

## WILDLIFE (PROTECTION) ACT, 1972

CHAPTER I  
Preliminary

1. **Short title, extent and commencement.** – (1) This Act may be called THE WILD LIFE (PROTECTION) ACT, 1972.

<sup>3</sup>(2) It extends to the whole of India except the State of Jammu and Kashmir.]

(3) It shall come into force in a State or Union territory to which it extends <sup>4</sup>[\*\*\*] on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union territories.

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

<sup>5</sup>(1) “animal” includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs;

(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 <sup>6</sup>[has been used, and ivory imported into India and an article made therefrom.]

<sup>7</sup>[\*\*\*]  
<sup>8</sup>(4) “Board” means a State Board for Wild Life constituted under sub-section (1) of section 6;]

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

<sup>7</sup>[\*\*\*]  
(7) “Chief Wildlife Warden” means the person appointed as such under clause (a) of sub-section (1) of section 4;

<sup>9</sup>(7-A) “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;]

<sup>10</sup>[\*\*\*]  
<sup>11</sup>(9) “Collector” means the chief officer-in-charge of the revenue administration of a district or any other officer not below the rank of Deputy Collector as may be appointed by the State Government under section 18-B in this behalf;

<sup>3</sup>. Substituted by Act 44 of 1991, S.4, for Sub-S (2) (w.e.f. 2-10-1991)

<sup>4</sup>. The words “, or may become extended in future,” omitted by Act 44 of 1991, S.4 (w.e.f. 2-10-1991)

\* The Act has so far been enforced in: - (1) Madhya Pradesh on 25-1-1973, Gaz. of India, 1973, Pt. II, S. 3(i), Ext., p.73. (2) Bihar, Gujarat and Uttar Pradesh on 1-2-1973, *ibid*, pp.3, 103, 106. (3) Haryana on 12-3-1973 *ibid*, p.431. (4) Himachal Pradesh on 2-4-1973, *ibid*, p.517. (5) West Bengal on 1-5-1973, *ibid*, p.613. (6) Manipur and Arunachal Pradesh, on 15-5-1973, *ibid*, pp. 745, 765. (7) Kerala, Maharashtra and Delhi on 1-6-1973, *ibid*, p.1069. (9) Mysore, on 1-7-1973, *ibid*, p.1003. (10) Andhra Pradesh, on 1-3-1973, *ibid*, p.1127. (11) Rajasthan and Dadra and Nagar Haveli on 1-9-1973, *ibid*, pp.1255, 1275. (12) Tripura, on 2-10-1973, *ibid*, p.1459. (13) Lakshdweep on 1-11-1973, *ibid*, p.1511. (14) Tamil Nadu, on 1-1-1974, Gaz. of India, 1974, Pt. II, S. 3(i), Ext. p.1. (15) Orissa on 14-8-1974, *ibid*, p.1645. (16) Union Territory of Chandigarh, on 2-12-1974, *ibid*, p. 2423. (17) Meghalaya, on 1-4-1977, Gaz. of India, 1-4-1977, Pt. II, S. 3(i), Ext., p.537. (18) Nagaland, on 18-12-1981, Gaz. of India, 18-12-1981, Pt. II, S. 3(i), Ext., p. 419. (20) Punjab, on 1-4-1975, *ibid*, p.715. (21) Assam, on 26-1-1977, Gaz. of India, 1977, Pt. II, S. 3(i), Ext., p.95. (22) Sikkim, on 1-5-1976, Gaz. of India, 1976, Pt. II, S. 3(i), Ext., p.1153. (23) Mizoram, on 1-10-1974, Gaz. of India, Pt. II, S. 3(i), Ext., p.248.

<sup>5</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(a), for Cl. (1) (w.e.f. 1-4-2003).** Prior to its substitution, Cl. (1) read as under: - (1) “animal” includes amphibians, birds, mammals and reptiles and their young, and also includes, in the case of birds and reptile, their eggs;”

<sup>6</sup>. Substituted by Act 44 of 1991, S.5, for “has been used” (w.e.f. 2-10-1991).

<sup>7</sup>. Cls. (3) and (6) omitted by Act 44 of 1991, S.5 (w.e.f. 2-10-1991)

<sup>8</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(b), for Cl. (4) (w.e.f. 1-4-2003).** Prior to its substitution, Cl. (4) read as under: - “(4) “Board” means the Wild Life Advisory Board constituted under sub-section (1) of section 6;”

<sup>9</sup>. Inserted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

<sup>10</sup>. **Cl. (8) omitted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(c) (w.e.f. 1-4-2003).** Prior to its omission, Cl. (8) read as under: - “(8) closed area” means the area which is declared under sub-section (1) of section 37 to be closed to hunting.

- (10) “commencement of this Act”, in relation to –
- (a) a State, means commencement of this Act in that State,
  - (b) any provisions of this Act, means the commencement of that provision in the concerned State:
- <sup>12</sup>[(11)“dealer” in relation to any captive animal, animal articles, 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;]
- (12) “Director” means the person appointed as Director of Wild Life Preservation under clause (a) of sub-section (1) of section 3;
- <sup>13</sup>[(12-A) “Forest officer” means the Forest Officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other Act for the time being in force in a State;
- (12-B)“forest produce” shall have the same meaning as in sub-clause (b) of clause (4) of section 2 of the Indian Forest Act, 1927 (16 of 1927);]
- <sup>14</sup>[\*\*\*]
- (14) Government property” means any property referred to in section 39 <sup>15</sup>[or section 17-H];
- (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, -
- <sup>16</sup>(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;]
- (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;
- (17) “land” includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, <sup>17</sup>[marshes and wetlands and also includes boulders and rocks];
- (18) “licence” means a licence granted under this Act;
- <sup>18</sup>[(18-A) “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 includes any animal specified in Schedules I to IV;]
- <sup>19</sup>[(19)“manufacturer” means a person who manufactures articles from any animal or plant specified in Schedule I to V and VI, as the case may be;]

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11. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(d) (w.e.f 1-4-2003).** Prior to its substitution, Cl. (9) read as under: – “(9) “Collector” means the chief officer-in-charge of the revenue administration of a district;”

12. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(e) (w.e.f 1-4-2003).** Prior to its substitution, Cl. (11) read as under: – “11 “dealer” means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncured trophy \*[meat or specified];” - \* Substituted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

13. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(f) (w.e.f 1-4-2003).** Prior to its substitution, Cl. (12-A) read as under: –“(12-A) “Forest Officer” means the Forest Officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927);] - \* Inserted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

14. Cl. (13) omitted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

15. Inserted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

16. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(g) for sub-Cls. (a) and (b) (w.e.f 1-4-2003).** Prior to their substitution, sub-Cls. (a) and (b) read as under: –“(a) capturing killing, poisoning, snaring and trapping of any wild animal and every attempt to do so; (b) driving any wild animal for any of the purposes specified in sub-clause (a);”.

17. Substituted for Act 44 of 1991, S. 5, for “and also includes boulders and rocks” (w.e.f. 2-10-1991).

18. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(h), for Cl. (18-A) (w.e.f. 1-4-2003).** Prior to its substitution, Cl. (18-A) read as under: –“(18-A) “livestock” includes buffaloes, bulls, bullocks, camel, cows, donkeys, goats, horses, mules, pigs, sheeps, yaks and also includes their young;]” - \* Inserted by Act 44 of 1991, S. 5, (w.e.f. 2-10-1991)

- (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;
- (20-A) "National Board" means the National Board for Wild Life constituted under section 5-A;
- (21) "National Park" means an area declared, whether under section 35 or section 38, or deemed under sub-section (3) of section 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;
- <sup>20</sup>[(24-A) "protected area" means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36-A and 36-C of the Act;]
- (25) "prescribed" means prescribed by rules made under this Act;
- <sup>21</sup>[(25-A) "recognised zoo" means a zoo recognized under section 38-H;]
- <sup>22</sup>[(25-B) "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), 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;]
- <sup>23</sup>[(27) "specified plant" means any plant specified in Schedule VI;]
- <sup>24</sup>[\*\*\*]
- (29) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;
- <sup>25</sup>[(30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;]
- <sup>26</sup>(30-A) "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);
- (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 animal mounted in whole or in part through a process of taxidermy, and
- <sup>27</sup>(b) antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;]

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**19. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(i), for Cl. (19) and (20) (w.e.f. 1-4-2003).** Prior to their substitution, Cls. (19) and (20) read as under: - "(19) "manufacturer" means a manufacturer of animal articles;

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

**20. Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(j) (w.e.f. 1-4-2003).**

<sup>21.</sup> Inserted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

**22. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(k) for Cls. (25-B) and (26) (w.e.f. 1-4-2003).** Prior to their substitution, Cls. (25-B) and (26) read as under: - "(25-B) "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);

(26) "sanctuary" means an area declared, whether under section \*[26-A] or section 38, or deemed, under sub-section (3) of section 66, to be declared, as a wild life sanctuary;" - \*Substituted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

<sup>23.</sup> Substituted by Act 44 of 1991, S. 5, for Cl. (27) (w.e.f. 2-10-1991)

**24. Cl. (28) omitted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S 3(l) (w.e.f. 1-4-2003).** Prior to its omission, Cl. (28) read as under: - "(28) "special game" means any animal specified in Schedule II;"

<sup>25.</sup> Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(m), for Cl. (30) (w.e.f. 1-4-2003). Prior to its substitution, Cl. (30) read as under: - "(30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation of trophies;".

<sup>26.</sup> Inserted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991)

**27. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3(n), for sub-Cl. (b) (w.e.f. 1-4-2003).** Prior to its submission, sub-Cl.(b) read as under: - "(b)" antler, horn, rhinoceros horn, hair, feather, nail, tooth, musk, eggs and nests;".

(32) "uncured trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a <sup>28</sup>[freshly-killed wild animal, ambergris, musk and other animal products];

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

(34) "vermin" means any wild animal specified in Schedule V;

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

<sup>29</sup>[(36)"wild animal" means any animal specified in Schedules I to IV and found wild in nature;]

<sup>30</sup>[(37)"wild life" includes any animal, aquatic or land vegetation which forms part of any habitat;]

(38) "Wild Life Warden" means the person appointed as such under clause (b) of sub-section (1) of section 4;

<sup>31</sup>[(39)"zoo" means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public <sup>32</sup>[and includes a circus and rescue centres but does not include an establishment] of a licensed dealer in captive animals.]

*This clause seeks to add, modify and substitute certain definitions in view of the amendments proposed in the Bill. (Notes on Clauses).*

## CHAPTER II AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT

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

(a) A Director of Wild Life Preservation;

<sup>33</sup>[\*\*\*]

(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.

