

FAQS ON WILD LIFE (PROTECTION) AMENDMENT BILL, 2021

Question 1: Why was the amendment to the Wild Life (Protection) Act, 1972 proposed?

The six major objectives of the Wild Life (Protection) Amendment Bill, 2021 are as follows:

- i. Ensuring international trade in wildlife is legal, sustainable and traceable by implementing the Convention of International Trade in Endangered Species of Wild Fauna and Flora (CITES).
- ii. Protection of native Indian gene pool.
- iii. Improved management of protected areas.
- iv. Improved care for seized and surrendered wild animals.
- v. Ensuring deterrence by enhancing fines.
- vi. Rationalization of Schedules to the existing Act.

Question 2: How many times were the consultations, if any, were made before the Bill was introduced?

No public consultations were held prior to introduction of the bill before the Lok Sabha on 17th December, 2021.

Question 3: What are the amendments proposed in the Wild Life (Protection) Amendment Bill, 2021?

Ss.	The Wild Life (Protection) Act, 1972	The Wild Life (Protection) Amendment Bill, 2021
Preamble	An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country	An Act to provide for the <i>conservation, protection and management of wild life</i> and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country
2(5)	(5) “captive animal” means any animal, specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;	(5) “captive animal” means any animal, specified in <i>Schedule I or Schedule II</i> , which is captured or kept or bred in captivity;
2(15)	(15) “habitat” includes land, water or vegetation which is the natural home of any wild animal;	(15) “habitat” includes land, water or vegetation which is the natural home of any wild animal <i>or specified plant</i> ;
2(16A)		<i>'(16A) "invasive alien species" means a species of animal or plant which is not native to India and whose introduction or</i>

		<i>spread may threaten or adversely impact wild life or its habitat;'</i>
2(18A)	[(18A) “livestock” means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V	[(18A) “livestock” means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in <i>Schedules I, II and IV</i>
2(19)	[(19) “manufacturer” means a person who manufactures articles from any animal or plant specified in Schedules I to V and VI, as the case may be	[(19) “manufacturer” means a person who manufactures articles from any animal or plant specified in <i>Schedules I, II and III</i> , as the case may be
2(24)	“person” includes a firm;	<i>"person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not;'</i>
2(26A)		<i>'(26A) "Schedule" means a Schedule appended to this Act;'</i>
2(27)	“specified plant” means any plant specified in Schedule VI;	“specified plant” means any plant specified in <i>Schedule III</i> ;
2(34)	“vermin” means any wild animal specified in Schedule V	<i>"vermin" means any wild animal notified under section 62</i>
2(36)	(36) “wild animal” means any animal specified in Schedules I to IV and found wild in nature	“wild animal” means any animal specified in <i>Schedules I or Schedule II</i> and found wild in nature
2(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	<i>"zoo" means an establishment whether stationary or mobile, where captive animals are kept for exhibiting to the public or ex-situ conservation and includes a circus and off-exhibit facilities such as rescue centres and conservation breeding centres, but does not include an establishment of a licensed dealer in captive animals</i>
5A(1)(d)	[5A. Constitution of the National Board for Wild Life.—(1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), constitute the National Board for Wild	[5A. Constitution of the National Board for Wild Life.—(1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), constitute the National Board for Wild Life consisting of the following members, namely:—

	Lifeconsisting of the following members, namely:— (d) Member, Planning Commission in-charge of Forests and Wild Life;	"(d) Member, NITI Aayog in-charge of Environment, Forest and Climate Change;"
5B(3)	(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.	(3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time <i>on such terms and conditions as may be prescribed for proper discharge of functions assigned to it under the Act.</i>
6A		"6A. (1) <i>The Board may constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to it by the Board.</i> (2) <i>The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members, to be nominated by the Vice-Chairperson, from amongst the members of the Board.</i> (3) <i>The Board or its Standing Committee referred to in sub-section (1) may, constitute committees, sub-committees or study groups, as may be necessary, from time-to-time, for proper discharge of the functions assigned to it.</i> "
9	9. Prohibition of hunting.—No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.]	9. Prohibition of hunting.—No person shall hunt any wild animal specified in <i>Schedules I and II</i> except as provided under section 11 and section 12.]
11(1)(b)	(b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt 2 [such animal or group of animals in a specified area or cause	(b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in <i>Schedule II, Schedule III, or Schedule IV</i> , has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt 2 [such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted]

	such animal or group of animals in that specified area to be hunted]	
24(2)(b)	(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land” and on payment of such compensation, as is provided in the Land Acquisition Act, 1894(1 of 1894).	(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land” and on payment of such compensation, as is provided in the <i>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</i> .
25(1)(a)	25. Acquisition proceedings.—(1) For the purpose of acquiring such land, or rights in or over such land, — (a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894 (1 of 1894);	25. Acquisition proceedings.—(1) For the purpose of acquiring such land, or rights in or over such land,— (a) the Collector shall be deemed to be a Collector, proceeding under the <i>Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</i> ;
25(1)	(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act; (c) the provisions of the sections, preceding section 9 of that Act, shall be deemed to have been complied with;	(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under <i>section 21</i> of that Act; (c) the provisions of the sections, preceding <i>section 21</i> of that Act, shall be deemed to have been complied with;
25(1)(d)	(d) where the claimant does not accept the award made in his favour ha the matter of compensation, he shall be deemed, within the meaning of section 18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Part III of that Act;	(d) where the claimant does not accept the award made in his favour ha the matter of compensation, he shall be deemed, within the meaning of <i>section 64</i> of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of <i>Chapter VIII</i> of that Act;
25(1)(e)	(e) the Collector, with the consent of the claimant, or the court, with	(e) the Collector, with the consent of the claimant, or <i>the Authority</i> , with the consent

