



THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2010

Preamble

A Bill

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

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:--

1. Short title, extent and commencement

- (1) This Act may be called the Wildlife (Protection) Amendment Act, 2010
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint.

2. Amendment of Section 2 of the Act

In the Wildlife Protection Act, 1972 (hereinafter referred to as the principal Act), in Section 2 the following amendments shall be made:

- (1) In sub-section (15) the following shall be added after the words “wild animal”:
“or specified plant”
- (2) In clause (b) of sub-section (16), the word “*electrocuting*” shall be inserted after the word “trapping”.
- (3) The following shall be inserted as sub-section (17A):
““Leg-hold Trap” means a device designed to restrain or capture an animal by means of jaws which close tightly upon one or more of the animal's limbs, thereby preventing withdrawal of the limb or limbs from the trap.”
- (4) In sub-section (24) the words “*a body corporate, any department of the Central or the State Government or any authority or any other association of persons whether incorporated or not.*” shall be inserted after the words “a firm”.
- (5) In sub-section (36) the words “and found wild in nature” shall be replaced by the words “*or found wild in nature*”

““scientific research” means any activity carried out only for the purpose of research

- (6) The following shall be inserted as sub-section (37A): *on any wild animal or plant listed in any Schedule or discovered in the wild throughout India except the State of Jammu & Kashmir, in National Parks, Wildlife Sanctuaries, Tiger Reserves, Elephant Reserves, Conservation Reserves, Community Reserves, Reserved*

Forests, Biosphere reserves and other forests, wetlands, and coastal or marine ecosystems notified either by State Governments or the Central Government.”

3. Insertion of new Section 9A

(1) After Section 9 of the principal Act, the following section shall be inserted:

“9A. Prohibition on Leg-hold Traps.- (1) *No person shall manufacture, sell or use any Leg-hold Trap.*

(2) *No person shall possess any Leg-hold Trap except with prior permission in writing of the Chief Wild Life Warden.*

(3) *Every person having at the commencement of this Act, the possession of any Leg-hold Trap, shall within sixty days from the commencement of this Act, declare to the Chief Wild Life Warden, the number and description of Leg-hold Traps in his possession and the place or places where such Leg-hold Traps are kept.*

(4) *The Chief Wild Life Warden may, if he is satisfied that a person will use a Leg-hold Trap in his possession only for educational or scientific purposes, issue such person with written permission to possess such trap subject to such conditions that he may see fit to impose.*

(5) *All Leg-hold traps, which have been declared under sub-section (3) of this Section and in respect of which permission to keep possession has not been granted in writing by the Chief Wild Life Warden under sub section (4) of this Section, shall be property of the State Government.*

(6) *In the prosecution for any offence under this section, it shall be presumed until the contrary is proved, the burden of proving which shall lie upon the accused, that a person in possession of a Leg-hold Trap is in unlawful possession of such Leg-hold Trap.”*

4. Insertion of new Section 12A

(1) After Section 12 of the principal Act, the following section shall be inserted:

“12A. Grant of Permit for scientific research.- (1) *Notwithstanding anything contained elsewhere in this Act, the Chief Wildlife Warden, shall:*

(a) *On application, grant a permit, by an order in writing to any person, to conduct scientific research on any animal specified in Schedules I to IV or any specified plant in any part of a National Park, wildlife sanctuary, tiger reserve, elephant reserve, Conservation Reserve or Community Reserve including Reserved Forests, Biosphere reserves and other forests, wetlands, and coastal and marine ecosystems subject to the rules and regulations prescribed by the Central Government in this behalf.*

(b) *The Chief Wildlife Warden shall ensure that all permits for scientific research are processed and granted in accordance with the rules and regulations as may be prescribed, from time to time, by the Central Government in this behalf.*

(2) *the Central Government shall, by notification in the Official Gazette, make rules and regulations regarding the conduct of scientific research including but not limited to:*

(a) *the persons and organizations who will be eligible for the grant of permits under this Section;*

(b) *the time frame in which proposals for scientific research must be disposed off;*

(c) *the conditions subject to which permits for scientific research involving animals specified in Schedule-I and Part II of Schedule II, or any specified plant, may be granted.”*

5. Amendment of Section 21 of the Act

(1) In clause (b) of Section 21 of the principal Act, the words “two months” shall be replaced by the words “*six months*”.

