

CONSERVATION OF WORLD NATURAL HERITAGE SITES OF INDIA

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Abstract: The objective of the paper is to examine the legislative and administrative framework and their implementation for protection and conservation of the United Nations Educational, Scientific and Cultural Organization (UNESCO) World Natural Heritage sites of India. Paper concludes that, India's legal and administrative arrangements for the conservation of world heritage sites are very effective however; the implementation part is very poor, due to the specific socio-economic and political context.

Keywords: Conservation, India, Natural Heritage, World Natural Heritage sites.

Introduction: India is socially, culturally, naturally and geographically a very diverse and rich Country and conservation is inherited in its cultural legacy. The aesthetic and scientific value of India's natural heritage makes it an active stakeholder in the international governance structures relating to the conservation of the natural heritage of mankind.

India is a member of the *UNESCO World Heritage Convention* since 1977. As of July 2016, 37 sites of India are inscribed in the World Heritage List – 7 natural and 27 cultural (See the map 4.1) and one mixed. The first Natural World Heritage (WNH) site of India was designated in the year 1985 and latest in July 2014. The seven WNH sites of India, as of July 2016, are; Kaziranga National Park (1985), Keoladeo National Park (1985), Manas Wildlife Sanctuary (1985), Sundarbans National Park (1987), Nanda Devi and Valley of Flowers (1988), Western Ghats (2012) and the Great Himalayan National Park Conservation Area (2014).

The paper analyses conservation status of different Indian WNH sites in the light of the development of the conservation practices in India different aspect related to them. It examines the legal and policy frameworks exist in India for the protection and promotion of the world natural heritage sites.

Diversity of India's Natural Heritage: India is one of the 17 mega diverse countries in the world and hosts around 45,000 species of flora with 15,000 flowering plants, 400 mammals, 1240 bird species, 2546 types of fish, 197 amphibians, 408 reptiles and 10,000 types of insects, representing eight percent of the world's biodiversity in only 2.4 percent of world land area. Many of these are rare, threatened and critically endangered, under IUCN Categorization. Owing to its climatic and geographical variety, India is home to three biodiversity hotspots of the world; the Eastern Himalayas, Indo-Burma and the Western Ghats.

Unfortunately, the natural heritage of India is facing severe degradation and various floral and faunal species are on the edge of the annihilation or extinction. The protection and preservation of natural heritage is therefore an urgent need and has

implications for both the present and future generations. Considering these emerging threats to the natural biodiversity a vast network of protected area have been created and different stringent laws and policies were introduced in colonial and Independent India as discussed below.

Legal and Administrative framework of Nature conservation in India: An overview: Nature conservation is embedded in India's cultural and spiritual legacy and all the Indian ancient religions and civilizations a strong tradition of nature conservation. Ancient Indian literature mentions 'sacred groves' and concerns for conservation existed even five thousand years ago, as the Atharva-Veda asserts: "Whatever I take from the earth – may that have quick growth again. O Purifier, may we not injure the vitals of the hearts".

In India sanctuaries were established to protect wildlife by Emperor Ashok in the 3rd century B.C. But the scientific and recreational value of nature conservation is the child of the 19th and 20th centuries and was introduced in India by the British colonizers. Prior to the British, forests and natural resources were communal property and were protected through cultural norms and customary regulations (still found in many places, viz. Western Ghats, temple forests).

In the colonial period, forests were commercialized as revenue generating assets, crucial for the European industrial revolution and Britain's strategic interests. The colonial laws established state authority and control over forest land extinguishing the traditional rights of the local people. The 'Imperial Forest Department' was set up in 1864, followed by the enactment of numerous forest laws and policies. The *National Park Act*, was passed in 1934 and in 1936, the first National Park of India (and of Asia), the 'Corbett National Park', was established.

However; Independent India's forest and natural heritage policies have been constantly changing. Initially the concerns of wildlife conservation and indigenous people's rights were overshadowed by the narrowly-defined 'national interest'. Independent India's forest policy was based on the *Indian Forest Act, 1927*, which clearly asserts that;

The State Government may constitute any forest-land or wasteland which is the property of the Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-product of which the Government is entitled (Section-3).

