The Wild Life (Protection) Act, 1972

Act 53 of 1972. 167 sections. Bare Act with the official footnotes.

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[9th September, 1972.]

[An Act to provide for the [conservation, protection and management of wild life] and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.]

* * * * *

CHAPTER I PRELIMINARY

Section 1. Short title, extent and commencement

(1) This Act may be called the Wild Life (Protection) Act, 1972.

[1][(2) It extends to the whole of India [2]***.]

(3) It shall come into force in a State or Union territory to which it extends [3]*** 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.

[1] Subs. by s. 4, ibid., for sub-section (2) (w.e.f. 2-10-1991).
[2] The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, ss. 95, 96 and the Sch. V (w.e.f. 31-10-2019).
[3] The words ", or may become extended in future," omitted by Act 44 of 1991, s. 4 (w.e.f. 2-10-1991).

Section 2. Definitions

In this Act, unless the context otherwise requires,-

[1][(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 [2][has been used, and ivory imported into India and an article made therefrom];

[3]* * * * *

[4][(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 [5][Schedule I or Schedule II] which is captured or kept or bred in captivity;

[6]* * * * *

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

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

[8]* * * * *

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

(10) "commencement of this Act", in relation to-

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

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

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

(12) "Director" means the person appointed as Director of Wild Life Preservation under clause (a) of sub-section (1) of section 3;

[11][(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 (b) of clause (4) of section 2 of the Indian Forest Act, 1927 (16 of 1927);]

[12]* * * * *

(14) "Government property" means any property referred to in section 39 [13][or section 17H];

(15) "habitat" includes land, water or vegetation which is the natural home of any wild animal [14][or specified plant];

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

[15][(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;

[16][(16A) "invasive alien species" means a species of animal or plant which is not native to India and whose introduction or spread may threaten or adversely impact wild life or its habitat;]

(17) "land" includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, [17][marshes and wetlands and also includes boulders and rocks];

(18) "licence" means a licence granted under this Act;

[18][(18A) "livestock" means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in [19][Schedules I, II and IV;]

[20][(19) "manufacturer" means a person who manufactures articles from any animal or plant specified in [21][Schedules I, II and III], as the case may be;

(20) "meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;

(20A) "National Board" means the National Board for Wild Life constituted under section 5A;]

(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;

[22][(24) "person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not;]

[23][(24A) "protected area" means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;]

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

[24][(25A) "recognised zoo" means a zoo recognised under section 38H;]

[25][(25B) "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927 (16 of 1927), 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;]

[26][(26A) "Schedule" means a Schedule appended to this Act;]

[27][(27) "specified plant" means any plant specified in [28][Schedule III];]

[29]* * * * *

(29) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;

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

[31][(30A) "territorial waters" shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);]

(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

[32][(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 [33][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][(34) "vermin" means any wild animal notified under section 62;]

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

[35][(36) "wild animal" means any animal specified in [36][Schedule I or Schedule II] and found wild in nature;]

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

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

[38][(39) "zoo" means an establishment, whether stationary or mobile, where captive animals are kept for exhibiting to the public or ex-situ conservation and includes a circus and off-exhibit facilities such as rescue centres and conservation breeding centres, but does not include an establishment of a licensed dealer in captive animals.]

[1] Subs. by Act 16 of 2003, s. 3, for clause (1) (w.e.f. 1-4-2003).
[2] Subs. by Act 44 of 1991, s. 5, for "has been used" (w.e.f. 2-10-1991).
[3] Cl. (3) omitted by s. 5, ibid. (w.e.f. 2-10-1991).
[4] Subs. by Act 16 of 2003, s. 3, for clause (4) (w.e.f. 1-4-2003).
[5] Subs. by Act 18 of 2022, s. 3, for "Schedule I, Schedule II, Schedule III or Schedule IV" (w.e.f. 1-4-2023).
[6] Cl. (6) omitted by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).
[7] Ins. by s. 5, ibid. (w.e.f. 2-10-1991).
[8] Cl. (8) omitted by Act 16 of 2003, s. 3 (w.e.f. 1-4-2003).
[9] Subs. by s. 3, ibid., for clause (9) (w.e.f. 1-4-2003).
[10] Subs. by Act 16 of 2003, s. 3, for clause (11) (w.e.f. 1-4-2003).
[11] Subs. by s. 3, ibid., for clause (12A) (w.e.f. 1-4-2003).
[12] Cl. (13) omitted by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).
[13] Ins. by s. 5, ibid. (w.e.f. 2-10-1991).

[14] Ins. by Act 18 of 2022, s. 3 (w.e.f. 1-4-2023).
[15] Subs. by Act 16 of 2003, s. 3, for sub-clauses (a) and (b) (w.e.f. 1-4-2003).
[16] Ins. by Act 18 of 2022, s. 3 (w.e.f. 1-4-2023).
[17] Subs. by Act 44 of 1991, s. 5, for "and also includes boulders and rocks" (w.e.f. 2-10-1991).
[18] Subs. by Act 16 of 2003, s. 3, for clause (18A) (w.e.f. 1-4-2003).
[19] Subs. by Act 18 of 2022, s. 3, for "Schedules I to V" (w.e.f. 1-4-2023).
[20] Subs. by Act 16 of 2003, s.3, for clauses (19) and (20) (w.e.f. 1-4-2003).
[21] Subs. by Act 18 of 2022, s. 3, for "Schedules I to V and VI" (w.e.f. 1-4-2023).
[22] Subs. by Act 18 of 2022, s. 3, for clause (24) (w.e.f. 1-4-2023).
[23] Ins. by Act 16 of 2003, s. 3 (w.e.f. 1-4-2003).
[24] Ins. by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).
[25] Subs. by Act 16 of 2003, s. 3, for clauses (25B) and (26) (w.e.f. 1-4-2003).
[26] Ins. by Act 18 of 2022, s. 3 (w.e.f. 1-4-2023).
[27] Subs. by Act 44 of 1991, s. 5, for clause (27) (w.e.f. 2-10-1991).
[28] Subs. by Act 18 of 2022, s. 3, for "Schedule VI" (w.e.f. 1-4-2023).
[29] Cl. (28) omitted by Act 16 of 2003, s. 3 (w.e.f. 1-4-2003).
[30] Subs. by s. 3, ibid., for clause (30) (w.e.f. 1-4-2003).
[31] Ins. by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).
[32] Subs. by Act 16 of 2003, s. 3, for sub-clause (b) (w.e.f. 1-4-2003).
[33] Subs. by Act 44 of 1991, s. 5, for "freshly-killed wild animals" (w.e.f. 2-10-1991).
[34] Subs. by Act 18 of 2022, s. 3, for clause (34) (w.e.f. 1-4-2023).
[35] Subs. by Act 16 of 2003, s. 3, for clause (36) (w.e.f. 1-4-2003).
[36] Subs. by Act 18 of 2022, s. 3, for "Schedules I to IV" (w.e.f. 1-4-2023).
[37] Subs. by Act 16 of 2003, s. 3, for clause (37) (w.e.f. 1-4-2003).
[38] Subs. by Act 18 of 2022, s. 3, for clause (39) (w.e.f. 1-4-2023), earlier ins. by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).

CHAPTER II AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT

Section 3. Appointment of Director and other officers

(1) The Central Government may, for the purposes of this Act, appoint,-

(a) A Director of Wild Life Preservation;

[1]* * * * *

(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.

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

[1] Cl. (b) omitted by Act 16 of 2003, s. 4 (w.e.f. 1-4-2003).
[2] Subs. by s. 4, ibid., for sub-section (3) (w.e.f. 1-4-2003).

Section 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; [1]***

[2][(bb) Honorary Wild Life Wardens;]

(c) such other officers and employees as may be necessary.

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

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

[1] The word "and" omitted by 44 of 1991, s. 6 (w.e.f. 2-10-1991).
[2] Subs. by Act 16 of 2003, s. 5, for clause (bb) (w.e.f. 1-4-2003).
[3] Subs. by Act 44 of 1991, s. 6, for "The Wild Life Warden" (w.e.f. 2-10-1991).

Section 5. Power to delegate

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

(2) The Chief Wild Life Warden may, with the previous approval of the State Government, by order in writing, delegate

all or any of his powers and duties under this Act, except those under clause (a) of sub-section (1) of section 11, to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

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

Section 5A. Constitution of the National Board for Wild Life

[1][(1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), constitute the National Board for Wild Life consisting of the following members, namely:-

(a) the Prime Minister as Chairperson;

(b) the Minister in-charge of Forests and Wild Life as Vice-Chairperson;

(c) three members of Parliament of whom two shall be from the House of the People and one from the Council of States;

[2][(d) Member, NITI Aayog in-charge of Environment, Forest and Climate Change;]

(e) five persons to represent non-governmental organisations to be nominated by the Central Government;

(f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;

(g) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life;

(h) the Chief of the Army Staff;

(i) the Secretary to the Government of India in-charge of the Ministry of Defence;

(j) the Secretary to the Government of India in-charge of the Ministry of Information and Broadcasting;

(k) the Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;

(l) the Secretary to the Government of India, Ministry of Tribal Welfare;

(m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;

(n) the Director-General of Tourism, Government of India;

(o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;

(p) the Director, Wild Life Institute of India, Dehradun;

(q) the Director, Zoological Survey of India;

(r) the Director, Botanical Survey of India;

(s) the Director, Indian Veterinary Research Institute;

(t) the Member-Secretary, Central Zoo Authority;

(u) the Director, National Institute of Oceanography;

(v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;

(w) the Director of Wild Life Preservation who shall be the Member-Secretary of the National Board.