<sup>34</sup>[(3) The officers and other employees appointed under this section shall be required to assist the Director.]

*This clause proposes to modify section 3 of the Act and also require the officers and other employees to assist the Director. (Notes on Clauses).*

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

(a) a Chief Wild Life Warden;

(b) Wild Life Wardens; <sup>35</sup>[\*]

<sup>28</sup>. Substituted by Act 44 of 1991, S. 5, for "freshly-killed wild animal" (w.e.f. 2-10-1991).

<sup>29</sup>. Substituted by the **Wild Life (Protection) Amendment Act, 2002 (16 of 2003) S. 3(o), for Cl. (36) (w.e.f. 1-4-2003)**. Prior to its substitution, Cl. (36) read as under: - "(36) "wild animal" means any animal found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule III or Schedule IV, wherever found;"

<sup>30</sup>. Substituted by the **Wild Life (Protection) Amendment Act, 2002 (16 of 2003) S. 3(p), for Cl. (37) (w.e.f. 1-4-2003)**. Prior to its substitution, Cl. (37) read as under: - "(37) "wild life" includes any animal, bees, butterflies, crustacea, fish and moths; and aquatic or land vegetation which forms part of any habitat;"

<sup>31</sup>. Inserted by Act 44 of 1991, S. 5 (w.e.f. 2-10-1991).

<sup>32</sup>. Substituted by the **Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 3 (q), for "but does not include a circus and an establishment" (w.e.f. 1-4-2003)**.

<sup>33</sup>. **Cl. (b) omitted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 4(i) (w.e.f. 1-4-2003)**. Prior to its omission, Cl. (b) read as under: - "(b) Assistant Directors of Wild Life Preservation; and".

<sup>34</sup>. Substituted by the **Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 4(ii), for sub-S.(3) (w.e.f. 1-4-2003)**. Prior to its substitution, sub-S. (3) read as under: - "(3) The Assistant Director of Wild Life Preservation and other officers and employees appointed under this section shall be subordinate to the Director".

<sup>36</sup>[(bb) Honorary Wild Life Wardens;]

(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 Wild Life Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.

(3) <sup>37</sup>[The Chief Wild Life Warden, the Honorary Wild Life Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wild Life Warden.

*This clause seeks to amend section 4 of the Act so as to permit appointment of more than one Honorary Wild Life Warden by the State Governments. (Notes on Clauses).*

**5. Power to 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 Wild Life 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 clause (a) of sub-section (1) of section 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 conditions imposed by the Director or the Chief Wild Life Warden, any person, authorised by the Director or the Chief Wild Life 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.

<sup>38</sup>**[5-A. Constitution of the National Board for Wild Life.** – (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 Ministry of Defence;
- (j) the Secretary to the Government of India in-charge of 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 in-charge of 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;

<sup>35</sup>. The word "and" omitted by 44 of 1991, S. 6 (w.e.f. 2-10-1991).

<sup>36</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 5, for Cl. (bb) (w.e.f. 1-4-2003).** Prior to its substitution, Cl. (bb) read as under: - "(bb) One Honorary Wild Life Warden in each district; and]" - \* Inserted by Act 44 of 1991, S. 6 (w.e.f. 2-10-1991).

<sup>37</sup>. Substitute by Act 44 of 1991, S. 6, for "The Wild Life Warden" (w.e.f. 2-10-1991).

<sup>38</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 6 (yet to be enforced).**

(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), (f) and (v) of sub-section (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 a member of the National Board shall not be deemed to be an office of profit.

**5-B. Standing Committee of the National Board.** – (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 committee, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

**5-C. Functions of the National Board.** – (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 one in two years on wild life in the country.]

*This clause seeks to insert new sections to provide for the constitution of National Board for Wild Life, its Standing Committee and their functions. The Board shall be headed by the Prime Minister as Chairperson, the Minister in-charge of Forests as Vice-Chairperson, Member-Secretary and forty-four other members. Out of the forty-four other members, three will be Members of Parliament (two from Lok Sabha and one from Rajya Sabha), representatives of various Department and Secretaries of various Ministers/Departments and head of various institutions in the country, five member from non-governmental organisations and ten from eminent conservationists, ecologists and environmentalist would be nominated by the Central Government. The said Board shall perform various functions concerning conservation and protection of wild life in the country.(Notes on Clauses).*

<sup>39</sup>[6. **Constitution of State Board for Wild Life.** – (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 Forest 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 Schedule 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 Life 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 clause (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 received such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.]

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<sup>39</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 7, for S. 6 (w.e.f. 1-4-2003).** Prior to its substitution, S. 6 read as under: - "6. Constitution of Wild Life 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 Wild Life Advisory Board consisting of the following members, namely:-

(a) the Minister in charge of forests 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 of 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 State Legislature of the Union territory, as the case may be;

(c) Secretary to the State Government, or the Government of the Union territory, in charge of forests;

\*(d) the Forest Officer-in-charge of the State Forest Department, by whatever designation called, *ex officio*;

(e) an officer to be nominated by the Director;

(f) Chief Wild Life Warden, *ex officio*;

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

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

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

(2) The State Government shall appoint the Forest Officer-in-charge of the State Forest Department.

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

(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." - \*Substituted by Act 44 of 1991, S.7 (w.e.f. 2-10-1991). \*\* Inserted, *ibid*.

*This clause seeks to substitute section 6 of the Act so as to make constitution of the State Board for Wild Life mandatory within a period of six months from the date of the commencement of the Wild Life (Protection) Amendment Act, 2002. The Board shall be headed by the Chief Minister of the State as the Chairperson and the Minister in-charge of Forests and Wildlife as the Vice-Chairperson. The State Chief Wild Life Warden will be the Member-Secretary. Other members include three members of the State Legislature, three from non-governmental organisations, ten from amongst the eminent conservationists, environmentalists, ecologists of which at least two will be from the Scheduled Tribes and other representing the Secretaries and Head of the Government Department concerned and representatives from various organisations.*

**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 proceedings 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 not affecting the merits of the case.

**8. Duties of <sup>40</sup>[State Board for Wild Life].** – It shall be the duty of State Board for Wild Life to advise the State Government, –

<sup>41</sup>[(a) in the selection and management of areas to be declared as protected areas;]

<sup>42</sup>[(b) in formulation of the policy for protection and conservation of the wild life and specified plants;]

(c) in any matter relating to the amendments of any Schedule; <sup>43</sup>[\*]

<sup>44</sup>[(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 wild life; and]

(d) in any other matter connected with the protection of wildlife, which may be referred to it by the State Government.

*This clause seeks to amend section 8 of the Act so as to include the management of Conservation Reserve and Community Reserve among (in addition to national parks and sanctuaries) the duties of the State Board for Wild Life.*

### CHAPTER III HUNTING OF WILD ANIMALS

**<sup>45</sup>9. Prohibition of hunting.** – No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.]

#### COMMENTS

*The cognizance of an offence against the Wild Life (Protection) Act, 1972, can be taken by a Court only on the complaint of the officer mentioned in S. 55. Thus, even where jurisdictional police purported to register a case for an alleged offence against the Act, S. 210(1), Cr. P. Code would not be attracted having regard to the position that cognizance of such an offence can only be taken on the complaint of the officer mentioned in that section: State of Bihar V. Murad Ali Khan A.I.R. 1989 S.C.1.*

*The offence envisaged by Ss. 9(1) and 51(1) in its ingredients and content, is not the same or substantially the same as S. 429, I.P. Code.*

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<sup>40</sup>. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 8(i) for “the Wild Life Advisory Board” (w.e.f. 1-4-2003).

<sup>41</sup>. Substituted by the Wild Life (Protection) Act, 2002 (16 of 2003), S. 8(ii), for Cl. (a) (w.e.f. 1-4-2003). Prior to its substitution, Cl. (a) read as under: - “(a) in the selection of areas to be declared as sanctuaries, National Parks [\*\*\*] and closed areas and the administration thereof;”.

<sup>42</sup>. Substituted by Act 44 of 1991, S. 8 (w.e.f. 2-10-1991).

<sup>43</sup>. The word “and omitted by Act 44 of 1991, S. 8 (w.e.f. 2-10-1991).

<sup>44</sup>. Inserted by Act 44 of 1991, S. 8, for S. 9 (w.e.f. 2-10-1991).

<sup>45</sup>. Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S.9(i) (w.e.f. 1-4-2003).



*The ingredients of an offence under S. 9(1) read with S. 51(1) require for its establishment certain ingredients which are not part of the offence under S. 429, I. P. Code and vice versa: State of Bihar V. Murad Ali Khan A.I.R. 1989 S.C. 1.*

**10. Maintenance of records of wild animals killed or captured.** – [Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 10 (w.e.f. 2-10-1991).]

**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 Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I 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 therefore, permit any person to hunt such animal or cause such animal to be hunted:

<sup>46</sup>[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 of 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;]

(b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule 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 therefore, permit any person to hunt <sup>47</sup>[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.]

(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.

*This clause seeks to amend section 11 of the Act with a view to ensure that no wild animal shall be killed unless all possible option of capturing, translocating and tranquilising are exhausted. It also provides that the captured wild animals shall be rehabilitated in wild as soon as possible and translocation, if required, shall be done by causing minimum trauma to the captured animals. Provision is being made to provide for the killing of only such animal that has become dangerous to human life and property or is disabled or diseased beyond recovery in a specified area.*

**12. Grant of permit for special purposes.** – Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant <sup>48</sup>[\*\*\*] a permit, by an order in writing stating the reasons therefore, 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;

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<sup>46</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S.9(i) (w.e.f. 1-4-2003)**

<sup>47</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 9(ii), for “such animal or cause such animal to be hunted” (w.e.f 1-4-2003).**

<sup>48</sup>. The words “with the previous permission of the State Government” omitted by Act 23 of 1982, S.2 (w.e.f 21-5-1982).

- <sup>49</sup>[(b) scientific research;  
(bb) scientific management.

*Explanation.* – For the purposes of clause (bb), the expression, “scientific management” means—

(i) translocation of any wild animals to an alternative suitable habitat; or  
(ii) population management of wild life, without killing or poisoning or destroying wild animals;]

<sup>50</sup>[(c) collection of specimens—  
(i) for recognized 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:]

<sup>51</sup>[Provided that no such permit shall be granted—  
(a) in respect of any wild animal specified in Schedule I, 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.** — [Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f. 2-10-1991).]

**14. Appeal.** — [Omitted by the Wild Life (Protection) Amendment Act 1991 (44 of 1991), section 12 (w.e.f. 2-10-1991).]

