

THE WILDLIFE (PROTECTION) ACT, 1972

(No. 53 of 1972)

(9th September, 1972)

An Act to provide for the protection of [Wild animals, birds and plants]¹ and for matters connected therewith or ancillary or incidental thereto.

² [***]

CHAPTER 1

Preliminary

1. Short title, extent, and commencement, - (1) This Act may be called the Wildlife (Protection) Act, 1972.

³[(2) It extends to the whole of India, except the State of Jammu and Kashmir.*]

⁴(3) It shall come into force in a State or Union Territory to which it extends, on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provision of this Act or for different States or Union Territories.

2. Definitions - In this Act, unless the context otherwise requires, -

(1) “animal” includes amphibians, birds, mammals, and reptiles, and their young, and also includes, in the cases of birds and reptiles, their eggs,

⁵(2) “animal article” means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal [has been used and ivory imported into India and an article made therefrom].

⁶(3) [Omitted 1991.1

(4) “Board means the Wildlife Advisory Board constituted under subsection (1) of Sec. 6;

(5) “captive animal” means any animal, specified in Schedule 1, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;

⁷(6) [Omitted 1991.1

(7) “Chief Wildlife Warden” means the person appointed as such under C1. (a) of sub-section (1) of Sec.4;

⁸[(7A) “Circus” means an establishment, whether stationary or mobile where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;]

(8) “closed area” means the area which is declared under sub-section (1) of Sec.37 to be closed to hunting;

(9) “Collector” means the Chief Officer in charge of the revenue administration of a district;

(10) “commencement of this Act”, in relation to –

(a) a State, means commencement of this Act in that State.

(b) any provision of this Act, means commencement of that provision in the concerned State;

(11) “dealer” means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncured trophy, [⁹meat or specified plant];

(12) “Director” means the person appointed as Director of Wildlife Preservation under Cl (a). of sub-section (1) of Sec. 3;

[(12A) “Forest Officer” means the Forest Officer appointed under clause (2) of Sec.2 of the Indian Forest Act, 1927 (¹⁰16 of 1927);]

(13) [Omitted 1991. ¹¹]

(14) “Government property” means property, referred to in sec.39; [or sec. 17H¹²]

(15) “habitat” includes land, water, or vegetation which is the natural home of any wild animal;

(16) “hunting”, with its grammatical variations and cognate expressions, includes,

(a) capturing, killing, poisoning, snaring, and trapping or any wild animal and every attempt to do so,

(b) driving any wild animal for any of purposes specified in sub clause

(c) injuring or destroying or taking any part of the body of any such animal, or 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;

7) “land” includes canals, creeks, and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, [marshes and wetlands and also includes boulders and rocks; ¹³]

(18) “licence” means a licence granted under this Act;

¹⁴[(18A) “Live-stock” includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yak and also includes their young;*]

(19) “manufacturer” means a manufacturer of animal articles;

(20) “meat” includes blood, bones, sinew, eggs, fat and flesh, whether raw or cooked, of any wild animal other than vermin;

(21) “National Park” means an area declared, whether under sec.35. or sec.38 or deemed, under sub-section (3) of sec.66. to be declared, as a National Park

(22) “notification” means a notification published in the official Gazette;

(23) “permit” means a permit granted under this Act or any rule made thereunder;

(24) “Person” includes a firm;

(25) “prescribed” means prescribed by rules made under this Act;

¹⁵[(25A) “recognised zoo” means a zoo recognised under section 38H;

(25B) “reserve forest” means the forest declared to be reserved by the State Government under sec.20. of the Indian Forest Act, 1927 (16 of 1927);*]

(26)¹⁶ “sanctuary” means an area declared, whether under sec. [26(A)⁵] or sec 38, or deemed, under sub section (3) of Sec.66 to be declared, as a wildlife sanctuary;

¹⁷[(27) “specified plant “means any plant specified in Schedule VI;*]

(28) “special game” means any animal specified in Sec.II;

(29) “State Government”, in relation to a Union Territory, means the Administrator of that Union Territory appointed by the President under Art 239 of the Constitutions ;

(30) “taxidermy”, with its grammatical variations and cognate expressions, means the curing, preparation or preservation of trophies;

[(30A) “territorial waters” shall have the same meaning as in Sec.3. of Territorial waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);¹⁸]

(31) “trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes,

(a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy, and

(b) antler, horn, rhinoceros horn, feather, nail, tooth, musk, eggs, and nests;

(32) “uncured trophy” means the whole or any part of any captive animal, other than vermin, which has not undergone a process of taxidermy, and includes a [freshly killed wild animal ambergris, musk and other animal products];

(33) “vehicle” means any conveyance used for movement on land, water or air, and includes buffalo, bull, bullock, camel, donkey, elephant, horse, and mule;

(34) “vermin” means any wild animal specified in Sch.V;

(35) “weapon” includes ammunition, bows and arrows, explosives, firearms, hooks, knives, nets, poison, snares, traps, and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;

(36) “wild animal” means any animal found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule, IV or Schedule V, wherever found;

(37) “wildlife” includes any animal, bees butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat;

(38) “Wildlife Warden” means the person appointed as such under C1. (b) of sub-section (1) of Sec.4;

[(39) “zoo” means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licenced dealer in captive animals.¹⁹]

The Act has been made applicable in various States and Union Territories as under:

1. Andaman and Nicobar, w.e.f. 1st July 1973, vide G.S.R.332 (E), dated 1st July, 1973.
2. Andhra Pradesh, w.e.f. 1st July 1973, vide G.S.R.371 (E), dated 1st August, 1973.
3. Arunachal Pradesh, w.e.f. 15th May 1973.

4. Assam, w.e.f. 25th January 1977, vide G.S.R.33 (E), dated 25th January, 1977.
5. Bihar, w.e.f. Ist February 1973, vide G.S.R.40 (E), dated Ist February, 1973.
6. Dadra and Nagar Haveli, w.e.f. Ist September 1973, vide G.S.R.441(E), dated Ist September, 1973.
7. Delhi, w.e.f. Ist June 1973,
8. Gao Daman and Diu, w.e.f. 16 July 1973, vide G.S.R.629 (E), dated 16th July, 1973.
9. Gujarat, w.e.f. Ist February 1973, vide G.S.R.62 (E), dated Ist February, 1973.
10. Haryana, w.e.f. 12th March July 1973, vide G.S.R.63 (E), dated 12 March, 1973.
11. Himachal Pradesh, w.e.f. 2nd April ly 1973, vide G.S.R.190 (E), dated 2nd April, 1973.
12. Kerala, w.e.f. Ist June 1973, vide G.S.R.293 (E), dated Ist June, 1973.
13. Lakshdweep, w.e.f. Ist November 1973, vide G.S.R.481(E), dated Ist November, 1973.
14. Madhya Pradesh, w.e.f. 25 January 1973, vide G.S.R.28 (E), dated 25 January, 1973.
15. Maharashtra, w.e.f. Ist June 1973, vide G.S.R.296 (E), dated Ist June, 1973.
16. Manipur, w.e.f. 15th May 1973, vide G.S.R.269 (E), dated 15th May, 1973.
17. Meghalaya, w.e.f. Ist April 1977
18. Mizoram, w.e.f. Ist October 1974, vide G.S.R.407 (E), dated Ist October, 1974.
19. Mysore, w.e.f. Ist July 1973, vide G.S.R.355 (E), dated Ist July, 1973.
20. Nagaland, w.e.f. 18th December 1981, vide G.S.R.668 (E), dated 18thDecember
21. Orissa, w.e.f. 14th August 1974, vide G.S.R.364 (E), dated 14th August, 1974.
22. Punjab, w.e.f. Ist April 1975.
23. Rajasthan, w.e.f. Ist September 1973, vide G.S.R.410 (E), dated Ist September, 1973.
24. Sikkim, w.e.f. Ist May 1976, vide G.S.R.311 (E), dated Ist May, 1976.
25. Tamil Nadu, w.e.f. Ist January, 1974.
26. Tripura, w.e.f. 2nd October 1973, vide GS.R.465 (E), dated 2nd October, 1973.
27. Union Territory of Chandigarh, w.e.f. 2nd December 1974, vide G.S.R.674 (E), dated 2nd December, 1974.
28. Union Territory of Pondicherry, w.e.f. Ist March 1975, vide G.S.R.62 (E), dated Ist March, 1975
29. Uttar Pradesh, w.e.f. Ist February 1973.
30. West Bengal, w.e.f. Ist May 1973, vide G.S.R.224 (E), dated Ist May, 1973.

¹ Substituted by Act 44 of 1991, sec. 2(w.e.f. 2.10.1991)

² Preamble omitted by Act 44 of 1991, sec. 3.

- ³ Sec. 1(2) It extends, in the first instance, , to the whole of the State of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh, and West Berigal, and to all the Union Territories, and it shall also extend to such other State as may adopt this Act by 44 of 1991, sec 4.
- ⁴ (3) “or may become extended in future”, after “to which it extends” omitted by Act 44 of 1991, sec 4
- ⁵ Sec. 2(2) “and Ivory imported into India and an article made therefrom;” appended by Act. 44 of 1991, sec 5.
- ⁶ Sec. 2 (3) “big game” means any animal specified in Schedule III;” omitted by Act 44 of 1991, sec 5.
- ⁷ Sec. 2 (6) “Cattle” includes buffaloes, bulls, bullocks, camels cows domestic, elephants, donkeys, goats, horses, mules, pigs and sheep, and also includes their young,” omitted by Act 44 of 1991, sec 5.
- ⁸ Sec.2 (7A) inserted by Act 44 of 1991, sec. 5.
- ⁹ Sec.2 (11) “meat or specified plant, “appended by Act 44 of 1991, sec.5.
- ¹⁰ Sec.2 (12A) “Inserted by Act 44 of 1991 sec. 5.
- ¹¹ Sec.2 (13) “game reserve” means an area declared under sec. 36 to be a game reserved;” omitted by Act 44 of 1991. sec. 5.
- ¹² Sec.2 (14) “or sec. 17H;” appended by Act 44 of 1991, sec.5.
- ¹³ Sec.2 (17) “marshes and wetlands” inserted after “whether artificial of natural,” by Act 44 of 1991, sec.5.
- ¹⁴ Sec.2 (18A) “inserted by Act 44 of 1991 sec. 5.
- ¹⁵ Sec.2 (25A) inserted by Act 44 of 1991 sec. 5.
- ¹⁶ Sec. 2 (26) “26(A)” substituted after “whether under sec. “ by Act 44 of 199 1, sec 5.
- ¹⁷ Sec.2 (26A) inserted by Act 44 of 1991 sec. 5.
- ¹⁸ Sec.2 (27) “small game” means any animal specified in sch. IV “substituted by Act 44 of 1991, sec.5.
Sec 2 (30A) inserted by Act 44 of 199 1, sec 5.
- ¹⁹ Sec.2 (39) inserted by Act 44 of 1991, sec 5.

CHAPTER II

Authorities to be appointed or constituted under this Act

3. Appointment of Director and other officers.— (1) The Central Government may, for the purposes of this Act appoint

- (a) a Director of Wildlife Preservation;
- (b) Assistant Directors of Wildlife Preservation; and
- (c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

(3) The Assistant, Directors of Wildlife Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

4. Appointment of Chief Wildlife Warden and other officers – (1) The State Government may, for the purposes of this Act, appoint –

- (a) a Chief Wildlife Warden; [***¹]
- (b) Wildlife Wardens;
- [(bb) One Honorary Wildlife Warden in each district; and²]
- (c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wildlife Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.

(3) ³ [The Wildlife Warden, the Honorary Wildlife Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wildlife Warden.

5. Power of delegate – (1) The Director may, with the previous approval of the Central Government, by order in writing delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(2) The Chief Wildlife Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this Act, except those under Cl.(a) of sub-section (1) of Sec.11, to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(3) Subject to any general or special, direction given or condition imposed by the Director or the Chief Wildlife Warden, any person, authorised by the Director or the Chief Wildlife Warden to exercise any, powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

6. Constitution of the Wildlife Advisory Board.— (1) The State Government, or, in the case of a Union Territory, the Administrator, shall, as soon as may be after the commencement of this Act, constitute a Wildlife Advisory Board consisting of the following member, namely:

- (a) the Minister in charge of Forest in the State or Union Territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government or the Union Territory, who shall be the Chairman;
- (b) two members of the State Legislature or, in the case of a Union Territory having a Legislature, two members of the legislature of the Union Territory, as the case may be;
- (c) Secretary to the State Government, or the Government of the Union Territory, in charges of Forests;
- [(d) The Forest Officer in charge of the State Forest Department, by whatever designation called, ex-officio;⁴]
- (e) an officer to be nominated by the Director;
- (f) Chief Wildlife Warden, ex-officio;
- [(g) Officers of the State Forest Government not exceeding five⁵];
- (h) such other person, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of Wildlife, including the representatives of tribals not exceeding three.]

[(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1).⁶]

(2) The State Government shall appoint [the forest Officer incharge of the Forest Department⁷] or Chief Wildlife Warden as the Secretary to the Board.

(3) The term of office of the members of the Board referred to in C1.(g) of sub-section (1) and the manner of filling the vacancies among them shall be such as may be prescribed.⁸

(4) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the State Government may prescribe.

7. Procedure to be followed by the Board.—(1) The Board shall meet at least twice a year at such place as the State Government may direct.

(2) The Board shall regulate its own procedure (including the quorum).

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board affecting the merits of the case.

8. Duties of the Wildlife Advisory Board. – It shall be the duty of the Wildlife Advisory Board to advise the State Government,—

- (a) In the selection of areas to be declared as Sanctuaries, National Parks, and Closed Areas and the administration thereof ;
- [⁹(b) in formulation of the policy of protection and conservation of Wildlife and specified plants;]
- (c) in any matter relating to any schedule;

- (cc) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife; and ^{10]}
 - (d) in any matter that may be referred to it by the State Government.
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¹ Sec.4(1)(a) “and “omitted by Act 44 of 1991, sec.6.

² Sec.4(1)(bb) “inserted by Act 44 of 1991, sec.6.

³ Sec.4(3) “the Honorary Wildlife Warden” after “The Wildlife Warden” substituted by Act 44 of 1991, Sec. 6

⁴ Sec.6(1)(d) “Chief Conservator of Forests, ex officio;” substituted by Act of 44 of 1991, sec.7.

⁵ Sec.6(1)(g) “such other officers and non-officials, not exceeding fifteen, who, in the opinion of the State Government, are interested in the protection of Wildlife, “ substituted by Act 44 of 1991, sec.7. and original sub-section renumbered as ‘h’.

⁶ Sec.6(IA) inserted by Act 44 of 199 1, sec.7.

⁷ Sec.6(2) “The State Government shall appoint the Chief Wildlife or the Chief Conservator of Forest as the Secretary to the Board, “substituted by Act 44 of 199 1, sec.7.

⁸ Sec.6 (3) “in CL(g)” should have been substituted by C1 (h)” under the amended verdict.

⁹ Sec. 8(b) “in the formulation of the policy in granting licences and permits under this Act;” substituted by Act 44 of 199 1, sec. 8.

¹⁰ Sec. 8(cc) inserted by Act of 199 1, sec. 8.

CHAPTER III

Hunting of Wild Animals

[(9 Prohibition of Hunting. – No person shall hunt any wild animal specified in Schedule, I, II, III and IV except as provided under section 11 and section 12. ^{1]}

10. [²(Omitted 199)

11. Hunting of Wild animals to be permitted in certain cases.– (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV –

- (a) the Chief Wildlife Warden may, if he is satisfied that any wild animal specified in Sch. 1 has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause animal to be hunted;
- (b) the Chief Wildlife Warden or the authorised officer may, if he is satisfied that any wild animal specified in Sch. II Sch, III or Sch. IV has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted.

(2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence;

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. Grant of permit for special purposes. - Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wildlife Warden, to grant [***³] a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt, subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of, –

- (a) education;
- [⁴(b) scientific research;
- (bb) scientific management;

Explanation:- for the purposes of Cl. (bb), the expression, “scientific management” means

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- (i) translocation of any wild animal to an alternative suitable habitat; or
- (ii) population management of wildlife, without killing or poisoning or destroying any wild animals].
- [⁵(c) Collection of specimens
 - (i) for recognised zoos subject to the permission under section 38-1 or
 - (ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life saving drugs.]

⁶[Provided that no such permit shall be granted:

- (a) in respect of any wild animal specified in Sch.L except with the previous permission of the Central Government, and
- (b) in respect of any other wild animal, except with the previous permission of the State Government.]

[(13) “Suspension or cancellation of licence. - The Chief Wildlife Warden or the authorised officer may, subject to any general or special order of this State Government, for good and sufficient reasons, to be recorded in writing, suspend or cancel any licence granted under this Chapter. (OMITTED 1991)

Provided that no such suspensions or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard”.]

[⁷(14) Omitted 1991]

[⁸(15) Omitted 1991]

[⁹(16) Omitted 1991]*

[¹⁰(17) Omitted 1991]

¹ Sec.9. “Hunting of Wild animals”...

Sec.9(1)“No person shall hunt any wild animal specified in Sch. I” Substituted.

(2) “No person shall hunt any wild animal specified in Sch. II, Sch. III, or Sch. IV, except under, and in accordance with, the conditions specified in a licence granted under sub-section (5).” substituted.

(3) “Any person distilling to obtain a licence referred to in sub-section (2) shall apply, in such from and on payment of such fee, as may be prescribed, to the Chief Wildlife Warden or any other officer authorised by the State Government in this behalf (hereinafter referred to as the authorised officer).”

(4) “An application under sub-section (3) may be made for all or any of the following kinds of licences, namely

- (a) Special game hunting licence.
- (b) Big game hunting licence.
- (c) Small game hunting licence.
- (d) Wild animal trapping licence.

Provided that any such licence may be restricted to be hunting or trapping of such animal as may be specified therein.” omitted.

(5) “On receipt of an application under sub-section (3), the Chief Wildlife Warden or the authorised officer may,, after making such inquiry as he may think fit with regard to the fitness or other wise of the applicant to receive the licence, grant or refuse to grant such licence after recording in writing his reason for such grant of refusal; and when the grant of a licence is refused, the fee paid therefor shall be refunded to the applicant. “ omitted.

(6) “A Licence granted under this section shall

- (a) be in such from as may be prescribed;
- (b) be valid for such period as may be specified therein;

(c) be subject to such items, conditions, and restrictions as may be prescribed; (d) not be transferable.

Omitted by Act 44 of 1991, sec.9.

2 Sec. 10. Maintenance of records of wild animals killed or captured. –(1) The holder of every licence shall maintain a record, containing such particulars as may be prescribed, of the wild animals, other than vermin, killed or captured by him during the currency of the licence.

(2) When any animal specified in Sch. III is killed, wounded, or captured by the holder of a licence, he shall, not later than fifteen days from the date of such killing, wounding, or capture, or before leaving the area specified in the licence, whichever is earlier, intimate in writing to the Chief Wildlife Warden or the authorised officer, the prescribed particulars of such animal killed, wounded, or captured by him”..

(3) The holder of any licence shall, not later than fifteen days from the date of expiry of such licence, surrender the records maintained by him under sub-section (1) and the licence to the Chief Wildlife Warden or the authorised officer, and shall sign a declaration, in the prescribed form, certifying the accuracy of the records maintained by him under sub-section (a).”

omitted by Act of 1991, sec. 10

3 Sec. 12. the words “with the previous permission of the State Government” omitted by Act 23 of 1982, sec.2.

4 Sec. 12(b) substituted by Act 23 of 1982, sec.2.

5 Sec. 12 (c) “collection of specimens for zoological gardens, museums, and similar institutions” substituted by ibid.

6 Proviso inserted by Act 23 of 1982, sec.2

7 Sec 14. Omitted by Act 44 of 1991. Sec. 12

“Appeals. - (1) An appeal from an order refusing to grant a licence under sec.9, or an order suspending or cancelling a licence under sec. 13, shall lie

(a) if the order is made by the authorised officer, to the Chief Wildlife Warden, or

(b) If the order is made by the Chief Wildlife Warden, to the State Government.

(2) In the case of an order passed in appeal by the Chief Wildlife Warden under sub-section (1), a second appeal shall lie to the State government

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against.

*Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.”

8 See 15 Omitted by Act 44 of 1991. Sec. 12

“Hunting of young and female of wild animals. --No person shall, unless specially authorised by a licence, hunt the young of any wild animal, other than vermin, or any female of such animal, or any deer with antlers in velvet.”

9 Sec 16. Omitted by Act 44 of 1991. Sec. 12

Declaration of closed time.– (1) The State Government may, by notification, declare the whole year or any part thereof, to be a closed time throughout the State, or any part thereof, for such wild animal as may be specified in the notification and no hunting of such animal shall be permitted, during the said period, in the area specified in the notification.

