to increase my knowledge. People were very supportive and were always there to solve the queries. Every work was on time which actually motivated me to complete my work before deadline.