

## WILDLIFE LEGISLATION AND POLICIES: A BRIEF ACCOUNT

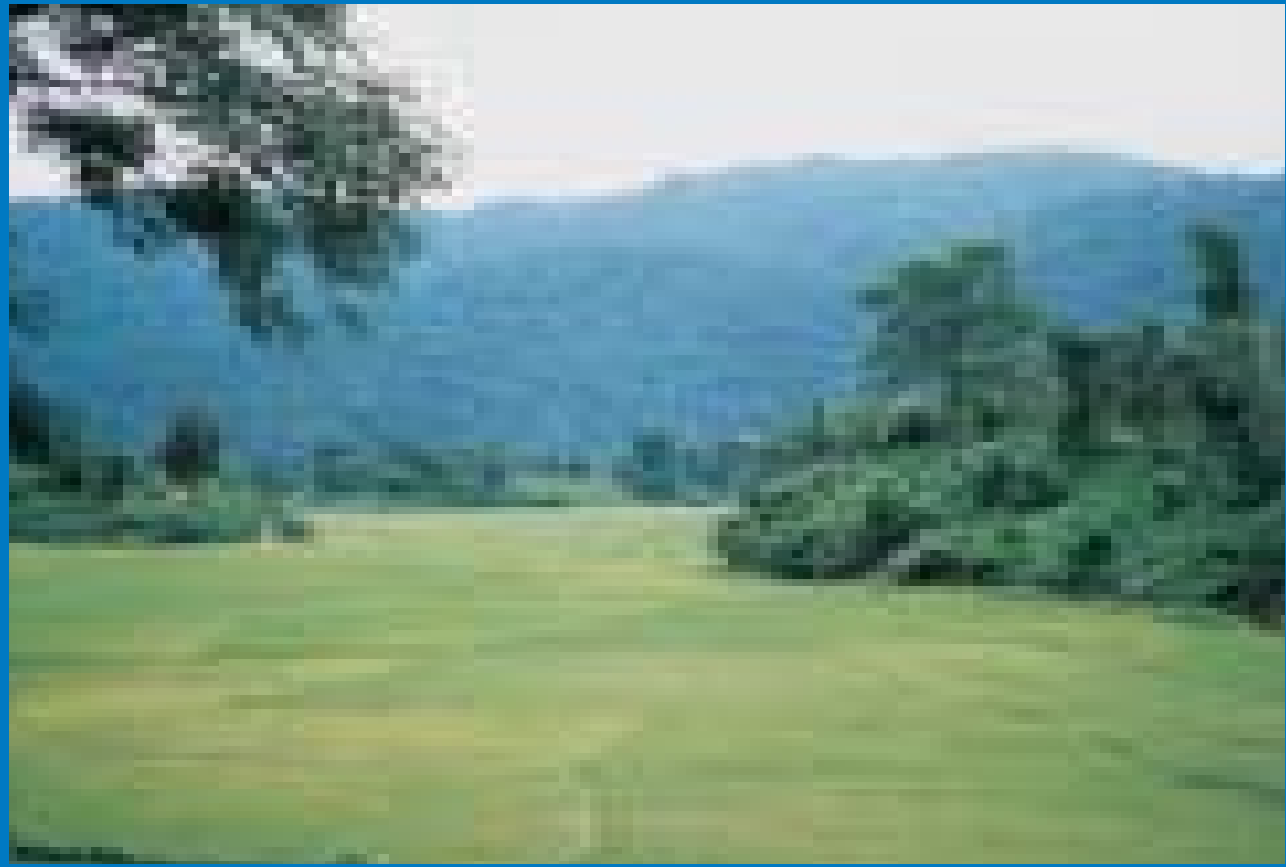


Photo: M. Zafar-Ul-Islam

While declaring Protected Areas, plain areas with important lowland forests and wetlands were left out. Most low-land forests are converted into crop fields.