**15. Hunting of young and female of wild animals.** — [Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f.2-10-1991).]

**16. Declaration of closed time.** – [Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f.2-10-1991).]

**17. Restriction on hunting.** – [Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f.2-10-1991).]

### <sup>52</sup>[CHAPTER III-A PROTECTION OF SPECIFIED PLANTS

**17-A. Prohibition of picking, uprooting, etc., of specified plant.** - 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 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 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.

**17-B. Grants of permit for special purposes.** – 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 17-A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of –

- (a) education;

<sup>49</sup>. Substituted by Act 23 of 1982, S.2, for Cl. (b) (w.e.f 21-5-1982).

<sup>50</sup>. Substituted by Act 44 of 1991, S. 11, for Cl. (c) (w.e.f. 2-10-1991).

<sup>51</sup>. Inserted by Act 23 of 1982, S. 2 (w.e.f. 21-5-1982).

<sup>52</sup>. Chap. III-A containing Ss. 17-A to 17-H inserted by Act 44 of 1991, S. 13 (w.e.f 2-10-1991)

- (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.

**17-C. 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.

**17-D. 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 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.

**17-E. 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 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.

(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 17-C and section 17-D as they apply in relation to the licence or business in animals or animal articles.

**17-F. Possession, etc. of plants by licensee.** – 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 17-E has to be made 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.

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

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

**17-H. 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 or they apply in relation to wild animals and articles referred to in sub-section (1) of that section.]

**CHAPTER IV**  
**<sup>53</sup>[PROTECTED AREAS]**  
**Sanctuaries**

*This clause seeks to amend the heading of Chapter IV to make it protected areas. (notes on Clauses)*

**18. Declaration of sanctuary.** – <sup>54</sup>[(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 protection, propagating or developing wild life or its environment.]

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

**<sup>55</sup>[18-A. Protection to sanctuaries.** – (1) When the State Government declares its intention under sub-section (1) 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 33-A (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.

**18-B. Appointment of Collectors.** – 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.]

*This clause seeks to insert two new sections 18-A and 18-B to provide for protection of the sanctuaries from destruction during the period between notification of intent and the final notification. It is proposed to appoint a Collector to inquire into and determine the rights of persons in or over the land comprised within the proposed sanctuary, within a specified time frame. (Notes on Clauses).*

**19. Collector to determine rights.** – <sup>56</sup>[When a notification has been issued under section 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.

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<sup>53</sup>. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 10, for the heading “SANCTUARIES, NATIONAL PARK AND CLOSED AREA” (w.e.f. 1-4-2003).

<sup>54</sup>. Substituted by Act 44 of 1991, S. 15, for sub-S. (1) (w.e.f. 2-10-1991).

<sup>55</sup>. Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 11 (w.e.f. 1-4-2003).

<sup>56</sup>. Substituted by Act 44 of 1991, S. 16, for “Whenever any area is declared to be sanctuary” (w.e.f. 2-10-1991).

**20. Bar of accrual of rights.** – After the issue of a notification under section 18, no right shall be acquired in, on 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 section 18, the Collector shall <sup>57</sup>[within a period of sixty days,] publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation -

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
- (b) requiring any person, claiming any right mentioned in section 19, to prepare 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 compensation, if any, claimed in respect thereof.

*This clause seeks to amend section 21 of the Act so as to give a fixed time frame of 60 days fro proclamation of notification by the Collector for inviting claims from the affected persons. (Notes on Clauses).*

**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 clause (b) of section 21; and
- (b) the existence of any right mentioned in section 19 and not claimed under clause (b) of section 21,

so far as the same may be ascertainable from the records of the State Government 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 section 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 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 on payment of such compensation, as is provided in the Land Acquisition Act, 1894;

<sup>58</sup>[(c) allow, in consultation with the Chief Wild Life Warden, the continuation 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;
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
- (c) the provisions of the sections, preceding section 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 section 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 provisions of Part III of that Act;

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<sup>57</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 12 (w.e.f. 1-4-2003).**

<sup>58</sup>. Inserted by Act 44 of 1991, S. 17 (w.e.f. 2-10-1991).

(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.

**<sup>59</sup>[25-A. Time-limit for completion of acquisition proceedings.** – (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.]

*This clause seeks to insert a new section 25-A in the Act to provide for time-limit for completion of acquisition proceedings and makes it mandatory for the Collector to complete the settlement proceedings within the period of two years from the date of notification of declaration of sanctuary under section 18. It is also being provided that in the event the proceedings are not completed within two years, the notification of intent under section 18 would not lapse. (Notes on Clause).*

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

**<sup>60</sup>[26-A. Declaration of area as sanctuary.** – (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, geomorphological, 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 sanctuary on an 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 fisherman.

(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).

<sup>61</sup>[(3) No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board.]]

*This clause seeks to amend section 26-A of the Act with a view to requiring the recommendations of the National Board for Wild Life before making any alteration in the boundary of a sanctuary so notified. (Notes on Clauses).*

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<sup>59</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) S. 13 (w.e.f. 1-4-2003).**

<sup>60</sup>. Inserted by Act 44 of 1991, S. 18 (w.e.f. 2-10-1991).

<sup>61</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 14, for sub-S. (3) (w.e.f. 1-4-2003).** Prior to its substitution, sub-S. (3) read as under: - "(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislature of the State.

## COMMENTS

*The procedure in regard to acquisition of rights in an over the land to be includes in a sanctuary or National Park has to be followed before a final notification under S. 26-A or S. 35(1) is issued by the State Government: Pradeep Krishen v. UOI A.I.R. 1996 S.C. 2040.*

**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 Wild Life 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 clause (a), clause (b) or clause (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 found -  
(a) to prevent the commission, in the sanctuary, of an offence against this Act;  
(b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;  
(c) to report the death of any wild animal and to safeguard its remains until the Chief Wild Life 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 powers, any fire within the vicinity of such sanctuary of which he has knowledge or information; and  
(e) to assist any Forest Officer, Chief Wild Life Warden, Wild Life Warden or Police Officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

<sup>62</sup>[(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, 1986 (45 of 1860), alter, destroy, move or deface such boundary-mark.

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

**28. Grant of Permit.** – (1) The Chief Wild Life 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 wild life and purposes ancillary or incidental thereto;  
(b) photography;  
(c) Scientific research;  
(d) tourism;  
(e) transaction of lawful business with any person residing in the sanctuary.

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

## COMMENTS

*The right of entry in the sanctuary is not absolute. It has to be sanctioned by the Chief Wild Life Warden and on such terms and conditions and on payment of such fees as may be prescribed: Forest Friendly Camps. Pvt. Ltd. v. State of Rajasthan A.I.R. 2002 Raj. 214 (D.B.).*

<sup>63</sup>[**29. Destruction, etc, in a sanctuary prohibited without a permit.**— No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or

<sup>62</sup>. Inserted by Act 44 of 1991, S. 19 (w.e.f. 2-10-1991).

<sup>63</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 15, for S. 29 (w.e.f. 1-4-2003).** Prior to its substitution, S. 29 read as under: - “29. Destruction etc., in a sanctuary

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 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 be used for meeting the personal *bona fide* 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.]

*This clause seeks to substitute section 29 of the Act. it provides that any removal of wild life including forest produce from a sanctuary would need concurrence of the State Board for Wild Life. It is also being proposed that any forest produce whenever removed from a sanctuary will be used for meeting the personal bona fide needs of the local people only and such produce will not be used for commercial urposes. (Notes on Clauses).*

**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 Wild Life 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 wild life in such sanctuary.

**33. Control of sanctuaries.**— The Chief Wild Life 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:

<sup>64</sup>[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;]

(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 wild life, as he may consider necessary for the improvement of any habitat;

(d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of <sup>65</sup>[livestock].

<sup>66</sup>[\*\*\*]

*This clause seeks to amend section 33 of the Act to provide that no construction of commercial tourist lodges, hotels, zones and safari parks shall be allowed inside sanctuaries except with the prior approval of National Board. (Notes on Clauses).*

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prohibited without a permit. – No person shall destrot, 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 a sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

*Explanation.* – For the purpose 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.]” - \* Substituted by Act 44 of 1991, S. 20 (w.e.f. 2-10-1991).

**64. Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 16 (w.e.f. 1-4-2003).**

<sup>65.</sup> Substituted by Act 44 of 1991, S. 21, for “Cattle;” (w.e.f. 2-10-1991).

<sup>66.</sup> Cl. (e) omitted by Act 44 of 1991, S. 21 (w.e.f. 2-10-1991).



<sup>67</sup>[**33-A. Immunisation of livestock.** – (1) The Chief Wild Life Warden shall take such measures in such manner, as may be prescribed, for immunization against communicable diseases of the livestock kept in or within five kilometers of a sanctuary.

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

<sup>68</sup>[**33-B. Advisory Committee.** - (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 department 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.]

*This clause seeks to insert new section 33-B with a view to empowering the State Government to constitute an Advisory Committee for better conservation and management of the sanctuary. The Committee shall have representative from Panchayati Raj Institutions, non-governmental organisations, conservationists and Government officials and would render advise in the conservation and management of sanctuary. (Notes on Clauses).*

**34. Registration of certain persons in possession of arms.** – (1) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometers 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 Wild Life Warden or the authorised officer, for the registration of his name.

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

<sup>69</sup>(3) No new licence under the Arms Act, 1959 (54 of 1959) shall be granted within a radius of ten kilometers of a sanctuary without the prior concurrence of the Chief Wild Life Warden.]

<sup>70</sup>[**34-A. Power to remove encroachment.** – (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 unauthorized 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 as 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 provisions of this Act.]

*This clause seeks to insert new section 34-A authorising officers not below the rank of Assistant Conservator of Forests to evict any unauthorized occupant, to remove any unauthorised*

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<sup>67</sup>. Inserted by Act 44 of 1991, S. 22 (w.e.f. 19-12-2000).

<sup>68</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 17 (w.e.f. 1-4-2003).**

<sup>69</sup>. Inserted by Act 44 of 1991, S. 22-A (w.e.f. 21-5-2001).

<sup>70</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 18 (w.e.f. 1-4-2003).**

construction and to confiscate tools and effects belonging to such persons, etc. within the sanctuaries or the national parks. The affected person will be provided an opportunity of being heard before the order of eviction is issued. (Notes on Clauses).

**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, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park:

<sup>71</sup>[Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26-A 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 sections <sup>72</sup>[19 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 extinguishments 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.

<sup>73</sup>[(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 on and around the National Park and shall not be used for any commercial purpose.]