(2) The provisions of sub-section (1) shall not apply to vermin unless otherwise specified by the State Government in this behalf [omitted 1991]

5* **Conviction, setting aside of.** –On 5th February, 1954, at about 10 a.m. a rhinoceros was shot dead at village Hahpani. The petitioner along with a few others, who have since been acquitted or discharged, were sent up for trial under sec. 429 of the Indian Penal Code and Sec. 25 (g) of the Assam Forest Regulation. The charge under sec. 25 (g) of the Forest Regulation failed because the occurrence was found to have taken place outside the game sanctuary. The petitioner was, however, convicted by the learned Magistrate under sec.429 of the Indian Penal Code for having shot and killed the rhinoceros with a gun, and that conviction was upheld by the learned Sessions Judge on

appeal. 'Me only evidence against the petitioner was that of one prosecution witness, who saw the petitioner firing at the rhinoceros with a single - barreled nuzzle loading gun, and later the animal was found dead. The evidence of this witness had been believed by the two Courts below who has, therefore, convicted the petitioner. The argument for the defence was that in order for the conviction to be correct, the destruction of property should be established. Where, therefore, no one has any property or right in an animal, the killing of the animal does not come within that meaning of Sec. 425 of the Indian Penal Code. And thus the provision of Sec.429 of the Indian Penal Code will also not be attracted. The learned Sessions Judge appears to have overlooked the effect of Sec. 425 on the interpretation of Sec 429. It was submitted that at any rate an offence had been committed under sec.3 of the Wild Birds and Animals Protection Act, 1912 (8 of 1912), and therefore, the conviction of the petitioner should be altered to one under Sec.4 of the Act and an appropriate sentence imposed on him. But this cannot be done for the obvious reason that there is nothing to show in this case that there was any such notification by the Government declaring that the offence, if any, was committed in a closed season, as prohibited by the law, 'Mat being so, the conviction and sentence of the petitioner must be set aside. - Nabin Chandra Gogoi vs State of Assam, AIR 1961, pp. 18-19.

Sec. 17 Omitted by Act 44 of 1991. Sec. 12

17. "Restrictions on hunting. -(I) No person shall

(a) hunt any wild animal, from or by means of, a wheeled or mechanically propelled vehicle on water or land, or by aircraft;

(b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal;

(c) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisonous, poisoned weapons, snares or traps, except insofar as they relate to the capture or wild animals under a Wild Animal Trapping Licence;

(d) hunt any special game or big game other than with a rifle unless specially authorised by the licence to hunt with a shot gun using single-slug bullets;

(e) for the purpose of hunting, set fire to any vegetation;

(f) use any artificial light for the purpose of hunting except when specially authorised to do so under licence in the case of carnivora over a kill;

(h) hunt any wild animal on a salt-lick or waterwheel or other drinking place or on path or approach to the game, except sandgrouse and waterbirds;

(i) hunt any wild animal on any land not owned by Government, without the consent of that owner or his agent or the lawful occupant of such land;

(j) notwithstanding that he holds a licence for the purpose, hunt any wild animal during the closed time referred to in Sec. 16;

(k) hunt, with the help of dogs, any wild animal except waterbird, chakor, partridge, or quail;

(2) The provisions of sub-section (1) shall not apply to vermin. " [Omitted]

[¹CHAPTER-III]

PROTECTION OF SPECIFIED PLANTS

17A. Prohibition of picking, uprooting, etc., of specified plants. – Save, as otherwise provided in this Chapter, no person shall –

- (a) willfully pick, uproot, damage destroy, acquire or collect any specified plant from any forest land and area specified, by notification, by the Central Government,
- (b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof :

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bonafide personal use.

17B. Grant of permit for special purpose–. The Chief Wild Life Warden may with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of

- (a) education;
- (b) scientific research.,
- (c) collection, preservation and display in a herbarium of any scientific institutions; or
- (d) propagation by a person or an institution approved by the Central Government in this regard.

17C. Cultivation of specified plants without licence prohibited. – (1) No person shall cultivate a specified plant except under, and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf :

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection)

Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him, or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

17D. Dealing in specified plants without licence prohibited. - (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof :

Provided that nothing in this section shall prevent a person, who, immediately before that commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. Declaration of stock.— (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days, from the date of commencement of the Wild Life (Protection) Amendment Act, 1991, declare to the Chief Wild Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.

(2) The provisions of sub-section (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

17F. Possession, etc., of plants by licensee. - No licensee under this chapter shall

- (a) keep in his control or possession
 - (i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made, but has not been made;
 - (ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule, or order made thereunder;
- (b)
 - (i) pick, uproot, collect or acquire any specified plant, or
 - (ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof,

except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. Purchase, etc., of specified plants.— No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licenced dealer:

Provided that nothing in this section shall apply to any person referred to in section of 17B.

17H. Plants to be Government property. —(1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and, where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government, such plant or part or derivative thereof shall be the property of the Central Government.

(2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof as they apply in relation to wild animals and articles referred to in sub-section (1) of that section.]

¹ Chapter IIIA inserted by Act 44 of 1991, sec. 13.

CHAPTER IV

Sanctuaries, National Park, ¹[****] and Closed Areas

Sanctuaries

18. Declaration of Sanctuary.— [(1) The State Government may, by notification, declare its intention to constitute any area other than area comprised with any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural. or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment. ²]

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

Explanation. - For the purposes of the this section, it shall be sufficient to describe the area by roads, rivers, ridges, or other well-known or readily intelligible boundaries

19. Collector to determine rights.— [³When a notification has been issued under Sec.18,] the collector shall inquire into, and determine the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

20. Bar of accrual of rights.— After the issue of a notification under Sec.”18, no right shall be acquired in, or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

21. Proclamation by Collector. – When a notification has been issued under Sec.18 the Collector shall publish in the regional language in every town and village in or in the neighborhood of the area comprised therein, a progamation:

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
- (b) requiring any person, claiming any right mentioned in Sec. 19, to prefer before the collector” within two months from the date of such proclamation, a written claim in the prescribed form specifying the nature and extent of such right, with necessary details and the amount and particulars of the compensation, if any, claimed in respect thereof.

22. Inquiry by Collector. – The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into

- (a) the claim preferred before him under Cl. (b) of Sec.21, and
- (b) the existence of any right mentioned in Sec.19 and not claimed under Cl.(b) of Sec.21,

so far as the same may be ascertainable from the records of the State Goven-iments and the evidence of any person acquainted with the same.

23. Powers of Collector. – For the purpose of such inquiry, the Collector may exercise the following powers, namely

- (a) the power to enter in or upon any land and to survey, demarcate, and make a map of the same or to authorise any other officer to do so;
- (b) the same powers as are vested in a civil court for the trial of suits.

24. Acquisition of rights. – (1) In the case of a claim to a right in or over any land referred to in Sec.19, the Collector shall pass an order admitting or rejecting the same in whole or in part.

- (2) If such claim is admitted in whole or in part, the Collector may either
 - (a) exclude such land from the limits of the proposed sanctuary, or
 - (b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or the holder of rights and the Government the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and payment of such compensation, as is provided in the Land Acquisition Act, 1894 (1 of 1894)
- [⁴(c) allow, in consultation with the Chief Wildlife Warden, the continuance of any right of any person in, or over any land within the limits of the sanctuary.]

25. Acquisition proceedings. – (1) For the purpose of acquiring such land, or rights in or over such land,

- (a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894 (1 of 1894);
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under sec.9 of that Act.
- (c) the provisions of the sections preceding Sec.9 of that Act shall be deemed to have been complied with;
- (d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of Sec.18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief, against the award under the provision of Part III of that Act;
- (e) the Collector, with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money, and
- (f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government provide for an alternative public way or common pasture, as far as may be practicable or convenient.

(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.

26. Delegation of Collector's powers. – The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector

under Sec. 19 to 25 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

[⁵(26A) Declaration of area as Sanctuary. –(1) When –

- (a) a notification has been issued under sec.18 and the period for preferring claim has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or
- (b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, faunal, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wildlife or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be sanctuary on and from such date as may be specified in the notification.

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government.

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial water shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislation of the State.]

27. Restriction on entry in sanctuary. – (1) No person other than,

- (a) a public servant on duty;
- (b) a person who has been permitted by the Chief Wildlife Warden 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 CI. (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.

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

- (a) to prevent the commission, in the sanctuary, or 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 authorised 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 Wildlife Warden, Wildlife 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.

[⁶(3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause any wrongful gain as defined in the Indian Penal Code (45 of 1860), alter, destroy, move, or deface such boundary-mark.]

[⁷(4) No person shall tease or molest any wild animal or litter the grounds or sanctuary.]

28. Grant of permit. – (1) The Chief Wildlife Warden 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 wildlife 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.

[⁸(29) **Destruction, etc., in a sanctuary prohibited without a permit.** – No person shall destroy, exploit or remove any wildlife from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal or its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government being satisfied that such destruction, exploitation or removal of wildlife from the sanctuary is necessary for the improvement and better management of wildlife therein authorises the issue of such permit.

Explanation: For the purposes of this section, grazing or movement of livestock permitted under clause (d) of Sec.33 shall not be deemed to be an act prohibited under this section.]

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.

31 Prohibition of entry into sanctuary with weapon. – No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

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;
- (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.
- (d) may regulate, control or prohibit, in keeping with the interests of wildlife, the grazing or movement of [livestock].
- (e) [omitted 19911

[⁹33A. Immunisation of livestock. –(41) The Chief Wildlife Warden shall take such measures in such manner as may be prescribed, for immunisation against communicable diseases of the livestock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or graze, any livestock in a sanctuary without getting it immunised.]

34. Registration of certain persons in possession of arms. – (41) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959 (54 of 1959), for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee, and within such time as may be prescribed, to the Chief Wildlife Warden or the authorised officer, for the registration of his name.

(2) On receipt of an application under sub-section (1), the Chief Wildlife Warden or the authorised officer shall register the name of the applicant in subject manner as may be prescribed.

[¹⁰3) No new licences under the Arms Act, 1959 (54 of 1959), shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wildlife Warden.

National Parks

35. Declaration of National Parks. – (1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological, or zoological association or importance, needed to be constituted as a National

Park for the purpose of protecting and propagating or developing wildlife therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park.

[¹¹(1) Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of Sec.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.

(3) Where any area is intended to be declared as a National Park, the provisions of Sec. [¹²19 to 26-A (both inclusive except clause (c) of sub-section (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 such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely

- (a) the 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
- (b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government

the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall, destroy, exploit, or remove any wildlife from a National Park or destroy or damage the habitat or any wild animal or deprive any wild animal or its habitat within such National Park except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation, or removal of wildlife from the National Park is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit.

(7) No grazing of any [livestock¹³] shall be permitted in a National Park and no livestock shall be allowed to enter except where such [livestock] is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of secs. 27 and 28, secs.30 to 32 (both inclusive), and CIS, (a), (b) and (c) of [Sec.33, 33A¹⁴] and sec.34 shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.

36. [¹⁵Omitted 1991]

Closed Area

37. Declaration of closed area. – (1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in a closed area during the period specified in the notification referred to in sub-section(1).

Sanctuaries or National Park declared by Central Govt.

38. Power of Central Government to declare areas as Sanctuaries or National Park,
- (1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a Sanctuary, to the Central Government the Central Government may, if it is satisfied that the conditions specified in sec.18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a sanctuary and the provisions of [sec 18 to 35 (both inclusive) ¹⁶], 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

(2) The Central Government may, if it is satisfied that the conditions specified in sec.35 are fulfilled in relation to any area referred to in sub-section (1), whether or not such area has been declared, to be a sanctuary by the Central Government, or the State Government, declare such area, by notification, to be a National Park and the provisions of secs.35. 54 and 55 shall apply to such National Park as they apply in relation to a National Park declared by the State Government.

(3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wildlife Warden under the section referred to in sub-section (1) and (2). shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references in the sections aforesaid to the State Government, shall be construed as reference to the Central Government and reference therein to the Legislation of the State shall be construed as a reference to Parliament.

¹ Chapter IV "Game Reserves" omitted by Act 44 of 1991, sec. 14.

² Sec 18(l) substituted by Act 44 of 1991, sec. 15.

³ Sec. 19 "Whenever any area is declared to be a sanctuary" Substituted by Act 44 of 1991, sec. 16.

⁴ Sec.24(2)(c) Inserted by Act 44 of 1991, sec. 17

⁵ Sec.26A inserted by Act 44 of 1991, sec. 18.

⁶ Sec.27(3) Inserted by Act 44 of 1991, sec. 19.

⁷ Sec.27(4) Inserted by Act 44 of 1991, sec. 19.

⁸ Sec.29. Hunting in sanctuary without permit prohibited. (1) Notwithstanding anything contained elsewhere in this Act, no person shall hunt any wild animal in a sanctuary or remove therefrom any wild animal, whether alive or dead, or any trophy, uncured trophy, or meat derived from such animal.

Provided that if the Chief Wildlife Warden is satisfied that it is necessary that any wild animal in a sanctuary should be hunted or removed.

(a) for the better protection of wildlife, or

(b) for any other good and sufficient reason he may, with the previous approval of the State Government, grant a permit authorising any person to hunt or remove such wild animal under the direction of an office authorised by him or cause it to be hunted or removed.

(2) A permit granted under sub-section

(1) shall specify the kind and number of wild animal that may be hunted or removed by the holder of such permit.

(3) The Chief Wildlife Warden may, for good and sufficient reason, to be recorded in writing, cancel any permit granted under sec.28 or under this section.

Provided that no such cancellation shall be made except after giving the holder of the permit a reasonable opportunity of being heard.

(4) Any person aggrieved by the cancellation of a permit under sub-section (3) may, within 15 days from the date of such cancellation, appeal to the State Government, whose decision shall be final.

Provided that the State Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the applicant had sufficient cause for not preferring the appeal in time."

Substituted by Act 44 of 1991, Sec. 20,

⁹ Sec.33A inserted by Act 44 of 1991, sec.22.

¹⁰ Sec.34(3) inserted by Act 44 of 1991, sec.22A.

¹¹ Sec.35(l) Provision added by Act 44 of 1991, sec.23

¹² Sec. 35(3) " 19 to 26 (both inclusive)" between "the provisions of sections' and "shall, as far as" substituted by Act 44 of 1991, sec.23.

¹³ Sec.35(7) "cattle" substituted by "livestock" by Act 44 of 1991, sec.23.

¹⁴ Sec.35(8) "section 33" after "clause (a), (b) and (c) of "substituted by Act 44 of 1991, sec.23.

¹⁵ Sec.36 Declaration of "Game Reserve".-(1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in such reserve except under and in accordance with a licence, issued under this section by the Chief Wildlife Warden or the authorised officer."

omitted by Act 44 of 1991, sec. 24.

¹⁶ Sec38. "Section 19 to 35 after "provisions of' substituted by Act 44 of 1991, sec.25.

[¹CHAPTER -IVA]

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

38A. Constitution of Central Authority.² - (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

- (2) The Authority shall consist of
 - (a) Chairperson;
 - (b) such number of members not exceeding ten; and
 - (c) Member - Secretary; to be appointed by the Central Government.

38B. Term of office and conditions of service of chairperson and members etc.–

(1) The chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government.

(2) The chairperson or a member may, by writing under this hand, addressed to the Central Government, resign from the office of chairperson or, as the case may be, of the Member.

(3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person.

- (a) becomes an undischarged insolvent,
- (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave or absence from the authority, absent from three consecutive meetings of the Authority; or
- (f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.

(5) The salaries and allowances and other conditions of appointment of chairperson, members and Member-Secretary of the Authority shall be such as may be prescribed.

(6) The Authority shall, with the previous sanction of the Central Government, employ such officer and other employees as it deems necessary to carry out the purposes of the Authority.

(7) The terms and conditions of service of the officers and other employees of the authority shall be such as may be prescribed.

(8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority.

38C. Functions of the Authority. – The Authority shall perform the following functions, namely:

- (a) specify the minimum standards for housing, unkeep and veterinary care of the animals kept in a zoo;
- (b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed;
- (c) recognise or derecognize zoos;
- (d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;
- (e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;
- (f) ensure maintenance of stud-books of endangered species of wild animals bred in captivity;
- (g) identify priorities and themes with regard to display of captive animals in a zoo;
- (h) co-ordinate training of zoo personnel in India and outside India;
- (i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;
- (j) provide technical and other assistance to zoos for their proper management and development on scientific lines;
- (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

38D. Procedure to be regulated by the Authority. – (1) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

38E. Grants and loans to Authority and constitution of found. – (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants and loans made to the Authority by the Central Government all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meting salary, allowances and other remuneration of the members, officer and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

(4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

(5) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(7) The accounts of the Authority as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

38F. Annual report. - The Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38G. Annual report and audit report to be laid before Parliament. - The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received before each House of Parliament.

38H. Recognition of Zoos. – (1) No zoo shall be operated without being recognised by the Authority.

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for a period of [eighteen months from the date of such commencement and³] if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

(2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.

(3) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.

(4) No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

(5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) The Authority may, for reason to be recorded by it, suspend or cancel any recognition granted under sub-section (4):

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

(7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or canceling a recognition under sub-section (6) shall lie to the Central Government:

(8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication to the applicant, of the order appealed against:

Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal.

38I. Acquisition of animals by a zoo. – Subject to the other provisions of this Act, no zoo shall acquire or transfer any wild animal specified in Schedule I and Schedule 11 except with the previous permission of the Authority.

38J. Prohibition of teasing etc., in a zoo. – No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo.

¹ Chapter IVA inserted by Act 44 of 1991, sec.26

² The Central Zoo Authority was constituted vide S.O 113 (E), dated 3rd February, 1992 published in Part-II, Section 3, sub-section (ii) of the Extra -Ordinary Gazette of India, dated 3rd February, 1992

³ Sec.38H. “eighteen months from the date of such commencement” after the words “recognised for a period of’ substituted by Act 26 of 1993, sec.2.

CHAPTER V
Trade or Commerce in Wild Animals,
Animal Articles and Trophies

39. Wild Animal, etc. to be Government property. - (1) Every –

- (a) wild animal, other than vermin, which is hunted under Sec. 11 or sec.29 or sub-section (6) of sec 35 or kept or [bred in captivity or hunted¹] in contravention of any provisions of this Act or any rule or order made thereunder, or found dead, or killed by [***] mistake;
- (b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in Cl.(a) in respect of which any offence against this Act or any rule or order made thereunder has been committed;
- [²(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed.
- (d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provision of this Act.]

shall be the property of the State Government and, where such animal is hunted in a sanctuary or National Park declared by the Central Government such animal or any article, trophy, uncured trophy or meat [derived from such animal or any vehicle, vessel, weapon, trap, or tool used in such hunting, ³] shall be the property of Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours of obtaining such possession, report it to the nearest police station or authorised officer and shall, if so required, hand over such property to the officer in charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

- (a) acquire or keep in his possession, custody, or control, or
- (b) transfer to any person, whether by way of gift, sale or otherwise, or
- (c) destroy or damage

such Government property.

40. Declaration. – (1) Every person having at the commencement of this Act the control, custody, or possession of any captive animal specified in Sch. I or Part 11 of Sch. 11, or any uncured trophy derived from such animal or salted or dried skin of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wildlife-Warden or the authorised officer the number and description of animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale, or otherwise transfer or transport any animal specified in Sch. 1 or Part 11 of Sch. 11, any uncured trophy or meat derived from such animal, or the salted or dried skin of such animal or the musk of a deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

[⁴(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 381 or to a public museum.]

(4) The State Government may, by notification, require any person to declare to the Chief Wildlife Warden or the authorised officer any animal, article or trophy (other than the musk of musk deer or the horn of rhinoceros), or salted or dried skin derived from an animal specified in Sch. I or Part 11 of Sch. H in his control, custody or possession in such form, in such manner, and within such time as may be prescribed.

41. Inquiry and preparation of inventories. - (1) On receipt of a declaration made under sec.40, the Chief Wildlife Warden or the authorised officer may, after such notice, in such manner and at such time as may be prescribed,

- (a) enter upon the premises of a person referred to in Sec.40;
- (b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins, and captive animals specified in Sch. I and Part 11 of Sch. 11 and found thereon; and
- (c) affix upon the animals, animal articles, trophies of uncured trophies, identification marks in such manner as may be prescribed.

(2) No person shall obliterate or counterfeit any identification mark referred to in this Chapter.

42. Certificate of ownership. - The Chief Wildlife Warden may, for the purposes of Sec. 40, issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, or uncured trophy, and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for the purposes of Identification.

43. Regulation of transfer of animal etc. - (1) Subject to the provisions of sub-section (2), (3) and (4), a person (other than a dealer) who does not possess a certificate of ownership shall not

- (a) sell or offer for sale or transfer whether by way of sale, gift or otherwise, any wild animal specified in Sch. I or Part II of Sch. 11 or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom;
- (b) make animal articles containing part or whole of such animal;
- (c) put under a process of taxidermy an uncured trophy of such animal;

except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State any such animal, animal article, trophy or uncured trophy as referred to in sub-section (1) in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) No person who does not possess a certificate of ownership shall transfer or transport from one State to another state or acquire by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub-section (1) except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer is to be effected.

(4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wildlife Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.

