



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.B.

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SUBJECT: Environmental Laws

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Lecture-32



LECTURE 32: Duties of State Board and Prohibition of Hunting

Duties of State Board for Wild Life (Sec.8)

It shall be the duty of State Board for Wild Life to advise the State Government,—

- (a) in the selection and management of areas to be declared as protected areas;
- (b) in formulation of the policy for protection and conservation of the wild life and specified plants;
- (c) in any matter relating to the amendment of any Schedule;
- (cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and
- (d) in any other matter connected with the protection of wild life, which may be referred to it by the State Government.

Prohibition of hunting

Section 9 of the WLPA seeks to protect wildlife by prohibiting hunting. The term ‘hunting’ has been defined under section 2(16) of the Act in a broad manner and it includes capturing, killing, poisoning, snaring, and trapping. In the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles, also come under the term ‘hunting’.

However, prohibition of hunting under WLPA is not absolute. It is permitted under certain specified circumstances and subject to the prescribed procedure. Conditions under which hunting may be permitted vary according to the schedules. There are four schedules in WLPA and wild animals and birds have been included in these schedules according to the degree of protection required for such animals and birds. Hunting of wildlife included in Schedules I, II, III and IV requires the previous permission of the Chief Wildlife Warden appointed by the state government as per section 4 of the Act. WLPA requires that the Chief Wildlife Warden should make such order in writing and state the reasons for issuing the order. Stringent restrictions are applicable in the case of wildlife included in Schedule I. Permission to hunt Schedule I wildlife can be issued in two situations. They are:

- (1) if any animal has become dangerous to human life; or
- (2) if any animal is so disabled or diseased as to be beyond recovery.

In the case of wildlife included in Schedules II, III and IV, hunting may be allowed under the following circumstances:

- (a) if animals have become dangerous to human life or to property (including standing crops on any land); or
- (b) if an animal is so disabled or diseased as to be beyond recovery. It can be seen that hunting of wildlife included under Schedules II, III and IV may be allowed not only to protect human life but also property including crops. Killing or wounding of any wild animal to protect life is not an offence. However, in such cases, the killed or wounded wild animal shall be the property of the Government.

The Chief Wildlife Warden also has the power to permit hunting of an animal in the Schedules for limited purposes – education, scientific research, collection of specimens, for recognised zoos, for museums and similar institutions; derivation, collection or preparation of snake-venom for the manufacture of life saving drugs. In the case of wildlife included in Schedule I, such permission can be granted with the previous permission of the Central Government, and in respect of any other wild animal, previous permission of the State Government is required.

Similar restrictions are also laid down in the case of specified plants (specified by the Central Government through notification). The Act prohibits causing destruction or damage to plants specified by notification. However, it allows acquisition or collection of specified plants with the permission of the Chief Wildlife Warden including for educational and scientific research purposes. Trading in such plants is also not allowed. The Chief Wildlife Warden can also give permission to cultivate such plants subject to the conditions in the license. Purchasing such plants or any part thereof from unauthorized parties is also an offence under the Act.