

The Wild Life (Protection) Act, 1972

(Act No. 53 of 1972)

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.

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

CHAPTER 1

PRELIMINARY

1. Short title, extent and commencement-

- (1) This Act may be called the Wild Life (Protection) Act, 1972.
- (2) It extends to whole of India except the State of Jammu and Kashmir.
- (3) It Shall come into force in a State Or Union territory to which it extend on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union territories.

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

- (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]
- (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]
- (7) “ **Chief Wild Life Warden**” means the person appointed as such under clause (a) of sub-section 910 of section 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 manoeuvres;
- (8) [Omitted]
- (9) “ **Collector**” means the Chief office-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
- (a) a “state” means commencement of this Act in that State,
 - (b) “any provisions of this Act” means the commencement of that provision in the concerned State;
- (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 transactions]
- (12) **“Director”** means the person appointed as Director of Wild Life preservation under clause (a) of sub-section (1) of sub-section 3;
- (12A) **“Forest officer”** means the Forest Officer appointed under clause (2) of Section 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other Act for the time being in force in a State;
- (12B) **“ Forest Produce”** shall have the same meaning as in sub clause (b0 of clause (4) of section 2 of the Indian Forest Act, 1927 (16 of 1927);
- (13) [Omitted]
- (14) **“Government Property”** means any property referred to in section 39 of section 17 H;
- (15) **“habitat”** includes land, water or vegetation which is the natural home of any wild animal’
- (16) **“hunting”** with its grammatical variations and cognate expression 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, and marshes and wet-lands and also includes boulders and rocks;
- (18) **“licence”**, means a licence granted under this Act;
- (18-A) **“live-stock”** means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horsed, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules 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 bloods, bones, sinew, eggs, shell or carapace, fat and flesh, with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;
- (20A) **“National Board”** means the National Board for wild life constituted under Section 5 A;
- (21) **“National Park”** means an area declared, whether under section 35 or section 38, or deemed under sub-section (3) of section 66, to be declared, as a National Park;
- (22) **“Notification”** means a notification published in the official Gazette;
- (23) **“Permit”** means a permit granted under this Act, or any rule made thereunder;
- (24) **“person”** includes a firm;
- (24A) **“Protected Area”** means a National Park a Sanctuary, a conservation reserve or a community reserve notified under Section 18, 35, 36A and 36C of the Act;
- (25) **“Prescribed”** means prescribed by rules made under this Act;
- (25-A) **“recognised zoo”** means a zoo recognised under section 38-H;
- (25-B) **“reserve forest”** means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927 (16 of 1927) or declared as such under any other State Act;
- (26) **“sanctuary”** means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub section (4) of Section 66;
- (27) **“specified plant”** means an plant specified in Schedule VI;
- (28) [Omitted]
- (29) **“State Government”**, in relation to Union territory, means the Administrator of that Union territory appointed by the President under Article 239 of Constitution;
- (30) **“taxidermy”**, with its grammatical variations and cognate expression means the curing, preparation or preservation or mounting of trophies;
- (30-A) **“territorial waters”** shall have the same meaning as in Section 3 of the Territorial Waters, Continental Shelf Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);
- (31) **“trophy”** means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural and includes
- (a) rugs, skins and specimens of such animal mounted in whole or in part through a process of taxidermy, and
 - (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 or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a freshly killed wild animal, ambergris, musk and other animal products;
- (33) **“vehicle”** means any conveyance used for movement on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse and mule;
- (34) **“vermin”** means any wild animal specified in Schedule V;
- (35) **“weapon”** include ammunition, bow and arrows, explosives, firearm, hooks, knives, nets, poisons snares and traps and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;
- (36) **“wild animal”** means any animal specified in Schedule I to IV and found wild in nature;]
- (37) **“wild life”** includes any animal, aquatic or land vegetation which forms part of any habitat;]
- (39) **“Zoo”** means an establishment, whether stationary or mobile, where captive animal are kept for exhibition to the public and includes a circus and rescue centres but does not include and establishment of a licensed dealer in captive animals.

CHAPTER II

AUTHORITIES TO BE

APPOINTED OR CONSTITUTED UNDER THE ACT

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

- (a) A Director of Wild Life Preservation;
- (b) [Omitted]
- (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 Wild Life Warden and other officers.-** (1)The State Government may, for the purposes of this Act appoint,

- (a) a Chief Wild Life Warden;
- (b) Wild Life Wardens;
- (bb) Honorary Wild Life Warden;
- (c) such other officers and employees as may be necessary.

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

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

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

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

(3) Subject to any general or special direction given or condition imposed by the Director or the Chief Wild Life Wardens, any person, authorized by the Director or the Chief Wild Life Wardens to exercise any powers, may exercise those powers in the 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 the States;
- (d) Member, Planning Commission in –charge of Forests and Wild Life;
- (e) Five persons to represent non-governmental organizations to be nominated by the Central Government;
- (f) Ten persons to be nominated by the Central Government from amongst eminent conservationists ecologists and environmentalists;
- (g) The Secretary to the Government of India In-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (h) The Chief of the Army Staff;
- (i) The Secretary to the Government of India In-charge of the Ministry of the 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, Nation Institute of Occanography;
- (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 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 Members Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.

(3) The National Board may constitute committee, sub-committees or study groups, as may be necessary, for 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 Government 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 form 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 status report at least once in two years on wild life in the country.]

6. Constitution of State Board for Wild Life- (1) The State Government shall, within 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 the Union territory with Legislature, two members of the Legislative Assembly of that Union territory;
- (d) three persons to represent non-governmental 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 conservationist ecologists and environmentalists including at least two representatives of the Scheduled Tribes;
- (f) the Secretary to the State Government or the Government of Union territory, as this 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 the Inspector General;
- (k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government.
- (l) the Director, Departmental of Animal Husbandry of the State;
- (m) the Director, Departmental 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 Zoological Survey of India;
- (r) the Chief Wild Life Warden, who shall be the Member-Secretary;

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

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

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 not affecting the merits of the case.

