

WILDLIFE (PROTECTION) ACT, 1972

Short and con»- Inence- yr,ent. Amend- ment of title. Omission preamble. Amend,, ment of section Amend- ment of section 2. THE WILD LIFE (PROTECTION) AMENDMENT ACE, 1991 44 OF [20th Septennber, 1991.] An Act further to amend the Wild Life (Protection) Act, 1972. BE' it enacted by Parliament in the Forty-second Year of the Republic of Indiakas follows: 1. (1) Fl This Act may be calied the Wild Life (Protection) Amend. *nent Act, 1991. (2) Ic shall come into force. on datet as the Central Gcvetn- ment may, by notification, appoint and different dates may be appointed for different provisions of this Act

2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), in the long title, for the words "'wild animals and birds", the words "wild animals, birds and plants" shall be substituted.3. kn the. principal Act, after the long title, the preamble shall be omi tted

4. In section I of the principal Act, (u) for sub-section (2) , the following sub-section shall be subs- titutQd, namely: — "(Z) It extencls to the whole of india except the State Qf Jammu and Kashmir.' (b) in sub-sæeticn (3), the wards or rmay benome extended fn fvtuve," shall be omitted

5. In section 2 of the principal Act,—(a) in clause (2), for the up-ords "has been used", the words "has been used, and ivory imported into India •and an article made therefrom" shall be substituted; (b) clause (3) shall be omitted; -134 53 of 1972. L ACT 44 OF (c) clause (d) after namely : Wild Life (Protection) Amendment (6) shall be omitted; 135 clause (7), the fallowing clause shall be inserted, "circus" means an establishment, whether stationary or 16 of 192". 16 of 1927. 80 of i976. mobile, where animals ace kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;"; (e) in clause (11), for the words aor rneat", the words '-meat or specified plant" shan be substituted; (f) after clause (12), the following clause shall be inserted, namely: ' (12 A) "Forest offceep" means the Forest omcer appointed under clause (2) of section 2 of the Indian Forest Act, 1927;"; (g) clause (13) shall be omitted; (h) in clause (14), after the figures "39", t.he words, figures and letter "or section 17H" shali be inserted; (i) in clause (17), for the words "and also includes boulders and rocks' , the words "marshes and wetlands and also includes boulders and rocks" shall be substituted; (j) after clause (18), the following clause shall be inserted, namely: — ' (18A) "live stock" includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yaks and also includes their young;' ; (k) after clause (25), the follou•ing clauses shan be inserted, namely: ' (25A) "recognised zoo" means a zoo recognised under sec- tion 38H; (25B) "reserve forest" means the forest declared to be re- served by the State Government under section 20 of the Indian Forest Act, 1927;"; (t) in clause (26), for the figures "18", the figures and letter "26A" shall be substituted; (m) for clause (27), the following clause shall be substituted, namely : — '(27) "specified plant" means any phant specified in dule (n) after clause (30), the following clause shall be inserted, namely: — '(3014). "territorial waters" shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf. Exclu• Sive Economic Zone and' other Maritime Zones Act, 1976;"; 136 Wild liife (Protection) AmendTnent L acr 44 A mend- ment section Amend- ment of section 6. (o) in clause (36 for the words "freshly-killed wild animal", the words "fresh*.y.-kjllcd A,vild animal, arobergris, n-ausk and other animal products" be substituted; (p) after clause (38) , the following clause shall be inserted, namely : '(39) "zoo" means an establshrnt, whether sta tionary or mobile, where capLive animals are kept for exhibition to the public but does not include a circus and an establishment of a licensed dealer in captive animals.'

6. In section 4 of the principal Act,—(a) in sub-section (i) in clause (b) , the word '{and" shall be omitted; (ii) after clause (b), the following clause shall be inserted, narnely : — " (bb) one Honorary Wild Life Warden in each district; and"; (b) in sub-section (3) for the words "The Wild Life Warden", the words "The Wild Life Warden, the Honorary Wild Life Warden" shall be substituted

