



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 (35) the word “*chainsaw*” shall be inserted before the word “firearms”.
- (6) In sub-section (36) the words “and found wild in nature” shall be replaced by the words “*or found wild in nature*”
- (7) The following shall be inserted as sub-section (30A):

“Scientific research” means any activity carried out only for the purpose of research on any wild animal or plant listed in any Schedule to this Act or discovered in the wild in India and the habitats of the same.”

3. Amendment of Section 8 of the Act:

In clause (c) of Section 8 of the Principal Act, the words “*of the Act*” shall be inserted after the words “*and schedule*”.

4. 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, purchase, transport or use any Leg hold Trap.*

(2) *No person shall keep in his custody, control or possession 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 stored.*

(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 permit 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 that a person in possession of a Leg hold Trap is in unlawful possession of such Trap, unless the contrary is proven by the accused.*

5. Insertion of new Section 12A

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 found wild in India or habitat of the same.*

(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 minimum qualifications of 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; which shall in no case exceed 120 days.

(c) the conditions subject to which permits for scientific research may be granted.

6. Amendment of Section 22 of the Act

In Section 22 of the principal Act, the words, “, *and of the Gram Sabha*” shall be inserted after the words “the records of the State Government”; and the words, “acquainted with the same” shall be replaced by, “*acquainted with such right*”.

7. Insertion of new Section 26B

The following shall be inserted after Section 26A as the new Section 26B:

“26B. Compliance with Forest Rights Act.- In the settlement of rights for all scheduled tribes and forest dwellers in sanctuaries and National Parks for which the notification under sub-section (1) of Section 18 or sub-section (1) of Section 35 has been issued after the commencement of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (Act No. 2 of 2007), the Collector shall ensure that the provisions of that Act are complied with.”

8. Amendment of Section 28 of the Act

In clause (b) of sub-section (1) of Section 28 of the principal Act the words “*and documentary film-making without manipulating any habitat or causing any adverse impact to the habitat or wildlife*” shall be inserted after the word “photography”.

9. Amendment of Section 29 of the Act

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.”

10. Amendment of Section 32 of the Act

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

11. Amendment of section 33 of the Act

(1) The words “*in accordance with approved management plans*” shall be inserted after the words “manage and maintain all sanctuaries”.

- (2) In clause (a) of section 33 the words “*or Government*” shall be inserted after the word “tourist”.

12. Amendment of Section 35 of the Act

- (1) In sub-section (2) of section 35 of the principal Act, the following shall be inserted after the words “declared as a National Park”:

“The notification shall, wherever feasible, include forest compartment numbers and relevant details of forests, revenue and other Government records pertaining to the area proposed to be declared a National Park.”

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

13. Amendment of Section 36D of the Act

In sub-section (2) of Section 36 D of the principal Act, the word “five” before the word “representatives” shall be deleted; and the following Explanation shall be inserted after sub-section (2) of Section 36D:

“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.”

14. Amendment of Section 39 of the Act

- (1) In clause (a) of sub-section (1) of Section 39 of the principal 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) Where any such Government property is a live animal, the Central Government, or the State Government as the case may be, shall ensure that it is housed and cared for by a recognized zoo or rescue centre when it cannot be returned to its natural habitat.”

15. 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” shall have the same meaning as given to it in Conference Resolution 11.11(Rev. CoP15) of the Convention, as it may be amended from time to time.

(b) “bred in captivity” shall have the same meaning as given to it in Conference Resolution Conf. 10.16 (Rev.) of the Convention, as may be amended from time to time.

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

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

(e) “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 for the reasons mentioned in clause (b) of Section 49E;

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

(g) “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;

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

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

(j) “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;

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

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

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

(n) “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;

(o) “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) exotic species of animals and plants, that is to say specimens not covered by the Convention, which require regulation:

(i) to protect the indigenous gene pool of the wildlife found in India; or

(ii) because such species maybe invasive in nature and may pose a threat to the wildlife or ecosystems of India; or

(iii) because such species are, in the opinion of the Scientific Authority, critically endangered in the habitats in which they occur naturally.”

(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 require regulation:

(i) to protect the indigenous gene pool of the wildlife found in India ; or

(ii) because such species are invasive in nature and may pose a threat to the wildlife or ecosystems of India; or

(iii) because such species are, in the opinion of the Scientific Authority, critically endangered in the habitats in which they occur naturally.”

- (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) Notwithstanding anything contained elsewhere in this Act, 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. **International Trade in Scheduled Specimens.**- (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 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.

(5) Every person breeding in captivity or artificially propagating any Scheduled specimen listed in Appendix I of Schedule VII shall apply to the Management Authority for registration and a license to conduct such activity in the time and manner prescribed by the Central Government in this behalf. The Management Authority shall grant such licences only in accordance with rules made in this behalf by the Central Government.”

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

“49M. Possession, Breeding and domestic trade of Scheduled Specimens or Exotic Species.- *(1) Every person possessing an exotic species or scheduled specimen shall report the details of such specimen or specimens to the Management Authority or the officer authorised by it in such manner as may be prescribed.*

(2) 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, register the details of such scheduled specimen or exotic species and issue a registration certificate in the prescribed manner allowing the owner to retain such specimen.