***8. Duties of (State Board Wild Life)-** It shall be duty of 1 (State Board of 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 for protection and conservation of the wild Ide and specified plant;
- (c) in any matter relating to the amendment of any Schedule;
- (cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and
- (d) in any other matter connected with protection of wild life, which may be referred to it by the State Government.

CHATPER III

HUNTING OF WILD ANIMALS

9. Prohibition of hunting-No person shall hunt any wild animal specified in Schedule, I, II, III and IV except as provided under section 11 and 12.

10. [Repealed]

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

(a)the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recover, by order writing and stating the reasons therefore, permit any person to hunt such animal or cause such animal to be hunted;

Provided that no wild animal shall be ordered to be killed unless the Chief Wild Ward **Sec. 12** satisfied that such animal cannot be captured tranquilised or translocated;

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same recorded in writing.

Explanation- For the purpose of clause (a), the purposes of capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal;)

(b) the Chief Wild Life Warden or the authorized officer may, if he is satisfied that any wild animal specified in Schedule 11, Schedule I 11, or Schedule IV, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery by order in writing and stating the reasons therefore, permit any person to hunt 11 {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 a good faith of any wild animal in defence of oneself or of any other person shall not be an offence.

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

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

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

- (a) education;
- (b) scientific research;
- (bb) scientific management,

Explanation- For the purposes of clause (bb), the expression, "scientific management" means

- (i) Translocation of any wild animals to an alternative suitable habitat; or
- (ii) Population management of wild life, without killing or poisoning or destroying any wild animals;
- (c) collection of specimens
 - (i) for recognised zoo subject to the permission under section 38-1; or
 - (ii) for museums and similar institutions;
- (d) derivation, collection or preparation of snake-venom for the manufacture of life saving drugs;

Provided-that no such permit shall be granted

- (a) in respect of any wild animal specified in Schedule 1 except with the previous permission of the Central Government, and
- (b) in respect of any other wild animal except with previous permission of the State Government

13-14.[Repealed]

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 any area specified, by notification, by the Central Government;
- (b) possess, sell, offer for sale, or transfer by way of gift, or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof;

Provided that nothing in this section shall prevent a member of a scheduled tribes, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resided any specified plant or part or derivative thereof for his bona fide 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 areas specified under Section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose Of

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

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 authorized 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 commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

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

17D. Dealing in specified plants without licence prohibited-(1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorized 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: **Sec. 17E-17H**

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from commencement, or where he has made an application within that period for the grant to 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. **Sec. 17E-17H**

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

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

(2) The Provision of sub-section (3) to (8) (both inclusive) of section 44, Section 45, Section 46, and Section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17-C and Section 17-D 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, custody or possession

- (i) any specified plant, or plant or derivative thereof in respect of which a declaration under the provisions of Section 17-E 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) acquired, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof, except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17-G. Purchase, etc. of specified plants -No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than form a license dealer;

Provided that nothing in this section shall apply to any person referred to in Section 17-H

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

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

CHAPTER IV

PROTECTED AREAS

Sanctuaries

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

(2) The notification referred to in subsection (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, bridges or other well-known or readily intelligible boundaries.

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

(2) Till such time as the rights of affected persons are finally settled under sections 19 to 24 (both inclusive), the State Government shall make alternative arrangements required for making available fuel, fodder and other forest produce to the persons affected, in terms of their rights as per the Government records.

18-B.Appointemnt of Collectors-The State Government shall appoint, an officer to act as collector under the Act, within ninety days of coming into the force of the Wild Life (Protection) Amendment Act, 2002, or within thirty days of the issue of the notification under section 18, t o 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 sections 18

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

20. Bar of accrual of rights- After the issue of a notification under Section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary inter state.

21. Proclamation by Collector- When a notification has been issued under section 18, the Collector shall within the period of sixty days publish in the regional language in every town and village in or in the neighborhood of the area comprised therein, a proclamation-

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

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

- (a) the claim preferred before him under clause (b) of section 2 1, and
- (b) the existence of any right mentioned in section 19 and not claimed under clause (b) Section 21 so far as the same may be ascertainable form the records of the State Government and the evidence of any person acquainted with the same.

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

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

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

- (2) If such claim is admitted in whole or in part, the Collector may either
 - (a) exclude such land form the limits of the proposed sanctuary, or

- (b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and on payment of such compensation, as is provided in the Land Acquisition Act, 1894 (1 of 1894)
- (c) allow, in consultation with the Chief Wild Life Warden, the continuation of any right of any person in or over any land within the limits of the sanctuary.

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

- (a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894 (1 of 1894);
 - (b) the claimant shall be deemed to be person interested and appearing before him in pursuance of notice give under section 9 of that Act;
 - (c) the provisions of sections, preceding section 9 of that Act, shall be deemed to have been complied with;
 - (d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of section 18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Part III of that Act;
 - (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 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.