(5) While permitting the transfer or transport of any animal, animal article, trophy or uncured trophy, as is referred to in sub-section (1), the Chief Wildlife Warden or the authorised officer

- (a) shall issue a certificate of ownership after such inquiry as he may deem fit;
- (b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been effected,.
- (c) may affix an identification mark on any such animal, animal article, trophy or uncured trophy.

6. Nothing in this section shall apply –

[⁵(a) to tail feather of peacock and animal articles or trophies made therefrom],

[⁶(b) to any transaction entered into by a recognised zoo subject to the provisions of Sec 381 or by a public museum with any other recognised zoo or public museum]

44. Dealings in trophy and animal articles without licence prohibited. – (1) [⁷Subject to the provisions of Chapter VA, no person shall, except under, and in accordance with, a licence granted under sub-section (4), –]

- (a) commence or carry on the business as
 - (i) a manufacturer of, or dealer in, any animal article, or
 - (ia) [⁸Omitted]
 - (ii) a taxidermist; or
 - (iii) a dealer in trophy or uncured trophy; or
 - (iv) a dealer in captive animal; or
 - (v) a dealer in meat; or
- (b) cook or serve meat in any eating-house

[⁹(c) derive, collect or prepare, or deal in, snake venom,]:

Provided that nothing in this sub-section shall prevent a person, who immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section, from carrying on such business or occupation for a period of thirty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

[¹⁰Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufacturers of such article.]

Explanation. – For the purposes of this section, “eating-house” includes a hotel, restaurant or any other place where any eatable is served on payment, whether or not such payment is separately made for such eatable or is included in the amount charged in board and lodging.

(2) Every manufacturer of, or dealer in animal article, or every dealer in captive animals, trophies or uncured trophies, or every taxidermist shall, within fifteen days from the commencement of this Act, declare to the Chief Wildlife Warden his stocks of animal articles, captive animals, trophies and uncured trophies, as the case may be, as on the date of such declaration and the Chief Wildlife Warden or the authorised officer may place an identification mark on every animal article, captive animal trophy or uncured trophy, as the case may be.

(3) Every person referred to in sub-section (1) who intends to obtain a licence shall¹¹, make an application to the Chief Wildlife Warden or the authorised officer for the grant of a licence.

(4) (a) Every application referred to in sub-section (3) shall be made in such form and on payment of such as fee as may be prescribed, to the Chief Wildlife Warden or the authorised officer.

[¹²(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wildlife Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implications which the grant of such licence would have on the status of wildlife and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted].

(5) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

(6) Every licence granted under this section shall

(a) be valid for one year from the date of its grant;

(b) not be transferable; and

(c) be renewable for a period not exceeding one year at a time.

(7) No application for the renewal of a licence shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Chief Wildlife Warden or the authorised officer is satisfied that.

- (i) the application for such renewal has been made after the expiry of the period specified thereof, or
- (ii) any statement made by the applicant at the time of the grant or renewal of the licence was incorrect or false in material particulars, or
- (iii) the applicant has contravened any term of condition of the licence, or any provision of this Act, or any rule made thereunder, or
- (iv) the applicant does not fulfill the prescribed conditions.

(8) Every order granting or rejecting an application for the grant or renewal of a licence shall be made in writing.

(9) Nothing in the foregoing sub-section shall apply in relation to vermin.

45. Suspension or calculation of licence. - Subject to any general or special order of the State Government the Chief Wildlife Warden or the authorised officer may, for reason to be recorded by him in writing, suspend or cancel any licence granted or renewed under sec.44:

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

46. Appeal. – (1) An appeal from an order refusing to grant or renew a licence under sec.44 of an order suspending or canceling a licence under sec. 45 shall lie

- (a) if the order is made by the authorised officer, to the Chief Wildlife Warden, or
- (b) if the order is made by the Chief Wildlife Warden to the State Government.

(2) In the case of an order passed in appeal by the Chief Wildlife Warden under C1. (a) of sub-section (1), a second appeal shall lie to the State Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) An appeal under this section shall be preferred within days from the date of the communication, to be applicant, or the order appealed against.

Provided that the appellate authority may appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

47. Maintenance of records. - A licensee under this Chapter shall-

- (a) keep records, and submit such returns of his dealings, as may be prescribed.
 - (i) to the Director or any other officer authorised by him in this behalf, and
 - (ii) to the Chief Wildlife Warden or the authorised officer, and
- (b) make such records available on demand for inspection by such officers.

48. Purchase of animal, etc., by licensee. - No licensee under this Chapter shall

- (a) keep in his control, custody, or possession
- (i) any animal, animal article, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (2) of sec.44 has to be made but has not been made;
- (ii) any animal or animal article, trophy, uncured trophy or meat which has not been lawfully acquired under the provisions of this Act or any rule of order made thereunder.
- (b) (i) capture any wild animal, or
- (ii) acquire, receive, keep in his control, custody, or possession, or sell, offer for sale, or transport, any captive animal specified in Sch. I or Part II of Sch. 11 or any animal article, trophy or uncured trophy, or meat derived therefrom, or serve such meat, or put under a process or taxidening or make animal article containing part or whole of such animal,

except in accordance with such rules as may be made under this Act:

Provided that where the acquisition, or possession, or control, or custody of such animal or animal article, trophy or uncured trophy entails the transfer or transport from one State to another, no such transfer or transport shall be effected except with the previous permission in writing of the Director or any other officer authorised by him in this behalf.

Provided further that no such permission under the foregoing proviso shall be granted unless the Director or the officer authorised by him is satisfied that the animal or article aforesaid has been lawfully acquired.

[¹³**48A Restriction of transportation of wildlife.** - No person shall accept any wild animal (other than vermin) or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wildlife Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation.]

49. Purchase of captive animal, etc. person other than a licensee. - No person shall purchase, receive or acquire any captive animal, wild animal other than vermin, or any animal article, trophy, uncured trophy, or meat derived therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act.

[¹⁴Provided that nothing in this section shall apply to a recognised zoo subject to the provision of section 38-1 or to a public museum.]

¹ Sec.39(1)(a) "or hunted" inserted in between "bred in captivity" and "in contravention" by Act 44 of 1991, sec.27. Sec.26(1)(a) The words "without a licence or" after "or killed" omitted by Act 44 of 1991, sec.27.

² Sec.39.(1)(c) Inserted by Act 44 of 1991, sec.27.

³ Sec.39(1) "derived from such animal" substituted by Act 44 of 1991, sec.27.

- ⁴ Sec.40(3) “Nothing in sub-section (1) or (2) shall apply to a public museum or zoo.” substituted by Act 44 of 1991, sec.28.
- ⁵ Sec.43(6)(a) “to animal articles or trophies made out of feathers of peacocks;” substituted by Act 44 of 1991, sec.29.
- ⁶ Sec.43(6)(b) “to any transaction entered into by a public museum or zoo with any other public museum or zoo.” substituted by Act 44 of 1991, sec.29.
- ⁷ Sec.44(1) Substituted by Act 28 of 1986, sec.2 for the words” Except under, and in accordance with, a licence granted under sub-section (4), no person shall”.
- ⁸ Sec.44(1)(a)(ia) ‘a manufacturer of, or dealer in, any article made of ivory imported into India;’ omitted by Act 44 of 1991, sec.30.
- ⁹ Sec.44(1)(c) Inserted by Act 44 of 1991, sec.30.
- ¹⁰ Sec.44(1) Second provision substituted by Act 44 of 1991, sec.30.
- ¹¹ Sec.44(3) The words “written fifteen days from the commencement of this Act.” omitted by Act 23 of 1992. sec.3.
- ¹² Sec.44(4) (b) substituted by Act 23 of 1982, sec.3.
- ¹³ Sec.48A Inserted by Act 44 of 1991, sec.31.
- ¹⁴ Sec.49 “Provided that nothing in this section shall apply to any transaction entered into by a public museum or zoo with any public museum or zoo.” Substituted by Act 44 of 1991, sec.32

[CHAPTER VA]¹

Prohibition of Trade or Commerce in Trophies, Animal Articles, etc. derived from Certain Animals.

49A. Definitions. - In this Chapter, –

- (a) “scheduled animal” means an animal specified for the time being in Sch. I or Part 11 of Sch. 11;
- (b) “scheduled animal article” means an article made from any scheduled animal and includes an article or object in which the whole or any part of such animal (has been used but does not include tail-feather of peacock, an article or trophy made therefrom and snake venom or its derivative;^{2]}
- (c) “specified date” means -
 - (i) In relation to a scheduled animal on the commencement of the Wildlife (Protection) Amendment Act, 1986, the date of expiry of two months from such commencement.]
 - (ii) in relation to any animal added or transferred to Sch. I or part II of Sch. 11 at any time after such commencement, the date of expiry of two months such addition or transfer;
 - [(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of 6 months from the commencement of the Wildlife (Protection) Amendment) Act 1991.^{3]}

49B. Prohibition of dealing in trophies, animal articles etc. derived from Scheduled animals.- (1) Subject to the other provisions of this section, on and after the specified date, no person shall

- (a) commence or carry on the business as –
 - (i) a manufacturer of, or dealer, in scheduled animal articles; or
 - [(ia) a dealer in ivory imported into India or article made therefrom or a manufacturer of such article; or^{4]}
 - (ii) a taxidermist with respect to any schedule animals or any parts of such animals; or
 - (iii) a dealer in trophy or unucured trophy derived from any scheduled animal; or
 - (iv) a dealer in any captive animal being scheduled animal; or
 - (v) a dealer in meat derived from any scheduled animal^{5]; or}
- (b) cook or serve meat derived from any scheduled animal in any eating-house.

Explanation. - For the purposes of this sub-section, “eating-house” has the same meaning as in the Explanation below sub-section (1) of Sec.44.

(2) Subject to the other provisions of this section, no licence granted or renewed under sec. 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in Cl. (a) of sub-section (1) of this section on the occupation referred into Cl (b) of that sub-section after such date.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), where the Central Government is satisfied that it is necessary or expedient to do so in the public interest, it may, by general or special order published in the official Gazette, exempt, for purposes of export, any corporation owned or controlled by the Central Government (including a Government company within the meaning of Sec.617 of the Companies Act, 1956 (1 of 1956), or any society registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for -the time being in force, wholly or substantially financed by the Central Government, from the provisions of sub-section (1) and (2).

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under sec-44 to carry on the business as a taxidermist may put under a process of taxidermy any scheduled animal or any part thereof,

- (a) for or on behalf of the Government or any corporation or society exempted under sub-section (3), or
- (b) with the previous authorisation in writing of the Chief Wildlife Warden, for and on behalf of any person for educational or scientific purposes.

49C. Declaration by dealer. - (1) Every person carrying on the business or occupation referred to in sub-section (1) of Sec.49B shall, within thirty days from the specified date, declare to the Chief Wildlife Warden or the authorised officer,

- (a) his stock, if any, as at the end of the specified date of -
 - (i) scheduled animal articles;
 - (ii) scheduled animals and part thereof;
 - (iii) trophies and uncured trophies derived from scheduled animals;
 - (iv) captive animals, being scheduled animals;
 - (v) ivory imported into India or article made therefrom.]
- (b) the place of places at which the stocks mentioned in the declaration are kept; and
- (c) the description of such items, if any, of the stocks mentioned in the declaration which he desires, to retain with himself for his bohafide personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wildlife Warden or the authorised officer may take all or any of the measures specified in Sec.41 and for this purpose, the provisions of Sec. 41 shall , so far as may be, apply.

(3) Where, in a declaration made under sub-section (1), the person making the declaration expresses his desire to retain with himself any of the items of the stocks specified in the declaration for his bona fide personal use, the Chief Wildlife Warden, with the prior approval

of the Director, may, if he is satisfied that the person is in lawful possession of such items, issue certificates of ownership in favour of such person with respect to all, or as the case may be, such of the items as in the opinion of the Chief Wildlife Warden are required for the bona fide personal use of such person and affix upon such items identification marks in such manner as may be prescribed.

Provided that no such item shall be kept in any commercial premises.

(4) No person shall obliterate or counterfeit any identification mark referred to in sub-section (3),

(5) An appeal shall lie against any refusal to grant certificate of ownership under sub-section (3) and the provisions of sub-section (2), (3) and (4) of sec. 46 shall, so far as may be, apply in relation to appeals under this sub-section.

(6) Where a person who has been issued a certificate of ownership under sub-section (3) in respect of any item,

(a) transfers such item to any person, whether by way of gift, sale or otherwise, or

(b) transfer or transports from the State in which he resides to another State any such item.

he shall, within thirty days of such transfer or transport, report the transfer or transport to the Chief Wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, on and after the specified date, keep under his control, sell or offer for sale or transfer to [any person any scheduled animal or scheduled animal article or ivory imported into India or any article made therefrom.⁶]

¹ Chap VA Inserted by Act 28 of 1986, sec.3.

² Sec.49A(b) "has been used.... derivatives" substituted by Act 44 of 1991, sec.33.

³ Sec.49(A)(c)(i) The word 'and after "commencement"; omitted by Act 44 of 1991, sec.33.

⁴ Sec.49B(1)(a)(ia) Inserted by Act 44 of 1991, sec.34.

⁵ Sec.49B(1)(a)(v) Inserted by Act 44 of 1991, sec.35.

⁶ Sec.49C(7) The words "any scheduled animal or a scheduled animal article or ivory imported into India or any article made therefrom." substituted by Act 44 of 1991, sec.35.

CHAPTER VI

Prevention and Detection of Offences

50. Power of entry, search, arrest and detention. - (1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector may, if he has reasonable grounds for believing that any person has committed an offence against this Act,

- (a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, [¹trophy, uncured trophy, or any specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or any other document granted to him or required to be kept by him under the provisions of this Act;
- (b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle, or vessel in the occupation of such person, and open and search any baggage or other things in his possession;
- [²(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel, or weapon used for committing any such offence and unless he is satisfied that such person will appear and answer any charge which may be preferred against him arrest him without warrant and detain him.

Provided that where a fisherman, residing within ten kilometres of a sanctuary or National Park, inadvertently enters on a boat not used for commercial fishing, in the territorial waters in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.]

(2) [³Omitted 1991]

(3) It shall be lawful for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a licence or permit is required under the provisions of this Act, for the purposes of requiring such person to produce the licence or permit and if such person fails to produce the licence or permit, as the case may be, he may be arrested without warrant, unless he furnishes his name and address, and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

[(3A) Any officer of a rank not inferior to that of an Assistant Director of Wildlife Preservation or Wildlife Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the magistrate having jurisdiction to try the offence on account of which the seizure has been made. ⁴]

(4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law.

(5) Any person who, without reasonable cause, fails to produce anything which he is required to produce under this section, shall be guilty of an offence against the Act.

- (6) (a) Where any [⁵meat or uncured trophy, specified plant or part or derivative thereof] is seized under the provisions of this section, the Asstt. Director of Wildlife Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer may arrange for the sale of the same and deal with the proceeds of such sale in such manner as may be prescribed.
- (b) Where it is proved that the [⁶meat or uncured trophy, specified plant or part or derivative thereof] seized under the provision of this section is not Government property, the proceed of the sale shall be returned to the owner.

(7) Whenever any person is approached by any of the officers referred to in sub-section (1) for assistance in the prevention or detection of an offence against this Act, or in apprehending persons charged with the violation of this Act, or for seizure in accordance with Ct. (c) of sub-section (1), it shall be the duty of such person or persons to render such assistance.

[⁷(8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wildlife Preservation or Wildlife Warden shall have the powers, for the purpose of making investigation into any offence against any provision of this Act.

- (a) to issue a search warrant;
- (b) to enforce the attendance of witness;
- (c) to compel the discovery and production of documents and material objects, and;
- (d) to receive and record evidence.

(9) Any evidence recorded under clause (d) of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in presence of the accused person.^{8]}

51. Penalties. - (1) Any person who ⁹[contravenes any provisions of this Act [¹⁰except Chapter VA and section 38J]] or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to [three years] or with fine which may extend to [twenty five thousand rupees] or with both.

Provided that where the offence committed is in relation to any animal specified in Scheduled I or Part 11 of Sch. 11, or meat of any such animal, animal article, trophy, or uncured trophy derived from such animal or where offence [relates to hunting in, or, altering the boundaries of] a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than [one year] but may extend to six years and also with fine which shall not be less than [five thousand rupees¹¹].

[Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term or imprisonment may extend to six years ‘ and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.]

[¹² (1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and also with fine which shall not be less than five thousand rupees.]

[(¹³1B) Any person who contravenes the provisions of Section 38J] shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

Provided that in case of second or subsequent offence the term of imprisonment may extend to one year or the fine may extend to five thousand rupees.]

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy, [¹⁴uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant or part or derivative thereof] in respect of which the offence has been committed, any trap, tool, vehicle, vessel, or weapon used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

(4) Where any person is convicted of an offence against this Act, the court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1959) for possession of any arm with which an offence against this Act has been committed, shall be cancelled, and that such person shall not be eligible for a licence under the Arms Act, 1959, for a period of five years from the date of conviction.

[¹⁵(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of offenders Act, 1958 (20 of 1958) shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.]

52. Attempts and abetment. - Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule of order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

53. Punishment for wrongful seizure. - If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in sec. 50, he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

54. Power to compound offences. - (1) [¹⁶The Central Government may, by notification empower the Director of Wildlife Preservation or any other officer and the State Government], may, by notification, empower the C-1-def Wildlife Warden or any officer or a rank not inferior to that of a Deputy Conservator of Forests,

- (a) to accept, from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed; and .

- (b) when any property that has been seized is liable to be forfeited, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, and the property, other than Government property, if any seized, shall be released and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under C1. (b) of sub-section (1) shall, in no case, exceed the sum of two thousand rupees.

Provided that no offence, for which a minimum period of imprisonment has been prescribed in sub-section (1) of sec51, shall be compounded.

[¹⁷55 Cognizance of offences. - No court shall take cognizance of any offence against this Act on the complaint of any person other than

- (a) the Director of Wildlife Preservation or any other officer authorised in this behalf by the State Government; or
- (b) the Chief Wildlife Warden, or any other officer authorised in this behalf by the State Government; or
- (c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the officer authorised as aforesaid.]¹⁸

56. Operation of other laws not barred. - Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act.

Provided that no person shall be punished twice for the same offence.

57. Presumption to be made in certain cases. - Where, in any prosecution for one offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, [meat, trophy, uncured trophy, specified plant, or part or derivative thereof,¹⁹] it shall be presumed until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, [trophy, uncured trophy] specified plant, or part or derivative thereof.]

58. Offences by companies. - (1) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence against this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. - For the purpose of this Section,

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm

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- ¹ Sec. 50(1)(a) The words “meat, trophy or uncured” substituted by Act 44 of 1991, sec.36
- ² Sec.50(1)(c) “seize any captive animal, wild animal, animal article, meat trophy or uncured trophy in the possession of any person and appearing to him to be Government property, together with any trap, tool, vehicle, vessel, or weapon used for committing any such offence and, unless; he is satisfied that such person will appear and answer any charge which may be preferred against him arrest him without warrant, and detain him. “substituted by Act 44 of 1991 sec.36.
- ³ Sec.50(2) “Any officer of a rank not inferior to that of an Assistant Director of Wildlife Preservation or Wildlife Warden, who, or whose subordinate, has seized any trap, tool, vehicle, vessel, or weapon under CL(c) of sub-section (1), may release the same, on the execution by the owner thereof a bond for the production of the property so released, if and when required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.” omitted by Act 44 of 1991 sec.36.
- ⁴ Sec.50.(3A) Inserted by Act 44 of 1991, sec.36.
- ⁵ Sec.50(6)(a) The words “meat or uncured trophy” substituted by Act 44 of 1991, sec.36.
- ⁶ Sec.50(6)(b) The words “meat or uncured trophy” substituted by Act 44 of 1991, sec.36.
- ⁷ Sec.50(8) Inserted by Act 44 of 1991, sec.36.
- ⁸ Sec.50(9) Inserted by Act 44 of 1991, sec. 36.
- ⁹ Subs. by Act 28 of 1986, sec.4. for the certain words (w.e.f 20th November, 1986).
- ¹⁰ Sec.51(1) The words “contravenes any provision of this Act” substituted by Act 28 of 1986, sec.4. and the words “except Chapter VA” substituted by Act 44 of 1991, sec.37. The words “two years” and “two thousand rupees” substituted by Act 44 of 1991, sec. 37.
- ¹¹ Sec.51(1) The words “or altering the boundaries of”, six months”, and “five thousand rupees” occurring in the first provision substituted by Act 44 of 1991, sec. 37.
The second provision substituted by Act 44 of 1991, sec.37.
- ¹² Sec.51(1A) Ins by Act 28 of 1986, sec.4. (w.e.f. 20th November, 1986).
- ¹³ Sec.51 (1B) Inserted by Act 44 of 1991, sec. 37.
- ¹⁴ Sec.51(2) The words “uncured trophy or meat” substituted by Act 44 of 1991, sec.37
- ¹⁵ Sec.51(5) Inserted by Act 44 of 1991, sec.37.