6. Amendment of Section 22 of the Act

(1) In Section 22 of the principal Act, the words, “, *the Gram Sabha*” shall be inserted after the words “the records of the State Government”.

(2) In Section 22 of the principal Act, the words, “acquainted with the same” shall be replaced by, “*acquainted with such right*”.

7. Amendment of Section 29 of the Act

(1) The *Explanation* to Section 29 of the principal Act shall be deleted and the following shall be inserted in its place:

“Explanation – For the purposes of this section, an act permitted under section 33, or hunting of wild animals under a permit granted under section 11 or under section 12, or the exercise of any rights permitted to continue under section 24 (2) (c), or the bona fide use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this section.”

8. Amendment of Section 32 of the Act

(1) In Section 32 of the principle Act, the words “*or equipment*” shall be inserted after the words “other substances”.

9. Amendment of Section 35 of the Act

(1) In sub-section (8) of Section 35 of the Act, the word “*18A,*” shall be inserted before the words “27 and 28”.

10. Amendment of Section 36D of the Act

(1) In sub-section (2) of Section 36 D of the principal Act, the word “five” before the word “representatives” shall be deleted.

(2) The following *Explanation* shall be inserted after sub-section (2) of Section 36D after the words, “is located”:

“Explanation – Where a Community Reserve is declared on private land under section 36C(1), the Community Reserve Management Committee shall consist of the owner of the land along with a representative of the State Forests or Wildlife Department under whose jurisdiction the Community Reserve is located.”

11. Amendment of Section 39 of the Act

(1) In clause (a) of sub-section (1) of Section 39 of the principle Act, the words “*or specified plant picked, uprooted, kept, dealt with or sold*” shall be inserted after the words “*bred in captivity or hunted*”.

(2) The following sub-sections shall be inserted after sub-section (3) of Section 39 of the principal Act:

“(4) Nothing contained in Section 451 of the Code of Criminal Procedure 1973 (2 of 1974) shall apply to a vehicle or vessel seized under section 39 (1)(d) of this Act.

(5) Where any vehicle or vessel has been seized under section 39 (1)(d) of this Act, a reasonable opportunity shall be given to the accused prior to a finding that the vehicle or vessel is Government property. Such proceedings shall be conducted by an officer not below the rank of an Assistant Conservator of Forests as authorized by the Chief Wildlife Warden. An appeal against this order shall lie with the Conservator of Forests. The decision of the Conservator of Forests shall be final until the conclusion of the trial of the case.”

12. Amendment of Section 43 of the Act

(1) Clause (a) of sub-section (3) of Section 43 of the Wildlife Protection Act, 1972 shall be repealed.

13. Amendment of Section 44 of the Act

(1) The second proviso to sub-section (1) of Section 44 of the principal Act shall be deleted.

(2) The following provisos shall be inserted after the first proviso to sub-section (1) of Section 44 of the principal Act:

“Provided further that nothing in this sub-section shall apply to individuals using tail feathers of peacock and articles made therefrom for religious purposes only.

Provided further that persons who immediately before the commencement of this Amendment Act were in possession of tail feathers of peacock and articles made therefrom, should declare the number of tail feathers of peacock and articles made therefrom to the Chief Wildlife Warden within 6 months after commencement of this Act.

Provided further that after such declaration, such person shall not transfer by way of sale or by any mode of consideration of commercial nature such tail feathers of peacock and articles made therefrom.”