(2) The term of office of the members other than those who are members ex officio, the manner of filling vacancies referred to in clauses (e), (f) and (v) of sub-section (1), and the procedure to be followed in the discharge of their functions by the members of the National Board shall be such, as may be prescribed.

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

(4) Notwithstanding anything contained in any other law for the time being in force, the office of a member of the National Board shall not be deemed to be an office of profit.

[1] Ins. by Act 16 of 2003, s. 6 (w.e.f. 1-4-2003).

[2] Subs. by Act 18 of 2022, s. 4, for clause (d) (w.e.f. 1-4-2023).

Section 5B. Standing Committee of the National Board

(1) The National Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board.

(2) The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.

(3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

Section 5C. Functions of the National Board

(1) It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for-

(a) framing policies and advising the Central Government and the State Governments on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;

(b) making recommendations on the setting up of and management of national parks, sanctuaries and other protected areas and on matters relating to restriction of activities in those areas;

(c) carrying out or causing to be carried out impact assessment of various projects and activities on wild life or its habitat;

(d) reviewing from time to time, the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and

(e) preparing and publishing a status report at least once in two years on wild life in the country.]

Section 6. Constitution of State Board for Wild Life

[1][(1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) constitute a State Board for Wild Life consisting of the following members, namely:-

(a) the Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be Chairperson;

(b) the Minister in-charge of Forests and Wild Life - Vice-Chairperson;

(c) three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;

(d) three persons to represent non-governmental organisations dealing with wild life to be nominated by the State Government;

(e) ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;

(f) the Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;

(g) the Officer in-charge of the State Forest Department;

(h) the Secretary to the State Government, Department of Tribal Welfare;

(i) the Managing Director, State Tourism Development Corporation;

(j) an officer of the State Police Department not below the rank of Inspector-General;

(k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;

(l) the Director, Department of Animal Husbandry of the State;

(m) the Director, Department of Fisheries of the State;

(n) an officer to be nominated by the Director, Wild Life Preservation;

(o) a representative of the Wild Life Institute of India, Dehradun;

(p) a representative of the Botanical Survey of India;

(q) a representative of the Zoological Survey of India;

(r) the Chief Wild Life Warden, who shall be the Member-Secretary.

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

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

[1] Subs. by Act 16 of 2003, s. 7, for section 6 (w.e.f. 1-4-2003).

Section 6A. Standing Committee of Board

[1][(1) The Board may constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to it by the Board.

(2) The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members, to be nominated by the Vice-Chairperson, from amongst the members of the Board.

(3) The Board or its Standing Committee referred to in sub-section (1) may, constitute committees, sub-committees or study groups, as may be necessary, from time-to-time, for proper discharge of the functions assigned to it.]

[1] Ins. by Act 18 of 2022, s. 5 (w.e.f. 1-4-2023).

Section 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.

Section 8. Duties of [1][State Board for Wild Life]

It shall be the duty of [1][State Board for Wild Life] to advise the State Government,-

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

[3][(b) in formulation of the policy for protection and conservation of the wild life and specified plants;]

(c) in any matter relating to the amendment of any Schedule; [4]***

[5][(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 the protection of wild life, which may be referred to it by the State Government.

[1] Subs. by Act 16 of 2003, s. 8, for "the Wild Life Advisory Board" (w.e.f. 1-4-2003).
[2] Subs. by s. 8, ibid., for clause (a) (w.e.f. 1-4-2003).
[3] Subs. by Act 44 of 1991, s. 8, for clause (b) (w.e.f. 2-10-1991).
[4] The word "and" omitted by s. 8, ibid. (w.e.f. 2-10-1991).
[5] Ins. by s. 8, ibid. (w.e.f. 2-10-1991).

CHAPTER III HUNTING OF WILD ANIMALS

Section 9. Prohibition of hunting

[1][No person shall hunt any wild animal specified in [2][Schedules I and II] except as provided under section 11 and section 12.]

[1] Subs. by s. 9, ibid., for section 9 (w.e.f. 2-10-1991).
[2] Subs. by Act 18 of 2022, s. 6, for "Schedules I, II, III and IV" (w.e.f. 1-4-2023).

Section 10. Maintenance of records of wild animals killed or captured

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

Section 11. Hunting of wild animals to be permitted in certain cases

(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,-

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

[1][Provided that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such

animal cannot be captured, tranquilised or translocated:

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

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

(b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II [2]*** has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt [3][such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted].

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

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

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

[1] Ins. by Act 16 of 2003, s. 9 (w.e.f. 1-4-2003).
[2] The words and figures ",Schedule III, or Schedule IV," omitted by Act 18 of 2022, s. 7 (w.e.f. 1-4-2023).
[3] Subs. by Act 16 of 2003, s.9, for "such animal or cause such animal to be hunted" (w.e.f. 1-4-2003).

Section 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 [1]*** 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;

[2][(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 wildlife, without killing or poisoning or destroying any wild animals;]

[3][(c) collection of specimens-

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

(ii) for museums and similar institutions;

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

[4][Provided that no such permit shall be granted-

(a) in respect of any wild animal specified in Schedule I, except with the previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government;]

[1] The words ", with the previous permission of the State Government" omitted by Act 23 of 1982, s. 2 (w.e.f. 21-5-1982).
[2] Subs. by s. 2, ibid., for clause (b) (w.e.f. 21-5-1982).
[3] Subs. by Act 44 of 1991, s. 11, for clause (c) (w.e.f. 2-10-1991).
[4] Ins. by Act 23 of 1982, s. 2 (w.e.f. 21-5-1982).

Section 13. Suspension or cancellation of licence

[Suspension or cancellation of licence] -Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), s. 12 (w.e.f. 2-10-1991).

Section 14. Appeals

[Appeals] -Omitted by, s. 12, ibid. (w.e.f. 2-10-1991).

Section 15. Hunting of young and female of wild animals

[Hunting of young and female of wild animals] -Omitted by, s. 12, ibid. (w.e.f. 2-10-1991).

Section 16. Declaration of closed time

[Declaration of closed time] -Omitted by, s. 12, ibid. (w.e.f. 2-10-1991).

Section 17. Restrictions on hunting

[Restrictions on hunting] -Omitted by, s. 12, ibid. (w.e.f. 2-10-1991).

CHAPTER IIIA PROTECTION OF SPECIFIED PLANTS

Section 17A. Prohibition of picking, uprooting, etc., of specified plant

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

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

Section 17B. Grants of permit for special purposes

The Chief Wild Life Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 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.

Section 17C. Cultivation of specified plants without licence prohibited

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

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), was cultivating a specified plant from carrying on such cultivation for a period of six months from such commencement or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

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

Section 17D. Dealing in specified plants without licence prohibited

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

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

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

Section 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 (44 of 1991) declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part

or derivative thereof, as the case may be, on the date of such commencement.

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

Section 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 part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made;

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

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

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

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

Section 17G. Purchase, etc., of specified plants

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

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

Section 17H. Plants to be Government property

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

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

CHAPTER IV PROTECTED AREAS

Sanctuaries

Section 18. Declaration of sanctuary

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

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

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

[1] Subs. by Act 44 of 1991, s. 15, for sub-section (1) (w.e.f. 2-10-1991).

Section 18A. Protection to sanctuaries

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

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

[1] Ins. by Act 16 of 2003, s. 11 (w.e.f. 1-4-2003).

Section 18B. Appointment of Collectors

The State Government shall appoint, an officer to act as Collector under the Act, within ninety days of coming into force of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), or within thirty days of the issue of notification under section 18, to inquire into and determine the existence, nature and extent of rights of any person in or over the land comprised within the limits of the sanctuary which may be notified under sub-section (1) of section 18.]

Section 19. Collector to determine rights

[1][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.

[1] Subs. by Act 44 of 1991, s. 16, for "Whenever any area is declared to be a sanctuary" (w.e.f. 2-10-1991).

Section 20. Bar of accrual of rights

After the issue of a notification under section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

Section 21. Proclamation by Collector

When a notification has been issued under section 18, the Collector shall [1][within a period of sixty days] publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation-

(a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and

(b) requiring any person, claiming any right mentioned in section 19, to prefer before the Collector, within two months from the date of such proclamation, a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation, if any, claimed in respect thereof.

[1] Ins. by Act 16 of 2003, s. 12 (w.e.f. 1-4-2003).

Section 22. Inquiry by Collector

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

(a) the claim preferred before him under clause (b) of section 21, and

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

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

Section 23. Powers of Collector

For the purpose of such inquiry, the Collector may exercise the following powers, namely:-

(a) the power to enter in or upon any land and to survey, demarcate and make a map of the same or to authorise any other officer to do so;

(b) the same powers as are vested in a civil court for the trial of suits.

Section 24. Acquisition of rights

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

(2) If such claim is admitted in whole or in part, the Collector may either-

(a) exclude such land from the limits of the proposed sanctuary, or

(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land and on payment of such compensation, as is provided in the [1][Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).]

[2][(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.]

[1] Sub. by Act 18 of 2022, s. 8, for "Land Acquisition Act, 1894 (1 of 1894)" (w.e.f. 1-4-2023).

[2] Ins. by Act 44 of 1991, s. 17 (w.e.f. 2-10-1991).

Section 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 [1][Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013);]

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under [2][section 21] of that Act;

(c) the provisions of the sections, preceding [2][section 21] 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 [3][section 64] 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 [3][Chapter VIII] of that Act;

(e) the Collector, with the consent of the claimant, or [4][the Authority], with the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and

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

[5][Explanation.-The expression "Authority" referred to in clause (e), shall mean the Land Acquisition, Rehabilitation and Resettlement Authority established under section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013).]

