

# WILD LIFE (PROTECTION) ACT, 1972

[53 of 1972, dt. 9-9-1972]

[As amended by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022),  
dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023  
and vide SO 2360(E), dt. 27-5-2025]

<sup>1</sup>[An Act to provide for the <sup>2</sup>[conservation, protection and management of wild life] and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.]

## CHAPTER I PRELIMINARY

### 1. Short title, extent and commencement

(1) This Act may be called the Wild Life (Protection) Act, 1972.

<sup>3</sup>(2) It extends to the whole of India <sup>4</sup>[xxx].]

(3) It shall come into force in a State or Union Territory to which it extends, <sup>5</sup>[xxx] on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union Territories.

### 2. Definitions

In this Act, unless the context otherwise requires,—

<sup>1</sup>[(1) “animal” includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs;]

(2) “animal article” means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal <sup>6</sup>[has been used, and ivory imported into India and an article made therefrom];

<sup>7</sup>[xxx]

<sup>1</sup>[(4) “Board” means a State Board for Wild Life constituted under sub-section (1) of section 6;]

(5) “captive animal” means any animal, specified in <sup>8</sup>[Schedule I or Schedule II], which is captured or kept or bred in captivity;

<sup>9</sup>[xxx]

(7) “Chief Wild Life Warden” means the person appointed as such under clause (a) of sub-section (1) of section 4;

1 Substituted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.  
2 Substituted for “protection of wild animals, birds and plants” by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.  
3 Substituted by Act 44 of 1991, w.e.f. 2-10-1991.  
4 Words “except the State of Jammu and Kashmir” omitted by the Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019), dt. 9-8-2019, w.e.f. 31-10-2019 vide SO 2889(E), dt. 9-8-2019.  
5 Words “or may become extended in future” omitted by Act 44 of 1991, w.e.f. 2-10-1991.  
6 Substituted for “has been used” by Act 44 of 1991, w.e.f. 2-10-1991.  
7 Clause (3) omitted by Act 44 of 1991, w.e.f. 2-10-1991.  
8 Substituted for “Schedule I, Schedule II, Schedule III or Schedule IV” by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.  
9 Clause (6) omitted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>1</sup>[(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;]

<sup>2</sup>[(8) xxx];

(9) "Collector" means the chief officer-in-charge of the revenue administration of a district or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under section 18B in this behalf;

(10) "commencement of this Act", in relation to—

(a) a State, means commencement of this Act in that State,

(b) any provision of this Act, means the commencement of that provision in the concerned State;

(11) "dealer" in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;

(12) "Director" means the person appointed as Director of Wild Life Preservation under clause (a) of sub-section (1) of section 3;

<sup>1</sup>[(12A) "Forest officer" means the Forest officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other Act for the time being in force in a State;

(12B) "Forest produce" shall have the same meaning as in sub-clause (b) of clause (4) of section 2 of the Indian Forest Act, 1927;]

<sup>3</sup>[xxx]

(14) "Government property" means any property referred to in section 39; <sup>4</sup>[or section 17H;]

(15) "habitat" includes land, water or vegetation which is the natural home of any wild animal <sup>5</sup>[or specified plant];

(16) "hunting", with its grammatical variations and cognate expressions, includes,—

(a) killing or poisoning of any wild animal or captive animal and every attempt to do so;

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

(c) injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles or disturbing the eggs or nests of such birds or reptiles;

<sup>5</sup>[(16A) "invasive alien species" means a species of animal or plant which is not native to India and whose introduction or spread may threaten or adversely impact wild life or its habitat;]

(17) "land" includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, <sup>6</sup>[marshes and wetlands and also includes boulders and rocks];

<sup>1</sup> Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>2</sup> Omitted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

<sup>3</sup> Clause (13) omitted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>4</sup> Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>5</sup> Inserted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>6</sup> Substituted for "and also includes boulders and rocks" by Act 44 of 1991, w.e.f. 2-10-1991.

