

PART – I

**THE WILDLIFE
(PROTECTION) ACT, 1972**

With

**THE WILDLIFE (PROTECTION)
AMENDMENT ACT, 2002**

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 20th January, 2003 / Pausa 30, 1924 (saka)

The following Act of Parliament received the assent of the president on the 17th January, 2003, and is hereby published for general information: -

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2002

(No. 16 of 2003)

[17th January, 2003]

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

Be it enacted by the Parliament in the Fifty-third Year of the Republic of India as follows: -

CHAPTER I

Preliminary

[1. Short title, extent, and commencement, -

(1) This Act may be called the Wild Life (Protection) Amendment Act, 2002.

(2) It shall come into force on such date as the Central government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.]

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

2. [Definitions – An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.”]

[(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 [has been used and ivory imported into India and an article made therefrom].

(3) [Omitted 1991.]

[(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;

(6) [Omitted 1991.]

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

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

[(8) [Omitted 2002.]]

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

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

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

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

[(11) “dealer” in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;]

(12) “Director” means the person appointed as Director of Wildlife Preservation under C1 (a). of sub-section (1) of Sec. 3;

[(12A) “Forest Officer” means the Forest officer appointed under clause (2) of Sec. 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other act for the time being in force in a State;]

[(12B) “forest produce” shall have the same meaning as in sub-clause (b) of clause (4) of Sec. 2 of the Indian Forest Act, 1927 (16 of 1927);]

(13) [Omitted 1991.]

(14) “Government property” means property referred to in Sec.39; [or Sec.17H]

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

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

[(a) 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, [marshes and wetlands and also includes boulders and rocks;]

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

[(18A) “livestock” means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedule I to V;]

[(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;]

[(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;]

[(21) “National Board” means the National Board for Wild Life Constituted under Sec. 5A;]

(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;

[(24A) “protected area” means a national Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;]

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

[(25A) “recognized zoo” means a zoo recognized under Sec. 38H;]

[(25B) “reserve forest” means the forest declare to be reserved by the State Government under Sec. 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 Sec. 66;]

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

[(28) [Omitted 2002.]]

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

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

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

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

- (a) rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy, and
- [(b) antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;]

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

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

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

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

[(36) “wild animal” means any animal specified in Schedules I and IV and found wild in nature;]

[(37) “wild life” includes any animal, aquatic or land vegetation which forms part of any habitat;]

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

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

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

1. Andaman and Nicobar, w.e.f. 1st July 1973, vide G.S.R.332 (E), dated 1st July, 1973.
2. Andhra Pradesh, w.e.f. 1st July 1973, vide G.S.R.371 (E), dated 1st August, 1973.
3. Arunachal Pradesh, w.e.f. 15th May 1973.
4. Assam, w.e.f. 25th January 1977, vide G.S.R.33 (E), dated 25th January, 1977.
5. Bihar, w.e.f. 1st February 1973, vide G.S.R.40 (E), dated 1st February, 1973.
6. Dadra and Nagar Haveli, w.e.f. 1st September 1973, vide G.S.R.441 (E), dated 1st September, 1973.
7. Delhi, w.e.f. 1st June 1973.
8. Goa, Daman and Diu, w.e.f. 16th July 1973, vide G.S.R.629 (E), dated 16th July, 1973.
9. Gujarat, w.e.f. 1st February 1973, vide G.S.R.62 (E), dated 1st February, 1973.
10. Haryana, w.e.f. 12th March 1973, vide G.S.R.63 (E), dated 12th March, 1973.
11. Himachal Pradesh, w.e.f. 2nd April 1973, vide G.S.R.190 (E), dated 2nd April, 1973.
12. Kerala, w.e.f. 1st June 1973, vide G.S.R.293 (E), dated 1st June, 1973.
13. Lakshdweep, w.e.f. 1st November 1973, vide G.S.R.481 (E), dated 1st November, 1973.
14. Madhya Pradesh, w.e.f. 25th January 1973, vide G.S.R.28 (E), dated 25th January, 1973.
15. Maharashtra, w.e.f. 1st June 1973, vide G.S.R.296 (E), dated 1st June, 1973.

16. Manipur, w.e.f. 15th May 1973, vide G.S.R.269 (E), dated 15th May, 1973.
17. Meghalaya, w.e.f. 1st April 1977.
18. Mizoram, w.e.f. 1st October 1974, vide G.S.R.407 (E), dated 1st October, 1974.
19. Mysore, w.e.f. 1st July 1973, vide G.S.R.355 (E), dated 1st July, 1973.
20. Nagaland, w.e.f. 18th December 1981, vide G.S.R.668 (E), dated 18th December, 1981.
21. Orissa, w.e.f. 14th August 1974, vide G.S.R.364 (E), dated 14th August, 1974.
22. Punjab, w.e.f. 1st April 1975.
23. Rajasthan, w.e.f. 1st September 1973, vide G.S.R.410 (E), dated 1st September, 1973.
24. Sikkim, w.e.f. 1st May 1976, vide G.S.R.311 (E), dated 1st May, 1976.
25. Tamil Nadu, w.e.f. 1st January 1974.
26. Tripura, w.e.f. 2nd October 1973, vide G.S.R.465 (E), dated 2nd October, 1973.
27. Union Territory of Chandigarh, w.e.f. 2nd December 1974, vide G.S.R.674 (E), dated 2nd December, 1974.
28. Union Territory of Pondicherry, w.e.f. 1st March 1975, vide G.S.R.62 (E), dated 1st March, 1975.
29. Uttar Pradesh, w.e.f. 1st February, 1973.
30. West Bengal, w.e.f. 1st May 1973, vide G.S.R.24 (E), dated 1st May, 1973.

CHAPTER II

Authorities to be appointed or constituted under this Act

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

- (a) a Director of Wildlife Preservation;
- [(b) [Omitted 2002.]]
- (c) such other officers and employees as may be necessary.

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

[(3) The Officers and other employees appointed under this section shall be required to assist the Director.]

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

- (a) Chief Wildlife Warden;[***]
- (b) Wildlife Wardens;
- [(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 Wildlife Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.

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

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

(2) The Chief Wildlife Warden may, with the previous approval of the State Government, by order in writing, delegate all or any of his powers and duties under this Act, except those under C1. (a) of sub-section (1) of Sec.11, to any officer subordinate to him subject to such conditions, if any, be specified in the order.

(3) Subject to any general or special direction given or condition imposed by the Director or the Chief Wildlife Warden, any person, authorised by the Director or the

Chief Wildlife Warden to exercise any powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

[5A. 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 organizations to be nominated by Central Government;
- (f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;
- (g) the Secretary to the Government of India in-charge of the Ministry or Department of the Central government dealing with Forests and Wild Life;
- (h) the Chief of the Army Staff;
- (i) the Secretary to the Government of India in-charge of the Ministry of Defence;
- (j) the Secretary to the Government of India in-charge of the Ministry of Information and Broadcasting;
- (k) the Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;
- (l) the Secretary to the Government of India, Ministry of Tribal Welfare;
- (m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (n) the Director-General of Tourism, Government of India;
- (o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;
- (p) the Director, Wild Life Institute of India, Dehradun;
- (q) the Director, Zoological Survey of India;
- (r) the Director, Botanical Survey of India;
- (s) the Director, Indian Veterinary Research Institute;
- (t) the Member-Secretary, Central Zoo Authority;
- (u) the Director, National Institute of Oceanography;
- (v) one representative each from ten States and Union Territories by rotation, to be nominated by the Central Government;
- (w) the Director of Wild life Preservation who shall be the Member-Secretary of the National Board.

(2) The term of office of the members other than those who are members *ex officio*, the manner of filling vacancies referred to in clauses (e), (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.]

[5B. 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 committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.]

[5C. 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 once in two years on wild life in the country.]

Comments

Complaint filled after sanction is maintainable: - In view of Rule 31 of the Bihar Wild Life Protection Rules, 1973, even besides the Chief Wild Life Warden, the Divisional Forest Officer or the Deputy Conservator of Forests are also entitled to file complaint. In a case Jagdish Singh vs State of Bihar the complaint was filed after obtaining sanction from the Divisional Forest Officer who was authorised to file the complaint. It may be relevant to mention here that sec.5 (2) of the Wild Life (Protection) Act (herein after the Act) also gives power to the authorities concerned to delegate his powers to any of his subordinate officers. Therefore, it count not be said that no other person except the Chief Wild Life Warden or such other officer who has been authorized by the State Government can file a complaint upon which cognizance can be taken.

[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 Forests and Wild Life – Vice-Chairperson;
- (c) three members of the State Legislature or in the case of an Union Territory with Legislature, two members of the Legislative Assembly of that Union Territory;
- (d) three persons to represent non-government organizations 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 representative of the Scheduled Tribes;
- (f) the Secretary to the State Government or the Government of the Union Territory, as the case may be, in-charge of Forests and Wild Life;
- (g) the Officer in-charge of the State Forest Department;
- (h) the Secretary to the State Government, Department of Tribal Welfare;
- (i) the Managing Director, State Tourism Development Corporation;
- (j) an officer of the State Police Department not below the rank of Inspector General;
- (k) a representative of the Armed Force 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.]

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

[(2) The term of the office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clauses (d) and (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.]

[(3) The member (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.]

(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.

Comments

As per the guidelines issued by the Central Government, the appointments of Regional Representatives of Indian Board for Wildlife in the Wildlife Advisory Boards of States/ Union Territories should be covered by the provisions of Sec. 6(1) (g) of the act. Whereas establishment of Wildlife Advisory Boards in states and Union Territories has statutory support under this Act, such support is not available to the Indian Board for Wildlife which is the highest advisory body to the Central Government in matters of Wildlife.

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

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

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

8. Duties of the Wildlife Advisory Board. - [(1) It shall be the duty of the State Board for Wild Life to advise the State Government, -

[(a) in the selection and management of areas to be declared as protected areas;]

[(b) in formulation of the policy of protection and conservation of Wildlife and specified plants;]

(c) in any matter relating to any schedule;

[(cc) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife; and]

(d) in any matter that may be referred to it by the State Government.

CHAPTER III

Hunting of Wild Animals

- [9. **Prohibition of Hunting.** - No person shall hunt any wild animal specified in Schedule, I, II, III and IV except as provided under Sec.11 and Sec.12.]

Comments

Section 9 of the Act says that no person shall hunt any wild animal specified in Schedule 1, Elephant is included in Schedule I, State of Bihar vs Murad Ali Baig Air 1989 SCI.

10. [Omitted 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 Wildlife Warden may, if he is satisfied that any wild animal specified in Sch.1 has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefore, permit any person to hunt such animal or cause animal to be hunted; [Provided that no wild animal shall be ordered to be killed unless the Chief Wildlife Warden is satisfied that such animal cannot be captured, tranquillised or translocated:

Provide further that no such captured animal shall be kept in captivity unless the Chief Wildlife 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 Wildlife Warden or the authorised officer may, if he is satisfied that any wild animal specified in Sch.II, Sch.III or Sch.IV has become dangerous to human life or to property (including standing crops or 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 [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 any other person shall not be an offence;

Provided that nothing in the 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 nay rule or order made there under.

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

Comments

Conviction contrary to the provisions of Sec.11 is liable to be set aside. – To decide whether in killing an animal the accused acted in self-defence or not, the nature and ferocity of the animal will be relevant. A tiger is, what the Romans called, a *ferae naturae* (by nature of dangerous ferocity), as distinguished from a *mansuatae naturae*, e.g. a dog or a horse, which have in individual cases given indication of a vicious or dangerous disposition. In the case of attack by a *ferae naturae* the victim cannot be expected to weight the chances in golden scale and consequently, the inference that he was acting in defence of his own life, will be more easily drawn than in the case of an attack by a *mansuatae naturae*, while no such inference ay be drawn at all in cases of harmless Wildlife like birds.

On the basis of facts and circumstances of the case there can be no doubt that the accused acted in defence of his life and his act did commensurate with defence. It is clearly a case of killing the tiger in good faith in defence of one self and it cannot be said that the accuse was committing any offence prior to shooting the tiger that charged at him. Therefore, he will be completely protected under sub-section (2) of Sec.11.

The impugned order of conviction and sentence is contrary to the provisions of Sec.11 of the Act and as such it is liable to be set aside.

11(1) (a) should be enlarged so as to cover damage to property including standing crops, by animals specified in Sch. I, because under the current provisions the chief Wildlife Warden cannot of his own take action and is required to take approval from the Central Government. This causes a lot of delay in removing the destructive animal and results in inconvenience to the local people. Such problems have become particularly frequent since the status of the elephant was raised from Sch. II Part I to Sch. I.

12. Grant of permit for special purpose. – Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wildlife Warden, to grant [***] 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;
- [(b) scientific research;
- (bb) scientific management;

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

- (i) translocation of any wild animal to an alternative suitable habitat;
or
- (ii) population management of wildlife, without killing or poisoning or destroying any wild animals].
- [(c) Collection of specimens –
 - (i) for recognised zoos subject to the permission under Sec. 38-I or
 - (ii) for museums and similar institutions;
- (e) derivation, collection or preparation of snake-venom for the manufacture of life saving drugs.]

[Provided that no such permit shall be granted:

- (a) in respect of any wild animal specified in Sch. 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. [Omitted 1991.]

14. [Omitted 1991.]

15. [Omitted 1991.]

16. [Omitted 1991.]

17. [Omitted 1991.]

[CHAPTER III A]
PROTECTION OF SPECIFIED PLANTS

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

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

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

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

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

(a) education;

(b) scientific research;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17H. Plants to be Government property. – (1) Every specified 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 Sec. 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof as they apply in relation to wild animals and articles referred to in sub-section (1) of that section.

CHAPTER IV

[PROTECTED AREAS]

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

[18A. Protection of sanctuaries. – (1) When the State government declares its intention under sub-section (1) of Sec. 18 to constitute any area, not compromised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the provisions of Secs. 27 to 33A (both inclusive) shall come into effect forthwith.

(2) Till such time as the rights of affected persons are finally settled under Secs. 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.]

[18B. 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 Sec. 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 Sec. 18.]

Comments

Order without jurisdiction can be set aside: - The petitioners have been staying within the area described in the notices before passing of the orders with their hearths and homes and also have cultivable lands. The impugned orders were purported to have been made under the provisions of the Wild Life Sanctuary (Protection) Act, 1972, under which there may be a declaration of sanctuary by virtue of the provisions of Sec. 18 of the Act. It is found out from the records that under Sec. 18 of the Act a notification has been issued on 20th January, 1976, by the Development Commissioner, ex officio secretary to the Government of Mizoram, declaring the area given in that notification as Dampa Wildlife Sanctuary. It appears that the respondents have not followed any of the provisions of Chapter IV of the Act. It is true that the respondents are entitled to declare any area under Sec. 18 of the Act but that can be done only after following the provisions contained in the Act. The respondents can take follow up actions for a evicting persons from the area falling within the declared sanctuary in accordance with the provisions as contained in Chapter IV of the Act. None of these things has been found to be followed by the respondents in passing the orders prejudicially affecting the petitioners. Therefore, the impugned orders are not sustainable in law and accordingly deserved to be quashed.

- 19. Collector to determine rights.** – [When a notification has been issued under Sec. 18,] the Collector shall inquire into, and determine the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.
- 20. Bar of accrual of rights.** – After the issue of a notification under Sec. 18, no right shall be acquired in, or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.
- 21. Proclamation by Collector.** – When a notification has been issued under Sec. 18 the Collector shall, [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 limits of the sanctuary ;
and
 - (b) requiring any person claiming any right mentioned in Sec. 19, to prefer before the Collector within two months from the date of such proclamation, a written claim in the prescribed form specifying the nature and extent of such right with necessary details and the amount and particulars of the compensation, if any, claimed in respect thereof.
- 22. Inquiry by Collector.** – The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into -
- (a) the claim preferred before him under Cl. (b) of Sec. 21, and
 - (b) the existence of any right mentioned in Sec. 19 and not claimed under Cl. (b) of Sec. 21,
- so far as the same may be ascertainable from the records of the State Governments 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 authorised any other officer to do so;
 - (c) the same powers as are vested in a civil court for the trial of suits.
 - (d)
- 24. Acquisition of rights.** – (1) In the case of a claim to a right in or over any land referred to in Sec. 19, the Collector shall pass an order admitting or rejecting the same in whole or in part.
- (2) If such claim is admitted in whole or in part, the Collector may either –
- (a) exclude such land from the limits of the proposed sanctuary, or

(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or the holder of rights and the Government the owner or holder of rights has agreed to surrender his rights to the Government in or over such land, and payment of such compensation, as is provided in the Land Acquisition Act, 1894(1 of 1894).

[(c) allow, in consultation with the Chief Wildlife Warden, the continuance of any right of any person in, or over any land within the limits of the sanctuary.]

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

(a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894 (1 of 1894);

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under Sec. 9 of that Act;

(c) the provisions of the sections proceeding Sec. 9 of that Act shall be deemed to have been complied with;

(d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of Sec. 18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief, against the award under the provision of Part III of the Act;

(e) the Collector, with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and

(f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government provide for an alternative public way or common pasture, as far as may be practicable or convenient.

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

[25A. Time limit for completion of acquisition proceedings. – (1) The Collector shall, as far as possible, complete the proceedings under Sec. 19 to 25 (both inclusive), within a period of two years from the date of notification of declaration of sanctuary under Sec. 18.

(2) The notification shall not lapse if, for any reason, the proceedings are not completed within a period of two years.]

26. Delegation of Collector's powers. – The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under Sec.19 to 25 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

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

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

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

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

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

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

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

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

- (a) a public servant on duty;
- (b) a person who has been permitted by the chief Wildlife Warden or the authorised officer to reside within the limits of the sanctuary;
- (c) a person who has any right over immovable property within the limits of the sanctuary;
- (d) a person passing through the sanctuary along a public highway; and
- (e) the dependents of the person referred to in Cl. (a), (b) or (c).

shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under Sec.28.

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

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

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

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

(d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and

(e) to assist any forest officer, Chief Wildlife Warden, Wildlife Warden or police officer demanding his aid for preventing and commission of any offence against this Act or in the investigation of any such offence.

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

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

28. Grant of permit. – (1) The Chief Wildlife Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:

(a) investigation or study of wildlife and purposes ancillary or incidental thereof;

(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.

[29. Destruction, etc., in a sanctuary prohibited without a permit. – No person shall destroy, exploit or remove any wildlife including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the chief Wildlife Warden, and no such permit shall be granted unless the State government being satisfied in consultation with the Board that such removal of wildlife from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal *bona fide* needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

Explanation. – for the purpose of this section, grazing or movement of livestock permitted under Cl. (d) of Sec. 33 shall not be deemed to be an act prohibited under this section.]

30. **Causing fire prohibited.** – No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.
31. **Prohibition of entry into sanctuary with weapon.** – no person shall enter a sanctuary with any weapon except for the previous permission in writing of the Chief Wildlife Warden or the authorised officer.
32. **Ban on use of injurious substances.** – no person shall use in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wildlife in such sanctuary.
33. **Control of sanctuaries.** – The Chief Wildlife Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,

(a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary:

[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 prevention of the sanctuary and wild animals therein;

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

(d) may regulate, control or prohibit, in keeping with the interests of wildlife, the grazing or movement of [livestock]

(e) [Omitted 1991.]

[33A. Immunisation of livestock. – (1) The Chief Wildlife Warden shall take such measures in such manner as may be prescribed, for immunisation against communicable diseases of the livestock kept in or within five kilometres of the sanctuary.

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

[33B. Advisory Committee. – (1) The State Government shall constitute an Advisory Committee consisting of the Chief Wildlife Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of 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 wildlife conservation, one representative each from departments dealing with Home and Veterinary matters, Honorary Wildlife 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.]

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 kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959 (54 of 1959), for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee, and within such time as may be prescribed, to the Chief Wildlife Warden or the authorised officer, for the registration of his name.

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

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

[34A. 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 unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:

Provided that no such order shall be passed unless the affected person is given an opportunity of being heard.

(2) The provisions of this section shall apply notwithstanding any other penalty which may be inflicted for violation of any other provision of this Act.]

National Parks

35. Declaration of National Parks. – (1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reasons 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 wildlife therein on its environment, it may, by notification, declare its intention to constitute such area as a National Park:

[Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of Sec.26A shall, as far as may be, apply in relation to the declaration of National Park as they apply in relation to the declaration of a sanctuary.]

(2) The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.

(3) Where any area is intended to be declared as a national Park, the provisions of Sec. [19 to 26A (both inclusive except clause (c) of sub-section (2) of Sec.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.

[(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 Wildlife 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 Wildlife Warden, and no such permit shall be granted unless the State Government being satisfied

in consultation with the National Board that such removal of wild life from the National Park or the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a National Park, the same may be used for meeting the personal *bona fide* needs of the people living in and around the National Park and shall not be used for any commercial purposes.]

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

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

[*Explanation.* – For the purposes of this section, in case of an area whether within a sanctuary or not, where the rights have been extinguished and the land has become vested in the State Government under any Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under Secs.19 to 26 (both inclusive) and the provision of sub-sections (3) and (4) of this section shall not apply.]

36. [Omitted 1991.]

[36A. 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 by the Central Government, its Prior concurrence shall be obtained before making such declaration.

(2) The provisions of sub-section (2) of Sec.18, sub-sections (2), (3) and (4) of Sec.27, Secs.30, 32 and Cls. (b) and (c) of Sec.33 shall, as far as may be, apply in relation to a conservation reserve as they apply in relation to a sanctuary.]

[36B. Conservation reserve management committee. – (1) The State Government shall constitute a conservation reserve management committee to advise the Chief Wildlife Warden to conserve, manage and maintain the conservation reserve.

(2) The committee shall consist of a representative of the forest or Wild Life Department, who shall be the Member-Secretary of the Committee, one representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-governmental organisations working in the field of wild life conservation and one representative each fro the Department of Agriculture and Animal Husbandry.

(3) The Committee shall regulate its own procedure including the quorum.]

[36C. 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 conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.

(2) The provisions for sub-section (20 of sec. 18 sub-sections (20, (3) and (4) of Sec.27, Sec.30, 32 and Cls. (b) and (c) of Sec. 33 shall, as far as may be, apply in relation to a community reserve as they apply in relation to a sanctuary.

(3) After the issue of notification under sub-section (1), no change in the land use pattern shall be made within the community reserve, except in accordance with a resolution passed by the management committee and approval of the same by the State Government.]

[36D. 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 live representatives nominated by the Village Panchayat or where such Panchayat does not exist by the member 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 the habitat in the reserve.

(4) The committee shall elect a Chairman who shall also be the honorary Wild Life Warden of the community reserve.