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

[1] Subs. by Act 18 of 2022, s. 9, for "Land Acquisition Act, 1894 (1 of 1894)" (w.e.f. 1-4-2023).
[2] Subs. by s. 9, ibid., for "section 9" (w.e.f. 1-4-2023).
[3] Subs. by s. 9, ibid., for "section 18" and "Part III" (w.e.f. 1-4-2023).
[4] Subs. by s. 9, ibid., for "the Court" (w.e.f. 1-4-2023).
[5] Ins. by s. 9, ibid. (w.e.f. 1-4-2023).

Section 25A. Time-limit for completion of acquisition proceedings

[1][(1) The Collector shall, as far as possible, complete the proceedings under sections 19 to 25 (both inclusive), within a period of two years from the date of notification of declaration of sanctuary under section 18.

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

[1] Ins. by Act 16 of 2003, s. 13 (w.e.f. 1-4-2003).

Section 26. Delegation of Collector's powers

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

Section 26A. Declaration of area as sanctuary

[1][(1) When-

(a) a notification has been issued under section 18 and the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or

(b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological faunal floral geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary,

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

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

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

protect the occupational interests of the local fishermen.

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

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

[1] Ins. by Act 44 of 1991, s. 18 (w.e.f. 2-10-1991).

[2] Subs. by Act 16 of 2003, s. 14, for sub-section (3) (w.e.f. 1-4-2003).

Section 27. Restriction on entry in sanctuary

(1) No person other than,-

(a) a public servant on duty,

(b) a person who has been permitted by the Chief Wild Life Warden or the authorised officer to reside within the limits of the sanctuary,

(c) a person who has any right over immovable property within the limits of the sanctuary,

(d) a person passing through the sanctuary along a public highway, and

(e) the dependants of the person referred to in clause (a), clause (b) or clause (c),

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

(2) Every person shall, so long as he resides in the sanctuary, be 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 such sanctuary, to help in discovering and arresting the offender;

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

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

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

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

[1] Ins. by Act 44 of 1991, s. 19 (w.e.f. 2-10-1991).

Section 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 [1][and film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life;]

(c) scientific research;

(d) tourism;

(e) transaction of lawful business with any person residing in the sanctuary.

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

[1] Ins. by Act 18 of 2022, s. 10 (w.e.f. 1-4-2023).

Section 29. Destruction, etc., in a sanctuary prohibited without a permit

[1][No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the [2][National

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.

[3][Explanation.-For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, including the bona fide use of drinking and household water by local communities until they are settled, shall not be deemed to be an act prohibited under this section.]

[1] Subs. by Act 16 of 2003, s. 15, for section 29 (w.e.f. 1-4-2003).
[2] Subs. by Act 18 of 2022, s. 11, for "Board" (w.e.f. 1-4-2023).
[3] Subs. by s. 11, ibid., for Explanation (w.e.f. 1-4-2023).

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.

Section 31. Prohibition of entry into sanctuary with weapon

No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

Section 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.

Section 33. Control of sanctuaries

The Chief Wild Life Warden shall be the authority who shall control, [1][manage and protect all sanctuaries in accordance with such management plans for the sanctuary approved by him as per the guidelines issued by the Central Government and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned] 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:

[2][Provided that no construction of [3][tourist lodges, including Government lodges, for commercial purposes], hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board;]

(b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals therein;

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

(d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of [4][live-stock.]

[5]***

[1] Subs. by Act 18 of 2022, s. 12, for "manage and maintain all sanctuaries" (w.e.f. 1-4-2023).
[2] Ins. by Act 16 of 2003, s. 16 (w.e.f. 1-4-2003).
[3] Sub. by Act 18 of 2022, s. 12, for "commercial tourist lodges" (w.e.f. 1-4-2023).
[4] Subs. by Act 44 of 1991, s. 21, for "cattle;" (w.e.f. 2-10-1991).
[5] Cl. (e) omitted by s. 21, ibid. (w.e.f. 2-10-1991).

Section 33A. Immunisation of live-stock

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

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

[1] Ins. by s. 22, ibid. (w.e.f. 19-12-2000).

Section 33B. Advisory Committee

[1][(1) The State Government shall constitute an Advisory Committee consisting of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Raj Institutions, two representatives of non-governmental organisations and three individuals active in the field of wild life conservation, one representative each from departments dealing with Home and Veterinary matters, Honorary Wild Life Warden, if any, and the officer-in-charge of the sanctuary as Member-Secretary.

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

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

[1] Ins. by Act 16 of 2003, s. 17 (w.e.f. 1-4-2003).

Section 34. Registration of certain persons in possession of arms

(1) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such

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

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

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

[2][(4) No renewal of any licence under the Arms Act, 1959 (54 of 1959) shall be granted to any person residing within ten kilometres of a sanctuary except under the intimation to the Chief Wild Life Warden or the authorised officer.]

[1] Ins. by Act 44 of 1991, s. 22A (w.e.f. 21-5-2001).
[2] Ins. by Act 18 of 2022, s. 13 (w.e.f. 1-4-2023).

Section 34A. Power to remove encroachment

[1][(1) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank ofan Assistant Conservator of Forests may,-

(a) evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act;

(b) remove any unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests: Provided that no such order shall be passed unless the affected person is given an opportunity of being heard.

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

[1] Ins. by Act 16 of 2003, s. 18 (w.e.f. 1-4-2003).

Natioanl Parks

Section 35. Declaration of National Parks

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

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

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

(3) Where any area is intended to be declared as a National Park, the provisions of sections [2][19 to 26A (both inclusive except cause (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.

[3][(3A) When the State Government declares its intention under sub-section (1) to constitute any area as a National Park, the provisions of sections 27 to 33A (both inclusive), shall come into effect forthwith, until the publication of the notification declaring such National Park under sub-section (4).

(3B) Till such time as the rights of the affected persons are finally settled under sections 19 to 26A [both inclusive except clause (c) of sub-section (2) of section 24], 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.]

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

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

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

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

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

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

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

(7) No grazing of any [5][live-stock] shall be permitted in a National Park and no [5][live-stock] shall be allowed to enter therein except where such [5][live-stock] is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of [6][section 33, section 33A] shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.

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

[1] Added by Act 44 of 1991, s. 23, (w.e.f. 2-10-1991).
[2] Subs. by s. 23, ibid., for "section 23, for "19 to 26 (both inclusive)" (w.e.f. 2-10-1991).
[3] Ins. by Act 18 of 2022, s. 14 (w.e.f. 1-4-2023).
[4] Subs. by Act 16 of 2003, s. 19, for sub-sections (5) and (6) (w.e.f. 1-4-2003).
[5] Subs. by Act 44 of 1991, s. 23, for "cattle" (w.e.f. 2-10-1991).
[6] Subs. by s. 23, ibid., for "section 33" (w.e.f. 2-10-1991).
[7] Ins. by Act 16 of 2003, s. 19 (w.e.f. 1-4-2003).

Section 36. Declaration of game reserve

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

Section 36A. Declaration and management of a conservation reserve

[1][(1) The State Government may, after having consultations with the local communities, declare any area owned by the Government, particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat:

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

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

[1] Ins. by Act 16 of 2003, s. 20 (w.e.f. 1-4-2003).

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

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

Section 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-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 shall, as far as may be, apply in relation to a community reserve as they apply in relation to a sanctuary.

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

Section 36D. Community reserve management committee

(1) The State Government shall constitute a Community Reserve management committee, which shall be the authority responsible for conserving, maintaining and managing the community reserve.

(2) The committee shall consist of [1][not less than five representatives] nominated by the Village Panchayat or where such Panchayat does not exist by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located.

[2][(2A) Where a community reserve is declared on private land under sub-section (1) of section 36C, the community reserve management committee shall consist of the owner of the land, a representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located and also the representative of the Panchayat concerned or the tribal community, as the case may be.]

(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.]

[1] Subs. by Act 18 of 2022, s. 15, for "five representatives" (w.e.f. 1-4-2023).
[2] Ins. by s. 15, ibid. (w.e.f. 1-4-2023).

Closed Area

Section 37. Declaration of closed area

[Declaration of closed area.] -Omitted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), s. 21(w.e.f. 1-4-2003).

Sanctuaries or National Parks declared by Central Government

Section 38. Power of Central Government to declare areas as sanctuaries or National Parks [1][or conservation reserve]

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

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

[3][(2A) The Central Government may, if it is satisfied that the conditions specified in sub-section (1) of section 36A are fulfilled in relation to any area referred to in sub-section (1), declare such area, by notification, to be a conservation reserve and the provisions of sections 36A and 36B shall apply in relation to such conservation reserve as they apply in relation to a conservation reserve declared by the State Government.]

(3) In relation to a sanctuary or National Park [4][or conservation reserve] declared by the Central Government, the powers and duties of the Chief Wild Life Warden under the sections referred to in [5][sub-sections (1), (2) and (2A)], shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references, in the sections aforesaid, to the State Government shall be construed as references to the Central Government and reference therein to the Legislature of the State shall be construed as a reference to Parliament.

[1] Ins. by s. 16, ibid. (w.e.f. 1-4-2023).
[2] Subs. by Act 44 of 1991, s. 25, for "sections 19 to 35" (w.e.f. 2-10-1991).
[3] Ins. by Act 18 of 2022, s. 16 (w.e.f. 1-4-2023).
[4] Ins. by s. 16, ibid. (w.e.f. 1-4-2023).
[5] Subs. by s. 16, ibid, for "sub-sections (1) and (2)" (w.e.f. 1-4-2023).

CHAPTER IVA CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

Section 38A. 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.