	the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and	of both the parties, may award compensation in land or money or partly in land and partly in money; and
25(1)(f)		<i>Add</i> <i>Explanation.—The expression "Authority" referred to in clause (e), shall mean the Land Acquisition, Rehabilitation and Resettlement Authority established under section 51 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013</i>
28	28. Grant of permit.—(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;	28. Grant of permit.—(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:— <i>(b) photography and film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life</i>
29	[29. Destruction, etc., in a sanctuary prohibited without a permit.—No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy ... 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 ... such permit:	[29. Destruction, etc., in a sanctuary prohibited without a permit.—No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy ... granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the <i>National</i> Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside ... such permit:
29	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.]	Explanation.—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or <i>hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under</i>

		<i>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</i>
33	33. Control of sanctuaries.—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, —	33. Control of sanctuaries.—The Chief Wild Life Warden shall be the authority who shall control, manage and maintain all sanctuaries <i>in accordance with such management plans for the sanctuary approved by him as per the guidelines issued by the Central Government and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned</i> and for that purpose, within the limits of any sanctuary,—
33(a)	(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.]	(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 <i>tourist lodges, including Government lodges, for commercial purposes, hotels, zoos and safari parks</i> shall be undertaken inside a sanctuary except with the prior approval of the National Board.]
34(4)		<i>"(4) No renewal of any licence under the Arms Act, 1959, shall be granted to any person residing within ten kilometres of a sanctuary except under the intimation to the Chief Wild Life Warden or the authorised officer."</i>
35(8)	35. Declaration of National Parks: (8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and	35. Declaration of National Parks: (8) The provisions of <i>sections 18A, 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of 4</i> [section 33,

	(c) of 4 [section 33, section 33A] shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary	section 33A] shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary
36D(2)	36D. Community reserve management committee: (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.	36D. Community reserve management committee: (2) The committee shall consist of <i>not less than</i> 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.
36D(2A)		<i>"(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, 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.</i>
38	38. Power of Central Government to declare areas as sanctuaries or National Parks.—	38. Power of Central Government to declare areas as sanctuaries or National Parks or conservation reserves.—
38(2A)		<i>(2A) The Central Government may, if it is satisfied that the conditions specified in sub-section (1) of section 36A are fulfilled in relation to any area referred to in sub-section (1), declare such area, by notification, to be a conservation reserve and the provisions of sections 36A and 36B shall apply in relation to such conservation reserve as they apply in relation to a conservation reserve declared by the State Government."</i>
38(3)	(3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wild Life	(3) In relation to a sanctuary or National Park or conservation reserve declared by the Central Government, the powers and duties of the Chief Wild Life Warden under

	Warden under the sections referred to in sub-sections (1) and (2), shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references, in the sections aforesaid, to the State Government shall be construed as references to the Central Government and reference therein to the Legislature of the State shall be construed as a reference to Parliament.	the sections referred to in <i>sub-sections (1), (2) and (2A)</i> , shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references, in the sections aforesaid, to the State Government shall be construed as references to the Central Government and reference therein to the Legislature of the State shall be construed as a reference to Parliament.
38(2)(o)	38L. Constitution of National Tiger Conservation Authority: (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,	38L. Constitution of National Tiger Conservation Authority: (o) <i>an officer not below the rank of Inspector General of Forests</i> having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary,
38XA		<i>“38XA. The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions relating to 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.”</i>
Chapter IV C	CHAPTER IVC: TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU	Chapter IV C: <i>Wildlife</i> Crime Control Bureau
38Y	38Y. Constitution of Tiger and other Endangered Species Crime Control Bureau	38Y. Constitution of <i>Wildlife</i> 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...	The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a <i>Tiger and other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau</i> consisting of...
38Y(e)	(e) the Additional Commissioner	(e) the Additional Commissioner (Customs)

	(Customs and Central Excise)— Joint Director; and	and Central Goods and Service Tax)—Joint Director; and
39(4) and (5)		<i>"(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 where it can not be released to its natural habitat. (5) Any such animal article, trophy or uncured trophy or meat derived from any wild animal, as referred to in sub-sections (1) and (2) may be disposed of by the State Government or the Central Government, as the case may be, in such manner as may be prescribed by the Central Government: Provided that such disposal shall not include any commercial sale or auction and no certificate of ownership shall be issued for such disposal</i>
40	40. Declarations.—(1) Every person ... of any captive animal specified in Schedule I or Part II of Schedule II, or ... is kept. (2) No person ... any animal specified in Schedule I or Part II of Schedule II or any ... authorised officer. [(2A) No person ... trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance. ... (4) The State Government may, ... derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession...prescribed.	40. Declarations.—(1) Every person ... of any captive animal specified in Schedule I or Part II of Schedule II, or ... is kept. (2) No person ... any animal specified in Schedule I or Part II of Schedule II or any ... authorised officer. [(2A) No person ... trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance. ... (4) The State Government may, ... derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession...prescribed.
40A	[40A. Immunity in certain cases.— (1) Notwithstanding ... specified in Schedule I or Part II of Schedule II in his ... be prescribed.	[40A. Immunity in certain cases.—(1) Notwithstanding ... specified in Schedule I or Part II of Schedule II in his ... be prescribed.
41(1)(b)	41. Inquiry and preparation of inventories: (b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies,	41. Inquiry and preparation of inventories: (b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive

