THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2013

A BILL

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

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2013.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), in section 2,—

(a) after clause (2), the following clause shall be inserted, namely:—

‘(2A) “animal trap” means any device designed to restrain or capture an animal and includes a leg hold trap device which usually works 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;’;

(b) after clause (14), the following clause shall be inserted, namely:—

‘(14A) “Gram Sabha” means the Gram Sabha as defined in clause (b) of article 243 of the Constitution;’;
(c) in clause (15), after the words “wild animal”, the words “or specified plant” shall be inserted;

(d) in clause (16), in sub-clause (b), after the word “trapping”, the word “electrocuting” shall be inserted;

(e) after clause (22), the following clause shall be inserted, namely:

‘(22A) “Panchayat” means the Panchayat as defined in clause (d) of article 243 of the Constitution;’;

(f) for clause (24), the following clause shall be substituted, namely:

‘(24) “person” shall include any firm or company or any authority or association or body of individuals whether incorporated or not;’;

(g) after clause (26), the following clauses shall be inserted, namely:

‘(26A) “Schedule” means a Schedule annexed to this Act;

(26B) “Scheduled Areas” means the Scheduled Areas referred to in sub-paragraph (1) of paragraph 6 of Part C of the Fifth Schedule to the Constitution;

(26C) “scientific research” means an activity carried out only for the purpose of research on any animal or plant specified in Schedules I to VII (except Schedule V) or discovered in the wild or its habitats;’;

(h) in clause (31), in sub-clause (b), after the word “nests”, the words “live nests” shall be inserted;

(i) in clause (35), after the word “firearms”, the words “chainsaw firearms, catapult” shall be inserted;

(j) in clause (36), for the words “and found wild in nature”, the words “or found wild in nature” shall be substituted;

(k) in clause (39), for the words “a circus”, the words “conservation and breeding centres” shall be substituted.

3. In section 5B of the principal Act, in sub-section (3), for the words “functions assigned to it”, the words “functions assigned to it under the Act on such terms and conditions as may be prescribed” shall be substituted.

4. After section 9 of the principal Act, the following section shall be inserted, namely:

“9A. (1) No person shall manufacture, sell, purchase, keep, transport or use any animal trap except with prior permission in writing of the Chief Wild Life Warden given for educational and scientific purposes.

(2) Every person, having on the date of commencement of the Wild Life (Protection) Amendment Act, 2013, the possession of any animal trap, shall within sixty days from such commencement, declare to the Chief Wild Life Warden, the number of animal traps and their description in his possession and the place or places where such traps have been stored.

(3) The Chief Wild Life Warden may, if he is satisfied that a person shall use an animal trap in his possession only for educational or scientific purposes, issue to such person, a written permission to possess such trap subject to such conditions as may be specified in such permission.

(4) All animal traps, declared under sub-section (2) and in respect of which permission has not been granted in writing by the Chief Wild Life Warden under sub-section (3), shall become the property of the State Government.”
(5) In the prosecution for any offence under this section, it shall be presumed that a person in possession of animal trap is in unlawful possession of such trap, unless the contrary is proved by the accused:

Provided that in certain exceptional circumstances, to be determined by the Chief Wild Life Warden, use of animal traps, except leg hold traps may be permitted by the Chief Wild Life Warden for safeguarding the agricultural crops and property of farmers.”.

5. After section 12 of the principal Act, the following section shall be inserted, namely:—

“12A. (1) Notwithstanding anything contained in this Act, the Chief Wild Life Warden, shall on an application, grant a permit, by an order in writing to any person, to conduct scientific research.

(2) Without prejudice to any law for the time being in force, the Chief Wild Life Warden shall ensure that all permits for scientific research have been processed and granted subject to such conditions and in such manner as may be prescribed.

(3) The Central Government may prescribe the following, namely:—

(a) the areas for conduct of scientific research;

(b) the person who shall be eligible for the grant of permits;

(c) the time frame in which proposals for scientific research shall be disposed of, which shall in no case exceed one hundred twenty days;

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

6. In section 18 of the principal Act, in sub-section (1), the following proviso shall be inserted, namely:—

“Provided that the State Government shall declare its intention to constitute any area which falls under the Scheduled Areas as a sanctuary in consultation with the Gram Sabha concerned.”.

7. In section 22 of the principal Act, for the words “the records of the State Government and the evidence of any person acquainted with the same”, the words “the records of the State Government and of the Gram Sabha and the Panchayat and the evidence of any person acquainted with the same” shall be substituted.

8. In section 28 of the principal Act, in sub-section (1), in clause (b), after the word “photography”, the words “and documentary film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life” shall be inserted.

9. In section 29 of the principal Act, for the Explanation, the following Explanation shall be substituted, namely:—

“Explanation.—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, 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. In section 32 of the principal Act, for the words “other substances”, the words “other substances or equipment” shall be substituted.

11. In section 33 of the principal Act,—

(i) in the opening portion, after the words “manage and maintain all Sanctuaries”, the words “in accordance with such management plans prepared by it as per the guidelines issued by the Central Government and in case the Sanctuary also falls under the Scheduled Areas, in consultation with the Gram Sabha concerned,” shall be inserted;

(ii) in the proviso to clause (a), for the words “tourist lodges”, the words “tourist or Government lodges” shall be substituted.
12. In section 35 of the principal Act,—

(i) in sub-section (1), after the proviso, the following proviso shall be inserted, namely:—

“Provided further that the State Government shall declare its intention to constitute any area which falls under the Scheduled Areas as a National Park in consultation with the Gram Sabha concerned.”;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The notification referred to in sub-section (1) shall, wherever available, include relevant details of forests (including forest compartment number) and revenue records pertaining to the area proposed to be declared as a National Park.”;

(iii) in sub-section (8), for the words and figures “sections 27 and 28”, the words, figures and letter “sections 18A, 27 and 28,” shall be substituted.

13. In section 36D of the principal Act, in sub-section (2),—

(i) for the words “five representatives”, the words “not less than three representatives” shall be substituted;

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

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

14. In section 38 of the principal Act, in sub-section (2), the following proviso shall be inserted, namely:—

“Provided that the State Government shall declare any area which falls under the Scheduled Areas to be a National Park in consultation with the Gram Sabha concerned.”.

15. In section 38C of the principal Act, after clause (a), the following clause shall be inserted, namely:—

“(aa) supervise the overall functioning of the zoo and authorise the concerned Chief Wild Life Warden to supervise the zoo;”.

16. Section 38J of the principal Act shall be renumbered as sub-section (1) the roof, and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) The Central Zoo Authority shall issue guidelines for the purposes of this section.”.

17. In section 38L of the principal Act, in sub-section (2), for clauses (l) and (m), the following clauses shall be substituted, namely:—

“(l) Chairperson, National Commission for the Scheduled Tribes or an officer authorised by him;

(m) Chairperson, National Commission for the Scheduled Castes or an officer authorised by him;”.

18. In section 38-O of the principal Act, in sub-section (1), in clause (a), after the words “of this Act”, the words “and make grants to it for such Plan” shall be inserted.

19. After section 38X of the principal Act, the following section shall be inserted, namely:—

“38XA. The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions relating to the Sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under this Act.”.
20. In Chapter IVC of the principal Act, in the heading, for the words “TIGER AND OTHER ENDANGERED SPECIES”, the words “WILD LIFE” shall be substituted.

21. For section 38Y of the principal Act, the following section shall be substituted, namely:—

“38Y. The Central Government may, for the purpose of this Act, by order published in the Official Gazette, constitute a Wild Life Crime Control Bureau consisting of—

(a) the Director of Wild Life Preservation—Director ex officio;

(b) the Inspector-General of Police—Additional Director;

(c) the Deputy Inspector-General of Police—Joint Director;

(d) the Deputy Inspector-General of Forests—Joint Director;

(e) the Additional Commissioner (Customs and Central Excise)—Joint Director; and

(f) such other officers as may be appointed from amongst the officers referred to in sections 3 and 4 of this Act.”.

22. In section 39 of the principal Act,—

(i) in sub-section (1), in clause (a), after the words “bred in captivity or hunted”, the words, figures and letter “or specified plant picked, uprooted, kept, damaged or destroyed, dealt with or sold under section 17A” shall be inserted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

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

23. After Chapter V A of the principal Act, the following Chapter shall be inserted, namely:—

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

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) “exotic species” means species of animals and plants not found in wild in India and not listed in the Appendices to the Convention but notified as such by the Management Authority under sub-section (3) of section 49F for the reasons mentioned in clause (b) of section 49E;

(e) “export” means export from India to any other country of animal, animal article, meat, trophy, specimen, exotic species or of any of them;

(f) “import” means import into India from any other country of animal, animal article, meat, trophy, specimen, exotic species or of any of them;

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

(h) “plant” means any member, alive or dead, of the plants listed in Schedule VII including seeds, roots and other parts thereof;
(i) “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 species listed in Schedule VII;

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

(k) “Scientific Authority” means a Scientific Authority designated under section 49H;

(l) “scheduled specimen” means any specimen of species listed in Appendices I, II and III of the Convention and incorporated as such in Schedule VII;

(m) “specimen” means—

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

(ii) in the case of an animal,—

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

(B) 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,—

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

(B) 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;

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

49E. The provisions of this Chapter shall apply to,—

(a) specimens of animal and plant species listed in Schedule VII; and

(b) exotic species of animals and plants specimens not covered by Schedule VII which require regulation,—

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

(ii) such species as it may be invasive in nature and may pose a threat to the wild life or ecosystems of India; or

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

49F. (1) The Central Government may, by notification, designate an officer not below the rank of an Additional Director General of Forests as the Management Authority for discharging the functions and exercising the powers under this Act.

(2) Without prejudice to the Customs Act, 1962 or rules made or notifications issued thereunder or any law for the time being in force, 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 and other functions as required under this Chapter.

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

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

49G. The Management Authority shall, while discharging its functions or exercising its powers under 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 is in accordance with the provisions of this Chapter;

(ii) specimens for export or import are not obtained in contravention of any laws, for the time being in force relating to protection of fauna and flora;

(iii) export or re-export of any living specimen is so arranged and shipped as to minimise the risk of injury, damage to health or cruel treatment;

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

(v) the re-export of living specimen 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 is 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 under this Act in addition to the requirement of export permit or re-export certificate under any other law for the time being in force;

(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 fulfilled;

(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.

Explanation.—In clause (viii), the expression “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.
49H. (1) The Central Government may, by notification, designate one or more institutes established by it and engaged in research in wild life, 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 is of the opinion that the export of specimens of any such species 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, it shall advise the Management Authority to take such appropriate measures to limit the grant of export permits for specimens of that species as the Scientific Authority may deem necessary for said purpose.

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

(a) that such export or import referred to in section 49G 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) It shall be the duty of the Scientific Authority to identify and inform the Management Authority of exotic species of animals and plants which are not covered by Schedule VII and require regulation thereof—

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

(ii) to avoid threat to the wild life or ecosystems of India as such species are invasive in nature; or

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

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

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

(2) The co-ordination committee referred to in sub-section (1) 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.

49K. (1) No person shall enter into any trade in scheduled specimens included in Appendix I of Schedule VII:

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 the said Appendix I and 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 certificate 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 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 customs officer only at the ports of exit and entry specified thereof.

49L. (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 within such period and in such manner as may be prescribed.

(2) The Management Authority or the officer authorised by it may, on being satisfied that any exotic species or scheduled specimen was in possession of a person being the owner prior to the date of coming into force of the Wild Life (Protection) Amendment Act, 2013 and the rules made thereunder, or was obtained, in conformity with the Convention, 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 such form and within such period and in such manner as may be 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 such manner as may be 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 such form and within such period and in such manner as may be prescribed.

(6) The Management Authority or the officer authorised by it shall on receipt of the report under sub-section (5) register any offspring born to any scheduled specimen or exotic species and issue the owner with a registration certificate in such manner as may be prescribed.

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

(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 wild life found in the country in any manner.

49M. (1) Every person who is engaged in the breeding in captivity or artificially propagating any scheduled specimen listed in Appendix I of Schedule VII shall make, within a period of ninety days of the commencement of the Wild Life (Protection) Amendment Act, 2013, an application for registration to the Conservator of Forest (Wild Life).

(2) The form of application to be made to the Conservator of Forest (Wild Life) under sub-section (1), the particulars to be contained in such application form, the manner in which such application shall be made, the fee payable on such application, the form of certificate of registration, the procedure to be followed in granting or cancelling the certificate of registration shall be such as may be prescribed.

49N. (1) On receipt of application under sub-section (1) of section 49M, the Conservator of Forest (Wild Life) shall, if—

(a) the application is in the prescribed form; and

(b) satisfied that the provisions of the Act and rules made thereunder have been duly complied with,
record an entry of the statement in a register and register the applicant and grant him a certificate of registration.

(2) If the Conservator of Forest (Wild Life) is not satisfied that the provisions of the Act and rules made thereunder are complied with or if a false particular is furnished, he may refuse or cancel the registration, as the case may be:

Provided that an opportunity of being heard shall be given to the applicant before the registration is refused or as the case may be, the registration is cancelled.