Section 38B. Term of office and conditions of service of Chairperson and members, etc

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

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

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

(a) becomes an undischarged insolvent;

(b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the authority, absent from three consecutive meetings of the Authority; or

(f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest:

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

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

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

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

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

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

[1] Ins. by Act 16 of 2003, s. 22 (w.e.f.1-4-2003).

Section 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) recognise or derecognise zoos;

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

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

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

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

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

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

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

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

Section 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.

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

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of

the members, officers and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

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

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

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

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

Section 38F. Annual report

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

Section 38G. Annual report and audit report to be laid before Parliament

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

Section 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(44 of 1991) may continue to operate without being recognised for a period of [1][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.

[2][(1A) On and after the commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) a zoo shall not be established without obtaining the prior approval of the Authority.]

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

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

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

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

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

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

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

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

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

[1] Subs. by Act 26 of 1993, s. 2, for "six months from the date of such commencement" (w.e.f. 4-8-1992).
[2] Ins. by Act 16 of 2003, s. 23 (w.e.f. 1-4-2003).

Section 38I. Acquisition of animals by a zoo

[1][(1) Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in Schedules I [2]*** 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.]

[3][Provided that nothing in this sub-section shall apply to a conservation breeding centre.]

[1] Subs. by Act 16 of 2003, s. 24, for section 38-I (w.e.f. 1-4-2003).
[2] The word and figures "and II" omitted by Act 18 of 2022, s. 17 (w.e.f. 1-4-2023).
[3] Ins. by s. 17, ibid (w.e.f. 1-4-2023).

Section 38J. Prohibition of teasing, etc., in a zoo

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

CHAPTER IV B NATIONAL TIGER CONSERVATION AUTHORITY

Section 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 areas notified as such under section 38V.

Section 38L. Constitution of National Tiger Conservation Authority

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

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

(a) the Minister in charge of the Ministry of Environment and Forests-Chairperson;

(b) the Minister of State in the Ministry of Environment and Forests-Vice-Chairperson;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;

(e) Secretary, Ministry of Environment and Forests;

(f) Director General of Forests and Special Secretary, Ministry of Environment and Forests;

(g) Director, Wild Life Preservation, Ministry of Environment and Forests;

(h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;

(i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;

(j) Secretary, Ministry of Tribal Affairs;

(k) Secretary, Ministry of Social Justice and Empowerment;

(l) Chairperson, National Commission for the Scheduled Tribes;

(m) Chairperson, National Commission for the Scheduled Castes;

(n) Secretary, Ministry of Panchayati Raj;

(o) [1][an officer not below the rank of Inspector General of Forests] 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.

[1] Subs. by Act 18 of 2022, s. 18, for "Inspector General of Forests or an officer of the equivalent rank" (w.e.f. 1-4-2023).

Section 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 as may be prescribed.

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

Section 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 functions 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 or until the expiry of the period of six months from that date if such employee opts not to be' the employee of that Authority.

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

Section 38O. Powers and functions of Tiger Conservation Authority

(1) 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 (5) of section 38V of this Act;

(b) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;

(c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

(d) provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;

(e) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and

socio-economic parameters and their evaluation;

(g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;

(h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;

(i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;

(j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

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

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

Section 38P. Procedure to be 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 or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

Section 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 the Authority from such other sources as may be decided upon by the Central Government.

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

Section 38R. Accounts and audit of Tiger Conservation Authority

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

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

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

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

the Central Government by the Tiger Conservation Authority.

Section 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.

Section 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, insofar as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

Section 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 tiger range States.

(2) The Steering Committee shall consists of-

(a) the Chief Minister-Chairperson;

(b) the Minister in-charge of Wild Life-Vice-Chairperson;

(c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs;

(d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development,

(e) two members from the State's Tribal Advisory Council;

(f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;

(g) Chief Wild Life Warden of the State shall be the Member-Secretary, ex officio,

to be notified by the State Government, in the Official Gazette.

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

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

(a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;

(c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

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

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

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

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

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

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;

(iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;

(v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and

(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

Section 38W. Alteration and de-notification of tiger reserves

(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.

Section 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 fees received in a tiger reserve, to foster stake-holder development and eco-tourism;

(f) to support research, environmental education and training in the above related fields.

Section 38XA. Provisions of Chapter to be in addition to provisions relating to sanctuaries and National Parks

[1][The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions relating to

sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under this Act.]

[1] Ins. by Act 18 of 2022, s. 19 (w.e.f. 1-4-2023).

CHAPTER IV C WILD LIFE CRIME CONTROL BUREAU

Section 38Y. Constitution of [1][Wild Life] Crime Control Bureau

The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a [2]*** 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 [3][Central Goods and Services Tax]-Joint Director; and

(f) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

[1] Subs. by s. 21, ibid., for "Tiger and other Endangered Species" (w.e.f. 1-4-2023).

[2] The words "Tiger and other Endangered Species Crime Control Bureau to be known as the" omitted by s. 21, ibid. (w.e.f. 1-4-2023).

[3] Subs. by s. 21, ibid., for "Central Excise" (w.e.f. 1-4-2023).

Section 38Z. Powers and functions of the Wildlife 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 organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action, so as to apprehend the criminals and to establish a centralised wildlife crime data bank;

(ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;

(iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control;

(v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;

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

(2) The Wildlife Crime Control Bureau shall exercise-

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

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

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

Section 39. Wild animals, etc., to be Government property

(1) Every-

(a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or [1][bred in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed [2]*** 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,

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

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

shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat [4][derived from such animal or any vehicle, vessel, weapon, trap or tool used in such hunting], shall be the property of the Central Government.

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

(3) No person shall, without the previous permission in writing of the Chief 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.

[5][(4) Where any such Government property is a live animal, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre when it can not be released to its natural habitat.

(5) Any such animal article, trophy or uncured trophy or meat derived from any wild animal, as referred to in sub-sections (1) and (2) may be disposed of by the State Government or the Central Government, as the case may be, in such manner as may be prescribed by the Central Government:

Provided that such disposal shall not include any commercial sale or auction and no certificate of ownership shall be issued for such disposal.]

[1] Subs. by Act 44 of 1991, s. 27, for "bred in captivity" (w.e.f. 2-10-1991).
[2] The words "without a licence or" omitted by s. 27, ibid. (w.e.f. 2-10-1991).
[3] Ins. by s. 27, ibid. (w.e.f. 2-10-1991).
[4] Subs. by s. 27, ibid., for "derived from such animal" (w.e.f. 2-10-1991).
[5] Ins. by Act 18 of 2022, s. 22 (w.e.f. 1-4-2023).

Section 40. Declarations

(1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I [1]***, [2][or animal article, trophy or uncured trophy] derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorised officer the number and description of the animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I [3]*** or 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 the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

[4][(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I [3]***, 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.]

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

(4) The State Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer [6][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 [3]*** in his control, custody or possession in such form, in such manner, and within such time, as may be prescribed.

[1] The words and figures "or Part II of Schedule II" omitted by s. 23, ibid. (w.e.f. 1-4-2023).
[2] Subs. by Act 16 of 2003, s. 25, for "or any uncured trophy" (w.e.f. 1-4-2003).
[3] The words and figures "or Part II of Schedule II" omitted by Act 18 of 2022, s. 23 (w.e.f. 1-4-2023).

[4] Ins. by Act 16 of 2003, s. 25 (w.e.f. 1-4-2003).
[5] Subs. by Act 44 of 1991, s. 28, for sub-section (3) (w.e.f. 2-10-1991).
[6] Subs. by Act 16 of 2003, s. 25, for "any animal article" (w.e.f. 1-4-2003).

Section 40A. Immunity in certain cases

[1][(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 animals specified in Schedule I [2]*** in his control, custody or possession, in respect of which no declaration had been made under sub-section(1) or sub-section (4) of section 40, in such form, in such manner and within such time as may be prescribed.

(2) Any action taken or purported to be taken for violation of section 40 of this Act at any time before the commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) 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.]

[1] Ins. by s. 26, ibid. (w.e.f. 1-4-2003).
[2] The words and figures "or Part II of Schedule II" omitted by Act 18 of 2022, s. 24. (w.e.f. 1-4-2023).

Section 41. Inquiry and preparation of inventories

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

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

(b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I [1]*** and found thereon; and

(c) affix upon the animals, animal articles, trophies or uncured trophies identification marks in such manner as may be prescribed.

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

[1] The words and figures "and Part II of Schedule II" omitted by s. 25, ibid. (w.e.f. 1-4-2023).

Section 42. Certificate of ownership

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

[1][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.]

[1] Added by Act 16 of 2003, s. 27 (w.e.f. 1-4-2003).

Section 42A. Surrender of captive animals, animal article, etc

[1][(1) Any person having a certificate of ownership in respect of any captive animal, animal article, trophy or uncured trophy, meat or ivory imported into India or an article made from such ivory, and who is not desirous of keeping it in his control, custody or possession may, after giving notice of seven working days to the Chief Wild Life Warden, surrender the same to him and any such certificate of ownership shall stand cancelled from the date of such surrender.

(2) No compensation shall be payable to any person for surrender of any such animal, article, trophy, meat or ivory to the Chief Wild Life Warden under sub-section (1).

(3) Any such animal, article, trophy, meat or ivory surrendered under this section shall become the property of the State Government and the provisions of section 39 shall apply.]

[1] Ins. by Act 18 of 2022, s. 26 (w.e.f. 1-4-2023).

Section 43. Regulation of transfer of animal, etc

[1][(1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer

from outside the State, any such animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

[2][Provided that the transfer or transport of a captive elephant for a religious or any other purpose by a person having a valid certificate of ownership shall be subject to such terms and conditions as may be prescribed by the Central Government.]