- ¹⁶ Sec. 54(l) The words “The State Government” substituted by Act 44 of 1991, sec.38.
- ¹⁷ Sec. 55 “No Court shall take cognizance of any offence against this Act except on the complaint of the Chief Wildlife Warden or such officer as the State Government may authorise in this behalf.” substituted by Act 44 of 1991, sec. 39.
- ¹⁸ Sec. 55(c) came into force w.e.f. 20.4.1995 vide S.O. No. 344(E) Dt. 7.4.95 published in the Gazette of India, Extraordinary, Part II, Sec.3(ii) Dt. 18.4.95.
- ¹⁹ Sec.57. The words “meat or trophy and uncured trophy” substituted by Act 44 of 1991, sec.40.

CHAPTER VII

Miscellaneous

59. Officers to be public servants. - Every officer referred to [in Chapter II and the chairperson, members, member-secretary, officers and other employees referred to in chapter IVA¹] and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of sec.21 of the Indian Penal Code (45 of 1860).

60. Protection of action taken in good faith. - (1) No suit, prosecution, or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

[² (3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, member, member secretary, officers and other employees for any thing which is in good faith done or intended to be done under this Act.]

[³ **(60A) Reward to persons.** - (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may when passing judgement order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty percent of such fine.

(2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty percent of such money].

61. Power to alter entries in schedules. - (41) The Central Government may, if it is of the opinion that it is expedient so to do, by notification, [⁴add or delete any entry to or from any schedule] or transfer any entry from one part of the schedule to another part of the same schedule or from one schedule to another.

(2) [⁵Omitted 1991]

(3) On the issue of a notification under sub-section (1) [⁶***] the relevant schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

(4) [⁷Omitted 1991]

62. Declaration of certain wild animal to be vermin. - [⁸The Central Government] may by notification, declare any wild animal other than those specified in Sch. I and part 11 of Sch H to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Sch.V.

63. Power of Central Government to make rules. - [⁹(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:

- (a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;
- (b) the salaries and allowances and other conditions of appointment of chairperson, members and members-secretary under sub-section (5) of Section 38I3;
- (c) the terms and conditions of service of the officer and other employees of the Central Zoo Authority under sub-section (7) of section 38I3;
- (d) the form in which the annual statement of accounts of Central Zoo Authority shall be prepared under sub-section (4) of Section 38E;
- (e) the form in which and the time at which the annual report of Central Zoo Authority shall be prepared under section 38F;
- (f) the form in which and the fee required to be paid with application for recognition of a zoo under sub-section (2) of section 38H;
- (g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H;
- (h) the form in which declaration shall be made under sub-section (2) of section 44;
- (i) the matters to be prescribed under clause (b) sub-section (4) of section 44;
- (j) the terms and conditions which shall govern transaction referred to in clause (b) of section 48;
- (k) the manner in which notice may be given by a person under clause (c) of section 55;
- (1) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government]

(2) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Power of State Government to make rules.— (1) The State Government may, by notification, make rules for carrying out the provisions of this Act in respect of matters which do not fall within the purview of Sec.63

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) the term of office of the members of the Board referred to in Cl. (g) of sub-section (1) of Sec.6 and the manner of filling vacancies among them;
- (b) allowances referred to in sub-section (4) of Sec.6;

- (c) the forms to be used for any application, certificate, claim, declaration, licence, permit, registration, return, or other document, made, granted, or submitted under the provisions of this Act and the fees, if, any therefor;
- (d) the conditions subject to which any licence or permit may be granted under this Act;
- (e) the particulars of the record of wild animal (captured or killed) to be kept and submitted by the licensee;

[¹⁰(ee)the manner in which measures for immunization of live-stock shall be taken;]

- (f) regulation of the possession, transfer, and the sale of captive animals, meat, animal articles, trophies, and uncured trophies;
- (g) regulation of taxidermy;
- (h) any other matter which has to be, or may be, prescribed under this Act.

65. Rights of Scheduled Tribes to be protected. - Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union Territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration, NO. 40/97/1'. No.G-635. Vol. III, dated the 28th April, 1967 published at pages I to 5 Extraordinary issue of the Andaman and Nicobar Gazette, dated 28th April, 1967.

66. Repeal and savings. – (1) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or -any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed :

Provided that such repeal shall not–

- (i) affect previous' operation of the Act so repealed, or any thing duly done or suffered thereunder;
- (ii) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the Act so repealed;
- (iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- (iv) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, and punishment may be imposed, as if the aforesaid Act had not been repealed.

(2) Notwithstanding such repeal,

- (a) anything don0l or nay action taken under the Act so repealed (including any notification, order, certificate, notice, or receipt issued, application made, or permit granted) which is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provisions of this Act as if this Act were in force at the time such thing was done or action was taken, and shall continue to be

in force, unless and until superseded by anything done or an action taken under this Act;

- (b) every licence granted under any Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, subject to the provisions of this Act, continue to be in force for the unexpired portion of the period for which such licence had been granted.

(3) For the removal of doubts, it is hereby declared that any sanctuary or National Park declared by a State Government under any Act repealed under sub-section (1) shall be deemed to be a sanctuary or National Park, as the case may be, declared by the State Government under this Act and where any right in or over any land in any such National Park which has not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such rights, shall be made in accordance with the provisions of this Act.

[¹¹(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of Sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wildlife (Protection) Amendment Act, 1991, any reserved forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary, before the date of such commencement shall be deemed to be a sanctuary declared under section 26A.]

¹ Sec.59 The words “in chapter VII” substituted by Act 44 of 1991, sec.41.

² Sec.60(3) Inserted by Act 44 of 1991, sec.42.

³ Sec 60A Inserted by Act 44 of 1991, sec.43.

⁴ Sec.61(1) “add any entry to any schedule” substituted by Act 44 of 1991, sec.44.

⁵ Sec 61(2) “The Central Government may, if it is of the opinion that it is expedient so to do, any notification, transfer any entry from Sch.II, Sch. III, Sch.IV or Sch.V to Sch.I and may also transfer any entry from Part I of sch, II or Sch III, IV or Sch, V to any other schedule,” omitted by Act 44 of 1991, sec.44.

⁶ Sec.61(3) The words “or sub-section (2)” omitted by Act 44 of 1991, sec.44.

⁷ Sec.61(4) “If any alteration of any schedule made by the State Government under sub-section (2) is repugnant to any alteration made therein by the Central Government under sub-section (1), then the alteration made by the Central Government, whether made before or after the notification made by the State Government, shall prevail and the alteration made by the State Government shall, to the extent of the repugnancy, be void.

Provided that any such alteration made by the State Government, if it has been made with the previous consent of the Central Government, shall prevail in that State.

Provided further that nothing in the foregoing proviso shall prevent the Central Government from modifying or cancelling, at any time, the alteration made by the State Government.” Omitted by Act 44 of 1991

⁸ Sec.62. The words “subject to the provisions of Sec.61 the State Government” substituted by Act 44 of 1991, sec.45.

⁹ Sec.63(1) Substituted by Act 44 of 1991, sec.46.

¹⁰ Sec.64(2)(ee) Inserted by Act 44 of 1991, sec.47.

¹¹ Sec.66 (4) Inserted by Act 44 of 1991, sec.48.

SCHEDULE I

(Sections 2, 8,9,11, 40,41, 48,51, 61 & 62)

PART I MAMMALS

- [1. Andaman Wild pig (*Sus sorofa andamanensis*)]
²[1-A. Bharal (*Ovisnahura*)]
²[1 -B. Binturong (*Arctictis Binturong*)]
2. Black Buck (*Antelope cervicapra*)²[2-A. •*•]
3. Brow-antlered Deer or Thamin (*Cervus eldi*)³[3-A. Himalayan Brown bear (*Ursus Arctos*)]³[3-B. Capped Langur (*Presbytis pileatus*)]
4. Caracal (*Felis caracal*) [4-A. Catecean specials]
5. Cheetah (*Acinonyx jubatus*)
⁴[5-A. Chinese Pangolin (*Mainis pentadactyla*)]
'[5-B. Chinkara or India Gazelle (*Gazella gazella bennetti*)]
6. Clouded Leopard (*Neofelis nebulosa*)²[6-A. Crab-eating Macaque (*Macaca irus umbrosa*)]²[6-B. Desert Cat (*Felis libyca*)]
³[6-C Desert fox (*Vulpes bucapus*)]
7. Dugong (*Dugong dugon*)²[7-A Ermine (*Mustele erminea*)]
8. Fishing Cat (*Felis viverrina*)
^a[8-A Four-horned antelope (*Tetraceros quadricomis*)]
²[8-B. *••]
³[8-C ***]
³[8-D. Gangetic dolphin (*Platanista gangetica*)]
³[8-E. Gaur or Indian bison (*Bos gaurus*)]
9. Golden Cat (*Felis temmincki*)
10. Golden Langur (*Presbytis geei*)³[10-A. Giant squirrel (*Ratufa macroura*)]
[10-B. Himalayan Ibex (*Capra ibex*)]
'[10-C. Himalayan Tahr (*Hemitragus jemlahicus*)]
11. Hispid Hare (*Caprolagus hispidus*)³[11-A. Hog badgar (*Arconyx collaris*)]
12. Hoolock (*Hyloba tes hoolock*)
1 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 5-10-1977.
2 Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.
3 Vide Notification No. S.O. 859(E), dt. 24-11-1986.
4 Vide Notification No. F] 11012/31 FRY(WL), dt. 29-8-1977.
- '[12-A. •••]
²[12-B. Indian Elephant (*Elephas maximus*)]
13. Indian Lion (*Panlhera leo persica*)
14. Indian Wild Ass (*Equus hemionus khur*)³[15. Indian Wolf (*Canis lupas pallipes*)]
16. Kashmir Stag (*Cervus elaphus hanglu*)^J[16-A Leaf Monkey (*Presbytis phayrei*)]
'[16-B. Leopard or Panther (*Panthera pardus*)]

17. Leopard Cat (*Felis bengalensis*)
18. Lesser or Red Panda (*Ailurus fulgens*)
19. Lion-tailed Macaque (*Macaca silenus*)
20. Loris (*Loris tardigradus*)
- ²[20-A. Little Indian Porpoise (*Neomeris phocaenoides*)]
21. Lynx (*Felis lynx isabellinus*)
22. Malabar Civet (*Viverra megaspila*) ¹[22-A. Malay or Sun Bear (*Helarctos malayanus*)]
23. Marbled Cat (*Felis marmorata*)
24. Markhor (*Capra falconeri*) ⁴[24-A. Mouse Deer (*Tragulus meminna*)]
25. Musk Deer (*Moschus moschiferus*) ²[25-A. Nilgiri Lungur (*Presbytis johni*)] ²[25-B. Nilgiri Tahr (*Hemitragus hylocrius*)]
26. Nyan or Great Tibetan Sheep (*Ovis ammon hodgsoni*)
27. Pallas's Cat (*Felis manul*)
28. Pangolin (*Manis crassicaudata*)
29. Pygmy Hog (*Sus salvanius*) ¹[29-A. Ratel (*Mellivora capensis*)]
30. Rhinoceros (*Rhinoceros unicornis*)
31. Rusty spotted Cat (*Felis rubiginosa*) [31-A. Serow (*Capricornis sumatraensis*)]
- ²[31-B. Clawless Otter (*Aonyx cinerea*)] ²[31-C. Sloth Bear (*Melursus ursinus*)]
32. Slow Loris (*Nycticebus couceang*)
- [32-A. Small Travencore Flying Squirrel (*Petinomys fuscocapillus*)]
33. Snow Leopard (*Panthera uncia*)
- 1 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.
- 2 Vide Notification No. S.O. 859(E), dt. 24-11-1986.
- 3 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 29-8-1977.
- 4 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.

- ¹[33-A. Snubfin Dolphin (*Oreaella brevicastris*)]
34. Spotted Linsang (*Prionodon pardicolor*)
35. Swamp Deer (All sub-species of *Cervus d uvauceli*)
36. Takin or Mishmi Takin (*Budorcas taxicolor*) ²[36A. Tibetan Antelope or Chiru (*Panthelops hodgsoni*)] ¹[36B. Tibetan Fox (*Vulpes ferrilatus*)]
37. Tibetan Gazelle (*Procapra picticaudata*)
38. Tibetan Wild Ass (*Equus beminus kiang*)
39. Tiger (*Panthera tigris*)
40. Urial or Shapu (*Ovis vignei*)
41. Wild Buffalo (*Bubalus bubalis*) ²[41-A. Wild Yak (*Bos grunniens*)] ¹[41-B. Tibetan Wolf (*Canis lupus chanco*)]
- [42. Wroughton's free tailed bat (*Otomops wroughtoni*)
43. Salim Ali's fruit bat (*Latidens salimalii*)

PART II AMPHIBIANS AND REPTILES

[1. Agra Monitor Lizard (*Varanus griseus* (Daudin))]

⁴[1A. *••]

'[IB. Audithia Turtle (*Pelochelys bibroni*)]

[IC. Barred, Oval, or Yellow Monitor Lizard (*Varanus flavescens*)]

[ID. Crocodiles (including the Estuarine or salt water crocodile) (*Crocodylus porosus* and *Crocodylus palustris*)]

'[IE. Terrapin (*Batagur basika*)]

IF. Eastern Hill Terrapin (*Melanochelys tricarinata*)

2. Gharial (*Gravialis gangeticus*)

[3. Ganges Soft-shelled Turtle (*Trionyx gangeticus*)]

'[3A. Golden Gecko (*Calodactylodes aureus*)]

4. Green Sea Turtle (*Chelonia Mydas*)

5. Hawksbill Turtle (*Eretmochelys imbricata inlscata*)

'[6. •••]

7. Indian Egg-eating Snake (*Elachistodon westermanni*)

8. Indian Soft-shelled Turtle (*Lissemys punctata punctata*)

9-A. Kerala Forest Terrapin (*Hoesemys sylratica*)

10. Large Bengal Monitor Lizard (*Varanus bengalensis*)

11. Leathery Turtle (*Dermochelys coriacea*)

12. Logger Head Turtle (*Caretta caretta*)

13. Olive Back Logger Head Turtle (*Lepidochelys olivacea*)

14. Peacock-marked Soft-shelled Turtle (*Trionyx hurum*)

1 Vide Notification No. SO 859(E), dt. 24-11-1986.

2 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.

3 Inserted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.

4 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.

5 Vide Notification No. FJ 11012/31/76 FRYfWL, dt. 29-8-1977.

'[14-A. Pythons (Genus *Python*)]^J[14-B. Sail terrapin (*Kachuga Kachuga*)] 14-C.

Spotted black Terrapin (*Geoclemys hamiltoni*)²[15. •••]²[16. •»•]²[17. ***]³[17-A. Water Lizard (*Varanus salvator*)]

"[PART IIA FISHES

1. Whale Shark (*Rhincodon typus*)⁵[2. Shark and Ray

(i) *Anoxypristis cuspidata* (ii) *Carcharhinus hemiodon*

(iii) *Glyphis gangeticus* (iv) *Glyphis glyphis*

(v) *Himantura fluviatilis* (vi) *Pristis microdon*

(vii) *Pristis zijsron* (viii) *Rhynchobatus djiddensis*

(ix) *Urogymus asperrimus*.]

PART III BIRDS⁶[1. Andaman Teal (*Anas gibberifrons allagularis*)] 1-A. Assam

Bamboo Partridge (*Bambusicola fytchii*)³[1 -B. Bazas (*Aviceda jeordone* and *Aviceda*

leuphotes)] [1-C. Bengal Florican (*Eupodotis bengalensis*)] 1-D. Black-necked Crane (*Grus nigricollis*)

1-E. Blood Pheasants (*Ithaginis cruentus tibetanus*, *Ithaginis Cruentus kuseri*) ²[1F. ***]

2. Cheer Pheasant (*Catreus wallichii*)

²[2A. Eastern White Stork (*Ciconia ciconia boyciana*)] ³[2B. Foret-spotted Owlet (*Athene blewitti*)] * [2C. Frogmouths (Genus *batrachostomus*)]

3. Great Indian Bustard (*Choriotis nigriceps*)

4. Great Indian Hornbill (*Buceros bicornis*) ²[4A. Hawks (*Accipitridae*)]

³[4B. Hooded Crane (*Grus monacha*)]

³[4C. Hornbills (*Ptilolaemus tickelli austeni*, *Aceros nipalensis*, *Rhyticeros undulatus ticehursti*)] ³[4D. Houbara Bustard (*Chlamydotis undulata*)] ³[4E. Humes Bar-backed Pheasant (*Syrmaticus humiae*)] ³[4F. Indian Pied Hornbill (*Anthracoceros malabaricus*)]

5. Jerdon's Courser (*Cursorius bitorquatus*)

6. Lammergeier (*Gypaetus barbatus*)

1 Vide Notification No. SO 859(E), dt. 24-11-1986.

2 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.

3 Vide Notification No. FJ11012/31/76 FRY(WL), dt. 29-8-1977.

4 Inserted vide Notification No. 1-2/2001-WL-1, dt. 28-5-2001.

5 Substituted vide Notification No. 1-4/95-WL, dt. 5-12-2001, w.e.f. 6-12-2001.

6 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.

7. Large Falcons (*Falco peregrinus*, *Falco biarmicus* and *Falco chicuera*) ³[7A Large Whistling Teal (*Anatidae*)]

¹[7B. Lesser Florican (*Sypheotides indica*)]

¹[7C. Monal Pheasants (*Lophophorus impeyanus*, *Lophophorus Sclateri*)]

8. Mountain Quail (*Ophrysia superciliosa*)

9. Narcondam Hornbill [*Rhyticeros (undulatus) narcondami*] ¹[9-A. ***]

10. Nicobar Megapode (*Megapodius freycinet*) [10-A Nicobar Pigeon (*Caloenas nicobarica pelewensis*)]

²[10-B. Osprey or Fish-eating Eagle (*Pandion haliaetus*)]

²[10-C. Peacock Pheasants (*Polyplectron bicalcaratum*)]

11. Peafowl (*Pavo cristatus*)

12. Pink-headed Duck (*Rhodonessa caryophyllacea*)

13. Sclater's Monal (*Lophophorus sclateri*)

14. Siberian White Crane (*Grus leucogeranus*) ³[14-A- ***]

²[14-B. Tibetan Snow-Cock (*Tetraogallus tibetanus*)]

15. Tragopan Pheasants (*Tragopan melanocephalus*, *Tragopan blythii*, *Tragopan satyra*, *tragopan temminckii*)

16. White-bellied Sea Eagle (*Haliaetus leucogaster*)

17. White-eared Pheasant (*Crossoptilon crossoptilon*) ¹[17-A. White Spoonbill (*Platalea leucorodia*)]

18. White-winged Wood Duck (*Cairina scutulata*)

⁴[19. Swiftlets (*Collocalia unicolor* and *Collocalia fusiphaga*)]

20. Hill myna (*Gracula religiosa intermedia*, *Gracula religiosa peninsularis*, *Gracula religiosa indica* and *Gracula religiosa amanesis*)
21. Tibetan ear pheasant (*Crossoptilon harmani*) 22- Kalij pheasant (*Lophur leucomelana*)
23. Lord Derby's parakeet (*Psittacula derbyana*)
24. Vultures (*Gyps indicus*, *Gyps bengalensis*, *Gyps tenuirostris*)
25. White bellied heron (*Ardea insignis*)

PART IV

CRUSTACEA AND INSECTS [1.] Butterflies and Moths

Family Amathusidae	Common English name
<i>Discophora deo deo</i>	Duffer, banded
<i>Discophora sondaica muscina</i>	Duffer, common
<i>Faunis faunula faunuloides</i>	Pallid fauna
Family Danaidae	
1 Re-numbered vide Notification No. SO 859(E), dt. 24-11-1986.	
2 Vide Notification No. FJ 11012/31/76 FRY(WL), dt. 29-8-1977.	
3 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.	
4 Inserted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.	
<i>Danaus gautama gautamoides</i>	Tigers
<i>Euploea crameri nicevillei</i>	Crow, spotted Black
<i>Euploea midamus roepstorfti</i>	Crow, Blue-spotted
Family Lycaenidae	
<i>Allotinus drumila</i>	Darkie, crenulate/Great
<i>Allotinus fabius penormis</i>	Angled darkie
<i>Amblopala avidiena</i>	Hairstreak, Chinese
<i>Amblypodia ace arata</i>	Leaf
Blue	
<i>Amblypodia alea constanceae</i>	Rosy Oakblue
<i>Amblypodia ammonariel</i>	Malayan Bush blue
<i>Amblypodia arvina ardea</i>	Purple Brown tailless Oakblue
<i>Amblypodia asopia</i>	Plain tailless Oakblue
<i>Amblypodia comica</i>	Comic Oakblue
<i>Amblypodia opalima</i>	Opal Oakblue
<i>Amblypodia zeta</i>	Andaman tailless Oakblue
<i>Biduanda Melisa Cyana</i>	
<i>Biduanda melisa cyana</i>	Blue posy
<i>Callophrys leechii</i>	Hairstreak, Ferruginous
<i>Castalius rosimon alarbus</i>	Pierrot, common
<i>Charana cephes</i>	Mandar in Blue, Cachar
<i>Chloria othona</i>	Tit,
orchid	
<i>Deudorix epijarbas amatius</i>	Cornelian, scarce
<i>Everes moorei</i>	Cupid, Moore's

