



REPORT NO.

365

**PARLIAMENT OF INDIA
RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING COMMITTEE
ON SCIENCE AND TECHNOLOGY, ENVIRONMENT, FORESTS AND
CLIMATE CHANGE**

**THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2021
VOLUME – II
MEMORANDA SUBMITTED BY INDIVIDUALS/EXPERTS/INSTITUTIONS**

(Presented to the Hon'ble Chairman, Rajya Sabha on the 21st April, 2022)

(Forwarded to the Hon'ble Speaker, Lok Sabha on the 21st April, 2022)



**Rajya Sabha Secretariat, New Delhi
April, 2022/ Vaisakha, 1944 (Saka)**

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LIST OF INSTITUTIONS AND INDIVIDUALS WHO HAVE SUBMITTED WRITTEN COMMENTS ON THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2021

Individuals on behalf of institutions

1. Shri Praveen Bhargav, Wildlife First, Bengaluru
2. Shri Ritwick Dutta, Legal Initiative for Forest & Environment, New Delhi
3. Shri T.R. Shankar Raman et al, Nature Conservation Foundation, Mysuru
4. Shri Sanjay Molur, Zoo Outreach Organisation, Coimbatore
5. Shri Varun Goswami, Conservation Initiatives, Guwahati
6. Smt. Vidya Athreya, Wildlife Conservation Society-India, Bengaluru
7. Shri M.D. Madhusudan, NCBS, Bengaluru
8. Shri Bivash Pandav, BNHS, Mumbai
9. Shri Ravi Singh, WWF India, New Delhi
10. Smt. Suparna Ganguly, WRRC, Bengaluru
11. Shri Shibaji Charan Nayak, Wild Orissa, Bhubaneswar
12. Shri Abi Tamim Vanak, ATREE, Bengaluru
13. Shri Debaditya Sinha, Vidhi Centre for Legal Policy, New Delhi
14. Shri Samir Kumar Sinha, Wildlife Trust of India, New Delhi
15. Shri Shubhobroto Ghosh, World Animal Protection, New Delhi
16. Shri Alok Hisarwala Gupta, Justice for Animal India,
17. Smt. Debi Goenka, Conservation Action Trust, Mumbai
18. Humane Society International India, Hyderabad
19. Shri Shailendra Singh, Turtle Survival Alliance-India, Lucknow
20. True Conservation Alliance Foundation,
21. Elsie Gabriel, Young Environmentalists Programmes Trust, Mumbai
22. Smt. Nikita Dhawan, Youth for Animals
23. G. Rajesh, Paramekkavu Devaswom, Thissur
24. C. Vijayan, Thriuvambady Devaswom, Thrissur

Eminent Conservationists/retd IFS officers/retd officials/Academics

1. Shri M.K. Ranjitsinh, New Delhi
2. Shri Rom Whitaker, Chennai
3. Shri H.S. Pabla, Bhopal
4. Shri Akula Kishan, Guntur
5. Shri S.K. Khanduri, Dehradun
6. Shri Sanjay Kumar Srivastava, Chennai
7. Shri R.S. Bhadauria, Lucknow
8. Shri B.M.T. Rajeev, Bengaluru
9. Smt. Prerna Singh Bindra, New Delhi
10. Shri Dr. E.K. Easwaran, Aruvikkara, Kerala
11. Shri V.G. Bhandi, Sirsi
12. Shri L.A.K. Singh, Bhubaneswar
13. Shri K. Sivakumar, Pudhucherry

Hon'ble Members of Parliament

1. Shrimati Hema Malini, Lok Sabha
2. Shrimati Navneet Ravi Rana, Lok Sabha
3. Shri K. Muraleedharan, Lok Sabha
4. Shri Rajmohan Unnithan, Lok Sabha
5. Dr. Lorho S. Pfoze, Lok Sabha
6. Shri Dhairyasheel S. Mane, Lok Sabha

Concerned Citizens

1. Shri Manish Vaidya, Ahmedabad
2. Shri Subir Mario Chowlin, Pauri
3. Shri Dhiraj Umesh Mirajkar, Maharashtra
4. Shri Arvind Jain, New Delhi
5. Shri Bhaskar Asthana, Lucknow
6. Smt. Jhinku Banerjee, Howrah, West Bengal
7. Shri Milind Vaman Karkhanis, Panaji
8. Shri Manan Mehta, Mumbai
9. Shri Navneet Chahal, New Delhi
10. Smt. Pankti Desai
11. Shri Sanjay Kumar Singh, Rohini, Delhi
12. Shri Yogesh Kumar
13. Shri Mathen Mathew, Telangana
14. Shri Sandeep Chakrabarti, Bengaluru

Concerned Citizens with identical representations

1. Shri Adnan Khan, Bengaluru
2. Shri Dinesh Kallahalli
3. Shri P. Vijayan, Salem
4. Smt. S. Jayachandran, Ooty, Tamil Nadu
5. Shri K.R. Purandara, Bengaluru
6. Shri Rajendra Prasad, Mandya, Karnataka
7. Shri Ratheesh Pisharody, Bangaluru
8. Shri Sharada Ganesh, Bengaluru
9. Shri Shreekumar, Udupi, Karnataka
10. Shri K.J. Siddharth, Bengaluru
11. Shri Srinathmba
12. Shri S. Subbaiah, Bengaluru
13. Shri Sumanas Koulagi, Mandya, Karnataka
14. Shri Sundarmuthanna, Bengaluru
15. Shri T. Vijayendra, Hyderabad, Telangana

Memoranda submitted by Individuals on behalf of institutions

1. Shri Praveen Bhargav, Wildlife First, Bengaluru
2. Shri Ritwick Dutta, Legal Initiative for Forest & Environment, New Delhi
3. Shri T.R. Shankar Raman et al, Nature Conservation Foundation, Mysuru
4. Shri Sanjay Molur, Zoo Outreach Organisation, Coimbatore
5. Shri Varun Goswami, Conservation Initiatives, Guwahati
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7. Shri M.D. Madhusudan, NCBS, Bengaluru
8. Shri Bivash Pandav, BNHS, Mumbai
9. Shri Ravi Singh, WWF India, New Delhi
10. Smt. Suparna Ganguly, WRRC, Bengaluru
11. Shri Shibaji Charan Nayak, Wild Orissa, Bhubaneswar
12. Shri Abi Tamim Vanak, ATREE, Bengaluru
13. Shri Debaditya Sinha, Vidhi Centre for Legal Policy, New Delhi
14. Shri Samir Kumar Sinha, Wildlife Trust of India, New Delhi
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16. Shri Alok Hisarwala Gupta, Justice for Animal India,
17. Smt. Debi Goenka, Conservation Action Trust, Mumbai
18. Humane Society International India, Hyderabad
19. Shri Shailendra Singh, Turtle Survival Alliance-India, Lucknow
20. True Conservation Alliance Foundation,
21. Elsie Gabriel, Young Environmentalists Programmes Trust, Mumbai
22. Smt. Nikita Dhawan, Youth for Animals
23. G. Rajesh, Paramakkavu Devaswom, Thissur
24. C. Vijayan, Thriuvambady Devaswom, Thrissur



WILDLIFE FIRST

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05.01.2022

To:

The Hon'ble Chairman and Members
Parliamentary Standing Committee on Science & Technology, Environment &
Forests and Climate Change
Parliament House
New Delhi – 110 001

Chairman and Members:

Sub: Memorandum on the Wildlife (Protection) Amendment Bill 2021
Ref: File No.LAFEAS-ST15011/1/2021-Comm Sec(S&T)-RSS dt.4.01.2021

In response to the referred letter inviting me to share my views on the Wildlife (Protection) Amendment Bill 2021, I'm pleased to submit a detailed Memorandum containing the following -

- i. Specific clause-by-clause suggestions with justification for seeking amendments of many provisions as contained in the Bill under examination;
- ii. A detailed analysis and suggestions seeking amendments in Schedule I and II including lists of species that have been downgraded but which should be included in Schedule I.

These submissions are based on over two decades of conducting training programs on the Wildlife Act for Forest and Police officers and Sensitization programs for Judicial Officers at various State Judicial Academies. Pragmatic suggestions encapsulated in this Memorandum are based on these interactions and detailed debates with those who are at the cutting edge of law enforcement. Some of suggestions are also based on the book Wildlife Law for Rangers that I have authored.

I request the Hon'ble Committee to kindly consider these suggestions and views and ensure that appropriate amendments are recommended.

Sincerely

Praveen Bhargav

Trustee & Former Member – National Board for Wildlife

Author – Wildlife Law for Rangers

Member-Elephant Corridor Committee constituted by Hon'ble Supreme Court

AS INTRODUCED IN LOK SABHA

Bill No. 159 of 2021

THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2021

A

BILL

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

Be it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2021.

Short title and commencement.

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

53 of 1972.

2. In the preamble of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), for the words "protection of wild animals, birds and plants", the words "conservation, protection and management of wild life" shall be substituted.

Amendment of preamble.

Comment [U1]:
Suggestions of Praveen Bhargav
Former Member – NBWL

Editing Notes:

i. Words inserted in Green are suggested Inclusions;

ii. Words suggested for deletion are in red and struck-out;

iii. Justification for the suggestions and suggested insertion of Proviso etc. are in Comment Boxes on the right

Amendment of section 2.

3. In section 2 of the principal Act,—

(a) in clause (5), for the words and figures "Schedule I, Schedule II, Schedule III or Schedule IV", the words and figures "Schedule I or Schedule II" shall be substituted;

(b) in clause (15), after the words "wild animal", the words "or specified plant" shall be inserted; 5

(c) after clause (16), the following clause shall be inserted, namely:—

'(16A) "invasive alien species" means a species of animal or plant which is not native to India **"including domestic feral dogs" and whose introduction or spread may threaten or adversely impact wild life or its habitat;**

(d) in clause (18A), for the words and figures "Schedules I to V", the words and figures "Schedules I, II and IV" shall be substituted; 10

(e) in clause (19), for the words and figures "Schedules I to V and VI", the words and figures "Schedules I, II and III" shall be substituted;

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

'(24) "person" shall include any firm or company or any authority or 15 association or body of individuals whether incorporated or not;';

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

'(26A) "Schedule" means a Schedule appended to this Act;';

(h) in clause (27), for the word and figures "Schedule VI", the word and figures "Schedule III" shall be substituted; 20

(i) for clause (34), the following clause shall be substituted, namely:

'(34) "vermin" means any wild animal **"specified in Schedule II and notified under section 62;"**

(j) in clause (36), for the words and figures "Schedules I to IV", the words and figures "Schedule I or Schedule II" shall be substituted;

(k) for clause (39), the following clause shall be substituted, namely:— 25

'(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.'. 30

Amendment of section 5A.

4. In section 5A of the principal Act, in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

"(d) Member, NITI Aayog in-charge of Environment, Forest and Climate Change;"

Amendment of section 5B.

5. In section 5B of the principal Act, in sub-section (3), for the words "in proper discharge of functions assigned to it", the words **"on such terms and conditions as may be prescribed** for proper discharge of functions assigned to it under the Act" shall be substituted. 35

Insertion of new section 6A.

6. After section 6 of the principal Act, the following section shall be inserted, namely:—

Standing Committee of Board.

"6A. (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. 40

(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.

Comment [U2]:

This amendment is suggested due to the increasing threat of domestic feral dogs including hunting of natural prey of wild carnivores, spread of diseases like Canine Distemper Virus...

Comment [U3]:

This amendment is suggested to ensure that wild animals specified in Schedule I are not notified as vermin

Comment [U4]:

i. Suggest deletion since functions are specified S 5C (1) and (2) to be performed as 'it thinks fit'.

ii. "as prescribed" can be used to interfere with the functions as specified.

(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. In section 9 of the principal Act, for the words and figures "Schedules I, II, III and 5 IV", the words and figures "Schedules I and II" shall be substituted. Amendment of section 9.

8. In section 11 of the principal Act, in sub-section (1), in clause (b), the words and figures ", Schedule III, or Schedule IV," shall be omitted. Amendment of section 11.

1 of 1894. 30 of 2013. 10
9. In section 24 of the principal Act, in sub-section (2), in clause (b), for the words and figures "Land Acquisition Act, 1894", the words and figures "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted. Amendment of section 24.

1 of 1894. 30 of 2013. 15
10. In section 25 of the principal Act, in sub-section (1),— Amendment of section 25.

(a) in clause (a), for the words and figures "Land Acquisition Act, 1894", the words and figures "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

(b) in clauses (b) and (c), for the word and figure "section 9", the word and figures "section 21" shall be substituted;

(c) in clause (d), for the words and figures "section 18" and "Part III", the words and figures "section 64" and "Chapter VIII" shall respectively be substituted;

20
(d) in clause (e), for the words "the Court", the words "the Authority" shall be substituted;

(e) after clause (f), the following *Explanation* shall be inserted, namely:—

25
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. 25
11. In section 28 of the principal Act, in sub-section (1), in clause (b), after the word "photography", the words "and **documentary**" film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life" shall be inserted. Amendment of section 28.

30
12. In section 29 of the principal Act,— Amendment of section 29

(a) ~~for "after"~~ the word "Board", the words ~~"and"~~ National Board" shall be ~~inserted~~ **substituted**;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

35
"Explanation.—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, ~~or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12~~, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, or the *bona fide* use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this section."

40
13. In section 33 of the principal Act,— Amendment of section 33

45
(a) after the words "manage and ~~maintain~~ **protect**" all sanctuaries", the words, brackets and figures "in accordance with such management plans for the sanctuary approved ~~by him as per the guidelines issued~~ by the Central Government, ~~after seeking public comments, including the Gram Sabha, in accordance with provisions of Chapter IV and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned"~~ shall be inserted;

2 of 2007.

Comment [U5]: After sub-section (1) insertion of the following Proviso is suggested –
"Provided that no permission for commercial feature film-making shall be granted and use of electric generators, erection of sets with props, lights and such other equipment shall not be permitted".

Comment [U7]: This amendment has been suggested to ensure that the present procedure of NBWL appraisal of proposals is after the SBWL decision

Comment [U8]:
In Section 32 of the Principal Act: - the words "including mechanical earth moving equipment" be inserted after the words "other substances". This safeguard is to ensure that rampant use of bulldozers etc for lucrative earth moving activity, due to huge budgets, is curbed to prevent huge negative impact to fragile habitats caused by forest departments themselves.

Comment [U6]:
It is submitted that this will provide unbridled power to Chief Wildlife Wardens of preparing plans, approving them, executing the works and releasing funds, literally making them Judge, Jury and Executioner. This will have dangerous ramifications for Wildlife.

(b) in clause (a), in the proviso, for the words "commercial tourist lodges", the words "tourist lodges, including Government lodges, for commercial purposes" shall be substituted.

Amendment of section 34. **14.** In section 34 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:— 5

"(4) No renewal of any licence under the Arms Act, 1959, shall be granted to any person residing within ten kilometres of a sanctuary ~~except under the intimation to~~ ~~without prior concurrence of~~ the Chief Wild Life Warden ~~or the authorised officer~~." 54 of 1959.

Amendment of section 35. **15.** In section 35 of the principal Act, in sub-section (8), for the words and figures "sections 27 and 28", the words, figures and letter "sections 18A, 27 and 28" shall be substituted. 10

Amendment of section 36D. **16.** In section 36D of the principal Act, in sub-section (2),—

(a) for the words "five representatives", the words "not less than five representatives" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:— 15

"(2A) Where a community reserve is declared on private land under sub-section (1) of section 36C, the community reserve management committee shall consist of the owner of the land, a representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located and also the representative of the Panchayat concerned or the tribal community, as the case may be." 20

Amendment of section 38. **17.** In section 38 of the principal Act,—

(a) in the marginal heading, after the words "National Parks", the words "or conservation reserves" shall be inserted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:— 25

"(2A) The Central Government may, if it is satisfied that the conditions specified in sub-section (1) of section 36A are fulfilled in relation to any area referred to in sub-section (1), declare such area, by notification, to be a conservation reserve and the provisions of sections 36A and 36B shall apply in relation to such conservation reserve as they apply in relation to a conservation reserve declared by the State Government." 30

(c) in sub-section (3),—

(i) after the words "or National Park", the words "or conservation reserve" shall be inserted;

(ii) for the words, brackets and figures "sub-sections (1) and (2)", the words, brackets, figures and letter "sub-sections (1), (2) and (2A)" shall be substituted. 35

Amendment of section 38L. **18.** In section 38L of the principal Act, in sub-section (2), in clause (o), for the words "Inspector General of Forests or an officer of the equivalent rank", the words "an officer not below the rank of Inspector General of Forests" shall be substituted. 40

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

Provisions of Chapter to be in addition to provisions relating to sanctuaries and National Parks. "38XA. The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions relating to sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under this Act." 45

Comment [U9]:

The suggested amendment will ensure that prior concurrence of the Chief Wildlife Warden is mandatory for grant of new arms licences under the existing sub-section (3) and renewal under the new sub-section (4) in the Bill. Mere intimation as contained in the Bill is not a sufficient safeguard in my considered opinion

	20. In Chapter IVC of the principal Act, in the heading, for the words "TIGER AND OTHER ENDANGERED SPECIES", the words "WILD LIFE" shall be substituted.	Amendment of heading of Chapter IVC.
	21. In section 38Y of the principal Act,—	Amendment of section 38Y.
5	(a) in the marginal heading, for the words "Tiger and other Endangered Species", the words "Wild Life" shall be substituted;	
	(b) in the opening portion, the words "Tiger and other Endangered Species Crime Control Bureau to be known as the" shall be omitted;	
	(c) in clause (e), for the words "Central Excise", the words "Central Goods and Services Tax" shall be substituted.	
10	22. In section 39 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—	Amendment of section 39.
	"(4) Where any such Government property is a live animal, the State Government Authorised Officer shall ensure that it is housed and cared for by a recognised zoo or rescue centre where it can not be released to its natural habitat.	
15	(5) Any such animal article, trophy or uncured trophy or meat derived from any wild animal, as referred to in sub-sections (1) and (2) may be disposed of by the State Government or the Central Government, as the case may be, in such manner as may be prescribed by the Central Government:	
20	Provided that such disposal shall not include any commercial sale or auction and no certificate of ownership shall be issued for such disposal."	
	23. In section 40 of the principal Act, the words and figures "or Part II of Schedule II" wherever they occur shall be omitted.	Amendment of section 40.
	24. In section 40A of the principal Act, in sub-section (1), the words and figures "or Part II of Schedule II" shall be omitted.	Amendment of section 40A.
25	25. In section 41 of the principal Act, in sub-section (1), in clause (b), the words and figures "and Part II of Schedule II" shall be omitted.	Amendment of section 41.
	26. After section 42 of the principal Act, the following section shall be inserted, namely:—	Insertion of new section 42A.
30	"42A. (1) Any person having a certificate of ownership in respect of any captive animal, animal article, trophy or uncured trophy, meat or ivory imported into India or an article made from such ivory, and who is not desirous of keeping it in his control, custody or possession may, after giving notice of seven working days to the Chief Wild Life Warden, surrender the same to him and any such certificate of ownership shall stand cancelled from the date of such surrender.	Surrender of captive animals, animal article, etc.
35	(2) No compensation shall be payable to any person for surrender of any such animal, article, trophy, meat or ivory to the Chief Wild Life Warden under sub-section (1).	
40	(3) Any such animal, article, trophy, meat or ivory surrendered under this section shall become the property of the State Government and the provisions of section 39 shall apply."	
	27. In section 43 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—	Amendment of section 43.
45	"(4) This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."	

Comment [U10]:
Section 50(6) already contains a Provision for such disposal. Hence deletion is suggested. Power to effect such seizures flows from Section 50 and therefore the said sections need to be read together.

Amendment of section 48.

28. In section 48 of the principal Act, in clause (b), in sub-clause (ii), the words and figures "or Part II of Schedule II" shall be omitted.

Amendment of section 49A.

29. In section 49A of the principal Act, the words and figures "or Part II of Schedule II" at both the places where they occur, shall be omitted.

Insertion of new Chapter VB.

30. After Chapter VA of the principal Act, the following Chapter shall be inserted, 5 namely:—

CHAPTER VB

REGULATION OF INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AS PER CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA 40

Definitions.

49D. In this Chapter, unless the context otherwise requires, —

(a) "artificially propagated" means plants which have been grown under controlled conditions from plant materials grown under similar conditions; 15

(b) "bred in captivity" means produced from parents in captivity; 15

(c) "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington D.C., in the United States of America on the 3rd of March, 1973, and amended at Bonn on the 22nd of June, 1979, its appendices, decisions, resolutions and notifications made thereunder and its amendments, to the extent 20 binding on India;

(d) "export" means export from India to any other country of a specimen; 25

(e) "import" means import into India from any other country of a specimen; 25

(f) "introduction from the sea" means transportation into India of specimens of any species which were taken from the marine environment not under the jurisdiction of India or any other country; 30

(g) "Management Authority" means the Management Authority designated under section 49E; 30

(h) "plant" means any member, alive or dead, of the plants listed in Schedule IV including seeds, roots and other parts thereof; 35

(i) "readily recognisable part or derivative" includes any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an 35 animal or plant of a species listed in Schedule IV;

(j) "re-export" means export of any specimen that has previously been imported; 40

(k) "Scientific Authority" means a Scientific Authority designated under section 49F; 40

(l) "scheduled specimen" means any specimen of a species listed in Appendices I, II or III of the Convention and incorporated as such in Schedule IV; 45

(m) "species" means any species, sub-species, or geographically separate population thereof; 45

Comment [U11]:

It is suggested that this entire chapter be deleted for the following properly justified reasons –

i. The Principal Act is a Restrictive law which prohibits various activities deemed detrimental to protection of wildlife. The CITES chapter VB contains provisions that are enabling in nature and thus dilutes the Principal Act;

ii. Schedule IV Appendix I includes species specified in Schedule I as well.

Eg.
Entry No.69 – *Panthera leo* (Asiatic Lion);

Entry No.71 – *Panthera pardus* (Leopard);

Entry No.72 – *Panthera tigris* (Tiger)
By virtue of Chapter VB being introduced

in the Principal Act, the clarification contained in Section 49R that

"the provisions of this Act..." shall apply to

those species listed in Schedule IV as well as Schedule I & II can be interpreted as provisions contained in Chapter VB as well.

iii. Section 49 N (1) in Chapter VB, if enacted, will then enable breeding or artificially propagating Lions, Tigers, Leopards and several such endangered species found in India which was hitherto not permitted.

iv. The provisions contained in Section 49 M(1) to (8) contains various enabling clauses that can be potentially exploited to facilitate transfer, breeding, birth of offspring etc all of which have potentially serious ramifications. A careful reading of sub-section (8) of Section 49M will reveal that this will apply to issues connected with breeding and transfer of tigers, etc overriding the strict prohibition contained in Section 39, Section 49B of the Principal Act.

v. Section 49E(1) intends to empower an officer as the Management Authority to exercise powers under this Act. However, Section 3 of the Principal Act mandates the appointment of The Director of Wildlife Preservation in the Central Government and the Chief Wildlife Warden at the level of State Government as Statutory authorities. Creation of such multiple authorities with overlapping power and jurisdiction, particularly in a situation where several "enabling" provisions in Chapter VB are in conflict / derogation of the "restrictive" provisions in the Principal Act will fatally alter the current legal structure

(n) "specimen" means—

- (i) any animal or plant, whether alive or dead;
- (ii) in the case of an animal,—

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

(B) for species included in Appendix III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendix III of Schedule IV in relation to the species; and

(iii) in the case of a plant,—

10 _____ (A) for species included in Appendix I of Schedule IV, any readily recognisable part or derivative thereof;

(B) for species included in Appendices II and III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendices II and III of Schedule IV in relation to the species;

15 _____ (o) "trade" means export, re-export, import and introduction from the sea.

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

25 _____ (2) The Management Authority shall be responsible for issuance of permits and certificates for trade of scheduled specimens in accordance with the Convention, submission of reports, and shall perform such other functions as may be necessary to implement the provisions of the Convention.

(3) The Management Authority shall prepare and submit annual and biennial reports to the Central Government.

30 _____ (4) The Central Government may appoint such officers and employees as may be necessary to assist the Management Authority in discharging its functions or exercising its powers under this Chapter, on such terms and conditions of service including salaries and allowances as may be prescribed.

35 _____ (5) The Management Authority may, with the prior approval of the Central Government, delegate its functions or powers, to such officers not below the rank of the Assistant Inspector General of Forests, as it may consider necessary for the purposes of this Chapter.

49F. (1) The Central Government shall, by notification, designate one or more institutes engaged in research on species as Scientific Authority for the purposes of this Chapter, for fulfilling the functions under the Convention. Designation of Scientific Authority:

40 _____ (2) The designated Scientific Authority shall advise the Management Authority in such matters as may be referred to it by the Management Authority.

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

45 _____ (4) Whenever a Scientific Authority is of the opinion that the export of specimens of such species requires to be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become

eligible for inclusion in Appendix I of the Convention, it shall advise the Management Authority to take such appropriate measures to limit the grant of export permits for specimens of that species as the Scientific Authority may deem necessary for said purpose.

Directions of Central Government.

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

International trade in scheduled specimen and restriction in respect thereof.

49H. (1) No person shall engage in trade of scheduled specimens except as provided for under this Chapter. 10

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

(3) Every person engaging in trade of a scheduled specimen shall report the details of the scheduled specimen and the transaction to the Management Authority or the officer authorised by it in such manner as may be prescribed. 15

(4) Every person engaging in trade of a scheduled specimen, shall present it for clearance to the Management Authority or the officer authorised by it or a customs officer only at the ports of exit and entry as may be specified by the Central Government. 20

Conditions for export of scheduled specimens.

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

(2) The export of any specimen of species included in Appendix III of Schedule IV shall require the prior grant and presentation of an export permit if the species has been listed in Appendix III of the Convention by India or a certificate of origin in other cases. 25

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

(a) the Management Authority is satisfied that the specimen concerned has not been obtained in contravention of any law for the time being in force relating to protection of fauna and flora; 30

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

(c) in the case of a specimen of a species listed in Appendices I or II of Schedule IV, the Scientific Authority has advised that the export will not be detrimental to the survival of that species; and 35

(d) in the case of specimens of species listed in Appendix I of Schedule IV, an import permit has been granted by the competent authority of the country of destination. 40

Conditions for import of scheduled specimens.

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

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

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

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

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

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

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

~~(a) a certificate of origin; or~~

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

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

20 ~~49K. (1) The re-export of any specimen of species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of a re-export certificate.~~ Conditions for re-export of scheduled specimens.

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

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

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

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

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

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

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

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

40 ~~(c) in the case of a living specimen of a species listed in Appendix II~~

~~of Schedule IV, the Management Authority is satisfied that it will be so handled as to minimise the risk of injury, damage to health or cruel treatment.~~

~~49M. (1) Every person possessing a living specimen of an animal species listed in Schedule IV shall report the details of such specimen or specimens in his possession to the Management Authority or the authorised officer: _____ 5~~

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

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

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

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

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

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

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

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

~~(9) The form, manner and period for reporting possession, transfers, and births, deaths, and registration of the same under this section shall be as prescribed by the Central Government. _____ 35~~

~~49N. (1) Every person who is engaged in breeding in captivity or artificially propagating any scheduled specimen listed in Appendix I of Schedule IV shall make, within a period of ninety days of the commencement of the Wild Life (Protection) Amendment Act, 2021, an application for registration to the Chief Wild Life Warden. _____ 40~~

~~(2) The form and manner of the application to be made to the Chief Wild Life Warden under sub-section (1), the fee payable, the form of certificate of registration, the procedure to be followed in granting or cancelling the certificate of registration shall be such as may be prescribed by the Central Government.~~

Possession,
transfer and
breeding of
living
scheduled
animal
species.

Application
for
registration by
breeders of
Appendix I
species.

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

Registration of breeders of Appendix I species.

(a) the application is in the prescribed form;

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

(c) the provisions of the Act and rules made thereunder have been duly complied with,

record an entry of the statement in a register and grant the applicant a certificate of registration.

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

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

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

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

Prohibition on alteration, etc.

49Q. (1) Every species or scheduled specimen, in respect of which any offence against this Act or rules made thereunder has been committed, shall become the property of the Central Government and the provisions of section 39 shall, without prejudice to the Customs Act, 1962, apply, *mutatis mutandis*, in relation to species and scheduled specimens as they apply in relation to wild animals, captive animals and animal articles.

Species and scheduled specimens to be Government property.

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

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

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

Application of provisions of Act in respect of species listed in Schedule I or II and Schedule IV.

Amendment
of section 50.

31. In section 50 of the principal Act, in sub-section (J),—

(i) after the words "the Director or any other officer authorised by him in this behalf", the words "or the Management Authority or any officer authorised by the Management Authority" shall be inserted;

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

(iii) in clauses (a) and (c), after the words "derivative thereof", the words "or scheduled specimen" shall be inserted.

Amendment
of section 51.

32. In section 51 of the principal Act,—

10

(a) in sub-section (J),—

(i) for the words "twenty-five thousand rupees", the words "one lakh rupees" shall be substituted;

(ii) in the first proviso,—

(A) the words and figures "or Part II of Schedule II" shall be omitted; 15

(B) after the words "boundaries of a sanctuary or National Park", the words and figures "or where the offence relates to a specimen of a species listed on Appendix I of Schedule IV" shall be inserted;

(C) for the words "ten thousand rupees", the words "twenty-five thousand rupees" shall be substituted; 20

(iii) in the second proviso, for the words "twenty-five thousand rupees", the words "one lakh rupees" shall be substituted;

(b) in sub-section (IA), for the words "ten thousand rupees", the words "twenty-five thousand rupees" shall be substituted.

Amendment of
section 51A.

33. In section 51A of the principal Act, the words and figures "or Part II of Schedule II" shall be omitted. 25

Amendment of
section 54.

34. In the section 54 of the principal Act, in sub-section (4), for the words "twenty-five thousand rupees", the words "five lakh rupees" shall be substituted.

Amendment of
section 55.

35. In section 55 of the principal Act, after clause (ac), the following clause shall be inserted, namely:— 30

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

Amendment of
section 57.

36. In section 57 of the principal Act, after the words "derivate thereof" at both the places where they occur, the words "or Scheduled specimen" shall be inserted.

Amendment of
section 61.

37. In section 61 of the principal Act, for the word "add", the words "amend any Schedule or add" shall be substituted. 35

Amendment of
section 62.

38. In section 62 of the principal Act,—

(a) the words and figures "and Part II of Schedule II" shall be omitted;

(b) the words and figure "and so long as such notification is in force, such wild animals shall be deemed to have been included in Schedule V" shall be omitted. 40

Comment [U13]:

In Section 50, of the Principal Act, the following key amendments are suggested -

i. In sub-section (4), after the words "before a Magistrate" the words "after registering a Wildlife Offence Report duly entered in such book and form along with the Case Diary as prescribed," be inserted.

ii. In sub-section (8) of Section 50, after the words "Assistant Conservator of Forests" the words "or an Officer in charge of a Police Station" be inserted;

Comment [U12]:

In Section 55 of the Principal Act: -

(a) After the words "except on the" the words "Police Report, or"

(b) In clause (b) after the words "Chief Wildlife Warden, or any other officer" the words "or any Police Officer" be inserted.

Comment [U14]:

The following additional amendment is suggested -

After the words - "custody or control of any" the words "wild animal," be inserted;

After the words - "control of such" the Words "wild animal," be inserted

39. After section 62 of the principal Act, the following sections shall be inserted,
Namely:—

Insertion of
new sections
62A and 62B.

"62A. (1) The Central Government may, by notification, regulate or prohibit the
import, trade, possession or proliferation of invasive alien species which pose a threat
to the wild life or habitat in India.

Regulation or
prohibition of
import, etc.,
of invasive
alien species.

(2) The Central Government may authorise the Director or any other officer to
seize and dispose of, including through destruction, the species referred to in the
notification issued under sub-section (1).

62B. Notwithstanding any other provision of this Act, the Central Government
may call for any information or report from a State Government or any such other
agency or body or issue any direction to a State Government or any such other agency
or body for effective implementation of the provisions of the Act for the protection,
conservation and management of wild life in the country."

Power to issue
directions.

40. In section 63 of the principal Act, in sub-section (1),—

Amendment of
section 63.

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

"(aii) terms and conditions of the committee, sub-committees or study
groups under sub-section (3) of section 5B;";

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

"(gvii) the manner of disposal of Government property under
sub-section (5) of section 39;

(gviii) the conditions for transfer or transport of live alaphant under
sub-section (4) of section 43;";

(c) after clause (j), the following clauses shall be inserted, namely:—

"(ji) the terms and conditions of service including salaries and allowances
for appointment of the officers and employees of the Management Authority
under sub-section (4) of section 49E;

(jii) the conditions and procedures subject to which any exemption
provided for in Article VII of the Convention may be availed under sub-
section (2) of section 49H;

(jiii) the reporting of details of scheduled specimens and the transaction
as per sub-section (3) of section 49H;

(jiv) the matters provided for in sub-sections (8) and (9) of section 49M;

(jv) the form and manner of the application, the fee payable, the form of
certificate of registration, and the procedure to be followed in granting or
cancelling a certificate of registration as per sub-section (2) of section 49N;

(jvi) the fee payable for renewal of certificates of registration as per
sub-section (3), and manner of making appeal under sub-section (4), of
section 49-O;

(jvii) any other matter for proper implementation of the Convention as may
be required under Chapter VB;".

41. For Schedules I, II, III, IV, V and VI to the principal Act, the following Schedules
shall be substituted, namely:—

Amendment
of Schedules.

Comment [U15]:

A detailed analysis and specific
Suggestions on species to be
Included or those which need to
be moved from Schedule II to
Schedule I etc is presented at
Annexure -A of the Memorandum.

ANNEXURE - A

Suggested Amendments / additions to Reptiles, Amphibians and Mammal species listed in Schedule I and II

Overview:

A careful analysis of Reptiles and Amphibian and Mammalian species specified in Schedule I and II of the Wildlife (Protection) Amendment Bill, 2021 (in short, the Bill) was carried out by Shekar Dattatri in consultation with experts Ashok Captain and Dipani Sutaria respectively and the following are the key findings:

1. Other than the 18 species of snakes included in the revised Schedule I and Schedule II, none of the others have accorded any protection. In the Principal Act, all species of snakes not included in Sch I and Part II of Sch II have been included family-wise in Schedule IV. A similar approach is to be followed in the revised Schedules in Bill.
2. There is no logic for deleting the loggerhead sea turtle from the Schedules. There exists ecological justification to include it in Schedule I along with the other 4 species of sea turtles found in Indian waters.
3. The two species of bull frogs and the Indian green frog are heavily exploited for their meat and should be moved up from Schedule II to Schedule I.
4. The three species of pythons, viz, Indian, Burmese and reticulated have been downgraded and should be moved back from Schedule II to Schedule I of the revised Schedules due to their rarity and potential demand for their skins. The red sand boa, which is heavily exploited, and the Indian egg eating snake, which is quite rare, should also be moved up to Sch I.
5. In many places in the Schedules in the Bill, no space has been provided between the name of the genus and the name of the species. The binomial Latin name (scientific name) is always written with a space between the name of the genus and the name of the species. Eg. *Echis carinatus* and not *Echiscarinatus*.

Specific Suggestions:

Reptile Species downgraded to Schedule II in the Bill, be moved to Schedule I

Indian Rock Python	<i>Python molurus</i>
Burmese Python	<i>Python bivittatus</i>
Reticulated Python	<i>Malayopython reticulatus</i>
Red sand boa	<i>Eryx johnii</i>
Indian egg eating snake	<i>Boiga westermanni</i>

Reptile species missing in Schedule I and II to be included in Schedule I

Loggerhead sea turtle	<i>Caretta caretta</i>
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Amphibian species to be moved from revised Schedule II to Schedule I

Asian bullfrog / Indian bullfrog	<i>Hoplobatrachus tigerinus</i>
Jerdon's/South Indian bullfrog	<i>Hoplobatrachus crassus</i>
Indian Green/Indian five-fingered frog	<i>Euphlyctis hexadactylus</i>

Mammal Species downgraded to Schedule II in the Bill, be moved to Schedule I

4. Bharal/Blue Sheep	<i>Pseudo isnayaur</i>
24. Large Indian Civet	<i>Viverra zibetha</i>
25. Small Indian Civet	<i>Viverricula indica</i>
28. Stone/Beech Marten	<i>Martes foina</i>
29. Himalayan Yellow-throated Marten	<i>Martes flavigula</i>
30. Nilgiri Marten	<i>Martes gwatkinsii</i>
31. Ermineor Short-tailed Weasel	<i>Mustela erminea</i>
32. Siberian Weasel	<i>Mustela sibirica</i>
33. Yellow-bellied Weasel	<i>Mustela kathiah</i>
39. Indian/Bengal Fox	<i>Vulpes bengalensis</i>
40. Asiatic Jackal	<i>Canis aureus</i>
41. Jungle Cat	<i>Felis chaus</i>

Note: Numbers indicated are as provided in Schedule II in the Bill

Mammal species left out of the Schedules but which need to be added:

1. Omura's whale	<i>Balaenoptera omurai</i>
2. Deraniyagala's beaked whale	<i>Mesoplodon hotaula</i>
3. Longman's beaked whale	<i>Mesoplodon pacificus</i>
4. Indian ocean humpback dolphin	<i>Sousa plumbea</i>
5. Common bottlenose dolphin -	<i>Tursiops truncates</i>

It is therefore suggested that these important amendments in Schedule I and II of the Bill under review be considered and accepted.

Suggested Amendments to Bird species listed in Schedule I and II

Overview:

A careful analysis of the bird species specified in Schedule I and II of the Wildlife (Protection) Amendment Bill, 2021 (in short, the Bill) was carried out by Ramki Sreenivasan, Vikram Hiresavi and Chandrashekar Bandi and the following are the key findings:

1. A total of 1341 birds listed in a comprehensive checklist viz. (https://www.indianbirds.in/wp-content/uploads/2021/10/India_checklist_v5_1.xlsx) were reviewed.
2. The Bill includes only 903 species. A total of 451 species are therefore suggested for inclusion in Schedule I & II.
3. A total of 112 species already specified in Schedule I, and requires no change
4. A total of 864 species are specified in Schedule II. Of these, 72 species are duplicate entries. After deletion, Schedule II will contain 792 species.
5. 04 species are specified in both schedules. They need to be deleted from Schedule II to avoid duplication. One species has been duplicated in Schedule I (*Gypaetus barbatus*)
6. A total of 451 species are not listed in either schedule or might be covered in family-level listings in Schedule IV, which require a thorough review.

Specific Suggestions:

Species downgraded from Schedule I of the Act in force to Schedule II in the Bill under review

There is no valid ecological justification to do so. For Eg. In the case of the Indian Swiftlet, this downgrade will result in reduced penalties and making it a compoundable offence. This reduces the level of protection and can potentially lead to increased illegal trade in 'white nests' which are harvested for consumption as food, tonics, aphrodisiacs, medicines and other commercial purposes. Because of their alleged aphrodisiacal properties, they fetch a very high commercial value in the South-East Asian countries.

858	Indian Swiftlet	<i>Aerodramus unicolor</i>
795	White Stork	<i>Ciconia ciconia</i>
606	Southern Hill Myna	<i>Gracula indica</i>

Numbers in column 1 are as mentioned in the Bill on page 45, 49 & 50

It is therefore suggested that these three species currently in Schedule I of the Act should be moved from Schedule II of the Bill under review, to Schedule I.

2. Species listed in both Schedule I & II. To Be deleted in Schedule II

The following species are listed in both schedules in the Bill by oversight / minor changes in the common names. and requires to be corrected. All the species are endangered and require the highest protection.

42 & 576	Nicobar Megapode	Megapodius nicobariensis
43 & 685	Nicobar Pigeon	Caloenas nicobarica
59 & 332	Red-necked Falcon	Falco chicquera
53 & 569	Lord Derby's Parakeet	Psittacula derbiana

Numbers in column 1 are as mentioned in the Bill on page 17,18,40, 45 & 47

It is therefore suggested that these four species need to be retained in Schedule I and deleted in Schedule II in the Bill in order to avoid duplication.

3. Species to be transferred from Schedule II to Schedule I in the Bill (93 species)

Species that are not listed as Least Concern by the IUCN needs to be accorded the highest protection. The following 93 species listed under Schedule II in the Bill, meet this criterion. This includes one 'Data Deficient' IUCN status species (Sillem's Rosefinch, *Carpodacus sillemi*).

297	Lesser White-fronted Goose	Anser erythropus
292	Red-breasted Goose	Branta ruficollis
315	Falcated Duck	Mareca falcata
321	Andaman Teal	Anas albogularis
305	Marbled Teal	Marmaronetta angustirostris
307	Common Pochard	Aythya ferina
309	Ferruginous Duck	Aythya nyroca
308	Baer's Pochard	Aythya baeri
298	Long-tailed Duck	Clangula hyemalis
288	White-headed Duck	Oxyura leucocephala
523	Chestnut-breasted Partridge	Arborophila mandellii
522	White-cheeked Partridge	Arborophila atrogularis
533	Manipur Bush Quail	Perdicula manipurensis
538	Swamp Francolin	Francolinus gularis
493	Horned Grebe	Podiceps auritus
251	Yellow-eyed Pigeon	Columba eversmanni
255	Nilgiri Wood Pigeon	Columba elphinstonii
256	Pale-capped Pigeon	Columba punicea
257	Andaman Wood Pigeon	Columba palumboides
258	European Turtle Dove	Streptopelia turtur
269	Andaman Green Pigeon	Treron chloropterus
267	Ashy-headed Green Pigeon	Treron phayrei
154	Macqueen's Bustard	Chlamydotis macqueenii
153	Little Bustard	Tetrax tetrax

787	Great Thick-knee	<i>Esacus recurvirostris</i>
788	Beach Thick-knee	<i>Esacus magnirostris</i>
655	Eurasian Oystercatcher	<i>Haematopus ostralegus</i>
728	Northern Lapwing	<i>Vanellus vanellus</i>
729	River Lapwing	<i>Vanellus duvaucelii</i>
733	Sociable Lapwing	<i>Vanellus gregarius</i>
207	Eurasian Curlew	<i>Numenius arquata</i>
208	Bar-tailed Godwit	<i>Limosa lapponica</i>
209	Black-tailed Godwit	<i>Limosa limosa</i>
211	Great Knot	<i>Calidris tenuirostris</i>
212	Red Knot	<i>Calidris canutus</i>
216	Curlew Sandpiper	<i>Calidris ferruginea</i>
219	Spoon-billed Sandpiper	<i>Calidris pygmaea</i>
220	Red-necked Stint	<i>Calidris ruficollis</i>
224	Buff-breasted Sandpiper	<i>Calidris subruficollis</i>
226	Asian Dowitcher	<i>Limnodromus semipalmatus</i>
230	Wood Snipe	<i>Gallinago nemoricola</i>
233	Great Snipe	<i>Gallinago media</i>
239	Grey-tailed Tattler	<i>Tringa brevipes</i>
79	Black-legged Kittiwake	<i>Rissa tridactyla</i>
108	Black-bellied Tern	<i>Sterna acuticauda</i>
102	River Tern	<i>Sterna aurantia</i>
78	Indian Skimmer	<i>Rynchops albicollis</i>
794	Woolly-necked Stork	<i>Ciconia episcopus</i>
796	Black-necked Stork	<i>Ephippiorhynchus asiaticus</i>
790	Lesser Adjutant	<i>Leptoptilos javanicus</i>
789	Greater Adjutant	<i>Leptoptilos dubius</i>
791	Painted Stork	<i>Mycteria leucocephala</i>
247	Oriental Darter	<i>Anhinga melanogaster</i>
657	Spot-billed Pelican	<i>Pelecanus philippensis</i>
658	Dalmatian Pelican	<i>Pelecanus crispus</i>
73	Chinese Egret	<i>Egretta eulophotes</i>
494	Black-headed Ibis	<i>Threskiornis melanocephalus</i>
639	Nicobar Scops Owl	<i>Otus alius</i>
857	Ward's Trogon	<i>Harpactes wardi</i>
333	Red-footed Falcon	<i>Falco vespertinus</i>
572	Alexandrine Parakeet	<i>Psittacula eupatria</i>
565	Grey-headed Parakeet	<i>Psittacula finschii</i>
567	Blossom-headed Parakeet	<i>Psittacula roseata</i>
574	Nicobar Parakeet	<i>Psittacula caniceps</i>
570	Long-tailed Parakeet	<i>Psittacula longicauda</i>
715	Mangrove Pitta	<i>Pitta megarhyncha</i>
587	Andaman Cuckooshrike	<i>Coracina dobsoni</i>
503	Andaman Treepie	<i>Dendrocitta bayleii</i>
852	White-naped Tit	<i>Machlolophus nuchalis</i>
132	Grey-headed Bulbul	<i>Brachypodius priocephalus</i>
127	Yellow-throated Bulbul	<i>Pycnonotus xantholaemus</i>
115	Nicobar Bulbul	<i>Ixos nicobariensis</i>
12	Rufous-throated Wren Babbler	<i>Spelaeornis caudatus</i>

13	Mishmi Wren Babbler	Spelaeoris badeigularis
15	Naga Wren Babbler	Spelaeoris chocolatinus
18	Tawny-breasted Wren Babbler	Spelaeoris longicaudatus
31	Snowy-throated Babbler	Stachyris oglei
29	Sikkim Wedge-billed Babbler	Stachyris humei
30	Cachar Wedge-billed Babbler	Stachyris roberti
832	Grey-sided Thrush	Turdus feae
400	Nilgiri Sholakili	Sholicola major
401	White-bellied Sholakili	Sholicola albiventris
410	Nicobar Jungle Flycatcher	Cyornis nicobaricus
421	Rusty-bellied Shortwing	Brachypteryx hyperythra
435	Firethroat	Calliope pectardens
446	Kashmir Flycatcher	Ficedula subrubra
475	Stoliczka's Bushchat	Saxicola macrorhynchus
476	Hodgson's Bushchat	Saxicola insignis
863	Finn's Weaver	Ploceus megarhynchus
3	Green Munia	Amandava formosa
699	Nilgiri Pipit	Anthus nilghiriensis
347	Sillem's Rosefinch	Carpodacus sillemi
147	Yellow-breasted Bunting	Emberiza aureola

It is therefore suggested that these 93 species be transferred from Schedule II to Schedule I in the Bill in order to provide greater protection

4. Species to be transferred to Schedule I due to its Endemic Status

The following 31 species are considered Least Concern by the IUCN, and listed under Schedule II currently. However, due to their **endemic status**, they require greater protection.

540	Red Spurfowl	Galloperdix spadicea
541	Painted Spurfowl	Galloperdix lunulata
531	Rock Bush Quail	Perdicula argoondah
532	Painted Bush Quail	Perdicula erythrorhyncha
265	Andaman Cuckoo Dove	Macropygia rufipennis
268	Grey-fronted Green Pigeon	Treron affinis
616	Andaman Nightjar	Caprimulgus andamanicus
162	Andaman Crake	Rallina canningi
52	Andaman Barn Owl	Tyto deroepstorffi
634	Andaman Scops Owl	Otus balli
627	Andaman Hawk Owl	Ninox affinis
626	Hume's Hawk Owl	Ninox obscura
47	Malabar Barbet	Psilopogon malabaricus
43	White-cheeked Barbet	Psilopogon viridis
571	Malabar Parakeet	Psittacula columboides
577	White-bellied Minivet	Pericrocotus erythropygus

501	White-bellied Treepie	Dendrocitta leucogastra
563	Malabar Lark	Galerida malabarica
564	Sykes's Lark	Galerida deva
131	Andaman Bulbul	Brachypodius fuscoflavescens
121	Flame-throated Bulbul	Rubigula gularis
22	Indian Scimitar Babbler	Pomatorhinus horsfieldii
598	White-headed Starling	Sturnia erythropygia
394	Andaman Shama	Copsychus albiventris
403	White-bellied Blue Flycatcher	Cyornis pallidipes
418	Nilgiri Flycatcher	Eumyias albicaudatus
433	Malabar Whistling Thrush	Myophonus horsfieldii
456	Black-and-orange Flycatcher	Ficedula nigrorufa
386	Nilgiri Flowerpecker	Dicaeum concolor
801	Crimson-backed Sunbird	Leptocoma minima
810	Vigors's Sunbird	Aethopyga vigorsii

It is therefore suggested that these 31 endemic species be transferred from Schedule II to Schedule I in the Bill in order to provide greater protection

5. Species, missing in Schedule I and II in the Bill, which qualify to be included in Schedule I due to its Threatened and / or Endemic Status (57 species)

The following 57 species (51 threatened and 6 endemic) are missing from both schedules. These need to be included in Schedule I due to their threatened status or data deficiency on current status.

Threatened Species

Japanese Quail	Coturnix japonica
Lesser Flamingo	Phoeniconaias minor
Nicobar Imperial Pigeon	Ducula nicobarica
Blyth's Swift	Apus leuconyx
Dark-rumped Swift	Apus acuticauda
Masked Finfoot	Heliopais personatus
Swinhoe's Storm-petrel	Oceanodroma monorhis
Barau's Petrel	Pterodroma barau
Jouanin's Petrel	Bulweria fallax
Streaked Shearwater	Calonectris leucomelas
Flesh-footed Shearwater	Ardenna carneipes
Christmas Island Frigatebird	Fregata andrewsi
White-eared Night Heron	Gorsachius magnificus
Legge's Hawk Eagle	Nisaetus kelaarti
Austen's Brown Hornbill	Anorrhinus austeni
Malabar Grey Hornbill	Ocyrceros griseus
Malabar Pied Hornbill	Anthracoceros coronatus
Blyth's Kingfisher	Alcedo hercules

Brown-winged Kingfisher	Pelargopsis amauroptera
Yellow-rumped Honeyguide	Indicator xanthonotus
Great Slaty Woodpecker	Mulleripicus pulverulentus
Andaman Woodpecker	Dryocopus hodgei
Scarlet Minivet	Pericrocotus speciosus
Hooded Crow	Corvus cornix
Indian Black-lored Tit	Machlolophus aplonotus
Grey-crowned Prinia	Prinia cinereocapilla
Large-billed Reed Warbler	Acrocephalus orinus
Long-billed Bush Warbler	Locustella major
Broad-tailed Grassbird	Schoenicola platyurus
Bristled Grassbird	Schoenicola striatus
Hill Swallow	Hirundo domicola
Tytler's Leaf Warbler	Phylloscopus tytleri
Jerdon's Babbler	Chrysomma altirostre
Black-breasted Parrotbill	Paradoxornis flavirostris
Rufous-vented Grass Babbler	Laticilla burnesii
Swamp Grass Babbler	Laticilla cinerascens
Marsh Babbler	Pellorneum palustre
Indian Grassbird	Graminicola bengalensis
Slender-billed Babbler	Argya longirostris
Chestnut-backed Laughingthrush	Pterorhinus nuchalis
Banasura Laughingthrush	Montecincla jerdoni
Nilgiri Laughingthrush	Montecincla cachinnans
Palani Laughingthrush	Montecincla fairbanki
Ashambu Laughingthrush	Montecincla meridionalis
Yunnan Nuthatch	Sitta yunnanensis
Beautiful Nuthatch	Sitta formosa
Malabar Starling	Sturnia blythii
Nilgiri Thrush	Zoothera neilgherriensis
Zapppy's Flycatcher	Cyanoptila cumatilis
Andaman Flowerpecker	Dicaeum virescens
Rustic Bunting	Emberiza rustica

Endemic Species

Malabar Woodshrike	Tephrodornis sylvicola
Spot-breasted Fantail	Rhipidura albogularis
West Himalayan Bush Warbler	Locustella kashmirensis
Rufous Babbler	Argya subrufa
Wayanad Laughingthrush	Pterorhinus delesserti
Indian Spotted Creeper	Salpornis spilonota

It is therefore suggested that these 57 threatened and/or endemic species be included in Schedule I, without which they will have no legal protection under the Wildlife Act.

6. Species missing in Schedule I & II which deserve inclusion in Schedule II

The following 400 species (IUCN status- Least Concern) are not found in either Schedule I or II but qualify for inclusion in Schedule II.

Lesser Whistling Duck	<i>Dendrocygna javanica</i>
Red Junglefowl	<i>Gallus gallus</i>
Black-necked Grebe	<i>Podiceps nigricollis</i>
Horsfield's Bronze Cuckoo	<i>Chrysococcyx basalis</i>
White-rumped Spinetail	<i>Zonavena sylvatica</i>
White-throated Needletail	<i>Hirundapus caudacutus</i>
Silver-backed Needletail	<i>Hirundapus cochinchinensis</i>
Brown-backed Needletail	<i>Hirundapus giganteus</i>
Plume-toed Swiftlet	<i>Collocalia affinis</i>
Himalayan Swiftlet	<i>Aerodramus brevirostris</i>
Alpine Swift	<i>Tachymarptis melba</i>
Common Swift	<i>Apus apus</i>
Pacific Swift	<i>Apus pacificus</i>
Indian House Swift	<i>Apus affinis</i>
Nepal House Swift	<i>Apus nipalensis</i>
Asian Palm Swift	<i>Cypsiurus balasiensis</i>
Crested Treeswift	<i>Hemiprocne coronata</i>
Ibisbill	<i>Ibidorhyncha struthersii</i>
American Golden Plover	<i>Pluvialis dominica</i>
Greater Painted-snipe	<i>Rostratula benghalensis</i>
Crab-plover	<i>Dromas ardeola</i>
Cream-coloured Courser	<i>Cursorius cursor</i>
Indian Courser	<i>Cursorius coromandelicus</i>
Collared Pratincole	<i>Glareola pratincola</i>
Oriental Pratincole	<i>Glareola maldivarum</i>
Small Pratincole	<i>Glareola lactea</i>
South Polar Skua	<i>Stercorarius maccormicki</i>
Brown Skua	<i>Stercorarius antarcticus</i>
Pomarine Skua	<i>Stercorarius pomarinus</i>
Arctic Skua	<i>Stercorarius parasiticus</i>
Long-tailed Skua	<i>Stercorarius longicaudus</i>
White-tailed Tropicbird	<i>Phaethon lepturus</i>
Red-billed Tropicbird	<i>Phaethon aethereus</i>
Red-tailed Tropicbird	<i>Phaethon rubricauda</i>
Red-throated Diver	<i>Gavia stellata</i>
Black-throated Diver	<i>Gavia arctica</i>
Wilson's Storm-petrel	<i>Oceanites oceanicus</i>
White-faced Storm-petrel	<i>Pelagodroma marina</i>
Black-bellied Storm-petrel	<i>Fregetta tropica</i>
Cory's Shearwater	<i>Calonectris borealis</i>
Wedge-tailed Shearwater	<i>Ardenna pacifica</i>
Short-tailed Shearwater	<i>Ardenna tenuirostris</i>

Tropical Shearwater	<i>Puffinus bailloni</i>
Persian Shearwater	<i>Puffinus persicus</i>
Lesser Frigatebird	<i>Fregata ariel</i>
Great Frigatebird	<i>Fregata minor</i>
Masked Booby	<i>Sula dactylatra</i>
Brown Booby	<i>Sula leucogaster</i>
Red-footed Booby	<i>Sula sula</i>
Javan Pond Heron	<i>Ardeola speciosa</i>
Black-winged Kite	<i>Elanus caeruleus</i>
European Honey Buzzard	<i>Pernis apivorus</i>
Oriental Honey Buzzard	<i>Pernis ptilorhynchus</i>
Rough-legged Buzzard	<i>Buteo lagopus</i>
Common Hoopoe	<i>Upupa epops</i>
Indian Grey Hornbill	<i>Ocyrceros birostris</i>
Common Kingfisher	<i>Alcedo atthis</i>
Blue-eared Kingfisher	<i>Alcedo meninting</i>
Oriental Dwarf Kingfisher	<i>Ceyx erithaca</i>
Stork-billed Kingfisher	<i>Pelargopsis capensis</i>
Ruddy Kingfisher	<i>Halcyon coromanda</i>
White-throated Kingfisher	<i>Halcyon smyrnensis</i>
Black-capped Kingfisher	<i>Halcyon pileata</i>
Collared Kingfisher	<i>Todiramphus chloris</i>
Crested Kingfisher	<i>Megaceryle lugubris</i>
Pied Kingfisher	<i>Ceryle rudis</i>
Blue-bearded Bee-eater	<i>Nyctyornis athertoni</i>
Green Bee-eater	<i>Merops orientalis</i>
Blue-throated Bee-eater	<i>Merops viridis</i>
Blue-cheeked Bee-eater	<i>Merops persicus</i>
Blue-tailed Bee-eater	<i>Merops philippinus</i>
European Bee-eater	<i>Merops apiaster</i>
Chestnut-headed Bee-eater	<i>Merops leschenaulti</i>
Indochinese Roller	<i>Coracias affinis</i>
Eurasian Wryneck	<i>Jynx torquilla</i>
Speckled Piculet	<i>Picumnus innominatus</i>
White-browed Piculet	<i>Sasia ochracea</i>
Heart-spotted Woodpecker	<i>Hemicircus canente</i>
Brown-capped Pygmy Woodpecker	<i>Yungipicus nanus</i>
Grey-capped Pygmy Woodpecker	<i>Yungipicus canicapillus</i>
Yellow-crowned Woodpecker	<i>Leiopicus mahrattensis</i>
Brown-fronted Woodpecker	<i>Dendrocoptes auriceps</i>
Rufous-bellied Woodpecker	<i>Dendrocopos hyperythrus</i>
Fulvous-breasted Woodpecker	<i>Dendrocopos macei</i>
Freckle-breasted Woodpecker	<i>Dendrocopos analis</i>
Stripe-breasted Woodpecker	<i>Dendrocopos atratus</i>
Darjeeling Woodpecker	<i>Dendrocopos darjellensis</i>
Great Spotted Woodpecker	<i>Dendrocopos major</i>
Himalayan Woodpecker	<i>Dendrocopos himalayensis</i>
Sind Woodpecker	<i>Dendrocopos assimilis</i>
Crimson-breasted Woodpecker	<i>Dryobates cathpharius</i>

Bay Woodpecker	<i>Blythipicus pyrrhotis</i>
Greater Flameback	<i>Chrysocolaptes guttacristatus</i>
White-naped Woodpecker	<i>Chrysocolaptes festivus</i>
Rufous Woodpecker	<i>Micropternus brachyurus</i>
Pale-headed Woodpecker	<i>Gecinulus grantia</i>
Himalayan Flameback	<i>Dinopium shorii</i>
Common Flameback	<i>Dinopium javanense</i>
Black-rumped Flameback	<i>Dinopium benghalense</i>
Lesser Yellownape	<i>Picus chlorolophus</i>
Streak-throated Woodpecker	<i>Picus xanthopygaeus</i>
Scaly-bellied Woodpecker	<i>Picus squamatus</i>
Grey-headed Woodpecker	<i>Picus canus</i>
Greater Yellownape	<i>Chrysophlegma flavinucha</i>
White-bellied Woodpecker	<i>Dryocopus javensis</i>
Long-tailed Broadbill	<i>Psarisomus dalhousiae</i>
Silver-breasted Broadbill	<i>Serilophus lunatus</i>
Large Cuckooshrike	<i>Coracina macei</i>
Black-headed Shrike-babbler	<i>Pteruthius rufiventer</i>
Himalayan Shrike-babbler	<i>Pteruthius ripleyi</i>
Blyth's Shrike-babbler	<i>Pteruthius aeralatus</i>
Green Shrike-babbler	<i>Pteruthius xanthochlorus</i>
Black-eared Shrike-babbler	<i>Pteruthius melanotis</i>
Clicking Shrike-babbler	<i>Pteruthius intermedius</i>
White-bellied Erpornis	<i>Erpornis zantholeuca</i>
Mangrove Whistler	<i>Pachycephala cinerea</i>
Ashy Woodswallow	<i>Artamus fuscus</i>
White-breasted Woodswallow	<i>Artamus leucorynchus</i>
Malabar Woodshrike	<i>Tephrodornis sylvicola</i>
Large Woodshrike	<i>Tephrodornis virgatus</i>
Common Woodshrike	<i>Tephrodornis pondicerianus</i>
Bar-winged Flycatcher-shrike	<i>Hemipus picatus</i>
White-throated Fantail	<i>Rhipidura albicollis</i>
Spot-breasted Fantail	<i>Rhipidura albogularis</i>
White-browed Fantail	<i>Rhipidura aureola</i>
Black-naped Monarch	<i>Hypothymis azurea</i>
Amur Paradise-flycatcher	<i>Terpsiphone incei</i>
Blyth's Paradise-flycatcher	<i>Terpsiphone affinis</i>
Indian Paradise-flycatcher	<i>Terpsiphone paradisi</i>
Red-backed Shrike	<i>Lanius collurio</i>
Red-tailed Shrike	<i>Lanius phoenicuroides</i>
Isabelline Shrike	<i>Lanius isabellinus</i>
Brown Shrike	<i>Lanius cristatus</i>
Burmese Shrike	<i>Lanius collurioides</i>
Bay-backed Shrike	<i>Lanius vittatus</i>
Long-tailed Shrike	<i>Lanius schach</i>
Grey-backed Shrike	<i>Lanius tephronotus</i>
Great Grey Shrike	<i>Lanius excubitor</i>
Lesser Grey Shrike	<i>Lanius minor</i>
Masked Shrike	<i>Lanius nubicus</i>

Woodchat Shrike	<i>Lanius senator</i>
House Crow	<i>Corvus splendens</i>
Large-billed Crow	<i>Corvus macrorhynchos</i>
Pied Crow	<i>Corvus albus</i>
Yellow-bellied Fantail	<i>Chelidorhynch hypoxanthus</i>
Grey-headed Canary-flycatcher	<i>Culicicapa ceylonensis</i>
White-crowned Penduline Tit	<i>Remiz coronatus</i>
Common Tailorbird	<i>Orthotomus sutorius</i>
Dark-necked Tailorbird	<i>Orthotomus atrogularis</i>
Striated Prinia	<i>Prinia crinigera</i>
Black-throated Prinia	<i>Prinia atrogularis</i>
Hill Prinia	<i>Prinia superciliaris</i>
Rufous-fronted Prinia	<i>Prinia buchanani</i>
Rufescent Prinia	<i>Prinia rufescens</i>
Grey-breasted Prinia	<i>Prinia hodgsonii</i>
Graceful Prinia	<i>Prinia gracilis</i>
Jungle Prinia	<i>Prinia sylvatica</i>
Yellow-bellied Prinia	<i>Prinia flaviventris</i>
Ashy Prinia	<i>Prinia socialis</i>
Plain Prinia	<i>Prinia inornata</i>
Zitting Cisticola	<i>Cisticola juncidis</i>
Golden-headed Cisticola	<i>Cisticola exilis</i>
Thick-billed Warbler	<i>Arundinax aedon</i>
Booted Warbler	<i>Iduna caligata</i>
Sykes's Warbler	<i>Iduna rama</i>
Black-browed Reed Warbler	<i>Acrocephalus bistrigiceps</i>
Moustached Warbler	<i>Acrocephalus melanopogon</i>
Sedge Warbler	<i>Acrocephalus schoenobaenus</i>
Paddyfield Warbler	<i>Acrocephalus agricola</i>
Blunt-winged Warbler	<i>Acrocephalus concinens</i>
Blyth's Reed Warbler	<i>Acrocephalus dumetorum</i>
Great Reed Warbler	<i>Acrocephalus arundinaceus</i>
Oriental Reed Warbler	<i>Acrocephalus orientalis</i>
Clamorous Reed Warbler	<i>Acrocephalus stentoreus</i>
Striated Grassbird	<i>Megalurus palustris</i>
Rusty-rumped Warbler	<i>Helopsaltes certhiola</i>
Lanceolated Warbler	<i>Locustella lanceolata</i>
Brown Bush Warbler	<i>Locustella luteoventris</i>
Chinese Bush Warbler	<i>Locustella tacsanowskia</i>
Grasshopper Warbler	<i>Locustella naevia</i>
Baikal Bush Warbler	<i>Locustella davidi</i>
West Himalayan Bush Warbler	<i>Locustella kashmirensis</i>
Spotted Bush Warbler	<i>Locustella thoracica</i>
Russet Bush Warbler	<i>Locustella mandelli</i>
Scaly-breasted Wren Babbler	<i>Pnoepyga albiventer</i>
Nepal Wren Babbler	<i>Pnoepyga immaculata</i>
Pygmy Wren Babbler	<i>Pnoepyga pusilla</i>
Grey-throated Martin	<i>Riparia chinensis</i>
Sand Martin	<i>Riparia riparia</i>

Pale Martin	<i>Riparia diluta</i>
Eurasian Crag Martin	<i>Ptyonoprogne rupestris</i>
Dusky Crag Martin	<i>Ptyonoprogne concolor</i>
Barn Swallow	<i>Hirundo rustica</i>
Wire-tailed Swallow	<i>Hirundo smithii</i>
Pacific Swallow	<i>Hirundo tahitica</i>
Red-rumped Swallow	<i>Cecropis daurica</i>
Striated Swallow	<i>Cecropis striolata</i>
Streak-throated Swallow	<i>Petrochelidon fluvicola</i>
Northern House Martin	<i>Delichon urbicum</i>
Asian House Martin	<i>Delichon dasypus</i>
Nepal House Martin	<i>Delichon nipalense</i>
Cachar Bulbul	<i>Iole cacharensis</i>
Wood Warbler	<i>Phylloscopus sibilatrix</i>
Ashy-throated Warbler	<i>Phylloscopus maculipennis</i>
Buff-barred Warbler	<i>Phylloscopus pulcher</i>
Yellow-browed Warbler	<i>Phylloscopus inornatus</i>
Hume's Warbler	<i>Phylloscopus humei</i>
Brooks's Leaf Warbler	<i>Phylloscopus subviridis</i>
Chinese Leaf Warbler	<i>Phylloscopus yunnanensis</i>
Lemon-rumped Warbler	<i>Phylloscopus chloronotus</i>
Sichuan Leaf Warbler	<i>Phylloscopus forresti</i>
Sulphur-bellied Warbler	<i>Phylloscopus griseolus</i>
Tickell's Leaf Warbler	<i>Phylloscopus affinis</i>
Dusky Warbler	<i>Phylloscopus fuscatus</i>
Smoky Warbler	<i>Phylloscopus fuligiventer</i>
Plain Leaf Warbler	<i>Phylloscopus neglectus</i>
Buff-throated Warbler	<i>Phylloscopus subaffinis</i>
Willow Warbler	<i>Phylloscopus trochilus</i>
Mountain Chiffchaff	<i>Phylloscopus sindianus</i>
Common Chiffchaff	<i>Phylloscopus collybita</i>
White-spectacled Warbler	<i>Phylloscopus intermedius</i>
Grey-cheeked Warbler	<i>Phylloscopus poliogenys</i>
Green-crowned Warbler	<i>Phylloscopus burkii</i>
Grey-crowned Warbler	<i>Phylloscopus tephrocephalus</i>
Whistler's Warbler	<i>Phylloscopus whistleri</i>
Green Warbler	<i>Phylloscopus nitidus</i>
Greenish Warbler	<i>Phylloscopus trochiloides</i>
Two-barred Warbler	<i>Phylloscopus plumbeitarsus</i>
Large-billed Leaf Warbler	<i>Phylloscopus magnirostris</i>
Sakhalin Leaf Warbler	<i>Phylloscopus borealoides</i>
Arctic Warbler	<i>Phylloscopus borealis</i>
Chestnut-crowned Warbler	<i>Phylloscopus castaniceps</i>
Yellow-vented Warbler	<i>Phylloscopus cantator</i>
Western Crowned Warbler	<i>Phylloscopus occipitalis</i>
Blyth's Leaf Warbler	<i>Phylloscopus reguloides</i>
Claudia's Leaf Warbler	<i>Phylloscopus claudiae</i>
Grey-hooded Warbler	<i>Phylloscopus xanthoschistos</i>
Pale-footed Bush Warbler	<i>Urosphena pallidipes</i>

Asian Stubtail	<i>Urosphena squameiceps</i>
Grey-bellied Tesia	<i>Tesia cyaniventer</i>
Slaty-bellied Tesia	<i>Tesia olivea</i>
Chestnut-crowned Bush Warbler	<i>Cettia major</i>
Grey-sided Bush Warbler	<i>Cettia brunnifrons</i>
Chestnut-headed Tesia	<i>Cettia castaneocoronata</i>
Cetti's Warbler	<i>Cettia cetti</i>
Yellow-bellied Warbler	<i>Abroscopus superciliaris</i>
Rufous-faced Warbler	<i>Abroscopus albogularis</i>
Black-faced Warbler	<i>Abroscopus schisticeps</i>
Mountain Tailorbird	<i>Phyllergates cucullatus</i>
Broad-billed Warbler	<i>Tickellia hodgsoni</i>
Manchurian Bush Warbler	<i>Horornis canturians</i>
Brownish-flanked Bush Warbler	<i>Horornis fortipes</i>
Hume's Bush Warbler	<i>Horornis brunnescens</i>
Aberrant Bush Warbler	<i>Horornis flavolivaceus</i>
White-browed Tit Warbler	<i>Leptopoecile sophiae</i>
Crested Tit Warbler	<i>Leptopoecile elegans</i>
White-cheeked Tit	<i>Aegithalos leucogenys</i>
Black-throated Tit	<i>Aegithalos concinnus</i>
White-throated Tit	<i>Aegithalos niveogularis</i>
Black-browed Tit	<i>Aegithalos iouschistos</i>
Garden Warbler	<i>Sylvia borin</i>
Asian Desert Warbler	<i>Curruca nana</i>
Barred Warbler	<i>Curruca nisoria</i>
Lesser Whitethroat	<i>Curruca curruca</i>
Eastern Orphean Warbler	<i>Curruca crassirostris</i>
Common Whitethroat	<i>Curruca communis</i>
Fire-tailed Myzornis	<i>Myzornis pyrrhoura</i>
Golden-breasted Fulvetta	<i>Lioparus chrysotis</i>
Yellow-eyed Babbler	<i>Chrysomma sinense</i>
Brown-throated Fulvetta	<i>Fulvetta ludlowi</i>
White-browed Fulvetta	<i>Fulvetta vinipectus</i>
Manipur Fulvetta	<i>Fulvetta manipurensis</i>
Great Parrotbill	<i>Conostoma aemodium</i>
Brown Parrotbill	<i>Cholornis unicolor</i>
Grey-headed Parrotbill	<i>Psittiparus gularis</i>
White-breasted Parrotbill	<i>Psittiparus ruficeps</i>
Rufous-headed Parrotbill	<i>Psittiparus bakeri</i>
Spot-breasted Parrotbill	<i>Paradoxornis guttaticollis</i>
Lesser Rufous-headed Parrotbill	<i>Chleuasicus atrosuperciliaris</i>
Fulvous Parrotbill	<i>Suthora fulvifrons</i>
Black-throated Parrotbill	<i>Suthora nipalensis</i>
Striated Yuhina	<i>Staphida castaniceps</i>
White-naped Yuhina	<i>Yuhina bakeri</i>
Whiskered Yuhina	<i>Yuhina flavicollis</i>
Stripe-throated Yuhina	<i>Yuhina gularis</i>
Rufous-vented Yuhina	<i>Yuhina occipitalis</i>
Black-chinned Yuhina	<i>Yuhina nigrimenta</i>

Chestnut-flanked White-eye	<i>Zosterops erythropleurus</i>
White-hooded Babbler	<i>Gampsorhynchus rufulus</i>
Yellow-throated Fulvetta	<i>Schoeniparus cinereus</i>
Rufous-winged Fulvetta	<i>Schoeniparus castaneiceps</i>
Rufous-throated Fulvetta	<i>Schoeniparus rufogularis</i>
Rusty-capped Fulvetta	<i>Schoeniparus dubius</i>
Puff-throated Babbler	<i>Pellorneum ruficeps</i>
Spot-throated Babbler	<i>Pellorneum albiventre</i>
Buff-breasted Babbler	<i>Pellorneum tickelli</i>
Eyebrowed Wren Babbler	<i>Napothera epilepidota</i>
Long-billed Wren Babbler	<i>Napothera malacoptila</i>
Abbott's Babbler	<i>Malacocincla abbotti</i>
Streaked Wren Babbler	<i>Gypsophila brevicaudata</i>
Brown-cheeked Fulvetta	<i>Alcippe poioicephala</i>
Nepal Fulvetta	<i>Alcippe nipalensis</i>
Striated Laughingthrush	<i>Grammatoptila striata</i>
Himalayan Cutia	<i>Cutia nipalensis</i>
Jungle Babbler	<i>Argya striata</i>
Yellow-billed Babbler	<i>Argya affinis</i>
Common Babbler	<i>Argya caudata</i>
Striated Babbler	<i>Argya earlei</i>
Large Grey Babbler	<i>Argya malcolmi</i>
Rufous Babbler	<i>Argya subrufa</i>
White-crested Laughingthrush	<i>Garrulax leucolophus</i>
Lesser Necklaced Laughingthrush	<i>Garrulax monileger</i>
Spot-breasted Laughingthrush	<i>Garrulax merulinus</i>
Greater Necklaced Laughingthrush	<i>Pterorhinus pectoralis</i>
White-throated Laughingthrush	<i>Pterorhinus albogularis</i>
Rufous-necked Laughingthrush	<i>Pterorhinus ruficollis</i>
Yellow-throated Laughingthrush	<i>Pterorhinus galbanus</i>
Wayanad Laughingthrush	<i>Pterorhinus delesserti</i>
Rufous-vented Laughingthrush	<i>Pterorhinus gularis</i>
Grey-sided Laughingthrush	<i>Pterorhinus caerulatus</i>
White-browed Laughingthrush	<i>Pterorhinus sannio</i>
Mount Victoria Babax	<i>Pterorhinus woodi</i>
Moustached Laughingthrush	<i>Ianthocincla cineracea</i>
Rufous-chinned Laughingthrush	<i>Ianthocincla rufogularis</i>
Spotted Laughingthrush	<i>Ianthocincla ocellata</i>
Streaked Laughingthrush	<i>Trochalopteron lineatum</i>
Bhutan Laughingthrush	<i>Trochalopteron imbricatum</i>
Striped Laughingthrush	<i>Trochalopteron virgatum</i>
Scaly Laughingthrush	<i>Trochalopteron subunicolor</i>
Brown-capped Laughingthrush	<i>Trochalopteron austeni</i>
Blue-winged Laughingthrush	<i>Trochalopteron squamatum</i>
Elliot's Laughingthrush	<i>Trochalopteron elliotii</i>
Variegated Laughingthrush	<i>Trochalopteron variegatum</i>
Black-faced Laughingthrush	<i>Trochalopteron affine</i>
Chestnut-crowned Laughingthrush	<i>Trochalopteron erythrocephalum</i>
Assam Laughingthrush	<i>Trochalopteron chrysopterum</i>

Rufous Sibia	<i>Heterophasia capistrata</i>
Grey Sibia	<i>Heterophasia gracilis</i>
Beautiful Sibia	<i>Heterophasia pulchella</i>
Long-tailed Sibia	<i>Heterophasia picaoides</i>
Silver-eared Mesia	<i>Leiothrix argentauris</i>
Red-billed Leiothrix	<i>Leiothrix lutea</i>
Red-tailed Minla	<i>Minla ignotincta</i>
Rufous-backed Sibia	<i>Leioptila annectens</i>
Red-faced Liocichla	<i>Liocichla phoenicea</i>
Hoary-throated Barwing	<i>Actinodura nipalensis</i>
Streak-throated Barwing	<i>Actinodura waldeni</i>
Rusty-fronted Barwing	<i>Actinodura egertoni</i>
Blue-winged Minla	<i>Actinodura cyanouroptera</i>
Chestnut-tailed Minla	<i>Actinodura strigula</i>
Goldcrest	<i>Regulus regulus</i>
Wallcreeper	<i>Tichodroma muraria</i>
Indian Nuthatch	<i>Sitta castanea</i>
Chestnut-bellied Nuthatch	<i>Sitta cinnamoventris</i>
Chestnut-vented Nuthatch	<i>Sitta nagaensis</i>
Kashmir Nuthatch	<i>Sitta cashmirensis</i>
White-tailed Nuthatch	<i>Sitta himalayensis</i>
White-cheeked Nuthatch	<i>Sitta leucopsis</i>
Velvet-fronted Nuthatch	<i>Sitta frontalis</i>
Hodgson's Treecreeper	<i>Certhia hodgsoni</i>
Bar-tailed Treecreeper	<i>Certhia himalayana</i>
Rusty-flanked Treecreeper	<i>Certhia nipalensis</i>
Sikkim Treecreeper	<i>Certhia discolor</i>
Hume's Treecreeper	<i>Certhia manipurensis</i>
Indian Spotted Creeper	<i>Salpornis spilonota</i>
Eurasian Wren	<i>Troglodytes troglodytes</i>
Spotted Elachura	<i>Elachura formosa</i>
White-throated Dipper	<i>Cinclus cinclus</i>
Brown Dipper	<i>Cinclus pallasii</i>
Red-billed Starling	<i>Spodiopsar sericeus</i>
Japanese Thrush	<i>Turdus cardis</i>
Naumann's Thrush	<i>Turdus naumanni</i>
Himalayan Shortwing	<i>Brachypteryx cruralis</i>
Finsch's Wheatear	<i>Oenanthe finschii</i>
Bohemian Waxwing	<i>Bombycilla garrulus</i>
Grey Hypocolius	<i>Hypocolius ampelinus</i>
Alpine Accentor	<i>Prunella collaris</i>
Altai Accentor	<i>Prunella himalayana</i>
Robin Accentor	<i>Prunella rubeculoides</i>
Rufous-breasted Accentor	<i>Prunella strophciata</i>
Brown Accentor	<i>Prunella fulvescens</i>
Black-throated Accentor	<i>Prunella atrogularis</i>
Maroon-backed Accentor	<i>Prunella immaculata</i>
Spanish Sparrow	<i>Passer hispaniolensis</i>
Sind Sparrow	<i>Passer pyrrhonotus</i>

Russet Sparrow	Passer cinnamomeus
Eurasian Tree Sparrow	Passer montanus
Yellow-throated Sparrow	Gymnoris xanthocollis
Rock Sparrow	Petronia petronia
Pale Rockfinch	Carpospiza brachydactyla
Black-winged Snowfinch	Montifringilla adamsi
White-rumped Snowfinch	Onychostruthus taczanowskii
Rufous-necked Snowfinch	Pyrgilauda ruficollis
Blanford's Snowfinch	Pyrgilauda blanfordi
Meadow Pipit	Anthus pratensis
Pale Rosefinch	Carpodacus stoliczkae
Three-banded Rosefinch	Carpodacus trifasciatus
Crimson-winged Finch	Rhodopechys sanguineus
Desert Finch	Rhodospiza obsoleta
Eurasian Siskin	Spinus spinus

It is therefore suggested that these 400 species be included in Schedule II, since some protection is required due to hunting pressures.