7. In section G af the principal Act,—in sub-secction (1) , (i) for clause (d), the following clause shall be substituted, namely: — " (d) the Forest omcer in charge of the State Forest De- partment, by whatever designation called, em officio;"; (ii) for clause (g), the following clauses shan be substitut- ed.'. name!y:— " (g) oncers or the State Government not exceeding five; (h) such other persons, not exceeding ten, who, in the opinion of the State Government, are interested in the pro- tection of wild life, including the

representatives of tribals not exceeding three. 'L, (b) after sub-section (1) , as 80 amended, the following sub- section he inserted, namely:— " (IA) The State Government may appoint a Vice-Chairman of: the, Board from amongst the members referred: to in clauses (b) and (h) of sub-section (1) (c) in subsection (2), for the words "Chief Conservator of Forests?" , the words 'the Forest officer in charge of- the State Forest Department!' shall be substituted. OF 1991] Wild Life (Protection) Amendment 8. In section 8 of the principal Act,— ' , game reserves" shall (i) in clause (a), the words (ii) for clause (b), the following shall be namely: — " (b) in formulation of the policy for protection of the wild life and specified plants;" 137 be omitted; substituted, and consequently (iii) in clause (c), the word "and" shall be omitted; (it') after clause (c), the following clause shall be inserted, namely: " (cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and"

9. For section 9 of the principal Act, the following section shall be substituted, namely: "9. No person shall hunt any wild animal specified in Schedule I, II, and IV except as provided under section 11 and section 12."

10. Section 10 of the principal Act shall be omitted

11. In section 12 of the principal Act, for clause (c) , clauses shall be substituted, namely: " (c) collection of specimens—the following (i) for recognised zoos subject to the permission under section 38-1; or (ii) for museums and similar institutions; (d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs: ' 12. Sections 13 to 17 (both inclusive) of the principal Act shall be omitted

13. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:æ 20 Law—19. A Amendment of section 9. Substitution of new section for section 9. Prohibition of hunting. Omission of section 10. Amendment of section 12. Omission of sections 13 to 17. Insertion of new Chapter 138 Wild Life (Protection) Amendment "CHAPTER IIIA PROTECTION OF SPECIFIED PLANTS [ACT 44 Prohibition of picking, uprooting, etc., of specified plant. Grants of permit for special purposes, Cultivation of specified plants without licence prohibited. Dealing in specified plants without licence prohibited. 17A. Save as otherwise provided in this Chapter, no person shall— (a) wilfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by notification, by the Central Government; (b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof: Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bona fide personal use. 17B. The Chief Wildlife Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17 A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of— any the and in Warden (a) education; (b) scientific research; (c) collection, preservation and display in a herbarium of scientific institution; or (d) propagation by a person or an institution approved by Central Government in this regard. (1) No person shall cultivate a specified plant except under accordance with a licence granted by the Chief Wildlife Officer or any other officer authorised by the State Government in this behalf: Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him. (2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant. 17 D. (1) No person shall, except under with a licence granted the Chief Wildlife officer authorised by the State Government in or carry on business or occupation as a dealer part or derivative thereof: and in accordance with the Chief Wildlife Warden or any Other officer, commence in a specified plant or business Wild Life (Protection) Amendment 139 Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an

application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him. (2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business. 17B. (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days from the date of commencement of the Wild Life (Protection) Amendment Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement. (2) The provisions of sub-sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles. 17F. No licensee under this Chapter shall— (a) keep in his control, custody or possession— (i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made; (ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder; (b) (i) pick, uproot, collect or acquire any specified plant, or (ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof, except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act. 17G. No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer: Provided that nothing in this section shall apply to any person referred to in section 17B. Declaration of stock. Possession of plants by licensee. Purchase, etc., of specified plants. 140 Wild Life (Protection) Amendment (1) Every specified plant or part or derivative thereof, in 171-1. to be Government property. Amendment of heading of Chap. Amendment of section 18. Amendment of section 24. Insertion of new section 26A. Declaration of area as sanctuary. 141 Wild Life (Protection) Amendment (1) Every specified plant or part or derivative thereof collected or acquired from a sanctuary or National Park or any other place declared to be a sanctuary by the Central Government, derivative thereof shall be the property of the Central Government. (2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof or they apply in relation to wild animals and articles referred to in sub-section (7) of that section.*

14. In Chapter IV of the principal Act, in the heading thereof, the words "GAME RESERVES" shall be omitted. In the principal Act, for sub-section (1), the following shall be substituted:— 15. In section 18 namely: — sub-section (1) " (1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment."

16. In section 19 of the principal Act, for the words "Whenever any area is declared to be a sanctuary," the words and figures "When a notification has been issued under section 18," shall be substituted

17. In section 24 of the principal Act, in sub-section (2), after clause (b), the following clause shall be inserted, namely: — (c) allow, in consultation with the Chief Wild Life Warden, the continuance of any right of any person in or over any land within the limits of the sanctuary."