In 1952, the National Commission on Agriculture in its policy document brought in the concept of social forestry to reduce pressure on forests and wildlife. Several wildlife biologists, environmentalists and scientists suggested that this is not sufficient to maintain viable populations of wildlife. Due to poor management and habitat exploitations, biodiversity conservation was becoming difficult. The management systems for the existing protected areas has to be strengthened and more areas included in the list, especially those areas which are very important for globally threatened species of birds and other wildlife. After 1960, the Government of India took strong steps to strengthen the conservation movement in India; culmination in the Wildlife (Protection) Act 1972, and the Forest (Conservation) Act, 1980, which have been quite effective in the conservation of wildlife and its habitat. As a result of these acts, the number of national parks and sanctuaries has increased from 65 at the time of Independence to 567 by June 2000.

Global interest and action for wildlife protection and conservation across the world has also benefited the country. India has also endorsed several international conventions and treaties. For example, the Ramsar Convention was established at Ramsar, Iran in February 1971. The Convention on the Conservation of Migratory Species of Wild Animals, signed by 50 countries in Bonn in 1979 and effective from 1983 and the Convention between India and the Soviet Union for the protection of migratory birds, signed in 1984. Besides the Wildlife (Protection) Act, 1972, there were several independent animal protection acts and rules in certain states

### **The Wildlife (Protection) Act, 1972**

The Wildlife (Protection) Act was enacted on 7<sup>th</sup> September 1972. It provides legal guidelines for the protection, conservation and management of wildlife in India. It covers all matters relating to India's wildlife, including protected areas, activities within protected areas, control of hunting and poaching, trade of wildlife, enforcement and administrative functions of wildlife authorities.

The Act authorises the appointment of Directors and other officers, after the establishment of sanctuaries, national parks, as well as zoos. It also empowers the appointment of Directors and other officers of the Ministry of Environment and Forests to be in charge of wildlife in India. Under the Act, the Ministry of Environment and Forests and state forest departments manage sanctuaries and national parks through regulations that prohibit various activities within them. Regulations for specific national parks and sanctuaries are to be drawn up in consultation with local authorities, which differs from place to place. The Wildlife (Protection) Act, 1972 also provides almost complete or partial protection of wild species, listed under various Schedules.

Many protected area managers proudly declare their area as an IBA, as seen on this sign board in Kaziranga National Park, Assam.

Photo: M. Zafar-ul-Islam



The avifauna section of the Act says that all Indian birds are protected under the Wildlife (Protection) Act 1972, though in its Schedule V, the House Crow is declared as a vermin. The bird species listed in schedules of the Act need to be changed as per the IUCN categories and criteria. BirdLife International has categorised globally threatened species into (a) Critically Endangered, (b) Endangered, (c) Vulnerable, (d) Conservation Dependent, (e) Data Deficient and (f) Near Threatened (BirdLife International 2001). There is a need to completely revise the bird lists of different schedules of the Act as many common species are listed in higher schedules while globally threatened species are in lower categories. For example, the Spot-billed Pelican *Pelecanus philippensis*, currently placed under Schedule 1V of the Act, deserves Schedule 1 status. On the other hand, relatively common and widespread species (for some species India is marginal in their over-all world distribution) such as the Lammergeier *Gypaetus barbatus*, Osprey *Pandion haliaetus*, Bazas (*Aviceda jerdoni* and *A. leuphotes*), Grey-Peacock Pheasant *Polyplectron bicalcaratum* and Kaleej *Lophura leucomelanos* are listed in Schedule I. Incidentally, the Osprey is one of the most widely distributed birds in the world! Another problem is

the numerous spelling errors in the scientific names.

### The Protected Area System

India has an age-old tradition of nature conservation which is reflected not only in old literature and cultural ethos, but also in the constitution, policies, legislation and organizations. Sacred groves are scattered all over the country and have found expression in every culture and religion. *Abharanya* (forest without fear) were established by many Indian kings where hunting of animals was prohibited. Almost all large temples have sacred groves, sacred trees (generally *Ficus* spp.) and tanks where all type of hunting is banned. Many rulers had also established sanctuaries but they were mainly for hunting purpose. Nonetheless, they protected large tracts of natural habitats. After India's Independence and merger of semi-autonomous states with the Indian Union, many of these former hunting grounds were established as sanctuaries. The most famous are the Ranthambore National Park and Keoladeo National Park in Rajasthan and Bandavgarh National Park in Madhya Pradesh. All are recognised as IBAs.