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

(2) The notification shall not lapse off, any reasons, 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 Section 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 section 18 and the period for preferring claims has elapsed, and all claims if any made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or

(b) any area comprised with any reserve forest or any part of the territorial water which is considered by the State Government to be of adequate ecological, faunal, floral, geomorphological, nature or zoological significance for the purpose of protecting, propagating or developing wild life or its

environment, is to be included in a sanctuary, the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said of the area which 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 vessels or boat through the territorial waters shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made 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 Wild Life Warden or the authorized 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 dependants of the person referred to in clause (a), (b) or clause (c)

Shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under Section 28,

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

- (a) to prevent the commission, in the sanctuary, of an offence against this Act;
- (b) where there is reason to believe that any such offence against this Act has been committed in a such sanctuary, to help in discovering and arresting the offender;
- (c) to report the death of any wild animal and to safeguard its remains until the Chief Wild Life Warden or the authorized officer takes charge thereof;
- (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading, by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and
- (e) to assist any forest officer, Chief Wild Life, Warden, Wild Life Warden or Police Officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

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

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

***28. Grant of permit-** (1) The Chief Wild Life Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely;

- (a) investigation or study of wild life and purposes ancillary or incidental thereto;
- (b) photography;
- (c) scientific research;
- (d) tourism;
- (e) transaction of lawful business with any person residing in the sanctuary.

29. Destruction etc., in a sanctuary prohibited without a permit- No person shall destroy, exploit or remove any wild life including forests produce from the 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 of sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government being satisfied in consultation with the Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit;

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

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

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

31. Prohibition of entry into sanctuary with weapon- No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wild Life Warden or the authorized officer.

32. Ban on use of injurious substances- No person shall use, in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wild life in such sanctuary.

33. Control of sanctuaries- The Chief Wild Life Warden shall be the authority who shall control manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,

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

[Provided that no commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of National Board.]

- (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation the sanctuary and wild animals therein;
- (c) may take such measures, in the interests of wild life, as he may consider necessary for the improvement of any habitat;

- (d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of live stock;

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

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

33B. Advisory Committee- (1) The State Government shall constitute an Advisory Committee of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Rai Institutions, two representatives of nongovernmental organizations and three individuals active in the field of wild life conservation, Honorary Wild Life Warden, if any, and the officer-in-charge of the sanctuary as Member Secretary.

(2) The Committee shall render advice on measures to be taken for better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.

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

34. Registration of certain person in possession of arms- (1) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometers of any such sanctuary and holding a licence granted under the Arms Act, 1959, (51 of 1959), or the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee and within such time as may be prescribed to the Chief Wild Life Warden or the authorised officer, for the registration of his name.

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

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

34A. Power to remove encroachment- (1) Notwithstanding anything contained in any other law for the time being in force, an 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, building, or construction 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 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 Park

National Park

***35. Declaration Nation Park-**(1) Whenever it appears to the State Government than an area, whether within a sanctuary or not, is by reason of its ecological, faunal, geomorphological or zoological association or importance, needed to be constituted as a National Park for the purpose of protecting propagating or developing wild life therein or its environment, it may, by notification, declare Rs intention to constitute such area as a National Park.

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

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

(3) Where any area is intended to be declared as a National Park, the provisions of Sections 19 to 26-A (both inclusive) except-clause (c) of sub-section (2) of section 24 shall, as far as may be, apply to the investigation and determination of claims, and extinguishment of rights in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely,-

(a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and

(b) all right in respect of land 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 may be specified in the notification.

(5) No alteration of the boundaries of a Nation Park by the State Government shall be made except on a recommendation of the National Board.

(6) No person shall destroy, exploit or remove any Wild Life Including forest produce from a National Park or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of waste into or outside the National Park, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the National Board that such removal of wild life form the National Park or the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit;

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

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

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

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 and Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under sections 19 to 26 (both inclusive) and the provisions of sub sections (3) and (4) of he section shall not apply.)

36. [Repealed];

36A. Declaration and management of a conservation reserve- (1) The State Government may, after having consu-lations 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 and scapes, flora and fauna and their habitat;

Provided that where the conservation reserve includes any land owned by the Central Government, Rs prior concurrence shall be obtained before making such declaration.

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

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

(2) The Committee shall consist of representative of the forest of Wild Life Department, who shall be the Member Secretary of the Committee, one representatives 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 form 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 of sub-section (2) of section 18, sub-section (2), (3) and (4) of section 27, sections 30,32 and clauses (b) (c) of section 33 shall as far as may be, apply in relation to a community reserve as they apply in relation to a sanctuary.

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

36D. Community Reserve Management Committee- (1) The State Government shall constitute a Community Management Committee which shall be authority responsible for conserving maintaining and managing the community reserve.

(2) The committee shall consists of five representatives nominated by the Village Panchayat or where such Panchayat does not exists by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located.

(3) The committee shall be the competent authority to prepare and implement the management plan for the community reserve and to take steps to ensure the protection of wild life and its habitat in the reserve.

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

(5) The committee shall regulate its own procedure including the quorum Closed Area

Closed Area

37. [Repealed]

Sanctuaries or National Parks 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 section 18 are fulfilled in relation to the area so transferred to it, declare such area by notification, to be a sanctuary and the provisions of section 18 to 35 (both inclusive), 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

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

(3) In relation to a sanctuary of National Park declared by the Central Government, the powers and duties of the Chief Wild Life Warden under the sections 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 constructed as references to the Central Government and reference therein to the Legislature of the State shall be constructed as a reference to Parliament.

CHAPTER IV-A

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

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

(2) The Authority shall consist of

(a) chairperson;

(b) such number of members not exceeding ten; and

(c) Member-Secretary, to be appointed by the Central Government.

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

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

(3) The Central Government shall remove a person from the office of chairperson or member referred to in subsection (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 involve moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent Court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the authority, absent from three consecutive meeting of the Authority; or
- (f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest;

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

- (4) A vacancy caused under the subsection (2) or otherwise shall be filled by fresh appointment.
- (5) The salaries and allowances and other conditions of appointment of chairperson, members and Member Secretary of the Authority shall be such as may be prescribed.
- (6) The Authority shall, with the previous sanction of the Central Government employ such officers and other employee as it deems necessary to carry out the purposes of the Authority.
- (7) The term 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 that 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, upkeep and veterinary care of the animals kept in a zoo;
- (b) Evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed.
- (c) Recognize or derecognize zoo;
- (d) Identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;
- (e) Co-ordinate the acquisition, exchange and loading of animals for breeding purposes;
- (f) Ensure maintenance of study books of endangered species of wild animals bred in captivity;
- (g) Identify priorities and themes with regard to display of captive animal in a zoo;
- (h) Co-ordinate training of zoo personnel in India and outside India;

- (i) Co-ordinate research in captive breeding and educational programmes for the purposes of zoos;
- (j) Provide technical and other assistance to zoos for their proper management and development on scientific lines;
- (k) Perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos;

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

(2) The Authority shall regulate its own procedure.

