

To,
Shri A. Raja
Minster, Environment and Forests,
Ministry of Environment and Forests,
Paryavaran Bhavan
New Delhi
21st March 2006

Dear Shri Raja

Sub: Amendments to the Wildlife Protection Act

We believe a committee has been constituted by the Ministry of Environment and Forests to examine the recommendations made in the Tiger Task Force and the Special Investigation Team of the CBI. These recommendations relate to the Wildlife (Protection) Act 1972, as per our knowledge the mandate of this committee includes: Appraisal of the provisions in the Wildlife (Protection) Act, 1972, and making suggestions for amending the criminal provisions of the said Act vis-à-vis the report of the Tiger Force and suggestion made by the CBI; Providing special provisions for enforcement of CITES in the country; And suggesting other amendments of residual nature.

We congratulate the Ministry to have initiated this process which is the need of this hour. We do hope that the committee will not restrict itself to only looking at the criminal provisions but also go beyond to explore the underlying causes of wildlife depletion in the country. For some of the reasons mentioned below among others we urge the Ministry to expand the scope of the committee to include some key amendments.

1. It is clear from the Tiger Task Force Report as also from a number of research and advocacy papers that lack of local people's participation in conservation is one of largest reasons for degradation of wild habitats and depleting wildlife populations. Although the Wildlife Action Plan 2002-2016 has specified a number of steps for moving towards eliciting such support, in its current form the wildlife protection act severely restricts such participation. Particularly, the provisions related to wildlife sanctuaries and national parks have created situations of serious conflicts with the local people. In turn such situation is adversely affecting the wildlife in many protected areas in the country. We feel that any amendments to the wildlife act at this point urgently calls for a review of the sections related to wildlife sanctuaries and national parks to make the governance of protected areas (PA) more participatory.

2. In the 2003 amendments to the Act, two new categories of PAs were included, namely, Community Reserves and Conservation Reserves. These two categories were meant to be more participatory and aimed at expanding the PA network without antagonizing local people as also providing legal support to community conserved areas in the country. Very few conservation reserves and community reserves have been created in last three years. This is particularly note worthy considering that there are hundreds of local communities

protecting and conserving habitats and/or species across the country. It would be of value to explore why these communities have not found these categories useful for them. Please find attached a set of suggestions (Annex 1) that, we believe, will help more efficiently implementing these provisions. These suggestions have emerged as a result of discussions with about 30 organisations and individuals and call for some changes in the wording of the Act related to these provisions.

3. Additionally, India ratified the Convention on Biological Diversity (CBD) in 1994. The Protected Area Programme of Work under the Convention recommends the following, among others, to which all national governments are bound to:

1. By 2006, governments would conduct, with the full and effective participation of indigenous and local communities and relevant stakeholders, national-level reviews of existing and potential forms of conservation, and their suitability for achieving biodiversity conservation goals, including innovative types of governance for protected areas that need to be recognized and promoted through legal, policy, financial institutional and community mechanisms, such as protected areas run by government agencies at various levels, co-managed protected areas, private protected areas, indigenous and local community conserved areas.
2. Establish policies and institutional mechanisms with full participation of indigenous and local communities, to facilitate the legal recognition and effective management of indigenous and local community conserved areas in a manner consistent with the goals of conserving both biodiversity and the knowledge, innovations and practices of indigenous and local communities.
3. Implement specific plans and initiatives to effectively involve indigenous and local communities, with respect for their rights consistent with national legislation and applicable international obligations, and stakeholders at all levels of protected areas planning, establishment, governance and management, with particular emphasis on identifying and removing barriers preventing adequate participation.

We therefore, urge you to kindly expand the mandate of the committee to look at comprehensive amendments to the Act. These would include amendments in some provisions related to PAs which are creating inhuman conditions for local inhabitants in PAs and thus turning them hostile towards wildlife conservation. We are attaching a comprehensive set of amendments for your perusal. We will also be submitting our suggestions to the committee subsequently.

Look forward to a positive response from you,

Yours sincerely,

Neema Pathak