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

(4) Any person aggrieved by the refusal of the Conservator of Forest (Wild Life) or cancellation of registration under sub-section (2) may prefer an appeal to the Chief Wild Life Warden.

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

49P. (1) Every exotic species or scheduled specimen, in respect of which any offence against this Act or rules made thereunder has been committed, shall become the property of the Central Government.

(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 animals articles referred to in sub-section (1) of that section.

(3) Where specimen referred to in sub-section (2) is a live animal, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre in case it cannot be released to its natural habitat.'.

24. In section 50 of the principal Act,—

(a) in sub-section (1),—

(i) after the words “any Forest Officer”; the words “or any officer authorised by the Management Authority” shall be inserted;

(ii) after the words “a sub-inspector”; the words “or any customs officer not below the rank of an inspector or any officer of the coast guard not below the rank of an Assistant Commandant” shall be inserted;

(b) after sub-section (9), the following sub-section shall be inserted, namely:—

“(10) During any inquiry 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) was involved in any way in the commission of an offence under this Act, the Judge or Magistrate shall not order for the return of such property to its rightful owner until the conclusion of the trial of the offence notwithstanding anything contained in section 451 of the Code of Criminal Procedure, 1973.”.

25. After section 50 of the principal Act, the following sections shall be inserted, namely:—

“(50A. The Director of Wild Life Crime Control Bureau constituted under section 38Y or any other officer authorised by him in this behalf, may, notwithstanding anything contained in this Act, undertake control of delivery of any consignment to—

(a) any destination in India, in such manner as may be prescribed;
(b) a foreign country, in consultation with the competent authority of such foreign country to which a consignment is destined, in such manner as may be prescribed.

50B. (1) An officer-in-charge of a police station as and when so requested in writing by an officer mentioned in sub-section (1) of section 50, shall take charge of and keep in safe custody, pending the order of the Magistrate, all articles seized and delivered under this Act.

(2) The officer-in-charge may allow any officer to accompany such articles to the police station or who may be deputed, 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.

(3) Without prejudice to the provisions contained in the Code of Criminal Procedure, 1973, or any other law for the time being in force, the Central Government may, by rules, specify the manner of dealing with the articles forwarded to the police officer under sub-section (1).

26. For sections 51 and 51A of the principal Act, the following sections shall be substituted, namely:—

“51. (1) Any person who contravenes any provision of this Act or any rule or order made thereunder, or terms and conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be liable to be punished in the manner specified under sub-sections (2) to (7).

(2) Where the 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 which may extend to seven years and also with fine which shall not be less than one lakh rupees but which may extend to twenty-five lakh rupees:

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

(3) Where the offence relates to the sale or purchase or transfer or offer for sale or trade 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, shall be punishable with imprisonment for a term which shall not be less than seven years and also with fine which shall not be less than fifteen lakh rupees:

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

(4) Where the offence relates to the sale or purchase or transfer or offer for sale or trade 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 may extend to three years or with fine which may extend to one lakh rupees or with both:

Provided that in case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment which may extend to five years or with fine which may extend to three lakh rupees or with both.

(5) Where the 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 fine which shall not be less than five lakh rupees but which may extend to twenty-five lakh rupees:

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

(6) 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 fine which shall not be less than five lakh rupees but which may extend to thirty lakh rupees:

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

(7) Where the offence relates to contravention of the provisions of section 38J, 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 the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to one year or with fine which may extend to ten thousand rupees or with both.

51A. (1) Where the offence relates to contravention of any other provision of this Act or any rule or order made thereunder, or the breach of any of the terms and conditions of any licence or permit granted under this Act, such offence shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to twenty-five thousand rupees:

Provided that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment shall not be less than three years but which may extend to five years and also with 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 punishment that may be awarded for such offence.
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, 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.

(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 or in the Probation of Offenders Act, 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.

51B. Notwithstanding anything contained in the Code of Criminal Procedure, 1973,—

(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 sub-sections (1), (2), (3), (5) and (6) of section 51 shall be released on bail or on his own bond unless the Public Prosecutor has been given the opportunity to oppose the application for such release.”.

27. In section 55 of the principal Act,—

(a) after clause (ac), the following clause shall be inserted, namely:—

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

(b) the following proviso shall be inserted, namely:—

“Provided that a court may also take cognizance of any offence under this Act without the accused being committed to 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.”.

28. In section 61 of the principal Act,—

(a) in sub-section (1), after the words “one Schedule to another”, the words “except Schedule VII” shall be inserted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

“(2) The Central Government may, in consultation with concerned State Governments by notification, add or omit or amend the entries in any of the Schedules to respond to area or site specific requirements of each State.”;

(c) after sub-section (3), the following sub-sections shall be inserted, namely:—

“(4) The Central Government may, by notification, and in consultation with the Management Authority and the Scientific Authority, amend, vary or modify Schedule VII.

(5) Nothing contained in this Chapter and Schedule VII, shall affect anything contained in other provisions of the Act and the Schedules I to VI (both inclusive).

(6) Notwithstanding anything contained in this Act, where a particular species is listed under Schedules I, II, III, IV, V, or VI and Schedule VII, the provisions of this Act relevant to Schedules I to VI shall apply to such species.

(7) Every notification issued under this section shall be laid, as soon as may be it is issued, before each House of Parliament.”.
29. In section 63 of the principal Act, in sub-section (1),—
   (a) after clause (ai), the following clauses shall be inserted, namely:—
      “(aii) the rules, standards or procedures and any other matter pertaining
to Scientific Research;
      (aiii) any matter relating to animal traps;
      (aiv) terms and conditions of the committee, sub-committees or study
groups under sub-section (3) of section 5B;
      (av) terms and conditions of the Committees under section 8A;”;
   (b) after clause (j), the following clauses shall be inserted, namely:—
      “(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;
      (ji) the rules of procedure for transaction of business at meetings of the
co-ordination committee including quorum under sub-section (2) of section 49J;
      (ji) the manner of granting permits for possessing or trading in scheduled
specimens under sub-section (2) of section 49K; and the manner of furnishing
reports of such specimens to the Management Authority under sub-section (3)
of section 49K;
      (jiv) The period within which and the manner in which the details of exotic
species or scheduled specimen to be reported under sub-section (1) of section 49L;
      (jv) The period within which and the manner in which the details of transfer
of exotic species or scheduled specimen under sub-section (3) of section 49L;
      (jvi) The manner of registration certificate under sub-section (4) of section 49L;
      (jvii) The form, period and the manner in which the birth of offspring of
exotic species or scheduled specimen to be reputed under sub-section (5) of
section 49L;
      (jviii) The manner in which a registration certificate to be issued to the
owner under sub section (6) of section 49M;
      (jix) the rules to regulate possession, transfer or breeding under sub-
section (7) of section 49L;
      (jx) the form, particulars, manner, fee payable on the application and the
form of certificate of registration and the procedure in granting or cancelling the
certificate of registration under sub-section (2) of section 49M;
      (jxi) the fee payable under sub-section (3) of section 49N;
      (jxii) the manner of delivery of any consignment to any destination in
India and to a foreign country under section 50A;”;
   (c) after clause (l), the following clause shall be inserted, namely:—
      “(m) any other matter which has to be, or may be, prescribed.”.

30. For section 65 of the principal Act, the following section shall be substituted,
namely:—

   “65. Nothing in this Act shall affect the hunting rights of the Scheduled Tribes of
the Andaman Islands and the Nicobar Islands in the Union Territory of Andaman and
Nicobar Islands, as notified by the Andaman and Nicobar Administration from time to
time.”.

31. After Schedule VI of the principal Act, the following Schedule shall be inserted,
namely:—
APPENDIX-I

FAUNA (ANIMALS)

PHYLUM CHORDATA

CLASS MAMMALIA

(MAMMALS)

ARTIODACTYLA

Antilocapridae: Pronghorn

1. Antilocapra americana

Bovidae: Antelopes, cattle, duikers, gazelles, goats, sheep etc.

2. Addax nasomaculatus
3. Bos gaurus
4. Bos mutus

5. Bos sauveli
6. Bubalus depressicornis
7. Bubalus mindorensis
8. Bubalus quarlesi
9. Capra falconeri

10. Capricornis milneedwardsii
11. Capricornis rubidus
12. Capricornis sumatraensis
13. Capricornis thar
14. Cephalophus jentinki

15. Gazella cuvieri
16. Gazella leptoceros
17. Hippotragus niger variani
18. Naemorhedus baileyi
19. Naemorhedus caudatus

20. Naemorhedus goral
21. Naemorhedus griseus
22. Nanger dama
23. Oryx dammah
24. Oryx leucoryx

25. Ovis ammon hodgsonii
26. Ovis ammon nigrimontana
27. Ovis orientalis ophion
28. Ovis vignei vignei
29. Pantholops hodgsonii

30. Ovis ammon hodgsonii
31. Ovis ammon nigrimontana
32. Ovis orientalis ophion
33. Ovis vignei vignei
34. Pantholops hodgsonii
30. Pseudoryx nghetinhensis
31. Rupicapra pyrenaica ornate
   **Camelidae: Guanaco, vicuna**
32. Vicugna vicugna
33. Axis calamianensis
34. Axis kuhlii
35. Axis porcinus annamiticus
36. Blastocerus dichotomus
37. Cervus elaphus hanglu  10
38. Dama dama mesopotamica
40. Muntiacus crinifrons
41. Muntiacus vuquangensis
42. Ozotoceros bezoarticus  15
43. Padu puda
44. Rucervus duvaucelii
45. Rucervus eldii
46. Moschus spp. (Only the populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan; all other populations are included in Appendix II)
   **Moschidae: Musk deer**
47. Babyrousa babyrussa
48. Babyrousa bolabatuensis Babyrousa celebensis
49. Babyrousa togeanensis  25
50. Sus salvanius
   **Tayassuidae: Peccaries**
51. Catagonus wagneri
   **CARNIVORA**
   **Ailuridae: Red panda**
52. Ailurus fulgens  30
   **Canidae: Bush dog, foxes, wolves**
53. Canis lupus (Only the populations of Bhutan, India, Nepal and Pakistan; all other populations are included in Appendix II. Excludes the domesticated form and the dingo which are referenced as Canis lupus familiaris and Canis lupus dingo)  35
54. Speothos venaticus
   **Felidae: Cats**
55. Acinonyx jubatus
56. Caracal caracal (Only the population of Asia; all other populations are included in Appendix II)  40
57. Catopuma temminckii
58. Felis nigripes
59. Leopardus geoffroyi
60. Leopardus jacobitus
61. Leopardus pardalis
62. Leopardus tigrinus
63. Leopardus wiedii
64. Lynx pardinus
65. Neofelis nebulosa
66. Panthera leo persica
67. Panthera onca
68. Panthera pardus
69. Panthera tigris
70. Pardofelis marmorata
71. Prionailurus bengalensis bengalensis (Only the populations of the Bangladesh, India and Thailand; all other populations are included in Appendix II)
72. Prionailurus planiceps
73. Prionailurus rubiginosus (Only the population of India; all other populations are included in Appendix II)
74. Puma concolor coryi
75. Puma concolor costaricensis
76. Puma concolor couguar
77. Puma yagouaroundi (Only the populations of Central and North America; all other populations are included in Appendix II)
78. Uncia uncia

**Lutrinae: Otters**
79. Aonyx capensis microdon (Only the population of Cameroon and Nigeria; all other populations are included in Appendix II)
80. Enhydra lutris nereis
81. Lontra felina
82. Lontra longicaudis
83. Lontra provocax
84. Lutra lutra
85. Lutra nippon
86. Pteronura brasiliensis

**Mustelinae: Grisons, honey badger, martens, tayra, weasels**
87. Mustela nigripes

**Otariidae: Fur seals, sealions**
88. Arctocephalus townsendi

**Phocidae: Seals**
89. Manochus spp.

**Ursidae: Bears, giant panda**
90. Ailuropoda melanoleuca
91. Helarctos malayanus
92. Melursus ursinus
93. Tremarctos ornatus
94. Ursus arctos (Only the populations of Bhutan, China, Mexico and Mongolia; all other populations are included in Appendix II)
95. Ursus arctos isabellinus
96. Ursus thibetanus

Viverridae: Binturong, civets, linsangs, otter-civet, palm civets

97. Prionodon pardicolor

CETACEA: Dolphins, porpoises, whales

Balaenidae: Bowhead whale, right whales

98. Balaena mysticetus

Balaenopteridae: Humpback whale, rorquals

100. Balaenoptera acutorostrata (Except the population of West Greenland, which is included in Appendix II)
101. Balaenoptera bonaerensis
102. Balaenoptera borealis
103. Balaenoptera edeni
104. Balaenoptera musculus
105. Balaenoptera omurai
106. Balaenoptera physalus
107. Megaptera novaengliae