(18) "licence" means a licence granted under this Act;

<sup>1</sup>[(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 <sup>2</sup>[Schedules I, II and IV];]

<sup>1</sup>[(19) "manufacturer" means a person who manufactures articles from any animal or plant specified in <sup>3</sup>[Schedules I, II and III], as the case may be;

(20) "meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;

(20A) "National Board" means the National Board for Wild Life constituted under section 5A;]

(21) "National Park" means an area declared, whether under section 35 or section 38, or deemed, under sub-section (3) of section 66, to be declared, as a National Park;

(22) "notification" means a notification published in the Official Gazette;

(23) "permit" means a permit granted under this Act or any rule made thereunder;

<sup>4</sup>[(24) "person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not;]

<sup>5</sup>[(24A) "protected area" means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;]

(25) "prescribed" means prescribed by rules made under this Act;

<sup>6</sup>[(25A) "recognised zoo" means a zoo recognised under section 38H;]

<sup>1</sup>[(25B) "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927, or declared as such under any other State Act;

(26) "sanctuary" means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66;]

<sup>7</sup>[(26A) "Schedule" means a Schedule appended to this Act;]

<sup>8</sup>[(27) "specified plant" means any plant specified in <sup>9</sup>[Schedule III];]

(28) <sup>10</sup>[x x x]

(29) "State Government", in relation to a Union Territory, means the Administrator of that Union Territory appointed by the President under article 239 of the Constitution;

<sup>1</sup>[(30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;]

<sup>1</sup> Substituted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

<sup>2</sup> Substituted for "Schedules I to V" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>3</sup> Substituted for "Schedules I to V and VI" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>4</sup> Substituted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023. Prior to substitution, clause (24) read as under:

"(24) "person" includes a firm;"

<sup>5</sup> Inserted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

<sup>6</sup> Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>7</sup> Inserted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>8</sup> Substituted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>9</sup> Substituted for "Schedule VI" by the Wildlife (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>10</sup> Words "special game" means any animal specified in Schedule II" omitted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

<sup>1</sup>[(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);]

(31) "trophy" means the whole, or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes—

(a) rugs, skins and specimens of such animal mounted in whole or in part through a process or taxidermy, and

<sup>2</sup>[(b) antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;]

(32) "uncured trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a <sup>3</sup>[freshly killed wild animal, ambergris, musk and other animal products];

(33) "vehicle" means any conveyance used for movement on land, water or air and includes buffalo, bull bullock, camel, donkey, elephant, horse and mule;

<sup>4</sup>[(34) "vermin" means any wild animal notified under section 62;]

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

<sup>5</sup>[(36) "wild animal" means any animal specified in <sup>6</sup>[Schedule I or Schedule II] and found wild in nature;

(37) "wild life" includes any animal, aquatic or land vegetation which forms part of any habitat;]

(38) "Wild life Warden" means the person appointed as such under clause (b) of sub-section (1) of section 4;

<sup>7</sup>[(39) "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.]]

## CHAPTER II

### AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT

#### 3. Appointment of Director and other officers

(1) The Central Government may, for the purposes of this Act, appoint,—

(a) A Director of Wild Life Preservation;

<sup>8</sup>[(b) x x x]

(c) such other officers and employees as may be necessary.

1 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

2 Substituted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

3 Substituted for "freshly killed wild animal" by Act 44 of 1991, w.e.f. 2-10-1991.

4 Substituted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023. Prior to substitution, clause (34) read as under:

"(34) "vermin" means any wild animal specified in Schedule V;"

5 Substituted by Amdt. Act, 2002 (16 of 2003) 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

6 Substituted for "Schedules I to IV" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

7 Substituted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023. Prior to substitution, clause (39) read as under:

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

8 Clause (b) omitted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time-to-time, give.

<sup>1</sup>[(3) The officers and other employees appointed under this section shall be required to assist the Director.]

#### 4. Appointment of Chief Wild Life Warden and other officers

(1) The State Government may, for the purposes of this Act, appoint,—

(a) a Chief Wild Life Warden;

(b) Wild Life Wardens;<sup>2</sup>[xxx]

<sup>1</sup>[(bb) Honorary Wild Life Wardens;]

(c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wild Life Warden shall be subject to such general or special directions, as the State Government may, from time-to-time, give.