- (3) The following shall be included as the new sub-section (10) of Section 44 of the principal Act:

“(10) Any person, dealer, trader or manufacturer carrying on the business or occupation in the trade of tail feathers of peacock and articles made therefrom, shall be prohibited henceforth from carrying on such business or occupation.

Provided that any person, dealer, trader or manufacturer who immediately before the commencement of this sub-section was carrying on the business or occupation specified in this sub-section, shall within thirty days from such commencement dispose of all items made from tail feathers of peacock and articles made therefrom.”

14. Insertion of new Chapter VB

After Chapter VA of the principal Act, the following Chapter shall be inserted, namely:

**“CHAPTER VB
REGULATION OF TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA”**

- (1) The following shall be inserted as the new Section 49D

“49D.- *In this Chapter, unless the context otherwise requires:*

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

(b) “bred in captivity” means produced from parents in captivity;

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

(e) “import” with its grammatical variations and cognate expressions means bringing into India from a place outside India;

(f) “exotic species” means species of animals and plants not found in the wild in India and not listed in the Appendices to the Convention, that are notified by the Management Authority under sub-section (3) of Section 49F;

(g) “export” with its grammatical variations and cognate expressions means taking outside India from a place in India;

(h) “introduction from the sea” means transportation into India of specimens of any species which were taken from the marine environment not under the jurisdiction of India;

(i) “Management Authority” means the Management Authority designated under section 49 F;

(j) “plant” means any member, alive or dead, of the plant kingdom, including seeds, roots, and other parts thereof;

(k) “readily recognisable part or derivative” includes any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in Schedule VII;

(l) “re-export” means export of any specimen that has previously been imported;

(m) “Scientific Authority” means a Scientific Authority designated under section 49 G;

(n) “scheduled specimen” means any specimen of a species listed in Appendices I, II and III of the Convention and updated from time to time.

(o) “specimen” means

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

(ii) in the case of an animal: for species included in Appendices I and II, any readily recognisable part or derivative thereof; and for species included in Appendix III, any readily recognisable part or derivative thereof specified in Appendix III of Schedule VII in relation to the species; and

(iii) in the case of a plant: for species included in Appendix I, any readily recognisable part or derivative thereof; and for species included in Appendices II and III, any readily recognisable part or derivative thereof specified in Appendices II and III of Schedule VII in relation to the species;

(p) “trade” means export, re-export, import and introduction from the sea.”

(2) The following shall be inserted as the new Section 49E:

“49E.- The provisions of this Chapter shall apply to:

(a) specimens of animal and plant species listed in Appendices I, II and III of the Convention, and incorporated in Schedule VII; and

(b) specimens not covered by the Convention that is to say, exotic species of animals and plants which require regulation to protect the indigenous gene pool.”

(3) The following shall be inserted as the new Section 49F:

“49F.- (1) The Central Government may designate, by notification in the Official Gazette, an officer not below the rank of Additional Director General of Forests as the Management Authority for the purposes of this Chapter.

(2) The Management Authority shall be responsible for issuance of permits and certificates regulating the import, export and re-export of any scheduled specimen, submission of reports, registration of institutions and other documentation as required under this Chapter.

(3) The Management Authority shall, by notification in the Official Gazette, and on the advice of the Scientific Authority, notify the exotic species of animals and plants not covered by the Convention.

(4) The Management Authority shall prepare and submit annual and biennial reports to the Central Government for forwarding it to the Secretariat of the Convention.

(5) The Central Government may appoint such officers and employees as may be necessary to assist the Management Authority in carrying out his responsibilities under this Chapter, on such terms and conditions of service including salaries and allowances as may be prescribed.

(6) The Management Authority may with the prior approval of the Central Government, delegate its powers, except the power to notify exotic species under sub-section (3), to such other officers not below the rank of Assistant Inspector General of Forests, as it may consider necessary for the purposes of this Chapter.”