Legal Initiative for Forest and Environment

Comments on

WILDLIFE PROTECTION AMENDMENT BILL, 2021

The Wildlife (Protection) Amendment Bill, 2021 (Bill No 159 of 2021) is the most substantial amendment of the Act after the amendments made in 2003. On the positive part, it is intended to ensure that provisions with respect to Convention on International Trade in Endangered Species is part of the domestic law. Besides, the Bill aims to also make the law simple by streamlining the schedules. However, there are issues of concern which need to be addressed.

1. Inadequate Provision with Regard Alien Invasive Species

The Bill introduces 'Alien Invasive Species' with the scope of the Act, which is a positive development. Under Section 62 A (i) The Central Government has the power to regulate or prohibit the import, trade, possession or proliferation of invasive alien species which pose a threat to the wildlife or habitat in India

(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;";

However, the definition of 'invasive alien species' is not the correct scientific definition. As per the definition given in the Bill, an alien species is one 'which is not native to India'. The Convention on Biological Diversity defines it as follows:

Invasive alien species are plants, animals, pathogens and other organisms that are non-native to an ecosystem, and which may cause economic or environmental harm or adversely affect human health. In particular, they impact adversely upon biodiversity, including decline or elimination of native species - through competition, predation, or transmission of pathogens - and the disruption of local ecosystems and ecosystem functions.

As per the IUCN

An alien species is a species introduced outside its natural past or present distribution; if this species becomes problematic, it is termed an invasive alien species (IAS).

Thus, the focus is that a species is alien to the ecosystem. It does not matter whether it is Indian or not. Thus Spotted Deer (*Axis axis*) though an Indian species is an alien invasive species when it comes to the Andamans and Nicobar Islands.

2. State Board for Wildlife to be rendered Defunct.

As per the existing Act, the State Board for Wildlife is headed by the Chief Minister as chairperson and the Minister in Charge of Forest and Wildlife as Vice Chairperson. In addition to official members it has ten persons who are eminent conservationist, ecologists and environmentalist. All statutory functions are to be exercised by the Board as a whole.

The Amendment Bill (Section 6A) however proposes to set up a 'Standing Committee' of the State Board for Wildlife which is to be headed by the Vice Chairperson i.e Forest Minister and 'not more than ten members to be nominated by the Forest Minister. This in effect means that the Standing Committee can function with just two member i.e the forest minister and a member. The State Board will be a defunct body.

The Bill therefore intends to replicate the model of the National Board for Wildlife and its Standing Committee. It is pertinent to point out that the National Board for Wildlife headed by the Prime Minister has not met since 2014; all its statutory functions are carried out by the Standing Committee of headed by the Environment Minister with no accountability to the Board.

At present the State Boards by virtue of their composition are still able to speak in the interest of wildlife. This will no longer be the case once the Standing Committee of the State Board is constituted.

3. The Bill Will Allow For Commercial Trade In Live Elephants

The Wildlife (Protection) Act, 1972 specifically prohibits trade in Wild Animals including captive and wild elephants. Section 40 of the Act prohibits any person from acquiring, receiving, keeping in one's control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I and Part II of Schedule II except with the previous permission of the Chief Wildlife Warden. Thus not only is sale prohibited: even an offer for sale is prohibited without prior approval of the CWLW. The Chief Wildlife Warden's power are however restricted in view of proviso 2 (A) and 2 (B) which states that that only way one can acquire, receive, keep in control, custody and possession is through the mode of inheritance. Thus one could inherit Ivory, Tiger Skin Rhino horn Antlers etc of scheduled species after prior approval of CWLW but cannot acquire or receive the same through any other manner other than inheritance. Thus inheritance is the sole method through which one can acquire Scheduled animal and animal article. However, the proviso to Sub Section 2 (A) and 2 (B) states that it the inheritance clause will not apply to elephants. This means that elephants could be acquired through mode other than inheritance.

However, Section 43 of the Act however limits the power of the CWLW by stipulating that any such transfer, even if allowed cannot be of a commercial nature. Section 43 reads:

No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

A combined reading of existing Section 40 and 43 leads to the following conclusion with respect to a live elephant:

- Transfer, acquiring and receiving of a live captive elephant is permissible under the existing legal provision with the prior approval of the Chief Wildlife Warden.
- However, such transfer, acquisition and receiving of an elephant should not involve any commercial transaction. Thus sale, purchase and offer for sale or purchase is explicitly prohibited under the provisions of the Act.

The Amendment Bill however, inserts a new subsection (4) to section 43 which reads:

“(4) This section (section 43) shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government.”

Thus an exception has been carved out by excluding 'live elephant' from the general prohibition contained in Section 43. The implication of the same is that commercial sale and purchase is no longer prohibited, under the Act.

The Amendment Bill therefore allows for commercial trade in elephants.

4. Use of Water in Sanctuaries and National Park

In Section 29 of the Act, the Explanation has been substituted by adding the following:

'Bona fide use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this Section'

While, this is a positive development, it is important to ensure that such exercise of bonafide use is recorded in Management Plan of the Sanctuary. It is pertinent to point out that water holes, streams and other water sources are also use by wild animals, birds and reptiles as well as constitute a habitat for fishes. It is imperative to ensure that such exercise of bonafide rights is done in a manner which harmonizes the need of local communities with that of wildlife.

Section 33 of the Act with respect to Management Plan for Sanctuaries.

It introduces Management Plans for Sanctuary and that states that all Sanctuaries and states that the Management Plan shall be 'approved by him' which means that it will have to be approved by the Chief Wildlife Warden

However, it has been observed that the position of CWLW is only an administrative post with no fixed tenure. There is no requirement of the holder of the office to have any specialized training in wildlife. Therefore, it is imperative that the Management Plan should be reviewed by the Wildlife Institute of India or any other competent body. The draft Management Plan should be made public for inviting public comments. It must be placed before the State Board for Wildlife for its approval.

5. Excessive Delegation and Unrestricted Power of Central Government to Declare Species as Vermin

Once a wild animal is declared as vermin, it enjoys no legal protection and has the same status as a domestic animal. It can be killed, traded and tamed.

Under the existing Act, the Central Government can issue a Notification declaring a Species as a Vermin so long as the Species is not listed in Schedule I or Part II of Schedule II. Thus, species such Civets, Common Fox, Jackal, Martens, Andaman Wild Pig among others could not be declared as Vermin under the Act in view of the statutory protection. However, as Bill amends Section 62 by stating that only species listed in Schedule I cannot be declared as vermin, while species listed in Schedule II can be declared as Vermin. Schedule II in the Bill includes the following among other species which if declared a vermin can pose serious threat to their existence in the wild.

Striped Hyena

Andaman Wild Pig

Indian Fox

Bengal Fox

Jungle Cat

Asiatic Jackal

It needs to be pointed out that declaration of species as vermin till date has been without any scientific study or assessment and is more a result of political pressure. It is also important to highlight that declaration of one wild animal as a vermin has serious consequence on other species eg. Traps laid for wild boars leads to killing of leopard, tiger and other unintended species. Similarly, poison used for killing monkeys and other such animals invariably kills other species who eat the same. There is also no assessment as to how such declaration of vermin could lead to ecological imbalance and increase human animal conflict eg. Killing of wild boars would deplete prey base of leopards and tigers which in turn are likely to depend more on livestock.



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9 January 2022

To, All Honourable Members & The Secretariat
Parliamentary Standing Committee on Science & Technology, Environment and Forests and Climate
Change
Parliament House Annexe, New Delhi 110 001

Subject: Comments on the Wild Life (Protection) Amendment Bill, 2021 (Bill No 159 of 2021 as introduced in the Rajya Sabha) to amend the Wild Life (Protection) Act of 1972

Dear Sir or Madam,

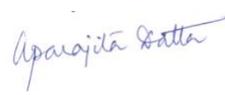
This is to bring to your attention our specific comments and concerns on the Wild Life (Protection) Amendment Bill, 2021 (hereafter referred to as the Amendment) tabled before the Rajya Sabha recently to amend the Wild Life (Protection) Act 1972 (hereafter referred to as the WP Act). Our comments are organised under the following broad sections: **A. General Concerns and Major Comments, B. Specific suggestions on each Amendment Clause, C. Existing Sections that require amendment, and D. Suggested Modifications to Schedules - rectification of errors, proposed additions.**

Our organization, **Nature Conservation Foundation (NCF)**, has been working in the field of wildlife research and conservation across India since 1996. As a national organization involved in scientific research, on-ground conservation, and policy support, we have also served as a member on the National Board for Wildlife (2010 – 13) and engaged with State and Central Governments, local communities, and other scientific research institutions in carrying out our work. NCF is recognized as a scientific research institution and as a centre for doctoral research by Manipal Academy of Higher Education, and our significant track record of research and technical projects and publications is available on our website, www.ncf-india.org.

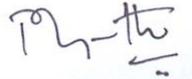
We urge your careful and immediate attention on the substantive concerns and aspects raised in this letter. We are also happy to depose before the committee, if required. Thank you for your consideration.

Yours sincerely





TR Shankar Raman, Mayuresh Gangal, Aparajita Datta,


Praveen Jayadevan, P. Jeganathan, Ashwin Viswanathan

On behalf of the Students and Scientists of the Nature Conservation Foundation, Mysore.

A. General Concerns and Major Comments

1. Inclusion of invasive alien species in Wildlife Protection Act

Amendment Clause 39 (page 12), Section 62A introduces a new section in the Act related to the inclusion of invasive alien species. This is a welcome addition as invasive alien species are widely recognised as a significant threat to wildlife and habitats in many parts of India, but there is no existing policy or regulation to address the issue. However, these are the following major concerns related to this amendment:

- (a) As per Amendment Clause 3 (Section 16A), the definition of invasive alien species to be adopted is: *"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.* This definition is not aligned with internationally accepted definitions such as that of the IUCN or the Convention of Biological Diversity. Specifically, invasive alien species may not be just restricted to those from outside India, but may include species that are native to a particular region or ecosystem of India, which when introduced into other regions can become invasive and thus can also be a concern (e.g., Himalayan cherry *Prunus cerasoides* in Western Ghats, chital *Axis axis* in Andamans). The CBD defines **Alien Species** as *A species, subspecies or lower taxon, introduced outside its natural past or present distribution; includes any part, gametes, seeds, eggs, or propagules of such species that might survive and subsequently reproduce* and **Invasive Alien Species** as *An alien species whose introduction and/or spread threaten biological diversity* (Source: <https://www.cbd.int/invasive/terms.shtml>).
- (b) Under the proposed amendment, it is unclear as to what process will be followed in how species will be listed and whether both plants and animals will be included. **There needs to be a well-considered scientific and transparent process for proposing, evaluating, listing, and delisting invasive alien species, along with enabling provisions directing the formulation of specific management measures.**
- (c) Finally, a thorough listing of invasive species is needed based on a comprehensive definition. Comprehensive recent assessments of alien species of India and identification of invasive aliens are available, which can be referred to as reliable resources and need to be used as the scientific basis for notification of invasive aliens. Two key resources include the following:
 - (i) Vidushi Pant, Chinmay Patwardhan, Kshitij Patil, Amiya Ranjan Bhowmick, Abhishek Mukherjee, Achyut Kumar Banerjee. **ILORA: A database of alien vascular flora of India.** *Ecological Solutions and Evidence*, First published: 21 October 2021, <https://doi.org/10.1002/2688-8319.12105>
 - (ii) Sankaran K V, Khuroo A A, Raghavan R, Molur S, Kumar B, Wong L J, Pagad S (2021). **Global Register of Introduced and Invasive Species - India.** Version 1.5. Invasive Species Specialist Group ISSG. Checklist dataset <https://doi.org/10.15468/uvnf8m> accessed via GBIF.org on 2022-01-09.

2. Notification of species as Vermin under the WP Act

Amendment Clause 3 applicable to Section 3 (i), wherein species are not declared as Vermin under Schedule V as earlier, but only as notified under Section 62 for any area and for such period as specified, is welcome. We note that there was no scientific basis or rationale for notifying species or entire groups (such as fruit bats) as Vermin under Schedule V in the existing WP Act. There are however some significant concerns related to Vermin in the WP Act:

- (a) We suggest that the word Vermin itself be dropped from the WP Act due to its derogatory and negative connotations. A more neutral phrasing or single word/term that captures the status of these kinds of species can be used instead: such as Animal Damage Control (ADC) Species. This phrasing or term may be defined under Definitions and replace the mention of Vermin in relevant sections of the Act, particularly Section 62.

- (b) The Amendment and the existing WP Act does not specify the rationale or scientific basis for listing (or delisting) species under this provision. These kinds of species could be defined *as very abundant or common animal species which are identified on the basis of scientific assessments as causing significant damage to human lives, crops, or property including livestock, through disease, injuries or loss of life, or damage to property.* As in the case of invasive alien species, **there needs to be a well-considered scientific and transparent process for proposing, evaluating, listing, and delisting species. Section 62 should include additional enabling provisions directing the formulation of specified or permitted management measures for such species, and not merely direct lethal control.**
- (c) Although this change is just a result of the proposed rationalisation of Schedules, **it is highly problematic that many animal species, including those listed in Schedule II, can potentially be notified as Vermin under the new amendment.** Given that there is no specification of criteria based on which species may be notified as Vermin, this amendment may lead to negative consequences on such species.
- (d) **We propose the terminology of Animal Damage Control as it brings focus on the need to control potential damage caused by the species through specified or permitted management measures, as in clause (b) above, rather than merely remove protections and expose species listed as Vermin to lethal control, trade and transport, capture, use as meat etc. under various sections of the WP Act (e.g., Sections 9, 44, 48A, 29 etc).** Even if a species is listed under Section 62 as Vermin or ADC species, there is no reason why it should also be automatically exposed to trade, use as meat, captivity etc. with no protections. This indicates that all sections of the WP Act related to Vermin need a careful re-appraisal.

3. The rationalisation of Schedules and revision of names in Schedules

Amendment of the Schedules under Amendment Clause 41 (page 13) to rationalise the schedules and use updated taxonomy is welcome. The Schedules have been reduced from six to three along with the inclusion of a new Schedule IV for the regulation of trade for species that are listed under CITES. The gaps and errors in the Schedules in the WP Act earlier were a matter of concern and therefore amendment to update the Schedules is welcome and much needed. However, **even with the proposed amendments, there are several gaps, errors, and exclusions in the new Schedules. We have pointed out these gaps and errors below and in Sections D. There is also a lack of clarity on the criteria or basis for inclusion of species in these Schedules and the reasons for exclusion of many species and entire groups. As this is a highly significant and critical part of the Act, this revision of Schedules requires wide public consultation, preferably under the aegis of a sub-committee of the NBWL constituted as per Sec 5B (3) of the Act. We strongly urge that the final Schedules be adopted only after this comprehensive consultative process is undertaken and completed within a fixed time frame of 6 months to a year.**

Other major concerns related to the Schedules include the following:

- a. **The rationale on which the Schedules are based should be made explicit and a transparent, scientifically rigorous, and consultative process of listing and delisting species in Schedules should be evolved.**
 - i. While there has been some welcome changes and additions in the listing given in Schedules, **the basic criteria for inclusion of a species to be listed is not provided.** For instance, the US Endangered Species Act of 1973 specifies the following criteria to determine if a species should be listed as threatened or endangered under the act: (A) *the present or threatened destruction, modification, or curtailment of its habitat or range;* (B) *overutilization for commercial, recreational, scientific, or educational purposes;* (C) *disease or predation;* (D) *the inadequacy of existing regulatory mechanisms;* or (E) *other natural or manmade factors affecting its continued existence.*

- ii. There are national assessments for some taxonomic groups (CAMP assessments, India Red Data Lists etc.) that could be used to justify inclusion in either of the two Schedules, or in the absence of our own system of assessment, there are other global assessments (e.g., *IUCN Red List of Threatened Species*) that could be used to assess status and place species in appropriate Schedules. **As detailed below, large numbers of species and entire faunal groups are missing in Schedule I or II, including some species that are Critically Endangered or of high conservation concern, and it is unclear on what basis this was done.**
- iii. **There is a need to evolve a transparent, scientifically rigorous, and consultative process of listing and delisting species in Schedules.** Models from other countries such as the US Endangered Species Act (ESA) can be examined and adopted with suitable modifications. The ESA allows petitions, including from citizens, scientific institutions, and government authorities, for listing species, followed by a rigorous review and appraisal process (<https://www.fws.gov/endangered/what-we-do/listing-petition-process.html>).
- iv. Within each of the faunal groups in Schedule I and II, **it would be better to arrange species in taxonomic order systematically based on Family**, rather than a general listing.

b. Many species / species groups are missing from the Schedules

- i. **Apart from mammals, most other faunal groups are incompletely listed, especially amphibians and reptiles. In addition, the basis or criteria for inclusion/exclusion is not clear. In Schedule I, only 1 amphibian and 43 species of reptiles are included. While in Schedule II, only 5 amphibians and 12 reptiles are listed.** There are many remarkable discoveries of new species, range extensions, re-discoveries of herpetofauna and more extensive documentation of herpetofauna in the last decade that are available in the public domain and the knowledge and expertise among different experts/institutions as well as public databases should be used to include relevant herpetofaunal species.
- ii. **Even among mammals, certain groups like bats and arboreal and terrestrial forest rodents are incompletely listed.** Contrary to popular perception, ‘rats’ (rodents) are a diverse group and include many species that are endemic or threatened/rare. Recent research and surveys have also enhanced our understanding of bat diversity and their distribution. This knowledge needs to reflect in the Schedules I and II.
- iii. **For birds, 446 species of birds known to occur in India are missing from either of the Schedules.** These bird species need to be added to one of the Schedules as it otherwise exposes a large fraction of India’s birds to a situation with no protection from hunting or other threats. The *State of India’s Birds 2020* Report (SoIB 2020, available at <https://www.stateofindiabirds.in/>) can be used as a scientific basis to identify which species needs to be listed in Schedule I or II, along with other resources such as the *IUCN Red List of Threatened Species*.
- iv. **In Schedule I, under invertebrates, only five groups are partially included, namely insects - only 63 butterflies, molluscs (10), corals (388), crabs (3), and sea cucumbers (32) in Schedule I. No other invertebrates are listed in the Schedules at all.** This is a big omission, given the huge diversity and importance of these species and groups and existing knowledge and expertise that exists in the country as well as some national/regional or global assessments.
- v. **In Schedule II (Part E), under insects, only 57 species of butterflies and 1 species of dragonfly are included. Among other invertebrates, only 14 molluscs and 10 sponges are included.** There is much knowledge now on several invertebrate groups from across the country, especially on butterflies, moths, spiders, odonates and some other groups that needs to be used to identify species from these groups for inclusion in these Schedules.
- vi. **There are only 18 plant species listed under Schedule III and the basis is unclear and arbitrary.** In the previous Act in which plants were under Schedule VI, only 6 plants were listed. The basis and criteria for only these plant species being included is not clear and

appears arbitrary. There are many other plant species that are threatened (categorized under *IUCN Red List* as Critically Endangered, Endangered, Vulnerable and Near Threatened) that need to be included. The Botanical Survey of India's list of threatened plants of India should be consulted to include more species, as well as through consultation with botanical experts in the country and by consulting the *IUCN Red List* and sources such as Kameswara Rao, C.; Geetha, B.L.; Suresh, Geetha (2003). [*Red list of threatened vascular plant species in India*](#). Ministry of Environment and Forests. While many plant species have not been assessed globally, expert knowledge can be used to determine which species needs inclusion. The listing of plant species in Schedule III should also include Bryophytes, Pteridophytes, Gymnosperms and Angiosperms and be arranged systematically family-wise within each of these larger main plant groups.

- vii. Some groups like algae, lichen and fungi are missing entirely and consultation is needed with experts on these groups to determine species that need to be included.
- viii. Please find the detailed list of species for which we suggest modification of the Schedules in the section "Schedule Modification" in Section D of this submission.

4. Recognition of Forest Rights Act (FRA) 2006 and regulation of tourist lodges

Amendment Clause 13 applicable to Section 33 of the Act includes wording on preparation of management plan as per Central Government guidelines and "*...in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned*". This is a welcome recognition that the forest authorities would be required to manage wildlife sanctuaries in consultation with the Gram Sabha in such areas. It now incorporates that management should be as per management plan prepared as per central guidelines, or in areas under FRA, with involvement of Gram Sabha. Clause b of the same Amendment Clause 13 also will prevent Chief Wildlife Warden from allowing all tourist lodges, including Government lodges for tourism/commercial purposes to be built without NBWL clearance.

5. Renewal of firearm licences in and around Protected Areas

Amendment Clause 14 (page 4), Section 34 brings a new provision regarding renewal of firearms licences to any person residing within 10 km of a wildlife sanctuary. This is a welcome addition to the existing provisions which only covered issue of new licences to such persons. However, we note that this may lead to conflicts or practical problems in implementation in certain regions such as North-east India where people can bear arms subject to permits and renewals. In such states, there may be a need to align existing local laws/practices with this change in the WP Act.

6. WLPA should recognise State Fisheries Department regulations

Most of the freshwater and marine fish species and invertebrates in the Indian waters are managed and governed by State-level Inland Fisheries Acts, state level Marine Fisheries Regulation Acts (MFRAs) and National Marine Fisheries Acts. These acts recognise amendments under the Wildlife Protection Act. We suggest that there is a need for a separate amendment in the Wildlife Protection Act which explicitly recognises regulatory and management provisions amended under State-level Inland Fisheries Acts, State level Marine Fisheries Regulation Acts (MFRAs) and National Marine Fisheries Acts.

7. No direct protection for habitats

We note that although the term Habitats is defined under the WP Act, the main approach to wildlife protection is through (a) creation of Protected Areas, and (b) listing of protected species in Schedules. India has a number of habitats, including non-forest habitats such as grasslands, semi-desert, unique wetlands, and Himalayan high altitude ecosystems, that remain outside the Protected Area network which covers only 5% of the land area. These habitats are vital for conservation of species such as the Critically Endangered Great Indian Bustard and Lesser Florican, which cannot be protected merely by listing in Schedules. Animal corridors between Protected Areas are another category of habitat that require better recognition and protection. As these areas are often in private ownership or under agriculture or other land uses, provisions to protect habitat need to involve and incentivize local communities, landowners, and other stakeholders for their protection. **A better/wider framework for protection of habitats that are important for wildlife is required but currently missing from the Act.**

8. Rendering State Boards for Wildlife defunct

A new Amendment Clause 6 seeks to insert a new section 6A allowing the State Board for Wild Life to constitute a Standing Committee to exercise such powers and perform such duties as may be delegated to it by the Board. It provides for the membership of such a Standing Committee to be 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. It further provides for such a Standing Committee to constitute committees, sub-committees or study groups as may be necessary.

The State Boards of Wildlife (SBWL) would be rendered defunct due to the amendment suggested for creation of the Standing Committee in the states. This has already happened with the National Board for Wildlife (NBWL). This is not desirable as this will dilute the scrutiny, evaluation and assessment that proposed projects are given. There should also be a stipulation that the main SBWL and NBWL should meet at least twice a year.

9. Allowing commercial trade in live elephants

Earlier, the transfer, acquisition and receiving of a live captive elephant was permitted under a legal provision only with prior approval by the CWLW. However, no commercial transactions were allowed. A new amendment in Section 43, now makes an exception stating that the prohibition on transfer/transport of live captive elephants does not apply to any person having a certificate of ownership and/or having permission from the State Government. This exception thus effectively allows for the commercial sale and purchase of live elephants, which is a serious undesirable amendment to the Act that will have negative consequences for captive and wild elephant populations.

B. Specific suggestions on each Amendment Clause

1/7

Amendment Clause: 2	
Section (sub-section): Preamble	
Proposed text of amendment	In the principal Act for the words "protection of wild animals, birds and plants", the words "conservation, protection and management of wildlife" shall be substituted.
Suggested modifications	In the principal Act for the words "protection of wild animals, birds and plants", the words "conservation, protection, research and management of wildlife and habitats " shall be substituted.
Rationale	It is crucial to include research in the Preamble as sound management and conservation cannot be carried out without scientific basis and must be based on scientific research and monitoring. It is also essential to include wildlife habitats within the scope of the Act, as Habitat is already defined in the Act.

2/7

Amendment Clause: 3 (e)
Section (sub-section): 2 (19)

Proposed text of amendment	in Clause (19), for the words and figures "Schedules I to V and VI", the words and figures "Schedules I, II and III" shall be substituted;
Suggested modifications	in Clause (19), for the words and figures "Schedules I to V and VI", the words and figures "Schedules I, II, III and IV " shall be substituted;
Rationale	We think the definition of “manufacturer” should also apply to species coming under CITES provisions (new Schedule IV) and not just to Schedule I to III species as referred in Section 44 and 49.

3/7

Amendment Clause: 3 (i)	
Section (sub-section): 2 (34)	
Proposed text of amendment	"vermin" means any wild animal notified under Section 62
Suggested modifications	"Animal Damage Control (ADC) species" or "Notified / Managed species" means any wild animal notified under Section 62;
Rationale	We suggest the word Vermin itself should be dropped from the act due to its derogatory and negative connotation. Recent research on human-wildlife conflict and coexistence on so-called ‘problem’ species indicates that reduction of conflicts requires management measures related to the location rather than merely directed at lethal population control of the species (e.g., predator proof corrals, early warning systems). We propose the term Animal Damage Control (ADC) species or, alternatively, some other neutral term like Notified or Managed species be used in the WP Act. This term should also be clearly linked to a framework to specify and notify allowed management measures for such species (which need not merely be lethal control). See Section A-2 of this submission for further details.

4/7

Amendment Clause: 5	
Section (sub-section): 5B (3)	
Proposed text of amendment	In section 5B of the principal Act, in sub-section (3), for the words "in proper discharge of functions assigned to it", the words "on such terms and conditions as may be prescribed for proper discharge of functions assigned to it under the Act" shall be substituted
Suggested modifications	
Rationale	We suggest that this amendment should not be made as it takes away agency from the study group or sub-committee of such species. See Section A-2 of this submission for further details.

5/7

Amendment Clause: 11	
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Section (sub-section): 28 (1)	
Proposed text of amendment	In Section 28 of the principal Act, in sub-section (1), in clause (b), after the word "photography", the words "and film-making without making any change in the habitat or causing any adverse impact to the habitat of wildlife" shall be inserted.
Suggested modifications	Although the amendment is concerned only with photography and film-making, we would like to point out the need for more enabling provision related to research as well. We therefore suggest that the provision for issue of permit under Section 28 of the principal act, in sub-section (1) (c) be revised suitably. We specifically suggest that permission for research be dealt with as a separate clause with the stipulation that permits shall be issued in a timely manner within 3 months from the date of application and reasons for any denial of permit are recorded in writing after giving an opportunity for the applicant to be heard or to submit a revised proposal.
Rationale	<p>As research is a key requirement for conservation and management of wildlife, a more enabling provision for research is required in the WP Act. It should not be equated and treated on the same basis as tourism and photography. As long as research is conducted within legal bounds respecting laws of the land, retaining discretionary power the Chief Wildlife Warden in terms of what research should be permitted in the protected area may be arbitrary and could be biased. Given that much ecological research is seasonally sensitive and time-bound, delay in the permit granting process can have a serious effect on the ability to conduct research in the first place.</p> <p>Although the Environment Ministry has issued Guidelines for Scientific Research in the Wildlife Protected Areas this is not reflected in the main Act through enabling provisions.</p>

6/7

Amendment Clause: 12	
Section (sub-section): 29	
Proposed text of amendment	for the Explanation, the following Explanation shall be substituted, namely:— "Explanation.—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, or the bona fide use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this section."
Suggested modifications	(b) for the Explanation, the following Explanation shall be substituted, namely:— "Explanation.—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, or the bona fide use of drinking and household water by local communities,

	subsistence fishing or any other rights provided under The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 , shall not be deemed to be an act prohibited under this section."
Rationale	Given that The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) seeks to correct omissions in recognition of rights during the process of PA notification, which has been a rather common occurrence, it only stands to reason that any rights lawfully recognised under the FRA must be honoured under the WLPA.

7/7

Amendment Clause: 16 (a)	
Section (sub-section): 36D (2)	
Proposed text of amendment	for the words "five representatives", the words "not less than five representatives" shall be substituted
Suggested modifications	for the words "five representatives", the words "not less than five representatives including at least one representative of a local wildlife organisation or Chairperson of the local Biodiversity Management Committee constituted under the Biological Diversity Act (2002) " shall be substituted
Rationale	The amendment recognises the need to constitute a committee of local members but fails to stipulate that the committee should include any member with experience on wildlife and biodiversity of the areas. Hence the suggestion.

C. Existing Sections that require amendment

Section (sub-section)	Existing text in WP Act	Suggested modifications	Rationale
Chapter 1, point no. 2 Definitions	The Act defines an animal - only as amphibians, birds, mammals, or reptiles and their young and in the case of birds and reptiles, also their eggs.	It should define an animal - as species that are invertebrates, amphibians, reptiles, birds and mammals and their young and their eggs, in the case of oviparous species.	This is an incorrect biological definition as it completely excludes all invertebrates. It also assumes that all amphibians are not egg-laying, which is not true.
Chapter 3, Sec 12; Grant of permit for special purposes	..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, b) scientific research, bb) scientific management..	The word hunt should be replaced with catch or capture with appropriate, accepted and ethical methods	It is inappropriate and incorrect to use the word hunt with respect to catching/capture and handling of animals for education, research and scientific management. We therefore suggest that appropriate terminology such as capture and handling of animals is defined under the Act and

			the Section 12 suitably modified.
39 (3)	Any such animal article, trophy or uncured trophy or meat derived from any wild animal, as referred to in sub-sections (1) and (2) may be disposed of by the State Government or the Central Government, as the case may be, in such manner as may be prescribed by the Central Government	Any such animal article, trophy or uncured trophy or meat derived from any wild animal, as referred to in sub-sections (1) and (2) may be disposed of by the State Government or the Central Government, as the case may be, in such manner as may be prescribed under guidelines or protocols by the Central Government	We suggest that proper guidelines and protocols need to be issued for the various cases and situations as different animal articles may require different protocols. In our opinion Section 39 (3) should be re-amended making provisions for setting up such guidelines or protocols and not just through mere notification or orders that may be prescribed from time to time.
62	the words and figure "and so long as such notification is in force, such wild animals shall be deemed to have been included in Schedule V" shall be omitted.		We strongly suggest that designation of species as Vermin should happen with explicit stipulation of reasons, basing it on scientific evidence by involvement of an advisory or supervisory scientific body. Also there should be provision of periodic tracking of the fate of animal's population as a result of such notification. Considering the requirements of such processes we recommend that this section should be re-amended. We also provide further comments in Section A-2 of this submission.

D. Suggested modifications to Schedules (rectification of errors, proposed additions etc.)

1. General comments

- a. Due to some formatting errors, many species' scientific names (Latin binomials) are not separated by a space between the genus name and species epithet, which can lead to confusion. It also looks shoddy in a document that is so important.
- b. About **446** bird species known to occur in India (<https://www.indianbirds.in/india/>) are not listed in any of the Schedules. In addition, the Schedules are not designed to incorporate new discoveries and new range extensions, we thus recommend that all birds that are seen in the wild (excluding alien species) within the political boundaries of India fall under Schedule II, unless they fall under

Schedule I or have been explicitly declared as Vermin (or Animal Damage Control species as proposed in this submission).

- c. Any species that is listed by IUCN as "Critically Endangered", or "Endangered" and "Vulnerable" category should by default be included in Schedule I.

2. Suggested changed in Schedules for animals (except birds)

Current Schedule	Part	Comments
Schedule I	Part A - Mammals	Following mammal species should be listed in Schedule I 1. Leaf deer <i>Muntiacus putaoensis</i> , 2. Gongshan muntjac <i>Muntiacus gongshanensis</i> 3. Arunachal Macaque <i>Macaca munzala</i> 4. White-cheeked macaque <i>Macaca leucogenys</i> 5. Mechuka Giant Flying Squirrel <i>Petaurista mechukaensis</i> 6. Mishmi Giant Flying Squirrel <i>Petaurista mishmiensis</i>
Schedule I	Part H - Corals	As many scientific names are incorrect and taxonomic nomenclature keeps on changing, we recommend that part H of Schedule I just mentions "all corals" without specifying family names
Schedule I	Part J - Holothurians	<ol style="list-style-type: none"> Most of the Holothurians are endangered because of the export demand Holothurians are fast growing and quick maturing and sustainable harvest models of Holothurians exist in other parts of the world In Schedule IV, in appendix II only three holothurians are mentioned and many species which are commonly found in India do not have any mention in appendix II <p>Considering these points, we recommend that MoEFCC should make an active effort in listing all the Indian Holothurians in CITES appendices. Once that is achieved Holothurians can be shifted to Schedule IV. Until that time all the Holothurians may be listed in Schedule II.</p>
Schedule I, Part D		A single species of amphibian (Himalayan Salamander) is included in Schedule I. This is completely insufficient. It excludes entire Anura and Gymnophiona (caecilians). At the very least, Indian CAMP assessments or IUCN Red List should be used to identify species requiring protection.
Schedule II	Mammals	Javan Mongoose - This species is not reported in India and needs to be removed.

2. Birds: Suggested changes in the Schedules

There is no apparent rationale for listing various birds in Schedule I or Schedule II. In addition, among the birds which were reported from India, around 446 birds are missing in either of the Schedules. Fortunately, there is ample reliable information available about Indian birds in the form of the global IUCN Red List and criteria used there and the "Status of Conservation Concern" criteria put together in the 'The State of India's Birds' report which was published in 2020 (<https://www.stateofindiabirds.in/>).

Based on these criteria, we have suggested following changes in the listing/ classification of birds in the new amendment. We would like to emphasize here that just like we have suggested for birds, similar knowledge-

based status assessments are possible for the other taxa and we strongly recommend that the committee uses available scientific knowledge/expertise and information in listing/classification of all the taxa in different schedules in a more systematic and comprehensive manner which provides a strong and clear basis for inclusion or exclusion in any of the Schedules.

a. Bird species additions required in Schedule I

Some of the bird species which show a high conservation priority, according to the State of India's Birds report or which are classified as Critically Endangered, Endangered or Vulnerable categories by IUCN are either missing from Schedule II or not listed at all in the new amendments. Many species of conservation concern were identified by the *State of India's Birds 2020* report. Therefore, based on these criteria, we propose the following species should be added in Schedule I.

Sr. No.	English name	Scientific name	Current classification (as per proposed amendments)	IUCN Category	Status of Conservation Concern (SoIB)
1	Baer's Pochard	<i>Aythya baeri</i>	Schedule II	Critically Endangered	NA
2	White-headed Duck	<i>Oxyura leucocephala</i>	Schedule II	Endangered	NA
3	Manipur Bush Quail	<i>Perdica manipurensis</i>	Schedule II	Endangered	High
4	Masked Finfoot	<i>Heliopais personatus</i>	Not listed	Endangered	NA
5	Sociable Lapwing	<i>Vanellus gregarius</i>	Schedule II	Critically Endangered	High
6	Great Knot	<i>Calidris tenuirostris</i>	Schedule II	Endangered	High
7	Spoon-billed Sandpiper	<i>Calidris pygmaea</i>	Schedule II	Critically Endangered	NA
8	Black-bellied Tern	<i>Sterna acuticauda</i>	Schedule II	Endangered	High
9	Indian Skimmer	<i>Rynchops albicollis</i>	Schedule II	Endangered	High
10	Greater Adjutant	<i>Leptoptilos dubius</i>	Schedule II	Endangered	High
11	Christmas Island Frigatebird	<i>Fregata andrewsi</i>	Not listed	Critically Endangered	NA
12	White-eared Night Heron	<i>Gorsachius magnificus</i>	Not listed	Endangered	NA
13	Swamp Grass Babbler	<i>Laticilla cinerascens</i>	Not listed	Endangered	High
14	Banasura Laughingthrush	<i>Montecincla jerdoni</i>	Not listed	Endangered	High
15	Nilgiri Laughingthrush	<i>Montecincla cachinnans</i>	Not listed	Endangered	High
16	Nilgiri Sholakili	<i>Sholicola major</i>	Schedule II	Endangered	High
17	Finn's Weaver	<i>Ploceus megarhynchus</i>	Schedule II	Endangered	High
18	Yellow-breasted Bunting	<i>Emberiza aureola</i>	Schedule II	Critically Endangered	High

19	Marbled Teal	<i>Marmaronetta angustirostris</i>	Schedule II	Vulnerable	NA
20	Swamp Francolin	<i>Francolinus gularis</i>	Schedule II	Vulnerable	High
21	Yellow-eyed Pigeon	<i>Columba evermanni</i>	Schedule II	Vulnerable	High
22	Pale-capped Pigeon	<i>Columba punicea</i>	Schedule II	Vulnerable	High
23	Dark-rumped Swift	<i>Apus acuticauda</i>	Not listed	Vulnerable	High
24	Wood Snipe	<i>Gallinago nemoricola</i>	Schedule II	Vulnerable	NA
25	Great Slaty Woodpecker	<i>Mulleripicus pulverulentus</i>	Not listed	Vulnerable	High
26	Grey-crowned Prinia	<i>Prinia cinereocapilla</i>	Not listed	Vulnerable	High
27	Black-breasted Parrotbill	<i>Paradoxornis flavirostris</i>	Not listed	Vulnerable	High
28	Mishmi Wren Babbler	<i>Spelaeornis badeigularis</i>	Schedule II	Vulnerable	High
29	Naga Wren Babbler	<i>Spelaeornis chocolatinus</i>	Schedule II	Vulnerable	High
30	Marsh Babbler	<i>Pellorneum palustre</i>	Not listed	Vulnerable	High
31	Slender-billed Babbler	<i>Argya longirostris</i>	Not listed	Vulnerable	High
32	Ashambu Laughingthrush	<i>Montecincla meridionalis</i>	Not listed	Vulnerable	High
33	Beautiful Nuthatch	<i>Sitta formosa</i>	Not listed	Vulnerable	High
34	White-bellied Sholakili	<i>Sholicola albiventris</i>	Schedule II	Vulnerable	High
35	Hodgson's Bushchat	<i>Saxicola insignis</i>	Schedule II	Vulnerable	High
36	Green Munia	<i>Amandava formosa</i>	Schedule II	Vulnerable	High
37	Nilgiri Pipit	<i>Anthus nilghiriensis</i>	Schedule II	Vulnerable	High
38	Common Pochard	<i>Aythya ferina</i>	Schedule II	Vulnerable	Moderate
39	Nilgiri Wood Pigeon	<i>Columba elphinstonii</i>	Schedule II	Vulnerable	Moderate
40	River Tern	<i>Sterna aurantia</i>	Schedule II	Vulnerable	Moderate
41	Lesser Adjutant	<i>Leptoptilos javanicus</i>	Schedule II	Vulnerable	Moderate
42	Malabar Grey Hornbill	<i>Ocyeros griseus</i>	Not listed	Vulnerable	Moderate
43	Malabar Pied Hornbill	<i>Anthracoceros coronatus</i>	Not listed	Near Threatened	Moderate
44	Indian Courser	<i>Cursorius coromandelicus</i>	Not listed	Least Concern	Moderate
45	Rufous-vented Grass Babbler	<i>Laticilla burnesii</i>	Not listed	Near Threatened	Moderate
46	Ibisbill	<i>Ibidorhyncha struthersii</i>	Not listed	Least Concern	NA

47	Blyth's Kingfisher	<i>Alcedo hercules</i>	Not listed	Near Threatened	NA
48	Yellow-rumped Honeyguide	<i>Indicator xanthonotus</i>	Not listed	Near Threatened	Moderate
49	Indian Eagle Owl	<i>Bubo bengalensis</i>	Schedule II	Least Concern	NA
50	Spot-bellied Eagle Owl	<i>Bubo nipalensis</i>	Schedule II	Least Concern	NA
51	Eurasian Eagle Owl	<i>Bubo bubo</i>	Schedule II	Least Concern	NA
52	Brown Fish Owl	<i>Ketupa zeylonensis</i>	Schedule II	Least Concern	Low
53	Tawny Fish Owl	<i>Ketupa flavipes</i>	Schedule II	Least Concern	NA
54	Buffy Fish Owl	<i>Ketupa ketupu</i>	Schedule II	Least Concern	NA
55	Mottled Wood Owl	<i>Strix ocellata</i>	Schedule II	Least Concern	NA
56	Brown Wood Owl	<i>Strix leptogrammica</i>	Schedule II	Least Concern	NA
57	Common Barn Owl	<i>Tyto alba</i>	Schedule II	Least Concern	NA
58	Andaman Barn Owl	<i>Tyto deroepstorffi</i>	Schedule II	Least Concern	NA
59	Northern Long-eared Owl	<i>Asio otus</i>	Schedule II	Least Concern	NA
60	Short-eared Owl	<i>Asio flammeus</i>	Schedule II	Least Concern	Low

b. Bird species that need re-classifying or moving from Schedule I to Schedule II

Some species which are classified/ listed under Schedule I according to the current amendments are classified as “Least Concern” species in IUCN category and also have “Low” status of conservation concern according to the State of India’s Birds report. Thus, we suggest that these species should be moved from Schedule I to Schedule II.

Sr. No.	English name	Scientific name	IUCN category	Status of Conservation Concern (SoIB)
1	Eurasian Spoonbill	<i>Platalea leucorodia</i>	Least Concern	Low
2	Crested Serpent Eagle	<i>Spilornis cheela</i>	Least Concern	Low
3	Black Eagle	<i>Ictinaetus malaiensis</i>	Least Concern	Low
4	Booted Eagle	<i>Hieraetus pennatus</i>	Least Concern	Low
5	Bonelli's Eagle	<i>Aquila fasciata</i>	Least Concern	Low
6	Western Marsh Harrier	<i>Circus aeruginosus</i>	Least Concern	Low
7	Shikra	<i>Accipiter badius</i>	Least Concern	Low
8	Black Kite	<i>Milvus migrans</i>	Least Concern	Low
9	Brahminy Kite	<i>Haliastur indus</i>	Least Concern	Low
10	Common Buzzard	<i>Buteo buteo</i>	Least Concern	Low
11	Himalayan Buzzard	<i>Buteo refectus</i>	Least Concern	Low

12	Long-legged Buzzard	<i>Buteo rufinus</i>	Least Concern	Low
13	Grey-faced Buzzard	<i>Butastur indicus</i>	Least Concern	NA
14	Red Kite	<i>Milvus milvus</i>	Least Concern	NA

c. Bird species to be added to Schedule II

There are 446 species of birds which are reported from India, but which are not listed in either of the Schedules. We have proposed that 21 of them need to be included in Schedule I. We recommend that the remaining 425 birds should be included in Schedule II.

Sr. No.	English Name	Scientific Name
1	Japanese Quail	<i>Coturnix japonica</i>
2	Red Junglefowl	<i>Gallus gallus</i>
3	Lesser Flamingo	<i>Phoeniconaias minor</i>
4	Black-necked Grebe	<i>Podiceps nigricollis</i>
5	Nicobar Imperial Pigeon	<i>Ducula nicobarica</i>
6	Horsfield's Bronze Cuckoo	<i>Chrysococcyx basalis</i>
7	White-rumped Spinetail	<i>Zonavena sylvatica</i>
8	White-throated Needletail	<i>Hirundapus caudacutus</i>
9	Silver-backed Needletail	<i>Hirundapus cochinchinensis</i>
10	Brown-backed Needletail	<i>Hirundapus giganteus</i>
11	Plume-toed Swiftlet	<i>Collocalia affinis</i>
12	Himalayan Swiftlet	<i>Aerodramus brevirostris</i>
13	Alpine Swift	<i>Tachymarptis melba</i>
14	Common Swift	<i>Apus apus</i>
15	Pacific Swift	<i>Apus pacificus</i>
16	Blyth's Swift	<i>Apus leuconyx</i>
17	Indian House Swift	<i>Apus affinis</i>
18	Nepal House Swift	<i>Apus nipalensis</i>
19	Asian Palm Swift	<i>Cypsiurus balasiensis</i>
20	Crested Treeswift	<i>Hemiprocne coronata</i>
21	American Golden Plover	<i>Pluvialis dominica</i>
22	Greater Painted-snipe	<i>Rostratula benghalensis</i>
23	Crab-plover	<i>Dromas ardeola</i>

24	Cream-coloured Courser	<i>Cursorius cursor</i>
25	Collared Pratincole	<i>Glareola pratincola</i>
26	Oriental Pratincole	<i>Glareola maldivarum</i>
27	Small Pratincole	<i>Glareola lactea</i>
28	South Polar Skua	<i>Stercorarius maccormicki</i>
29	Brown Skua	<i>Stercorarius antarcticus</i>
30	Pomarine Skua	<i>Stercorarius pomarinus</i>
31	Arctic Skua	<i>Stercorarius parasiticus</i>
32	Long-tailed Skua	<i>Stercorarius longicaudus</i>
33	White-tailed Tropicbird	<i>Phaethon lepturus</i>
34	Red-billed Tropicbird	<i>Phaethon aethereus</i>
35	Red-tailed Tropicbird	<i>Phaethon rubricauda</i>
36	Red-throated Diver	<i>Gavia stellata</i>
37	Black-throated Diver	<i>Gavia arctica</i>
38	Wilson's Storm-petrel	<i>Oceanites oceanicus</i>
39	White-faced Storm-petrel	<i>Pelagodroma marina</i>
40	Black-bellied Storm-petrel	<i>Fregetta tropica</i>
41	Swinhoe's Storm-petrel	<i>Oceanodroma monorhis</i>
42	Barau's Petrel	<i>Pterodroma barau</i>
43	Jouanin's Petrel	<i>Bulweria fallax</i>
44	Streaked Shearwater	<i>Calonectris leucomelas</i>
45	Cory's Shearwater	<i>Calonectris borealis</i>
46	Flesh-footed Shearwater	<i>Ardenna carneipes</i>
47	Wedge-tailed Shearwater	<i>Ardenna pacifica</i>
48	Short-tailed Shearwater	<i>Ardenna tenuirostris</i>
49	Tropical Shearwater	<i>Puffinus bailloni</i>
50	Persian Shearwater	<i>Puffinus persicus</i>
51	Lesser Frigatebird	<i>Fregata ariel</i>
52	Great Frigatebird	<i>Fregata minor</i>
53	Masked Booby	<i>Sula dactylatra</i>
54	Brown Booby	<i>Sula leucogaster</i>

55	Red-footed Booby	<i>Sula sula</i>
56	Javan Pond Heron	<i>Ardeola speciosa</i>
57	Black-winged Kite	<i>Elanus caeruleus</i>
58	European Honey Buzzard	<i>Pernis apivorus</i>
59	Oriental Honey Buzzard	<i>Pernis ptilorhynchus</i>
60	Legge's Hawk Eagle	<i>Nisaetus kelaarti</i>
61	Rough-legged Buzzard	<i>Buteo lagopus</i>
62	Common Hoopoe	<i>Upupa epops</i>
63	Indian Grey Hornbill	<i>Ocyrceros birostris</i>
64	Common Kingfisher	<i>Alcedo atthis</i>
65	Blue-eared Kingfisher	<i>Alcedo meninting</i>
66	Oriental Dwarf Kingfisher	<i>Ceyx erithaca</i>
67	Brown-winged Kingfisher	<i>Pelargopsis amauroptera</i>
68	Stork-billed Kingfisher	<i>Pelargopsis capensis</i>
69	Ruddy Kingfisher	<i>Halcyon coromanda</i>
70	White-throated Kingfisher	<i>Halcyon smyrnensis</i>
71	Black-capped Kingfisher	<i>Halcyon pileata</i>
72	Collared Kingfisher	<i>Todiramphus chloris</i>
73	Crested Kingfisher	<i>Megaceryle lugubris</i>
74	Pied Kingfisher	<i>Ceryle rudis</i>
75	Blue-bearded Bee-eater	<i>Nyctyornis athertoni</i>
76	Green Bee-eater	<i>Merops orientalis</i>
77	Blue-throated Bee-eater	<i>Merops viridis</i>
78	Blue-cheeked Bee-eater	<i>Merops persicus</i>
79	Blue-tailed Bee-eater	<i>Merops philippinus</i>
80	European Bee-eater	<i>Merops apiaster</i>
81	Chestnut-headed Bee-eater	<i>Merops leschenaulti</i>
82	Indochinese Roller	<i>Coracias affinis</i>
83	Eurasian Wryneck	<i>Jynx torquilla</i>
84	Speckled Piculet	<i>Picumnus innominatus</i>
85	White-browed Piculet	<i>Sasia ochracea</i>

86	Heart-spotted Woodpecker	<i>Hemicircus canente</i>
87	Brown-capped Pygmy Woodpecker	<i>Yungipicus nanus</i>
88	Grey-capped Pygmy Woodpecker	<i>Yungipicus canicapillus</i>
89	Yellow-crowned Woodpecker	<i>Leiopicus mahrattensis</i>
90	Brown-fronted Woodpecker	<i>Dendrocoptes auriceps</i>
91	Rufous-bellied Woodpecker	<i>Dendrocopos hyperythrus</i>
92	Fulvous-breasted Woodpecker	<i>Dendrocopos macei</i>
93	Freckle-breasted Woodpecker	<i>Dendrocopos analis</i>
94	Stripe-breasted Woodpecker	<i>Dendrocopos atratus</i>
95	Darjeeling Woodpecker	<i>Dendrocopos darjellensis</i>
96	Great Spotted Woodpecker	<i>Dendrocopos major</i>
97	Himalayan Woodpecker	<i>Dendrocopos himalayensis</i>
98	Sind Woodpecker	<i>Dendrocopos assimilis</i>
99	Crimson-breasted Woodpecker	<i>Dryobates cathpharius</i>
100	Bay Woodpecker	<i>Blythipicus pyrrhotis</i>
101	Greater Flameback	<i>Chrysocolaptes guttacristatus</i>
102	White-naped Woodpecker	<i>Chrysocolaptes festivus</i>
103	Rufous Woodpecker	<i>Micropternus brachyurus</i>
104	Pale-headed Woodpecker	<i>Gecinulus grantia</i>
105	Himalayan Flameback	<i>Dinopium shorii</i>
106	Common Flameback	<i>Dinopium javanense</i>
107	Black-rumped Flameback	<i>Dinopium benghalense</i>
108	Lesser Yellownap	<i>Picus chlorolophus</i>
109	Streak-throated Woodpecker	<i>Picus xanthopygaeus</i>
110	Scaly-bellied Woodpecker	<i>Picus squamatus</i>
111	Grey-headed Woodpecker	<i>Picus canus</i>
112	Greater Yellownap	<i>Chrysophlegma flavinucha</i>
113	White-bellied Woodpecker	<i>Dryocopus javensis</i>
114	Andaman Woodpecker	<i>Dryocopus hodgei</i>

115	Long-tailed Broadbill	<i>Psarisomus dalhousiae</i>
116	Silver-breasted Broadbill	<i>Serilophus lunatus</i>
117	Orange Minivet	<i>Pericrocotus flammeus</i>
118	Black-headed Shrike-babbler	<i>Pteruthius rufiventer</i>
119	Himalayan Shrike-babbler	<i>Pteruthius ripleyi</i>
120	Blyth's Shrike-babbler	<i>Pteruthius aeralatus</i>
121	Green Shrike-babbler	<i>Pteruthius xanthochlorus</i>
122	Black-eared Shrike-babbler	<i>Pteruthius melanotis</i>
123	Clicking Shrike-babbler	<i>Pteruthius intermedius</i>
124	White-bellied Erpornis	<i>Erpornis zantholeuca</i>
125	Mangrove Whistler	<i>Pachycephala cinerea</i>
126	Ashy Woodswallow	<i>Artamus fuscus</i>
127	White-breasted Woodswallow	<i>Artamus leucorynchus</i>
128	Malabar Woodshrike	<i>Tephrodornis sylvicola</i>
129	Large Woodshrike	<i>Tephrodornis virgatus</i>
130	Common Woodshrike	<i>Tephrodornis pondicerianus</i>
131	Bar-winged Flycatcher-shrike	<i>Hemipus picatus</i>
132	White-throated Fantail	<i>Rhipidura albicollis</i>
133	Spot-breasted Fantail	<i>Rhipidura albogularis</i>
134	White-browed Fantail	<i>Rhipidura aureola</i>
135	Black-naped Monarch	<i>Hypothymis azurea</i>
136	Amur Paradise-flycatcher	<i>Terpsiphone incei</i>
137	Blyth's Paradise-flycatcher	<i>Terpsiphone affinis</i>
138	Indian Paradise-flycatcher	<i>Terpsiphone paradisi</i>
139	Red-backed Shrike	<i>Lanius collurio</i>
140	Red-tailed Shrike	<i>Lanius phoenicuroides</i>
141	Isabelline Shrike	<i>Lanius isabellinus</i>
142	Brown Shrike	<i>Lanius cristatus</i>
143	Burmese Shrike	<i>Lanius collurioides</i>
144	Bay-backed Shrike	<i>Lanius vittatus</i>
145	Long-tailed Shrike	<i>Lanius schach</i>

146	Grey-backed Shrike	<i>Lanius tephronotus</i>
147	Great Grey Shrike	<i>Lanius excubitor</i>
148	Lesser Grey Shrike	<i>Lanius minor</i>
149	Masked Shrike	<i>Lanius nubicus</i>
150	Woodchat Shrike	<i>Lanius senator</i>
151	House Crow	<i>Corvus splendens</i>
152	Hooded Crow	<i>Corvus cornix</i>
153	Large-billed Crow	<i>Corvus macrorhynchos</i>
154	Pied Crow	<i>Corvus albus</i>
155	Yellow-bellied Fantail	<i>Chelidorhynch hypoxanthus</i>
156	Grey-headed Canary-flycatcher	<i>Culicicapa ceylonensis</i>
157	Indian Black-lored Tit	<i>Machlolophus aplonotus</i>
158	White-crowned Penduline Tit	<i>Remiz coronatus</i>
159	Common Tailorbird	<i>Orthotomus sutorius</i>
160	Dark-necked Tailorbird	<i>Orthotomus atrogularis</i>
161	Striated Prinia	<i>Prinia crinigera</i>
162	Black-throated Prinia	<i>Prinia atrogularis</i>
163	Hill Prinia	<i>Prinia superciliaris</i>
164	Rufous-fronted Prinia	<i>Prinia buchanani</i>
165	Rufescent Prinia	<i>Prinia rufescens</i>
166	Grey-breasted Prinia	<i>Prinia hodgsonii</i>
167	Graceful Prinia	<i>Prinia gracilis</i>
168	Jungle Prinia	<i>Prinia sylvatica</i>
169	Yellow-bellied Prinia	<i>Prinia flaviventris</i>
170	Ashy Prinia	<i>Prinia socialis</i>
171	Plain Prinia	<i>Prinia inornata</i>
172	Zitting Cisticola	<i>Cisticola juncidis</i>
173	Golden-headed Cisticola	<i>Cisticola exilis</i>
174	Thick-billed Warbler	<i>Arundinax aedon</i>
175	Booted Warbler	<i>Iduna caligata</i>

176	Sykes's Warbler	<i>Iduna rama</i>
177	Black-browed Reed Warbler	<i>Acrocephalus bistrigiceps</i>
178	Moustached Warbler	<i>Acrocephalus melanopogon</i>
179	Sedge Warbler	<i>Acrocephalus schoenobaenus</i>
180	Paddyfield Warbler	<i>Acrocephalus agricola</i>
181	Blunt-winged Warbler	<i>Acrocephalus concinens</i>
182	Blyth's Reed Warbler	<i>Acrocephalus dumetorum</i>
183	Large-billed Reed Warbler	<i>Acrocephalus orinus</i>
184	Great Reed Warbler	<i>Acrocephalus arundinaceus</i>
185	Oriental Reed Warbler	<i>Acrocephalus orientalis</i>
186	Clamorous Reed Warbler	<i>Acrocephalus stentoreus</i>
187	Striated Grassbird	<i>Megalurus palustris</i>
188	Rusty-rumped Warbler	<i>Helopsaltes certhiola</i>
189	Lanceolated Warbler	<i>Locustella lanceolata</i>
190	Brown Bush Warbler	<i>Locustella luteoventris</i>
191	Chinese Bush Warbler	<i>Locustella tacsanowskia</i>
192	Long-billed Bush Warbler	<i>Locustella major</i>
193	Grasshopper Warbler	<i>Locustella naevia</i>
194	Baikal Bush Warbler	<i>Locustella davidi</i>
195	West Himalayan Bush Warbler	<i>Locustella kashmirensis</i>
196	Spotted Bush Warbler	<i>Locustella thoracica</i>
197	Russet Bush Warbler	<i>Locustella mandelli</i>
198	Broad-tailed Grassbird	<i>Schoenicola platyurus</i>
199	Bristled Grassbird	<i>Schoenicola striatus</i>
200	Scaly-breasted Wren Babbler	<i>Pnoepyga albiventer</i>
201	Nepal Wren Babbler	<i>Pnoepyga immaculata</i>
202	Pygmy Wren Babbler	<i>Pnoepyga pusilla</i>
203	Grey-throated Martin	<i>Riparia chinensis</i>
204	Sand Martin	<i>Riparia riparia</i>
205	Pale Martin	<i>Riparia diluta</i>

206	Eurasian Crag Martin	<i>Ptyonoprogne rupestris</i>
207	Dusky Crag Martin	<i>Ptyonoprogne concolor</i>
208	Barn Swallow	<i>Hirundo rustica</i>
209	Wire-tailed Swallow	<i>Hirundo smithii</i>
210	Hill Swallow	<i>Hirundo domicola</i>
211	Pacific Swallow	<i>Hirundo tahitica</i>
212	Red-rumped Swallow	<i>Cecropis daurica</i>
213	Striated Swallow	<i>Cecropis striolata</i>
214	Streak-throated Swallow	<i>Petrochelidon fluvicola</i>
215	Northern House Martin	<i>Delichon urbicum</i>
216	Asian House Martin	<i>Delichon dasypus</i>
217	Nepal House Martin	<i>Delichon nipalense</i>
218	Wood Warbler	<i>Phylloscopus sibilatrix</i>
219	Ashy-throated Warbler	<i>Phylloscopus maculipennis</i>
220	Buff-barred Warbler	<i>Phylloscopus pulcher</i>
221	Yellow-browed Warbler	<i>Phylloscopus inornatus</i>
222	Hume's Warbler	<i>Phylloscopus humei</i>
223	Brooks's Leaf Warbler	<i>Phylloscopus subviridis</i>
224	Chinese Leaf Warbler	<i>Phylloscopus yunnanensis</i>
225	Lemon-rumped Warbler	<i>Phylloscopus chloronotus</i>
226	Sichuan Leaf Warbler	<i>Phylloscopus forresti</i>
227	Tytler's Leaf Warbler	<i>Phylloscopus tytleri</i>
228	Sulphur-bellied Warbler	<i>Phylloscopus griseolus</i>
229	Tickell's Leaf Warbler	<i>Phylloscopus affinis</i>
230	Dusky Warbler	<i>Phylloscopus fuscatus</i>
231	Smoky Warbler	<i>Phylloscopus fuligiventer</i>
232	Plain Leaf Warbler	<i>Phylloscopus neglectus</i>
233	Buff-throated Warbler	<i>Phylloscopus subaffinis</i>
234	Willow Warbler	<i>Phylloscopus trochilus</i>
235	Mountain Chiffchaff	<i>Phylloscopus sindianus</i>
236	Common Chiffchaff	<i>Phylloscopus collybita</i>

237	White-spectacled Warbler	<i>Phylloscopus intermedius</i>
238	Grey-cheeked Warbler	<i>Phylloscopus poliogenys</i>
239	Green-crowned Warbler	<i>Phylloscopus burkii</i>
240	Grey-crowned Warbler	<i>Phylloscopus tephrocephalus</i>
241	Whistler's Warbler	<i>Phylloscopus whistleri</i>
242	Green Warbler	<i>Phylloscopus nitidus</i>
243	Greenish Warbler	<i>Phylloscopus trochiloides</i>
244	Two-barred Warbler	<i>Phylloscopus plumbeitarsus</i>
245	Large-billed Leaf Warbler	<i>Phylloscopus magnirostris</i>
246	Sakhalin Leaf Warbler	<i>Phylloscopus borealoides</i>
247	Arctic Warbler	<i>Phylloscopus borealis</i>
248	Chestnut-crowned Warbler	<i>Phylloscopus castaniceps</i>
249	Yellow-vented Warbler	<i>Phylloscopus cantator</i>
250	Western Crowned Warbler	<i>Phylloscopus occipitalis</i>
251	Blyth's Leaf Warbler	<i>Phylloscopus reguloides</i>
252	Claudia's Leaf Warbler	<i>Phylloscopus claudiae</i>
253	Grey-hooded Warbler	<i>Phylloscopus xanthoschistos</i>
254	Pale-footed Bush Warbler	<i>Urosphena pallidipes</i>
255	Asian Stubtail	<i>Urosphena squameiceps</i>
256	Grey-bellied Tesia	<i>Tesia cyaniventer</i>
257	Slaty-bellied Tesia	<i>Tesia olivea</i>
258	Chestnut-crowned Bush Warbler	<i>Cettia major</i>
259	Grey-sided Bush Warbler	<i>Cettia brunnifrons</i>
260	Chestnut-headed Tesia	<i>Cettia castaneocoronata</i>
261	Cetti's Warbler	<i>Cettia cetti</i>
262	Yellow-bellied Warbler	<i>Abroscopus superciliaris</i>
263	Rufous-faced Warbler	<i>Abroscopus albogularis</i>
264	Black-faced Warbler	<i>Abroscopus schisticeps</i>
265	Mountain Tailorbird	<i>Phyllergates cucullatus</i>
266	Broad-billed Warbler	<i>Tickellia hodgsoni</i>
267	Manchurian Bush Warbler	<i>Horornis canturians</i>

268	Brownish-flanked Bush Warbler	<i>Horornis fortipes</i>
269	Hume's Bush Warbler	<i>Horornis brunnescens</i>
270	Aberrant Bush Warbler	<i>Horornis flavolivaceus</i>
271	White-browed Tit Warbler	<i>Leptopoeile sophiae</i>
272	Crested Tit Warbler	<i>Leptopoeile elegans</i>
273	White-cheeked Tit	<i>Aegithalos leucogenys</i>
274	Black-throated Tit	<i>Aegithalos concinnus</i>
275	White-throated Tit	<i>Aegithalos niveogularis</i>
276	Black-browed Tit	<i>Aegithalos iouschistos</i>
277	Garden Warbler	<i>Sylvia borin</i>
278	Asian Desert Warbler	<i>Curruca nana</i>
279	Barred Warbler	<i>Curruca nisoria</i>
280	Lesser Whitethroat	<i>Curruca curruca</i>
281	Eastern Orphean Warbler	<i>Curruca crassirostris</i>
282	Common Whitethroat	<i>Curruca communis</i>
283	Fire-tailed Myzornis	<i>Myzornis pyrrhoura</i>
284	Golden-breasted Fulvetta	<i>Lioparus chrysotis</i>
285	Yellow-eyed Babbler	<i>Chrysomma sinense</i>
286	Jerdon's Babbler	<i>Chrysomma altirostre</i>
287	Brown-throated Fulvetta	<i>Fulvetta ludlowi</i>
288	White-browed Fulvetta	<i>Fulvetta vinipectus</i>
289	Manipur Fulvetta	<i>Fulvetta manipurensis</i>
290	Great Parrotbill	<i>Conostoma aemodium</i>
291	Brown Parrotbill	<i>Cholornis unicolor</i>
292	Grey-headed Parrotbill	<i>Psittiparus gularis</i>
293	White-breasted Parrotbill	<i>Psittiparus ruficeps</i>
294	Rufous-headed Parrotbill	<i>Psittiparus bakeri</i>
295	Spot-breasted Parrotbill	<i>Paradoxornis guttaticollis</i>
296	Lesser Rufous-headed Parrotbill	<i>Chleuasicus atrosuperciliaris</i>
297	Fulvous Parrotbill	<i>Suthora fulvifrons</i>

298	Black-throated Parrotbill	<i>Suthora nipalensis</i>
299	Striated Yuhina	<i>Staphida castaniceps</i>
300	White-naped Yuhina	<i>Yuhina bakeri</i>
301	Whiskered Yuhina	<i>Yuhina flavicollis</i>
302	Stripe-throated Yuhina	<i>Yuhina gularis</i>
303	Rufous-vented Yuhina	<i>Yuhina occipitalis</i>
304	Black-chinned Yuhina	<i>Yuhina nigrimenta</i>
305	Chestnut-flanked White-eye	<i>Zosterops erythropleurus</i>
306	White-hooded Babbler	<i>Gampsorhynchus rufulus</i>
307	Yellow-throated Fulvetta	<i>Schoeniparus cinereus</i>
308	Rufous-winged Fulvetta	<i>Schoeniparus castaneiceps</i>
309	Rufous-throated Fulvetta	<i>Schoeniparus rufogularis</i>
310	Rusty-capped Fulvetta	<i>Schoeniparus dubius</i>
311	Puff-throated Babbler	<i>Pellorneum ruficeps</i>
312	Spot-throated Babbler	<i>Pellorneum albiventre</i>
313	Buff-breasted Babbler	<i>Pellorneum tickelli</i>
314	Eyebrowed Wren Babbler	<i>Napothera epilepidota</i>
315	Long-billed Wren Babbler	<i>Napothera malacoptila</i>
316	Abbott's Babbler	<i>Malacocincla abbotti</i>
317	Streaked Wren Babbler	<i>Gypsophila brevicaudata</i>
318	Indian Grassbird	<i>Graminicola bengalensis</i>
319	Brown-cheeked Fulvetta	<i>Alcippe poioicephala</i>
320	Nepal Fulvetta	<i>Alcippe nipalensis</i>
321	Striated Laughingthrush	<i>Grammatoptila striata</i>
322	Himalayan Cutia	<i>Cutia nipalensis</i>
323	Jungle Babbler	<i>Argya striata</i>
324	Yellow-billed Babbler	<i>Argya affinis</i>
325	Common Babbler	<i>Argya caudata</i>
326	Striated Babbler	<i>Argya earlei</i>
327	Large Grey Babbler	<i>Argya malcolmi</i>
328	Rufous Babbler	<i>Argya subrufa</i>

329	White-crested Laughingthrush	<i>Garrulax leucolophus</i>
330	Lesser Necklaced Laughingthrush	<i>Garrulax monileger</i>
331	Spot-breasted Laughingthrush	<i>Garrulax merulinus</i>
332	Greater Necklaced Laughingthrush	<i>Pterorhinus pectoralis</i>
333	White-throated Laughingthrush	<i>Pterorhinus albogularis</i>
334	Rufous-necked Laughingthrush	<i>Pterorhinus ruficollis</i>
335	Chestnut-backed Laughingthrush	<i>Pterorhinus nuchalis</i>
336	Yellow-throated Laughingthrush	<i>Pterorhinus galbanus</i>
337	Wayanad Laughingthrush	<i>Pterorhinus delesserti</i>
338	Rufous-vented Laughingthrush	<i>Pterorhinus gularis</i>
339	Grey-sided Laughingthrush	<i>Pterorhinus caerulatus</i>
340	White-browed Laughingthrush	<i>Pterorhinus sannio</i>
341	Mount Victoria Babax	<i>Pterorhinus woodi</i>
342	Moustached Laughingthrush	<i>Ianthocincla cineracea</i>
343	Rufous-chinned Laughingthrush	<i>Ianthocincla rufogularis</i>
344	Spotted Laughingthrush	<i>Ianthocincla ocellata</i>
345	Streaked Laughingthrush	<i>Trochalopteron lineatum</i>
346	Bhutan Laughingthrush	<i>Trochalopteron imbricatum</i>
347	Striped Laughingthrush	<i>Trochalopteron virgatum</i>
348	Scaly Laughingthrush	<i>Trochalopteron subunicolor</i>
349	Brown-capped Laughingthrush	<i>Trochalopteron austeni</i>
350	Blue-winged Laughingthrush	<i>Trochalopteron squamatum</i>
351	Elliot's Laughingthrush	<i>Trochalopteron elliotii</i>
352	Variegated Laughingthrush	<i>Trochalopteron variegatum</i>
353	Black-faced Laughingthrush	<i>Trochalopteron affine</i>
354	Chestnut-crowned Laughingthrush	<i>Trochalopteron erythrocephalum</i>
355	Assam Laughingthrush	<i>Trochalopteron chrysopterum</i>
356	Palani Laughingthrush	<i>Montecincla fairbanki</i>
357	Rufous Sibia	<i>Heterophasia capistrata</i>
358	Grey Sibia	<i>Heterophasia gracilis</i>
359	Beautiful Sibia	<i>Heterophasia pulchella</i>
360	Long-tailed Sibia	<i>Heterophasia picaoides</i>

361	Silver-eared Mesia	<i>Leiothrix argenteauris</i>
362	Red-billed Leiothrix	<i>Leiothrix lutea</i>
363	Red-tailed Minla	<i>Minla ignotincta</i>
364	Rufous-backed Sibia	<i>Leioptila annectens</i>
365	Red-faced Liocichla	<i>Liocichla phoenicea</i>
366	Hoary-throated Barwing	<i>Actinodura nipalensis</i>
367	Streak-throated Barwing	<i>Actinodura waldeni</i>
368	Rusty-fronted Barwing	<i>Actinodura egertoni</i>
369	Blue-winged Minla	<i>Actinodura cyanouroptera</i>
370	Chestnut-tailed Minla	<i>Actinodura strigula</i>
371	Goldcrest	<i>Regulus regulus</i>
372	Wallcreeper	<i>Tichodroma muraria</i>
373	Indian Nuthatch	<i>Sitta castanea</i>
374	Chestnut-bellied Nuthatch	<i>Sitta cinnamoventris</i>
375	Chestnut-vented Nuthatch	<i>Sitta nagaensis</i>
376	Kashmir Nuthatch	<i>Sitta cashmirensis</i>
377	White-tailed Nuthatch	<i>Sitta himalayensis</i>
378	White-cheeked Nuthatch	<i>Sitta leucopsis</i>
379	Yunnan Nuthatch	<i>Sitta yunnanensis</i>
380	Velvet-fronted Nuthatch	<i>Sitta frontalis</i>
381	Hodgson's Treecreeper	<i>Certhia hodgsoni</i>
382	Bar-tailed Treecreeper	<i>Certhia himalayana</i>
383	Rusty-flanked Treecreeper	<i>Certhia nipalensis</i>
384	Sikkim Treecreeper	<i>Certhia discolor</i>
385	Hume's Treecreeper	<i>Certhia manipurensis</i>
386	Indian Spotted Creeper	<i>Salpornis spilonota</i>
387	Eurasian Wren	<i>Troglodytes troglodytes</i>
388	Spotted Elachura	<i>Elachura formosa</i>
389	White-throated Dipper	<i>Cinclus cinclus</i>
390	Brown Dipper	<i>Cinclus pallasii</i>
391	Malabar Starling	<i>Sturnia blythii</i>

392	Red-billed Starling	<i>Spodiopsar sericeus</i>
393	Nilgiri Thrush	<i>Zoothera neilgherriensis</i>
394	Japanese Thrush	<i>Turdus cardis</i>
395	Naumann's Thrush	<i>Turdus naumanni</i>
396	Zaprey's Flycatcher	<i>Cyanoptila cumatilis</i>
397	Finsch's Wheatear	<i>Oenanthe finschii</i>
398	Bohemian Waxwing	<i>Bombycilla garrulus</i>
399	Grey Hypocolius	<i>Hypocolius ampelinus</i>
400	Andaman Flowerpecker	<i>Dicaeum virescens</i>
401	Alpine Accentor	<i>Prunella collaris</i>
402	Altai Accentor	<i>Prunella himalayana</i>
403	Robin Accentor	<i>Prunella rubeculoides</i>
404	Rufous-breasted Accentor	<i>Prunella strophiatea</i>
405	Brown Accentor	<i>Prunella fulvescens</i>
406	Black-throated Accentor	<i>Prunella atrogularis</i>
407	Maroon-backed Accentor	<i>Prunella immaculata</i>
408	Spanish Sparrow	<i>Passer hispaniolensis</i>
409	Sind Sparrow	<i>Passer pyrrhonotus</i>
410	Russet Sparrow	<i>Passer cinnamomeus</i>
411	Eurasian Tree Sparrow	<i>Passer montanus</i>
412	Yellow-throated Sparrow	<i>Gymnoris xanthocollis</i>
413	Rock Sparrow	<i>Petronia petronia</i>
414	Pale Rockfinch	<i>Carpodacus brachydactyla</i>
415	Black-winged Snowfinch	<i>Montifringilla adamsi</i>
416	White-rumped Snowfinch	<i>Onychostruthus taczanowskii</i>
417	Rufous-necked Snowfinch	<i>Pyrgilauda ruficollis</i>
418	Blanford's Snowfinch	<i>Pyrgilauda blanfordi</i>
419	Meadow Pipit	<i>Anthus pratensis</i>
420	Pale Rosefinch	<i>Carpodacus stoliczkae</i>
421	Three-banded Rosefinch	<i>Carpodacus trifasciatus</i>
422	Crimson-winged Finch	<i>Rhodopechys sanguineus</i>

423	Desert Finch	<i>Rhodospiza obsoleta</i>
424	Eurasian Siskin	<i>Spinus spinus</i>
425	Rustic Bunting	<i>Emberiza rustica</i>
-	Rock Pigeon (Wild-type)	<i>Columba livia</i> (<i>See next section</i>)

d. Removal from both Schedule I and II

Feral Pigeons (*Columba livia*) are wild-breeding birds that originated from domesticated pigeons. They have successfully established in all cities and towns and are turning into a nuisance. Residents are forced to try different ways to keep them off buildings, windows, and lofts. Such efforts may be curtailed if Feral Pigeon were to figure in any Schedule. However, this will exclude truly cliff-nesting populations of wild Rock Pigeons that will remain under Schedule II.

