

THE WILDLIFE (PROTECTION) ACT, 1972

(No. 53 of 1972)

(9th September, 1972)

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

² [***]

CHAPTER 1

Preliminary

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

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

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

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

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

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

⁶(3) [Omitted 1991.1

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

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

⁷(6) [Omitted 1991.1

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

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

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

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

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

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

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

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

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

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

(13) [Omitted 1991. ¹¹]

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

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

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

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

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

(c) injuring or destroying or taking any part of the body of any such animal, or in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;

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

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

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

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

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

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

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

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

(24) “Person” includes a firm;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER II

Authorities to be appointed or constituted under this Act

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

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

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

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

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

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

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

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

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

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

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

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

- (a) the Minister in charge of Forest in the State or Union Territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government or the Union Territory, who shall be the Chairman;
- (b) two members of the State Legislature or, in the case of a Union Territory having a Legislature, two members of the legislature of the Union Territory, as the case may be;
- (c) Secretary to the State Government, or the Government of the Union Territory, in charges of Forests;
- [(d) The Forest Officer in charge of the State Forest Department, by whatever designation called, ex-officio;^{4]}
- (e) an officer to be nominated by the Director;
- (f) Chief Wildlife Warden, ex-officio;
- [(g) Officers of the State Forest Government not exceeding five^{5]};
- (h) such other person, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of Wildlife, including the representatives of tribals not exceeding three.]

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

(2) The State Government shall appoint [the forest Officer incharge of the Forest Department^{7]} or Chief Wildlife Warden as the Secretary to the Board.

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

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

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

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

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

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

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

- (cc) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife; and ^{10]}
- (d) in any matter that may be referred to it by the State Government.

¹ Sec.4(1)(a) “and “omitted by Act 44 of 1991, sec.6.

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

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

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

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

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

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

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

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

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

CHAPTER III

Hunting of Wild Animals

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

10. [²(Omitted 199)

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

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

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

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

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

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

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

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

–

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

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

⁶[Provided that no such permit shall be granted:

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

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

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

[⁷(14) Omitted 1991]

[⁸(15) Omitted 1991]

[⁹(16) Omitted 1991]*

[¹⁰(17) Omitted 1991]

¹ Sec.9. “Hunting of Wild animals”...

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

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

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

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

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

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

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

(6) “A Licence granted under this section shall

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

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

Omitted by Act 44 of 1991, sec.9.

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

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

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

omitted by Act of 1991, sec. 10

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) hunt any wild animal, from or by means of, a wheeled or mechanically propelled vehicle on water or land, or by aircraft;
 - (b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal;
 - (c) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisonous, poisoned weapons, snares or traps, except insofar as they relate to the capture of wild animals under a Wild Animal Trapping Licence;
 - (d) hunt any special game or big game other than with a rifle unless specially authorised by the licence to hunt with a shot gun using single-slug bullets;
 - (e) for the purpose of hunting, set fire to any vegetation;
 - (f) use any artificial light for the purpose of hunting except when specially authorised to do so under licence in the case of carnivora over a kill;
 - (h) hunt any wild animal on a salt-lick or waterwheel or other drinking place or on path or approach to the game, except sandgrouse and waterbirds;
 - (i) hunt any wild animal on any land not owned by Government, without the consent of that owner or his agent or the lawful occupant of such land;
 - (j) notwithstanding that he holds a licence for the purpose, hunt any wild animal during the closed time referred to in Sec. 16;
 - (k) hunt, with the help of dogs, any wild animal except waterbird, chakor, partridge, or quail;
- (2) The provisions of sub-section (1) shall not apply to vermin. " [Omitted]

[¹CHAPTER-III A]

PROTECTION OF SPECIFIED PLANTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER IV

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

Sanctuaries

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary;
- (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals, therein;
- (c) may take such measures, in the interests of wildlife, as he may consider necessary for the improvement of any habitat.
- (d) may regulate, control or prohibit, in keeping with the interests of wildlife, the grazing or movement of [livestock].
- (e) [omitted 19911

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

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

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

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

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

National Parks

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

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

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

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

(3) Where any area is intended to be declared as a National Park, the provisions of Sec. [¹²19 to 26-A (both inclusive except clause (c) of sub-section (2) of section 24)] shall, as far as may be, apply to the investigation and determination of claims and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely

- (a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and
- (b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government

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

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

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

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

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

36. [¹⁵Omitted 1991]

Closed Area

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

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

Sanctuaries or National Park declared by Central Govt.

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

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

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

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

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

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

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

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

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

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

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

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

(a) for the better protection of wildlife, or

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

(2) A permit granted under sub-section

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

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

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

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

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

Substituted by Act 44 of 1991, Sec. 20,

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

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

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

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

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

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

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

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

omitted by Act 44 of 1991, sec. 24.

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

[¹CHAPTER -IVA]

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The Authority shall regulate its own procedure.

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

38E. Grants and loans to Authority and constitution of 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 meting salary, allowances and other remuneration of the members, officer and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

such Government property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Nothing in this section shall apply –

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Every licence granted under this section shall

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

(b) not be transferable; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[CHAPTER VA]¹

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

49A. Definitions. - In this Chapter, –

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER VI

Prevention and Detection of Offences

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

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

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

(2) [³Omitted 1991]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Explanation. - For the purpose of this Section,

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

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

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

CHAPTER VII

Miscellaneous

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

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

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

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

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

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

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

(2) [⁵Omitted 1991]

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

(4) [⁷Omitted 1991]

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

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

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

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

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

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

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

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

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

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

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

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

Provided that such repeal shall not–

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

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

(2) Notwithstanding such repeal,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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