(4) The following shall be inserted as the new Section 49G:

“Section 49G.- The Management Authority shall, while implementing the provisions of this Chapter, be guided by the following principles, namely:

(i) The export or re-export or import of a specimen under Schedule VII shall be in accordance with the provisions of the Convention;

(ii) Specimens for export or import shall not be obtained in contravention of the laws of the country concerned relating to protection of fauna and flora;

(iii) Any living specimen for export or re-export shall be so arranged and shipped as to minimize the risk of injury, damage to health or cruel treatment;

(iv) The import of any specimen listed in Appendix I of Schedule VII shall not be used for primarily commercial purposes;

(v) The re-export of living specimens of species listed in Appendix I or Appendix II of Schedule VII shall require the prior grant and submission of a re-export certificate issued as per the provisions of the Convention;

(vi) The proposed recipient of a living specimen shall be suitably equipped to house and take care of it;

(vii) The import of any specimen of a species included in Appendix I or Appendix II of Schedule VII shall require the submission of either an export permit or a re-export certificate;

(viii) The introduction from the sea of any specimen of a species included in Appendix I or Appendix II of Schedule VII shall require the grant of a certificate from the Management Authority of the country of introduction issued under the provision of the Convention;

(ix) The export of any specimen of a species included in Appendix III of Schedule VII from any country which has included that species in Appendix III shall require grant and submission of an export permit which shall only be granted when conditions (ii) and (iii) have been met;

(x) The import of any specimen of a species included in Appendix III of Schedule VII shall require:

(a) the submission of certificate of origin; and

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

(c) in the case of re-export, a certificate granted by the Management Authority of the country of re-export that the specimen was processed in that country or is being re-exported, may be accepted by the country of import as evidence that the provisions of the Convention have been complied with in respect of the specimen concerned.”

(5) The following shall be inserted as the new Section 49H:

“49H.- (1) The Central Government may, by notification in the Official Gazette, designate any institute established by it and engaged in research in wildlife, as the Scientific Authority for the purposes of this Chapter.

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

(3) Whenever the Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I of Schedule VII, the Scientific Authority shall advise the Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

(4) The Scientific Authority while advising the Management Authority shall be guided by the following principles, namely:

(a) that such export or import shall not be detrimental to the survival of that species; and

(b) proposed recipient of a living specimen is suitably equipped to house and take care for it.

(5) *The Scientific Authority shall monitor the export permits granted by the Management Authority for specimens of species included in Appendix II of Schedule VII.*

(6) *The Scientific Authority shall identify and inform the Management Authority of exotic species of animals and plants that are not covered by the Convention and that are imported or significantly traded domestically.”*

(6) The following shall be inserted as the new Section 49I:

“49I.- In the performance of the duties and exercise of the powers by or under this Chapter, the Management Authority and the Scientific Authority shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.”

(7) The following shall be inserted as the new Section 49J:

“49J.- (1) The Central Government may, by notification in the Official Gazette, constitute a co-ordination committee, for the purpose of ensuring co-ordination between the Management Authority and Scientific Authority, State Chief Wildlife Wardens and various other enforcement agencies dealing with trade in wild life.

(2) The co-ordination committee shall meet at such time and place and shall observe such rules of procedure in regard to the transaction of business at its meetings, including the quorum at its meetings, as may be prescribed.”

(8) The following shall be inserted as the new Section 49K.

“49K.- (1) The Central Government may, by notification in the Official Gazette, and in consultation with the Management Authority and the Scientific Authority, amend, vary or modify Schedule VII annexed to this Act.

(2) Nothing contained in this Chapter and Schedule VII, shall affect anything contained in other provisions of the Act and the Schedules I, II, III, IV, V and VI to this Act.

(3) Where the same species is listed under Schedules I, II, III, IV, V, or VI to this Act as well as Schedule VII to this Act, the provisions of the Act relevant to Schedules I to VI shall apply.”

(9) The following shall be inserted as the new Section 49L.

“49L.- (1) No person shall enter into any trade in scheduled specimens included in Appendix I of Schedule VII to this Act.