(5) The committee shall regulate its own procedure including the quorum.]

Closed Area

[37. [Omitted 2002.]]

Sanctuaries or National Park declared by Central Government

38. Power of Central Government to declare areas as Sanctuaries or National Park, -

(1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a Sanctuary, to the Central Government, the Central government may, if it is satisfied that the conditions specified in Sec.18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a

sanctuary and the provisions of [Sec.18 to 35 (both inclusive)], 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

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

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

[CHAPTER IVA]
CNTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

38A. Constitution of Central 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Authority shall regulate its own procedure.

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

38E. Grants and loans to Authority and constitution of 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 there to any grants and loans of such sums of money as the Government may consider necessary.

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

(4) The Authority shall maintain proper accounts and other relevant records and prepare the 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 the Auditor-General.

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

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

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

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

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

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

[(1A) On and after the commencement of the Wild Life (Protection) Amendment Act, 2002 a zoo shall not be established without obtaining the prior approval of the Authority.]

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

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

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

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

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

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

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

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

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

[38I. 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 Schedules 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.

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

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

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

(a) wild animal, other than vermin, which is hunted under Sec.11 or Sec.29 or sub-section (6) of Sec.35 or kept or [bred in captivity or hunted] in contravention of any provisions of this Act or any rule or order made thereunder, or found dead, or killed by [***] mistake;

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

[(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed;

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provision of this Act.]

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

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

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

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

(b) transfer to any person, whether by way of gift, sale or otherwise, or

(c) destroy or damage

such Government property.

Comments

Defective charge. – A reading of the charge shows that all that had been referred to therein is that the petitioner had displayed for sale of lizard and snake skin articles without declaring the same to the Chief Wildlife Warden. That no particulars whatsoever have been afforded as to what articles were seized, or which were the subject-matter of the charge, nor have any particulars been given as to species of lizards or snakes of which the articles are said to have been made, or for that matter no clue whatsoever has been afforded so to whether these articles referred to in the charge were made of any of those species specified in any of the Schedules of the Wild Life (Protection) Act, 1972. That the charges being defective, the plea of guilt of the accused would be immaterial and of no consequence whatsoever and the conviction must hence fail. Thus it could be said that in so far as the charge is concerned, this too admits of several infirmities.

Ownership of the elephant who voluntarily quit the reserve forest and entered the private land where it died. - Determination of. – It is clear whatever might be the position in regard to live animals, as regards wild animals which are found dead in a private land the owner of the land is entitled to claim the ownership of the dead animal, and that the bodies of wild animal which are found on a particular land become the absolute property of the owner of the soil even if killed by a trespasser, unless the trespasser chased the animal on the land of one person and killed it on the land of another. Admittedly, the animal was found dead in the *patta* land of the appellant. The dead elephant in question had not been chased or pursued by the forest authorities, but it had been shot at by some unknown person and it voluntarily quit the reserve forest and entered the private land where it died. In this view, the order of the lower Appellate Court cannot be sustained.

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

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

[(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 acquire, receive, keep in his control, custody or possession any captive animal article, trophy or uncured trophy specified in Sch. 1 or Part II of Sch. II, except by way of inheritance.]

[(2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief wildlife Warden or the authorised officer and the provisions for Sec.41 and 42 shall apply as if the declaration had been made under sub-section (1) of Sec.40:

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

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

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

[40A. Immunity in certain cases. – (1) Notwithstanding anything contained in sub-sections (2) and (4) of Sec.40 of this Act, the Central Government may, by notification, require any person to declare to the Chief Wildlife warden or the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animal specified in Sch. I or Part II of Sch. 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 Sec.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 Sec.40 of this Act at any time before the commencement of the Wild Life (Protection) Amendment Act, 2002 shall not be proceeded with and all pending proceedings shall stand abated.

(3) Any captive animal, animal article, trophy or uncured trophy declared under sub-section (1), shall be dealt in with such manner and subject to such conditions as may be prescribed.]

Comments

Offence. – When could not be said to be made out. – The admission by the petitioner-accused can only extend to the factual part incorporated in the charge, viz; that certain articles were seized from him and that he did not have or possess any certificates or documents issued by the authorities under the Wildlife (Protection) Act, 1972. But this cannot mean that the petitioner-accused admitted that the articles that were seized from him did require such documents as specified by the Wildlife (Protection) Act, 1972. This could have arisen only provided that the charge went further to state that the skins used in said articles were of the species of lizards or snakes mentioned in the Schedules. Looking to the nature of the complaint and the texture of the evidence led in this case, it is apparent that the petitioner never intend by his plea of guilty to admit more than the facts alleged against him were true. On the facts before the Court no offence has been made out, and the plea of guilty must be held to be immaterial in these circumstances.

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

- (a) enter upon the premises of a person referred to in Sec. 40;
- (b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins, and captive animals specified in Sch. I and Part II of Sch. II and found thereon; and
- (c) affix upon the animals, animal articles, 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 Wildlife Warden may, for the purpose of Sec. 40, issue a certificate of ownership in such form, as may be prescribed, to nay person who, in his opinion, is in lawful possession of any wild animal or animal article, trophy, or uncured trophy, and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for the purpose of identification.

[Provided that before issuing the certificate of ownership in respect of any captive animal, the Chief wildlife Warden shall ensure that the applicant has adequate facilities for housing, maintenance and upkeep of the animal.]

[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 he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

(2) Where a person transfers or transport 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 transfer or transport, report the transfer or transport to the Chief wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) 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 provision of Sec. 38I, and transfer amongst zoos and public museums.]

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

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

(a) shall issue a certificate of ownership after such inquiry as he may deem fit;

(b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer have been effected;

(c) may affix an identification mark on any such animal, animal article, trophy or uncured trophy.

2) Nothing in this section shall apply –

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

[(b) to any transaction entered into by a recognised zoo subject to the provisions of Sec. 38I or by a public museum with any other recognised zoo or public museum.]

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

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

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

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

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

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

[(b) no licence referred to in sub-section (1) shall be granted unless the Chief Wildlife Warden or the authorised officer having regard to the antecedents and previous

experience of the applicant, the implications which the grant of such licence would have on the status of wildlife and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted].

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

(6) Every licence granted under this section shall -

- (a) be valid for one year from the date of its grant;
- (b) not be transferable; and
- (c) be renewable for a period not exceeding one year at a time.

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

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

Comments

Accused – When ought to have been discharged. – The Wildlife (Protection) Act, 1972, was designed to afford protection to certain species of wildlife as were from time to time included in the various schedules of the Act. That there are about 2,500 different types of lizards and over 3,00 types of snakes. That the Act does not extend to all types of lizards and snakes but only to those specified in the schedule. That the Act provides that it is an offence to deal in skins of such protected species. That in this matter the prosecution could only proceed on the basis that the articles seized were made of skins of lizards and snakes species protected by Act and the petitioner had thereby committed an offence, yet neither the complainant nor the evidence led had spelt out any offence. That this being the position, no charge could have been framed. That the petitioner's plea of guilty would, therefore, be of no relevance whatsoever, for the petitioner could never have been convicted on the material placed before the court. That in the result, the order was liable to be set aside and the petitioner ought to have been discharged.

Absence of licence for dealing in articles and its effect. – It is the prosecution case that the petitioner carries the business in the firm name and the style of "Jooti" at Hotel Sea Rock, Bandra, Bombay. That on the 4th August, 1981, the petitioner was found exhibiting for sale articles made of lizard and snake skins. Hence on the 5th of August, 1981, the respondent accompanied by one Assistant Conservator of Forests raided the said shop. At this time they were accompanied by two *panchas*. During the course of this raid certain articles came to be seized and a *panchanama* was drawn up. The complaint shows that the respondent asked the petitioner to produce a dealer's licence for dealing in articles or such documents as required to be kept under the Wildlife (Protection) Act, 1972, and the

petitioner was unable to produce this. That it is in view of this that petitioner was charged with having committed offences under Sec.51 read with Sec 39 (3), Sec. 51 read with Sec.40 (1), Sec.51 read with Sec. 40 (2), Sec. 51 read with Sec. 44 (4), Sec. 51 read with Sec. 44 (1), Sec. 51 read with Sec. 44 (2) and Sec. 51 read with Sec. 49 of the said Act. That nowhere in the complaint has it been stated that the article seized were made of the skins of lizards or snakes such as were specified in any of Sch. I, Sch. II, Sch. III, Sch. IV, or Sch. V, or were otherwise covered by the Act, and if the complaint did not make out the case, then *ex facie* no offence was disclosed and no further proceeding could lie nor could any subsequent proceeding, continue, much less would the question of petitioner putting in a plea of guilty or otherwise arise. Further the statement only shows that the petitioner admitted two facts: (1) that he were in possession of the articles that were seized from him, and (2) that he did not have any documents issued under the provision of the Wildlife (Protection) Act, 1972. But this statement can never mean that the petitioner accepted the position that the article seized from him required any certification or permission from the wildlife protection authorities or that the articles were made of the skins of lizards and snakes covered under one or the other schedules. That this too cannot assist the prosecution in any manner whatsoever. Thus, it could be said that on this basis no charge have been framed and the accused ought to have been discharged.

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

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

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

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

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

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

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

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

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

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

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

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

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

Provided that where the acquisition, or possession, or control, or custody of such animal, 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 his 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 has been lawfully acquired.

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

49. Purchase of captive animal, etc. person other than a licensee. – No person shall purchase, receive or acquire any captive animal, wild animal other than vermin, or any animal article, trophy or 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.

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

Comments

Absence of offence in the complaint and its effect. – The complaint in the present case, *ex facie* does not disclose any offence whatsoever in as much as there is not a clue as to whether the articles seized were made of skins of the species of lizards or snakes specified in any of the several Schedules of the Act. The matter ought to have ended there. In so far as the evidence is concerned, here again one finds the same lacuna and unless the prosecution went further to establish that the article seized were made of skins of those species specified in one or the other of the several Schedules, the question of there being an offence cannot arise. The so-called confessional statement does not assist the prosecution. Therefore the charge should be quashed.

[CHAPTER VA]
**Prohibition of Trade or Commerce in Trophies,
Animal Articles, etc. derived from certain Animals.**

49A. Definitions. – In this Chapter, -

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

Comments

Section 49A (a), (c) in the amended Act provides only two months time to the dispose of scheduled animal articles. Several traders had filed writ petitions complaining that this time is not sufficient and had obtained stay orders from various High Courts. In 1992, World Wild Fund for nature intervened in the said petitions and after a keen contest by the traders succeeded in getting the said stay order vacated on 22nd May 1992. Thus, though a complete embargo on trade in animal articles, etc. was imposed in November 1986, it actually came into operation in May 1992.

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

- (a) commence or carry on the business as –
 - (i) a manufacturer of, or dealer, in scheduled animal articles; or
 - [(ia) a dealer in ivory imported into India or article made therefrom or a manufacturer of such article; or]
 - (ii) a taxidermist with respect to any schedule 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 animal being scheduled animal; or
 - (v) a dealer in meat derived from any scheduled animal; or

- (b) cook or serve meat derived from any scheduled animal in any eating-house.

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

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

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

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rule 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 authorisation in writing of the Chief Wildlife Warden, for and on behalf of any person for educational or scientific purposes.

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

- (a) his stock, if any, as at the end of the specified date of –
 - (i) scheduled animal articles;
 - (ii) scheduled animals and part thereof;
 - (iii) trophies and uncured trophies derived from scheduled animals;
 - (iv) captive animals, being scheduled animals;
 - [(v) ivory imported into India or article made therefrom.]
- (b) the place 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 bonafide personal use.

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

(3) Where, in a declaration made under sub-section (1), the person making the declaration expresses his desire to retain with himself any of the items of the stocks specified in the declaration for his *bonafide* personal use, the Chief Wildlife Warden, with the prior approval of the Director, may, if he is satisfied that the person is in lawful possession of such items, issue certificate of ownership in favour of such person with respect to all, or as the case may be, such of the items as in the opinion of the Chief Wildlife warden are required for the *bonafide* personal use of such person and affix upon such items identification marks in such manner a may be prescribed.

Provided that no such item shall be kept in 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-sections (2), (3) and (4) of Sec. 46 shall, so far as may be, apply in relation to appeals under this sub-section.

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

- (a) transfer such item to any person, whether by way of gift, sale or otherwise, or
- (b) transfer or transport from the State I which he resides to another State any such item,

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

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

CHAPTER VI

Prevention and Detection of Offences.

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

(a) require any such person to produce for inspection of any captive animal, wild animal, animal article, meat, [trophy, uncured trophy, or any specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or any other document granted to him or required to be kept by him under the provisions of this Act;

(b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle, or vessel in the occupation of such person, and open or search any baggage or other things in his possession;

(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 any warrant and detain him.

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

(2) [Omitted 1991.]

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

[(3A) Any officer of a rank not inferior to that of an Assistant Director of Wildlife Preservation or [an Assistant Conservator of Forests], who, or who's subordinate, has seized any captive animal or wild animal under Cl. (c) of sub-section (1) may give the same for custody on the execution of 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 thing seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law [under intimation to the Chief Wildlife 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 the Act.

(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 Gazetted rank authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer may arrange for the disposal of the same in such manner as may be prescribed.]

(b) Where it is proved that the [meat or uncured trophy, specified plant or part or derivative thereof] seized under the provision of this section is not Government property, the proceed of the sale shall be returned to the owner.

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

[(8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wildlife Preservation or [an officer not below the rank of Assistant Conservator of Forests authorised by the State Government in this behalf] shall have the powers, for the purpose of making investigation into any offence against any provision of this Act. –

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

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

51. Penalties. – (1) Any person who [contravenes any provisions of this Act [except Chapter VA and Sec. 38J]] or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with the

imprisonment for a term which may extend to [three years] or with fine which may extend to [twenty five thousand rupees] or with both.

[Provided that where the offence committed is in relation to any animal specified in Sch. I or Part II of Sch. 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 offences is 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 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.]

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

[(1B) Any person who contravenes the provisions of Sec. 38J] shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or both.

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

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy, [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, any trap, tool, vehicle, vessel, or weapon used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

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

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

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

[51A. Certain conditions to apply while granting bail. – When any person accused of, the commission of any offence relating to Sch. I or Part II of Sch. II or offences relating to hunting inside the boundaries of National Park or wildlife 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
- (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.]

Comments

Question of sentence. – In the under-noted case, so far as the merit of the case is concerned, it is no doubt concluded by the concurrent findings of the Courts below that the High Court has got very limited power to interfere with the concurrent findings of the Court below in its revisional jurisdiction. So far as the sentence awarded to the petitioners is concerned, it is submitted that the occurrence took place in 1974, i.e. ten years ago, and no fruitful purpose would be served in sending the petitioners, who are on bail, again to jail after a lapse of ten years. It is pleaded that the sentence be converted into some fine. The ends of justice would be fully met if the sentence of rigorous imprisonment of three months is altered into a fine of Rs.50/- each. The fine must be paid by each of the petitioners within two months from today. If the petitioners fail to pay the fine with the time specified, the modification in the sentence would become inoperative.

If it is an offence for a person holding a licence to go about with a loaded gun in his possession. – To convict the accused under the Act, it is necessary to prove that he had either killed or attempted to kill one of the animals or birds mentioned in the schedules. But there is no evidence to show that he had actually fired at any bird or animal, much less at any mentioned in the schedules of the Act. It is no offence for a person holding a licence to go about with a loaded gun in his possession. Therefore the conviction could be quashed.

Conviction – when could be set aside. – The petitioner was questioned and he is said to have made a statement admitting his guilt. This statement was reduced to writing. That a complaint was then filed in the Court of the Additional Chief Metropolitan Magistrate. The complaint was proceeded with and the evidence of the respondent and of one of *paanchs* came to be recorded. On the basis of this evidence, the learned Magistrate proceeds to frame a charge. On the charge being framed, the accused pleaded “guilty”. By his order and judgement dated the 13th of April 1983, the learned Magistrate convicted the petitioner on various counts, and sentenced him. That in the evidence of the prosecution witness there is no mention whatsoever that the articles seized were or are made of the skins of such lizards or snakes, the species whereof have been enumerated in any one of the several schedules. That there are over 2,500 species of lizards and over 3,00 species of snakes, a position borne out by the *Encyclopaedia Britannica*, and if this be so, it was incumbent on the prosecution to lead evidence to show that the articles seized were made of the skins of such lizards and snakes such as were specified in one or the other schedules of the said Act. That since the prosecution failed to establish this fact, the prosecution must fail. The *panchanama* has, of course, been put in, but this can only establish the fact of what as seized at the time of the raid and no more, and cannot advance the prosecution case any further. The provisions of the Wildlife (Protection) Act, 1972, have been designed to prevent discrimination and commercial exploitation of rare species of animal and reptiles, and prosecution need to be undertaken and conducted in all seriousness. In this matter, however, right from the complaint till the completion of the evidence the approach of the prosecution has been casual in as much as the prosecution has failed to adduce any evidence that the article seized were

made of the skins of such lizards or snakes as were enumerated in one or the other schedule. In the result, the conviction and sentence is set aside.

In the evening of 8th May 1975, a tiger was shot dead by the accused petitioner at about 5.30 pm at Changlai Camp, while on sentry duty. The accused, prior to shooting, informed the Guard Commander of the presence of the tiger and the Commander instructed that 2/3 round might be fired into the air to scare it away, but while this was being done, the tiger instead of fleeing, charged at the accused who fired two shots at it, one hitting the left shoulder blade and the other the chest, and so hit, the tiger jumped and fell dead a few yards away. In the instant case it is in record that the accused did not get out of his post while the tiger approached him. On three shots being fired in the air, the animal instead of fleeing away charged at the accused seeing which the accused fired two shots to kill, which killed the tiger. The Deputy Commissioner, while convicting the accused under Sec.51 (1), followed the spirit of the Act to protect Wildlife but the provision of Sec.11 were not brought to his notice.

No fault can be found with the acquittal where the evidence is insufficient. – The respondents were charged with having allegedly killed two tigers on 21/22 March, 1979, by administering poison and deskinning them, which was punishable under Sec. 51 of the Act. The prosecution case, in brief, was that the appellants had mixed aldrin into the water for drinking by animals, which resulted in the death of two tigers. Thereafter, they took away those tigers and deskinning them. On receiving this information the Range Officer Hanslal informed the police authorities. Later on, the tiger skins, nails, and meat were seized from some of the respondents. During the trial the first prosecution witness stated that the police did not know who had brought the tiger skins, etc., to the police station. He also denied any memorandum having been made in his presence though he admitted his signatures on the memorandums and seizure memos. The witness was therefore, declared hostile and was permitted to be cross-examined. The second witness also denied that any of the respondents was interrogated in his presence. He further denied any seizure from the respondents. In spite of it, he accepted his signatures on the memorandums and seizure memos. This witness was, also, declared hostile and cross-examined. During the cross-examination, he admitted that the tiger skins were seized in his presence and that he had signed the seizure memo. He also admitted that the respondents had given statements leading to the recovery of the seized articles. The third witness did not support the prosecution, as during the cross-examination he was not able to say how much aldrin was sufficient to kill a tiger. He did not also know how much aldrin was found in the stomach of the tigers. According to him, aldrin was an agricultural insecticide easily available in the market. Except for these there is no other witness to connect the respondents with the crime. The aforesaid evidence, however, does not indicate that the respondents had either mixed aldrin, or given any statement leading to recovery of the articles at their instance. The evidence being insufficient, no fault can be found with the acquittal of the respondents.

- 52. Attempts and abetment.** – Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or for any rule of order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.
- 53. Punishment for wrongful seizure.** – If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in Sec. 50, he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.
- [54. Power to compound offences.** – (1) 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 Wildlife Warden or any officer of a rank not below the rank of a Deputy Conservator of Forests, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

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

(4) The sum of money accepted or agreed to be accepted as composition under subsection (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 Sec. 51, shall be compounded.]

Comments

Jurisdiction to file the complaint. – A Wildlife Warden in Palamau National Park submitted a forwarding report on 28th December, 1974, to the Sub-Divisional Judicial Magistrate, Lather alleging, *inter alia*, that while he along with the other staff was on patrolling duty in the Betla Reserve Forest, he heard a gunshot. When the patrolling party reached the Junction of roads No. 2 and 5, they heard some sound of people talking and saw that a bison was lying dead and one of the petitioners was standing with a gun while the other petitioners were skinning the dead animal. The patrolling party could catch only petitioners 1 and 3 and it was alleged that petitioner no. 4 managed to escape. The complainant prepared a seizure list on the spot and arrested petitioners 1 to 3. Therefore a complaint was filed on the basis of which Sub-Divisional Judicial Magistrate, Latehar took cognisance against the petitioners and they were put on trial. It was submitted that the entire conviction and the sentence was bad in law and fit to be set aside because the complaint had not been filed by any officer who has either the Chief Wildlife Warden or an officer authorised under the Act by the State Government. It may be relevant to mention here that Sec. 5(2) of the Act also gives power to the authorities concerned to delegate his power to any of his subordinate officers. Therefore it could not be said that the complaint had no jurisdiction or no authority to file the complaint.

[55. **Cognisance of offences.** – No Court shall take cognisance of any offence against this Act on the complaint of any person other than –

(a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the State Government; or

[(aa) the Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IVA; or]

(b) the Chief Wildlife Warden or any other officer authorised in this behalf by the State Government, [subject to such conditions as may be specified by that Government;] or

[(bb) the officer-in-charge of the zoo in respect of violation of provisions of Sec. 38J;] or

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

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

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

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

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

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

Explanation – For the purpose of this section, -

(a) “company” means any body corporate or includes a firm or other association of individuals; and

(b) “director”, in relation to a firm means partner in the firm.

[CHAPTER VIA]

[FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL HUNTING OR TRADE.]

[58A. Application. – the provisions of this Chapter shall apply only to the following persons, namely: -

- (a) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of three years or more;
- (b) every associate of a person referred to in clause (a);
- (c) any holder (hereafter in this clause referred to as the present holder) of any property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.]

[58B. Definitions. – (a) “Appellate Tribunal” means the Appellate Tribunal for Forfeited property constituted under Sec. 58N;

(b) “associates” in relation to a person whose property is liable to be forfeited under this Chapter, includes -

- (i) any individual who had been or is managing the affairs or keeping the accounts of such person;
- (ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act, 1956 of which such person had been or is a member, partner or director;
- (iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause (ii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;
- (iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);
- (v) the trustee of any trust, where, -
 - (1) the trust has been created by such person; or
 - (2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty 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 Sec. 58D;
- (d) “concealment” means the concealment or disguise of the nature, source, disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;
- (e) “freezing” means temporarily prohibiting the transfer, conversion, disposition or movement of property by an order issued under Sec.58F;
- (f) “identifying” includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of wild life and its products;
- (g) “illegally acquired property” in relation to any person to whom this Chapter applies, means, -
- (i) any property acquired by such person, wholly or partly out of or by means of any income, earnings or assets derived or obtain 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 in the 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 earnings therefrom;
- (h) “property” means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegal hunting and trade of wild life and its products;
- (i) “relative” means -
- (1) spouse of a 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.]