	salted and dried skins and captive animals specified in Schedule I and Part II of Schedule II and found thereon; and	animals specified in Schedule I <i>and Part II of Schedule II</i> and found thereon; and
42A		<p>"42A. (1) Any person having a certificate of ownership in respect of any captive animal, animal article, trophy or uncured trophy, meat or ivory imported into India or an article made from such ivory, and who is not desirous of keeping it in his control, custody or possession may, after giving notice of seven working days to the Chief Wild Life Warden, surrender the same to him and any such certificate of ownership shall stand cancelled from the date of such surrender.</p> <p>(2) No compensation shall be payable to any person for surrender of any such animal, article, trophy, meat or ivory to the Chief Wild Life Warden under sub-section (1).</p> <p>(3) Any such animal, article, trophy, meat or ivory surrendered under this section shall become the property of the State Government and the provisions of section 39 shall apply."</p>
43		"(4) This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."
48(b)(ii)	48. Purchase of animals, etc., by licensee: (b) (ii) acquire, receive keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I or Part II of Schedule II or any animal article trophy, uncured trophy or meat derived therefrom or serve such meat, or put under a process of	48. Purchase of animals, etc., by licensee: (b) (ii) acquire, receive keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I <i>or Part II of Schedule II</i> or any animal article trophy, uncured trophy or meat derived therefrom or serve such meat, or put under a process of taxidermy or make animal article containing part or whole of such animal,

	taxidermy or make animal article containing part or whole of such animal, except in accordance with such rules as may be made under this Act;	except in accordance with such rules as may be made under this Act;
49A	49A. Definitions.—In this Chapter,— (a) “Scheduled animal” means an animal specified for the time being in Schedule I or Part II of Schedule II;	49A. Definitions.—In this Chapter,— (a) “Scheduled animal” means an animal specified for the time being in Schedule I or Part II of Schedule II;
49A(c)	49A. Definitions.—In this Chapter,— (c) “Specified date” means—(ii) in relation to any animal added or transferred to Schedule I or Part II of Schedule II at any time after such commencement, the date of expiry of two months from such addition or transfer.	49A. Definitions.—In this Chapter,— (c) “Specified date” means—(ii) in relation to any animal added or transferred to Schedule I or Part II of Schedule II at any time after such commencement, the date of expiry of two months from such addition or transfer.

30. After Chapter VA 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;
- (c) "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington D.C., in the United States of America on the 3rd of March, 1973, and amended at Bonn on the 22nd of June, 1979, its appendices, decisions, resolutions and notifications made thereunder and its amendments, to the extent binding on India;
- (d) "export" means export from India to any other country of a specimen;
- (e) "import" means import into India from any other country of a specimen;
- (f) "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 or any other country;
- (g) "Management Authority" means the Management Authority designated under section 49E;
- (h) "plant" means any member, alive or dead, of the plants listed in Schedule IV 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 a species listed in Schedule IV;
- (j) "re-export" means export of any specimen that has previously been imported;
- (k) "Scientific Authority" means a Scientific Authority designated under section 49F;
- (l) "scheduled specimen" means any specimen of a species listed in Appendices I, II or III of the Convention and incorporated as such in Schedule IV;
- (m) "species" means any species, sub-species, or geographically separate population thereof;
- (n) "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 of Schedule IV, any readily recognisable part or derivative thereof;
- (B) for species included in Appendix III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendix III of Schedule IV in relation to the species; and
- (iii) in the case of a plant,—
- (A) for species included in Appendix I of Schedule IV, any readily recognisable part or derivative thereof;
- (B) for species included in Appendices II and III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendices II and III of Schedule IV in relation to the species;
- (o) "trade" means export, re-export, import and introduction from the sea.
- 49E. (1) The Central Government shall, 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) The Management Authority shall be responsible for issuance of permits and certificates for trade of scheduled specimens in accordance with the Convention, submission of reports, and shall perform such other functions as may be necessary to implement the provisions of the Convention.
- (3) The Management Authority shall prepare and submit annual and biennial reports to the Central Government.
- (4) 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.
- (5) The Management Authority may, with the prior approval of the Central Government, delegate its functions or powers, to such officers not below the rank of the Assistant Inspector General of Forests, as it may consider necessary for the purposes of this Chapter.
- 49F. (1) The Central Government shall, by notification, designate one or more institutes engaged in research on species as Scientific Authority for the purposes of this Chapter, for fulfilling the functions under the Convention.
- (2) The designated Scientific Authority shall advise the Management Authority in such matters as may be referred to it by the Management Authority.