18. After section 26 of the principal Act, the following section shall be inserted, namely: — 26A. (1) When— (a) a notification has been issued under section 18 and the period for preferring claims has elapsed, all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or (b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary, the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be a sanctuary on and from such date as may be specified in the notification. Provided that where any part of

the territorial waters is to be go included, prior concurrence of the Central Government shall be obtained by the State Government: Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen. (2) Notwithstanding anything contained in sub-section 'the right of innocent passage of any vessel or boat through the waters -shall not be affected by the notification Issued under sub- section (i). (3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislature Of the State." 19. In section 27 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:— (3) No person shall, with intent to cause damage, to any boundary-mark of a sanctuary or to cause wrongful gain as defined in the Indian Penal Code, alter, destroy, move or replace such boundary-mark. (4) No person shall tease or molest any wild animal or litter the grounds (if sanctuary. " 20'.} For section 29 of the principal Act, the following section shall be substituted, namely: — "29. No person shall destroy, exploit or remove any wild life from a, sanctuary or destroy or damage the habitat Of any wild animal or deprive any wild animal of its habitat within such 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 that such destruction, exploitation or removal of wild life from the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue Of such permit. Explanation.—For the purposes Of this section, grazing or movement of live-stock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section." Amendment of section 27. Substitution Of new section for section 29. Destruction, etc in sanctuary prohibited without a permit. 142 Amendment of section 33. Insertion of new section 33A. Immunisation of stock. Amendment of section 34. Amendment of section 35. Omission of 36 sub, heading thereof. Amendment of section 38. Wild Life (Protection) Amendment 21. In section 33 of the principal Act,— (a) in clause for the word "cattle;" , the word shall be substituted; (b) clause (e) shall be omitted. "live-stock. " 22. After section 33 of the principal Act, the following section shall be inserted, namely: "33A. (1) The Chief Wild Life Warden shall take such measures in such manner, as may be prescribed, for immunisation against communicable diseases of the live-stock kept in or within five kilometres of a sanctuary. (2) No person shall take, or cause to be taken or grazed, any live-stock in a sanctuary without getting it immunised." 22A. In section 34 of the principal Act, after sub-section (2) , the following sub-section shall be inserted, namely:— "(3) No new licences under the Arms Act, 1959 shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wild Life Warden"

23. In section 35 of the principal Act,—(a) in sub-section (1), the following proviso shall be added at the end, namely: — "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." ; for the figures words and brackets "19 (b) in sub-section (3), the figures, words, and brackets "19 to 26 (both inclusive) to 26A (both inclusive except clause (c) of sub-section. (2) of section 24) " shall be substituted; (c) in sub-section (7), for the word "cattle", wherever it occurs, the word "live-stock" shall be substituted; (d) in sub-section (8), for the word and figures "section 33", the -words, figure and letter "section 33, section 33A" shall be substituted. 24, In Chapter IV of the principal Act, the sub-heading "GAME RESERVE", and section 36 below it, shall be omitted

25. In section 38 of the principal Act, in sub-section (1), for the words and figures 'sections 19 to 35', the words and figures "sections 18 to 35" shall, be substituted. 54 of 1959. or 1991] Wild Life (Protection) Amendment 143 Chapter 26. After Chapter IV of, the principal Act, the. shall be inserted, namely:— "CHAPTER IVA CENTRAL Zoo AUTHORITY AND RECOGNITION following OF Zoos 38A. (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to, it under this Act. (2) The Authority shall consist of— (a) chairperson; (b) such number of members not exceeding ten; and (c) Member-Secretary, to be appointed by the Central Government. 38B. (1) chairperson and every member shall hold office for such period, not exceeding three years, as may be Specified by the Central Government in this behalf. (2) The chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of

