

When tigers and jackals get the same protection

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Context:

Many ecologists are incensed that an inordinate number of species have been included in the new schedules of the Wildlife Protection (Amendment) Act, 2022, without an objective or replicable process.

The 2022 amendment to the 1972 Act (WPA):

1. Wildlife Protection (Amendment) Act, 2022 made significant changes to India's 50 year old law on wildlife conservation, including in the number and purposes of schedules. It 'rationalised' the earlier 6 schedules under WPA 1972 to 4 schedules under the new law.
2. Under the new law, Schedule 1, which confers the highest protection, contains about 600 species of vertebrates and hundreds of invertebrates, while Schedule 2 contains about 2,000 species (with 1,134 species of birds alone).

Issues for conservation:

1. The first issue with this listing regards conservation itself. The WLPA was originally intended to regulate the use of various species (including hunting), restrict trade, and police the trafficking of species.
2. The original Act is written in this form, with research being an exception under the hunting clause. The new Act goes one step further by aligning itself with CITES, and including the CITES appendices as well.
3. Nowhere in the Act is there a clear connection between endangerment and conservation. The listing of species has following direct effects.
4. One, even if it were to have benefits for conservation, species would have to be prioritised. Listing hundreds of species of mammals and over 1,000 species of birds and innumerable other taxa means that it is unclear where resources should be allocated on the basis of this list. The same level of protection is offered to tigers and jackals, to the great Indian bustard and common barn owls, to the king cobra and rat snakes.
5. Two, every action has consequences, and in law, often perverse ones. For example, the Tree Preservation Acts of Kerala and Karnataka proscribe the felling of native trees. Instead of promoting conservation, these Acts disincentivise plantation owners from planting native trees, and promote exotics such as Silver Oak, that they can cut any time they need to.
6. In the case of the WLPA, a particularly absurd consequence of listing has been the presence of the spotted deer (chital) in Schedule 1. Common throughout India, these are invasive in the Andaman Islands and have caused untold harm to the vegetation and herpetofauna. But they cannot be legally culled or removed because of the WLPA.

Impact on people:

1. Various Schedule 1 species pose enormous physical, mental and economic harm to people. Crocodiles in the Andamans, leopards in certain pockets, and elephants everywhere kill people, destroy their livelihoods, and leave lasting psychological impacts. And yet people are told glibly by elite conservationists that they should learn 'coexistence'.
2. The WLPA serves to enforce this viewpoint. The new Act elevates wild pigs and nilgai to Schedule 1, which means that the few States that have now allowed limited culling of problematic animals may not be able to retain that policy. This shows utter disregard for the plight of farmers and marginal cultivators.
3. The WLPA also has a restrictive view on hunting and the use of animals, even when it has been done traditionally for hundreds of years. Restrictions on use were imposed because those species had declined in numbers, but by the same logic, regulated use should be considered when animals are abundant, at least to support the livelihoods of local communities. But this is seen as unacceptable by the bureaucracy and abhorrent by many conservationists, with no consideration of science or society.

Issues of wildlife research:

1. The third issue is that despite the support of many individuals in the forest bureaucracy, the paperwork involved in getting permits for research is tedious and time consuming. The listing of such a large number of species could have debilitating effects on research.
2. Environmental NGOs will have a harder time getting permits for research and conservation, even of common species such as barn owls. It is not clear whether citizen science will be able to proceed.

Larger issues:

1. Unfortunately, while lamenting the impact of the WLPA on their work, some ecologists have often been insensitive to the larger issues at play. Although there has been considerable criticism of western scientists conducting parachute science in the Global South, many ecologists in India have been guilty of the same, swooping in and out of distant remote field sites, taking knowledge and biological material and leaving no benefits.
2. Worse, we have often promoted policies that have negative consequences for the very communities that we exploited. The Act that poses a hindrance to our work is a much graver threat to the lives of the people that it impinges upon.
3. In reality, all three issues of conservation, people's issues, and research - need to be attended to, with different degrees of urgency. Those whose lives are at stake need to be safeguarded first.
4. Management actions for species and habitats need to be tailored to ecology, species biology, and context. Often, this calls for research or at least regular monitoring by independent agencies, which is hampered by the scheduling of species.

Conclusion:

Finally, both citizens and ecologists have a right to observe nature and collect data if they so desire, as long as it does not cause undue harm to populations, and follows the basic principles of the ethical treatment of animals.