



India's Wild Life Protection Act & the Oceans



Photo by Tanvi Vaidyanathan, Project Seahorse

The Wildlife Protection Act of India (WLPA), 1972 (Amended in 2002 and 2006) is the only act in India to focus on the conservation of habitats and species. This act was enacted to allow for 'the protection of wild animals, birds and plants and connected matters, with a view to ensure the ecological and environmental security of the country.' According to the act, the term "Wildlife" covers "any animal, aquatic or land vegetation which form part of any habitat."

In India, the protection of marine species is primarily through the creation of Marine Protected Areas (MPAs) (Fig 1) or by protecting species under various schedules of the WLPA.

The WLPA is the fundamental legislation required for the establishment of Protected Areas (PAs). According to the provisions of the Wild Life Protection Act of 1972 (WLPA), PAs are divided into 5 categories- national parks, sanctuaries, conservation reserves, community reserves and tiger reserves, with MPAs falling under any one of the five categories. The lack of a distinct definition, under the Wildlife Protection Act, for the terms Marine Protected Areas and Marine and Coastal Protected Areas (MCPAs) has resulted in varying MPA estimates. Currently there are 25 MCPAs in Peninsular India, and an additional 106 MPAs on the islands (most covering a negligible area).



Species included under the WLPA are listed in six schedules (I through VI) are afforded different levels of protection, and no hunting is permitted for animals included in Schedules I through IV. Schedule I and part ii of Schedule II offer total protection, and are stringent in matters relating to trade and penalties. Species under Schedule III and Schedule IV are protected, but with lower penalties. Animals under Schedule V are considered 'vermin', and maybe hunted under certain conditions, and plants in Schedule VI may not be cultivated or planted.

Despite the fact that marine species and habitats are protected by the WLPA, there are concerns that MUST be addressed for it to be more impactful for the marine realm.

- The WLPA has little mechanism to tackle the impacts of bottom trawling.
- The WLPA fails to recognize that marine wildlife could be a resource that is sustainably harvested. By prohibiting any kind of extraction of certain species, the act has caused direct conflict between fishers dependent on these resources and the WLPA. For example, the addition of highly contentious sea-cucumbers under Schedule I of the WLPA in 2001, preventing their catch and trade, is still an ongoing issue between fisherfolk and ministry officials.
- Connectivity of the oceans is totally overlooked.
- All MPAs in India are no-take areas, where fishing is not allowed, with little consultation with local stakeholder groups, resulting in a lack of community support for MPAs. Though the first coastal protected area was established in 1967, it was only in the 1980s that there was a proliferation of Marine Protected Areas, and it was only in 2002 that a bulk of marine organisms were introduced under the various schedules of the WLPA.
- While species are originally included in the WLPA based on recommendations from scientific organizations like the Zoological Survey of India, there are no strict criteria for the inclusion of these species. Once protected under the WLPA, subsequent monitoring and evaluation of the conservation status of species and habitats is absent.
- In the absence of adequate enforcement, the prohibition of catch and export of commercially important marine species (e.g. sea cucumbers, sea horses) has only resulted in a highly lucrative illegal trade, with little known about the conservation status of these species.
- Some marine fishes listed under this act have never been observed in Indian waters (e.g. Knifetoothed sawfish- *Anoxypristis cuspidate*).
- For marine species incidentally caught in fishing nets, protection under the WLPA is ineffective till the fisheries are well managed.
- A number of locally threatened species are not included under any one of the Schedules of the act. Also, there is no correlation between species listed under International conventions such as the CITES and CMS, or their extinction risks and level of protection afforded (http://www.wiienvis.nic.in/Database/ScheduleSpeciesDatabase_7969.aspx).
- Till date, not one legal case involving illegal marine trade has been heard to completion
- Implementation of the WLPA falls under the purview of the Forest Department. However, it is normally the fisheries officers who are present at the fish landing centres, but lack any kind of



enforcement authority. These 2 departments lack any sense of coordination, confounding existing issues. Additionally, forest officials are more knowledgeable about terrestrial species and issues, and have little understanding of species identification or issues impacting the marine realm.

Unfortunately for marine organisms and habitats, The Wild Life Protection Act has a very obvious terrestrial focus.

Way Forward:

- The scope of the WLPA has to be broadened to address the myriad of issues faced by the marine realm.
- It is essential that the WLPA addresses the fluid nature of the marine realm. Dispersal of marine species often encompasses 1000s of kilometers, and must be acknowledged when establishing MPAs.
- Institutional coordination amongst the various departments in charge of coastal and marine protection (e.g Forest Department, Coast Guard, Fisheries Department) is integral for conservation success. A new department on Ocean Sustainability might help overcome some of these issues.
- Community involvement is required for the successful functioning of MPAs.
- A blanket ban on the extraction and trade of species merely pushes the trade underground, and a plan for sustainable management of resources might be more successful.
- Criteria for the inclusion of species under the various Schedules must be clearly laid out, along with timelines for subsequent monitoring and evaluation.
- Forest officials must be trained and equipped to deal with issues concerning the marine realm.

Marine Organisms Protected Under the WLPA:

- Marine organisms included in Schedule I include all species of turtles found in Indian waters, ten species of sharks and rays, all species of seahorse, giant grouper, hermatypic corals, black, organ pipe and fire coral, sea fans, nine species of mollusks and sea cucumbers and all marine mammals spotted in India.
- Schedule III includes all species of sponges and Schedule IV comprises of fifteen mollusk species.



Fig 1: Location of Marine and Coastal Protected Areas (MCPAs) in India. 31 MCPAs cover 6.16% of the coastal biogeographic zones, and 18.5% of the island areas (based on the list of MCPAs submitted to the Convention on Biological Diversity). (Source: H.S.Singh)