(7) No grazing of any <sup>74</sup>[livestock] shall be permitted in a National Park and no <sup>74</sup>[livestock] shall be allowed to enter therein except where such <sup>74</sup>[livestock] is used as a vehicle by a person authorised to enter such National Park.

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<sup>71</sup>. Added by Act 44 of 1991, S. 23 (w.e.f. 2-10-1991).

<sup>72</sup>. Substituted by Act 44 of 1991, S. 23, for "19 to 26 (both inclusive)" (w.e.f. 2-10-1991)

<sup>73</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 19(i) for sub-Ss. (5) and (6) (w.e.f. 1-4-2003).** Prior to their substitution, sub-Ss. (5) and (6) read as under: - "(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 wild life from a National Park or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such 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 that such destruction, exploitation or removal of wild life from the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit."

<sup>74</sup>. Substituted by Act 44 of 1991, S. 23, for "Cattle" (w.e.f. 2-10-1991).

(8) The provisions of section 27 and 28, section 30 to 32 (both inclusive), and clauses (a), (b) and (c) of <sup>75</sup>[section 33, section 33-A] and section 34 shall, as far as may be apply in relation to a National Park as they apply in relation to a sanctuary.

<sup>76</sup>[*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 ne 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.]

<sup>77</sup>[\*\*\*\*]

*This clause seeks to amend section 35 of the Act to provide for final notification of those areas where the rights of the people have been extinguished and the land has become vested in the State Government without going through the process of settlement required under sub-section (3) of section 35. A provision is being made not be alter the boundaries of National Park without the recommendation of the National Board for Wild Life. The destruction of habitat, exploitation and removal of wild life from the National Park has been restricted; and forest produce, if removed, are to be utilised only for the personal bona fide needs of the local people. It is also proposed to prohibit the removal of forest produce for commercial purposes. (Notes on Clauses).*

### COMMENTS

*The procedure in regard to acquisition of rights in and over the land to be included in a sanctuary or National Park has to be followed before a final notification under S. 26-A or S. 35(1) is issued by the State Government: Pradeep Krishen v. UOI A.I.R 1966 S.C. 2040.*

**36. Declaration of game reserve.** – [Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 24 (w.e.f. 2-10-1991).]

<sup>78</sup>**[36-A Declaration and management of a Conservation Reserve.** – (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-section (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.

**36-B. Conservation Reserve Management Committee.** – (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 and 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 representative 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.

**36-C. Declaration and management of Community Reserve.** – (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

<sup>75</sup>. Substituted by Act 44 of 1991, S. 23, for “section 33” (w.e.f. 2-10-1991).

<sup>76</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 19(ii) (w.e.f. 1-4-2003).**

<sup>77</sup>. The sub-heading “Game Reserve” omitted by Act 44 of 1991, S. 24 (w.e.f. 2-10-1991).

<sup>78</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 20 (w.e.f. 1-4-2003).**

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, section 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 managing of the same by the State Government.

**36-D. Community Reserve Management Committee.** – (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.]

*This clause seeks to insert new section 36-A, 36-B, 36-C and 36-D which deal with creation and management of Conservation Reserves and Community Reserves. The proposed creation of Conservation Reserves and the Community Reserves would protect the landscapes and seascapes, flora and fauna and traditional and cultural conservation consisting the representatives of village panchayatal, non-governmental organisations and Government Departments. The Committees will regulate their own procedure and shall be responsible for conserving, maintaining and managing these reserves. (Notes on Clauses).*

### **Closed Area**

<sup>79</sup>**37. Declaration of closed area.** – [Omitted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), section 21 (w.e.f. 1-4-2003).]

*This clause seeks to omit section 37 of the Act which has become redundant. (Notes on Clauses).*

### **Sanctuaries or National Parks declared by Central Government**

**38. Power of Central Government to declare areas as sanctuaries or National Parks.** – (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 section 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 <sup>80</sup>[sections 18 to 35] (both inclusive), 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 section 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 sections 35, 54 and 55 shall apply in relation to such National Park as they apply in relation to a National Park declared by the State Government.

<sup>79</sup>. Prior to its omission, S. 37 read as under: - “37. Declaration of closed area. – (1) the State Government may, by notification, declare any 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).”

<sup>80</sup>. Substituted by Act 44 of 1991, S. 25, for “section 19 to 25” (w.e.f. 2-10-1991).

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

<sup>81</sup>[CHAPTER IV-A  
CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

**38-A. Constitution of Central Zoo Authority.** – (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.

**38-B. Term of office and conditions of service of chairperson and members, etc.** – (1) The chairperson and every member <sup>82</sup>[other than the member-secretary] shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(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 improvement 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 then authority, absent from three consecutive meeting 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 proceedings 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.

*This clause seeks to amend section 38-B of the Act so as to provide such tenure for member-secretary as is prescribed by the Central Government. (Notes on Clauses).*

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<sup>81</sup>. Inserted by Act 44 of 1991, S. 26 (w.e.f. 2-10-1991).

<sup>82</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 22 (w.e.f. 1-4-2003).**

**38-C. Functions of the Authority.** – 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;
- (a) recognise or derecognize zoos;
- (b) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;
- (c) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;
- (d) ensure maintenance of stud-books of endangered species of wild animals bred in captivity.
- (e) identify priorities and themes with regard to display of captive animals in a zoo;
- (f) co-ordinate training of zoo personnel in India and outside India;
- (g) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;
- (h) provide technical and other assistance to zoos for their proper management and development on scientific lines;
- (i) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

**38-D. 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 decision of the Authority shall be authenticated by the member-secretary or any other officer of the Authority duly authorized by the member-secretary in this behalf.

**38-E. Grants and loans to Authority and constitutions of Fund.** – (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 authorized 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.

**38-F. Annual report.** - The Authority shall prepare in such form and at such time, for each financial years, 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.

**38-G. 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.

**38-H. 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 recognized for a period of <sup>83</sup>[eighteen 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.

<sup>84</sup>[(1-A) 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.]

(2) Every application for recognition of a zoo shall be made to the Authority in such forms and on payment of such fees 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 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 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 in time.

*This clause seeks to insert a new sub-section in section 38-H of the Act requiring prior approval of the authority for establishing a new zoo. (Notes on Clauses).*

<sup>85</sup>[**38-I. Acquisition of animals by a zoo.** – (1) Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in Schedule I and II 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.]

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<sup>83</sup>. Substituted by Act 26 of 1996, S. 2, for “six months from the date of such commencement” (w.e.f. 4-8-1992).

<sup>84</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 23 (w.e.f. 1-4-2003).**

<sup>85</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 24, for S. 38-I (w.e.f. 1-4-2003).** Prior to its substitution, S. 38-I read as under: - “38-I. Acquisition of animals by a zoo. – Subject to the provision 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.”

*This clause seeks to substitute section 38-I of the Act to regulate acquisition, sale or transfer of wild animals as well as captive animals specified under Schedule I and II, with the prior permission of the Authority. It further provides that no zoo shall acquire, sell or transfer any animals except from or to a recognised zoo. (Notes on Clauses).*

**38-J. 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, of litter the ground in a zoo.]

## **CHAPTER V TRADE OR COMMERCE IN WILD ANIMALS, ANIMALS ARTICLES AND TROPHIES**

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

(a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or <sup>86</sup>[bred in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed by <sup>87</sup>[\*\*\*] mistake; and

(b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been omitted;

<sup>88</sup>(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.]

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 animal article, trophy, uncured trophy or meat <sup>89</sup>[derived from such animal or vehicle, vessel, weapon, trap or tool used in such hunting] shall be the property of the Central Government.

(2) Any person who obtains by any means, the possession of Government property, shall within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or the authorized 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 Wild Life 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.

## **COMMENTS**

*The language of S. 39 makes it clear that it is only when it is found that a vehicle has been used for committing an offence and has been seized under provision of the Act, that the same shall be the property of the Government. Thus, so long as the competent Court of law does not find that the vehicle had in fact been used for the purpose of the commission of the offence, the vehicle does not become the property of the State Government: Bal Kuntha Bihari Mohaputra v. State of Orissa 2001 Cr. L.J. 4151 (Ori.).*

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<sup>86</sup>. Substituted by Act 44 of 1991, S. 27, for "bred in captivity" (w.e.f. 2-10-1991).

<sup>87</sup>. Inserted by Act 44 of 1991, S. 27 (w.e.f. 2-10-1991).

<sup>88</sup>. Inserted by Act 44 of 1991, S. 27 (w.e.f. 2-10-1991).

<sup>89</sup>. Substituted by Act 44 of 1991, S. 27, for "derived from such anima" (w.e.f. 2-10-1991).



**40. Declarations.** – (1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II, <sup>90</sup>[or animal, article, trophy or uncured trophy] derived from such animal or salted or dried skins 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 Wild Life Warden or the authorised officer the number and description of the 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 Schedule I or Part II of Schedule II or any uncured trophy or meat derived from such animal, or Salted or dried skins of such animals or the musk of musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised office.

<sup>91</sup>[(2-A) 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.

(2-B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2-A) shall, within ninety days of such inheritance make a declaration o the Chief Wild Life Warden or the authorised officer and the provisions of sections 41 and 42 shall apply as if the declaration has been made under sub-section (1) of section 40:

Provided that nothing in sub-section (2-A) and (2-B) shall apply to live elephant.]

<sup>92</sup>[(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum.]

(4) The State Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer <sup>93</sup>[any animal or animal article] or trophy (other than a musk of musk deer or horn of rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession in such form, in such manner, and within such time, as may be prescribed.

*This clause seeks to amend section 40 of the Act to provide that the transfer of captive animals (other than live elephant), animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II shall be recognised only where such transfer is effected by way of inheritance. (Notes on Clauses).*

<sup>94</sup>**[40-A. Immunity in certain cases.** – (1) Notwithstanding anything contained in sub-section (2) and (4) o 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 animals specified in Schedule I or Part II of Schedule II 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 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.]

*This clause seeks to insert a new section 40-A providing for an opportunity to people for declaring those captive animal, animal article, trophy or uncured trophy specified to Schedule I or*

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<sup>90</sup>. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 25(i), for “or any uncured trophy” (w.e.f. 1-4-2003)

<sup>91</sup>. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 25(ii) (w.e.f. 1-4-2003).

<sup>92</sup>. Substituted by Act 44 of 1991, S. 28, for sub-S. (3) (w.e.f. 2-10-1191).

<sup>93</sup>. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 25(iii), for “any animal article” (w.e.f. 1-4-2003).

<sup>94</sup>. Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 26 (w.e.f. 1-4-2003).