The first *National Forest Policy* (NFP) 1952, of independent India was based on the colonial forest policies and laws, prioritizing industrial development of the nation, over nature conservation and tribes and other local communities were excluded as a part of the nation at all. According to the NFP 1952; "claims of neighboring communities, should in no event be permitted at the cost of national interest". In the NFP, forests and their resources were nationalized for fulfilling economic, commercial and industrial needs and it vastly exploited and degraded, as in the colonial period.

The *Indian Board for Wildlife* (IBWL) 1952, was created to invent ways and mechanisms of wildlife conservation through legislative and practical methods, headed by the Prime Minister of India is the main advisory body of the government on wildlife conservation in India. Any development project in or around the habitat of wildlife has to get clearance of the IBWL.

However, in the 1970s, major shift in the Indian forest laws and policies has started. Different laws, policies and plans were introduced for the conservation of forests and wildlife and with the promulgation of the *Wildlife (Protection) Act*, (WLP) 1972 and the launching of Project Tiger in 1973-74, conservation of wildlife began in true sense India. The Act provided a legal and statutory framework for the overall wildlife conservation (including wild animals, plants and their habitats) and made provisions of harsh punishment for the violation of Act. A network of protected areas (PA) was established and expanded rapidly under the WLP. In the implementation of the WLP, the Indian judiciary under the Public Interest Litigation (PIL) has also been playing a very significant role.

The 2006 amendment of the WLP provided 'Project Tiger' a statutory framework, constituting the 'National Tiger Conservation Authority' (NTCA) and the 'Tiger and other Endangered Species Crime Bureau' (ESCB). Further the '46th Constitutional Amendment Act' 1976 incorporated environmental issues in Article 46(a) of 'Directive Principles' and Article 51(a) of 'Fundamental Duties' and transferred forests and wildlife issues from the 'State List', to the 'Concurrent List', of the 7th Schedule, enabling Indian Parliament and Central government to create laws and policies for the conservation and regulation of the Indian forests. The *Forest (Conservation) Act*, 1980 (FCA), was introduced by the central government, prohibiting all non-forestry activities in

reserve forests, without approval of the central government. Though FCA aimed to the conservation of forests, was harshly criticized due to its top-down and exclusionary approach, and compelled the government to adopt the *National Forest Policy*, 1988, which first time, recognized the symbiotic relationship of tribal communities and forests and need to associate them in the protection, regeneration and development of forests. The Indian Parliament passed the Biodiversity Conservation Act (BDA), 2002 and a National Biodiversity Authority (NBA) was established in 2003. BDA covers conservation, use of biological resources and related knowledge.

In 2009, the GOI introduced the 'National Commission for Heritage Sites Bill' in the Rajya Sabha, to provide an "institutional mechanism under a central legislation which would take a holistic view of protection and preservation of heritage sites" and recommends the creation of a National Commission for Heritage Sites. The Bill is still pending and is about cultural and natural heritage as well but, the MOEF- nodal agency of the conservation of the natural heritage sites is not properly consulted. Without any specific mechanism of the preservation of the heritage, viability of the Bill is contested.

In this way, Statutes passed by the Indian Parliament provide ample protection to the WNHs of India, providing major authority to the central government in the management, protection and conservation of Indian forests and wildlife.

At the policy level, a 'Wildlife Action Plan' was introduced in 1983. The Policy realized the flaws in the exclusionary conservation policies and promoted local communities' participation and development in park management and conservation. After that, most conservation policies and plans launched by the GOI followed the same line, trying to reconcile the rights of local communities with conservation imperatives. The 'National Conservation Strategy and Policy Statement on Environment and Development', 1992, the 'National Forest Policy', 1988, the 'National Wildlife Action Plan' (2002-2016), the 'National Environment Policy', 2006, and the 'National Biodiversity Action Plan', 2008 are significant policy instruments for the protection and preservation of India's wildlife, forests and biodiversity.

