

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 1991

No. 44 OF 1991

[20th September, 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 India as follows:—

Short
title
and com-
mence-
ment.

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 1991.

(2) It shall come into force on such date¹ as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

Amend-
ment of
long
title.

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. 53 of 1972.

Omission
of the
preamble.

3. In the principal Act, after the long title, the preamble shall be omitted.

Amend-
ment of
section
1.

4. In section 1 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) It extends to the whole of India except the State of Jammu and Kashmir.";

(b) in sub-section (3), the words "or may become extended in future," shall be omitted.

Amend-
ment of
section
2.

5. In section 2 of the principal Act,—

(a) in clause (2), for the words "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;

(c) clause (6) shall be omitted;

(d) after clause (7), the following clause shall be inserted, namely:—

‘(7A) “circus” means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;’

(e) in clause (11), for the words “or meat”, the words “meat or specified plant” shall be substituted;

(f) after clause (12), the following clause shall be inserted, namely:—

16 of 1927.

‘(12A) “Forest officer” means the Forest officer 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”, the words, figures and letter “or section 17H” shall 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 following clauses shall be inserted, namely:—

‘(25A) “recognised zoo” means a zoo recognised under section 38H;

(25B) “reserve forest” means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927;’

16 of 1927.

(l) 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 plant specified in Schedule VI;’

(n) after clause (30), the following clause shall be inserted, namely:—

‘(30A) “territorial waters” shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976;’

80 of 1976.

(o) in clause (32), for the words "freshly-killed wild animal", the words "freshly-killed wild animal, ambergris, musk and other animal products" shall be substituted;

(p) after clause (38), the following clause shall be inserted, namely:—

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

Amend-
ment of
section
4.

6. In section 4 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (b), the word “and” shall be omitted;

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

“(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.

Amend-
ment of
section
6.

7. In section 6 of the principal Act,—

(a) in sub-section (1),—

(i) for clause (d), the following clause shall be substituted, namely:—

“(d) the Forest officer in charge of the State Forest Department, by whatever designation called, *ex officio*,”;

(ii) for clause (g), the following clauses shall be substituted, namely:—

“(g) officers of 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 protection of wild life, including the representatives of tribals not exceeding three.”;

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

“(1A) 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 sub-section (2), for the words “Chief Conservator of Forests”, the words “the Forest officer in charge of the State Forest Department” shall be substituted.

8. In section 8 of the principal Act,—

Amend-
ment of
section
8.

(i) in clause (a), the words “, game reserves” shall be omitted;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) in formulation of the policy for protection and conservation of the wild life and specified plants;”;

(iii) in clause (c), the word “and” shall be omitted;

(iv) 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:—

Substitu-
tion of
new
section
for
section 9.

“9. No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.”.

Prohi-
bition of
hunting.

10. Section 10 of the principal Act shall be omitted.

Omis-
sion of
section
10.

11. In section 12 of the principal Act, for clause (c), the following clauses shall be substituted, namely:—

Amend-
ment of
section
12.

“(c) collection of specimens—

(i) for recognised zoos subject to the permission under section 38-I; 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.

Omis-
sion of
sections
13 to 17.

13. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

Insertion
of new
Chapter
IIIA.

"CHAPTER IIIA

PROTECTION OF SPECIFIED PLANTS

Prohibition of picking, uprooting, etc., of specified plant.

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.

Grants of permit for special purposes,

17B. The Chief Wild Life 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 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of—

(a) education;

(b) scientific research;

(c) collection, preservation and display in a herbarium of any scientific institution; or

(d) propagation by a person or an institution approved by the Central Government in this regard.

Cultivation of specified plants without licence prohibited.

17C. (1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden 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.

Dealing in specified plants without licence prohibited.

17D. (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof:

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.

17E. (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.

Declara-
tion of
stock.

(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, and specified plant or part or derivative thereof,

Posses-
sion,
etc., of
plants by
licensee.

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:

Purchase,
etc.,
of speci-
fied
plants.

Provided that nothing in this section shall apply to any person referred to in section 17B.

Plants
to be
Govern-
ment pro-
perty.

17H. (1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and, where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government, such plant or part or 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 (1) of that section."

Amend-
ment of
heading
of Chap-
ter IV.

14. In Chapter IV of the principal Act, in the heading thereof, the words "GAME RESERVES" shall be omitted.

Amend-
ment of
section
18.

15. In section 18 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

"(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."

Amend-
ment of
section
19.

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.

Amend-
ment of
section
24.

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."

Insertion
of new
section
26A.

18. After section 26 of the principal Act, the following section shall be inserted, namely:—

"26A. (1) When—

Declara-
tion of
area
as sanc-
tuary.

(a) a notification has been issued under section 18 and the period for preferring claims has elapsed, and 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, faunal, floral, geo-

morphological, 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 so 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 (1), the right of innocent passage of any vessel or boat through the territorial waters shall not be affected by the notification issued under sub-section (1).

(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:—

Amendment of section 27.

"(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 deface such boundary-mark.

45 of 1860.

(4) No person shall tease or molest any wild animal or litter the grounds of sanctuary."

20. For section 29 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 29.

"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.

Destruction, etc., in a sanctuary prohibited without a 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."

Amend-
ment of
section
33.

21. In section 33 of the principal Act,—

(a) in clause (d), for the word "cattle," the word "live-stock." shall be substituted;

(b) clause (e) shall be omitted.

Insertion
of new
section
33A.

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."

Immunisation of live-stock.

Amend-
ment of
section
34.

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." 54 of 1959.

Amend-
ment of
section
35.