(3) Nothing in this section shall apply-

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

(b) to transfer of captive animals between recognised zoos subject to the provisions of section 38-I, and transfer amongst zoos and public museums.]

[1] Subs. by Act 16 of 2003, s. 28, for section 43 (w.e.f. 1-4-2003).

[2] Ins. by Act 18 of 2022, s. 27 (w.e.f. 1-4-2023).

Section 44. Dealings in trophy and animal articles without licence prohibited

[1][(1) Subject to the provisions of Chapter VA, no person shall, except under, and in accordance with, a licence granted under sub-section (4)]-

(a) commence or carry on the business as-

(i) a manufacturer of or dealer In, any animal article; or

[2]***

(ii) a taxidermist; or

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

(iv) a dealer in captive animals; or

(v) a dealer in meat; or

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

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

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

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

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

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

(3) Every person referred to in sub-section (1) who intends to obtain a licence, shall [5]*** 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 sub-section (3) shall be made in such form and on payment of such fee as may be prescribed, to the Chief Wild Life Warden or the authorised officer.

[6][(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implication which the grant of such licence would have 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 therefor, 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 fulfil the prescribed conditions.

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

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

[1] Subs. by Act 28 of 1986, s. 2, for certain words (w.e.f. 25-11-1986).
[2] Sub-clause (ia) omitted by Act 44 of 1991, s. 30 (w.e.f. 2-10-1991).
[3] Ins. by Act 44 of 1991, s. 30 (w.e.f. 2-10-1991).
[4] Subs. by s. 30, ibid., for the second proviso (w.e.f. 2-10-1991).
[5] Certain word omitted by Act 23 of 1982, s. 3 (w.e.f. 21-5-1982).
[6] Subs. by s. 3, ibid., for clause (b) (w.e.f. 21-5-1982).

Section 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.

Section 46. Appeal

(1) 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 lie-

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

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

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

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

(4) An appeal under this section shall be preferred within thirty days from the date of 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.

Section 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

(b) make such records available on demand for inspection by such officers.

Section 48. Purchase of animal, etc., by licensee

No licensee under this Chapter shall-

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

(i) any animal, animal article, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (2) of section 44 has to be made but has not been made;

(ii) any animal or animal article, trophy, uncured trophy or meat which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;

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

(ii) acquire, receive keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I [1]*** 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 or whole of such animal,

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

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

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

[1] The words and figures "or Part II of Schedule II" omitted by Act 18 of 2022, s. 28 (w.e.f. 1-4-2023).

Section 48A. Restriction on transportation of wild life

[1][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.]

[1] Ins. by Act 44 of 1991, s. 31 (w.e.f. 2-10-1991).

Section 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:

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

[1] Subs. by s. 32, ibid., for the proviso (w.e.f. 2-10-1991).

CHAPTER VA PROHIBITION OF TRADE OR COMMERCE IN TROPHIES, ANIMAL ARTICLES, ETC., DERIVED FROM CERTAIN ANIMALS

Section 49A. Definitions

In this Chapter,-

(a) "scheduled animal" means an animal specified for the time being in schedule I [1]***;

(b) "scheduled animal article" means an article made from any Scheduled animal and includes an article or object in which the whole or any part of such animal [2][has been used but does not include tail feather of peacook, 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, the date of expiry of two months from such commencement; [3]***

(ii) in relation to any animal added or transferred to Scheduled I [1]*** at any time after such commencement, the date of expiry of two months from such addition or transfer.

[4][(iii) in relation ivory imported into India or an article made from such ivory, the date of expiry of six months from the commencement of the Wild Life (Protection) Amendment Act, 1991 (44 of 1991).]

[1] The words and figures "or Part II of Schedule II" omitted by Act 18 of 2022, s. 29 (w.e.f. 1-4-2023).
[2] Subs. by Act 44 of 1991, s. 33, for "has been used" (w.e.f. 2-10-1991).
[3] The word "and" omitted by s. 33, ibid. (w.e.f. 2-10-1991).
[4] Ins. by Act 44 of 1991, s. 33 (w.e.f. 2-10-1991).

Section 49B. Prohibition of dealings in trophies, animal articles, etc., derived from scheduled animals

(1) Subject to the other provisions of this section, on and after the specified date, no person shall,-

(a) commence or carry on the business as-

(i) a manufacturer of, or dealer in, scheduled animal articles; or

[1][(ia) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or]

(ii) a taxidermist with respect to any scheduled animals or any parts of such animals; or

(iii) a dealer in trophy or uncured trophy derived from any scheduled animal; or

(iv) a dealer in any captive animals being scheduled animals; or

(v) a dealer in meat derived from any scheduled animal; or

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

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

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

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

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

(a) for or on behalf of the Government or any corporation or society exempted under sub-section (3), or

(b) with the previous authorisation in writing of the Chief Wild Life Warden, for and on behalf of any person for educational or scientific purposes.

[1] Ins. by s. 34, ibid. (w.e.f. 2-10-1991).

Section 49C. Declaration by dealers

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

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

(i) scheduled animal articles;

(ii) scheduled animals and parts thereof;

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

(iv) captive animals, being scheduled animals;

[1][(v) ivory imported into India or articles made therefrom;]

(b) the place or places at which the stocks mentioned in the declaration are kept; and

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

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

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

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

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

(5) An appeal shall lie against any refusal to grant certificate of ownership under sub-section (3) and the provisions of sub-sections (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) transfers or transports from the State in which he resides to another State any such item,

he shall, within thirty days of such transfer or transport, report the transfer or transport to the Chief 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 [2][any scheduled animal, a scheduled animal article, or ivory imported into India or any article made therefrom.]

[1] Ins. by Act 44 of 1991, s. 35 (w.e.f. 2-10-1991).

[2] Subs. by s. 35, ibid., for "any scheduled animal or a scheduled animal article" (w.e.f. 2-10-1991).

CHAPTER VB REGULATION OF INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AS PER CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

Section 49D. Definitions

In this Chapter, unless the context otherwise requires,-

(a) "artificially propagated" means plants which have been grown under controlled conditions from plant materials grown under similar conditions;

(b) "bred in captivity" means produced from parents in captivity;

(c) "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington D.C., in the United States of America on the 3rd of March, 1973, and amended at Bonn on the 22nd of June, 1979, its appendices, decisions, resolutions and notifications made thereunder and its amendments, to the extent binding on India;

(d) "export" means export from India to any other country of a specimen;

(e) "import" means import into India from any other country of a specimen;

(f) "introduction from the sea" means transportation into India of specimens of any species which were taken from the marine environment not under the jurisdiction of India or any other country;

(g) "Management Authority" means the Management Authority designated under section 49E;

(h) "readily recognisable part or derivative" includes any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species listed in Schedule IV;

(i) "re-export" means export of any specimen that has previously been imported;

(j) "Scientific Authority" means a Scientific Authority designated under section 49F;

(k) "scheduled specimen" means any specimen of a species listed in Appendices I, II or III of the Convention and incorporated as such in Schedule IV;

(l) "species" means any species, sub-species, or geographically separate population thereof;

(m) "specimen" means-

(i) any animal or plant, whether alive or dead;

(ii) in the case of an animal,-

(A) for species included in Appendices I and II of Schedule IV, any readily recognisable part or derivative thereof;

(B) for species included in Appendix III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendix III of Schedule IV in relation to the species; and

(iii) in the case of a plant,-

(A) for species included in Appendix I of Schedule IV, any readily recognisable part or derivative thereof;

(B) for species included in Appendices II and III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendices II and III of Schedule IV in relation to the species;

(n) "trade" means export, re-export, import and introduction from the sea.

Section 49E. Designation of Management Authority

(1) The Central Government shall, by notification, designate an officer not below the rank of an Additional Director General of Forests as the Management Authority for discharging the functions and exercising the powers under this Act.

(2) The Management Authority shall be responsible for issuance of permits and certificates for trade of scheduled specimens in accordance with the Convention, submission of reports, and shall perform such other functions as may be necessary to implement the provisions of the Convention.

(3) The Management Authority shall prepare and submit annual and biennial reports to the Central Government.

(4) The Central Government may appoint such officers and employees as may be necessary to assist the Management Authority in discharging its functions or exercising its powers under this Chapter, on such terms and conditions of service including salaries and allowances as may be prescribed.

(5) The Management Authority may, with the prior approval of the Central Government, delegate its functions or powers, to such officers not below the rank of the Assistant Inspector General of Forests, as it may consider necessary for the purposes of this Chapter.

Section 49F. Designation of Scientific Authority

(1) The Central Government shall, by notification, designate one or more institutes engaged in research on species as Scientific Authority for the purposes of this Chapter, for fulfilling the functions under the Convention.

(2) The designated Scientific Authority shall advise the Management Authority in such matters as may be referred to it by the Management Authority.

(3) The Scientific Authority shall monitor the export permits granted for specimens of species listed in Appendix II of Schedule IV and the actual export of such specimens.

(4) Whenever a Scientific Authority is of the opinion that the export of specimens of such species requires to be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I of the Convention, it shall advise the Management Authority to take such appropriate measures to limit the grant of export permits for specimens of that species as the Scientific Authority may deem necessary for said purpose.

Section 49G. Directions of Central Government

The Management Authority and the Scientific Authorities, shall, while performing their duties and exercising powers under this Chapter, be subject to such general or special directions, as the Central Government may, from time to time, give.

Section 49H. International trade in scheduled specimen and restriction in respect thereof

(1) No person shall engage in trade of scheduled specimens except as provided for under this Chapter.

(2) The Central Government shall prescribe the conditions and procedures by which the exemptions contained in Article VII of the Convention may be availed.