(3) *The Scientific Authority shall monitor the export permits granted for specimens of species listed in Appendix II of Schedule IV and the actual export of such specimens.*

(4) *Whenever a Scientific Authority is of the opinion that the export of specimens of such species requires to 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 the Convention, 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.*

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

49H. (1) *No person shall engage in trade of scheduled specimens except as provided for under this Chapter.*

(2) *The Central Government shall prescribe the conditions and procedures by which the exemptions contained in Article VII of the Convention may be availed.*

(3) *Every person engaging in trade of a 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 engaging in trade of 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 as may be specified by the Central Government.*

49-I. (1) *The export of any specimen of species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of an export permit.*

(2) *The export of any specimen of species included in Appendix III of Schedule IV shall require the prior grant and presentation of an export permit if the species has been listed in Appendix III of the Convention by India or a certificate of origin in other cases.*

(3) *An export permit shall not be granted unless—*

(a) *the Management Authority is satisfied that the specimen concerned has not been obtained in contravention of any law for the time being in force relating to protection of fauna and flora;*

(b) *the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment;*

(c) *in the case of a specimen of a species listed in Appendices I or II of Schedule IV, the Scientific Authority has advised that the export will not be detrimental to the survival of that species; and*

(d) *in the case of specimens of species listed in Appendix I of Schedule IV, an import permit has been granted by the competent authority of the country of destination.*

49J. (1) *The import of any specimen of a species included in Appendix I of Schedule IV shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate from the country of export.*

(2) *An import permit for a specimen of a species listed in Appendix I of Schedule IV shall not be granted unless—*

(a) the Management Authority is satisfied that the specimen concerned will not be used for primarily commercial purposes;

(b) the Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species; and

(c) the Scientific Authority is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

(3) The import of any specimen of a species included in Appendix II of Schedule IV shall require the prior presentation of either an export permit or a re-export certificate issued by the country of export.

(4) The import of any specimen of a species included in Appendix III of Schedule IV shall require the prior presentation of—

(a) a certificate of origin; or

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

(c) a re-export certificate granted by the country of re-export.

49K. (1) The re-export of any specimen of species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of a re-export certificate.

(2) A re-export certificate shall not be granted unless—

(a) the Management Authority is satisfied that any specimen to be re-exported was imported in accordance with the provisions of this Chapter and of the Convention;

(b) the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment; and

(c) in the case of any living specimen of species listed in Appendix I of Schedule IV, the Management Authority is satisfied that an import permit has been granted.

49L. (1) The introduction from the sea of a specimen of a species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of a certificate of introduction from the sea.

(2) A certificate of introduction from the sea shall not be granted unless—

(a) the Scientific Authority has advised that the introduction of any specimen will not be detrimental to the survival of the species;

(b) in the case of a specimen of a species listed in Appendix I of Schedule IV, the Management Authority is satisfied that it is not to be used for primarily commercial purposes and that the proposed recipient of any living specimen is suitably equipped to house and care for it; and

(c) in the case of a living specimen of a species listed in Appendix II of Schedule IV, the Management Authority is satisfied that it will be so handled as to minimise the risk of injury, damage to health or cruel treatment.

49M. (1) Every person possessing a living specimen of an animal species listed in Schedule IV shall report the details of such specimen or specimens in his possession to the Management Authority or the authorised officer:

Provided that the Central Government may exempt one or more specimens of any animal species included in Schedule IV from such declaration for such quantity and for such period as it may deem fit.

(2) The Management Authority or the authorised officer may, on being satisfied that a person was in possession of a living specimen of an animal species listed in Schedule IV which had not been obtained in contravention of any law relating to protection of fauna and flora, issue a registration certificate allowing the owner to retain such specimen.

(3) Any person who transfers possession, by any means whatsoever, of any living specimen of an animal species listed in Schedule IV shall report the details to the Management Authority or the authorised officer.

(4) The Management Authority or the authorised officer shall register all transfers of living specimens of animal species listed in Schedule IV and issue the transferee with a registration certificate.

(5) Any person in possession of any living specimen of an animal species listed in Schedule IV which bears any offspring shall report the birth of such offspring to the Management Authority or the authorised officer.

(6) The Management Authority or the authorised officer shall on receipt of the report under sub-section (5) register any offspring born to any living specimen of an animal species listed in Schedule IV and issue the owner with a registration certificate.

(7) Any person in possession of any living specimen of an animal species listed in Schedule IV which dies shall report such death to the Management Authority or the authorised officer.

(8) No person shall possess, transfer or breed any living specimen of any animal species listed in Schedule IV except in conformity with this section and the rules made by the Central Government in this behalf.

(9) The form, manner and period for reporting possession, transfers, and births, deaths, and registration of the same under this section shall be as prescribed by the Central Government.

49N. (1) Every person who is engaged in breeding in captivity or artificially propagating any scheduled specimen listed in Appendix I of Schedule IV shall make, within a period of ninety days of the commencement of the Wild Life (Protection) Amendment Act, 2021, an application for registration to the Chief Wild Life Warden.

(2) The form and manner of the application to be made to the Chief Wild Life Warden under sub-section (1), the fee payable, 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 by the Central Government.

49-O. (1) On receipt of application under sub-section (1) of section 49N, the Chief Wild Life Warden shall, if—

(a) the application is in the prescribed form;

(b) the resolutions of the Convention relating to breeding in captivity or artificial propagation of species listed in Appendix I of Schedule IV are satisfied; and

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

(2) The Chief Wild Life Warden shall, if the provisions or resolutions of the Convention or this Act and any rules made hereunder have not been complied with, or if a false particular is furnished, refuse or cancel the registration as the case may be after providing the applicant with an opportunity of being heard.

