

Management of National Parks

Issues & Challenges

Legal Provisions

Declaration of National Parks

- ❖ **Section 35(1)** The State Government may constitute an area , whether within a sanctuary or not, having ecological, faunal, floral, geomorphological or zoological association or importance as a National Park for the purpose of protecting, propagating or developing wild life therein or its environment and by notification, declare its intention to constitute such area as a National Park. Further, if any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.
- ❖ **(2)** The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.

- ❖ **Section 35(3)** The provisions of sections 19 to 26A (both inclusive except cause (c) of subsection (2) of section 24) shall, as far as may, be, apply to the investigation and determination of claims, and extinguishment of rights, in relation to any land in any area intended to be declared as a National Park, area as they apply to the said matters in relation to any land in a sanctuary.
- ❖ Sections 35(4)(a) and (b), ***final notification simply means that period for preferring claims has elapsed and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government and all rights in respect of lands proposed to be included in the National Park have become vested in the State Government. Thus, consequent to the final notification of the National Park, no further claim of rehabilitation by anyone is to be entertained.***

- ❖ **Section 35 (5)** No alteration of the boundaries of a National Park by the State Government shall be made except on a recommendation of the NBWL.
- ❖ **Section 35(6)** No person shall destroy, exploit or remove any Wild Life including forest produce from a National Park or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the National Park, except under a permit granted by the CWLW.
- ❖ No such permit shall be granted unless the State Government, in consultation with the NBWL authorises the issue of such permit after being satisfied that such removal of wild life from the National Park or the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein,
- ❖ The forest produce removed from a National Park, may be used for meeting the personal bona fide needs of the people living in and around the National but not for any commercial purpose.

- ❖ ***Section 35(7) After the final notification to constitute the National Park, no grazing of any livestock shall be permitted in the National Park and no livestock shall be allowed to enter except where such livestock is used as a vehicle by a person authorized to enter such a National Park.***
- ❖ ***Section 35*** (8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of section 33, section 33A shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.
- ❖ **27. Restriction on entry in sanctuary. – (1)** No person other than,
 - (a)** a public servant on duty;
 - (b)** a person permitted by the CWLW or the authorised officer to reside within the limits of the sanctuary;

(c) a person who has any right over immovable property within the limits of the sanctuary;

(d) a person passing through the sanctuary along a public highway, and

(e) the dependents of the person referred to in Clause (a), (b) or (c). shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.

❖ **27(2)** Every person shall, so long as he resides in the sanctuary, be bound

❖ (a) to prevent the commission, in the sanctuary, of an offence against this Act;

❖ (b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;

❖ (c) to report the death of any wild animal and to safeguard its remains until the Chief Wildlife Warden or the authorized officer takes charge thereof;

- ❖ (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and
- ❖ (e) to assist any forest officer, Chief Wild Life. Warden, Wild Life Warden or police officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.
- ❖ **27(3)** *No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause wrongful gain as defined in the Indian Penal Code, 1860 (45 of 1860), alter, destroy, move or deface such boundary-mark.*
- ❖ **27(4)**-*No person shall tease or molest any wild animal or litter the grounds or sanctuary.*

❖ **28. Grant of permit.**—(1) *The CWLW may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:— (a) investigation or study of wild life and purposes ancillary or incidental thereto; (b) photography; (c) scientific research; (d) tourism; (e) transaction of lawful business with any person residing in the sanctuary.*

❖ (2) *A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.*

❖ **30. Causing fire prohibited** – No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

❖ **32. Ban on use of injurious substances** –No person shall use in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wildlife in such sanctuary.

❖ **33. Control of sanctuaries**– The Chief Wildlife Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,

(a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary: *No construction of commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board.*

(b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals, therein;

(c) may take such measures, in the interests of wildlife, as he may consider necessary for the improvement of any habitat

• *Section 2.24(A) of the Wildlife Protection Act 1972, recognizes only National Park, Wildlife Sanctuary, Conservation Reserve and Community reserve as Protected Areas.*

Issues and Challenges

- National Parks do not exist in isolation. Areas surrounding them are developed for agriculture, tourism, and more. Increasing population in surrounding areas demand further development and thus put more pressure on parks.
- The keystone/iconic or other wildlife species protected inside the parks don't recognize boundaries and often move in and out of the parks to feed, mate, or migrate and thereby area surrounding or adjacent to parks become prone to man-animal conflict.
- Villages surrounding parks depend on forest resources for their livelihood and energy needs. This results in frequent cases of human-wildlife conflict, where villagers are injured in chance encounters with wildlife such as tigers and leopards during their visits inside the forest for collection of fuelwood and fodder.

- Every year, several cases of cattle lifting are reported by villagers, as tigers and leopards often stray into areas inhabited by human beings in search of easy prey.
- Human habitation along the fringe areas of the park is accompanied by domestic animals which not only sneak inside the park but often encounter wild animals and come into contact with them or vice versa. Thus illegal cattle grazing can cause spread of diseases amongst wild herbivores.
- Habitat loss or its fragmentation due to infrastructure or other developmental projects. Roads passing through or adjacent to the park are perfect example of such fragmentation for example road network around RTR.

- Poaching has been the major reason for the decline in tiger populations in this landscape. It still remains a threat to wildlife, however it is not as widespread or frequent as it was in the past. Poaching is more for subsistence than commercial demands.
- A park can support a certain density of wildlife population including predators and co predators. If their numbers exceed this range, then the ecological balance of the area is completely disrupted. Top Predators may move out in search of new territories to sustain them.
- Traditional practices of certain communities like Gujjars in Uttarakhand and certain tribal population in other parts of the country.

- If Earth's climate continues to change and get warmer, the national parks will be impacted like the rest of the planet. Glaciers or icesheets may melt away. Fire seasons may grow in length and severity, and the landscape may suffer.
- Rise in temperature and change in precipitation can push species out of their previous ranges towards softer temperatures, either upwards in altitude or northward.
- Making drinking water available to the wildlife through out the year especially during summers is another issue needing advertence of foresters, more so to avoid foray of wildlife towards human habitation in search of water.
- Less reliable precipitation on a warmer, drier Earth would make this growing problem worse.

- Heavy inflow of tourists and growth in vehicular traffic. Irresponsible tourism or number of tourists exceeding carrying capacity of the park is a major issue which needs proper attention. To make a choice between recreation and preservation, preservation needs to be accorded priority.
- Pollution, whether air or water, originates outside the parks. Increased quantum of air or water pollution choke off views, poison plants, and may even foul water.
- Lack of trained and skilled manpower at the field level.
- Getting ESZ specified and notified striking a balance between conservation, development and livelihood of the surrounding population.
- Adoption & integration of latest technology in surveillance, patrolling and minimising man animal conflict.

Way Forward

- ❖ Habitat improvement.
- ❖ Adoption of soil and water conservation practices for improvement in the regime of moisture content and water availability.
- ❖ Improvement of infrastructure for effective surveillance and patrolling of areas surrounding human habitation and use of technology to forewarn people to avoid man animal conflict.
- ❖ Vaccination of domestic animals, as prescribed in the Wildlife Protection Act 1972, in areas surrounding the park to avoid spread of disease during accidental encounters.
- ❖ Awareness and livelihood activities in fringe villages, most affected due to conservation measures, to solicit their co-operation in the management of the National Parks.

- ❖ Training and skill development of existing staff.
- ❖ Determination of carrying capacity for tourism based on the scientific study
- ❖ Timely notification of ESZ based on the broad agreement of the different stakeholders but prioritizing conservation
- ❖

Thanks