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

38E. Grants and loans to Authority and constitution of 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 grant and loans made to the Authority by the Central Government, all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

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

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

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

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

(7) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit 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 forwarded 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, of any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

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

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for a period of '(eighteen months from the date of such commencement) 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 condition, 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, such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

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

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

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

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

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

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 Schedule I and II except with the previous permission of the Authority.

(2) No zoo shall acquire sell, or transfer any wild or captive animal except from or to a recognised zoo.

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.)

NATIONAL TIGER CONSERVATION AUTHORITY

38K. Definitions- In this Chapter,

- (a) **“National Tiger Conservation Authority”** means the Tiger Conservation Authority constituted under section 38L
- (b) **“Steering Committee”** means the Committee constituted under section 38U;
- (c) **“Tiger Conservation Foundation”** means the foundation established under section 38X;
- (d) **“tiger reserve State”** means a State having tiger reserve;
- (e) **“tiger reserve”** means the area notified as such under section 38V.

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

(2) The Tiger Conservation Authority shall consist of the following members, namely:

- (a) the Minister in charge of the Ministry of Environment and Forests-Chairpersons;
- (b) the Minister of State in the Ministry of Environment and Forest Vice-Chairperson;
- (c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;
- (d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development’
- (e) Secretary, Ministry of Environment and Forests;
- (f) Director General of Forests and Special Secretary, Ministry of Environment and Forests.
- (g) Director, Wild Life Preservation, Ministry of Environment and Forests;
- (h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;
- (i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;
- (j) Secretary, Ministry of Tribal Affairs;
- (k) Secretary, Ministry of Social Justice and Empowerment;
- (l) Chairperson, National Commission for the Scheduled Tribes;
- (m) Chairperson, National Commission for the Scheduled Castes;
- (n) Secretary, Ministry of Panchayati Raj;

- (o) Inspector- General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary, to be notified by the Central Government, in the Official Gazette.

(3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being a member of either House of Parliament.

38M. Term of office and conditions of service of members- (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand, addressed to the Central Government resign from his office.

(2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he

- (a) is, or at any time has been, adjudicated as insolvent;
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) is of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or
- (f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. Officers and employees of Tiger Conservation Authority- (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government appoint such other officers and employees as it considers necessary for the efficient discharge of its function under this Act:

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.

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

38-O. Powers and Functions of Tiger Conservation Authority-The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:

- (a) To approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;
- (b) Evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;
- (c) Lay down normative standards for tourism activities and guidelines for project tiger form time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;
- (d) Provide for management focus and measures for addressing conflicts of men and wild animal and to emphasize on coexistence in forest area outside the National Parks, Sanctuaries or tiger reserve, in the working plan code;
- (e) Provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, status of habitats, disease surveillance, morality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;
- (f) approve, co-ordinate research and monitoring on tiger, copredators, prey, habitat, related ecological and social-economic parameters and their evaluation;
- (g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the Nation Board for Wild Life and on the advice of the Tiger Conservation Authority;
- (h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiative in adjoining areas consistent with the Central and State laws;
- (i) ensure critical support including, scientific, information technology and legal support for better implementation of the tiger conservation plan;
- (j) Facilitate ongoing, capacity building programme for skill development of officers and staff of tiger reserve; and
- (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection tiger, tiger reserves and such person, officer or authority shall be bound to comply with the directions:

Provided that no such direction shall interface with or affect the rights of local people particularly the Scheduled Tribes.

38P. Procedure to regulated by Tiger Conservation Authority- (1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

(2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority.

(3) The Tiger Conservation Authority shall regulate its own procedure.

(4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary in this behalf.

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

(2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto

- (i) any grants and loans made to the Tiger Conservation Authority by the Central Government;
- (ii) all fees and charges received by the Tiger Conservation Authority under this Act; and
- (iii) all sums received by Authority from such other sources as may be decided upon by the Central Government.

38R. Accounts and audit of Tiger Conservation Authority- (1) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed by the Central Government in consultation with Comptroller and Auditor-General of India.

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

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

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

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

38T. 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.

38U. Constitution of Steering Committee- (1) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the States.

(2) The Steering Committee shall consist of

- (a) The Chief Minister-Chairperson;
- (b) Minister in-charge of Wild Life Vice-Chairperson;
- (c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs
- (d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development;
- (e) two members from the State's Tribal Advisory Council;
- (f) One representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;
- (g) Chief Wild Life Warden of the State shall be the Member Secretary, ex officio, to be notified by the State Government, in the Official Gazette.

38V. Tiger Conservation Plan- (1) The State Government shall, on the recommendation of the Tiger conservation Authority, notify an area as a tiger reserve.

(2) The provisions of sub-sections (2) of section 18, sub-sections (2), (3) and (4) shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(3) The State Government shall prepare a Tiger Conservation plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure:

- (a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;
- (b) ecologically compatible land uses in the tiger reserves and area linking one protected area or tiger reserve with another for addressing the livelihood concern of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;
- (c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve.

