



FACULTY OF JURIDICAL SCIENCES

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Lecture-33



LECTURE 33: Protected Areas under Wildlife(Prevention) Act

Protected Areas (Sec. 18- 34)

“Protected area” means a National Park, a sanctuary, a conservation reserve or a community reserve. the State Government may declare any area of adequate ‘ecological, faunal, floral, geo morphological, natural or zoological significance’ as a Sanctuary (section 18) or a National Park (section 35).

The State Government is required to follow certain procedure to declare any area as a Sanctuary or a National Park. WLPA requires the government to determine existing rights of any person in or over the land comprised within the limits of such proposed protected area before it is finally declared as Protected Area. In cases where the rights of any person are confirmed by the concerned district collector, the State Government has three options:

- (a) declare the Protected Area after excluding such land;
- (b) acquire such land by paying compensation; or
- (c) allow continuance of rights within the Sanctuary.

Protected Areas are by law more restrictive, allowing virtually no human activity except that which is in the interest of wildlife conservation. For example, generally, entry to a Sanctuary is prohibited. Entry is permitted for a limited number of people for limited purposes such as a public servant on duty, a person who has any right over immovable property within the limits of the Sanctuary and a person passing through the Sanctuary along a public highway. Further, the Chief Wildlife Warden has the power to grant a permit to any person to enter or reside in a Sanctuary for purposes prescribed under WLPA, which include investigation or study of wildlife, photography, scientific research and tourism.

Grazing and private tenurial rights are not allowed in National Parks but can be allowed in Sanctuaries at the discretion of the Chief Wildlife Warden. WLPA does not allow any commercial exploitation of forest produce in both National Parks and Sanctuaries, and local communities can collect forest produce only for their bona fide needs. The establishment of Protected Areas is considered a major step forward in the conservation of India’s wildlife. However, the idea of

Protected Areas as envisaged and implemented under WLPA has some limitations. A report of the Ministry of Environment and Forests cites the following lacunae in the present scheme:

- Protected Areas are not drawn as per ecological boundaries;
- Protected Areas are often too small in size to adequately sustain rich genetic resources and ecological processes;
- commercial interests and imperatives of development continue to impact many Protected Areas, leading to further habitat fragmentation and disjunction;
- unreasonable delay in settlement of rights and final notification of Protected Areas;
- legal framework does not recognize corridors even though they are vital to the well-being of species;
- very limited focus on special habitats such as mountains, wetlands, marine areas and deserts;
- inadequate funding