*Part II of Schedule II for which declaration has not been made earlier and accordingly a provision has been made to provide immunity against legal action to such persons. (Notes on Clauses).*

**41. Inquiry and preparation of inventories.** – (1) On receipt of a declaration made under section 40, the Chief Wild Life 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 section 40;
- (b) make inquiries and prepare inventories of animal article, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I and Part II of Schedule II and found thereon; and
- (c) affix upon the animal, animal article, trophies or 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 Wild Life Warden may, for the purposes of section 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, uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification;

<sup>95</sup>[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.]

*This clause seeks to insert a proviso in section 42 of the Act whereunder the ownership certificate will be granted only to those applicants who have adequate facility for housing, maintenance and upkeep of the animal. (Notes on Clauses).*

<sup>96</sup>**43. Regulation of transfer of animal, etc.** – (1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which has a certificate of ownership

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<sup>95</sup>. **Added by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) S. 27 (w.e.f. 1-4-2003).**

<sup>96</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 28 for S. 43 (w.e.f. 1-4-2003).** Prior to its substitution, S. 43 read as under: - “43. Regulation of transfer of animal, etc. – (1) Subject to the provision of sub-section (2), sub-section (3) and sub-section (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 Schedule I or Part II of Schedule II or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom;

(b) make animal article containing part or whole of such animal;

(c) put under a process of taxidermy an uncured trophy of such animal;

(2) Where a person transfer 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 is 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 Wild Life 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 or transport it to be effected. Warden or the authorised officer within whose jurisdiction the transfer or transport it to be effected.

(4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wild Life 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 Wild Life 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--

\*[(a) to tail feather of peacock and the animal article or trophies made therefrom;]

shall transfer by way of sale or offer for sale or by any other mode of consideration of counterfoil 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-I, and transfer amongst zoos and public museums.]

*This clause seeks to substitute section 43 of the Act for prohibiting sale of animal, animal article, trophies and uncured trophies even by the persons who have ownership certificate. (Note on Clauses).*

**44. Dealing in trophy and animal articles without licence prohibited.** – (1) <sup>97</sup>[Subject to the provisions of Chapter V-A, 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

<sup>98</sup>[\*\*\*]

(ii) a taxidermist; or

(iii) a dealer in trophy or uncured trophy; or

(iv) a dealer in captive animals; or

(v) a dealer in meat; or

(b) cook or serve meat in any eating-house;

<sup>99</sup>[(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:

<sup>1</sup>[Provided further that nothing in this sub-section shall apply to the dealers in tail feather of peacock and articles made therefrom and the manufacturers of such articles.]

*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 for 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 Wild Life 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 Wild Life Warden or the authorised officer may place on 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, shall <sup>2</sup>[\*\*\*] make an application to the Chief Wild Life Warden or the authorised officer for the grant of a licence.

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\*[(b) to any transaction entered into by a recognised zoo subject to the provisions of section 38-I or by a public museum with any other recognised zoo or public museum].” - \* Substituted by Act 44 of 1991, S. 29 (w.e.f. 2-10-1991).

<sup>97</sup> Substituted by Act 28 of 1986, S. 2, for certain words (w.e.f. 25-11-1986).

<sup>98</sup>. Cl. (ia) omitted by Act 44 of 1991, S. 30 (w.e.f. 2-10-1991).

<sup>99</sup>. Inserted by Act 44 of 1991, S. 30 (w.e.f. 19-12-2000).

<sup>1</sup>. Substituted by Act 44 of 1991, S. 30, for the second proviso (w.e.f. 2-10-1991).

<sup>2</sup>. The words “within fifteen days from the commencement of this Act” omitted by Act 23 of 1982, S. 3 (w.e.f. 21-5-1982).

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

<sup>3</sup>(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implication which the grant of such licence would have in the status of wild life 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 Wild Life Warden or the authorised officer is satisfied that -

- (i) the application for such renewal has been made after the expiry of the period specified therefore; or
- (ii) any statement made by the applicant at the time of the grant of renewal of the licence was incorrect or false in material particulars, or
- (iii) the application has contravened any term or condition of the licence or any provision of this Act or any rule made thereunder, or
- (iv) the applicant does not fulfil 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-sections shall apply in relation to vermin.

**45. Suspension or cancellation of licences.** – Subject to any general or special order of the State Government, the Chief Wild Life Warden or the authorised officer may, for reasons to be recorded by him in writing, suspend or cancel any licence granted or renewed under section 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 section 44 or an order suspending or canceling a licence under section 45 shall lie -

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

(2) In the case of an order passed in appeal by the Chief Wild Life Warden under clause (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 thirty days from the date of communication, to the applicant, of the order appealed against:

Provided that the appellate authority 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.

**47. Maintenance of records.** – As 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 Wild Life 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 -

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<sup>3</sup>. Substituted by Act 23 of 1982, S. 3, for Cl. (b) (w.e.f. 21-5-1982).

(a) keep in his control, custody or possession, -  
(i) any animal, animal article, trophy, uncured trophy in respect of which a declaration under the provisions of sub-section (2) of section 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 or 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 Schedule I or Part II of Schedule II or any animal article, trophy, uncured trophy or meat derived therefrom a serve such meat, or put under a process of taxidermy 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, 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.

**<sup>4</sup>[48-A. Restriction on transportation of wild life.** – 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.]

**49. Purchase of captive animal, etc., by a 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:

<sup>5</sup>[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.]

**<sup>6</sup>[CHAPTER V-A  
PROHIBITION OF TRADE OR COMMERCE IN TROPHIES, ANIMAL ARTICLES, ETC.,  
DERIVED FROM CERTAIN ANIMALS**

**49-A. Definitions.** – In this Chapter, -

(a) “scheduled animal” means an animal specified for the time being in Schedule I or Part II of Schedule II;

(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 <sup>7</sup>[has been used but does not include tail feather of peacock, and article or trophy made therefrom and snake venom or its derivative;]

(c) “specified date” means -

(i) in relation to a scheduled animal on the commencement of the Wild Life (Protection) Amendment Act, 1986, the date of expiry of two months from such commencement;  
<sup>8</sup>[\*]

(ii) in relation to any animal added or transferred to Schedule I or Part II of Schedule II at any time after such commencement, the date of expiry of two months from such addition or transfer;

4. Inserted by Act 44 of 1991, S. 31 (w.e.f. 2-10-1991).

5. Substituted by Act 44 of 1991, S. 32 for the proviso (w.e.f. 2-10-1991).

6. Inserted by Act 28 of 1986, S. 3 (w.e.f. 25-11-1986).

7. Substituted by Act 44 of 1991, S. 33, for “has been used” (w.e.f. 2-10-1991).

8. The words “and” omitted by Act 44 of 1991, S. 33 (w.e.f. 1-10-1991).

<sup>9</sup>[(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.]

#### COMMENTS

*The ban imposed on trade in imported ivory and articles made therefrom, is not violatate of Art. 14 of the Constitution: Ivory Traders and Manufacturers Association v. UOI A.I.R. 1997 Del. 267 (F.B.).*

**49-B. Prohibition of dealings 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
  - <sup>10</sup>[(i-a) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or]
  - (ii) a taxidermist with respect to any scheduled animals or any parts of such animals; or
  - (iii) a dealer in trophy or uncured trophy derived from any scheduled animal; or
  - (iv) a dealer in any captive animals being scheduled animals; or
  - (v) a dealer in 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 section 44.

(2) Subject to the other provisions of this section, no licence granted or renewed under section 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in clause (a) of sub-section (1) of this section or the occupation referred to in clause (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 so to do 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 section 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-sections (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 section 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 authorization in writing of the Chief Wild Life Warden, for and on behalf of any person for educational or scientific purposes.

#### COMMENTS

*The ban imposed on trade in imported ivory and articles made therefrom, is not violatate of Art. 14 of the Constitution: Ivory Traders and Manufacturers Association V. UOI A.I.R. 1997 Del. 267 (F.B.).*

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<sup>9</sup>. Inserted by Act 44 of 1991, S. 33 (w.e.f. 2-10-1991).

<sup>10</sup>. Inserted by Act 44 of 1991, S. 34 (w.e.f. 2-10-1991).

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

(a) his stocks, if any, as at the end of the specified date of -

(i) scheduled animal articles;

(ii) scheduled animals and parts thereof;

(iii) trophies and uncured trophies derived from such scheduled animals;

(iv) Captive animal, being scheduled animals;

<sup>11</sup>[(v) ivory imported into India or articles made therefrom;]

(b) the place or 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 *bona fide* personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wild Life Warden or the authorised officer may take all or any of the measures specified in section 41 and for this purpose the provisions of section 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 Wild Life 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 Wild Life 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 section 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 of any person, whether by way of gift, sale or otherwise; or

(b) transfers or transport 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 Wild Life 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 <sup>12</sup>[any scheduled animal, a scheduled animal articles or ivory imported into India or any article made therefrom].]

## COMMENTS

*The ban imposed on trade in imported ivory and article made therefrom, is not violative of Art. 14 of the Constitution: Ivory Traders and Manufacturer Association V. UOI A.I.R. 1997 Del. 267 (F.B.).*

<sup>11</sup>. Inserted by Act 44 of 1991, S. 35 (w.e.f. 2-10-1991).

<sup>12</sup>. Substituted by Act 44 of 1991, S. 35, for “any scheduled animal or a scheduled animal article” (w.e.f. 2-10-1991).

**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 officer authorised by him in this behalf of the Chief Wild Life 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 <sup>13</sup>[trophy, uncured trophy, specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or other document granted to him or required to be kept by him under the provision 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;

<sup>14</sup>(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 kilometers of a sanctuary or National Park, inadvertently enters on a boat, not used for commercial fishing, in the territorial waters in the sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.]

<sup>15</sup>[\*\*\*]

(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.

<sup>16</sup>(3-A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or <sup>17</sup>[an Assistant Conservator of Forests], 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) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law <sup>18</sup>[under intimation to the Chief Wild Life Warden or the officer authorised by him in this regard].

(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 this Act.

<sup>19</sup>(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

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<sup>13</sup>. Substituted by Act 44 of 1991, S.36, for “trophy or uncured trophy” (w.e.f. 2-10-1991)

<sup>14</sup>. Substituted by Act 44 of 1991, S. 36, for Cl. (c) (w.e.f. 2-10-1991).

<sup>15</sup>. Sub-S. (2) omitted by Act 44 of 1991, S. 36 (w.e.f. 2-10-1991).

<sup>16</sup>. Inserted by Act 44 of 1991, S. 36 (w.e.f. 2-10-1991).