Explanation- For the purposes of this section, the expression "tiger reserve" includes:

- (i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purposes;

- (ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in *Explanation* (i), above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat protection is required to ensure the integrity of the critical at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(5) Save as for voluntary relocation on mutually agreed terms and conditions provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless

- (i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;
- (ii) the concerned agencies of the State Government, in exercise of their powers under this Act establishes with consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;
- (iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;
- (iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfills the requirements given in the National Relief and Rehabilitation Policy;
- (v) the informed consent of the Gram Sabhas concerned, and of the persons affected, to the resettlement programme has been obtained;
- (vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

38W. Alteration and de-notification tiger reserve- (1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

(2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. Establishment of Tiger Conservation Foundation- (1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco development by involvement of people in such development process

(2) The Tiger Conservation Foundation shall, *inter alia*, have the following objectives:

- (a) to facilitate ecological, economic, social and cultural development in the tiger reserves;

- (b) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves;
- (c) to facilitate the creation of and or maintenance of, such assets as may be necessary for fulfilling the above said objectives;
- (d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;
- (e) to augment and mobilise financial resources including recycling of entry and such other fee received in a tiger reserve, to foster stake-holder development and eco-tourism;
- (f) to support research, environmental education and training in the above related fields.]

CHAPTER IVC

TIGER AND OTHER ENDANGERED SPECIES

CRIME CONTROL BUREAU

38Y. Constitution of Tiger and other Endangered Species Crime Control Bureau- The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and Other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of

- (a) the Director of Wildlife Preservation- Director ex-officio;
- (b) the Inspector General of Police-Additional Director;
- (c) the Deputy Inspector General of Police-Joint Director;
- (d) the Deputy Inspector General of Forests-Joint Director;
- (e) the Additional Commissioner (Customs and Central Excise) joint Director; and
- (f) such other officers as may be appointed form amongst the officers covered under section 3 and 4 of this Act.

38Z. Powers and functions of the Wild life Crime Control Bureau- (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to

- (i) collect and collate intelligence related to organize wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action so as to apprehend the criminals and to establish a centralized wildlife crime data bank;
- (ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;
- (iii) implementation of obligations under the various international Conventions and protocols that re in force at present or which may be ratified or acceded to by India in future;
- (iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control
- (v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wild crimes;

(vi) advice the Government of India on issues relating to wildlife crimes having national and international ramification, and suggest changes required in relevant policy and laws from time to time;

(2) The Wild Life Crime Control Bureau shall exercise-

(i) Such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and

(ii) Such other powers as may be prescribed.]

CHAPTER V

TRADE OR COMMERCE IN WILD ANIMALS

ANIMAL ARTICLE AND TROPHIES

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

(a) Wild animal, other than vermin, which is hunted under section 11 or subsection (1) of section 29 or sub-section (6) of section 35 or kept or bred in captivity or hunted in contravention of any provision of this Act or any rule or order made thereunder or founded dead, or killed by mistake, and

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

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

(d) Vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act, shall be the property of the Central Government, and where such animal is hunted in a sanctuary or National Park declared by the Central Government such animal or any animal article, trophy, uncured trophy or meat derived from such animals, or any vehicles, vessels, trap or tool used in such hunting shall be the property of the Central Government.

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

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

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

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

(c) destroy or damage, such Government property.

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

(2) No person shall, after the commencement of this Act, acquire, receive keep in his control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I of Part 11 of Schedule II of any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with previous permission in writing of Chief Wild Life 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, trophy or uncured trophy specified in Schedule I of part 11 of Schedule 11, except by way of inheritance.

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

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

(3) Nothing in sub-section (1) or subsection (2) shall apply to a recognised zoo subject to the provision of Section 38-1 or to a public museum.

(4) The State Government may by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer any animal or animal article or trophy (other than a musk of a musk deer or horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule 11 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 section 40 of this Act, the Central Government may, by Notification, require any person to declare to the Chief Wild Life Warden or the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animal specified in Schedule I or Part 11 of Schedule II in his control, custody or possession, in respect of which no declaration had been made under subsection (1) or sub-section (4) of section 40, in such form, in such manner and within such time as may be prescribed.

(2) Any action taken or purported to be taken for violation of section 40 of this Act, at any time before the commencement of the Wild Life (Protection) Amendment, Act 2002 shall not be proceeded with and all pending proceedings shall stand abated.

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

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

(a) enter upon the premises of a person referred to in section 40;

- (b) make inquires and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I and part 11 of Schedule 11 and found thereon; and
- (c) affix upon the animals, animal article, trophies or uncured trophies identification marks in such manner as may be prescribed.

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

42. Certification of ownership- The Chief Wild Life Warden may, for the purposes of section 40, issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, uncured trophy or uncured trophy for purposes of identification:

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

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

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

(3) Nothing in this section shall apply

- (a) to tail feather of peacock and animal article or trophies made therefrom;
- (b) to transfer to captive animals, between recognised zoos subject to the provisions of section 38-1 and transfer amongst zoos and public museums.)

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

- (a) Commence or carry on the business as
 - (i) a manufacturer of or dealer in, any animal article; or
 - (ii) a taxidermist; or
 - (iii) a dealer in trophy or uncured trophy; or
 - (iv) a dealer in captive animals; or
 - (v) a dealer in meat;
- (b) cook or serve meat in any eating house;
- (c) derive, collect or prepare, or deal in, snake venom:

Provided that nothing in this subsection shall prevent a person, who, immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section, from carrying on such business or occupation for a period of thirty days from such commencement, or where he has made an application within the 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 feather of peacock and articles made therefrom and the manufacturers of such articles.

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 for board and lodging.

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

(3) Every person referred to in subsection (1) who intends to obtain a licence, shall make an application to the Chief Wild Life Warden or the authorised officer for the grant of a licence.

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

(b) No licence referred to in subsection (1) shall be granted unless the Chief Wild Life Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implication which the grant of such licence would have on the status of wild life and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted.