Gerydus biggsii
 Gerydus symethus diopeithes
 Heliophorus hybrida
 Horaga albimacula
 Onyxes
 Jamides ferrari
 Caeruleans
 Liphyra brassolis
 Listeria dudgenni
 Logania Watsoniana subfasciata
 Lycaenopsis binghami
 Lycaenopsis haraldus ananga
 Lycaenopsis puspa prominens
 Lycaenopsis quadriplaga dohertiya
 Nacaduba noreia hampsoni
 Polyommatus oritulus leela
 Pratapa lcetas mishmia
 Simiskina phalena harterti
 Sinthusa Virgo
 Pale
 Spindasis elwesi
 Spindasis rukmini
 Strymon mackwoodi
 Tajuria ister

Bigg's Brownie
 Great Brownie
 Sapphires

Butterfly, Moth
 Lister's hairstreak
 Mottle, Wasten's
 Hedge Blue
 Hedge Blue, Felder's
 Common hedge Blue
 Naga hedge Blue
 Lineblue, White-tipped
 Greenish mountain Blue
 Royal, drak Blue
 Brilliant, Broadlanded
 Spark,

Silverline, Elwes's
 Silverline, Khaki
 Hairstreak, Mackwood's
 Royal, uncertain

Tajuria luculentus nela
 Tajuria yajna yajna
 Thecla ataxus zulla
 Thecla bleti mendera
 Thecla letha
 Thecla paona
 Thecla pavo
 hairstreak
 Virchola smilis
 Blues Family Nymphalidae
 Apatura ulupi ulupi
 Argynnis hegemone
 Callnaga buddha
 Freak
 Charaxes durnfordi nicholi
 Cirrochroa fasciata
 Yeomen
 Diadora nicevillei
 Scarce
 Dillpa morgiana

Royal, Chinese
 Royal, Chestnut and Black
 Wonderful hairstreak
 Indian Purple hairstreak
 Watson's hairstreak
 Paona hairstreak
 Peacock

Guava

Emperor, Tawny
 Silver-washed fritillary

Rajah, Chestnut

Siren,

Emperor, Golden

Doleschallia bisaltide andamana	Autumn leaf
Eriboea moorei sandakanas	Mayanan Nawab
Eriboea schreiberi	Blue
Nawab	
Eulaceura manipurensis	Emperor, Tytler's
Euthalia durga splendens	Barons/Connis/Duchesses
Euthaliaiva	Duke,
Grand	
Euthalia Khama Curvifascia	Duke, Naga
Euthalia tellehinia	Baron,
Blue	
Helcyra hemina	Emperor, White
Hypolimnas missipus	Eggfly, Danaid
Limenitis austenia purpurascens	Commodore, Grey
Limenitis zulema	
Admirals	
Melitaea shandura	Fritillaries/Silverstripes
Neptis antilope	Sailer, variegated
Neptis aspasia	Sailer, Great Hockeystick
Neptis columella kankena	Sailer.Short-banded
Neptis cydippe kirbariensis	Sailer, Chinese yellow
Neptis ebusa ebusa	Sailer/Lascar
Neptis jumbah binghami	Sailer, chestnut-streaked
Neptis manasa	Sailer, Pale Hockeystick
Neptis nycteus	Sailer, Hockeystick
Neptis poona	Lascar, tytler's
Neptis sankara nar	Sailer, Broad-banded
Panthoporia jina jina	Bhutan sergeant
Panthoporia reta moorei	Malay staff sergeant
Prothoc franckii regalis	Begum, Blue
Sasakia funebris	
Empress	
Sophisa chandra	Courtier, Eastern

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Symbrenthia silana	Jester, Scarce
Vanessa antiopa yedunula	Admirables
Family Papilionidae	
Chilasa clytea clytea of commixtus	Common mime
Papilio elephenor	Spangle, yellow-crested
Papilio liomedon	Swallowtail, Malabar Banded
Parnassiusaecogeminifer	Apollo
Parnassius delphius	Banded apollo
Parnassius hannyngtoni	Hannyngton's apollo

Parnassius imperator augustus	Imperial apollo
Parnassius stoliekanuss	Ladakh Banded apollo
Polydorus coon sambilana	Common clubtail
Polydorus cerassipes	Black windmill
Polydorus hector	Crimson rose
Polydorus neville	Nevill's windmill
Polydorus plutonius pambertoni	Chinese windmill
Polydorus polla	Denicey's windmill
Family Pieridae	
Aporia harrietae harrietae	Black veins
Baltia butleri sikkima	White butterfly
Colias colias thrasibulus	Clouded yellows
Colias dubi	Dwarf clouded yellow
Delias samaca	Jezebel,
pale Pieris krueperi devta Butterfly cabbage/White II Family Satyriidae	
Coelitis mothis adamsoni	Cat's eye, 'Scarce
Cyllogenes janetae	Evening Brown, Scarce
Elymnias peali	Palmfly,
Peal's	
Elymnias penanga chilensis	Palmfly, Painted
Erebia annada annada	Argus, ringed
Erebia nara singha nara singha	Argus, Mottled
Lethe, distans	Forester, Scarce Red
Lethe dura gammiel	Lilacfork, Scarce
Lethe europa tamuna	Bamboo tree brown
Lethe gemina gafuri	Taylor's tree brown
Lethe guluihal guluihal	Forester, Dull
Lethe margaritae	Tree brown, Bhutan
Lethe ocellata lyncus	Mystic, dismal
Lethe ramadeva	Silverstripe, Single
Lethe satyabati	Forester,
pallid	
Mycalesis orseis nautilus	Bushbrown, Purple
Pararge menava maeroides	Wall dark
Ypthima doherrii persimilis	Five ring, Great

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'[1-A. Coconut or Robber Crab (Bigrus latro)] '[2. Dragon Fly (Epioplebia laidlawi)]

²**[PART IVA**

COELENTERATES 1 Reef Building Coral (All Scleractinians)

2. Black Coral (All Antipatharians)

3. Organ Pipe Coral (Tubipora musica)

4. Fire Coral (All Millipora Species) 5- Sea Fan (All Gorgonians)]

³**[PART IVB MOLLUSCA**

1. *Cassis cornuta*
2. *Charonia tritonis*
3. *Conus milneedwardsi*
4. *Cypræcassis rufa*
5. *Hippopus hippopus*
6. *Nautilus pompilius*
7. *Tridacna maxima*
8. *Tridacna squamosa*
9. *Tudicla spirallus*.

PART IV-C ECHINODERMATA Sea Cucumber (All Holothurians).]

SCHEDULE II

(Sections 2, 8, 9, 11, 40, 41, 43, 48, 51, 61, and 62)

PART I

i * * *

[1-A. Assamese macaque (*Macaca assamensis*)]

[2. Bengal Porcupine (*Atherurus mecrourus assamensis*)]

3. ***

3A. Bonnet macaque (*Macaca radiata*)]

⁵[3-B. ••")

⁶[3-C Cetatean spp. (other than those listed in Sch. I and Sch. II, Part II)]

»[4. *•*]

[4-A. Common langur (*Presbytis entellus*)]

1 Inserted vide Notification No. FI-28-/78 FRY(WL), dt. 9-9-1980.

2 Inserted by Notification No. 1-4/95-WL-I, dt. 11-7-2001.

3 Substituted vide Notification No. 1-4/95-WL-I, dt. 5-12-2001 & corrected vide corrigendum Noti. No. 1-4/95/WL-I, dt. 19-2-2002.

4 Vide Notification No. F) 11012/31/76 FRY(WL), dt. 29-8-1977.

5 Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.

6 Vide Notification No. SO 859(E), dt. 24-11-1986.

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²[6.

7. Ferrest Badgers (*Melogale moschata*, *Melogale personata*)

²[8. •*•]

²[9. ••]

²[10. ***]

11. Himalayan Crestless Porcupine (*Hystrix hodgsoni*)

[11-A. Himalayan Newtor Salamander (*Tyletrotiton verrucosus*)]

⁴[12. ***]

⁴[13. ***]

⁴[14. ••]

⁴[15. ••]

16. Pig-tailed macaque (*Macaca nemestrina*)

³[17. "*)

³[17A. Rhesus macaque (*Macaca mulatta*)

⁴[18. "*)

19. Stump-tailed macaque (*Macaca speciosa*)

⁴[20. ••]

21. ***]

22. Wild dog or dhole (*Cuon alpinus*)

⁴[23. ***]

³[24. Chameleon (*Chameleon calcaratus*)] 25. Spiny-tailed Lizard or Sanda (*Uromastix hardwickii*)

PART II

⁴[1. Beetles]

Family Amathueidae

Aemona amathusia amathusia

Amathusia phildippus andamanicus

Amathuxida amythaon amythaon

Discophora deo deodoides

Discophora lepida lepida

Discophora timora andamanensi

Enispe cycnus

Faunis sumeus assama

Sticopthalma nourmahal

1 Vide Notification No. FI-28-/78 FRY(WL), dt. 9-9-1980.

2 Substituted vide Notification No. 1-4/95-WL-1, dt. 5-12-2001 & corrected vide corrigendum Noti.No. 1-4/95/WL-1, dt. 19-9-2002.

3 Vide Notification No. FJ 11012/31/76 FRYfWL), dt. 29-8-1977.

4 Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.

Thauria aliris amplifascia

Family Carabidae

Agonotrechus andrewesi

Amara brucei

Amara eleganfula

Brachinus atripennis

Brososoma gracile

Brosous bipillifer

Broterovicollis

Calathus amaroides

Callistominus belli

Chalenius championi

Chlaenius kanarae

Chalenius masoni

Chlaenius nilgircus

Family Chrysomelidae

Acrocrypta rotundata

Bimala indica

Clitea indica

Gopala pita

Griva cyanipennis
Nisotra cardoni
Nistora madurensis
Nistora nigripennis
Nistora semicoreulea
Nisotra striatipennis
Nonarthra patkaia
Psylliodes plana
Psylliodes shira
Sebaethe cervina
Sebaethe patkaia
Sphaeroderma brevicorne
Family Cucujidae
Carinophlocus raffrayi

Cucujus bicolor
Cucujus grouvelle
Cucujus imperialis
Heterojinussemilaetaneus
Laemophloeus belli
Laemoploeus incertus
Pediacus refipes
Family Danaidae
Euploea melanaleuca
Euploea midamus rogenhofer
Family Erycinidae
Abisara kausambi
Dodona adonira
Dodona dipoea
Dodona egeon
Libythea lepita
Family Hesperidae
Baoris phidippina
Bebasa sena
Halpe homolea
Family Inopeplidae
Inopeplus albonotalus
Family Lycaenidae
Allotinus subviolaceus manychus
Amblypodia aenea
Amblypodia agaba aurelia
Amblypodia agrata
Amblypodia alesia
Amblypodia apidanus ahamus
Amblypodia areste areste
Amblypodia bazaloides

Amblypodia camdeo
Amblypodia ellisi
Amblypodia fulla ignara

Amblypodia genesa watsoni
Amblypodia paraganesa zephyreeta
Amblypodia paralea
Amblypodia silhetensis
Amblypodia suffusa suffusa
Amblypodia yendava
Apharitis lilacinus
Araotes lapithis
Artipe eryx
Bindahara phocides
Bothrinia chennellia
Castalius roxus manluena
Catapoecilma delicatum
Catapoecilma elegans myositina
Charana jalindra
Cheritrella truncipennis
Chliaria kina
Deudoryx hypargyria gaetulia
Enchrysops cnejus
Everes kala
Helipphorus androcles moorei
Horage onyx
Horage viola
Hypolycaena nilgirica
Hypolycaena theclodies nicobarica
Iraota rochana boswelliana
Jamides alectokandulana
Jamides celeodus pura
Jamides coeruler
Jamides kankena
Lampides boeticus
Lilacea albocaerulea
Lilacea atroguttata
Lilacea lilacea

Lilacea melaena
Lilacea minima
Logania massalia
Lycaenesthes lycaenina
Mahathala ameria
Mahathala atkinsoni
Magisba malaya presbyter

Nacaduba aluta coelestis
Nacaduba ancyra aberrans
Nacaduba dubiosa fulva
Nacaduba helicon
Nacaduba hermus major
Nacaduba pactolus
Neucheritra febronia
Niphanda cymbia
Orthomiella pontis
Pithecops fulgens
Polymmatius devanica devancia
Polymmatius metallica metallica
Polymmatius orbitulus jaloka
Polymmatius yeonghusbandi
Poritia erycinoides elsiei
Poritia hewitsoni
Poritia plsurata geta
Pratapa bhetes
Pratapa blanka
Pratapa deva
Pratapa icetas
Rapala buxaria
Rapala chandrana chandrana
Rapala nasaka
Rapala refulgens
Rapala rubida
Rapala scintilla

Rapala sphinx sphinx
Rapala varuna
Spindasis elima elima
Spindasis lohita
Spindasis nipalicus
Suasa lisides
Surendra todara
Tajuria albiplaga
Tajuria cippus cippus
Tajuria culta
Tajuria diaeus
Tajuria illurgioides
Tajuria illurgis
Tajuria jangala andamanica
Tajuria melastigma
Tajuria sebonga
Tajuria thyia

Tajuria yajna istroides
Tarucus callinara
Tarucus dharta
Thaduka malticaudata kanara
Thecla ataxus ataxus
Theclabitel
Thecla icana
Thecla jakamensis
Thecla kabreea
Thecla khasia
Thecla kirbariensis
Thecla suroia
Thecla syla assamica
Thecla vittata
Thecla ziba
Thecla zoa
Thecla zsta

Una usta
Yasoda tripunctata
Family Nymphalidae
Adolias cyanipardus
Adolias dirtea
Adolias khasiana
Apatura chevana
Apatura parvata
Apatura sordida
Apatura ulupi florenciae
Argynnis adippe pallida
Argynnis altissima
Argynnis clara clara
Argynnis pales horla
Atella alciope
Calinaga buddha brahaman
Charaxes aristogiton
Charaxes fabius sulphureus
Charaxes karruba
Charaxes marmax
Charaxes polyxena heman
Cheroonesia rahria rahrioides
Cyrestis cloces
Diagora persimilis
Doleschallia bisaltide malabarica
Eriboea athames andamanicus
Eriboea delphis

Eriboea dolen
Eriboea harcoea lissainei
Euripus consimilis
Equipus halitherses
Euthalia anosia
Euthalia cocytus
Euthalia duda

Euthalia durga durga
Euthalia evalina landabilis
Euthalia franciae
Euthalia garuda acontius
Euthalia lepidea
Euthalia merta eriphyle
Euthalia nara nara
Euthalia patala taozana
Euthalia teuta
Horona marathus andamana
Hypolimnas missipus
Hypolimnas polynice birmana
Kallima albofasciata
Kallima alompra
Kallima philarchus horsfieldii
Limenitis austenia austenia
Limenitis damava
Limenitis dudu
Melitaea robertsi lutko
Neptis aurelia
Neptis anjana nashona
Neptis aurelia
Neptis magadh khasiana
Neptis nandina hamsoni
Nethis narayana
Neptis radha radha
Neptis soma
Neptis zaida
Neurosigma doubledayi doubledayi
Pantoporia ksura ksura
Pantoporia kanwa phorkys
Pantoporia larymna siamensis
Pantoporia pravara acutipennis
Pantoporia ranga

Parthenos sylvia
PentHEMA lisarda

Symbrenthia niphanda

Vanesa egea agnicula

Vanesa lalbum

Vanesa polychloros fervida

Vanesa prarsoides dohertyi

Vanesa urticae rizama

Family Papilionidae

Bhutanitis liderdalei liderdalei

Chilasa epycides epycides

Chilasa paradoxa telearchus

Chilasa slateri slateri

Graphium aristeus anticrates

Graphium arycles arycles

Graphium eurypylus macronius

Graphium evemon albociliates

Graphium gyas gyas

Graphium megarus megarus

Papilio bootes

Papilio buddha

Papilio fuscus andamanicus

Papilio machaon verityi

Papilio mayo

Parnassius charltonius charltonius

Parnassius epaphus hillensis

Parassius jacquemonti jacquemonti

Polydorus latreillei kabrua

Polydorus plutonius tytleri

Teinopalpus imperialis imperialis

Family Pieridae

Aporia nabellica

Appias albina darada

Appias indra shiva

Appias lyncida latifasciata

Appias wardi

Baltia butleri butleri

Cepora nadian remba

Cepora nerissa dapha

Colias ecocandiea hinducucica

Colias eogene

Colias ladakensis

Colias stoliczka miranda

Delias lativitta

Dercas lycorias

Euchloe charltonia lucilla

Eurema andersoni ormistoni

Metaporia agathon
Pieris deota
Pontia chloridice alipina
Saletara panda Chrysaea
Valeria avatar avatar
Family Satyridae
Anlocera brahminus
Cyllogenes suradeva
Elymnias malelas nnilamba
Elymnias vasudeva
Erebia annada suroia
Erebia hygriva
Erebia kalinda kalinda
Erebia mani marti
Erebia seanda opima
Erites falcipennis
Hipparchis hoydenreichi shandura
Lethe atkinsoni
Lethe baladeva
Lethe brisanda
Lethe goalpara goalpara

Lethe insana insana
Lethe jalaurida
Lethe kaubra
Lethe latiaris latiaris
Lethe moelleri moelleri
Lethe naga naga
Lethe nicetella
Lethe pulaha
Lethe scanda
Lethe serbonis
Lethe siderca
Lethe sincrix
Lethe tristigmata
Lethe violaceopicta kanjupkula
Lethe visrava
Lethe yama
Maniola davendra davendra
Melanitis zitenius
Myscalesis adamsoni
Mycalesis anaxias
Mycalesis quotama chamka
Mycalesis heri
Mycalesis lepcha bethami

Mycalesis malsarida
 Mycalesis mestra
 Mycalesis misenus
 Mycaleis mystes
 Mycalesis suavolens
 Neorina hilda
 Neorina patria westwoodii
 Oeneis buddha quaurhwalica
 Parantirrhoea marshali
 Pararge eversmanni cash mirensis
 Pararge maerula maefula

Ragadia crislda crito
 Rhapicera sttriens kabrua
 Ypthima bolanica
 Ypthima lycus lycus
 Ypthima mathora mathora
 Ypthima similis affectata
 Zipotis saitis
 ,

- [1-A. Civets (all species of Viverridae except Malabar civet)]
- '[1-B. Common fox (Vulpes bengalensis)]
- ¹[1-C. Flying squirrels (all species of the genera Bulopetes, Petaurista, Pelomys and Eupetaurus)]
- '[1-D. Giant squirrels (Ratufa macroura Ratufa indica, and Ratufa bicolor)]
- '[2. Himalayan brown bear (Ursus arctos)]
- ²[2A. Himalayan black bear (Selenarctos thibetanus)]
- ¹[2B. Jackal (Canis aureus)]
- ¹[2C. Jungle cat (Felis chaus)]
- '[2D. Marmots (Marmota bobak himalayana, Marmota caudata)]
- '[2E. Martens (Martes foria intermedia, Martes flavigula, Martes gwatkinsii)]
- '[3. ***]
- 4. Otters (Luthra, L. perspicillata)
- ³[4-A. Pole cats (Vormela peregrina, Mustela putorius)]
- 4-B. Red fox (Vulpes vulpes, vulpes montana, vulpes griffithi, vulpes pusilla)
- '[5. Sloth bear (Melursus ursinus)]
- ¹[5A. Sperm whale (Physeter macrocephalus)]
- ^a[6. ***]
- '[7. Weasels (Mustela Sibirica, Mustela kathian, Mustela altaica)]
- '[8. Checkered keelback snake (Xenochrophis piscator)]
- 9. Dhaman or rat snake (Ptyas mucosus)
- 10. Dog-faced water snake (Carbrus rhynchops)
- 11. Indian cobras (all sub-species belonging to genus Naja)
- 12. King cobra (Ophiophagus hannah)
- 13. Oliveaceous keelback (Artibeus schistosus)

14. Russel's viper (*Vipera russelli*)
15. *Varanus* species (excluding yellow monitor lizard)
- ⁴[16. Mongooses (All species of genus *Herpestes*)
17. Grey jungle fowl (*Gallus sonnerati*)]

- 1 Vide Notification No. SO 859(E), dt. 24-11 -1986.
- 2 Vide Notification No. FI-28/78 FRY(WL), dt. 9-9-1980.
- 3 Vide Notification No. FJ 11012/31/76 FRY (WL), dt. 5-10-1977.
- 4 Inserted vide Noti. No. 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.

SCHEDULE III

*(Sections 2, 8¹[**] 9, 11 and 611*

²[1. ***]

2. Barking deer or muntjac (*Muntiacus muntjak*)

³[3. ***]

'[4. »••]

5. Chital (*Axis axis*)

^x[6. •••]

7. Gorals (*Nemorhaedus goral*, *Nemorhaedus hodgsoni*)

¹[8. •••]

⁴[9. ***]

'[10. ***]

11. Hegdeer (*Axis porcinus*)

12. Hyæna (*Hyaena hyaena*) *[13. ***]

14. Nilgai (*Boselaphus tragocamelus*)

'[15. **⁴]

16. Sambar (*Cervus unicolor*)

'[17.