(3) <sup>3</sup>[The Wild Life Warden, the Honorary Wild Life Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wild Life Warden.

#### 5. Power to delegate

(1) The Director may, with the previous approval of the Central Government, by order in writing, delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(2) The Chief Wild Life Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this Act, except those under clause (a) of sub-section (1) of section 11, to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(3) Subject to any general or special direction given or condition imposed by the Director or the Chief Wild Life Warden, any person, authorised by the Director or the Chief Wild Life Warden to exercise any powers, may exercise those powers in the same manner and to the same effect as if they had conferred on that person directly by this Act and not by way of delegation.

#### COMMENTS

In this case, the complaint was filed after obtaining sanction from the Divisional Forest Officer who was authorised to file the complaint. Section 5(2) of the Act also gives powers to the authorities concerned to delegate his power to any of his subordinate officer. Hence, it could not be said that no other person except the Chief Wild Life Warden or such other officer who has been authorised by the State Government, can file a complaint with which the cognizance can be taken of—*Jagdish Singh v. State of Bihar, 1985 Cr.LJ 1314.*

#### <sup>4</sup>[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, constitute the National Board for Wild Life consisting of the following members, namely:—

(a) the Prime Minister as Chairperson;

1 Substituted by Amdt. Act, 2002 (16 of 2003) 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

2 Word “and” omitted by Act 44 of 1991, w.e.f. 2-10-1991.

3 Substituted for “The Wild Life Warden” by Act 44 of 1991, w.e.f. 2-10-1991.

4 Inserted by Amendment Act, 2002 (16 of 2003), w.e.f. 22-9-2003 vide SO 1091(E), dt. 22-9-2003.

- (b) the Minister in charge of Forests and Wild Life as Vice-Chairperson;
- (c) three members of Parliament of whom two shall be from the House of the People and one from the Council of States;
- <sup>1</sup>[(d) Member, NITI Aayog in-charge of Environment, Forest and Climate Change;]
- (e) five persons to represent non-governmental organisations to be nominated by the Central Government;
- (f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;
- (g) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (h) the Chief of the Army Staff;
- (i) the Secretary to the Government of India in-charge of the Ministry of Defence;
- (j) the Secretary to the Government of India in-charge of the Ministry of Information and Broadcasting;
- (k) the Secretary to the Government of India, in-charge of the Department of Expenditure, Ministry of Finance;
- (l) the Secretary to the Government of India, Ministry of Tribal Welfare;
- (m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (n) the Director-General of Tourism, Government of India;
- (o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;
- (p) the Director, Wild Life Institute of India, Dehradun;
- (q) the Director, Zoological Survey of India;
- (r) the Director, Botanical Survey of India;
- (s) the Director, Indian Veterinary Research Institute;
- (t) the Member-Secretary, Central Zoo Authority;
- (u) the Director, National Institute of Oceanography;
- (v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;
- (w) the Director of Wild Life Preservation who shall be the Member-Secretary of the National Board.

(2) The term of office of the members other than those who are members *ex officio*, the manner of filling vacancies referred to in clauses (e), (f) and (v) of sub-section (1), and the procedure to be followed in the discharge of their functions by the members of the National Board shall be such, as may be prescribed.

(3) The members (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

<sup>1</sup> Substituted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023. Prior to substitution, clause (d) read as under:  
“(d) member, Planning Commission in-charge of Forests and Wild Life;”

(4) Notwithstanding anything contained in any other law for the time being in force, the office of a member of the National Board shall not be deemed to be an office of profit.

**5B. Standing Committee of the National Board**

(1) The National Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board.

(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.

(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.

**5C. Functions of the National Board**

(1) It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

- (a) framing policies and advising the Central Government and the State Governments on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;
- (b) making recommendations on the setting up of the management of national parks, sanctuaries and other protected areas and on matters relating to restriction of activities in those areas;
- (c) carrying out or causing to be carried out impact assessment of various projects and activities on wild life or its habitat;
- (d) reviewing from time-to-time, the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and
- (e) preparing and publishing a status report at least once in two years on wild life in the country.]