[58C. 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 illegal acquired property either by himself or through any other person on his behalf.

(2) Where any person holds such property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the State Government concerned in accordance with the provisions of this Chapter:

Provided that no property shall be forfeited under this Chapter if such property was acquired by a person to whom this Act applies before a period of six years from the date on which he was charged for an offence relating to illegal hunting and trade of wild life and its products.]

[58D. Competent authority. – The State Government may, by order published in the Official Gazette, authorised 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.]

[58E. 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 by such person.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or financial institution or any other relevant step as may be necessary.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by any officer mentioned in sub-section (1) in accordance with such directions or guidelines as the competent authority may make or issue in this behalf.]

[58F. Seizure or freezing of illegally acquired property. – (1) Where any officer conducting an inquiry or investigation under section 58E has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired

property and such property is likely to be concealed, transferred or dealt within 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 the 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 it's being made.

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation. – For the purposes of this section, “transfer of property” means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes –

- (a) the creation of a trust in property;
- (b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;
- (c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and
- (d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.]

[58G. 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 function of an Administrator.

(2) The Administrator appoint under sub-section (1) shall receive and manage the property in relation to which an order has been made in sub-section (1) of Sec. 58F or under Sec. 58I in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also takes such measures as the State Government may direct, to dispose of the property which is forfeited to the State Government.]

[58H. 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, earnings or assets, and any other information or material available to it as a result of a report from any officer making an investigation under Sec. 58E or otherwise, the competent authority for reasons

to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to show cause why all or any of such properties, as the cause may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this Chapter and in support of his case indicate the sources of his income, earnings, or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.]

[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 Sec. 58H, and the materials available before it and after giving to the person affected and in a case where the person affected holds any property specified in the notice through any other person, to such other person, also a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties I 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 specially such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgement, 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 issued under Sec.58H is not an illegally acquired property and therefore not liable to be forfeited under the Act, the said notice shall be withdrawn and the property shall be released forthwith.

(5) Where any shares in a company stands forfeited to the State Government under this Chapter, the company shall, notwithstanding anything contained in the Companies

Act, 1956 or the article of association of company, forthwith register the state Government as the transferee of such shares.]

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

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

[58L. Procedure in relation to certain trust properties. – In the case of any person referred to in sub-clause (vi) of clause (b) of Sec. 58B, if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust or the trustees, 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 Sec. 58H and all the other provisions of this Chapter shall apply accordingly.

Explanation. – For the purposes of this section “illegally acquired property” in relation to any property held in trust, includes –

(i) any property which if it had continued to be held by the author of the trust or the contributor of such property to the trust would have been illegally acquired property in relation to such author or contributor;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

[58M. Certain transfers to be null and void. – Where after the making of an order under sub-section (1) of Sec. 58F or issues of a notice under Sec. 58 or under Sec. 58L, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purposes of proceedings under this Chapter, be ignored and if such

property is subsequently forfeited to the State Government under Sec. 58 I, then, the transfer of such property shall be deemed to be null or void.]

[58N. 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 Sec. 58F, Sec. 58 I, sub-section (1) of Sec. 58K or Sec. 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.

[58O. Appeals. – (1) Any person aggrieved by an order of the competent authority made under Sec. 58F, Sec. 58 I, sub-section (1) of Sec. 58K or Sec. 58L may, within forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt on 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.]

[58P. Notice or order not to 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.]

[58Q. 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 I respect of any matter which the Appellate Tribunal or any competent authority is empowered by

or under this Chapter to determine, and no jurisdiction 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.]

[58R. 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 in respect of the following matters, namely: -

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) required the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) any other matter which may be prescribed.]

[58S. Information for competent authority. – (1) Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, on points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Chapter.

(2) Every officer referred to in Sec. 58T may furnish *suo motu* any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.]

[58T. Certain officers to assist Administrative 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 Administrator appointed under Sec. 58G, competent authority and the Appellate Tribunal, namely: -

- (a) officers of police;
- (b) officers of the State Forest Departments;
- (c) officers of the Central Economic Intelligence Bureau;
- (d) officers of the Directorate of revenue Intelligence;
- (e) such other officers as specified by the State Government in this behalf by notification in the Official Gazette.]

[58U. Power to be 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 Sec. 58K 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 Sec. 58G or

to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in sub-section (1) requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.]

[58V. 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 done:

Provided that if any such amendment is likely to affect any person prejudicially and the mistake is not of clerical nature, it shall not be made without giving to such person a reasonable opportunity of being heard.]

[58W. Findings under other laws not conclusive for proceedings under this Chapter. – No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter.]

[58X. 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.]

[58Y. 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.]

CHAPTER VII

Miscellaneous

- 59. Officers to be public servants.** – Every officer referred to [in Chapter II and the chairperson, members, member-secretary, officers and other employees referred to in Chapter IVA] and every other officer exercising any of the power conferred by this Act shall be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code (45 of 1860).
- 60. Protection of action taken in good faith.** – (1) No suit, prosecution, or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is good faith done or intended to be done under this Act.
- (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.
- [(3) No suit or other legal proceeding shall lie against the authority referred to in Chapter IVA and its chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.]
- [60A. Reward to a person.** – (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may when passing judgement order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding [fifty percent of such fine].
- (2) When a case is compounded under Sec. 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 excepted by way of composition not exceeding [fifty percent of such money].]
- [60B. 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 an in such manner as may be prescribed.]
- 61. Power to alter entries in schedules.** – (1) The Central Government may, if it is of the opinion that it is expedient so to do, by notification, [add or delete any entry to or from any schedule] or transfer any entry from one part of the schedule to another part of the same schedule or from one schedule to another.
- (2) [Omitted 1991.]

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

(4) [Omitted 1991.]

Comments

Sec. 62. was challenged in the case of Sukhdev Singh vs Union of India.

Vide civil write petition 3286 of 1992 Sec. 62 was held beyond the legislative competence of the Parliament. The court by the judgement on 24th February 1993 upheld the validity of Sec. 62.

- 62. Declaration of certain wild animal to be vermin.** – [The Central Government] may by notification, declare any wild animal other than those specified in Sch. I and part II of Sch. II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Sch. V.
- 63. Power of Central Government to make rules.** – [(1) The Central government may, by notification, make rules for all or any of the following matters, namely:
- (a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under Sec. 17F;
 - [(ai) the term of office members other than those who are members *ex officio*, the manner of filing vacancies, the procedure to be followed by National Board under sub-section (2) and allowances of those members under sub-section (3) of Sec. 5A;]
 - (b) the salaries and allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of Sec. 38B;
 - (c) the terms and conditions of service of the officer and other employees of the central Zoo Authority under sub-section (7) of Sec. 38B;
 - (d) the form in which the annual accounts statement of Central Zoo Authority shall be prepared under sub-section (4) of Sec. 38E;
 - (e) the form in which and the time at which the annual report of Central Zoo Authority shall be prepared under Sec. 38F;
 - (f) the form in which and the fee required to be paid with application for recognition of a zoo under sub-section (2) of Sec. 38H;
 - (g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of Sec. 38H;
 - (h) the form in which the declaration shall be made under sub-section (2) of Sec. 44;
 - (i) the matters to be prescribed under clause (b) sub-section (4) of Sec. 44;
 - (j) the terms and conditions which shall govern transaction referred to in clause (b) of Sec, 48;
 - (k) the manner in which notice may be given by a person under clause (c) of Sec. 55;

(1) the matters specified in sub-section (2) of Sec. 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government.]

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

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

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

[(a) the term of office of 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 Sec. 6;]

[(b) allowances referred to in sub-section (3) of Sec. 6;]

(c) the forms to be used for any application, certificate, claim, declaration, licence, permit, registration, return, or other document, made, granted, or submitted under the provision of this Act and the fees, if any, therefor;

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

[(dd) the conditions subject to which the officers will be authorised to file cases in the court;]

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

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

(f) regulation of the possession, transfer, and the sale of captive animals, meat, animal articles, trophies, and uncured trophies;

(a) regulation of taxidermy;

[(ga) the manner and conditions subject to which the Administrator shall receive and manage the property under sub-section (2) of Sec. 58G;]

[(gb) the terms of conditions of service of the Chairman and other members under sub-section (3) of Sec. 38H;]

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

65. Rights of Schedule Tribes to be protected. – Nothing in this Act shall affect the hunting rights conferred on the Schedule Tribes of the Nicobar Islands in the Union Territory of

Andaman and Nicobar Islands by notification of Andaman and Nicobar Administration, NO. 40/97/F. No. G-635. Vol. III, dated the 28th April, 1967 published at pages 1 to 5 extraordinary issue of the Andaman and Nicobar Gazette, dated 28th April, 1967.

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

Provided that such repeal shall not –

- (i) affect previous operation of the Act so repealed, or 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 had 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.

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

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

SCHEDULE I

(See Secs. 2, 8, 9, 11, 40, 41, 43, 48, 51, 61 and 62)

PART I

Mammals

1. Andaman wild pig (*Sus andamanensis*)
- 1-A. Bharal (*Ovis nahura*)
- 1-B. Binturong (*Arctictis binturong*)
2. Blackbuck (*Antilope cervicapra*)
- 2-A. * * * * *
3. Brow-antlered deer or thamin (*Cervus eldi*)
- 3-A. Himalayan brown bear (*Ursus arctos*)
- 3-B. Capped langur (*Presbytis pileatus*)
4. Caracal (*Felis caracal*)
- 4-A. Catacean spp.
5. Cheetah (*Acinonyx jubatus*)
- 5-A. Chinese pangolin (*Manis pentadactyla*)
- 5-B. Chinkara or Indian gazella (*Gazella gazella bennetti*)
6. Clouded leopard (*Neofelis nebulosa*)
- 6-A. Crab-eating macaque (*Macaca irus umbrosa*)
- 6-B. Desert cat (*Felis libyca*)
- 6-C. Desert fox (*Vulpes bucopus*)
7. Dugong (*Dugong dugon*)
- 7-A. Ermine (*Mustela erminea*)
8. Fishing cat (*Felis viverrina*)
- 8-A. Four-horned antelope (*Tetraceros quadricornis*)
- 8-B. * * *
- 8-C. * * *
- 8-D. Gangetic dolphin (*Platanista gangetica*)
- 8-E. Gaur or Indian bison (*Bos gaurus*)
9. Golden cat (*Felis temmincki*)
10. Golden langur (*Presbytis geei*)
- 10-A. Giant squirrel (*Ratufa macroura*)
- 10-B. Himalayan ibex (*Capra ibex*)
- 10-C. Himalayan tahr (*Hemitragus jemlahicus*)
11. Hispid hare (*Caprolagus hispidus*)
- 11-A. Hog badger (*Arctonyx collaris*)
12. Hoolock gibbon (*Hylobates hoolock*)
- 12-A. * * * *
- 12-B. Indian elephant (*Elephas maximus*)
13. Indian lion (*Panthera leo persica*)
14. Indian wild ass (*Equus hemionus khur*)
15. Indian wolf (*Canis lupus pallipes*)
16. Kashmir stag (*Cervus elaphus hanglu*)
- 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*)
- 20-A. Little Indian porpoise (*Neomeris phocaenoides*)
- 21. Lynx (*Felis lynx isabellinus*)
- 22. Malabar civet (*Viverra megaspila*)
- 22-A. Malay or sun bear (*Helarctos malayanus*)
- 23. Marbled cat (*Felis marmorata*)
- 24. Markhor (*Capra falconeri*)
- 24-A. Mouse deer (*Tragulus meminna*)
- 25. Musk deer (*Moschus moschiferus*)
- 25-A. Nilgiri langur (*Presbytis johni*)
- 25-B. Nilgiri tahr (*Hemitragus hylocrius*)
- 26. Nayan 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. Indian one-horned rhinoceros (*Rhinoceros unicornis*)
- 31. Rusty-spotted cat (*Felis rubiginosa*)
- 31-A. Serow (*Capricornis sumatraensis*)
- 31-B. Clawless otter (*Aonyx cinerea*)
- 31-C. Sloth bear (*Melursus ursinus*)
- 32. Slow loris (*Nyeticebus coveang*)
- 32-A. Small Travancore flying squirrel (*Petinomys fuscopapillus*)
- 33. Snow leopard (*Panthera uncia*)
- 33-A. Snubfin dolphin (*Orcaella brevirostris*)
- 34. Spotted linsang (*Prionodon pardicolor*)
- 35. Swamp deer (all sub-species of *Cervus duvauceli*)
- 36. Takin or Mishmi takin (*Budorcas taxicolor*)
- 36-A. Tibetan antelope or chiru (*Panthelops hodgsoni*)
- 36-B. Tibetan fox (*Vulpes ferrilatus*)
- 37. Tibetan gazella (*Procapra picticaudata*)
- 38. Tibetan wild ass (*Equus hemionus kiang*)
- 39. Tiger (*Panthera tigris*)
- 40. Urial or shapu (*Ovis vignei*)
- 41. Wild buffalo (*Bubalus bubalis*)
- 41-A. Wild yak (*Bos grunniens*)
- 41-B. Tibetan wolf (*Canis lupus chancoi*)

PART II

Amphibians and reptiles

1. * * *
- 1-A. * * * * *
- 1-B. Audithia turtle (*Pelochelys bibroni*)
- 1-C. Barred, oval, or yellow monitor lizard (*Varanus flavescens*)
- 1-D. Crocodiles (including the estuarine or saltwater crocodile) (*Crocodylus porosus* and *Crocodylus palustris*)
- 1-E. Terrapin (*Batagur baska*)
- 1-F. Eastern hill terrapin (*Melanochelys tricarinata*)
2. Gharial (*Gavialis gangeticus*)
3. Ganges soft-shelled turtle (*Trionyx gangeticus*)
- 3-A. Golden gecko (*Caloductyloides aureus*)
4. Green sea turtle (*Chelonia mydas*)
5. Hawksbill turtle (*Eretmochelys imbricata imbricata*)
6. * * * * *
7. Indian egg-eating snake (*Elachistodon westermanni*)
8. Indian soft-shelled turtle (*Lissemys punctata*)
9. Indian tent turtle (*Kachuga tecta tecta*)
- 9-A. Kerala Forest Terrapin (*Hoesemys sylvatica*)
11. Leathery turtle (*Dermochelys coriacea*)
12. Loggerhead turtle (*Caretta caretta*)
13. Oliverback loggerhead turtle (*Lepidochelys olivacea*)
14. Peacock-marked soft-shelled turtle (*Trionyx hurum*)
- 14-A. Pythons (*Genus python*)
- 14-B. Sail terrapin (*Kachuga kachuga*)
- 14-C. Spotted black terrapin (*Geoclemys hamiltoni*)
15. * * * * *
16. * * *
17. * * *
- 17-A. * * *

PART IIA

Fishes

1. Whale shark (*Rhincodon typus*)
2. Shark and ray
 - (i) *Anoxypristis cuspidata*
 - (ii) *Carcharhinus hemiodon*
 - (iii) *Glyphis gangeticus*
 - (iv) *Glyphis glyphius*
 - (v) *Himantura fluviatilis*
 - (vi) *Pristis microdon*

- (vii) *Pristis zijsron*
- (viii) *Rhynchobatus djiddensis*
- (ix) *Urogymnus asperrimus*
- 3. Sea horse (*All sygnathidians*)
- 4. Giant grouper (*Epinephelus lanceolatus*)

PART III

Birds

- 1. Andaman teal (*Anas gibberifrons albogularis*)
- 1-A. Assam bamboo partridge (*Bambusicola fytchii*)
- 1-B. Bazar (*Aviceda jerdoni* and *Aviceda leuphotes*)
- 1-C. Bengal florican (*Eupodotis bengalensis*)
- 1-D. Black-necked crane (*Grus nigricollis*)
- 1-E. Blood pheasants (*Ithaginis cruentus tibetanus*, *I.c.kuseri*)
- 1-F. * * *
- 2. Cheer pheasant (*Catreus wallichi*)
- 2-A. Eastern white stork (*Ciconia ciconia boyciana*)
- 2-B. Forest spotted owlet (*Athena blewitti*)
- 2-C. Frogmouths (*Genus batrachostomus*)
- 3. Great Indian bustard (*Chloriotis nigriceps*)
- 4. Great Indian hornbill (*Buceros bicornis*)
- 4-A. Hawks (*fam. Accipitridae*)
- 4-B. Hooded crane (*Grus monacha*)
- 4-C. Hornbills (*Ptiloaeus tickelli austeni*, *Aceros nipalensis*,
Rhyticeros undulatus ticehursti)
- 4-D. Houbara bustard (*Chlamydotis undulata*)
- 4-E. Hume's bar-backed pheasant (*Syrmaticus humiae*)
- 4-F. Indian pied hornbill (*Anthracoceros malabaricus*)
- 5. Jerdon's courser (*Cursorius bitorquatus*)
- 6. Lammergeier (*Gypaetus barbatus*)
- 7. Large falcons (*Falco peregrinus*, *F.biarmicus*, *F.chicquera*)
- 7-A. Large whistling teal (*Dendrocygna bicolor*)
- 7-B. Lesser florican (*Sypheotides indica*)
- 7-C. Monal pheasants (*Lophophorus impejanus*, *L. 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*)
- 10-B. Osprey or Fish eating eagle (*Pandion haliaetus*)
- 10-C. Peacock pheasants (*Polyplectron bicalcaratum*)
- 11. Peafowl (*Pavo cristatus*)
- 12. Pink-headed duck (*Rhodonessa carryophyllacea*)
- 13. Sclater's monal (*Lophophorus sclateri*)
- 14. Siberian white crane (*Grus leucogeranus*)

- 14-A. * * *
- 14-B. Tibetan snow cock (*Tetraogallus tibetanus*)
15. Tragopan pheasants (*Tragopan melanocephalus*, *T. blythii*, *T. satyra*,
T. temminckii)
16. White-bellied sea eagle (*Haliaeetus leucogaster*)
17. White-eared pheasants (*Crossoptilon crossoptilon*)
- 17-A. White spoonbill (*Platalea leucorodia*)
18. White-winged wood duck (*Cairina scutalata*)

PART IV

Crustacea and Insects

1. Butterflies and Moths

Family Amathusidae

Discophora deo deo

Discophora sondaica muscina

Faunis faunula faunoloides

Common English name

Duffer, banded

Duffer, common

Pallid fauna

Family Danaidae

Danaus gautama gautamoides

Euploea crameri nicevillei

Euploea midamus roepstorfti

Tigers

Crow, spotted black

Crow, blue-spotted

Family Lycaenidae

Allotinus drumila

Allotinus fabius penormis

Amblopala avidiena

Amblypodia ace arata

Amblypodia alea constanceae

Amblypodia ammon arial

Amblypodia arvina ardea

Amblypodia asopia

Amblypodia comica

Amblypodia opalina

Amblypodia zeta

Biduanda melisa cyana

Callophrys leechii

Castalius rosimon alarbus

Charana cepheis

Chlioria othona

Deudoryx epijarbas amatius

Everes moorei

Gerydus biggsii

Gerydus symethus diopeithes

Heliophorus hybrida

Darkie, crenulate/great

Angled darkie

Hairstreak, Chinese

Leaf blue

Rosy oakblue

Malayan bush blue

Purple brown tailless oakblue

Plain tailless oakblue

Comic oakblue

Opal oakblue

Andaman tailless oakblue

Blue posy

Hairstreak, ferruginous

Pierrot, common

Mandarin blue, Cachar

Tit, orchid

Comelian, scarce

Cupid, Moore's

Bigg's brownie

Great brownie

Sapphires

Horaga albimacula
Jamides ferrari
Liphyra brassolis
Listeria dudgeni
Logania Watsoniana subfasciate
Lycaenopsis binghami
Lycaenopsis haraldus ananga
Lycaenopsis purpa prominens
Lycaenopsis quadriplaga dohertyi

Nacaduba noreia hamptonii
Polymmatus orbitulus leela
Pratapa icetas mishmia
Simiskina phalena harterti
Sinthusia virgo
Spindasis elwesi
Spindasis rukmini
Strymonidia mackwoodi
Tajuria ister
Tajuria luculentus nela
Tajuria yajna yajna
Thecla ataxus zulla
Thecla bieti menlera
Thecla lethia
Thecla paona
Thacla pavo
Virachola smiles

Family Nymphalidae

Apatura ulupi ulupi
Argynnis hegamone
Calinaga Buddha
Charaxes durnfordi nicholi
Cirrochroa fasciata
Diagora nicevillei
Dilipa morgiana
Doleschallia bisaltide andamana
Eriboea moori sandakanus
Eriboea schreiberi
Eulaceura manipurensis
Euthalia durga splendens
Euthalia iva
Euthalia khama curvifascia
Euthalia telchinia
Helcyra hemina
Hypolimnas missipus

Onyxes
Caeruleans
Butterfly, moth
Lister's hairstreak
Mottle, Watson's
Hedge blue
Hedge blue, Felder's
Common hedge blue
Naga hedge blue

Lineblue, white-tipped
Greenish mountain blue
Royal, dark blue
Brilliant, boardlanded
Spark, pale
Silverline, Elwes's
Silverline, khaki
Hairstreak, Mackwood's
Royal, uncertain
Royal, Chinese
Royal, chestnut and black
Wonderful hairstreak
Indian purple hairstreak
Watson's hairstreak
Paona hairstreak
Peacock hairstreak
Guava blues

Emperor, tawny
Silver-washed fritillary
Freak
Rajah, chestnut
Yeomen
Siren, scarce
Emperor, golden
Autumn leaf
Malayan nawab
Blue nawab
Emperor, Tytler's
Barons/Counts/Dutchesses
Duke, grand
Duke, Naga
Baron, blue
Emperor, white
Eggfly, danaid

Limenitis austenia purpurascens
Limenitis zulema
Melitaea shandura
Neptis antilope
Neptis aspasia
Neptis columella kankena
Neptis cydippe kirbariensis
Neptis ebusa
Neptis jumbah binghami
Neptis manasa
Neptis nyctens
Neptis Poona
Neptis sankara
Panthoporia jina jina
Panthoporia reta moorei
Prothoe franckii regalis
Sasakia funebris
Sephisa chandra
Symbrenthia silana
Vanessa antiopa yednula