Delphinidae: Dolphins

108. Orcaella brevirostris
109. Orcaella heinsohni
110. Sotalia spp.
111. Sousa spp.

Eschrichtiidae: Grey whale

112. Eschrichtius robustus

Iniidae: River dolphins

113. Lipotes vexillifer

Neobalaenidae: Pygmy right whale

114. Caperea marginata

Phocoenidae: Porpoises

115. Neophocaena Phocaenoides
116. Phocoena sinus

Physeteridae: Sperm whales

117. Physeter macrocephalus

Platanistidae: River dolphins

118. Platanista spp.
119. Ziphiidae: Beaked whales, bottle-nosed whales
120. Berardius spp.
121. Hyperoodon spp.
### CHIROPTERA

_Pteropodidae: Fruit bats, flying foxes_

- Acerodon jubatus
- Pteropus insularis
- Pteropus loochoensis
- Pteropus mariannus
- Pteropus molossinus
- Pteropus pelewensis
- Pteropus pilosus
- Pteropus samoensis
- Pteropus tonganus
- Pteropus ualanus
- Pteropus yapensis

### CINGULATA

_Dasypodidae: Armadillos_

- Priodontes maximus

### DASYUROMORPHIA

_Dasyuridae: Dunnarts_

- Sminthopsis longicaudata
- Sminthopsis psammophila
- _Thylacinidae: Tasmanian wolf, thylacine_
  - Thylacinus cynocephalus
  - (possibly extinct)

### DIPROTODONTIA

_Macropodidae: Kangaroos, wallabies_

- Lagorchestes hirsutus
- Lagostrophus fasciatus
- Onychogalea fraenata
- Onychogalea lunata
- Phalangeridae Cuscuses

_Potoroidae: Rat-kangaroos_

- Bettongia spp.
- Caloprymnus campestris
  - (possibly extinct)

_Vombatidae: Northern hairy-nosed wombat_

- Lasiorhinus kreffti

### LAGOMORPHA

_Leporidae: Hispid hare, volcano rabbit_

- Caprolagus hispidus
- Romerolagus diazi

### PERAMELEMORPHIA

_Chaeropodidae: Pig-footed bandicoots_

- Chaeropus ecaudatus
  - (possibly extinct)
Peramelidae: Bandicoots, echymipers

148. Perameles bougainville

Thylacomyidae: Bilbies

149. Macrotis lagotis
150. Macrotis leucura

PERISSODACTYLA

Equidae: Horses, wild asses, zebras

151. Equus africanus
152. Equus grevyi
153. Equus hemionous hemionus
154. Equus hemionous khur
155. Equus przewalskii
156. Equus zebra zebra

Rhinocerotidae: Rhinoceroses

157. Rhinocerotidae spp. (Except the subspecies included in Appendix II)

Tapiridae: Tapirs

158. Tapiridae spp. (Except the species included in Appendix II)

PRIMATES: Apes, monkeys

Atelidae: Howler and prehensile-tailed monkeys

159. Alouatta coibensis
160. Alouatta palliata
161. Alouatta pigra
162. Ateles geoffroyi frontatus
163. Ateles geoffroyi panamensis
164. Brachyteles arachnoides
165. Brachyteles hyposanthus
166. Oreonax flavicauda
167. Cebidae New World monkeys
168. Callimico goeldii
169. Callithrix aurita
170. Callithrix flaviceps
171. Leontopithecus spp.
172. Saguinus bicolor
173. Saguinus geoffroyi
174. Saguinus leucopus
175. Saguinus martinsi
176. Saguinus Oedipus
177. Saimiri oerstedii

Cercopithecidae: Old World monkeys

178. Cercocebus galritus
179. Cercopithecus diana
180. Cercopithecus roloway
181. Macaca silenus
182. Mandrillus leucophaeus
183. Mandrillus sphinx
184. Nasalis larvatus
185. Piliocolobus kirkii
186. Piliocolobus rufomitratus
187. Presbytis potenziani
188. Pygathrix spp.
189. Rhinopithecus spp.
190. Semnopithecus ajax
191. Semnopithecus dussumieri
192. Semnopithecus entellus
193. Semnopithecus hector
194. Semnopithecus hypoleucos
195. Semnopithecus priam
196. Semnopithecus schistaceus
197. Simias concolor
198. Trachypithecus geei
199. Trachypithecus pileatus
200. Trachypithecus shortridgei
201. Cheirogaleidae: Dwarf lemurs
202. Daubentoniidae: Aye-aye
203. Hominidae: Chimpanzees, gorilla, orang-utan
204. Gorilla beringei
205. Gorilla gorilla
206. Pan spp.
207. Pongo abelii
208. Pongo pygmaeus
209. Hylobatidae Gibbons
210. Indriidae spp.
211. Lemuridae: Large lemurs
212. Lepilemuridae: Sportive lemurs
213. Nycticebus spp.
214. Cacajao spp.
215. Chiropotes albinasus
PROBOSCIDEA
Elephantidae: Elephants
216. Elephas maximus
217. Loxodonta africana (Except the populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in Appendix-II)

RODENTIA
Chinehillidae: Chinehillas
218. Chinchilla spp. (Specimens of the domesticated form are not subject to the provisions of the Convention)

Muridae: Mice, rats
219. Leporillus conditor
220. Pseudomys fieldi praeconis
221. Xeromys myoides
222. Zyzomys pedunculatus

Sciuridae: Ground squirrels, tree squirrels
223. Cynomys mexicanus

SIRENIA
Dugongidae: Dugong
224. Dugong dugon

Trichechidae: Manatees
225. Trichechus inunguis
226. Trichechus manatus

CLASS AVES
(BIRDS)

ANSERIFORMES
Anatidae: Ducks, geese, swans, etc.
227. Anas aucklandica
228. Anas chlorotis
229. Anas laysanensis
230. Anas nesiotis
231. Asarcornis scutulata
232. Branta canadensis leucopareia
233. Branta sandvicensis
234. Rhodonessa caryophyllacea
   (possibly extinct)

APODIFORMES
Trochilidae: Hummingbirds
235. Glaucis dohrnii

CHARADRIIFORMES
Laridae: Gull
236. Larus relictus

Scolopacidae: Curlews, greenshanks
237. Numenius borealis
238. Numenius tenuirostris
239. Tringa guttifer

**CICONIIFORMES**

Ciconiidae: Storks

240. Ciconia boyciana

241. Jabiru mycteria

242. Mycteria cinerea

**Threskiornithidae: Ibises, spoonbills**

243. Geronticus eremita

244. Nipponia nippon

**COLUMBIFORMES**

Columbidae: Doves, pigeons

245. Caloenas nicobarica

246. Ducula mindorensis

**CORACIIFORMES**

Bucerotida: Hornbills

247. Aceros nipalensis

248. Buceros bicornis

249. Rhinoplax vigil

250. Rhyticeros subruficollis

**FALCONIFORMES: Eagles, falcons, hawks, vultures**

Accipitridae: Hawks, eagles

251. Aquila Adalberti

252. Aquila heliaca

253. Chondrohierax uncinatus wilsonii

254. Haliaeetus albicilla

255. Harpia harpyja

256. Pithecophaga jefferyi

Cathartidae: New World vultures

257. Gymnogyps californianus

**Falconidae: Falcons**

258. Vultur gryphus

259. Falco araeus

260. Falco jugger

261. Falco newtoni

262. Falco pelegrinoides

263. Falco peregrinus

264. Falco punctatus

265. Falco rusticolus

**GALLIFORMES**

Cracidae: Chachalacas, curassows, guans

266. Crax blumenbachii

267. Mitu mitu

268. Oreophasis derbianus

269. Penelope albipennis
270. Pipile jacutinga
271. Pipile pipile

**Megapodiidae: Megapodes, scrubfowl**
272. Macrocephalon maleo

**Phasianida: Grouse, guineafowl, partridges, pheasants, tragopans**
273. Catreus wallichii
274. Colinus virginianus ridgwayi
275. Crossoptilon crossoptilon
276. Crossoptilon mantchuricum
277. Lophophorus impejanus
278. Lophophorus lhuysii
279. Lophophorus sclateri
280. Lophura edwardsi
281. Lophura imperialis
282. Lophura swinhoii
283. Polyplectron napoleonis
284. Rheinardia ocellata
285. Syrmaticus ellioti
286. Syrmaticus humiae
287. Syrmaticus mikado
288. Tetraogallus caspius
289. Tetraogallus tibetanus
290. Tragopan blythii
291. Tragopan caboti
292. Tragopan melanocephalus
293. Tympanuchus cupido attwateri

**GRUIFORMES**

**Gruidae: Cranes**
294. Grus americana
295. Grus canadensis nesiotes
296. Grus canadensis pulla
297. Grus japonensis
298. Grus leucogeranus
299. Grus monacha
300. Grus nigricolli
301. Grus vipio

**Otididae: Bustards**
302. Ardeotis nigriceps
303. Chlamydotis macqueenii
304. Chlamydotis undulata
305. Houbaropsis bengalensis
Rallidae: Rail
306. Gallirallus sylvestris
Rhynochetidae: Kagu
307. Rhynochos jubatus
5
PASSERIFORMES
Atrichornithidae: Scrub-bird
308. Atrichornis clamosus
Cotingidae: Cotingas
309. Cotinga maculata
10
310. Xipholena atropurpurea
Fringillidae: Finches
311. Carduelis cucullata
Hirundinidae: Martin
312. Pseudochelidon sirintarae
15
313. Xanthopsar flavus
Meliphagidae: Honeyeater
314. Lichenostomus melanops cassidix
Musciicapidae: Old World flycatchers
20
315. Dasyornis broadbenti litoralis (possibly extinct)
316. Dasyornis longirostris
317. Picathartes gymnocephalus
318. Picathartes areas
25
Pittidae: Pittas
319. Pitta gurneyi
320. Pitta kochi
Strunidae: Mynahs (Starlings)
321. Leucopsar rothschildi
30
Zosteropidae: White-eye
322. Zosterops albogularis
PELECANIFORMES
Fregatidae: Frigatebird
323. Fregata andrewsi
35
Pelecanidae: Pelican
324. Pelecanus crispus
Sulidae: Booby
325. Papasula abbotti
PICIFORMES
36
Picidae: Woodpeckers
326. Campephilus imperialis
327. Dryocopus javensis richardi
PODICIPEDIFORMES
Podicipedida: Grebe
40
328. Podilymbus gigas
PROCELLARIIFORMES
Diomedeidae: Albatross
329. Phoebastria albatrus

PSITTACIFORMES
Cacatuidae: Cockatoos
330. Cacatua goffiniana
331. Cacatua haematopus
332. Cacatua moluccensis
333. Cacatua sulphurea
334. Probosciger aterrimus

Lorridae: Lories, lorikeets
335. Eos histrio
336. Vini ultramarina

Psittacidae: Amazons, macaws, parakeets, parrots
337. Amazona arausiaca
338. Amazona auropalliata
339. Amazona barbadensis
340. Amazona brasilensis
341. Amazona finschi
342. Amazona guildingii
343. Amazona imperialis
344. Amazona leucocephala
345. Amazona oratrix
346. Amazona pretrei
347. Amazona rhodocorytha
348. Amazona tucumana
349. Amazona versicolor
350. Amazona vinacea
351. Amazona viridigenalis
352. Amazona vittata
353. Anodorhynchus spp.
354. Ara ambiguus
355. Ara glaucogularis
356. Ara macao
357. Ara militaris
358. Ara rubrogenys
359. Cyanopsitta spixii
360. Cyanoramphus cookii
361. Cyanoramphus forbesi
362. Cyanoramphus novaehollandiae
363. Cyanoramphus saisseti
364. Cyclopsitta diophthalma coxeni
365. Eunymphicus cornutus
366. Guarouba guarouba
367. Neophema chrysogaster
368. Ognorhynchus icterotis
369. Pezoporus occidentalis
(possibly extinct)
370. Pezoporus wallicus
371. Pionopsitta pileata
372. Primolius couloni
373. Primolius maracana
374. Psephotus chrysopterygius
375. Psephotus dissimilis
376. Psephotus pulcherrimus
(possibly extinct)
377. Psittacula echo
378. Pyrrhura cruentata
379. Rhynchopsitta spp.
380. Strigops habroptilus

**RHEIFORMES**

*Rheidae: Rheas*
381. Pterocnemia pennata (Except Pterocnemia pennata pennata which is included in Appendix II)

**SPHENISCIFORMES**

*Spheniscidae: Penguins*
382. Spheniscus humboldti

**STRIGIFORMES: Owls**
383. Heteroglaux blewitti
384. Mimizuku gurneyi
385. Ninox natalis
386. Ninox novaeseelandiae undulata

**Tytonidae: Barn owls**
387. Tyto soumagnei

**STRUTHIONIFORMES**

*Struthionidae: Ostrich*
388. Struthio camelus

**TINAMIFORMES**

*Tinamidae: Tinamous*
389. Tinamus solitarius

**TROGONIFORMES**

*Trogonidae: Quetzals*
390. Pharomachrus mocinno
CLASS REPTILIA
(REPTILES)