Reference cited:

Praveen J., Jayapal, R., & Pittie, A., 2021. Checklist of the birds of India (v5.1). Website: <http://www.indianbirds.in/india/> [Date of publication: 31 October, 2021].

Comments on the Wildlife (Protection) Act Amendment Bill 2021

Submitted to
The Parliamentary Standing Committee on Science and
Technology, Environment, Forests and Climate Change
Parliament of India

13 January 2022

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Comments on the Wildlife (Protection) Act amendment 2021

On invertebrates and aquatic species along with comments on definitions and other provisions.

Subject	WPA 1972	WPA 2021 bill	Comments by ZOO
Definition of 'Scheduled animal'	'scheduled animal' means an animal specified for the time being in Sch. I or Part II of Sch. II	'scheduled animal' means an animal specified for the time being in Sch. I	Suggestion: Rename 'scheduled animal' as 'Schedule I animal'
Definition of 'Wildlife'	"wildlife" includes any animal, bees butterflies, crustacean, fish and moths; and aquatic or land vegetation which forms part of any habitat	No amendments suggested	Suggested definition: Wildlife includes any species or taxa from the animal kingdom and plant kingdom.
Definition of 'wild animal'	"wild animal" means any animal found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule, IV or Schedule V, wherever found	No amendments suggested	Suggested definition: Any native animal found wild in nature (not including feral animals or escaped domestic animals) and those listed under Schedules I, II, and IV
Definition of 'Invasive alien species'	Not defined	"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 wildlife or its habitat	Suggested definition: An alien species is a species introduced outside its natural past or present distribution; if the species becomes problematic ecologically or its spread may threaten or adversely impact wildlife or its habitat, it is termed an invasive alien species. This should be at the bio-geographical level (E.g., Western Ghats or Himalaya) and not at the political level (i.e., Country-wise or State-wise).

Vermin	“vermin” means any wild animal specified in Sch.V. Section 62 - Declaration of certain wild animal to be vermin. - The Central Government may by notification, declare any wild animal other than those specified in Sch. I and part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Sch.V.	"vermin" means any wild animal notified under section 62. Declaration of certain wild animal to be vermin. - [8The Central Government] may by notification, declare any wild animal other than those specified in Sch. I to be vermin for any area and for such period as may be specified therein.	The category/ term vermin must be deleted. Chapter III on hunting of wild animals specifically section 11 with all its subsections and clauses should take care of problem animals.
Nomenclature (Scientific names of species, subspecies, genera and/or family)	Outdated, with spelling mistakes, and other typographical errors.	Outdated, with spelling mistakes, and other typographical errors.	Needs to be modified and updated as per current scientific names
Provision for dynamism in the WPA for updating nomenclature, systematics, and taxonomic changes proposed by taxonomists.	Does not have the provision, making the lists outdated and prone to various interpretations.	Does not address this issue yet again and continues to complicate the interpretation.	The amendment requires the provisions for taxonomic / nomenclatural changes that keep the list scientifically current, dynamic, and therefore less prone to misinterpretations.
Wildlife Schedules	No clear rationale on species listed in Schedules I, II, III, IV, V and VI.	No clear rationale on species listed in Schedules I, II and III.	Needs a clear rationale for listing species in different schedules for better understanding and transparency based on science and policy.

Invertebrate list from the Wildlife (Protection) Act Amendment Bill 2021

CORALS (Schedule I – Part H)

1. The WPA amendment lists 388 corals of which only 246 are actually present in India, **115 species are not present in India** and **there are no data available on 05 species**.
2. Of the 246 species present in India, **19 species have incorrect scientific names**.

The following Table summarises the details of the corals listed under Schedule I, Part H of the WPA amendment bill 2021 with the corrections and comments based on World Register of Marine Species (WoRMS database) and Ocean Biodiversity Information System (OBIS database).

SI No	Scientific name_WPA Amendment Bill 2021	Correct name	Comments
1	<i>Acropora abrotanoides</i>	<i>Acropora abrotanoides</i>	Not present in India
2	<i>Acropora anthocersis</i>	<i>Acropora anthocersis</i>	Not present in India
3	<i>Acropora aspera</i>	<i>Acropora aspera</i>	Present in India
4	<i>Acropora austera</i>	<i>Acropora austera</i>	Not present in India
5	<i>Acropora awi</i>	<i>Acropora awi</i>	Present in India
6	<i>Acropora brueggemanni</i>	<i>Isopora brueggemanni</i>	Genus name incorrect, not present in India
7	<i>Acropora carduus</i>	<i>Acropora carduus</i>	Not present in India
8	<i>Acropora caroloniana</i>	<i>Acropora caroliniana</i>	Species spelling incorrect, not present in India
9	<i>Acropora cerealis</i>	<i>Acropora cerealis</i>	Not present in India
10	<i>Acropora chesterfieldensis</i>	<i>Acropora chesterfieldensis</i>	Present in India
11	<i>Acropora clathrata</i>	<i>Acropora clathrata</i>	Not present in India
12	<i>Acropora cophodactyla</i>	<i>Acropora cophodactyla</i>	Not present in India, validity of taxon in question
13	<i>Acropora copiosa</i>	<i>Acropora muricata</i>	Species name is unaccepted (synonymy), Present in India
14	<i>Acropora cytherea</i>	<i>Acropora cytherea</i>	Present in India
15	<i>Acropora desatwii</i>	<i>Acropora desalwii</i>	Species spelling in incorrect, not present in India
16	<i>Acropora digitifera</i>	<i>Acropora digitifera</i>	Present in India
17	<i>Acropora divaricata</i>	<i>Acropora divaricata</i>	Present in India
18	<i>Acropora efforescens</i>	<i>Acropora cytherea</i>	Species name is unaccepted (synonymy), Present in India
19	<i>Acropora fastigata</i>	<i>Acropora fastigata</i>	Not present in India
20	<i>Acropora florida</i>	<i>Acropora florida</i>	Present in India
21	<i>Acropora formosa</i>	<i>Acropora muricata</i>	Species name is unaccepted (synonymy), repeated list, Present in India
22	<i>Acropora forskali</i>	<i>Acropora forskali</i>	Present in India, validity of taxon in question

23	<i>Acropora gemmifera</i>	<i>Acropora gemmifera</i>	Not present in India
24	<i>Acropora glauca</i>	<i>Acropora glauca</i>	Not present in India
25	<i>Acropora globiceps</i>	<i>Acropora globiceps</i>	Not present in India
26	<i>Acropora gomezi</i>	<i>Acropora gomezi</i>	
27	<i>Acropora grandis</i>	<i>Acropora grandis</i>	Not present in India
28	<i>Acropora granulosa</i>	<i>Acropora granulosa</i>	Present in India
29	<i>Acropora haimeii</i>	<i>Acropora haimeii</i>	Not present in India, validity of taxon in question
30	<i>Acropora hemprichii</i>	<i>Acropora hemprichii</i>	Present in India
31	<i>Acropora horrida</i>	<i>Acropora horrida</i>	Not present in India
32	<i>Acropora humilis</i>	<i>Acropora humilis</i>	Present in India
33	<i>Acropora hyacinthus</i>	<i>Acropora hyacinthus</i>	Present in India
34	<i>Acropora inermis</i>	<i>Acropora microphthalma</i>	Species name is unaccepted (synonymy), Present in India
35	<i>Acropora insignis</i>	<i>Acropora selago</i>	Species name is unaccepted (synonymy), Present in India
36	<i>Acropora kimbeensis</i>	<i>Acropora kimbeensis</i>	Not present in India
37	<i>Acropora latistella</i>	<i>Acropora latistella</i>	Not present in India
38	<i>Acropora longicyathus</i>	<i>Acropora longicyathus</i>	Not present in India
39	<i>Acropora loripes</i>	<i>Acropora loripes</i>	Not present in India
40	<i>Acropora lutkeni</i>	<i>Acropora lutkeni</i>	Not present in India
41	<i>Acropora massawensis</i>	<i>Acropora polystoma</i>	Species name is unaccepted (synonymy), not present in India
42	<i>Acroporamicroclados</i>	<i>Acropora microclados</i>	Not present in India
43	<i>Acropora microphthalma</i>	<i>Acropora microphthalma</i>	Species spelling in incorrect, repeated species, present in India
44	<i>Acropora millepora</i>	<i>Acropora millepora</i>	Present in India
45	<i>Acropora mirabilis</i>	<i>Acropora mirabilis</i>	Not present in India, validity of taxon in question
46	<i>Acropora monticulosa</i>	<i>Acropora monticulosa</i>	Present in India
47	<i>Acropora multiacuta</i>	<i>Acropora multiacuta</i>	Present in India
48	<i>Acropora nana</i>	<i>Acropora nana</i>	Not present in India
49	<i>Acropora nasuta</i>	<i>Acropora nasuta</i>	Present in India
50	<i>Acropora natalensis</i>	<i>Acropora natalensis</i>	Not present in India
51	<i>Acropora nobilis</i>	<i>Acropora robusta</i>	Species name is unaccepted (synonymy), Present in India
52	<i>Acropora ocellata</i>	<i>Acropora humilis</i>	Species name is unaccepted (synonymy), Present in India
53	<i>Acropora palifera</i>	<i>Isopora palifera</i>	Genus name incorrect, present in India
54	<i>Acropora palmerae</i>	<i>Acropora palmerae</i>	Not present in India
55	<i>Acropora papillare</i>	<i>Acropora papillare</i>	Not present in India

56	<i>Acropora pharaonis</i>	<i>Acropora pharaonis</i>	Present in India
57	<i>Acropora plantaginea</i>	<i>Acropora plantaginea</i>	Not present in India, validity of taxon in question
58	<i>Acropora polystoma</i>	<i>Acropora polystoma</i>	Not present in India
59	<i>Acropora pulchra</i>	<i>Acropora pulchra</i>	Present in India
60	<i>Acropora robusta</i>	<i>Acropora robusta</i>	Repeated species, present in India
61	<i>Acropora roseni</i>	<i>Acropora roseni</i>	Not present in India
62	<i>Acropora rudis</i>	<i>Acropora rudis</i>	Not present in India
63	<i>Acropora samoensis</i>	<i>Acropora samoensis</i>	Not present in India
64	<i>Acropora schmitti</i>	<i>Acropora digitifera</i>	Species name is unaccepted (synonymy), Present in India
65	<i>Acropora secale</i>	<i>Acropora secale</i>	Present in India
66	<i>Acropora selago</i>	<i>Acropora selago</i>	Present in India
67	<i>Acropora solitaryensis</i>	<i>Acropora solitaryensis</i>	Not present in India
68	<i>Acropora spicifera</i>	<i>Acropora spicifera</i>	Present in India
69	<i>Acropora squarrosa</i>	<i>Acropora squarrosa</i>	Present in India
70	<i>Acropora striata</i>	<i>Acropora striata</i>	Not present in India
71	<i>Acropora subglabra</i>	<i>Acropora subglabra</i>	Not present in India
72	<i>Acropora subulata</i>	<i>Acropora subulata</i>	Not present in India
73	<i>Acropora tanegashimensis</i>	<i>Acropora tanegashimensis</i>	Not present in India
74	<i>Acropora tenuis</i>	<i>Acropora tenuis</i>	Not present in India
75	<i>Acropora teres</i>	<i>Acropora teres</i>	Present in India, validity of taxon in question
76	<i>Acropora torresiana</i>	<i>Acropora samoensis</i>	Species name is unaccepted (synonymy), not present in India
77	<i>Acropora tutuilensis</i>	<i>Acropora abrotanoides</i>	Species name is unaccepted (synonymy), present in India
78	<i>Acropora valenciennesi</i>	<i>Acropora valenciennesi</i>	Present in India
79	<i>Acropora valida</i>	<i>Acropora valida</i>	Present in India
80	<i>Acropora variolosa</i>	<i>Acropora variolosa</i>	Not present in India
81	<i>Acropora vaughani</i>	<i>Acropora vaughani</i>	Not present in India
82	<i>Acropora verweyi</i>	<i>Acropora verweyi</i>	Not present in India
83	<i>Acropora wallaceae</i>	<i>Acropora samoensis</i>	Species name is unaccepted (synonymy), not present in India
84	<i>Acropora yongei</i>	<i>Acropora yongei</i>	Not present in India
85	<i>Astreoporacucullata</i>	<i>Astreopora cucullata</i>	Not present in India
86	<i>Astreoporagracilis</i>	<i>Astreopora gracilis</i>	Present in India
87	<i>Astreoporalisteri</i>	<i>Astreopora listeri</i>	Present in India
88	<i>Astreoporamyriophthalma</i>	<i>Astreopora myriophthalma</i>	Present in India
89	<i>Astreoporasuggesta</i>	<i>Astreopora suggesta</i>	Not present in India

90	<i>Montiporaaquituberculata</i>	<i>Montipora aequituberculata</i>	Present in India
91	<i>Montiporacaliculata</i>	<i>Montipora caliculata</i>	Not present in India
92	<i>Montipora capitata</i>	<i>Montipora capitata</i>	Present in India
93	<i>Montiporacebuensis</i>	<i>Montipora cebuensis</i>	Not present in India
94	<i>Montiporadanae</i>	<i>Montipora danae</i>	Present in India
95	<i>Montiporadelicatula</i>	<i>Montipora delicatula</i>	Not present in India
96	<i>Montipora digitata</i>	<i>Montipora digitata</i>	Present in India
97	<i>Montiporafoliola</i>	<i>Montipora foliosa</i>	Present in India
98	<i>Montipora grisea</i>	<i>Montipora grisea</i>	Not present in India
99	<i>Montiporahemispherica</i>	<i>Montipora hemispherica</i>	Not present in India
100	<i>Montiporahispida</i>	<i>Montipora hispida</i>	Present in India
101	<i>Montiporainformis</i>	<i>Montipora informis</i>	Present in India
102	<i>Montiporameandrina</i>	<i>Montipora maeandrina</i>	Present in India
103	<i>Montiporamollis</i>	<i>Montipora mollis</i>	Present in India
104	<i>Montiporamonasteriata</i>	<i>Montipora monasteriata</i>	Present in India
105	<i>Montiporapeltiformis</i>	<i>Montipora peltiformis</i>	Present in India
106	<i>Montiporatuberculosa</i>	<i>Montipora tuberculosa</i>	Present in India
107	<i>Montiporaturgescens</i>	<i>Montipora turgescens</i>	Present in India
108	<i>Montiporavenosa</i>	<i>Montipora venosa</i>	Present in India
109	<i>Montiporaverrilli</i>	<i>Montipora verrill</i>	Present in India
110	<i>Montiporaverrucosa</i>	<i>Montipora verrucosa</i>	Present in India
111	<i>Montiporaverruculosus</i>	<i>Montipora verruculosa</i>	Present in India
112	<i>Montiporavietnamensis</i>	<i>Montipora vietnamensis</i>	Present in India
113	<i>Gardineroseris plannulata</i>	<i>Gardineroseris planulata</i>	Present in India
114	<i>Leptoseris cucullata</i>	<i>Helioseris cucullata</i>	Not present in India
115	<i>Leptoseris explanata</i>	<i>Leptoseris explanata</i>	Present in India
116	<i>Leptoseris hawaiiensis</i>	<i>Leptoseris hawaiiensis</i>	Present in India
117	<i>Leptoseris incrustans</i>	<i>Leptoseris incrustans</i>	Present in India
118	<i>Leptoseris mycetoseoides</i>	<i>Leptoseris mycetoseroides</i>	Present in India
119	<i>Leptoseris papyracea</i>	<i>Leptoseris papyracea</i>	Present in India
120	<i>Leptoseris scabra</i>	<i>Leptoseris scabra</i>	Present in India
121	<i>Pachyseris gemmae</i>	<i>Pachyseris gemmae</i>	Present in India
122	<i>Pachyseris foliosa</i>	<i>Pachyseris foliosa</i>	Not present in India
123	<i>Pachyseris rugosa</i>	<i>Pachyseris rugosa</i>	Present in India
124	<i>Pachyseris speciosa</i>	<i>Pachyseris speciosa</i>	Present in India
125	<i>Pavona bipartite</i>	<i>Pavona bipartita</i>	Present in India
126	<i>Pavona cactus</i>	<i>Pavona cactus</i>	Present in India
127	<i>Pavona clavus</i>	<i>Pavona clavus</i>	Present in India
128	<i>Pavona decussata</i>	<i>Pavona decussata</i>	Present in India
129	<i>Pavona duerdeni</i>	<i>Pavona duerdeni</i>	Present in India

130	<i>Pavona explanulata</i>	<i>Pavona explanulata</i>	Present in India
131	<i>Pavona gigantea</i>	<i>Pavona gigantea</i>	Not present in India
132	<i>Pavona minuta</i>	<i>Pavona minuta</i>	Present in India
133	<i>Pavona varians</i>	<i>Pavona varians</i>	Present in India
134	<i>Pavona venosa</i>	<i>Pavona venosa</i>	Present in India
135	<i>Madracis kirbyi</i>	<i>Madracis kirbyi</i>	Not present in India
136	<i>Styloceniella armata</i>	<i>Stylocoeniella armata</i>	Present in India
137	<i>Styloceniella guentheri</i>	<i>Stylocoeniella guentheri</i>	Present in India
138	<i>Dendrophyllia robusta</i>	<i>Dendrophyllia robusta</i>	Not present in India
139	<i>Tubastrea coccinea</i>	<i>Tubastraea coccinea</i>	Present in India
140	<i>Tubastrea diaphana</i>	<i>Tubastraea diaphana</i>	Not present in India
141	<i>Tubastrea micranthus</i>	<i>Tubastraea micranthus</i>	Present in India
142	<i>Turbinaria mesenterina</i>	<i>Turbinaria mesenterina</i>	present in India
143	<i>Turbinaria peltata</i>	<i>Duncanopsammia peltata</i>	Genus name is unaccepted (synonymy), present in india
144	<i>Turbinaria reniformis</i>	<i>Turbinaria reniformis</i>	Present in India
145	<i>Turbinaria stellulata</i>	<i>Turbinaria stellulata</i>	Present in India
146	<i>Euphyllia ancora</i>	<i>Fimbriaphyllia ancora</i>	Genus name is unaccepted (synonymy), present in india
147	<i>Euphyllia divisa</i>	<i>Fimbriaphyllia divisa</i>	Genus name is unaccepted (synonymy), present in india
148	<i>Euphyllia glabrescens</i>	<i>Euphyllia glabrescens</i>	Present in India
149	<i>Physogyra lichtensteini</i>	<i>Physogyra lichtensteini</i>	Present in India
150	<i>Pleurogyra sinulosa</i>	<i>Plerogyra sinuosa</i>	Present in India
151	<i>Barabattoia amicornum</i>	<i>Dipsastraea amicornum</i>	Genus name is unaccepted (synonymy), present in india
152	<i>Barabattoia laddi</i>	<i>Dipsastraea laddi</i>	Genus name is unaccepted (synonymy), present in india
153	<i>Cyphastrea japonica</i>	<i>Cyphastrea japonica</i>	Present in India
154	<i>Cyphastrea microphthalma</i>	<i>Cyphastrea microphthalma</i>	Present in India
155	<i>Cyphastrea ocellina</i>	<i>Cyphastrea ocellina</i>	Present in India
156	<i>Cyphastrea serailia</i>	<i>Cyphastrea serailia</i>	Present in India
157	<i>Diploastrea helipora</i>	<i>Diploastrea heliopora</i>	Present in India
158	<i>Diploria strigosa</i>	<i>Pseudodiploria strigosa</i>	Genus name is unaccepted (synonymy), present in india
159	<i>Echinopora fruticulosa</i>	<i>Echinopora fruticulosa</i>	Present in India
160	<i>Echinopora gemmacea</i>	<i>Echinopora gemmacea</i>	Present in India
161	<i>Echinopora horrida</i>	<i>Echinopora horrida</i>	Present in India
162	<i>Echinopora lamellosa</i>	<i>Echinopora lamellosa</i>	Present in India
163	<i>Favia albidus</i>	<i>Dipsastraea albida</i>	Genus name is unaccepted (synonymy), present in india
164	<i>Favia fava</i>	<i>Dipsastraea fava</i>	Genus name is unaccepted (synonymy), present in india

165	<i>Favia helianthoides</i>	<i>Dipsastraea helianthoides</i>	Genus name is unaccepted (synonymy), present in india
166	<i>Favia lacuna</i>	<i>Dipsastraea lacuna</i>	Genus name is unaccepted (synonymy), present in india
167	<i>Favia matthaii</i>	<i>Dipsastraea matthaii</i>	Genus name is unaccepted (synonymy), present in india
168	<i>Favia danae</i>	<i>Dipsastraea danai</i>	Genus name is unaccepted (synonymy), present in india
169	<i>Favia maxima</i>	<i>Astraeosmilia maxima</i>	Not present in India
170	<i>Favia lizardensis</i>	<i>Dipsastraea lizardensis</i>	Genus name is unaccepted (synonymy), present in india
171	<i>Favia pallida</i>	<i>Dipsastraea pallida</i>	Genus name is unaccepted (synonymy), present in india
172	<i>Favia speciosa</i>	<i>Dipsastraea speciosa</i>	Genus name is unaccepted (synonymy), present in india
173	<i>Favia stelligera</i>	<i>Goniastrea stelligera</i>	Genus name is unaccepted (synonymy), present in india
174	<i>Favia truncatus</i>	<i>Dipsastraea truncata</i>	Genus name is unaccepted (synonymy), present in india
175	<i>Favites abdita</i>	<i>Dipsastraea truncata</i>	Genus name is unaccepted (synonymy), present in india
176	<i>Favites acuticollis</i>	<i>Favites acuticollis</i>	Present in India
177	<i>Favites chinensis</i>	<i>Favites chinensis</i>	Present in India
178	<i>Favites complanata</i>	<i>Favites complanata</i>	Present in India
179	<i>Favites flexuosa</i>	<i>Favites flexuosa</i>	Present in India
180	<i>Favites halicora</i>	<i>Favites halicora</i>	Present in India
181	<i>Favites micropentagona</i>	<i>Favites micropentagonus</i>	Present in India
182	<i>Favites spinosa</i>	<i>Favites spinosa</i>	Present in India
183	<i>Favites pentagona</i>	<i>Favites pentagona</i>	Present in India
184	<i>Favites vasta</i>	<i>Favites vasta</i>	Present in India
185	<i>Goniastrea aspera</i>	<i>Coelastrea aspera</i>	Genus name is unaccepted (synonymy), present in india
186	<i>Goniastrea australensis</i>	<i>Paragoniastrea australensis</i>	Genus name is unaccepted (synonymy), present in india
187	<i>Goniastrea edwardsi</i>	<i>Goniastrea edwardsi</i>	Present in India
188	<i>Goniastrea minuta</i>	<i>Goniastrea minuta</i>	Present in India
189	<i>Goniastrea peresi</i>	<i>Paramontastraea peresi</i>	Genus name is unaccepted (synonymy), present in india
190	<i>Goniastrea pectinata</i>	<i>Goniastrea pectinata</i>	Present in India
191	<i>Goniastrea retiformis</i>	<i>Goniastrea retiformis</i>	Present in India
192	<i>Leptoria irregularis</i>	<i>Leptoria irregularis</i>	Present in India
193	<i>Leptoria phrygia</i>	<i>Leptoria phrygia</i>	Present in India
194	<i>Leptastrea purpurea</i>	<i>Leptastrea purpurea</i>	Present in India
195	<i>Leptastrea transversa</i>	<i>Leptastrea transversa</i>	Present in India

196	<i>Montastrea annuligera</i>	<i>Astrea annuligera</i>	Genus name is unaccepted (synonymy), present in india
197	<i>Montastrea colemani</i>	<i>Favites colemani</i>	Genus name is unaccepted (synonymy), present in india
198	<i>Montastrea curta</i>	<i>Astrea curta</i>	Genus name is unaccepted (synonymy), present in india
199	<i>Montastrea valenciennesi</i>	<i>Favites valenciennesii</i>	Genus name is unaccepted (synonymy), present in india
200	<i>Oulophyllia bennettae</i>	<i>Oulophyllia bennettae</i>	Present in India
201	<i>Oulophyllia crispa</i>	<i>Oulophyllia crispa</i>	Present in India
202	<i>Oulophyllia levis</i>	<i>Oulophyllia levis</i>	Present in India
203	<i>Oulastrea crispata</i>	<i>Oulastrea crispata</i>	Present in India
204	<i>Platygyra acuta</i>	<i>Platygyra acuta</i>	Present in India
205	<i>Platygyra daedalea</i>	<i>Platygyra daedalea</i>	Present in India
206	<i>Platygyra lamellina</i>	<i>Platygyra lamellina</i>	Present in India
207	<i>Platygyra verweyi</i>	<i>Platygyra verweyi</i>	Present in India
208	<i>Platygyra pini</i>	<i>Platygyra sinensis</i>	Species name is unaccepted (synonymy), present in india
209	<i>Platygyra sinensis</i>	<i>Platygyra sinensis</i>	Present in India, repeated species
210	<i>Cycloseris costulata</i>	<i>Cycloseris costulata</i>	Present in India
211	<i>Cycloseris cyclolites</i>	<i>Cycloseris cyclolites</i>	present in India
212	<i>Cycloseris hexagonalis</i>	<i>Sinuorota hexagonalis</i>	Genus name is unaccepted (synonymy), present in india
213	<i>Cycloseris patelliformis</i>	<i>Cycloseris fragilis</i>	Species name is unaccepted (synonymy), present in india
214	<i>Cycloseris sinensis</i>	<i>Cycloseris sinensis</i>	present in India
215	<i>Cycloseris somervillei</i>	<i>Cycloseris somervillei</i>	present in India
216	<i>Ctenactis crassa</i>	<i>Ctenactis crassa</i>	present in India
217	<i>Ctenactis albitentaculata</i>	<i>Ctenactis albitentaculata</i>	Not present in India
218	<i>Ctenactis echinata</i>	<i>Ctenactis echinata</i>	present in India
219	<i>Diaseris distorta</i>	<i>Cycloseris distorta</i>	present in India
220	<i>Fungia concinna</i>	<i>Lithophyllon concinna</i>	present in India
221	<i>Fungia corona</i>	<i>Danafungia scruposa</i>	Complete name change, present in India
222	<i>Fungia danai</i>	<i>Danafungia horrida</i>	Complete name change, present in India
223	<i>Fungia fralinae</i>	<i>Heliofungia fralinae</i>	Genus name is unaccepted (synonymy), present in india
224	<i>Fungia fungites</i>	<i>Fungia fungites</i>	present in India
225	<i>Fungia granulosa</i>	<i>Pleuractis granulosa</i>	Genus name is unaccepted (synonymy), present in india
226	<i>Fungia horrida</i>	<i>Danafungia horrida</i>	Genus name is unaccepted (synonymy), present in india
227	<i>Fungia klunzingeri</i>	<i>Danafungia horrida</i>	Complete name change, present in India

228	<i>Fungia moluccensis</i>	<i>Pleuractis moluccensis</i>	Genus name is unaccepted (synonymy), present in india
229	<i>Fungia paumotensis</i>	<i>Pleuractis paumotensis</i>	Genus name is unaccepted (synonymy), present in india
230	<i>Fungia repanda</i>	<i>Lithophyllon repanda</i>	Genus name is unaccepted (synonymy), present in india
231	<i>Fungia scutaria</i>	<i>Lobactis scutaria</i>	Genus name is unaccepted (synonymy), present in india
232	<i>Fungia scruposa</i>	<i>Danafungia scruposa</i>	Genus name is unaccepted (synonymy), present in india
233	<i>Fungia scabra</i>	<i>Lithophyllon scabra</i>	Genus name is unaccepted (synonymy), present in india
234	<i>Fungia seychellensis</i>	<i>Pleuractis seychellensis</i>	Genus name is unaccepted (synonymy), present in india
235	<i>Fungia taiwanensis</i>	<i>Pleuractis taiwanensis</i>	Genus name is unaccepted (synonymy), present in india
236	<i>Halomitra pileus</i>	<i>Halomitra pileus</i>	Not present in India
237	<i>Herpolitha limax</i>	<i>Herpolitha limax</i>	Present in India
238	<i>Herpolitha weberi</i>	<i>Herpolitha limax</i>	Species name is unaccepted (synonymy), present in india
239	<i>Lithophyllon lobata</i>	<i>Lithophyllon undulatum</i>	Species name is unaccepted (synonymy), present in india
240	<i>Lithophyllon undulatum</i>	<i>Lithophyllon undulatum</i>	Present in India
241	<i>Podabacia crustacea</i>	<i>Podabacia crustacea</i>	Present in India
242	<i>Podabacia lanakensis</i>	<i>Podabacia lankaensis</i>	Present in India
243	<i>Polyphyllia talpina</i>	<i>Polyphyllia talpina</i>	Present in India
244	<i>Sandalolitha robusta</i>	<i>Sandalolitha robusta</i>	Present in India
245	<i>Hydnophora exesa</i>	<i>Hydnophora exesa</i>	Present in India
246	<i>Hydnophora grandis</i>	<i>Hydnophora grandis</i>	Present in India
247	<i>Hydnophora microconos</i>	<i>Hydnophora microconos</i>	Present in India
248	<i>Hydnophora pilosa</i>	<i>Hydnophora pilosa</i>	Present in India
249	<i>Hydnophora rigida</i>	<i>Hydnophora rigida</i>	Present in India
250	<i>Merulina ampliata</i>	<i>Merulina ampliata</i>	Present in India
251	<i>Merulina scabricula</i>	<i>Merulina scabricula</i>	Present in India
252	<i>Scapophyllia cylindrica</i>	<i>Merulina cylindrica</i>	Genus name is unaccepted (synonymy), present in india
253	<i>Acanthastrea echinata</i>	<i>Acanthastrea echinata</i>	Present in India
254	<i>Acanthastrea hemprichii</i>	<i>Acanthastrea hemprichii</i>	Present in India
255	<i>Acanthastrea hillae</i>	<i>Homophyllia bowerbanki</i>	Complete name change, present in India
256	<i>Acanthastrea ishigakiensis</i>	<i>Lobophyllia ishigakiensis</i>	Genus name is unaccepted (synonymy), present in india
257	<i>Cynarina lacrymalis</i>	<i>Cynarina lacrymalis</i>	Present in India
258	<i>Lobophyllia corymbosa</i>	<i>Lobophyllia corymbosa</i>	Present in India

259	<i>Lobophyllia hemprichii</i>	<i>Lobophyllia hemprichii</i>	Present in India
260	<i>Lobophyllia robusta</i>	<i>Lobophyllia robusta</i>	Not present in India
261	<i>Symphyllia agaricia</i>	<i>Lobophyllia agaricia</i>	Genus name is unaccepted (synonymy), present in india
262	<i>Symphyllia radians</i>	<i>Lobophyllia radians</i>	Genus name is unaccepted (synonymy), present in india
263	<i>Symphyllia recta</i>	<i>Lobophyllia recta</i>	Genus name is unaccepted (synonymy), present in india
264	<i>Symphyllia valenciennesii</i>	<i>Lobophyllia valenciennesii</i>	Genus name is unaccepted (synonymy), present in india
265	<i>Scolymia vitiensis</i>	<i>Lobophyllia vitiensis</i>	Genus name is unaccepted (synonymy), present in india
266	<i>Mycetophyllia danaana</i>	<i>Mycetophyllia danaana</i>	Not present in India
267	<i>Australomussa rowleyensis</i>	<i>Lobophyllia rowleyensis</i>	Not present in India
268	<i>Galaxea acrhelia</i>	<i>Galaxea acrhelia</i>	Present in India
269	<i>Galaxea astreata</i>	<i>Galaxea astreata</i>	Present in India
270	<i>Galaxea fascicularis</i>	<i>Galaxea fascicularis</i>	Present in India
270	<i>Echinophyllia aspera</i>	<i>Echinophyllia aspera</i>	Present in India
272	<i>Echinophyllia echinata</i>	<i>Oxypora echinata</i>	Genus name is unaccepted (synonymy), present in india
273	<i>Echinophyllia echinoporoides</i>	<i>Echinophyllia echinoporoides</i>	Present in India
274	<i>Mycedium elephantotus</i>	<i>Mycedium elephantotus</i>	Present in India
275	<i>Mycedium robokaki</i>	<i>Mycedium robokaki</i>	Not present in India
276	<i>Oxypora lacera</i>	<i>Oxypora lacera</i>	Present in India
277	<i>Oxypora crassispinosa</i>	<i>Oxypora crassispinosa</i>	Present in India
278	<i>Pectinia alpicornis</i>	<i>Pectinia alpicornis</i>	Present in India
279	<i>Pectinia lactuca</i>	<i>Pectinia lactuca</i>	Present in India
280	<i>Pectinia paeonia</i>	<i>Pectinia paeonia</i>	Present in India
281	<i>Pectinia teres</i>	<i>Pectinia teres</i>	Present in India
282	<i>Trachyphyllia geoffroyi</i>	<i>Trachyphyllia geoffroyi</i>	Present in India
283	<i>Alvopora catalai</i>	<i>Alveopora catalai</i>	Present in India
284	<i>Goniopora columna</i>	<i>Goniopora columna</i>	Present in India
285	<i>Goniopora lobata</i>	<i>Goniopora lobata</i>	Present in India
286	<i>Goniopora minor</i>	<i>Goniopora pedunculata</i>	Species name is unaccepted (synonymy), present in india
287	<i>Goniopora norfolkensis</i>	<i>Goniopora norfolkensis</i>	Not present in India
288	<i>Goniopora pandoraensis</i>	<i>Goniopora pandoraensis</i>	Present in India
289	<i>Goniopora planulata</i>	<i>Goniopora planulata</i>	Present in India
290	<i>Goniopora stokesi</i>	<i>Goniopora stokesi</i>	Present in India
291	<i>Goniopora tenuidens</i>	<i>Goniopora tenuidens</i>	Present in India
292	<i>Porites annae</i>	<i>Porites annae</i>	Present in India
293	<i>Porites arnaudi</i>	<i>Porites arnaudi</i>	Not present in India

294	<i>Porites compressa</i>	<i>Porites compressa</i>	Present in India
295	<i>Porites cylindrica</i>	<i>Porites cylindrica</i>	Present in India
296	<i>Porites eridani</i>	<i>Porites eridani</i>	Present in India
297	<i>Porites evermanni</i>	<i>Porites evermanni</i>	Present in India
298	<i>Porites harrisoni</i>	<i>Porites harrisoni</i>	Not present in India
299	<i>Porites latistella</i>	<i>Porites latistellata</i>	Not present in India
300	<i>Porites lobata</i>	<i>Porites lobata</i>	Present in India
301	<i>Porites lutea</i>	<i>Porites lutea</i>	Present in India
302	<i>Porites monticulosa</i>	<i>Porites monticulosa</i>	Present in India
303	<i>Porites murrayensis</i>	<i>Porites murrayensis</i>	Present in India
304	<i>Porites myrmidoensis</i>	<i>Porites myrmidonensis</i>	Species spelling in incorrect, not present in India
305	<i>Porites nigrescens</i>	<i>Porites nigrescens</i>	Not present in India
306	<i>Porites rus</i>	<i>Porites rus</i>	Present in India
307	<i>Porites solida</i>	<i>Porites solida</i>	Present in India
308	<i>Porites vaughani</i>	<i>Porites vaughani</i>	Present in India
309	<i>Pocillopora ankeli</i>	<i>Pocillopora ankeli</i>	Genus spelling in incorrect, present in India
310	<i>Pocillopora damicornis</i>	<i>Pocillopora damicornis</i>	Present in India
311	<i>Pocillopora danae</i>	<i>Pocillopora verrucosa</i>	Present in India
312	<i>Pocillopora eydouxi</i>	<i>Pocillopora grandis</i>	Species name is unaccepted (synonymy), present in India
313	<i>Pocillopora kelleheri</i>	<i>Pocillopora kelleheri</i>	Not present in India
314	<i>Pocillopora ligulata</i>	<i>Pocillopora ligulata</i>	Present in India
315	<i>Pocillopora meandrina</i>	<i>Pocillopora meandrina</i>	Present in India
316	<i>Pocillopora verrucosa</i>	<i>Pocillopora verrucosa</i>	Repeated species, present in India
317	<i>Seriatopora aculeata</i>	<i>Seriatopora aculeata</i>	Not present in India
318	<i>Seriatopora hystrix</i>	<i>Seriatopora hystrix</i>	Present in India
319	<i>Seriatopora stellata</i>	<i>Seriatopora stellata</i>	Present in India
320	<i>Seriatopora pistillata</i>	<i>Stylophora pistillata</i>	No data available
321	<i>Coscinaraea columna</i>	<i>Psammocora columna</i>	Species name is unaccepted (synonymy), present in India
322	<i>Coscinaraea monile</i>	<i>Coscinaraea monile</i>	Present in India
323	<i>Psammocora contigua</i>	<i>Psammocora contigua</i>	Present in India
324	<i>Psammocora digitata</i>	<i>Psammocora digitata</i>	Present in India
325	<i>Psammocora explanulata</i>	<i>Cycloceris explanulata</i>	Genus name is unaccepted (synonymy), present in India
326	<i>Psammocora haimeana</i>	<i>Psammocora haimiana</i>	Species spelling in incorrect, present in India
327	<i>Psammocora profundacella</i>	<i>Psammocora profundacella</i>	Present in India
328	<i>Siderastrea savignyana</i>	<i>Siderastrea savignyana</i>	Present in India

329	<i>Tubipora musica</i>	<i>Tubipora musica</i>	Present in India
330	<i>Cirripathes anguina</i>	<i>Cirripathes anguina</i>	Present in India
331	<i>Cirripathes contorta</i>		Could not find this species name anywhere
332	<i>Antipathes elegans</i>	<i>Antipathes elegans</i>	Present in India
333	<i>Sticopathes solorensis</i>		Could not find this species name anywhere
334	<i>Cupressopathes gracilis</i>	<i>Cupressopathes gracilis</i>	Present in India
335	<i>Myriopathus antrocrada</i>	<i>Myriopathus antrocrada</i>	Present in India
336	<i>Antipathella subpinnata</i>	<i>Antipathella subpinnata</i>	Not present in India
337	<i>Plumapathes pennacea</i>	<i>Plumapathes pennacea</i>	Not present in India
338	<i>Dichotella gemmacea</i>	<i>Dichotella gemmacea</i>	Present in India
339	<i>Ellisella azilia</i>	<i>Ellisella azilia</i>	Not present in India
340	<i>Ellisella cercidia</i>	<i>Ellisella cercidia</i>	Not present in India
341	<i>Ellisella eustala</i>	<i>Ellisella eustala</i>	Not present in India
342	<i>Ellisella marisrubri</i>	<i>Ellisella marisrubri</i>	Not present in India
343	<i>Ellisella nuctenea</i>	<i>Ellisella nuctenea</i>	Not present in India
344	<i>Juncella delicata</i>	<i>Junceella delicata</i>	Genus spelling in incorrect, not present in India
345	<i>Juncella eunicelloides</i>	<i>Junceella eunicelloides</i>	Genus spelling in incorrect, not present in India
346	<i>Juncella juncea</i>	<i>Junceella juncea</i>	Genus spelling in incorrect, present in India
347	<i>Viminella crassa</i>	<i>Viminella crassa</i>	Not present in India
348	<i>Viminella junceelloides</i>	<i>Viminella junceelloides</i>	No data available
349	<i>Nicella flabellata</i>	<i>Nicella flabellata</i>	Present in India
350	<i>Nicella laxa</i>	<i>Nicella laxa</i>	Not present in India
351	<i>Verrucella cerasina</i>	<i>Verrucella cerasina</i>	Not present in India
352	<i>Verrucella corona</i>	<i>Verrucella corona</i>	Not present in India
353	<i>Verrucella diadema</i>	<i>Verrucella diadema</i>	Not present in India
354	<i>Verrucella gubalensis</i>	<i>Verrucella gubalensis</i>	Not present in India
355	<i>Verrucella klunzingeri</i>	<i>Verrucella klunzingeri</i>	Not present in India
356	<i>Isis hippuris</i>	<i>Isis hippuris</i>	Present in India
357	<i>Muricella paraplectana</i>	<i>Muricella paraplectana</i>	Not present in India
358	<i>Muricella ramosa</i>	<i>Muricella ramosa</i>	Species spelling in incorrect, present in India
359	<i>Acanthogorgia breviflora</i>	<i>Acanthogorgia breviflora</i>	Not present in India
360	<i>Acanthogorgia spinosa</i>	<i>Acanthogorgia spinosa</i>	Not present in India
361	<i>Anthogorgia ochracea</i>	<i>Anthogorgia ochracea</i>	Not present in India
362	<i>Rumphella aggregata</i>	<i>Rumphella aggregata</i>	Not present in India
363	<i>Rumphella torta</i>	<i>Rumphella torta</i>	No data available

364	<i>Hicksonella princeps</i>	<i>Hicksonella princeps</i>	Not present in India
365	<i>Menella indica</i>	<i>Menella indica</i>	Present in India
366	<i>Menella kanisa</i>	<i>Menella kanisa</i>	Not present in India
367	<i>Menella kouare</i>	<i>Menella kouare</i>	Not present in India
368	<i>Menella woodin</i>	<i>Menella woodin</i>	Not present in India
369	<i>Bebryce sirene</i>	<i>Bebryce sirene</i>	Not present in India
370	<i>Bebryce studeri</i>	<i>Bebryce studeri</i>	Not present in India
371	<i>Echinogorgia flora</i>	<i>Menella flora</i>	Genus name is unaccepted (synonymy), present in India
372	<i>Echinogorgia toombo</i>	<i>Echinogorgia toombo</i>	Not present in India
373	<i>Echinogorgia indica</i>		Could not find this species name anywhere
374	<i>Echinomuricea indomalaccensis</i>	<i>Echinomuricea indomalaccensis</i>	Present in India
375	<i>Euplexaura amerea</i>	<i>Euplexaura amerea</i>	Not present in India
376	<i>Euplexaura rhipidalis</i>	<i>Euplexaura rhipidalis</i>	Not present in India
377	<i>Trimuricea caledonica</i>	<i>Trimuricea caledonica</i>	Not present in India
378	<i>Villogorgia tenuis</i>	<i>Villogorgia tenuis</i>	Present in India
379	<i>Acabaria cinquemiglia</i>	<i>Melithaea cinquemiglia</i>	Genus name is unaccepted (synonymy), not present in India
380	<i>Acabaria ouvea</i>	<i>Melithaea ouvea</i>	Genus name is unaccepted (synonymy), not present in India
381	<i>Melithaea caledonica</i>	<i>Melithaea caledonica</i>	Not present in India
382	<i>Melithaea ochracea</i>	<i>Melithaea ochracea</i>	Not present in India
383	<i>Mopsella rubeola</i>	<i>Melithaea rubeola</i>	Genus name is unaccepted (synonymy), not present in India
384	<i>Wrightella braueri</i>	<i>Melithaea braueri</i>	Genus name is unaccepted (synonymy), no data
385	<i>Annella mollis</i>	<i>Annella mollis</i>	Present in India
386	<i>Annella reticulata</i>	<i>Annella reticulata</i>	Present in India
387	<i>Subergorgia rubra</i>	<i>Subergorgia rubra</i>	Not present in India
388	<i>Subergorgia suberosa</i>	<i>Subergorgia suberosa</i>	Present in India

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OBIS (2022). Ocean Biodiversity Information System. Intergovernmental Oceanographic Commission of UNESCO. www.obis.org. Accessed 13 January 2022.

HOLOTHURIANS (Schedule I – Part J)

1. The WPA amendment lists 32 species of sea cucumbers of which **four species are not present in India**.
2. Of the 28 species, **two species have incorrect scientific names and nine have typographic errors**.

Holothurians or Sea Cucumbers are one of the most threatened marine species groups due to extensive harvest for international trade. There are 173 species in India (Raghunathan & Venkataraman 2014). There is no rationale for including only 32 species on the schedule as in the WPA amendment 2021. While most sea cucumbers are difficult to identify on site or in a laboratory without extensive examination either morphologically or genetically, the selective list creates suitable opportunities for their harvest. Dry sea cucumbers are even more difficult to differentiate. We strongly recommend that a broad category of Sea Cucumbers or Holothurians (echinoderms of class Holothuroidea) without mentioning the species names should be listed under Schedule I – Part J.

The following Table summarises the details of Holothurians (sea cucumbers) listed under Schedule I, Part J of the WPA amendment bill 2021 with the corrections and comments based on World Register of Marine Species (WoRMS database) and Ocean Biodiversity Information System (OBIS database).

SI No	Scientific name_WPA Amendment Bill 2021	Correct name	Comments
1	<i>Actinopygaechinites</i>	<i>Actinopyga echinites</i>	Present in India
2	<i>Actinopygalecanora</i>	<i>Actinopyga lecanora</i>	Present in India
3	<i>Actinopygamauritiana</i>	<i>Actinopyga mauritiana</i>	Present in India
4	<i>Actinopygamiliaris</i>	<i>Actinopyga miliaris</i>	Present in India
5	<i>Bohadschia argus</i>	<i>Bohadschia argus</i>	Present in India
6	<i>Bohadschiagraeffei</i>	<i>Pearsonothuria graeffei</i>	Not present in India
7	<i>Bohadschiamarmorata</i>	<i>Bohadschia marmorata</i>	Present in India
8	<i>Holothuria coluber</i>	<i>Holothuria (Acanthotrapeza) coluber</i>	Not present in India
9	<i>Holothuria (Acanthotrapez) pyxis</i>	<i>Holothuria (Acanthotrapeza) pyxis</i>	Present in India
10	<i>Holothuria (Halodeima) atra</i>	<i>Holothuria (Halodeima) atra</i>	Present in India
11	<i>Holothuria (Halodeima) edulis</i>	<i>Holothuria (Halodeima) edulis</i>	Present in India
12	<i>Holothuria (Mertensiothuria) fuscocinerea</i>	<i>Holothuria (Stauropora) fuscocinerea</i>	Present in India
13	<i>Holothuria (Mertensiothuria) leucospilota</i>	<i>Holothuria (Mertensiothuria) leucospilota</i>	Present in India
14	<i>Holothuria (Mertensiothuria) pervicax</i>	<i>Holothuria (Stauropora) pervicax</i>	Present in India
15	<i>Holothuria (Metriatyla) scabra</i>	<i>Holothuria (Metriatyla) scabra</i>	Present in India
16	<i>Holothuria (Microthele) nobilis</i>	<i>Holothuria (Microthele) nobilis</i>	Present in India
17	<i>Holothuria (Semperothuria) cinerascens</i>	<i>Holothuria (Semperothuria) cinerascens</i>	Present in India
18	<i>Holothuria (Thymiosycia) arenicola</i>	<i>Holothuria (Thymiosycia) arenicola</i>	Present in India
19	<i>Holothuria (Thymiosycia) hilla</i>	<i>Holothuria (Mertensiothuria) hilla</i>	Scientific name incorrect, present in India
20	<i>Holothuria (Thymiosycia) impatiens</i>	<i>Holothuria (Thymiosycia) impatiens</i>	Present in India
21	<i>Labidodemassemperianum</i>	<i>Labidodemas semperianum</i>	Not present in India

22	<i>Stichopus chloronotus</i>	<i>Stichopus chloronotus</i>	Present in India
23	<i>Stichopus hermanni</i>	<i>Stichopus hermanni</i>	Present in India
24	<i>Stichopus horrens</i>	<i>Stichopus horrens</i>	Present in India
25	<i>Stichopus vastus</i>	<i>Stichopus vastus</i>	Not present in India
26	<i>Thelenota ananas</i>	<i>Thelenota ananas</i>	Present in India
27	<i>Pseudocolochirus violaceus</i>	<i>Pseudocolochirus violaceus</i>	Present in India
28	<i>Stolus buccalis</i>	<i>Stolus buccalis</i>	Present in India
29	<i>Phyllophorus (Phyllophorella) parvepides</i>	<i>Phyllophorella spiculata</i>	Scientific name incorrect, present in India
30	<i>Euaptagodeffroyi</i>	<i>Euapta godeffroyi</i>	Present in India
31	<i>Synaptamaculata</i>	<i>Synapta maculata</i>	Present in India
32	<i>Acaudinamolpadioides</i>	<i>Acaudina molpadioides</i>	Present in India

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MOLLUSCA (Schedule I – Part I)

1. The WPA amendment lists 10 species of Mollusca and all are present in India.
2. **One of the species has an incorrect scientific name and four have typographic errors.**

The following Table summarises the details of Mollusca listed under Schedule I, Part I of the WPA amendment bill 2021 with the corrections and comments based on World Register of Marine Species (WoRMS database) and Ocean Biodiversity Information System (OBIS database).

SI No	Scientific name_WPA Amendment Bill 2021	Correct name	Comments
1	<i>Cassis cornuta</i>	<i>Cassis cornuta</i>	Present in India
2	<i>Charoniatritonis</i>	<i>Charonia tritonis</i>	Present in India
3	<i>Conus milneedwardsi</i>	<i>Conus milneedwardsi</i>	Present in India
4	<i>Cypraecassisrufa</i>	<i>Cypraecassis rufa</i>	Present in India
5	<i>Hippopushippopus</i>	<i>Hippopus Hippopus</i>	Scientific name incorrect, present in India
6	<i>Nautilus pompilius</i>	<i>Nautilus pompilius</i>	Present in India
7	<i>Tridacna maxima</i>	<i>Tridacna maxima</i>	Present in India
8	<i>Tridacna squamosa</i>	<i>Tridacna squamosa</i>	Present in India
9	<i>Tudiclaspirillus</i>	<i>Tudicla spirillus</i>	Present in India
10	<i>Turbo marmoratus</i>	<i>Turbo marmoratus</i>	Present in India

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MOLLUSCA (Schedule II – Part F)

1. The WPA amendment lists 14 species of Mollusca in Schedule II of which **two species are not present in India**.
2. Of the 12 species, **six species have incorrect scientific names and five species have typographic errors**.

The following Table summarises the details of Mollusca listed under Schedule II, Part F of the WPA amendment bill 2021 with the corrections and comments based on World Register of Marine Species (WoRMS database) and Ocean Biodiversity Information System (OBIS database).

SI No	Scientific name_WPA Amendment Bill 2021	Correct name	Comments
1	<i>Cypraealimacina</i>	<i>Staphylaea limacina</i>	Scientific name incorrect, not present in India
2	<i>Cypraeamappa</i>	<i>Leporicypraea mappa</i>	Scientific name incorrect, present in India
3	<i>Cypraeatalpa</i>	<i>Talparia talpa</i>	Scientific name incorrect, present in India
4	<i>Pleuroploca trapezium</i>	<i>Pleuroploca trapezium</i>	Present in India
5	<i>Harpulinaarasiaca</i>	<i>Harpulina arasiaca</i>	Not present in India
6	<i>Lambis chiragra arthritica</i>	<i>Harpago arthriticus</i>	Scientific name incorrect, present in India
7	<i>Lambis chiragra chiragra</i>	<i>Harpago chiragra</i>	Scientific name incorrect, present in India
8	<i>Lambiscrocatacrocata</i>	<i>Lambis crocata</i>	Present in India
9	<i>Lambismillepeda</i>	<i>Lambis millepeda</i>	Present in India
10	<i>Lambisscorpis</i>	<i>Lambis scorpis</i>	Present in India
11	<i>Lambistruncatatruncata</i>	<i>Lambis truncata truncata</i>	Present in India
12	<i>Placuna placenta</i>	<i>Placuna placenta</i>	Present in India
13	<i>Strombusplicatussibbaldi</i>	<i>Dolomena plicata</i>	Scientific name incorrect, present in India
14	<i>Trochus niloticus</i>	<i>Rochia nilotica</i>	Scientific name incorrect, present in India

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SPONGES (Schedule II – Part G)

1. The WPA amendment lists 10 species of sponges in Schedule II of which **one species is not present in India**.
2. Of the remaining nine, **two species have scientific errors and two species have typographic errors**.

The following Table summarises the details of Sponges listed under Schedule II, Part G of the WPA amendment bill 2021 with the corrections and comments based on World Register of Marine Species (WoRMS database) and Ocean Biodiversity Information System (OBIS database).

SI No	Scientific name_WPA Amendment Bill 2021	Correct name	Comments
1	<i>Clathrina coriacea</i>	<i>Clathrina coriacea</i>	Present in India
2	<i>Pericharaxheteroraphis</i>	<i>Pericharax heteroraphis</i>	Present in India
3	<i>Leucandradonani var tenuiradiata</i>	<i>Leucandra donnani var. tenuiradiata</i>	Present in India
4	<i>Leucandradwarkensis</i>	<i>Leucandra dwarkaensis</i>	Present in India
5	<i>Leucandrawasinensis</i>	<i>Leucandrilla wasinensis</i>	Scientific name incorrect, present in India
6	<i>Leuconia johnstoni</i>	<i>Leuconia johnstoni</i>	Not present in India
7	<i>Ute syconoides</i>	<i>Ute syconoides</i>	Present in India
8	<i>Grantessahastifera</i>	<i>Sycettusa hastifera</i>	Scientific name incorrect, present in India
9	<i>Heteropiaglomerosa</i>	<i>Heteropia glomerosa</i>	Present in India
10	<i>Sycon grantioides</i>	<i>Sycon grantioides</i>	Present in India

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OBIS (2022). Ocean Biodiversity Information System. Intergovernmental Oceanographic Commission of UNESCO. www.obis.org. Accessed 13 January 2022.

BUTTERFLY (Schedule I – Part F)

1. The WPA amendment lists 63 species of which **one species is not found in India**.
2. **18 species have incorrect scientific names.**
3. **35 species have typographical errors in scientific names and common names in which 25 species had errors in scientific names, 05 species had errors in common names, and 05 species had errors in both scientific and common names.**
4. There is no justification for inclusion of these species as opposed to not listing the remaining 1,000 plus species and subspecies that occur in India (Tiple 2011).

The following Table summarises the details of Butterfly listed under Schedule I, Part F of the WPA amendment bill 2021 with the corrections and comments based on Indian Foundation for Butterflies and A Synoptic Catalogue of the Butterflies of India.

SI No	Common name_WPA Amendment Bill 2021	Correct Common Name	Scientific name_WPA Amendment Bill 2021	Correct scientific name	Comments
1	Kaiser-i-Hind		<i>Teinopalpusimperialis</i>	<i>Teinopalpus imperialis</i>	Typographical error in scientific name
2	Varnished Apollo Butterfly		<i>Parnassiusacco</i>	<i>Parnassius acco</i>	Typographical error in scientific name
3	Banded Apollo Butterfly		<i>Parnassiusdelphius</i>	<i>Parnassius delphius</i>	Not found in India
4	Hannington Apollo Butterfly		<i>Parnassiusshanningtoni</i>	<i>Parnassius hanningtoni</i>	Typographical error in scientific name
5	Imperial Apollo Butterfly		<i>Parnassius imperator</i>		
6	Ladakh Banded Apollo Butterfly		<i>Parnassiusstoliczkanus</i>	<i>Parnassius toliczkanus</i>	Typographical error in scientific name
7	Bhutan Glory Butterfly		<i>Bhutanitislidderdalei</i>	<i>Bhutanitis lidderdalei</i>	Typographical error in scientific name
8	Common Clubtail Butterfly	Common Clubtail Butterfly	<i>Atrophaneura coon</i>		Typographical error in common name
9	Black Windmill Butterfly		<i>Atrophaneura crassipes</i>		
10	Nevill's Windmill Butterfly		<i>Atrophaneuranevilli</i>	<i>Byasa nevilli</i>	Genus name has changed from <i>Atrophaneura</i> to <i>Byasa</i>
11	Pemberton's Chinese Windmill Butterfly		<i>Atrophaneuraplutioniusp embertoni</i>	<i>Byasa plutionius pembertoni</i>	Genus name has changed from <i>Atrophaneura</i> to <i>Byasa</i>
12	De Niceville's Windmill Butterfly	de Niceville's Windmill Butterfly	<i>Atrophaneurapolla</i>	<i>Atrophaneura polla</i>	Typographical error in common name and scientific name
13	Common Mime Butterfly		<i>Chilasaclytiaclytia</i>	<i>Papilio clytia clytia</i>	Genus name has changed from <i>Chilasa</i> to <i>Papilio</i>
14	Yellow-crested Spangle Butterfly		<i>Papilioelephenor</i>	<i>Papilio elephenor</i>	Typographical error in scientific name
15	Malabar Banded Swallowtail Butterfly		<i>Papilioliomedon</i>	<i>Papilio liomedon</i>	Typographical error in scientific name
16	Shaw's Dwarf Butterfly	Sikkim Dwarf	<i>Baltiashawiisikkima</i>	<i>Baltia sikkima</i>	Common name has changed from Shaw's Dwarf to Sikkim Dwarf Typographical error in scientific name
17	Pale Jezebel Butterfly		<i>Deliasanaca</i>	<i>Delias sanaca</i>	Typographical error in scientific name
18	Green Banded White Butterfly		<i>Pieris krueperidevta</i>	<i>Pieris krueperi devta</i>	Typographical error in scientific name

19	Lemon Clouded Yellow Butterfly		<i>Coliascocandicathrasibulus</i>	<i>Colias thrasibulus</i>	Genus name has changed to Colias.
20	Dwarf Clouded Yellow Butterfly		<i>Coliasstoliczkanadubia</i>	<i>Colias dubia</i>	Genus name has changed to Colias.
21	Spotted Black Crow Butterfly		<i>Euploeacramerinicevillei</i>	<i>Euploea crameri nicevillei</i>	Typographical error in scientific name
22	Andaman King Crow Butterfly		<i>Euploearoepstorffi</i>	<i>Euploea midamus roepstorffi</i>	Change in scientific name, roepstorffi is a subspecies of Euploea midamus.
23	Scarce Blue Tiger Butterfly		<i>Tellervogautamagautamoides</i>	<i>Tirumala gautama gautamoides</i>	Genus name has changed from Tellervo to Tirumala.
24	Scarce Catseye Butterfly	Scarce Catseye Butterfly	<i>Coelitesnothis</i>	<i>Coelites nothis</i>	Typographical error in common name and scientific name
25	Peal's Palmfly Butterfly	Peal's Palmfly Butterfly	<i>Elymniaspealii</i>	<i>Elymnias peali</i>	Typographical error in common name and scientific name
26	Pointed Palmfly Butterfly	Pointed Palmfly Butterfly	<i>Elymniaspenanga</i>	<i>Elymnias penaga</i>	Typographical error in common name and scientific name
27	Scarce Red Forester Butterfly		<i>Lethe distans</i>		
28	Scarce Lilacfork Butterfly	Scarce Lilacfork Butterfly	<i>Letha dura</i>		Typographical error in common name
29	Bamboo Treebrown Butterfly	Bamboo Treebrown Butterfly	<i>Lethe europa</i>		Typographical error in common name
30	Tytler's Treebrown Butterfly	Tytler's Treebrown Butterfly	<i>Lethe gemina</i>		Typographical error in common name
31	Bhutan Treebrown Butterfly		<i>Lethe margaritae</i>		
32	Dismal Mystic Butterfly		<i>Lethe ocellata</i>		
33	Single Silverstripe Butterfly		<i>Lethe ramadeva</i>		
34	Pallid Forester Butterfly		<i>Lethe satyavati</i>		
35	Dark Wall Butterfly		<i>Parargemaera</i>	<i>Lasiommata menava</i>	Scientific name has changed
36	Great Fivering Butterfly	Great Fivering Butterfly	<i>Ypthimadohertyi</i>	<i>Ypthima dohertyi</i>	Typographical error in common name and scientific name
37	Banded Duffer Butterfly		<i>Discophora deo deo</i>		
38	Freak Butterfly		<i>Calinaga buddha</i>		
39	Whitespot Fritillary Butterfly	Whitespot Fritillary Butterfly	<i>Clossianaerubescenshabe rhaueri</i>	<i>Boloria erubescens</i>	Typographical error in common name
40	Bhutan Sergeant Butterfly		<i>Pantoporiajinajina</i>	<i>Athyma jina jina</i>	Genus name has changed from Pantoporia to Athyma.
41	Grey Commodore Butterfly		<i>Limenitis austenia purpurascens</i>	<i>Bhagadatta austenia purpurascens</i>	Genus name has changed from Limenitis to Bhagadatta.
42	Grand Duke Butterfly		<i>Euthaliaiva</i>	<i>Euthalia iva</i>	Typographical error in scientific name
43	Naga Duke Butterfly		<i>Euthaliakhamacurvifascia</i>	<i>Euthalia curvifascia</i>	Species name is corrected, curvifascia is a species not a subspecies and khama is not a species hence removed
44	Tawny Emperor Butterfly		<i>Chitoriaulupiulupi</i>	<i>Chitoria ulupi ulupi</i>	Typographical error in scientific name
45	Branded Yeoman Butterfly		<i>Cirrochroafasciata</i>	<i>Algia fasciata</i>	Genus name has changed from Cirrochroa to Algia.
46	Scarce Siren Butterfly		<i>Hestinainicevillei</i>	<i>Hestina nicevillei</i>	Typographical error in scientific name
47	Golden Emperor Butterfly		<i>Dilipamorgiana</i>	<i>Dilipa morgiana</i>	Typographical error in scientific name

48	Autumn Leaf Butterfly		<i>Doleschallia bisaltideanda manensis</i>	<i>Doleschallia bisaltide andamanensis</i>	Typographical error in scientific name
49	Tytler's Emperor Butterfly		<i>Eulaceuramanipurensis</i>	<i>Eulaceura manipurensis</i>	Typographical error in scientific name
50	Blue Duke Butterfly		<i>Euthaliadurga splendens</i>	<i>Euthalia durga splendens</i>	Typographical error in scientific name
51	Blue Baron Butterfly		<i>Euthaliatelchinia</i>	<i>Cynitia telchinia</i>	Genus name has changed from Euthalia to Cynitia.
52	White Emperor Butterfly		<i>Helcyrahemina</i>	<i>Helcyra hemina</i>	Typographical error in scientific name
53	Empress Butterfly		<i>Sasakiafunebri</i>	<i>Sasakia funebri</i>	Typographical error in scientific name
54	Eastern Courtier Butterfly		<i>Sephisachandra</i>	<i>Sephis chandra</i>	Typographical error in scientific name
55	Scarce White Comodore Butterfly		<i>Limenitis zulema</i>	<i>Sumalia zulema</i>	Genus name has changed from Limenitis to Sumalia.
56	Scarce Jester Butterfly		<i>Symbrenthiasilana</i>	<i>Symbrenthia silana</i>	Typographical error in scientific name
57	Chestnut Rajah Butterfly		<i>Charaxesdurnofordinicholii</i>	<i>Charaxes durnfordi nicholii</i>	Typographical error in scientific name
58	Malayan Nawab Butterfly		<i>Polyura moori sandakanus</i>	<i>Polyura moori sandakana</i>	Subspecies name is incorrect
59	Blue Nawab Butterfly		<i>Polyuraschreiberi</i>	<i>Polyura schreiber</i>	Species name is incorrect
60	Blue Begum Butterfly		<i>Prothoefranck regalis</i>	<i>Prothoe franck regalis</i>	Typographical error in scientific name
61	Chinese Hairstreak Butterfly		<i>Amblopalaavidiena</i>	<i>Amblopala avidiena</i>	Typographical error in scientific name
62	Cachar Mandarin Blue Butterfly		<i>Charanacepheis</i>	<i>Charana cepheis</i>	Typographical error in scientific name
63	Blue Posy Butterfly		<i>Myrinacyara</i>	<i>Drupadia scaeva cyara</i>	Genus name has changed from Myrina to Drupadia. cyara is a subspecies of Drupadia scaeva.