Family Papilionidae

Chilasa clytia clytia f. commixtus
Papilio elephenor
Papilio liomedon
Parnassius aeco geminifer
Parnassius delphius
Parnassius hannyingtoni
Parnassius imperator augustus
Parnassius stoliczkanus
Polydorus coonsambilanga
Polydorus crassipes
Polydorus hector
Polydorus neville
Polydorus plutonius pembertoni
Polydorus polla

Family Pieridae

Aporia harrietae harrietae
Baltia butleri sikkima
Colias colias thrasibulus
Colias dubi
Delias sanaea
Pieris krueperi devta

Commodorre, grey
Admirals
Fritillaries/Silverstripes
Sailer, variegated
Sailer, great hockeystick
Sailer, short-banded
Sailer, Chinese yellow
Sailer, lascar
Sailer, chestnut-streaked
Sailer, pale hockeystick
Sailer, hockeystick
Lascar, Tytler's
Sailer, broad-banded
Bhutan sergeant
Malay staff sergeant
Begum, blue
Empress
Courtier, eastern
Jester, scarce
Admirables

Common mime
Spangle, yellow-crested
Swallowtail, Malabar banded
Apollo
Banded apollo
Hannyington's apollo
Imperial apollo
Ladakh banded apollo
Common clubtail
Black windmill
Crimson rose
Nevill's windmill
Chinese windmill
Deniceylle's windmill

Black veins
White butterfly
Clouded yellows
Dwarf clouded yellow
Jezebel, pale
Butterfly cabbage/ White II

Family Satyriidae

| | |
|-------------------------------------|-----------------------|
| <i>Coelites nothis adamsoni</i> | Cat's eye, scarce |
| <i>Cyllogenes janetae</i> | Evening brown, scarce |
| <i>Elymnias peali</i> | Palmfly, Peal's |
| <i>Elymnias penanga philansis</i> | Palmfly, painted |
| <i>Erabia annada annada</i> | Argus, ringed |
| <i>Erabia narasingha narasingha</i> | Argus, mottled |
| <i>Lethe distans</i> | Forester, scarce red |
| <i>Lethe dura gammiee</i> | Lilacfork, scarce |
| <i>Lethe europa tamuna</i> | Bamboo tree brown |
| <i>Lethe gemina gafuri</i> | Tytler's tree brown |
| <i>Lethe guluihal guluihal</i> | Forester, dull |
| <i>Lethe margaritae</i> | Tree brown, Bhutan |
| <i>Lethe ocellata lyncus</i> | Mystic, dismal |
| <i>Lethe ramadeva</i> | Silverstripe, single |
| <i>Lethe satyabati</i> | Forester, pallid |
| <i>Mycalasis orseis nawtilus</i> | Bushbrown, purple |
| <i>Parargemenava maeroides</i> | Wall dark |
| <i>Yothima dohertyi persimilis</i> | Five ring, great |

- 1-A. Coconut or Rubber crab (*Birgus latro*)
2. Dragonfly (*Epioplebia laidlawi*)

[PART IV A]

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*)

[PART IV B]

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 spirillus*

[PART IV C]

Echinodermata

- Sea cucumber (*All Holothurians*)

SCHEDULE II
(See Secs. 2, 8, 9, 10, 11, 40, 41, 43, 48, 51, 61 and 62)

PART I

1. * * *
- 1-A. Assamese macaque (*Macaca assamensis*)
2. Bengal porcupine (*Atheruras mecrourus assamensis*)
3. * * *
- 3-A. Bonnet macaque (*Macaca radiata*)
- 3-B. * * *
- 3-C. Cetatean spp.(other than those listed in Sch.I and Sch.II Part II)
4. * * * * * * *
- 4-A. Common langur (*Presbytis entellus*)
5. * * *
6. * * * * * * *
7. Ferret badgers (*Melogale moschata, M. persenata*)
8. * * * * * * *
9. * * * * * * *
10. * * * * *
11. Himalayan crestless porcupine (*Hystrix hodgsoni*)
- 11-A. Himalayan newt or salamander (*Tyletrotiton verrucosus*)
12. * * * *
13. * * * * * * *
14. * * * * *
15. * * * * *
16. Pig-tailed macaque (*Macaca nemestrina*)
17. * * * * *
- 17-A. Rhesus macaque (*Macaca mulatta*)
18. * * * * *
19. Stump-tailed macaque (*Macaca speciosa*)
20. * * * * * * *
21. * * *
22. Wild dog or dhole (*Cuon alpinus*)
23. * * * * *
24. Chameleon (*Chameleo calcaratus*)
25. Spiny-tailed lizard or sanda (*Uromastix hardwickii*)

PART II

1. Beetles,

Family Amathusidae

Aemona amathusia amathusia
Amathusia philippus andamanicus
Amathusia amythaonam
Discophora deo deodoides
Discophora lepida lepida
Discophora timora andamanensis
Enispe cycnus
Faunis sumeus assama
Sticopthalma nourmahal
Thauria aliris amplifascia

Family Carabidae

Agonotrechus andrewesi
Amara brucei
Amara eleganfula
Brachinus atripennis
Brososoma gracile
Brosopus bipillifer
Broter ovicollis
Calathus amaroides
Callistominus belli
Chalenius championi
Chalenius kanarae
Chalenius masoni

Family Chrysomelidae

Acrocrypta rotundata
Bimala indica
Clitea indica
Gopala pita
Griva cyanipennis
Nisotra cardoni
Nisotra madurensis
Nisotra nigripennis
Nisotra semicoerulea
Nisotra striatipennis
Nonarthra patkaia
Psylliodes plana
Psylliodes shira
Sebaethe cervina
Sebaethe patkaia
Sphaeroderma brevicorne

Family Cucujidae

Carinophloeus raffrayi
Cucujus bicolor
Cucujus grouvelle
Cucujus imperialis
Heterojinus semilacteneus
Laemophloeus belli
Laemophloeus incertus
Pediacus rufipes

Family Danaidae

Euploea melanoleuca
Euploea midamus rogenhoferi

Family Erycinidae

Abisara kausambi
Dodona adonira
Dodona dipoea
Dodona egeon
Libythea lepita

Family Hesperidae

Baoris philippina
Bebasa sena
Halpe homolea

Family Inoepilidae

Inoepilus albonotalus

Family Lycaenidae

Allotinus subviolaceous manychus
Amblypodia aberrans
Amblypodia aenea
Amblypodia agaba aurelia
Amblypodia agrata
Amblypodia alesia
Amblypodia apidanus ahamus
Amblypodia aresta aresta
Amblypodia bazaloides
Amblypodia camdeo
Amblypodia ellisi
Amblypodia fulla ignara
Amblypodia ganesa watsoni

Amblypodia paraganesa zephpreeta
Amblypodia paralea
Amblypodia silhetensis
Amblypodia suffusa suffusa
Amblypodia yendava
Apharitis tilacinus
Araotes lapithis
Artipe eryx
Bindahara phocides
Bothrinia chennellii
Castalius roxus manluena
Catapoecilma elegans myositina
Charana jalindra
Cheriterlla truncipennis
Chliaria kina
Deudoryx hypargyria gaetulia
Enchrysops onejus
Everes kalaroi
Heliphorus androcles moorei
Horaga onyx
Horaga viola
Hypolycaena nilgirica
Hypolycaena thecloides nicobarica
Iraota rochana boswelliana
Jamides alectokandulana
Jamides celeodus pura
Jamides kankena
Lampides boeticus
Lilacea albocaerulea
Lilacea atroguttata
Lilacea lilacea
Lilacea melaena
Lilacea minimis
Logania massalia
Lycaenesthes lycaenina
Mahathala ameria
Mahathala atkinsoni
Magisba malaya presbyter
Nacaduba aluta coelestis
Nacaduba ancyra aberrans
Nacaduba dubiosa fulva
Nacaduba helicon
Nacaduba hermus major
Nacaduba pactolus
Neucheritra febronia
Niphanda cymbia

Orthomiella pontis
Pithecops fulgens
Polymmatus devanica devanica
Polymmatus metallica metallica
Polymmatus orbitulus jaloka
Polymmatius yeonghusbandi
Poritia erycinoides elisei
Poritia hewitsoni
Poritia plusrata geta
Pratapa bhotas
Pratapa blanka
Pratapa deva
Pratapa icetas
Rapala buxaria
Rapala chandrana chandrana
Rapala nasala
Rapala refulgens
Rapala rubida
Rapala scintilla
Rapala ophinx ophinx
Rapala varuna
Spindasis elima elima
Spindasis lohita
Spindasis nipalicus
Suasa lisides
Surendra todara
Tajuria albiplaga
Tajuria cippus cippus
Tajuria culta
Tajuria diaeus
Tajuria illurgoodes
Tajuria illurgis
Tajuria jangala andamanica
Tajuria melastigma
Tajuria sebonga
Tajuria thydia
Tajuria yajna istroides
Tarucus callinara
Tarucus dharta
Thaduka multicaudata kanara
Thecla ataxus ataxus
Thecla bitei
Thecla icana
Thecla jakamensis
Thecla kabrea
Thecla khasia

Thecla kirbariensis
Thecla suroia
Thecla syla assamica
Thecla vittata
Thecla ziba
Thecla zoa
Una usta
Yasoda tripunctata

Family Nymphalidae

Adolias cyanipardus
Adolius dirtea
Adolius khasiana
Apatura chevana
Apatura parvata
Apatura sordida
Apatura ulupi florenciae
Argynnis adippe pallida

Argynnis altissima
Argynnis clara clara
Argynnis pales horla
Atella iscippe
Calinaga buddha brahman
Charaxes aristogiton
Charaxes fabius sulphurous
Charaxes nabruba
Charaxes marmax
Charaxes polyxena heman
Chersonesia rahria arahrioides
Cyrestis cocles
Diagora persimilis
Doleschallia bisaltide malabarica
Eriboea athamas andamanicus
Eriboea delphis
Eriboea dolon
Eriboea lissainei
Euripus consimilis
Euripus halitherses
Euthalia anosia
Euthalia cocytus
Euthalia duda
Euthalia durga durga
Euthalia evalina landabilis
Euthalia francaiae
Euthalia gauda acontius

Euthalia merta eriphylea
Euthalia nara nara
Euthalia patala taoana
Euthalia teuta
Herona marathus andamana
Hypolimnas missipus
Hypolimnas polynice birmana
Kallima albofasciata
Kallima alompora
Kallima philarchus horsfieldii
Limenitis austenia austenia
Limenitis damava
Limenitis dudu
Melitaea robertsi lutko
Neptis ananta
Neptis anjana nashona
Neptis aurelia
Neptis magadha khasiana
Neptis nandina hamsoni
Neptis narayana
Neptis radha radha
Neptis soma
Neptis zaida
Neurosigma doubledayi doubledayi
Pantoporia asura asura
Pantoporia kanwa phorkys
Pantoporia larymna siamensis
Pantoporia pravara acutipennis
Pantoporia ranga
Parthenos sylvia
Penthema lisarda
Symbrenthia niphanda
Vanesa egea agnicula
Vanesa lalbum
Vanesa polychloros fervida
Vanesa prarsoides dohertyi
Vanesa urticae rizama

Family Papilionidae

Bhutanitis liderdalii
Chilasa epycides epycides
Chilasa paradoxa telearchus
Chilasa slateri slateri
Graphium aristeus anticrates
Graphium arycles arycles
Graphium eurypylus macronius

Graphium evemon albociliates
Graphium gyas gyas
Graphium megarus megarus
Papilio bootes
Papilio Buddha
Papilio fuscus andamanicus
Papilio machaon verityi
Papilio mayo
Parnassius charltonius charltonius
Parnassius epaphus hillensis
Parnassius jacquemonti jacquemonti
Polydorus latreillei kabrua
Polydorus plutonius tytleri
Teinopalpus imperialis imperialis

Family Pieridae

Aporia nabellica
Appias albina darada
Appias indra shiva
Appias lyncida latifasciata
Appias wardica
Baltia butleri butleri
Cepora nadian remba
Cepora nerissa dapha
Colias eocandica hinducucica
Colias eogene
Colias ladakensis
Colias stoliczkana Miranda
Delias lativitta
Dercas lycorias
Euchloe charltonia lucilla
Eurema andersoni ormistoni
Metaporia agathon
Pieris deota
Pontia chloridice alpina
Saletara panda chrysaea
Valeria avatar avatar

Family Satyridae

Aulocera brahminus
Cyllogenes suradeva
Elymnias melilas milamba
Elymnias vasudeva
Erebia annada suroia
Erebia hydriva
Erebia kalinda kalinda

Erebia manii manii
Erebia seanda opima
Erites falcipennis
Hipparchis heydenreichi shandura
Lethe atkinsoni
Lethe baladeva
Lethe brisanda
Lethe goalpara goalpara
Lethe insana insana
Lethe jalaurida
Lethe kabrua
Lethe latiaris latiaris
Lethe moelleri moelleri
Lethe naga naga
Lethe nicetella
Lethe pulaha
Lethe scanda
Lethe serbonis
Lethe siderea
Lethe sinorix
Lethe tristigmata
Lethe violaceodicta kanjupkula
Lethe visrava
Lethe yama
Maniola davendra davendra
Melanitis zitanius
Mycalesis adamsoni
Mycalesis anaxias
Mycalesis botama chamba
Mycalesis heri
Mycalesis lepcha bethami
Mycalesis malsarida
Mycalesis misenus
Mycalesis mestra
Mycalesis mystes
Mycalesis suavolens
Neorina hilda
Neorina patria westwoodii
Oeneis buddha gurhwalica
Parantirrhoea marshali
Paraga maerula maefula
Ragadia crisilda crito
Rhagicera sttricus kabrua
Ypthima bolanica
Ypthima lycus lycus
Ypthima mathora mathora

Ypthima similes affectata

Zipotis saitis

- 1-A. Civets (all species of *Viverridae* except *Malabar civet*)
- 1-B. Common fox (*Vulpes bengalensis*)
- 1-C. Flying squirrels (all species of the genera *Bulopetes*, *Petaurista*,
Pelomys and *Eupetaurus*)
- 1-D. Giant squirrels (*Ratufa indica*, and *R. bicolour*)
- 2. * * * * *
- 2-A. Himalayan black bear (*Selenarctos thibetanus*)
- 2-B. Jackal (*Canis aureus*)
- 2-C. Jungle cat (*Felis chaus*)
- 2-D. Marmots (*Marmota bobak himalayana*, *M. caudata*)
- 2-E. Martens (*Martes foina intermedia*, *M. flavigula*, *M. watkinsii*)
- 3. * * * * *
- 4. * * *
- 4. Otters (*Luthra*, *L. perspicillata*)
- 4-A. Pole cats (*Vermela peregusna*, *M. putorius*)
- 4-B. Red fox (*Vulpes vulpes*, *V. montana*, *V. griffithi*, *V. pusilla*)
- 5. *
- 5-A. Sperm whale (*Physter macrocephalus*)
- 6. * * * *
- 7. Weasels (*Mustela sibirica*, *M. kathian*, *M. altaica*)
- 8. Checkered keelback snake (*Xeno chrophis piscator*)
- 9. Dhaman or rat snake (*Ptyas mucosus*)
- 10. Dog-faced water snake (*Cerberus rhynchopi*)
- 11. Indian cobras (all sub-species of the genus *Naja*)
- 12. King cobra (*Ophiophagus hannah*)
- 13. Oliveaceous keelback snake (*Artretium schistosum*)
- 14. Russel's viper (*Vipera ruselli*)
- 15. Varanus species (excluding yellow monitor lizard)

SCHEDULE III

(See Secs. 2, 8, 9, 11 and 61)

- 1. * * * *
- 2. Barking deer or muntjac (*Muntiacus muntjak*)
- 3. * * * *
- 4. * * *
- 5. Chital or spotted deer (*Axis axis*)
- 6. * * * * *
- 7. Gorals (*Nemorhaedus goral*, *N. hodgsoni*)
- 8. * * * * *
- 9. * * * * *
- 10. * * * * *
- 11. Hog deer (*Axis porcinus*)

- 12. Hyaena (*Hyaena hyaena*)
- 13. * * * * *
- 14. Nilgai (*Boselaphus tragocamelus*)
- 15. * * * * *
- 16. Sambar (*Cervus unicolor*)
- 17. * * * * *
- 18. * * * * *
- 19. Wild pig (*Sus scrofa*)
- 20. Sponges (All *Calcareans*)

SCHEDULE IV
(See Secs. 2, 8, 9, 11 and 61)

- 1. * * * * * * * *
- 1-A. * * *
- 2. * * *
- 3. * * *
- 3-A. Five-striped palm squirrel (*Funambulus pennanti*)
- 4. Hares (Black Naped, Common Indian, Desert and Himalayan mouse hare)
- 4-A. Hedgehog (*Hemiechinus auritus*)
- 4-B. * * * * *
- 4-C. * * *
- 4-D. * * *
- 4-E. Indian porcupine (*Hystrix indica*)
- 5. * * * * * *
- 6. * * * * * *
- 6-A. Mongooses (all species of genus *Herpestes*)
- 6-B. * * * * * * * *
- 7. * * *
- 7-A. * * *
- 7-B. * * *
- 8. * * *
- 8-A. * * *
- 9. * * * * * * * *
- 9-A. * * *
- 10. * * *
- 11. Birds (other than those, which appear in other Schedules):
 - 1. Avadavat (*Estrildinae*)
 - 2. Avocet (*Recurvirostridae*)
 - 3. Babblers (*Timaliinae*)
 - 4. Barbets (*Capitonidae*)
 - 5. Barnowls (*Tytoninae*)
 - 6. Bitterns (*Ardeidae*)
 - 7. Brown-headed gull (*Larus brunnicephalus*)

8. Bulbuls (*Pycnonotidae*)
9. Buntings (*Emberizidae*)
10. Bustards (*Otididae*)
11. Bustard-quails (*Turnicidae*)
12. Chloropsis (*Irenidae*)
13. Comb duck (*Sarkidiornis melanotos*)
14. Coots (*Rallidae*)
15. Cormorants (*Phalacrocoracidae*)
16. Cranes (*Gruidae*)
17. Cuckoos (*Cuculidae*)
- 17-A. Curlews (*Scolopacinae*)
18. Darters (*Phalacrocoracidae*)
19. Doves including the Emerald dove (*Columbidae*)
20. Drongos (*Dicruridae*)
21. Ducks (*Anatidae*)
22. Egrets (*Ardeidae*)
23. Fairy bluebirds (*Irenidae*)
24. Falcons (*Falconidae*), except the shaheen and peregrine falcons (*Falco peregrinus*), the saker and laggar falcons (*F. biarmicus*), and the redheaded merlin (*F. chicquera*)
25. Finches including the chaffinch (*Fringillidae*)
26. Flamingos (*Phoenicopteridae*)
27. Flowerpeckers (*Dicaeidae*)
28. Flycatchers (*Muscicapidae*)
29. Geese (*Anatidae*)
30. Goldfinches and allies (*Carduelinae*)
31. Grebes (*Podicipitidae*)
32. Herons (*Ardeidae*)
33. Ibises (*Threskiornithidae*)
34. Ioras (*Irenidae*)
35. Jays (*Corvidae*)
36. Jacanas (*Jacaniidae*)
- 36-A. Junglefowl (*Phasianidae*)
37. Kingfishers (*Alcedinidae*)
38. Larks (*Alaudidae*)
39. Lorikeets (*Psittacidae*)
40. Magpies including the Hunting magpie (*Corvidae*)
41. Mannikins (*Estrildinae*)
42. Megapodes (*Megapodidae*)
43. Minivets (*Campephagidae*)
44. Munias (*Estrildinae*)
45. Mynas (*Sturnidae*)
46. Nightjars (*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 (*Charadriinae*)
 57. Quails (*Phasianidae*)
 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 curlews (*Burhinidae*)
 66. Storks (*Ciconiidae*)
 67. Stilts (*Recurvirostridae*)
 68. Sunbirds (*Nectariniidae*)
 69. Swans (sic) (*Anatidae*)
 70. Teals (*Anatidae*)
 71. Thrushes (*Turdinae*)
 72. Tits (*Paridae*)
 73. Tree pies (*Corvidae*)
 74. Trogons (*Trogonidae*)
 75. Vultures (*Accipitridae*)
 76. Waxbills (*Estrildinae*)
 77. Weaverbirds or bayas (*Ploceidae*)
 78. White-eyes (*Zosteropidae*)
 79. Woodpeckers (*Picidae*)
 80. Wrens (*Troglodytidae*)
12. Snakes [other than those species listed in Sch.I, Part II; and Sch.II, Part II]
- (i) *Amblycayhalidae*
 - (ii) *Amilidae*
 - (iii) *Boidae*
 - (iv) *Colubridae*
 - (v) *Dasypeptidae*
 - (vi) *Elapidae* (cobras, kraits and coral snakes)
 - (vii) *Glaconidae*
 - (viii) *Hydrophidae* (freshwater and sea snakes)
 - (ix) *Ilysiidae*
 - (x) *Leptotyphlopidae*
 - (xi) *Typhlopidae*

- (xii) *Uropeltidae*
- (xiii) *Viperidae*
- (xiv) *Xenopeltidae*
- 13. Freshwater frogs (*Rana spp.*)
- 14. Three-keeled turtle (*Geomyda tricarinata*)
- 15. Tortoises (*Testudinidae, Tryonichidae*)
- 16. Viviparous toads (*Nectophyrynoides spp.*)
- 17. Voles
- 18. Butterflies and moths:

Family Danaidae

Euploea core simulatrix

Euploea crassa

Euploea dioeletianus ramsahai

Euploea mulciber

Family Hesperidae

Baoris farri

Hasaro vitta

Hyarotis adrastus

Oriens concinna

Pelopidas assamensis

Pelopidas sinensis

Polytrema discreta

Polytrema rubricans

Thoessa horiorei

Family Lycaenidae

Tarucus ananda

Family Nymphalidae

Eiuthalia lubentina

Family Pigeridae

Appias agathon ariaca

Appias libythea

Appias 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 sibbaldi*
- (xiv) *Trochus niloticus*
- (xv) *Turbo marmoratus*

SCHEDULE V
(See Secs. 2, 8, 61 and 62)

Vermin

- 1. Common crow
- 2. * * * *
- 3. Fruit bats
- 4. * * *
- 5. Mice
- 6. Rats
- 7. * * *

SCHEDULE VI
(See Section 2)

- 1. Beddomes cycad (*Cycas beddomei*)
- 2. Blue vanda (*Vanda coerulea*)
- 3. Kuth (*Saussurea lappa*)
- 4. Ladies slipper orchid (*Paphiopedilium*)
- 5. Pitcher plant (*Nepenthes khasiana*)
- 6. Red vanda (*Renanthera imschootiana*)

THE WILDLIFE (TRANSACTION AND TAXIDERMY) RULES, 1973

G.S.R. 198(E), dated the 9th April, 1973

In exercise of the powers conferred by Cl. (b) of sub-section (1) of Sec. 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules.