CROCODYLIA: Alligators, caimans, crocodiles

391. CROCODYLIA spp. (Except the species included in Appendix I)
    Alligatoridae: Alligators, caimans

392. Alligator sinensis

393. Caiman crocodilus apaporiensis

394. Caiman latirostris (Except the population of Argentina, which is included in Appendix II)

395. Melanosuchus niger

    Crocodylidae: Crocodiles

396. Crocodylus acutus

397. Crocodylus cataphractus

398. Crocodylus intermedius

399. Crocodylus mindorensis

400. Crocodylus moreletii

401. Crocodylus niloticus niloticus

402. Crocodylus palustris

403. Crocodylus porosus

404. Crocodylus rhombifer

405. Crocodylus siamensis

406. Osteolaemus tetraspis

407. Tomistoma schlegelii

408. Gavialidae: Gavial

        Gavialis gangeticus

RHYNCHOCEPHALIA
Sphenodontidae: Tuatara

409. Sphenodon spp.

SAURIA
Chamaeleonidae: Chameleons

410. Brookesia perarmata

Helodermatidae: Beaded lizard, gila monster

411. Heloderma horridum charlesbogerti

Iguanidae: Iguanas

412. Brachylophus spp.

413. Cyclura spp.

414. Sauromalus varius

Lacertidae: Lizards

415. Gallotia simonyi

Varanidae: Monitor lizards

416. Varanus bengalensis

417. Varanus flavescens

418. Varanus griseus
419. Varanus komodoensis
420. Varanus nebulosus

**SERPENTES : Snakes**

**Boidae : Boas**

421. Acrantophis spp.
422. Boa constrictor occidentalis
423. Epicrates inornatus
424. Epicrates monensis
425. Epicrates subflavus

**Tropidophiidae : Wood boas**

426. Sanzinia madagascariensis

**Bolyeriidae : Round Island boas**

427. Bolyeria multocarinata
428. Casarea dussumieri

**Loxocemidae : Mexican dwarf boa**

429. Python molurus molurus

**TESTUDINES**

**Chelidae : Austro-American side-necked turtles**

431. Pseudemydura umbrina

**Cheloniidae : Marine turtles**

432. Cheloniidae spp.

**Emydidae : Box turtles, freshwater turtles**

433. Glyptemys muhlenbergii

**Testudinidae : Tortoises**

434. Terrapene Coahuila

**Geoemydidae : Box turtles, freshwater turtles**

435. Batagur affinis
436. Batagur baska
437. Geoclemys hamiltonii
438. Melanochelys tricarinata
439. Morenia ocellata
440. Pangshura tecta

**Trionychidae : Softshell turtles, terrapins**

441. Astrochelys radiata
442. Astrochelys yniphora
443. Chelonoidis nigra
444. Gopherus flavomarginatus
445. Psammobates geometricus
446. Pyxis arachnoides
447. Pyxis planicauda
448. Testudo kleinmannii

449. Apalone spinifera atra
450. Aspideretes gangeticus
451. Aspideretes hurum
452. Aspideretes nigricans

CLASS AMPHIBIA
(AMPHIBIANS)

ANURA
Bufonidae: Toads
453. Altiphrynoides spp.
454. Atelopus zeteki
455. Bugo periglenes
456. Bufo superciliaris
457. Nectophrynoides spp.
458. Nimbaphrynoides spp.
459. Spinophrynoides spp.
Microhylidae: Red rain frog, tomato frog
460. Dyscophus antongilii
Cryptobranchidae: Giant salamanders
461. Andrains spp.
Salamandridae: Newts and salamanders
462. Neurergus kaiseri

CLASS ELASMOBRANCHII
(SHARKS)

RAJIFORMES
Pristidae: Sawfishes
463. Pristidae spp. (Except the species included in Appendix II)

ACIPENSERIFORMES: Paddlefishes, sturgeons
Acipenseridae: Sturgeons
464. Acipenser brevirostrum
465. Acipenser sturio

CYPRINIFORMES
Catostomidae: Cui-ui
466. Chasmistes cujus
Cyprinidae: Blind carps, plaesok
467. Probarbus jullieni
OSTEOGLOSSIFORMES
Osteoglossidae: Arapaima, bonytongue
468. Scleropages formosus
PERCIFORMES
Sciaenidae: Totoaba
469. Totoaba macdonaldi
SILURIFORMES
Pangasiidae: Pangasid catfish
470. Pangasianodon gigas
CLASS SARCOPTERYGII
(LUNGFISHES)

COELACANTHIFORMES
Latimeriidae : Coelacanths

PHYLUM ARTHROPODA

LEPIDOPTERA
Papilionidae : Birdwing butterflies, swallowtail butterflies

PHYLUM MOLLUSCA

CLASS BIVALVIA
(CLAMS AND MUSSELS)

UNIONOIDA
Unionidae : Freshwater mussels, pearly mussels
STYLOMMATOPHORA
Achatinellidae: Agate snails, oahu tree snails
502. Achatinella spp

FLORA (PLANTS)

AGAVACEAE: Agaves
503. Agave parviflora

APOCYNACEAE: Elephant trunks, hoodias
504. Pachypodium ambongense
505. Pachypodium baronii
506. Pachypodium decaryi

507. ARAUCARIACEAE: Monkey-puzzle tree
508. Araucaria araucana

CACTACEAE: Cacti
509. Ariocarpus spp.
510. Astrophytum asterias
511. Aztekium ritteri
512. Coryphantha werdermannii
513. Discocactus spp.
514. Echinocereus ferreirianus ssp. lindsayi
515. Echinocereus schmollii
516. Escobaria minima
517. Escobaria sneedii
518. Mammillaria pectinifera
519. Mammillaria solistoides
520. Melocactus conoideos
521. Melocactus deinacanthus
522. Melocactus glaucescens
523. Melocactus paucispinus
524. Obregonia denegrii
525. Pachycereus militaris
526. Pediocactus bradyi
527. Pediocactus knowltonii
528. Pediocactus paradinei
529. Pediocactus peeblesianus
530. Pediocactus sileri
531. Pelecyphora spp.
532. Sclerocactus brevihamatus ssp. tobuschii
533. Sclerocactus erectocentrus
534. Sclerocactus glaucus
535. Sclerocactus mariposensis
536. Sclerocactus mesae-verdae
537. Sclerocactus nyensis
538. Sclerocactus papyracanthus
539. Sclerocactus pubispinus
540. Sclerocactus wrightiae
541. Strombocactus spp.
542. Turbinicarpus spp.
543. Uebelmannia spp.

**COMPOSITE: (Asteraceae) Kuth**
544. Saussurea costus

**CUPRESSACEAE: Alerce, cypresses**
545. Fitzroya cupressoides
546. Pilgerodendron uviferum

**CYCADACEAE: Cycads**
547. Cycas beddomei

**EUPHORBIACEAE: Spurges**
548. Euphorbia ambovombensis
549. Euphorbia capsaintemariensis
550. Euphorbia cremersil (Includes the forma viridifolia and the var. rakotozafy)
551. Euphorbia cylindrifolia (Includes the ssp. tuberifera)
552. Euphorbia decaryi (Includes the vars. ampanihyensis, robinsonii and spirosticha)
553. Euphorbia francoisii
554. Euphorbia moratti (Includes the vars. antsiqiensis, bemahensis and multiflora)
555. Euphorbia parvicyathophora
556. Euphorbia quartziticola
557. Euphorbia tulearensis

**FOUQUIERIACEAE: Ocotillos**
558. Fouquieria fasiculata
559. Fouquieria purpusii

**LEGUMINOSAE (Fabaceae): Afrormosia, cristobal, rosewood, sandalwood**
560. Dalbergia nigra

**LILIACEAE: Aloes**
561. Aloe albida
562. Aloe albiflora
563. Aloe alfredii
564. Aloe bakeri
565. Aloe bellatula
566. Aloe calcayirphila
567. Aloe compressa (Includes the vars. paucituberculata, rugousquamosa and schistophila)
568. Aloe delphinensis
569. Aloe descoingsii
570. Aloe fragilis
571. Aloe haworthioides (Includes the var. aurantiaca)
572. Aloe helenae
573. Aloe laeta (Includes the var. maniaensis)
574. Aloe parallelifolia
575. Aloe parvula
576. Aloe pillansii
577. Aloe polyphylla
578. Aloe rauhii
579. Aloe suzannae
580. Aloe versicolor
581. Aloe vossii

NEPENTHACEAE: Pitcher-plants (Old World)
582. Nepenthes khasiana
583. Nepenthes rajah

ORCHIDACEAE: Orchids
584. Aerangis ellisii
585. Dendrobium cruentum
586. Laelia jongheana
587. Laelia lobata
588. Paphipedilum spp.
589. Peristeria elata
590. Phragmipedium spp.
591. Renanthera imschootiana

PALMAE (Arecaceae): Palms
592. Chrysalidocarpus decipiens

PINACEAE: Firs and pines
593. Abies guatemalensis

PODOCARPACEAE: Podocarps
594. Podocarpus parlatorei

RUBIACEAE: Ayugue
595. Balmea Stormiae

SARRACENIACEAE: Pitcher-plants (New World)
596. Sarracenia oreophila
597. Sarracenia rubra
598. ssp. alabamensis
599. Sarracenia rubra ssp. jonesii

STANGERIACEAE: Stangerias
600. Stangeria eriopus

ZAMIACEAE: Cycads
601. Ceratozamia spp.
602. Chigua spp.
603. Encephalartos spp.
604. Microcycas Calacoma
APPENDIX—II

FAUNA (ANIMALS)
PHYLUM CHORDATA
CLASS MAMMALIA
(MAMMALS)

ARTIODACTYLA
Bovidae: Antelopes, cattle, duikers, gazellers, goats, sheep, etc.
1. Ammotragus lervia
2. Biscon bison athabascae
3. Budorcas taxicolor
4. Cephalophus brookei
5. Cephalophus dorsalis
6. Cephalophus ogilbyi
7. Cephalophus silvicultor
8. Cephalophus zebra
9. Damaliscus pygargus pygargus
10. Kobus leche
11. Ovis ammon (Except the subsepecies included in Appendix I)
12. Ovis canadensis
13. Ovis vignei (Except the subspecies included in Appendix I)
14. Philantomba monticola
15. Saiga borealis
16. Saiga tatarica
17. Lama guanicoe
18. Vicugna vicugna

Cervidae Deer: guemals, muntjacs, pudus
19. Cervus elaphus bactrianus
20. Pudu mephistophile

Hippopotamidae: Hippopotamuses
21. Hexaprotodon liberiensis
22. Hippopotamus amphibious

Moschidae: Musk deer
23. Moschus spp. (Except which are included in Appendix I)

Tayassuidae: Peccaries
24. Tayassuidae spp. (Except the species included in Appendix I)

CARNIVORA
Canidae: Bush dog, foxes, wolves
25. Canis lupus (Except which are included in Appendix I)
26. Cercocyon thous
27. Chrysocyon brachyurus
28. Cuon alpinus
29. Lycalopex fulvipes
30. Lycalopex fulvipes
31. Lycalopex griseus
32. Lycalopex gymnocoercus
33. Vulpes cana
34. Vulpes zerda

**Eupleridae: Fossa, Falanouc, Malagasy civet**
35. Cryptoprocta ferox
36. Eupleres goudotii
37. Fossa Fossana

**Felidae: Cats**
38. Felidae spp. (Except the species included in Appendix I.)

**Mephitidae: Hog-nosed skunk**
39. Conepatus humboldtii

**Lutrinae: Otters**
40. Lutrinae spp. (Except the species included in Appendix I)

**Otariidae: Fur seals, sealions**
41. Arctocephalus spp. (Except the species included in Appendix I)

**Phocidae: Seals**
42. Mirounga leonine

**Ursidae: Bears, giant panda**
43. Ursidae spp. (Except the species included in Appendix I)

**Viverridae: Binturong, civets, linsangs, otter-civet, palm civets**
44. Cynogale bennettii
45. Hemigalus derbyanus
46. Prionodon linsang

**CETACEA: Dolphins, porpoises, whales**
47. Cetacea spp. (Except the species included in Appendix I.)

**Pteropodidae: Fruit bats, flying foxes**
48. Acerodon spp. (Except the species included in Appendix I)
49. Pteropus spp. (Except the species included in Appendix I)

**CINGULATA**
50. Chaetophractus nationi

**DIPROTODONTIA**
51. Dendrolagus inustus
52. Dendrolagus ursinus

**Phalangeridae: Cuscuses**
53. Phalanger intercastellanus
54. Phalanger mimicus
55. Phalanger orientalis
56. Spilocuscus kraemeri
57. Spilocuscus maculatus
58. Spilocuscus papuensis

59. Zaglossus spp.

**MONOTREMATA**
Tachyglossidae: Echidnas, spiny anteaters

**PERISSODACTYLA**
Equidae: Horses, wild asses, zebras

60. Equus hemionus (Except the subsepecies included in Appendix I)
61. Equus kiang
62. Equus zebra hartmannae

**Rhinocerotidae: Rhinoceroses**
63. Ceratotherium simum simum

**Tapiridae: Tapirs**
64. Tapirus terrestris

**PHOLIDOTA**
Manidae: Pangolins
65. Manis spp.

**PILOSA**
Bradypodidae: Three-toed sloth
66. Bradypus variegates

**Myrmecophagidae: American anteaters**
67. Myrmecophaga tridactyla

**PRIMATES: Apes, monkeys**
68. Primate spp. (Except the species included in Appendix I)

**PROBOSCIDEA**
Elephantidae: Elephants
69. Loxodonta africana

**RODENTIA**
Sciuridae: Ground squirrels, tree squirrels
70. Ratufa spp.

**SCANDENTIA: Tree shrews**
71. Scandentia spp.

**SIRENIA**
Trichechidae: Manatees
72. Trichechus senegalensis

**CLASS AVES**
(BIRDS)

**ANSERIFORMES**
Anatidae: Ducks, geese, swans, etc.
73. Anas bernieri
74. Anas Formosa
75. Branta ruficollis
76. Coscoroba coscoroba
77. Cygnus melancoryphus
78. Dendrocygna arborea
79. Oxyura leucocephala
80. Sarkidiornis melanotos

**APODIFORMES**

Trochilidae: Hummingbirds
81. Trochilidae spp. (Except the species included in Appendix I)

**CICONIFORMES**

Balaenicipitidae: Shoebill, whale-headed stork
82. Balaeniceps rex

Ciconiidae: Storks
83. Ciconia nigra

Phoenicopteridae: Flamingos
84. Phoenicopteridae spp.