'[IS-19. Wild pig (*Sus scrofa*)

⁴ [20. Sponges (all calcareans)]

1 Omitted by Act 44 of 1991, w.e.l. 2-10-1991.

2 Omitted Notification No. SO 859(E), dt. 24-11-1986.

3 Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.

4 Inserted vide Noti. No. 1-4/95/WL-I, dt. 11-7-2001.

5 Omitted by Act 44 of 1991, w.e.f. 2-10-1991.

6 Vide Notification No. SO 859(E), dt. 24-11-1986.

7 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.

8 Vide Notification No. FJ11012/31 /76 FRY(WL), dt. 29-8-1977.

WILD LIFE (PROTECTION) ACT, 1972

SCHEDULE IV

(Sections 2, 8, 9, 11 and 61)

⁵[*1

⁶[1. ...]

⁷[1-A. ...]

²[2. ...]

³[3. *"]

³[3-A. Five-striped plam squirrel (*Funambulus pennanti*)]

4. Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)

⁸[4-A. Hedge hog (*Hemiechinus auritus*)]

²[4-B. ***]

²[4-C. *...]

²[4-D. ***]

²[4-E. Indian porcupine (*Hystrix indica*)]

²[5. *»1

1 Omitted by Act 44 of 1991, w.e.l. 2-10-1991.

2 Omitted Notification No. SO 859(E), dt. 24-11-1986.

3 Vide Notification No. Fl-28/78 FRY(WL), dt. 9-9-1980.

4 Inserted vide Noti. No. 1-4/95/WL-1, dt. 11-7-2001.

5 Omitted by Act 44 of 1991, w.e.f. 2-10-1991.

6 Vide Notification No. SO 859(E), dt. 24-11-1986.

7 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.

8 Vide Notification No. FJ11012/31 /76 FRY(WL), dt. 29-8-1977.

'[6. ***]

²[6-A. ...]

³(6-B. ***]

³[7. ***J

⁴[7-A. Pole cats (*Vormela peregusna*, *Mustela putorius*)]

*[7-B. ***]

8. [...*]

³[8-A. ...]

'[9. ***]

'[9-A. *»»]

10. [...]

11. Birds ⁴[(other than those which appear in other Schedules)]:

1. Avadavat(*Estrildinae*)

2. Avocet (*Recurvirostridae*)

3. Babblers (*Timaliinae*)

4. Barbets (*Capitonidae*)

5. Barnowls (*Tytonknae*)

6. Bitterns (*Ardeidae*)

7. Brown-headed gull (*Larus brunnicephalus*)
8. Bulbuls (*Pycnonotidae*)
9. Buntings (*Emberizidae*)
10. Bustards (*Otididae*)
11. Bustard-Quails (*Turnicidae*)
12. Chloroppsis (*Irenidae*)
13. Comb duck (*Sarkidiornis melanotos*)
14. Coots (*Rallidae*)
15. Cormorants (*Phalacrocoracidae*)
16. Cranes (*Gruidae*)
17. Cuckoos (*Cuculidae*) 17-A. Curlews (*Seoalopacinae*)
18. Darters (*Phalacrocoracidae*)
19. Doves including the Emerald Dove (*Columbidae*)
20. Drongos (*Dicruridae*)
21. Ducks (*Anatidae*)
22. Egrets (*Ardeidae*)
23. Fairy Blue Birds (*Irenidae*)
24. Falcons (*Falconidae*), excepting the Shaheen and Peregrine falcons (*Falco peregrinus*), the shaker or chorrug, shanghar and laggar falcons (*F. biarmicus*), and the redheaded merlin (*F. chicquera*)
25. Finches including the chaffinch (*Fringillidae*)
26. Flamingos (*Phoenicopteridae*)

- 1 Omitted vide Notification No. SO 859(E), dt. 24-11-1986.
- 2 Omitted vide Notification No. SO 1085(E), dt. 30-9-2002, w.e.f. 11-10-2002.
- 3 Omitted vide Notification No. FJ 11012/31/76 FRY(WL), dt. 5-10-1977.
- 4 Inserted vide Notification No. FI-28/78-FRY(WL), dt. 9-9-1980, w.e.f. 2-10-1980.

27. Flowerpeckers (*Dicaeidae*)
28. Flycatchers (*Muscicapidae*)
29. Geese (*Anatidae*)
30. Goldfinch and allies (*Carduelinae*)
31. Grebes (*Poicipididae*)
32. Herons (*Ardeidae*)
33. Ibises (*Threskiornithidae*)
34. Iorars (*Irenidae*)
35. Jays (*Corvidae*)
36. Jacanas (*Gacaniidae*)
- 36A Junglefowl (*Phasianidae*)
37. Kingfishers (*Alcedinidae*)
38. Larks (*Alcedinidae*)
39. Lorikeets (*Psittacidae*)
40. Magpies including the Hunting magpie (*Corvidae*)
41. Mannikins (*Estrildinae*)
42. Megapodes (*Megapodidae*)

43. Minivest (Campephagidae)
44. Munias (Estrildinae)
45. Mynas (Sturnidae)
46. Nightijara (Caprimulgidae)
47. Orioles (Oriolidae)
48. Owls (Strigidae)
49. Oystercatchers (Haematopodidae)
50. Parakeets (Psittacidae)
51. Partridges (Phasianidae)
52. Pelicans (Pelecanidae)
53. Pheasants (Phasianidae)
54. Pigeons (Columbidae) except the Blue Rock Pigeon (*Columba livia*)
55. Pipits (Motacillidae) 55-A. Pittas (Pittidae)
56. Plovers (Charadriidae)
57. Quails (Rhasianidae)
58. Rails (Rallidae)
59. Rollers or Blue Jays (Coraciidae)
60. Sandgrouses (Pteroclididae)
61. Sandpipers (Scolopacinae)
62. Snipes (Scolopacinae)
63. Spurfowls (Phasianidae)
64. Starlings (Sturnidae)
65. Stone Curlew (Burhinidae)
66. Storks (Ciconiidae)
67. Stilts (Recurvirostridae)
68. Sunbirds (Nectariniidae)
69. Swans (Anatidae)
70. Teals (Anatidae)
71. Thrushes (Turdinae)

(*Columba livia*)

72. Tits (Paridae)
73. Tree pies (Corvidae)
74. Trogons (Trogonidae)
75. Vultures (Accipitridae)
76. Waxbills (Estrildinae)
77. Weaver Birds or Bayas (Ploceidae)
78. White-eyes (Zosteropidesa)
79. Woodpeckers (Picidae)
80. Wrens (Troglodytidae)

¹[12. Snakes ²[other than those species listed in Sch. II; Pt. II; and Sch. II, Pt. II]:

- (i) Amblycephalidae
- (ii) Amilidae
- (iii) Boidae
- (iv) Colubridae
- (v) Dasyptidae (Egg-eating snakes)

- (vi) Elapidae (Cobras; Kraits, and Coral Snakes)
- (vii) Glaucconidae
- (viii) Hydrophidae (Fresh water and sea snakes)
- (xi) Tlysiidae
- (x) Leptotyphlopidae
- (xi) Typhlopidae
- (xii) Uropeltidae
- (xiii) Viperidae
- (xiv) Xenopeltidae]

³[13. Fresh Water Frogs (*Rana* spp.)]

¹[14. Three-keeled Turtle (*Geoemydas tricarinata*)]

¹[15. Tortoise (Testudinidae, Tryonychidae)]

¹[16. Viviparous toads (*Nectophrynoides* sp.)]

¹[17. Voles]

^J[18. Butterflies and Moths]

Family Danaidae *Euploca core simulatrix*

Euploca crassa

Euploca diocletianus ramsayi

Euploca muleiber

Family Hesperilidae

Baoris farri

Hasora vitta

Hyarotis adrastus

Oriens concinna

1 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.

2 Vide Notification No. SO 859(E). dt. 24-11-1986.

3 Vide Notification No. Fl 28/78 FRY(WL), dt. 9-9-1980.

Pelopidas assamensis

Pelopidas sinensis

Polytrema discreta

Polytrema rubricans

Thoressa horioi

Family Lycaenidae

Tarucus ananda

Family Nymphalidae

Euthalia lubentina

Family Pieridae

Aporia agathon ariaca

Appias libythea

Appiad nero galba Prioneris sita

*[19. Mollusca

(i) *Cypraea lamarina*

- (ii) *Cypraea mappa*
- (iii) *Cypraea talpa*
- (iv) *Fasciolaria trapezium*
- (v) *Harpulina arausiaca*
- (vi) *Lambis chiragra*
- (vii) *Lambis chiragra arthritica*
- (viii) *Lambis crocea*
- (ix) *Lambis millepeda*
- (x) *Lambis scorpius*
- (xi) *Lambis truncata*
- (xii) *Placenta placenta*
- (xiii) *Strombus plicatus sabbaldi*
- (xiv) *Trochus niloticus*
- (xv) *Turbo marmoratus*]

WILD LIFE (PROTECTION) ACT, 1972

SCHEDULE V

(Sections 2, 8, 61 and 62) 1.

Common crow

²{2. ...]

3. Fruit bats

²[4. ...*]

5. Mice

6. Rats \7. ...]

1 Inserted vide Noti. No. 1-4/95, dt. 5-12-2001 & corrected vide corrigendum Noti. No. 1-4/95/WL-1, dt. 19-2-2002.

2 Vide Notification No. FJ 11012/31 /76 FRY(WL), dt. 5-10-1977.

WILD LIFE (PROTECTION) ACT, 1972

¹[SCHEDULE VI
(Section 2)

1. Beddomes' cycad (*Cycas beddomei*)
2. Blue Vanda (*Vanda soerulec*)
3. Kuth (*Saussurea lappa*)
4. Ladies slipper orchids (*Paphiopedilum* spp.)
5. Pitcher plant (*Nepenthes khasiana*)
6. Red Vanda (*Ranathera inschootiana*)]

1 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 1991

No. 44 OF 1991

[20th September, 1991.]

An Act further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 1991.

(2) It shall come into force on such date¹ as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Amend-
ment of
long
title.

2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), in the long title, for the words "wild animals and birds", the words "wild animals, birds and plants" shall be substituted. 53 of 1972.

Omission
of the
preamble.

3. In the principal Act, after the long title, the preamble shall be omitted.

Amend-
ment of
section
1.

4. In section 1 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of India except the State of Jammu and Kashmir.";

(b) in sub-section (3), the words "or may become extended in future," shall be omitted.

Amend-
ment of
section
2.

5. In section 2 of the principal Act,—

(a) in clause (2), for the words "has been used", the words "has been used, and ivory imported into India and an article made therefrom" shall be substituted;

(b) clause (3) shall be omitted;

(c) clause (6) shall be omitted;

(d) after clause (7), the following clause shall be inserted, namely:—

“(7A) “circus” means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;”

(e) in clause (11), for the words “or meat”, the words “meat or specified plant” shall be substituted;

(f) after clause (12), the following clause shall be inserted, namely:—

16 of 1927.

“(12A) “Forest officer” means the Forest officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927;”

(g) clause (13) shall be omitted;

(h) in clause (14), after the figures “39”, the words, figures and letter “or section 17H” shall be inserted;

(i) in clause (17), for the words “and also includes boulders and rocks”, the words “marshes and wetlands and also includes boulders and rocks” shall be substituted;

(j) after clause (18), the following clause shall be inserted, namely:—

“(18A) “live stock” includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yaks and also includes their young;”

(k) after clause (25), the following clauses shall be inserted, namely:—

“(25A) “recognised zoo” means a zoo recognised under section 38H;

“(25B) “reserve forest” means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927;”

16 of 1927.

(l) in clause (26), for the figures “18”, the figures and letter “26A” shall be substituted;

(m) for clause (27), the following clause shall be substituted, namely:—

“(27) “specified plant” means any plant specified in Schedule VI;”

(n) after clause (30), the following clause shall be inserted, namely:—

“(30A) “territorial waters” shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976;”

80 of 1976.

(o) in clause (32), for the words "freshly-killed wild animal", the words "freshly-killed wild animal, ambergris, musk and other animal products" shall be substituted;

(p) after clause (38), the following clause shall be inserted, namely:—

"(39) "zoo" means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licensed dealer in captive animals."

Amend-
ment of
section
4.

6. In section 4 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), the word "and" shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(bb) one Honorary Wild Life Warden in each district; and";

(b) in sub-section (3), for the words "The Wild Life Warden", the words "The Wild Life Warden, the Honorary Wild Life Warden" shall be substituted.

Amend-
ment of
section
6.

7. In section 6 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (d), the following clause shall be substituted, namely:—

"(d) the Forest officer in charge of the State Forest Department, by whatever designation called, *ex officio*";

(ii) for clause (g), the following clauses shall be substituted, namely:—

"(g) officers of the State Government not exceeding five;

(h) such other persons, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of wild life, including the representatives of tribals not exceeding three."

(b) after sub-section (1), as so amended, the following sub-section shall be inserted, namely:—

"(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1).";

(c) in sub-section (2), for the words "Chief Conservator of Forests", the words "the Forest officer in charge of the State Forest Department" shall be substituted.

8. In section 8 of the principal Act,—

Amend-
ment of
section
8.

(i) in clause (a), the words “, game reserves” shall be omitted;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) in formulation of the policy for protection and conservation of the wild life and specified plants;”;

(iii) in clause (c), the word “and” shall be omitted;

(iv) after clause (c), the following clause shall be inserted, namely:—

“(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”.

9. For section 9 of the principal Act, the following section shall be substituted, namely:—

Substitu-
tion of
new
section
for
section 9.

“9. No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.”.

Prohi-
bition of
hunting.

10. Section 10 of the principal Act shall be omitted.

Omis-
sion of
section
10.

11. In section 12 of the principal Act, for clause (c), the following clauses shall be substituted, namely:—

Amend-
ment of
section
12.

“(c) collection of specimens—

(i) for recognised zoos subject to the permission under section 38-I; or

(ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs.”.

12. Sections 13 to 17 (both inclusive) of the principal Act shall be omitted.

Omis-
sion of
sections
13 to 17.

13. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

Insertion
of new
Chapter
IIIA.

"CHAPTER IIIA

PROTECTION OF SPECIFIED PLANTS

Prohi-
bition of
picking,
uproot-
ing, etc-
of speci-
fied plant.

17A. Save as otherwise provided in this Chapter, no person shall—

(a) wilfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by notification, by the Central Government;

(b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof:

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his *bona fide* personal use.

Grants of
permit
for
special
purposes.

17B. The Chief Wild Life Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of—

(a) education;

(b) scientific research;

(c) collection, preservation and display in a herbarium of any scientific institution; or

(d) propagation by a person or an institution approved by the Central Government in this regard.

Cultiva-
tion of
specified
plants
without-
licence
prohi-
bited.

17C. (1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf:

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

Dealing
in speci-
fied
plants
without
licence
prohi-
bited.

17D. (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof:

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days from the date of commencement of the Wild Life (Protection) Amendment Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.

Declara-
tion of
stock.

(2) The provisions of sub-sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

17F. No licensee under this Chapter shall---

(a) keep in his control, custody or possession---

(i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made;

(ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;

(b) (i) pick, uproot, collect or acquire any specified plant,
or

(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, and specified plant or part or derivative thereof,

Posses-
sion,
etc., of
plants by
licensee.

except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer:

Purchase,
etc., of speci-
fied
plants.

Provided that nothing in this section shall apply to any person referred to in section 17B.

Plants
to be
Govern-
ment pro-
perty.

17H. (1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and, where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government, such plant or part or derivative thereof shall be the property of the Central Government.

(2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof or they apply in relation to wild animals and articles referred to in sub-section (1) of that section."

Amend-
ment of
heading
of Chap-
ter IV.

14. In Chapter IV of the principal Act, in the heading thereof, the words "GAME RESERVES" shall be omitted.

Amend-
ment of
section
18.

15. In section 18 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment."

Amend-
ment of
section
19.

16. In section 19 of the principal Act, for the words "Whenever any area is declared to be a sanctuary," the words and figures "When a notification has been issued under section 18," shall be substituted.

Amend-
ment of
section
24.

17. In section 24 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

"(c) allow, in consultation with the Chief Wild Life Warden, the continuance of any right of any person in or over any land within the limits of the sanctuary."

Insertion
of new
section
26A.

18. After section 26 of the principal Act, the following section shall be inserted, namely:—

Declara-
tion of
area
as sanc-
tuary.

"26A. (1) When—

(a) a notification has been issued under section 18 and the 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 sanctuary, have been disposed of by the State Government; or

(b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, faunal, floral, geo-

morphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be a sanctuary on and from such date as may be specified in the notification:

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government:

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial waters shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislature of the State."

19. In section 27 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

Amendment of section 27.

45 of 1860.

"(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, alter, destroy, move or deface such boundary-mark.

(4) No person shall tease or molest any wild animal or litter the grounds of sanctuary."

20. For section 29 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 29.

"29. No person shall destroy, exploit or remove any wild life from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

Destruction, etc., in a sanctuary prohibited without a permit.

Explanation.—For the purposes of this section, grazing or movement of live-stock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section."

Amendment of section 33.

21. In section 33 of the principal Act,—

(a) in clause (d), for the word "cattle," the word "live-stock." shall be substituted;

(b) clause (e) shall be omitted.

Insertion of new section 33A.

22. After section 33 of the principal Act, the following section shall be inserted, namely:—

Immunisation of live-stock.

"33A. (1) The Chief Wild Life Warden shall take such measures in such manner, as may be prescribed, for immunisation against communicable diseases of the live-stock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or grazed, any live-stock in a sanctuary without getting it immunised."

Amendment of section 34.

22A. In section 34 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) No new licences under the Arms Act, 1959 shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wild Life Warden." 54 of 1959.

Amendment of section 35.

23. In section 35 of the principal Act,—

(a) in sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that where 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.";

(b) in sub-section (3), for the figures, words and brackets "19 to 26 (both inclusive)", the figures, words, letters and brackets "19 to 26A (both inclusive except clause (c) of sub-section (2) of section 24)" shall be substituted;

(c) in sub-section (7), for the word "cattle", wherever it occurs, the word "live-stock" shall be substituted;

(d) in sub-section (8), for the word and figures "section 33", the words, figures and letter "section 33, section 33A" shall be substituted.

Omission of section 36 and sub-heading thereof.

24. In Chapter IV of the principal Act, the sub-heading "GAME RESERVE", and section 36 below it, shall be omitted.

Amendment of section 38.

25. In section 38 of the principal Act, in sub-section (1), for the words and figures "sections 19 to 35", the words and figures "sections 18 to 35" shall be substituted.

26. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

Insertion
of new
Chapter
IVA.

"CHAPTER IVA

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

38A. (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

Constitu-
tion of
Central
Zoo
Authority.

(2) The Authority shall consist of—

- (a) chairperson;
- (b) such number of members not exceeding ten; and
- (c) Member-Secretary.

to be appointed by the Central Government.

38B. (1) The chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

Term of
office and
condi-
tions of
service
of Chair-
person
and mem-
bers, etc.

(2) The chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of chairperson or, as the case may be, of the member.

(3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person—

- (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the authority, absent from three consecutive meetings of the Authority; or
- (f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest.

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.

(5) The salaries and allowances and other conditions of appointment of chairperson members and Member-Secretary of the Authority shall be such as may be prescribed.

(6) The Authority shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of the Authority.

(7) The terms and conditions of service of the officers and other employees of the Authority shall be such as may be prescribed.

(8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority.

Functions of
the
Authority.

38C. The Authority shall perform the following functions, namely:—

(a) specify the minimum standards for housing, upkeep and veterinary care of the animals kept in a zoo;

(b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed;

(c) recognise or derecognize zoos;

(d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;

(e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;

(f) ensure maintenance of stud-books of endangered species of Wild animals bred in captivity;

(g) identify priorities and themes with regard to display of captive animals in a zoo;

(h) co-ordinate training of zoo personnel in India and outside India;

(i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;

(j) provide technical and other assistance to zoos for their proper management and development on scientific lines;

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

Pro-
cedure
to be
regulated
by the
Authority.

38D. (1) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

Grants
and
loans to
Authority
and
constitu-
tion of
Fund.

38E. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants

and loans made to the Authority by the Central Government, all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

(4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(5) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(7) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

38F. The Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual
report.

38G. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

Annual
report
and
audit
report to
be laid
before
Parliament.

38H. (1) No zoo shall be operated without being recognised by the Authority:

Recogni-
tion of
zoos.

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for a period

of six months from the date of such commencement and if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

(2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.

(2) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.

(4) No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

(5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) The Authority may, for reasons to be recorded by it, suspend or cancel any recognition granted under sub-section (4):

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

(7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or cancelling a recognition under sub-section (6) shall lie to the Central Government.

(8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication, to the applicant, of the order appealed against:

Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

38-I. Subject to the other provisions of this Act, no zoo shall acquire or transfer any wild animal specified in Schedule I and Schedule II except with the previous permission of the Authority.

38-J. No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo."