For a long time, only two types of protected areas were recognised in India: national park and sanctuary. Other categories include tiger reserves, biosphere reserves, reserved forests, social forestry areas and village forests. In the recently amended Wildlife (Protection) Act, 1972, two new categories of protected areas have been added: Community Reserves and Conservation Reserves. The main criterion that distinguishes these two categories is land ownership. If the land ownership is private or with community, then the community reserve category is applicable, and if the land ownership is with government, then the area could be declared as a conservation reserve. The ground reality is that many community based conservation happens on government lands, such as reserve forest, wetlands, and coasts. A good example is nesting sites of the Vulnerable Spot-billed Pelican and Lesser Florican. Many non-protected IBAs could be declared as community reserves.

A significant proportion of birds (and other animal and plant) species can be effectively conserved by the protection of key sites, either as officially protected areas (national parks, wildlife sanctuaries and tiger reserves) or through the promotion of sustainable land-use practices. The main strategy of the Government of India for the conservation of biodiversity is the protection of habitats in representative ecosystems. About 4% of India's land area is presently gazetted as national parks and sanctuaries. A wide network of 86 national parks which covers 37,64,857 ha or 1.15% of the country's geographical area and 480 wildlife sanctuaries, with an area of 115,35,177 ha or 3.51% has been established (Rodgers *et al.* 2000).

Forty-five percent of the IBAs in India do not fall within the protected areas system. These IBAs should be given some sort of legal protection, either as sanctuaries or community conservation areas or eco sensitive areas. While legal measures may not always guarantee protection on the ground, they demonstrate to all sectors of the society and branches of government, the official recognition and importance of a site.

### National Parks

The Hailey National Park in Uttar Pradesh (now Uttaranchal) was the first national park in India, established in 1936. Later, the name was changed to Ramganga National Park but now it is called Corbett National Park, after the famous hunter-conservationists Jim Corbett. Today, there are 86 national parks, covering 37,64,857 ha India's land area (Rodgers *et al.* 2000). The Ministry of Environment and Forests, Government of India generally funds them through the state forest departments. The administration is fully under the control of the state forest departments. Rodgers *et al.* (2000) have given suggestions to add 74 national parks by creating new ones or upgrading existing sanctuaries to the national park status. Out of 86 national parks, 52 are identified as IBAs.

### Wildlife Sanctuaries

The Vedanthangal Wildlife Sanctuary in Tamil Nadu is perhaps the country's first officially declared bird sanctuary. It was established in 1925. Presently, various state forest departments administer a total of 480 wildlife sanctuaries (Rodgers *et al.* 2000). These sanctuaries cover an area of about 115,35,177 ha. Out of the 480 wildlife sanctuaries, 191 are identified as IBAs.

The Western Ghat is fairly well represented in the PA system in India.

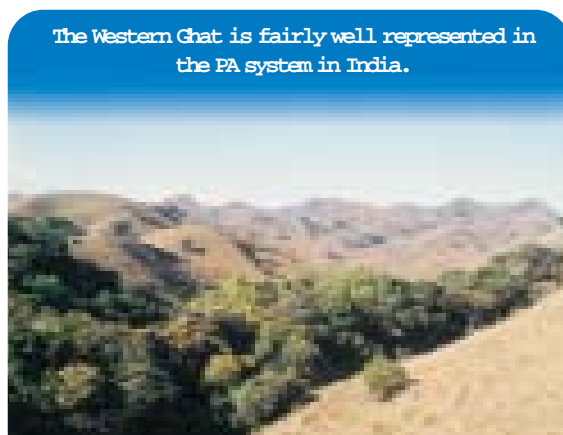


Photo: M. Zafar-ul-Islam

### Tiger Reserves

The Tiger is the indicator of ecological health of the forests it inhabits. Protection and conservation of tiger in the wild is an important responsibility of the Government of India. The Tiger is the National Mammal of India. In order to protect Tiger and its habitat, the Government of India started the Project Tiger Scheme in 1973 at the initiative of the then Prime Minister Mrs. Indira Gandhi. The Scheme started with nine Tiger Reserves covering 16,33,900 ha, and now it has 27 Tiger Reserves with a total area of 37,76,100 ha. Out of 27 Tiger Reserves, 23 sites are identified as IBAs. Below is the list of Tiger Reserves considered as IBAs:

#### Tiger Reserves and IBAs

TBA Code	Name	State	Area (ha)	TBA Criteria
IN-AP-06	Nagarjunasagar-Sirisailam	Andhra Pradesh	3,56,800	A1
IN-AR-18	Namdapah	Arunachal Pradesh	1,98,500	A1, A2
IN-AR-20/ IN-AS-32	Pakhui-Nameri	Arunachal Pradesh-Assam	1,20,600	A1, A2
IN-AS-31	Manas	Assam	2,84,000	A1, A2
IN-BR-10	Valmiki	Bihar	84000	A1, A3
IN-CT-03	Indravati	Chhattisgarh	2,79,900	A1, A3
IN-JH-02	Palamau	Jharkhand	1,02,600	A1, A3
IN-KA-03	Bandipur	Karnataka	86,600	A1, A2
IN-KA-05	Bhadra	Karnataka	49,246	A1, A2
IN-KL-17	Periyar	Kerala	77,754	A1, A2, A3, A4
IN-MP-01	Bandhavgarh	Madhya Pradesh	1,16,200	A1, A3
IN-MP-04	Bori-Satpura-Pachmarhi	Madhya Pradesh	1,48,600	A1, A3
IN-MP-09	Kanha	Madhya Pradesh	1,94,500	A1
IN-MP-11	Panna	Madhya Pradesh	54,200	A1
IN-MP-12	Pench	Madhya Pradesh	75,800	A1
IN-MH-09	Melghat	Maharashtra	1,67,700	A1, A2, A3
	Pench	Maharashtra	25,726	
IN-MH-16	Tadoba-Andhari	Maharashtra	62000	A1, A3
IN-MZ-02	Dampa	Mizoram	50,000	A2
IN-OR-06	Simlipal	Orissa	275,000	A1, A3
IN-RJ-14	Ranthambore	Rajasthan	133400	A1, A3
IN-RJ-18	Sariska	Rajasthan	86600	A1,
IN-TN-11	Kalakad-Mundanthurai	Tamil Nadu	80,000	A1, A2
IN-UP-02	Dudwa	Uttar Pradesh	81,100	A1, A3
IN-UT-05	Corbett	Uttaranchal	1,31,600	A1
IN-WB-01	Buxa	West Bengal	75,900	A1, A2
IN-WB-10	Sundarbans	West Bengal	258500	A1

### Reserve Forests

A Reserve Forest is an area notified under the provisions of the Indian Forest Act or the State Forest Acts having full degree of protection. According to an estimate of the Forest Survey of India (2001), the total forest cover in India is 7,68,436 sq. km or 23.38% of the country's geographical area. Of these, 4,23,311 sq. km forms the Reserved Forest. The Protected Forest is 217,245 sq. km, and 1,27,881 sq. km of land is defined as Unclassed Forest. Protected Forest is an area notified under the provisions of Indian Forest Act or the State Forest Acts having limited degree of protection. In Protected Forests all activities are permitted unless specially prohibited. The Unclassified Forest is an area recorded as forest but not included in Reserved or Protected Forest category. Ownership status of such forests varies from State to State (Ministry of Environment and Forests 2001).

### Biosphere Reserves

The Biosphere Reserves are special areas representing a particular type of ecosystem. The biosphere reserves are different from protected areas. The object of a Biosphere Reserve is the protection of a large landscape, with multiple-use areas. The concept of Biosphere Reserve was involved by UNESCO in 1973-74. The UNESCOs Man and Biosphere Programme identified 12 mega-diversity countries in the world, one among them is India. According to Myers (1990), 18