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

(6) Every licence granted under this section shall

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

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

- (i) the application for such renewal has been made after the expiry of the period specified 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 or condition of the licence or any provision of this Act or any rule made thereunder, or

(iv) the applicant does not fulfill the prescribed conditions.

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

(9) Nothing in the foregoing subsections shall apply in relation to vermin.

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

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

46. Appeal- An appeal from an order refusing to grant or renew a licence under section 44 or an order suspending or cancelling a licence under section 45 shall be

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

(b) if the order is made by the Chief Wild Life Warden, to the State Government.

(2) In the case of an order passed in appeal by Chief Wild Life Warden under clause (a) of subsection (1), a second appeal shall lie to the State Government.

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

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

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

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

(a) keep records, and submit such returns of his dealings, as may be prescribed,

(i) to the Director or any other officer authorised by him in this behalf; and

(ii) to the Chief Wild Life Warden or the authorised officer, and

(c) 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 subsection (2) of section 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 or order made thereunder;

(b) (i) capture any wild animal, or

(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I or Part 11 of Schedule 11 or any animal article, trophy, uncured trophy or meat derived

therefrom or serve such meat, or put under a process of taxidermy or make animal article containing part of whole of such animal, except in accordance with such rules as may be made under this Act:

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

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

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

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

Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of Section 38-1 or to a public museum.

CHAPTER V-A PROHIBITION OF TRADE OR COMMERCE IN TROPHIES, ANIMAL ARTICLE, ETC., DERIVED FROM CERTAIN ANIMALS

49A. Definitions-in this Chapter,

- (a) "Scheduled animal" means an animal specified for the time being in Schedule I or Part 11 of Schedule 11;
- (b) "schedule animal article" means an article made from any scheduled animal and includes an article or object in which the whole or any part of such animal has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative;
- (c) "specified date" means
 - (i) in relation to a scheduled animal on the commencement of the Wild Life (Protection) Amendment Act, 1986, (28 of 1986) the date of expiry of two months from such commencement;
 - (ii) in relation to any animal added or transferred to Schedule I or Part 11 of Schedule 11 at any time after such commencement, the date of expiry of two months from such addition or transfer.
 - (iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry six months from the commencement of the Wild Life (Protection) Amendment Act, 1991.

49B. Prohibition of dealings in trophies, animal article, 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 (i) a manufacturer of, or dealer in, scheduled animal article; or
 - (i-a) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such article; or
 - (ii) a taxidermist with respect to any scheduled animals or any part of such animals; or
 - (iii) a dealer in trophy or uncured trophy derived from any schedule animals; or
 - (iv) a dealer in any captive animal being scheduled animals; 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 purpose of this sub-section “eating house” has the same meaning as the Explanation below sub-section (1) of section 44.

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

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

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

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

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

- (a) his stocks, if any, as at the end of the specified date of
 - (i) scheduled animal article;
 - (ii) scheduled animals and parts 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 stock mentioned in the declaration are kept; and

(c) the description of such items if any, the stock mentioned in the declaration which he desires to remain with himself for his bona fide personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wild Life Warden or the authorised officer may take all or any of the measures specified in section 4 and for this purpose, the provisions of section 41 shall, so far as may be, apply.

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

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

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

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

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

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

(b) transfer or transports from the state in which he resided to an other State any such item, he shall, within thirty days of such transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, on and after the specified date, keep under his control, sell or offer for sale or transfer to any person any scheduled animal or a 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 containing in any other law for the time being in force, the Director or any other officer authorised by him in his behalf or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of sub-inspector, may if he has reasonable grounds for believing that any person has committed an offence against this act,

(a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, [trophy, uncured trophy, specified plant or part or derivative thereof in his control] custody

or possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;

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

(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative there 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 hi, arrest him without warrant and detain him:

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

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

(3-A) Any officer of a rant not inferior to that of an Assistant Director of Wild Life Preservation or any Assistant Conservator of Forests who, or whose subordinate, has satisfied any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bound for the production of such animal and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

(4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law under intimation to the Chief Wild Life Warden or the officer authorised by him in this regard.)

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

(6) Where any meat, uncured trophy specified plant, or part or derivative thereof is seized under the provisions of this section, the Assistant Director of Wild Life Preservation or any other officer of a gazette rank authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer may arrange for the disposal of the same in such manner as may be prescribed.)

(7) Whenever any person is approached by any other officer referred to in sub-section (1) for assistance in the prevention or defection of an offence against this Act, or in apprehending persons charged with violation this Act, or for seizure in accordance with clause (c) of sub-section (1), it shall be the duty of such 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 Wild Life 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 purposes of making investigation into any offence against any provision of this Act,

(a) to issue a search warrant;

(b) to enforce the attendance of witnesses;

- (c) to compel the discovery and production of documents and material objects; and
- (d) to receive and record evidence.

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

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

Provided that where the offence committed is in relation to any animal article, trophy or uncured trophy derived from such animal or where the offence related to hunting in a sanctuary or a National Park, or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees:

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment shall not be less than three years but may extent seven years and also with fine which shall not be less than twenty five thousand rupees.

(1-A) An person who contravenes any provision of Chapter V-A, shall be punishable with imprisonment for a term which shall not be less than three years but may extent to seven years and also fine which shall not be less than ten thousand rupees.

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

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

(1-C) Any person who commits an offence in relation to care area of tiger reserve or where the offence relates to hunting in tiger reserve or altering the boundaries of tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years but may extend to seven years and also five which shall not be less than fifty thousand rupees but can extend upto fifty lakhs rupees

(1-D) Whoever abets any offence punishable under 1-C shall if the offence is committed in the consequence of abetment be punished with the punishment provided for offence.]