chairperson or, as the case may be, 'Of the member. (3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person— (a) becomes an undischarged insolvent; (b) gets convicted and sentenced in prison for an offence which in the opinion of the Central Government involves moral turpitude; (c) becomes of unsound mind and stands so declared by a competent court; (d) refuses to act or becomes incapable of acting; (e) is, without obtaining leave of absence from the authority absent from consecutive meetings of the Authority; or (f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest: Provided that no person shall be removed under this clause till such that person has been given a reasonable opportunity of being heard in the matter. (4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment. (5) The salaries and allowances and other conditions of appointment of chairperson members and Member Secretary of the Authority shall be such as may be prescribed, insertion of now Chapter EVA. Constitution of Central Authority. Term of office and conditions of service of Chairperson and members, etc. 144 Wild Life (Protection) Amendment [ACT 44 Functions of Authority. Pro- cedure regulated Authority. Grants and loans to Authority and constitution of Fund. (6) The Authority shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of the Authority. (7) The terms and conditions of service of the officers and other employees of the Authority shall be such as may be prescribed. (8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority. 38C. The Authority shall perform the following functions, namely: — (a) specify the minimum standards for housing, upkeep and veterinary care of the animals kept in a zoo; (b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed; (c) recognise or derecognize zoos; (d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo; (e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes; (f) ensure maintenance of stud-books of endangered species of Wild animals bred in captivity; (g) identify priorities and themes with regard to display of captive animals in a zoo; (h) co-ordinate training of zoo personnel in India and outside India; (i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos; (j) provide technical and other assistance to zoos for their proper management and development on scientific lines; (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos. 381). (7) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit. (2) The Authority shall regulate its own procedure. (3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf. 38B. (J) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary. There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants of 1991] Wild Life (Protection) Amendment 145 and loans made to the Authority by the Central Government, all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government. (3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act. (4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India. (5) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such interval as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General. (6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of

the Authority: as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority. 38F. Authority shall prepare in such form and at such time, for each financial year, as may be prescribed its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government. 38G. The Central Government shall cause the annual report together With a memorandum of action taken on the recommendations to the Central Government contained therein, in so far as they relate Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament. 38H. (1) No zoo shall be operated without being recognised by the Authority: Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for period 20 years.—20. Annual report, Annual report to be laid before Parliament. Recognition of acquisition by a zoo. Prohibition of teasing etc. , in zoo. Amendment of section 39. Wild Life (Protection) Amendment of six months from the date of such commencement and if the application seeking recognition made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal. (2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed. (3) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo. (4) No recognition to a zoo shall be granted unless the Authority having due regard to the interests of protection and conservation of wild life, and such standards, and other matters as may be prescribed, is satisfied that recognition should be granted. (5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard, (6) The Authority may, for reasons to be recorded by it, suspend or cancel any recognition granted under sub-section (4) : Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard. (7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or cancelling a recognition under sub-section (6) shall lie to the, Central Government. (8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication, to the applicant, of the order appealed against: Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time. 38-I. Subject to the other provisions of this Act, no person shall acquire or transfer any wild animal specified in Schedule I and Schedule II except with the previous permission of the Authority. 38-J. No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo."

27. In section 39 of the principal Act, in sub-section (1) (a.) in clause (a) (i) for the words "bred in captivity" the words "bred in captivity hunted" shall be substituted; (ii) the words "without a licence or" shall be omitted; OF 1991] Wild Life (Protection) Amendment 147 (b) after clause (b), the following clauses shall be inserted namely : — " (c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed; (d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act;"; (c) in the long paragraph, for the words "derived from such animal", the words "derived from such animal or any vehicle, vessel, weapon, trap or tool used in such hunting" shall be substituted

28. In section 40 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—"(3), Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38-1 or to a public museum.' 29. In section 4.3 of the principal Act, in sub-section (6),- (i) for clause W), the following clause shall be substituted, namely— " (a) to tail feather of peacock and the animal articles or trophies made therefrom;"; (ii), for clause (b), the following clause shall be substituted, namely:— "(b) to any transaction entered into by a recognised zoo subject to the provisions of section 38-1 or by a public museum With any other recognised zoo or public museum."

30. In section 44 of the principal Act, in sub-section (1), (i) in clause (a) , sub-clause (ia) shall be omitted; (ii) after clause (b), the following clause shall be inserted, namely : —" (c) derive, collect or prepare, or deal in, snake venom;"; (iii) for the second proviso, the following proviso shall be substituted,

namely: — "Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made there- from and the manufacturers of such articles."

31. After section 48 of the principal Act, the following section shall be inserted, namely: "48A.No person shall accept any wild animal (other than vermin) , or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation." Amend, meat of section 40. Amend. ment of section 43. Amend. ment of section 44. Insertion section 48A. Restriction on transportation 14b Wild Life (Protection) Amendment Act, 1991. Amend. ment of section 49A. Amend- ment of section 49B. Amendment of section 490. Amend- ment of section 32. In section 49 of the principal Act, the following proviso shall be substituted, namely: "Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 38-1 or to a public museum."