(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 Chief Wild Life Warden or cancellation of registration under sub-section (2) may prefer an appeal to the State Government within a period of sixty days in such manner as may be prescribed.

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

49Q. (1) Every 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 and the provisions of section 39 shall, without prejudice to the Customs Act, 1962, apply, mutatis mutandis, in relation to species and scheduled specimens as they apply in relation to wild animals, captive animals and animal articles.

(2) Where a living specimen of a species listed in Schedule IV has been seized under this Act or the Customs Act, 1962 or any other law for the time being in force as a result of import into India in contravention of this Act, the Management Authority shall, after consultation with the country of export, return the specimen to that country at the expense of that country, or ensure that it is housed and cared for by a recognised zoo or rescue centre in case it cannot be returned to the country of export.

(3) The Management Authority may for such purposes consult the Scientific Authority as it deems appropriate.

49R. Where the same species is listed in Schedule I or II and Schedule IV, then, the provisions of this Act applicable to such species listed in Schedule I or II and the rules made thereunder shall apply.'

50	50. Power of entry, search, arrest and detention.—(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,—	50. Power of entry, search, arrest and detention.—(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 Management Authority or any officer authorised by the Management Authority 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 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, may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—
50(1)(a)	(a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, trophy or trophy, uncured trophy, specified plant or part or derivative thereof in his control,	(a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, trophy or trophy, uncured trophy, specified plant or part or derivative thereof or scheduled specimen in his control, custody or

	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;	possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;
50(1)(c)	[(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof, in ...	[(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof <i>or scheduled specimen</i> , in ...
51	51. Penalties.—(1) Any person who contravenes any provision of this Act (except Chapter VA 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 3 [three years], or with fine which may extend to [twenty-five thousand rupees], or with both	51. Penalties.—(1) Any person who contravenes any provision of this Act (except Chapter VA 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 3 [three years], or with fine which may extend to [<i>one lakh rupees</i>], or with both
51(1) Proviso 1	[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 that where the offence committed is in relation to any animal specified in Schedule I <i>or Part II of Schedule II</i> 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 <i>or where the offence relates to a specimen of a species listed on Appendix I of Schedule IV</i> , 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 <i>twenty five thousand</i>
51(1) Proviso 2	Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall	Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall not be less

	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.	than three years but may extend to seven years and also with fine which shall not be less than <i>one lakh rupees</i> .
51(1A)	(1A) 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].]	(1A) 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 [<i>twenty five thousand rupees</i>].]
51A	51A. Certain conditions to apply while granting bail.—When any person accused of, the commission of any offence relating to Schedule I or Part II of Schedule II or offences relating to ... unless	51A. Certain conditions to apply while granting bail.—When any person accused of, the commission of any offence relating to Schedule I or <i>Part II of Schedule II</i> or offences relating to ... unless
54	[54. Power to compound offence: (4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of twenty-five thousand rupees:	[54. Power to compound offence: (4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of <i>five lakhs</i> rupees:
55(ad)		<i>"(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</i>
57	57. Presumption to be made in certain cases.—Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, 1 [trophy, uncured trophy, specified plant, or part or derivative thereof]it shall be presumed, until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, 1 [trophy, uncured trophy, specified	57. Presumption to be made in certain cases.—Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, 1 [trophy, uncured trophy, specified plant, or part or derivative thereof <i>or Scheduled specimen</i>]it shall be presumed, until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, 1 [trophy, uncured trophy, specified plant, or part or derivative thereof <i>or Scheduled specimen</i>].]

	plant, or part or derivative thereof.]	
61	61. Power to alter entries in Schedules.—(1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, 9 [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.	61. Power to alter entries in Schedules.— (1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, 9 [<i>amend any Schedule or add or delete any entry to or from any Schedule</i>] or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.
62	62. Declaration of certain wild animals to be vermin.—1 [The Central Government]may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.	62. Declaration of certain wild animals to be vermin.—1 [The Central Government]may, by notification, declare any wild animal other than those specified in Schedule I <i>and Part II of Schedule II</i> to be vermin for any area and for such period as may be specified therein <i>and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.</i>
62A and 62B		62A. (1) <i>The Central Government may, by notification, regulate or prohibit the import, trade, possession or proliferation of invasive alien species which pose a threat to the wild life or habitat in India.</i> (2) <i>The Central Government may authorise the Director or any other officer to seize and dispose of, including through destruction, the species referred to in the notification issued under sub-section (1).</i> 62B. <i>Notwithstanding any other provision of this Act, the Central Government may call for any information or report from a State Government or any such other agency or body or issue any direction to a State Government or any such other agency or body for effective implementation of the provisions of the Act for the protection, conservation and management of wild life in the country</i>
63(1)		<i>"(aii) terms and conditions of the</i>

(aii)		<i>committee, sub-committees or study groups under sub-section (3) of section 5B;"</i>
63(1) (gvii) and (gviii)		<i>"(gvii) the manner of disposal of Government property under sub-section (5) of section 39; (gviii) the conditions for transfer or transport of live alaphant under sub-section (4) of section 43;</i>
63(1)(ji) and later		<i>"(ji) the terms and conditions of service including salaries and allowances for appointment of the officers and employees of the Management Authority under sub-section (4) of section 49E; (jii) the conditions and procedures subject to which any exemption provided for in Article VII of the Convention may be availed under sub-section (2) of section 49H; (jiii) the reporting of details of scheduled specimens and the transaction as per sub-section (3) of section 49H; (jiv) the matters provided for in sub-sections (8) and (9) of section 49M; (jv) the form and manner of the application, the fee payable, the form of certificate of registration, and the procedure to be followed in granting or cancelling a certificate of registration as per sub-section (2) of section 49N; (jvi) the fee payable for renewal of certificates of registration as per sub-section (3), and manner of making appeal under sub-section (4), of section 49-O; (jvii) any other matter for proper implementation of the Convention as may be required under Chapter VB;</i>

Question 4: What are the recommendations of the Parliamentary Standing Committee on the Wild Life (Protection) Amendment Bill, 2021?