<sup>1</sup>**[6. Constitution of State Board for Wild Life**

(1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002, constitute a State Board for Wild Life consisting of the following members, namely:—

- (a) the Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be—Chairperson;
- (b) the Minister in-charge of Forests and Wild Life—Vice-Chairperson;
- (c) three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;
- (d) three persons to represent non-governmental organisations dealing with wild life to be nominated by the State Government;

<sup>1</sup> Substituted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

- (e) ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;
- (f) the Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;
- (g) the Officer-in-charge of the State Forest Department;
- (h) the Secretary to the State Government, Department of Tribal Welfare;
- (i) the Managing Director, State Tourism Development Corporation;
- (j) an officer of the State Police Department not below the rank of Inspector-General;
- (k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;
- (l) the Director, Department of Animal Husbandry of the State;
- (m) the Director, Department of Fisheries of the State;
- (n) an officer to be nominated by the Director, Wild Life Preservation;
- (o) a representative of the Wild Life Institute of India, Dehradun;
- (p) a representative of the Botanical Survey of India;
- (q) a representative of the Zoological Survey of India;
- (r) the Chief Wild Life Warden, who shall be the Member-Secretary.

(2) The term of office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clauses (d) and (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.

(3) The member (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.]

#### <sup>1</sup>[6A. Standing Committee of Board

(1) 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.

(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.

(3) 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.]

#### 7. Procedure to be followed by the Board

(1) The Board shall meet at least twice a year at such place as the State Government may direct.

(2) The Board shall regulate its own procedure (including the quorum).

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

<sup>1</sup> Inserted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

**8. Duties of <sup>1</sup>[State Board for Wild Life]**

It shall be the duty of the <sup>1</sup>[State Board for Wild Life] to advise the State Government,—

- <sup>2</sup>[(a) in the selection and management of areas to be declared as protected areas;]
- <sup>3</sup>[(b) in formulation of the policy for protection and conservation of the wild life and specified plants;]
- (c) in any matter relating to the amendment of any Schedule; <sup>4</sup>[xxx]
- <sup>5</sup>[(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]
- (d) in any other matter connected with the protection of wild life which may be referred to it by the State Government.

**CHAPTER III****HUNTING OF WILD ANIMALS****<sup>3</sup>9. Prohibition of hunting**

No person shall hunt any wild animal specified <sup>6</sup>[Schedules I and II] except as provided under section 11 and section 12.]

<sup>7</sup>[xxx]

**11. Hunting of wild animals to be permitted in certain cases**

(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,—

- (a) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life 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 such animal or cause such animal to be hunted:

<sup>8</sup>[PROVIDED that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such animal cannot be captured, tranquilised or translocated:

PROVIDED FURTHER that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

*Explanation* : For the purposes of clause (a), the process of capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal.]

- (b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in <sup>9</sup>[xxx] has become dangerous to human

1 Substituted for "the Wild Life Advisory Board" by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

2 Substituted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

3 Substituted by Act 44 of 1991, w.e.f. 2-10-1991.

4 Word "and" omitted by Act 44 of 1991, w.e.f. 2-10-1991.

5 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

6 Substituted for "Schedules I, II, III and IV" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

7 Section 10 omitted by Act 44 of 1991, w.e.f. 2-10-1991.

8 Inserted by Amdt. Act, 2002 (16 of 2003, dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

9 The words and figures ", Schedule III, or Schedule IV," omitted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

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 <sup>1</sup>[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.]

(2) The killing or wounding in good faith of any wild animal in defence of one-self or of any other person shall not be an offence:

PROVIDED that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be government property.

#### COMMENTS

To decide whether in shooting the accused acted in self-defence or not, the nature and ferocity of the animal will be relevant, where the accused killed the tiger in defence of his life, it cannot be said that the accused has committed any offence prior to shooting the tiger that charged against him. Therefore, he will be completely protected under sub-section (2) of section 11—*Tilak Bahadur Raj v. State of Arunachal Pradesh, 1979 Cr.LJ 1404.*

#### **12. Grant of permit for special purposes**

Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant <sup>2</sup>[xxx] a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee 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,—

- (a) Education;
- <sup>3</sup>[(b) Scientific research;
- (bb) Scientific Management.