Provided that the Scheduled specimens included in Appendix I of Schedule VII bred in captivity for commercial purposes, except those which cannot be released in the wild, or of a plant species included in Appendix I thereof artificially propagated for

commercial purposes shall be deemed to be scheduled specimen included in Appendix II of Schedule VII.

(2) Subject to the provisions contained in sub-section (1), no person shall enter into any trade in any scheduled specimen except in accordance with the required permits granted by the Management Authority or the officer authorised by it in such manner as may be prescribed.

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

(4) Every person, desirous of trading in a scheduled specimen, shall present it for clearance to the Management Authority or the officer authorised by it or a custom officer only at the ports of exit and entry specified for the purpose.”

- (10) The following shall be inserted as the new Section 49M.

“49M.- (1) No person shall possess, artificially cultivate, breed in captivity or trade in an exotic species or scheduled specimen.

(2) Every person possessing an exotic species or scheduled specimen shall report the details of such specimen to the Management Authority or the officer authorised by it in such manner as may be prescribed.

(3) The Management Authority or the officer authorised by it may, on being satisfied that the exotic species or scheduled specimen was in his possession prior to the coming into force of this Chapter, or was obtained in conformity with the Convention, this Act and any rules made hereunder, issue a certificate in the prescribed manner allowing the owner to retain such specimen.

(4) The owner of an exotic species or scheduled specimen shall take all necessary precautions to ensure that it does not contaminate the indigenous gene pool in the country in any manner.”

- (11) The following shall be inserted as the new Section 49N.

“49N.- No person shall alter, deface, erase or remove a mark of identification affixed upon the exotic species or scheduled specimen or its package.”

- (12) The following shall be inserted as the new Section 49O.

“49O.- (1) Every exotic species or scheduled specimen, in respect of which any offence against this Act or any rule made thereunder has been committed, shall be the property of the Central Government.

(2) The provisions of sub-sections (2) and (3) of section 39 shall, so far as may be, apply in relation to the exotic species or scheduled specimen as they apply in relation to wild animals and articles referred to in sub-section (1) of that section.”

15. Amendment of Section 50

- (1) In sub-section (1) of Section 50 of the principle Act the words “*or any officer authorised by the Management Authority*” shall be inserted after the words “any Forest Officer” and the words “*or any custom officer not below the rank of an inspector*” shall be inserted after the words “a sub-inspector”.
- (2) In sub-section (4) of Section 50 of the principle Act, the following shall be inserted after the words “in this regard.”:

“Where a Judge or Magistrate is of the opinion that a prima facie case exists against the accused, he shall be empowered to detain the accused in the custody of the forest department for a period of up to seven days, subject to such conditions as he may see fit, to facilitate investigation into the offence.”

- (3) The following sub-sections shall be inserted after sub-section (9) of Section 50 of the principal Act:

“(10) Power to undertake controlled delivery- The Director Wildlife Crime Control Bureau constituted in sub-section (Y)(1)(a) of Section 38 or any other officer authorized by him in this behalf, may, notwithstanding anything contained in this Act, undertake controlled delivery of any consignment to-(a) any destination in India; (b) a foreign country, in consultation with the competent authority of such foreign country to which such consignment destined, in such manner as may be prescribed.

(11) Police to take charge of article seized and delivered- An officer-in-charge of a police station as and when so requested in writing by an officer of the several departments mentioned in Section 50(1), shall take charge of and keep in safe custody, pending the order of the Magistrate, all articles seized under this Act within the local area of that police station and which may be delivered to him, and shall allow any officer who may accompany such articles to the police station or who may be deputed for the purpose, to affix his seal to such articles or to take samples of and from them and all samples so taken shall also be sealed with a seal of the officer-in-charge of the police station.

(12) Obligation of officers to assist each other- All officers of the several departments mentioned in Section 50(1) shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.”

