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LEGISLATION TRACKER

Wildlife (Protection) Act, 1972

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SUBJECTS COVERED

ENVIRONMENT

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ACT NUMBER	YEAR ENACTED	REPLACES
Act No. 53 of 1972	1972	Various state-level wildlife protection laws that existed before 1972

KEY PROVISIONS

- 1 Six schedules classifying species by protection level — Schedule I (highest protection) to Schedule VI (regulated cultivation) (Sections 2, 40-44, 61)
- 2 Prohibition of hunting of wild animals except under specific circumstances (Sections 9-11)
- 3 Establishment of National Parks, Wildlife Sanctuaries, Conservation Reserves, and Community Reserves (Sections 18-38)
- 4 Constitution of National Board for Wildlife (NBWL) chaired by the Prime Minister (Section 5A)
- 5 Regulation of trade and commerce in wildlife and wildlife products (Sections 39-49)
- 6 Constitution of State Wildlife Advisory Boards (Section 6)
- 7 Central Zoo Authority for regulation of zoos (Section 38A-38J)

BACKGROUND

The Wildlife (Protection) Act, 1972 (WPA) is India's primary legislation for the conservation of wild animals, birds, and plants. It was enacted on 9 September 1972, driven by growing concern over the rapid decline of wildlife populations — particularly tigers, whose numbers had fallen from an estimated 40,000 at independence to around 1,800 by the early 1970s. The Act was a direct precursor to Project Tiger, launched in 1973.

Before this Act, wildlife protection was a state subject governed by disparate state laws with varying levels of protection and enforcement. The WPA brought wildlife protection under a unified national framework. Though wildlife and forests were originally State List subjects under the Constitution, the 42nd Constitutional Amendment (1976) transferred “forests” and “protection of wild animals and birds” to the Concurrent List (Entry 17-A and 17-B respectively), enabling the Central Government to legislate on these subjects.

The Act has been amended several times — notably in 1991, 2002, 2006, and most recently through the Wildlife (Protection) Amendment Act, 2022 which introduced significant changes including implementation of CITES obligations, rationalization of schedules from six to four, and strengthening penalties. The Act is administered by the Ministry of Environment, Forest and Climate Change (MoEFCC) through the Wildlife Division.

KEY CONCEPTS

- **Scheduled Species:** The original Act had six schedules. Post-2022 amendment (effective 1 April 2023), there are four schedules. Schedule I provides absolute protection (e.g., tiger, elephant, rhinoceros, lion). Schedule II covers species needing careful protection (with Part I and Part II subdivisions). Schedule III covers protected plants. Schedule IV implements CITES appendices for regulating international trade in wildlife specimens.
- **Protected Areas:** The Act provides for four categories of protected areas — National Parks (strictest: no human activity, no grazing, no private ownership), Wildlife Sanctuaries (some regulated human activity permitted), Conservation Reserves (buffer zones, managed by committees), and Community Reserves (community-managed areas on private or community land).
- **National Board for Wildlife (NBWL) (Section 5A):** The apex advisory body chaired by the Prime Minister, with the Minister of Environment as Vice-Chair. It advises the government on wildlife conservation policy and approves projects in and around protected areas. Its Standing Committee handles day-to-day clearances.
- **Hunting (Section 2(16)):** Broadly defined to include capturing, killing, poisoning, snaring, and trapping any wild animal, and every attempt to do so. Also includes injuring, destroying, or taking any body part of a wild animal.
- **Tiger Reserves and NTCA:** The 2006 amendment created the National Tiger Conservation Authority (NTCA) (Section 38L) and provided for Tiger Reserves with core (critical tiger habitat) and buffer zones. NTCA monitors Project Tiger and ensures compliance.
- **Central Zoo Authority (Section 38A):** Regulates functioning of zoos, prescribes standards for housing and care of animals, and can close zoos that fail to meet norms.

IMPORTANT PROVISIONS

- **Section 9 — Prohibition of Hunting:** No person shall hunt any wild animal specified in Schedule I, II, or III except as provided under Section 11 (self-defence, prevention of property damage with Chief Wildlife Warden's permission, or for education/scientific research/management purposes).