Threskiornithidae: Ibises, spoonbills
85. Eudocimus ruber
86. Geronticus calvus
87. Platalea leucorodia

**COLUMBIFORMES**

Columbidae: Doves, pigeons
88. Gallicolumba luzonica
89. Goura spp.

**CORACIIFORMES**

Bucerotidae: Hornbills
90. Aceros spp. (Except the species included in Appendix I)
91. Anorrhinus spp.
92. Anthracoceros spp.
93. Berenicornis spp.
94. Buceros spp. (Except the species included in Appendix I)
95. Penelopides spp.
96. Rhyticeros spp. (Except the species included in Appendix I)

**CUCULIFORMES**

Musophagidae: Turacos
97. Tauraco spp.

**FALCONIFORMES**

Eagles, falcons, hawks, vultures
98. Falconiformes spp. (Except the species included in Appendices I and III and the species of the family Cathartidae)

**GALLIFORMES**

Phasianidae: Grouse, guineafowl, partridges, pheasants, tragopans
99. Argusianus argus
100. Gallus sonneratii
101. Ithaginis cruentus
102. Pavo muticus
103. Polyleptron bicalcaratum
104. Polyleptron germaini
105. Polyleptron malacense
106. Polyleptron schleiermacheri

**GRUIFORMES**

**Gruidae: Cranes**

107. Gruidae spp. (Except the species included in Appendix I)

108. Otidae spp.

**Otididae: Bustards**


**Cotingidae: Cotingas**

110. Gubernatrix cristata
111. Paroaria capitata
112. Paroaria coronata
113. Tangara fastuosa

**Emberizidae: Cardinals, tanagers**

114. Amandava formosa
115. Lonchura oryzivora
116. Poephila cincta cincta

**Fringillidae: Finches**

117. Carduelis yarrellii

**Estrildidae: Mannikins, waxbills**

118. Cyornis ruckii
119. Garrulax canorus
120. Garrulax taewanus
121. Leiothrix argentauris
122. Leiothrix lutea
123. Liocichla omeiensis

**Paradisaeidae: Birds of paradise**

124. Paradisaeidae spp.

**Pittidae: Pittas**

125. Pitta guajana
126. Pitta nympha

**Pycnonotidae: Bulbul**

127. Pycnonotus zeylanicus

**Sturnidae: (Mynahs (Starlings)**

128. Gracula religiosa

**Ramphastidae: Toucans**

129. Pteroglossus aracari
130. Pteroglossus viridis
131. Ramphastos sulfuratus
132. Ramphastos toco
133. Ramphastos tucanus
134. Ramphastos vitellinus

**PSITTACHIFORMES**

135. Psittaciformes spp. (Except the species included in Appendix I and Agapornis roseicollis, Melopsittacus undulatus, Nymphicus hollandicus and Psittacula krameri, which are not included in the Appendices)

**RHEIFORMES**

Rheidae: Rheas

136. Pterocnemia pennata pennata
137. Rhea Americana

**SPHENISCIFORMES**

Spheniscidae: Penguins

138. Spheniscus demersus

**STRIGIFORMES** Owls

139. Strigiformes spp. (Except the species included in Appendix I)

**CLASS REPTILIA**  
(REPTILES)

**CROCODYLIA** Alligators, caimans, crocodiles

140. Crocodilia spp. (Except the species included in Appendix I)

**SAURIA**

Agamidae: Agamas, mastigures

141. Uromastyx spp.
142. Bradypodion spp.
143. Brookesia spp. (Except the species included in Appendix I)
144. Calumma spp.
145. Chamaeleo spp.
146. Furcifer spp.

Cordylidae: Spiny-tailed lizards

147. Cordylus spp.
148. Cyrtodactylus serpensinsula
149. Phelsuma spp.
150. Uroplatus spp.

Helodermatidae: Beaded lizard, gila monster

151. Heloderma spp. (Except the subspecies included in Appendix I)

Iguanidae: Iguanas

152. Amblyrhynchus cristatus
153. Conolophus spp.
154. Ctenosaura bakeri
155. Ctenosaura oedirhina
156. Ctenosaura melanosterna
157. Ctenosaura palearis
158. Iguana spp.
159. Phrynosoma blainvillii
160. Phrynosoma cerroense
161. Phrynosoma coronatum
162. Phrynosoma wigginsi

**Lacertidae: Lizards**

163. Podarcis lilfordi
164. Podarcis pityusensis

**Scincidae: Skinks**

165. Corucia zebrata

**Teiidae: Caiman lizards, tegu lizards**

166. Crocodilurus amazonicus
167. Dracaena spp.
168. Tupinambis spp.

**Varanidae: Monitor lizards**

169. Varanus spp. (Except the species included in Appendix I)

**Xenosauridae: Chinese crocodile lizard**

170. Shinisaurus crocodilurus

**SERPENTES: Snakes**

**Boidae: Boas**

171. Boidae spp. (Except the species included in Appendix I)

**Bolyeriidae: Round Island boas**

172. Bolyeriidae spp. (Except the species included in Appendix I)

**Colubridae: Typical snakes, water snakes, whipsnakes**

173. Clelia clelia
174. Cyclagras gigas
175. Elachistodon westermanni
176. Ptyas mucosus

**Elapidae: Cobras, coral snakes**

177. Hoplocephalus bungaroides
178. Naja atra
179. Naja kaouthia
180. Naja mandalayensis
181. Naja naja
182. Naja oxiana
183. Naja philippinensis
184. Naja sagittifera
185. Naja samarensis
186. Naja siamensis
187. Naja sputatrix
188. Naja sumatrana
189. Ophiophagus hannah
   - Loxocemidae: Mexican dwarf boa
190. Loxocemidae spp.
   - Pythonidae: Pythons
191. Pythonidae spp. (Except the species included in Appendix I)
   - Tropidophiidae: Wood boas
192. Tropidophiidae spp.
   - Viperidae: Vipers
193. Vipera wagneri

TESTUDINES
Carettochelyidae: Pig-nosed turtles
194. Carettochelys insculpta
   - Chelidae: Austro-American side-necked turtles
195. Chelodina maccordi
   - Dermatemydidae: Central American river turtle
196. Dermatemys mawii
   - Emydidae: Box turtles, freshwater turtles
197. Glyptemys insculpta
198. Terrapene spp. (Except the species included in Appendix I)
   - Geoemydidae: Box turtles, freshwater turtles
199. Batagur spp. (Except the species included in Appendix I)
200. Cuora spp.
201. Heosemys annandalii
202. Heosemys depressa
203. Heosemys grandis
204. Heosemys spinosa
205. Leucocephalon yuwonoi
206. Malayemys macrocephala
207. Malayemys subtrijuga
208. Mauremys annamensis
209. Mauremys mutica
210. Notochelys platynota
211. Orlitia borneensis
212. Pangshura spp. (Except the species included in Appendix I)
213. Siebenrockiella crassicollis
214. Siebenrockiella leytensis
   - Platysternidae: Big-headed turtle
215. Platysternon megacephalum
   - Podocnemididae: Afro-American side-necked turtles
216. Erymnochelys madagascariensis
217. Peltocephalus dumerilianus
218. Podocnemis spp.
   **Testudinidae: Tortoises**
219. Testudinidae spp. (Except the species included in Appendix I)
   **Trionychidae: Softshell turtles, terrapins**
220. Amyda cartilaginea
221. Chitra spp.
222. Lissemys punctata
223. Lissemys scutata
224. Pelochelys spp.

**CLASS AMPHIBIA**
   *(AMPHIBIANS)*

**ANURA**
   **Dendrobatidae: Poison frogs**
225. Allobates femoralis
226. Allobates zaparo
227. Cryptophyllobates azureiventris
228. Dendrobates spp.
229. Epipedobates spp.
230. Phyllobates spp.
   **Hylidae: Tree frogs**
231. Agalychnis spp.
232. Mantellidae Mantellas
233. Mantella spp.
   **Microhylidae: Red rain frog, tomato frog**
234. Scaphiophryne gottlebei
   **Ranidae: Frogs**
235. Euphlyctis hexadactylus
236. Hoplobatrachus tigerinus
   **Rheobatrachidae: Gastric-brooding frogs**
237. Rheobatrachus spp.
   **CAUDATA**
   **Ambystomatidae: Axolotls**
238. Ambystoma dumeriliii
239. Ambystoma mexicanum

**CLASS ELASMOBRANCHII**
   *(SHARKS)*

**LAMNIFORMS**
   **Cetorhinidae: Basking shark**
240. Cetorhinus maximus
   **Lamnidae: Great white shark**
241. Carcharodon carcharias
ORECTOLOBIFORMES
Rhincodontidae: Whale shark
242. Rhincodon typus

RAJIFORMES
Pristidae: Sawfishes
243. Pristis microdon

CLASS ACTINOPTERYGII
(FISHES)
ACIPENSERIFORMES Paddlefishes, sturgeons
244. Acipenseriformes spp. (Except the species included in Appendix I)

ANGUILLIFORMES
Anguillidae: Freshwater eels
245. Anguilla anguilla
Cyprinidae: Blind carps, plaeesok
246. Caecobarbus geertsi

OSTEGOGLOSSIFORMES
Osteoglossidae: Arapaima, bonytongue
247. Arapaima gigas

PERCIFORMES
Labridae: Wrasses
248. Cheilinus undulates

CLASS SARCOPTERYGII
(LUNGFISHES)
CERATODONTIFORMES
Ceratodontidae: Australian lungfish
249. Neoceratodus forsteri

PHYLUM ARTHROPODA
CLASS ARACHNIDA
(SCORPIONS AND SPIDERS)
ARANAE
Theraphosidae: Red-kneed tarantulas, tarantulas
250. Aphonopelma albiceps
251. Aphonopelma pallidum
252. Brachypelma spp.

SCORPIONES
Scorpionidae: Scorpions
253. Pandinus dictator
254. Pandinus gambiensis
255. Pandinus imperator

CLASS INSECTA
(INSECTS)
COLEOPTERA
Scarabaeidae: Scarab beetles
256. Dynastes satanas
Papilionidae: Birdwing butterflies, swallowtail butterflies
257. Atrophaneura jophon
258. Atrophaneura pandiyana
259. Bhutanitis spp.
5
260. Ornithoptera spp. (Except the species included in Appendix I)
261. Parnassius apollo
262. Teinopalpus spp.
263. Trogonoptera spp.
264. Troides spp.

PHYLUM ANNELIDA
CLASS HIRUDINOIDEA
(LEECHES)

ARHYNCHOBDELLIDA
Hirudinida: Medicinal leeches
15
265. Hirudo medicinalis
266. Hirudo verbena

PHYLUM MOLLUSCA
CLASS BIVALVIA
(CLAMS AND MULLELS)

MYTILOIDA
Mytilidae: Marine mussels
267. Lithophaga lithophaga

UNIONOIDA
Unionidae: Freshwater mussels, pearly mussels
25
268. Cyprogenia aberti
269. Epioblasma torulosa rangina
270. Pleurobema clava

VENEROIDA
Tridacnidae: Giant clams
30
271. Tridacnidae spp.