(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, and specified plant, a part or derivative thereof in respect of which the offence has been committed, and any trap, tool, vehicle vessel or weapon, used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.(3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

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

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

51A. Certain conditions to apply while granting bail- When any person accused of, the commissions of any offence relating to Schedule I or Part II of Schedule II or offences relating to hunting inside the boundaries of Nation Park or wild life sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) no such person who had been previously convicted of an offence under this Act shall be released on bail unless

- (a) the Public Prosecutor has been given an opportunity of opposing the release on bail; and
- (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.]

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

53. Punishment for wrongful seizure- If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in section 50, he shall, on conviction, be punishable with imprisonment for 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 Direction of Wild Life Preservation or any other officer not below the rank of Assistant Director of Wild Life Preservation and in the case of a State Government in the similar manner, empower the Chief Wild Life

Warden or any officer of a rank not below that 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 sum of money by way of composition of the offence which such person is suspected to have committed.

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

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

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

Provided that no offence, for which a minimum period of imprisonment has been prescribed in section 51 shall be compounded.)

55. Cognizance of offences- No Court shall take cognizance of any offence against this act on the complaint of any person other than

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

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

¹(ab) member Secretary Tiger Conservation Authority

(ac) Director of Tiger Project.

(b) The Chief Wild Life Warden, or any officer authorised in this behalf by the State Government ³[subject to such conditions as may be specified by that Government]; or

(bb) the officer incharge of the Zoo in respect of violation of provisions of section 38J; or]

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

56. Operation of other laws barred- Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act:

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

57. Presumption to be made in certain cases- Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive 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 or derivative thereof.

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

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

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

Explanation- For the purposes of this section,

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

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

**CHAPTER VIA
FORFEITURE PROPERTY DERIVED FROM ILLEGAL
HUNTING AND 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, anyone who held such property and before the present holder is or was the transferee in good faith for adequate consideration.

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

- (a) **“Appellate Tribunal”** means the Appellate Tribunal for Forfeiture Property constituted under section 58N;
- (b) **“Associate”** in relation to a person whose property is liable to be forfeited under this Chapter, includes
 - (i) any individual who had been or is managing the affairs or keeping the accounts of such person;
 - (ii) any association of person, body of individuals, partnership firm or private company within the meaning of the Companies Act 1956 (I of 1956) of which such person had been or is a member, partner or director;
 - (iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause (ii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;
 - (iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);
 - (v) the trust of any trustee, where
 - (1) the trust has been create by such persons; 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 values of the assets of the trust on that date;
 - (vi) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;
- (c) **“Competent Authority”** means an officer authorised under section 58 D;
- (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 issue under section 58F;
- (f) **“Identifying”** includes establishment of proof that the property was derived form, or used iii, illegal hunting and trade of wild life and its products;
- (g) **“Illegally acquired property”** in relation to any person to who this Chapter applies, means,

- (i) any property acquired by such person, wholly or partly out of or by means by any income, earnings or assets derived or obtained from or attributable to illegal hunting and trade of wild life and its products and derivatives;
- (ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property and includes
 - (a) Any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders the last of such previous holders is or was a transferee in good faith for adequate consideration;
 - (b) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earning there from;
- (h) **“Property”** means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible property or assets, derived from the illegal hunting and trade of wild life and its products;
- (i) **“relative”** means
 - (1) Spouse of the person;
 - (2) brother or sister of the person
 - (3) brother or sister of the spouse of the person;
 - (4) any lineal ascendant or descendant of the person;
 - (5) any lineal ascendant or descendant of the spouse of the person;
 - (6) spouse of a person referred to in sub-clause (2), sub-clause (3), sub-clause (4), or sub-clause (5);
 - (7) any lineal descendant of a person referred to in sub-clause (2) or sub-clause(3)
- (j) **“tracing”** means determining the nature, source, disposition movement, title or ownership of property;
- (k) **“trust”** includes any other legal obligation.

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 illegally acquired property either by himself or through any other person on this 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, authorise any officer not below the rank of Chief Conservator of Forests to perform the functions of the competent authority under this Chapter in respect of such persons or classes of persons as the State Government may direct.

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 subsection (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or financial institution or any other relevant step as may be necessary,

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions or guidelines as the competent authority 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 ad red property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with except with prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned:

Provided that a copy of such an order shall be sent to the competent authority within forty eight hours of its being made.

(2) Any order made under subsection (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 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, or 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 values 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 officer (not below the rank of Conservator of Forests) as it thinks fit, to perform the functions of an Administrator.

- (2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 58F or under section 58-1 in such manner and subject to such conditions as may be prescribed.
- (3) The Administrator shall also take such measures as the State Government may, direct, to dispose of the property which is forfeited to the State Government.

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 section 58E or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected)

calling upon him within a period of thirty days specified in the notice to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this Chapter and in support of his case indicate the sources of his income, earning or assets, out of which or by means of which he had acquired such property, the evidence on which he relies and other relevant information and particulars.

(2) Where a notice under subsection (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.

58I. Forfeiture of property in certain cases- (1) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 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 in question are illegally acquired properties:

Provided that if the person affected (and in 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,

(2) Where the competent authority is satisfied that some of the properties referred to in show cause notice are illegally acquired properties but is not able to identify specifically such properties, then it shall be lawful for the competent authority to specify the properties which to the best of its judgment are illegally acquired properties and record a finding accordingly under subsection (1) within a period of ninety days.

(3) Where the competent authority records a finding under this section to the effect that any property shall, subject to the provisions of this Chapter stand forfeited to the State Government free from all encumbrances.

(4) In case the person affected establishes that the property specified in the notice issued under section 58 H is not an illegally acquired property and therefore not liable to be forfeited under the Act, the said notice shall be withdrawn and the property shall be released forthwith.