1. Short title, extent and commencement

- (1) These rules may be called the Wildlife (Transactions and Taxidermy) Rules, 1973.
- (2) They extend to the whole of the State of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh and Uttar Pradesh.
- (3) They shall come into force on the 9th April, 1973.

2. Definition

In these rules, unless the context otherwise requires

- (a) "Act" means the Wildlife (protection) Act, 1972 (53 of 1972);
- (b) "Form" means a Form appended to these rules;
- (c) "Licensee" means a licensee under Chapter V of the Act;
- (d) "Officer" means the Chief Wildlife Warden or any other officer whom the State Government may, for the purposes of these rules, by notification in the official Gazette, appoint;
- (e) "specified animal" means any animal which is specified in Sch.I or Part II of Sch. II to the Act and which is
 - (i) captured or kept or bred in captivity, or
 - (ii) found wild in nature.

3. Acquiring, receiving or keeping specified animal, etc. in control, custody or possession or put under process of taxidermy or make articles, etc.,

- (1) No person shall
 - (i) acquire, receive, keep in his control, custody or possession, any specified animal or any animal articles, trophy, uncured trophy, or meat derived therefrom, or
 - (ii) put under a process of taxidermy or make animal articles containing part of whole of such animal, except with the previous permission of the officer.

- (2) Every application for such permission shall be made in Form I.
- (3) On receipt of an application made under sub-rule (2), the officer may, after making such inquiry as he may think fit and within a period of fifteen days from the date of receipt of the application, either grant or refuse to grant the permission;

Provided that no such permission shall be granted unless the officer is satisfied that the specified animal or animal article, trophy, uncured trophy or meat, referred to in sub-rule (1) has been lawfully acquired.

- (4) Where the officer refuses to grant the permission, he shall record the reason for so doing and a copy of the reason so recorded shall be communicated to the licensee applying for the permission.
- (5) Every permission granted under sub-rule (3) shall be in Form II.

4. Submission of report of stocks

(1) Every licensee to whom permission has been granted under sub-rule (3), of Rule 3 shall submit, to the officer who has granted the said permission, report regarding the stocks of specified animal or animal article, trophy, uncured trophy or meat, referred to in sub-rule (1) of Rule 3, in Form III within a period of [thirty days] of the acquisition, receipt or keeping of the same in his control, custody or possession.

(2) The officer, after receiving such report, may arrange to affix identification marks on such stocks.

5. Sale of specified animal, etc.

(1) No licensed dealer shall sell or offer for sale any specified animal or any animal article, trophy or uncured trophy derived therefrom, except to a person authorised to purchase by a permission granted by the officer and where the sale is effected the purchaser shall surrender the permission to the licensed dealer.

(2) Every application for permission to purchase shall be made in Form IV.

(3) On receipt of an application made under sub-rule (2), the officer may, after making such inquiry as he may think fit, and within a period of ten days from receipt of the application, either grant or refuse to grant the permission.

(4) Where the officer refuses to grant the permission, he shall record the reasons for so doing and a copy of the reasons so recorded shall be communicated to the person applying for the permission.

(5) Every permission granted under sub-rule (3) shall be valid up to a period of one month from the date of issue of the same.

(6) Every licensed dealer shall, at the time of each sale, issue a voucher in relation to the specified animal or animal article, trophy or uncured trophy referred to in sub-rule (1), to the person authorised to purchase.

(7) Each voucher shall contain the following particulars, namely

- (a) date of issue of the voucher;
- (b) the amount of price realised or to be realised;
- (c) name and address of the licensed dealer issuing the voucher;
- (d) name and address of the person to whom the voucher is issued;
- (e) permission number of the person authorised to purchase;
- (f) description of the specified animal/ animal article/ trophy/ uncured trophy derived therefrom and number;
- (g) whether such specified animal/ animal article/ trophy/ uncured trophy/ was/were required to be declared under Sec.44 of the Wild Life (Protection) Act, 1972 (53 of 1972), and if so, whether it/they has/have been declared;

signature of the licensed dealer issuing the voucher;

- (h) signature of the person to whom the voucher is issued.

6. Taxidermy or making animal article

(1) Every licensed taxidermist or licensed manufacturer shall, at the time of returning the trophy or animal article, issue a voucher to the owner of the said trophy or animal article.

(2) Each voucher shall contain the following particulars, namely:

- (a) date of issue of voucher;
- (b) charges realised or to be realised;
- (c) name and address of the licensed taxidermist/ manufacturer issuing the voucher;
- (d) name and address of the person to whom the voucher is issued;
- (e) whether uncured trophy/ trophy/ animal article was required to be declared under Sec.40 or Sec.44 of the Wild Life (Protection) Act, 1972 (53 of 1972), and if so whether it/ they has/have been declared;
- (f) signature of the licensed taxidermist/ manufacturer issuing the voucher.

7. Maintenance of vouchers

(1) The voucher referred to in Rules 5 or 6 shall be in triplicate and serially numbered.

(2) The duplicate and the triplicate copy of the voucher shall be retained by the licensed dealer, licensed taxidermist or licensed manufacturer, and the original copy of the voucher shall be given to the person referred to in sub-rule (7) of Rule 5 or sub-rule (1) of rule 6.

(3) Every book containing blank vouchers shall be presented to the officer for affixing his initials to stamps on such book before it is brought into use.

(4) (a) Every licensed dealer, licensed taxidermist or licensed manufacturer shall send in monthly batches, not later than the seventh day of every month, the duplicate copies of vouchers retained by him, to the officer.

(b) Every permission surrendered to a licensed dealer at the time of sale shall also be enclosed along with the duplicate copies aforesaid.

8. Transport of specified animal, etc.

(1) No licensee shall transport from one place to another within the State any specified animal, animal articles, trophy or uncured trophy derived therefrom, except with the previous permission of the officer.

(2) Every application for such permission shall be made in Form VI.

(3) On receipt of an application made under sub-rule (2), the officer may, after making such inquiry as he may think fit, and within a period of seven days from the date of receipt of the application, either grant or refuse to grant the permission;

Provided that no such permission shall be granted unless the officer is satisfied that the specified animal or animal article, trophy or uncured trophy, referred to in sub-rule (1) has been lawfully acquired.

(4) Where the officer refuses to grant the permission, he shall record the reasons for so doing and a copy of the reasons so recorded shall be communicated to the licensee applying for the permission.

(5) Every permission granted under sub-rule (3) shall be in Form VII.

9. Appeal

(1) Any licensee or a person aggrieved by an order made by the Chief Wildlife Warden or any officer granting the permission under sub-rule (3) of rule 3, sub-rule (3) of rule 5 or sub-rule (3) of Rule 8, may prefer an appeal, if

(i) the order is made by an officer other than the Chief Wildlife Warden, to the Chief Wildlife Warden, or

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

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

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

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

FORM I

(See sub-rule (2) of Rule 3)

Application for permission to acquire, receive, keep specified animal, animal article, etc. or put under process of taxidermy or make animal article

To,

The _____

Sir,

1. I resident of Taluk District and holding License No. Granted under Sec.44 (4) of the Wild Life (Protection) Act, 1972 (53 of 1972), request that I may be granted permission to acquire/ receive/ keep in any control/ custody/ possession of specified animal/ animal article/ trophy/ uncured trophy/ meat derived from specified animal and/ or put under process of taxidermy/ make animal article containing part/ whole of such animal.

2. I furnish below the particulars in relation to such specified animal/ animal article/ trophy/ uncured trophy/ meat:

- (1) Species of animal
- (2) Number
- (3) Description(including sex, if possible)
- (4) Source from which to be obtained
 - (i) Address and License No. if any
 - (ii) Whether declaration made/ permission/ licence obtained under Secs. 40, 43 or 44 of the Wild Life (Protection) Act, 1972, and if so the particulars:
- (5) Particulars of certificate of ownership
- (6) Identification mark, if any
- (7) Premises in which intended to be kept
- (8) Purpose for which to be acquired/ received/ kept in control/ custody/ possession
- (9) If to be put under process of taxidermy or to make animal article,
 - (a) No. of trophies/ articles to be made
 - (b) Description of such trophies/ articles
 - (c) To whom will they be returned
 - (d) Probable date by which they will be returned

3. I hereby declare that to the best of my knowledge and belief the information furnished herein is true and complete.

.....
Signature of the applicant

Strike out whichever is not applicable

FORM II

(See sub-rule (2) of Rule 5)

Possession to acquire, receive, keep in control, custody or permission of specified animal, animal article, etc. or put under process of taxidermy or make animal article.

Shri Holding Licence No. granted under Sec.44(4) of the Wild Life (Protection) Act, 1972 (53 of 1972) is hereby permitted to acquire/ to keep under his control/ custody/ possession of specified animal/ animal article/ trophy/ uncured trophy/ meat derived from specified animal of the following description, or put under process of taxidermy or make animal article containing part or whole of such animal:

- (1) Species of animal
- (2) Description (including sex, if given in the application)
- (3) Number
- (4) Source from which to be obtained
- (5) Licence/ Permission No. of the source from which to be obtained
- (6) Particulars of the Certificate of Ownership
- (7) Identification mark, if any
- (8) Premises in which intended to be kept
- (9) Purpose for which permitted to be acquired/ received/ kept in control/ custody/ possession
- (10) If permitted to be put under process of taxidermy or to make animal article,
 - (a) No. of trophies/ articles to be made
 - (b) Description of such trophies/ articles
 - (c) To whom they should be returned
 - (d) Probable date by which they would be returned

Issued by me this day of

Seal:

Place:

.....
Signature and Designation

Date:

Strike out whichever is not applicable

FORM III

(See sub-rule (1) of Rule 4)

Report of stocks

To,

The _____

1. Full name, address and Licence No. of the Licensee
2. Stock held on the date of report in specified animals:
 - (a) Species and sex
 - (b) Number
 - (c) Adult or juvenile
 - (d) Premises where kept
3. Stock held on the date of report in animal articles:
 - (a) Description, including species of animal from which derived
 - (b) Number
 - (c) Dimension or weight
 - (d) Premises where kept
4. Stock held on the date of report in trophies:
 - (a) Description, including species of animal from which derived
 - (b) Number
 - (c) Dimension or weight
 - (d) Premises where kept
5. Stock held on the date of report in uncured trophies:
 - (a) Description, including species of animal from which derived
 - (b) Number
 - (c) Dimension or weight
 - (d) Premises where kept
6. Remarks, if any

I do hereby declare that the information given above is true to the best of my knowledge and belief.

Place:

Date: Signature of the person making declaration

Strike out whichever is not applicable

FORM IV

(See sub-rule (2) of Rule 5)

Application for permission to purchase specified animal, etc.

To

The _____

Sir,

I/ We, residing at Taluk..... District

Request that I/ We may be granted permission to purchase specified animal/ animal article/ trophy/ uncured trophy derived from specified animal of the following description, from a Licence:

(1) Number and description of

(a) specified animal

(b) animal article

(c) trophy

(d) uncured trophy

(2) Purpose for which the purchase is to be made

(3) I/ We hereby declare that to the best of my/ our knowledge and belief the information furnished herein is true and complete.

.....

Signature(s) of the applicant(s)

Place:

Date:

Strike out whichever is not applicable

FORM V

(See sub-rule (5) of Rule 5)

Permission to purchase specified animal etc.

S/ Shri is/ are hereby permitted to purchase specified animal/ animal article/ trophy/ uncured trophy derived from specified animal of the following description, from for the purpose of

Number and description of

- (a) Specified animal
- (b) Animal article
- (c) Trophy
- (d) Uncured trophy

Issued by me this day of

.....

Signature and Designation

Seal:

Place:

Date:

Note: This permission shall be valid up to a period of one month from the date of issue.

Strike out whichever is not applicable

FORM VI

(See sub-rule (2) of Rule 8)

Application for permission to transport specified animal etc.

To

The _____

Sir,

I, residing at Taluk District
holding Licence No. granted under Sec.44 (4) of the Wild Life (Protection)
Act, 1972 (53 of 1972), request that I may be granted permission to transport the following :

- (1) Species of specified animal or from which the animal article/ cured trophy/
uncured trophy is derived _____
- (2) Number _____
- (3) Description (including sex if possible) _____
- (4) Identification mark, if any _____
- (5) Source of procurement and the Licence/ Permission No. _____
- (6) Certificate of ownership, if any _____
- (7) Mode of transport _____
- (8) Route _____
- (9) Period required for transport _____
- (10) Destination _____

I hereby declare that to the best of my knowledge and belief the information furnished herein is true and complete.

.....
Signature of the applicant

Place:

Date:

Strike out whichever is not applicable

FORM VII

(See sub-rule (5) of Rule 8)

Permission to transport specified animal etc.

Shri Holding Licence No. granted under Sec.44(4) of the Wild Life (Protection) Act, 1972 (53 of 1972), is hereby permitted to transport in the manner prescribed below specified animal/ animal article/ cured trophy/ uncured trophy derived from specified animal, from to

- (i) Mode of transport
- (ii) Route
- (iii) Period allowed for transport
- (iv) Remarks

Issued by me this day of

.....
Signature and Designation

Seal:

Place:

Date:

Strike out whichever is not applicable

**THE WILDLIFE (STOCK DECLARATION)
CENTRAL RULES, 1973**

G.S.R. 29(E)

In exercise of the powers conferred by Cl. (a) of sub-section (1) of Sec.63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely

1. Short title and commencement

- (1) These rules may be called the Wildlife (Stock Declaration) Central Rules, 1973.
- (2) They shall come into force in the State of Madhya Pradesh on the 25th January, 1973 and in other States and Union Territories on such date as the Central Government may, by notification appoint, and different dates may be appointed for for different States and union Territories.

2. Declaration by manufacturer or dealer or taxidermist in, animal article, etc.

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 Wild Life (Protection) Act, 1972, declare his stock of animal article, captive animal, trophies, and uncured trophies, as the case may be, as on the date of such declaration to the Chief Wildlife Warden in the form given below.

Form of Declaration

(See sub-section (2) of Sec. 44)

To

The Chief Wildlife Warden
State or Union territory of

- 1. Full name and address of the manufacturer/ dealer/ taxidermist making the declaration _____

- 2. Actual stock held on the date of declaration in animal articles:
 - (i) Description including name of animal from which derived _____
 - (ii) Number _____
 - (iii) Dimensions or weight _____
 - (iv) Premises where kept _____

3. Actual stock held on the date of declaration in captive animals:
- (i) Species and sex _____
 - (ii) Number _____
 - (iii) Adult or juvenile _____
 - (iv) Premises where kept _____

4. Actual stock held on the date of declaration in trophies:
- (i) Description including name of animal from which derived _____
 - (ii) Number _____
 - (iii) Dimensions or weight _____
 - (iv) Premises where kept _____

5. Actual stock held on the date of declaration in uncured trophies:
- (i) Description including name of animal from which derived _____
 - (ii) Number _____
 - (iii) Dimensions or weight _____
 - (iv) Premises where kept _____

6. Remarks, if any

I do hereby declare that the information given above is true to the best of my knowledge and belief.

.....

Signature of the person making the declaration

Place:

Date:

**THE WILDLIFE (PROTECTION) LICENSING
(ADDITIONAL MATTERS FOR CONSIDERATION)
RULES, 1983**

G.S.R. 328(E), dated 13th April, 1983

In exercise of the powers conferred by Cl.(a) of sub-section (1) of Sec.63, read with Cl. (b) of sub-section (4) of Sec. 44 of Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely

1. Short title, extent and commencement

- (1) These rules may be called the Wild Life (Protection) Licensing (Additional Matters for Consideration) Rules, 1983
- (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) They shall come into force on the date of their publication in the official Gazette.

2. Definition

In these Rules, unless the context otherwise, requires, “Act” means the Wild Life (Protection) Act, 1972 (53 of 1972).

3. Additional matters for consideration for grant of licence under Sec.44 of the Act.

For the purposes of granting a licence referred to in sub-section (1) of Sec.44 of the Act, the Chief Wildlife Warden or the authorised officer, as the case may be, shall in addition to the matters specified in Cl. (b) of sub-section (4) of that section, have regard to the following other matters, namely –

- (i) capacity of the applicant to handle the business concerned with referred to facilities, equipment and suitability of the premises for such business;
- (ii) the source and the manner in which the supplies for the business concerned would be obtained;
- (iii) number of licences for the relevant business already in existence in the area concerned;
- (iv) implications which the grant of such licence would have on the hunting or trade of the wild animals concerned.

Provided that no such shall be granted if the said implications relate to any wild animal specified in Sch.I or Part II of Sch.II to the Act, except with the previous consultation of the Central Government.

WILDLIFE (PROTECTION) RULES, 1995

G.S.R. 348(E)

In exercise of powers conferred by clause (k) of sub-section (1) of Sec.63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

1. Short title and commencement -

- (1) These Rules may be called Wildlife (Protection) Rules, 1995.
- (2) They shall come into force from the date of their publication in the Official Gazette.

2. In these rules, unless the context otherwise requires -

- (a) "Act" means the Wild Life (Protection) Act, 1972.
- (b) "Section" means the Section of the Act.

3. The manner of the notice under clause (c) of Sec.55 -

- (1) The notice to the Central Government or the State Government or any authorised officer, as the case may be, shall be given in form "A" annexed to these rules.
- (2) The person giving notice to the Central Government or the State Government or any authorised officer shall send the notice by registered post to:
 - (a) The Director of Wildlife Preservation, Government of India in the Ministry of Environment and Forests, New Delhi; and
 - (b)
 - (i) The Secretary to the concerned State Govt./ Union Territory in charge Wildlife, or
 - (ii) The Chief Wildlife Warden of the concerned State Govt./ Union Territory, or
 - (iii) Any authorised officer of State Govt./ Union Territory.

FORM "A"

(See sub-rule (1) of Rule 3)

From:

To:

Notice under Sec. 55 of the Wild Life (Protection) Act, 1972.

Whereas an offence under the Wild Life (Protection) Act, 1972 has been committed/ is being committed by [Full name(s) and complete address(es)]
.....
.....

And whereas the brief facts of the offence(s) are enclosed;

I/ We hereby gives notice of 60 days under Sec. 55 of the Wild Life (Protection) Act, 1972, my/ our intention to file a complaint in the court of
for violation of section(s) of the Wild Life (Protection) Act, 1972.

I am/We are enclosing the following documents as evidence of proof of the violation of the said Act. (Documentary evidence may include photographs/ reports/ statements of witness(es) for enabling enquiry into the alleged violation/ offence).

[No.1-2/ 91/ WLI]
SARWESHWAR JHA, Jt. Secy.

**WILDLIFE (SPECIFIED PLANTS – CONDITIONS FOR
POSSESSION BY LICENSEE) RULES, 1995**

G.S.R. 349(E)

In exercise of powers conferred by Clause (a) of sub-section (1) of Sec. 63 of Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

1. Short title, extent and commencement -

(1) These Rules may be called Wildlife (Specified Plants – Conditions for possession by licensee) Rules, 1995.

(2) These rules shall come into force from the date of commencement of provisions of Chapter IIIA of the Wild Life (Protection) Act, 1972.

2. Definition -

In these Rules, unless the context otherwise requires, “Act” means the Wild Life (Protection) Act, 1972 (53 of 1972).

3. Conditions and other matters subject to which the licensee may keep any specified plants in his custody or possession -

(1) No licensee shall acquire or receive or keep in his control, custody or possession any specified plant or part or derivative thereof in respect of which a declaration under Sec. 17E of the Act has not been made.

(2) No licensee shall acquire, purchase or receive any specified plant or part or derivative thereof from any person other than a licensed dealer in specified plants or a cultivator having a license for cultivation of specified plants under the Act.

(3) Licensee shall keep the stock of specified plants so purchased by him only in the premises approved by the Chief Wildlife Warden of the State.

[No.1-2/ 91/ WLI]

SARWESHWAR JHA, Jt. Secy.

**WILDLIFE (SPECIFIED PLANT STOCK DECLARATION)
CENTRAL RULES, 1995.**

G.S.R. 350(E)

In exercise of powers conferred by Clause (h) of Sec. 63 read with Sec. 17E of Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

1. Short title and commencement -

(1) These rules may be called the Wildlife (Specified Plant Stock Declaration) Central Rules, 1995.

(2) These rules shall come into force from the date of commencement of provisions of Chapter IIIA of the Wild Life (Protection) Act, 1972.

2. Declaration of stocks by a cultivator or dealer in specified plants, parts and derivatives thereof -

Every cultivator of specified plants and the dealer in specified and derivatives thereof shall, within 30 days from the commencement of provisions of Chapter IIIA of Wild Life (Protection) Act, 1972, declare his stocks of specified plants, parts and derivatives thereof, as the case may be, as on the date of such declaration to the Chief Wildlife Warden in the form given below:

Form of Declaration

(See Sec. 17E and sub-section (2) of Sec. 44)

To

The Chief Wildlife Warden,
State/ Union Territory of

1. Full name and address of the cultivator or dealer in specified plants, parts and derivatives thereof making the declaration

2. Actual stock held on the date of declaration:

| Name of the specified plant (including scientific name) | Known Uses | Description of stock | Quantity held in stock Kgs number | Premises where stock are kept | Date of procurement | Source and specific area of procurement | Documentary proof, if any |
|---------------------------------------------------------|------------|----------------------|-----------------------------------|-------------------------------|---------------------|-----------------------------------------|---------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

3. Remarks, if any

I do hereby declare that the information given above is true to the best of my knowledge and belief.

.....
Signature of the person making the declaration

Place:

Date:

[No.1-2/ 91/ WLI]
SARWESHWAR JHA, Jt. Secy.

DECLARATION OF WILD LIFE STOCK RULES,2003

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EXTRAORDINARY

PART II – Section 3 – Sub-section (ii)

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MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 18th April,2003

S.O. 445(E). – In exercise of the powers conferred by sub-section (1) and (3) of Sec. 40A read with Sec. 63 of the wild life (Protection) Act, 1972 (53 of 1972), the Central Government hereby marks the following rules, namely:-

1. Short title and commencement –

1. These rules may be called the Declaration of wild life stock Rules, 2003.
2. They shall come into force on the date of their publication in the Official Gazette

2. Definitions. -

In these rules, unless the context otherwise requires,-

- a) “Act” means the wild life (Protection) Act, 1972 (53 of 1972);
- b) “From” means the form annexed to these rules;
- c) all other words and expressions used in these rules shall have the meanings respectively assigned them in the Act

3. Publicity of intent of notification and Assistance in making application

- i. The Chief Wildlife The chief wildlife warden or the officer authorized by the state Government in this regard shall cause to give wide publicity to the intent of this notification in the regional language through electronic or print media or such other means.