*Explanation* : For the purposes of clause (bb), the expression, “Scientific Management” means—

- (i) translocation of any wild animal to an alternative suitable habitat; or
- (ii) population management of wild life without killing or poisoning or destroying any wild animals;]
- <sup>4</sup>[(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:]

<sup>5</sup>[PROVIDED that no such permit shall be granted—

- (a) in respect of any wild animal specified in Schedule I, except with the previous permission of the Central Government, and

1 Substituted for "such animal or cause such animal to be hunted" by Amdt. Act, 2002 (16 of 2003, dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

2 Words “with the previous permission of the State Government” omitted by Act 23 of 1982, w.e.f. 21-5-1982.

3 Substituted by Act 23 of 1982, w.e.f. 21-5-1982.

4 Substituted by Act 44 of 1991, w.e.f. 2-10-1991.

5 Inserted by Act 23 of 1982, w.e.f. 21-5-1982.

- (b) in respect of any other wild animal, except with the previous permission of the State Government.]

COMMENTS

This section empowers the Chief Wild Life Warden to give permission in writing, to hunt the animals for the purpose of education, scientific research and management.

<sup>1</sup>[xxx]

<sup>2</sup>[CHAPTER IIIA

PROTECTION OF SPECIFIED PLANTS

**17A Prohibition of picking, uprooting, etc., of specified plant**

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 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.

COMMENTS

This section prohibits picking, damaging or destroying any plant specified in forest land, except the scheduled tribe for bona fide personal use.

**17B. Grants of permit for special purposes**

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.

COMMENTS

This section empowers the Chief Wild Life Warden to give permission to pick, uproot or collect any specified plant for the purpose of education, scientific research, to display in herbarium of any scientific institution, etc.

**17C. Cultivation of specified plants without licence prohibited**

(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:

<sup>1</sup> Sections 13 to 17 omitted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>2</sup> Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

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.

#### COMMENTS

The section authorises the Chief Wild Life Warden to give licence for the cultivation of specified prohibited plants.

#### **17D. Dealing in specified plants without licence prohibited**

(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. Declaration of stock**

(1) Every person cultivating, or dealing in, a specified plant 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 plant and part or derivative thereof, as the case may be, on the date of such commencement.

(2) The provisions of sub-sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

#### **17F. Possession, etc., of plants by licensee**

No licensee under this Chapter shall—

- (a) keep in his control, custody or possession—
  - (i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made;
  - (ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;
- (b) (i) pick, uproot, collect or acquire any specified plant, or
  - (ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport any specified plant or part or derivative thereof,

except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

**17G. Purchase, etc., of specified plants**

No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer:

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

**17H. Plants to be Government property**

(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 of 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.]

**CHAPTER IV**

<sup>1</sup>[PROTECTED AREAS]

*Sanctuaries*

**18. Declaration of sanctuary**

<sup>2</sup>[(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.]

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

*Explanation* : For the purposes of this section it shall sufficient to describe the area by roads, rivers, bridges or other well known or readily intelligible boundaries.

<sup>3</sup>[**18A. Protection to Sanctuaries**

(1) When the State Government declares its intention under sub-section (1) of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the provisions of sections 27 to 33A (both inclusive) shall come into effect forthwith.

(2) Till such time as the rights of affected persons are finally settled under sections 19 to 24 (both inclusive), the State Government shall make alterantive arrangements required for making available fuel, fodder and other forest produce to the persons affected, in terms of their rights as per the Government records.

**18B. Appointment of Collectors**

The State Government shall appoint, an officer to act as Collector under the Act, within ninety days of coming into force of the Wild Life (Protection) Amendment Act, 2002, or within thirty days of the issue of notification under section 18, to inquire into and determine the existence, nature and extent of rights of any person in or over the

1 Substituted for "SANCTUARIES, NATIONAL PARK & CLOSED AREAS" by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

2 Substituted by Act 44 of 1991, w.e.f. 2-10-1991.

3 Inserted by Amdt. Act, 2002 (16 of 2003, dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

land comprised within the limits of the sanctuary which may be notified under sub-section (1) of section 18.]