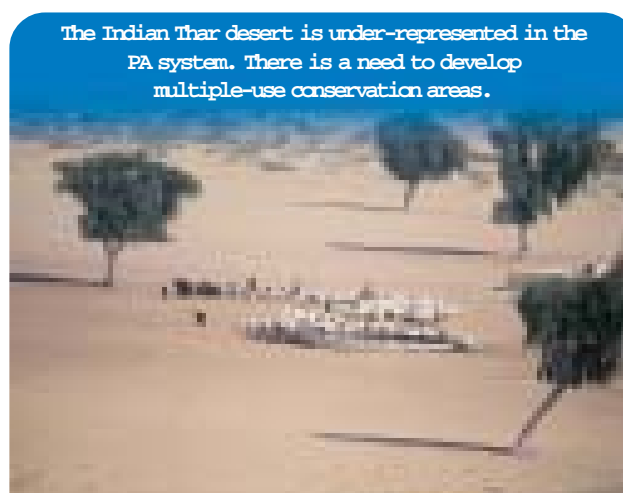


Photo: Asad R. Rahmani

biodiversity hotspots are found in Asia-Pacific region. In particular, the Eastern Himalayas and Western Ghats are recognized as two Hotspots. The Indian National MAB Committee constituted a core advisory Group of Experts in 1979 and identified 14 potential sites for notifying as biosphere reserves, with the following objectives:

- a) To conserve the diversity and integrity of plants and animals within the natural ecosystem,
- b) To safeguard genetic diversity of species on which their continuing evolution depends.
- c) To provide areas for multi-faceted research and monitoring.
- d) To provide facilities for education and training.
- e) To ensure sustainable use of natural resources through most appropriate technologies for improvement of economic life of local people.

The Nilgiri Biosphere Reserve, which covers areas in the states of Kerala, Karnataka and Tamil Nadu was the first of its kind, established on 1<sup>st</sup> September 1986. The total area of the Biosphere Reserve is 5,520 sq. km that contains IBAs such as Wyanaad, Nagarhole, Bandipur and Mudumalai, the entire forested hill slopes of Nilambur, Nilgiris, the Upper Nilgiris plateau, and the Silent Valley National Park and Siruvani hills. Presently, we have 12 biosphere reserves. The Indian MAB Committee of the Ministry of Environment and Forests has proposed seven more sites to be designated as biosphere reserves.

#### Biosphere Reserves and IBAs

IBA Code	Name	State	Area in ha	IBA Criteria
IN-AS-05	Great Nicobar	Andaman and Nicobar Islands	88,500	A1, A2
IN-AR-04/05	Debang	Arunachal Pradesh	5,11,200	A1, A2
IN-AS-13	Dibru Saikhowa	Assam	74,000	A1, A2, A3
IN-AS-31	Manas	Assam	2,83,700	A1, A2
	Pachmari	Madhya Pradesh	4,92,628	
IN-ML-03	Nokrek (Tura range)	Meghalaya	8,000	A1, A3
IN-OR-06	Similipal	Orissa	4,37,400	A1, A3
IN-SK-04	Khangchendzonga	Sikkim	2,61,992	A1, A2, A3
IN-TN-09	Gulf of Mannar	Tamil Nadu	10,50,555	A1, A4iii
	Nilgiri*	Tamil Nadu, Karnataka and Kerala	5,52,000	
IN-UT-08	Nanda Devi	Uttaranchal	1,56,000	A1, A2
IN-WB-10	Sundarbans	West Bengal	9,63,000	A1

\* Many sanctuaries and reserve forests are recognised as IBAs.

## INTERNATIONAL CONVENTIONS AND AGREEMENTS

### International recognition

IBAs are recognised by intergovernmental bodies and international treaties such as the Biodiversity and Ramsar conventions. The Global Environment Facility recognises IBAs in their own strategies and action plans, while the European Union has used them as a basis for legal judgments (Heath and Evans 2000). Some international conventions and programmes, signed by India, are particularly relevant to sites and species, e.g. the Convention on Wetlands of International Importance, especially as Waterfowl habitat (Ramsar Convention), the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention), the Convention on Biological Diversity and UNESCO's Man and Biosphere Programme (Evans 1994).

The IBA criteria are compatible with the Ramsar criteria set for wetlands of international importance, yet only 16 IBAs in India are Ramsar sites. All the IBAs that qualify Ramsar criteria should be considered for designation as Ramsar sites for the internationally important numbers of waterbirds that they hold.