- ii. The Chief wildlife Warden of the officer authorized by the state Government in this regard shall take necessary action to assist the local communities and individuals especially the poor and illiterate in the declaration of their possession, filling up the specified form and any other matter connected therewith and shall make every attempt to ensure that no individual or community associated with animals is deprived of this opportunity.

4. Procedure for filling application. -

- a. Warden or the officer authorized by the state Government in this regard shall be presented in the Form annexed to these rules by the applicant either in person or by an agent or by a duly authorized legal practitioner or sent by registered post addressed to the Chief Wild Life Warden or the officer authorized by the State Government in this regard of the concerned State or the Union territory.
- b. The application under sub rule (1) shall be presented in four complete sets within a period of one hundred and one days from the date of publication of these rules.
- c. The applicant may attach to and present with his application an acknowledgement slip as is given in the Form, which shall be signed by the official receiving the application on behalf of the Chief Wild Life Warden or the officer authorized by the State Government in this regard in acknowledgement of the receipt of the application.

5. Presentation and scrutiny of application

1. The Chief Wildlife warden or the officer authorized by the State Government in this regard shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.
2. If on scrutiny the application is found to be in order, it shall be duly registered and given a serial number.
3. If the application, on scrutiny, is found to be defective, the same shall be returned to the applicant within fifteen days for rectifying the defects and resubmitting the corrected application within fifteen days from the date of its receipt.
4. If the applicant fails to rectify the defect within the time allowed under sub-rule (3), the Chief Wild Life Warden or the officer authorized by the State Government in this regard may, by order and for the reasons to be recorded in writing decline to register the application.

6. Place of filling application

The application shall file application with the Chief Wild Life Warden of the officer authorized by the State Government in this regard

7. Date and palce of hearing to be notified

The Chief wild life Warden of the officer authorized by the State Government in this regard shall notify to the parties the date, palce and time of hearing of each application if required.

8. Decision on application. -

- a. The Chief Wild Life Warden of the officer authorized by the State Government in this regard shall verify the facts mentioned in the application and make such inquiry as may be required.
- b. The Chief Wild Life Warden shall, as far as possible, decide the application within six months of the dates of its presentation and communicate the same to the applicant in writing under his own signature by register post

9. Hearing on application ex- parte.-

Where on the date fixed for hearing the application, the application fails to appear without intimation, the Chief Wild Life Warden or the officer authorized by the State Government in this regard may at their discretion adjourn or decide the application ex-parte.

10. Inquiry by the Chief Wild Life Warden or Authorized officer.-

- a. The Chief Wild Life Warden or the officer authorized by the State Government in this regard shall conduct a detailed inquiry and take all actions as provided in Sec.41 of the Act.
- (2) A copy of the report pertaining to sub-rule (1) of this rule, shall be provided to the application

11. Certificate of ownership

- (1) The Chief Wild Life Warden shall provide a certificate ownership to the applicant whose claim is found valid.
- (2) The certificate of ownership shall be provided as per the provisions of Sec. 42 of the Act

- (3) The certificate of ownership shall contain the facsimile of the identification mark and case of live animals the identification number of the transponder (microchip) implanted shall be mentioned in the certificate.

12. Dealing with declared object.-

Any captive animal, animal article trophy or uncutred trophy under sub-section (1) Sec. 40A and in respect of which certificate of ownership has not been granted or obtained, shall be treated as government property

13. Order to be signed and dated.-

Every order of the Chief Wild Life Warden shall be in writing and shall be signed and dated by the Chief Wild Life Warden.

14. Commnication of order to parties.-

Every order passed on the application shall be communicated to the application either in person or by registered post free of cost.

[F. No. 1-1/2003 WL-I]

FORM

**APPLICATION UNDER SECTION 40A OF WILD LIFE PROTECTION
ACT, 1972 FOR CERTIFICATION OF OWNERSHIP**

To

The Chief Wild Life Warden or the Authorized Officer
State or Union Territory of

(i) I
(Surname) (First name) (Middle Name)

son/daughter of

.....
(Surname) (First name) (Middle
Name)

presently residing at House

Number..... Taluk

District.....

State..... Pin Code.....and

having permanent residence at House

Number..... Taluk

District.....

State..... Pin Code.....

Here by declare that I am in control or possession of captive animal and/or its offspring bred in captivity/ animal article/ trophy/ uncured trophy/ derived from animal (strike out whichever is not applicable) specified in Schedule I or part II of Schedule II o the Wildlife (Protection) Act, 1972 having following description

1. Common name of the animal species
2. Zoological name (Mention sub-species if any):
3. Description of the item
4. State the condition of the item (provide four colour photographs of size 8” x 6” covering front, left and right profiles and full photograph):
5. Number of item:
6. Method of procurement: Purchase/gift/inheritance/any other modes specify:
7. Date of procurement:

8. Name of person/ institute from whom obtain:

9. Address of person/ institute referred to in (6) above:

10. Size (in meters/cms):

- (i) Length
- (ii) Width
- (iii) Height

11 Weight (in Kgs/gms):

12 any specific mark that can help in identification of the item

13 Mention the age and sex in case of live animals

(ii) I hereby declare that the above referred captive animal / item has been kept, store or maintained at the following address

.....
.....
.....

I hereby declare that the above referred captive animal / item was acquire by me through legal means but no declaration has been made by me under sub-section (1) or sub-section (4) of sec. 40 of the Wild Life (Protection) Act. 1972

I further declare that I have read and understood the provisions contain in Sec. 40A, 42 and 43 of wild Life (Protection 0 Act, 1972 and state that the above shall not be transferred to anyone by any mode except by way of inheritance.

I hereby give my consent for fixing an identification mark to each item and transponder in case of captive animal and assure that mark of transponder will not be erased, altered or damaged and in the event of any damage, alternation or change of the mark, I shall inform the competent within twenty-four hours.

I do hereby declare that the information given above is true to the best my knowledge and belief.

Place :

Date :

Signature of the person making the declaration
(Name)

Acknowledge Slip

Receipt of the application filed by Shri/ Smt
present residing at
(Full Address and Telephone Number) in the office of
the Is hereby acknowledged.

Official Seal

Signature

GUIDELINES FOR APPOINTMENT OF HONORARY WILDLIFE WARDENS

The Need

1. People's participation and support is crucial for nature and Wildlife conservation. One of the important ways of enlisting such support is by involving the community leaders and other persons of standing, who have the interest as well as the capacity to render assistance for this cause. Such assistance can be very useful in control over poaching for this clandestine trade in wild animals or their articles, identification of relatively less known wildlife refuges needing protection, carrying the message of conservation to the people living in and around the sanctuaries and national parks, and related matters. This objective can be accomplished if really suitable public men are identified, duties and Honorary Wildlife Wardens, with their responsibilities and powers clearly defined.

Legal Status

2. Sec.4 of the Wild Life (Protection) Act, 1972 empowers the State Government to appoint
- (a) a Chief Wildlife Warden;
 - (b) Wildlife Wardens; and
 - (c) Such other officers and employees as may be necessary for the purpose of the Act.

Honorary Wildlife Wardens can be appointed under sub-section (c) of Sec.4 of the Act. Under Sec.59 of the aforesaid Act, such Honorary Wildlife Wardens shall be deemed to be public servants within the meaning of Sec.21 of the Indian Penal Code.

Criteria for Selection

3. It is very important that the right persons are selected for appointment as Honorary Wildlife Wardens. Every State has a Chief Wildlife Warden and it is mainly his duty to recommend the names of suitable person for this purpose. However, in order to assist him in this regard as well as to introduce a measure of wider participation, the members of the State Wildlife Advisory Board should be requested to suggest suitable names, especially from their own areas.
4. The following criteria should be kept in mind while assessing the suitability of a person as an Honorary Wildlife warden:
- (a) Genuine concern for Wildlife conservation.
 - (b) Personal record free of involvement in any activity detrimental to the interest of nature and Wildlife conservation.
Any person involved in commercial exploitation of Wildlife should not be considered.
 - (c) Capacity to render help to the official machinery.
 - (d) Local standing which make him/ her effective, especially in conveying the conservation message.

5. An important point to bear in mind is the identification of areas particularly prone to poaching, e.g. forests in the vicinity of urban centres and cantonments or close to sanctuaries and national parks. Likewise, centres of clandestine trade in wildlife and products thereof should be identified; so also areas where damage to the people or their property from wild animals is heavy. Selection of persons as honorary Wildlife Wardens must be related to such problem areas because it is these areas, which need priority attention and where public participation is needed most.

Procedure and Appointment

6. Under Sec.6 of the Wild Life (Protection) Act, 1972, every State and Union Territory has a Wildlife Advisory Board to aid and advise the Government in matters connected with the protection of wildlife. The appointment of an Honorary Wildlife Warden should be generally with the recommendation of this Advisory Board. The Chief Wildlife Warden should submit the proposals for this purpose at the meeting(s) of the Board and then seek the orders of the Government.
7. While recommending any person for such appointment, the criteria led down in paras 4 and 5 above must be kept in mind by the Board.
8. The appointment of an Honorary Wildlife Warden should, in the first instance, be generally for a period of one year. Thereafter on the recommendation of the Wildlife Advisory Board, it may be renewed for a period not exceeding 2-3 years at a time.
9. The Wildlife Advisory Board of each State/ Union Territory should review the functioning of the scheme of Honorary Wildlife Wardens at least once every year.
10. The appointment order of an Honorary Wildlife Warden should clearly specify the jurisdiction, which should normally be a district or a few districts, in the area where the person resides. However, there is no objection to making members of the State Wildlife Advisory Board Honorary Wardens for larger areas.
11. Each Honorary Warden should be issued an identity card having his signature and photograph duly attested by the Chief Wildlife Warden. The Chief Wildlife Warden should also give each Honorary Warden a small booklet containing the Wild Life (Protection) Act and the Rules made there under as well as the duties, responsibilities, and power of an Honorary Wildlife warden.
12. The State Government may, at its discretion, terminate the appointment of an Honorary Wildlife Warden at any time, without assigning reasons.

Duties and Responsibilities

13. The main duty and responsibility of an Honorary Wildlife Warden is to assist whole heartedly the State organization responsible for Wildlife conservation work, especially with regard to the following matters:

- (a) Control of poaching and clandestine trade in wild animals and products/ articles thereof.
- (b) Detection and prosecution of offences under the Wild Life (Protection) Act and the Rules made thereunder.
- (c) Preventing damage to the habitat of Wildlife.
- (d) Identification and selection of areas suitable to be declared as sanctuaries, national parks, closed areas, etc; as well as measures for their proper protection.
- (e) Measures for dealing with the problem of damage by wild animals to life and property, including the assessment and payment of compensation, etc.
- (f) Carrying the message of conservation to the people and enlisting public support for nature and Wildlife conservation. The effort should be especially directed to the communities living in or near the declared Wildlife reserves.
- (g) Any other matter connected with the protection of Wildlife, which may be entrusted by the Wildlife Advisory Board or the Chief Wildlife Warden of the State, from time to time.

Powers

- 14. In accordance with sub-section (3) of Sec.4 of the Wild Life (Protection) Act, 1972, an Honorary Wildlife Warden appointed under sub-section (2) (c) of Sec.4 shall be subordinate to the Chief Wildlife Warden of the State and under Sec.59 of aforesaid Act, he shall be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code. Protection for action taken in good faith is provided under Sec.60 of the Act.
- 15. With a view of making the Honorary Wildlife Wardens useful and effective it is necessary that the following specific powers under the Wild Life (Protection) Act, 1972 should be delegated to them:
 - (a) Power to inspect records of licences under Sec.47 (b) of the Act;
 - (b) Powers of entry, search seizure and detention under Sec.50 for prevention and detection of offences under the Act.
- 16. Suitable Honorary Wildlife Wardens could be authorised also to file complaints in courts in accordance with Sec.55 of the Wild Life (Protection) Act, 1972. Normally, however, an Honorary Wildlife Warden should bring the offence detected by him to the notice of the Wildlife Warden having jurisdiction for making proper investigation and lodging a complaint in the court as laid down in Sec.55 of the Act.
- 17. Apart from the above, the State Government may delegate any other power under the aforesaid Act, as it may consider necessary.

General

- 18. Just as it is expected that the Honorary Wildlife Wardens should assist the State Wildlife organization, it is equally essential that the Chief Wildlife Warden and the whole State Machinery responsible for the protection of Wildlife should take all possible steps to associate the Honorary Wildlife Wardens in their work. This can be achieved best by fostering a spirit of mutual trust and confidence.

19. No staff or vehicle support can be provided to Honorary Wardens as a matter of course. However, if the circumstances warrant, the departmental staff should provide all possible help and assistance. Instructions to this effect should be issued by the State Government to all concerned officers in the field.
20. It is also appropriate that the actual expenses incurred by an Honorary Warden on travel by public transport for carrying out the duties assigned to him should be reimbursed by the State Government. In addition, all actual expenses incurred in the detection of an offence under the Wild Life (Protection) Act, 1972, which leads to successful prosecution may be reimbursed after due verification.
21. The State Government should recognise outstanding work or service rendered by any Honorary Warden. Such recognition can be by way of a letter of commendation, or a certificate signed by the Minister in charge of the Department, or the membership of the State Wildlife Advisory Board. Cash grants could also be considered in suitable cases.

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 10th July, 2001

RECOGNITION OF ZOO (AMENDMENT) RULES, 2001

G.S.R. 520(E) – In exercise of the power conferred by Clauses (g) of sub-section (1) of Sec.63 of the Wild Life (Protection) act, 1972 (53 of 1972), the Central Government hereby makes following rules to amend the ‘Recognition of Zoo Rules, 1992’ namely: -

1. Short title and commencement:

- (1) These rules may be called the Recognition of Zoo (Amendment) Rules, 2001.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition:

In these rules, unless the context otherwise requires,

- (a) “Act” means the Wild Life (Protection) Act, 1972 (53 of 1972);
- (b) “Enclosure” means any accommodation provided for Zoo animals;
- (c) “Enclosure barrier” means a physical barrier to contain an animal within an enclosure;
- [(d) “Endangered species” means species included in Sch. I and Sch. II of the Act except Black buck;]
- [(dd) “Critically endangered species” means indigenous species whose total number, in all the zoos put together doesn’t exceed 200 but shall include tiger, Asiatic lion and panther;]
- (e) “Form” means form set forth in Appendix A to these rules;
- (f) “Performing purposes” means any effort to force the animal to carry out unnatural act including performance of circus tricks;
- (g) “Stand-of barrier” means a physical barrier set back from the outer edge of an enclosure barrier;

(h) “Zoo operator” means the person who has unlimited control over the affairs of the Zoo provided that -

- (i) in the case of firm or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the Zoo operator;
- (ii) in the case of a company, any director, manager, secretary or other officer, who is in-charge of and responsible to the company for the affairs of the Zoo shall be deemed to be the Zoo operator;
- (iii) in the case of zoo owned or controlled by the Central Government or any State Government or any local authority, the person or person appointed to manage the affairs of the zoo by the Central Government, the State Government or the local authority, as the case may be shall be deemed to be the Zoo operator.

3. Application for recognition:

An application under Sec.38H of the Act for recognition of a zoo shall be made to the Central Zoo Authority in Form A.

4. Fees for application:

- (a) There shall be paid in respect of every application under rule 3 a fee of rupees five hundred.
- (b) The amount of the fee shall be paid through Demand Draft/ Postal Order(s) in favour of the Central Zoo Authority, New Delhi.

5. Documents to be filled along with the application and particulars it should contain:

Every application shall be accompanied by the prescribed fee and shall contain clear particulars as to the matters specified in Form A.

6. Power to make inquiries and call for information:

Before granting recognition to a zoo under Sec.38H of the Act, the Central Zoo Authority may make such inquiries and require such further information to be furnished, as it deems necessary, relating to the information furnished by the zoo in its application in Form A.

7. Form of recognition:

The recognition granted to a zoo shall be subject to the following conditions, namely:

- (a) that the recognition unless granted on a permanent basis, shall be for such period not less than one year as may be specified in the recognition;

(b) that the zoo shall comply with such standards and norms as are or may be prescribed or imposed under the provisions of the Act and these rules from time to time.

8. Renewal of recognition:

- (a) Three months before the expiry of the period of recognition, a recognised zoo desirous of renewal of such recognition may make an application to the Central Zoo Authority in Form A.
- (b) The provisions of rules 3, 4,5,6 and 7 shall apply in relation to renewal of recognition as they apply in relation to grant of recognition except that, the fee payable in respect of an application for renewal of recognition shall be rupees two hundred.

[9. Classification of Zoos:

For the purposes of deciding standards and norms for recognition of zoos and monitoring and evaluating their performance, the zoos, on the basis of number of animals, species, endangered species and number of animals of endangered species exhibited, shall classified into four categories as specified below: -

| Category of Zoo | Large | Medium | Small | Mini |
|---------------------------------------------------|---------------|---------|---------|---------------|
| Number of animal exhibited | More than 750 | 500-750 | 200-499 | Less than 200 |
| Number of species exhibited | More than 75 | 50-75 | 20-49 | Less than 20 |
| Number of endangered species exhibited | More than 15 | 10-15 | 5-9 | ----- |
| Number of animals of endangered species exhibited | More than 150 | 100-149 | 50-99 | -----] |

[(9A) Central Zoo Authority may allow a mini zoo to keep animals of endangered species subject to the condition prescribed by it with regard to health, care, facilities and upkeep of animals including deployment of supervisory level staff including veterinarian.]

10. Standards and norms subject to which recognition under Sec. 38H of the Act shall be granted:

The Central Zoo Authority shall grant recognition with due regard to the interests of protection and conservation of wild life and such standards, norms and other matters as are specified below:

General: -

- (1) The primary objective of operating any zoo shall be the conservation of wildlife and no zoo shall take up any activity that is inconsistent with the objective.
- (2) No zoo shall acquire any animal in violation of the Act or rules made thereunder.
- (3) No zoo shall allow any animal to be subjected to the cruelties as defined under the Prevention of Cruelty to Animals Act, 1960, (59 of 1960) or permit any activity that exposes the animals to unnecessary pain, stress or provocation, including use of animals for performing purposes.
- (4) No zoo shall use any animal, other than the elephant in plains and yak in hilly areas for riding purposes or draughting any vehicle.
- (5) No zoo shall keep any animal chained or tethered unless doing so is essential for its own well being.
- (6) No zoo shall exhibit any animal that is seriously sick, injured or infirm.
- (7) Each zoo shall be closed to visitors at least once a week.
- (8) Each zoo shall be encompassed by a perimeter wall at least two metres high from the ground level. The existing zoos in the nature of safaris and deer parks will continue to have chain link fence of appropriate design and dimensions.
- (9) The zoo operators shall provide a clean and healthy environment in the zoo by planting trees, creating green belts and providing lawns and flower beds, etc.
- (10) The built up area in any zoo shall not exceed twenty five percent of the total area of the zoo. The built up area includes administrative buildings, stores, hospitals, restaurants, kiosks and visitor rest sheds, etc., animal houses and 'pucca' roads.
- (11) No zoo shall have the residential complexes for the staff within the main campus of the zoo. Such complex, if any, shall be separated from the main campus of the zoo by a boundary wall with a minimum height of two metres from the ground level.

[(11A) Every zoo shall prepare a collection plan of animals to be housed and displayed in the zoo, keeping due regard to the availability of land, water, electricity and climatic condition of the area.]

Administrative and Staffing Pattern:

- [(12) Every zoo shall have one full-time officer in-charge of the zoo. The said officer shall be delegated adequate administrative and financial powers to purchase, feed and medicine and carry out emergency repair of animal enclosures, as may be necessary for proper upkeep and care of zoo animals.]
- [(13). Every large, medium and small zoo shall have an official with Master Degree in Wildlife Science/ Zoology as a full time curator solely responsible for looking after the upkeep of animals and maintenance of animal enclosures.]
- (14). Each large zoo shall have at least two full-time veterinarians and medium and small zoo shall have at least one veterinarian. The mini zoo may at least have arrangement with any outside veterinarian for visiting the zoo every day to look after the animals.

[(14A) Every zoo shall have veterinarians of following description and qualification:

| Category | Sr. Vet. | Jr. Vet. |
|------------|----------|----------|
| Large zoo | 1 | 1 |
| Medium zoo | 1 | 0 |
| Small zoo | 1 | 0 |

Sr. Veterinary Officer shall have B.V.Sc. and A.H having experience of working in a zoo recognised by Central Zoo Authority for at least by five years.

Veterinary officer shall have B.V.Sc. and A.H with Diploma in Zoo and Wildlife Animal Health Care Management or Masters degree in Wildlife Diseases and Management from a recognised University.]

Animal Enclosures – Design, Dimensions and other Essential Features:

- (15) All animal enclosures in a zoo shall be so designed as to fully ensure the safety of animals, caretakers and the visitors. Stand of barriers and adequate warning signs shall be provided for keeping the visitors at a safe distance from the animals.
- [(16) All animal enclosures in a zoo shall be so designed as to meet the full biological requirements of the animal housed therein. The enclosures shall be of such size as to ensure that the animals get space for their free movement and exercise and the animals within herds and groups are not unduly dominated by individual in case of species, which cannot be kept in groups for behavioural or biological reasons, separate enclosures will be provided for each animal. The enclosures will not be smaller than the dimensions given in Appendix II to these rules.]

[(16A) Zoo operators shall provide appropriate screening between the adjacent enclosures to safeguard against the animals getting excited or stressed because of the visibility of animals in other enclosures.]

- [(17) The zoo operators shall endeavour to simulate the conditions of the natural habitat of the animal in the enclosures as closely as possible. Planting of appropriate species of trees for providing shade and shelters, which merge in the overall environment of the enclosures, shall also be provided. Depending upon the availability of land and technical feasibility, most shall be provided as enclosure barrier.]
- [(18) Every mammal in the zoo shall be provided food inside a feeding cell/ retiring cubicle or feeding kraal. The number and size of feeding cells or kraals will also be such that the dominant animals do not deprive other animals from getting adequate food. The endangered mammalian species shall be provided individual feeding cells/ night shelters of the dimensions as specified in Appendix I to these rules. Each cubicle/ cell have resting, feeding, drinking water and exercising facilities according to the biological needs of the species. Proper ventilation and lighting for the comfort and well being of animals shall be provided in each cell/ cubicle/ enclosures.]
- (19) Proper arrangement of drainage of excess of water and arrangements for removal of excreta and residual water from each cell/ cubicle/ enclosures shall be made.
- (20) Designing of any new enclosure for endangered species shall be finalized [with the approval of] the Central Zoo Authority.