Recommendations on the Objectives:

- 1) On CITES:

The Committee agreed upon the need for a domestic legislation to implement CITES but believed that the most appropriate way to do so would have been through the Biological Diversity Act, 2002 since the mandate of CITES is the sustainable use of bio-diversity.

The Committee opined that the approach adopted is too unwieldy and complicated and could introduce contradictions since the basic construct of the 1972 Act has always been prohibitive whereas the underlying theme of CITES is facilitative or enabling.

The Committee considered two other options:

- i. Separate law for CITES
- ii. Introduce amendments in the relevant sections of the Principal Act without necessarily having an elaborate Chapter VB in the Principal Act.

However, the Committee recommended a third alternative where the unwieldy and complicated Schedule IV which clutters up the principal Act is eliminated and all references to Schedule IV in the Bill are replaced by the words “the CITES Appendices”. A new definition for “CITES Appendices” will then have to be inserted that reads thus:

“CITES Appendices shall mean Appendices I, II and III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) as they apply to India as notified by the Government of India from time to time”.

The Committee also stated that there is a need for absolute clarity that nothing contained in the proposed Chapter VB could facilitate breeding and trade of native Indian species listed in the revised Schedule I and II of the principal Act. This would require an amendment to S. 49R, which was proposed to be read as:

“49R.- (1) Nothing in Sections 49M, 49N, or 49O of this Chapter shall apply to a species listed in Schedule I or Schedule II if the same species is also listed in the CITES Appendices. (2) The provisions of this Chapter shall be subject to the provisions of Chapters III, IIIA, IVA, V, and VA of this Act and without prejudice to anything contained therein.”

2) On Protection of Native Indian Gene Pool:

The Committee is in agreement with amendments proposed in furtherance of this objective. However, it pointed out that species could be alien and invasive as far as a particular ecosystem within the country is concerned. Invasive alien species should not be just restricted to those from outside India. There must be a well-considered scientific and transparent process for proposing, evaluating, listing (and delisting as well) invasive alien species, along with enabling provisions directing the formulation of specific management measures.

3) On Improved Management of Protected Areas:

The Committee is broadly in agreement with the amendments proposed for improved management of protected areas, especially the provision for fulfilling the bona fide use of drinking and household water by local communities.

However, the Committee believes that clarifications will be needed in the Rules on what constitutes „drinking and household water by local communities“ since any activity can get justified for this use if no details are stipulated. The Rules should clarify which water-related activities are allowed on Government lands and on private lands in protected areas.

With regards to the creation of a Standing Committee of the State Board for Wild Life (“SBWL”), the Committee suggested that if it is to be formed, then it must mandatorily have as its members:

- a) at least one-third of the non-official members of the SBWL;
- b) at least three institutional members (like ICFRE, NTCA, etc); and
- c) the Director of the Wildlife Institute of India or his/her nominee.

The same composition should be applicable to the National Board for Wild Life (NBWL) as well.

4) On Improved Care for Seized and Surrendered Wild Animals

While being in broad agreement of the provisions added in furtherance of the objective, the Committee recommended deletion of Clause 27 which relates to elephant trade. However, in order to ensure a future pathway of acquisition of elephants by religious institutions, the Committee recommended the insertion of the following proviso after sub-Section (2) of Section 43 of the principal Act:

“Provided that the Central Government, may if it considers appropriate, prescribe such additional terms and conditions as may be necessary, subject to which any transfer or transport of an existing captive elephant for a religious institution may be conducted by a person having a valid certificate of ownership.”

5) On Ensuring Deterrence by Enhancing Fines

The Committee pointed out the need for stricter enforcement of law and intensified surveillance. It recommended that there should be a distinction between a criminal act and possible erroneous breach of the law, especially regarding permissions granted for education, science and research. The latter should attract fines undoubtedly but not imprisonment.

6) On Rationalization of Schedules in Principal Act

Although, the Committee is in agreement with rationalizing the schedule, it found a number of missing species in all the three schedules. There are species missing altogether both in Schedules I and II as well as in Schedule III. The Committee recommended major changes in all the three Schedules and also restructured Schedules I and II in a manner that makes them easy to read and look up.

Recommendations on Two Issues Not Contained in the Bill

1) Human-Animal Conflict

The Committee recommended inclusion of provisions which deal with Human-Animal Conflict which has not been addressed in the Bill including formulation of another Statutory Committee known as the Human-Animal Conflict (HAC) Committee.

2) Wild Life Science

The Committee recommended that the infrastructure in wild life science that India has developed over the years must be mobilized in a meaningful way towards wild life conservation, protection and management.