(3) Every person engaging in trade of a scheduled specimen shall report the details of the scheduled specimen and the transaction to the Management Authority or the officer authorised by it in such manner as may be prescribed.

(4) Every person engaging in trade of a scheduled specimen, shall present it for clearance to the Management Authority or the officer authorised by it or a customs officer only at the ports of exit and entry as may be specified by the Central Government.

(5) The form and manner of making an application for a permit or certificate to trade in a scheduled specimen, the fee payable therefor, the conditions subject to which the permit or certificate may be granted, and the procedure to be followed in granting or cancelling such permit or certificate, shall be such as may be prescribed by the Central Government.

Section 49I. Conditions for export of scheduled specimens

(1) The export of any specimen of species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of an export permit.

(2) The export of any specimen of species included in Appendix III of Schedule IV shall require the prior grant and presentation of an export permit if the species has been listed in Appendix III of the Convention by India or a

certificate of origin in other cases.

(3) An export permit shall not be granted unless-

(a) the Management Authority is satisfied that the specimen concerned has not been obtained in contravention of any law for the time being in force relating to protection of fauna and flora;

(b) the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment;

(c) in the case of a specimen of a species listed in Appendices I or II of Schedule IV, the Scientific Authority has advised that the export will not be detrimental to the survival of that species; and

(d) in the case of specimens of species listed in Appendix I of Schedule IV, an import permit has been granted by the competent authority of the country of destination.

Section 49J. Conditions for import of scheduled specimens

(1) The import of any specimen of a species included in Appendix I of Schedule IV shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate from the country of export.

(2) An import permit for a specimen of a species listed in Appendix I of Schedule IV shall not be granted unless-

(a) the Management Authority is satisfied that the specimen concerned will not be used for primarily commercial purposes;

(b) the Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species; and

(c) the Scientific Authority is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

(3) The import of any specimen of a species included in Appendix II of Schedule IV shall require the prior presentation of either an export permit or a re-export certificate issued by the country of export.

(4) The import of any specimen of a species included in Appendix III of Schedule IV shall require the prior presentation of-

(a) a certificate of origin; or

(b) in the case where the import is from a country which has included the species in Appendix III of the Convention, an export permit; or

(c) a re-export certificate granted by the country of re-export.

Section 49K. Conditions for re-export of scheduled specimens

(1) The re-export of any specimen of species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of a re-export certificate.

(2) A re-export certificate shall not be granted unless-

(a) the Management Authority is satisfied that any specimen to be re-exported was imported in accordance with the provisions of this Chapter and of the Convention;

(b) the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment; and

(c) in the case of any living specimen of species listed in Appendix I of Schedule IV, the Management Authority is satisfied that an import permit has been granted.

Section 49L. Conditions for introduction from sea of scheduled specimens

(1) The introduction from the sea of a specimen of a species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of a certificate of introduction from the sea.

(2) A certificate of introduction from the sea shall not be granted unless-

(a) the Scientific Authority has advised that the introduction of any specimen will not be detrimental to the survival of the species;

(b) in the case of a specimen of a species listed in Appendix I of Schedule IV, the Management Authority is satisfied that it is not to be used for primarily commercial purposes and that the proposed recipient of any living specimen is suitably equipped to house and care for it; and

(c) in the case of a living specimen of a species listed in Appendix II of Schedule IV, the Management Authority is satisfied that it will be so handled as to minimise the risk of injury, damage to health or cruel treatment.

Section 49M. Possession, transfer and breeding of living scheduled animal species

(1) Every person possessing a living specimen of an animal species listed in Schedule IV shall report the details of such specimen or specimens in his possession to the Management Authority or the authorised officer:

Provided that the Central Government may exempt one or more specimens of any animal species included in Schedule IV from such declaration for such quantity and for such period as it may deem fit.

(2) The Management Authority or the authorised officer may, on being satisfied that a person was in possession of a living specimen of an animal species listed in Schedule IV which had not been obtained in contravention of any law relating to protection of fauna and flora, issue a registration certificate allowing the owner to retain such specimen.

(3) Any person who transfers possession, by any means whatsoever, of any living specimen of an animal species listed in Schedule IV shall report the details to the Management Authority or the authorised officer.

(4) The Management Authority or the authorised officer shall register all transfers of living specimens of animal species listed in Schedule IV and issue the transferee with a registration certificate.

(5) Any person in possession of any living specimen of an animal species listed in Schedule IV which bears any offspring shall report the birth of such offspring to the Management Authority or the authorised officer.

(6) The Management Authority or the authorised officer shall on receipt of the report under sub-section (5) register any offspring born to any living specimen of an animal species listed in Schedule IV and issue the owner with a registration certificate.

(7) Any person in possession of any living specimen of an animal species listed in Schedule IV which dies shall report such death to the Management Authority or the authorised officer.

(8) No person shall possess, transfer or breed any living specimen of any animal species listed in Schedule IV except in conformity with this section and the rules made by the Central Government in this behalf.

(9) The form, manner and period for reporting possession, transfers, and births, deaths, and registration of the same under this section shall be as prescribed by the Central Government.

Section 49N. Application for Licence by breeders of Appendix I species

(1) Every person who is engaged in breeding in captivity or artificially propagating any scheduled specimen listed in Appendix I of Schedule IV shall make, within a period of ninety days of the commencement of the Wild Life (Protection) Amendment Act, 2022 (8 of 2022), an application for a licence to the Chief Wild Life Warden.

(2) The form and manner of the application to be made to the Chief Wild Life Warden under sub-section (1), the fee payable, the form of licence, the procedure to be followed in granting or cancelling the licence shall be such as may be prescribed by the Central Government.

Section 49O. Licence of breeders of Appendix I species

(1) On receipt of application under sub-section (1) of section 49N, the Chief Wild Life Warden shall, if-

(a) the application is in the prescribed form;

(b) the resolutions of the Convention relating to breeding in captivity or artificial propagation of species listed in Appendix I of Schedule IV are satisfied; and

(c) the provisions of the Act and rules made thereunder have been duly complied with,

record an entry of the statement in a register and grant the applicant a licence.

(2) The Chief Wild Life Warden shall, if the provisions or resolutions of the Convention or this Act and any rules made hereunder have not been complied with, or if a false particular is furnished, refuse or cancel the licence as the case may be after providing the applicant with an opportunity of being heard.

(3) The licence under sub-section (1) shall be issued for a period of two years and may be renewed after two years on payment of such fee as may be prescribed.

(4) Any person aggrieved by the refusal of the Chief Wild Life Warden or cancellation of licence under sub-section (2) may prefer an appeal to the State Government within a period of sixty days in such manner as may be prescribed.

Section 49P. Prohibition on alteration, etc

No person shall alter, deface, erase or remove a mark of identification affixed upon the scheduled specimen or its package.

Section 49Q. Species and scheduled specimens to be Government property

(1) Every species or scheduled specimen, in respect of which any offence against this Act or rules made thereunder has been committed, shall become the property of the Central Government and the provisions of section 39 shall, without prejudice to the Customs Act, 1962 (52 of 1962), apply, mutatis mutandis, in relation to species and scheduled specimens as they apply in relation to wild animals, captive animals and animal articles.

(2) Where a living specimen of a species listed in Schedule IV has been seized under this Act or the Customs Act, 1962 (52 of 1962) or any other law for the time being in force as a result of import into India in contravention of this Act, the Management Authority shall, after consultation with the country of export, return the specimen to that country at the expense of that country, or ensure that it is housed and cared for by a recognised zoo or rescue centre in case it cannot be returned to the country of export.

(3) The Management Authority may for such purposes consult the Scientific Authority as it deems appropriate.

Section 49R. Application of provisions of Act in respect of species listed in Schedule I or II and Schedule IV

(1) Where the same species is listed in Schedule I or II and Schedule IV, then, the provisions of this Act applicable to such species listed in Schedule I or II and the rules made thereunder shall apply.

(2) Nothing in sections 49M, 49N or 49-O shall apply to a species listed in Schedule I or Schedule II if the same species is also listed in Scheduled IV.

(3) The provisions of this Chapter shall be subject to the provisions of Chapters III, IIIA, IVA, V, VA and VIA and without prejudice to anything contained therein.]

CHAPTER VI PREVENTION AND DETECTION OF OFFENCES

Section 50. Power of entry, search, arrest and detention

(1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf [1][or the Management Authority or any officer authorised by the Management Authority] or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector [2][or any customs officer not below the rank of an inspector or any officer of the coast guard not below the rank of an Assistant Commandant], 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, [3][trophy, uncured trophy, specified plant or part or derivative thereof] [4][or scheduled specimen] 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;

[5][(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof [4][or scheduled specimen], in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel or weapon used for committing any such offence and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, anddetain him:

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

[6]* * * * *

(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.

[7][(3A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or [8][an Assistant Conservator of Forests] who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such

animal if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.]

(4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law [9][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.

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

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

[11][(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 [12][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.]

[1] Ins. by Act 18 of 2022, s. 31 (w.e.f. 1-4-2023).
[2] Ins. by s. 31, ibid. (w.e.f. 1-4-2023).
[3] Subs. by Act 44 of 1991, s. 36, for "trophy or uncured trophy" (w.e.f. 2-10-1991).
[4] Ins. by Act 18 of 2022, s. 31 (w.e.f. 1-4-2023).
[5] Subs. by Act 44 of 1991, s. 36, for clause (c) (w.e.f. 2-10-1991).
[6] Sub-section (2) omitted by s. 36, ibid. (w.e.f. 2-10-1991).
[7] Ins. by s. 36, ibid. (w.e.f. 2-10-1991).
[8] Subs. by Act 16 of 2003, s. 29, for "Wild Life Warden," (w.e.f. 1-4-2003).
[9] Ins. by s. 29, ibid. (w.e.f. 1-4-2003).
[10] Subs. by s. 29, ibid., for sub-section (6) (w.e.f. 1-4-2003).
[11] Ins. by Act 44 of 1991 s. 36 (w.e.f. 2-10-1991).
[12] Subs. by Act 16 of 2003, s. 29, for "Wild Life Warden" (w.e.f. 1-4-2003).