33. In section 49A of the principal Act,—(Q) in clause (b), for the words "has been used", the words "has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative;" shall be substituted; (b) in clause (c) , (i) in sub-clause (i), after the words "from such commencement", the word "and" shall be omitted; (iii) after sub-clause (ii), the following sub-clause shall be inserted, namely : " (iit) in relation to ivory imported into India or an article made from such ivory, [the date of expiry of six months from the commencement of the Wild Life (Protection) Amendment Act, 1991."

34. In section 49B of the principal Act, in sub-section (1), in clause (a), after sub-clause (i) , the following sub-clause shall be inserted, namely : —" (ia) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or"

35. In section 45C of the principal Act,—(a) in sub-section (1), in clause (a), after sub-clause (iv), the following sub-clause shall be inserted, namely:— "(v) ivory imported into India or articles made therefrom;" (b) in sub-section (7), for the words "any scheduled animal or a scheduled animal article", the words "any scheduled animal, a scheduled animal article or imported into India or any article made therefrom." 36. In section 50 of the principal Act, (c) in sub-section (i), in clause (a), for the words "trophy or uncured trophy", the words "trophy, uncured trophy, specified plant or part or derivative thereof" shall be substituted; (ii) for clause (c), the following clause shall be substituted, namely: — "(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." , (b) sub-section (2) shall be omitted; (c) after sub-section (3), the following sub-section shall be inserted, namely: — " (3A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or Wild Life Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made,"; (d) in sub-section (6) , for the words "meat or uncured trophy", wherever they occur, the words "meat, uncured trophy, specified plant, or part or derivative thereof" shall be substituted; (e) after sub-section (7), the following sub-sections shall be inserted, namely: — ' (8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wild Life Preservation or Wild Life Warden shall have the powers for purposes of making investigation into any offence against any provision of this Act,— (u) to issue a search warrant; (b) to enforce the attendance of witnesses; (c) compel the discovery and production of documents and material objects; and (d) to receive and record evidence. (9) Any evidence recorded under clause (d), Of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in the presence of the accused person."

37. In section 51 of the principal Act, (a) in sub-section (1), (i) for the brackets, words, figure and Chapter VA) ", the brackets, words, figures and Chapter VA and section 38J) ", for the words Amend- ment of section 51. letter ' (except letters " (except "two years", the 150 Wild Life (Protection) words • 'three years" and for the the words "twenty-five thousand (ii) in the first proviso, for Amendment tAC'i 44 words "two thousand rupees", rupees" shall be substituted; the words "relates to hunt- 2 of 1914. 20 of 1958. Atmend. ment of section 54. Substitu- tion of new section for eection 55. Cogni• zance of offences. ing in", the words ' 'relates to hunting in, or altering the bounda- , ", for the words "six months", the words "one year" and ries of for the words ' 'five hundred rupees", the words "five thousand rupees" shall be substituted; (iii) for the second proviso, the following proviso shall be substituted, namely: "Provided further that in the case of a second or subsee quenc offence of the nature mentioned in this sub- section, the term ot imprisonment may extend to éix years and shall not be less than two years and the •amount of fine shall not he Less ntan ten thousand rupees . (b) after sub-section (IA), the following sub- section shall be inserted, namely: — " (1B) 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 rupee* 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 may extend to five thousand rupees."; (c) in sub-section (2), for the words ('uncured trophy or meat". the words "uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or deriva- tive thereof" shall be substi tuted; (d) after sub-section (4), the following sub-section shall be inserted, namely: — ' '(5) Nothing contiained in section 360 of the Code of Crimi- nal 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 . "

38. In section 54 of the principal Act, in sub-section (1), for the words "The State Government", the words "The Central Government may, by notification empower the Direct(!" of Wild Life Preservation or any other omeer and the State Government" shall be substituted