### Ramsar Convention

The Convention on Wetlands of International Importance, adopted at Ramsar, Iran in February 1971, popularly known as Ramsar Convention, aims to preserve and protect wetland ecosystems together with dependent waterbird species and make sure the wise use of wetlands for the benefit of people. The Ramsar Convention defined certain guidelines for the formulation and implementation of wetland policies, that helps in identifying national inventories of wetlands, determining priorities for each site, undertaking impact studies for projects which may affect wetlands, regulating the use of wild fauna and flora to avoid over-exploitation and drafting legislation that ensure the wealth of wetland conservation. India signed this Convention in 1982 and till November 2002 has designated 19 wetlands as Ramsar sites. Point Calimere, Vembanad-Kole Wetland, Bhoj Wetland, Ropar Lake, Kanjli Lake, Harike Wetland, Tsomoriri, Wular Lake, Loktal Lake, Ashtamudi Lake, Deepor Beel, Chilika Lake, Pong Dam Lake, Sambhar Lake, Kolleru Lake, Bhitarkanika Mangroves, Keoladeo National Park and Sasthamkotta Lake are Ramsar sites and also IBAs. Several huge areas of East Calcutta Wetlands are also declared as Ramsar sites.

### The Convention on Biological Diversity (CBD)

The Convention on Biological Diversity (CBD) was adopted in 1992 and came into force in 1993. More than 180 countries/parties, including India, have signed this Convention. Amongst them, 21 are in the Asia region. The objectives of the Convention are the conservation of biological diversity, the sustainable use of natural resources, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. The primary approach of the Convention is conservation in the wild (BirdLife International 2003). Parties

## Important Bird Areas in India: Wildlife Legislation & Policies

have to identify components of biodiversity, such as threatened species, and ecosystems and habitats containing high diversity, large numbers of endemic species, or wilderness areas. Article 8 of the Convention urges parties to establish a system of protected areas, to restore degraded ecosystems, to maintain viable populations of species in natural surroundings, and to develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species. The main tools for the implementation of CBD at national level are the National Biodiversity Strategies and Action Plans (NBSAPs).

### **The Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)**

This Convention came through international concern about the increasing levels of trade in wild flora and fauna, which posed danger to some endangered and threatened species. The CITES was adopted on 6 March 1973 and entered into force on 1<sup>st</sup> July 1975. Trade in particular species, which are listed on the CITES appendices, is banned or regulated depending on the level of threat. India is a signatory to CITES.

### **The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)**

This Convention came into force in 1983. Its fundamental objective is to protect migratory species that cross one or more borders, where conservation deficiencies in one state will affect the measures undertaken by other states. Under the Convention, migratory species are defined as those that periodically and predictably cross one or more jurisdictional boundaries.

The Convention also facilitates international agreements between states for the protection and management of migratory species that have an unfavourable conservation status and would benefit from international co-operation. Agreements are the main tools for implementing the Bonn Convention, and are more specific and focused than the Convention itself. States need not be party to the Convention itself to sign a particular Agreement. India has acceded to this Convention.

### **Convention on Protection of Migratory Birds and Their Habitats between India and the former USSR**

This Convention was signed in 1984 between India and the former USSR for exchange of scientific information on the following issues:

- a) Sustainable wetlands management
- b) Studies on bird migration patterns
- c) Conservation measures on avifauna nesting sites
- d) Supporting and conservation of water fauna and flora in order to provide better conditions for migratory bird species
- e) Water resource management and hydrology
- f) Mitigation of environmental pollution

This agreement has list of species that migrate between the USSR and India, but after the break-up of the USSR in the early 1990s, another agreement was signed excluding those species which are not found in the present day Russia. According to the agreement, the two countries will have to preserve the species and subspecies of birds that are in danger of extinction, and also help in studying bird migration.

### **IBAs and the National Biodiversity Strategy and Action Plan (NBSAP)**

The countries signatories to the Rio Convention have an obligation to develop National Biodiversity Strategy and Action Plan (NBSAP). In India, the Ministry of Environment and Forests appointed *Kalpavriksh*, an NGO based at Pune, to draft this Plan, in consultation with experts, decision makers and stake-holders at all levels. The IBA concept has been included in the NBSAP, including full list of Indian IBAs.