- **Section 18-26 — Wildlife Sanctuaries:** The state government may declare any area as a sanctuary by notification. Within sanctuaries, the Chief Wildlife Warden regulates all activities. No person shall destroy, exploit, or remove any wildlife from a sanctuary. Entry requires a permit.
- **Section 35 — National Parks:** More restrictive than sanctuaries. No person shall destroy, exploit, or remove any wildlife from a national park. No grazing of livestock is permitted. No alteration of boundaries without approval of the National Board for Wildlife and a resolution of the State Legislature.
- **Section 38L-38W — Tiger Conservation (2006 Amendment):** Establishes NTCA and Tiger Conservation Foundation. Mandates notification of Tiger Reserves with inviolate core areas (Critical Tiger Habitat). Provides for relocation of communities from core areas with their informed consent and rehabilitation. NTCA can issue binding directions to state governments.
- **Section 39 — Wild Animals as Government Property:** Every wild animal hunted or found dead, and animal articles/trophies derived from Schedule I and II species, are deemed government property.
- **Section 51 — Penalties (post-2022 amendment):** Offences relating to Schedule I species or hunting in National Parks/Sanctuaries: imprisonment of not less than 3 years but extendable to 7 years, with fine not less than Rs 25,000. For general offences: imprisonment up to 3 years or fine up to Rs 1 lakh or both (increased from Rs 25,000 pre-amendment).

LANDMARK JUDGMENTS

- **State of Bihar v. Murad Ali Khan (1988):** The Supreme Court held that the Wildlife Protection Act must be interpreted in favour of wildlife conservation. The provisions of the Act should be construed liberally to protect wildlife and their habitat.
- **Animal Welfare Board of India v. A. Nagaraja (2014) — Jallikattu Case:** The Supreme Court banned Jallikattu and bullock-cart races, holding that bulls are covered under the WPA. The Court recognised animals' right to live with dignity. (This was later addressed through a 2017 amendment to the Prevention of Cruelty to Animals Act by Tamil Nadu.)
- **Centre for Environmental Law, WWF-I v. Union of India (2013):** The Supreme Court directed that no project activities should be permitted within 10 km of boundaries of National Parks and Wildlife Sanctuaries without NBWL approval, strengthening the eco-sensitive zone framework.
- **T.N. Godavarman Thirumulpad v. Union of India (1997 onwards):** A continuing mandamus in which the Supreme Court has issued multiple orders on forest and wildlife conservation, including directions on buffer zones, mining near protected areas, and functioning of NBWL.

RECENT AMENDMENTS / DEVELOPMENTS

- **Wildlife (Protection) Amendment Act, 2022:** Major overhaul — rationalized schedules from six to four; Schedule IV now implements CITES appendices; enhanced penalties (up to Rs 25 lakh fine, 7 years imprisonment for Schedule I offences); provided for management of **invasive alien species**; empowered NTCA and state wildlife boards; introduced provisions for conservation of plant species.
- **Project Tiger — 50 Years (2023):** Project Tiger celebrated 50 years in 2023. The 2022 Tiger Census (5th cycle) recorded 3,682 tigers — up from 1,411 in 2006. India now hosts 75% of the global wild tiger population across 58 tiger reserves as of March 2025 (the latest addition being Madhav Tiger Reserve, Madhya Pradesh, in 2025). The next All India Tiger Estimation (AITE) is scheduled for 2026. Madhya Pradesh leads with 785 tigers, followed by Karnataka (563), Uttarakhand (560), and Maharashtra (444).
- **Elephant Corridors:** The MoEFCC identified 101 elephant corridors across India. The 2022 amendment strengthened provisions for protecting elephant habitats and corridors through better regulation of linear infrastructure projects.
- **CITES Implementation:** The 2022 amendment brought India's wildlife trade regulation in line with CITES obligations by adding a separate schedule (Schedule IV) for CITES-listed species, enabling quicker updates as CITES appendices change at Conferences of Parties.
- **Implementation Rules (2024):** MoEFCC notified rules under Section 49M of the amended Act on 28 February 2024 — the first revision of wildlife trade rules since 1983. The new rules enable issuing licences for trade in certain Schedule II species under regulated conditions.

UPSC RELEVANCE

*Number of schedules (4 after 2022 amendment); NBWL chair (Prime Minister); NTCA establishment year (2006 amendment); difference between National Park and Wildlife Sanctuary; penalty provisions (3-7 years for Schedule I); Project Tiger launch year (1973); tiger population from latest census (3,682 in 2022); 58 tiger reserves (as of 2025). **Mains GS-3:** Effectiveness of WPA in biodiversity conservation; human-wildlife conflict and community rights vs. conservation; role of NTCA and NBWL; impact of development projects on protected areas; analysis of 2022 amendment — does rationalisation of schedules help or hinder conservation? **Interview:** “India has successfully increased tiger numbers, but at what cost to local communities? How do you balance tribal rights with wildlife conservation?”*

RELATED TERMS

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