



Ministry of Environment and Forests

GOVERNMENT OF INDIA

THE DRAFT WILD LIFE (PROTECTION) AMENDMENT BILL, 2010

Statement of Objects and Reasons:

The Wild Life (Protection) Act 1972 establishes the legal framework for the protection and conservation of various species of plants and animals and the proper management of their habitats. The Act includes but is not limited to, the regulation and control of trade in parts and products derived from such species.

Despite the penalties already provided for, there seems to be no reduction in the instances of wildlife crime that continue to be reported across the country. Many of these are perpetrated by organized, international gangs of criminals who have sophisticated networks spread across the country and abroad. The current penalties have failed to act as deterrents with few convictions having taken place since the Act came into force. Furthermore, there is no strong financial disincentive that prevents poachers and smugglers from engaging in illicit wildlife trade, which, in terms of value, ranks only behind the illegal trade in arms and narcotics. To address these and other issues, the Wild life (Protection) Amendment Act seeks to make the following broad changes:

[A] Enhance Penalties and Strengthen Officials:

The present legislation aims to further strengthen the deterrent powers of the said Act by increasing the penalties for offences, especially those involving unlawful trade in wildlife products. It also seeks to increase the efficiency of the procedure governing the prosecution of offences and empower officers who are crucial to the enforcement of the said Act.

[B] Greater Harmony with CITES provisions

The Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) aims to regulate the international trade in endangered species of animals and plants. India became a party to the said Convention in July, 1976. The Amendment Act aims to fully implement India's international obligations under the said convention. This includes the establishment of a Management Authority to regulate the trade in exotic species of animals and plants that are alien to India, which may negatively affect the eco-systems of India if introduced.

[C] Ban on Trade in Peacock Feathers:

So far, the said Act has allowed the possession and domestic trade in naturally shed peacock feathers. However, the demand within India for peacock tail feathers outstrips the supply. This problem has led to the rampant poaching of the national bird not only for its tail feathers but also for its meat. The present legislation bans the trade in peacock tail feathers and articles made from them allowing reasonable exceptions for their use in religious ceremonies.

[D] Wildlife Research:

Good science is essential for the proper conservation and management of India's wildlife. Encouraging wildlife research is a crucial part of the endeavor to save the nations dwindling wildlife. The present legislation aims to promote independent



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scientific research and imposes obligations upon the Central Government to frame comprehensive rules and procedures governing the same.

[E] Provisions for Leg Hold Traps:

Leg hold-Traps are the main method used by organized poachers to bring down animals like the tiger and the leopard. These specific traps are dangerous devices that can cause grave damage to even human beings, and are not regulated by any law at present. The use of these traps, in general, is already a violation of the Prevention of Cruelty (Capture of Animals) Rules, 1979. The present legislation bans the sale, manufacture and use of these traps and regulates their possession as well.