Kunte, K., S. Sondhi & P. Roy (Chief Editors) (2022). *Butterflies of India*, v. 3.28. Indian Foundation for Butterflies. <https://www.ifoundbutterflies.org/> Accessed 13 January 2022.

Varshney, R.K. & P. Smetacek (eds.) (2015). A Synoptic Catalogue of the Butterflies of India. Butterfly Research Centre, Bhimtal and Indinov Publishing, New Delhi, ii + 261 pp., 8 pl. Accessed 13 January 2022.

Tiple, A.D. (2011). Butterflies of Vidarbharegion, Maharashtra State, central India. *Journal of Threatened Taxa* 3(1): 1469–1477.

BUTTERFLY (Schedule II – Part E)

1. The WPA amendment lists 57 species of which **10 species have errors in the scientific names.**
2. **One species is a vague entry and the details are not found.**
3. **Two species have typographical errors in scientific name.**
4. There is no justification for inclusion of these species as opposed to not listing the remaining 1,000 plus species and subspecies that occur in India (Tiple 2011).

The following Table summarises the details of Butterfly listed under Schedule II, Part E of the WPA amendment bill 2021 with the corrections and comments based on Indian Foundation for Butterflies and A Synoptic Catalogue of the Butterflies of India.

SI No	Common name_WPA Amendment Bill 2021	Correct Common Name	Scientific name_WPA Amendment Bill 2021	Correct scientific name	Comments
1	White Dragontail Butterfly		<i>Lamproptera curius</i>		
2	Fivebar Swordtail Butterfly		<i>Graphium antiphates</i>		
3	Fourbar Swordtail Butterfly		<i>Graphium agetes</i>		
4	Common banded Peacock Butterfly		<i>Papilio crino</i>		
5	Paris Peacock Butterfly		<i>Papilio paris</i>		
6	Blue Mormon Butterfly		<i>Papilio polymnestor</i>		
7	Great Mormon Butterfly		<i>Papilio memnon</i>		
8	Andaman Mormon Butterfly		<i>Papilio mayo</i>		
9	Malabar Banded Peacock Butterfly		<i>Papilio buddha</i>		
10	Crimson Rose Butterfly	Crimson Rose Butterfly	<i>Atrophaneura hector</i>	<i>Pachliopta hector</i>	Genus name has changed from Atrophaneura to Pachliopta
11	Golden Birdwing Butterfly		<i>Troidesaeacus</i>	<i>Troides aeacus</i>	Typographical error in scientific name
12	Southern Birdwing Butterfly		<i>Troidesminos</i>	<i>Troides minos</i>	Typographical error in scientific name
13	Magpie Crow Butterfly		<i>Euploea radamanthus</i>		
14	Malabar Tree Nymph Butterfly		<i>Idea malabarica</i>		
15	Orange Oakleaf Butterfly		<i>Kallima inachus</i>		
16	Blue Oakleaf Butterfly		<i>Kallima horsfieldi</i>		
17	Danaid Eggfly Butterfly		<i>Hypolimnas misippus</i>		
18	Leopard Lacewing Butterfly		<i>Cethosia cyane</i>		
19	Tamil Lacewing Butterfly		<i>Cethosia nietneri</i>		
20	Queen of Spain Fritillary Butterfly		<i>Issoria lathonia</i>		
21	White Commodore Butterfly		<i>Parasarpa dudu</i>		
22	Clipper Butterfly		<i>Parthenos sylvia</i>		
23	Blue Duchess Butterfly		<i>Euthalia dudu</i>		

24	Panther Butterfly		<i>Neurosigma siva</i>		
25	Archduke Butterfly		<i>Lexias pardalis</i>		
26	Common Map Butterfly		<i>Cyrestis thyodamas</i>		
27	Painted Courtesan Butterfly		<i>Euripus consimilis</i>		
28	Camberwell Beauty Butterfly		<i>Nymphalis antiopa</i>		
29	Ringed Argus Butterfly		<i>Callerebiaannadaannada</i>	<i>Callerebia annada annada</i>	
30	Fuliginous Sailer Butterfly		<i>Lasippa ebusa ebusa</i>		Vague entry the details are not found
31	Yellowjack Sailer Butterfly		<i>Lasippa viraja nar</i>		
32	Variegated Sailer Butterfly		<i>Neptis armandia</i>		
33	Chinese Yellow Sailer Butterfly		<i>Neptis kirbariensis</i>	<i>Neptis cydippe kirbariensis</i>	Change made as kirbariensis is a subspecies of Neptis cydippe
34	Pale Hockeystick Sailer Butterfly		<i>Neptis manasa manasa</i>		
35	Hockeystick Sailer Butterfly		<i>Neptis nycteus</i>		
36	Great Hockeystick Sailer Butterfly		<i>Phaedyma aspasia</i>		
37	Red-disc Bushbrown Butterfly		<i>Mycalesis oculus</i>		
38	Short-banded Sailer Butterfly		<i>Phaedyma columella binghami</i>		
39	Tytler's Lascar Butterfly		<i>Pantoporia beiti paona</i>		
40	Common Pierrot Butterfly	Andaman Common Pierrot	<i>Castalius rosimon alarbus</i>		
41	Orchid Tit Butterfly		<i>Chliaria othona</i>		
42	Wonderfull Hairstreak Butterfly		<i>Chrysozephyrus zulla</i>	<i>Thermozephyrus ataxus zulla</i>	Genus name has changed from Chrysozephyrus to Thermozephyrus. Zulla is a subspecies of Thermozephyrus ataxus.
43	Watson's Hairstreak Butterfly	Howarth's Green Hairstreak	<i>Chrysozephyrus disparatus pseudoletia</i>		
44	Paona Hairstreak Butterfly		<i>Chrysozephyrus paona</i>	<i>Shirozozephyrus paona</i>	Genus name has changed from Chrysozephyrus to Shirozozephyrus.
45	Cornelian Butterfly		<i>Deudorix epijarbus amatius</i>		
46	Peacock Hairstreak Butterfly		<i>Evaspa pavo</i>		
47	Hybrid Sapphire Butterfly	Golden Sapphire	<i>Heliophorus brahma</i>	<i>Heliophorus hybrida</i>	Common name and scientific name do not match. If common name is followed scientific name is Heliophorus hybrida, if scientific name is followed then common name is Golden Sapphire.
48	Violet Onyx Butterfly		<i>Horaga albimacula</i>		
49	Ferrar's Cerulean Butterfly		<i>Jamides ferrari ferrari</i>		

50	Tytler's Dull Oakblue Butterfly		<i>Arhopala arata</i>	<i>Arhopala ace arata</i>	Arata is a subspecies of Arhopala ace.
51	Rosy Oakblue Butterfly		<i>Arhopala constanceae</i>	<i>Arhopala selta constanceae</i>	Constanceae is a subspecies of Arhopala selta.
52	Opal Oakblue Butterfly		<i>Nilasera opalina</i>	<i>Arhopala opalina</i>	Genus name has changed from Nilasera to Arhopala.
53	Lister's Hairstreak Butterfly		<i>Pamela dudgeoni</i>		
54	Dark Blue Royal Butterfly		<i>Pratapa icetas mishmia</i>		
55	Elwes' Silverline Butterfly		<i>Spindasis elwesi</i>		
56	Khaki Silverline Butterfly		<i>Aphnaeus rumini</i>	<i>Spindasis rukmini</i>	Genus name has changed from Aphnaeus to Spindasis.
57	Mackwood's Hairstreak Butterfly		<i>Thecla mackwoodi</i>	<i>Strymon mackwoodi</i>	Genus name has changed from Thecla to Strymon.

Kunte, K., S. Sondhi & P. Roy (Chief Editors) (2022). *Butterflies of India*, v. 3.28. Indian Foundation for Butterflies. <https://www.ifoundbutterflies.org/> Accessed 13 January 2022.

Varshney, R.K. & P. Smetacek (eds.) (2015). A Synoptic Catalogue of the Butterflies of India. Butterfly Research Centre, Bhimtal and Indinov Publishing, New Delhi, ii + 261 pp., 8 pl. Accessed 13 January 2022.

Tiple, A.D. (2011). Butterflies of Vidarbharegion, Maharashtra State, central India. *Journal of Threatened Taxa* 3(1): 1469–1477.

FISHES (Schedule I – Part E)

1. The WPA amendment lists 26 species of which only **03** are freshwater species with no rationale for their inclusion.
2. **15** species have typographic errors.
3. **Two** species have wrong scientific names.
4. **One** species of pipe fish is not found in Indian waters.
5. **One** extinct species from India is included.
6. There is no rationale for inclusion of pipe fishes as at least two endemic species that are in trade and not food fish are not included on the list – *Microphis cancalus* and *Ichthyocampus carce*.
7. Only one species of the very many highly threatened marine sharks that are harvested is listed.

The following Table summarises the details of Fishes listed under Schedule I, Part E of the WPA amendment bill 2021 with the corrections and comments based on IUCN Red List and Fishbase.

SI No	Common name_WPA Amendment Bill 2021	Scientific name_WPA Amendment Bill 2021	Correct scientific name	Comments
1	Whale shark	<i>Rhincodon typus</i>		
2	Knifetooth sawfish	<i>Anoxypristiscuspidata</i>	<i>Anoxypristis cuspidata</i>	
3	Long nosed shark/Pondicherry shark	<i>Carcharhinus hemiodon</i>		
4	Gangetic shark	<i>Glyphis gangeticus</i>		
5	Freshwater sawfish	<i>Pristispristis</i>	<i>Pristis pristis</i>	Not a freshwater species
6	Green sawfish	<i>Pristiszijsron</i>	<i>Pristis zijsron</i>	
7	Giant guitarfish	<i>Rhynchobatusdjiddensis</i>	<i>Rhynchobatus djiddensis</i>	
8	Porcupine ray	<i>Urogymnusasperrimus</i>	<i>Urogymnus asperrimus</i>	
9	Ganges Stingray	<i>Himantura fluviatilis</i>		Does not occur in the Ganges. This is a marine species.
10	Denison barb	<i>Puntius denisonii</i>	<i>Sahyadria denisoni</i>	This is one of two species of <i>Sahyadria</i> which look similar. No reason why this is included while the other species <i>S. chalakudiensis</i> is not. This species is encouraged in trade as per the MPEDA list. This species is netted along with other food fishes and is consumed by the locals. Difficult to enforce unless it is specifically fished for trade purposes, which is impossible to prove.
11	Assamese Kingfish	<i>Semiplotussemiplotus</i>	<i>Semiplotus semiplotus</i>	This is a food fish of the local communities who are heavily dependent on it for their sustenance. Makes little sense to include this species as enforcement is impossible due to the fishing practices which do not distinguish between species.

12	Giant grouper	<i>Epinephelus lanceolatus</i>	<i>Epinephelus lanceolatus</i>	
13	Manipur osteobrama	<i>Osteobramabelangeris</i>	<i>Osteobrama belangeri</i>	This freshwater fish species is known to be extinct from India (Manipur). It is currently found only in Myanmar.
14	Pipe fish	<i>Choeroichthys sculptus</i>	<i>Choeroichthys sculptus</i>	
15	Pipe fish	<i>Corythoichthys amplexus</i>		
16	Pipe fish	<i>Corythoichthys haematopterus</i>	<i>Corythoichthys haematopterus</i>	
17	Pipe fish	<i>Corythoichthys intestinalis</i>		
18	Pipe fish	<i>Corythoichthys ocellatus</i>		Not found in Indian waters
19	Pipe fish	<i>Corythoichthys schultzi</i>	<i>Corythoichthys schultzi</i>	
20	Pipe fish	<i>Doryhamphus dactyliophorus</i>	<i>Doryhamphus dactyliophorus</i>	
21	Pipe fish	<i>Halicampus macrorhynchus</i>	<i>Halicampus macrorhynchus</i>	
22	Pipe fish	<i>Halicampus mataafe</i>	<i>Halicampus mataafe</i>	
23	Pipe fish	<i>Syngnathoides biaculeatus</i>	<i>Syngnathoides biaculeatus</i>	
24	Sea horse	<i>Hippocampus histrix</i>		
25	Sea horse	<i>Hippocampus kuda</i>		
26	Sea horse	<i>Hippocampus trimaculatus</i>		

IUCN. 2021. The IUCN Red List of Threatened Species. Version 2021-3. <https://www.iucnredlist.org>. Accessed 13 January 2022.

Froese, R. and D. Pauly. Editors. 2021. FishBase. World Wide Web electronic publication. www.fishbase.org, version (08/2021). Accessed 13 January 2022.

General comments that have remained unchanged in the principle act and the current amendment that requires attention:

22. In section 39 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—

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

Comment: If the animal is injured severely or terminally diseased, perhaps euthanasia should be a choice?

26. After section 42 of the principal Act, the following section shall be inserted, namely:—

"42A. (1) Any person having a certificate of ownership in respect of any captive animal, animal article, trophy or uncured trophy, meat or ivory imported into India or an article made from such ivory, and who is not desirous of keeping it in his control, custody or possession may, after giving notice of seven working days to the Chief Wild Life Warden, surrender the same to him and any such certificate of ownership shall stand cancelled from the date of such surrender.

Comment: Does not take into account

- Elephant hair being used as finger rings
- Coral used as jewelry
- Wildlife leather products being used as belts, shoes and bags



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To,
Shri Jairam Ramesh
Hon'ble Member of Parliament and Chairman
Standing Committee on Environment and Forests

17th January 2022

Dear Sir,

Sub: Inputs to the Parliamentary Committee on Environment and Forests on the proposed amendments to the Wildlife Protection Act, 1972

On behalf of Conservation Initiatives, a not-for-profit Trust dedicated to science-based conservation of wildlife and their habitats in Northeast India, I share with you our thoughts on the proposed amendments to the Wildlife Protection Act, 1972. Below we list major concerns and suggestions for improvement in the Amendment, accompanied by specific suggestions in the enclosed Annexures. Our suggestions are aligned with current global standards of conservation science, policy, and action.

1. **Treatment of connectivity:** Connectivity and corridors are now well-recognised as an essential need for wildlife conservation, securing ecosystem services and climate change mitigation^{1,2}. This is especially important in the tropics and countries like India, where Protected Areas (PAs) are comparatively small and too insular to maintain viable populations of most endangered wildlife species. Researchers are accumulating information on corridor identification that allows for effective connectivity conservation in India³⁻⁵.

Yet the treatment of corridors and connectivity is superficial in the Wildlife Protection Act and insufficiently strengthened in the draft Amendment. Corridors are not even defined in the Act or Amendment, offering scant legal protection for these critical linkages in conservation landscapes.

We propose specific changes in the Wildlife Protection Act and Amendment in **Annexure 1** that address this issue by clearly defining corridors and providing for the multi-pronged approach required for connectivity conservation.

- 2. Rationalisation of Schedules.** We appreciate the need to rationalise the Schedules under the Act. However, as things currently stand, there is no clear definition of the Schedules, or scope for objective or scientific categorisation of animals under the Schedules. For instance, the IUCN Red List categorises species based on very specific criteria including species distribution, population size, trends in populations, habitat status, and threats.

Due to the lack of such criteria, there are multiple threatened species that are currently listed under Schedule II with lower protection accorded to them than required. We list these species in **Annexure 2** as species that need to be recategorized from Schedule II to Schedule I⁶⁻¹⁰. We also include imperilled species that have not been included in the Schedules and need inclusion in Schedule I in **Annexure 2**.

We posit that the above confusion arises due to the lack of scientific approach in either defining or populating the Schedules. We thus suggest formulating clear objectives for the wildlife Schedules, following globally accepted standards of the IUCN Red List of species⁶. We make specific suggestions pertaining to this in **Annexure 3**⁶⁻¹¹.

- 3. Transport of live captive elephants.** The Asian elephant is India's National Heritage Animal and a species of global conservation concern. In recognition of the threat posed by wild capture of elephants for commercial and other purposes, the Elephant Task Force recommends a phase out of live elephant trade¹². We thus urge you to **delete point 27** of the Amendment, relating to **Section 43**, proposed as **sub-section (4)**, stating the following:

"This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."

We also urge you to **delete** the associated proposed **clause (gviii)** in **point 40** of the Amendment, with reference to **Section 63, sub-section (1)** stating the following:

"(gviii) the conditions for transfer or transport of live elephant under sub-section (4) of section 43;"

As pointed out by other conservationists, this clause is prone to abuse and can severely impact elephant populations by legitimising live trade of elephants, reviving a now-dying illegal trade in wild-caught elephants, and thus negating years of successful conservation efforts on this important and charismatic species.

- 4. Treatment of vermin.** As written, any animal in Schedule II of the Act can be declared as vermin, without justification, for an unrestricted period of time, and with no specification of how vermin are treated, and no requirement for monitoring of the species. This is disastrous and can lead to drastic declines in wildlife populations, with trickle-down impacts on ecosystems. It is worthwhile to note here that even species that we consider as common or on the rise, can, on scientific assessment, be in decline¹³. It is also to be considered that India, at this time, does not have a successful population management programme that includes controlled and monitored animal removal or culling, as there are in some other parts of the world¹⁴. We thus recommend

the changes in the Amendment to protect wild animals against precipitous and indelible declines that can occur while being declared as vermin (**Annexure 4**).

We further note here that removal of animals has not been shown to be a successful human–wildlife conflict mitigation tool, as is evidenced by the removal of both rhesus and bonnet macaques for many years from urban centres, with no reduction of overall conflict intensities, thus calling into question the relevance of **Section 62** in today’s context.

- 5. Explicit inclusion of research.** Conservation science, and research on wildlife and their habitats, are pivotal to the success of conservation programmes. This is evident and clearly recognised by multiple amendments to the Act. Our points above and in enclosed Annexures also point to the benefit of scientific information for conservation. Lastly, we believe that knowledge about our ecosystems and biodiversity, in itself, has value; appreciation of this value is what has led to the widespread and unambiguous support for wildlife conservation in our country.

We thus recommend that the Act explicitly encourages research and the organic incorporation of scientific information in conservation planning, beginning with the Preamble of the Act. We provide specific suggestions for the same in **Annexure 5**.

We make additional suggestions in **Annexure 6**. All our recommendations are supported by references cited in **Annexure 7**.

We provide these inputs on the basis of our experience with wildlife conservation in multiple states across India; our scientific expertise as demonstrated by publications and editorial positions in respected international peer-reviewed journals; and our engagement with on-ground conservation action and policy as demonstrated by our work and positions in national and international policy groups. We briefly list our qualifications in **Annexure 8**.

We sincerely hope that you and members of the Committee will find these recommendations to be useful. We thank you for the opportunity to contribute to formulating an Amendment to the Wildlife Protection Act, 1972, that can effectively and scientifically advance our nation towards a green, sustainable, and ecologically healthy future where wildlife and natural habitats thrive.

Sincerely,



Varun R. Goswami, Ph.D.

Director & Senior Scientist

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Annexure 1: Specific suggestions for the inclusion of connectivity conservation in the Wildlife Protection Act (Act) and Amendment

Throughout, for clarity, we indicate **existing text in the Amendment or Act as blue text**, and **suggested insertions as red text**.

1. Inclusion in **Section 2** of the Act of a definition of ‘corridor’ following Hilty et al. (2020)¹ as sub-section (10A):
“‘corridor’ means an area that maintains or restores ecological connectivity over the long term.”
2. Inclusion in **Section 2** of the Act of a definition of ecological connectivity following Hilty et al. (2020)¹ as **sub-section (12C)**:
“‘ecological connectivity’ means the movement of species and the flow of natural processes that sustain wildlife populations, communities, ecosystems, or ecosystem services.”
3. Amendment to **Section 5C, sub-section (2)** of the Act to include the maintenance of connectivity within the purview of the National Board of Wildlife as **clause (ba)**:
“making recommendations for the declaration of corridors and formulating guidelines for ensuring ecological connectivity along corridors, including through the securing of forestland, incentivisation of wildlife-friendly practices, and regulation and restriction of barriers or impediments to connectivity.”
4. Amendment to **Section 8** of the Act to include the maintenance of connectivity within the purview of the State Board of Wildlife, as **clause (ba)**:
“formulation of policy for the maintenance of ecological connectivity via corridors, through the securing of forestland, incentivisation of wildlife-friendly practices, and regulation and restriction of barriers or impediments to connectivity.”
5. Amendment of **Section 18, sub-section (1)** of the Act to include the following words after “for the purpose of protecting, propagating or developing wild life or its environment”, in order to enable the securing of areas that serve as corridors for wildlife connectivity, linkages for ecosystem health or services, or mitigating climate change impacts:
“or the maintenance of ecological connectivity”
6. Amendment of **Section 35, sub-section (1)** of the Act to include the following words after “for the purpose of protecting, propagating or developing wild life or its environment”, in order to enable the securing of areas that serve as corridors for wildlife connectivity, linkages for ecosystem health or services, or mitigating climate change impacts:
“or the maintenance of ecological connectivity”
7. Amendment of **Section 36A, sub-section (1)** of the Act to include the following words after “those areas which link one protected area with another”, for the purpose of

securing areas that serve as corridors for wildlife connectivity, linkages for ecosystem health or services, or mitigating climate change impacts:

“and areas that maintain ecological connectivity”

8. Inclusion in **Section 380, sub-section (1), clause (g)** of the Act to specifically include reference to corridors, by inserting the following words after “areas linking one protected area or tiger reserve with another protected area or tiger reserve”:
“and corridors”

9. Inclusion in **Section 38V** of a sub-section (3A) to specify the requirement for tiger connectivity conservation in Tiger Conservation Plans:
“(3A) The Tiger Conservation Plan will also include plans for conservation of tiger connectivity, including staff development and deployment, and coordination across divisions, departments and states, so as to ensure –
 - (a) Securement of corridors and maintain habitat integrity where such habitat exists or can be restored.
 - (b) Activities that are incompatible with tiger and wildlife connectivity, such as linear infrastructure, mining, or destructive land uses, are either disallowed or allowed with adequate mitigation in tiger corridors.
 - (c) Incentivisation of practices on multiple-use or non-forest lands that facilitate connectivity of tigers and other wildlife.
 - (d) Mitigation of human–tiger conflict.”

Annexure 2: Modifications to the Schedules

Below, we list species that are under threat, and which, as per current scientific assessment by subject experts⁶⁻¹⁰, deem inclusion in Schedule I. We use species assessments of the IUCN Red List as our justification and indicate the Red List Status of each species in parenthesis (NT: Near Threatened, VU: Vulnerable, EN: Endangered or CR: Critically Endangered). We note that this list includes some critically endangered species as well, in need of urgent conservation attention.

Species that need to be recategorized from Schedule II to Schedule I

MAMMALS

1. Sambar *Rusa unicolor* (VU)
2. Striped hyena *Hyaena hyaena* (NT)
3. Nilgiri marten *Martes gwatkinsii* (VU)
4. Mountain weasel *Mustela altaica* (NT)
5. Assamese macaque *Macaca assamensis* (NT)
6. Bonnet macaque *Macaca radiata* (VU)

BIRDS

1. Red-footed falcon *Falco vespertinus* (VU)
2. Alexandrine parakeet *Psittacula eupatria* (NT)
3. Grey-headed parakeet *Psittacula finschii* (NT)
4. Blossom-headed parakeet *Psittacula roseata* (NT)
5. Lord Derby's parakeet *Psittacula derbiana* (NT)
6. Nicobar parakeet *Psittacula caniceps* (NT)
7. Long-tailed parakeet *Psittacula longicauda* (VU)
8. Mangrove pitta *Pitta megarhyncha* (NT)
9. Andaman cuckooshrike *Coracina dobsoni* (NT)
10. Andaman treepie *Dendrocitta bayleii* (VU)
11. White-naped tit *Machlolophus nuchalis* (VU)
12. Grey-headed bulbul *Brachypodius priocephalus* (NT)
13. Yellow-throated bulbul *Pycnonotus xantholaemus* (VU)
14. Nicobar bulbul *Hypsipetes nicobariensis* (NT)
15. Rufous-throated wren babbler *Spelaornis caudatus* (NT)
16. Mishmi wren babbler *Spelaornis badeigularis* (VU)
17. Naga wren babbler *Spelaornis chocolatinus* (VU)
18. Tawny-breasted wren babbler *Spelaornis longicaudatus* (VU)
19. Sikkim wedge-billed babbler *Stachyris humei* (NT)
20. Cachar wedge-billed babbler *Stachyris roberti* (NT)
21. Snowy-throated babbler *Stachyris oglei* (VU)
22. Lesser white-fronted goose *Anser erythropus* (VU)

23. Red-breasted goose *Branta ruficollis* (VU)
24. Falcated duck *Mareca falcata* (NT)
25. White-headed duck *Oxyura leucocephala* (EN)
26. Long-tailed duck *Clangula hyemalis* (VU)
27. Ferruginous duck *Aythya nyroca* (NT)
28. Andaman teal *Anas albogularis* (VU)
29. Marbled teal *Marmonetta angustirostris* (VU)
30. Common Pochard *Aythya ferina* (VU)
31. Baer's pochard *Aythya baeri* (CR)
32. Chestnut-breasted hill partridge *Arborophila mandellii* (VU)
33. White-cheeked hill partridge *Arborophila atrogularis* (NT)
34. Swamp francolin *Ortygornis gularis* (VU)
35. Manipur bush quail *Perdica manipurensis* (EN)
36. Horned grebe *Podiceps auritus* (VU)
37. Yellow-eyed pigeon *Columba evermanni* (VU)
38. Nilgiri Wood pigeon *Columba elphinstonii* (VU)
39. Pale-capped pigeon *Columba punicea* (VU)
40. Andaman wood pigeon *Columba palumboides* (NT)
41. European turtle dove *Streptopelia turtur* (VU)
42. Andaman green pigeon *Treron chloropterus* (NT)
43. Ashy-headed green pigeon *Treron phayrei* (NT)
44. Nicobar imperial pigeon *Dracula nicobarica* (NT)
45. Grey-sided thrush *Turdus feae* (VU)
46. Nilgiri sholakili *Sholicola major* (EN)
47. White-bellied sholakili *Sholicola albiventris* (VU)
48. Nicobar jungle flycatcher *Cyornis nicobaricus* (NT)
49. Rusty-bellied shortwing *Brachypteryx hyperythra* (NT)
50. Firethroat *Calliope pectardens* (NT)
51. Kashmir flycatcher *Ficedula subrubra* (VU)
52. Stoliczka's bushchat *Saxicola macrorhynchus* (VU)
53. Hodgson's bushchat *Saxicola insignis* (VU)
54. Finn's weaver *Ploceus megarhynchus* (EN)
55. Green munia *Amandava formosa* (VU)
56. Nilgiri pipit *Anthus nilghiriensis* (VU)
57. Yellow-breasted bunting *Emberiza aureola* (CR)
58. Macqueen's bustard *Chlamydotismacqueenii* (VU)
59. Little bustard *Tetrax tetrax* (NT)
60. Great thick-knee *Esascus recurvirostris* (NT)
61. Beach thick-knee *Esascus magnirostris* (NT)
62. Eurasian oystercatcher *Haematopus ostralegus* (NT)
63. Northern lapwing *Vanellus vanellus* (NT)

64. River lapwing *Vanellus duvaucelii* (NT)
65. Sociable lapwing *Vanellus gregarius* (CR)
66. Eurasian curlew *Numenius arquata* (NT)
67. Bar-tailed godwit *Limosa lapponica* (NT)
68. Black-tailed godwit *Limosa limosa* (NT)
69. Great knot *Calidris tenuirostris* (ER)
70. Red knot *Calidris canutus* (NT)
71. Curlew sandpiper *Calidris ferruginea* (NT)
72. Spoon-billed sandpiper *Calidris pygmaea* (CR)
73. Red-necked stint *Calidris ruficollis* (NT)
74. Buff-breasted sandpiper *Calidris subruficollis* (NT)
75. Asian dowitcher *Limnodromus semipalmatus* (NT)
76. Wood snipe *Gallinago nemoricola* (VU)
77. Great snipe *Gallinago media* (NT)
78. Grey-tailed tattler *Tringa brevipes* (NT)
79. Black-legged kittiwake *Rissa tridactyla* (VU)
80. Black-bellied tern *Sterna acuticauda* (EN)
81. River tern *Sterna aurantia* (VU)
82. Indian skimmer *Rynchops albicollis* (EN)
83. Black-necked stork *Ephippiorhynchus asiaticus* (NT)
84. Painted stork *Mycteria leucocephala* (NT)
85. Greater adjutant *Leptoptilos dubius* (EN)
86. Lesser adjutant *Leptoptilos javanicus* (VU)
87. Oriental darter *Ahinda melanogaster* (NT)
88. Spot-billed pelican *Pelecanus philippensis* (NT)
89. Dalmatian pelican *Pelecanus crispus* (NT)
90. Chinese egret *Egretta eulophotes* (VU)
91. Black-headed ibis *Threskiornis melanocephalus* (NT)
92. Nicobar scops owl *Otus alius* (NT)

AMPHIBIANS

1. Malabar tree toad *Pedostibes tuberculosus* (EN)
2. Kemp's tree toad *Pedostibes kempii* (DD)*

* Note: We include a Data Deficient species here following a precautionary principle. With additional information regarding the conservation status of the species, it can be reclassified as appropriate.

REPTILES

1. Indian flap-shell turtle *Lissemys punctata* (VU)
2. Red sand boa *Eryx johnii* (NT)

3. Indian rock python *Python molurus* (NT)
4. Burmese python *Python bivittatus* (VU)

Species that need to be included in Schedule I

MAMMALS

1. Hume's rat *Hadromys humei* (EN)
2. Mandelli's mouse-eared Myotis *Myotis sicarius* (VU)
3. Leschenault's rousette *Rousettus leschenaultii* (NT)
4. Andaman spiny shrew *Crocidura hispida* (VU)
5. Burrowing vole *Hyperacrius fertilis* (NT)
6. Malabar spiny tree mouse *Platacanthomys lasiurus* (VU)
7. Royle's mountain vole *Alticola roylei* (NT)
8. Dusky-striped squirrel *Funambulus sublineatus* (VU)
9. Tail-less leaf-nosed bat *Coelops frithii* (NT)
10. Durga Das's leaf-nosed bat *Hipposideros durgadasi* (VU)
11. Mishmi giant flying squirrel *Petaurista mishmiensis* (NT)
12. Red goral *Naemorhedus baileyi* (VU)
13. Asian highland shrew *Suncus montanus* (VU)
14. Great evening bat *Ia io* (NT)
15. Painted woolly bat *Kerivoula picta* (NT)
16. Nilgiri long-tailed tree mouse *Vandeleuria nilagirica* (EN)
17. Himalayan musk deer *Moschus leucogaster* (EN)
18. *Hipposideros nicobarulae* (EN)
19. Andaman white-toothed shrew *Crocidura andamanensis* (CR)
20. Jenkin's shrew *Crocidura jenkinsi* (CR)
21. Nicobar shrew *Crocidura nicobarica* (CR)
22. Namdapha flying squirrel *Biswamoyopterus biswasi* (CR)
23. Large rock-rat *Cremnomys elvira* (CR)
24. Kolar leaf-nosed bat *Hipposideros hypophyllus* (CR)
25. Arunachal macaque *Macaca munzala* (EN)
26. Kashmir musk deer *Moschus cupreus* (EN)
27. Black musk deer *Moschus fuscus* (EN)
28. Kashmir gray langur *Semnopithecus ajax* (EN)
29. Nicobar treeshrew *Tupaia nicobarica* (EN)
30. Kelaart's long-clawed shrew *Feroculus feroculus* (EN)
31. Day's shrew *Suncus dayi* (EN)
32. Kondana rat *Millardia kondana* (EN)
33. Bonhote's mouse *Mus famulus* (EN)
34. Ranjini's field rat *Rattus ranjinae* (EN)

35. Miller's Nicobar rat *Rattus burrus* (EN)
36. Nicobar flying fox *Pteropus faunulus* (EN)
37. Andaman horseshoe Bat *Rhinolophus cognatus* (EN)
38. Andaman rat *Rattus stoicus* (VU)
39. Zelebor's Nicobar rat *Rattus palmarum* (VU)
40. Central Kashmir vole *Alticola montosa* (VU)
41. Tarai gray langur *Semnopithecus hector* (NT)
42. Red serow *Capricornis rubidus* (VU)

BIRDS

1. Brown hornbill *Anorrhinus austeni* (NT)*
2. Malabar grey hornbill *Ocyrceros griseus* (VU)
3. Malabar pied hornbill *Anthracosceros coronatus* (NT)
4. Blyth's kingfisher *Alcedo Hercules* (NT)
5. Brown-winged kingfisher *Pelargopsis amauroptera* (NT)
6. Yellow-rumped honeyguide *Indicator xanthonotus* (NT)
7. Great slaty woodpecker *Mulleripicus pulverulentus* (VU)
8. Andaman woodpecker *Dryocopus hodgei* (VU)
9. Grey-crowned prinia *Prinia cinereocapilla* (VU)
10. Long-billed bush warbler *Locustella major* (NT)
11. Broad-tailed grassbird *Schoenicola platyurus* (VU)
12. Bristled grassbird *Schoenicola striatus* (VU)
13. Tytler's leaf warbler *Phylloscopus tytleri* (NT)
14. Jerdon's babbler *Chrysomma altirostre* (VU)
15. Black-breasted parrotbill *Paradoxornis flavirostris* (VU)
16. Indian grassbird *Graminicola bengalensis* (NT)
17. Marsh babbler *Pellorneum palustre* (VU)
18. Rufous-vented grass babbler *Laticilla burnesii* (NT)
19. Swamp grass babbler *Laticilla cinerascens* (EN)
20. Banasura laughingthrush *Montecincla jerdoni* (EN)
21. Nilgiri laughingthrush *Montecincla cachinnans* (EN)
22. Palani laughingthrush *Montecincla fairbanki* (NT)
23. Ashambu laughingthrush *Montecincla meridionalis* (VU)
24. Slender-billed babbler *Argya longirostris* (VU)
25. Chestnut-backed laughingthrush *Pterorhinus nuchalis* (NT)
26. Yunnan nuthatch *Sitta yunnanensis* (NT)
27. Beautiful nuthatch *Sitta formosa* (VU)
28. Lesser flamingo *Phoeniconaias minor* (NT)
29. Dark-rumped swift *Apus acuticauda* (VU)
30. Rustic bunting *Emberiza rustica* (VU)

* Note: the species of brown hornbill found in India is *Anorrhinus austeni* and not *Anorrhinus tickelli* (Tickell's brown hornbill).

AMPHBIANS

1. Konkan tiger toad *Xanthophryne tigerina* (CR)
2. Ghats wart frog *Minervarya murthii* (CR)
3. Kottigehar dancing frog *Micrixalus kottigeharensis* (CR)
4. Dattatreya night frog *Nyctibatrachus dattatreyaensis* (CR)
5. Gundia frog *Indirana gundia* (CR)
6. Kerala Indian frog *Walkerana phrynoderma* (CR)
7. Sacred grove bushfrog *Philautus sanctisilvaticus* (CR)
8. Amboli bush frog *Pseudophilautus amboli* (CR)
9. Chalazode bush frog *Raorchestes chalazodes* (CR)
10. Green eyed bushfrog *Raorchestes chlorosomma* (CR)
11. Griet bush frog *Raorchestes griet* (CR)
12. Kaikatti bush frog *Raorchestes kaikatti* (CR)
13. Mark's bush frog *Raorchestes marki* (CR)
14. Munnar bush frog *Raorchestes munnarensis* (CR)
15. Large Ponmudi bush frog *Raorchestes ponmudi* (CR)
16. Resplendent bush frog *Raorchestes resplendens* (CR)
17. Shillong bush frog *Raorchestes shillongensis* (CR)
18. Sushil's bushfrog *Raorchestes sushili* (CR)
19. Anaimalai flying frog *Rhacophorus pseudomalabaricus* (CR)
20. Khasi Hill rock toad *Bufoides meghalayanus* (EN)
21. Beddome's toad *Duttaphrynus beddomii* (EN)
22. Malabar torrent toad *Ghatophryne ornata* (EN)
23. Koyna toad *Xanthophryne koynayensis* (EN)
24. Nicobar frog *Minervarya nicobariensis* (EN)
25. Nilgiri frog *Minervarya nilagirica* (EN)
26. Rakhine litter frog *Leptobrachium rakhinensis* (EN)
27. Gadgil's torrent frog *Micrixalus gadgili* (EN)
28. Black microhylid frog *Melanobatrachus indicus* (EN)
29. Sholiga narrow-mouthed frog *Microhyla sholigari* (EN)
30. Indian dot frog *Uperodon mormoratus* (EN)
31. Purple frog *Nasikabatrachus sahyadrensis* (EN)
32. Alicia's night frog *Nyctibatrachus aliciae* (EN)
33. Beddome's night frog *Nyctibatrachus beddomii* (EN)
34. Giant wrinkled frog *Nyctibatrachus karnatakaensis* (EN)
35. Small wrinkled frog *Nyctibatrachus minor* (EN)

36. Coorg night frog *Nyctibatrachus sanctipalustris* (EN)
37. Kalakad wrinkled frog *Nyctibatrachus vasanthi* (EN)
38. Günther's leaping frog *Indirana brachytarsus* (EN)
39. Spotted leaping frog *Sallywalkerana diplosticta* (EN)
40. Boulenger's Indian frog *Sallywalkerana leptodactyla* (EN)
41. Green tree frog *Ghatixalus variabilis* (EN)
42. Nicobarese tree frog *Polypedates insularis* (EN)
43. Dark-eared bush frog *Pseudophilautus wynaadensis* (EN)
44. Seshachar's bush frog *Raorchestes charius* (EN)
45. Kalpatta yellow bush frog *Raorchestes nerostagona* (EN)
46. Cross-backed bush frog *Raorchestes signatus* (EN)
47. Spotted bush frog *Raorchestes tinniens* (EN)
48. Travancore bush frog *Raorchestes travancoricus* (EN)
49. Kalakkad tree frog *Rhacophorus calcadensis* (EN)
50. Small tree frog *Rhacophorus lateralis* (EN)
51. Southern hill toad *Duttaphrynus microtympanum* (VU)
52. Kerala stream toad *Ghatophryne rubigina* (VU)
53. Small paa frog *Nanorana minica* (VU)
54. Rotung oriental frog *Ingerana borealis* (VU)
55. Naked dancing frog *Micrixalus nudis* (VU)
56. Nilgiri dancing frog *Micrixalus phyllophilus* (VU)
57. Malabar tropical frog *Micrixalus saxicola* (VU)
58. Malabar ramanella *Uperodon triangularis* (VU)
59. Deccan night frog *Nyctibatrachus deccanensis* (VU)
60. Bombay night frog *Nyctibatrachus humayuni* (VU)
61. Malabar night frog *Nyctibatrachus major* (VU)
62. Boulenger's golden-backed frog *Indosylvirana aurantiaca* (VU)
63. Indian flying frog *Pterorana khare* (VU)
64. Matherana leaping frog *Indirana leithii* (VU)
65. Garo Hills bubble-nest frog *Philautus garo* (VU)
66. Bob Inger's bush frog *Raorchestes bobingeri* (VU)
67. Bombay bush frog *Raorchestes bombayensis* (VU)
68. Confusing green bush frog *Raorchestes chromasynchysi* (VU)
69. Kodaikanal bush frog *Raorchestes dubois* (VU)
70. Southern bubble-nest frog *Raorchestes glandulosus* (VU)
71. Ponmudi bush frog *Raorchestes graminirupes* (VU)
72. Assam Indonesian treefrog *Theloderma moloch* (VU)
73. Indian toad *Duttaphrynus parietalis* (NT)
74. Annandale's paa frog *Nanorana annandalii* (NT)
75. Dusky dancing frog *Micrixalus fuscus* (NT)
76. Jerdon's balloon frog *Uperodon montanus* (NT)

77. Dahaoping sucker frog *Amolops viridimaculatus* (NT)
78. Bicoloured frog *Clinotarsus curtipes* (NT)
79. Beddome's bush frog *Raorchestes beddomii* (NT)

REPTILES

1. Anaikatti gecko *Cnemaspis anaikattiensis* (CR)
2. Jeypore ground gecko *Cyrtodactylus jeyporensis* (EN)
3. Madras spotted skink *Barkudia insularis* (CR)
4. Assam roofed turtle *Pangshura sylhetensis* (CR)
5. Indian narrow-headed softshell turtle *Chitra indica* (EN)
6. Goan day gecko *Cnemaspis goaensis* (EN)
7. Wynad day gecko *Cnemaspis wynadensis* (EN)
8. Poona skink *Eurylepis poonaensis* (EN)
9. Boulenger's dasia *Dasia subcaerulea* (EN)
10. Inger's mabuya *Eutropis clivicola* (EN)
11. Perrotet's vine snake *Ahaetulla perroteti* (EN)
12. Travancore earth snake *Rhinophis travancoricus* (EN)
13. Asian leaf turtle *Cyclemys dentata* (NT)
14. Brown roofed turtle *Pangshura smithii* (NT)
15. Gund day gecko *Cnemaspis heteropholis* (NT)
16. Ponmudi day gecko *Cnemaspis nairi* (NT)
17. Ornate day gecko *Cnemaspis ornata* (NT)
18. Sispara day gecko *Cnemaspis sisparensis* (NT)
19. Sikkimese bent-toed gecko *Cyrtodactylus gubernatoris* (DD)
20. Anamalai hill gecko *Hemidactylus anamallensis* (NT)
21. Sharma's mabuya *Eutropis nagarjunensis* (NT)
22. Günther's vine snake *Ahaetulla dispar* (NT)
23. Bicatenate uropeltis *Uropeltis bicatenata* (NT)
24. Smith's earth snake *Uropeltis grandis* (NT)
25. Large-scaled pit viper *Trimeresurus macrolepis* (NT)
26. Loggerhead turtle *Caretta caretta* (VU)
27. Southeast Asian box turtle *Cuora amboinensis* (EN)
28. Indian eyed turtle *Morenia petersi* (EN)
29. Nilgiri dwarf gecko *Cnemaspis indica* (VU)
30. Das's day gecko *Cnemaspis indraneildasii* (VU)
31. Jerdon's day gecko *Cnemaspis jerdonii* (VU)
32. Vellore day gecko *Cnemaspis otai* (VU)
33. White-striped viper gecko *Hemidactylus albofasciatus* (VU)
34. Gujarat gecko *Hemidactylus gujaratensis* (VU)
35. Satara gecko *Hemidactylus sataraensis* (CR)

36. Side-spotted ground skink *Kaestlea laterimaculata* (VU)
37. Ashwamedh writhing skink *Eutropis ashwamedhi* (EN)
38. Short-tailed kukri snake *Oligodon brevicauda* (VU)
39. Walnut kukri snake *Oligodon juglandifer* (VU)
40. Andaman krait *Bungarus andamanensis* (NT)
41. Two-lined black earth snake *Melanophidium bilineatum* (VU)
42. Phipson's earth snake *Uropeltis phipsonii* (VU)

Annexure 3: Suggestions for rationalisation of the Schedules

We recommend the following for rationalisation and scientific treatment of the Schedules.

1. Provide a clear definition of the Schedules in **Section 2** of the Wildlife Protection Act. For instance, Schedule I includes species that are severely threatened and in need of conservation protection and attention. Schedule III include plants that are in need of conservation protection and attention.
2. Provide for clear criteria and objectives to be outlined for each Schedule, along the lines of the IUCN Red List of Species, which may be subject to review under a regular basis.
3. We recommend including a list of endangered species of particular conservation concern, for which a species conservation plan—such as those developed for the tiger, elephant and great Indian bustard—is a necessity and concerted conservation efforts are mandated. This is along the lines of the Endangered Species Act of the USA and has been immensely successful for a selection of species.
4. In **Section 61**, include the following proviso to ensure scientific rationalisation and categorisation of wildlife:
“Provided that such a change is based on a scientific assessment report prepared in collaboration with experts or professionals having qualifications and experience in the field of wildlife ecology and conservation.”
5. We also bring to your attention the IUCN Red List of Ecosystems¹¹, which identifies and protects ecosystems that are of particular concern and under threat. We recommend identifying threatened ecosystems in India, to keep our conservation law and policy aligned with current global standards. The floodplain ecosystem of Kaziranga National Park, or mangrove ecosystems, for instance, may be identified as threatened ecosystems in India.

To do so, we suggest including a definition of ‘**threatened ecosystems**’ in **Section 2**, which include “a habitat that is has unique biodiversity, hydrology or geology, or sustains a unique ecological process, function or service, and which is imperilled due to its restricted or shrinking distribution, or threats to its ecological integrity.”

We suggest treating these ecosystems in a manner similar to endangered species of particular conservation concern (point 3 above), requiring specific plans and action for preservation.

Annexure 4: Suggestions for the treatment of vermin in the Act

1. As it stands, multiple species of conservation concern are included in Schedule II. Thus, without modification of Schedule II, we strongly recommend deletion of **point 38(a)** in the Amendment whereby Schedule II is removed from **Section 62**. We recommend retaining the following as **Section 62**:
“The Central Government may, by notification, declare any wild animal other than those specified in Schedule I and Schedule II to be vermin for any area and for such period as may be specified therein.”
2. We also recommend placing a restriction on the time period for which animals can be declared vermin, to ensure review of the conservation status of the wildlife population. We thus recommend the following inclusion in **Section 62 of the principal Act** after “to be vermin for any area and for such period as may be specified therein”:
“so long as that period does not exceed a period of six months.”
3. For scientific management of wildlife and objective assessment of species as vermin, we recommend including the following **proviso** after **Section 62**:
“Provided that such a declaration is based on a scientific assessment report drafted by officials and experts or professionals having qualifications and experience in the field of wildlife ecology and conservation.”
4. We recommend monitoring of the vermin population to ensure that uncontrolled hunting of the species does not lead to precipitous declines in their numbers, via the following inclusions as **Section 62, sub-sections (1) and (2)**:
“(1) The Chief Wildlife Warden, or Chief Wildlife Wardens, of the state or states where the animal is declared as vermin, shall monitor the population of wild animals for the period that they are declared as vermin in collaboration with experts or professionals having scientific qualifications and experience in the field of wildlife ecology and conservation.
(2) Such a declaration may be reversed at any point in time, if authorities observe damage to the habitat or drastic declines in the wild animals population during such time as it is deemed to be vermin.”
5. Finally, we recommend that declaration of a wild animal as vermin is accompanied by a population management plan, which is put into action and closely monitored by the Forest Department. We thus recommend the following inclusion as **section 62, subsection (3)**:
“(3) The Chief Wildlife Warden of the state, or Chief Wildlife Wardens of the states, where the animal is declared as vermin, shall formulate and act as per a Vermin Population Management and Monitoring Program which includes a plan for controlled population management and stringent monitoring of the vermin species in collaboration with experts or professionals having scientific qualifications and experience in the field of wildlife ecology and conservation.”

Annexure 5: Suggestions for the inclusion of research in the Act

Research is integral to conservation, and accrual of knowledge on our natural health has value in and of itself. Thus, we suggest the following changes in the Act.

1. Amendment of **point 2** of the Amendment, and the **Preamble** of the Act, to include: “**research, conservation, protection and management of wild life**” in place of “**protection of wild animals, birds and plants**”.
2. Inclusion of the following words in **section 5B, sub-section (2)** of the Act to ensure representation of external experts in the Standing Committee of the National Board of Wildlife:
“**including at least two members referred to in clauses (e) and (f) of section 5, sub-section (1).**”
3. Inclusion of the following **proviso** to **Section 5B** of the Act, to provide for members of the National Board of Wildlife to comment on acts and actions of the Standing Committee:
“**Provided that members of the National Board of Wildlife referred to in Section 5, sub-section (1), will have access to the workings, meetings, recommendations and actions of the Standing Committee, and can officially provide their comments, recommendations and dissent notes on the same.**”
4. Amendment of **point 6** of the Amendment and proposed **Section 6A, sub-section (2)** of the act to include the following phrase which will ensure representation of external experts on the Standing Committee of the State Board of Wildlife:
“**including at least two members referred to in clauses (d) and (e) of section 6, sub-section (1).**”
5. Inclusion of a clause in **Section 12** for clarity on the collection of non-invasive samples for scientific research, which can contribute substantially to our understanding of the viability of wildlife populations:
“**(e) collection of non-invasive samples, such as faeces, for the purpose of scientific research.**”
6. Inclusion of clear protocols in **Section 12, sub-section (1)**, to streamline and bring transparency to the issuance of permits for scientific research on Schedule I species using certain methods such as telemetry or genetic sample collection. Currently, methods like radio-telemetry—widely used for valuable conservation-relevant data worldwide^{15,16}—are staggeringly under-utilised, simply due to the difficulty in getting permits¹⁷. These data will be especially valuable for species of conservation concern, likely to be included under Schedule I. Thus, we suggest the inclusion of the following:
“**(1) The Central Government shall appoint, and announce appointment of, an officer not below the rank of Inspector General of Forests, to review and process proposals for permission to conduct scientific research including methods such as trapping, snaring, or handling animals under Schedule I, for example, for the purpose of radio-telemetry or obtaining genetic or tissue samples.**”

(2) The officer may grant a permit in writing to qualified persons which shall entitle the holder of such a permit to undertake activities specified in section 12, sub-section (1).

(3) The Central Government shall process and respond to permit requests within a period not exceeding one hundred and twenty days. Issuance of permits will be accompanied by a set of terms and conditions under which the scientific research shall be undertaken. Rejection of the permit shall be accompanied with specific reasons in writing.

(4) The Chief Wild Life Warden may issue permits in writing for the collection of non-invasive samples, such as faeces, of species listed in Schedule I for the purpose of scientific research. The Chief Wild Life Warden shall process such permit requests within a period not exceeding sixty days.”

7. Inclusion of clear protocols in **Section 28** as **sub-section (3)**, to streamline and bring transparency to the issuance of permits for scientific research in sanctuaries, based on multiple reports of the difficulties in obtaining such permits, leading to discouragement of high-quality ecological research and conservation science in our country^{18,19}:

“(3) The Central Government may prescribe conditions subject to which permits for scientific research may be permitted, and the time frame in which proposals for scientific research shall be disposed of, which shall in no case exceed sixty days.”

8. Inclusion of the following phrase in **Section 36D, sub-section (2)** of the Act to allow representation of independent experts in the Community Reserve Management Committee. This is critical as independent experts can serve as liaisons and hold substantial credibility with community leaders, thus encouraging communities to declare their forests as Reserves:

“and representatives of non-governmental organisations working in the field of wild life conservation.”

9. Inclusion of the following **proviso** in **Section 61** of the Act to bring scientific justification, objectivity and transparency to the categorisation of species into Schedules:

“Provided that such a change is based on a scientific assessment report prepared in collaboration with experts or professionals having qualifications and experience in conservation of wild life.”

10. As mentioned in **points 3 and 4 of Annexure 4** above, we recommend the following inclusions of a **proviso** and **sub-sections (1) and (2)** in **Section 62** to allow for scientific management of species declared as vermin. We urge the committee to consider this as the current process of declaration of species as vermin is highly unscientific and uncontrolled, has led to indiscriminate hunting, and is likely to have negative impacts on biodiversity and ecosystems, that, since the species in question are not monitored, are yet to be detected:

“Provided that such a declaration is based on a scientific assessment report drafted by officials and experts or professionals having qualifications and experience in the field of wildlife ecology and conservation.

(1) The Chief Wildlife Warden shall monitor the population of wild animals for the period that they are declared as vermin.

(2) Such a declaration may be reversed at any point in time during this specified period, if the authorities observe damage to the habitat or drastic declines in the wild animals population during such time as it is deemed to be vermin.”

Annexure 6: Additional suggestions for modification of the Amendment or Act

1. Deletion of the phrase “and development” in **section 5C, sub-section (1)** of the Act, such that it reads:
“(1) It shall be the duty of the National Board to promote the conservation of wild life and forests by such measures as it thinks fit.”
2. Inclusion of the following phrase in **section 5C, sub-section (2), clause (c)** to ensure that ecologically damaging activities are not undertaken in important conservation areas:
“and making recommendations for the restriction of such activities that may be damaging to wildlife and the environment.”

Annexure 7: References

- ¹ Hilty, J. et al. 2020. Guidelines for conserving connectivity through ecological networks and corridors. *Technical Policy Report of the IUCN Connectivity Conservation Specialist Group*. IUCN, Gland Switzerland. <https://portals.iucn.org/library/node/49061>
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Annexure 8: Selected Qualifications of contributors to this note

Profile of the Organisation

Conservation Initiatives ([Email](#) | [Website](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)) is a Northeast India-based NGO dedicated to science-based wildlife conservation, rural livelihoods and human wellbeing, and sustaining positive human-nature relationships in the region. We have two flagship programs. In our first program, we have been working towards elephant conservation in the Kaziranga landscape for 8 years, and our past work in tea estates has benefited >5,000 beneficiaries. Our second flagship program is focussed on gibbons and community-managed forests, where we have engaged with >40 villages to assess forest cover and wildlife presence, engage for greater conservation support and facilitate community-based forest conservation and sustainable nature-friendly livelihoods. We have established local credibility, demonstrated scientific expertise, and representation of local community leaders in our team. Our work aligns with post-2020 Convention on Biological Diversity targets, multiple Sustainable Development Goals (including SDG 13 & 15), India's Nationally Determined Contributions towards mitigating climate change, as well as resilience, forest and biodiversity conservation, and sustainable living.

Selected Scientific Publications of Contributing Researchers

- Rodrigues, R. G., Srivathsa, A., & Vasudev, D. (2021) Dog in the matrix: Envisioning countrywide connectivity conservation for an endangered carnivore. *Journal of Applied Ecology*, Early View. [DOI](#) | [In the news](#)
- Vasudev, D., Goswami, V. R., Srinivas, N., Syiem, B. L. N., & Sarma, A. (2021) Identifying important connectivity areas for the wide-ranging Asian elephant across conservation landscapes of Northeast India. *Diversity and Distributions*, Early View. [DOI](#) | [In the news](#)
- Goswami, V. R., Vasudev, D., Joshi, B., Hait, P., & Sharma, P. (2021) Coupled effects of climatic forcing and the human footprint on wildlife movement and space use in a dynamic floodplain landscape. *Science of the Total Environment*, 758, 144000. [DOI](#) | [In the news](#)
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Selected Professional Affiliations

Teaching and/or Mentoring positions (Guest, Adjunct, Courtesy or Visiting Faculty, or Academic Partner Supervisor) at the following institutions:

University of Florida, Gainesville, USA
Deakin University, Melbourne, Australia
Ashoka University, Sonapat, India
National Centre for Biological Sciences, Bengaluru, India

Editorial positions at *Biological Conservation*, *PLoS ONE*, and *Conservation Biology*

Members of the following policy groups

Govt. of Assam–Elephant Task Force
IUCN–Asian Elephant Specialist Group
IUCN–Connectivity Conservation Specialist Group
IUCN–Section on Small Apes
Association for Tropical Biology and Conservation–Council Member & Chair,
Conservation Committee



**Wildlife Conservation Society –
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Date: 19.01.2021

To:
Shri. Jairam Ramesh
Chairman
Rajya Sabha Standing Committee on Science & Technology
Parliament House Annexe
New Delhi 110 001

**Subject: Preliminary comments on the Wild Life (Protection) Amendment Bill, 2021
(Bill No 159 of 2021 as introduced in the Rajya Sabha)**

Dear Jairam Ji,

Trust this letter finds you well. I am happy to let you know that I have been selected to lead WCS India as the Director and I thank you for your mentorship over the years which has been very valuable to me. Today I am writing on behalf of Wildlife Conservation Society-India (WCS-India). Our organization works towards the conservation of wildlife and wild places through science, conservation action, education, and inspiring people to value nature.

This letter is in response to the Wild Life (Protection) Amendment Bill, 2021 tabled before the Rajya Sabha recently. We thank you for your interest in the same. Please find attached a list of our preliminary comments and recommendations on the Draft Amendments. We urge that more time be given for experts to send detailed responses and also open it to public consultation. We would be happy to create a platform to bring all the NGO's on board if required.

We hope that the above-mentioned concerns and recommendations will be taken into account during the Standing Committee's deliberations.

Thanking you and with best wishes

Vidya



Preliminary comments on the Wild Life (Protection) Amendment Bill, 2021 (Bill No 159 of 2021 as introduced in the Rajya Sabha) to amend the Wild Life (Protection) Act of 1972

These are Wildlife Conservation Society-India's (WCS-India) preliminary comments and recommendations on the Wild Life (Protection) Amendment Bill, 2021 (hereafter referred to as the Draft Amendments) tabled before the Rajya Sabha recently to amend the Wild Life (Protection) Act 1972 (hereafter referred to as the WLPA).

At the outset, the work that has gone into the Draft Amendments should be appreciated as it has resulted in addressing several concerns of the members of the conservation community in India. The following aspects are especially of note:

1. Increasing the ambit of the legislation by using the term "Wildlife" which includes any animal, aquatic or land vegetation which forms part of any habitat.
2. Including provisions for addressing the problem of invasive species
3. Authorizing WCCB to take the cognizance of the offence and filing of Complaint before the Court.
4. Dropping of permanent listing of species as vermin
5. Increasing the penalties for all offences
6. Inclusion of species listed under CITES
7. Simplifying the categorisation of species under the Schedules.
8. Directing CCF to manage wildlife sanctuaries and preparing management plans in consultation with Gram Sabhas in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
9. Not allowing the renewal of arms within ten kilometers of a sanctuary except under the intimation to the Chief Wildlife Warden
10. Allowing State governments to use Central government land to form conservation reserves
11. Allowing the amendment of any entries in the Schedule via notification under section 61

Having stated the above, we would like to submit that the WLPA is an iconic and important piece of legislation in India for wildlife conservation till date. Hence we feel that there are aspects of the Draft Amendments that need careful consideration. We have highlighted some of these below. We urge that more time be given for experts to send detailed responses and also open it to public consultation.

GENERAL COMMENTS

1. **Removal of group level listing in the Schedules:** Listing individual species instead of groups (i.e., all Holothurians, all Signathidians, Testudinidae, Tryonychidae, Hornbills etc.) is a major deviation from the current Act and will need further consideration. This can give rise to taxonomic ambiguity when identifying species and filing WLORs in many cases. This is especially true when parts and products are being traded. Additionally, many species from



these groups have not been included in the current schedules (See Annexure 1). Also, new species are still getting described -- this is especially true for invertebrates, coral, sponges and amphibians, and these newly reported won't get due protection as per legislation.

2. **Names of species in the Schedules:** Misspelt and incorrect naming of species can lead to confusion and uncertainty during legal proceedings. We urge that species names (common and scientific) be standardized as much as possible. This can be done by using the IUCN Red List when possible. (Some examples of this are listed in Annexure 2)
3. **Criteria for inclusion in Schedule:** We urge that a criteria for including species in Schedule be well defined. Species that have been listed as 'Critically Endangered' and 'Endangered' under the IUCN Red List should be included in Schedule I and Schedule II (plants) in the absence of other systems for evaluating.
4. **Application of provisions of Act in respect of species listed in Schedule I or II and Schedule IV:** We recommend that species from Schedule I and II are not included in Schedule IV as well, especially since Chapter VB legitimizes trade and breeding of these species, while Schedule I and II species do not have this exemption. Listing any native species in Schedule IV will lead to confusion especially since group level listing has been removed.
5. **Critique on the definition of 'zoo':** It will be useful to include the definition of ex-situ so as to bring in facilities such as aquariums, botanical garden, and gene banks within a zoo's ambit.

Inclusion of 'circus' within the definition of 'zoo' can have a very deleterious effect on conservation and is in fact an antithesis to conservation given the stress that animals are put through in circuses. Inclusion of 'circus' will also be in direct contradiction to the government's move towards banning use of animals in circuses of India as was evidenced by a draft notification on November 28, 2018, banning the use of all animals in circuses across the country.

6. **Decoupling research activities from the definition of hunting:** Currently permission for research is provided as an exemption to prohibition on hunting in Section 9 and permits for the same are provided under Section 12. This view causes research work involving wild animals to be seen as hunting which is an offence with penal consequences.

Research activities for the purpose of wildlife conservation should be seen in a different light and not be clubbed with hunting as that creates a barrier for researchers who are out to help with the cause of conservation. Research itself has several nuances and it would be better if new sections are created within the legislation to regulate the same with adequate safeguards. This would encourage more young researchers and conservation enthusiasts to enter the conservation arena.

7. **Breeding of Indian native species included within Schedule IV of Draft Amendments raise concerns:** Sections 49M, 49N and 49O of Draft Amendments legitimize breeding of



CITES species for commercial purposes. This has hitherto not been the case with wildlife conservation in India and such activities must be approached with great caution and sufficient baselining to understand the ecological and ethical impacts of such breeding.

SPECIFIC COMMENTS

1. **Amendment of the preamble:** We urge that this be substituted by - “An Act to provide for the conservation, protection and **research-driven** management of wildlife and **habitats** ...”. It is important to include habitat within the scope of this Act. It is also important that the management be based on sound research.
2. **Implication of section 9’s Prohibition of Hunting on Schedule IV species:** Given that certain vulnerable native species have also been added to Schedule IV of Draft Amendments, the prohibition of hunting for only Schedule I and II of Draft Amendments, leaves everything else open to risk of hunting.
3. **Grant of permit to enter or reside in a sanctuary should include some more conditions to facilitate research and wildlife management:** Currently it is the Chief Wildlife Warden that grants this permit. A separate clause should be added here to stipulate that such permits will be granted in a timely manner and in case permissions are denied, it should be done so after giving adequate reasons. The applicant should also be afforded an opportunity to be heard before rejecting them downright.

Although the Environment Ministry has issued [Guidelines for Scientific Research in the Wildlife Protected Areas](#) this has not been reflected in the main Act through enabling provisions. This need to be incorporated as ecological research is often time bound by season and delay in receiving permits might cause hurdles for researchers.

4. **Invasive and Schedule IV species as Vermin:** Under this sub-section, vermin has been defined as a wild animal notified under Section 62. The term ‘wild animal’ has been defined under Section 2(36) as any animal which has been specified under Schedules I and II. However, this does not include invasive alien species or species mentioned under Schedule IV of the Draft Amendments, which may acquire the nature of vermin.

Using the term ‘wild life’ instead of ‘wild animal’ is more appropriate in this context. Since ‘wild life’ under section 2(37) includes ‘any animal’, aquatic or land vegetation which forms part of any habitat.

5. **Procedure to declare vermin to be clarified:** The designation of species as Vermin under Section 62 should happen with explicit stipulation of giving reasons, basing it on scientific evidence by involvement of an advisory or supervisory body. Also there should be provision of periodic tracking of the fate of animal’s population as a result of notification. Considering the requirements of such processes we recommend that this section should be re-amended.



6. **Need for an advisory or supervisory body to regulate invasive alien species:** The identification and then designation of species as invasive alien species should also happen on the basis of scientific evidence of their impacts through a supervisory or advisory body.

We hope that the above-mentioned concerns and recommendations will be considered.

ANNEXURE 1

Examples of Indian species not included in Schedules I & II

Common Names	Scientific Name	IUCN Status	Previously included in the Schedules
Indian Narrow-headed Softshell Turtle	<i>Chitra indica</i>	Endangered	Previously covered as a family (Tryonychidae) in Schedule IV
Indian Eyed Turtle	<i>Morenia petersi</i>	Endangered	Previously not included in WLPA, 1972
Assam Leaf Turtle	<i>Cyclemys gemeli</i>	Near Threatened	Previously not included in WLPA, 1972
Assam Roofed Turtle	<i>Pangshura sylhetensis</i>	Critically Endangered	Previously not included in WLPA, 1972.
Indian Roofed Turtle	<i>Pangshura tecta</i>	Vulnerable	Previously not included in WLPA, 1972. Common name of Tent turtle was erroneously kept with the old scientific name of Roofed turtle.
Brown Roofed Turtle	<i>Pangshura smithii</i>	Near Threatened	Previously not included in WLPA, 1972
South-east Asian Box Turtle	<i>Cuora amboinensis</i>	Endangered	Previously not included in WLPA, 1972



Indian Black Turtle	<i>Melanochelys trijuga</i>	Least Concern	Previously not included in WLPA, 1972
Impressed Tortoise	<i>Manouria impressa</i>	Endangered	Previously covered as a family (Testudinidae) in Schedule IV
Malabar Pied-Hornbill	<i>Anthracoceros coronatus</i>	Near Threatened	Previously covered as a family (4-C. Hornbills) in Schedule I
Malabar Grey Hornbill	<i>Ocyrceros griseus</i>	Vulnerable	Previously covered as a family (4-C. Hornbills) in Schedule I

ANNEXURE 2

Examples of species names that have been changed over the years, have been misspelt or mistyped in the Draft Act.

Common Name (WLPA)	Scientific Name (WLPA)	Common Name (IUCN/CITES)	Scientific Name (IUCN/CITES)	Comments
Indian Tent Turtle	<i>Kachuga tecta tecta</i>	Indian Tent Turtle	<i>Pangshura tentoria</i>	Update taxonomy
NA	<i>Trochus niloticus</i>	NA	<i>Rochia nilotica</i>	Update taxonomy
NA	<i>Cypraea talpa</i>	NA	<i>Talparia talpa</i>	Update taxonomy
Indian Soft-shelled Turtle	<i>Lissemys punctata punctata</i>	Indian Flap-shelled Turtle	<i>Lissemys punctata</i>	Draft act misspelt the species name as <i>punctate</i> , also common name needs to be updated as per IUCN name.



NA	Lambis chiragra	NA	Harpago chiragra	Update taxonomy
NA	Lambis chiagra arthritica	NA	Harpago arthriticus	Update taxonomy
NA	Lambis scorpius	NA	Lambis indomaris	Update taxonomy
NA	Cypraea talpa	NA	Talparia talpa	Update taxonomy
NA	Cypraea mappa	NA	Leporicypraea mappa	Update taxonomy
NA	Cypraea limacina	NA	Staphylaea limacine	Update taxonomy

25th January, 2022

To,

The Chairman and Members,

Standing Committee on Science, Technology, Environment, Forests & Climate Change

Rajya Sabha Secretariat, Parliament House Annexe

New Delhi 110 001

Dear Sir/Madam

I am submitting below, on behalf of my colleagues and coauthors, our comments and suggestions on the Wild Life (Protection) Act Amendment Bill, 2021, being currently reviewed by the Standing Committee on Science, Technology, Environment, Forests & Climate Change.

Our submission deliberately takes a broader and somewhat aspirational view of issues at the vital intersection of science and wildlife conservation. We offer this perspective while acknowledging that many institutions and individuals involved in wildlife research and conservation from across India have already offered detailed analyses and specific suggestions on the draft WLPA Amendment Bill.

This year marks the 50th anniversary of the Wild Life (Protection) Act. Fifty years ago, we certainly lacked capacities in science-based conservation. But, over the last 4-5 decades, we have invested vast financial, infrastructural and human resources to build a committed world-class scientific capacity to advance our conservation ambitions. And yet, the WLPA neither acknowledges nor engages these scientific capacities to meet our conservation challenges. We believe that the WLPA Amendment Bill provides the right opportunity for a joint parliamentary committee—*one concerned with both science and the environment*—to seriously consider and imagine how science can be made a stronger ally in India's commitment to wildlife conservation.

Please feel free to contact us if you need elaboration or clarification on any of the points we have made in our attached note.

Sincerely yours,



M. D. Madhusudan, Ph.D.

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Wild Life (Protection) Act Amendment Bill, 2021

Suggestions to Strengthen the Scientific Basis of Wildlife Conservation in India

Dr. MD Madhusudan, Dr. Arjun Srivathsa, Prof. Uma Ramakrishnan, Dr. Jayashree Ratnam, Prof. Mahesh Sankaran & Dr. Hari Sridhar ¹

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OUTLINE

[Background & Context](#)

[WLPA's Species-centric Impulse: Bringing Science into Schedules and Species Listing](#)

[Issues and Concerns](#)

[Suggestions and Recommendations:](#)

[WLPA's Habitat-centric Impulse: Bringing Science into Habitat Protection](#)

[Issues and Concerns](#)

[Suggestions and Recommendations](#)

[On Science in the WLPA](#)

[Issues and Concerns](#)

[Suggestions and Recommendations](#)

I. Background & Context

1.1. Fifty years ago, when India passed the Wild Life (Protection) Act (henceforth, WLPA), it led the world in its vision and approach to wildlife protection. The Act brought two key impulses that remain foundational to the way we imagine and implement wildlife conservation. The first was a *species-centric impulse* where the focus was on protecting endangered and threatened species², and the second was a *habitat-centric impulse* that strived to protect the lands and waters on which various species depended for survival.

1.1.1. Under its **species-centric impulse**, listing species in WLPA Schedules was a key exercise. Species were listed under five Schedules based on accumulated experience and available knowledge at the time. Identifying

¹ With inputs from Dr. Aparajita Datta, Dr. TR Shankar Raman & Dr. Suhel Quader, Nature Conservation Foundation.

² The term *species*, in this note, is used to refer not only to species, but also to higher taxon groups

hunting and trade as key threats, species were conferred various degrees of protections, as well as penalties imposed for violating the protections.

1.1.2. Under the **habitat-centric impulse**, the WLPA provided for notifying Protected Areas (PAs)—initially comprising only Wildlife Sanctuaries and National Parks, but subsequently including Conservation Reserves, Community Reserves, and most recently, Tiger Reserves. Many famed hunting areas under various erstwhile principalities, reserved forests, or other categories of lands supporting wildlife populations were brought under the new regime of legal protection to wildlife habitats.

1.2. Over the decades we have added newer challenges as global drivers, national forces and local socio-political priorities have altered our society’s complex relationships with nature. At the same time, newer opportunities and possibilities have emerged as well. There is a lot more we know about our species and ecosystems, the threats they face, and the kind of protections they need. We have also built scientific and institutional capacities to address these challenges that we did not possess 50 years ago.

1.3. As we consider an amendment to the WLPA in 2022, its intent of wildlife conservation remains just as relevant and important. At the same time, the 50th anniversary also affords us the opportunity to review the WLPA’s approaches and actions over the last five decades, and assess the domains where continuity—or change—might better serve the intent of the WLPA³.

2. WLPA’s Species-centric Impulse: Bringing Science into Schedules and Species Listing

2.1. Issues and Concerns

- 2.1.1. As per the proposed amendments to Section 2 of the WLPA, the number of Schedules have been reduced and the faunal species included under various Schedules as per the principal Act have been placed either under Schedule I or Schedule II. While the attempt to rationalise and streamline the Schedules is certainly a welcome move, there is scope for a major overhaul of the ‘Schedule’ system itself to broaden the ambit of the Act (including but not limited to definitions, protocols for listing/delisting, provisions for research/conservation, and prohibitions/penalties for violations of the Act). Given that the spirit of the principal Act is to manage, protect and conserve wildlife, its provisions need to be more proactive and enabling, rather than merely restrictive and prohibitory.
- 2.1.2. As it stands, the Schedule-based system to categorise species is a legacy procedure rooted in allowances and/or restrictions for hunting of wildlife, and possession of wild animals or their parts, which was relevant in 1972 during the promulgation of

³ This submission addresses Para 3, Paras 4a, 4b, & 4d of the Statement of Objects and Reasons (p. 117)

the principal Act. Additions and deletions of species from various Schedules, and changing species' Schedules has hitherto been an opaque process with little or no scientific rationale.

- 2.1.3. For the Act to realise its full potential in effectively protecting, conserving, and reviving wildlife populations now and into the future, the basis for such categorisation needs to evolve into an science-based listing process that adequately reflects the conservation status of species in the wild, and prescribe interventions for conservation (research, monitoring, management, etc.) or penalties for violations (hunting, possession, trade, etc.). Furthermore, there is growing scientific support for the value of conservation actions that are evidence-based, collaborative, socially-inclusive, and holistic in their pursuit. Amendments that incorporate these principles and provide mechanisms for further refinement will ensure that the Act realises its full potential.