<sup>17</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 29 (i), for “Wild Life Warden” (w.e.f. 1-4-2003).**

<sup>18</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 29(ii) (w.e.f. 1-4-2003).**

<sup>19</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 29 (iii), for sub-S.(6) (w.e.f. 1-4-2003).** Prior to its substitution, sub-S. (6) read as under: - “(6)(a) 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 recognised officer may arrange for the sale of the same and deal with the proceeds of such sale in such manner as may be prescribed.



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.]

(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 clause (c) of sub-section (1), it shall be the duty of such person or persons to render such assistance.

<sup>20</sup>[(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 <sup>21</sup>[an officer not below the rank of an Assistant Conservator of Forests authorised by the State Government in this behalf] 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 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.]

*This clause seeks to amend section 50 of the Act so as to authorise the Assistant Conservator of Forests instead of Wild Life Warden for giving any seized captive or wild animal on execution of a bond by the accused. A provision has also made for banning the sale of the seized wild life articles. (Notes on Clause).*

#### COMMENTS

*The central Bureau of Investigation has jurisdiction to investigate an offence, which is punishable under the Wild Life (Protection) Act, 1972 as S. 50 of said Act not a complete Code: Moti Lal v. CBI A.I.R 2002 S.C, 1691.*

**51. Penalties.**—(1) Any person who <sup>22</sup>[contravenes any provisions of this Act <sup>23</sup>[(except Chapter V-A) and section 38-J)] 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 <sup>24</sup>[three years] or with fine which may extend to <sup>24</sup>[twenty-five thousand rupees] or with both:

<sup>25</sup>[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

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(b) Where it is proved that the \*[meat, uncured trophy, specified plant, or part or derivatives thereof] seized under the provisions of this section is not Government property, the proceeds of the sale shall be returned to the owner.” -\*Substituted by Act 44 of 1991, S. 36 (w.e.f. 2-10-1991).

<sup>20</sup>. Inserted by Act 44 of 1991 (S. 36 (w.e.f. 2-10-1991).

**21. Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 29(iv) for “Wild Life Warden” (w.e.f. 1-4-2003).**

<sup>22</sup>. Substituted by Act 28 of 1986, S. 4, for “contravenes any provisions of this Act” (w.e.f. 25-11-1986).

<sup>23</sup>. Substituted by Act 44 of 1991, S. 37, for “(except Chapter V-A)” (w.e.f. 2-10-1991).

<sup>24</sup>. Substituted by Act 44 of 1991, S. 37, for “two years” and “two thousand rupee” respectively (w.e.f. 2-10-1991)

**25. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 30 (i), for the first and second proviso (w.e.f. 1-4-2003).** Prior to their substitution, the first and second provisos read as under:--“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, or altering boundaries of] a sanctuary or National Park, such offence shall be punishable with imprisonment for a term which shall not be less than \*[five 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 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.]—Substituted by Act 44 of 1991, S. 37 (w.e.f. 2-10-1991.)

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.]

<sup>26</sup>[(1-A) Any person who contravenes any provisions of Chapter V-A, shall be punishable with imprisonment for a term which shall not be less than <sup>27</sup>[three years] but which may extend to seven years and also with fine which shall not be less than <sup>27</sup>[ten thousand rupees].]

<sup>28</sup>[(1-B) Any person who contravenes the provisions of section 38-J 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 with fine which 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, <sup>29</sup>[uncured 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, and 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 provision 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 1974), 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 (54 of 1959), for a period of five years from the date of conviction.

<sup>30</sup>[(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 against any provision of Chapter V-A unless such person is under eighteen years of age.]

*This clause seeks to amend section 51 of the Act so as to enhance the penalties against the offences relating to hunting of any animal specified in Schedule I or Part II of Schedule II or altering the boundaries of a sanctuary or National Park. (Notes on Clause).*

#### COMMENTS

*The offence envisaged by Ss. 9(1) and 51(1) in its ingredients and contents,, is not the same or substantially the same as S. 429, I.P. Code.*

*The ingredients of an offence under S. 9(1) read with S. 51 (1) require for its establishment certain ingredients which are not part of the offence under S. 429, I.P. Code and vice versa: State of Bihar V. Murad Ali Khan A.I.R. 1989 S.C. 1.*

<sup>31</sup>**[51-A Certain conditions to apply while granting bail.** – When any person accused of, the commission of any offence relating to Schedule I or Part II of Schedule II 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 (2 of 1974) 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

26. Inserted by Act 28 of 1986, S. 4 (w.e.f. 25-11-1986).

27. Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 30(ii), for “one year” and “five thousand rupees”, respectively (w.e.f. 1-4-2003).

28. Inserted by Act 44 of 1991, S. 37, (w.e.f. 2-10-1991).

29. Inserted by Act 44 of 1991, S. 37, for “uncured trophy or meat” (w.e.f. 2-10-1991).

30. Inserted by Act 44 of 1991, S. 37 (w.e.f. 2-10-1991).

31. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 31 (w.e.f. 1-4-2003).**

(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.]

*This clause seeks to insert a new section 51-A which provides that a person earlier convicted of committing an offence under this Act shall on committing an offence relating to any animal included in Schedule I or Part II of Schedule II or hunting inside the National Park or sanctuaries or altering the boundaries of such National Park and sanctuaries shall not be granted bail without hearing the Government counsel. (Notes on Clauses).*

**52. Attempts and abetment.** – Whoever attempts to contravene, or abets the contravention of, any of the provision of this Act or of any rule or 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 section 50, he shall, on conviction, be punishable with imprisonment for term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

<sup>32</sup>**54. Power to compound offences.**– (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 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.]

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<sup>32</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 32 for S. 54 (w.e.f. 1-4-2003).** Prior to its substitution, S. 54 read as under: - “54. Power to compound offences. – (1) \*[The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer and the State Government] may, by notification, empower the Chief Wild Life Warden or any officer of 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 has been seized as 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 clause (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 section 51, shall be compounded.” -\*Substituted by Act 44 of 1991, S.38 (w.e.f. 2-10-1991).

*This clause seeks to substitute section 54 of the Act to provide for the enhancement of amount fixed for the compounding of offences. (Notes on Clauses).*

<sup>33</sup>**55. Cognizance of offence.** – No Court shall take cognizance of any offence against this Act except 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

<sup>34</sup>[(aa) Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IV-A; or]

(b) the Chief Wild Life Warden or any other officer authorised in this behalf by the State Government <sup>35</sup>[subject to such conditions as may be specified by the Government]; or

<sup>36</sup>[(bb) the officer-in-charge of the zoo in respect of violation of provisions of section 38-J; or]

(c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and his intention to make a complaint to the Central Government or the State Government or the officer authorised as aforesaid.]

*This clause seeks to amend section 55 of the Act so as to empower the Member-Secretary of the Central Zoo Authority and officer in charge of the zoo to file the complaint in matters relating to violation of provisions contained in Chapter IV-A of the Act relating to establishment, recognition and management of zoos. (Notes on Clauses).*

## COMMENTS

*The Central Bureau of Investigation has jurisdiction to investigate an offence, which is punishable under the Wild Life (Protection) Act, 1972 as S. 50 of said Act is not a complete Code: Moti Lal V. CBI A.I.R. 2002 S.C. 1691.*

**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 constitute 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 an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, <sup>37</sup>[trophy, uncured trophy, specified plant, or part or derivative thereof] 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 <sup>38</sup>[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.

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<sup>33</sup>. Substituted by Act 44 of 1991, S. 40, for S. 55 (w.e.f. 2-10-1991).

<sup>34</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 33 (i) (w.e.f. 1-4-2003).**

<sup>35</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 33 (ii) (w.e.f. 1-4-2003).**

<sup>36</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 33 (iii) (w.e.f. 1-4-2003).**

<sup>37</sup>. Substituted by Act 44 of 1991, S. 40, for “trophy or uncured trophy” (w.e.f. 2-10-1991).

<sup>38</sup>. Substituted by Act 44 of 1991, S. 40, for “trophy or uncured trophy” (w.e.f. 2-10-1991).

(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 of the company, such 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 purposes 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.

### <sup>39</sup>[CHAPTER VI-A FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL HUNTING AND TRADE

**58-A. Application.** – The provision 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.

**58-B. Definitions.** – In this Chapter, unless the context otherwise requires, -

- (a) “Appellate Tribunal” means the Appellate Tribunal for Forfeited Property constituted under section 58-N;
- (b) “associate” in relation to a person whose property is liable to be forfeited under this Chapter, includes –
  - (i) any individuals, who had been or its 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 (1 of 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 person, body of individuals, partnership firm or private company referred to 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 percent 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 58-D;

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<sup>39</sup>. Chap. VI-A containing Ss. 58-A to 58-Y inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 34 (w.e.f. 1-4-2003).

(d) "concealment" means the concealment of 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 58-F;

(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 falling under item (A), or the income or earning 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 sub-clause (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.

**58-C. Prohibition of holding illegally acquired property.** – (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 in 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 relation to illegal hunting and trade of wild life and its products.

**58-D. Competent authority.** – 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.

**58-E. Identifying illegally acquired property.** – (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 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 such directions or guidelines as the competent authority may make or issue in this behalf.

**58-F. Seizure or freezing or illegally acquired property.** – (1) Where any officer conducting an inquiry or investigation under section 58-E 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 purpose 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 in favour of the value of the property of any other person.

**58-G. Management of properties seized or forfeited under this Chapter.** – (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 58-F or under section 58-I 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.

**58-H. Notice of forfeiture of property.** – (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, earning of assets, and any other information or material available to it as a result of a report from any officer making an investigation under section 58-E or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are legally 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 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, earning 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.

**58-I. Forfeiture of property in certain cases.** – (1) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 58-H, and the materials available before it and after giving to the person affected and in 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 all 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 provision 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 under section 58-H 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 (1 of 1956) or the article of association of the company, forthwith register the State Government as the transferee of such shares.

**58-J. Burden of proof.** – In any proceedings under this Chapter, the burden of proving that any property specified in the notice served under section 58-H is not illegally acquired property shall be on the person affected.

**58-K. Fine in lieu of forfeiture.** - (1) Where the competent authority makes a declaration that any property stands forfeited to the State Government under section 58-I 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-I and thereupon such property shall stand released.

**58-L. Procedure in relation to certain trust properties.** – In the case of any person referred to in sub-clause (vi) of clause (b) of section 58-B, if the competent authority, in 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 trustee, calling upon them within a period of thirty days



specified in the notice, to explain the source of money or other assets 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 58-H 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 contributors 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.

**58-M. Certain transfers to be null and void.** – Where after the making of an order under sub-section (1) of section 58-F or the issue of a notice under section 58-H or under section 58-L, 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 58-I, the transfer of such property shall be deemed to be null and void.