39. For section 55 of the principal Act, the following section shall be substituted, namely: "55.No court shall take cognizance of any offence against Act on thq complaint of any person other than— this 1991] W t'ld Life Amendment: 151 TarenQrvation or any other (a) the Directo., officer authorised in this behalf by the Central Government; or or any other omcer (b) the Chief Wiid authorised in this behalf by the State Government; oolice of not less than sixty (c) any person who h as days, in the manner of the alleged offence and of his intention to rnakQ a lc tile Central Government or the 21.1 tharised as aforesaid.". State Governmeræt OF the 40. In section 57 of the principal Act, for the words "trophy or un- nucur, the words ' 'trophy, uncured trophy, cured trophy", wherever [h.ey *halb be substituted. specified plant, or part. or derivative thereof" Act, for the words; and figures 'tin 41. In section 59 of the Chapter 11 and", the words, figures and letter "in Chapter and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA" shall bc substituted

42. In section 60 of the principal Act, after sub-section (2), the fol- }owing sub-section shall be inserted, namely: " (3) No suit or o legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, mem- bers, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act."

43. After section GO of the principal Act, the following section shall bc inserted, namely : "60A.(1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may, when passing judgment, order that the reward be pa%d to person w*ho rende,-s assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty per cent. of such fine. (2) When a case is compounded under section 54, the officer coupounding Inav order l'f".vard to be paid tc a person who ren• ders assistance in the detection of the offence or the apprehension of the offenders out of the sum of Inoney accepted by way of com- position not exceeding twenty per cent, of such IDoney. " 44. In section 61 of the principal Act, (u) in sub-section (1), for the words "add anv entry to any Schedule", the words 'sadd or delete any eni,ry to or f-rcnn any Sche- dule" shall be substituted; (b) sub-section (2) shall be omitted; (c) in sub-section (3), the words, brackets and figure "or sub- section (2) " shall be omitted; (d) sub-section (4) shall be omitted

45. In section 62 of the principal Act, for the words and figures "Subject to the provisions of section 61, the State Government" the words "The Central Government" shall be substituted, Amendment of section 57. Amend- ment of section 59. Amend - ment of section 60. Insertion of new section 60A. Reward to persons Amend- ment of section Amend- Inent of section Wild Life (Protection) Amendment Amend- ment at section Amend- ment of section 64. Amendment Of section 66. 152 ing C 'l' 44 46. In section 63 of the principal Act, for sub-section (1), the follow- sub-section shall be substituted, namely: ' (1) The Central Government may, by notification, make rules all or any of the following matters, namely: for (a) conditiong and o the l' matters subject to which a licensee may keep any specified plant in his custody or posses- Sion under section (bj the salaries and and other conditions of appointnment of chairperson, members and member-secretary under sub-section (5) of section 38B; (c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub- section (7) of section 38B; (d) the



form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38E; (e) the form in which and the time at which the annual report of the Central Zoo Authority shall be prepared under section 38F; (f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of section 38H; (g) the standard norms and other matters to be considered for granting recognition under sub-section (4) of section 38H; (h) the form in which declaration shall be made under sub-section (2) of section 44; (i) the matters to be prescribed under clause (b) of sub-section (4) of section 44; (j) the terms and conditions which shall govern transactions referred to in clause (b) of section 48; (k) the manner in which notice may be given by a person under clause (c) of section 55; (l) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government."

47. In section 64 of the principal Act, in sub-section (2), after clause the following clause shall be inserted, namely:—"(ee) the manner in which measures for immunisation of live-stock shall be taken;"

48. In section 66 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—"(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) Amendment Act, 1991, any reserve forest of 1991 Wild Life (Protection) Amendment Act or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under section 49. In Schedule 11 to the principal Act, in the heading, the "10" and the words "SPECIAL GAME" shall be omitted

50. In Schedule III to the principal Act, in the heading the "10" and the words "BIG GAME" shall be omitted.

51. In Schedule IV to the principal Act, the following shall be omitted:

52. After Schedule V to the principal Act, shall be inserted, namely: "SCHEDULE V (See section 2)
 1. Beccodomes' cycad (*Cycas beccodomei*) 2. Blue Vanda (*Vanda coerulea*) 3. Kuth (*Saussurea lappa*) heading "SMALL the following Schedule Amendment n. A Amendment of Schedule III. A Amendment of Schedule Insertion of new Schedule 4. Ladies slipper orchids (*Paphiopedilum* spp.) 5. Pitcher Plant (*Nepenthes khasiana*) 6. Red Vanda (*Ranathra imschootiana*) 20 Law—21. REGISTERED NO. D nooo—os Che Gazette of India 451 No. 451 EXTRAORDINARY PART 11 — Section 1 PUBLISHED BY AUTHORITY 4, 2006 / 13, 1928 NEW DELHI, MONDAY, SEPTEMBER 4, 2006 / BHADRA 13, 1928 Separate paging is given to this Part in order that it may be used as a separate compilation. MINISTRY OF LAW AND JUSTICE (Legislative Department) New Delhi, the 4th September, 2006 Bhadra 13, 1928 (Saka) The following Act of Parliament received the assent of the President on the 3rd September, 2006, and is hereby published for general information:— WILD LIFE (PROTECTION) AMENDMENT ACT, 2006 No. 39 OF 2006 (3rd September, 2006.) An Act further to amend the Wild Life (Protection) Act, 1972. BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:— 1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2006. (2) It shall come into force on such date as the central Government may, by notification in the Official Gazette, appoint