Section 51. Penalties

(1) Any person who [1][contravenes any provision of this Act [2][(except Chapter VA and section 38J)]]or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to [3][three years], or with fine which may extend to [4][one lakh rupees], or with both:

[5][Provided that where the offence committed is in relation to any animal specified in Schedule I [6]*** or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park [7][or where the offence relates to a specimen of a species listed on Appendix I of Schedule IV], 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 [8][twenty-five thousand rupees]:

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than [9][one lakh rupees].]

[10][(1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than [11][three years] but which may extend to seven years and also with fine which shall not be less than [12][twenty-five thousand rupees].]

[13][(1B) Any person who contravenes the provisions of section 38J shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

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

[14][(1C) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction with imprisonment for a term which shall not be less than three years,but may extend to seven years, and also with fine which shall not be less than fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than sevee years and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.

(1D) Whoever, abets any offence punishable under sub-section (IC) shall, ifthe act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that 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, [15][uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or derivative thereof] in respect of which the offence has been committed, and any trap, tool, vehicle, vessel or weapon, used in the commission of the said offence be forfeited

to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

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

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

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

State Amendments

Assam

Amendment of section 51.-In the principal Act, in section 51, in sub-section (1),

(i) in the first proviso,-

(a) in between the words "hunting in" and "a sanctuary" the words "or outside the boundary of" shall be inserted;

(b) for the words "three years", "seven years" and "ten thousand", the words "seven years", "ten years" and "fifty thousand" respectively shall be substituted.

(ii) in the second proviso, for the words "three years", "seven years" and "twenty five thousand", the words "ten years", "life imprisonment" and "seventy five thousand" respectively, shall be substituted.

[Vide Assam Act 31 of 2010, s. 2].

[1] Subs. by Act 28 of 1986, s. 4, for "contravenes any provision of this Act" (w.e.f. 25-11-1986).

[2] Subs. by Act 44 of 1991, s. 37, ibid., for "(except Chapter VA)" (w.e.f. 2-10-1991).

[3] Subs. by s. 37, ibid., for "two years" (w.e.f. 2-10-1991).

[4] Subs. by Act 18 of 2022, s. 32, for "twenty-five thousand rupees" (w.e.f. 1-4-2023), earlier subs. by s. 37, Act 44 of 1991, for "two thousand rupees" (w.e.f. 2-10-1991).

[5] Subs. by Act 16 of 2003, s. 30, for the first and second provisos (w.e.f. 1-4-2003).

[6] The words and figures "or Part II of Schedule II" omitted by Act 18 of 2022, s. 32 (w.e.f. 1-4-2023).

[7] Ins. by Act 18 of 2022, s. 32, ibid. (w.e.f. 1-4-2023).

[8] Subs. by s. 32, ibid., for "ten thousand rupees" (w.e.f. 1-4-2023).

[9] Subs. by s. 32, ibid., for "twenty-five thousand rupees" (w.e.f. 1-4-2023).

[10] Ins. by Act 28 of 1986, s. 4 (w.e.f. 25-11-1986).

[11] Subs. by Act 16 of 2003, s. 30, for "one year" (w.e.f. 1-4-2003).

[12] Subs. by Act 18 of 2022, s. 32, for "ten thousand rupees" (w.e.f. 1-4-2023), earlier ins. by Act 44 of 1991, s. 37 (w.e.f. 2-10-1991).

[13] Ins. by Act 44 of 1991, s. 37 (w.e.f. 2-10-1991).

[14] Ins. by Act 39 of 2006, s. 3 (w.e.f. 4-9-2006).

[15] Subs. by s. 37, ibid., for "uncured trophy or meat" (w.e.f. 2-10-1991).

[16] Ins. by Act 44 of 1991, s. 37 (w.e.f. 2-10-1991).

Section 51A. Certain conditions to apply while granting bail

[1][When any person accused of, the commission of any offence relating to Schedule I [2]*** or offences relating to hunting inside the boundaries of National Park or wild life sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) no such person who had been previously convicted of an offence under this Act shall, be released on bail unless-

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

(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.]

State Amendments

Assam

Insertion of section 51B.-In the principal Act, after section 51A, the following new section 51B shall be inserted, namely:-

"51B. Offences to be cognizable, non bailabale and triable by the Court of Sessions.-(1) Every offence punishable under this Act shall be congnizable and non-bailable within the meaning of the Code of Criminal Procedure, 1973.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no person accused of an offence punishable under this Act, shall be released on bail unless-

(a) the Public Prosecutor has been given an opportunity to oppose the application for such release; and

(b) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that the accused is not likely to commit any offence while on bail.

(3) The offences under this Act, shall be triable by the Court of Sessions of the respective jurisdiction."

[Vide Assam Act 31 of 2010, s. 3].

[1] Ins. by Act 16 of 2003, s. 31 (w.e.f. 1-4-2003).

[2] The words and figures "or Part II of Schedule II" omitted by Act 18 of 2022, s. 33 (w.e.f. 1-4-2023).

Section 52. Attempts and abetment

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

Section 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.

Section 54. Power to compound offence

[1][(1) The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer not below the rank of Assistant Director of Wild Life Preservation and in the case of a State Government in the similar manner, empower the Chief Wild Life Warden or any officer of a rank not below the rank of a Deputy Conservator of Forests, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

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

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

(4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of [2][five lakh rupees]:

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

[1] Subs. by Act 16 of 2003, s. 32, for section 54 (w.e.f. 1-4-2003).

[2] Subs. by Act 18 of 2022, s. 34, for "twenty-five thousand rupees" (w.e.f. 1-4-2023).

Section 55. Cognizance of offences

[1][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

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

[3][(ab) Member-Secretary, Tiger Conservation Authority; or

(ac) Director of the concerned tiger reserve; or]

[4][(ad) the Management Authority or any officer, including an officer of the Wild Life Crime Control Bureau, authorised in this behalf by the Central Government; or]

(b) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government [5][subject to such conditions as may be specified by that Government]; or

[5][(bb) the officer-in-charge 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.]

[1] Subs. by Act 44 of 1991, s. 39, for section 55 (w.e.f. 20-4-1995).
[2] Ins. by Act 16 of 2003, s. 33 (w.e.f. 1-4-2003).
[3] Ins. by Act 39 of 2006, s. 4 (w.e.f. 4-9-2006).
[4] Ins. by Act 18 of 2022, s. 35 (w.e.f. 1-4-2023).
[5] Ins. by Act 16 of 2003, s. 33 (w.e.f. 1-4-2003).

Section 56. Operation of other laws not barred

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

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

Section 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 [1][wild animal, captive animal], animal article, meat, [2][trophy, uncured trophy, specified plant, or part or derivative thereof [3][or scheduled specimen]] 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 [1][wild animal, captive animal], animal article, meat, [2][trophy, uncured trophy, specified plant, or part or derivative thereof [3][or scheduled specimen].]

[1] Subs. by Act 18 of 2022, s. 36, for "captive animal" (w.e.f. 1-4-2023).
[2] Subs. by Act 44 of 1991, s. 40, for "trophy or uncured trophy" (w.e.f. 2-10-1991).
[3] Ins. by Act 18 of 2022, s. 36 (w.e.f. 1-4-2023).

Section 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 any body corporate and includes a firm or other association of individuals; and

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

CHAPTER VIA FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL HUNTING AND TRADE

Section 58A. Application

The provisions of this Chapter shall apply only to the following persons, namely:-

(a) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of three years or more;

(b) every associate of a person referred to in clause (a);

(c) any holder (hereafter in this clause referred to as the present holder) of any property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

Section 58B. Definitions

In this Chapter, unless the context otherwise requires,-

(a) "Appellate Tribunal" means the Appellate Tribunal for Forfeited Property constituted under section 58N;

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

(i) any individual who had been or is managing the affairs or keeping the accounts of such person;

(ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act, 1956 (1 of 1956) of which such person had been or is a member, partner or director;

(iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause (ii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;

(iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);

(v) the trustee of any trust, where,-

(1) the trust has been created by such person; or

(2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty per cent. of the value of the assets of the trust on that date;

(vi) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;

(c) "competent authority" means an officer authorised under section 58D;

(d) "concealment" means the concealment or disguise of the nature, source, disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;

(e) "freezing" means temporarily prohibiting the transfer, conversion, disposition or movement of property by an order issued under section 58F;

(f) "identifying" includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of wild life and its products;

(g) "illegally acquired property" in relation to any person to whom this Chapter applies, means,-

(i) any property acquired by such person, wholly or partly out of or by means of any income, earnings or assets derived or obtained from or attributable to illegal hunting and trade of wild life and its products and derivatives;

(ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property,

and includes-

(A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;

(B) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom;

(h) "property" means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegal hunting and trade of wild life and its products;

(i) "relative" means-

(1) spouse of 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.

Section 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 his behalf.

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

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

Section 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.

Section 58E. Identifying illegally acquired property

(1) An officer not below the rank of Deputy Inspector General of Police duly authorised by the Central Government or as the case may be, the State Government, shall, on receipt of a complaint from the competent authority about any person having illegally acquired property, proceed to take all steps necessary for tracing and identifying any property illegally acquired by such person.