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.";

(b) in sub-section (3), for the figures, words and brackets "19 to 26 (both inclusive)", the figures, words, letters and brackets "19 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, figures and letter "section 33, section 33A" shall be substituted.

Omission
of section
36 and
sub-
heading
thereof.

24. In Chapter IV of the principal Act, the sub-heading "GAME RESERVE", and section 36 below it, shall be omitted.

Amend-
ment of
section
38.

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.

26. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

Insertion
of new
Chapter
IVA.

"CHAPTER IVA

CENTRAL ZOO AUTHORITY AND RECOGNITION 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.

Constitu-
tion of
Central
Zoo
Authority.

(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) The 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.

Term of
office and
condi-
tions of
service
of Chair-
person
and mem-
bers, etc.

(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 to imprisonment 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 three 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 unless 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.

(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.

Functions 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.

Pro-
cedure
to be
regulated
by the
Authority.

38D. (1) 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.

Grants
and
loans to
Authority
and
constitu-
tion of
Fund.

38E. (1) 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.

(2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants

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 intervals 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.

(7) The accounts 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. The 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.

Annual
report.

38G. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far 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.

Annual
report
and
audit
report to
be laid
before
Parlia-
ment.

38H. (1) No zoo shall be operated without being recognised by the Authority:

Recogni-
tion of
zoos.

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 a period

of six months from the date of such commencement and if the application seeking recognition is 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, norms 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 zoo 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 or hunted" shall be substituted;

(ii) the words "without a licence or" shall be omitted;

Acquisition
of animals
by a zoo.

Prohibition
of
teasing
etc., in
a zoo.

Amendment
of
section 39.

(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-I or to a public museum.”.

Amendment of section 40.

29. In section 43 of the principal Act, in sub-section (6),—

(i) for clause (a), 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-I or by a public museum with any other recognised zoo or public museum.”.

Amendment of section 43.

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 therefrom and the manufacturers of such articles.”.

Amendment of section 44.

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.”.

Insertion of new section 48A.

Restriction on transportation of wild life.

Amend-
ment of
section
49.

32. In section 49 of the principal Act, for the proviso, 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-I or to a public museum.”.

Amend-
ment of
section
49A.

33. In section 49A of the principal Act,—

(a) 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;

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

“(iii) 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.”.

Amend-
ment of
section
49B.

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”.

Amend-
ment of
section
49C.

35. In section 49C 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 ivory imported into India or any article made therefrom.”.

Amend-
ment of
section
50.

36. In section 50 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (a), for the words “trophy or uncured trophy”, the words “trophy, uncurred 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 spscified 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,—

(a) to issue a search warrant;

(b) to enforce the attendance of witnesses;

(c) to 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 letter “(except Chapter VA)”, the brackets, words, figures and letters “(except Chapter VA and section 38J)”, for the words “two years”, the

Amend-
ment of
section
51.

words "three years" and for the words "two thousand rupees", the words "twenty-five thousand rupees" shall be substituted;

(ii) in the first proviso, for the words "relates to hunting in", the words "relates to hunting in, or altering the boundaries of," for the words "six months", the words "one year" and 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 subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.";

(b) after sub-section (1A), 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 rupees, or with both:

Provided that in the case of a second or subsequent offence the term of imprisonment may extend to one year or the fine 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 derivative thereof" shall be substituted;

(d) after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 or in the Probation of Offenders Act, 1958 shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age."

2 of 1974.

20 of 1958.

Amendment of section 54.

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 Director of Wild Life Preservation or any other officer and the State Government" shall be substituted.

Substitution of new section for section 55.

39. For section 55 of the principal Act, the following section shall be substituted, namely:—

Cognizance of offences.

"55. No court shall take cognizance of any offence against this Act on the complaint of any person other than—

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

(b) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government; or

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

40. In section 57 of the principal Act, for the words "trophy or uncured trophy", wherever they occur, the words "trophy, uncured trophy, specified plant, or part or derivative thereof" shall be substituted.

Amendment of section 57.

41. In section 59 of the principal Act, for the words and figures "in Chapter II and", the words, figures and letter "in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA" shall be substituted.

Amendment of section 59.

42. In section 60 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of section 60.

"(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, members, 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 60 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 60A.

"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 paid to a person who renders 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.

Reward to persons.

(2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty per cent. of such money."

44. In section 61 of the principal Act,—

Amendment of section 61.

(a) in sub-section (1), for the words "add any entry to any Schedule", the words "add or delete any entry to or from any Schedule" 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 62.

Amend-
ment of
section
63.

46. In section 63 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:—

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;

(b) the salaries and allowances and other conditions of appointment 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 standards, 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.”.

Amend-
ment of
section
64.

47. In section 64 of the principal Act, in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(ee) the manner in which measures for immunisation of live-stock shall be taken;”.

Amend-
ment of
section
66.

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

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 26A."

49. In Schedule II to the principal Act, in the heading, the figures "10" and the words "SPECIAL GAME" shall be omitted.

Amend-
ment of
Schedule
II.

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

Amend-
ment of
Schedule
III.

51. In Schedule IV to the principal Act, the heading "SMALL GAME" shall be omitted.

Amend-
ment of
Schedule
IV.

52. After Schedule V to the principal Act, the following Schedule shall be inserted, namely:—

Insertion
of new
Schedule
VI.

"SCHEDULE VI

(See section 2)

1. Beddomes' cycad (*Cycas beddomei*)
2. Blue Vanda (*Vanda coerulea*)
3. Kuth (*Saussurea lappa*)
4. Ladies slipper orchids (*Paphiopedilum* spp.)
5. Pitcher Plant (*Nepenthes Khasiana*)
6. Red Vanda (*Ranantthera imschootiana*)."