2. After Chapter IVA of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:— "CHAPTER IVB NATIONAL TIGER CONSERVATION AUTHORITY 38K. In this Chapter,— (a) "National Tiger Conservation Authority" means the Tiger Conservation Authority constituted under section 38L; Short title and commencement. Insertion of new Chapters IVB and IVC. Definitions. 2 Constitution of National Tiger Conservation Authority. Term of office and conditions of service of members. THE GAZETTE OF INDIA EXTRAORDINARY [PART 11— (b) "Steering Committee" means the Committee constituted under section 38U; (c) "Tiger Conservation Foundation" means the foundation established under section 38X; (d) "tiger reserve State" means a State having tiger reserve; (e) "tiger reserve" means the areas notified as such under section 38V. 38L (1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act. (2) The Tiger Conservation Authority shall consist of the following members, namely:— (a) the Minister in charge of the Ministry of Environment and Forests— Chairperson; (b) the Minister of State in the Ministry of Environment and Forests— Vice-Chairperson; (c) three members of Parliament of whom two shall be

elected by the House of the People and one by the Council of States; (d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development; (e) Secretary, Ministry of Environment and Forests; (f) Director General of Forests and Special Secretary, Ministry of Environment and Forests; (g) Director, Wild Life Preservation, Ministry of Environment and Forests; (h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years; (i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice; (j) Secretary, Ministry of Tribal Affairs; (k) Secretary, Ministry of Social Justice and Empowerment; (l) Chairperson, National Commission for the Scheduled Tribes; (m) Chairperson, National Commission for the Scheduled Castes; (n) Secretary, Ministry of Panchayati Raj; (o) Inspector-General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary, to be notified by the Central Government, in the Official Gazette. (3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

38M. (1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years: Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office. SEC. THE GAZETTE OF INDIA EXTRAORDINARY 3 (2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he— (a) is, or at any time has been, adjudicated as insolvent; (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; (c) is of unsound mind and stands so declared by a competent court; (d) refuses to act or becomes incapable of acting; (e) is, without obtaining leave of absence from the Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or (f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest: Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter. (3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed. (4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed. (5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority. 38N. (1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act: Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority. (2) The terms and conditions of service of the officers and other employees of the Tiger Conservation Authority shall be such as may be prescribed. 38O. (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; (b) to evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves; (c) to lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance; (d) to provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code; (e) to provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, Officers and employees of Tiger Conservation Authority. Powers and functions of Tiger Conservation Authority. 4 Procedure to be regulated by Tiger Conservation Authority. Grants and loans to Tiger Conservation Authority and Constitution of Fund. THE GAZETTE OF INDIA EXTRAORDINARY [PART status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan

conservation; C) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation; G) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, Except in public interest and with the approval Of the National Board for Wild Lift and on tie advice of the Tiger Conservation Authority; (h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco.development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws; (i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan; (J) ongoing capacity building programme for skill development of officers and staff of tiger reserves; and (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation Of tigers and their habitat. (2) The Tiger Conservation Authority may, in the exercise of its powers and performance Of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions: Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes. 38P. (J) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit. (2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority. (3) The Tiger Conservation Authority shall regulate its own procedure. (4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-secretary or any other officer ofthe said Authority duly authorised by the Member-Secretary in this behalf. 38Q. (I) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary. (2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto— (i) any grants and loans made to the Tiger Conservation Authority by the Central G overnmeni; (iO all fees and charges received by the Tiger Conservation Authority under this Act; and (Ili) all sums received by the Authority from such other sources as may be decided upon by the Cenüal Government. (3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Au}hority and the expenses ofthe Tiger Conservation Authority incurred in the discharge of its functions under this Chapter. SEC. 1] THE GAZETTE OF INDIA EXTRAORDINARY 5 38R. (I) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts rn such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General ofIndia. (2) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General ofIndia at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-Generalpf India. (3) The Comptroller and Auditor-General ofIndia and any other person appointed by him in connection with the audit ofthe accounts ofthe Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit Of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority. (4) The accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General ofIndia or any other person appointed by him in this behalftogether with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority. 38S. The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government. 38T. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament. 3 8U. (I) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation Oftiger, co-predators and prey animals within the tiger