CLASS GASTROPODA
(SNAILS AND CONCHES)

MESOGASTROPODA
Strombidae: Queen conch
35
272. Strombus gigas

STYLOMMATOPHORA
Camaenidae: Green tree snail
273. Papustyla pulcherrima

PHYLUM CNIDARIA
CLASS ANTHOZOA
(CORALS AND SEA ANEMONES)

ANTIPATHARIA: Black corals
274. Antipatharia spp.
HELIOPORACEA
Helioporidae: Black corals
275. Helioporidae spp. (Includes only species Heliopora coerulea. Fossils are not subject to the provisions of the Convention)

SCLERACTINIA: Stony corals
276. Scleractinia spp. (Fossils are not subject to the provisions of the Convention)

STOLONIFERA
Tubiporidae: Organ-Pipe corals
277. Tubiporidae spp. (Fossils are not subject to the provisions of the Convention)

CLASS HYDROZOA
(SEA FERNS, FIRE CORALS AND STINGING MEDUSAE)

MILLEPORINA
Milleporidae: Fire corals
278. Milleporidae spp. (Fossils are not subject to the provisions of the Convention)

STYLASTERINA
Stylasteridae Lace corals
279. Stylasteridae spp. (Fossils are not subject to the provisions of the Convention)

FLORA (PLANTS)
AGAVACEAE: Agaves
280. Agave victoriae-reginae
281. Nolina interrata

AMARYLLIDACEAE: Snowdrops, sternbergias
282. Galanthus spp.
283. Sternbergias spp.

ANACADIACEAE: Cashews
284. Operculicarya hyphaenoides
285. Operculicarya pachypus

APOCYNACEAE: Elephant trunks, hoodias
286. Hoodia spp.
287. Pachypodium spp. (Except the species included in Appendix I)
288. Rauwolfia serpentine

ARALIACEAE: Ginseng
289. Panax ginseng
290. Panax quinque folius

BERBERIDACEAE: May-apple
291. Podophyllum hexandrum

BROMELIACEAE: Air plants, bromelias
292. Tillandsia harrisi
293. Tillandsia kammii
294. Tillandsia kautskyi
295. Tillandsia mauryana
296. Tillandsia sprengeliana
297. Tillandsia sucrei
298. Tillandsia xerographica
CACTACEAE: Cacti

299. Cactaceae spp. (Except the species included in Appendix I and except Pereskia spp. Pereskiopsis spp. and Quiabentia spp.)

CARYOCARACEAE: Ajo

300. Caryocar costaricense

CRASSULACEAE: Dudleyas

301. Dudleya stolonifera

302. Dudleya traskiae

CUCURBITACEAE: Melons, gourds, cucurbits

303. Zygocicys pubescens

304. Zygocicys tripartitus

CYATHEACEAE: Tree-ferns

305. Cyathea spp.

CYCADACEAE: Cycads

306. Cycadaceae spp. (Except the species included in Appendix I)

DICKSONIACEAE: Tree-ferns

307. Cibotium barometz

308. Dicksonia spp.

DIDIEREACEAE: Alluaudias, didiereas

309. Didiereaceae spp.

DIOSCOREACEAE: Elephant's foot, kniss

310. Dioscorea deltoidea

DROSERACEAE: Venus' flytrap

311. Dionaea muscipula

EUPHORBIACEAE: Spurges

312. Euphorbia spp.

FOUQUIERIACEAE: Ocotillos

313. Fouquieria columnaris

JUGLANDACEAE: Gavilan

314. Oreocunnea pterocarpa

LAURACEAE: Laurels

315. Aniba rosaeodora

LEGUMINOSAE (Fabaceae): Afrormosia, cristobal, rosewood, sandalwood

316. Caesalpinia echinata

317. Pericopsis elata

318. Platymiscium pleiostachyum

319. Pterocarpus santalinus

LILIACEAE: Aloes

320. Aloe spp.

MELIACEAE: Mahoganies, Spanish cedar

321. Swietenia humilis
322. Swietenia macrophylla
323. Swietenia mahagoni

**Nepenthaceae: Pitcher-plants (Old World)**

324. Nepenthes spp.

**Orchidaceae: Orchids**

325. Orchidaceae spp.

**Orobanchaceae: Broomrape**

326. Cistanche deserticola

**Palmae (Arecaceae): Palms**

327. Beccariophoenix madagascariensis
328. Lemurophoenix halleuxii
329. Marojejya darianii
330. Neodypsis decaryi
331. Ravenea lauveli
332. Ravenea rivularis
333. Satranala decussilvae
334. Voanioala gerardii

**Passifloraceae: Passion-flowers**

335. Adenia olaboensis

**Portulacaceae: Lewisias, portulacas, purslanes**

336. Anacampseros spp.
337. Avonia spp.
338. Lewisia serrata

**Primulaceae: Cyclamens**

339. Cyklamen spp.

**Ranunculaceae: Golden seals, yellow adonis, yellow root**

340. Adonis vernalis
341. Hydrastis Canadensis

**Rosaceae: African cherry, stinkwood**

342. Prunus Africana

**Rubiaceae: Ayuuge**

343. Sarracenia spp. (Except the species included in Appendix I)

**Scrophulariaceae: Kutki**

344. Picrorhiza kurrooa (Excludes Picrorhiza scrophulariiflora)

**Stangeriaceae: Stangerias**

345. Bowenia spp.

**Taxaceae: Himalayan yew**

346. Taxus chinesis and infraspecific taxa of this species
347. Taxus cuspidata and infraspecific taxa of this species
348. Taxus fuana and infraspecific taxa of this species
349. Taxus sumatrana and infraspecific taxa of this species
350. Taxus wallichiana
THYMELAEACEAE (Aquiliariaceae): Agarwood, ramin

351. Aquilaria spp.
352. Gonystylus spp.
353. Gyrinops spp.

5 VALEIRINACEAE: Himalayan spikenard

354. Nardostachys grandiflora

VITACEAE: Grapes

355. Cyphostemma elephantopus
356. Cyphostemma montagnacii

10 WELWITSCHIACEAE: Welwitschia

357. Welwitschia mirabilis

ZAMIACEAE: Cycads

358. ZAMIACEAE spp. (Except the species included in Appendix I)

ZINGIBERACEAE: Ginger lily

15 359. Hedychium philippinense

ZYGOPHYLLACEAE: Lignum-vitae

360. Bulnesia sarmientoi
361. Guaiacum spp.
APPENDIX-III

FAUNA (ANIMALS)
PHYLUM CHORDATA
CLASS MAMMALIA
(MAMMALS)

ARTIODACTYLA
Bovidae: Antelopes, cattle, duikers, gazelles, goats, sheep, etc.
1. Antilope cervicapra
2. Bubalus arnee (Excludes the domesticated form, which is referenced as Bubalus bubalis)
3. Gazella dorcas
4. Tetracerus quadricornis
   
   Cervidae: Deer, guemals, muntjacs, pudus
5. Cervus elaphus barbarus
6. Mazama temama cerasina
7. Odocoileus virginianus mayensis

CARNIVORA
Canidae: Bush dog, foxes, wolves
8. Canis aureus
9. Vulpes bengalensis
10. Vulpes vulpes griffithi
11. Vulpes vulpes montana
12. Vulpes vulpes pusilla

   Herpestidae: Mongooses
13. Herpestes edwardsi
14. Herpestes fuscus
15. Herpestes javanicus
16. Auropunctatus
17. Herpestes smithii
18. Herpestes urva
19. Herpestes vitticollis

   Hyaenidae: Aardwolf
20. Proteles cristata

   Mustelinae: Grisons, honey badger, martens, tayra, weasels
21. Eira barbara
22. Galictis vittata
23. Martes flavigula
24. Martes foina intermedia
25. Martes gواتکینسی
26. Mellivora capensis
27. Mustela altaica
28. Mustela erminea ferghanae
29. Mustela kathiah
30. Mustela sibirica
   **Odobenidae: Walrus**
31. Odobenus rosmarus
32. Bassaricyon gabbii
33. Bassariscus sumichrasti
34. Nasua narica
35. Nasua nasua solitaria
36. Potos flavus
   **Procyonidae: Coatis, kinkajou, olingos**
37. Arctictis binturong
38. Civettictis civetta
39. Paguma larvata
40. Paradoxurus hermaphroditus
41. Paradoxurus jerdoni
42. Viverra civettina
43. Viverra zibetha
44. Viverricula indica
45. Platyrrhinus lineatus
   **Viverridae: Binturong, civets, linsangs, otter-civet, palm civets**
46. Cabassous centralis
47. Cabassous tatouay
   **CHIROPTERA**
48. Choloepus hoffmannii
   **Phyllostomidae: Broad-nosed bat**
49. Tamandua mexicana
   **Megalonychidae: Two-toed sloth**
50. Cuniculus paca
   **Erethizontidae: New World porcupines**
51. Dasyprocta punctata
   **Sciuridae: Ground squirrels, tree squirrels**
52. Sphiggurus mexicanus
53. Sphiggurus spinosus
54. Marmota caudata
55. Marmota himalayana
56. Sciurus deppei
CLASS AVES
(BIRDS)

ANSERIFORMES
Anatidae: Ducks, geese, swans, etc.
57. Cairina moschata 5
58. Dendrocygna autumnalis
59. Dendrocygna bicolor

CHARADRIIFORMES
Burhinidae: Thick-knee
60. Burhinus bistriatus 10

COLUMBIFORMES
Columbidae: Doves, pigeons
61. Nesoenas mayeri

CUCULIFORMES
Cathartidae: New World vultures 15
62. Sarcoramphus papa

GALLIFORMES
Cracidae: Chachalacas, curassows, guans
63. Crax alberti 20
64. Crax daubentoni
65. Crax globulosa
66. Crax rubra
67. Ortalis vetula
68. Pauxi pauxi
69. Penelope purpurascens 25
70. Penelopina nigra

Phasianidae: Grouse, guineafowl, partridges, pheasants, tragopans
71. Meleagris ocellata
72. Tragopan satyra

PASSERIFORMES
Cotingidae: Cotingas 30
73. Cephalopterus ornatus
74. Cephalopterus penduliger

Musciapidae: Old World flycatchers
75. Acrocephalus rodericanus 35
76. Terpsiphone bourbonnensis

PICIFORMES
Capitonidae: Barbet
77. Semnornis ramphastinus

Ramphastidae: Toucans 40
78. Baiillonius bailloni
79. Pteroglossus castanotis
80. Ramphastos dicolorus
81. Selenidera maculirostris
SAURIA
Gekkonidae: Geckos

82. Hoplodactylus spp.
83. Naultinus spp.

SERPENTES: Snakes
Colubridae Typical snakes, water snakes, whip snakes
84. Atretermination schistosum
85. Cerberus rynchops
86. Xenochrophis piscator

Elapidae: Cobras, coral snakes
87. Micrurus diastema
88. Micrurus nigrocinctus

Viperidae: Vipers
89. Crotalus durissus
90. Daboia russelii

TESTUDINES
Chelydridae: Snapping turtles
91. Macrochelys temminckii

Emydidae: Box turtles, freshwater turtles
92. Graptemys spp.

Geoemydidae: Box turtles, freshwater turtles
93. Geoemyda spengleri
94. Mauremys iversoni
95. Mauremys megalococephala
96. Mauremys nigricans
97. Mauremys pritchardi
98. Mauremys reevesii
99. Mauremys sinensis
100. Ocadia glyphistoma
101. Ocadia philippeni
102. Sacalia bealei
103. Sacalia pseudocellata
104. Sacalia quadriocellata

Trionychidae: Softshell turtles, terrapins
105. Palea steindachneri
106. Pelodiscus axenaria
107. Pelodiscus maackii
108. Pelodiscus parviformis
109. Rafetus swinhoei
PHYLUM ECHINODERMATA
CLASS HOLOTHUROIDEA
(SEA CUCUMBERS)

ASPIDOCHIROTIDA
Stichopodidae Sea cucumbers
110. Isostichopus fuscus

CLASS INSECTA
(INSECTS)

COLEOPTERA
Lucanidae: Cape stag beetles
111. Colophon supp.

LEPIDOPTERA
Nymphalidae: Brush-footed butterflies
112. Agrias amydon boliviensis
113. Morpho godartii lachamei
114. Prepona praeneste buckleyana

PHYLUM CNIDARIA
CLASS ANTHOZOA
(CORALS AND SEA ANEMONES)

GORGONACEAE
Coralliidae
115. Corallium elatius
116. Corallium japonicum
117. Corallium konjoi
118. Corallium secundum

FLORA (PLANTS)

GNETACEAE: Gnetums
119. Gnetum montanum

LEGUMINOSAE (Fabaceae): Afrormosia, cristobal, rosewood, sandalwood
120. Dalbergia retusa
121. Dalbergia stevensonii
122. Dipteryx panamensis

MAGNOLIACEAE: Magnolia
123. Magnolia liliifera var obovata

MELIACEAE: Mahoganies, Spanish cedar
124. Cedrela fissilis
125. Cedrela lilloi
126. Cedrela odorata

PALMAE (Arecaceae): Palms
127. Lodoicea maldivica

PAPAVERACEAE: Poppy
128. Meconopsis regia

PINACEAE: Firs and pines
129. Abies guatemalensis
130. Pinus koraiensis

PODOCARPACEAE: Podocarps
131. Podocarpus nerifolius

TROCHODENDRACEAE: (Tetracentraceae) Tetracentron
132. Tetracentron sinense
STATEMENT OF OBJECTS AND REASONS

The Wild Life (Protection) Act, 1972 provides for the protection and conservation of wild animals, birds and plants. The said Act provides *inter alia*, for the management of their habitats and regulation and control of trade or commerce thereof.