**58-N. Constitution of Appellate Tribunal.** - (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 the Government for hearing appeals against the orders made under section 58-F, section 58-I, sub-section (1) of section 58-K or section 58-L.

(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.

**58-O. Appeal.** – (1) Any person aggrieved by an order of the competent authority made under section 58-F, section 58-I, sub-section (1) of section 58-K or section 58-L 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 appeal 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.

**58-P. Notice or order not be invalid for error in description.** - 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.

**58-Q. Bar of jurisdiction.** – 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.

**58-R. Competent authority and Appellate Tribunal to have powers of Civil Court.** – 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 (5 of 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 commission for examination of witnesses or documents;
- (f) any other matter which may be prescribed.

**58-S. Information to competent authority.** – (1) Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to acquire 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 to in section 58-T 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.

**58-T. Certain officers to assist Administrator , competent authority and Appellate Tribunal.** – For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrative appointed under section 58-G, 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.

**58-U. Power to take possession.** - (1) Where any property has been declared to be forfeited to the State Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of section 58-K within the time allowed therefore under sub-section (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 58-G 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 to 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.

**58-V. Rectification of mistakes.** – With a view to rectifying any mistake apparent from record, the competent authority or the Appellate Tribunal, as the case may, be 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.

**58-W. Findings under other laws not conclusive for proceedings under this Chapter.** – No findings of any officer or authority under any other law shall be constitute for the purposes of any proceedings under this Chapter.

**58-X. Service of notices and orders.** – 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.

**58-Y. Punishment for acquiring property in relation to which proceedings have been taken, under this Chapter.** – 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.]

*This clause seeks to insert a new Chapter-VI-A relating to Forfeiture of Property Derived from illegal Hunting and Trade. This new Chapter contains similar provisions as are provided in the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985). The provisions of this Chapter will be applicable to all cases pertaining to hunting and illegal trade in wild animals and their derivatives relating to Schedule I and Part II of Schedule II of the Wild Life (Protection) Act, 1972.*

*In this regard necessary powers are being proposed to be given to the State Government under the various new sections which inter alia will authorise them to identify illegally acquired property from such acts and deeds (section 58-E), seizure or freezing of illegally acquired property (section 58-F), management of properties seized or forfeited under this Chapter (section 58-G) and constitution of Appellate Tribunal for the purposes of adjudication (section 58-N), etc.*

*This new Chapter VI-A is being inserted keeping in view the fact that the poaching and illegal trade of wild life and its derivatives has reached alarming proportion. These provisions will act as a strong deterrent for the organized mafias who have amassed huge wealth and property through illegal earnings (Note on Clauses).*

## **CHAPTER VII MISCELLANEOUS**

**59. Officers to be public servants.** – Every officer referred to <sup>40</sup>[in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter VI-A] 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 section 21 of the Indian Penal Code (45 of 1860).

**60. Protection of action taken in good faith.** – (1) No suit, prosecution or other legal proceedings shall lie against any officer or other employees 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 proceedings shall lie against the Central Government or the State Government or any of its officers or other employee 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.

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<sup>40</sup>. Substituted by Act 44 of Act 1991, S. 41, for “in Chapter II and” (w.e.f. 2-10-1991).

<sup>41</sup>[(3) No suit or other legal proceedings shall lie against the Authority referred to in Chapter IV-A 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.]

<sup>42</sup>**[60-A. 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 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 <sup>43</sup>[fifty per cent 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 <sup>44</sup>[fifty per cent of such money.]

*This clause seeks to amend section 60-A of the Act so as to increase the amount of rewards payable to the informers from twenty per cent. to fifty percent. of the proceeds of the fine. (Notes on Clauses).*

<sup>45</sup>**[60-B. Reward by State Government.** – 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.]

*This clause seeks to insert a new section 60-B in the Act so that the State Government may delegate power to the Chief Wild Life Warden in order to make payment of reward to the informers. (Notes on Clauses).*

**61. Power to alter entries in Schedule.** – (1) The Central Government may if it is of opinion that it is expedient so to do, by notification, <sup>46</sup>[add or delete any entry to or from any Schedule] or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.

<sup>47</sup>[\*\*\*]

(3) On the issue of a notification under sub-section (1) <sup>48</sup>[\*\*\*] 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.

<sup>47</sup>[\*\*\*]

**62. Declaration of certain wild animal to be vermin.** – <sup>49</sup>[The Central Government] may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

**63. Power of Central Government to make rules.** – <sup>50</sup>[(1) The Central Government may, by notification, make rules<sup>50-A</sup> for all or any of the following matters, namely: -

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<sup>41</sup>. Inserted by Act 44 of 1991, S. 42 (w.e.f. 2-10-1991).

<sup>42</sup>. Inserted by Act 44 of 1991, S. 43 (w.e.f. 2-10-1991).

<sup>43</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 35(i), for “twenty per cent. of such fine” (w.e.f. 1-4-2003)**

<sup>44</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 35(ii), for “twenty per cent. of such money” (w.e.f. 1-4-2003)**

<sup>45</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 36 (w.e.f. 1-4-2003).**

<sup>46</sup>. Substituted by Act 44 of 1991, S. 44, for “add any entry to any Schedule” (w.e.f. 2-10-1991).

<sup>47</sup>. Sub-Ss. (2) and (4), respectively omitted by Act 44 of 1991, S. 44 (w.e.f. 2-10-1991).

<sup>48</sup>. The Words “or sub-section (2)” omitted by Act 44 of 1991, S. 44 (w.e.f. 2-10-1991)

<sup>49</sup>. Substituted by Act 44 of 1991, S. 46, for “subject to the provisions of section 61, the State Government” (w.e.f. 2-10-1991).

<sup>50</sup>. Substituted by Act 44 of 1991, S. 46, for sub-S. (1) (w.e.f. 2-10-1991).

<sup>50-A</sup>. See the Wild Life Protection (Central) Rules, 1973 and Wild Life (Stock Declaration) Central Rules, 1973.

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17-F;

<sup>51</sup>[(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 5-A;]

(b) the salaries and allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of section 38-E;

(c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of section 38-B;

(d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38-F;

(e) the form in which and the time at which the annual report of the Central Zoo Authority shall be prepared under section 38-H;

(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 38-H;

(g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38-H;

(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 insofar as they relate to sanctuaries and National Park 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 sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

*This clause seeks to amend section 63 of the Act relating to rule making powers to the Central Government. (Notes on Clauses).*

**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 section 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:—

<sup>52</sup>[(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;]

(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, therefore;

(d) the conditions subject to which any licence or permit may be granted under this Act;

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<sup>51</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 37 (w.e.f. 1-4-2003).**

<sup>52</sup>. **Substituted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 38(i), for sub-Cls. (a) and (b) (w.e.f. 1-4-2003).** Prior to their substitution, sub-Cls. (a) and (b) read as under: - “(a) the term of office of the members of the Board referred to in clause (g) of sub-section (1) of section 6 and the manner of filling vacancies among them;

(b) allowances referred to in sub-section (4) of section 6;”

<sup>53</sup>[(*dd*) the conditions subject to which the officers will be authorised to file cases in the Court;]

(*e*) the particulars of the record of wild animals (captured or killed) to be kept and submitted by the licensee;

<sup>54</sup>[(*ee*) the manner in which measures for immunisation 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;

<sup>55</sup>[(*ga*) the manner and conditions subject to which the Administrator shall receive and manage the property under sub-section (2) of section 58-G;

(*gb*) the terms and conditions of service of the Chairman and other members under sub-section (3) of section 58-N;

(*gc*) the fund from which and the manner in which payment of reward under section 60-B shall be made;]

(*h*) any other matter which has to be, or may be, prescribed under this Act.

*This clause seeks to amend section 64 of the Act relating to rule making powers of the State Governments. (Notes on Clauses).*

**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. 40/67/F, No. G635, Vol. III, dated the 28<sup>th</sup> April, 1967, published at pages 1 to 5 of the Extraordinary issue of the Andaman and Nicobar Gazette, dated the 28<sup>th</sup> 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 it repugnant, to this Act or any provision contained in this Act, stand repealed:

Provided that such repeal shall not, –

(*i*) affect the previous operation of the Act so repealed, or anything 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 proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceedings or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid Act has not been repealed.

(2) Notwithstanding such repeal, -

(*a*) anything done or any 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 any 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.

<sup>53</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 38(ii) (w.e.f. 1-4-2003).**

<sup>54</sup>. Inserted by Act 44 of 1991, S. 47 (w.e.f. 2-10-1991).

<sup>55</sup>. **Inserted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), S. 38(iii) (w.e.f. 1-4-2003).**

(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 had not been extinguished under the said Act, at or before the commencement of this Act, the extinguished of such rights shall be made in accordance with the provisions of this Act.

<sup>56</sup>[(4) For the removal of doubts, it is hereby further declared that where any proceedings under any provisions 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 26-A.]

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<sup>56</sup>. Inserted by Act 44 of 1991, S. 48 (w.e.f. 2-10-1991).

## 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. FI-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 phocenooides*)
21. Lynx (*Felix lynx isabellinus*)
22. Malabar Civet (*Viverra megaspila*) ![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 hyllocrius*)
26. Nyan or Great Tibetan Sheep (*Ovis ammon hodgsoni*)
27. Pallas's Cat (*Felis manul*)
28. Pangolin (*Manis crassicaudata*)
29. Pygmy Hog (*Sus salvanius*) '[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.  
 [33-A. Snubfin Dolphin (*Oreaella brevezastris*)]  
 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*)] [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*)] [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. \*\*]  
 [1B. Audithia Turtle (*Pelochelys bibroni*)]  
 [1C. Barred, Oval, or Yellow Monitor Lizard (*Varanus flavescens*)]  
 [1D. Crocodiles (including the Estuarine or salt water crocodile) (*Crocodylus porosus* and *Crocodylus palustris*)]  
 [1E. Terrapin (*Batagur basika*)]  
 1F. Eastern Hill Terrapin (*Melanochelys tricarinata*)  
 2. Gharial (*Gravialis gangeticus*)  
 [3. Ganges Soft-shelled Turtle (*Trionyx gangeticus*)]  
 [3A. Golden Gecko (*Calodactyloides aureus*)]  
 4. Green Sea Turtle (*Chelonia Mydas*)  
 5. Hawksbill Turtle (*Eretmochelys imbricata iniscata*)  
 [6. \*\*\*]  
 7. Indian Egg-eating Snake (*Elachistodon westermanni*)  
 8. Indian Soft-shelled Turtle (*Lissemys punctata punctata*)  
 9-A. Kerala Forest Terrapin (*Hoesemys sylvatica*)  
 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 BIRDS

- 6[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. Forest-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 (*Syrnaticus 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-I, 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*)]  
[7B. Lesser Florican (*Sypheotides indica*)]  
[7C. Monal Pheasants (*Lophophorus impeyanus*, *Lophophorus Sclateri*)]  
8. Mountain Quail (*Ophrysia superciliosa*)  
9. Narcondam Hornbill [*Rhyticeros (undulatus) narcondami*] [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 (*Haliaeetus leucogaster*)  
17. White-eared Pheasant (*Crossoptilon crossoptilon*) [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 and amanesis)  
 21. Tibetan ear pheasant (Crossoptilon harmani) 22- Kalij pheasant (Lophura 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

Discophora deo deo Duffer, banded

Discophora sondaica muscina Duffer, common

Faunis faunula faunuloides 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.