16. Insertion of new Section 50A

- (1) After Section 50 of the principle Act, Section 50A shall be inserted as follows:

“50A. Government Scientific Expert Body.- (1) *The Central Government or State Government may appoint a Scientific Expert Body to examine, analyse or identify the species in question, as may be required in respect of any proceeding under this Act.*

(2) *The Scientific Expert Body shall comprise of such experts, on such terms, as may be notified in the Rules to this Act.*

(3) Where the Scientific Expert Body has been asked to examine, analyse or identify any animal article, species or any other material in the course of any proceeding under this Act, the resulting report of this Body may be used as evidence in any enquiry, trial or other proceedings under this Act.”

18. Amendment of Section 51 of the Act

(1) Section 51 of the principal Act shall be substituted with the following Section:

“51. Penalties.- (1) Any person who contravenes any provision of this Act or any rule or order made thereunder, or the breach of any of the conditions of any license or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable as follows:

(a) **Offences relating to Critical Species-** Where such offence relates to any animal specified in Schedule I or part II of Schedule II or the meat of such animal or animal article, trophy, or uncured trophy derived from such animal, such offence shall be punishable with imprisonment for a term which shall not be less than five years but may extend to seven years and also with a fine which shall not be less than five lakh rupees.

Provided that in case of a second or subsequent offence of the nature mentioned in this sub-section, such offence shall be punishable with a term of imprisonment which shall not be less than seven years and with a fine which shall not be less than twenty five lakh rupees.

(b) **Offences relating to Trade in Critical Species-** Where such offence relates to the sale or purchase or transfer or offer for sale or trade for any other mode of consideration of any animal specified in schedule I or part II of schedule II or the meat of such animal or animal article, trophy, or uncured trophy derived from such animal or any violation of Chapter VA, such offence shall be punishable with imprisonment for a term which shall not be less than seven years and also with a fine not less than twenty five lakh rupees.

Provided that in case of a second or subsequent offence of the nature mentioned in this sub-section, such offence shall be punishable with a term of imprisonment which shall not be less than seven years and with a fine which shall not be less than fifty lakh rupees.

(c) **Offences relating to Trade in other Species-** Where such offence relates to the sale or purchase or transfer or offer for sale or trade for any other mode of consideration of any animal specified in Part I of Schedule II, Schedule III and Schedule IV, or the meat of such animal or animal article, trophy, or uncured trophy derived from such animal, such offence shall be punishable with imprisonment for a term which shall not be less than three years and also with a fine which shall not be less than two lakh rupees.

Provided that in case of a second or subsequent offence of the nature mentioned in this sub-section, such offence shall be punishable with a term of imprisonment which shall not be less than five years and with a fine which shall not be less than three lakh rupees.

*(d) **Offences relating to National Parks and Sanctuaries-** Where such offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to seven years and also with a fine which shall not be less than twenty five lakh rupees.*

Provided that in case of a second or subsequent offence of the nature mentioned in this sub-section, such offence shall be punishable with a term of imprisonment which shall not be less than seven years and with a fine which shall not be less than fifty lakh rupees.

*(e) **Offences relating to Tiger Reserves-** Where such offence relates to the core area of a tiger reserve or where the offence relates to hunting in a tiger reserve or altering the boundaries of a tiger reserve, such offence shall be punishable with imprisonment for a term which shall not be less than seven years and also with a fine which shall not be less than fifty lakh rupees.*

Provided that in case of a second or subsequent offence of the nature mentioned in this sub-section, such offence shall be punishable with a term of imprisonment which shall not be less than seven years and with a fine which shall not be less than seventy five lakh rupees.

*(f) **Offences relating to Teasing of Animals-** Where such offence relates to a contravention of the provisions of Section 38(j), such offence shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to five thousand rupees or with both.*

Provided that in case of a second or subsequent offence of the nature mentioned in this sub-section, such offence shall be punishable with a term of imprisonment which may extend to one year or with a fine which may extend to ten thousand rupees or with both.