COMMENTS

The authorities are entitled to declare any area under section 18 of the Act but that can be done only after following the provisions contained in the Act where the respondent/authorities failed to take follow-up actions for evicting persons from the area falling within the declared sanctuary in accordance with the provisions as contained in chapter IV of the Act, and passed orders prejudicially affecting the petitioners, it was held that the orders of authorities are invalid, hence quashed—*Jaladhar Chakma v. Commissioner, Aizwal, AIR 1983 (Gau) 18.*

**19. Collector to determine rights**

<sup>1</sup>[When a notification has been issued under section 18], the Controller shall inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

COMMENTS

The Collector shall conduct an enquiry as to the nature and existence of right over the land in which the proposed sanctuary is intended to be constituted.

**20. Bar of accrual of rights**

After the issue of a notification under section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

COMMENTS

This section bars the transfer of land after issuance of notification under section 18 but not the transmission of land.

**21. Proclamation of Collector**

When a notification has been issued under section 18, the Collector shall <sup>2</sup>[within a period of sixty days] publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation—

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
- (b) requiring any person, claiming any right mentioned in section 19, to prefer before the Collector, within two months from the date of such proclamation, a written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation, if any, claimed in respect thereof.

COMMENTS

This section deals with the publication of proclamation specifying the limits of sanctuary, after issuance of notification under section 18.

**22. Inquiry by Collector**

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

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

<sup>1</sup> Substituted for "Whenever any area is declared to be a sanctuary," by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>2</sup> Inserted by Amdt. Act, 2002 (16 of 2003, dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

- (b) the existence of any right mentioned in section 19 and not claimed under clause (b) of section 21,

so far as the same may be ascertainable from the records of the State Government and the evidence of any person acquainted with the same.

### 23. Powers of Collector

For the purpose of such inquiry, the Collector may exercise the following powers, namely:—

- (a) the power to enter in or upon any land and to survey, demarcate and make a map of the same or to authorise any other officer to do so;
- (b) the same powers as are vested in a civil court for the trial of suits.

#### COMMENTS

While conducting enquiry under section 22, the powers of civil court are vested with the Collector.

### 24. Acquisition of rights

(1) In the case of a claim to a right in or over any land referred to in section 19, the Collector shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Collector may either—

- (a) exclude such land from the limits of the proposed sanctuary, or
- (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 <sup>1</sup>[Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)],
- <sup>2</sup>[(c) allow, in consultation with the Chief Wild Life Warden, the continuation of any right of any person in or over any land within the limits of the sanctuary.]

### 25. Acquisition proceedings

(1) For the purpose of acquiring such land, or right in or over such land,—

- (a) the Collector shall be deemed to be a Collector, proceeding under the <sup>3</sup>[Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013)];
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under <sup>4</sup>[section 21] of that Act;
- (c) that provisions of the sections, preceding <sup>4</sup>[section 21] of that Act, shall be deemed to have been complied with;
- (d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of <sup>5</sup>[section 64] of that Act, to be a person interested who has not accepted the

<sup>1</sup> Substituted for "Land Acquisition Act, 1894 (1 of 1894)" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>2</sup> Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>3</sup> Substituted for "Land Acquisition Act, 1894 (1 of 1894)" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>4</sup> Substituted for "section 9" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>5</sup> Substituted for "section 18" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

award, and shall be entitled to proceed to claim relief against the award under the provisions of <sup>1</sup>[Chapter VIII] of that Act;

- (e) the Collector, with the consent of the claimant, or <sup>2</sup>[the Authority], with the consent of both the parties, may award compensation in land or money or partly in land and partly in money; and
- (f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for an alternative public way or common pasture, as far as may be practicable or convenient.

<sup>3</sup>[*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 (30 of 2013).]