2. Taking into consideration the increase in wild life crime, the Central Government had constituted a Tiger Task Force. The Tiger Task Force, in its report, had recommended for amending the Wild Life (Protection) Act, 1972 so as to increase the punishments for violating provisions of the Act. Consequent upon the recommendations the Task Force, a Committee was constituted for examining the recommendations made by the Tiger Task Force relating to amendments in the Act and the provisions for enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in the country, and suggesting other necessary amendments. India is a party to the said Convention and it is obligatory for the country to bring in necessary legislative changes to facilitate implementation of CITES.

3. The Committee, *inter alia*, recommended to insert a new Chapter VB, in the Act consistent with the provisions of the CITES. The terms, phrases and definitions etc. in the Chapter would have the same meaning as given in the CITES.


   (a) insert new definitions in view of the amendments proposed in the Act;
   
   (b) provide for prohibition on use of animal traps except under certain circumstances;
   
   (c) provide for grant of permit for scientific research;
   
   (d) make provisions relating to CITES so as to control illegal international trade in wild life;
   
   (e) increase the punishment for offences under the Act;
   
   (f) make provision considering certain activities as non prohibitive under section 29 of the Act, such as, grazing or movement of livestock, *bona fide* use of drinking and household water by local communities, etc.;
   
   (g) provide for protection of hunting rights of the Scheduled Tribes in the Union territory of Andaman and Nicobar Islands;
   
   (h) insert a new Schedule VII to the Act so as to include the Appendices listing out flora and fauna for purposes of regulation of international trade under CITES;
   
   (i) make certain consequential and other amendments to the Act.

5. The notes on clauses explain in detail various provisions contained in the Bill.

6. The Bill seeks to achieve the above objectives.

JAYANTHI NATARAJAN

New Delhi;

Notes on clauses

Clause 2.—This clause seeks to amend section 2 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act) which relates to definitions.

Clause 3.—This clause seeks to amend sub-section (3) of section 5B of the Act which relates to standing committee of the National Board for Wildlife.

It is proposed to provide that rules may be made prescribing the terms and conditions of committees, sub-committees or study groups to be constituted, by the National Board in discharge of functions assigned to it.

Clause 4.—This clause seeks to insert new section 9A which relates to prohibition on animal traps.

It provides that no person shall manufacture, sell, purchase, keep, transport or use any animal trap except with prior permission given in writing by the Chief Wild Life Warden for educational and scientific purposes.

It further provides that every person, who possesses any animal trap on the date of commencement of the proposed legislation, shall within sixty days from such commencement, shall make declarations to that effect.

It also provides that the Chief Wild Life Warden may purposes, then person to possess such trap subject to conditions.

It also provides that all declared animal traps, of which permission has not been granted shall become the property of the State Government. In the prosecution for any offence under the proposed section, it shall be presumed that a person in possession of animal trap is in unlawful possession of such trap.

Clause 5.—This clause seeks to insert a new section 12A which relates to grant of permit for scientific research.

It provides that notwithstanding anything contained in the Act, the Chief Wildlife Warden, shall grant a permit to any person to conduct scientific research subject to such conditions and in such.

It further provides for the Central Government to prescribe in respect of certain matters.

Clause 6.—This clause seeks to amend section 18 of the Act relating to declaration of Sanctuary.

It provides that the State Government shall declare its intention to constitute any area which falls under the Scheduled Areas as a sanctuary in consultation with the Gram Sabha concerned.

Clause 7.—This clause seeks to amend section 22 of the principal Act which relates to inquiry by the Collector.

It provides that the Collector claims and rights shall ascertain the same from the records of the State Government and of the Gram Sabha and the evidence of any person acquainted with such rights.

Clause 8.—This clause seeks to amend section 28 of the principal Act which relates to grant of permit.

It proposes to grant permit for documentary film-making also without making any change in habitat or causing any adverse impact to it or wildlife.”.
Clause 9.—This clause seeks to substitute the existing Explanation to section 29 of the principal Act which relates to destruction, etc., in sanctuary prohibited without a permit. It proposes to include the reference of section 11, 12 and clause (c) of sub-section (2) of section 24 for the purposes enhancing the scope of the Explanation.

Clause 10.—This clause seeks to amend section 32 of the principal Act which relates to ban on use of injurious substances. It proposes to include other substances or equipment with a view to ban carrying of injurious equipments inside the sanctuary.

Clause 11.—This clause seeks to amend section 33 of the principal Act which relates to control of sanctuaries. It proposes that the Chief Wild Life Warden shall control, manage and maintain all sanctuaries in accordance with the management plan prepared as per guidelines issued by the Central Government and also to include Government lodges within the purview of clause (a) thereof.

Clause 12.—This clause seeks to amend section 35 of the principal Act which relates to declaration of National Parks. It proposes to insert a new proviso to sub-section (1) of the aforesaid section to provide that the State Government shall declare its intention to constitute any area which falls under the Scheduled Areas as a National Park in consultation with the Gram Sabha concerned.

It further proposes to insert a new sub-section (2A) to provide that the notification under sub-section (1) shall include relevant details of forests (including forest compartment number) and revenue records pertaining to the area proposed to be declared as a National Park.

Clause 13.—This clause seeks to amend section 36D of the principal Act which relates to Community Reserve Management Committee. It proposes to reduce the representatives from five to three to be nominated by the village panchayats, etc.

It further proposes to insert a new sub-section (2A) which provides that where a community reserve is declared on private land under sub-section (1) of section 36C, the Community Reserve Management Committee shall consist of the owner of the land along with a representative of the State Forests or Wildlife Department under whose jurisdiction the Community Reserve is located.

Clause 14.—This clause seeks to amend section 38 of the principal Act which relates to power of the Central Government to declare areas as sanctuaries or National Parks. It proposes to insert a new proviso to sub-section (2) of the aforesaid section to provide that the State Government shall declare its intention to constitute any area which falls under the Scheduled Areas as a National Park in consultation with the Gram Sabha concerned.

Clause 15.—This clause seeks to amend section 38C of the principal Act which relates to functions of the Central Zoo Authority. It proposes to insert a new clause (aa) which enables the Authority to supervise the overall functioning of the zoos and authorise the concerned Chief Wild Life Warden to supervise the zoo.

Clause 16.—This clause seeks to amend section 38J of the principal Act which relates to prohibition of teasing, etc., in a zoo.
It proposes to confer power upon the Central Zoo Authority to issue guidelines in this regard.

Clause 17.—This clause seeks to amend section 38L of the principal Act which relates to constitution of National Tiger Conservation Authority.

It proposes to substitute clauses (l) and (m) of sub-section (2) include officers of the National Commission of Scheduled Tribes and National Commission for the Scheduled Castes of officers authorised by them.

Clause 18.—This clause seeks to amend section 38-O of the principal Act which relates to powers and functions of Tiger Conservation Authority.

It proposes to enable the Authority to make grants to the State Government for implementation of tiger conservation plans.

Clause 19.—This clause seeks to insert a new section 38XA which provides that the provisions contained in Chapter IVB shall be in addition to, and not in derogation of, the provisions relating to the Sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under the principal Act.

Clause 20.—This clause seeks to amend the heading of Chapter IVC of the principal Act with respect to the nomination of the Wild Life Crime Control Bureau.

Clause 21.—This clause seeks to substitute section 38Y of the principal Act which relates to constitution of Wild Life Crime Control Bureau and also to the change of name of the Wild Life Crime Control Bureau.

Clause 22.—This clause seeks to amend section 39 of the principal Act relating to wild animals, etc., to be Government property.

It proposes to amend sub-section (l) of the aforesaid section so as to include specified plant picked, uprooted, kept, damaged or destroyed, dealt with or sold under section 17A within the scope of the said sub-section (l).

It further proposes to insert a new sub-section (4) to provide that where Government property is alive animal and it cannot be released to its natural habitat, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre.

Clause 23.—This clause seeks to insert new Chapter VB in the principal Act for Regulation of International Trade in Endangered Species of Wild Fauna and Flora.

The proposed new section 49D seeks to _inter alia_, define the words and expression for the purposes of the proposed new Chapter.

The proposed new section 49E provides for application of the provisions of the proposed Chapter to animal and plant species listed in Schedule VII and exotic species.

The proposed new section 49F makes provision of Management Authority and other officers.

It further provides that the Central Government may designate an officer not below the rank of Additional Director General of Forests as the Management Authority for discharging functions and exercising powers under the proposed legislation.

It also provides that 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 and other functions as required under the proposed Chapter and he shall, on the advice of the Scientific Authority, notify the exotic species of animals and plants not covered by the Convention and prepare and submit annual and biennial reports to the Central Government.
It also provides that the Central Government may appoint officers and employees to assist the Management Authority in discharging his functions or exercising powers.

It also enables the Management Authority to delegate the functions or powers [except the power to notify exotic species under sub-section (3)], to the officers not below the rank of Assistant Inspector General of Forests.

The proposed new section 49G provides for powers of Management Authority.

It provides that the Management Authority shall, while discharging the functions or exercising powers ensure certain matters specified therein.

The proposed new section 49H provides for Scientific Authorities. It provides that the Central Government may designate one or more institutes established by it and engaged in research in wildlife, as the Scientific Authority for the purposes of the proposed Chapter.

It further provides that the designated Scientific Authority shall advise the Management Authority in such matters as may be referred to it by the Management Authority.

It also provides that the Scientific Authority, while advising the Management Authority shall be guided by the principles specified therein and the Scientific Authority shall monitor the export permits granted by the Management Authority for specimens of species included in Appendix II to Schedule VII.

It also provides that it shall be the duty of the Scientific Authority to identify and inform the Management Authority of exotic species of animals and plants which are not covered by Schedule VII and require regulation thereof (i) to protect the indigenous gene pool of the wildlife found in India; (ii) to avoid threat to the wildlife or ecosystems of India as such species are invasive in nature; (iii) to protect such species as they, in the opinion of the Scientific Authority, are critically endangered in the habitats in which they occur naturally.

The proposed new section 49-I provides that the Management Authority and the Scientific Authority, while performing their duties and exercising powers, shall be subject to such general or special directions, as the Central Government may, from time to time, give in writing.

The proposed new section 49J provides for constitution of a co-ordination committee for the purpose of ensuring co-ordination between the Management Authority and Scientific Authority, State Chief Wildlife Wardens and other enforcement authorities or agencies dealing with trade in wildlife.

The proposed new section 49K provides that no person shall enter into any international trade in scheduled specimens included in Appendix I to Schedule VII.

It further provides that no person shall enter into any trade in any scheduled specimen except in accordance with the certificate granted by the Management Authority or the officer authorised by him in such manner as may be prescribed.

It also provides that every person trading in any scheduled specimen shall report the details of the scheduled specimen and the transaction to the Management Authority or the officer authorised by him in such manner as may be prescribed.

It also provides that every person, desirous of trading in a scheduled specimen, shall present it for clearance to the Management Authority or the officer authorised by him or a customs officer only at the ports of exit and entry specified thereof.

The proposed new section 49L provides that 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 him within such period and in such manner as may be prescribed.
It further provides that the Management Authority or the officer authorised by him may, on being satisfied that any exotic species or scheduled specimen was in possession of a person being the owner prior to the date of coming into force of the proposed legislation and the rules made thereunder, or was obtained, in conformity with the Convention, 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.

It also provides that any person who transfers possession 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 such form and within such period and in such manner as may be prescribed and the Management Authority or the officer authorised by him shall register all transfers of scheduled specimens or exotic species and issue the transferee with a registration certificate in such manner as may be prescribed.

It also provides that 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 him in such form and within such period and in such manner as may be prescribed.

It also provides that the Management Authority or the officer authorised by it shall on receipt of the report, register any offspring born to any scheduled specimen or exotic species and issue the owner with a registration certificate in such manner as may be prescribed.

It also provides that any person shall possess, transfer or breed any scheduled specimen or exotic species except in conformity with this section and the rules made thereunder; and 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 the country in any manner.

The proposed new section 49M provides for registration of persons engaged in breeding or artificially propagating specimen of Schedule VII. It provides that every person who is engaged in the breeding in captivity or artificially propagating any scheduled specimen listed in Appendix I of Schedule VII shall make an application for registration to the Conservator of Forest (Wildlife) within a period of ninety days of the commencement of the proposed legislation.

It further provides that the form of application to be made to the Conservator of Forest (Wildlife) under sub-section (1), the particulars to be contained in such application form, the manner in which such application shall be made, the fee payable thereon, the form of certificate of registration, the procedure to be followed in granting or cancelling the certificate of registration shall be such as may be prescribed.