2.2. Suggestions and Recommendations:

- 2.2.1. A new set of Schedules need to be defined with a clear intent, following a standardised protocol, the parameters of which need to consider species ecology, their distribution extent, population sizes (where available), and the nature and intensity of their threats using the latest available scientific information. These protocols should follow international standards, in-line with the conservation status assessment and listing procedures of the IUCN RedList, or similar standards adopted by a range of countries from across the world (e.g., the USA's Endangered Species Act, 1973, or Australia's Environment Protection and Biodiversity Conservation Act, 1999).
- 2.2.2. The detailed protocol for defining the new Schedules and determining the species to be included therein needs to be undertaken through a consultative process by a competent multi-institutional committee consisting of taxonomists, ecologists, conservation scientists, governmental and non-governmental research organisations, conservation advocacy groups, and field managers with experience in wildlife research and conservation, concerned citizen naturalists, as well as representatives from civil society. Institutional models and listing protocols to consider would include those used by Australia's Threatened Species Commission, the UK's Joint Nature Conservation Committee, and the US Endangered Species Act.
- 2.2.3. The individual Schedules need to outline not just protections and penalties for violations of the principal Act but also the proactive measures for research, monitoring, management, and conservation of the listed species and their habitats. The Act must also make provisions for encouraging state-level, regional and national-level conservation and management plans for implementing species recovery programs through multi-agency collaborations for research, monitoring, and interventions.
- 2.2.4. The Schedules need to be dynamic, and the species should be listed or delisted on a periodic basis. The aforementioned committee (2.2.2) will also outline the

procedure for proposing species to be included in the Schedules, or the up-listing and down-listing of species based on changes to its conservation status in the wild.

- 2.2.5. The Schedules (and their respective ‘parts’) must also seek to broadly outline the proactive measures to be taken for conserving the listed species, especially when they occur outside the jurisdiction of the Forest Departments (National Parks, Sanctuaries, Tiger Reserves). Such measures also need to include protocols for management of conflict-prone species that can cause damage to people’s lives, livelihoods, and property. To that end, we strongly assert that no species (listed in the Schedules or otherwise) should be notified as ‘vermin’ within the Act. Standard operating procedures for the management of conflict-prone species should be outlined such that they are time- and location-specific, and implemented with a clear intent of resolving conflict situations.
- 2.2.6. The Schedule system must also include provisions for accommodating species whose taxonomies are ambiguous, or species that are yet to be discovered. These may be included under a separate Schedule (similar to the ‘Data Deficient’ category of the IUCN RedList), where the Act must encourage and enable research on such species to generate baseline data, so that they may be listed, on the basis of evidence, to other Schedules in the future.
- 2.2.7. Section 62A (1) of the proposed amendments include directives to *regulate or prohibit the import, trade, possession or proliferation of “invasive alien species”*. We suggest that such species, once identified, may be placed under a designated Schedule. For species included therein, the Act will outline the protocols for studying, mapping, experimental manipulation for the control and eradication, through research and collaborative efforts between scientists, managers, and where applicable, the local communities or other impacted parties.
- 2.2.8. Finally, feral species—especially free-ranging domestic species such as dogs and cats—have, over the last couple of decades, become an extremely serious threat to wildlife across India. Ranging from killing of wildlife, to hybridisation with endangered species, scores of scientific studies as well as the government’s recent report on tigers point to their sharply increasing impact on India’s wildlife. As animals covered under the Prevention of Cruelty to Animals Act, 1960, the management of feral animals has been overlooked, and therefore needs legislative heft under the WLPA. Measures to address their threat must be drawn consultatively and scientifically, including the humane control of feral animals in wildlife conservation contexts..

3. WLPA's Habitat-centric Impulse: Bringing Science into Habitat Protection

3.1. Issues and Concerns

3.1.1. The WLPA provides for a range of protected area (PA) categories, from inviolate National Parks to inclusive Community Reserves. However, it does not specify the tenets or criteria under which such PAs are created. In the 1980s, an excellent, forward-looking initiative of the Wildlife Institute of India developed a biogeographic zonation for India, suggesting that this zonation be made the basis for planning a PA network, with the idea that the country's diverse ecosystems should be adequately represented within our PA network⁴. This science-based approach to PA planning seems to have been abandoned thereafter.

To illustrate why this is a very significant problem: broadly, India has equal extents of two key terrestrial habitats: forests, and non-forest Open Natural Ecosystems (ONEs). Yet, forests dominate over 80% of our PA network, whereas a mere 5% of ONEs are protected within India's PAs. As a result, ONEs that are absolutely critical to the survival of several threatened or critically endangered species (great Indian bustard, lesser florican, Indian wolf, etc.) are open to all manner of threats. Despite the apparently high levels of protection being accorded to these species (through the Schedules), in the absence of adequate protection to their habitats within the PA system, populations of these species are in steady and steep declines.

3.1.2. India's wildlife conservation approach has worked reasonably well when its species-centric and habitat-centric approaches have aligned, i.e., when legally-protected species have occurred within legally-protected habitats. However, many protected species of wildlife—including large and potentially dangerous animals, like elephants and leopards—occur widely in human-dominated landscapes, as well as in protected habitats. We need a more proactive and adaptive approach to wildlife management in these situations, that can rapidly and pragmatically reconcile a scientific understanding of species ecology and conservation needs, while also addressing concerns of human safety and well-being.

3.1.3. Legal protection of habitat without scientific understanding of ecology, can be seriously counterproductive to conservation. Research has shown how the well-intentioned but ignorant year-round curtailment of grazing as part of the 'protection' measures for grassland habitats of the critically endangered great Indian bustard led to an increase in grass height to levels that made the habitats unsuitable for the birds. Similarly, fencing of grasslands in Sardarpur WLS and 'protection' of grasslands against grazing and fire led to an establishment of woody species in the grassland habitats of the critically endangered lesser florican, forcing

⁴ Rodgers, W. A., & Panwar, H. S. (1988). Planning a wildlife protected area network in India. FAO, Rome & Wildlife Institute of India, Dehradun

the birds to seek refuge in nearby soybean fields, rather than use unsuitable habitats within the PA.

3.2. Suggestions and Recommendations

- 3.2.1. The WLPA as well as the National Wildlife Policy and Action Plan must articulate a clear aspiration to make the country's PA network adequately representative of its biogeographic zones. To align this aspiration to on-ground efforts, we suggest that the WLPA articulate the need for a scientifically-sound basis for gazetting newer PAs, with the ultimate aim of making India's PA network representative of the country's diverse habitats and bio-climatic zones. We caution that enlarging PA coverage in a crowded country can be a challenge, and we strongly suggest the involvement and participation not only of local communities and their elected representatives, but of a range of experts, including ecologists, sociologists, anthropologists and conservation practitioners in PA expansions and reconfigurations. We also emphasise the need to embrace the more inclusive PA models in the WLPA such as Conservation Reserves and Community Reserves that give a bigger stake and greater control to local communities in PA management.
- 3.2.2. Many large, wide-ranging species move and disperse through human-use areas and across political boundaries; these are important considerations if we are to retain *connectivity* between wildlife populations. Administrative and jurisdictional boundaries require management to be both proactive and nimble if we are to protect such species as well as the communities they are in conflict with. To illustrate, the Karnataka Elephant Task Force set up by the Karnataka High Court suggested in their 2012 report, a larger *operational* zonation, rather than a legal one—as conservation-priority zones, human-priority zones, and coexistence zones—based on species needs, human concerns and habitat status. The WLPA should mandate the use of such dynamic management zones carried out as consultative and collaborative efforts involving local communities, field managers and conservation scientists.
- 3.2.3. In order to ensure that well-intentioned but ecologically-flawed management and conservation actions do not undermine the conservation of endangered species, the WLPA must require management plans for PAs as well as species to be open to peer review. We suggest a publicly-accessible portal on which these are published, prior to implementation, for scientific peer review by ecologists, research organisations, and other stakeholders. Further, the WLPA must also mandate independent and periodic ecological audits of the actions and outcomes linked to PA management plans.

4. On Science in the WLPA

4.1. Issues and Concerns

- 4.1.1. Regrettably, the WLPA as well as the proposed amendments neither see nor articulate any role for science and scientific research in achieving the Act's stated intent of protecting, managing or conserving India's wildlife. Consequently, the WLPA has generally viewed scientific research in ecology, conservation biology, and several other allied disciplines as entirely irrelevant to wildlife conservation, or worse, treated them as undesirable human activity in the same vein as hunting, poaching or harvest, deserving of strict policing.
- 4.1.2. It has become possible to thwart scientific research through relatively arbitrary decisions on research permits, based on a conservative reading and implementation of the existing prohibitory provisions of the WLPA. The Act fails to clearly delineate the activities that must be restricted, with those that must be enabled, in order to better meet its own stated aims. As a result, it has become possible to unreasonably restrict a desirable and even essential endeavour such as scientific research—not only fundamental research driven by scientific curiosity, but also applied research driven by conservation concerns—on wild species and wild habitats in India. This has serious implications for long-term, experimental, and invasive sampling-based studies needed in cutting-edge, inter-disciplinary research critical to human and planetary health and well-being.
- 4.1.3. The vision for conservation of wild habitats and ecosystems must involve dialogue and collective action by scientists, managers and local stakeholders. Unfortunately, despite the democratic political ideology in India, it is perhaps the only country where science is so glaringly absent from the planning, the implementation and the assessment of how wild species and habitats are protected, conserved and managed. This situation has had two key consequences:
 - 4.1.3.1. Measures and actions for wildlife conservation are not required to be built on the basis of scientific data or evidence, nor are such data considered, even where available, when sweeping actions (such as the reconfiguration of entire schedules of the WLPA, see Section 2 above) are being undertaken.
 - 4.1.3.2. Entire fields of science that are critically pivoted on an unhindered access to nature's laboratories and materials have been hobbled and held back.
- 4.1.4. The motivation of conservation science is to understand, monitor, and assess not only threats to wildlife, but also the effectiveness of measures taken to address these threats. In this respect, science performs both a diagnostic and an auditing function, interrogating and evaluating choices being made by agencies mandated to implement the WLPA. Scientific research can then help illustrate success stories quantitatively with evidence of wildlife recovery, but also, often uncover management actions that, despite the best intentions, do not result in the best outcomes for wildlife and wildlands. Such results should also be embraced in

collectively planning future management and its monitoring. Transparency, learning and collaboration between managers and researchers will enable effective conservation and adequate monitoring.

4.2. Suggestions and Recommendations

- 4.2.1. **The preamble to the WLPA *must* be edited to place an emphasis on science as a cardinal principle underlying India's approach to wildlife conservation. In the principal Act, for the words "*protection of wild animals, birds and plants*", the words "*conservation, protection, study and management of wildlife and their habitats on established and emerging scientific principles.*" should be substituted.**
- 4.2.2. Based on a set of guidelines issued by the MoEFCC in 2014⁵, several state level panels⁶ are established to screen and permit scientific research within protected areas and on protected species. The Forest Departments, as the designated custodians of our wildlife and their habitats, have a strong say in the screening of proposals for scientific research and in granting them permissions, with the intent to encourage even fundamental science. However it is important to ensure that such panels also include a strong representation of scientists as well. The task and training of our forest managers is very specifically focussed on administration, and not on science and research. So, even if the Forest Departments lead the process, it is essential that the participants in this process of review and grant of permissions for science include people trained in ecology, conservation, and other related fields, with demonstrable academic credentials, and a grasp of the nuances of scientific research, its motivations, its methods, its scope and its limitations.
- 4.2.3. The scientific process must be foundational to the WLPA. We suggest including a section in the WLPA that lays down a process by which scientific research shall be encouraged, enabled, and implemented. Following this, we suggest a live public portal under the MoEFCC that becomes the central clearinghouse for all scientific research on wildlife species or within wildlife habitats in the country, just as the website PARIVESH helps streamline proposals seeking diversion of forests and wildlife habitats in a manner that is time-bound, efficient, public, and transparent. Similarly, users must be able to fill forms and upload proposals on this portal; likewise, reviewers and committee members on state-level panels must be able to seek clarifications and provide comments, and ultimately place on record their reasons for their acceptance or rejection of a proposal. Any member of the civil society should be able to read the project titles being considered, know who its reviewers are, the decision made (in progress/granted/rejected) and the justifications. Similarly, this portal could also serve as a repository to document the scientific outputs, and fulfil the reporting obligations of researchers.

⁵ https://moef.gov.in/wp-content/uploads/2018/03/guidelines_scientific.pdf

⁶ https://www.forests.tn.gov.in/app/webroot/img/document/legislations/17_GL-perm-Res_PAs.pdf



President:

Randhir Sahgal

BNHS comments on the Wild Life (Protection) Amendment Bill 2021

Comments on the Wild Life (Protection) Amendment Bill 2021 are given below. For the purposes of this document the Wild Life (Protection) Amendment Bill 2021 is referred to as WLPA 2021.

Bombay Natural History Society (BNHS) is India's oldest nature conservation organization and we work in several states on nature conservation and research.

Summary of comments:

1. In their present form, the Schedules of the WLPA 2021 need change on two counts: a) not all species are included and b) critically endangered species with very few numbers left should be moved to Schedule 1.
2. There are several mistakes in the names of species as well as scientific names of species
3. The inclusion of Invasive Alien Species in the Act is welcome but the definition is incomplete and should be changed
4. State Wildlife Boards should be retained as per the WLPA 1972.
5. Declaration of vermin is excessive
6. Ownership and transport of captive elephants should not be encouraged

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Detailed comments:

I. Schedules of the WLPA:

The purpose of the Schedules of the Act is to prohibit hunting of wild animals, and give instructions on what conditions a Scheduled animal can be declared vermin. In the 2021 version, there is ‘rationalisation’ of Schedules—these have been reduced to Schedules I and II as opposed to Schedule I- IV in the Principal Act.

The WLPA 1972 defines hunting as follows:

“hunting”, with its grammatical variations and cognate expressions, includes,— 5 [(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.

On Prohibition of hunting of Scheduled animals the WLPA 1972 says:

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

The WLPA 1972 has the following clauses for declaration of vermin:

11 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** therefore, permit any person to hunt such animal or cause such animal to be hunted;

11 (b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV, has become **dangerous to human life or to property** (including standing crops on any land) or is so **disabled or diseased** as to be beyond recovery, by order in writing and stating the reasons therefor,

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permit any person to hunt 2 [such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted

BNHS Comment: Thus, the main difference between the Schedule I and the other Schedules is in how the animal may be declared vermin (to be eliminated, hunted or removed). An animal that is not in Schedule I may be declared vermin if it causes damage to human property. It is also understood that Schedule I is the highest form of protection under the Wildlife Protection Act.

The following aspects must be considered regarding the new Schedules under WLPA 2021:

1. Several birds that are critically endangered as per the IUCN Red List are very found in very few numbers in the wild. It is thus follows that they should get highest protection under the WLPA as they need absolute protection from hunting, killing, poisoning, disturbing of eggs or nesting and related threats.
2. Several critically endangered birds are not in Schedule I of the WLPA 2021. These include:
 - a. Baer's Pochard [placed in Schedule II of the WLPA 2021]
 - b. Sociable Lapwing [placed in Schedule II of the WLPA 2021]
 - c. Yellow-breasted Bunting [placed in Schedule II of the WLPA 2021]
 - d. Spoon-billed sandpiper [placed in Schedule II of the WLPA 2021]
3. Further, some critically endangered birds (as per the IUCN Red list) found in India are not mentioned at all in the WLPA 2021. These include the following:
 - a. Masked finfoot
 - b. Barau's petrel
 - c. Swamp grass babbler
 - d. Banasura Chilappan
 - e. Nilgiri Chilappan

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- f. Dark-rumped swift
- g. Grey-crowned prinia

BNHS thus recommends that the Schedules of the WLPA 2021 be opened up for wide consultation with wildlife and plant biologists and experts in order to ensure that the Schedules are applied or rationalised appropriately and that all Indian wild animals are included.

II. Spellings and names of species in the Schedules

BNHS has detected several spelling mistakes in the names of species in the Schedules and/or in their scientific names.

Some examples are below:

Clouded leopard *Neofelisnebulosa* – the correct scientific name is *Neofelis nebulosa*

Asiatic Golden Cat *Catopumatemminckii* – the correct scientific name is *Catopuma temminckii*

Blood pheasant *Ithaginisruentus*- the correct scientific name is *Ithaginis cruentus*

Rusty Spotted Cat *Prionailurusrubiginosus* - the correct scientific name is *Prionailurus rubiginosus*

Fishing Cat *Prionailurusviverrinus* - the correct scientific name is *Prionailurus viverrinus*

Hume's Pheasant *Syrmaticushumiae* - the correct scientific name is *Syrmaticus humiae*

Brown Noddy *Anousstolidus* - the correct scientific name is *Anous stolidus*

Lesser Noddy *Anoustenuirostris* - the correct scientific name is *Anous tenuirostris*

Black Noddy *Anousminutus* - the correct scientific name is *Anous tenuirostris*

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The BNHS recommends a wide consultation be done with experts to make sure that all taxa are included and all taxa are correctly spelled. BNHS also recommends that the spelling of wildlife in the Act be corrected from 'wild life'.

III. Invasive Alien Species

Invasive Alien species are a huge threat to native wildlife. They predate on wildlife, take over habitat or outcompete them. The WLPA 2021 has a welcome addition of controlling Invasive Alien species and introduces new sections 62a and 62b to deal with Invasive Alien species

WLPA 2021 defines invasive alien species as follows:

'(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;'

BNHS Comment: This is not a full or accurate description. Several wild animals native to India (such as the Common Crow) may be invasives in other parts of India (such as in Andaman and Nicobar Islands).

The Convention on Biological Diversity defines invasive alien species as follows:

Invasive alien species are plants, animals, pathogens and other organisms that **are non-native to an ecosystem**, and which may cause economic or environmental harm or adversely affect human health. In particular, they impact adversely upon biodiversity, including decline or elimination of native species - through competition, predation, or transmission of pathogens - and the disruption of local ecosystems and ecosystem functions.

Further, domestic animals like dogs and cats also behave like invasive alien species.

BNHS thus recommends the following definition of invasive alien species

"invasive alien species" means a species of animal or plant which is not native to an ecosystem and whose introduction or spread may threaten or adversely impact wild life or its habitat, also including domestic predators like dogs and cats as appropriate;'



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Within the same context, BNHS suggests removing Rock pigeons from the schedules of the Act as it behaves like an invasive species.

IV. State Board for wildlife

WLPA 2021 has the following addition of Clause 6:

“This clause seeks to insert a new section 6A allowing the State Board for Wild Life to constitute a Standing Committee to exercise such powers and perform such duties as may be delegated to it by the Board. It provides for the membership of such Standing Committee to be 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. It further provides for such Standing Committee to constitute committees, sub-committees or study groups as may be necessary”

In 4 (e) the WLPA 2021 says:

(e) insert a provision to allow the State Boards for Wild Life to constitute Standing Committees, etc.;

BNHS Comment: BNHS is of the opinion that decisions should be taken by the entire state board for wildlife and not just minimum number of members of the standing committee. The above wording suggests that the standing committee may function with just vice-chairperson and the Member secretary.

IV declaration of Vermin

In the principal Act, clause 62 says:

Declaration of certain wild animals to be vermin.—5 [The Central Government] may, by notification, declare any wild animal other than **those specified in Schedule I and Part**

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II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

WLPA 2021 proposes changing this clause with the following explanation:

Clause 38.—"This clause seeks to amend section 62 of the Principal Act which relates to declaration of certain wild animals to be vermin. The section empowers the Central Government to declare certain wild animals to be vermin for any area and for such period as may be specified by way of notification. **The clause seeks to omit the references to Part II of Schedule II and Schedule V from the section.** This is a consequential amendment in view of rationalisation of the Schedules to the principal Act."

BNHS Comment: The changes suggested by WLPA 2021 therefore suggest that Schedule II animals may be declared vermin. As explained in point I of this submission, several threatened animals are part of Schedule II. It is incumbent on the government to only declare vermin in rare cases. The principal purpose of the WLPA has to be protect wildlife. Clause 38 is excessive and should be removed. Further, the declaration of vermin should be a scientific decision based on baseline studies of wildlife populations, abundance and distribution.

V. Possession of Elephants:

Regarding keeping wild animals and transfer of animals, WLPA 1972 says:

"43. Regulation of transfer of animal, etc.—(1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy. (2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State, any such animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership, he

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shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected. (3) Nothing in this section shall apply— (a) to tail feather of peacock and the animal article or trophies made therefrom; (b) to transfer of captive animals between recognised zoos subject to the provisions of section 38-I, and transfer amongst zoos and public museums.”

WLPA 2021 suggests a change to this by inserting an exception for transfer of live elephants. It says:

“In section 43 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:— "(4) **This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership**, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government.".

BNHS Comment:

Prima facie this exception seems to encourage the ownership of live elephants. It is to be noted that elephants are wild animals (protected under Schedule I of the WLPA). Under the principal act, WLPA 1972, elephants can only be owned when inherited. The change to WLPA 2021 seems to encourage possession of wild elephants and this clause must be reconsidered.

For further information please contact:

Dr Bivash Pandav, Director, BNHS

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WWF India Suggestions on the Wildlife (Protection) Act Amendment Bill, 2021

Additions under Section 36

In the interests of wildlife conservation in a broader context, and given that much wildlife in India occurs outside of formally protected areas like National Parks and Wildlife Sanctuaries, we propose that Section 36 needs to be expanded to recognise and promote conservation of areas which might not be declared as formal Protected Areas. We are suggesting the addition of three sub-sections which can promote conservation by other stakeholders especially tribal and local communities. This approach will help provide formal recognition to ecologically important areas and also enable protection of these areas from detrimental land use change.

It is also critical to recognise that these areas will need to have separate management mechanisms, which are community led and that the provisions described in Section 27 to 33 do not apply to these areas.

36 E: *Provide special recognition for wildlife corridors:* Wildlife corridors help in facilitating wildlife movement, maintaining genetic diversity, reducing human-wildlife conflict, and in the long term, supporting the migration of wild animals due to climate change induced circumstances. To ensure connectivity and integrity of ecosystems and species, it is crucial that wildlife corridors are given a special recognition by creating a new subsection under Section 36. Wildlife corridors have a mosaic of land use which varies from agriculture fields, tea gardens to forests and therefore the designation and management of these corridors should include a stakeholder-based approach.

36 F: *Recognise and support conservation areas that are currently not formally recognised:* Globally and in India, studies have shown that tribal and local communities have been protecting wildlife and their habitats since time immemorial. These areas are commonly defined as Sacred Groves, Community Biodiversity Areas and Community Conservation Areas by local communities and have their own management systems. Such areas play a critical role in supporting wildlife and biodiversity and need to be recognised to enhance these localised but crucial efforts. Similarly, urban natural areas all across India play a critical role in conservation but are slowly getting encroached upon due to inadequate formal recognition as wildlife areas. The Act should also give formal recognition to such areas.

36 G: *Establish separate mechanisms to manage Marine Conservation Areas:* India's 7,000 km coastline and island groups contain highly ecologically diverse and fragile coastal and marine areas which need to be protected as a special category. The management of marine conservation areas needs to be specialised as it is very

different from managing terrestrial PAs. Marine species are dynamic and highly mobile and often marine reserves are able to support sustainable use of resources. Therefore management and protection regimes that take into account and involve coastal communities and that the fisherfolk, need to be developed.

Ambiguity in Section 43 relating to Elephant Trade:

The amendment proposes a new subsection (4) under Section 43: “(4) This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership where person has obtained prior permission from the state government on fulfillment of such conditions as may be prescribed by the Central Government”.

The amendment removes the prohibition on commercial trade of live elephants, even though it can be carried out only for elephants for which there is an ownership certificate and after due permission from State Government and under conditions prescribed by the Central Government. This exception in the suggested amendment on Section 43 is likely to open a new window for legal commercial trade of captive live elephants. From a conservation perspective, the main reason to minimize trade in elephants is to reduce incentivization of the capture of elephants from the wild. *Therefore, we suggest withdrawal of the subsection.*

Declaration of species as ‘Vermin’:

The proposed amendment has reduced the list of wild animals appended to the Act from IV schedules to II schedules. In doing so, the Bill now proposes that any wild animal not listed in Schedule I can be declared as ‘vermin’. This means that all animals listed in Schedule II can be declared as ‘vermin’, thus removing legal protection to all those species listed in Schedule II, especially given the lack of any scientific ‘criteria’ for declaring a species as vermin.

We suggest a robust process should be put in place where a scientific study by a recognized organization is made mandatory before any proposal to declare a species as ‘vermin’ is considered by the Central/State Government. A similar study should follow the impact of the intervention once it is executed, so that the data can enable future decisions.

We also suggest replacement of the derogatory terminology of ‘vermin’ for wildlife species that might be a localized problem, often due to man-made factors.

Rationalisation of Provisions of the Act: The following sections need to be reviewed and rationalised

- a. Schedule I species need to be fully protected- and since species listed in Appendix 1 of Schedule IV and Schedule I are common, there should be a new subsection which clarifies that provisions to manage and protect Schedule I will override any other provision which applies to Appendix of Schedule IV.
- b. Provisions of sections like 49F(4) and similar sections like 49 I and N related to trade, breeding in captivity should not apply to any species listed in Schedule I and II of the amended bill.
- c. Proposed addition of Section 18 A along with Section 27 and 28 needs to be verified in section 35 of the Principal Act, since Section 18A also mentions application of Section 27 to 33 A and this is repetitive.
- d. The list of Schedule I and II needs to be re-checked since the proposed amendment specifies only scientific and common names, hence many may be outside the purview of the Act. For example, the list of birds may not be complete as birds like Red Junglefowl are not mentioned. In addition, only 3 species of sea horses are mentioned but India has 7 species. Similarly, in the existing Schedule I, all sea cucumbers were listed but in the proposed Schedule I only specific ones have been listed. A detailed comparison needs to be done.

Powers of the State Board for Wildlife

The Bill proposes to amend Section 6 which will allow the State Boards of Wildlife (SBWL) to establish a Standing Committee for exercising powers and duties as the board deems fit. This is of concern as it could lead to a majority of decisions being taken by the Standing Committee rather than the members of the SBWL. Hence it is important that the State Boards of Wildlife meet in totality and do not establish a smaller group like a Standing Committee, which could act in lieu of the full authority of the SBWL. *We recommend that this amendment is not undertaken.*

27th January 2021

To,

All Honourable Members & The Secretariat
Parliamentary Standing Committee on Science & Technology
Environment, Forests and Climate Change
Parliament House Annexe
New Delhi 110 001

Dear Members of the Committee,

**SUBJECT: WRRC submissions to the Parliamentary Standing
Committee on Forests, Wildlife and Climate Change**

We are writing to you from the Wildlife Rescue and Rehabilitation Centre (WRRC), a sister concern of CUPA, Bangalore. We are concerned with clause 27 of the proposed Wildlife Protection Amendment Bill that purports to exclude “live elephants” from the ban, in section 43 of WPA, of commercial trade in wild animals. Our submissions are as follows:

1. The Wildlife Protection Act, 1972 (WPA) is a legislation enacted to protect wild animals in their natural environments. This includes elephants which are both a national heritage and a Schedule I animal.
2. The provisions of self-declaration followed by the issuance of an ownership certificate to private owners of captive elephants (under sections 40 and 42 of WPA), and further prohibition of sale of private elephants (section 43 of WPA) were designed to bring the “unregulated” market of captive elephant trade pre-1972 within a regulatory framework of the law. It was never meant to facilitate further ownership and trade in elephants.

3. However, over the decades the law has been mis-utilised to perpetuate illegal trade in captive elephants. The Wildlife Stock Rules, 2003, revised the cut-off date to regularize illegal ownership in captive elephants from 1972 to 2003 by granting amnesty to all (legal and illegal) ownership of captive elephants pre-2003. However, just like 1972, the 2003 regulatory amnesty provision remains disregarded, and ownership and illegal trade of captive elephant continues.
4. Widespread capture, trade and transport of elephants – contrary to the intention of WPA - has become the norm, leading to the current approximate 2500 captive elephants in India of which 1800 are privately owned. We have produced summaries of news reports from 2019, 2020, 2021 that confirm that illegal trade and transfer of captive elephants is still active across states:
 - a. Joymala is one of 320 Assamese elephants sent under an “ambiguous lease system to Tamil Nadu.” These Elephants are then “sold in the guise of a lease, whose term is usually not mentioned.”¹ Joymala was leased only for six months in 2008 and one Girin Moran of Kakopathar in Tinuskia district in Assam is her ‘legal’ owner, yet despite this she has remained illegally in Tamil Nadu for over 13 years.”² **(November 2019)**
 - b. On **21st February 2021**, a video from an elephant rejuvenation camp in Mettupalyam showed Joymala being merciless beaten by her mahout and kavadi,³ raising calls for the elephant to be sent back to Assam.⁴
 - c. In **June 2019**, Sri Jagannathji temple in Gandhinagar requisitioned four elephants from Assam. All four were juveniles, and their transport order was suspended by the High Court of Assam due to high summer temperatures. However, by December at least two of the elephants were sent to Gujarat, both of whom were microchipped and issued ownership certificates dated to June

¹“320 elephants ‘leased’ by Assam have not returned”<https://www.thehindu.com/news/national/320- elephants-leased-by-assam-have-not-returned/article28313686.ece>

²“Assam’s Joymala begging in Tamil Nadu temple” <https://nenow.in/north-east-news/assam/assams-joymala-begging-in-tamil-nadu-temple.html> (7th November 2019)

³“Tamil Nadu: Mahout, kavadi booked for thrashing jumbo at rejuvenation camp” <https://www.newindianexpress.com/states/tamil-nadu/2021/feb/21/tamil-nadu-mahout-kavadi-booked-for-thrashing-jumbo-at-rejuvenation-camp-2267053.html> (22nd February 2021)

⁴“Srivilliputhur temple elephant abuse: Assam government asks Tamil Nadu to send jumbo back” <https://www.newindianexpress.com/states/tamil-nadu/2021/feb/27/srivilliputhur-temple-elephant-abuse-assam-government-asks-tamil-nadu-to-send-jumbo-back-2269760.html> (27th February 2021)

2019.⁵ A statement by the global “Free Elephant Network” on the transfer reads: “The elephants -- Rupsing, Joymati, Babulal and Rani – are suspected to have been illegally taken from the wild. For three of the elephants, there is no record of them being captive born until December 30, 2018. One male juvenile has a bullet injury on his left foreleg, suggesting violent capture.”

- d. After a gap of four years 9-12 captive elephants were seen in the infamous Sonepur Mela in Bihar in **November 2019**, allegedly for the purpose of trade, an activity that the Bihar administration appears to be encouraging.⁶
 - e. In **October 2020**, a video went viral of an elephant trader called Shaji claiming that he had traded over 200 captive elephants to private owners in the past few years. Fifteen elephants were seized in a subsequent raid in Kollam that were illegally held by Shaji and his men. Shaji was recently, in Feb 2021, arrested in Mumbai.⁷
5. The illegal trade in elephant continues primarily because pursuant to a 2003 amendment, under section 40 2A/2B of WPA, the **elephant** is the ONLY wild animal that is still allowed to be privately owned. While this anomaly needs to be corrected on an urgent basis, the Section 43 ban of commercial trade in all wild animals is a protective bulwark to hold live elephant smugglers in check.
6. We are concerned that the illegal, unconstitutional, captive elephant ownership exception is now being extended to their trade, if clause 27 is passed. This will detrimental to our commitment of elephant protection and conservation. Both ownership and trade in elephants must remain strictly prohibited under WPA.
7. Many studies acknowledge that captivity is inherently cruel to elephants. The seminal *Gajah* Report on elephants in India,

⁵“Assam to send 4 elephants to Gujarat despite doubt about “captive birth”<https://nenow.in/north-east-news/assam/assam-to-send-4-elephants-to-gujarat-despite-doubt-about-captive-birth.html> (20th November 2019)

⁶“Elephant trade may resume in Sonepur fair” <https://nenow.in/north-east-news/assam/elephant-trade-may-resume-in-sonepur-fair.html> (11th November 2019)

⁷ Viral Video on illegal elephant trading <https://www.thenewsminute.com/article/viral-video-illegal-elephant-trading-kerala-sheds-light-alleged-mafia-links-136337> (28th October 2020)

published in 2010 by the Ministry of Environment and Forest, recognised that elephants are complex, sentient beings and that their captivity in private hands, must be phased out.

8. The guidelines for welfare of captive elephants are often disregarded and, when followed, they fail to mitigate the inherent cruelty embedded in inappropriate and intensive captivity. It is now time to shift the narrative from managing welfare of elephants within captivity, to eradicating private ownership of elephants altogether.
9. From a detail analysis done by WRRC, three elephant deaths due to abuse and mis-treatment *per month* are happening in Kerala alone. In addition, there is loss of precious human lives by bizarre killings, elephants running amok in parades and processions. It is also feared that Tuberculosis has spread in approximately 33% of captive elephants in South India.
10. When capture of elephants from the wild is illegal, how can their captivity – defined as “imprisonment” in the dictionary – be permissible? All elephants essentially come from the wild. This is the truth behind privately owned captive elephants, who are poached and illegally trapped from the wild. In rare cases they may have been born in Govt. owned and run forest camps, wherein elephants were captured from the wild to mitigate human-elephant conflict with humans. The sale of elephant calves from forest camps has been discontinued in all states, in view of the miserable conditions they are subject to in private hands.
11. We recognise that there exists a sentiment in the country to legalise elephant trade, essentially to meet the demand for elephants by religious institutions. Ironically, legalising by some is seen as way to regularise the already existing illegal trade in elephants. However, we would like to caution the committee against this. *Any attempt to legalise trade, even under the false*

pretext of regularising an illegal activity is both regressive and will open the floodgates of wild elephant capture.

12. The purpose of the Indian Wildlife Protection Act, 1972 (WPA) read with Article 48A of the Constitution (inserted by the 42nd Amendment in 1977) creates a duty on the state to ‘protect’ and ‘safeguard the forest and wildlife of the country’. It is our contention that at the very minimum ‘protection’ and ‘safeguarding’ entails that no wildlife shall be taken out of the wild, unless deemed absolutely necessary.
13. Wildlife protection must only be guided by a non-negotiable commitment to ensure that wild animals prosper, remain and flourish in the wild as free animals. *The entire clause 27 should be removed as an aberration of the WPA.*
14. There have been some remarkable judicial decisions where High Courts have stepped in to end the cruel commercial use of captive elephants and to direct they be rehabilitated in natural environments:
 - a. Karnataka High Court in the case of *CUPA vs. State of Karnataka & Ors. (W.P. No. 7276/2005)* has held in Para 15, “*What is of paramount in a case like this in the best interests of the animal and certainly not its owner or any other party.*”, thereby giving importance to the welfare of **Elephant Girija Prasad** over the interest of the temple trust, who was the custodian of the animal.
 - b. In *Dr. Manilal Valliyate (PETA) v. State of Maharashtra and others* [Bombay High Court 2014] **Elephant Sunder**, a captive elephant held by a temple in Kolhapur district in Maharashtra, who was subjected to many years of cruel treatment by the mahout, was directed to be set free and relocated to a sanctuary. The Court *acknowledged that elephants are highly cognitive and intelligent animals.*
 - c. Perhaps the best formulation of our belief that elephants are wild and must be left alone in the wild was echoed by the *High Court of Chhattisgarh in Nitin Singhvi, (2017)* where Court recognised

- “that [elephants] have...rights... A salutary principle... to uphold the rights of the animals to say “Leave us alone”.*
- d. In a recent landmark *Delhi High decision dated court 20th January 2020 in Saddam v Union of India*, the court rejected a habeas claim by a Mahout to repossess a captive **elephant Laxmi**, by recognising the inherent connection the elephant has to its natural habitat. The Court stated: *“Keeping in view the ... its natural characteristics, this Court is of the opinion that Jungle is the natural habitat of an elephant ... Even if the Mahout is able to establish ownership, it would not be a ground to treat the elephant as his “slave” and move elephant-Laxmi to an uncomfortable environment against her rights and interests. Consequently, the interest of elephant-Laxmi is best served in a forest rather than in a congested city with a Mahout.”*
 - e. *The High Court of Bombay in Goa* in the case of *People For Animals (2020)* has banned the commercial use of ten captive elephants in Goa used for joy rides. These elephants have now been seized by the forest department, but due to lack of an elephant rescue and care facility, they still remain with the owners.
 - f. In February 2021, in a case filed by an animal activist highlighting the cruel treatment meted to captive elephants in Srirangam Temple, the **Chennai High Court** has strictly advised that the forest department cannot evade their primary responsibility for the welfare of elephants even when they are privately owned. ***They have further asked the government to frame policies to end future private ownership of elephants.***

We are afraid that the current amendment will go against and render redundant and trite, some two decades of enlightened jurisprudence on elephant protection.

Conclusion and Recommendations:

15. All animals have a right to live a life of dignity that must entail freedom from captivity and the right to live in their natural habitat. Captivity of wild animals is a relic of the past, and today

it singularly affects elephants, which is unjust and unfair. Elephants should also be accorded the same measure of protection from ownership and captivity that other wild animals enjoy. We cannot allow our National Heritage Animal with the highest protection in law to be chained and abused for the pleasure and sentiments of human kind. Keeping elephants captive is not only against the WPA, it is also unconstitutional and arbitrary to treat the elephant differently from all other Schedule I, wild animals. We do not have any captive lions or tigers being owned and traded, then why elephants?

16. We would like to make the following suggestions to the committee as stakeholders working on the ground on the welfare and rescue of captive elephants:
 - a. We request the hon'ble esteemed members of this committee to take a principled stand against all ownership and trade in wild animals.
 - b. We also request the Hon'ble Committee to propose the abolishing of the captive versus wild animal distinction as unsustainable in law, and that all Schedule animals in the Wildlife Protection Act, must only be treated as wild, even if they are in human control/possession or custody.
 - c. The Hon'ble Committee must recommend the deletion of clause 27, as it purports to undo five decades of work on elephant protection and is also patently unconstitutional. All gift deeds, *dana patras*, exchange, transfer, power of attorneys to potential custodians for transfer of custody of elephants in captivity must be rejected as a cover to bypass the restriction under section 43, and must be treated as a quasi-commercial sale. To date, we see that Forest Departments actively encourage such transfers, taking advantage of the ambiguous legal provisions.
 - d. The Hon'ble Committee must also advise the Government propose a further amendment to the law to also delete "the live elephant" exception in Section 40 2A/2B that allows ownership of elephants.**
 - e. We applaud the insertion of section 42A for voluntary surrender of any captive animal, and the forest department must ensure that

surrendered animals are homed in elephant rescue centres. Incapacity to take care of a captive elephant cannot initiate further commercial transactions in the form of sales. Government owned Elephant Rescue/Care Centers should be the norm and provisions firmly in place for elephant owners to hand over without trying to profit by selling or trading the animal. .

- f. Finally, we request the Committee to propose legislation for State Forest Departments to set up Elephant Rescue and Rehabilitation Centres across captive elephant locations to rehome abused, sick and old elephants in captivity or those found in illegal possession.

Thank you.



WILD ORISSA

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Date 21.01.2022

To

Hon'ble Chairman
Standing Committee on
Science, Technology, Environment and Forests
Parliament of India
New Delhi

sub:- submission of suggestions pertaining to The Wildlife (Protection)
Amendment Bill 2021, reg..

Sir,

At the outset '**Wild Orissa**' would like to place it's appreciation to the Standing Committee in affording an opportunity for placing on record suggestions in the matter of The Wildlife (Protection) Amendment Bill 2021. We are grateful for the same.

We have carefully gone through the provisions contained in the said amendment bill and wish to state that, the Bill proposes certain far reaching changes and also envisages ushering in provisions to manage and conserve of wildlife. We are happy that the Bill proposes to:

- amend the preamble to the Act so as to include the aspects of "conservation" and "management" of wild life which are covered by the Act
- rationalise and amend the Schedules to the Act for the purposes of clarity
- insert a new Chapter VB in the Act for proper implementation of the provisions of the Convention in India
- insert provisions to enable control of Invasive Alien Species
- insert a provision to allow the State Boards for Wild Life to constitute Standing Committees, etc.
- make amendments for better management of protected areas
- insert an explanation so as to provide that certain permitted activities such as, grazing or movement of livestock, *bona fide* use of drinking and



household water by local communities, etc., shall be considered as non-prohibitive under section 29 of the Act

- insert provisions for better care of seized live animals and disposal of seized wild life parts and products
- insert a provision to allow for transfer or transport of live elephants by person having ownership certificates in accordance with conditions prescribed by the Central Government
- insert a provision to enable the Central Government to call for information and issue directions for proper implementation of the Act
- Authorizing Wildlife Crime Control Bureau, Customs and Coast Guard to take the cognizance of the offence and filing of Complaint before the Court
- Dropping of permanent listing of species as vermin
- Increasing the penalties for all offences
- Inclusion of species listed under CITES
- Simplifying the categorisation of species under the Schedules
- Not allowing the renewal of arms within ten kilometers of a sanctuary except under the intimation to the Chief Wildlife Warden
- Allowing State governments to use Central government land to form conservation reserves

In this regard, '**Wild Orissa**' would like to suggest the following for consideration by the Hon'ble Members of the Standing Committee on Environment, Forests & Climate Change.

The proposed amendment in the existing provisions of Wildlife Protection Act, authorizing an officer of Customs and an officer of Coast Guard to be the Proper Officers for Section 50 Power of Entry, Search, Arrest and Detention under the Chapter VI Prevention and Detection of Offences, is a most welcome initiative. This is important because the Customs Department and Coast Guard wing of the Government have been instrumental in detecting a number of wildlife related cases and over a period of many years have gained in expertise and skills in handling wildlife matters. The natural course of action now available is to insert appropriate amendments in the Section, 2, 54 and 55 of the Wildlife Protection Act as existing. Further since the Customs Department plays a crucial role in wildlife crime enforcement, the Central Board of Indirect Taxes and Customs needs to be represented in the National Board for Wildlife. Further the amendment proposes to lower the amount to be imposed as Compounding fee under provisions of Section 54 of the existing Act, by proposing to lower the present amount from Rs. 25,000.00 to Rs. 5,000.00. This does not appear to be appropriate and infact as a measure to further



disincentivise indulgence in hunting a much higher amount than what exists today need to be laid down.

Accordingly:

1) Chapter I (Preliminary) Section 2- amendments proposed

In Section 2 of the principal Act, after sub-section (7A), to insert new sub-sections:

- *sub-section 7B- "Assistant Commandant of Coast Guard" means the Assistant Commandant of Coast Guard appointed under the provisions of the Coast Guard Act*
- *sub-section 7C- "Customs Officer" means the Customs Officer appointed under of the provisions of the Customs Act 1962*

In Section 2 of the principal Act, after sub-section (10), to insert new sub-sections:

- *sub-section 10A- "Commissioner of Customs" means the Commissioner of Customs appointed under the provisions of the Customs Act 1962*

2) Chapter II (Authorities to be appointed or constituted under the Act)- Section 5A- amendments proposed

In section 5A of the principal Act, in sub-section (1), after clause (l), the following clause shall be inserted:

"(ll) Chairman Central Board of Indirect Taxes and Customs"

3) Chapter VI (Prevention and Detection of Offences)- Section 50- amendments proposed

- *sub-section (3A), after the words "or an Assistant Conservator of Forests", to insert the words "or a Superintendent of Customs or an Assistant Commandant of Coast Guard"*
- *sub-section (8): after the words "any officer not below the rank of an Assistant Director of Wild Life Preservation", to insert the words "or a Superintendent of Customs or an Assistant Commandant of Coast Guard"*

4) Chapter VI (Prevention and Detection of Offences)- Section 54- amendments proposed

- *after the words "or any other officer not below the rank of Assistant Director of Wild Life Preservation", to add "or any officer not below the rank of Superintendent of Customs or any officer not below the rank of Assistant Commandment of Coast Guard"*
- *sub-section (4) instead of words "twenty five thousands" the words "one lakh" to be inserted*

5) Chapter VI (Prevention and Detection of Offences)- Section 55- amendments proposed

- *after clause (ac) to insert new clauses (ad) and (ae):*
 - *"(ad) Commissioner of Customs"*



- “(ae) Inspector General of Coast Guard”

In the matter of Schedules drawn up in the proposed amendments, in order to replace Schedules as present in the existing statute, the following are suggested:

6) Removal of group listing in Schedules

Listing individual species instead of groups (Avadavat, Babblers, Bitterns, Buntings, Cranes, Duck, Egrets, etc. in Schedule IV as existing) is a major deviation should be reconsidered. This can give rise to taxonomic ambiguity when identifying species and considering specific status. Illicit trade in parts and products could also become an issue. Additionally, many species from these groups have not been included in the proposed Schedules. Emergence of new species is a possibility especially in the case of invertebrates, coral, sponges, reptiles, aves and amphibians, and these newly reported would not get due protection as per the new legislation. It is important that all bird species recorded in India needs to be listed in the Schedules.

7) Appropriate nomenclature for species

Misspelt and incorrect naming of species can lead to confusion and uncertainty especially during legal proceedings. There is a need standardize names of species, scientific and common, globally accepted databases like maintained by IUCN, need to be carried out.

8) Need to include all IUCN Red List species in category of Critically Endangered, Endangered, Threatened and Near Threatened and Endemic species

There is a priority need to include all IUCN Red List species in category of Critically Endangered, Endangered, Threatened and Near Threatened, as applicable for India, and Endemic species to India in the proposed Schedule-I.

We shall be grateful for consideration of our suggestions as above.

‘Wild Orissa’ will be grateful if provided with an opportunity to place these suggestions before the Hon’ble Members of the Standing Committee on Environment, Forests & Climate Change, at date scheduled.

Thanking you

Yours faithfully,

[Shibaji Charan Nayak]

Secretary

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Comments on the Wild Life (Protection) Amendment Bill, 2021

Compiled by: Centre for Policy Design, ATREE and the Biodiversity Collaborative

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Ashoka Trust for Research in Ecology
and the Environment (ATREE)



The Biodiversity Collaborative



10th January, 2022

To,
The Parliamentary Standing Committee on Science and Technology, Environment, Forests and
Climate Change,
New Delhi

**Subject: Submission of comments on Bill. no. 159 of 2021 i.e. the Wild Life (Protection)
Amendment Bill, 2021**

Dear Madam/Sir,

This year, 2022 is a landmark year for Indian conservation as it marks 50 Years of the implementation of the Wild Life Protection Act (1972). The Amendment Bill currently with the Parliamentary Standing Committee is crucial and timely. At the Ashoka Trust for Research in Ecology and the Environment (ATREE) and the Biodiversity Collaborative, we strongly believe that there is scope to re-imagine conservation in India to be backed by empirical evidence and scientific research, supported with good governance, while continuously involving, empowering, and protecting local communities.

ATREE is a global non-profit organisation which generates interdisciplinary knowledge to inform policy and practice towards conservation and sustainability. For over two decades, we have worked on addressing socio-environmental challenges extending from the grassroots to global policy levels. Some of the areas we have worked on include biodiversity science and conservation, land and water resources, forests and governance, ecosystem services and human well-being, and climate change mitigation. We also recognise that scaling transformative solutions for complex socio-environmental systems requires rigorous interdisciplinary knowledge to inform innovative policy instruments and improved governance at multiple levels.

The Biodiversity Collaborative is a group of institutions and individuals who are committed to furthering biodiversity science and advocating its use in the crafting of development, environment and conservation policies, plans and programmes. The Biodiversity Collaborative is involved in implementing high quality research and action projects to generate interdisciplinary information to enhance our knowledge base, establish proof of concept, and further human well-being.

Through our learning on the ground as well as our research in the policy space, we offer our inputs and insights in our areas of expertise. In order to make wildlife protection legislation stronger and more effective, we hereby submit our comments on the proposed amendments to the Wild Life Protection Act along with some overarching suggestions.

Our comments are organised as follows:

1. Scope of the Act
2. The preamble
3. Classification of species under different Schedules
4. Participatory management and bottom-up approach
5. Authority and criteria to declare vermin
6. References to The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 (FRA)
7. Permitting subsistence fishing in and around Protected Areas
8. Missing taxa
9. Invasive species
10. Chapter IIIA-17 on protection of specified plants
11. Devising a OneHealth approach
12. Decentralizing research; need for a review

1. Scope of the Act

In this era of climate change emergency, marked by the ongoing effects and learnings of the pandemic, and increasing recognition of the importance of OneHealth¹, we believe that the Act should go beyond protection of species through administratively defined Protected Areas boundaries. This legislation's approach should not decouple cultural, human, and social systems from wildlife conservation. The Act must recognise and include "real life" conservation reflecting India's rich history and heritage of wildlife conservation. It should also explicitly recognise the connection between geology, geography, climate, socio-cultural practices and biodiversity when planning conservation interventions. Furthermore, long-term ecological and evolutionary processes that have created this rich biodiversity in India also need to be acknowledged, and conserved. The Act needs to recognise and acknowledge that wildlife is not restricted to protected areas and that there are constant interactions involving wildlife, domestic animals, human populations and the environment which can best be addressed only by adopting the OneHealth framework. The Act needs to encourage and enable long-term ecological and conservation research in all ecosystems across India including marine and freshwater ecosystems. Finally, we also recommend adequate inclusion of the implications of the climate change emergency for wildlife conservation, and for the Act to recognise and direct actions related to adaptation and mitigation for conserving wildlife.

2. The Preamble

¹ A detailed note on OneHealth has been given on page 7

[Page 1, point 2 in the Amendment bill]

In the amendment of the preamble, the phrase “protection of wild animals, birds and plants” has been substituted with the words “conservation, protection and management of wildlife”. However, neither the principal Act nor the Amendment has adequately highlighted the importance of scientific research and ecological knowledge to implement conservation, management, and protection. In these times of denial of science and misinformation, it is more crucial than ever that conservation efforts need to be backed by data, empirical evidence and credible science.

We urge the inclusion of the term ‘science/scientific research/empirical evidence, indigenous knowledge and practices’ in the preamble, which informs and sets the tone for the legislation. Further, we suggest the addition of the words ‘and the natural habitats, ecological processes and socio-ecological systems that wildlife depends on’ after the word “wildlife” in order to make this Act more inclusive of entire systems and not just individual animal and plant species.

We feel it is important for the Act to clearly state its goal as ensuring the persistence of wildlife populations including all native species of wild plants and animals, maintaining the integrity of ecosystem processes and enhancing the connectivity across landscapes to ensure gene flow.

3. Classification of species under different Schedules

[Page 124, Clause 42 under Notes on Clauses in the Amendment bill]

In the Amendment, the justification given for cutting down the number of Schedules is that there are only two levels of protection and that this will avoid confusion amongst the public. We call for a better alignment of the Schedules with the IUCN Red List, and an adoption of a similar categorisation. Furthermore, we recommend that there can be both a National Red List, as well as a State Red List. This is because states should be free to classify animals found within their boundaries based on their conservation status, so long as the species is not down-listed as per the National List or the IUCN Red list.

The classification of animal and plant species must be based on a rigorous scientific procedure which is informed by scientific literature, subject experts, and indigenous knowledge. This has also been directed by the judgement of the Supreme Court of India dated 15th April 2013, I.A. No. 100 in WRIT PETITION (CIVIL) NO. 337 OF 1995, Centre for Environment Law, WWF-I Versus Union of India & Others with IA No.3452 in WP(C) No.202 of 1995, the Lion Translocation judgement. In this order, the Government of India (GoI) and Ministry of Environment, Forests, and Climate Change (MoEFCC) were directed to do the following every three years [Refer to page 66 of the above order]:

- A. Identify all endangered species of flora and fauna to study their needs and survey their environments and habitats to establish current level of security and nature of threats.
- B. Conduct periodic reviews of flora and fauna species status, and correlate the same with the IUCN Red Data List.

We strongly recommend that the process of listing and delisting species be streamlined with the use of appropriate criteria which are frequently reviewed and updated and made transparent for the general public to engage with. Moreover, we recommend an online portal hosted by the MoEFCC for the general public to share their knowledge and opinions on the status of all species and discovery of new species. Along with global assessments like the IUCN Red List, science-based, credible and objective listing of wildlife species can be achieved.

Given the above, we urge the government to facilitate a scientific review of the conservation status of species once every 3 years where inputs from scientific organizations, indigenous communities, subject experts and the general public are taken into consideration to establish a socially and culturally relevant data-based assessment framework.

Additionally, while the explanation clauses specify differences in level of protection to Schedule I and II species, it is not clear what the corresponding penalties or “levels of offence” are. This is relevant to revised penalties based on “compounding” of offences and repeated offences. It would be important to develop graded penalties for offences of different nature – e.g. intended versus unintended impacts. This applies to cases of accidental deaths of species in any Schedule (due to bycatch in fishing nets or road kills of animals), or to cases where collateral damage due to inadvertent intervention elsewhere may lead to death (e.g. either death due to the effects of mining outside a protected area, high intensity pesticide use, sewage or plastic pollution from a distant upriver source, or any other distant activities likely to have large-scale impacts not traceable always to the origin). It will help to clarify, in the amended sections 51 and 54, of what Schedule species correspond with what level of penalties and for what offences.

Similarly, under Sections 11 and 32, it would be worth including a clause related to a mechanism to deal with “accidental death or injury” of species in Schedule I and II, where it may be reasonably assumed that the intent was not to cause harm to wildlife. There can be many cases where this becomes important to consider, e.g. bycatch of species due to accidental entanglement in fishing nets, road or railway kills of animals, or potential injuries resulting from animal behaviour in response to tourist vehicles, filmmaking/photography and, other bona fide livelihood-based activities.

At present, the WLPA assumes hunting to be any action that can cause injury or death of an animal. But there is room for dealing with the above exceptions in a more reasonable way, with differentiated and graduated penalties or sanctions. This is of particular importance when the person involved in the accidental mortality or injury may be from underprivileged sections of Indian society, whose residence and dependence on natural habitats results in them sharing space with wildlife.

4. Participatory management and bottom-up approach

Under Section 33(B) of the Principal Act, the State Government is mandated to constitute an Advisory Committee for each Wildlife Sanctuary consisting of the Chief Wildlife Warden or nominee, a member of the State Legislature, 3 representatives of Panchayati Raj Institutions, 2 representatives of NGOs, and other experts from the field of wildlife conservation. This committee is mandated to advise on measures to be taken for better conservation and management of the respective Sanctuary, including participation of the people living in and around the Sanctuary.

It is unfortunate that till date not a single Advisory Committee has been established so far.

Further, the amendment of Section 33(B) of the Principal Act calls for “due consultation with the Gram Sabha concerned” in forming management plans for sanctuaries. We recommend the following-

- A. The legal provision for the establishment of Advisory Committees must be retained in the amended Act and should be backed by adequate capacity building for implementation of the provisions of the Act. The proposed consultation with the Gram Sabhas should be done through the Advisory Committees. We recommend that the process is people-centric in a way that local communities and the Advisory Committees are involved throughout the process - from planning to implementation.

5. Authority and criteria to declare vermin

[Page 124, Clause 42 under Notes on Clauses in the Amendment bill]

The Principal Act and the proposed amendments both use the term ‘vermin’ to describe species which can be hunted under certain conditions (earlier Schedule V included such species and, in the amendment, such species can now “simply be notified”). The proposed amendment is unclear as to what are the criteria for declaring species as ‘vermin’ and this poses a risk in terms of open and highly subjective interpretation. It is also not clear whether it is the discretion of the Union Government to make such declarations because in many cases, the State Governments are more equipped to identify animals and populations of animals which can or cannot be culled depending on the local conditions. We recognize that culling/removal of certain animals like wild pigs, rodent species and certain plant species which cause risk to life and property is a part of adaptive management and necessary in some contexts for livelihood security and human well-being. However, there should be a transparent and accountable process which is backed by ecological and social evidence to be able to identify such species and establish that the timeline and the region for which such declarations made are valid. There should also be an adequate monitoring mechanism to ensure that the conflict situation is addressed properly without any excessive negative impacts on wildlife while at the same time ensuring that the local communities get relieved of their problems and there are no negative cultural consequences in systems where people and wildlife have coexisted through adaptive practices. Lastly, it is also troubling that the idea of “vermin”, which has had a colonial legacy, is still being sustained.

6. References to The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 (FRA)

Clause 13 which seeks to amend Section 33 of the principal Act, Clause 15 which seeks to amend Section 35 of the principal Act and Clause 17 which seeks to amend Section 38 of the principal Act, must give effect to and should not be in violation of the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 (FRA), henceforth referred to as FRA (2006).

Clause 13 which seeks to amend Section 33 of the principal Act, should give effect to Sec 2 of the FRA (2006) which provides for determination and notification of ‘Critical Wildlife Habitats’ within National Parks and Sanctuaries.

Under the FRA, Gram Sabha and village level institutions are empowered to make decisions regarding the protection of wildlife, forest and biodiversity; protection of ecologically sensitive areas; and regulation of access to community forest resources and stop any activity which adversely affects the wild animals, forest and biodiversity. Therefore, Gram Sabhas should be made strong allies in wildlife governance via the FRA and WLPA but these links need to be outlined clearly in the Act.

Similarly, there is scope to integrate Biodiversity Management Committees (BMCs) in the governance of biological resources by integrating with the Biological Diversity Act (2002). Further, there is potential to integrate the People's Biodiversity Registers (PBRs) that are mandated to be prepared by BMCs to document comprehensive information on availability and knowledge of local biological resources.

7. Permitting subsistence fishing in and around Protected Areas

Under sections 29 and 33 in the Amendment bill, there is a need to include low-intensity, small-scale subsistence fishing in rivers, wetlands, and reservoirs that may be permitted with suitable restrictions on the scale and intensity of different fishing practices (for eg. allowing certain types of artisanal gears, small nets or traps to only catch non-commercial fish species without any externalities for threatened wildlife). Small-scale capture fisheries still remain an important source of livelihood for millions of rural poor across India. Fish are a cheap and rich source of protein and thus a critical element of rural nutrition and subsistence. In many protected areas, fishing is considered illegal and there are blanket bans, due to which many local communities are negatively impacted.

Allowances for subsistence fishing may need to be considered on similar lines as livestock grazing, or use of drinking water by local communities, or collection of minor produce such as fruits, fodder, honey or lac that involve both animal and plant products. Such permissions to subsistence fishing may be granted by amending the explanation for Section 29.

At the same time, any fishing activity that is found to be in contravention of other laws to ban hunting, or involving the use of weapons or any injury-causing devices, or explosives, poisons, or electricity, should continue to be banned. Fishing is peculiar because it is the only form of hunting which is legally and socially acceptable. This “special status” of fishing needs to be considered in an amendment of Section 11, to distinguish some forms of fishing from other banned forms of hunting. This is also particularly important given the recent developments in the implementation of the FRA (2006), recognizing the bundles of rights of forest dwellers and other dependent communities, as well as the recent draft National Fisheries Policy 2020.

8. Missing taxa

The current Schedules are not comprehensive and have many missing animal and plant species, especially of non-charismatic groups like plants, reptiles, amphibians, invertebrates and freshwater fish. Even in the case of mammals, despite significant advancement in the knowledge about many relatively lesser known groups such as rodents or bats (including fruit bats and insectivorous bats), most species or genera of these groups do not find a single mention in the amended Schedules.

A comprehensive scientific exercise needs to be undertaken to examine the Schedules as suggested previously. The proposed amendments to the Act also do not take into consideration that new species continue to be described, and taxonomic re-evaluation of existing species is an ongoing process.

9. Invasive species

The amendment to Section 62 of the principal Act recognizes the threat to ecosystems from invasive alien species (IAS) and also provides for the establishment of a Scientific Authority (as per CITES) to advise on matters related to trade of such species. This is a welcome change and is greatly appreciated. However, we urge the MoEFCC to also include regional invasive species (some of which may be native to the country) which might not necessarily be part of international trade. For example, crows, mynas and spotted deer are invasive species in the Andaman and Nicobar Islands, and should be eradicated to protect the fragile ecology of these island systems. These also need to be reviewed using scientific literature and local indigenous knowledge on a timely basis to avoid mismanagement of ecosystems outside and inside protected areas.

10. Chapter IIIA-17 on protection of specified plants

In the principal Act, the guidelines under Chapter IIIA-17 specifying rules for protection of specified plants will have an impact on the conservation of these rare plants through ex-situ conservation measures like in Botanical Gardens and their use for indigenous health practices. This is because there are no specified guidelines as to how institutions and communities can engage in growing, conserving and utilising these plants and their products. If these guidelines are not specified, it runs the risk of erasure of indigenous practices and may go against the National Biodiversity Authority’s vision of empowering Biodiversity Management Committees to manage

local biodiversity resources. While this chapter recognizes exempting Scheduled Tribe members from collection of some plant resources, it restricts this within district boundaries where the person resides. Dependence on plant resources by indigenous communities is not determined by political boundaries and this will not only create confusion but also challenge livelihood improvement programs by the Department of Biotechnology and MoEFCC. Additionally, placing vague restrictions on ‘declaration of stock’ and ‘purchase of specified plants’ will enable adulteration in herbal plant product manufacturing. . Additionally, only 18 species of plants, which are arbitrarily decided, are referred to as ‘specified plants’ under Schedule III. Following this, Chapter IIIA-17 does not mention the nature of penalties for the extraction and use of these plants. It also does not state rules and regulations of whether commercial Ayurveda and Naturopathy institutes can openly harvest other plants and its derivatives. Moreover, it vaguely states that specified plants and their derivatives which are within protected areas are government property. There is no recognition of plant populations outside protected areas. Lastly, the dearth of human resources with expertise in identifying specified plant products and derivatives (say, in customs procedures), to advise the CCF will be yet another impediment in implementing the Chapter IIIA-17.

11. Devising a OneHealth approach

The current amendment comes during the COVID-19 pandemic, and therefore must recognise the importance of a OneHealth approach. OneHealth is a collaborative, multisectoral, and transdisciplinary approach—working at the local, regional, national, and global levels—with the goal of achieving optimal health outcomes recognizing the interconnection between people, animals, plants, and their shared environment. The amendment should proactively address wildlife health, which is an important and growing, yet often overlooked and neglected, component of the conservation of wild species and their habitats. Therefore, enabling research on wildlife health should be an important consideration. We suggest that research on wildlife and ecosystem health, and any research on wildlife that is crucial from a public health perspective should be exempt from state and central government permission, and that the relevant local authority, of the rank of Range Forest Officer and above, be authorised to issue an emergency permit for capture, handling, and sampling of wildlife from authorised/verified/certified research bodies (either government or non-government), provided that the results of such sampling be made available to the relevant authorities within a specified time period.

12. Decentralizing research; need for a review

Marking 50 years of this legislation, the proposed December 2021 amendment is a good opportunity to review the effectiveness of the Act, to note the best practices and success stories, and learn from failures and unintended consequences. With this view, we would like to highlight that wildlife conservation research requires decentralization; and that management of protected areas that exclude the research of non-governmental organizations needs to be reviewed, and freer, easy access needs to be enabled.

- A. We urge the MoEFCC to make wildlife research more accessible for institutions and consequently make the Wild Life Protection Act more enabling, which encourages wider participation in wildlife research and conservation.
- B. Currently there is a skewed focus on restrictions rather than guidance on a desirable future course of action in the Act. For instance, scheduling of species must be complemented by a time-bound roadmap to ameliorate threats to protect the endangered species and “de-threaten” them with adequate monitoring, reporting, and evaluation.
- C. Obtaining permission to conduct research on species and ecosystems has become very difficult. The process is often arbitrary and is not time bound. The scientific merit of the proposals are not recognised and valued. This hinders independent scientific inquiry and advancement of ecological research in the country. On these lines, we suggest that after section 12 of the principal Act, the following section may be inserted, namely:
- a. Notwithstanding anything contained in this Act, the Chief Wildlife Warden, or their designated authority, shall on an application and on the recommendation of the state or central research advisory committee, grant a permit, by an order in writing to any person, to conduct scientific research, including the non-lethal capture of animals mentioned in the Schedules. Further the Chief Wildlife Warden shall permit the lethal sampling of species where scientifically justified, especially if it is of wildlife health and public health concern.
 - b. Without prejudice to any law currently in force, the Chief Wildlife Warden shall ensure that all permits for scientific research have been processed and granted subject to such conditions and in such manner as may be prescribed.
 - c. The Central Government may prescribe the following, namely:—
 - i. the priority thematic areas for conduct of scientific research;
 - ii. the person(s)/institution(s) who shall be eligible for the grant of permits;
 - iii. the time frame in which proposals for scientific research permits shall be processed, which shall in no case exceed one hundred twenty days;
 - iv. the conditions subject to which permits for scientific research may be granted.
- D. The Act should recognise that science is an essential activity required for conservation, and not something to be “permitted”. Furthermore, being repositories of the natural heritage of the country, areas that are governed by the Act should be open to both basic and applied research, and decisions to permit research should not be left only to the decisions of the Forest Department research advisory committees. We recommend that both Central and State Research Advisory Committees should be set-up with expertise for reviewing basic and applied research proposals for scientific validity. This is along the lines of similar institutions in other countries (e.g. Scientific Services of the South African National Parks). The process needs to be transparent, streamlined, time-bound and welcoming to research



so that there is a vibrant on the ground partnership and collaboration involving researchers, local communities, conservationists and wildlife managers. This will result in the production of high quality ecological knowledge, more sustainable conservation action, and has the potential to create models for the rest of the world to emulate.

We sincerely hope that the honourable members of the Standing Committee will find our comments useful and present them to the Government of India. ATREE and the Biodiversity Collaborative will be pleased to engage further to address questions as needed.

Thank you for your consideration.

Sincerely,
Centre for Policy Design, ATREE and the Biodiversity Collaborative

COMMENTS ON THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2021

Submission to
The Parliamentary Standing Committee on Science and Technology,
Environment, Forests and Climate Change
Parliament of India



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VIDHI | Centre for
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This is an independent, non-commissioned piece of work by the Vidhi Centre for Legal Policy, an independent think-tank doing legal research to help make better laws and improve governance for public good.

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Executive Summary and Introduction

The Wildlife (Protection) Amendment Bill 2021 (Bill No. 159/ 2021) proposes to update and add several provisions to the existing Wildlife (Protection) Act 1972 (“**WPA**”) and streamline the same with other related laws and international commitments. A major addition is Chapter VB on regulating international trade in wildlife and the establishment of Management and Scientific Authorities to give effect to India’s commitment towards the Convention on International Trade in Endangered Species of Wild Fauna and Flora (“**CITES**”).

We appreciate the inclusion of ‘alien invasive species’ and regulating the same under the new Section 62A(l), the giving up of ownership of captive animal or any trophy under Section 42A (1), mandating consultation of the Gram Sabha in Protected Areas (“**PA**”) falling under Scheduled Areas or areas recognised under Forest Rights Act, 2006 as positive developments. Expansion of the definition of ‘person’ and inclusion of ex-situ conservation facilities under ‘zoos’ brings more clarity and expands the purview of the Act. We also appreciate the amendment of the title of 38Y from ‘Tiger and other Endangered Species’ to using the word ‘Wildlife’.

Although the Bill appears to have been drafted with good intentions, our analysis indicates that several provisions can be improved to bring clarity, strengthen conservation efforts and effectively implement the WPA. We also think that there are a number of neglected aspects of wildlife management which may be addressed through this Bill. Our suggestions are broadly categorised as follows:

- A. General amendments not related to CITES;
- B. Amendments related to CITES in Chapter VB;
- C. New Suggestions (not covered by the Act or Bill).

In the first section, we have provided comments on clarifications necessary in certain ambiguous provisions and definitions. We have also discussed the need for regulation of ‘invasive native species’ along with ‘invasive alien species’ to manage native species with known invasive characteristics. Additionally, we have recommended the establishment of an Advisory Committee on Invasive Species. Our principles submissions include use of the term ‘problem animal’ as opposed to ‘vermin’, specification of criteria and responsibilities in the process of declaration of any species as ‘problem animal’, and the introduction of an enabling provision to include feral population of domestic/tamed animals within the purview of this provision. Such feral animals, especially dogs, pose a threat to both ungulates (which they hunt) and to carnivores, since they carry infectious diseases like rabies, parvovirus, and distemper. This is particularly important as studies indicate that that 60% of Emerging Infectious Diseases — such as HIV, Ebola, SARS, Covid-19 — affecting humans, are zoonotic in origin and approximately 72% of these originate in wildlife.

In the second section, we have provided detailed analysis and comments on the newly inserted chapter on the implementation of CITES. Our major submissions propose improving definitions, and streamlining provisions in line with the CITES Model Law and international best practices. We have recommended increasing the functions and responsibilities of the Management and Scientific Authorities constituted under this chapter.

In the last section, we have discussed the need to bring attention towards protection of wildlife habitats and corridors outside the PA network. We have recommended insertion of a new section to declare wildlife habitats and corridors outside PAs to be declared as 'Deemed Wildlife Reserve'. We also recommend the establishment of a Central Wildlife Authority with powers similar to the National Tiger Conservation Authority, but with a wider jurisdiction over all wildlife habitats irrespective of their ownership and PA status.

A. Suggestions on General Amendments

1. Amendment to Section 28

The present Act allows the Chief Wildlife Warden (“**CWLW**”) to permit photography, research, tourism etc. inside a sanctuary. This amendment proposes to insert provisions for permitting ‘*film-making without making any change in the habitat or causing any adverse impact to the habitat or wildlife*’.

It is submitted that ‘change in habitat’ and ‘adverse impact’ should be further explained to indicate the activities which may be considered to have adverse impact. The Bill must incorporate an inclusive definition clause on this term. The definition may include removal of canopy, damage to soil, using of high beam lights, loud noise etc.

2. Amendment to Section 29

The proposed amendment seeks to exempt activities from the requirement of permission of National Board of Wildlife (“**NBWL**”) for certain circumstances, by inserting an explanation as follows:

Explanation.—For the purposes of this section, ‘grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, or the bona fide use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this section.

This explanation is a good addition and clarifies Section 29- particularly, the provision on bona fide use of drinking and household water by local communities. However, it is suggested that the list of activities which can be considered as household water use must be prescribed, to prevent misuse of the provision for large scale agriculture and livestock rearing.

Further, the portion of clause (d) of section 33, that hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12’, must be rephrased as ‘*hunting of wild animals permitted under section 11 and 12*’ as there is already a separate section for penalties under Section 51 of the WPA.

3. Regulation of Invasive Species Must Include ‘Invasive Native Species’

The Bill proposes to insert a definition of invasive alien species as follows:

"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 wildlife or its habitat.'

The Bill also proposes a new section to regulate the spread of invasive species in India as follows:

"62A. (1) The Central Government may, by notification, regulate or prohibit the import, trade, possession or proliferation of invasive alien species which pose a threat to the wildlife or habitat in India.

(2) The Central Government may authorise the Director or any other officer to seize and dispose of, including through destruction, the species referred to in the notification issued under sub-section (1).

While introducing a provision to regulate invasive alien species in India is a valuable step, the Act must include a definition of '**invasive native species**' to restrict the spread of Indian species with known invasive properties within their range and beyond.