(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.

<sup>4</sup>**[25A. Time-limit for completion of acquisition proceedings**

(1) The Collector shall, as far as possible, complete the proceedings under sections 19 to 25 (both inclusive), within a period of two years from the date of notification of declaration of sanctuary under section 18.

(2) The notification shall not lapse if, for any reasons, the proceedings are not completed within a period of two years.]

**26. Delegation of Collector s powers**

The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 19 to 25 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

COMMENTS

The State Government may, at any time, delegate the powers of Collector under sections 19 to 25 to any one.

<sup>5</sup>**[26A. Declaration of area as sanctuary**

(1) When—

- (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, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary,

1 Substituted for "Part III" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

2 Substituted for "the court" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

3 Inserted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

4 Inserted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

5 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

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).

<sup>1</sup>[(3) No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board.]

#### **27. Restriction on entry in sanctuary**

(1) No person other than,—

- (a) a public servant on duty,
- (b) a person who has been permitted by the Chief Wild Life Warden or the authorised officer to reside within the limits of the sanctuary,
- (c) a person who has any right over immovable property within the limits of the sanctuary,
- (d) a person passing through the sanctuary along a public highway, and
- (e) the dependants of the person referred to in clause (a), clause (b) or clause (c),

shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.

(2) Every person shall, so long as he resides in the sanctuary, be bound—

- (a) to prevent the commission, in the sanctuary, of an offence against this Act;
- (b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;
- (c) to report the death of any wild animal and to safeguard its remains until the Chief Wild Life Warden or the authorised officer takes charge thereof;
- (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading, by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and
- (e) to assist any Forest Officer, Chief Wild Life Warden, Wild Life Warden or Police Officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

<sup>2</sup>[(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, 1860 (45 of 1860), alter, destroy, move or deface such boundary-mark.

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

<sup>1</sup> Substituted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

<sup>2</sup> Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

**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:—

- (a) investigation or study of wild life and purposes ancillary or incidental thereto;
- (b) photography <sup>1</sup>[and film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life];
- (c) scientific research;
- (d) tourism;
- (e) transaction of lawful business with any person residing in the sanctuary.

(2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

**<sup>2</sup>[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 or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the <sup>3</sup>[National Board] that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

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

<sup>4</sup>[*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.]

**30. Causing fire prohibited**

No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

**31. Prohibition of entry into sanctuary with weapon**

No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

**32. Ban on use of injurious substances**

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

1 Inserted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

2 Substituted by Amdt. Act, 2002 (16 of 2003), dt. 17-1-2003, w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

3 Substituted for "Board" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

4 Substituted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023. Prior to substitution, explanation read as under:  
 "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."

**33. Control of sanctuaries**

The Chief Wild Life Warden shall be the authority who shall control, <sup>1</sup>[manage and protect all sanctuaries 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 (2 of 2007) is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned] and for that purpose, within the limits of any sanctuary,—

- (a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary:  
<sup>2</sup>[PROVIDED that no construction of <sup>3</sup>[tourist lodges, including Government lodges, for commercial purposes], hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board;]
- (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals therein;
- (c) may take such measures, in the interests of wild life, as he may consider necessary for the improvement of any habitat;
- (d) may regulate, control or prohibit, in keeping with the interest of wild life, the grazing movement of <sup>4</sup>[livestock].

<sup>5</sup>[xxx]

**<sup>6</sup>[33A. Immunisation of livestock**

(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 livestock in a sanctuary without getting it immunised.]

**<sup>2</sup>[33B. Advisory Committee**

(1) The State Government shall constitute an Advisory Committee consisting of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Raj Institutions, two representatives of non-governmental organisations and three individuals active in the field of wild life conservation, one representative each from departments dealing with Home and Veterinary matters. Honorary Wild Life Warden, if any, and the officer-in-charge of the sanctuary as Member-Secretary.