(3) Any person who transfers possession, by any means whatsoever, of any scheduled specimen or exotic species shall report the details of such transfer to the Management Authority or the officer authorised by it in the manner prescribed,

(4) The Management Authority or the officer authorised by it shall register all transfers of scheduled specimens or exotic species and issue the transferee with a registration certificate in the manner prescribed.

(5) Any person in possession of any live scheduled specimen or exotic species which bears any offspring shall report the birth of such offspring to the Management Authority or the officer authorised by it in the time and manner prescribed.

(6) The Management Authority or the officer authorised by it shall register any offspring born to any scheduled specimen or exotic species and issue the owner with a registration certificate in the manner prescribed.

(7) No person shall possess, transfer or breed any scheduled specimen or exotic species except in conformity with this section and the rules prescribed in this behalf.

(8) 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 of the wildlife found in India 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 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 animal articles referred to in sub-section (1) of that section.

(3) Where such specimen is a live animal, the Central Government shall ensure that it is housed and cared for by a recognized zoo or rescue centre when it cannot be returned to its natural habitat.”

16. Amendment of Section 50 of the Act

- (1) In sub-section (1) of Section 50 of the principal 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 or any officer of the coast guard not below the rank of an Assistant Commandant”* shall be inserted after the words *“a sub-inspector”*

- (2) In sub-section (8) clause (b) of Section 50 of the principal Act the words *“and accused persons”* shall be inserted after the words *“to enforce the attendance of witnesses”*

- (3) The following shall be inserted after sub-section 4 of section 50 of the new Act as sub-section 4A:

“During any enquiry or trial of an offence under this Act, where it appears to the Judge or Magistrate that there is prima facie case that any property including vehicles and vessels, seized under clause (c) of sub-section (1) of section 50 of this Act was involved in anyway in the commission of an offence under this Act, the Judge or Magistrate shall not order the return of such property to its rightful owner until the conclusion of the trial of the offence. Section 451 of the Code of Criminal Procedure 2 of 1974 shall stand so modified in its application to offences under this Act.”

- (4) 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 a consignment is 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.”

17. Insertion of new Section 50A

After Section 50 of the principal 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, as prescribed by the Central Government from time to time.

(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 certain 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 or with a fine which shall not be less than one lakh rupees but which may extend to twenty-five lakh rupees or 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 seven years and with a fine which shall not be less than five lakh rupees but which may extend to fifty lakh rupees.

(b) Offences relating to Trade in certain 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 or with a fine not less than fifteen lakh rupees or 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 seven years and with a fine which shall not be less than thirty 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 or with a fine which shall not be less than one lakh rupees or 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 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 or with a fine which shall not be less than five lakh rupees but which may extend to twenty-five lakh rupees or 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 seven years and with a fine which shall not be less than thirty lakh rupees.

(e) Offences relating to Tiger Reserves- *Where such 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 or with a fine which shall not be less than five lakh rupees but which may extend to thirty lakh rupees or 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 seven years and with a fine which shall not be less than fifty 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-** (1) 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), (d), and (e) of sub-section (1) of this Section shall be tried by a Sessions Judge and any other offence under this Act shall be tried by the Court of a Chief Judicial Magistrate.*

(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'*

19. Amendment of Section 51A of the Act

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

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), -

(a) Every offence punishable with a term of imprisonment for three years or more under this Act shall be cognizable offence

(b) No person accused of an offence under section 51 (1) (a), (b), (d) and (e) shall be released on bail or on his own bond unless-

(i) The public prosecutor has been given the opportunity to oppose the application for such release, and

(ii) Where the public prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

Provided that the Magistrate may authorise the detention of the accused person if he is satisfied that adequate grounds exist for doing so, but total period of detention shall not exceed:

(i) ninety days, where the investigation relates to an offence punishable with imprisonment for a term not less than seven years

(ii) sixty days, where the investigation relates to any other offence

Provided further that on the expiry of sixty or ninety days, as the case may be, the accused person shall be released on bail if he furnishes bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII of the Code of Criminal Procedure 1973(2 of 1974).

20. Insertion of New Section 52A

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.”*

21. Insertion of New Section 52B

“52 B: Causing disappearance of evidence of offence, or giving false information of offence- *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 with respect to 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."

22. 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."

23. Amendment of Section 58J of the Act

The following shall be inserted as a separate paragraph in Section 58J of the principal 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."

24. Amendment of Section 63 of the Act

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

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

(aiii) Any matter relating to Leg hold Traps;"

- (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 rules to regulate persons breeding in captivity or artificially propagating specimens listed in Appendix I of Schedule VII to this Act;

(jv) any matter referred to in Section 49M of this Act;

(jvi) any other matter relating to Scheduled specimens or exotic species;”

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

25. Insertion of new Schedule VII

The following schedule shall be inserted after Schedule VI of the principal Act:

“Schedule VII

<i>Appendix I</i>	<i>Appendix II</i>	<i>Appendix III</i>