In some cases, State governments have used species that are non-native to the ecosystem as part of afforestation programs, which have immense ecological impact, altered soil property, and adversely affected local flora and fauna. These species are not legally classified as alien invasive and therefore used extensively in afforestation and restoration programs leading to a cascade of ecological disaster. For instance, Chir Pine (*Pinus roxburghii*) which is native to Himalayas is now considered locally invasive in some areas due to the negative impact on biodiversity and alteration to soil properties.¹²³ In some cases, species like Katsagoon (*Haplophragma adenophyllum*) which are native to Eastern India, have become invasive in other states due to their utilization in afforestation campaigns, owing to their resilience and quick growth potential.⁴

Similarly, an animal which is considered important or protected in one ecosystem may become invasive in another ecosystem within India. For eg. The population of House Sparrows (*passer domesticus*), which is native to the Indian subcontinent, appears to be decreasing⁵; it is classified as an invasive alien species by the National Biodiversity Authority ("**NBA**") in islands of India.⁶ Indian bullfrog, Spotted Deer, Indian Hog Deer, Indian Barking Deer, Asian Elephant are all native to India and protected under Wildlife (Protection) Act 1972 ("**WPA**") but are also designated as invasive alien species for island ecosystems in India by the NBA.⁷

Following are our suggestion to regulate the issue of invasive species in India:

i) The invasive species definition should include two categories of alien invasive species - **Invasive alien species**; and **Invasive native species**

ii) An Advisory committee on Invasive Species may be constituted under the chairmanship of Director-NBA along with representatives from Ministry of Environment, Forest and Climate Change ("**MoEFCC**"), Ministry of Agriculture and representation of State Wildlife Division- on rotational basis- to advise the Central Government on identification and regulation of invasive species in India.

iii) A new Schedule may be added to the WPA listing names of plants, animals and any microorganisms considered as invasive species. The Schedule may initially list 170 species of plants and animals identified as invasive species by the NBA.⁸

iv) The State Governments must have the power to notify any species as 'invasive' within any forest division or administrative units in the state.



Katsagon (*Haplophragma adenophyllum*) plantation in Chandra Prabha Wildlife Sanctuary. Uttar Pradesh. While the tree is known to survive harsh conditions, over the years it replaces native vegetation and replaces a scrub land ecosystem to a wooded ecosystem, eventually leading change in faunal diversity. (Photo: Debadityo Sinha, Chandraprabha Wildlife Division, Varanasi, March 2021)

4. Declaring a Species as Vermin

In the present Act, the Central Government can declare any wild animal not listed in Schedule I and part II of the Schedule II as vermin under Section 62. The proposed amendment has reduced the list of wild animals appended to the Act from four schedules to two schedules. In doing so, the Bill now proposes that any wild animal not listed in Schedule I can be declared as vermin, which means that all animals listed in Schedule II can be declared as vermin. The list includes 41 mammals, 864 birds, 12 reptiles, 5 amphibians, 58 insects, 14 molluscs, 10 sponges which may be declared as vermin by the Central Government.

While most of the animals which can be declared vermin in the present Act and the proposed Bill may not have significant differences in composition of species covered- the Central Government must deliberate the justification for declaring a long list of wild animals which may be declared as vermin, as such. Declaration of any wild animal as vermin must be undertaken with utmost caution and scientific rigour.

The purpose of declaration of any animal as vermin has been to control the population of an animal which is beyond management. Such an exercise must be undertaken with utmost caution and respecting the constitutional duty (Article 48A) of the government to protect forests and wildlife. While some states allow killing of animals outside Reserve Forests and Protected Areas⁹, some states have imposed supervision of the Forest Department while culling the animals notified under Schedule V.¹⁰ With no procedure established in the statute, the States have been prescribing their own protocols in exercising their power to cull animals declared as vermin.

For clarity on procedure and ensuring precautions, the Act must prescribe the criteria and process of declaration of an animal as vermin in a time bound manner, outline responsibilities at different levels and ensure transparency of the entire process. Following are our suggestion for the provisions related to declaration of vermin:

i) Substitute The Term ‘Vermin’ With ‘Problem Animals/ Species’ and Define Criteria

‘Vermin’ is a derogatory term being used for species in a law that is meant for protection and conservation of wildlife. We strongly suggest that the term be replaced with a scientifically acceptable word which does not stigmatise the animal but indicates a decision taken for management of the ecosystem. One alternative may be to use the term ‘problem animal/species’ instead of vermin.

We also suggest that problem animals must be defined under the Act and specific criteria under which any animal can be notified as a problem animal must be provided. We also suggest that the notification declaring any species as problem animal under Section 62 must be prescribed to be for one month which can be extended subject to review of the situation.

ii) Declaration of Problem Animals Must Be Limited to A Range and Include Recommendation of Chief Wildlife Warden

Many of the species which may be declared as problem animals include ungulates such as Spotted Deer or Sambar which are major prey for tigers. While this species may become a problem species in a landscape where it has no natural predators left, the same species may be key to survival of eco-system in another landscape within the same state. With one-third of tigers now residing outside protected areas, conservation of such prey populations becomes very important. Also, many wild animals, especially deers and wild boars, are major hunting targets for meat. In which case, declaration of any species as problem animals may become a target for hunters and lead to extermination of the species as opposed to population control.

We strongly suggest that the Act should clarify that identification of problem animals must be undertaken at district or forest division level only. The final decision for declaration of any species as problem animal may be taken only after recommendation of the CWLW and final approval of the Central Government. Proper record of the population of the species must be maintained and justification backed by an expert review must be provided before declaration of any species as problem animal.

To prevent complete extermination of the species, and its misuse to satisfy the hunting urge of people, the killing of problem animals must be undertaken under the supervision of the Divisional Forest Officer (“**DFO**”) of the concerned areas involved and such deaths must be officially recorded by the Divisional Forest Officer. A weekly status report must be submitted by the concerned DFO to the CWLW. For better implementation of this provision, the concerned DFO must be designated as Nodal Officer, to monitor effective implementation during the period when a species is under declaration as a problem animal.

iv) Central And State Government to Publish Information Related to Declaration Of Problem Animals And The Status Report On Its Website

It is suggested that the Central Government must maintain a database of the notifications it publishes under Section 62 on the website of MoEFCC under a separate section with clear

indication of the expiry of the notification and details of the district/forest division where it is applicable. The same shall also be displayed on websites for the concerned State.

v) Feral Population of Domestic/ Tamed Animals Should be Included

In many wildlife habitats including Protected Areas (“**PA**”), the feral population of dogs and livestock compete directly with the wild animals. In certain areas, the feral dog populations have become a threat to wildlife by killing animals and replacing top carnivores. According to a study, feral dogs in India reportedly attacked 80 species, of which 31 were IUCN Red list threatened species, including four Critically Endangered species.¹¹ The study also mentions that in 45% of the cases the dogs killed the animals and 48% of the incidents were reported in and around wildlife protected areas. The report Status of Tigers: Co-Predators and Prey in India (2018)¹² by National Tiger Conservation Authority (“**NTCA**”) stated:

“Feral dogs were detected in most tiger reserves.... Dogs are a threat to both ungulates (which they hunt) and to carnivores, since they carry infectious diseases like rabies, parvovirus, and distemper.”

Similarly, the feral population of livestock within a wildlife sanctuary pose a serious threat to native herbivores by directly competing for resources, causing damage due to soil compaction, and wiping out palatable grasses due to overgrazing.



Feral dogs attacking a Spotted Deer. Managing feral dogs is one of the major challenges towards wildlife conservation in India. Without any legislation to manage dog populations in wildlife habitats, forest managers find it difficult to check such incidents. (Photo: Vikas Patil/BBC)

Studies indicate that 60% of Emerging Infectious Diseases — such as HIV, Ebola, SARS, Covid-19 — affecting humans, are zoonotic in origin and approximately 72% of these originate in wildlife.¹³

We strongly suggest that the proposed amendment must include a clause on declaring feral animals (including dogs and livestock) in and around wildlife habitat as a problem animal. Permissions to control the population of feral animals should have an overriding effect on any other laws (e.g., Prevention of Cruelty to Animals Act, 1960).

5. Clarity on Transfer and Interstate Transport of Live Elephants (Amendment to Section 43)

Section 43 (1) prohibits commercial transfer of captive animal, animal article, trophy or uncured trophy by the person holding ownership certificate. Section 43 (2) mandates reporting of inter-state transport of animal, animal article, trophy, or uncured trophy by holder of the ownership certificate to CWLW/ authorised officer. The newly inserted Section 43 (4) states that:

"This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."

The section is unclear as to the meaning of '*prior permission of State Government*' and which State government such permission must be obtained from- whether from the originating state or the state to which transfer/ transport has occurred. It must be clarified that intimation of transfer/ interstate transport of Elephants must be made to the respective CWLWs/ authorised officials.

It is necessary in the interest of elephant protection, that any transfer or inter-state transport be notified to the CWLW or authorised official of the jurisdiction where the Elephant has been transferred or transported from and the jurisdiction to which the Elephant has been transferred or transported to. Such a record must be maintained by the respective CWLWs or authorised officials.

B. Suggestions on the Amendments Related to Regulation of International Trade/ CITES compliance

The Bill proposes to insert a new Chapter VB titled '*Regulation of International Trade in Endangered Species of Wild Fauna and Flora as per Convention on International Trade in Endangered Species of Wild Fauna and Flora*'. Following are detailed comments and suggestions on this chapter.

1. Compliance with CITES Definitions

Several terms used in the amendment require definitions to be brought in line with Convention on International Trade in Endangered Species of Wild Fauna and Flora ("**CITES**") requirements:

i) As per the amendment, Section 49D(a) defines '**artificially propagated**' to '*mean plants which have been grown under controlled conditions from plant materials grown under similar conditions*'.

The term '*similar conditions*' is ambiguous. Therefore, it is advisable that artificially propagated be defined as to '*plants grown under controlled conditions from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt from the control of the Convention or have been derived from cultivated parental stock*' to comply with the Model CITES Law.¹⁴

ii) The term '**captivity**' must be replaced with the more comprehensive term '**controlled environment**' or incorporate the definition as proposed under the CITES Model Law. For the purposes of the amendment, captivity may be defined as

*'Environment that is manipulated for the purpose of producing animals of a particular species, that has boundaries designed to prevent animals, eggs or gametes of the species from entering or leaving the controlled environment, and the general characteristics of which may include but are not limited to artificial housing; waste removal; health care; protection from predators; and artificially supplied food.'*¹⁵

iii) The Bill mentions '**derivatives**' on several occasions, including under Section 49 D (n), to define the term '*specimen*'. However, the Bill does not define derivatives.

The Model CITES Law, defines "derivatives" in *relation to an animal, plant or other organism, to mean any part, tissue or extract, of an animal, plant or other organism, whether fresh, preserved or processed, and includes any chemical compound derived from such part, tissue or extract.*¹⁶

This definition may be adopted under the amendment.

2. Clarification of Import in The Context of Transit or Trans-shipment

The terms '**transit**' and '**trans-shipment**' have not been defined in the Bill. It is pertinent to note that CITES applies to import but not transit/ trans-shipment. Therefore, clarity on the difference between the two is necessary. Currently, import may be understood to mean the release of specimens after Customs clearance. However, import may also mean any introduction into the national territory, whatever the Customs procedure under which the specimens have been placed, including their introduction into Customs free zones, free ports, or bonded warehouses or for temporary storage.¹⁷ This ambiguity must be resolved.

Resolution of Conference of the Parties No. 4.10 under CITES contains a definition of transit and trans-shipment which makes it clear that it *"refers to specimens that remain in Customs control and are in the process of shipment to a named consignee when any interruption in the movement arises only from the arrangements necessitated by this form of traffic."*¹⁸ This definition may be adopted under the Bill. Thus, the introduction of specimens under any Customs procedure other than transit and trans-shipment should be considered as an import under CITES.¹⁹

However, Conference of the Parties No. 7.4, recommends that *"Parties may inspect, to the extent possible under their national legislation, specimens in transit or being transhipped, to verify the presence of a valid CITES permit or certificate as required under the Convention or to obtain satisfactory proof of its existence"* and *"adopt legislation allowing them to seize and confiscate transit shipments without valid permit or certificate or proof of the existence."*²⁰ This is in furtherance of CITES implementation and to introduce checks on illegal transits or trans-shipments. Additionally, provision to this effect may be adopted either in the Bill or rules that may be framed thereof. "

3. Function & Responsibilities of Management & Scientific Authorities

Management & Scientific Authorities have been constituted under Section 49E & 49F of the Bill. The legislative establishment of these authorities is appreciable and necessary.

The functions and responsibilities of Management authorities are mentioned under Section 49E (2) & (3). The functions are issuance of permits and certificates for trade of scheduled specimens. It is advisable that basic functions of the Management Authority must be outlined in the Amendment. Specifically, it must include the following:

- The power of Management Authorities to advise Central Government on CITES implementation
- The mandate of Management authority to conduct training & awareness programs on CITES for relevant officials & organisations,
- The Power of the Authority to communicate with the Secretariat and other countries on scientific, administrative, enforcement and other issues related to implementation of the Convention

These are functions as prescribed under the Model CITES Law, as well as provisions embedded in legislations of countries such as South Africa²¹.

Additionally, the Scientific Authority designated under Section 49F must have the additional function of advising the Management Authority on the choice of a rescue centre or other place for the disposal of confiscated specimens.

4. Export Permits Must Incorporate IATA Standards for Transportation

Incorporation of Live Animals Regulations of the International Air Transport Association (“**IATA**”) has been recommended under the Model CITES Law. Conference of the Parties No. 7.13 recommends that IATA Live Animals Regulations are deemed to meet the CITES Guidelines in respect of air transport.

IATA is the worldwide standard for transporting live animals by commercial airlines. Whether it is a pet, an animal transported for zoological or agricultural purposes or for any other reason, the objective of the Live Animal Regulation is to ensure that all animals are transported safely and humanely by air²². In a Directive of 1991 on the transport of live animals, the European Community requires that CITES specimens are transported in conformity with the latest CITES Guidelines or IATA Regulations, while United States has laid down its own detailed "Standards for the Humane and Healthful Transport of Wild Mammals and Birds to the United States" with which the exporters of wildlife to the United States must comply.²³

In the absence of any specific live animal air transport regulation in India, incorporation of the IATA is advisable.

5. Reasoning for Exemptions Under Section 49 M (1) Must Be Given in Writing

As per the proposed Section 49M (1) the Central government is empowered to exempt one or more specimens of any animal species included in Schedule IV from the requirement to report possession of such specimens to the Management Authority. To ensure transparency, it is advisable that the Act mandate that every exemption under the section be accompanied by a written statement on reason/ rationale for exemption and a mandatory public consultation must be held.

C. Additional Suggestions

1. Protection of Wildlife Habitats Beyond Protected Areas

The WPA in its present form adopts an approach of declaring areas as PAs, which included Wildlife Sanctuaries, National Parks and Conservation/Community Reserves for protection of wildlife. As of March 2021, India has managed to add 981 PAs which account for approximately 5% of its geographical area under PA, spread over 104 National Parks, 566 Wildlife Sanctuaries, 97 Conservation Reserves and 214 Community Reserves.²⁴ Most of these PAs are administrative boundaries created out of convenience, and may not have any conservation benefit as they do not necessarily overlap with the ecological boundaries of wildlife.

Majority of the wildlife use areas outside PAs for access to food, water, and survival. With 22% of India's geographical land under forest cover²⁵ and just 5% of the land under the PA network, a large tract of wildlife habitats in India still falls under Reserve/Protected Forests and private lands which are regulated under Indian Forest Act 1927 ("**IFA**") and other state legislations. They act as important wildlife refuge and connectors with the more strongly guarded, but scattered, network of PAs across the country. A significant population of big carnivores such as Striped Hyena, Dhole, Sloth Bear, Grey Wolf, Golden Jackal are found in areas outside the PAs and use the same for breeding as well as for other survival needs.^{26,27} As per the latest Tiger Census, nearly one-third of the tigers live outside protected areas in India.²⁸ However, despite being home to rich biodiversity and protected wildlife, such forests are never given legal protection as that of a PA.^{29,30}

The connectivity among PAs and habitats in such state managed forests and private lands are increasingly being obstructed due to various land use, land cover changes and are also one of the most human-dominated wildlife areas, prone to heightened human-wildlife conflict and poaching. These habitats remain neglected under India's wildlife law. There is growing consensus on the importance of protecting wildlife corridors and habitats outside PAs scientifically as well as legally.^{31,32}

The WPA provides limited protection to forests outside PAs. These wildlife habitats are neither properly managed nor protected. It is also worth mentioning that the State Forest Divisions outside PAs lack the support, capacity, and knowledge to manage wildlife. Except for the NTCA, which protects tiger reserves, it is unusual for agencies under the WPA to intervene in wildlife habitat protection in such areas. This is in contrast with PAs, which are specifically designated under the WPA. Any developmental or industrial activity involving the use of PAs require prior recommendation of the NBWL, but this is not required outside PAs and their designated buffer/eco sensitive zones.³³

Further, it is difficult to protect those wildlife habitats outside PAs that are not part of any State regulated forests such as habitats which constitute grassland ecosystems, floodplains of rivers, wetlands which are habitat and nesting sites of important species, river channels and other migration routes.

The proposed amendment must include a section to mandate the Central and State government to protect and conserve areas outside PAs which are known and recognized as wildlife habitats. The Bill also misses an opportunity to recognize and protect wildlife corridors and important migratory routes and flyways³⁴.

Thus, we suggest that a separate section 36 E on '**Deemed Wildlife Reserve**' should be inserted for areas protected as Forests (IFA and other State Forest regulations) which has recorded wildlife presence or recognized as wildlife corridors. Such Deemed Wildlife Reserve may be continued to be managed under the Working Plans of the respective State Forest Divisions; however, provisions of Section 29 must apply to them.

2. Establish A Central Wildlife Authority

Statutory bodies like the Wildlife Crime Control Bureau ("**WCCB**") cannot exercise independent authority to curb poaching and are reliant instead on state forest officers. Other bodies like the NBA and State Biodiversity Boards under the Biodiversity Act, 2002, and the National and State Boards of Wildlife are advisory in nature and lack teeth to take measures to protect wildlife. Areas outside PAs are one of the most threatened habitats in terms of both human-wildlife conflict and poaching due to reduced restrictions and monitoring. Even the areas falling under the PA network suffer from lack of adequate training and knowledge of forest staff to manage wildlife.³⁵

The working plans of all forest divisions (including non-wildlife division) in India should compulsorily include wildlife conservation plans, efficient monitoring mechanisms and measures for mitigating human-wildlife conflicts. Comprehensive management of this kind requires an expert body that can assume primary responsibility for the protection of wildlife habitats and advise governments on all matters related to wildlife management and human-wildlife interaction. The Vidhi's Briefing Book 2020 titled '*Towards A Post-Covid India: 25 governance challenges and legal reforms*'³⁶ suggested creation of an independent Wildlife Authority to address some of these limitations. The proposed reforms are as follows:

- I. Establish a '**National Wildlife Protection Authority**' ("**NWPA**") under the WPA, with powers like the NTCA, but with wider jurisdiction for the protection of all scheduled wildlife species and their habitats, irrespective of the ownership of land. The NWPA should have at least 10 regional headquarters representing each biogeographic zone assisted by the Regional Offices of the MoEFCC.
- II. Bring all wildlife-related departments and agencies (including the NTCA, the NBWL and the WCCB) under the authority of the NWPA.
- III. Confer powers on the NWPA to approve working plans and other management activities proposed by forest divisions. The NWPA must ensure their compatibility with regional wildlife requirements, prevent ecologically unsustainable land use, frame guidelines, facilitate research, organise the training of frontline staff in the management of human-wildlife interaction and facilitate community-driven conservation efforts.

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14 Comments on The Wildlife (Protection) Amendment Bill, 2021

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Recommendations
to Strengthen

The Wildlife (Protection) Amendment Bill, 2021

Submitted to

The Parliamentary Standing Committee on Science and
Technology, Environment, Forests, and Climate Change,
Parliament of India



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The act's preamble has been revised, offering more comprehensive legal support for wildlife conservation in India, which is a great step forward. As a result, the amendment has added and substituted provisions under several sections. The amendment broadens the scope of the act by including a mechanism for implementation of the provisions under Convention on International Trade in Endangered Species (CITES), a key international wildlife commitment for India.

However, there are some significant gaps, particularly in the conservation of animal habitats and connectivities, as well as other inadequacies that should be addressed in order for it to be more effective. Wildlife Trust of India's comments and suggestions are in this document.

1. Chapter I of the Principal Act

Addition / changes in Definition

i. *Electrocution has emerged as a popular method of hunting wild animals in both aquatic and terrestrial environments. Thus, it should be included to the Act under section 2(16) (b).*

ii. There is currently no distinct definition for physically or chemically capturing any wild animal for the purposes of research, conservation translocations, disease investigation and treatment, or human-wild animal conflict mitigation. And any attempt to do so is usually classified as 'hunting.' It is proposed that such acts be given a distinct definition.

Some suggestions include the following: Restraint, Immobilization, and Capture

iii. Section 2 (16 A) of the amendment defines a 'invasive alien species' as "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." The definition is not correct scientifically.

India is a signatory to the Convention on Biological Diversity (CBD), which defines Invasive Alien Species as "plants, animals, pathogens, and other organisms that are non-native to an ecosystem, and which may cause economic or environmental harm or adversely affect human health. In particular, they impact adversely upon biodiversity, including decline or elimination of native species - through competition, predation, or transmission of pathogens - and the disruption of local ecosystems and ecosystem functions". It is evident that the species must be alien to an ecosystem, not a country.

Thus, the amendment's definition of Invasive Alien Species is wrong and should be rectified.

- iv. In addition to the above changes, additional terms should be added to Section 2 of the Act, as participatory forest management is becoming increasingly important in the conservation of species and their habitat, with legal backing of the Forest Rights Act (2006) and government policy statements.

As a result, some terms require legal support and consideration under the Wildlife (Protection) Act. We propose to include the following in Section 2:

2 (10) (A) - Community Forest Resources - as defined in the Forest Rights Act, 2006

2 (10) (B) - Critical Wildlife Habitat - as defined in the Forest Rights Act and includes critical habitats of Protected Areas and adjoining forest areas.

2 (23) (A)-Participatory Forest Management as implemented in Protected Areas, with communities serving as Eco Development Committees (EDCs) and the Forest Development Agency (FDA) acting as the nodal agency.

- v. Ecologically fragile areas adjoining National Parks and Sanctuaries are critical for sustaining their biodiversity and habitat integrity. They also function as shock absorbers against human activities. Environment (Protection) Act, 1986 designates such areas as Eco-Sensitive Zones (ESZ), critical for wildlife and habitat conservation both inside and outside protected areas. So, it is essential to include this term in Section 2 of the Wildlife (Protection) Act;

2(12) (a) - Eco-Sensitive Zones (ESZ)- Area declared as ecologically sensitive as per Environment (Protection) Act, 1986 and mandated by Supreme Court.

- vi. Linear infrastructure pose threats on wildlife and their habitat and is being referred in various legal contexts. Central government already has guidelines for linear infrastructure intrusion in natural areas. It is suggested that this is defined under Section 2 of the Wildlife (Protection) act as below;

2 (18) (a)- Linear Infrastructure – Roads, rail, canals, penstocks, power lines, fences, and other man-made intrusions into natural ecosystems that are linear in structure.

2. Chapter II of the Principal Act

Constitution of Standing Committee of SBWL

The addition of Section 6A to the Act would allow states to form a Standing Committee of the State Board for Wildlife (SBWL), which would be chaired by the State Board's Vice-Chair (the Minister-in-Charge of Forest and Wildlife), who could nominate up to ten members from among the State Board's members.

This is similar to the provisions of a Standing Committee of the National Board for Wildlife provision (NBWL). It is anticipated that the Standing Committee will primarily focus on wildlife clearance issues, with minimal attention paid to framing policies and advising the state governments on ways and means of supporting wildlife conservation.

This amendment has two important ramifications in our opinion:

- a. Due to other commitments of the Chief Minister, it is quite possible that he or she will not attend SBWL meetings (as has been observed in NBWL), weakening the SBWL's policy decision function and speeding up wildlife clearances.
- b. The amendment merely specifies the maximum number of Standing Committee members and makes no mention of the minimum number of Standing Committee members. This might lead to a Standing Committee with only one member other than the Vice-Chair, rendering the organisation ineffective because other members will only be on paper.

In light of this, we suggest that the SBWL's Standing Committee include all nominated SBWL members from non-governmental organisations, as well as the notable conservationists, ecologists, and environmentalists.

3. Chapter III of the Principal Act

Ex-gratia support for wildlife-caused damage

Wild animal damage to human property and lives has emerged as the most pressing concern in wildlife management. Providing relief to those affected by such incidents on private or community land is one of the first initiatives that the state government should take to increase people's tolerance for wild animals. In such cases, the state governments have systems to provide support. We propose the following clause to give it legal standing.

11(4) The state shall provide ex-gratia support for wildlife damages to human lives and properties on private or community land.

4. Chapter IV of the Principal Act

Legal mandate to institutions constituted for participatory forest management

The current policies mandate participatory forest management and constitute public institutions that do not get legal back up under Wildlife (Protection) Act, and these institutions function without a legal mandate. Such institutional and participatory mechanisms like Gram Sabha, Forest Rights Committee, Community Forest Resource, Management Plan have legal backing under the FRA. Furthermore, the Forest Development Agency, created for joint forest management, should be assigned to carry out operations in sanctuaries comparable to those carried out by the Tiger Conservation Foundation in tiger reserves (Section 38X). We suggest following insertions in Section 27;

27(2) f- Institutions like Forest Development Agency (FDA) and Eco-Development Committees (EDC) involved in Participatory Forest Management shall assist in the sustainable management and conservation of the Sanctuary while deriving means of livelihood from the resources of the sanctuary.

27(2) g- Forest Development Agencies should have the following objectives

- i. promote ecotourism with involvement of EDCs and provide support to safeguard the Sanctuary*

- ii. *solicit financial, social, legal and other support for sustainable management and conservation of Sanctuary*
- iii. *mobilise financial resources of the Sanctuary by charging a fee approved by government from resorts/hotels and other agencies that depend on the resources of the sanctuary.*
- iv. *to support nature education, research and training needs of sanctuary*

Grant of permit for research

- i. Section 28 of the Act empowers the Chief Wildlife Warden to grant permits to enter and reside in a sanctuary for various purposes, including scientific research. It is also a well-known fact that good research is a vital component of wildlife management. Academic and applied research is often conducted by independent educational, scientific, and conservation groups facing challenges obtaining research permits. Approval from the Central Government is necessary for research involving the handling of Schedule I species. There is no transparent procedure for reviewing the merits of research proposals and timely granting of permits. Research grants are time-bound, and most ecological research is season-specific; therefore, delays in granting permission imperil the project. Hence, emphasis should be on making the process of permission less cumbersome.

The proposed amendment in the Schedules are more complex and technical, the Chief Wildlife Warden may require expert advice to take an informed decision. Moreover, overlap with Forest Rights Act would require support of social scientists too. We recommended including a separate sub-section (under Section 28) 'Granting research permits' outlining specific procedures for assessing the merit of the application. Following insertion is suggested:

28(3) - Chief Wildlife Warden shall, with approval of state government, nominate three experts/professionals in the field of wildlife research and social sciences for advising him in matters related to permission for scientific research. In Community Forest Resource areas this shall be done after consultation with the Gram Sabha.

Provided that when permit is granted –

(a) in respect of any wild animal specified in Schedule I, the Central government shall be intimated.

(b) in respect of all wild animals, with previous permission of state government

ii. Commercial films are very damaging, as was proven repeatedly in different areas. In many cases, courts have put stiff penalties on film crews. Amendment in Section 28 (b) has added film making under Photography. We want to make it more consonance with wildlife conservation by suggesting the following changes in the amendment

28(b) Photography and wildlife film making without making any change in the habitat or causing any adverse impact to the habitat or wildlife. Commercial films shall be allowed only in tourism zones.

(suggested insertion in the amendment are underlined)

Banning use of injurious substances in sanctuaries and its eco-sensitive zone

Given the increasing number of incidents of wildlife casualty due to electrocution outside the sanctuary limits, it is critical to ban the use of this detrimental practice within the eco-sensitive zone of protected areas.

Hence, the scope of Section 32 should be broadened by applying its provisions beyond the sanctuary boundary – extending its scope up to the eco-sensitive zone, and classifying the use of live electric wires to prevent crop raiding and electrofishing in water bodies as a 'injurious substance.'

Management Plans of sanctuary and national parks

Section 33 has been revised to emphasise the drafting of management plans for sanctuaries in accordance with central government guidelines and in cooperation with the Gram Sabha in areas where the Forest Rights Act (2006) applies.

The amendment, however, ignores the quality aspects of the Management Plans, which serves as a foundational document for the systematic development

and management of protected areas. The utility of management plans is limited if they are not ecologically and scientifically sound. The National Wildlife Action Plan (2017-31) of India highlights the concern and recommends streamlining the process of reviewing the plans, as well as providing statutory backing to the Management Plans of Protected Areas (PAs), similar to the Tiger Conservation Plan.

These aspects should be adequately addressed in the amendments.

Furthermore, the Chief Wildlife Warden has the authority to approve the Management Plans of PAs. In many instances, he or she is unlikely to be a wildlife expert because the posting is seniority - based instead of knowledge and experience in wildlife management. The state should constitute a management plan approval committee, with the requisite expertise, under the chairmanship of the Chief Wildlife Warden.

The Forest Rights Act mandates that Community Forest Resource (CFR) management plans should be prepared by Gram Sabha. One Protected Area can have several Gram Sabha with Community Forest Resource plans of their own. Hence PA management plans should incorporate all these CFR plans.

In accordance with such we propose to make following amendment in Section 33:

- a. *Change in the amended section (underlines parts are suggested changes)*
"in accordance with such management plans for the sanctuary approved by an expert committee with Chief Wildlife Warden as the Chairperson as per the guidelines issued by the Central Government and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, to incorporate the CFR management plans prepared as per Sec 5 of FRA and Rule 4 (f) after due consultation with Gram Sabha concerned.
- b. Approval of Management Plans necessitate expertise from different fields as well as general acceptance from local communities. Hence, the proposed amendment is;

Section 33(e) - Apart from Chief Wildlife Warden, the management plan approval committee shall consist of two experts in the fields of wildlife conservation, one social scientist, officer of the concerned tribal department, two nominated presidents of EDCs (at least one woman) and the wildlife warden/ in-charge of the sanctuary.

- c. There are many instances of wild animals getting killed and injured because of abject irresponsibility of concerned agencies. Moreover, FRA also mandates for creation of linear infrastructure. In all these cases a viable as well as judicious decision has to be taken. Thus, we suggest following amendment;

Section 33 (f) - All linear infrastructure should be considered on a case by case basis by the Committee before including them in the Management Plan. It shall be incumbent upon the agency operating the linear infrastructure like roads, railways and electric lines to put in place mitigation measures for avoiding wildlife deaths and injury.

- d. Core or Critical Tiger (CTR) Habitat has been defined in the Wildlife (Protection) Act in the case of Tiger Reserves. However, while Critical Wildlife Habitat (CWH) is defined in the Forest Rights Act, it has yet to be included in the Wildlife (Protection) Act. Due to this, no CWH has been notified, as opposed to CTR, already been declared for all Tiger Reserves. *For this reason, Sanctuary would include core or critical wildlife habitat as defined under Section 2 (b) of the Forest Rights Act, identified by an expert committee as per MOEF guidelines, and a buffer that is peripheral to the core.*

Other essential points related to management plans of protected areas are given below, which should be considered for inclusion in the amendment appropriately.

- It is also critical to ensure that protected areas are managed following the plans that have been adequately reviewed and approved, as mentioned previously. Currently, the prescriptions outlined in management plans

mandatorily do not serve as a basis for the Annual Plan of Operation (APO).

- It is proposed that the amendment includes an explicit reference to protected areas is managed according to management plan prescriptions and the adaptive APOs derived essentially from the approved management plan.
- The protected area management plan must incorporate village-level micro-plans, for mitigating the effects of protected area management on local communities' livelihoods as a result of user rights restrictions, locals' vulnerability to human-wildlife conflict, reducing community dependence on the protected area resources, and overall ecological development outside protected areas.

Management of Community Reserve

Section 36 D (4) of the act states that the Community Reserve Management shall elect a Chairman who shall be the Honorary Wildlife Warden on the Community Reserve. It is understood that unless the land owner has a decisive say in the management of Community Reserve, it would be difficult to convince the person/agency owning the land to get the area declared as Community Reserve, hence we suggest following amendment in the section.

36D (4) - The owner of the land shall be the Honorary Wildlife Warden of the Community Reserve.

5. Chapter V of the Principal Act

Ownership transfer of elephants

The Elephant Task Force, constituted by the Ministry of Environment and Forests, Government of India, recommended in its 2010 report that agencies, institutions or individuals should phase out the acquisition of elephants already in captivity or wild-caught for entertainment, commercial, or other purposes. The task force also recommended amending the law to prohibit the sale, transfer, power of attorney, lease, gift, and donation of elephants.

Establishment of lifetime care centres was also recommended to care for the abandoned, confiscated, or captured elephants as a step to phase out the practice.

However, the proposed change to Section 43, i.e. the addition of sub-section 4, implies that the general prohibition on the transfer of animals by any means in this section will not apply to 'live elephants,' resulting in the start of commercial trade in elephants. The amendment contradicts the Government of India's Elephant Task Force recommendation.

The broader issue of elephant welfare in captivity will likewise go unresolved.

Thus, we suggest that this amendment should not be made.

6. Chapter VI of the Principal Act

Powers to CITES authorities and other enforcement agencies

Chapter V B has been added to the amendment to regulate the trade of endangered species in accordance with CITES, and powers have been delegated to the 'Management Authority' and 'Scientific Authority' to carry out their function under the convention.

Sections 50 to 58 of Chapter VI, on the other hand, grant no power to these CITES authorities (or any authorised officer). Section 50 does not give them the power to enter, search, arrest, or detain anyone.

Thus, in addition to the Forest and Police Officers, the CITES authorities and other enforcement agencies such as Customs officials and the Coast Guard should be given power under Section 50.

7. Chapter VII of the Principal Act

Declaration of certain wild animals as Vermin

The Principle Act's Schedule V - listing 'Vermin' species - has been removed, keeping only Section 62, which allows the Central Government to designate any species not included in the amended Schedule I of the Act as a 'Vermin.'

In the recent past, the central government designated many species as Vermin in few states, including the Nilgai, Wild Pig, and Rhesus Macaques. These notifications were used by the states to 'kill' the animals arbitrarily, without first assessing the population status, prescribing specific methods to get rid of the problem, or evaluating the overall impact of the killings on the ecosystem. According to the Principle Act, animals designated as 'Vermin' may be hunted, which does not always necessitate the animal to be killed according to the Act's definition.

We are confident that no species should be categorised as 'Vermin' without first assessing its number, the level of harm caused to people, and the attempts made by the state or UT administration to resolve the problem prior to communicating the intent to the Central Government.

We suggest that the amendment in the Act should define a criteria and procedure for the Central Government to make scientifically rigorous and evidence-based decisions on this matter.

8. Wildlife conservation outside Protected Areas

The key to wildlife conservation is habitat improvement and protection. These aspects are limited to the management of habitats in four categories of Protected Areas (National Park, Sanctuary, Conservation Reserve, and Community Reserve) and Tiger Reserves.

The National Wildlife Action Plan (2017-31) of India recommends securing wildlife corridors and implementing a landscape approach to wildlife management. However, the proposed amendment makes no mention of granting legal status to habitat connectivities / corridors that are critical for the

conservation of long-ranging species like elephant. The integrity of these wildlife corridors is critical for the long-term survival and genetic health of such species. It is vital to use a landscape-level approach to protect habitats that allow animals to travel from one habitat to another. Because the effects of climate change may cause species range shifts, protecting these connectivities and vast landscapes is critical.

In the light of these facts, specific recommendations are as below;

i. Legal recognition to elephant corridors

A separate chapter on 'Corridor and Landscape Conservation' should be added in the Wildlife (Protection) Act. It should include assigning legal safeguard to corridors by notifying them under Wildlife (Protection) Act.

Wildlife Trust of India of India has identified 101 elephant corridors across the country. Corridor identification and ground validation should be a continuous process. It is suggested that the ecologically and objectively identified elephant corridors be notified under the Wildlife (Protection) Act.

ii. Inclusive management of wildlife corridors and habitats by engaging other landowners

Owners of lands in identified corridors and key wildlife habitats (such as forests, grasslands, wetlands, open natural habitat, plantations etc.) outside the jurisdiction of a Protected Area (such as territorial forests, government departments, tribal councils in Sixth Schedule areas, public and private sector institutions, tea gardens, plantation companies, linear infrastructure development agencies, and so on) should be mandated to manage the land in accordance with a corridor / habitat conservation plan prepared in consultation with the state forest and wildlife department and experts. The plan should primarily address the target species' ecological requirements.

iii. Stopping migration of elephants should be an offence

To control human-elephant conflict and to prevent elephants from coming to one's range / region / state, government agencies and private parties across the country often construct various types of long-distance physical barriers, including solar power fences. Such barriers can obstruct elephants' migratory routes, causing changes in their ecology and behaviour.

We suggest that installing such long-distance barriers within forests, natural ecosystems, and across established migratory corridors be considered an offence under the Act. It should not, however, be applied to barriers erected by local residents to protect themselves and their property.

9. Schedules of wild animals

There is no clarity on how the Schedules, particularly Schedules I to III, have been assigned to the species on the list. It does not even match the most accepted criteria of the IUCN Red List of Threatened Species. The country's knowledge of the status of most species and threats to their habitat is restricted to a few taxa. Assessing the species' national status before classifying them in specific schedules would be helpful.

We suggest that the schedules should be revised after conducting National Red Listing of species based on the criteria developed by IUCN.

There are instances where there are errors in the common and scientific names of wild animals on the schedules. Further, genetic and other methods keep on updating the taxonomy and changing the nomenclature of flora and fauna. It is not feasible to rapidly amend names on the schedules as per the change in nomenclature. Mismatches in updated nomenclature and scientific names of scheduled species in the legal documents result in a court of law's unfavourable observations.

Thus, names on the schedules should be correct. It is also necessary to make a specific mention regarding the automatic adoption of the revised scientific name under the Act's Schedule.

Wildlife Trust of India is a wildlife conservation charity organization, dedicated to preserve and protect the natural world and its wild habitats. Our team has been fully committed to India's wildlife for the last 20+ years.

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We are writing to express our comments on the recently proposed amendments to the Wild Life Protection Act, 2021.

World Animal Protection appreciates the uplisting of the Star Tortoise in Schedule I of the amended Wild Life Protection Act.

World Animal Protection has conducted research for greater legal protection to the Star Tortoise on several fora, including CITES :

<https://www.worldanimalprotection.org/blogs/investigating-illegal-trade-indian-star-tortoises>

World Animal Protection is however concerned about certain other aspects of the proposed amendments to the Wildlife Protection Act as expressed in this article in Times of India, including the continued exemption to transactions in captive live elephants :

<https://timesofindia.indiatimes.com/india/experts-flag-loopholes-in-proposed-amendment-in-wildlife-protection-act-saying-it-will-allow-commercial-trade-in-live-elephants/articleshow/88816712.cms>

World Animal Protection has been campaigning for the end of the allowance given to transactions in live captive elephants in the Wildlife Protection Act under Section 40, as conveyed to you earlier :

<https://www.worldanimalprotection.org.in/protect-elephants>

We hope that as the Chairman of the Parliamentary Standing Committee on Science, Technology, Environment, Forests and Climate Change, you will take note of our observations whilst reviewing the current Wildlife Protection Act.

Many thanks.

With best regards.

Yours sincerely,

Shubhobroto Ghosh

With best regards and kind wishes,

Shubhobroto Ghosh

Wildlife Projects Manager - India

World Animal Protection

In continuation of our submission on the proposed Wild Life Protection Act amendments, we would like to make an additional point for your consideration

“Whilst recognising the importance of including CITES legislation in the amended version of the Wildlife Protection Act, World Animal Protection would like to state that the allowance and provision for keeping CITES listed animals in captivity or dealing in them or their products should not be an inducement provided by the current amendment. Therefore, for any individual or group that wants to deal or keep CITES listed wild animals, the jurisdiction should always involve jurisprudence to consider each application on a case by case basis rather than an ad hoc basis. CITES permits for keeping and dealing in animals should only be provided to those who can demonstrate genuine bona fide reasons for doing so.”

We look forward to this process being carried out in the Parliament and would like to consult with you on the process when the time is appropriate. Many thanks.

With best regards and kind wishes,

Shubhobroto Ghosh

Wildlife Projects Manager - India

World Animal Protection

JUSTICE FOR ANIMALS, INDIA*

[By Email]

26th January, 2022

To

All Honourable Members & The Secretariat,
Parliamentary Standing Committee on Science & Technology, Environment and
Forests and Climate Change,
Parliament House Annexe, New Delhi 110 001

Dear Members of the Committee,

**SUBJECT: WRRC submissions to the Parliamentary Standing Committee on
Forest, Wildlife and Climate Change**

I am an animal rights lawyer representing “Justice for Animals” based in Bombay and Goa. I research and write on animal rights, specifically on the rights and welfare of captive elephants.

I am writing with great concern over clause 27 of the proposed Wildlife Protection Amendment Bill that purports to exclude “live elephants” from the ban, in section 43 of WPA, of commercial trade in wild animals.

My pointwise submission is as follows:

1. The Wildlife Protection Act, 1972 (WPA) is a legislation enacted to protect wild animals in their natural environments. This includes elephants which are both a national heritage and a Schedule I animal.
2. The provisions of self-declaration followed by the issuance of an ownership certificate to private owners of captive elephants (under sections 40 and 42 of WPA), and further prohibition of sale of private elephants (section 43 of WPA) were designed to bring the “unregulated” market of captive elephant trade pre-1972 within a regulatory framework of the law. It was never meant to facilitate further ownership and trade in elephants.
3. However, over the decades the law has been mis-utilised to perpetuate illegal trade in captive elephants. The Wildlife Stock Rules, 2003, revised the cut-off date to regularize illegal ownership in captive elephants from 1972 to 2003 by granting amnesty to all (legal and illegal) ownership of captive elephants pre-2003. However, just like 1972, the 2003 regulatory amnesty

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JUSTICE FOR ANIMALS, INDIA*

provision remains disregarded, and ownership and illegal trade of captive elephant continues.

4. Widespread capture, trade and transport of elephants – contrary to the intention of WPA - has become the norm, leading to the current approximate 2500 captive elephants in India of which 1800 are privately owned.
5. The illegal trade in elephant continues primarily because pursuant to a 2003 amendment, under section 40 2A/2B of WPA, the **elephant** is the ONLY wild animal that is still allowed to be privately owned. While this anomaly needs to be corrected on an urgent basis, the section 43 ban of commercial trade in all wild animals is a protective bulwark to hold live elephant smugglers in check.
6. I am concerned that the illegal, unconstitutional, captive elephant ownership exception is now being extended to their trade. This will detrimental to our commitment of elephant protection and conservation. All elephants essentially come from the wild, this is the truth behind privately owned captive elephants. Both ownership and trade in elephants must remain strictly prohibited under WPA.
7. The purpose of the Indian Wildlife Protection Act, 1972 (WPA) read with Article 48A of the Constitution (inserted by the 42nd Amendment in 1977) creates a duty on the state to 'protect' and 'safeguard the forest and wildlife of the country'. It is our contention that at the very minimum 'protection' and 'safeguarding' entails that no wildlife shall be taken out of the wild.
8. Wildlife protection must only be guided by a non-negotiable commitment to ensure that wild animals prosper, remain and flourish in the wild as free animals. At the very least, the word "transfer" from clause 27 should be deleted, if not the entire clause itself.
9. There have been some remarkable judicial decisions where High Courts have stepped in to end the cruel commercial use of captive elephants and to direct they be rehabilitated in natural environments:

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- a. Karnataka High Court in the case of *CUPA vs. State of Karnataka & Ors.* (W.P. No. 7276/2005) has held in Para 15, “What is of paramount in a case like this in the best interests of the animal and certainly not its owner or any other party.”, thereby giving importance to the welfare of **Elephant Girija Prasad** over the interest of the temple trust, who was the custodian of the animal.
- b. In *Dr. Manilal Valliyate (PETA) v. State of Maharashtra and others* [Bombay High Court 2014] Sunder, a captive elephant held by a temple in Kolhapur district in Maharashtra, who was subjected to many years of cruel treatment by the mahout, was directed to be set free and relocated to a sanctuary. The Court **acknowledged that elephants are highly cognitive and intelligent animals.**
- c. Perhaps the best formulation of our belief that elephants are wild and must be left alone in the wild was echoed by the High Court of Chhattisgarh in *Nitin Singhvi*, (2017) where Court recognised “*that [elephants] have..rights... A salutary principle.. to uphold the rights of the animals to say “Leave us Alone”.*”
- d. In a recent landmark Delhi High decision dated court 20th January 2020 in *Saddam v Union of India*, the court rejected a habeas claim by a Mahout to repossess a captive elephant Lakshmi, by recognising the inherent connection the elephant has to its natural habitat. The Court stated: “*Keeping in view the ... its natural characteristics, ..this Court is of the opinion that Jungle is the natural habitat of an elephant ... Even if the Mahout is able to establish ownership, it would not be a ground to treat the elephant as his “slave” and move elephant-Laxmi to an uncomfortable environment against her rights and interests. Consequently, the interest of elephant-Laxmi is best served in a forest rather than in a congested city with a Mahout.*”
- e. The High Court of Bombay in Goa in the case of *People For Animals* (2020) has banned the commercial use of ten captive elephants in Goa used for joy rides. These elephants have now been seized by the forest department, but due to lack of an elephant care facility they still remain with the owners.
- f. In February 2021, in a case filed by an animal activist highlighting the cruel treatment meted to captive elephants in Srirangam Temple, the Chennai High Court has strictly advised that the forest department cannot evade their primary responsibility for the welfare of elephants even when they

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are privately owned. They have further asked the government to frame policies to end future private ownership of elephants.

We are afraid the current amendment will go against over two decades of jurisprudence on elephant protection.

Conclusion and Recommendations:

10. All animals have a right to live a life of dignity that must entail freedom from captivity and the right to live in their natural habitat. Captivity of wild animals is a relic of the past, and today it singularly affects elephants. We cannot allow our National Heritage Animal with the highest protection in law to be chained and abused for the will of human kind. Keeping elephants captive is not only against the WPA, it is also unconstitutional and arbitrary to treat the elephant differently from all other Schedule I, wild animals. We do not have any captive lions or tigers being owned and traded, then why elephants?
11. We would like to make the following suggestions to the committee as stakeholders working on the ground on the welfare and rescue of captive elephants:
 - a. The Hon'ble Committee must recommend the deletion of clause 27, as it purports to undo five decades of work on elephant protection and is also patently unconstitutional.
 - b. The Hon'ble Committee must also advise the Government propose a further amendment to the law to also delete "the live elephant" exception in Section 40 2A/2B that allows ownership of elephants.

Thank you.

Alok Hisarwala Gupta

Warm Regards,

Alok Hisarwala Gupta, LLB, LLM (Columbia)
Founder, Justice for Animals, India.

CC: Shri. Ramesh Pandey, IFS, Director, Project Elephant,
Dr. K M Selvan, Dy. Director, Project Elephant,

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CONSERVATION ACTION TRUST

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Work: 022 – 25122422/23

31st January 2022

The Hon'ble Chairman and Hon'ble Members,
Parliamentary Standing Committee on Science, Technology, Environment, Forests and Climate Change,
Room No. 4, A Block,
Parliament House Annexe Extension
New Delhi

Dear Sirs,

Comments and suggestions on the proposed amendments to the Wild Life Protection Act, 1972

1. We would suggest that the following changes need to be made in the Act –
 - a) The Standing Committee should be appointed by the National Board, or the State Board, as the case may be, and should not be nominated by the Vice Chairperson.
 - b) The following proviso should be inserted as S. 6 A (4) - Provided that all reports, recommendations and/or decisions taken by these committees, sub-committees or study groups should be placed before the State Board for its approval.
 - c) We would suggest that the Chapter on CITES should be removed from the WLPA and enacted as a separate Act. We are suggesting this because whilst the WLPA is a restrictive/prohibitory Act, the CITES chapter enables the trade and breeding of exotic wildlife. Incorporating this Chapter in the WLPA will cause unnecessary confusion and contradictions.
 - d) In either case, there is a need to add a separate clause to the Act saying that the provisions of the CITES chapter would not apply to any species of wildlife that is found naturally in India. There are species e.g. Tiger, Leopard and Asiatic Lion which are specified in Sch I and in Sch IV App I. This has the potential for exploitation by vested interests, notwithstanding S 49 R.
 - e) Ambergris (so called whale vomit) should be specifically excluded from the provisions of the WLPA, since it is a waste product, discharged naturally by some individual whales and is not commercially harvested. For fisher folk who find this floating in the sea, or on the beach, this is a bonanza, and the fisher folk should not be prosecuted for these finds.
 - f) We have suggested that the Management Plans of Protected Areas be prepared based on the Guidelines issued by the MoEFCC, should go through a process of public consultation, and then be approved by the MoEFCC. In case of any measures required for habitat "improvement", the Management Plan should clearly specify which scientific studies have been carried out to justify the need for such "improvement". These Management Plans should also be in compliance with S 29 or 35(6) of the WLPA as the case may be.
 - g) The Management Plans should also include the areas adjacent to the PAs that have been notified as ESAs/ESZs.
 - h) There should be a ban on the use of mechanical earth moving equipment within PAs such as bull dozers and JCBs except in the event of natural disasters. This is intended to discourage civil works within PAs that now seem to be proliferating because of CAMPA funds being made liberally available to the Forest Departments.
 - i) In the case of offences under the WLPA, any police officer of the rank of Officer in charge of a Police Station and above should be empowered to investigate offences and file a Police Report (chargesheet). This would require amendment of S. 50 (8) and 55 (b) of the WLPA.
 - j) A Non obstantive clause may please be added to the WLPA.
2. Please find below some additional changes that we are suggesting to specific provisions of the Act. The left hand column contains the provisions of the proposed Bill, and the right hand column contains our suggestions for your kind consideration.

Draft of Bill	Comments/Suggestions for your consideration
<p>THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2021</p> <p>A BILL <i>further to amend the Wild Life (Protection) Act, 1972.</i></p> <p>BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—</p> <p>1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2021. (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p> <p>2. In the preamble of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), for the words "protection of wild animals, birds and plants", the words "conservation, protection and management of wild life" shall be substituted.</p>	<p>Please add "and its habitats" after "conservation, protection and management of wild life"</p>

Short title and commencement.

Amendment of preamble.

53 of 1972.

Bill No. 159 of 2021

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AS INTRODUCED IN LOK SABHA

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3. In section 2 of the principal Act,—

(a) in clause (5), for the words and figures "Schedule I, Schedule II, Schedule III or Schedule IV", the words and figures "Schedule I or Schedule II" shall be substituted;

(b) in clause (15), after the words "wild animal", the words "or specified plant" shall be inserted;

(c) after clause (16), the following clause shall be inserted, namely:—

'(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;'

(d) in clause (18A), for the words and figures "Schedules I to V", the words and figures "Schedules I, II and IV" shall be substituted;

(e) in clause (19), for the words and figures "Schedules I to V and VI", the words and figures "Schedules I, II and III" shall be substituted;

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

'(24) "person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not;'

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

'(26A) "Schedule" means a Schedule appended to this Act;'

(h) in clause (27), for the word and figures "Schedule VI", the word and figures "Schedule III" shall be substituted;

(i) for clause (34), the following clause shall be substituted, namely:—

'(34) "vermin" means any wild animal notified under section 62;'

(j) in clause (36), for the words and figures "Schedules I to IV", the words and figures "Schedule I or Schedule II" shall be substituted;

(k) for clause (39), the following clause shall be substituted, namely:—

'(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.'

4. In section 5A of the principal Act, in sub-section (1), for clause (d), the following clause shall be substituted, namely:—

"(d) Member, NITI Aayog in-charge of Environment, Forest and Climate Change;".

5. In section 5B of the principal Act, in sub-section (3), for the words "in proper discharge of functions assigned to it", the words "on such terms and conditions as may be

prescribed for proper discharge of functions assigned to it under the Act" shall be substituted.

6. After section 6 of the principal Act, the following section shall be inserted, namely:—

"6A. (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. In section 9 of the principal Act, for the words and figures "Schedules I, II, III and IV", the words and figures "Schedules I and II" shall be substituted.

8. In section 11 of the principal Act, in sub-section (1), in clause (b), the words and figures ", Schedule III, or Schedule IV," shall be omitted.

9. In section 24 of the principal Act, in sub-section (2), in clause (b), for the words and figures "Land Acquisition Act, 1894", the words and figures "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.

10. In section 25 of the principal Act, in sub-section (1),—

(a) in clause (a), for the words and figures "Land Acquisition Act, 1894", the words and figures "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted;

Please delete the word "alien".
Also, please replace the word "and" after "not native to India" with "or".

- k) The Standing Committee should be appointed by the National Board and should not be nominated by the Vice Chairperson.
- l) The following proviso should be inserted as S. 6 A (4) - Provided that all reports, recommendations and/or decisions taken by these committees, sub-committees or study groups should be placed before the State Board for its approval.

(b) in clauses (b) and (c), for the word and figure "section 9", the word and figures "section 21" shall be substituted;

(c) in clause (d), for the words and figures "section 18" and "Part III", the words and figures "section 64" and "Chapter VIII" shall respectively be substituted;

(d) in clause (e), for the words "the Court", the words "the Authority" shall be substituted;

(e) after clause (f), the following *Explanation* shall be inserted, namely:—
'*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.'

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

12. In section 29 of the principal Act,—
(a) for the word "Board", the words "National Board" shall be substituted;
(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—
'*Explanation.*—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, or the *bona fide* use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this section.'

13. In section 33 of the principal Act,—
(a) after the words "manage and maintain all sanctuaries", the words, brackets and figures "in accordance with such management plans for the sanctuary approved by him as per the guidelines issued by the Central Government and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned" shall be inserted;
(b) in clause (a), in the proviso, for the words "commercial tourist lodges", the words "tourist lodges, including Government lodges, for commercial purposes" shall be substituted.

14. In section 34 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—
"(4) No renewal of any licence under the Arms Act, 1959, shall be granted to any person residing within ten kilometres of a sanctuary except under the intimation to the Chief Wild Life Warden or the authorised officer."

15. In section 35 of the principal Act, in sub-section (8), for the words and figures "sections 27 and 28", the words, figures and letter "sections 18A, 27 and 28" shall be substituted.

16. In section 36D of the principal Act, in sub-section (2),—
(a) for the words "five representatives", the words "not less than five representatives" shall be substituted;
(b) after sub-section (2), the following sub-section shall be inserted, namely:—
"(2A) Where a community reserve is declared on private land under sub-section (1) of section 36C, the community reserve management committee shall consist of the owner of the land, a representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located and also the representative of the Panchayat concerned or the tribal community, as the case may be."

17. In section 38 of the principal Act,—
(a) in the marginal heading, after the words "National Parks", the words "or conservation reserves" shall be inserted;
(b) after sub-section (2), the following sub-section shall be inserted, namely:—
"(2A) The Central Government may, if it is satisfied that the conditions specified in sub-section (1) of section 36A are fulfilled in relation to any area referred to in sub-section (1), declare such area, by notification, to be a conservation reserve and the provisions of sections 36A and 36B shall apply in relation to such conservation reserve as they apply in relation to a conservation reserve declared by the State Government.";
(c) in sub-section (3),—
(i) after the words "or National Park", the words "or conservation reserve" shall be inserted;
(ii) for the words, brackets and figures "sub-sections (1) and (2)", the words, brackets, figures and letter "sub-sections (1), (2) and (2A)" shall be substituted.

Please add the word "documentary" before "film-making". No commercial filming should be allowed. Please also add the words "or disturbance" after the words "any adverse impact"

The rights for the bona fide use of drinking and household water should form part of the management plan.

The Management Plans should be prepared as per the Guidelines issued by the Central Government after due public consultation and should be approved by both the State and National Wildlife Boards.

We would suggest that the word "intimation" should be replaced with "concurrence".

18. In section 38L of the principal Act, in sub-section (2), in clause (o), for the words "Inspector General of Forests or an officer of the equivalent rank", the words "an officer not below the rank of Inspector General of Forests" shall be substituted.

19. After section 38X of the principal Act, the following section shall be inserted, namely:—
 "38XA. The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions relating to sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under this Act."

20. In Chapter IVC of the principal Act, in the heading, for the words "TIGER AND OTHER ENDANGERED SPECIES", the words "WILD LIFE" shall be substituted.

21. In section 38Y of the principal Act,—
 (a) in the marginal heading, for the words "Tiger and other Endangered Species", the words "Wild Life" shall be substituted;
 (b) in the opening portion, the words "Tiger and other Endangered Species Crime Control Bureau to be known as the" shall be omitted;
 (c) in clause (e), for the words "Central Excise", the words "Central Goods and Services Tax" shall be substituted.

22. In section 39 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—
 "(4) Where any such Government property is a live animal, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre where it can not be released to its natural habitat.

(5) Any such animal article, trophy or uncured trophy or meat derived from any wild animal, as referred to in sub-sections (1) and (2) may be disposed of by the State Government or the Central Government, as the case may be, in such manner as may be prescribed by the Central Government:
 Provided that such disposal shall not include any commercial sale or auction and no certificate of ownership shall be issued for such disposal."

23. In section 40 of the principal Act, the words and figures "or Part II of Schedule II" wherever they occur shall be omitted.

24. In section 40A of the principal Act, in sub-section (1), the words and figures "or Part II of Schedule II" shall be omitted.

25. In section 41 of the principal Act, in sub-section (1), in clause (b), the words and figures "and Part II of Schedule II" shall be omitted.

26. After section 42 of the principal Act, the following section shall be inserted, namely:—
 "42A. (1) Any person having a certificate of ownership in respect of any captive animal, animal article, trophy or uncured trophy, meat or ivory imported into India or an article made from such ivory, and who is not desirous of keeping it in his control, custody or possession may, after giving notice of seven working days to the Chief Wild Life Warden, surrender the same to him and any such certificate of ownership shall stand cancelled from the date of such surrender.
 (2) No compensation shall be payable to any person for surrender of any such animal, article, trophy, meat or ivory to the Chief Wild Life Warden under sub-section (1).
 (3) Any such animal, article, trophy, meat or ivory surrendered under this section shall become the property of the State Government and the provisions of section 39 shall apply."

27. In section 43 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—
 "(4) This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."

28. In section 48 of the principal Act, in clause (b), in sub-clause (ii), the words and figures "or Part II of Schedule II" shall be omitted.

29. In section 49A of the principal Act, the words and figures "or Part II of Schedule II" at both the places where they occur, shall be omitted.

30. After Chapter VA of the principal Act, the following Chapter shall be inserted, namely:—
 'CHAPTER VB
 REGULATION OF INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AS PER CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA
 49D. In this Chapter, unless the context otherwise requires,—
 (a) "artificially propagated" means plants which have been grown

"Conservation Reserves" should also be added after "sanctuaries and National Parks"

It should be clarified that such live animals should be housed only in public zoos, and not in private zoos. Also, the word "where" should be replaced with the word "when".

Please add the following words at the end of the proposed S. 43(4) -
 Provided that this is done for the welfare of the elephant and does not involve any commercial transaction.

We would strongly suggest that this Chapter not be added to the WLPA. CITES should be regulated with a standalone Act.

<p>under controlled conditions from plant materials grown under similar conditions;</p> <p>(b) "bred in captivity" means produced from parents in captivity;</p> <p>(c) "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington D.C., in the United States of America on the 3rd of March, 1973, and amended at Bonn on the 22nd of June, 1979, its appendices, decisions, resolutions and notifications made thereunder and its amendments, to the extent binding on India;</p> <p>(d) "export" means export from India to any other country of a specimen;</p> <p>(e) "import" means import into India from any other country of a specimen;</p> <p>(f) "introduction from the sea" means transportation into India of specimens of any species which were taken from the marine environment not under the jurisdiction of India or any other country;</p> <p>(g) "Management Authority" means the Management Authority designated under section 49E;</p> <p>(h) "plant" means any member, alive or dead, of the plants listed in Schedule IV including seeds, roots and other parts thereof;</p> <p>(i) "readily recognisable part or derivative" includes any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species listed in Schedule IV;</p> <p>(j) "re-export" means export of any specimen that has previously been imported;</p> <p>(k) "Scientific Authority" means a Scientific Authority designated under section 49F;</p> <p>(l) "scheduled specimen" means any specimen of a species listed in Appendices I, II or III of the Convention and incorporated as such in Schedule IV;</p> <p>(m) "species" means any species, sub-species, or geographically separate population thereof;</p> <p>(n) "specimen" means—</p> <p>(i) any animal or plant, whether alive or dead;</p> <p>(ii) in the case of an animal,—</p> <p>(A) for species included in Appendices I and II of Schedule IV, any readily recognisable part or derivative thereof;</p> <p>(B) for species included in Appendix III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendix III of Schedule IV in relation to the species; and</p> <p>(iii) in the case of a plant,—</p> <p>(A) for species included in Appendix I of Schedule IV, any readily recognisable part or derivative thereof;</p> <p>(B) for species included in Appendices II and III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendices II and III of Schedule IV in relation to the species;</p> <p>(o) "trade" means export, re-export, import and introduction from the sea.</p> <p>49E. (1) The Central Government shall, by notification, designate an officer not below the rank of an Additional Director General of Forests as the Management Authority for discharging the functions and exercising the powers under this Act.</p> <p>(2) The Management Authority shall be responsible for issuance of permits and certificates for trade of scheduled specimens in accordance with the Convention, submission of reports, and shall perform such other functions as may be necessary to implement the provisions of the Convention.</p> <p>(3) The Management Authority shall prepare and submit annual and biennial reports to the Central Government.</p> <p>(4) The Central Government may appoint such officers and employees as may be necessary to assist the Management Authority in discharging its functions or exercising its powers under this Chapter, on such terms and conditions of service including salaries and allowances as may be prescribed.</p> <p>(5) The Management Authority may, with the prior approval of the Central Government, delegate its functions or powers, to such officers not below the rank of the Assistant Inspector General of Forests, as it may consider necessary for the purposes of this Chapter.</p> <p>49F. (1) The Central Government shall, by notification, designate one or</p>	<p>"parents" should be replaced by "parent".</p> <p>The words "or any other country" may please be deleted.</p> <p>For the purposes of this definition, "fungi" may please be added, even though technically they are not "plants". Alternatively, they could be added as a separate category in a separate clause.</p> <p>Please add the word "legally" before "imported".</p> <p>We suggest that there should be a mechanism put into place to address changes in the CITES Appendices in case there are any modifications.</p> <p>Please add "or fungi" in clause (i)</p> <p>Please add the word "breeding" after "import"</p>
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more institutes engaged in research on species as Scientific Authority for the purposes of this Chapter, for fulfilling the functions under the Convention.

(2) The designated Scientific Authority shall advise the Management Authority in such matters as may be referred to it by the Management Authority.

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

(4) Whenever a Scientific Authority is of the opinion that the export of specimens of such species requires to be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I of the Convention, it shall advise the Management Authority to take such appropriate measures to limit the grant of export permits for specimens of that species as the Scientific Authority may deem necessary for said purpose.

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

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

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

(3) Every person engaging in trade of a scheduled specimen shall report the details of the scheduled specimen and the transaction to the Management Authority or the officer authorised by it in such manner as may be prescribed.

(4) Every person engaging in trade of a scheduled specimen, shall present it for clearance to the Management Authority or the officer authorised by it or a customs officer only at the ports of exit and entry as may be specified by the Central Government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) a certificate of origin; or

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

We would suggest that clause (4) can be deleted since CITES covers exotic species not found in India.

Please add the words “or breeding” after “trade”.

Since we are not breeding exotic species for reintroduction in India, this clause could also be deleted.

The word “primarily” may please be deleted.

We would suggest that if the import is being carried out by a trader, this condition needs to be imposed on the subsequent buyers as well.

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

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

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

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

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

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

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

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

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

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

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

49M. (1) Every person possessing a living specimen of an animal species listed in Schedule IV shall report the details of such specimen or specimens in his possession to the Management Authority or the authorised officer: Provided that the Central Government may exempt one or more specimens of any animal species included in Schedule IV from such declaration for such quantity and for such period as it may deem fit.

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

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

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

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

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

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

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

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

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

(2) The form and manner of the application to be made to the Chief Wild Life Warden under sub-section (1), the fee payable, the form of certificate of registration, the procedure to be followed in granting or cancelling the certificate of registration shall be such as may be prescribed by the Central Government.

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

We would suggest that this clause be deleted since the opportunity for declaration was given last year. In any case, the time limit for reporting cannot be open ended.

We would suggest that prior permission should be obtained before the transfer is effected.

We would suggest that births be reported within a period of 15 days.

We would suggest that deaths be reported within a period of 15 days.

(a) the application is in the prescribed form;
(b) the resolutions of the Convention relating to breeding in captivity or artificial propagation of species listed in Appendix I of Schedule IV are satisfied; and
(c) the provisions of the Act and rules made thereunder have been duly complied with,
record an entry of the statement in a register and grant the applicant a certificate of registration.

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

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

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

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

49Q. (1) Every species or scheduled specimen, in respect of which any offence against this Act or rules made thereunder has been committed, shall become the property of the Central Government and the provisions of section 39 shall, without prejudice to the Customs Act, 1962, apply, *mutatis mutandis*, in relation to species and scheduled specimens as they apply in relation to wild animals, captive animals and animal articles.

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

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

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

31. In section 50 of the principal Act, in sub-section (1),—

(i) after the words "the Director or any other officer authorised by him in this behalf", the words "or the Management Authority or any officer authorised by the Management Authority" shall be inserted;

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

(iii) in clauses (a) and (c), after the words "derivative thereof", the words "or scheduled specimen" shall be inserted.

32. In section 51 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "twenty-five thousand rupees", the words "one lakh rupees" shall be substituted;

(ii) in the first proviso,—

(A) the words and figures "or Part II of Schedule II" shall be omitted;

(B) after the words "boundaries of a sanctuary or National Park", the words and figures "or where the offence relates to a specimen of a species listed on Appendix I of Schedule IV" shall be inserted;

(C) for the words "ten thousand rupees", the words "twenty-five thousand rupees" shall be substituted;

(iii) in the second proviso, for the words "twenty-five thousand rupees", the words "one lakh rupees" shall be substituted;

(b) in sub-section (1A), for the words "ten thousand rupees", the words "twenty-five thousand rupees" shall be substituted.

33. In section 51A of the principal Act, the words and figures "or Part II of Schedule II" shall be omitted.

34. In the section 54 of the principal Act, in sub-section (4), for the words "twenty-five thousand rupees", the words "five lakh rupees" shall be substituted.

35. In section 55 of the principal Act, after clause (ac), the following clause shall be inserted, namely:—

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

36. In section 57 of the principal Act, after the words "derivate thereof" at both the places where they occur, the words "or Scheduled specimen" shall be inserted.

37. In section 61 of the principal Act, for the word "add", the words "amend any Schedule or add" shall be substituted.

38. In section 62 of the principal Act,—

(a) the words and figures "and Part II of Schedule II" shall be omitted;

(b) the words and figure "and so long as such notification is in force, such wild animals shall be deemed to have been included in Schedule V" shall be omitted.

39. After section 62 of the principal Act, the following sections shall be inserted, Namely:—

"62A. (1) The Central Government may, by notification, regulate or prohibit the import, trade, possession or proliferation of invasive alien species which pose a threat to the wild life or habitat in India.

(2) The Central Government may authorise the Director or any other officer to seize and dispose of, including through destruction, the species referred to in the notification issued under sub-section (1).

62B. Notwithstanding any other provision of this Act, the Central Government may call for any information or report from a State Government or any such other agency or body or issue any direction to a State Government or any such other agency or body for effective implementation of the provisions of the Act for the protection, conservation and management of wild life in the country."

40. In section 63 of the principal Act, in sub-section (1),—

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

"(aii) terms and conditions of the committee, sub-committees or study groups under sub-section (3) of section 5B;";

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

"(gvii) the manner of disposal of Government property under sub-section (5) of section 39;

(gviii) the conditions for transfer or transport of live alaphant under sub-section (4) of section 43;";

(c) after clause (j), the following clauses shall be inserted, namely:—

"(ji) the terms and conditions of service including salaries and allowances for appointment of the officers and employees of the Management Authority under sub-section (4) of section 49E;

(jii) the conditions and procedures subject to which any exemption provided for in Article VII of the Convention may be availed under sub-section (2) of section 49H;

(jiii) the reporting of details of scheduled specimens and the transaction as per sub-section (3) of section 49H;

(jiv) the matters provided for in sub-sections (8) and (9) of section 49M;

(jv) the form and manner of the application, the fee payable, the form of certificate of registration, and the procedure to be followed in granting or cancelling a certificate of registration as per sub-section (2) of section 49N;

(jvi) the fee payable for renewal of certificates of registration as per sub-section (3), and manner of making appeal under sub-section (4), of section 49-O;

(jvii) any other matter for proper implementation of the Convention as may be required under Chapter VB;".

41. For Schedules I, II, III, IV, V and VI to the principal Act, the following Schedules shall be substituted, namely:—

The word "alien" may please be deleted.

The schedules need to be finalized after a series of consultations with domain experts. Sandalwood and Red Sanders need to be added as Schedule I species. There are numerous orchids that also need to be added to the list of protected plants. The earlier system of including entire families may need to be replicated for some insects as well.

Please do let us know if any further information or clarifications are required.

Yours faithfully,



Debi Goenka
Executive Trustee



**Comments on the Wildlife (Protection) Amendment Bill, 2021- Bill number
159 of 2021**

By Humane Society International/India

Section of Principal Act	Amendment in Draft Bill	Comments/Remarks
28- Grant of permit	In section 28 of the principal Act, in sub-section (1), in clause (b), after the word "photography", the words "and film-making without making any change in the habitat or causing any adverse impact to the habitat or wildlife" shall be inserted.	The terms 'adverse impact' may be defined further to include the avoidance of use of any form of audio-visual bait for wild animals (example: use of animal calls or certain pheromone-based scent to attract another animal)
33-A. Immunisation of livestock	<i>No amendment has been proposed in the draft bill in this section, but we recommend expansion of the scope as mentioned in the next column</i>	We recommend the expansion of the scope of immunization to include not only livestock but also community animals such as dogs and cats within five kilometers of a sanctuary or any protected area to prevent the spread of diseases. This may be done in conjunction with other government agencies as may be applicable.



**HUMANE SOCIETY
INTERNATIONAL**

INDIA

<p>39- Wild animals etc., to be government property</p>	<p><i>Our recommendation on this section is not to replace/edit/revise any amendments proposed in the draft bill. However, our general comment on Section 39 may be found in the next column.</i></p>	<p>It is humbly submitted that the draft bill may provide clarity and suitable language to ascertain the ownership of a free-roaming wild animal listed in any schedule. Provisions in the principal act render wild animals to be government property <u>only</u> when hunted.</p>
<p>40- Declarations</p>	<p>[(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wildlife (Protection) Amendment Act, 2002 (16 of 2003) acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance. (2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorized officer and the provisions of sections 41 and 42 shall apply as if the declaration had been made under sub-section (1) of section 40: Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant.]</p>	<p>In the interest of protection of elephants and prevention of their unlawful transfer or sale, we urge you to delete the phrase “Provided that nothing in sub-sections (2-A) and (2-B) shall apply to the live elephant.” This would ensure that a system of accountability is brought in to regulate the otherwise prevalent practices as it pertains to live elephants.</p>



42- Certificate of ownership	The Chief Wildlife Warden may, for the purposes of section 40, issue a certificate of ownership in such form, as may be prescribed to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification	We recommend that the certificate of ownership may carry with it a duration of validity not exceeding a period of two years. At the expiry of the certificate of ownership, the Chief Wildlife Warden of any authorized officer in his behalf may inspect the animal housing facility and health of the animal before renewing the certificate.
43- Regulation of transfer of animal, etc.	In section 43 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely: — “(4) This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government.”	The proposed amendment of section 43, when read with section 40 of the principal act allows for commercial trade in live elephants which is highly detrimental to the protection and conservation of elephants in the wild. This would only further fuel the existing undertone of live elephant trade in the country and instead legitimize the practice further. We hence urge you to delete this proposed amendment.