1 Substituted for "manage and maintain all sanctuaries" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

2 Inserted by Amdt. Act, 2002 (16 of 2003, dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

3 Substituted for "commercial tourist lodges" by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

4 Substituted for "cattle" by Act 44 of 1991, w.e.f. 2-10-1991.

5 Clause (e) omitted by Act 44 of 1991, w.e.f. 2-10-1991.

6 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

(2) The Committee shall render advice on measures to be taken for better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.

(3) The Committee shall regulate its own procedure including quorum.]

#### COMMENTS

Construction of roads is permitted under the Act, where the petitioner objects for the formation of roads through the project area invoking the provisions under the Wild Life (Protection) Act. Construction of roads would be really necessary for the protection of biological park—*Niyamadevi v. State of Kerala, 1993 (2) Ker. L.T. 10.*

#### **34. Registration of certain persons in possession of arms**

(1) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959 (54 of 1959), for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee and within such time as may be prescribed, to the Chief Wild Life Warden or the authorised officer, for the registration of his name.

(2) On receipt of an application under sub-section (1), the Chief Wild Life Warden or the authorised officer shall register the name of the applicant in such manner as may be prescribed.

<sup>1</sup>[(3) No new licences under the Arms Act, 1959 (54 of 1959) shall be granted within the radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wild Life Warden.]

<sup>2</sup>[(4) No renewal of any licence under the Arms Act, 1959 (54 of 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.]

#### <sup>3</sup>[**34A. Power to remove encroachment**

(1) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Conservator of Forests may,—

- (a) evict any person from a sanctuary or National Park, who unauthorisedly occupies Government land in contravention of the provisions of this Act;
- (b) remove any unauthorised structures, buildings, or constructions erected on any Government land within any sanctuary or National Park and all the things, tools and effects belonging to such person shall be confiscated, by an order of an officer not below the rank of the Deputy Conservator of Forests:

PROVIDED that no such order shall be passed unless the affected person is given an opportunity of being heard.

(2) The provisions of this section shall apply notwithstanding any other penalty which may be inflicted for violation of any other provision of this Act.]

#### *National Parks*

#### **35. Declaration of National Parks**

(1) Wherever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological or zoological association or importance, needed to be constituted as a National Park for

<sup>1</sup> Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

<sup>2</sup> Inserted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

<sup>3</sup> Inserted by Amdt. Act, 2002 (16 of 2003, dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.

the purpose of protecting, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park:

<sup>1</sup>[PROVIDED that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.]

(2) The notification referred to in sub-section (1) shall define limits of the area which is intended to be declared as a National Park.

(3) Where any area is intended to be declared as a National Park, the provisions of sections <sup>2</sup>[19 to 26A (both inclusive except clause (c) of sub-section (2) of section 24)] shall, as far as may be, apply to the investigation and determination of claims, and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

<sup>3</sup>(3A) When the State Government declares its intention under sub-section (1) to constitute any area as a National Park, the provisions of sections 27 to 33A (both inclusive), shall come into effect forthwith, until the publication of the notification declaring such National Park under sub-section (4).

(3B) Till such time as the rights of the affected persons are finally settled under sections 19 to 26A [both inclusive except clause (c) of sub-section (2) of section 24], the State Government shall make alternative arrangements required for making available fuel, fodder and other forest produce to the persons affected, in terms of their rights as per the Government records.]

(4) When the following events have occurred, namely:—

- (a) the period of preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and
- (b) all rights in respect of lands proposed to be included in National Park have become vested in the State Government,

the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

<sup>4</sup>(5) No alteration of the boundaries of a National Park by the State Government shall be made except on a recommendation of the National Board.

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

1 Inserted by Act 44 of 1991, w.e.f. 2-10-1991.

2 Substituted for "19 to 26 (both inclusive)" by Act 44 of 1991, w.e.f. 2-10-1991.

3 Inserted by the Wild Life (Protection) Amdt. Act, 2022 (No. 18 of 2022), dt. 19-12-2022, w.e.f. 1-4-2023 vide SO 1394(E), dt. 22-3-2023.

4 Substituted by Amdt. Act, 2002 (16 of 2003, dt. 17-1-2003), w.e.f. 1-4-2003 vide SO 332(E), dt. 28-3-2003.