27. In section 39 of the principal Act, in sub-section (1),—

(a) in clause (a),—

(i) for the words "bred in captivity" the words "bred in captivity or hunted" shall be substituted;

(ii) the words "without a licence or" shall be omitted;

Acquisition
of animals
by a zoo.

Prohibition
of
teasing
etc., in
a zoo.

Amendment
of
section 39.

(b) after clause (b), the following clauses shall be inserted namely:—

“(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed;

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act;”;

(c) in the long paragraph, for the words “derived from such animal”, the words “derived from such animal or any vehicle, vessel, weapon, trap or tool used in such hunting” shall be substituted.

28. In section 40 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

Amendment of section 40.

“(3). Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38-1 or to a public museum.”.

29. In section 43 of the principal Act, in sub-section (6),—

Amendment of section 43.

(i) for clause (a), the following clause shall be substituted, namely—

“(a) to tail feather of peacock and the animal articles or trophies made therefrom;”;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) to any transaction entered into by a recognised zoo subject to the provisions of section 38-1 or by a public museum with any other recognised zoo or public museum.”.

30. In section 44 of the principal Act, in sub-section (1),—

Amendment of section 44.

(i) in clause (a), sub-clause (ia) shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(c) derive, collect or prepare, or deal in, snake venom;”;

(iii) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufacturers of such articles.”.

31. After section 48 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 48A.

“48A. No person shall accept any wild animal (other than vermin), or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation.”.

Restriction on transportation of wild life.

Amend-
ment of
section
49.

32. In section 49 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

“Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum.”.

Amend-
ment of
section
49A.

33. In section 49A of the principal Act,—

(a) in clause (b), for the words “has been used”, the words “has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative;” shall be substituted;

(b) in clause (c),—

(i) in sub-clause (i), after the words “from such commencement”, the word “and” shall be omitted;

(ii) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of six months from the commencement of the Wild Life (Protection) Amendment Act, 1991.”.

Amend-
ment of
section
49B.

34. In section 49B of the principal Act, in sub-section (1), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(ia) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or”.

Amend-
ment of
section
49C.

35. In section 49C of the principal Act,—

(a) in sub-section (1), in clause (a), after sub-clause (iv), the following sub-clause shall be inserted, namely:—

“(v) ivory imported into India or articles made therefrom;”;

(b) in sub-section (7), for the words “any scheduled animal or a scheduled animal article”, the words “any scheduled animal, a scheduled animal article or ivory imported into India or any article made therefrom.”.

Amend-
ment of
section
50.

36. In section 50 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words “trophy or uncured trophy”, the words “trophy, uncured trophy, specified plant or part or derivative thereof” shall be substituted;

(ii) for clause (c), the following clause shall be substituted, namely:—

“(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof, in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle,

vessel or weapon used for committing any such offence and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, and detain him;

Provided that where a fisherman residing within ten kilometres of a sanctuary or National Park, inadvertently enters on a boat, not used for commercial fishing, in the territorial waters in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.”;

(b) sub-section (2) shall be omitted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or Wild Life Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.”;

(d) in sub-section (6), for the words “meat or uncured trophy”, wherever they occur, the words “meat, uncured trophy, specified plant, or part or derivative thereof” shall be substituted;

(e) after sub-section (7), the following sub-sections shall be inserted, namely:—

“(8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wild Life Preservation or Wild Life Warden shall have the powers, for purposes of making investigation into any offence against any provision of this Act,—

(a) to issue a search warrant;

(b) to enforce the attendance of witnesses;

(c) to compel the discovery and production of documents and material objects; and

(d) to receive and record evidence.

(9) Any evidence recorded under clause (d), of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in the presence of the accused person.”.

37. In section 51 of the principal Act,—

(a) in sub-section (1),—

(i) for the brackets, words, figure and letter “(except Chapter VA)”, the brackets, words, figures and letters “(except Chapter VA and section 38J)”, for the words “two years”, the

Amendment of section 51.

words "three years" and for the words "two thousand rupees", the words "twenty-five thousand rupees" shall be substituted;

(ii) in the first proviso, for the words "relates to hunting in", the words "relates to hunting in, or altering the boundaries of", for the words "six months", the words "one year" and for the words "five hundred rupees", the words "five thousand rupees" shall be substituted;

(iii) for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.";

(b) after sub-section (1A), the following sub-section shall be inserted, namely:—

"(1B) Any person who contravenes the provisions of section 38J shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that in the case of a second or subsequent offence the term of imprisonment may extend to one year or the fine may extend to five thousand rupees.";

(c) in sub-section (2), for the words "uncured trophy or meat", the words "uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or derivative thereof" shall be substituted;

(d) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 or in the Probation of Offenders Act, 1958 shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age."

2 of 1974.

20 of 1958.

Amendment of section 54.

38. In section 54 of the principal Act, in sub-section (1), for the words "The State Government", the words "The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer and the State Government" shall be substituted.

Substitution of new section for section 55.

39. For section 55 of the principal Act, the following section shall be substituted, namely:—

Cognizance of offences.

"55. No court shall take cognizance of any offence against this Act on the complaint of any person other than—

(a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government; or

(b) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government; or

(c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the State Government or the officer authorised as aforesaid."

40. In section 57 of the principal Act, for the words "trophy or uncured trophy", wherever they occur, the words "trophy, uncured trophy, specified plant, or part or derivative thereof" shall be substituted.

Amendment of section 57.

41. In section 59 of the principal Act, for the words and figures "in Chapter II and", the words, figures and letter "in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA" shall be substituted.

Amendment of section 59.

42. In section 60 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 60.

"(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act."

43. After section 60 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 60A.

"60A. (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may, when passing judgment, order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty per cent. of such fine.

Reward to persons

(2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty per cent. of such money."

44. In section 61 of the principal Act,—

Amendment of section 61.

(a) in sub-section (1), for the words "add any entry to any Schedule", the words "add or delete any entry to or from any Schedule" shall be substituted;

(b) sub-section (2) shall be omitted;

(c) in sub-section (3), the words, brackets and figure "or sub-section (2)" shall be omitted;

(d) sub-section (4) shall be omitted.

45. In section 62 of the principal Act, for the words and figures "Subject to the provisions of section 61, the State Government", the words "The Central Government" shall be substituted.

Amendment of section 62.

Amend-
ment of
section
63.

46. In section 63 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:—

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;

(b) the salaries and allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of section 38B;

(c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of section 38B;

(d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38E;

(e) the form in which and the time at which the annual report of the Central Zoo Authority shall be prepared under section 38F;

(f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of section 38H;

(g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H;

(h) the form in which declaration shall be made under sub-section (2) of section 44;

(i) the matters to be prescribed under clause (b) of sub-section (4) of section 44;

(j) the terms and conditions which shall govern transactions referred to in clause (b) of section 48;

(k) the manner in which notice may be given by a person under clause (c) of section 55;

(l) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government.”.

Amend-
ment of
section
64.

47. In section 64 of the principal Act, in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(ee) the manner in which measures for immunisation of live-stock shall be taken;”.

Amend-
ment of
section
66.

48. In section 66 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) Amendment Act, 1991, any reserve forest

or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under section 26A."

49. In Schedule II to the principal Act, in the heading, the figures "10" and the words "SPECIAL GAME" shall be omitted.

Amend-
ment of
Schedule
II.

50. In Schedule III to the principal Act, in the heading, the figures "10" and the words "BIG GAME" shall be omitted.

Amend-
ment of
Schedule
III.

51. In Schedule IV to the principal Act, the heading "SMALL GAME" shall be omitted.

Amend-
ment of
Schedule
IV.

52. After Schedule V to the principal Act, the following Schedule shall be inserted, namely:—

Insertion
of new
Schedule
VI.

"SCHEDULE VI

(See section 2)

1. Beddomes' cycad (*Cycas beddomei*)
2. Blue Vanda (*Vanda coerulea*)
3. Kuth (*Saussurea lappa*)
4. Ladies slipper orchids (*Paphiopedilum* spp.)
5. Pitcher Plant (*Nepenthes khasiana*)
6. Red Vanda (*Ranantthera imschootiana*).

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th January, 2003/Pausa 30, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 17th January, 2003, and is hereby published for general information:

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2002

No. 16 of 2003

[17th January, 2003.]

An Act further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:

Short Title and Commencement

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2002.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Amendment of Long Title

53 of 1972

2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), for the long title, the following long title shall be substituted, namely:

"An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country."

Amendment of section 2

3. In section 2 of the principal Act,

(a) for clause (1), the following clause shall be substituted, namely:-

'(1) "animal" includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs;';

(b) for clause (4), the following clause shall be substituted, namely:-

'(4) "Board" means a State Board for Wild Life constituted under subsection (1) of section 6;';

(c) clause (8) shall be omitted;

(d) for clause (9), the following clause shall be substituted, namely:-

'(9) "Collector" means the chief officer-in-charge of the revenue administration of a district or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under section 18B in this behalf;';

(e) for clause (11), the following clause shall be substituted, namely:

'(11) "dealer" in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;';

(f) for clause (12A), the following clauses shall be substituted, namely:

16 of 1927

'(12A) "Forest officer" means the Forest officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 or under any other Act for the time being in force in a State;

16 of 1927

❖(12B) "forest produce" shall have the same meaning as in sub-clause (b) of clause (4) of section 2 of the Indian Forest Act, 1927;';

(g) in clause (16), for sub-clauses (a) and (b), the following sub-clauses shall be substituted, namely:

"(a) killing or poisoning of any wild animal or captive animal and every attempt to do so;

(b) capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;"

(h) for clause (18A), the following clause shall be substituted namely:

'(18A) "livestock" means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V;"

(i) for clauses (19) and (20), the following clauses shall be substituted, namely:-

'(19) "manufacturer" means a person who manufactures articles from any animal or plant specified in Schedules I to V and VI, as the case may be;

(20) "meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;

(20A) "National Board" means the National Board for Wild Life constituted under section 5A;"

(j) after clause (24), the following clause shall be inserted, namely:

'(24A) "protected area means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;";

(k) for clauses (25B) and (26), the following clauses shall be substituted, namely:

'(25B) "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927, or declared as such under any other State Act;

(26) "sanctuary" means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66;";

(l) clause (28) shall be omitted;

(m) for clause (30), the following clause shall be substituted, namely:

'(30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;";

(n) in clause (31), for sub-clause (b), the following sub-clause shall be substituted, namely:

"(b) antler, bone, carapace, shell-, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;";

(o) for clause (36), the following clause shall be substituted, namely:

'(36) "wild animal" means any animal specified in Schedules I to IV and found wild in nature;;

(p) for clause (37), the following clause shall be substituted, namely:

'(37) "wild life" includes any animal, aquatic or land vegetation which forms part of any habitat;;

(q) in clause (39), for the words "but does not include a circus and an establishment", the words "and includes a circus and rescue centres but does not include an establishment" shall be substituted.

Amendment of Section 3

4. In section 3 of the principal Act,

(i) in sub-section (1), clause (b) shall be omitted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:

"(3) The officers and other employees appointed under this section shall be required to assist the Director."

Amendment of Section 4

5. In section 4 of the principal Act, in sub-section (1), for clause (bb), the following clause shall be substituted, namely:

"(bb) Honorary Wild Life Wardens;"

Insertion of New Sections 5A to 5C

6. After section 5 of the principal Act, the following sections shall be inserted, namely:-

Constitution of the National Board for Wild Life

"5A. (1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002, constitute the National Board for Wild Life consisting of the following members, namely:-

(a) the Prime Minister as Chairperson;

(b) the Minister in-charge of Forests and Wild Life as Vice-Chairperson;

(c) three members of Parliament of whom two shall be from the House of the People and one from the Council of States;

(d) Member, Planning Commission in-charge of Forests and Wild Life;

(e) five persons to represent non-governmental organisations to be nominated by the Central Government;

(f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;

(g) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life;

(h) the Chief of the Army Staff,

(i) the Secretary to the Government of India in-charge of the Ministry of Defence;

(j) the Secretary to the Government of India in-charge of the Ministry of information and Broadcasting;

(k) the Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;

(l) the Secretary to the Government of India, Ministry of Tribal Welfare;

(m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;

(n) the Director-General of Tourism, Government of India;

(o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;

(p) the Director, Wild Life Institute of India, Dehradun;

(q) the Director, Zoological Survey of India;

(r) the Director, Botanical Survey of India;

(s) the Director, Indian Veterinary Research Institute;

(t) the Member-Secretary, Central Zoo Authority;

(u) the Director, National Institute of Oceanography;

(v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;

(w) the Director of Wild Life preservation who shall be the Member-Secretary of the National Board.

(2) The term of office of the members other than those who are members ex officio, the manner of filling vacancies referred to in clauses (e), (1) and (v) of subsection (1), and the procedure to be followed in the discharge of their functions by the members of the National Board shall be such, as may be prescribed.

(3) The members (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

(4) Notwithstanding anything contained in any other law for the time being in force, the office of the member of the National Board shall not be deemed to be an office of profit.

Standing Committee of the National Board

5B. (1) The National Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board.

(2) The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.

(3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

Functions of the National Board

5C. (1) It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit.:

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for

(a) framing policies and advising the Central Government and the State Governments on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;

(b) making recommendations on the setting up of and management of national parks, sanctuaries and other protected areas and on matters relating to restriction of activities in those areas;

(c) carrying out or causing to be carried out impact assessment of various projects and activities on wild life or its habitat;

(d) reviewing from time to time, the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and

(e) preparing and publishing a status report at least once in two years on wild life in the country."

Substitution of new section for section 6

7. For section 6 of the principal Act, the following section shall be substituted, namely:-

Constitution of State Board for Wild Life

"6. (1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 constitute a State Board for Wild Life consisting of the following members, namely:

(a) the Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be Chairperson;

(b) the Minister in-charge of Forests and Wild Life Vice-Chairperson;

(c) three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;

(d) three persons to represent non-governmental organisations dealing with wild life to be nominated by the State Government;

(e) ten persons to be nominated by the. State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;

(f) the Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;

(g) the Officer in-charge of the State Forest Department;

(h) the Secretary to the State Government, Department of Tribal Welfare;

(i) the Managing Director, State Tourism Development Corporation;

(j) an officer of-the State Police Department not below the rank of Inspector General;

(k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;

(l) the Director, Department of Animal Husbandry of the State;

(m) the Director, Department of Fisheries of the State;

(n) an officer to be nominated by the Director, Wild We Preservation;

(o) a representative of the Wild Life Institute of India, Dehradun;

(p) a representative of the Botanical Survey of India;

(q) a representative of the Zoological Survey of India;

(r) the Chief Wild Life Warden, who shall be the Member-Secretary.

(2) The term of office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clauses (d) and (e) of sub section (1) and procedure to be followed shall be such, as may be prescribed.

(3) The member (except members *ex officio* shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed."

Amendment of Section 8

8. In section 8 of the principal Act,

(i) for the words 'qhe Wild Life Advisory Board", the words "State Board for Wild Life" shall be substituted;

(ii) for clause (a), the following clause shall be substituted, namely:

"(a) in the selection and management of areas to be declared as protected areas;".

Amendment of Section 11

9. In section 11 of the principal Act, in sub-section (1),

(i) in clause (a), the following provisos and *Explanation* thereunder shall be inserted, namely:

"Provided that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such animal cannot be captured, tranquilised or translocated:

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

Explanation For the purposes of clause (a), the process or capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal.";

(ii) in clause (b), for the words "such animal or cause such animal to be hunted", the words "such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted" shall be substituted.

Substitution of Heading of Chapter IV

10. In Chapter IV of the principal Act, for the heading "SANCTUARIES, NATIONAL PARK AND CLOSED AREAS", the following heading shall be substituted, namely:-

"PROTECTED AREAS"

Insertion of new sections 18A and 18B

11. After section 18 of the principal Act, the following sections shall be inserted, namely:

Protection to Sanctuaries

"18A. (1) When the State Government declares its intention under sub-section of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the-provisions of sections 27 to 33A (both inclusive) shall come into effect forthwith.

(2) Till such time as the rights of affected persons are finally settled under sections 19 to 24 (both inclusive), the State Government shall make alternative

arrangements required for making available fuel, fodder and other forest produce to the persons affected in terms of their rights as per the Government records.

Appointment of Collector

18B. The State Government shall appoint, an officer to act as Collector under the Act, within ninety days of coming into force of the Wild Life (Protection) Amendment Act, 2002, or within thirty days of the issue of notification under section 18, to inquire into and determine the existence, nature and extent of rights of any person in or over the land comprised within the limits of the sanctuary which may be notified under sub section (1) of section 18."

Amendment of Section 21

12. In section 21 of the principal Act, after the words "the Collector shall", the words "within a period of sixty days," shall be inserted.

Insertion of New Section 25A

13. After section 25 of the principal Act, the following section shall be inserted, namely:-

Time-limit for Completion Acquisition Proceedings

"25A. (1)The Collector shall, as far as possible, complete the proceedings under sections 19 to 25 (both inclusive), within a period of two years from the date of notification of declaration of sanctuary under section 18.

(2) The notification shall not lapse if, for any reasons, the proceedings are- not completed within a period of two years."

Amendment of Section 26

14. In section 26A of the principal Act for sub-section (3), the following sub-section shall be substituted, namely:-

"(3) No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board."

Substitution of New Section for Section 29

15. For section 29 of the principal Act, the following section shall be substituted, namely:

Destruction etc., in a Sanctuary Prohibited without a Permit

"29. No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary 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 sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal bonafide needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

Explanation- For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section."

Amendment of Section 33

16. In section 33 of the principal Act after clause (a), the following proviso shall be inserted, namely:

"Provided that 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;"

Insertion of New Section 33B

17. After section 33A of the principal Act, the following section shall be inserted, namely:

"33B. (1) The State Government shall constitute an Advisory Committee consisting of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Raj Institutions, two representatives of non-governmental organisations and three individuals active in the field of wild life conservation, one representative each from departments dealing with Home and Veterinary matters. Honorary Wild Life Warden, if any, and the officer-in-charge of the sanctuary as Member-Secretary.

(2) The Committee shall render advice on measures to be taken for better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.

(3) The Committee shall regulate its own procedure including quorum."

Insertion of New Section 34A

18. After section 34 of the principal Act, the following section shall be inserted, namely:-

Power to remove Encroachment

"34A., (1) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Conservator of Forests may,

(a) evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act;

(b) remove any unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:

Provided that no such order shall be passed unless the affected person is given an opportunity of being heard.

(2) The provisions of this section shall apply notwithstanding any other penalty which may be inflicted for violation of any other provision of this Act."

Amendment of section 35

19. In section 35 of the principal Act,

(i) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely:

"(5) No alteration of the boundaries of a National Park by the State Government shall be made except on a recommendation of the National Board.

(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 and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board 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, authorises the issue of such permit:

Provided that where the forest produce is removed from a National Park, the same may be used for meeting the personal *bona fide* needs of the people living in and around the National Park and shall not be used for any commercial purpose.";

(ii) after sub-section (8), the following *Explanation* shall be inserted, namely:

"Explanation.-For the purposes of this section, in case of an area, whether within a sanctuary or not, where the rights have been extinguished and the land has become vested in the State Government under any Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under sections 19 to 26 (both inclusive) and the provisions of sub-sections (3) and (4) of this section shall not apply."

Insertion of New Sections 36A to 36D

20. After section 36 of the principal Act, the following sections shall be inserted, namely:-

Declaration and Management of a Conservation Reserve

"36A. (1) The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat:

Provided that where the conservation reserve includes any land owned by the Central Government, its prior concurrence shall be obtained before making such declaration.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 shall, as far as may be, apply in relation to a conservation reserve as they apply in relation to a sanctuary

Conservation Reserve Management Committee

36B. (1) The State Government shall constitute a conservation reserve management committee to advise the Chief Wild Life Warden to conserve, manage and maintain the conservation reserve.

(2) The committee shall consist of a representative of the forest or Wild Life Department, who shall be the Member-Secretary of the Committee, one representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-governmental organisations working in the field of wild life conservation and one representative each from the Department of Agriculture and Animal Husbandry.

(3) The Committee shall regulate its own procedure including the quorum.

Declaration and Management of Community Reserve

36C. (1) The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 shall, as far as may be, apply in relation to a community reserve as they apply in relation to a sanctuary.

(3) After the issue of notification under sub-section (1), no change in the land use pattern shall be made within the community reserve, except in accordance with a resolution passed by the management, committee and approval of the same by the State Government.

Community Reserve Management Committee

36D. (1) The State Government shall constitute a Community Reserve management committee, which shall be the authority responsible for conserving, maintaining and managing the community reserve.

(2) The committee shall consist of five representatives nominated by the Village Panchayat or where such Panchayat does not exist by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located.

(3) The committee shall be the competent authority to prepare and implement the management plan for the community reserve and to take steps to ensure the protection of wild life and its habitat in the reserve.

(4) The committee shall elect a Chairman who shall also be the Honorary Wild Life Warden on the community reserve,

(5) The committee shall regulate its own procedure including the quorum."

Omission of Section 37

21. Section 37 of the principal Act shall be omitted.

Amendment of Section 38B

22. In section 38B of the principal Act, In sub-section (1) after the words "every member", the words "other than the Member-Secretary" shall be inserted.