Danaus gautama gautamoides Tigers

Euploea crameri nicevillei Crow, spotted Black

Euploea midamus roepstorfti Crow, Blue-spotted

Family Lycaenidae

Allotinus drumila Darkie, crenulate/Great

Allotinus fabius penormis Angled darkie

Amblopala avidiena Hairstreak, Chinese

Amblypodia ace arata Leaf

Blue

Amblypodia alea constanceae Rosy Oakblue

Amblypodia ammonariel Malayan Bush blue

Amblypodia arvina ardea Purple Brown tailless Oakblue

Amblypodia asopia Plain tailless Oakblue

Amblypodia comica Comic Oakblue

Amblypodia opalima Opal Oakblue

Amblypodia zeta Andaman tailless Oakblue

*Biduanda Melisa Cyana*

Biduanda melisa cyana Blue posy

Callophrys leechii Hairstreak, Ferruginous

Castalius rosomon alarbus Pierrot, common

Charana cephes Mandar in Blue, Cachar

Chloria othona Tit,

orchid

Deudorix epijarbas amatius Cornelian, scarce

Everes moorei Cupid, Moore's

Gerydus biggsii Bigg's Brownie

Gerydus symethus diopeithes Great Brownie

Heliophorus hybrida Sapphires

Horaga albimacula

Onyxes

Jamides ferrari

Caeruleans

Liphyra brassolis Butterfly, Moth

Listeria dudgenni Lister's hairstreak

Logania Watsoniana subsfasciata Mottle, Wasten's

Lycaenopsis binghami Hedge Blue

Lycaenopsis haraldus ananga Hedge Blue, Felder's

Lycaenopsis puspa prominens Common hedge Blue

Lycaenopsis quadriplaga dohertiya Naga hedge Blue

Nacaduba noreia hampsoni Lineblue, White-tipped  
 Poliommarus oritulus leela Greenish mountain Blue  
 Pratapa Ictes mishmia Royal, drak Blue  
 Simiskina phalena harterti Brilliant, Broadlanded  
 Sinthusia Virgo Spark,  
 Pale  
 Spindasis elwesi Silverline, Elwes's  
 Spindasis rukmini Silverline, Khaki  
 Strymoni mackwoodi Hairstreak, Mackwood's  
 Tajuria ister Royal, uncertain  
 Tajuria luculentus nela Royal, Chinese  
 Tajuria yajna yajna Royal, Chestnut and Black  
 Thecla ataxus zulla Wonderful hairstreak  
 Thecla bleti mendera Indian Purple hairstreak  
 Thecla lethra Watson's hairstreak  
 Thecla paona Paona hairstreak  
 Thecla pavo Peacock  
 hairstreak  
 Virchola smilis Guava  
 Blues Family Nymphalidae  
 Apatura ulupi ulupi Emperor, Tawny  
 Argynnis hegemone Silver-washed fritillary  
 Callnaga buddha  
 Freak  
 Charaxes durnfordi nicholi Rajah, Chestnut  
 Cirrochroa fasciata  
 Yeomen  
 Diadora nicevillei Siren,  
 Scarce  
 Dillpa morgiana 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  
 62 WILD LIFE (PROTECTION) ACT, 1972  
 SCHEDULE  
*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 stoliezkanuss* Ladakh Banded apollo  
*Polydorus coon sambilana* Common clubtail  
*Polydorus cerassipes* Black windmill  
*Polydorus hector* Crimson rose  
*Polydorus neville* Nevill's windmill  
*Polydorus plutonius pembedoni* Chinese windmill  
*Polydorus polla* Deniceyille's windmill  
 Family Pteridae  
*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* Tayler'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 doherryi persimilis* Five ring, Great  
 SCHEDULE \_\_\_\_\_ WILD LIFE (PROTECTION)  
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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. Cypraecassis 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

j \* \* \*

[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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\*\*»!

•p.

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 (Tyletrotitron 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-I, dt. 5-12-2001 & corrected vide corrigendum Noti.No. I-4/95/WL-I, 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 elegantula*  
*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*  
*Psyllidoes shira*  
*Sebaethe cervina*  
*Sebaethe patkaia*  
*Sphaeroderma brevicorne*

#### *Family Cucujidae*

*Carinophlocus raffrayi*

Cucujus bicolor  
Cucujus grouvelle  
Cucujus imperialis  
Heterojinussemilaetaneus  
Laemophloeus belli  
Laemophloeus 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 Inoepidae*  
Inoepus 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 theclodius nicobarica  
Iraota rochana boswelliana  
Jamides alectokandulana  
Jamides celeodus pura  
Jamides coerulea  
Jamides kankana  
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  
Pithecopus fulgens  
Polymmatius devanica devancia  
Polymmatius metallica metallica  
Polymmatius orbitulus jaloka  
Polymmatius yeonghusbandi  
Poritia erycinoides elsiei  
Poritia hewitsoni  
Poritia plsurata geta  
Pratapa bheta  
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 brahman  
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 francae  
Euthalia garuda acontius  
Euthalia lepidea  
Euthalia merta eriphyle  
Euthalia nara nara  
Euthalia patala taooana  
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  
Vanessa egea agnicula  
Vanessa lalburn  
Vanessa polychloros fervida  
Vanessa prarsoides dohertyi  
Vanessa 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 bootus

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 imerialis 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 stoliczkana miranda  
Delias lativitta  
Dercas lycorias  
Euchloe charltonia lucilla  
Eurema andersoni ormistoni  
Metaporia agathon  
Pieris deota  
Pontia chloridice alipina  
Saletara panda Chrysaeta  
Valeria avatar avatar  
*Family Satyridae*  
Anlocera brahminus  
Cyllogenes suradeva  
Elymnias malelas nilamba  
Elymnias vasudeva  
Erebia annada suroia  
Erebia hydriva  
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*)]  
 ][2B. Jackal (*Canis aureus*)]  
 ][2C. Jungle cat (*Felis chaus*)]  
 '[2D. Marmots (*Marmota bobak himalayana*, *Marmota caudata*)]  
 '[2E. Martens (*Martes foria intermedia*, *Martes flogigule*, *Martes gwatkinsii*)]  
 '[3. \*\*\*]  
 4. Otters (*Lutra*, *L. perspicillata*)  
 3[4-A. Pole cats (*Vormela peregusna*, *Mustila poturius*)  
 4-B. Red fox (*Vulpes vulpes*, *vulpes montana*, *vulpes griffithi*, *vulpes pusilla*)  
 '[5. Sloth bear (*Melursus ursinus*)]  
 ][5A. Sperm whale (*Physeter macrocephalus*)]  
 a[6. \*\*\*]  
 '[7. Weasells (*Mustela Sibirica*, *Mustela Kathian*, *Mustela Altaica*)]  
 '[8. Checkered keelback snake (*Xenochrophis piscatar*)]  
 9. Dhaman or rat snake (*Plyas 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 (Artaetium schistosum)
14. Russel's viper (Vipera ruselli)
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, 8[\*\*], 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. Hyaena (Hyaena hyaena) \*[13. \*\*\*]
14. Nilgai (Boselaphus tragocamelus)
- '[15. \*\*4]
16. Sambar (Cervus unicolor)
- '[17.
- '[18-19. 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. FI-28/78 FRY(WL), dt. 9-9-1980.
- 4 Inserted vide Noti. No. I-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. FI 28/78 FRY(WL), dt. 9-9-1980.
- 8 Vide Notification No. FJ11012/31 /76 FRY(WL), dt. 29-8-1977.

### 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. FI-28/78 FRY(WL), dt, 9-9-1980.
- 4 Inserted vide Noti. No. I-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. FI 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. Bustorda (Otididae)
  11. Bustard-Qualis (Turnicidae)
  12. Chloroppsis (Irenidae)
  13. Comb duck (Sarkidiornis melanotes)
  14. Coots (Rallidae)
  15. Cormorants (Phalacrocoracidie)
  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 lagger falcons (F. biarmicus), and the redheaded merlin (F. chicquera)
  25. Finches including the chaffinch (Fringillidae)
  26. Falmingos (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 (Pooicipididae)
32. Gerons (Ardeidae)
33. Ibises (Thereskiornithidae)
34. Iorars (Irenidae)
35. Jays (Corvidae)
36. Jacanas Gacnidae)
- 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. Nightjara (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. Thurushes (Turadinae)
- (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) Dasypeptidae (Egg-eating snakes)  
 (vi) Elapidae (Cobras; Kraits, and Coral Snakes)  
 (vii) Glauconndae  
 (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.)]  
 I[14. Three-keeled Turtle (*Geoemydas tricarinata*)]  
 I[15. Tortoise (Testudinidae, Tryonychidae)]  
 I[16. Viviparous toads (*Nectophrynoides* sp.)]  
 '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. FI 28/78 FRY(WL), dt. 9-9-1980.  
 2 Vide Notification No. SO 859(E). dt. 24-11-1986.  
 3 Vide Notification No. FI 28/78 FRY(WL), dt. 9-9-1980.  
*Pelopidas assamensis*  
*Pelopidas sinensis*  
*Polytrema discreta*  
*Polytrema rubricans*  
*Thoressa horiorei*  
*Family Lycaenidae*  
*Tarucus ananda*  
*Family Nymphalidae*  
*Euthalia lubentina*  
*Family Pieridae*  
*Aporia agathon ariaca*  
*Appias libythea*  
*Appiad nero galba Prioneris sita*  
 \*[19. Mollusca  
 (i) *Cypraea lamacina*  
 (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 siboldi*

- (xiv) *Trochus niloticus*
- (xv) *Turbo marmoratus*]

#### **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-I, dt. 19-2-2002.

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

#### **1[SCHEDULE VI**

(Section 2)

1. Beddome's 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 (*Ranantthera inschootiana*)]

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