Administrative Framework for WNH Conservation: India has a broad administrative framework for the administration and management of its natural heritage sites. Institutionalization of conservation policies in India started in 1980s with the creation of the Department of Environment in 1980. In 1985, the Ministry of Environment and Forests (MOEF) was established as a nodal agency of the Government of India, responsible for the formulation, promotion, implementation and

coordination of national forest policy and programs. MOEF works in close cooperation with the Indian Board of Wildlife, Forest Survey of India, and Wildlife Survey of India etc.

At the state level, the State Forest Departments are responsible for the implementation of central and state laws and policies. Each National Park is headed and administered by the Chief Wildlife Warden and other necessary, scientific and technical Staff. 'The National Tiger Conservation Authority' was created to implement Project Tiger in Tiger reserves. So, India has a vast statutory, policy and administrative framework for nature conservation.

The Ministry of Environment and Forests (MOEF) and Forest Department of India (FDOI) are the nodal state agencies responsible for the administration and conservation of these sites. Financial, scientific and technical support for the conservation of these sites is provided by the MOEF, state forest Departments and centrally sponsored schemes viz. 'Development of National Parks and Sanctuaries', 'Project Tiger' 'Project Elephant' etc. Additional support to the conservation of these sites comes from the development and conservation projects and programs of various international IOs and INGOs and donor agencies, like USAID etc.

Conservation of World Natural Heritage Sites: Challenges and Opportunities: Above description reveals that, the UNESCO World Heritage Sites in India do not have any extra legal and administrative protection provided by the state. They are managed and administered in the same manner as other national parks and sanctuaries, under different statutes, policies, programs and projects. The only thing is that they have some additional financial and technical support for the management and maintenance of their outstanding universal value, from the World Heritage Committee, World Heritage Fund, other international organizations and donor agencies and internationally monitored by the World Heritage Committee, through Periodic Reporting and Reactive Monitoring.

The sites are automatically protected under laws passed by the Parliament on time to time. Generally, these sites come under the core zone of the National Parks and Sanctuaries and are covered under Project Tiger, Project Elephant and Biosphere Reserve Programs, receiving stringent protection under these laws and policies.

The World Heritage status is also very significant in protecting these sites, that it establishes the

international value of the site, along with technical expertise, support and provides financial support to the commencement of training and scientific studies. National Parks and Sanctuaries of India are facing scarcity of financial and technical resources. The WH status not only accrues with financial and technical support and expertise of the WHC and WHF, but also helps to channelize the support of other international donor agencies and IOs viz. WWF, Global Environment Facility and the World Bank etc. For instance, the restoration of Manas National Park's biodiversity owes much to its World Heritage status and its inscription in the Danger List.

Apart from that, the World Heritage status is an effective incentive for the conservation of the site, as it enhances local pride of having an internationally recognized space. This pride significantly contributes in educating local people regarding the value of nature and its resources and developing a conservation attitude. However, WH status combined with exclusion policies may result in local people's agitation and hostility followed by a conscious degradation of the site.

Conclusion: India has a tradition of nature conservation, though its nature, logic and extent has been changed over time. Independent India's conservation policies and practices are much influenced by the developments taking place at the international and national level. Its journey from the protection of forests for commercial and industrial purposes, to strict protection for conservation, to sustainable management is an example of the continuity and change of the conservation policy in India. However; practicability and viability of these laws and policies on the actual ground is another issue and has generated much debate.

India has a stringent legal, administrative and policy framework for the protection of its natural and biological diversity including the seven WNH sites. However, inherent ambiguity and loopholes of the legal and policy structure provides ample scope for their violation and has given birth to different debates and discourses. The 'people-park conflict' is a common phenomenon in India. Scarcity of financial and skilled human resources, lack of awareness, and the fundamentally bureaucratic nature of the administrative framework are other big issues for the conservation and effective management of these sites, which need to be resolved.

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