

Parliament Passes Wildlife Bill: Questions Remain on Elephants, Vermin

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**Paper - III
(Environment)**

- ❖ The amended Wild Life Bill leaves scope for the transfer of captive elephants and retains the Centre's powers to declare species as 'vermin'.

The Wild Life (Protection) Amendment Bill 2022, which was passed by Rajya Sabha on Thursday, 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. Lok Sabha cleared the Bill in August.

The Jumbo Conundrum

The legal dilemma over the elephant's status — 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.

wildlife Transfer Rules

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.

Under pressure, the government modified the exemption but worded the amended clause vaguely to allow the “transfer or transport of a captive elephant for a religious or any other purpose by a person having a valid certificate of ownership... subject to such terms and conditions as may be prescribed by the Central Government”.

Loophole Or Relief

Critics point out that the prohibition on commercial transfer only drove the live elephant trade underground as traders switched to dressing up commercial deals as gift deeds to bypass the 2003 amendment. The sweeping ambit of “any other purpose” in the present amendment, they say, will empower elephant traders, put wild populations at greater risk of capture, and defeat the very purpose of WLPA.

A counter view is that the 2003 amendment did not benefit captive elephants who suffer when their owners fail to bear the expenses of their upkeep, particularly in the post-Covid scenario, and allowing such owners to transfer their elephants legally to those willing to and capable of looking after the animals is a welcome step.

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:

- 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.
- 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”.

Constitutional Provisions for Wildlife:

- ➔ The 42nd Amendment Act, 1976, Forests and Protection of Wild Animals and Birds was transferred from State to Concurrent List.
- ➔ Article 51 A (g) of the Constitution states that it shall be the fundamental duty of every citizen to protect and improve the natural environment including forests and Wildlife.
- ➔ According to Article 48A under the Directive Principles of State Policy, the State shall work for the protection and promotion of the environment and shall work towards the protection of forests and wildlife throughout the country.

Vermin: vermin refers to small animals that carry diseases and destroy food e.g. Monkeys, Nilgai

Wildlife Protection Act, 1972:

This act was enacted to protect the species of plants and animals. This act was made to protect the species of plants and animals. Under the Act, the central government appoints the Director of Wildlife Preservation and assistant directors and other officers subordinate to him. State governments appoint a 'Chief Wildlife Warden' (CWLW), who heads the wildlife wing of the department and exercises complete administrative control over protected areas (PAs) within the state.

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.

wildlife and food conflict

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. Since last year, Kerala’s requests for declaring wild boars as vermin have been turned down repeatedly by the Environment Ministry. That is why the House was divided on the issue, with members from Kerala highlighting the growing number of wild boar attacks in the state, and others seeking a more tempered approach in declaring a species as vermin.

To cull or not

Wildlife targets crops either because there is insufficient food inside forests or because fields offer more nutrient alternatives like sugarcane or maize. In the first scenario, stopping their access to non-forest food by electric fences, etc. may make them starve and bring down the population over time. Besides, used locally, contraptions such as electric fencing divert animals to the next village and merely shift conflict. Used extensively, it turns forests into fenced-in zoos without enough food. In the second scenario, measures such as creating buffer zones so that crops do not stand at the edge of the forest, or promoting non-edible crops, may discourage but not eliminate conflict. Effective compensation schemes work where the damage is reasonable. Elsewhere, the only option is to reduce the number of habitual crop raiders.

The absence of a legal option has not stopped farmers from secretly hunting ‘problem’ animals. Such unregulated culling encourages a practice that often extends to poaching of non-pest, rare and endangered species. Sweeping orders that allow large-scale culling at the species level also promote the same trigger-happy culture. There is no alternative to a site-specific, time-bound approach based on scientific evaluation.

Salient Features of the WPA Act 1972

- ➔ **Ban on hunting:** The Act prohibits the hunting of any wild animal specified in Schedule I, II, III and IV.
- ➔ **Ban on cutting/uprooting of specified plants:** The Act prohibits uprooting, damaging, collecting, possessing or selling any specified plant from any forest land or a protected area.
- ➔ **Declaration and Protection of Wildlife Sanctuaries and National Parks:** The Central Government may declare any area as a sanctuary, provided the area is of sufficient ecological, faunal, floral, geomorphological, natural or zoological importance.
- ➔ **Constitution of various bodies:** The Act provides for the constitution of bodies such as the National and State Wildlife Boards, the Central Zoo Authority and the National Tiger Conservation Authority.
- ➔ **Government property:** According to the Act, hunted wild animals (other than insects), articles made from animal skin or flesh of any wild animal and ivory imported into India and articles made from such ivory are considered government property.

Expected Question

Que. What are the implications if a particular plant species is placed under Schedule VI of the Wildlife Protection Act, 1972?

- (a) A license is required for the cultivation of that plant.
- (b) Such plant cannot be cultivated under any circumstances.
- (c) It is a genetically modified crop plant.
- (d) such plant is invasive and harmful to the ecosystem.

Answer : A

Mains Expected Question & Format

Que.: Explain the features of the Wildlife (Protection) Amendment Bill 2022 and critically analyze its provisions.

Answer Format :

- ❖ Mention the features of Wildlife (Protection) Amendment Bill 2022.
- ❖ Critically analyze the main provisions of this act.
- ❖ Give a balanced conclusion.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.