Recommendations for Insertion of Additional Clauses in the Principal Act

Ss.	The Wild Life (Protection) Act, 1972	The Wild Life (Protection) Amendment Bill, 2021
S.5B(2)	“The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.”	For the words “ <i>and not more than ten members to be nominated by the Vice Chairperson from amongst the members of the National Board</i> ”, the words “ <i>and at least one-third of the non-official members of the National Board to be nominated by the Vice-Chairperson, at least three institutional members of the National Board to be nominated by the Vice –Chairperson and the Director of the Wildlife Institute of India or his/her nominee</i> ” shall be substituted.
12	“Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant a permit, by an order in writing stating the reasons therefore, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of-”	For the words “ <i>to hunt</i> ”, the words “ <i>to capture, snare, trap, bait, tranquilize, radio tag, dart and collect</i> ” shall be substituted.
12(e)		“(1) <i>The Director, Wild Life Preservation, may grant permits for special purpose under this Section, in writing, on species listed under Schedule I. The Central Government shall process</i>

		<p><i>and respond to permit requests within a period not exceeding ninety days. Issuance of permits will be accompanied by a set of terms and conditions under which the special permits are issued. Rejection of the permit shall be accompanied with specific reasons in writing after giving an opportunity for the applicant to be heard or to submit a revised proposal.</i></p> <p><i>(2) The Chief Wild Life Warden shall grant permits for special purpose under this Section, in writing, on wild animals, except for those included under Schedule I, within a time period which shall in no case exceed sixty days. Rejection of the permit shall be accompanied with specific reasons in writing after giving an opportunity for the applicant to be heard or to submit a revised proposal.”</i></p>
17B		<p><i>“(e)The Chief Wild Life Warden shall grant permit for special purposes under this Section, in writing, on specified plants within a time period which shall in no case exceed sixty days. Rejection of the permit shall be accompanied with specific reasons in writing after giving an opportunity for the applicant to be heard or to submit a revised proposal.”</i></p>
33	<p>“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”</p>	<p>For the words “<i>manage and maintain all sancturies</i>” the words “<i>manage and protect all sancturies</i>” shall be substituted</p>
33C		<p><i>“33C Constitution of Human-Animal Conflict Management Advisory Committee –</i></p> <p><i>(1) The State Government shall constitute a Human-Animal Conflict Management Advisory Committee for ensuring planning, monitoring and</i></p>

		<p><i>mitigation of human-wildlife conflict within the State</i></p> <p><i>(2) The Human-Animal Conflict Management Advisory Committee shall consist of –</i></p> <ul style="list-style-type: none"> <i>(a) The Chief Wildlife Warden – Chairperson;</i> <i>(b) an officer of the State Police Department not below the rank of an Inspector General in charge of Law & Order – Vice Chairperson.</i> <i>(c) two eminent wildlife ecologist with specific expertise in human-wildlife conflict solutions;</i> <i>(d) a wild life veterinarian with specific expertise in chemical immobilization and translocation of conflict prone species;</i> <i>(e) a representative of a non-governmental organization with experience in mitigation of human-wildlife conflict;</i> <i>(f) a sociologist with experience in mitigation of human-animal conflict;</i> <p><i>(3) The term of office of the members other than those who are members ex officio and the manner of filling up of vacancies and the procedure to be followed shall be such, as may be prescribed.</i></p> <p><i>(4) The Human-Animal Conflict Management Advisory Committee shall perform the following functions, namely:-</i></p> <ul style="list-style-type: none"> <i>a) assess the extent of human-animal conflict and finalize an adaptive action plan covering</i>
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		<p><i>all aspects including equipment, trained personnel, allocation of funds and advice on quantum of compensation to affected people;</i></p> <p><i>b) formulate site-specific plans including creation of viable wildlife corridors to ensure long-term resolution of conflict;</i></p> <p><i>c) develop specific protocols and Standard Operating Procedures, including prescription of scientific capture, translocation and population management techniques based on best practices, in compliance of Section 12 including maintenance of law & order in the affected local area or location and related subjects;</i></p> <p><i>d) convene and meet at, at short notice, to monitor and evaluate emergency situations that require timely action to be taken under Section 11.”</i></p>
38C(b)	“evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed;”	After the words “ <i>the norms</i> ” the words “ <i>including disease surveillance</i> ” shall be added.
38C(d)	“identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;”	After the word “ <i>zoo</i> ” the words “ <i>or a specialized agency</i> ” shall be added.
Proviso to S.43(2)		“ <i>Provided that the Central Government, may if it considers appropriate, prescribe such additional terms and conditions as may be necessary, subject to which any transfer or transport of an existing captive elephant for a religious institution may be conducted by a person having a valid certificate of ownership.</i> ”

50(4)	“Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law under intimation to the Chief Wild Life Warden or the officer authorised by him in this regard.”	After the words “ <i>before a Magistrate</i> ” the words “ <i>after registering a Wildlife Offence Report duly entered in such book and form along with the Case Diary as prescribed</i> ” be inserted.
50(3A)	“Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or an Assistant Conservator of Forests, 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.”	After the words “ <i>Assistant Conservator of Forests</i> ” the words “ <i>or an Officer in charge of a Police Station</i> ” be inserted
51(1)	“Any person who contravenes any provision of this Act (except Chapter VA 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”	After the words and figures “ <i>except Chapter VA,</i> ” the words and figures “ <i>Section 12, Section 17B</i> ” shall be inserted.
51(1BB))		“ <i>Notwithstanding anything contained elsewhere in this Act, any person who contravenes the provisions of Section 12, Section 17B and Clause(c) of sub-Section (1) of Section 28, shall be punishable with fine which may be extendable to fifty thousand rupees:</i>