<p>55- Cognizance of offences</p>	<p>In section 55 of the principal Act, after clause (ac), the following clause shall be inserted, namely: —</p> <p>“(ad) the Management Authority or any officer, including an officer of the Wildlife Crime Control Bureau, authorized in this behalf by the Central Government; or”.</p>	<p>This section may be amended further to include a sub-section (d) of the draft bill as follows “(d) any police officer above the rank of sub-inspector of police” as police officers are actively involved in detection and prevention of violations against various provisions of the principal act and hence need to be included in the list of officers against whose complaint, any court shall take cognizance of any offence.</p>
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<p>62- Declaration of certain wild animals to be vermin</p>	<p>In section 62 of the principal Act, — (a) the words and figures "and Part II of Schedule II" shall be omitted;</p>	<p>The proposed amendment qualifies all species listed under the revised Schedule II of the draft bill to be declared 'vermin' as and when deemed fit. This amendment is problematic in many ways chief of which is that it provides arbitrary powers to the central government to declare an entire species as vermin whereas the problem or conflict may only be with a handful of animals in a very isolated region. The declaration of any species (even if within a stipulated region and time frame) to be vermin needs to follow thorough scientific rigour and must be justified by parameters that go beyond valuation of crop loss or loss of property. Finally, the use of the term 'vermin' itself may be replaced to better indicate a group of problem animals, in a particular geography for a particular time-frame to avoid the negative connotation the word itself carries. The proposed amendment could cause ecologically important species such as Jungle cats and Indian foxes among others to be declared</p>
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		<p>vermin- which goes against the very purpose of the act.</p> <p>Section 62 of the principal act itself is unconstitutional, especially since sections 11 and 12 provide the Chief Wildlife Warden an opportunity to humanely deal with an individual or a group of problem animals, within a defined area without having to resort to declaring the entire species to be vermin.</p>
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Other Generic Recommendations:

1. **State board for wildlife-** the draft bill seeks to replace the state board for wildlife with a standing committee which could effectively function with just two members. This removes any form of participatory decision making on matters that are crucial to the protection and conservation of species within the state. The erstwhile state board for wildlife requires members who are experienced in various aspects of forest and wildlife management. The lack of this, amounts to a lack of voice on behalf of the scientific community or any other stakeholders in decision making which is detrimental.
2. **Revision of schedules-** While the updating of taxonomy to stay abreast with evolving science is welcome, the revision of the erstwhile six schedules to just three in the draft bill is concerning as it is still lacking several species. There is also a need to provide justification or at the very least, a criterion based on which species are split into their respective schedules in the draft bill. The criteria and justification thus defined, could also provide for the inclusion and modification of the schedules as science continues to evolve around the taxonomy of wild animals. In this regard, we also echo the recommendations made by other eminent scientists and organizations to allow for a greater deliberation on this before the schedules themselves are pressed into being.



Turtle Survival Alliance - India

Committed to conserving India's freshwater ecosystems

F.F., D 1/ 317, Sector F, Jankipuram, Lucknow,

Uttar Pradesh, India -226021

Letter No.: TSAFI/PSC/22-950

Date: 02.02.2022

To,

Mr. Rakesh Anand
Additional Director,
Rajya Sabha Secretariat
New Delhi

Subject: Regarding revisions and amendments made to the Wild Life (Protection) Act, 1972 vide THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2021 (Bill No 159 of 2021)

Sir,

I am writing this on behalf of Turtle Survival Alliance (India) Program in the context of the recent revisions and amendments proposed in the Lok Sabha under THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2021. An exhaustive revision and consideration of various species of Tortoises and Freshwater Turtles of India was long overdue in the Wild Life (Protection) Act, 1972. We appreciate the amendments proposed in the act that would strengthen law and enforcement structures so as to grant these animals the highest level of protection in the country.

With 29 species of tortoises and freshwater turtles, India is among the premier turtle diversity hotspots. Globally, India ranks sixth in terms of species diversity, while third among all Asian countries. Turtle Survival Alliance India (TSA-India) Program initiated in 2014, today, positively impacts 15 of the 29 species. Working in close collaboration with the State Forest Departments and National Institutions, we conduct actions on the ground towards species conservation and protected area management, enhance community livelihood benefits, strengthen law enforcement, curb illegal trade, and accelerate learning on relevant issues on the illegal turtle trade in the country. Three National Freshwater Turtle and Tortoise Strategic Conservation Planning & Red-list Assessment Meeting conducted by TSA India in 2005, 2010 and 2017 with support and endorsement of Ministry of Environment, Forest and Climate Change, and Ministry of Water Resources, River Development and Ganga Rejuvenation (in the past), help recognize the five 'Turtle Priority Areas' in the country, with timely revisions of the species in IUCN Red List as per the status and conservation priority.

TSA India program has always voiced in favor of listing the threatened Tortoises and Freshwater Turtles of India under the Wild Life (Protection) Act, 1972, CITES, IUCN Red List etc but with the backing of current knowledge and need assessment so as to well inform the species protection based on the regional as well as a global, science and conservation priorities. We are approaching you in this context and would be grateful if you can consider the following views which are framed as per the existing state of knowledge, conservation importance and the scientific research feasibility for the species.

1. On the revised Schedules-

-Indian Flapshell Turtle (*Lissemys punctata*) may be maintained in Schedule I – The species has drastically surfaced in illegal trade seizures, destined for food/flesh markets. The species was up-listed to Vulnerable in IUCN Red List, as it is estimated to have undergone a reduction of more than 30% over three generations owing to extensive local harvesting and continual wetland loss. It was earlier listed in Schedule I, allowing for the stricter conviction of the offenders.

-Indian Roofed Turtle (*Pangshura tecta*) may be maintained in Schedule I (it is listed as Indian Tent Turtle/*Kachuga tecta** under Schedule II, * see Sr. No. 3 for species name anomalies) – Due to their decorative coloration

and relatively small size, the species is among the commonly sought-after species for the pet trade. It is a heavily exploited species, especially as a pet and as dried plastron for the Chinese Traditional Chinese Medicine markets.

-Loggerhead Turtle (*Caretta caretta*) may be maintained in Schedule I – The species is threatened due to direct utilization of turtles or eggs for human use (i.e., consumption, commercial products) as well as fisheries bycatch: incidental capture of turtles in fishing gear targeting other species.

-Indian Tent Turtle (*Pangshura tentoria*) may be listed in Schedule II (it is listed as Indian Tent Turtle/ *Kachuga tecta** under Schedule II, * see Sr. No. 3 for species name anomalies) – Likewise, Indian Roofed Turtle, the species also surfaces considerably in the pet trade though less than sister species *P. tecta*, and *P. sylhetensis*.

-Crowned River Turtle (*Hardella thurjii*) may be moved to Schedule II – The species currently has a stable population across its distribution range in the Ganga-Brahmaputra basin of northern India. The species further has rare occurrences in the trade seizures.

-Asian Giant Tortoise (*Manouria emys*) may be moved to Schedule II – Though the species is rare and reportedly occurs across its distributional range in Northeastern India, exact range is yet to be established, requiring further studies. Also, it rarely occurs in pet or flesh trade.

-Keeled Box Turtle (*Cuora mouhotii*) may be listed under Schedule II – Though a decent population of the species exists in Northeast India, very limited information is available with preliminary studies suggesting that it might have a sub-species, warranting further investigation. The species has rare occurrences in the trade seizures.

-Assam Leaf turtle (*Cyclemys gemeli*) may be added to Schedule II (it is mentioned as '*Cyclemys* spp.' in Schedule IV in the appendix) – Though the species has been reported from different Northeastern states, decline in available habitat over three generations is suspected to have caused a 20% reduction in population.

2. On the species not listed in any Schedule-

-Indian Narrow Headed Softshell Turtle (*Chitra indica*) is recommended for listing in Schedule I – The species has recently emerged as one of the most sought after species in illegal turtle trade for meat and their calipee (in Chinese traditional medicine). Continued decline in area, extent and/or quality of habitat is leading to population decline.

- Assam roofed turtle (*Pangshura sylhetensis*) is recommended for listing in Schedule I – The species is locally rare to very rare in its distribution range, restricted to the Brahmaputra basin. The population has been decimated due to widespread local subsistence consumption and demand for the high-end pet trade.

-Malayan box turtle (*Cuora amboinensis*) is recommended for listing in Schedule II – Though rare, a substantial population occurs in several protected areas in northeast India, however very limited information is available with preliminary studies suggesting that it might have a sub-species, warranting further investigation. The species is threatened with illegal trade for consumption and traditional Chinese medicine and occasional consumption for subsistence throughout its range.

-Impressed tortoise (*Manouria impressa*) is recommended for listing in Schedule II – The species was discovered from Arunachal Pradesh in 2019. With sparse information currently available on its distribution, the species is rare, but faces threats of subsistence hunting, alongside habitat loss from agriculture and logging.

-Indian Eyed Turtle (*Morenia petersi*) is recommended for listing in Schedule II – The species has suffered widespread declines, essentially disappearing from half of its former range. Substantial numbers continue to be collected for local consumption and export to East Asian food markets. The recent appearance of the species in trade seizures is worrisome.

3. On the anomalies in the species names-

-**Indian Roofed Turtle (*Pangshura tecta*) and Indian Tent Turtle (*Pangshura tentoria*)** are two different species. They are currently mentioned as the Indian Tent Turtle/ *Kachuga tecta* under the Schedule II, (*see Sr. No. 1 for recommended Schedules). Both species are heavily exploited for the pet trade, thus need protection.

-The scientific name of **Indian Flapshell Turtle** may be rectified as *Lissemys punctata* (in place of *Lissemys punctate*)

-Genus and species name must be separated with a space.

4. On the export of scheduled and non-scheduled species under VB-

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

The Current Appendix I contain several tortoise and freshwater turtle species that are threatened with extinction, like CITES, 49-I can be more clarified that it prohibits international trade in specimens of these species except when the purpose of the export is not commercial for instance for conservation breeding and research (as in Article III, CITES).

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

For non-scheduled species as *Morenia petersi*, *Melanochelys trijuga* and *Cyclemys gemeli* etc, 49N may be exploited for commercial breeding ventures and trade. A sub-clause similar to above may be included to allow only conservation breeding and research, and prohibit breeding for commercial purposes.

5. Other recommendations-

In 49-N or 49-O, it may be included that “all captive breeding facilities (conservation and commercial) for any species of wildlife must have documentation of legal acquisition of the founder stock, and maintain records of births, deaths and transfers (releases, exchanges, sales) of all captive-born offspring. Where possible, parent and offspring specimens should be uniquely marked (microchipping, scute notching, photo-identification, ringing, tagging, etc.) whenever possible without compromising animal welfare”.

In 49-I, 3 (c), it is strongly recommended to include the words ‘in the wild’, so that the sentence reads “... the Scientific Authority has advised that the export will not be detrimental to the survival of that species in the wild;” [otherwise there may be a situation where a species is allowed to go extinct in the wild as long as plenty of animals survive in captivity, like it happened for *Cuora trifasciata* or, even Giant Pandas in China]

49M (5) & (6) and 49N (1) are not quite consistent: registration requirement applies to Appendix I, II and III species, but the 90 day limit and fee schedule only apply to Appendix I specimens.

49M only pertains to live specimens; death of concerned specimens must be reported, but there seems to be no specific instruction what to do with the carcass, and the option to give away a dead specimen. This may be resolved by including such clauses in the act that are not discussed or proposed for amendment here.

There may be a structured mechanism to periodically review and update the list of species included in Schedules I and II – both for inclusion of species recently found to warrant legal protection, and to update taxonomic-nomenclatural changes. Also, whether the changes to Schedule IV would presumably occur ‘automatically’ after each CITES CoP – such a mechanism can be specified.

We do hope that you will reflect upon these issues, and consider this as our formal request to invite expert opinions and deliberations before going ahead with the proposed WILD LIFE (PROTECTION) AMENDMENT BILL, 2021. These suggestions, if included, would elevate the consideration of tortoises and freshwater turtles, both regionally and globally as sentient beings.

Thanking You

Sincerely,

Shailendra Singh

(Dr. Shailendra Singh)

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Regional Vice-chair, IUCN/SSC/Tortoise and Turtle Specialist Group

**PROPOSED AMMENDMENTS
THE WILDLIFE PROTECTION ACT, 1972**



**TRUE CONSERVATION ALLIANCE FOUNDATION
FEBRUARY 2022**

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SUMMARY

This report outlines lacunae in the Wildlife Protection Act, India and aims to -

- Check constitutionality of aims & objects of WPA,1972 that affect proposed amendments.
- Outline relevance of aims and objects of WPA 1972 with regard to World Conservation Strategy protocols (1980) upon which India has agreed to model its wildlife laws upon.
- Define foundational principles for the Act as per WCS protocols and best possible outcome keeping constitutionality, legality and global precedents in mind.
- Define “Wildlife Management” as per global precedent and its branches, “Conservation Management” & “Preservation Management” to set foundations for all ensuing policy.
- Provide sustainable management solutions for Human-wildlife conflict including integrated management solutions (IPM) and Community Nature Based Resource Management (CNBRM) solutions that result in livelihood development for rural communities while achieving IUCN/World Conservation Strategy (WCS) Objectives.
- Ensure farmers are given the rights to protect their crops, lives and livelihood.
- Sustain & nurture abilities of rural communities to participate in the economy through wise & sustainable use of natural resources to contribute to the alleviation of poverty
- Conserve the country’s biological diversity by allowing sustainable use and ownership of bio diversity by both public and private sectors.
- Restore and increase wildlife habitat by incentivizing communities to protect wildlife and their habitats, thus increasing community participation in conservation.
- Provide strategies for the resurrection of tradition and culture inhibited by policy and sustain animist, Sanatan dharmic and indigenous traditions across India.
- Fulfil India’s international obligations to treaties, declarations and protocols to which India is a signatory to, including the UN declaration of Human rights, UNESCO and IUCN declarations, regarding conservation objectives and sustainable use of biodiversity.
- Ensure that various forms of ‘ecotourism’ benefits farming and indigenous communities directly – with significant revenues staying at the community level via policy.
- Increase tourism at both national and international levels within India.
- Enable a significant rise in the GDP of the country.

INTRODUCTION

The Wildlife Protection Act (WPA) 1972 was enacted and passed by Indira Gandhi prior to the 42nd Amendment of India's Constitution, enacted during the Emergency when the opposition was jailed and the supreme courts powers were reduced. The WPA effectively banned hunting in most regards and took away the traditional rights of Indians 38 million tribals at the time (today over a 100 million people), to sustainably use their natural resources as they had been doing so since time immemorial. Simultaneously it prohibited farmers from effectively protecting their crops or citizens from sustainably using wild resources as is practised in most countries. While the ban 'sounded' good to people removed from ground realities, it led to massive amounts of forest being converted to agricultural lands with immense losses of biodiversity, the attack on culture and traditions of India's indigenous peoples as well as inhibiting the right of farmers to protect their livelihoods guaranteed under Article 21.

The Wildlife Protection Act was a precursor to the Indian Emergency and the model was inspired by early North American efforts to create the 'ideal' wilderness, evocative of paradise and sans human habitation. While the Americans allowed regulated hunting, fishing and other sustainable usages of public and private lands and ensured the right of their farmers to protect their livelihoods, the Indian state took over all wild resources, preventing them from being owned or used sustainably by citizens in most regards, and the forest department was tasked with enforcing the blanket ban on hunting and state takeover of natural resources. In India wildlife 'conservation' as it is called, is the sole domain of the State, often alienating local communities who have historically been linked to the wildlife through mythological, spiritual, consumptive and economic connections.

The Act extinguished the customary rights as well as historical relationships of local communities with the natural environment, creating conflict between communities, wildlife and the state. In comparison to nearly all Western, European and African conservation models, India's 'Fortress' WPA essentially bureaucratized crop protection while converting the former hunting reserves of Maharajas to Protected Areas, banning hunting in most regards, effectively taking away resource usage rights from all indigenous people and removed via policy the potential of sustainable use of any wildlife or wild lands from the citizens of India, whose resources they actually are.

Worldwide, there is no ban on regulated sustainable use of wild resources, an effective wildlife management tool and revenue generator. Nor is there a man-animal conflict problem or threats to wildlife in those countries, since wildlife populations are monitored and managed. Indian wildlife is routinely portrayed as threatened and exploited, in the absence of any reliable knowledge or data on the subject. Except for tigers, we have not taken a census of any wildlife species outside protected areas that cover only about 5% of the country. There exist no reliable figures for any species of terrestrial wildlife, despite immense funding received by concerned government organs.

Wildlife is prolific and needs to be managed in landscapes that include agriculture, human settlements and natural habitats. These landscapes cover up to 95 percent of the country (excluding protected areas) and could be a source of immense and sustainable wealth in various forms, if allowed via policy, as followed by all first world nations and most of the rest.

WILDLIFE MANAGEMENT PRINCIPLES: THE INTERNATIONAL CONTEXT

The provisions of the **World Conservation Strategy – 1980** (WCS), revised 1991 and renamed: **Caring for the Earth, A Strategy for Sustainable Living** form a protocol, declared to be the official Mission Statement, and is reflected the principal policy, of the International Union for the Conservation of Nature and Natural Resources (IUCN). In 1980, the WCS was hailed by world society as being the **blueprint** for the symbiotic survival of man and nature on earth.

India became a State Member of IUCN in 1969, through the Ministry of Environment, Forest and Climate Change (MoEFCC) and obligated itself to model India's National Conservation Strategies (NCSs) on the WCS template; and to write its provisions into their national laws. The WCS proposed and promoted, *inter alia*, an integrated approach to development and sustainable natural resource management. The three principles objectives of what the WCS describes as *living resource conservation* (sic) are:

1. *To preserve genetic diversity (the range of genetic material found in the world's organisms), on which depend the functioning of many of the above processes and life-support systems, the breeding programs necessary for the protection and improvement of cultivated plants, domesticated animals and microorganisms, as well as much scientific and medical advancement, technical innovation, and the security of the many industries that use living resources;*
2. *To maintain essential ecological processes and life support systems (such as soil regeneration and protection, the recycling of nutrients, and the cleansing of waters), on which human survival and development depend; and*
3. *To ensure the sustainable utilization of species and ecosystems (notably fish and other wildlife, forests and grazing lands), which support millions of rural communities as well as major industries.*

The Wildlife Protection Act of India is a central Statute that protects wildlife wherever wildlife may be found. The Act was written in 1972, eight years prior to when India became a signatory to the **World Conservation Strategy – 1980** (WCS). After the promulgation of the WCS, all those responsible sovereign states who were members of the IUCN at that time, including India, obligated themselves to model their National Conservation Strategies (NCSs) on the WCS template; and to write its provisions into their national laws. These protocols of the WCS have not been incorporated into the WPA as yet, especially the third protocol for sustainable use. The WPA itself is arguably problematic on many fronts including at a constitutional level where it can be contended that Article 21 is routinely violated especially when it comes to farmers rights and indigenous livelihoods & traditions.

WPA AMENDMENTS / COMMENTS

- **Short Title and Commencement**

1(1) This Act may be called the **Wild Resources (Management) Amendment Act, 2021**.

The use of the word 'protection' is not commensurate with global understanding of what 'conservation' is per se. "Protection" is only one aspect of Wildlife Management as per the world conservation strategy protocols. Both "Conservation" and "Protection" are the two aspects of Wildlife Management. Conservation allows for sustainable use of natural resources whereas protection is only applied to those species that need protection so that their numbers can rise to a level where the species can be conserved and thus benefit both humanity and biodiversity.

Refer: Annexure 3, Annexure 4

- **Amendment of Preamble**

The use of the expression "conservation" in the preamble is a good thing though unnecessary if **Wildlife Management** is used. The word 'Conservation' is used globally and clearly defined as per World Conservation Strategy Protocols and also includes sustainable use of wild resources including fish, plants, and wildlife - as per the 3rd WCS protocol.

The Act should shift its title / objective from "**protection**" of wildlife to "**MANAGEMENT**" Of wildlife and wild resources which encompasses both **PROTECTION** and **CONSERVATION**, allowing revenues and rural livelihoods to be created in various ways, as per global precedents, WCS protocols and evidence-based science.

Refer: Annexure 3, Annexure 4

- **Amendment of Section 2:** Section 2 gives a list of the definitions of expressions used in the Act. Many are welcome changes.

The following need addressal -

(c) after clause (16), the following clause shall be inserted, namely — '(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 wildlife or its habitat;'

Invasive Alien Species (IAS) definition should follow the [IUCN definition](#) of what an IAS is as India is a signatory to the WCS protocols. The definition is currently incorrect. The Correct definition is "An Invasive alien species is a species introduced outside its natural past or present distribution; if this species becomes problematic to either wildlife, wildlife habitat or human life and resources, it is termed an invasive alien species (IAS)".

In other words: **An invasive species is an organism that causes ecological or economic harm in a new environment where it is not native.** – Source: US Dept. of Commerce)

IAS are the most common threat to amphibians, reptiles, and mammals on the IUCN Red List; they may lead to changes in the structure and composition of ecosystems detrimentally affecting ecosystem services, the economy and wellbeing. Given the numerous ecosystems in India especially island ecosystems, invasive species native to some parts of India may invade other parts. For example: 1. Spotted deer in the Andaman Islands are invasive alien species which destroy endemic flora and fauna though endemic to other areas. 2. Unowned/free ranging domestic dogs and cats in any wildlife areas are also Invasive Alien Species as per international definition 3. Rhesus monkeys ranges are increasing negatively affecting farmer's incomes and bonnet monkey populations. 5. Common Blue rock pigeons are also invasive alien species causing huge damage to both urban structures, monuments, and agriculture. All these species follow the [IUCN definitions](#) of an "Invasive Alien Species"

Suggested Amendment: All designated Invasive Alien species may be harvested, killed and utilized in designated contexts by any citizen, government authority or agency. Where their removal or hunting can be monetized, it should be encouraged. For example: 1. Hunting of spotted deer in the Andaman islands 2. Export and trade of rhesus monkeys for bio-pharma research. 3. Hunting of pigeons in fields when they raid crops or allowance of people to capture/kill blue rock pigeons in cities.

Refer: Annexure 7

The definition of "hunting" (sub-rule 16) must also be amended given its relevance to other amendments.

India is perhaps the only country on earth where farmers are prevented and inhibited from protecting their crops, livelihoods, and property as per the stipulations of the Wildlife Protection Act 1972 that has put in place procedures for crop pest management that are illogical, unsustainable, and practically impossible or near impossible for a farmer to use to protect his livelihood. India's official farmer population is up to about 150 million people who work against tremendous odds to achieve their harvests. Up to 70 percent (and in some cases more) of the harvest can be lost to vertebrate pests including birds, mammals and rodents and vast losses go unreported, at great cost to both the GNP and India's farmers.

Under the Wildlife Protection Act (WPA) in India, it is illegal for a farmer to even chase a wild boar, nilgai or monkey off his land, let alone shoot it, even if it is destroying his crops and livelihood or posing a threat to his life and livestock. The current definition implies that driving (chasing) wild animals out of somebody's home or fields amounts to illegal hunting {clause (b)} and cannot be done legally without the permission of an authorized officer. Likewise, on paper, farmers are prevented from protecting their crops using lethal methods from various birds and monkeys that cause immense losses to both farmers and to food security of the nation even though these species are not endangered in any way and are present in exponentially greater numbers in croplands compared to wild habitat's simply because farmers resources form the bulk of their diet and predators are absent/inadequate in number.

India is among the first countries in the world to have passed legislation granting Farmers' Rights in the form of the Protection of Plant Varieties and Farmers' Rights Act, 2001. However, paradoxically while the Act protects the genetic potential and strains of crops grown by Indian

farmers it does not include the right for farmers to protect their plant resources on the ground from attack by crop pests. So, while intellectual property is protected, actual property is not allowed to be protected from many crop pests using lethal, sustainable, or consumptive means even if regulated as the hunting definition does not allow for regulation of hunting.

Likewise, the process which farmers must go through to get permission to protect their crops is cumbersome, attacked at the policy level by animal rights activists both in the courts and within government, constantly challenged in court and often unworkable, especially for the small farmer. Forest departments often do not issue permissions and courts take a long time to deliver judgements most often in favour of farmers rights to protect their crops. By the time a farmer is usually 'allowed' to protect his own property and crops from marauding wild animals, he has lost too much, and years have passed, or entire harvests and livelihood potentials lost. This situation can be argued to be unconstitutional and against the right of a farmer to protect his or her livelihood.

The original, pre 1972 definition of "hunting" may be used, slightly modified following international precedents and effective protocols.

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

(a) capturing, killing, poisoning, snaring, and trapping of any wild animal and every attempt to do so.

(b) driving or baiting any wild animal for any of the purposes specified in sub-clause (a) 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.

It is recommended that **REGULATED** hunting may be allowed outside PAs, especially in agricultural areas, with significant derived revenue being allowed to stay at rural level to ensure community conservation, and within PAs if it serves a Wildlife Management function. Likewise falconry may be allowed as it has been since **2010** been added to the [Representative List of the Intangible Cultural Heritage of Humanity](#) by the [United Nations Educational, Scientific and Cultural Organization](#) (UNESCO).

The retaining of the schedule IV for vermin might not be needed and especially if regulated hunting is allowed.

If hunting is legalized, revenue enabled so that revenues stay at the rural level and regulated then a species need not be labelled vermin, as being notified vermin is for a certain time and for a specific district/area etc. The Act is a permanent instrument and allowing for sustainable use of potential 'vermin' species following wildlife management protocols and can be an incentive for community conservation across India, revenue generation from designated 'wastelands' which include wild game species populations, and increase the GDP.

The addition of regulated hunting can cause a reclassification of so called 'wastelands' (which include grasslands, mountainous regions and biomass rich scrub/desert regions) in India to

becoming significant revenue generating "Game Lands" fulfilling both WCS protocols and increasing GDP and ensuring vast lands treated so far as wasteland, will henceforth be allowed to remain wildlife habitat due to both revenues earned, and communities benefitted.

Refer Annexures 4,5,6,9

- **Amendment of Section 9:**

This should be changed. The section refers to hunting only under Sections 11 and 12 while the Act also provides for *de facto* hunting under section 29 and 35 (6) (No person shall destroy, exploit, or remove any wildlife ---). What should be said is that "No person shall hunt wild animals except as provided for and allowed in this Act, except in the case of indigenous populations or other communities including farmer communities guaranteed that "right" for specific areas and species. For example: The Sentinelese of the Andaman Islands /other tribal groups communities granted resource rights under FRA 2006 Example 2: Farmers protecting crops from particular and prolific crop raiding species.

Refer Annexures 4,5,6,9

- **Substitution of Section 32:** This amendment is good, but the provision should be applicable to waterways upstream of a sanctuary. Hundreds of rare gharials in the National Chambal Sanctuary were lost by release of chemical pollutants by upstream industries, 2008. The waters flowing into sanctuaries should be ensured unpolluted.
- **Insertion of new Sections 33C and 33D:** These insertions seem unnecessary, although harmless. Section 33B already provides for the constitution of advisory committees for sanctuaries and there does not seem to be any material difference between the two. Similarly, section 38 X already provides for the constitution of foundations in tiger reserves. Instead of bringing in new sections and making the Act cumbersome to read and interpret, the existing sections can perhaps be modified slightly to meet objectives of these new insertions.

Refer Annexures 4,5,6,9

- **Amendment of Section 34:**

14. In section 34 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely— "(4) No renewal of any licence under the Arms Act, 1959, shall be granted to any person residing within ten kilometres of a sanctuary except under the intimation to the Chief Wildlife Warden or the authorised officer."

This is an erroneous amendment which is likely to be both unconstitutional and against several Supreme Court precedents regarding Article 21, the 'bedrock' of the constitution and a fundamental right (to life, livelihood and freedom of movement that guarantee the right of a citizen to protect him or herself with a licensed firearm and especially where it might be needed the most.) Laws already exist for disallowing firearms within Protected Areas. Disallowing them outside PAs and especially in areas near PAs where dwellings are

isolated, subject to dacoity or the depredations of dangerous animals including leopards, tigers, wild boar, and elephants amounts to an unconstitutional act.

India leads the world in wildlife related deaths and human wildlife conflict and one of the reasons for this is the Wildlife "Protection" Act which prevents farmers from defending crops without bureaucratic sanction. To further add insult to injury would be to remove citizens the right to defend themselves and would invite legal actions across the country that would likely impact the entire act in various ways. Poaching' or illegal hunting, is rarely done with licensed weapons and snares/ explosives etc. are most often used. Inconveniencing law-abiding citizens and farmers who might need a weapon to protect life, livelihood and limb from both human wild threats invites a legal response to an authoritarian "fortress" approach to wildlife conservation. Some points regarding proposed amendment with respect to arms licenses within 10 km. -

1. Article 21 and its interpretation which include the Right to live with human dignity, right to protection, right to freedom of fear, right to livelihood, right to health, right against inhuman treatment, right of women to be treated with decency and dignity, right to reputation, right to social security and protection of the family, right to social and economic justice and empowerment and the right to sleep. These rights cannot be ensured if the right to self-protection is prohibited especially in remote or areas with dangerous wild animals where it might be most needed.
2. A law-abiding person who lives within the 10-kilometre radius of a National Park or Sanctuary retains his or her right to self-protection which is allowed for citizens regardless of where they choose to legally live. It is common knowledge that farms abutting forest blocks tend to have an influx of animals that do crop damage or man eating. The isolation of these areas can also attract dacoits and more so if the citizenry is disarmed. Not renewing or issuing arms licenses in these areas is akin to banning cars in city centres because of the irresponsible driving of a few.
3. The recent Arms rules have increased penalties for misuse of arms. Divesting people of arms in areas where they are required can be considered a constitutional violation.
4. Man-animal conflicts occur regularly in almost all states, as these animals continue to trespass into human territories and the predators follow their prey including leopards being attracted to settlements due to stray dog populations. Contrary to Animal right inspired tropes that humans invade wild animals' territories wild animals most often travel to croplands for easy food and create conflict. A few hours in crop lands are equivalent to animals foraging for days in forests which is why animals will always travel to the easiest food source. Inhibiting a farmer, the right to protect himself is tantamount to a violation of Article 21 which also ensures livelihood protection.
5. It is estimated that huge crop loss of farmers (up to 90 percent in some areas) can be attributed to animals like boar, nilgai, birds including peacocks/pigeons/doves/grey partridge/parakeets and rodents and monkeys in various areas. Elephants regularly attack and kill humans and the estimate is that approximately 500 people are killed in a year in West Bengal alone. Predatory animals such as Tigers and Leopards have

become man-eaters as the proximity to humans has increased, especially after the beef slaughter ban, which often ensures easy food to tigers, ensuing increase in numbers and human deaths as tigers, which are territorial, push other tigers out of PAs into human inhabited areas. Wild animals are prolific, and their numbers are on the rise in many contexts, especially when they are unmolested and have easy access to food. Preventing people the right to self-defence especially in areas most prone to conflict, is tantamount to an unconstitutional act.

6. As it is, an arms licensee or applicant must undergo various background checks, about criminal antecedents and propensities, medical certificates and proofs of sound mind and body, physical competence to safely handle firearms and safe storage facilities at home etc. are to be submitted to the licensing authorities. Penalizing law-abiding citizens who might live in remote areas, is unnecessary and unconstitutional.
7. In ***Sunil Batra v. Delhi Administration***, the Supreme Court reiterated with the approval the above observations and held that the “right to life” included the right to lead a healthy life to enjoy all faculties of the human body in their prime conditions. It would even include the right to protection of a person’s tradition, culture, heritage, and all that gives meaning to a man’s life. It includes the right to live in peace, to sleep in peace and the right to repose and health. Indigenous and rural tradition, culture, heritage includes hunting for food or cultural needs, currently prohibited under the WPA’s existing definition of hunting and further compromised by this proposed amendment. Fear of attack while going home at night / Watching over fields raided by wild animals including elephants, Traditional ‘rights’ of indigenous people to hunt (ensured under FRA 2006), fear of attack while going to practice one’s livelihood while farming or watching over crops, loss of sleep due to crop protection and loss of health due to attack by both wildlife and stray dogs in these areas. Loss of health due to rabies which is 100 percent fatal (about 20,000 people die due to rabies every year due to transmission from dogs and that is the number reported. Rabies is not a notifiable disease, and most deaths occur in rural areas.)
8. The court in ***Board of Trustees of the Port of Bombay v. Dilip Kumar Raghavendranath Nandkarni***, came to hold that “the right to life” guaranteed by Article 21 includes “the right to livelihood”. In ***Olga Tellis v. Bombay Municipal Corporation***, *“The state may not by affirmative action, be compelled to provide adequate means of livelihood or work to the citizens. But any person who is deprived of his right to livelihood except according to just and fair procedure established by law can challenge the deprivation as offending the right to life conferred in Article 21.”* Farmers rights to protect crops and livelihood compromised by this in areas where greatest threats might occur.
9. In ***Maneka Gandhi v. Union of India***, the Supreme Court gave a new dimension to Art. 21 and held that the right to live is not merely a physical right but includes within its ambit the right to live with human dignity. Elaborating the same view, the Court in ***Francis Coralie v. Union Territory of Delhi***, observed that: *“The right to live includes the right to live with human dignity and all that goes along with it, viz., the bare necessities of life such as adequate nutrition, clothing and shelter over the head and*

facilities for reading writing and expressing oneself in diverse forms, freely moving about and mixing and mingling with fellow human beings and must include the right to basic necessities the basic necessities of life and also the right to carry on functions and activities as constitute the bare minimum expression of human self.” One might note that in areas near PAs where man eaters and other dangerous animals are found it would be essential to be able to protect oneself, especially in Uttarakhand that leads the world in leopard related deaths and constituency of petitioner mentioned above.

10. The theme of life to dignity is to be found in ***Bandhua Mukti Morcha v. Union of India***. Characterizing Art. 21 as the heart of fundamental rights, the Court gave it an expanded interpretation. Bhagwati J. observed: *“It is the fundamental right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. “These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State neither the Central Government nor any State Government-has the right to take any action which will deprive a person of the enjoyment of these basic essentials.”*

11. In ***N.H.R.C. v. State of Arunachal Pradesh, (Chakmas Case)***, the supreme court said that the State is bound to protect the life and liberty of every human-being, be he a citizen or otherwise, and it cannot permit anybody or group of persons to threaten other person or group of persons. No State Government worth the name can tolerate such threats by one group of persons to another group of persons; it is duty bound to protect the threatened group from such assaults and if it fails to do so, it will fail to perform its Constitutional as well as statutory obligations. This judgement would likely apply to all areas of the country, including those areas near Protected Areas which are subject to greater threats than others.

12. In ***Milk Men Colony Vikas Samiti v. State of Rajasthan***, the Supreme Court held that the “right to life” means clean surrounding which leads to healthy body and mind. It includes the right to freedom from stray cattle and animals in urban areas. Currently stray dogs (also Invasive alien species in any wildlife habitat as per IUCN definition that specifically mentions stray dogs as being part of the second greatest threat to wildlife globally after habitat loss) kill more people than all wildlife put together in India except snakes. Interestingly, India leads the world in wildlife related deaths beating even Africa which is a continent. Freedom from stray animals includes dogs and cattle. It also includes invasive alien species that have been defined in proposed amendments, that could include wild boar and other crop raiding species including peacock, grey partridge, blue rock pigeons, parakeets etc whose numbers in crop lands are exponentially higher as compared to forest/ protected areas due to easy food availability and lack of predators.

- **Amendment of Section 38:**

“Conservation reserve” is an unnecessary PA category (as are “Community reserves”) as it neither provides for any special protection to the habitat (animals are protected anywhere in India as per the act) nor helps community conservation by allowing sustainable benefits to rural communities (as per FRA 2006, etc.).

Refer Annexures 4,5,6,9

- **Amendment of Section 39:**

This section must be redefined and written, to allow ownership of wild animals by both communities and the public to invite private industry into conservation, bring additional land under wildlife and enrich rural communities with wildlife/fishing/sustainable revenues as is practiced the world over.

Namibia’s conservation model which enabled wildlife to be profitably included in more than 50 percent of the country (raised from about 15 percent) is a model worth studying in this regard. People across the country have given up cattle farming and replaced it with wildlife farming simply because it is more profitable and easier.

This would save the country’s biological diversity, address the needs of farmers and protect their livelihood, completely adhere to international treaties and protocols, restore and increase wildlife habitat by incentivizing communities to protect wildlife and their habitats via value generation, fulfil India’s international obligations regarding sustainable use of biodiversity, that includes wildlife and community conservation and ensure that ‘ecotourism’ benefits the poorest communities directly and resonate with the Indian constitution which currently, both the WPA and its proposed amendments, debatably do not.

This would include but not be limited to allowing local communities to utilize the meat of culled or hunted animals as per the law instead of wastefully destroying the same. Currently wildlife is regarded as state property, and this inhibits the population (whose resources we are talking about) from helping conserve and using wild resources sustainably.

Refer Annexures 4,5,6,9

- **Amendment of Section 40:**
- **Amendment of Section 40 A:**
- **Amendment of Section 41**

Schedule V should be extended to include Palm squirrels and rose ringed parakeets - prolific crop pests.

Refer Annexure 6

- **Insertion of Section 42 A:**

If CITES is to be followed in other parts of the act, then hunting trophy imports INTO and OUT of India should be allowed if they have been procured via legal means in sustainable CITES

enabled and supported contexts. This is unclear and the MoEFCC should not cherry-pick rules/laws as they seem fit.

Refer Annexures 4,5,6,9

- **Amendment of Section 49A**

This section (along with sections 49B and 49C) is unnecessary. These sections (Chapter VA) prohibit trade in animals belonging to schedule I and part II of schedule II. As section 40-2A already provides that ownership of these species cannot be transferred except by way of inheritance, trade is thus not possible. This chapter can be deleted.

- **Insertion of Chapter VB:**

The amendment can be “All import and export of wildlife or wildlife products shall be in accordance with the provisions of CITES and the rules that may be made in this regard”.

- **Amendment of Section 62:**

As mentioned before, there is no need to create a schedule for listing locally and temporarily declared vermin. Schedule IV is unnecessary.

- **Amendment of Schedules:** The basis of classification of animals into two schedules needs to be clarified. In the original Act (enacted in 1972) schedules were given titles (Big game, Special Game, Small Game). In the new schedules the wildlife may be called the same. The word game is used as the wildlife may be sustainably used depending on its status as being safe or unsafe.

Refer Annexures 2, 4,5,6,7, 9

ADDITIONAL RECOMMENDATIONS REGARDING THE WPA

Human-wildlife conflict is a huge issue pan India. A great part of why this happens is because wildlife has no value to people living alongside them i.e only has pest value or meat value. Other values that could be generated sustainably are inhibited by the WPAs definition of hunting especially, as well as its emphasis on ownership by the state alone of wildlife.

- **Amendment of Section 11:** The provisos below sub-section (b) seriously compromises the powers of the CWLW and others in dealing with man-eaters must be deleted. A lot of human lives are lost in trying to comply with this provision in gross violation of article 21 which supersedes the WPA. It should be made easy for a CWLW to allow for man eaters, crop raider species or rogue elephants etc. to be killed when necessary and as quickly as possible so as to uphold article 21, the bedrock of fundamental rights. Due to delays people die or suffer and wildlife is also poisoned/killed randomly.
- **Amendment of Section 12:** The definition of scientific management (ban on killing in the name of management) given here is **unscientific**, follows no effective precedent, violates international precedent into WCS protocols, disallows various wildlife management strategies, inhibits adding value to wildlife in the conservation context

and should be modified or deleted. There are situations when killing of animals is necessary because translocation is not possible, human life is in danger, carrying capacity is exceeded or economics of management necessitate the same. Therefore, the ban on killing must be deleted if this act is to be in consonance with scientific wildlife management principles following global precedents and international treaties where lethal control / management is crucial to effective wildlife management.

This section also deeply contradicts section 29 and 35 (6) which provide for allowing the destruction and exploitation of wildlife in PAs in the name of “improvement and better management of wildlife therein” i.e., which follow scientific management principles that allow for removal of species that have exceeded carrying capacity of the PA and need translocation or culling etc.

Refer Annexures 2,4,5,6,7, 9

Proposed Wildlife Laws so as to -

1. Enable states to deal with human wildlife conflict situations contextually
2. Make it obligatory for the State to prevent and mitigate HWC and to make the communities the owners of any benefits that HWC management strategy may produce from time to time (Sections 9 and 10).
3. Another novel feature of the proposed draft is its linkage with CITES (Section 43-A). Import and export of trophies may require dealing with CITES authorities if hunting is accepted, as supported by CITES and IUCN, and carried out by most countries on earth, as a HWC, conservation, rural livelihood, and wildlife management tool.
4. Save the country’s biological diversity following global precedent and protocols
5. Address the needs of farmers and protect their livelihood currently suffering terribly due to crop pests and wildlife raiding farms
6. Restore and increase wildlife habitat by incentivizing communities to protect wildlife and their habitats
7. Fulfil India’s international obligations regarding sustainable use of biodiversity, that includes wildlife and community conservation
8. Ensure that ‘ecotourism’ benefits the poorest communities directly
9. Unlock resources prevented from yielding benefits to the country, that if sustainably used and profited from can result in huge benefits to biodiversity and people
10. Addressing protein deficiency and hunger in the country
11. Curbing poaching of animals
12. Adherence to international commitments to the WCS to which India is a signatory

The Wildlife (Protection) Act, 1972

Chapter I

Preliminary

Section 2. Definitions. —

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

(a) capturing, killing, poisoning, snaring, and trapping of any wild animal and every attempt to do so.

(b) driving or baiting any wild animal for any of the purposes specified in sub-clause (a) 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.

Chapter III

Management of Human-Wildlife Conflict

Section 9. Obligation to manage human-wildlife conflict

Notwithstanding anything contained elsewhere in this Act or any other law, it is mandatory for the State Government to take steps as deemed necessary from time to time to control danger caused by wild animals to human life and property while ensuring the long-term survival of the species causing, or likely to cause, such danger.

Section 10. Hunting of wild animals

- (1) No person shall hunt any wild animal specified in Schedules I, II, III, and IV except as provided in this Act and in accordance with rules that may be made in this regard.
- (2) The first charge on any benefits accruing from the hunting of wild animals shall be to local and indigenous communities who live alongside wildlife.

Section 11. Hunting of dangerous or disabled wild animals.

- (1) Notwithstanding anything contained in any other law for the time being in force, the Chief Wildlife Warden or the authorised officer may, by an order in writing, permit any person to hunt any wild animal or animals or cause such animals to be hunted in any manner deemed effective, if he is satisfied that any wild animal or a group of wild animals
 - (a) has become dangerous to human life, buildings, crops, infrastructure, or any other property; or
 - (b) is so disabled or diseased as to be beyond recovery.
 - (c) Is present in an urban or semi urban area and poses a threat to human beings or human resources
- (2) The killing, driving, or wounding in good faith of any wild animal in defence of a person or property, including standing crops, except by snaring, food explosives,

explosives, or electrocution, 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 accordance with sub-section (2) shall be Government property which may be, with due process, handed over or left with communities or individuals for personal/community consumption or usage.
- (4) In the case of wildlife farming, animals of specific species may be farmed, bred, humanely killed, consumed and sold in any form.

Section 12. Hunting of wild animals for special purposes

Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wildlife Warden, to grant a permit, to a person, institution, community-based organisation, or any other entity, on payment of such fee as may be prescribed, and subject to such conditions as may be specified therein, to hunt or capture via trapping any wild animal or animals specified in such permit, for the purpose of-

- (a) education.
- (b) research including zoological/ botanical/medical /pharmaceutical research
- (c) collection of specimens for recognised zoos, museums, and similar institutions.
- (d) collection or preparation of snake-venom for the manufacture of life-saving drugs; and
- (e) Conservation purposes including community conservation ventures, regulated hunting and fishing
- (f) Crop raiding species population management
- (g) Wildlife Farming
- (h) Hunting to serve a Wildlife Management function such as reducing numbers of a chosen species that exceeds the carrying capacity within any protected area i.e. Wildlife population management.
- (i) Tribal festivals, initiations and hunting rites (for particular species) or for particular species for food allowed in tribal areas, especially common crop raiding species.

Section 13: Refusal, suspension, or cancellation of a hunting licence

The Chief Wildlife Warden or the authorised officer may, subject to any general or special orders of the State Government, for good and sufficient reason, to be recorded in writing, refuse to grant a licence, or suspend or cancel any permit granted under this Chapter.

Provided that no such refusal, suspension, or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

Section 14: Appeal from an order under Section 13

- (1) An appeal from an order refusing to grant a license, or an order suspending or cancelling a license under Section 13, shall lie—
 - (a) if the order is made by the authorized officer, to the Chief Wildlife Warden, or
 - (b) if the order is made by the Chief Wildlife Warden, to the State Government.
- (2) In the case of an order passed in appeal by the Chief Wildlife Warden under sub-section (1), a second appeal shall lie to the State Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against:

Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

Section 15. Hunting of young and females of wild animals

No person shall, unless specially authorised by a licence, hunt any deer with antlers in velvet or hunt the young or female of a wild animal, other than vermin or crop raiding species like wild boar and nilgai, when specifically allowed. Exceptions can be made for prolific and problematic species especially crop raiding species like pigeons, doves, wild boar, rats, palm squirrels, etc. Exceptions can also be made with regard to sustainable use when permitted. For example: Young wild boar, a noted crop raiding species maybe harvested with little or no effect to populations (as is widely practiced in Germany and other nations). The female of a species can be hunted when the male/female ratio is skewed or even when there is a very high density of a species and management of the population is needed.

Section 16. Declaration of closed time

(1) The State Government may, by notification, declare the whole year or any part thereof, to be a closed time/season throughout the State, or any part thereof, for such wild animal as may be specified in the notification and no hunting permits under Section 12 shall be issued during the said period, in the area specified in the notification. When numbers exceed the carrying capacity of the reserve or area a hunting season should be allowed.

(2) The provisions of sub-section (1) shall not apply to vermin or certain crop raiding species like wild boar, Nilgai or crop raiding birds like pigeons, rose ringed parakeets and doves or crop raiding species like rhesus monkeys, (lists can be maintained based on context as some crop pests attack particular crops and are more abundant in some contexts than others) unless otherwise specified by the State Government in this behalf.

Refer Annexures 2, 4,5,6,7, 9

Section 17. Restrictions on hunting

(1) No person shall, for the purpose of sub-section (e) of Section 12 —

(a) hunt any wild animal, from or by means of, a wheeled or a mechanically propelled vehicle on water or land, or by aircraft; unless for crop raiding species or man eaters. Under no circumstances should a person be less than 50 metres from a vehicle while hunting, except for crop raiding species or man eaters.

(b) use an aircraft, motor vehicle, or launch for the purpose of driving or stampeding any wild animal; unless for man eaters.

(c) hunt any wild animal with chemicals, explosives, poisoned-weapons, snares, or traps except in so far as they relate to the capture of wild animals under a Wild Animal Trapping License or in the case of man eater big cats when any effective method may be used to save human life in as quickly a time frame as possible.

- (d) hunt any wild animal other than with a rifle of suitable calibre, or a shot-gun using single-slug bullet/projectile or for birds using bird shot in a shot gun or for any common crop raiding bird species, Schedule 5 species or rodents with an air rifle/air gun of effective caliber.
- (e) for the purpose of hunting, set fire to vegetation unless under strictly controlled circumstances in pursuit of a man eater or crop raiding species like wild boar.
- (f) use any artificial light for the purpose of hunting, except when specially authorized to do so under a license in the case of carnivora over a kill or man eater big cat, or nocturnal crop raiding species like wild boar.
- (g) hunt any wild animal during the hours of night between sunset and sunrise, except when specially authorized to do so under a license in the case of man-eating carnivore/rogue elephants or nocturnal crop raiding species like wild boar.
- (h) hunt any wild animal on a saltlick or water hole or other drinking place or on path or approach to the same, except sandgrouse and water-birds; or for a certified man eater/man killing animal of any species.
- (i) hunt any wild animal on any land not owned by Government, without the consent of the owner or his agent or the lawful occupier of such land.
- (j) hunt any wild animal during the closed time referred to in Section 16.
- (k) hunt, with the help of dogs, any wild animal except game birds, *chukor*, partridge, quail or crop raiding species like wild boar. Dogs may be used to follow wounded man eaters or any wounded animal so as to effect humane dispatch.
- (2) The provisions of sub-section (1) shall not apply to vermin or if specially exempted in the case of other species for reasons to be recorded in writing.

Section 29. Hunting in a sanctuary

Notwithstanding anything contained elsewhere in this Act, no licence to hunt wild animals under Section 12 shall be issued in a sanctuary without the previous approval of the State Government under usual circumstances.

Regulated Hunting in a sanctuary may be allowed without approval of state government if it serves a wildlife management, conservation or scientific research purpose, for example: reducing the numbers of species that have exceeded carrying capacity and negatively affect the environment. For example: 1. Spotted deer in some PAs. Example 2: Species like spotted deer in the Andaman Islands where they are an invasive alien species Example 3: Excessive predators that cannot be translocated which can be hunted when carrying capacities are exceeded with ensuing human predator conflict etc. 4. Hunting of any invasive alien species including free ranging dogs, Khibsang or cross bred dogs and wolves in Ladakh, non-endemic invasive fishes, invasive alien bird species like mynahs in the Andaman Islands, common crows that can deplete other birds which migrate into PAs from settlement areas 5)free ranging domestic cats. 5) Collection of specimens for scientific research or museum specimen collection when adequate numbers allow the same.

Further, licences for the purposes of sub-sections (d) and sub-section (e) of Section 12 shall be issued in consultation with the State Board for Wildlife.

Section 35 (6). Hunting in a national park (other sub-sections are not related to hunting)

Notwithstanding anything contained elsewhere in this Act, no licence to hunt any wild animals under Section 12 shall be issued in a national park without the previous approval of the State Government under usual circumstances.

Regulated Hunting in a national park may be allowed without approval of state government if it serves a wildlife management, conservation or scientific research purpose, for example: reducing the numbers of species that have exceeded carrying capacity and negatively affect the environment. For example: 1. Spotted deer in some PAs. Example 2: Species like spotted deer in the Andaman Islands where they are an invasive alien species Example 3: Excessive predators that cannot be translocated which can be hunted when carrying capacities are exceeded with ensuing human predator conflict etc. 4. Hunting of any invasive alien species including free ranging dogs, Khibsang or cross bred dogs and wolves in Ladakh, non-endemic invasive fishes, invasive alien bird species like mynahs in the Andaman Islands, common crows that can deplete other birds which migrate into PAs from settlement areas 5) free ranging domestic cats. 5) Collection of specimens for scientific research or museum specimen collection when adequate numbers allow the same.

Refer Annexures 2, 4,5,6,7, 9

Section 39. Wild animals, etc. to be Government property unless granted to communities or individuals.

- (1) Every-
- (a) wild animal, other than vermin, which is hunted under Section 11 or bred or kept in captivity, or hunted in contravention of any provision of this Act or any rule or order made thereunder, or found dead, or killed by mistake; and
 - (b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed.
 - (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.

...shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any article, trophy, uncured trophy, or meat derived from such animal shall be the property of Central Government. This right to the property of the animal can be conferred upon communities or individuals. For example: Communities may be allowed to have community management of wildlife and to retain profit from these resources via regulated hunting. A certain number of permits may be issued by the gram Sabha or panchayat and fees charged. Etc This wildlife becomes and is allowed to be a community resource worth managing effectively.

Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours of obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or authorized officer and shall, if so required, hand over such property to the office in charge of such police station or such authorised officer as the case may be.

- (2) No person shall, without the previous permission in writing of the Chief Wildlife Warden or any authorised officer-
- (a) acquire or keep in his possession, custody or control, or
 - (b) transfer to any person, whether by way of gift, sale or otherwise, or
 - (c) destroy or damage such Government property.

Refer Annexures 2, 4,5,6,7, 9

Section 43. Regulation of transfer of animals etc.

- (1) Subject to the provisions of sub-section (2), sub-section (3), and sub-section (4), a person (other than a dealer) who does not possess a certificate of ownership shall not—
- (a) sell or offer for sale or transfer whether by way of sale, gift, or otherwise, any wild animal specified in Schedule I or Part II of Schedule II or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom;
 - (b) make animal articles containing part or whole of such animal;
 - (c) put under a process of taxidermy an uncured trophy of such animal, etc. except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.
- (2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State any such animal, animal article, trophy, or uncured trophy as is referred to in sub-section (1) in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer, or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer, or transport is affected.
- (3) No person who does not possess a certificate of ownership shall transfer or transport from one State to another State or acquire by transfer from outside the State any such animal, animal article, trophy, or uncured trophy as is referred to in sub-section (1) except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is to be affected.
- (4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wild Life Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.
- (5) While permitting the transfer or transport of any animal, animal article, trophy, or uncured trophy, as is referred to in sub-section (1), the Chief Wild Life Warden or the authorised officer—
- (a) shall issue a certificate of ownership after such inquiry as he may deem fit;
 - (b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been affected;
 - (c) may affix an identification mark on any such animal, animal article, trophy, or uncured trophy.
- (6) Nothing in this section shall apply—

- (a) to animal articles or trophies made out of feathers of peacocks which form a rural livelihood practice where the feathers are collected from the ground; any legally taken CITES allowed species from anywhere on earth.
- (b) crop raiding species like boar, nilgai, common crop raiding bird species that are legally culled or hunted
- (c) to any transaction entered into by a public museum or recognised zoo with any other public museum or zoo.

Refer Annexures 2, 4,5,6,7, 9

Section 43-A. Import and export of specimens of wildlife specimens: -

- (1) For the purposes of this section, the words 'species' and 'specimen' carry the same meaning as in the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) of the United Nations.
- (2) From the day of commencement of this Act, no person shall import, export, re-export, or introduce from sea any specimens of a species of wild animals or wild plants, or a species included in any of the Appendices of CITES, except in accordance with the provisions of CITES as applicable to India and the rules that may be made in this behalf.
- (3) Quarantine certificate, issued by the appropriate authority of the country of export shall be produced for each imported wild animal or wild plant, upon arrival at customs port of entry.

Chapter VA. (Section 49-A to Section 49-C). Prohibition Of Trade or Commerce in Trophies, Animal Articles, Etc., Derived from Certain Animals.

(To be omitted)

Section 61. Power to alter entries in Schedules—

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

(2) On the issue of a notification under sub-section (1) the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

Section 62. Declaration of certain wild animals to be vermin—

The State Government may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

Refer Annexures 2, 4,5,6,7, 9

AIMS AND OBJECTIVES OF THE WILDLIFE PROTECTION ACT – A CRITICISM

1. To prohibit hunting of wild animals and other various species of birds etc.

- Fishing is however allowed even though it is hunting of wild animals by another name.
- The reasoning behind this objective might be considered anti-constitutional and anti UN charter for human rights which allows indigenous people the right to practice their traditions and food gathering methods practised traditionally.
- Subsequent SC judgements define article 21 as right to livelihood and the aims and objects of the act are in contravention
- To what end is not specified.
- Wildlife Management principles not defined.

2. To regulate the proper control over the activities of human beings and serve other purposes of the Act.

- Notably it does not regulate the control over the activities of wildlife, especially problem wildlife like crop raiding and man eaters.
- The control over wildlife causing problems to people including man eaters and crop raiders should be exerted in a timely manner.
- Indigenous rights? Farmers rights? These are ignored.
- Article 21 looms over this Aims/Objects like a colossus.

3. To protect the endangered species and provide shelter to the animals which are not in danger.

- Shelter? Why? what does the term mean in this context? What shelter do wild animals need?
- This might allow animal rights NGOs leeway in requisitioning both state and private funds to set up unnecessary in the conservation sense 'shelters.
- What about shelter in croplands? Private property? or when animals exceed carrying capacity? What if this so-called shelter is at the expense of human resources?
- Why shelter for animals not in danger when those same animals might cause harm to ecosystems' (or people)
- Is the WPA outdated given India signed onto the WCS by virtue of its membership to IUCN in 1980. This aim certainly makes it look so.

4. To specifically protect animals that can be easily hunted like - ducks, deer etc.

- Is the WPA outdated given India signed onto the WCS by virtue of its membership to IUCN in 1980
- what about animals that are difficult to hunt?
- Does not define well. Why specifically? What principles does this follow?
- Specifically protecting animals that are easily hunted does not follow any wildlife management principle. It contradicts conservation principles as laid down by WCS India has already agreed to model its wildlife laws upon.

5. To help the state government and central government declare any area as the sanctuary or national park.

- To what end?
- Once a park is created, what about its management? what are those criteria?
- Why is wildlife protected? Not defined clearly.

6. To plant trees and build protected animal parks, so that endangered species can be protected in environment-friendly and natural areas.

- Define these terms?
- What does 'environment' friendly mean? Currently the WPA has removed all value to humans of wildlife and wildlife only has value to the relatively wealthy who own cameras and who can afford trips to national parks not to farmers and indigenous groups who live alongside wildlife every day.
- Plant trees where? Grasslands? Often tree planting is detrimental to ecosystems
- What plans for different habitats? Deserts? Grasslands? 'wastelands'.
- Wasteland definitions cover high biomass ecosystems including grasslands, deserts, mountains and scrub lands. Often tree planting is very bad for these ecosystems.

7. To impose a ban on the commercial dealings of certain protected species.

- Why? If the activity is conservation related and can generate funds, why not?
- Why is the word ban used?
- What are the criteria for a ban or its lifting?
- Given that all species are currently protected in India, why so?
- What evidence based scientific precedents is this based on?

8. To provide commercial dealings of wild species by providing a license for possession, sale, and transfer.

- When has this been used?
- What are the criteria?
- Why do some aspects of the act contradict and are ultra vires to this?

9. To maintain the diversity of flora and fauna within the country and maintain a healthy ecological balance.

- What are the parameters for this balance?
- What is a healthy ecological balance? Who sets the parameters?

10. To establish wildlife advisory boards, wildlife warden and to appoint the members with their duties and power.

- Foundational wildlife management principles? Not set.
- What's the point of setting up boards if the foundations wildlife management are missing?

ANNEXURE 1

BACKGROUND and HISTORY of the WPA

The Constitution of India guarantees citizens a quality of life enjoyed by few nations. Of particular interest is Article 21, referred to as "the bedrock of the Constitution", which reads, "No person shall be deprived of his life or personal liberty except according to a procedure established by law".

The Supreme Court has interpreted Article 21 in several contexts. Of relevance is the interpretation which asserts that the "Right to Life" includes "the right to livelihood". The court held that, "an equally important facet of the right to life is the right to livelihood because no person can live without the means of livelihood" and observed, "any person who is deprived of his right to livelihood except according to just and fair procedure established by law can challenge the deprivation as offending the right to life conferred in Article 21".

In the early 1970s, hunters and naturalists petitioned the then prime minister, Indira Gandhi, to ban tiger hunting for three years, to allow populations to recover. Gandhi responded with the [Wildlife \(Protection\) Act of 1972](#) that was shortly followed shortly by the emergency and the 42nd amendment to the constitution when 'secular' and 'socialist' were inserted into the preamble. In 1972, with no studies, scientific data, evidence or requirement, the Wildlife (Protection) Act became law and banned hunting throughout India with no explanation, superseding all existing laws regarding hunting and crop protection.

The definition of "'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". "Driving" in this sense means "to frighten or prod (game, cattle etc.) into moving in a desired direction".

Hinduism was a hindrance to the Socialist/Marxist objective. Therefore, to create a radically new society a new generation of Indians had to be trained to imbibe this 'materialistic spirit' of the age. One of the features of the modern state is not only the monopoly over violence but also monopoly over education. The Marxists would control and dominate every social science and cultural institute of importance, and indoctrinate the next generation of Indians to this materialistic conception of India's past, its traditional practices, its deep connection with nature and thus affect its future.

It can be postulated that the WPA was one such technique, where at the stroke of a "compassionate" pen, 38 million tribals were separated from their traditional practice and tens of millions of farmers inhibited from protecting their land. It was thus no coincidence that the Islamist, Maulana Abdul Kalam Azad, and the Marxist, Sayid Nurul Hasan, were made the education minister during the reign of Nehru and Indira Gandhi respectively. He was instrumental in deeply impacting the political neutrality of education. Education and the arts were handed over to the Marxists and control over all wild resources (forests/plains/grasslands etc.) were taken away from traditional ownership and usage and handed over to the state.

In this remaking of India, the idea was to create citizens who are cut off from their civilizational roots and turned into empty slates that could be retrained in the 'scientific spirit' of the age. This sense of rootlessness, present after belief systems are undermined and the ground prepared, was a fertile ground on which the seeds of Marxist thought could be planted. The ahimsa ideal was likely one such area and the anti-hunting WPA a methodology for the takeover of resources across the subcontinent. Under the guise of 'compassion' natural resources were taken over by the state and the entire farming community and indigenous population criminalized.

India was once a proud martial country with warrior and hunting traditions across its mythologies and history, much downplayed by the socialists, who chose to look at Indians as being "ahimsa loving", tolerant types, adhering more to the remade ideals of Buddha, Ashoka and Akbar, a 'secular' and peaceful people suitable for eventual socialist authoritarianism. The WPA criminalizes a farmer who attempts to chase monkeys off his crop. Since rhesus monkeys are included in Schedule 2, if a farmer chases them, he is liable to be prosecuted for 'hunting' and jailed from 3 to 7 years. In order to legally chase monkeys, he needs to obtain written permission from the Chief Wildlife Warden of the state. On the other hand, a sounder of wild boar or a troupe of monkeys require only a few hours to completely destroy a subsistence level farmer's crop. Thereafter, the family faces starvation or debt unless alternative income is found. Villages are thus abandoned and cities overwhelmed.

Similar process was evolved a century ago and applied to countries like China, North Korea, Cuba and a few other unfortunates. In this, the dream of Marxism was sold to the public, who supported the 'compassion' and 'equity' of the movement, imagining a utopia of equality and happiness. What they actually got was authoritarian regimes and an unelected government taking over all their resources.

In India, the public is lulled into a sense of security about how wild animals are protected by banning hunting. Instead, the Act cleverly inhibits the fundamental right of farmers to livelihood that has resulted in a large, wretchedly poor, labour force ready for industrial exploitation, at great cost to tradition, culture and economy.

Meanwhile, it is illegal to protect crops without bureaucratic sanction. Minor forest produce, which helped villages remain self-sufficient in the past, are burnt up. The Forest Department, instead of recognizing the threat posed by forest fires to the Indian economy, cooks up excuses about how fires are 'natural' and claim the existence of 'cycles of forest fires'. But that is blatantly false as nearly all forest fires in India are set with a match, as is evident from the highly reduced number of fires during lockdowns.

It should be kept in mind that after the French Revolution, the first laws repealed were hunting laws, so one can understand what role they played in creating fault lines in society, that eventually led to the wholesale slaughter of French aristocracy and others. We should not let false narratives influence legislation and create fault lines with potentially disastrous consequences for the economy, Sanatan dharma, wildlife and human society.

ANNEXURE 2

ANIMAL RIGHTS VS ANIMAL WELFARE - DIFFERENCES

By definition - Animal Rights is a doctrine that seeks to abolish all animal uses by man and believes that man has no right whatsoever to *use* any animal for his own benefit *in any way*. While there are some variations in belief between groups, the Animal Rights ideology seeks to remove all categorizations of value given by man to species from the animal world and believes it's not acceptable to kill any animal even if it is rabid, a danger to human life or a man eater, that animals are to possess or be considered to possess the same basic rights as humans and that animal life deserves and requires '*equal consideration by human society i.e. the same consideration applicable to a human being.*

This is in contradiction to the 'Animal Welfare' philosophy that accepts that animals provide useful benefits to humankind, that civilization would be seriously diminished if society was denied the right to avail themselves of those uses and calls for as far as possible, the humane usage of animals including for consumption, entertainment and work. True animal welfare organisations, therefore, oversee man's civilised standards in his treatment of the animals that he owns, uses and manages.

The Indian subcontinent has historically been home to various religions and cultures, including Buddhism, that preach compassion for living creatures. Emperor Ashoka (304-232 BC) converted to Buddhism and is believed to be the first ruler to have recognized 'animal rights' and banned the killing of animals. Since land revenue was almost certainly the main source of revenue and his edicts prevented farmers from protecting their crops from wildlife, it follows that crop-raiders proliferated, harvests suffered, revenue fell and Ashoka's empire collapsed about 50 years after his death. That a blanket ban on the killing of animals with ensuing revenue loss had something to do with the collapse is evident from the fact that no ruler, Buddhist or otherwise dared to repeat the mistake for the next 2,000 years.

In 1972, the then Congress government promulgated the Wildlife (Protection) Act, bringing widespread misery to rural and tribal areas over the next 50 years. Hunting was made illegal and defined as even chasing a wild animal off your fields regardless of the damage caused to the crop. If a farmer uses lethal means to protect his crops without bureaucratic sanction, it is a criminal act and the offender is liable to a jail term up to 7 years, depending on the species the citizen dared to kill. If bureaucratic sanction is obtained, it is subject to a series of impossible riders, including that the carcass has to be deposited with the Forest Department for destruction. Additionally, if the government eventually does decide to permit the culling of a crop raiding species like boar or nilgai, usually after protracted litigation and much economic damage to harvests, a very tiny but highly vocal section of urban society opposes it on grounds of Animal Rights.

The result is that small farmers were forced to give up agriculture and abandon their villages, severing links to land, tradition and culture. It is remarkable that 50 years of WPA policy has caused in part, countless villages to be abandoned across India. In Uttarakhand, every sixteenth village is empty and the remaining have a fraction of their original inhabitants. Large tracts of previously cultivated land lie fallow. Blanket bans on killing and animal rights *per se*,

whether promulgated by Ashoka or the Congress government two thousand years later, do not elevate the value of animal life, but rather devalue both human and paradoxically animal life, because if you don't look after the interests of humans who live alongside wildlife, one reduces the value of wildlife to those same people, with disastrous consequences.

The Animal Welfare outlook is opposed to Animal Rights and embodies a practical point of view rather than an ideology, recognising that for food to be produced for humans, it needs to be protected from the depredations of numerous competitors. Since these competitors, whether monkeys, boar, rodents, antelope, birds or insects are prolific and nowadays often exist in exponentially higher numbers in croplands as compared to forests, crop protection entails killing or better still, sustainably using crop raider species via legal hunting.

This is normal throughout the world, except in India, where narratives of 'killing is always bad' are financed and propagated by international animal rights organisations with double standards. Many of these legal efforts are funded and carried out by animal rights NGOs funded from animal rights groups abroad, actively seeking to extend their ideological agenda, whose expressions are often illegal in their home countries. For example: The maintenance and feeding of unowned dogs on the streets and public places – illegal in the US but promoted and funded in India by US animal rights organizations or opposition to sustainable hunting practice or the rights of tribal peoples. For example, in India PETA condemns the killing of man-eaters and crop raiders and promotes the public maintenance of unowned dogs as national policy, while not promoting the same in the USA where PETA euthanizes 97% of the dogs in their care.

The Wildlife Protection Act, even in its proposed modified avatar, has not modified the definition of hunting and inhibits farmers their rights to livelihood enshrined in Article 21 of the Constitution. This is despite international precedent and Wildlife Management Protocols where regulated hunting is a proven conservation methodology that benefits both wildlife and people (by preventing population outbreaks, protecting crops, protecting biodiversity and generating revenues). The WPA continues to champion an Animal Rights view over Animal Welfare and the damage it has caused during the past half century to rural India and its wildlife will continue until better sense prevails.

Animal Rightists reject the WCS entirely. They are particularly opposed to the third principle of the *living resource conservation* ethic and thus separable, from 'environmentalists' and animal welfarists. Animal rightists are fanatical in their belief that man has no right whatsoever to *use* an animal – ANY animal – for his own benefit – *in ANY way*. They believe that animals – both domesticated and wild – have the same *right to life* as have human beings. Animal rights ideology and activism are the biggest obstacle to the attainment of WCS goals everywhere. The healthy status of wild animal populations, wild habitats, and biological diversity is adversely affected whenever and wherever animal rightists have been able to successfully interfere in wildlife management principles and practices.

In the practice of their ideology which has taken on religious tones, animal rightists reject the fact that man is an integral part of the animal kingdom or that he exists and survives, as do all other animals, only in terms of the natural trophic rules and processes that make food chains and food webs in nature, function.

They reject entirely, therefore, the idea that man can – and should– live within the sustainable parameters of these natural systems and in symbiosis with nature, thereby using the earth’s living resources in a sustainable manner in order that man, together with the living resources that he uses, can and will survive into posterity.

It is important to note that what animal rightists do undermines mankind’s efforts to achieve WCS objectives and negates the actions every sovereign state undertakes to achieve its economic and sustainable goals. The animal rights ideology is financially, socially, traditionally and governmentally destructive and misdirects human energies at the societal level. It is deeply wasteful of our living natural resources, of taxpayer and donor monies and causes immense hardship to the poorest and most vulnerable.

Animal rights agendas are not conservation agendas and the philosophy of animal rights is incompatible with science-based wildlife management. Conservation works at the population, species and ecosystem levels. Animal rights work at the individual level. And what might be good for an individual or a collection of individuals in the short term might, not be good for the long-term survival of populations, species, human interests and biodiversity. Animal Welfare philosophy supports the WCS protocols and falls within the Indian Constitution’s understanding of what the status of animal i.e. property.

The government must differentiate between animal rights and animal welfare, and supports TRUE animal welfare philosophy which holds that animals can be studied and managed through science-based methods and that human use of wildlife – including regulated hunting, fishing, and the lethal control of animals in the interests of human safety and the maintaining biological diversity, for the benefit of habitats and wild animals, and in the interests of human society– is totally acceptable, sanctioned globally and absolutely necessary provided practices are sustainable and individual animals are treated ethically and humanely as possible. Indian constitutional understanding of animal rights.

The Supreme Court has stated: "Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. Animals’ well-being and welfare have been statutorily recognised under Sections 3 and 11 of the Act and the rights framed under the Act. Right to live in a healthy and clean atmosphere and right to get protection from human beings against inflicting unnecessary pain or suffering is a right guaranteed to the animals under Sections 3 and 11 of the PCA Act read with Article 51A(g) of the Constitution. Right to get food, shelter is also a guaranteed right under Sections 3 and 11 of the PCA Act and the Rules framed thereunder, especially when they are domesticated." The Apex court clearly makes the case that human and animal 'life' are both protected under relevant laws under the Constitution. However, the court also clearly lays down that, unlike humans, animals derive their 'right to life' from the Prevention of Cruelty to Animals Act, 1960. And this is meant to protect them from "torture, unnecessary pain and suffering", as envisaged under relevant sections of the Prevention of Cruelty to Animals Act, 1960. It is not in any way meant to grant them the same rights given to humans and Article 21 is not applicable to animals as it is to citizens and it is not meant to exclude the possibility of NECESSARY killing, especially when fundamental rights of people are at stake.

ANNEXURE 3

WHY THE WPA NEEDS RENAMING

The Wildlife Protection Act should be renamed/redeveloped as “**The Wild Resources Management Act**”. Changing the name ensures that via policy the following objectives are followed and maintained as agreed upon already:

E. 2030 Action Targets

12. The framework has 20 action-oriented targets for 2030 which, if achieved, will contribute to 2030 Milestones and the outcome-oriented goals for 2050. Actions to reach these targets should be implemented consistently and in harmony with the Convention on Biological Diversity and its Protocols and other relevant international obligations, taking into account national socioeconomic conditions.⁷

(a) Reducing threats to biodiversity

Target 1. By 2030, [50%] of land and sea areas globally are under spatial planning addressing land/sea use change, retaining most of the existing intact and wilderness areas, and allow to restore [X%] of degraded freshwater, marine and terrestrial natural ecosystems and connectivity among them.

Target 2. By 2030, protect and conserve through well connected and effective system of protected areas and other effective area-based conservation measures at least 30 per cent of the planet with the focus on areas particularly important for biodiversity.

Target 3. By 2030, ensure active management actions to enable wild species of fauna and flora recovery and conservation, and reduce human-wildlife conflict by [X%].

Target 4. By 2030, ensure that the harvesting, trade and use of wild species of fauna and flora is legal, at sustainable levels and safe.

Target 5. By 2030, manage, and where possible control, pathways for the introduction of invasive alien species, achieving [50%] reduction in the rate of new introductions, and control or eradicate invasive alien species to eliminate or reduce their impacts, including in at least [50%] of priority sites.