The proposed new section 49N provides for registration and issue of certificate of registration.

It further provides that if the Conservator of Forest (Wildlife) is not satisfied that the provisions of the Act and rules made thereunder are complied with or if a false particular is furnished, he may refuse or cancel the registration as the case may be.

It also provides that the certificate of registration shall be issued for a period of two years and may be renewed after two years on payment of such fee as may be prescribed.

It also provides that any person aggrieved by the refusal of the Conservator of Forest (Wildlife) or cancellation of registration may prefer an appeal to the Chief Wildlife Warden.

The proposed new section 49-O provides for prohibition of erasing of a mark of identification. It provides that no person shall alter, deface, erase or remove a mark of identification affixed upon the exotic species or scheduled specimen or its package.

The proposed new section 49P provides that exotic species of scheduled specimen to be Government property.
It further provides that 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 animals articles referred to in sub-section (1) of that section.

It also provides that where specimen referred to in sub-section (2) is a live animal, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre in case it cannot be released to its natural habitat.

Clause 24.—This clause seeks to amend section 50 of the principal Act which relate to power of entry, search, arrest and detention. It seeks to confer power of entry, search, arrest and detention on any officer authorised by the Management Authority or any customs officer not below the rank of an inspector or any officer of the coast guard not below the rank of an Assistant Commandant.

It further seeks to insert a new sub-section (10) which provides that during any inquiry or trial of an offence under the 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) was involved in any way in the commission of an offence under the Act, the Judge or Magistrate shall not order for the return of such property to its rightful owner until the conclusion of the trial of the offence notwithstanding anything contained in section 451 of the Code of Criminal Procedure.

Clause 25.—This clause seeks to insert new section 50A and 50B.

The proposed new section 50A provides for power to undertake delivery. It provides that the Director Wildlife Crime Control Bureau or any other officer authorised by him, may, undertake control of 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 a consignment is destined, in such manner as may be prescribed.

The proposed new section 50B provides that the police to take charge of articles seized and delivered. It provides that an officer-in-charge of a police station as and when so requested in writing by an officer mentioned in sub-section (1) of section 50, shall take charge of and keep in safe custody, pending the order of the Magistrate, all articles seized under the Act.

It further provides that the officer-in-charge may allow any officer to accompany such articles to the police station or who may be deputed, 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.

It also provides that without prejudice to the provisions contained in the Code of Criminal Procedure, 1973 or any other law for the time being in force, the Central Government may, by rules, specify the manner of dealing with the articles forwarded to the police officer under sub-section (1).

Clause 26.—This clause seeks to substitute sections 51 and 51A of the principal Act relating to penalties and certain conditions to apply while granting bail. It provides that any person who contravenes any provision of the Act or any rule or order made thereunder, or terms and conditions of any licence or permit granted under the Act, shall be guilty of an offence and shall, on conviction, be liable to be punished in the manner specified under sub-sections (2) to (7).

It further provides that where the 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 fine which shall not be less than one lakh rupees but may extend to twenty-five lakh rupees and in the case of a second or subsequent offence, of the nature mentioned in this sub-section, the term of imprisonment shall not be less than seven years and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.
It also provides that where the offence relates to the sale or purchase or transfer or offer for sale or trade 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, shall be punishable with imprisonment for a term which shall not be less than seven years and also with fine which shall not be less than fifteen lakh rupees and in the case of a second or subsequent offence, of the nature mentioned in this sub-section, the term of imprisonment shall not be less than seven years and also with fine which shall not be less than thirty lakh rupees.

It also provides that where the offence relates to the sale or purchase or transfer or offer for sale or trade 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 may extend to three years or with fine which may extend to one lakh rupees or with both and in case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment which may extend to five years or with fine which may extend to three lakh rupees or with both.

It also provides that where the 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 may extend to seven years and also with fine which shall not be less than five lakh rupees but may extend to twenty-five lakh rupees and in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment shall not be less than seven years and also with fine which shall not be less than thirty lakh rupees.

It also provides that 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 fine which shall not be less than five lakh rupees but may extend to thirty lakh rupees and in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment shall not be less than seven years and also with fine which shall not be less than fifty lakh rupees.

It also provides that where the offence relates to contravention of the provisions of section 38J, 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 and in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to one year or with fine which may extend to ten thousand rupees or with both.

The proposed new section 51A provides for other offences. It provides that where the offence relates to contravention of any other provision of the Act or any rule or order made thereunder, or the breach of any of the terms and conditions of any licence or permit granted under this Act, such offence shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to twenty-five thousand rupees and in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment shall not be less than three years but may extend to five years and also with fine which shall not be less than fifty thousand rupees.

It further provides that 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 this Act, be cancelled and such cancellation of licence or permit or forfeiture shall be in addition to any punishment that may be awarded for such offence.

It also provides that where any person is convicted of an offence under the Act, the court may direct that the licence, if any, granted to such person under the Arms Act, 1959, for possession of any arm with which an offence under the 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.

It also provides that nothing contained in section 360 of the Code of Criminal Procedure, 1973 or in the Probation of Offenders Act, 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.

The proposed new section 51B provides for certain conditions to apply while granting bail. It provides that every offence punishable with a term of imprisonment for three years or more under the Act shall be cognizable offence and no person accused of an offence under sub-sections (1), (2), (3), (5) and (6) of section 51 shall be released on bail or on his own bond unless the Public Prosecutor has been given the opportunity to oppose the application for such release.

Clause 27.—This clause seeks to amend section 55 of the principal Act which relates to cognizance of offence.

It proposes to insert a new clause (ad) so as to include the Management Authority or any officer, including an officer of the Wildlife Crime Control Bureau, authorised in this behalf by the Central Government within the scope of the aforesaid section for the purpose of making complaint of any offence under the Act.

It further proposes to insert a proviso to provide that a court may also take cognizance of any offence under this Act without the accused being committed to trial, upon perusal of a police report under section 173 of the Code of Criminal Procedure, 1973 of the facts constituting an offence under the Act.

Clause 28.—This clause seeks to amend section 61 of the principal Act which relates to power to alter entries in schedule.

It proposes to amend sub-section (1) so as to exclude Schedule VII from the purview of the said sub-section.

It further proposes to insert a new sub-section to confer power upon the Central Government to add or omit or amend the entries in any of the Schedules to respond to area or site specific requirements of each State in consultation with concerned State Government.

It also provides that the Central Government may amend, vary or modify Schedule VII in consultation with the Management Authority and the Scientific Authority.

It also provides that nothing contained in this Chapter and Schedule VII, shall affect anything contained in other provisions of the Act and the Schedules I to VI (both inclusive).

It also provides that every notification issued under this section shall be laid, as soon as may be after it is issued, before each House of Parliament.

Clause 29.—This clause seeks to amend section 63 of the principal Act which relates to power of Central Government to make rules.

It proposes to include the matters under the proposed legislation in respect of which the Central Government may make rules.

Clause 30.—This clause seeks to substitute section 65 of the principal Act which relates to right of Scheduled Tribes to be protected.
It provides that nothing in the Act shall affect the right of any Scheduled Tribes of the Andaman Islands and the Nicobar Islands in the Union territory of Andaman and Nicobar Islands as notified by the Andaman and Nicobar Administration.

Clause 31.—This clause seeks to insert a new Schedule VII to include the species as listed in the Appendices of Convention on International Trade in Endangered Species of Wild Fauna and Flora.
FINANCIAL MEMORANDUM

Clause 23 of the Bill seeks to insert a new Chapter VB in the Wild Life (Protection) Act, 1972 so as to provide for the provisions under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The proposed new section 49F provides that the Central Government may designate an officer not below the rank of Additional Director General of Forests as the Management Authority for discharging functions and exercising powers under the Act. Sub-section (5) thereof provides that the Central Government may appoint such officers and employees as may be necessary to assist the Management Authority in discharging its functions or exercising the powers under the proposed new Chapter, on such terms and conditions of service including salaries and allowances as may be prescribed. The salaries and allowances of the officers and employees to be appointed shall be met from the sanctioned budget of the Central Government under the plan scheme "Strengthening of Wild Life Division Consultancies for Special Tasks".

2. The Bill, if enacted and brought into operation, is not likely to involve any other expenditure of recurring or non-recurring nature from and out of the Consolidated Fund of India.
MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 30 of the Bill seeks to amend section 63 of the Wild Life (Protection) Act, 1972 which confers power upon the Central Government to make rules. The matters on which rules may be made, *inter alia*, relate to— (a) the rules, standards or procedures and any other matter pertaining to Scientific Research; (b) any matter relating to animal traps; (c) terms and conditions of the committee, sub-committees or study groups under sub-section (3) of section 5B; (d) terms and conditions of the committees under section 8A; (e) 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; (f) the rules of procedure for transaction of business at meetings of the co-ordination committee including quorum under sub-section (2) of section 49J; (g) the manner of granting permits for possessing or trading in scheduled specimens under sub-section (2) of section 49K; and the manner of furnishing reports of such specimens to the Management Authority under sub-section (3) of section 49K; (h) the rules to regulate breeding in captivity or artificially propagating specimens listed in Appendix I of Schedule VII; (i) any matter referred to in section 49L; (j) any other matter relating to Scheduled specimens or exotic species; (k) rules on any matter not specifically specified.

2. The rules made by the Central Government under section 63 of the Act, shall have to be laid, as soon as they are made, before each House of Parliament.

3. The matters in respect of which rules may be made are matters of procedure or administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.
ANNEXURE

EXTRACTS FROM THE WILD LIFE (PROTECTION) ACT, 1972

(53 OF 1972)

2. In this Act, unless the context otherwise requires,—

(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,—

(b) capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;

(24) “person” includes a firm;

(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—

(b) antler, bone, carapace, shell, horn rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;

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

(36) “wild animal” means any animal specified in Schedules I to IV and found wild in nature;

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

5B. (1)

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

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

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

(b) the existence of any right mentioned in section 19 and not claimed under clause (b) of section 21,
so far as the same may be ascertainable from the records of the State Government and the
evidence of any person acquainted with the same.

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

(b) photography;

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

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

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

32. No person shall use, in a sanctuary, chemicals, explosives or any other substances
which may cause injury to, or endanger, any wild life in such sanctuary.

33. The Chief Wild Life 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:

Provided that no construction of commercial tourist lodges, hotels, zoos and safari
parks shall be undertaken inside a sanctuary except with the prior approval of the National
Board.

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

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

(2) The notification referred to in sub-section (1) shall define the limits of the area
which is intended to be declared as a National Park.
(8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of section 33, section 33A and section 34 shall, as far as may be apply in relation to a National Park as they apply in relation to a sanctuary.

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

36D. (1) *

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

38L. (1) *

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

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

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

38-O. (1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:—

(a) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (3) of section 38V of this Act;

CHAPTER IVC

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

38Y. The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and Other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of—

(a) the Director of Wildlife Preservation—Director ex officio;

(b) the Inspector-General of Police—Additional Director;

(c) the Deputy Inspector-General of Police—Joint Director;

(d) the Deputy Inspector-General of Forests—Joint Director;

(e) the Additional Commissioner (Customs and Central Excise)—Joint Director; and

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

TRADE OR COMMERCE IN WILD ANIMALS, ANIMAL ARTICLES AND TROPHIES

39. (1) Every—

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

CHAPTER VI

PREVENTION AND DETECTION OF OFFENCES

50. (1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector, 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, trophy, uncured trophy, specified plant or part or derivative thereof in his control, custody or possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;

(b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person, and open and search any baggage or other things in his possession;

(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.

51. (1) Any person who contravenes any provision of this Act except Chapter V A 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 Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees:

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees.
(IA) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and also with fine which shall not be less than ten thousand rupees.

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

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

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

(ID) Whoever, abets any offence punishable under sub-section (IC) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy, 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, 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.

(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 or in the Probation of Offenders Act, 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.

51A. When any person accused of, the commission of any offence relating to Schedule I or Part II of Schedule II or offences relating to hunting inside the boundaries of National Park or wild life sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973 no such person who had been previously convicted of an offence under this Act shall, be released on bail unless—

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

(b) where the Public Procecutor 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.
55. No Court shall take cognizance of any offence against this Act on the complaint of any person other than—

(a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government; or

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

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

(ac) Director of the concerned tiger reserve; or

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

(bb) the officer-in-charge of the zoo in respect of violation of provisions of section 38J; or

(c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Central Government or the State Government or the officer authorised as aforesaid.

61. (1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, add or delete any entry to or from any Schedule or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.

65. Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration, No. 40/67/F, No. G 635, Vol. III, dated the 28th April, 1967, published at pages 1 to 5 of the extraordinary issue of the Andaman and Nicobar Gazette, dated the 28th April, 1967.
RAJYA SABHA

A BILL

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

[Shrimati Jayanthi Natarajan, Minister of State (Independent Charge) in the Ministry of Environment and Forests]