range States. (2) The Steering Committee shall consist of— (a) the Chief Minister — Chairperson; (b) the Minister in-charge of Wild Life — Vice-Chairperson; (c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs; (d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development; (e) two members from the State's Tribal Advisory Council; (f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment; (g) Chief Wild Life Warden of the State shall be the Member-Secretary, ex officio, to be notified by the State Government, in the Official Gazette. Accounts and audit of Tiger Conservation Authority. Annual report of Tiger Conservation Authority. Annual report and audit report to be laid before Parliament. Constitution of Steering Committee, [PART 11— 6 Tiger Conservation Plan. THE GAZETTE OF INDIA EXTRAORDINARY 38V. (1) The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tiger reserve. The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary. (3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure— (a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat; (b) ecologically compatible land uses in the tiger reserves areas linking one protected area or tiger reserve with another for addressing livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas; (c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation. (4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forest a tiger reserve. Explanation.— For the purposes of this section, the expression "tiger reserve" includes— (i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose; (ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (1) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits thereof are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose. (5) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless— (a) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete; SEC. 1) THE GAZETTE OF INDIA EXTRAORDINARY 7 (i) if the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat; (ii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available; (iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in

the National Relief and Rehabilitation Policy; (v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and (vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with. 38W. (1) No alteration in the boundaries of a tiger reserve shall be made except alteration and on a recommendation of the Tiger Conservation Authority and the approval of the de-notification National Board for Wild Life. Of tiger reserves. (2) NO State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life. 38X. (1) The State Government shall establish a Tiger Conservation Foundation Establishment of Tiger for tiger reserves within the State in order to facilitate and support their management Conservation for conservation of tiger and biodiversity and, to take initiatives in eco-development Foundation. by involvement of people in such development process. (2) The Tiger Conservation Foundation shall, inter alia, have the following objectives:— (a) to facilitate ecological, economic, social and cultural development in the tiger reserves; (b) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves; (c) to facilitate the creation of, and or maintenance of, such assets as may be necessary for fulfilling the above said objectives; (d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives; (e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism; to support research, environmental education and training in the above related fields. 8 Constitution of Tiger and Other Endangered Species Crime Control Bureau. Powers and functions of the Wildlife Crime Control Bureau. Amendment or section 51. THE GAZETTE OF INDIA EXTRAORDINARY 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. 38Z (1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to— (i) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action. so as to apprehend the criminals and to establish a centralised wildlife crime data bank; (ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau; (iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future; (iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control; (v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes; . (vi) advise the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time. (2) Wildlife Crime Control Bureau shall exercise— "(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and (ii) such other powers as may be prescribed."

3. In section 51 of the principal Act, after sub-section (1B), the following sub-sections shall be inserted, namely:—"(1) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relates 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. (1 D) Whoever, abets any offence punishable under sub-section (1Q) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence."

4. In section 55 of the principal Act, after clause (aa), the following clauses shall be inserted, namely:—"(ab) Member-Secretary, Tiger Conservation Authority; or (ac) Director of the concerned tiger reserve; or"

5. In section 59 of the principal Act, after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted

6. In section 60 of the principal Act, in sub-section (3), after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted



7. In section 63 of the principal Act, in sub-section (1), after clause (g), the following clauses shall be inserted, namely:—"(go qualifications and experience of experts or professionals under clause (a) of sub-section (2) of section 38-1; (gii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M; (giii) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N; (gm the



form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (I) of section 38R•, (gv) the form in Which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S; (gvO other powers of the Wild Life Crime Control Bureau under clause (iD of sub-section (2) of section 38Z." N. CHATURVEDI, Secy. to the Govt. of India. PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD. NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2006.

Amendment Of section 55. Amendment of section 59. Amendment of section 60. Amendment of section 63.