Hygiene, Feeding and Upkeep:

- (21) Every zoo shall ensure timely supply of wholesome and unadulterated food in sufficient quantity to each animal according to the requirement of the individual animals, so that no animal remains undernourished.
- (22) Every zoo shall provide for a proper waste disposal system for treating both the solid and liquid wastes generated in the zoos.
- (23) All left over food items, animal excreta and rubbish shall be removed from each enclosure regularly and disposed of in a manner congenial to the general cleanliness of the zoo.
- (24) The zoo operators shall make available round the clock supply of potable water for drinking purposes in each cell/ enclosure/ cubicle.
- (25) Periodic application of disinfectants in each enclosure shall be made according to the directions of the authorised veterinary officer of the zoo.

Animal Care, Health and Treatment:

- (26) The animals shall be handled only by the staff having experience and training in handling the individual animals. Every care shall be taken to avoid discomfort, behavioral stress or physical harm to any animal.
- (27) The condition and health of all animals in the zoo shall be checked every day by the person in-charge of their care. If any animal is found sick, injured, or unduly stressed, the matter shall be reported to the veterinary officer for providing treatment expeditiously.
- (28) Routine examination including parasites checks shall be carried out regularly and preventive medicines including vaccination be administered at such intervals as may be decided by the authorised veterinary officers.
- (29) The zoo operators shall arrange for medical check-ups of the staff responsible for upkeep of animals at least once in every six months to ensure that they do not have infections of such diseases that can infect the zoo animals.
- (30) Each zoo shall maintain animal history sheets and treatment cards in respect of each animal of endangered species, identified by the Central Zoo Authority.

Veterinary Facilities:

- (31) Every large and medium zoo shall have full-fledged veterinary facilities including a properly equipped veterinary hospital, basic diagnostic facilities and comprehensive range of drugs. Each veterinary hospital shall have isolation and quarantine wards for newly arriving animals and sick animals. These wards should be so located as to minimise the chances of infections spreading to other animals of the zoo.

[(31A) Every zoo operator shall provide one qualified lab assistant/ compounder for assisting the veterinarian in health care of the zoo animals.]
- (32) Each veterinary hospital shall have facilities for restraining and handling sick animals including tranquillising equipments and syringe projector. The hospital shall also have a reference library on animal health care and upkeep.
- (33) The small and mini zoos, where full-fledged veterinary hospital is not available, shall have at least a treatment room in the premises of the zoo where routine examinations of animals can be undertaken and immediate treatment can be provided.
- (34) Every zoo shall have a post-mortem room. Any animal that dies in a zoo shall be subjected to a detailed post-mortem and the findings recorded and maintained for a period of at least six years.

[(35) Each zoo shall have proper facility for disposal of carcasses without affecting the hygiene of the zoo. However, carcasses of large cats shall be disposed off only by burning in presence of director or an officer not below the rank of a curator duly authorised by the director.]

Breeding of Animals:

[(36) Every zoo shall keep in its collection only such number of animals and such species for which appropriate housing facility exists. The zoo operators shall be responsible for ensuring that the number of animals of any species does not go beyond the holding capacity of the enclosures available in the zoo and housing standards are not compromised for keeping the excessive numbers.]

(37) Every zoo shall keep the animal in viable, social groups. No animal will be kept without a mate for a period exceeding one year unless there is a legitimate reason for doing so or if the animal has already passed its prime and is of no use for breeding purposes. In the event of a zoo failing to find a mate for any single animal within this period, the animal shall be shifted to some other place according to the directions of the Central Zoo Authority.

(38) No zoo shall be allowed to acquire a single animal of any variety except when doing so is essential either for finding a mate for the single animal housed in the said zoo or for exchange of blood in a captive breeding group.

[(39) All zoos shall participate in planned breeding programme of endangered species approved by Central Zoo Authority in consultation with the Chief Wildlife Warden of the State. For this purpose, they shall exchange animals between zoo by way of breeding loans, gifts, etc. as per the direction of Central Zoo Authority.]

(40) To safeguard against uncontrolled growth in the population of prolifically breeding animals, every zoo shall implement appropriate population control measures like separation of sexes, sterilization, vasectomy, tubectomy and implanting of pallets, etc.

(41) No zoo shall permit hybridisation either between different species of animals or different races of the same species of animals.

Maintenance of records and Submission of Inventory to The Central Zoo Authority:

(42) Every zoo shall keep a record of the birth, acquisitions, sales, disposals and deaths of all animals. The inventory of the animal housed in each zoo as on 31st March of every year shall be submitted to the Central Zoo Authority by 30th April of the same year.

[(43) Every zoo shall also submit a brief summary of the death of animals in the zoo for every financial year, along with the reasons of death identified on the basis of post-mortem reports and other diagnostic tests, by 30th April of the following year. In case of death of critically endangered species, a report along with details specified above shall be submitted to Central Zoo Authority within twenty four hours.]

[(44) Every zoo shall submit an annual report of the activities of the zoo in respect of each financial year to the Central Zoo Authority. With respect to mini zoos, a consolidated report may be submitted by the Chief Wildlife Warden of the respective State/ Union Territories.]

Education and Research:

(45) Every enclosure in a zoo shall bear a sign board displaying scientific information regarding the animals exhibited in it.

(46) Every zoo shall publish leaflets, brochures and guidebooks and make the same available to the visitors, either free of cost or at a reasonable price.

(47) Every large and medium zoo shall make arrangements for recording, in writing, the detailed observations about the biological behaviour, population dynamics and veterinary care of the animals exhibited as per directions of the Central Zoo Authority so that a detailed database could be developed. The database shall be exchanged with other zoos as well as the Central Zoo Authority.

Visitor Facilities:

(48) The zoo operators shall provide adequate civic facilities like toilets, visitor sheds and drinking water points at convenient places in the zoo for visitors.

(49) First-aid equipments including anti-venom shall be readily available in the premises of the zoo.

(50) Arrangements shall be made to provide access to the zoo to disabled visitors including those in the wheel chair.

Development and Planning:

(51) Each zoo shall prepare a long-term master plan for its development. The zoo shall also prepare a management plan, giving details of the proposal and activities of development for next six years. The copies of the said plans shall be sent to the Central Zoo Authority.

**APPLICATION FOR GETTING RECOGNITION FROM
THE CENTRAL ZOO AUTHORITY
UNDER SECTION 38H (Sub-section 2)**

FORM – A

To

The Member-Secretary,
Central Zoo Authority of India,
New Delhi.

We want to get recognition under section 38H of the Wild Life (Protection) Act, 1972 in respect of _____ Bank Draft/ Postal Order for Rs.500/- drawn in favour of Central Zoo Authority is also enclosed. The required information in respect of _____ is as under:

1. Name of the Zoo:
2. Location of the Zoo and Area:
3. Date of establishment:
4. Name of controlling authority/ operator:
5. Total number of visitors to the Zoo during the last three years (Year wise):
6. Total number of days on which Zoo is open to visitors during a calendar year:
7. Number of animals exhibited by the Zoo:

Stock position during the current financial year

| Number of species exhibited | Stock Position on the close of preceding year | Births | Acquisitions | Deaths | Disposals | Stock as on the date of application |
|-----------------------------|-----------------------------------------------|--------|--------------|--------|-----------|-------------------------------------|
|-----------------------------|-----------------------------------------------|--------|--------------|--------|-----------|-------------------------------------|

MAMMALS

BIRDS

REPTILES

AMPHIBIANS

FISHES AND OTHERS

INVERTEBRATES

8. Total number of enclosures:
 - (i) Open air moated enclosures:
 - (ii) Closed cages/ aviaries:
9. List of endangered species bred during last 3 years:

10. Veterinary facilities:
 - (i) Whole time veterinarian available or not:
 - (ii) Facilities available in the Veterinary Hospital:
 - (a) Operation theatre/ Surgical room
 - (b) X-ray facility
 - (c) Squeeze cages
 - (d) In-door patient ward
 - (e) Quarantine ward
 - (f) Dispensary
 - (g) Nursery for hand-rearing animal babies
 - (h) Pathological laboratory
 - (i) Tranquillising equipments/ drugs
11. Whether the following facilities exist in the zoo:
 - (i) Kitchen
 - (ii) Food store
 - (iii) Deep freeze
 - (iv) Potable water facility
 - (v) Food distribution van/ rickshaw etc.
12. Sanitary care and disease control:

Whether -

 - (i) Pollution free water to animals for drinking is available?
 - (ii) Proper drainage system exists in enclosures?
 - (iii) Regular disposal of refuse material is done?
 - (iv) Programme for control of pests and predators exist?
 - (v) Preventive measures like deworming and vaccination are being provided?
13. Amenities to visitors:

Whether -

 - (a) Public facilities like toilets/ bathrooms exist?
 - (b) Sufficient number of drinking water taps available?
 - (c) Visitor information centre and nature interpretation centre exist?
 - (d) Zoo education facilities have been provided?
 - (e) Public telephone booths are available?
 - (f) Kiosks and restaurants are available at the zoo?
14. Safety measures for visitors:

Whether –

 - (a) Effective stand-of barriers have been provided around enclosures?
 - (b) Adequate number of warning sign boards exist?
 - (c) First-aid measures are available?
15. Budget of the Zoo for last 3 years:

| | | |
|---------|--------|-------------------|
| | Grants | Total expenditure |
| Revenue | | |
16. Annual report, Guide books, Brochure or any other publication (copies enclosed):
17. Master plan of the Zoo (copy enclosed):

Signature of the applicant

APPENDIX – I

MINIMUM PRESCRIBED SIZE FOR FEEDING/ RETIRING
CUBICLE/ ENCLOSURES FOR IMPORTANT MAMMALIAN SPECIES OF
CAPTIVE ANIMALS.

| Name of the Species. | [Size of feeding Cubicle/ Night shelter (L x B x H) -in meters] | | |
|---------------------------------------|-----------------------------------------------------------------|---------|--------|
| | Length | Breadth | Height |
| FAMILY – Felidae: | | | |
| Tiger and lions | 2.75 | 1.80 | 3.00 |
| Panther | 2.00 | 1.50 | 2.00 |
| Clouded leopard & snow leopard | 2.00 | 1.50 | 2.00 |
| Small cats | 1.80 | 1.50 | 1.50 |
| FAMILY – Elephantidae: | | | |
| Elephant | 8.00 | 6.00 | 5.50 |
| FAMILY – Rhinocerotidae: | | | |
| One-horned Indian Rhinoceros | 5.00 | 3.00 | 2.50 |
| FAMILY – Cervidae: | | | |
| Brow antlered deer | 3.00 | 2.00 | 2.50 |
| Hangul | 3.00 | 2.00 | 2.50 |
| Swamp deer | 3.00 | 2.00 | 2.50 |
| Musk deer | 2.50 | 1.50 | 2.00 |
| Mouse deer | 1.50 | 1.00 | 1.50 |
| FAMILY – Bovidae: | | | |
| Nilgiri tahr | 2.50 | 1.50 | 2.00 |
| Chinkara | 2.50 | 1.50 | 2.00 |
| Four horned antelope | 2.50 | 1.50 | 2.00 |
| Wild buffalo | 3.00 | 1.50 | 2.00 |
| Indian bison | 3.00 | 2.00 | 2.50 |
| Yak | 4.00 | 2.00 | 2.50 |
| Bharal, goral, wild sheep and markhor | 2.50 | 1.50 | 2.00 |
| FAMILY – Equidae: | | | |
| Wild Ass | 4.00 | 2.00 | 2.50 |
| FAMILY – Ursidae: | | | |
| All types of Indian bears | 2.50 | 1.80 | 2.00 |
| FAMILY – Canidae: | | | |
| Jackal, wolf & wild dog | 2.00 | 1.50 | 1.50 |
| FAMILY – Viverridae: | | | |
| Palm civet | 2.00 | 1.00 | 1.00 |
| Large Indian civet & binturong | 2.00 | 1.50 | 1.00 |
| FAMILY – Mustellidae: | | | |
| Otters all types | 2.50 | 1.50 | 1.00 |
| Ratel/ Hogbadger | 2.50 | 1.50 | 1.00 |
| Martens | 2.00 | 1.50 | 1.00 |

| | Length | Breadth | Height |
|------------------------------------------------------------|--------|---------|--------|
| FAMILY – Procyonidae: Red Panda | 3.00 | 1.50 | 1.00 |
| FAMILY – Lorisidae: Slow loris and slender loris | 1.00 | 1.00 | 1.50 |
| FAMILY – Cercopithecidae: Monkeys and langurs | 2.00 | 1.00 | 1.50 |

(S.S. HASURKAR)
JOINT SECRETARY TO THE GOBT. OF INDIA
(No. F. 6-3/ 91 – WLI)

**MINIMUM PRESCRIBED SIZE FOR OUTDOOR OPEN ENCLOSURE
FOR IMPORTANT MAMMALIAN SPECIES OF
CAPTIVE ANIMALS**

| Sl. No. | Name of the Species | Minimum size of outdoor enclosures (per pair) | Minimum area extra per additional animal |
|-----------------------------------------|-------------------------------------|-----------------------------------------------|------------------------------------------|
| | | Square meter | |
| FAMILY – <i>Felidae</i>: | | | |
| 1. | Tiger and lions | 1000 | 250 |
| 2. | Panther | 500 | 60 |
| 3. | Clouded leopard | 400 | 40 |
| 4. | Snow leopard | 450 | 50 |
| FAMILY – <i>Rhinocerotidae</i>: | | | |
| 5. | One-horned Indian Rhinoceros | 2000 | 375 |
| FAMILY – <i>Cervidae</i>: | | | |
| 6. | Brow antlered deer | 1500 | 125 |
| 7. | Hangul | 1500 | 125 |
| 8. | Swamp deer | 1500 | 125 |
| FAMILY – <i>Bovidae</i>: | | | |
| 9. | Wild buffalo | 1500 | 200 |
| 10. | Indian bison | 1500 | 200 |
| 11. | Bharal, Goral, Wild sheep and Serow | 350 | 75 |
| FAMILY – <i>Equidae</i>: | | | |
| 12. | Wild Ass | 1500 | 200 |
| FAMILY – <i>Ursidae</i>: | | | |
| 13. | All types of Indian bears | 1000 | 100 |
| FAMILY – <i>Canidae</i>: | | | |
| 14. | Jackal, Wolf & Wild dog | 400 | 50 |
| FAMILY – <i>Procyonidae</i>: | | | |
| 15. | Red Panda | 300 | 30 |
| FAMILY – <i>Cercopithecidae</i>: | | | |
| 16. | Monkeys and langurs | 500 | 20 |

- Note:* 1. The dimensions have been given only in respect of the species, which are commonly displayed in zoos.
2. No dimensions for outdoor enclosures have been prescribed for Chinkara and Chowsingha because of the problem of infighting injuries. These animals may be kept in battery type enclosures of the dimensions suggested by the Central Zoo Authority.
3. The designs of enclosures for Sch. I species, not covered by this Appendix, should be finalized only after approval of the Central Zoo Authority.]

(S.C SHARMA)

Addl. DGF (Wildlife) and Director, Wildlife Preservation

[F. No. 7-4/ 99 (8A)]

**NUMBER OF ZOOS AND CAPTIVE WILDLIFE FACILITIES IN STATES
AND UNION TERRITORIES OF INDIA**

| STATE/ UT s. | ZOOS/ NATURE PARKS | DEER AQUARIUMS PARKS | SAFARI PARKS | TOTAL EDUCATION BREEDING CENTRES | SNAKE | | |
|--------------------------------|--------------------------|----------------------------|-----------------|-------------------------------------------|-----------|----------|------------|
| Andaman and Nicobar Islands | 1 | 0 | 0 | 0 | 0 | 1 | |
| Andhra Pradesh | 3 | 14 | 3 | 0 | 1 | 1 | 22 |
| Arunachal Pradesh | 3 | 0 | 0 | 0 | 1 | 0 | 4 |
| Assam | 1 | 0 | 0 | 0 | 3 | 0 | 4 |
| Bihar | 5 | 1 | 0 | 0 | 0 | 0 | 6 |
| Delhi | 1 | 1 | 0 | 0 | 0 | 0 | 2 |
| Goa | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Dadra and Nagar Haveli(UT) | 1 | 2 | 0 | 0 | 0 | 0 | 3 |
| Gujarat | 8 | 4 | 0 | 0 | 2 | 2 | 16 |
| Haryana | 5 | 2 | 0 | 0 | 1 | 0 | 8 |
| Himachal Pradesh | 4 | 1 | 2 | 0 | 3 | 0 | 10 |
| Jammu & Kashmir | 2 | 1 | 0 | 0 | 0 | 0 | 3 |
| Karnataka | 19 | 3 | 4 | 1 | 0 | 0 | 27 |
| Kerala | 3 | 1 | 1 | 1 | 2 | 0 | 8 |
| Madhya Pradesh | 5 | 0 | 0 | 0 | 1 | 1 | 7 |
| Maharashtra | 10 | 1 | 1 | 2 | 2 | 1 | 17 |
| Manipur | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Meghalaya | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| Mizoram | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Nagaland | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Orissa | 2 | 7 | 3 | 0 | 1 | 0 | 13 |
| Pondicherry | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Punjab | 5 | 3 | 1 | 0 | 0 | 0 | 9 |
| Rajasthan | 6 | 1 | 0 | 0 | 1 | 0 | 8 |
| Tamil Nadu | 8 | 1 | 0 | 1 | 1 | 2 | 13 |
| Tripura | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| Sikkim | 1 | 1 | 0 | 0 | 0 | 0 | 2 |
| Uttar Pradesh | 3 | 7 | 0 | 0 | 6 | 0 | 16 |
| West Bengal | 3 | 0 | 1 | 1 | 0 | 1 | 6 |
| TOTAL | 107 | *51 | 16 | 6 | 25 | 8 | 213 |

* The actual number could be much more but State-wise details are not available.

CHAPTER – 2
IMPORT-EXPORT POLICY (APRIL 1992- MARCH 1997)

Extracts from the Export & Import Policy (1st April 1992- 31st March 1997)
As application from 01.04.94 to 31.03.96

Chapter III

- Para 7.** Definitions
- (2) “Act” means the Foreign trade (Development & Regulation) Act 1992 (No. 22 of 1992).
- (24) “Manufacture” means to make, produce, fabricate, assemble, process or bring into existence, by hand or by machine, a new produce having a distinctive name, character or use and shall include process such as refrigeration, repacking, polishing, labelling and segregation. Manufacture for the purpose of this policy, shall also include agriculture, aquaculture, animal husbandry, floriculture, pisciculture, poultry and sericulture.
- (31) “Policy” means the Export & Import Policy 1992-97 as amended from time to time.

Chapter IV

- Para 8.** Exports & Imports free unless regulated
Exports and Imports may be done freely, except to the extent they are regulated by the provisions of this Policy or any other law for the time being in force.
- Para 9.** Form of Regulation
The Central Government may, in public interest, regulate the import or export of goods by means of a Negative list of Imports or a Negative list of Exports, as the case may be.
- Para 10.** Negative Lists
The Negative lists may consist of goods that Import or Export of which is prohibited, restricted through licensing or otherwise, or canalised. The Negative lists of Exports and the Negative lists of Imports shall be as contained in this Policy.
- Para 11.** Prohibited goods
Prohibited goods shall not be imported or exported.
- Para 16.** Procedure
The Director General of Foreign Trade may, in any case or class of cases, specify the procedure to be followed by an exporter or importer or by any licensing, competent or the authority for the purpose of implementing the provisions of the

Act, the Rules and Orders made thereunder this Policy. Such procedures shall be included in the Handbook of Procedures and published by means of a Public Notice. Such procedures may, in like manner, be amended from time to time.

Chapter XV

NEGATIVE LISTS OF IMPORTS

155 PROHIBITED ITEMS

3. Wild animals including their parts and products and ivory.

156 RESTRICTED ITEMS

D. SEEDS, PLANTS AND ANIMALS

1. Animals, Birds & Reptiles (including their parts & products)
Import permitted against a licence to zoos and zoological parks, recognised scientific/ research institutions, circus companies, private individuals, on the recommendation of Chief Wildlife Warden of a State Government subject to the provisions of the Convention on International Trade in Endangered Species of Wild Fauna & Flora (CITES)

4. Plants, Fruits & Seeds
 - (a) Import of seeds of wheat, paddy coarse cereals, pulses, oilseeds and fodder for sowing is permitted without a licence subject to fulfilment of the provisions of the New Policy on Seed Development 1988 and in accordance with a permit for import granted under the Plants, Fruits and Seeds. (Regulation of Import into India) Order 1989.
 - (b) Import of seeds of vegetable flowers, fruits and plants, tubers and bulbs of flowers, cutting, sapling, budwood, etc. of flowers and fruits for sowing or planting is permitted without a licence in accordance with a permit for import granted under the Plants, Fruits and Seeds. (Regulation of Import into India) Order 1989.
 - (c) Import of Seeds, Fruits and Plants for consumption or other purposes is permitted against a licence or in accordance with a Public Notice in this behalf.
 - (d) Import of plants, their products and derivatives shall also be subject to the provisions of the Convention of International Trade in Endangered Species of Wild fauna & Flora (CITES).

Chapter XVI
NEGATIVE LIST OF EXPORTS

PART I

158 PROHIBITED ITEMS

1. All forms of wild animals including their parts and products except Peacock tails including handicrafts made thereof and manufactured Articles and Shavings of Shed Antlers or Chital and Shambhar subject to condition as specified in Annexure to Public Notice No. 15-ETC (N)/ 92-97 date 31st March, 1993 issued by the Director General of Foreign Trade and reproduced in the Handbook of Procedures (Vol. 1)
2. Exotic Birds.
3. All items of plants included in Appendix I of the Convention of International Trade in Endangered Species (CITES), wild orchids as well as plants as specified in Public Notice No. 47 (PN)/ 92-97 dated 30th March, 1994 issued by the Director General of Foreign Trade and reproduced in the Handbook of Procedures (Vol. 1)
7. Wood and wood products in the form of logs, timber, stumps, roots, barks, chips, powder, flakes, dust, pulp and charcoal except sawn timber made exclusively out of imported teak, logs/ timber subject to conditions as specified in Annexure to Public Notice No. 15-ETC (PN)/ 92-97 date 31st March, 1993 issued by the Director General of Foreign Trade and reproduced in the Handbook of Procedures (Vol. 1)
9. Sandalwood.
10. Red Sanders wood in any form whether raw, processed or unprocessed as well as any product made thereof.

