

Shri Jairam Ramesh
Minister of State for Environment and Forests
New Delhi

22 June 2009

Sub: Amending India's Wildlife Legislation

Dear Shri Ramesh,

It is widely acknowledged that the Wild Life (Protection) Act 1972 (with its various amendments) has been instrumental in saving many of India's threatened ecosystems and species. However, it also contains a number of loopholes and faults, enabling the continued decimation of wildlife in large parts of India's landscape.

We are attaching, for your consideration, **a note we had sent MoEF in 2003**, regarding some of the key weaknesses of the Act, and suggestions to overcome these. Though there is a subsequent (2006) amendment to the Act, the comments in the attached note are still mostly valid. Also attached is **a letter to your predecessor Mr. Raja re.** the need for such amendments in relation to a committee MoEF had set up for this purpose.

In particular, we draw your attention to the following weaknesses, requiring either clear guidelines for implementation of existing provisions of the Act, or amendments to the Act:

1. Though there are now 5 categories of protected areas under the Act, there are no criteria to determine which category should be applied to which area. This has led to considerable arbitrariness; it has for instance been pointed out that many of today's national parks would better be conserved as sanctuaries, or vice versa, and that many existing parks and sanctuaries may be better classified as conservation reserves or community reserves. **There is therefore a need to integrate clear criteria for the various categories of protected areas.**
2. Traditional communities resident in or around protected areas, or using them seasonally, have been severely disprivileged and dispossessed by several provisions of the Act. Processes of settling rights have been delayed, arbitrary, and often violative of any definition of human rights. Additionally, MoEF has issued a circular in 2004, misreading a Supreme Court order of 2000, asking all state governments not to allow rights to continue inside protected areas; this is violative of the Act itself! This has created not only human suffering but also an atmosphere of hostility and deliberate violations within which conservation goals become impossible to meet. **There is an urgent need for clear guidelines on settlement of rights, and the clarification that customary/traditional rights will continue till such settlement takes place. MoEF's 2004 circular needs to be withdrawn.** This aspect is also now linked to the Forest Rights Act which provides for the establishment of rights in all such areas, before they can modified if necessary for conservation.

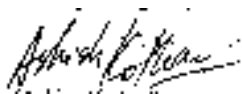
3. Local communities have also never been involved in the conceptualization, planning, and management of protected areas, even though India is committed to such participatory management under its own National Wildlife Action Plan, as also under the UN Convention on Biological Diversity's Programme of Work on Protected Areas. The one provision in the Act that provides for some (limited) level of participation, Sanctuary Advisory Committees, has not been implemented by a single state! **There is an urgent need to move towards more participatory protected area management, as is taking place across the world, through appropriate co-management institutions.**
4. While the 2002 amendment's inclusion of two new categories of protected areas, Community Reserves and Conservation Reserves, provides for more community-based conservation, the relevant sections of the Act have several faults. This has resulted in hardly any *new* areas being declared under these categories in the last 6 years. **Urgent amendments are needed in these sections, to enable many deserving sites to be brought under these categories.**
5. Provisions regarding commercial use and industrial/tourism activities inside protected areas are crucial, but on the one hand they do not completely protect against large-scale 'development' projects including mining and dams, and on the other they completely stop even small-scale, local sale of forest produce by local communities. **A more nuanced approach is needed, which permits bona fide local sale of produce which is within conservation limits, while permanently keeping out large-scale industrial/'development' projects.**

We strongly believe that a more site-specific (taking into account local ecological and social conditions), nuanced, and democratic management of protected areas, as also more stringent conservation measures for threatened species outside protected areas, would result in better conservation, as also benefits to local people.

We urge you to consider these modifications and amendments. We believe there is an existing committee of MoEF looking at amendments to the Act; if so, or if such a committee is set up anew, its work should be open to public inputs and consultations, including with local communities who are affected by or are using the Act's provisions.

We would be happy to provide further inputs if necessary.

Thank you,



(Ashish Kothari)