(5) Where any shares in a company stand forfeited to the State Government under this Chapter, the company shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956) or the article of association of the company, forthwith register the State Government as the transferee of such shares.

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

58K. Fine in lieu of forfeiture- (1) Where the competent authority makes a declaration that any property stands forfeited to the State Government under section 58-I and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving option to the person affected to pay in lieu of forfeiture, a fine equal to the market value of such part.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 58-I and thereupon such property shall stand released.

58L. Procedure in relation to certain trust properties- In the case of any person referred to in clause (vi) of clause (b) of section 58B, if the competent authority, on the basis of the information and materials available to it, for reason to be recorded in writing believes that any property held in trust is

illegally acquired property, it may serve a notice upon the author of the trust, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other assets out of or by means of which such property was required or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereon such notice shall be deemed to be notice served under section 58H and all the other provisions of the this Chapter shall apply accordingly.

Explanation- For the purposes of his section “illegally acquired property” in relation to any property held in thrust, 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 in relation to such author or contributor;
- (ii) any property acquired by the trust out of contributions made by any person which would have been illegally acquired property in relation to 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 section 58F or the issue of a notice under section 58H or under section 58L, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purposes of the proceedings under this chapter, be ignored and if such property is subsequently forfeited to the State Government under section 58-I then, transfer of such property shall be deemed to be null and 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 toehr members (being officers of the State Government not below the rank of a Principal Secretary to the Government), as the State Government thinks fit to be appointed by that Government for hearing appeals against the orders made under Sec. 58F, Sec. 58-I, sub section (1) of Sec. 58K or Sec. 58L.

(2) The Chairman of the appellate Tribunal shall be a person who is or has been or is qualified to a judge of a High Court.

(3) The terms and conditions of service of the Chairman and other member shall be such as may be prescribed.

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

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

(2) On receipt of an appeal under 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 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 in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

58R. Competent Authority and Appellate Tribunal to have power of civil court- The Competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) requiring 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 to 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 section 58T may furnish suo motu any information available with him 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 officer to assist Administrator, competent authority and appellate Tribunal- For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 58G, competent authority and the Appellate Tribunal, namely

- (a) officers of Police;
- (b) officers of the State Forest Department;
- (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 take possession (1) When any property has been declared to be forfeited to the State Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of Section 58K within time allowed therefore under sub-section (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 58G or to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) In any person refuses or fails to comply with an order made under subsection (1), the Administrator may take possession of any 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:

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

58W. Finding 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 notice 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 who 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 acquired 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 and other officers and employees referred to in Chapter IV-A and ¹[Chapter IV-B and every other officer exercising any of the powers conferred by this Act shall be deemed to be public servant within the meaning of section 21 of the India Penal Code (45 of 1860).

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

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

(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IV-A²[Chapter IVB] and its chairperson, members, member secretary, officer and other employees for anything which is in good faith done or intended to be done under this Act.

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

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

61. Power to alter entries in Schedules- (1) The Central Government may, if it is of 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 Schedule to any other Part of the same Schedule or from one Schedule to another.

(2) [****]

(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.

62. Declaration of certain wild animals to be vermin- The Central Government may, by notification, declare any wild animal other than those specified in Schedule I and Part 11 of Schedule 11 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 Schedule 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 section 17-F;
- (ai) the term of office of members other than those who are members ex-officio, the manner of filling vacancies, the procedure to be followed by the National Board under sub-section (3) of section 5A.]
- (b) the salaries and allowances and other conditions of appointment of chairperson, members and member secretary under sub-section (5) of section 38-B
- (c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of Section 38-B;
- (d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under subsection (4) of section 38-E;

- (e) The form in which and the time at which the annual report of the Central Zoo Authority shall be prepared under Section 38-;
- (f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of Section 38-H;
- (g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38-H;
- ¹[gi] qualifications and experience of experts or professionals under clause (d) of sub-section (2) of section 38-I;
- (gii) the salaries and allowances and other conditions of appointment of the member under sub-section (4) of section 38M;
- (giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;
- (giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;
- (gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;
- (gvi) other powers of the Wild Life Crime Control Bureau under clause (ii) of sub-section (2) of section 38Z;
- (h) the form in which declaration shall be made under sub-section (2) of section 44;
- (i) the matters to be prescribed under clause (b) of sub-section (4) of section 44;
- (j) the terms and conditions which shall govern transactions referred to in clause (b) of Section 48;
- (k) the manner in which notice may be given by a person under clause (c) of section 55;

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

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

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

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

(a) the term of office of members other than those who are members ex-officio the manner of filling vacancies and the procedure to be followed by the Board under sub-section (2) of section 6;

(b) allowances referred to in subsection (3) of section 6;

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

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

(dd) the conditions subject to which the officer will be authorised to file cases in the court)

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

(ee) the matter in which measures for immunisation of livestock shall be taken;

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

(g) regulation of taxidermy;

(ga) the manner and conditions subject to which the administrator shall receive and manage the property under sub-section (2) of section 58G;

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

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

***65. Rights of Scheduled Tribes to be protected-** Nothing in this Act shall effect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar islands by Notification of the Andaman and Nicobar Administration, No 40/67/F.No. G-635, Vol. III, dated the 28 the April,1967, published at page 1-5 of the Extraordinary issue of the Andaman and Nicobar Gazette. dt. The 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 the previous operation of the Act so repealed, or anything duly done or suffered thereunder;

(ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;

(iii) affect any penalty, forfeited or punishment incurred in respect of any offence committed against the Act so repealed;

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

(2) Notwithstanding such repeal,

(a) anything 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 enforce 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 enforce 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 had not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such right shall be made in accordance with the provision of this Act.

(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provisions of Section 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) Amendment Act, 1991, any reserve forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under Section 26-A.