PART II

159 RESTRICTED ITEMS
(EXPORTS PERMITTED UNDER LICENCE)

8. Fur of domestic animals, excluding lamb fur skin.
10. Hides and skins namely:
 - (i) Cutting and fleshing of hides and skins used as raw materials for manufacture of animal glue gelatine.
 - (ii) Raw hides and skins, all types excluding lamb fur skin.
 - (iii) All categories of semi-processed hides and skins including E.I. tanned and wet blue hides and skins and crust leather.

- (iv) Clothing leather fur suede/ hair, hair-on suede/ shearing suede leathers.
- (v) Fur leathers.

20. Seeds and planting materials namely:

Castor seeds, cotton seeds except such cotton seeds are of variety hybrids of other countries, grown under custom production; cashew seeds and plants; *Egyptial clover* (Barseem); *Trifloium alastum* seeds, Fodder crop seeds; Green manure seeds other than Dhanincha; Guar seeds (Whole); Jute seeds; Linseeds; *Lucrene (alfalfa) medicago sative*; Mesta seeds; *Nux vomica* seeds/ bark/ leaves/ roots and powder thereof; Onion seeds; seeds of Ornamental plants (Wild variety); Paddy seeds (Wild variety); pepper cuttings or rooted cutting of pepper; Persian clover (*Snafel trifolium – resupinatum*) seeds; Red sanders seeds (*Pterocarpus santalinus*); Rubber seeds; Russa grass seeds and tufts; seeds of all forestry species; seeds of all oilseeds and pulses; soyabean seeds; sandalwood seeds (*Santalum album*); Saffron seeds of corns (planting material for saffron); Wheat seeds (Wild variety).

21. Sea shells, excluding polished sea shells and handicrafts made out of sea shells of all species except those of the under mentioned species the export of which shall not be allowed in any form:

- (i) *Trochus niloticos*
- (ii) *Trubo species*
- (iii) *Lambis species*
- (iv) *Tridacna gigas*
- (v) *Zancus pyrus*

22. Sea weeds of all types including *G.edulis* but excluding brown sea weeds and agarophytes of Tamil Nadu coast originally processed form.

PROHIBITION OF EXPORT OF PLANTS

APPENDIX – XLIII-H

GOVERNMENT OF INDIA MINISTRY OF COMMERCE

PUBLIC NOTICE No. 47 (PN) / 92 – 97
NEW DELHI: DATED 30TH MARCH, 1994

Note: Please see Para 158 Part I (3) of the policy.

1. Attention is invited to item no. 3, Part I Para 158 (Prohibited Items) of Chapter XVI Negative List of Exports, of the Export and Import Policy, 1992-97 (revised edition: March 1994).

2. The Director General of Foreign Trade hereby prohibits the export of plants, plant portions and their derivatives and extracts obtained from the wild as under:

1. *Aconitum species*
2. *Atropa species*
3. *Aristolochia species*
4. *Angiopteris species*
5. *Arundinaria jaunsarensia*
6. *Balanophora species*
7. *Colchisum luteum* (Hirantutya)
8. *Commiphora whightii*
9. *Coptis species*
10. *Drosera species*
11. *Gentiana Kurroo* (Kuru, Kutki)
12. *Gloriasa superba*
13. *Gnetum species*
14. *Iphignia indica*
15. *Meconopsis betonicifolia*
16. *Nardostachys species* (Jatamansi)
17. *Osmunda species*
18. *Rhododendron species*
19. *Physochlaina praealta* (Bajarbang)
20. *Praltia serpumlia*
21. *Rheum emodi* (Dolu)
22. *Berberis aristata* (Indian barberry; Rasvat)
23. *Acorus species*
24. *Artemisia species*
25. *Coscinium fenestratum* (Calumba wood)
26. *Costus speciousas* (Kew, Kust)
27. *Didymocarpus pedicellata*
28. *Dolomiaea pedicellata*

29. *Ephedra species*
30. *Gynocardia odorata* (Chaulmogri)
31. *Hydnocarpus species*
32. *Hyoscymus niger* (Broseword)
33. *Strychnos potatorum* (Nirmali)
34. *Swertia chirata* (Charayatah)
35. *Urginea species*
36. Beddomes cycad (*Cycas beddomei*)
37. Blue vanda (*Vandaeoerulea*)
38. Kuth (*Saussurea lappa*)
39. Ladies slipper orchid (*Paphiopedilium species*)
40. Pitcher plant (*Nepenthes khasiana*)
41. Red vanda (*Renanthera imschootiana*)
42. *Rauvolifia serpentina* (Sarpagandha)
43. *Ceropegia species*
44. *Frerea indica* (Shindal mankundi)
45. *Araucaria araucana* (Monkey-puzzle tree)
46. *Podophyllum hexandrum emodi* (Indian podophyllum)
47. *Cactacea species* (Cactus)
48. *Cyatheaceae species* (Tree ferns)
49. *Cycadacea species* (Cycads)
50. *Dioscorea deltoidea* (Elephant's foot)
51. *Euphorbia species* (Euphorbias)
52. *Aloe species* (Aloes)
53. *Orchidaceae species* (Orchids)
54. *Pterocarpus santalinus* (Red sanders)
55. *Taxus wallichiana* (Common yew of birmi leaves)
56. *Aquilaria malaccensis* (Agarwood)

3. Plants and plant portions, derivatives and extracts (including value added herbal formulations) of the cultivated varieties of the species above (excluding serial no. 54) will be allowed for export subject to production of a certificate of cultivation from Regional deputy Director (Wildlife) or Chief Conservator of Forests or Divisional Forest Officers of the State concerned from where these plants and plant portions have been procured. However in respect of cultivated varieties of species covered by Appendix I (Sl. No. 36 to 41 of Paragraph 2 above) and Appendix II (Sl. No. 42 to 56 of Paragraph 2 above) of CITES, a CITES Permit for export will also be required.

4. Exports allowed only through six major ports viz. Mumbai, Kolkata, Cochin, Delhi, Chennai and Tuticorin.

5. This issue in public interest.

Sd/ -
(Dr. P.L. Sanjeev Reddy)
Director General of Foreign Trade

**DELEGATION OF POWERS UNDER PROVISIONS OF WILD LIFE (PROTECTION)
ACT, 1972 & RULES FRAMED THEREUNDER.**

| Relevant Section of the Act | Power delegated to | Brief description of the Section | Govt. Notification Number and Date |
|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 1 | 2 | 3 | 4 |
| Sub-section (2) of Section 5. | Chief Wildlife Warden | To delegate the power of Chief Wild Life to the officer(s) with the previous approval of State Govt. | ----- |
| Clause (a) of Sub-section (1) of Section 11. | Chief Wildlife Warden | Hunting of wild animals to be permitted in certain cases | |
| Clause (b) of Sub-section (1) of Section 11. | Chief Wildlife Warden Deputy Chief Wildlife Warden | - do - - do - | 2945 – For, dt. 25.05.73 |
| Section 12 | Chief Wildlife Warden | Grant of permit for special purposes | |
| Clause (c) of Sub-section (2) of Section 27. | Chief Wildlife Warden Wildlife Warden Range Officer | Take charge of Wild animal - do - - do - | 2945 – For, dt 25.05.73 1365 – For, dt. 24.03.80 |
| Clause (e) of the Sub-section (2) of Sec.27. | Chief Wildlife Warden Wildlife Warden | Demand assistance of person (not departmental) resides in the Sanctuary for investigation of offence. - do - | |
| Sub-section (1) of Section 28. | Chief Wildlife Warden Deputy Chief Wildlife Warden | - do - Grant of permit | 4739 – For, dt. 28.05.73 |
| Section 29. | Chief Wildlife Warden (with prior approval of the State Govt.) Chief Wildlife warden Deputy Chief Wildlife Warden | Destruction etc. of Sanctuary without permit prohibited To cancel any permit granted under Section 28 of the Act. - do - | |

| 1 | 2 | 3 | 4 |
|--------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------|
| Section 31. | Chief Wildlife Warden Deputy Chief Wildlife Warden | Prohibition of entry into Sanctuary with weapon - do - | 2945 – For, dt. 25.05.73 |
| Section 33. | Chief Wildlife Warden | Control of Sanctuaries. | |
| Sub-section (1) of Section 34. | Chief Wildlife Warden Wildlife Warden | Registration of certain persons in possession of arms. - do - | 2945 – For, dt. 25.05.73 |
| Sub-section (2) of Section 34. | Chief Wildlife Warden | To Register the name of the Applicant. | |
| Sub-section (2) of Section 34. | Wildlife Warden | To Register the name of the Applicant. | 2945 – For, dt. 25.05.73 |
| Sub-section (2) of Section 39. | Wildlife Warden Asst. Wildlife Warden Range Officer | Wild animals etc. to be Government property - do - - do - | 2945 – For, dt. 25.05.73 1365 – For, dt. 24.03.80 |
| Sub-section (3) of Section 39. | Chief Wildlife Warden Deputy Chief Wildlife Warden | - do - - do - | 2945 – For, dt. 25.05.73 |
| Sub-section (1) of Section 40. | Chief Wildlife Warden Deputy Chief Wildlife Warden | Declaration - do - | 2945 – For, dt. 25.05.73 |
| Sub-section (2) of Section 40. | Chief Wildlife Warden Deputy Chief Wildlife Warden | Declaration - do - | 2945 – For, dt. 25.05.73 |
| Sub-section (4) of Section 40. | Chief Wildlife Warden Deputy Chief Wildlife Warden | - do - - do - | 2945 – For, dt. 25.05.73 |
| Sub-section (1) of Section 41. | Chief Wildlife Warden Deputy Chief Wildlife Warden Wildlife Warden | Inquiry and preparation of inventories - do - - do - | 2945 – For, dt. 25.05.73 - do - |
| Section 42. | Chief Wildlife Warden Deputy Chief Wildlife Warden | Certificate of Ownership - do - | 4739 – For, dt. 28.05.73 |

| 1 | 2 | 3 | 4 |
|-----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Sub-section (1), Sub-section (2), Sub-section (3), Sub-section (4), Sub-section (5), of Section 43. | Chief Wildlife Warden Deputy Chief Wildlife Warden | Regulation of transport of animal etc. - do - | 2945 – For, dt. 25.05.73 |
| Sub-section (2) of Section 44. | Chief Wildlife Warden Deputy Chief Wildlife Warden Wildlife Warden | Dealing in trophy and animal articles without licence prohibited - do - - do - | 2945 – For, dt. 25.05.73 - do - |
| Sub-section (3), Clause (a) and (b) of Sub-section (4), Sub-section (7) of Section 44. | Chief Wildlife Warden Deputy Chief Wildlife Warden | - do - - do - | 2945 – For, dt. 25.05.73 |
| Section 45. | Chief Wildlife Warden Deputy Chief Wildlife Warden | Suspension or cancellation of licences - do - | 2945 – For, dt. 25.05.73 |
| Sub-clause (11) of Clause (a) of Section 47 | Chief Wildlife Warden Deputy Chief Wildlife Warden | Maintenance of records - do - | 2945 – For, dt. 25.05.73 |
| Clause (b) of Section 47 | Chief Wildlife Warden Deputy Chief Wildlife Warden Wildlife Warden Asst. Wildlife Warden Range Officers | Maintenance of records - do - - do - - do - - do - | 2945 – For, dt. 25.05.73 - do - - do - - do - |
| Clause (a) and (b) of Sub-section (1) of Section 50. | Chief Wildlife Warden Deputy Chief Wildlife Warden Deputy Conservator of Forests Asst. Conservator of Forests Extra-Asst. Conservator of Forests | Power of entry, search, arrest and detention. - do - - do - - do - - do - | 2945 – For, dt. 25.05.73 - do - - do - - do - |

| 1 | 2 | 3 | 4 |
|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Clause (a) and (b) of Sub-section (1) of Section 50. | Wildlife Warden Asst. Wildlife Warden Forest Ranger Deputy Ranger/ Forester Forest Guard and Wildlife Guard | Power of entry, search, arrest and detention - do - - do - - do - - do - | 2945 – For, dt. 25.05.73 - do - - do - - do - - do - |
| Clause (b) of Sub-section (1) of Section 50 | Chief Wildlife Warden Deputy Chief Wildlife Warden Wildlife Warden Asst. Wildlife Warden Deputy Conservator of Forests Extra-Asst. Conservator of Forests Forest Ranger Deputy Ranger/ Forester | Power of entry, search, arrest and detention - do - - do - - do - - do - - do - - do - - do - - do - | 2945 – For, dt. 25.05.73 - do - - do - - do - - do - - do - - do - - do - |
| Clause (a) of Sub-section (6) of Section 50. | Chief Wildlife Warden Deputy Chief Wildlife Warden Wildlife Warden Asst. Wildlife Warden Asst. Divisional Forest Officer Addl. Division Forest Officer | Arrange for the sale of seized meat, uncured trophy - do - - do - - do - - do - - do - | 1365 – For, dt. 24.03.80 2945 – For, dt. 25.05.73 - do - - do - - do - |
| Clause (a) and (b) of Section (1), Sub-section (2), Sub-section (3) of Section 54. | Chief Wildlife Warden All Deputy Chief Wildlife Warden All Wildlife Warden | Power to compound offence - do - - do - | 4823 – For, dt. 20.08.73 - do - |
| Section 55 | Chief Wildlife Warden Deputy Chief Wildlife Warden Wildlife Warden Asst. Wildlife Warden Asst. Divisional Forest Officers Addl. Division Forest Officers Asst. Forest officer | Cognisance of offence - do - - do - - do - - do - - do - - do - | 2945 – For, dt. 25.05.73 - do - 1269 – For, dt. 15.02.77 - do - - do - - do - |

| 1 | 2 | 3 | 4 |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| | <p style="text-align: center;">Forest Ranger All Police Officers of West Bengal, of and above the rank of Sub- Inspector to areas under their respective jurisdiction.</p> | <p style="text-align: center;">- do -</p> <p style="text-align: center;">- do -</p> | <p style="text-align: center;">- do -</p> <p style="text-align: center;">2617 – For/11B – 12/ 84 dt. 26.06.86.</p> |

GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
FOREST BRANCH

NOTIFICATION

No. 2945 – For

Calcutta, the 25th May, 1973.

In exercise of the power conferred by the provisions of the Wild Life (Protection) Act, 1972 (53 of 1972) (hereinafter referred to as the said Act), the Governor is pleased hereby to authorised the officers of the Forests Department, Government of West Bengal specified in column 1 of the table below for the purposes of the section of the said Act mentioned against each of them respectively in column 2 of the said table.

The Table

| OFFICERS | SECTIONS OF THE ACT |
|------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| (1) | (2) |
| 1. Deputy Chief Wildlife Warden | Sub-section (3) and sub-section (5) of section 9. |
| 2. Wildlife Warden | Sub-section (2) and sub-section (3) of section 10. |
| 3. Deputy Chief Wildlife Warden | Clause (b) of sub-section (1) of section 11. |
| 4. Deputy Chief Wildlife Warden | Section 13. |
| 5. Deputy Chief Wildlife Warden | Clauses (b) of sub-section (1) of section 27. |
| 6. Wildlife Warden | Clauses (c) of sub-section (2) of section 27. |
| 7. Deputy Chief Wildlife Warden | Section 31. |
| 8. Wildlife Warden | Sub-section (1) and sub-section (2) of section 34. |
| 9. Deputy Chief Wildlife Warden | Sub-section (2) of section 36. |
| 10. Wildlife Warden | Sub-section (2) of section 39. |
| 11. Deputy Chief Wildlife Warden | Sub-section (3) of section 39. |
| 12. Deputy Chief Wildlife Warden | Sub-section (1), sub-section (2) sub-section (4) of section 40. |
| 13. Deputy Chief Wildlife Warden and Wildlife Warden | Clause (b) of sub-section (1) of section 27. |
| 14. Deputy Chief Wildlife Warden | Sub-section (1), sub-section (2), sub-section (3), sub-section (4), and sub-section (5) of section 44. |
| 15. Deputy Chief Wildlife Warden and Wildlife Warden | Sub-section (2) and section 44. |
| 16. Deputy Chief Wildlife Warden | Sub-section (3), clauses (a), (b) of sub-section (4) and sub-section (7) of section 44. |
| 17. Deputy Chief Wildlife Warden | Section 45. |
| 18. Deputy Chief Wildlife Warden | Sub-section (ii) of clause (a) of section 47. |

19. Deputy Chief Wildlife warden,
Wildlife Warden,
Asstt. Wildlife Warden,
Forest Ranger
Clause (b) of section 47.
20. Deputy Chief Wildlife Warden,
Deputy Conservator of Forests,
Asstt. Conservator of Forests,
Extra Asstt. Conservator of Forests,
Wildlife Warden,
Asstt. Wildlife warden
Forest Ranger,
Deputy Ranger/ Forester,
Forest Guard, Wildlife Guard
Clause (a), (b) of sub-section (1) of
Section 50.
21. Deputy Chief Wildlife Warden,
Deputy Conservator of Forests,
Extra Asstt. Conservator of Forests,
Wildlife Warden,
Asstt. Wildlife Warden,
Forest Ranger,
Deputy Ranger/ Forester
Clause (e) of sub-section (1) of section 50.
22. Wildlife Warden
Clause (a) of sub-section (6) of section 40.
23. Deputy Chief Wildlife Warden
and Wildlife Warden
Section 55.

By order of the Governor

T.B.Singh
Secretary to the Govt. of W.B.

No. 2945/ 1 (22) – For

Copy forwarded to the

- (2) Chief Wildlife Warden, West Bengal.
(3) State Wildlife Officer & ex-officio Dy. Chief Wildlife Warden (HQ).

For information and necessary action.

Sd/- A.K. Gupta
Deputy Secretary to the Govt. of
West Bengal.

GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
FOREST BRANCH

NOTIFICATION

No. 1269 – For/4A – 1/72

Calcutta, the 15th February, 1977.

In exercise of the power conferred by the provisions of section 55 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Governor is pleased hereby to authorise the following officers of the Forests Department, Government of West Bengal, for the purposes of the aforesaid section.

1. Assistant Wildlife Wardens,
2. Additional Divisional Forest Officers,
3. Assistant Divisional Officers,
4. Assistant Forest Officers, and
5. Forest Rangers.

By order of the Governor,

P.Bhattacharyya,
Commissioner & ex-officio Secretary to the
Government of West Bengal.

No. 1270 – (23) – For

Dated: 16.02.1977.

Copy forwarded for information and necessary action to the:

1. Chief Conservator of Forests, West Bengal,
2. Chief Wildlife Warden, West Bengal,
3. Conservator of Forests, Wildlife Circle & ex-officio Deputy Chief Wildlife Warden,
4. State Wildlife Officer & ex-officio Deputy Chief Wildlife Warden (HQ) and
5. Divisional Forest Officers, Wildlife Warden & ex-officio Wildlife Warden.

Sd/- A.Gupta
Deputy Secretary to the Govt. of
West Bengal.

No. 792/WL/6P-I

Dated: 26.02.1977.

Copy forwarded for information and necessary action to the:

1. The Conservator of Forests, Northern Circle & e.o Deputy Chief Wildlife Warden, W.B.
2. The Conservator of Forests, Southern Circle & e.o Deputy Chief Wildlife Warden,
3. The Conservator of Forests, Central Circle & e.o Deputy Chief Wildlife Warden
4. The Managing Director, West Bengal Forest Development Corp. Ltd., West Bengal,
5. All Divisional Forest Officers, & e.o Wildlife Warden
6. The Field Director, Sundarban Tiger Reserve.

For Addl. Chief Conservator of Forests &
Ex-officio Chief Wildlife Warden, West Bengal.

GOVERNMENT OF WEST BENGAL
FOREST DEPARTMENT
FOREST BRANCH

NOTIFICATION

No. 2617 – For/11B – 12/84

Calcutta, the 25th June, 1986.

In exercise of the power conferred by section 55 of the Wild Life (protection) Act, 1972 (53 of 1972), the Governor is pleased hereby to authorise all police officers of the Government of West Bengal of and above the rank of Sub-Inspector for the purpose of the aforesaid section with respect to the areas under their respective jurisdiction.

By order of the Governor,

A.K.Mitra

Dy. Secretary to the Govt. of
West Bengal.

No. 2617/1 (35) – For.

Calcutta, the 26th June, 1986.

Copy forwarded for information & necessary action, to the: -

1. Chief Conservator of Forests & ex-officio Chief Wildlife Warden, West Bengal.
2. Addl. Chief Conservator of Forests, West Bengal.
3. Conservator of Forests, Wildlife Circle & ex-officio Dy. Chief Wildlife Warden, W.B.
4. S.W.L.O. West Bengal.
5. Managing Director, West Bengal Forest Development Corporation Ltd., ex-officio Dy. Chief Wildlife Warden, West Bengal.
6. Conservator of Forests, ex-officio Dy. Chief Wildlife Warden, W.B. (all territorial circles).
7. Divisional Forest Officer & ex-officio Wildlife Wardens.
8. Divisional Forest Officer & ex-officio Wildlife Wardens, Wildlife Division – I and II
9. Field Director, Sundarban Tiger Reserve, Canning, 24 Parganas(S).
10. Field Director, Buxa Tiger Reserve, Alipurduar.

Sd/- A.K.Mitra,
Deputy Secretary to the Govt. of
West Bengal.

No. 2617/2 (3) – For

Calcutta, the 26th June, 1986.

Copy forwarded for information & necessary action, to the: -

1. Home (Police) Department of this Government.
2. Director General & Inspector General of Police, West Bengal.
3. Commissioner of Police, Calcutta.

Sd/- A.K.Mitra,
Deputy Secretary to the Govt. of
West Bengal.

No. 2617/3 (22) – For

Copy forwarded to: -

Calcutta, the 26th June, 1986.

(All Members)

Member, W.L.A. Board for West Bengal for information •

Sd/- A.K.Mitra,
Deputy Secretary to the Govt. of
West Bengal.

No. 2617/4 (2) – For

Copy forwarded for information, to the: -

1. Secretary to the Government of India, Ministry of Environment & Forests, Department of Environment, Forests & Wildlife, Krishi Bhavan, New Delhi.
2. Director, Wildlife Preservation, Ministry of Environment & Forests, Department of Environment, Forests & Wildlife, New Delhi.

Calcutta, 26th June, 1986.

Sd/- A.K.Mitra,
Deputy Secretary to the Govt. of
West Bengal.