*(g) **Other Offences-** Where such offence relates to any other contravention of any provision of this Act or any rule or order made thereunder, or the breach of any of the conditions of any license or permit granted under this Act, such offence shall be punishable with imprisonment for a term which may extend to three years or with a fine which shall not be less than twenty five thousand rupees or with both.*

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

(2) When any person is convicted of an offence against this Act, the court trying the offence may order that any captive animal, wild animal, animal article, trophy, uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or derivative thereof in respect of which the offence has been committed, and any trap, tool, vehicle, vessel or weapon, used in the commission

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

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

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

(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.

(6) The offences punishable under clauses (a), (b), (c), (d), and (e) of sub-section (1) of this Section shall be tried by the Court of a Chief Judicial Magistrate or a Sessions Judge.

(7) A Judge or Magistrate passing a sentence of three years or more against an accused may order that proceedings under Chapter VIA of this Act (Forfeiture of Property Derived from Illegal Hunting and Trade) are initiated against the accused”

17. Insertion of New Section 52A

(1) After Section 52 of the principal Act, the following shall be inserted as a new Section:

“52A. Punishment for allowing premises, etc., to be used for commission of an offence.- *Whoever, being the owner or occupier or having control or use of any house, room, enclosure, space, place, animal or conveyance, knowingly permits it to be used for the commission by any other person of an offence punishable under any provision of this Act, shall be punishable with the punishment provided for that offence.”*

18. Insertion of New Section 52B

“52 B: Causing disappearance of evidence of offence, or giving false information to screen offender- *Whoever, knowing or having reason to believe that an offence under this Act has been committed, causes any evidence of the commission of that offence to disappear, or gives any information respecting the offence which he knows or believes to be false, shall be punishable with imprisonment for a term which may extend to three years or with a fine which shall not be less than twenty five thousand rupees or with both.”*

19. Amendment of Section 55 of the Act

(1) The following clause shall be inserted after sub-clause (ac) of Section 55 of the principal Act:

“(ad) the Management Authority or any Officer, including an Officer of the Wildlife Crime Control Bureau, authorised in this behalf by the Central Government; or”

- (2) The following shall be inserted as a proviso to Section 55 of the principal Act, i.e., after sub-clause (c) of Section 55 of the principal Act:

“Provided that a Court may also take cognizance of any offence under this Act without the accused being committed to it for trial, upon perusal of a police report under section 173 of the Code of Criminal Procedure 1973 of the facts constituting an offence under this Act.”

20. Amendment of Section 58J of the Act

- (1) The following shall be inserted as a separate paragraph in Section 58J of the principle Act, after the words “person affected.”:

“It is hereby clarified that the burden of proving that the property in question is exempted under the proviso to Section 58C(2) of this Act shall also lie with the person affected.”

21. Amendment of Section 63 of the Act

- (1) The following clause shall be inserted after clause (ai) of sub-section (1) of Section 63:

“(aii) The rules, standards or procedures and any other matter pertaining to Scientific Research”

- (2) The following clauses shall be inserted after clause (j) of sub-section (1) of Section 63:

“(ji) the terms and conditions of service including salaries and allowances of the officers and employees of the Management Authority under sub-section (5) of section 49F;

(jii) the rules of procedure for transaction of business at meetings of the co-ordination committee including quorum under sub-section (2) of section 49J;

(jiii) the manner of granting permits for possessing or trading in scheduled specimens under sub-section (2) of Section 49L; and the manner of furnishing reports of such specimens to the Management Authority under sub-section (3) of Section 49L;

(jiv) the manner of furnishing reports of exotic species or scheduled specimens under sub-section (2) of Section 49M; and the form and manner of issuing certificates under sub-section (3) of Section 49M;”

- (3) The following shall be inserted as sub-section (1A) of Section 63 of the principle Act, i.e., after clause (l) of sub-section (1) of Section 63 of the principle Act:

“(1A) Notwithstanding anything contained above or elsewhere in this Act, the Central Government shall have the power to makes rules on any subject contained in the Act.”