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

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

Section 58F. Seizure or freezing of illegally acquired property

(1) Where any officer conducting an inquiry or investigation under section 58E has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned:

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

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the

competent authority within a period of thirty days of its being made.

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

(a) the creation of a trust in property;

(b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;

(c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and

(d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

Section 58G. Management of properties seized or forfeited under this Chapter

(1) The State Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of Conservator of Forests) as it thinks fit, to perform the 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-I in such manner and subject to such conditions as may be prescribed.

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

Section 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, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

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

Section 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 a case where the person affected holds any property specified in the notice through any other person, such other person also), does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section ex parte on the basis of evidence available before it.

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

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

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

the property shall be released forthwith.

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

Section 58J. Burden of proof

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

Section 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.

Section 58L. Procedure in relation to certain trust properties

In the case of any person referred to in sub-clause (vi) of clause (b) of section 58B, if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the author of the trust, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other assets out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 58H and all the other provisions of this Chapter shall apply accordingly.

Explanation.-For the purposes of this section "illegally acquired property" in relation to any property held in trust, includes-

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

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

Section 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, the transfer of such property shall be deemed to be null and void.

Section 58N. Constitution of Appellate Tribunal

(1) The State Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members (being officers of the State Government not below the rank of a Principal Secretary to the Government), as the State Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 58F, section 58-I, sub-section (1) of section 58K or section 58L.

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

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

Section 58O. 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 forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal:

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

(2) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving an opportunity of being heard to the appellant, if he so desires, and after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against.

(3) The Appellate Tribunal may regulate its own procedure.

(4) On application to the Appellate Tribunal and on payment of the prescribed fee, the Appellate Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Appellate Tribunal and obtain a certified copy or any part thereof.

Section 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.

Section 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.

Section 58R. Competent Authority and Appellate Tribunal to have powers of civil court

The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for examination of witnesses or documents;

(f) any other matter which may be prescribed.

Section 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 to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.

Section 58T. Certain officers to assist Administrator, competent authority and Appellate Tribunal

For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 58G, competent authority and the Appellate Tribunal, namely:-

(a) officers of Police;

(b) officers of the State Forest Departments;

(c) officers of the Central Economic Intelligence Bureau;

(d) officers of the Directorate of Revenue Intelligence;

(e) such other officers as specified by the State Government in this behalf by notification in the Official Gazette.

Section 58U. Power to take possession

(1) Where any property has been declared to be forfeited to the State Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of section 58K within the time allowed therefor 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) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

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

Section 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.

Section 58W. Findings under other laws not conclusive for proceedings under this Chapter

No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter.

Section 58X. Service of notices and orders

Any notice or order issued or made under this Chapter shall be served,-

(a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;

(b) if the notice or order cannot be served in the manner provided in clause (a), then, by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

Section 58Y. Punishment for acquiring property in relation to which proceedings have been taken under this Chapter

Any person who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings are pending under this Chapter shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to fifty thousand rupees.]

CHAPTER VII MISCELLANEOUS

Section 59. Officers to be public servants

Every officer referred to [1][in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA], [2][Chapter IVB] and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

[1] Subs. by Act 44 of 1991, s. 41, for "in Chapter II and" (w.e.f. 2-10-1991).

[2] Ins. by Act 39 of 2006, s. 5 (w.e.f. 4-9-2006).

Section 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.

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

[1] Ins. by Act 44 of 1991, s. 42 (w.e.f. 2-10-1991).
[2] Ins. by Act 39 of 2006, s. 6 (w.e.f. 4-9-2006).

Section 60A. Reward to persons

[1][(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 [2][fifty per cent. of such fine].

(2) Where 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 [3][fifty per cent. of such money].]

[1] Ins. by Act 44 of 1991, s. 43 (w.e.f. 2-10-1991).
[2] Subs. by Act 16 of 2003, s. 35, for "twenty per cent. of such fine" (w.e.f. 1-4-2003).
[3] Subs. by s. 35, ibid., for "twenty per cent. of such money" (w.e.f. 1-4-2003).

Section 60B. Reward by State Government

[1][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.]

[1] Ins. by Act 16 of 2003, s. 36 (w.e.f. 1-4-2003).

Section 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, [1][[2][amend any Schedule or add] or delete any entry to or from any Schedule] or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.

[3]* * * * *

(3) On the issue of a notification under sub-section (1) [4]***, 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.

[5]* * * * *

[1] Subs. by Act 44 of 1991, s. 44, for "add any entry to any Schedule" (w.e.f. 2-10-1991).
[2] Subs. by Act 18 of 2022, s. 37, for "add" (w.e.f. 1-4-2023).
[3] Sub-section (2) omitted by Act 44 of 1991, s. 44, (w.e.f. 2-10-1991).
[4] The words brackets and figure "or sub-section (2)" omitted by Act 44 of 1991, s. 44 (w.e.f. 2-10-1991).
[5] Sub-section (4) omitted by s. 44, ibid. (w.e.f. 2-10-1991).

Section 62. Declaration of certain wild animals to be vermin

[1][The Central Government] may, by notification, declare any wild animal [2][specified in Schedule II] to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be [3][deemed not to be included in Schedule II for such area and for such period as specified in the notification].

[1] Subs. by Act 44 of 1991, s. 45, for certain words (w.e.f. 2-10-1991).
[2] Subs. by Act 18 of 2022, s. 38, for "other than those specified in Schedule I and Part II of Schedule II" (w.e.f. 1-4-2023).
[3] Subs. by s. 38, ibid., for "deemed to have been included in Schedule V" (w.e.f. 1-4-2023).

Section 62A. Regulation or prohibition of import, etc., of invasive alien species

[1][(1) The Central Government may, by notification, regulate or prohibit the import, trade, possession or proliferation of invasive alien species which pose a threat to the wild life or habitat in India.

(2) The Central Government may authorise the Director or any other officer to seize and dispose of, including through destruction, the species referred to in the notification issued under sub-section (1).

[1] Ins. by s. 39, ibid (w.e.f. 1-4-2023).

Section 62B. Power to issue directions

Notwithstanding any other provision of this Act, the Central Government may call for any information or report from a State Government or any such other agency or body or issue any direction to a State Government or any such other

agency or body for effective implementation of the provisions of the Act for the protection, conservation and management of wild life in the country.]

Section 63. Power of Central Government to make rules

[1][(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 section17F;

[2][(ai) the term of office of members other than those who are members ex officio; the manner of filling vacancies, the procedure to be followed by the National Board under sub-section (2) and allowances of those members under sub-section (3) of section 5A;]

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

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

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

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

(f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of section 38H;

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

[(gi) qualifications and experience of experts or professionals under clause (d) of sub-section (2) of section 38-1;

(gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;

(giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;

(giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;

(gv) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;

(gvi) other powers of the Wild Life Crime Control Bureau under clause (ii) of sub-section (2) of section 38Z;]

[3][(gvii) the manner of disposal of Government property under sub-section (5) of section 39;

(gviii) the terms and conditions of a transfer or transport of a captive elephant by a person having a valid certificate of ownership for a religious or any other purpose under the proviso to sub-section (2) of section 43;]

(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;

[4][(ji) the terms and conditions of service including salaries and allowances for appointment of the officers and employees of the Management Authority under sub-section (4) of section 49E;

(jii) the conditions and procedures subject to which any exemption provided for in Article VII of the Convention may be availed under sub-section (2) of section 49H;

(jiii) the reporting of details of scheduled specimens and the transaction as per sub-section (3) of section 49H;

(jiv) the form and manner of application, the fee payable, the conditions and the procedure to be followed under sub-section (5) of section 49H;

(jv) the matters provided for in sub-sections (8) and (9) of section 49M;

(jvi) the form and manner of the application, the fee payable, the form of licence and the procedure to be followed in granting or cancelling a licence as per sub-section (2) of section 49N;

(jvii) the fee payable for renewal of licence as per sub-section (3), and manner of making appeal under sub-section (4), of section 49-O;

(jviii) any other matter for proper implementation of the Convention as may be required under Chapter VB;]

(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 sessions 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.

[1] Subs. by Act 44 of 1991, s. 46, for sub-section (1) (w.e.f. 2-10-1991).
[2] Ins. by Act 16 of 2003, s. 37 (w.e.f. 1-4-2003).
[3] Ins. by Act 39 of 2006, s. 7 (w.e.f. 4-9-2006).
[4] Ins. by Act 18 of 2022, s. 40 (w.e.f. 1-4-2023).

Section 64. Power of State Government to make rules

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

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

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

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

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

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

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

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

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

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

(g) regulation of taxidermy;

[4][(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;]

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

[1] Subs. by Act 16 of 2003, s. 38, for clau ses (a) and (b) (w.e.f. 1-4-2003).
[2] Ins. by s. 38, ibid. (w.e.f. 1-4-2003).
[3] Ins. by Act 44 of 1991, s. 47 (w.e.f. 2-10-1991).
[4] Ins. by Act 16 of 2003, s. 38 (w.e.f. 1-4-2003).

Section 65. Rights of Scheduled Tribes to be protected

Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration, No. 40,/67/F, No. G 635, Vol. III, dated the 28th April, 1967, published at pages 1 to 5 of the Extraordinary issue of the Andaman and Nicobar Gazette, dated the 28th April, 1967.

Section 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, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(iv) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid,

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

(2) Notwithstanding such repeal,-

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

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

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

[1][(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of section 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), any reserve forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under section. 26A.]

[1] Ins. by Act 44 of 1991, s. 48 (w.e.f. 2-10-1991).

Schedules

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