Amendment of Section 38H.

23. In section 38H of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:

"(1A) On and after the commencement of the Wild Life (Protection) Amendment Act, 2002 a zoo shall not be established without obtaining the prior approval of the Authority."

Substitution of New Section for Section 38-1.

24. For section 38-1 of the principal Act, the following section shall be substituted, namely:

Acquisition of Animals by a Zoo

"38-1. (1) Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in Schedules I and 11 except with the previous permission of the Authority.

(2) No zoo shall acquire, sell or transfer any wild or captive animal except from or to a recognised zoo."

Amendment of Section 40

25. In section 40 of principal Act,

(i) in sub-section (1), for the words "or any uncured trophy", the words "or animal article, trophy or uncured trophy" shall be substituted;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:

"(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance.

(2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorised officer and the provisions of sections 41 and 42 shall apply as if the declaration had been made under sub-section (1) of section 40:

Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant."

(iii) in sub-section (4), for the words "any animal article", the words "any animal or animal article" shall be substituted.

Insertion of New Section 40A

26. After section 40 of the principal Act, the following section shall be inserted, namely:

Immunity in Certain Cases

"40A. (1) Notwithstanding anything contained in sub-sections (2) and (4) of section 40 of this Act, the Central Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animal, specified in Schedule I or Part 11 of Schedule 11 in his control, custody or possession, in respect of which no declaration had been made under sub-section (1) or sub-section (4) of section 40, in such form, in such manner and within such time as may be prescribed.

(2) Any action taken or purported to be taken for violation of section 40 of this Act at any time before the commencement of the Wild Life (Protection) Amendment Act, 2002 shall not be proceeded with and all pending proceedings shall stand abated.

(3) Any captive animal, animal article, trophy or uncured trophy declared under sub-section (1), shall be dealt with in such manner and subject to such conditions as may be prescribed."

Amendment of Section 42

27. In section 42 of the principal Act, the following proviso shall be added, namely:-

"Provided that before issuing the certificate of ownership in respect of any captive animal, the Chief Wild Life Warden shall ensure that the applicant has adequate facilities for housing, maintenance and upkeep of the animal."

Substitution of New Section for Section 43

28. For section 43 of the principal Act, the following section shall be substituted, namely:-

Regulation of Transfer of Animal, etc.

"43. (1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State, any such animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) Nothing in this section shall apply

(a) to tail feather of peacock and the animal article or trophies made therefrom;

(b) to transfer of captive animals between recognised zoos subject to the provisions of section 38-1, and transfer amongst zoos and public museums."

Amendment of Section 50

29. In section 50 of the principal Act.

(i) in sub-section (3A), for the words "Wild Life Warden," the words "an of section 50. Assistant Conservator of Forests" shall be substituted;

(ii) in sub-section (4) the words "under intimation to the Chief Wild Life Warden or the-officer authorised by him in this regard" shall be inserted at the end;

(iii) for sub-section (6), the following sub-section shall be substituted, namely:

"(6) Where any meat, uncured trophy, specified plant or part or derivative thereof is seized under the provisions of this section, the Assistant Director of Wild Life Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer may arrange for the disposal of the same in such manner as may be prescribed.";

(iv) in sub-section (8), for the words "Wild Life Warden", the words "an officer not below the rank of Assistant Conservator of Forests authorised by the State Government in this behalf- shall be substituted.

Amendment of Section 51

30. In section 51 of the principal Act,

(i) in sub-section (1), for the first and second provisos, the following provisos shall be substituted, namely:

"Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees:

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall not be less than three

years but may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees.";

(ii) in sub-section (1A), for the words "one year ", the words "three years" and for the words "five thousand rupees", the words "ten thousand rupees" shall be substituted.

Insertion of New Section 51A

31. After section 51 of the principal Act, the following section shall be inserted, new section namely:

Certain Condition to Apply while Granting Bail

2 of 1974

"51A. When any person accused of, the commission of any offence relating to Schedule I or Part II of Schedule If or offences relating to hunting inside the boundaries of National Park or wild life sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973 no such person who had been previously convicted of an offence under this Act shall, be released on bail unless

(a) the Public Prosecutor has been given an opportunity of opposing the release on bail, and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail."

Substitution of New Section for Section 54

32. For section 54 of the principal Act, the following section shall be substituted, namely:

Power of Compound Offences

"54, (1) The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer not below the rank of Assistant Director of Wild Life Preservation and in the case of a State Government in the similar manner, empower the Chief Wild Life Warden or any officer of a rank not below the rank of a Deputy Conservator of Forests, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of twenty-five thousand rupees:

Provided that no offence, for which a minimum period of imprisonment has been prescribed in section 51, shall be compounded."

Amendment of Section 55

33. In section 55 of the principal Act,

(i) after clause (a), the following clause shall be inserted, namely:

"(aa) the Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IVA; or";

(ii) in clause (b), after the words "State Government", the words "subject to such conditions as may be specified by that Government" shall be inserted;

(iii) after clause (b), the following clause shall be inserted, namely:-

"(bb) the officer- in-charge of the zoo in respect of violation of provisions of section 38J; or".

Insertion of New Chapter VI A

34. After Chapter VI of the principal Act, the following Chapter shall be inserted, namely:

CHAPTER VI A

FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL HUNTING AND TRADE

Application

58A. The provisions of this Chapter shall apply only to the following persons, namely:

(a) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of three years or more;

(b) every associate of a person referred to in clause (a);

(c) any holder (hereafter in this clause referred to as the present holder) of any property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

Definition

58B. In this Chapter, unless the context otherwise requires,

(a) "Appellate Tribunal" means the Appellate Tribunal for Forfeited Property constituted under section 58N;

(b) "associate" in relation to a person whose property is liable to be forfeited under this Chapter, includes

(i) any individual who had been or is managing the affairs or keeping the accounts of such person;

(ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act 1956 of which such person had been or is a member, partner or director;

(iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause (ii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;

(iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);

(v) the trustee of any trust, where

(1) the trust has been created by such person; or

(2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty per cent of the value of the assets of the trust on that date;

(vi) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;

(c) "competent authority" means an officer authorised under section 58D;

(d) "concealment" means the concealment or disguise of the nature, source disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;

(e) "freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property by an, order issued under section 58F;

(f) "identifying" includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of wild life and its products;

(g) "illegally acquired property" in relation to any person to whom this Chapter applies, means

(i) any property acquired by such person, wholly or partly out of or by means of any income earnings or assets derived or obtained from or attributable to illegal hunting and trade of wild life and its products and derivatives;

(ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property,

and includes

(A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;

(B) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property failing under item (A), or the income or earnings therefrom;

(h) "property" means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegal hunting and trade of wild life and its products;

(i) "relative" means

(1) spouse of the person;

(2) brother or sister of the person;

(3) brother or sister of the spouse of the person;

(4) any lineal ascendant or descendant of the person,

(5) any lineal ascendant or descendant of the spouse of the person;

(6) spouse of a person referred to in subclause (2), sub-clause (3), sub-clause (4) or sub-clause (5);

(7) any lineal descendant of a person referred to in sub-clause (2) or sub-clause (3);

(j) "tracing" means determining the nature, source, disposition, movement, title or ownership of property;

(k) "trust" includes any other legal obligation.

Prohibition of Holding Illegally Acquired Property

58C. (1) From the date of commencement of this Chapter, it shall not be lawful for any person to whom this Chapter applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds such property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the State Government concerned in accordance with the provisions of this Chapter:

Provided that no property shall be forfeited under this Chapter if such property was acquired by a person to whom this Act applies before a period of six years from the date on which he was charged for an offence relating to illegal hunting and trade of wild life and its products.

Competent Authority

58D. The State Government may, by order published in the Official Gazette, authorise any officer not below the rank of Chief Conservator of Forests to perform the functions of the competent authority under this Chapter in respect of such persons or classes of persons as the State Government may, direct.

Identifying Illegally Acquired Property

58E. (1) An officer not below the rank of Deputy Inspector General of Police duly authorised by the Central Government or as the case may be, the State Government, shall, on receipt of a complaint from the competent authority about any person having illegally acquired property, proceed to take all steps necessary for tracing and identifying any property illegally acquired by such person.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or financial institution or any other relevant step as may be necessary.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with which directions or guidelines as the competent authority may make or issue in this behalf.

Seizure or Freezing of Illegally Acquired Property

58F. (1) Where any officer conducting an inquiry or investigation under section 58E has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned:

Provided that a copy of such an order shall be sent to the competent authority within forty-eight hours of its being made.

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation.- For the purposes of this section, "transfer of property" means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes

(a) the creation of a trust in property;

(b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;

(c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and

(d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

Management of Properties Seized or Forfeited under this Chapter

58G. (1) The State Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of Conservator of Forests) as it thinks fit, to perform the functions of an Administrator.

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 58F or under section 58-1 in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures as the State Government may direct, to dispose of the property which is forfeited to the State Government.

Notice of Forfeiture of Property

58H. (1) If having regard to the value of the properties held by any person to whom this Chapter applies, either by himself or through any, other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of a report from any officer making an investigation under section 58E or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this, Chapter and in support of his case indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

Forfeiture of Property in Certain Cases

58-I (1) The competent authority may, after considering the explanation, if any, to the show cause notice Issued under section 58H, and the materials available before it and after giving to the person affected and in a case where the person affected holds any property specified in the notice through any other person, to such other person, also a reasonable opportunity of being heard, by order, record a finding whether al l or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person, such other person

also), does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section *ex parte* on the basis of evidence available before it.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section (1) within a period of ninety days.

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Chapter stand forfeited to the State Government free from all encumbrances.

(4) In case the person affected establishes that the property specified in the notice issued under section 58H is not an illegally acquired property and therefore not liable to be forfeited under the Act, the said notice shall be withdrawn and the property shall be released forthwith.

(5) Where any shares in a company stand forfeited to the State Government under this, Chapter, the company shall, notwithstanding anything contained in the Companies Act, 1956 or the article of association of the company, forthwith register the State Government as the transferee of such shares.

Burden of Proof

58J. In any proceedings under this Chapter, the burden of proving that any property specified in the notice served under section 59H is not illegally acquired property shall be on the person affected.

File in Lieu of Forfeiture

58K. (1) Where the competent authority makes, a declaration that any property stands forfeited to the State Government under section 58-1 and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 58-1 and thereupon such property shall stand released.

Procedure in relation to certain Trust Properties

58L. In the case of any person referred to in sub-clause (vi) of clause (b) of section 58B, if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other asset out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 58H and all the other provisions of this Chapter shall apply accordingly.

Explanation. For the purposes of this section "illegally acquired property" in relation to any property held in trust, includes

(i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired-such property out of such contributions.

Certain Transfers to be Null and Void

58M. Where after the making of an order under sub-section (1) of section 58F or the issue of a notice under section 58k or under section 58L, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purposes of the proceedings under this Chapter, be ignored and if such property is subsequently forfeited to the State Government under section 584, then, the transfer of such property shall be deemed to be null and void.

Constitution of Appellate Tribunal

58N. (1) The State Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members (being officers of the State Government not below the rank of a Principal Secretary to the Government), as the State Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 58F, section 58-I, sub-section (i) of section 58K or section 58L.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of a High Court.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Appeals

58-O. (1) Any person aggrieved by an order of the competent authority made under section 58F, section 58-1, sub-section (1) of section 58K or section 58L may, within forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving an opportunity of being heard to the appellant, if he so desires, and after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against.

(3) The Appellate Tribunal may regulate its own procedure.

(4) On application to the Appellate Tribunal and on payment of the prescribed fee, the Appellate Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Appellate Tribunal and obtain a certified copy or any part thereof.

Notice or Order not to be invalid for Error in Description

58P. No notice issued or served, no declaration made, and no order passed under this Chapter shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

Bar of Jurisdiction

58Q. No order passed or declaration made under this Chapter shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

Competent Authority and Appellate Tribunal to have Powers of Civil Court

58R. The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for examination of witnesses or documents;

(f) any other matter which may be prescribed

Information to Competent Authority

58S. (1) Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, on points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Chapter.

(2) Every officer referred to in section 58T may furnish *suo motu* any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.

Certain Officers to Assist Administrator, Competent Authority and Appellate Tribunal

58T. For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 58G, competent authority and the Appellate Tribunal, namely:

(a) officers of Police;

(b) officers of the State Forest Departments;

(c) officers of the Central Economic Intelligence Bureau;

(d) officers of the Directorate of Revenue Intelligence;

(e) such other officers as specified by the State Government in this behalf by notification in the Official Gazette.

Power to Take Possession

58U. (1) Where any property has been declared to be forfeited to the State Power to take Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of section 58K within the time allowed therefor under subsection (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 58G or to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in sub-section (1) requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

Rectification of Mistakes

58V. With a view to rectifying any mistake apparent from record, the competent authority or the Appellate Tribunal, as the case maybe, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially and the mistake is not of a clerical nature, it shall not be made without giving to such person a reasonable opportunity of being heard.

Findings under other Laws not Conclusive for Proceedings under this Chapter

58W. No finding of any officer or, authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter.

Service of Notices and Orders

58X. Any notice or order issued or made under this Chapter shall be served,

(a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;

(b) if the notice or order cannot be served in the manner provided in clause (a), then, by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

Punishment for Acquiring Property in relation to which Proceedings have been taken under this Chapter

58Y. Any person who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings are pending under this Chapter shall be punishable with imprisonment for a term Which may extend to five years and with fine which may extend to fifty thousand rupees.'

Amendment of Section 60A

35. In section 60A of the principal Act,

(i) in sub-section (1), for the words "twenty per cent of such fine", the words "fifty per cent. of such fine" shall be substituted;

(ii) in sub-section (2), for the words "twenty per cent of such money", the words "fifty per cent of such money" shall be substituted.

Insertion of New Section 60B

36. After section 60A of the principal Act, the following section shall be inserted, namely

Reward by State Government

"60B.The State Government may empower the Chief Wild Life Warden to order payment of reward not exceeding ten thousand rupees to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may, be prescribed."

Amendment of Section 63

37. In section 63 of the principal Act, in sub-section (1), the following clause shall be inserted, namely:

"(ai) the term of office of members other than those who are members *ex officio*; the manner of filling vacancies, the procedure to be followed by the National Board under sub-section (2) and allowances of those members under sub-section, (3) of section 5A;"

Amendment of Section 64

38. In section 64 of the principal Act, in sub-section (2),

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:

"(a) the term of office of members other than those who are members, *ex officio*, the manner of filling vacancies and the procedure to be followed by the Board under sub-section (2) of section 6;

(b) allowances referred to in sub-section (3) of section 6;"

(ii) after clause (d), the following clause shall be inserted, namely:

"(dd) the conditions subject to which the officers will be authorised to file cases in the court;"

"(iii) after clause (g), the following clauses shall be inserted, namely:

"(ga) the manner and conditions subject to which the Administrator shall receive and manage the property under sub-section (2) of section 58G;

(gb) the terms and conditions of service of the Chairman and other members under sub-section (3) of section 58N;

(gc) the fund from which and the manner in which payment of reward under section 60B shall be made;"

K.N. CHATURVEDI,

Additional Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th September, 2006/Bhadra 13, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 3rd September, 2006, and is hereby published for general information:—

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2006

No. 39 OF 2006

[3rd September, 2006.]

An Act further to amend the Wild Life (Protection) Act, 1972.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2006.

Short title and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

53 of 1972.

2. After Chapter IVA of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:—

Insertion of
new Chapters
IVB and IVC.

‘CHAPTER IVB

NATIONAL TIGER CONSERVATION AUTHORITY

38K. In this Chapter,—

Definitions.

(a) “National Tiger Conservation Authority” means the Tiger Conservation Authority constituted under section 38L;

(b) "Steering Committee" means the Committee constituted under section 38U;

(c) "Tiger Conservation Foundation" means the foundation established under section 38X;

(d) "tiger reserve State" means a State having tiger reserve;

(e) "tiger reserve" means the areas notified as such under section 38V.

Constitution
of National
Tiger
Conservation
Authority.

38L. (1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Tiger Conservation Authority shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry of Environment and Forests—Chairperson;

(b) the Minister of State in the Ministry of Environment and Forests—Vice-Chairperson;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;

(e) Secretary, Ministry of Environment and Forests;

(f) Director General of Forests and Special Secretary, Ministry of Environment and Forests;

(g) Director, Wild Life Preservation, Ministry of Environment and Forests;

(h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;

(i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;

(j) Secretary, Ministry of Tribal Affairs;

(k) Secretary, Ministry of Social Justice and Empowerment;

(l) Chairperson, National Commission for the Scheduled Tribes;

(m) Chairperson, National Commission for the Scheduled Castes;

(n) Secretary, Ministry of Panchayati Raj;

(o) Inspector-General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary,

to be notified by the Central Government, in the Official Gazette.

(3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Term of office
and conditions
of service of
members.

38M. (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he—

- (a) is, or at any time has been, adjudicated as insolvent;
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) is of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or
- (f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act:

Officers and employees of Tiger Conservation Authority.

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.

(2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed.

38O. (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:—

Powers and functions of Tiger Conservation Authority.

(a) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;

(b) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;

(c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

(d) provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;

(e) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species,

status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;

(g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;

(h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;

(i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;

(j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions:

Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes.

38P. (1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

(2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority.

(3) The Tiger Conservation Authority shall regulate its own procedure.

(4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

38Q. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto—

(i) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(ii) all fees and charges received by the Tiger Conservation Authority under this Act; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

Procedure to
be regulated
by Tiger
Conservation
Authority.

Grants and
loans to Tiger
Conservation
Authority and
Constitution
of Fund.

38R. (1) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and
audit of Tiger
Conservation
Authority.

(2) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority.

(4) The accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority.

38S. The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual report
of Tiger
Conservation
Authority.

38T. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

Annual report
and audit
report to be
laid before
Parliament.

38U. (1) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the tiger range States.

Constitution
of Steering
Committee.

(2) The Steering Committee shall consist of—

(a) the Chief Minister — Chairperson;

(b) the Minister in-charge of Wild Life — Vice-Chairperson;

(c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs;

(d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development;

(e) two members from the State's Tribal Advisory Council;

(f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;

(g) Chief Wild Life Warden of the State shall be the Member-Secretary, *ex officio*,

to be notified by the State Government, in the Official Gazette.

Tiger
Conservation
Plan.

38V. (1) The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tiger reserve.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure—

(a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;

(c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation.— For the purposes of this section, the expression “tiger reserve” includes—

(i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

(ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in *Explanation (i)* above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(5) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless—

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;

(iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;

(v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and

(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

38W. (1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

Alteration and de-notification of tiger reserves.

(2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. (1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.

Establishment of Tiger Conservation Foundation.

(2) The Tiger Conservation Foundation shall, *inter alia*, have the following objectives:—

(a) to facilitate ecological, economic, social and cultural development in the tiger reserves;

(b) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves;

(c) to facilitate the creation of, and or maintenance of, such assets as may be necessary for fulfilling the above said objectives;

(d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;

(e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;

(f) to support research, environmental education and training in the above related fields.

CHAPTER IV C

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

Constitution of
Tiger and other
Endangered
Species Crime
Control
Bureau.

38Y. The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of—

- (a) the Director of Wildlife Preservation—Director *ex-officio*;
- (b) the Inspector-General of Police—Additional Director;
- (c) the Deputy Inspector-General of Police—Joint Director;
- (d) the Deputy Inspector-General of Forests—Joint Director;
- (e) the Additional Commissioner (Customs and Central Excise)—Joint Director;

and

(f) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

Powers and
functions of
the Wildlife
Crime Control
Bureau.

38Z. (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to—

(i) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action, so as to apprehend the criminals and to establish a centralised wildlife crime data bank;

(ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;

(iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control;

(v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;

(vi) advice the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.

(2) The Wildlife Crime Control Bureau shall exercise—

“(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and

(ii) such other powers as may be prescribed.”

Amendment
of section 51.

3. In section 51 of the principal Act, after sub-section (1B), the following sub-sections shall be inserted, namely:—

“(1C) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to

seven years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than seven years and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.

(1D) Whoever, abets any offence punishable under sub-section (1C) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence."

4. In section 55 of the principal Act, after clause (aa), the following clauses shall be inserted, namely:— Amendment of section 55.

"(ab) Member-Secretary, Tiger Conservation Authority; or

(ac) Director of the concerned tiger reserve; or".

5. In section 59 of the principal Act, after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted. Amendment of section 59.

6. In section 60 of the principal Act, in sub-section (3), after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted. Amendment of section 60.

7. In section 63 of the principal Act, in sub-section (1), after clause (g), the following clauses shall be inserted, namely:— Amendment of section 63.

"(gi) qualifications and experience of experts or professionals under clause (d) of sub-section (2) of section 38-I;

(gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;

(giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;

(giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;

(gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;

(gvi) other powers of the Wild Life Crime Control Bureau under clause (ii) of sub-section (2) of section 38Z."

K. N. CHATURVEDI,
Secy. to the Govt. of India.