		<i>Provided that in case of a second or subsequent offence the fine may extend to one lakh rupees. Provided further that for an offence committed in relation to clause (d) of Section 12, the penalty prescribed in the first proviso of sub-Section (1) of Section 51 shall apply.”</i>
55 and 55(b)	<p>“No court shall take cognizance of any offence against this Act except on the complaint of any person other than-</p> <p>(a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government; or</p> <p>(aa) the Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IVA; or</p> <p>(ab) Member-Secretary, Tiger Conservation Authority; or</p> <p>(ac) Director of the concerned tiger reserve; or</p> <p>(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</p> <p>(bb) the officer-in-charge of the zoo in respect of violation of provisions of section 38J; or</p> <p>(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</p>	<p>After the words “or any other officer” the words “or any Police officer” be inserted</p>

	Government or the officer authorised as aforesaid.”	
61(5)		“(5) The Central and State Governments shall develop and implement species recovery programmes for species notified in Schedules I and III to be decided by the National Board for Wild Life and concerned State Board for Wild Life.”

Clause by Clause Recommendations of the Committee

Cl.	Propose Amendment	Committee Recommendation
2	In the preamble of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), for the words "protection of wild animals, birds and plants", the words "conservation, protection and management of wild life" shall be substituted.	after the word “protection,” the word “research” shall be inserted and after the words “management of wild life” the words “enabled by science” shall be inserted.
3(a) (d) (e)	3. In section 2 of the principal Act,— (a) in clause (5), for the words and figures "Schedule I, Schedule II, Schedule III or Schedule IV", the words and figures "Schedule I or Schedule II" shall be substituted; (d) in clause (18A), for the words and figures "Schedules I to V", the words and figures "Schedules I, II and IV" shall be substituted; in clause (19), for the words and figures "Schedules I to V and VI", the words and figures "Schedules I, II and III" shall be substituted;	Add “CITES Appendices”
3(i)	for clause (34), the following clause shall be substituted, namely:— '(34) "vermin" means any wild animal notified under section 62;'	For the words “wild animal” the words and figures “wild animals specified in Schedule II and”
5	In section 5B of the principal Act, in sub-section (3), for the words "in proper discharge of functions assigned to it", the words "on such terms and	Deleting Clause 5 since functions are already specified in Section 5C of the principal Act in detail.

	conditions as may be prescribed for proper discharge of functions assigned to it under the Act" shall be substituted.	
6A(2)	“The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members, to be nominated by the Vice-Chairperson, from amongst the members of the Board.”	For the words “not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the Board” the words “at least one-third of the non-official members of the State Board to be nominated by the Vice-Chairperson, at least three institutional members of the State Board to be nominated by the Vice Chairperson and the Director of the Wildlife Institute of India or his/her nominee” shall be substituted.
12(a)	(a) for the word "Board", the words "National Board" shall be substituted	For the words “National Board” the words “State Board and National Board” shall be substituted.
12(b)	(b) 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 a 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.".	Explanation clause amended to be read as: <i>"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 a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, including the bona fide use of drinking and household water by local communities, until they are settled, shall not be deemed to be an act prohibited under this section."</i>
13(a)	(a) after the words "manage and maintain all sanctuaries", the words, brackets and figures "in accordance with such management plans for the sanctuary approved by him as per the guidelines issued by the Central Government and in case the sanctuary	For the word “him” the word “him/her” shall be substituted.

	also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned" shall be inserted;	
27	In section 43 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:— "(4) This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."	Deletion.
30	CITES Chapter	The Committee recommended that the following explanatory Clause be inserted after sub-clause clause 2(a) of the proposed Section 49J: "Explanation. - For the purposes of clause (a), the expression "commercial purposes" means display of any living specimen in a zoo or rescue centre which charges an entry fee."
31(ii)	(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;	After the words "a sub-inspector", the words "or any customs officer not below the rank of inspector or any officer of the coast guard or the central armed police forces not below the rank of an Assistant Commandant" shall be inserted."
31(iii)	(iii) in clauses (a) and (c), after the words "derivative thereof ", the words "or scheduled specimen" shall be inserted.	Deletion.
36	In section 57 of the principal Act, after the words "derivate thereof" at both the places where they occur, the words	<i>"In Section 57 of the principal Act— (a) after the words "control of any" the</i>

	"or Scheduled specimen" shall be inserted.	words "wild animal" shall be inserted; (b) after the words "derivative thereof" at both the places where they occur, the words "or Scheduled specimen" shall be inserted; (c) after the words "control of such" the words "wild animal" shall be inserted."
40	Amendments to Section 63 – Power of Central Government to Make Rules	Deletion.
41	Revised Schedule.	Revised schedule recommended.

Question 5: What is the current status of the Wild Life (Protection) Amendment Bill, 2021?

The Wild Life (Protection) Amendment Bill, 2021 after being introduced to the Lok Sabha on 17th December, 2021 was referred to Parliamentary Standing Committee on Science and Technology, Environment, Forests and Climate Change on 25th December, 2021. The Standing Committee submitted its report on 21st April, 2022.