India is a signatory to the International Union for Conservation of Nature’s (IUCN) zero draft which states (Target 3 and 4) that wild species are to be used sustainably. India being a signatory has to fulfil an international obligation to support this rule. Thus, by allowing sustainable use of resources, India would meet its international commitments. The government can help India meets its international obligations to its people and wildlife and secondarily to the WCS and the IUCN,

- by formulating a **Wild Resources Management Act**;
- by ensuring sustainable-use of wild living resources for the benefit of mankind, is the right and best way for mankind and nature to progress into posterity together;
- by supporting the view that renewable wild animal and plant populations can & should be sustainably used for both commercial & subsistence purposes for the benefit of mankind;
- by an internationally accepted and sustainable model for the creation of sybiotic partnerships between man and nature.

So as to -

- Save the country’s biological diversity following global precedent and protocols

- Address the needs of farmers and protect livelihoods under threat from crop pests
- Restore & increase wildlife habitat by incentivizing communities to protect wildlife
- Fulfil India's international obligations regarding sustainable use of biodiversity, that includes wildlife and community conservation
- Ensure that 'ecotourism' benefits the poorest communities directly
- Unlock resources prevented from yielding benefits to the country by policy, that if sustainably used can result in huge benefits to biodiversity and people

ANNEXURE 4

'WILDLIFE MANAGEMENT' AS PER GLOBAL PRECEDENTS AND THE WCS PROTOCOLS

Many wildlife issues end up being controversial in the public domain because the vast majority possess a lack of understanding about even the most fundamental principles of wildlife management.

In very basic terms, wildlife management is the action that man takes to achieve a man-desired objective. There is nothing *natural* about wildlife management. It is an artefact of man – a man-invented plan of action. Wildlife management is, therefore man conceived, designed, implemented, manipulated and man is the principal beneficiary.

Why is man the principal beneficiary? Even when particular animals or plants benefit from man's wildlife management programmes, such advantages occur only because that was part of man's predetermined desideratum. So, in terms of the various results that sometimes emanate from a single man-conceived wildlife management programme, the biggest accomplishment of them all, is the attainment of man's own primary goal.

Wildlife management has its origins in ecology and **Ecology** is the study of living organisms (plants and animals) and their environment; and their interaction with other living organisms with which they share that environment. Studies produce results. Wildlife management, therefore, is simply *applied ecology* to achieve a man-made objective.

Wildlife Management has two main Functions – Conservation Management and Preservation or Protection Management. The objective of Conservation Management is to use SAFE wildlife population sustainably and wisely. The objective of Preservation or Protection Management is to render UNSAFE wildlife populations SAFE. Once they are rendered SAFE the wildlife population in that particular context may be transferred to the Conservation Management function.

The Priorities of WILDLIFE MANAGEMENT are -

FIRST PRIORITY – THE SOIL: Society's most important wildlife management priority is for the protection and/or wise use of the soil – because without soil no plants can grow; and without plants life on planet earth would be non-existent.

SECOND PRIORITY – THE PLANTS: Society’s next wildlife management responsibility is for the protection and/or wise use of plants. Plants appear second on the priority list – before animals – because those plants that contain the green pigment called chlorophyll are the only primary food producers on planet earth. Simply put: If there were no green plants there would be no animals. In fact, without green plants life, in its every dimension, would be impossible. The chlorophyll in green plants is the only biological mechanism that can change amorphous energy from the sun into tangible carbohydrates that animals can eat. Besides being our primary producers of food, plants play a number of very important roles in the environment:

- They provide cover for the soil, protecting it from the erosive force of the sun, wind and (especially) the rain; also from excessive heat and cold;
- They provide herbivorous animals with energy (food) – which is the first step in a range of energy transfers involving all the consumer organisms within nature’s multifarious food chains and food webs;
- They provide cover for animals, too, protecting them from the vagaries of the weather and hiding them from their enemies; and finally
- Plants – coupled with the physical character of their local environment – have created the many different habitat types that are essential for the existence and survival of the world’s hugely diverse spectrum of wild animal species.

THIRD PRIORITY – THE ANIMALS: Society’s third, and last, wildlife management responsibility is for the protection and/or wise use of animals (both domestic and wild). The fact that animals appear last on the wildlife management priority list is not because they are unimportant, but because they are “less important” in the ecological sense than the soil and plants i.e. upon which animals depend upon for survival.

Therefore, conservation success in some national parks with large tiger numbers is not necessarily a success as the tiger population is likely inflated (in some contexts) because of large numbers of free roaming cattle that give tigers easy food and larger litter survival rates. Tigers then exceed the carrying capacity of the protected area and since they are territorial, young or old tigers are pushed out into human occupied lands by other tigers and kill people and cattle. **This is not a conservation success as per WCS protocols** as people suffer and stray cattle also compete with and displace natural tiger prey, compromising biodiversity. Conservation thus is as much about people as it is about wildlife.

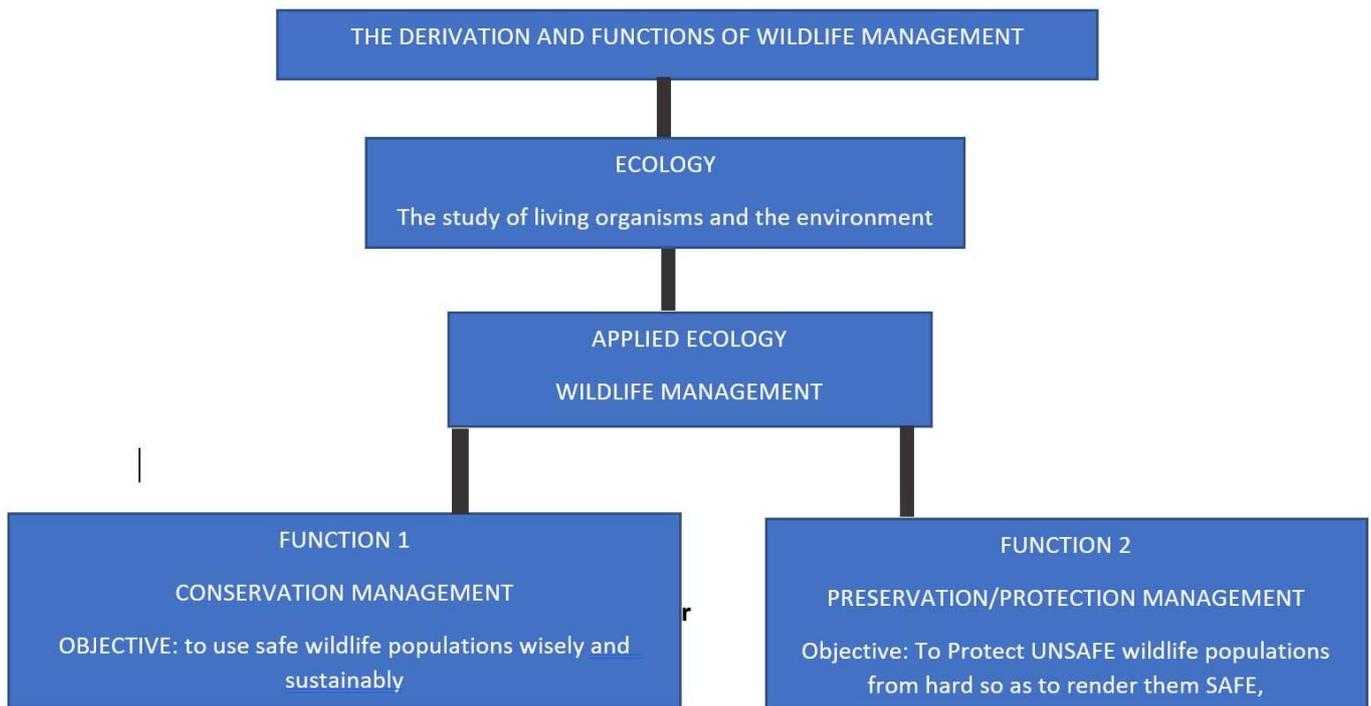
The most important wildlife management objective in any and all nature reserves or national parks, is **the maintenance of a sanctuary’s species diversity**. No other wildlife management priority consideration exists. Maintaining large mammal numbers (like tigers and elephants alone) to attract tourism is particularly not a worthwhile option. Tourism infrastructure should never be allowed to: undermine the maintenance of a healthy and stable environment; to change the natural physiognomy (general visual appearance) of a PA; or to detract from the natural attractions that brought tourists to such sanctuaries in the first place. **General ecosystem management in a national park, therefore, should prevail over all else.**

In India excessive wildlife populations over carrying capacities are only managed when farmers agitate, file court petitions and after years of loss, wildlife is then slaughtered by culling. Excessive animal populations can and should be utilised consumptively. The

management objective in this case must be to maintain the biological diversity and balance of the area in as profitable and effective way as possible.

Public consensus or sentimentality has nothing to do with applied Ecology as maintenance of biodiversity is of paramount importance for both humans and wildlife ensuring the environment within which humanity survives. Thus, public emotion or sentiment must not be taken into consideration in the formulation of wildlife management policy.

THE DERIVATIONS AND FUNCTIONS OF WILDLIFE MANAGEMENT AS PER WCS PROTOCOLS



- ***Once the objective of Preservation management is met, the wildlife population in question can be transferred to the conservation management function.***

ANNEXURE 5

SUSTAINABLE USE OF WILD RESOURCES

SUSTAINABLE USE of natural resources is key to the survival of those same resources. In a human controlled and driven environment, when value is ascribed to 'resources', they are protected. When value is not derived from those resources and the land they exist upon, they lose value and the land is converted to other uses that are more profitable.

With no value emanating from wildlife outside protected areas, wildlife more often than not has either pest or meat value and not much else. A common line in many academic papers and articles about human wildlife conflict is that Indians are a 'tolerant' people regarding

wildlife. A point missed is that this so-called tolerance comes from poverty as no person with any self-worth would want his family killed, resources plundered and life threatened by marauding wild animals. While articles often state 'farmers' are tolerant of wildlife, the view seems to be the one held by the writer rather than the people he writes about given the number of agitations regarding crop pests like wild boar, nilgai, monkeys and elephants.

For example: if more value is gained by coal, agriculture or timber then that will often be taken, with political and vote bank considerations weighing in. If those same forests financially benefitted local populations and the state in significant amount, were an integral part of local lives and traditions and are sustainably used, thus becoming valuable to both local populations and politics, their survival and protection is more ensured.

Many conservationists now acknowledge that mistakes have been made, but in their "war" against the illegal wildlife trade have rarely troubled to distinguish traditional subsistence hunters from commercial poachers or sustainable options vs destructive ones. So why should hunter-gatherers – the greater Andamanese or Nari Koravas in India – be banned from doing what they have done for millennia? The answer is that the state owns the wildlife that they want to hunt. The WPA exists in contradiction to **Article 26 of the UN Declaration on the Rights of Indigenous Peoples** that ensures as a human right "their right to the resources which they have traditionally used" – resources which include animals sustainably hunted for subsistence. Conservation is impossible without including Indigenous people and those living alongside wildlife. Areas managed by indigenous peoples and local communities hold as much as 80% of the Earth's biodiversity, and studies show that that local participation in conservation management can profoundly improve biodiversity outcomes.

Recent FRA judgements have supported this within Indian constitutionality. The question to ask is not whether one likes or dislikes the idea or not of hunting or fishing or other sustainable and regulated uses, but "Is it sustainable?" and "how can it be made so."

Regulated Hunting and fishing as necessary for Wildlife Management

Sustainable use includes regulated Hunting or fishing and gives wildlife managers and ecosystems an important tool in managing populations that exceed the carrying capacity of their ecosystems and threaten the well-being of other species, or damage human health, resources or safety.

Illegal hunting of wild species contrary to wildlife management laws is called **poaching**. Hunting is a legal activity and should be considered so. When it is conducted illegally it is not hunting but poaching.

In India this vital component of Wildlife Management used globally, included in WCS protocols and with numerous successful examples – was effectively banned in most regards by Indira

Gandhi thus converted many if not most of India's farmers and indigenous peoples to poachers and criminals at the stroke of a pen.

Currently as per some amendments proposed that would include fish as wildlife, this would effectively end the entire fishing industry in India because as per the definition of hunting in the PA (which includes chasing wildlife) fishing both in the sea and fresh water would come under the ambit of the forest department? Even catch and release sport fishing that plays a crucial role in mahseer conservation can then be seen as 'hunting' and banned with disastrous consequences.

Hunting of animals is seen as a controversial topic with much sentiment and emotion attached to the idea and especially to "trophy hunting" which evokes an image of a white person standing next to a dead animal with the usual colonial connotations. There are many kinds of hunters from "Trophy Hunters" to "Sustenance hunters" to "crop protection hunters" to "tribal hunters" etc. It is important to note that in the ecological sense there is no difference between a trophy hunter & a tribal hunter. The animal ends up dead both ways.

What is important is to ensure that the practice is sustainable.

'Trophy' hunters importantly ensure revenue is earned which enables land to be set aside for various wildlife, as it is profitable for communities and individuals to do so. Thus, trophy hunting, when properly managed, ensures a future for both biodiversity and people. What is key to this success is ensuring that significant revenue and value stays at the community level. When wildlife is made valuable to communities in terms of revenue, communities ensure protection of wildlife and are much happier to live alongside wildlife, even dangerous wildlife.

This is common practice followed all over the world with very few exceptions, and a key aspect of countries that top the megafauna index.

Did a (almost complete) ban on hunting help India's wildlife and forests thrive, or ruin them? – Taken in great part from an [article](#) by Mr. Peter Smetacek

Hunting is more or less banned by the Indian WPA and thus removes an important function of wildlife management, a huge revenue source at both community and government levels and an important tool for managing wild populations that have exceeded carrying capacity of both wild and agricultural lands. Overnight any farmer protecting his lands or indigenous tribal hunting as he had from time immemorial was converted to being a "poacher". In one swoop, it became illegal for a farmer to protect his crops against wild boar, monkeys, porcupines, nilgai, peacock, parakeets, etc without permission from a forest officer. Not only was the farmer required to obtain permission to protect his fields against crop pests, but the carcass of the wild animal had to be deposited with the forest department for disposal and thus no protein could be derived from animals feeding off farmers resources in the first place. 50 years later, the benefit or even the reasoning behind the act and its ban is not clear. There was a survey of mammals of India during the 1960s by the late M Krishnan, but it was not associated with any recommendation for a blanket ban on hunting and bureaucratisation of crop protection.

One must keep in mind that practically all wild animals are prolific, so that the only real way of limiting population growth when hunting is removed as a legal methodology, is by destroying habitats. The criminal practice of setting fire to forests destroyed the habitat for most creatures, wiped out their food sources and more often than not, incinerated the creatures themselves. Today, across India, Farmers routinely agitate when monkeys, wild boar, nilgai or other crop pests including elephants ravage their fields. The state spends huge amounts in compensation but the end result is not tenable, as most losses are unreported and the process of compensation is difficult and often impossible for a small farmer who lives day to day.

Meanwhile, the more than 5,500-year old art of falconry, which is banned in India, is inscribed on UNESCO's Representative List of Intangible Cultural Heritage of Humanity, since it is associated with nature conservation, cultural heritage and social engagement within and among communities, according to the citation. Article 26 of the UN Declaration on the Rights of Indigenous Peoples talks of "their right to the resources which they have traditionally used" – resources which include animals sustainably hunted for subsistence.

If the primary aim of our conservation laws was to make rural and indigenous life unliveable in order to keep people in poverty or feed industry with cheap labour, it has succeeded. The WPA in India has failed on numerous accords. It has resulted in –

- a. No record keeping of various species in forest areas including PA's and reserve forests/ Agri lands/ scrub lands/ grasslands. Only tigers are counted and on occasion elephant census are taken. When hunting was allowed, forest officials kept counts of all the wildlife species on their beats and thus had an idea of carrying capacities.
- b. No proper definitions of various habitats like grass lands and other habitats.
- c. Disallows a main function of conservation globally which is sustainable use of wild resources by citizens thus adding to both GDP and well-being of biodiversity and citizens
- d. Forces farmers to use snare, bombs and spears to kill and poach wildlife as they are left with few options to protect their crops.
- e. Reduces GDP of the country
- f. Disallows farmers the right to protect crops as guaranteed under article 21 of the constitution,
- g. Seriously inhibits indigenous communities from practising their cultures and traditions and thus this aspect of Sanatan Dharma is directly attacked.
- h. Increases human wildlife conflict
- i. No definitions for invasive alien and invasive species and remedies for their elimination as practised globally.
- j. Prevents ownership of Indian species on a sustainable and conservation friendly basis by the public and private sectors and inhibits commercial farming applications that could directly benefit rural, poor or disadvantaged or tribal communities (deer antler farming, crocodile farming, snake venom collection, reptiles in pet trade, other species in pet trade etc.)

REVENUE AND COMMUNITY BENEFITS OF REGULATED HUNTING

A RECORD \$4,806,500 RAISED FROM CONSERVATION PERMITS DURING SHEEP WEEK 2022 INCLUDING 12 NEW INDIVIDUAL RECORDS & 1 TIE

\$285,000 Taos Pueblo bighorn, Gorge Hunt (\$200,000 in 2021)

\$305,000 Wyoming bighorn (\$135,000 in 2021)

\$310,000 New Mexico bighorn (\$240,000 in 2021)

\$210,000 New Mexico Desert bighorn (\$193,000 in 2021)

\$80,000 Navajo Nation bighorn (61,000 in 2021)

\$200,000 Taos Pueblo Bighorn (tie \$200,000 in 2021)

\$187,500 Colorado Bighorn (\$180,000 in 2021)

\$175,000 Nevada Desert bighorn (\$165,000 in 2021)

\$32,500 Nevada Pronghorn (\$27,500 in 2021)

\$345,000 Oregon Bighorn (\$60,000 in 2017)

\$67,500 Wyoming Moose (\$210,000 in 2021)

\$77,000 Nebraska Elk (\$33,000 in 2020)

When regulated hunting is conducted well, the monies received from this hunt go back into community development and community conservation. The hunter is free to use the carcass in any way he chooses. Hunting means the legal and sustainable use of wildlife with revenues mostly going to local communities and also government agencies. Poaching means ILLEGAL killing and use of wildlife with no benefit or revenues to local communities or government. Regulated hunting achieves the following -

1. **Ends poaching** - as it gives value to wild life to communities. Once local communities realise the economic benefits of having game in and around their lands, they will prevent poaching as currently it is allowed as poachers help farmers protect crops. Once revenue is allowed, the community will consider the game animals their resource and protect it so.
2. **Helps conserve and extend protected areas** - since part of the funds received are used for environment development like building water holes, setting up salt licks and food plots.
3. **Helps control Invasive Alien Species** - Local communities will prevent the surge in population of Invasive animal species that are harmful to game animals.
4. **Maintain a record of species across Flora and Fauna groups** as given revenue is earned, it suits the community to maintain records of the same like pre 1972 when the forest department had records of all revenue earning (via hunting) species.

5. **Providing compensation to farmers** for crop losses. Rather than rely on the government for crop losses farmers will have their own income generation system.
6. **Provides various forms of employment to tribal groups, indigenous peoples and local communities** who have 'traditional' knowledge of wildlife, tracking and/or hunting, thus providing a legal context within which tribal rites, culture, skills and pride can flourish. Tribal or local 'Poachers' at the rural level could be incentivized to profit and develop a livelihood from sustainable use of wildlife and community conservation, rather than illegal activities.
7. **Prevents encroachment on community lands** - Once local communities realise the benefits of hunting including trophy hunting, they will prevent encroachment of land and also reduce over grazing, cutting of trees etc since that will adversely affect game populations. In Namibia livestock farmers have reduced goats hugely in favour of wild game.
8. **Helps keeps populations of game animals at optimum levels** since excess and older animals past their prime are selectively removed from the gene pool after their genetic potentials have been expended. Due to sufficient and easily available forage the animals can be healthier.
9. **Protection is extended to an entire biodiversity** and not only the game animals as habitat is kept aside for wildlife including fauna.
10. **Encouraging tourism in rural areas** that have none. The agricultural areas where hunting is most likely to take place tends to be backward and, in most cases, lack tourism. Sustainable hunting tourism (SU tourism) can bring huge benefits to rural communities as has been seen in numerous contexts worldwide. Much of India's wildlife lives outside National parks or PAs in areas which do not have the same game densities and thus they do not satisfy the majority of photo tourists, making them extremely prone to poaching, encroachment and habitat destruction as can be seen across India. Making wildlife valuable helps ensure their protection.
11. **Making the forest department an enabling force** rather than an enforcement agency at the rural level. This would lead to less 'harassment' of villagers when they protect their lands from wild boar and a better relationship and appreciation of government.
12. **Control expanding crop raiding species populations and protection of farmers resources** and rights by adherence to Constitutional values under Article 21 of the Indian Constitution (Right to life, Right to livelihood and Right to freedom of movement) at minimal or no cost.
13. **Adherence to the International Union for Conservation of Nature's (IUCN) zero draft** to which India is a signatory, which states (Target 3 and 4) that wild species are to be used sustainably and thus assist India in reaching its international obligations. i.e. **Reflect the objectives of the Convention on Biological Diversity**
14. **Adherence to international commitments to the WCS** to which India is a signatory. This community Conservation Venture would adhere to all three WCS objectives i.e. 1. *to maintain essential ecological processes and life support systems*, 2. *To preserve genetic diversities*, 3. *to ensure the sustainable utilization of species and ecosystems (notably fish and other wildlife, forests and grazing lands)*, which support millions of rural communities as well as major industries
15. **Improves conditions and health of communities** –A major part of the funds received are utilised for community development and the meat recovered is also consumed by the community. It is a myth to say that the meat of trophy animals is wasted.
16. **Revive the lost art of taxidermy in the country** – India had at one time some of the best Taxidermists in the world with many hunters from various parts of the world sending their the African, American and European trophies to India for taxidermy. Many zoos and museums need representative animal mounts for their displays and this could well lead to a new income stream for the nation.
17. Creates a permeant mechanism for Human-Wildlife Conflict Management of any sort.

18. Adherence to the International Union for Conservation of Nature's (IUCN)
19. Adherence to international commitments to the WCS to which India is a signatory
20. Providing a legal and sustainable protein source in protein deficient rural contexts

ANNEXURE 6

THE MEGAFUNA CONSERVATION INDEX

The megafauna index assesses the spatial, ecological, and financial contributions of 152 different countries towards the conservation of the world's terrestrial megafauna - large land animals. The countries that do the best are not the wealthiest but those that have extracted maximum income from wildlife which ensures conservation of wildlife and wild spaces.

- Botswana tops the list of countries that are doing the most to protect wildlife. It has the highest conservation land ratios in Africa, and more than 25 percent of its land area is reserved for parks and other reserves.
- Namibia ranks second in the list. The country is so serious about wildlife conservation it's the first nation in Africa to include laws that work towards protecting the environment in its constitution. From about 15 percent of its entire land under wildlife it has moved to more than 50 percent, simply because it became profitable to do so. Since 1998, more than 50 natural resource management institutions, known as conservancies, have been established to manage wildlife resources, on communal lands in Namibia with a high level of success.
- Tanzania is dedicated to protecting their animals in the wild so much so that a third of this vast nation is protected. Big game hunting and wildlife viewing are big revenue earners.

All these countries have legalized hunting and sustainable use of natural resources, following the wildlife management principles laid down above, with differences based on contexts in these countries. A study published in *Global Ecology and Conservation* shows that the countries that have been the best at conservation **tend to be the ones with the most to gain from conservation economically.**

Countries that do well raise the most amount of revenue from wildlife tourism in all its avatars including hunting, wildlife farming and fishing.

Areas not suitable for wildlife viewing like classified 'wastelands' or remote areas can be made suitable for hunting/fishing/wildlife farming and revenues earned ensure the protection and maintenance of healthy populations of wildlife as well as increasing habitats set aside for wildlife.

India's huge issue of crop raiding species, arid lands not suitable for other uses, grasslands overrun with cattle that could be profitably converted to wildlife farming - can be converted to CNBRM projects like the campfire project (mentioned at end) and others which directly benefit communities.

ANNEXURE 7

CROP PROTECTION AND THE WPA

Conservation is not meant to be only for “animals” but for the long-term sustainable co-existence and usage of the earth and its resources by man, so as to ensure the survival of biodiversity and safeguard man’s dependence and inter connection with the same.

India is perhaps the only country on earth where farmers are prevented and inhibited from protecting their crops, livelihoods and property as per the stipulations of the Wildlife Protection Act 1972 that has put in place procedures for crop pest management that are illogical, unsustainable and practically impossible or near impossible for a farmer to use to protect his resources and livelihood.

India's official farmer population is up to about 150 million people who work against tremendous odds to achieve harvests and sustain livelihoods. Up to 70 percent (and in some cases more) of the harvest can be lost to vertebrate pests including birds, mammals and rodents and vast losses go unreported, at great cost to both the GNP and India’s farmers.

Under the Wildlife Protection Act (WPA) in India, it is illegal for a farmer to even chase a wild boar, nilgai or monkey off his land, let alone shoot it, even if it is destroying his crops and livelihood or posing a threat to his life and livestock. Currently the WPA defines ‘hunting’ as even chasing an animal. Likewise, on paper, farmers are prevented from protecting their crops using lethal methods from various birds and monkeys that cause immense losses to both farmers and to food security of the nation even though these species are not endangered in any way and are present in exponentially greater numbers in croplands compared to wild habitat’s simply because farmers resources form the bulk of their diet and predators are absent or inadequate in number.

India is among the first countries in the world to have passed legislation granting Farmers' Rights in the form of the Protection of Plant Varieties and Farmers' Rights Act, 2001. The PPVFR Act initially emerged as a result of the demands of the seed industry for breeder's rights. A chapter on Farmers' Rights was added. However, paradoxically while the Act protects the genetic potential and strains of crops grown by Indian farmers it does not include the right for farmers to actually protect their plant resources on the ground from attack by crop pests. So, while intellectual property is protected, actual property is not allowed to be protected from many crop pests using lethal, sustainable or consumptive means. Likewise, the process which farmers have to go through to get permission to protect their crops is cumbersome, attacked at the policy level by animal rights activists both in the courts and within government, constantly challenged in court and often unworkable, especially for the small farmer.

Forest departments often do not issue permissions and courts take a long time to deliver judgements most often in favour of farmers rights to protect their crops. By the time a farmer is usually ‘allowed’ to protect his own property and crops from marauding wild animals, he has lost too much and years have passed or entire harvests and livelihood potentials lost. This situation can be argued to be unconstitutional and against the right of a farmer to protect his or her livelihood.

Community Conservation Projects that involve and benefit human communities living in and around protected spaces are crucial for long term survival and value being added to wild resources, thus ensuring their survival and benefit to man. A clear and comprehensive policy is often what prevents holistic management of crop pests and Human wildlife conflicts and therefore also what holds back the economic development of a region. This is ultimately detrimental to the future of biodiversity and people.

To 'save' India's wildlife, it is imperative that we provide a viable future for the people living alongside wildlife, first. Currently, given how the Wildlife Protection Act treats and considers solutions for crop pest management, this is not the case. 'Blind Flag Waving Conservation', with an emphasis on fortress conservation and an 'animal rights' influenced view, is almost always at the cost of people living alongside wildlife and to the detriment of wildlife as well. To 'save' India's wildlife we must first ensure the rights of India's people, especially its farmers and communities that live alongside wildlife. With no value attached to wildlife that is often a pest to farmers, people who live alongside wildlife have no reason to want it there. In addition, wildlife NGOs, tend to be filled with researchers educated in cities, not resource managers. These people often have fortress protection views in mind, and not Adaptive Management principles - and work in contexts where adherence to fortress views ensures a successful career to the detriment of rural livelihoods.

The actions of various NGOs are often destructive tending to alienate rural Indians by cutting them off from using and living off their natural resources. It can be postulated that Wildlife NGOs actively seek to control and gain from wild resources themselves, often under the guide of virtue signalling, while denying farmers and indigenous people the rights to their own resources. Sustainable use of wild resources can play a positive role in supporting conservation as well as local community rights and livelihoods.

Profitable wildlife/natural resource management that links generational traditional knowledge (like monkey trappers or tribal hunters) with community-based initiatives and concepts of wildlife/habitat management adapted to India will help stem both the degradation of wildlife and farmers livelihoods. The integration of traditional natural resource users into the management of "their" natural resources will as precedent shows, generate significant rural revenues and convert former crop pest species to profitable assets to be protected and managed.

The government must work towards the creation of a Community Based Natural Resources Management System (CBNRM) in the State that works towards a sustainable, profitable, and permanent solution to the problem of crop raiding animals and loss of livelihoods of farmers, with significant income from such ventures remaining at the community level and not lost to middlemen or NGO's.

- a. CBNRM ensures that local people benefit from the use of wildlife and tourism resources in their area by forming a community-based organisation which manages those resources. In India the Biodiversity Management Panels (BMC) already exist at the panchayat level for enacting such ventures via the Biodiversity Act. As per the [Biological Diversity Act 2002](#), BMCs are created for "promoting conservation, sustainable use and documentation of biological

diversity” by local bodies across the country. However other legislation like the WPA has not kept pace with this development. For example: The government had formally declared the constitution of Biodiversity Management Committees in all the 978 grama panchayats, 60 municipalities, and the five Corporations in Kerala, signalling the shift to a broad-based system for the conservation of biological resources. Most states have adopted the same, but they remain defunct bodies. The primary function of the BMC is to prepare and maintain a Panchayat Biodiversity Register (PBR) — a document on local biological resources and associated traditional knowledge. Its mandate also includes the conservation, sustainable use, and documentation of biodiversity and equitable sharing of benefits arising from its use.

- b. In many cases globally CNBRM has resulted in permanent solutions to crop pests, compensation for crop losses and wildlife conservation, meeting many of the objective set by the IUCN and World Conservation Strategy 1980, resulting in empowered communities that profit from natural resources and protect the same due to the value they now generate.
- c. CBNRM promotes economic empowerment of formerly disadvantaged farmers and their entrance into wildlife tourism in all its avatars, Biopharma, and other wildlife-based industries. It also enhances the conservation of biodiversity and maintenance of ecological integrity in proclaimed protected areas and on other lands both private and public.
- d. CBNRM increases, through concessions, the economic value of proclaimed areas, wildlife, and plant resources. It is a means of promoting sustainable development, poverty alleviation and employment creation in both public and private lands.

ANNEXURE 8

INVASIVE ALIEN SPECIES (IAS)

According to the IUCN Issues brief¹, An Invasive Alien Species (IAS) is defined as a species introduced outside its natural past or present distribution; if this species becomes problematic i.e. has negative impacts on native biodiversity or human resources like crops etc. it is termed an ‘invasive alien species’. In other words:

According to the US Dept. of Commerce an invasive species is an organism that causes ecological or economic harm in a new environment where it is not native.

What harm do IAS cause?

Invasive species can harm both the natural resources in an ecosystem as well as threaten human use of these resources. An invasive species can be introduced to a new area via accidental releases of aquaculture species and the removal of lethal control methods of IAS. Invasive species can cause extinctions of native plants and animals, reducing biodiversity,

¹ IUCN Issues Briefs provide key information on selected issues central to IUCN’s work. They are aimed at policy-makers, journalists or anyone looking for an accessible overview of the often complex issues related to nature conservation and sustainable development.

competing with native organisms for limited resources, and altering habitats. This can result in huge negative economic and ecological impacts.

Dogs (excluding endemic wild dogs and endemic wolf species), 'domestic' cats and non-endemic species like lantana and parthenium etc. in Protected Areas in India can be considered a '**biological invasion**', which occurs when a species expands into an area it hasn't previously occupied. Currently unowned dogs slaughter wildlife across India and spread diseases like Canine distemper lethal to big cats including Asiatic lions, killed in large numbers by Canine Distemper Virus.

According to The IUCN Red List of Threatened Species, **IAS are one of the top causes of biodiversity loss** and the second most common cause of **species extinctions**. IAS impacts go beyond biodiversity and seriously affect economic activities, livelihoods, food security, and human health and well-being. IAS are the most common threat to amphibians, reptiles, and mammals on **The IUCN Red List**; they may lead to changes in the structure and composition of ecosystems detrimentally affecting ecosystem services, human economy, and wellbeing. IAS are considered such a serious problem that Aichi Biodiversity Target 9 and one clause of UN Sustainable Development Goal 15 – Life on Land specifically address the issue. Overall, IAS risk undermining progress towards achieving 10 of the 17 UN Sustainable Development Goals (SDGs).

IAS are not necessarily only species like free ranging dogs or invasive 'foreign' species of plants and fish. In India, species endemic in some regions may be invasive in other areas where they are not endemic, like on islands for example. For example, Invasive Alien Species in India include by definition 1. Spotted deer in the Andaman Islands. 2. Asian elephants on Interview Island in the Andaman Islands, 3. Rhesus macaques that are spreading from the north to the south displacing bonnet macaques. 4. Blue rock pigeons are also invasive species which nest in cities at night and raid farmers crops by day 5. The common mynah in the Andaman Islands.

It is imperative to note that as per the "IUCN Guidelines for the Prevention of Biodiversity Loss Caused by Invasive Alien Species (IAS)" including dogs (*Canis lupus familiaris*) and domestic cats, are the second largest threat to wildlife, second only to habitat loss.

Excerpts from the above IUCN mentioned guidelines

- "The impacts of alien invasive species are immense, insidious, and usually irreversible. They may be as damaging to native species and ecosystems on a global scale as the loss and degradation of habitats."
- "Feral animals can be some of the most aggressive and damaging alien species to the natural environment, especially on islands. Despite any economic or genetic value, they may have, the conservation of native flora and fauna should always take precedence where it is threatened by feral species."
- "Where it is achievable, promote eradication as the best management option for dealing with alien invasive species where prevention has failed. It is much more cost effective financially than ongoing control, and better for the environment."

- “Where relevant, achieve significant benefits for biological diversity by eradicating key alien mammalian predators (e.g., rats, cats, lantana, mustelids, dogs, domestic cats) from islands and other isolated areas with important native species.”

ANNEXURE 9

SANTAN DHARMA AND SUSTAINABLE USE OF WILD RESOURCES

Myths, religious or otherwise, are stories that shape an understanding of reality and how one sees the world, encapsulating logos, belief and truth in the form of metaphors and symbols. Hunters appear in Hindu and other mythologies and occupy an important place in myth. Hunting animals for food was an essential part of life in all cultures, and remains important in most communities, post industrialization.

Myths related to hunters and hunting can reflect a culture's views about the relationship between human beings and the natural world and profoundly affect politics, industry, and ways of living. Hunters in mythology are often shown in conflicting ways, which reflects the act of hunting itself: to succeed as a hunter, one must understand, watch, protect and appreciate nature and develop skills with arms to kill quarry, the object of a quest; at the same time, however, the result of hunting involves killing and consuming a piece of nature. Myths about hunters or hunting can be divided into two categories: myths about hunting as a way of obtaining food or resources, and myths about the hunting of a specific creature or man killer or eater—usually to destroy it. A hunting deity is a god or goddess in mythology associated with the hunting of animals and the skills and equipment involved. They are a common feature of polytheistic religions as stories and myths of these religions have arisen, been nurtured and live in rural and indigenous populations in close contact with nature and the earth. Cultural anthropologists have a concept called sense of place to describe the important connections that people have with landscapes and hunting provides this sense of important in a profound manner.

In Hinduism [Banka-Mundi](#) is the goddess of the hunt and fertility, [Rudra](#) the [Rigvedic](#) god associated with the hunt and [Bhadra](#) is the god of hunting, one of Shiva's ganas and the name of one of south India's tiger sanctuaries. In Vedic traditions, Rudra raises his bow and shoots a deer. This pins the antelope to the sky stopping him from chasing a female deer. The hunt thus controls desire and allows for discipline over desire. A deer hunt is a recurring motive in Hindu mythology and signifies the pursuit of a goal. Both the Ramayana and Mahabharata begin with a hunt. In the Ramayana, during his fourteen-year exile, Ram hunts the Golden Deer on Sita's request. Ram and Laxman did a lot of hunting. They used the skins as clothes and gifted them to sages. They used the bones for weapons and meat for food. Rama, Sita and Laxman all ate venison.

THE CASE FOR SUSTAINABLE USE OF WILDLIFE IN THE MAHABHARAT

Yudhishtira and his brothers hunt for food in the forest during the exile. A deer appears in their dreams and requests them to hunt in another forest as their population is dwindling. If the brothers continued hunting, the deer population would diminish. If the deer population comes to an end, it would mean that the tigers would starve as they have nothing to eat. The grass would overgrow and prevent the growth of other plants. Thus, the eco system would be damaged. The deer says, “We are, O Bharata! those deer that are still alive after many that had been slaughtered. We shall be exterminated totally. Therefore, do change your residence. O mighty king! All your brothers are heroes, conversant with weapons; they have thinned the ranks of the rangers of the forest. We few - the remnants - O mighty-minded one! remain like seed. By your favour, O king of kings! let us increase.”

Yudhishtira - “Those deer that are alive after them that have been slaughtered, accosted me at night, after I had awakened, saying, “We remain like the cues of our lines. Blessed be you! Do you have compassion for us?” And they have spoken truly. We ought to feel pity for the dwellers of the forest. We have been feeding on them for a year together and eight months. Let us, therefore, again repair to the romantic Kamyakas, that best of forests abounding in wild animals, situated at the head of the desert, near lake Trinavindu. There let us happily pass the rest of our time.”

It is important to note that the deer do not ask the hunters not to hunt but ask to be allowed to replenish their ranks. Yudhishtira replies that they would move to another forest abounding in wild animals and pass the rest of their time (happily hunting).

ANNEXURE 10

HUNTING AND SUSTAINABLE USE: THE GLOBAL CONTEXT

Throughout the 20th century, South Africans witnessed the continuous decimation of what remained of the country’s wildlife on private property. This was because the Roman-Dutch laws at that time continued to try to implement an ancient law (res nullius) that tried to enforce the idea that the government had the right to hold the wildlife on private land in trust for the people. It did not work. The wildlife continued to decline. By the middle of the 20th Century, the wild animals of South Africa – which two hundred years before had numbered in their millions – had declined to just (estimated) 500,000. So private landowners continued to try to get government to award them legal ownership of the wild animals that lived on their private properties.

In 1991, the South African Courts ruled – by reason of the promulgation of the Game Theft Act – that private ownership would be allowed provided the land-owners secured their privately owned game animals inside ‘adequately fenced enclosures’. Furthermore, that the private game owners would be allowed to buy and to sell their privately owned game animals, and to breed them in captivity, to advance their wildlife business interests. And hunting these animals became their means of harvest. This established a new Wildlife Industry in South

Africa which, from its inception, was commercial in orientation. In one stroke of the pen, therefore, South Africa's new wildlife culture began in an entirely new direction. It was a bold experiment. But it worked. And, within 20 years, 10 000 new game ranches surrounded by high game fences, had been created and private game holdings had increased to over 22 million animals. The Game Theft Act, therefore, was the exact right solution for South Africa's wildlife woes. Why? Because South Africa's wildlife resources were pulled back from the brink of extinction and set on a new road to prosperity.



“It is important for rural development and nature conservation to be combined. Conservationists must take into account needs of people around reserves. They need to encourage education programmes about protecting wildlife and always act in co-operation with local communities.”

– Nelson Mandela

The American wildlife culture which allows hunting and fishing for personal consumption, and the South African commercial wildlife culture, which allows for commercial farming of wild game species evolved at different times, on different continents, for different historical reasons. Nevertheless, they both satisfied the needs of their respective nations and have resulted in massive biodiversity successes, huge incomes for both industry and society via outdoor equipment companies, tourism, and hospitality and some of their population well in tune with nature and tradition.

	Legal Hunting	Poaching
As per the three principal objectives of what the WCS describes as <i>living resource conservation</i>	Yes	No
Involves local communities in conservation	Yes	No

Legal activity i.e., Laws, regulations, quotas, and rules apply	Yes	No
Training and Official Hunting license required	Yes	No
Observe wildlife laws and regulations/ hunting seasons	Yes	No
Generates Income for wildlife department	Yes	No
Generates income for government	Yes	No
Generates Income for communities	Yes	No
Generates jobs at every level	Yes	No
Manages animal human conflict by providing financial incentives for having wildlife on private lands	Yes	No
Raises money for crop compensation due to wildlife	Yes	No
Builds market for the manufacturing sector including camping gear, arms, clothing, footwear, vehicles etc.	Yes	No
Helps conserve existing wildlife habitats	Yes	No
Expands Wildlife habitats	Yes	No
Reduces and stops poaching	Yes	No
Pays for anti-poaching efforts	Yes	No
Increases wildlife numbers and wildlife habitats	Yes	No
Contributes valuable data on areas and their wildlife	Yes	No
Protect the whole diversity of species of flora and fauna via habitat protection	Yes	No

WILDLIFE MANAGEMENT DEFINITIONS

Wildlife Management Hunting	Culling and population reduction management carried out to eliminate problem animals in a humane manner. The meat may be consumed by local communities instead of being destroyed.
Hunting	Hunting is the practice of pursuing and capturing or killing wildlife or feral animals. The most common reasons for humans to hunt are to harvest useful animal products (meat, fur/hide, bone/tusks, horn/antler, etc) for recreation/taxidermy including for but not limited to trophy hunting, to remove predators dangerous to humans or domestic animals and property, to eliminate pests and nuisance animals that damage crops/livestock/poultry or spread diseases, for trade/tourism (see safari), or for ecological conservation against overpopulation and invasive species.
Poaching	Is Illegal hunting that includes hunting without a hunting license/tags, and/or using prohibited hunting techniques, including wire and steel cable snares, electric cables, dynamite, and explosives.

Poacher(s)	<p>Sustenance poachers: Concerned with procuring meat for personal or family consumption. Includes tribal groups who hunt for food and have been doing so for millennia often to add protein to highly deficient diets. Others might be people who travel into agricultural or forest areas to capture or kill animals for food.</p> <p>Commercial meat poachers: Hunt meat, which they sell commercially, includes organized criminal gangs.</p> <p>Commercial Big Game poachers: Illegal hunters who kill elephants, rhinos and big cats and sell their horns, tusks, and skins – usually into the Far Eastern ivory and rhino horn markets.</p> <p>Crop protecting poacher: As per the <u>current law</u> in India a farmer protecting his crops and who kills animals raiding his resources, is also considered a poacher. A farmer who even chases animals off his land is considered a poacher as per the current definition of hunting.</p> <p>This person might not own a weapon and might call on people who own a weapon to kill crop-raiding animals on or around his land. Even chasing an animal off land is considered poaching under the WLPA.</p>
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ANNEXURE 11

HUNTING MODELS, WILDLIFE CULTURES AND REVENUE SYSTEMS

1. AFRICA

The General African model: With some variations, generally speaking, hunting in Africa is conducted as follows: 1. On Privately owned land 2. On Government hunting concessions leased to hunting companies within and outside national parks. 3. In Communal areas that operate like government concessions except that the local community sells the hunting rights directly to the hunting companies and keeps the monies. In all the different scenarios.

- All hunting clients have to buy a hunting license.
- All hunts are conducted by a licensed professional hunter, who is in charge of the client's actions and safety, success of the hunt and following all the hunting laws.
- In government concessions a game scout from the game department is typically assigned to each hunt to ensure compliance and only the quota of species that is on the hunting permit can be hunted. In the case of communal areas, a communal game scout performs this role.
- All hunts are conducted within designated hunting seasons.

- The annual hunting quota is set by the game department (even on private property), however in most instances the game departments in Africa are not very well managed or have enough expertise so this is done in conjunction with the hunting operator. This varies by country, as you will read below.
- Once the quota has been allocated to the outfitter, he decides how to package his quota and market it. We can get in to this detail later. And I can provide price lists from various countries.
- Clients typically pay a daily rate which typically includes all meals and lodging, hard liquor or not, guide and hunting team and use of camp staff for daily laundry etc. Extras include, any government or tourism tax, transfer to camp by road from nearest airport or air charter by bush plane if required, gun permit, medical evacuation insurance, hunting license, cost of first preparation and treatment of trophies in the field to prepare them for export, export paperwork, crating and packing and freight cost of trophies to final destination.
- A trophy fee is also charged at the end of the safari on all animals that are killed or wounded and lost. If blood is found it is deemed that the animal is killed even if it is not recovered. And it is counted against the allocated quota.
- The daily rate depends on each hunting operator as well as the game that is to be hunted. With regular plains game being the cheapest and specialized plains game and dangerous game hunts being more expensive. A minimum number of days is also set based on the game to be hunted. E.g. A plains game hunt maybe 7 to 10 days @\$300-\$600/day. Leopard and plains game hunts are typically 14 to 18 days \$750 to \$1200/day.
- In the event the hunt is on private land the daily rate and the trophy fees for each animal taken is kept by the hunting operator 100%. In the event of a government concession or communal area, the daily rate portion is kept 100% by the operator and the trophy fees is shared between them and the government or community.
- These trophy fees are set by the government or community and the outfitter typically adds a mark-up to it when selling it to the hunting client. Example in Tanzania an outfitter pays \$2,500 for a buffalo to the government but sells the same for between \$3,500 to \$4,800 to the hunting client.

2. NORTH AMERICAN HUNTING MODEL

USA : The right to hunt – sometimes in combination with the right to fish – is protected implicitly, as a consequence of the [right of ownership](#) or explicitly, as a [right](#) on its own, in a number of jurisdictions. For instance, as of 2019, a total of 22 U.S. states explicitly recognizes a subjective right to hunt in their constitutions.

“Regulated hunting is the foundation of the North American Model of Wildlife Conservation. This conservation paradigm arose out of a movement, led by prominent hunters, to stop over-exploitation of wildlife and the desire to have wildlife accessible to all people. Since then, hunters have contributed billions of dollars to wildlife management that benefit countless wildlife species. These funds support wildlife management agencies, which manage all wildlife species, not just those that are hunted and contribute to conservation programs worldwide, [including projects in India](#). This conservation paradigm is responsible for supporting a wide variety of conservation activities, including law enforcement, research, information and

education, habitat management and acquisition, as well as wildlife population restoration and management.”

To summarize in America hunting is not a privileged sport and 13.5 million hunting licenses were sold in 2018. However, like any other activity or sport, the further up the ladder you go the more expensive it gets. Then policing of hunters and outfitters is generally conducted by each States wildlife department as well as by any other law enforcement agency.

3. EUROPEAN HUNTING MODELS

Hungary/Bulgaria/Romania

Russia and most Eastern European countries have very strong hunting traditions dating back to communist times when only the elite hunted. These are rural countries with poor populations, yet there is great respect for wildlife and the game laws.

- Government forest areas: In these countries most of the game is found on government forestlands and this is where most of the hunting takes place. Example in Bulgaria there are 32 such Forest areas where hunting is allowed.
- Hunting is organized as one of the activities entrusted to the forest department or forestry companies which manage the area for lumber etc. There is a section of the game department that is responsible for the management of the game as well as setting annual hunting quotas for each hunting area. A minimum trophy fee is set by government, although each hunting area can increase these fees depending on supply and demand.
- Many of these forest areas have very nice lodges which are available for hunters to stay. All hunting is conducted by registered hunting guides.
- As the forestry areas do not have a marketing initiative in place, most of the hunts are sold to independent hunting outfitters who book a quota of animals depending upon their demand and they bring their clients. These outfitters make their money by charging a mark-up on the daily fees which covers the clients stay, food, guide, trophy care etc as well as a mark-up on the trophy fees of the animals that is shot.
- Village Areas: These are areas that are designated hunting areas around each village/collection of villages. The local villagers form a hunting club or association and its members are allowed to hunt these areas. These areas mainly hold small game and birds. Depending upon the area, its members may be allowed to hunt a given quota of birds per day, example 5 doves and 2 partridge. If game like wild boar and roe deer are present then an annual quota is set and once that quota has been met by its members the hunting for that species is over for the year. For example, an annual quota maybe set at 20 wild boar and 10 roe deer. It is also up to the village association to sell part of this quota to outside hunters or outfitters at a price determined by them if they wish to generate some income. Most of these village hunting areas do not have lodges for hunters to stay so they have to make their own accommodation arrangements.
- The local hunting associations police their own hunting areas so far as anti-poaching goes.
- The annual hunting turnover in Bulgaria is between 5 to 6 million euros annually.

*Spain, France and Germany follow similar systems of hunting and managing their wildlife

4. UNITED KINGDOM HUNTING MODEL

The UK model is an exception. All hunting is done on private estates. There is no government quota management system. Neither is there an official hunting license, other than one's arms license for a shotgun or rifle. There is a list of protected species that cannot be hunted and the rest is fair game. All a hunter needs is permission from the landowner to hunt on his property and pays whatever fee and conditions is set by the landowner. Typically, any game that is shot on an estate belongs to the landowner who sells it to game dealers. The sale of organic wild game meat is growing annually in the UK as a healthy alternative to domestic raised animals.

In the UK people hunt 50 million captive-bred pheasants and 10 million captive-bred partridges released into the countryside every year. This supports a multi-million-pound industry that ensures vast areas are kept as 'wild habitat' supporting numerous species. In the UK, the deer population has been increasing steadily over the last 25 years, year on year. Shooting is worth 2 Billion Pound Sterling in the UK. It supports the equivalent of 74,000 full time jobs. More information can be found at www.shootingfacts.co.uk

REGULATED HUNTING IN PAKISTAN: A CASE STUDY COMPARED TO INDIAN MODEL

In Pakistan there are six registered outfitters. In Pakistan the Provincial governments decide hunting decisions. Essentially there are two types of hunting areas, Communal hunting areas and Private game farms.

Communal Areas:

- Mountain hunting in Pakistan is only done in 'Communal areas'. In these areas the only livelihood was goat herding and tourism (now finished due to Islamic extremism).
- People in those areas used to kill the Markhor, Ibex and blue sheep freely especially for 'dawat' and celebrations to feed their guests. Today given the value each animal represents to the community, the community itself has stopped the practice almost completely. Poaching in these areas is more or less non-existent as the game is very valuable to the whole village and no local poacher dares to illegally hunt these animals. The consequences could be lethal. In other cases draconian fines are levied (In one case a fine of 136,000 USD was levied which is equivalent to the trophy fee at that time).
- The hunting is organized at the Provincial government level. A quota is decided annually, and an auction held for tags for various species.
- Talking specifically about Markhor, 12 markhor are auctioned each year – 4 of each of the 3 species found in Pakistan.
- In September/October each year the local government advertises the auction date and the outfitters bid for these animals depending on the demand they have from their clients. Last year (2019) an outfitter bought a single Markhor permit for \$150,000 (1.13 crore Indian rupees). He then sold the hunt for \$200,000 to his client.

- The costs involved in the hunt are high given the terrain, the local community headman has to be looked after, helicopter charges, etc. From the permit fees of \$150,000, 80% of the money goes straight to the local community. Balance 20% goes to the wildlife department of that area who spends the money to hire guards from that area and implement initiatives to conserve the markhor. In essence all the money gets spent on the conservation of the Markhor and the community benefits hugely.
- Permits for blue sheep sell for about \$12,500 and the hunt for about \$25,000.
- All the mountain game species taken in communal areas is exportable and under the blessing of CITES, US fish and wildlife etc. who have all been involved in these projects and support them.

THE SUCCESS OF [THE WWF BACKED MARKHOR COMMUNITY CONSERVATION PROJECT](#) IN PAKISTAN

- **Four permits auctioned for the markhor trophy hunting for year 2021-2022**
- **The highest amount obtained for the trophy hunting permit was \$160,250**
- **The auction of permits fetch Pakistan a record-high revenue of \$575,500 in total**

American hunter James Kevin hunts Astore Markhor (43 inches horn) in Jutial Conservancy Gilgit by paying USD 131,000 as hunting permit.



In the Gilgit-Baltistan region of Pakistan, the numbers of Markhor were dwindling fast owing to indiscriminate poaching, habitat loss, and the competition with livestock for grazing pastures. Moreover, the region of Gilgit Baltistan faced high unemployment ratios and low socio-economic indicators. The challenge for policymakers and conservationists was to create a conservation framework which did not scuttle the economic prospects of the region's already impoverished communities. In the 1990s, Pakistan officially started regulated trophy hunting in the region and as counter-intuitive as it may sound to many Indian 'conservationists', the project in Gilgit-Baltistan has helped not just save the Markhor from possible extinction but also brought in much needed prosperity for the local community.

To incentivise the local community to actively participate in the conservation process, the Government decided that **80% of the revenue generated by trophy hunting operations shall go back to the local communities** and the remaining 20% to the wildlife department. It is pertinent to mention that the main threat to Markhor population came from local impoverished communities who used to hunt it for food during winter. The trophy hunting project [changed the relationship](#) between the animal and the local community in a way that the villagers are now at the forefront of conservation efforts due to the benefits markhor bring to the community.

Hunting season lasts from November to April where a limited number of permits are issued based on the annual population survey of the animal. **An open bidding takes place for individual permits and each permit can cost well over 100,000 USD. Once sold, they are open to the free market and are resold by the bid winners for much higher prices.** In trophy hunting, only old male goats, well past their reproductive prime, are shot and they are usually identified from body and horn size.

Due to the success of the trophy hunting operations, there has been a [substantial increase](#) in the number of Markhor to the extent that it is now considered 'near threatened' in the [IUCN's red list](#), a two level improvement from its earlier status as critically endangered. On the other hand, the communities which receive 80% of the revenue use a share of it to invest in anti-poaching operations as well as paying off the salaries of guards who protect the animals. The [Village Conservation Committees \(VCCs\)](#) which manage the funds have used the money to fund roads, hospital infrastructure and schools, bringing prosperity to the communities.

The trophy hunting has produced positive results as the markhor population has now increased to 3,500-4,000 in the country as compared to 1,500-2,000 in 2001.

In India our Biodiversity Management Committees (BMC's) remain unused across the country. The markhor story on the India side is also markedly different. There has been substantial fragmentation of the habitat, and [habitat loss](#) due to poorly planned development projects. Overgrazing by livestock as well as poaching also severely affect the population. Markhor has been included as a protected animal under the Jammu & Kashmir Wildlife Protection Act, 1978. India's response to this crisis has followed the 'guns and guards' approach by cordoning off the habitat of Markhor as 'protected areas' and limiting as well as criminalising human activity in these zones. This is followed across the country.

The evidence in terms of conservation outcome has been mixed i.e. in some areas the population of Markhor has remained stable while in places such as Hirapora, the numbers have reduced alluding to a failure. While the political volatility in the region and increased militarisation does act as a significant impediment to any conservation activity, it is pertinent to note that the threat of livestock overgrazing by nomadic pastoralists and illegal poaching pretty much remain at the core of the problem. For the nomadic pastoralists such as the Gujjars and Bakharwal community, Markhor is an economic liability competing for grazing pastures with their livestock. The Government has tried to find a middle ground by creating some pasture management schemes. As part of the scheme, no-grazing zones were established in the protected areas with patrolling activity to guard pastures from illegal grazing. However, it has shown little success owing to no incentives for the communities to sacrifice their livestock i.e. their only source of income.

The Markhor conservation regimes adopted by the Indian and Pakistani Governments highlight two different visions through which wildlife conservation has been approached. The Indian Government's policies are closely aligned with the fortress approach which presupposes that the only relationship between human activity and wildlife is that of conflict. Cordoning off wildlife habitats, restricting human activity in protected areas and using guns & guards, are reflective of the Indian approach to the issue of Markhor. The approach has not just failed to protect the Markhor but further alienated the local communities who now have

little incentive to protect the Markhor. In fact, it may lead to local communities colluding with poachers to safeguard their pastures from being designated as protected areas. This is happening across the country.

Properly aligning incentives as well as calibrating the force of markets can assist remarkably well in funding conservation which also decreases the burden on the State exchequer. While the ethical dimensions of activities such as trophy hunting are controversial for some, it must be remembered that both local people and the markhor, the imagined victim of trophy hunting, have benefitted greatly from this scheme.

In the end, what's at stake are not urban sentiments but the country's biodiversity, its wildlife, its economy and the well-being and prosperity of its people.

TRUE CONSERVATION ALLIANCE FOUNDATION

TCA has been co-founded by Ryan Lobo, Marcus Campos and Meghna Uniyal. It was set up to work towards advocacy, litigation and implementation of policies, procedures, programmes, legislation and education at all levels of Government and in the media and public with respect to environmentally sustainable development, promotion and protection of biodiversity, community conservation ventures, human-wildlife conflict solutions, sustainable usage of wild resources and solutions to other environmental issues and civic responsibilities regarding these ventures in any region or geography within Bharat.

trueconservationalliance@gmail.com

Increase FINES AND NO TAKE MARINE RESERVES
TO FURTHER PROTECT CORAL REEFS IN INDIA.

To,
Shri Rakesh Anand,
Additional Directorate,
Rajya Sabha Secretariat,
New Delhi.

This has reference to your call for insights on changes in protection of wildlife Act 2021.

Impliment Fines--

1. Marine pollution in the form of plastic pollution and other activities has led to the corals being suffocated. Coral reefs need air and space to breathe. Enforce

2. Pollution from water run offs.

3. Add a special Amendment Act to the protection of ALL Corals Reefs in marine habitats.

4. No-take marine reserves are by far the most effective type of MPA. They restore the biomass and structure of fish assemblages, and restore ecosystems to a more complex and resilient state. Partially protected MPAs can have some value by restricting specific activities (e.g. banning trawling to prevent habitat destruction), but in general they are not as effective.

Background-

The Ministry of Environment, Forest and Climate Change makes and ensures the guidelines and laws protecting coral reefs are followed properly. The State Wildlife department takes care of the corals if the coral reef region comes under a protected area. This should be altered to ALL coral reefs should be protected NOT only those under protected areas.

So far, All marine resources are protected under the Coastal Regulation Zone (CRZ) of 1991. It provides protection to all coral reefs under the CRZ1 category of the law. The specific Section 7 (2) of the CRZ states that no hotels or resorts are to be made on coral reefs. The mining and quarrying of coral reefs are banned in some states, except for scientific purposes. Fines should be elaborated.

We should incorporate with references from the Coral Reef Conservation Act 2000 of USA.

Marine reserves are no guarantee to the ocean's problems specifically the coral reefs, but it is important to know which types of MPAs are more effective, and under which conditions. No-take marine reserves – the MPAs with stronger protection – are very effective in restoring and preserving biodiversity, and in enhancing ecosystem resilience.

We request for a new ammendment act for protection of Coral Reefs, looking at the drastic effects of climate change. If India is to meet its 2030 net zero targets, this could well assist in the process.

Thanking you
Elsie Gabriel
Founder
Young Environmentalists Programme Trust
National Cordinator Oceans Climate Reality Project India
Ambassador for India Global Quest International.
Mumbai.

[9967347511](tel:9967347511)

Respected sir/madam,

We are a student led animal welfare group in Delhi-NCR. We are extremely concerned about the proposed amendments to the Wildlife Protection Act (WPA) with respect to elephants.

Keeping in mind that elephants are Schedule I status we urge you to -

- Not go ahead with the amendment to dilute Section 43 of the Wild Life (Protection) Act, permitting sale of elephants
- Withdraw proviso under Section 40 (2B) permitting private ownership of live elephants

The condition of captive elephants in our country is extremely concerning and by taking away this layer of protection we will cause their condition to deteriorate even further. Please do reconsider the proposed amendments as the future of our heritage animal depends upon it.

Warm regards
Nikita Dhawan
(On behalf of Youth for Animals)

**PARAMEKKAVU
DEVASWOM**



**പാരമേക്കാവ്
ദേവസ്വം**



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Website: www.paramekkavudevaswom.com info@paramekkavudevaswom.com

No.

Date:

12/04/2022

To

**Shri.Jayaram Ramesh
Honblemember of Parliamentary Standing Committee for Science and
Technology, Enviornment& Forests & Climate Change**

Sir,

**Sub: Comments on the wild life (Protection) amendment bill, 2021 (Bill
No.159 of 2021) introduced in Lok Sabha to amend the Wild life (Protection) Act,
1972.**

This submission is bringing to your kind attention to our specific comments and concerns on the wild life (protection) amendment bill 2021 tabled before the Lok Sabha.

It is in this context that the age-old cultural festivals of temples, churches and mosques in Kerala have a relevance. The elephants are inevitable part and parcel of these age-old festivals: The captive elephants which were considered as domesticated animals before the wild life (protection) amendment bill 1991 were well cared and maintained by human beings as in the case of all domesticated animals. So we humbly request you to look in to the substantive concerns and aspects raised in the case of domesticated elephants by the cultural community of Kerala.

Specific suggestion of new amendments

1. Suggested modification Wild life elephants and domesticated or (Captive) elephants should me made separate as its was in the original text of wild life (Protection) Act 1972.

Rationale

This will indeed give the most protection to wild elephants under the supervision of forest department and the domesticated elephants will be very well looked after the owners with the help of animal husbandry department



No.

Date:

2. Suggested modification- Schedule 1 - Asiatic Wild Elephants

Proposed Amendment - Asiatic elephant under schedule I
suggested modification - Asiatic wild elephant und
schedule I

Rationale: Specification of wild elephant nurture more safety and
protection by forest department.

Definition

18 A - Life stock means farm animals and includes buffaloes, bulls, bullocks, Camels, Cows, donkeys, goats, Sheeps, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified-schedule I to V.

In the principal act, wild life (protection) Act 1972, section 2(6) "Cattle" includes buffaloes, bulls, bullocks camel, domestic elephants, donkeys, goats, horses, pigs and sheep and also includes their young. This definition omitted by act 44 of 1991section 5

Definition

Section 2 (18 A) inserted by Inserted by 44 of 1991 section 5-"Livestock" includes buffaloes, bulls, bullocks, camel, cows, donkeys, goats, horses,Mules, pigs and sheep, yak and also includes their young.

So the definition of domestic elephant in the act 44 of 1991 Sec.5 is from the principle act of Wild life life (Protection) Act, 1972 and it was modified by the definition by Section 2 (18A) then it changed from "Cattle" to "Livestock".

**PARAMEKKAVU
DEVASWOM**



**പാരമേക്കാവ്
ദേവസ്വം**

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Website: www.paramekkavudevaswom.com info@paramekkavudevaswom.com

No.

Date:

Hence, we humbly request you to reinstate the definition of "cattle" in the principle act Wild life protection act, 1972 which includes domesticated elephants.

For ParamekkavuDevaswom

A handwritten signature in black ink, appearing to read 'G. Rajesh', written over a horizontal line.

G. RAJESH

Secretary



12/04/2022

To

Shri.Jayaram Ramesh
Honble member of Parliamentary Standing Committee for Science and
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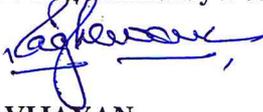
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Hence, we humbly request you to reinstate the definition of "cattle" in the principle act Wild life protection act, 1972 which includes domesticated elephants.

For Thiruvambady Devaswom



C.VIJAYAN

Secretary



Memoranda submitted by eminent Conservationists/retd. IFS officers/retd officials/Academics

1. Shri M.K. Ranjitsinh, New Delhi
2. Shri Rom Whitaker, Chennai
3. Shri H.S. Pabla, Bhopal
4. Shri Akula Kishan, Guntur
5. Shri S.K. Khanduri, Dehradun
6. Shri Sanjay Kumar Srivastava, Chennai
7. Shri R.S. Bhadauria, Lucknow
8. Shri B.M.T. Rajeev, Bengaluru
9. Smt. Prerna Singh Bindra, New Delhi
10. Shri Dr. E.K. Easwaran, Aruvikkara, Kerala
11. Shri V.G. Bhandi, Sirsi
12. Shri L.A.K. Singh, Bhubaneswar
13. Shri K. Sivakumar, Pudhucherry

Comments on “The Wild Life (Protection) Amendment Bill, 2021,” (Bill No 159 of 2021)

By Dr M. K Ranjitsinh

Former Director of Wildlife Preservation, Government of India

The Wild Life (Protection) Act, 1972 (in short – the Principal Act) was enacted with the specific purpose of protecting wild fauna and conserving their habitats, by providing for the setting up and management of protected areas, and the control of hunting, trade and taxidermy in India. All subsequent amendments in the Act have been ancillary to this objective - the setting up of the National Tiger Conservation and Central Zoo Authorities and the Wildlife Crime Control Bureau.

Key Observations on the Amendments contained in the Bill:

1.0. Insertion of Chapter VB on CITES

1.1. Fundamentally, the Principal Act is a Restrictive legislation that contains many prohibitions in order to ensure complete protection and management of fauna and flora of India and their habitats. On the contrary, the Convention on International Trade in Endangered Species of Fauna and Flora (CITES) is largely regulatory in nature and thus contains enabling provisions pertaining to import and export of species listed in the Appendices of the Convention. It is for this fundamental reason that the bringing in of the proposed Chapter VB into this Act is gravely disturbing and altering the very nature of the Principal Act. If the overall goal is not only to strengthen the existing protection to species specified in the Schedules of the Principal Act but also to clamp down on the rampant illegal trade in CITES species, two simple amendments in sub-section (36) of Section 2 (definition of wild animals) and Section 9 (prohibition on hunting), as provided in the specific suggestions at the end of this submission, is all that is required. It is my clear and considered view that the introduction of the CITES chapter VB not only dilutes the intent and purpose of the Wild Life (Protection) Act, but it even subsumes it. It also creates a marked dichotomy and conflict of interest. One example is the proposed schedules to be inserted, the size of which has swelled from the current 16 pages to 97 pages, most of the species not even occurring in India but perforce having to be included, to be in consonance with CITES requirements. What is more, the listing of species in the Schedules under the extant Act is alphabetical to facilitate the layman who will be using this Act. The proposed schedules in the Amendment Bill are in accordance with CITES needs - scientific, technical, in Latin and labyrinthine and what is more, most of them non-Indian, submerging as it were the Indian species to protect which the Principal Act was framed. If the schedules were to be incorporated, it will substantially complicate the

handling and implementation of the Act, by officers and staff whose responsibility it will be to do so.

1.2. Furthermore, the conflict of interest is very apparent in the amendments sought. Sections 3 and 4 of the extant Act empower the Director of Wildlife Preservation at the Central Government level, and Chief Wildlife Wardens at the state level. The proposed Section 49(E)1 mandates the appointment of a Management Authority who will then exercise powers under the Act. Is the Management Authority going to be the same as the Director of Wildlife Preservation? If not, then are there going to be two authorities and will the Management Authority exercise the same powers as that of the Director of Wildlife Preservation by virtue of what is stated in Section 49E(1) of the Amendment Bill, viz, “...for discharging the functions and exercising the powers under this Act...”? This, in my view, is bound to trigger legal, administrative and even personal complications due to a conflict between restrictive provisions and enabling provisions by which these two authorities will be empowered to make decisions, and which will create serious ambiguities in the interpretations of the provisions of this Act.

1.3. The proposed Chapter VB enables the transfer and breeding of species, including endangered ones, by private parties, which is precisely what was sought to be stopped or curtailed in the extant Principal Act and which will create dichotomy & clash of interest. Captive breeding for conservation purposes can be achieved and is being achieved under the current provisions. It is apparent that the amendments are sought to enable large private zoos and individuals to breed endangered species, exchange them and perhaps even trade in them, as is permissible under CITES.

2.0. Reorganization of Schedules

2.1. The listing of species under the schedules is truly mystifying. There has been sizeable duplications and omissions, with no reason given. Some transfers from Schedule I to Schedule II or totally from any of the Schedules, could be an omission by mistake or by ignorance. But if it is deliberate, then it would imply that an impetus is sought to be given for the restarting of trade in these species, by lowering the protection status of such species.

Some examples are as follows –

- Many of the snake species have been omitted from any of the schedules. Will it not give impetus to the restarting of trade in snake skins which was thriving when this Principal Act came into being in 1972?

- Why are the Indian, Burmese and reticulated pythons being downgraded from Schedule I to Schedule II? Their status has slightly improved, but they are still far from safe and will be the first target of traders in snake skins.
- The sand boa is sought for tantric rituals and a single specimen sells for over a crore, one of the most sought-after species in illegal trade. Yet it has been downgraded to Schedule II.
- The endangered loggerhead sea turtle has inexplicably been deleted from all schedules.
- The Himalayan bharal or blue sheep has been mistakenly moved from Schedule I to Schedule II. Both the large and small Indian civets have also been downgraded from Part II of Schedule II to Schedule II (equivalent to species in Schedule III & IV of the Principal Act), when their scent glands are in great demand for medicinal, perfumery and other purposes in illegal markets.
- The similar downgrading of the martens, weasels, jackal, foxes and jungle cat will also restart the fur market in these commodities, which has been stalled by the Principal Act. In 1972, this author had made the cardinal mistake of not according protection to jackal and foxes. The furriers whose activities of trade in endangered species had been stopped by the coming into force this Act, immediately shifted to trade in these items and a consignment of over 50,000 skins of jackal, jungle cat and foxes was caught, whereby this author, in his capacity as the Director of Wildlife Protection of India, immediately brought them into a protected category. Now the same mistake is sought to be repeated.
- The Nilgiri pine marten is a highly endemic, rare and threatened species and it is very surprising to find it being downgraded.
- Some dolphins, always over exploited, have also been left out of the schedules.
- Amongst the birds, four species of birds - the very endemic Nicobar megapode, the Nicobar pigeon, the red-necked/red-headed or Merlin falcon & Lord Derby's parakeet, are listed in both Schedules I & II and need to retained in Schedule I.
- The Hill mynah is a very sought-after bird in the pet trade and it must be in Schedule I and not in Schedule II, as proposed.

- A large number of birds need to be transferred from Schedule II to Schedule I. Amongst them are - Andaman teal, Marbled teal. Chestnut-breasted partridge, white-cheeked partridge, swamp partridge or francolin, Manipur bush quail, Nilgiri wood pigeon, Andaman wood pigeon, Macqueen's bustard or houbara much sought after by Arab Sheikhs, the rare and very localised greater adjutant stork, and the even rarer Stoliczka's bushchat. The downgrading of the houbara has even raised doubts in certain quarters that this is to allow Arab Sheikhs to practice falconry as does Pakistan, in what is called 'oil diplomacy' in popular parlance.
- There are a larger number of bird species which do not now appear in any schedule & must be included in Schedule I, due to their threatened status. Amongst them are the lesser flamingo, greater painted-snipe, the masked finfoot, and a number of hornbills which are a target of poachers because of the purported medicinal qualities of their casques.

2.2. It is, therefore, my considered view that the schedules need very careful and in-depth examination by experts who know ground realities of the current status and distribution of each species and the threats that they are facing, both present and potential.

3.0. Specific suggestions on Amendments:

CITES is an important factor in the control of international trade and India has been a signatory of CITES since its inception and we must take advantage of it to prevent illegal trade in our wildlife. There are, therefore, two options before us.

Firstly, this author is of the considered opinion that the needs of CITES could be accomplished by some elementary amendments suggested below, which would harmonise with the extant Act and achieve the objective without jeopardising the *raison d'être* of the present Act and making it and its Schedules impossibly complicated and cumbersome. They are-

3.1. In Section 2 clause (36) of the Act, the following amendment be made, the proposed change being in capital letters— (36) "wild animal" means any animal specified in Schedule I or Schedule II OR IN APPENDIX I AND II OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

Note: This will ensure that the term wild animal mentioned in various sections of the Principal Act viz. Section 39, 48A, 49B, 50, 51, 57 will include CITES species, thereby overcoming a lacuna in the law with regard to exotic species found in illegal trade.

3.2. In Section 9 of the extant Act, the following change can be done, the new insertion being in capital letters— “No person shall hunt any wild animal specified in Schedule I or Schedule II OR IN APPENDIX 1 AND 2 OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA”

Note: It is highlighted that this amendment is critical by virtue of the fact that “hunting” as defined in Section 2(16) of the Principal Act, includes not just killing but – capturing, trapping, injuring... and every attempt to do so. With the suggested amendment, empowered officers will get legal jurisdiction to enforce these provisions, when they detect CITES species being smuggled or traded.

3.3. The empowerment of a customs officer under Section (50)(1) is already being provided for in the Amendment Bill (para 32), which would take care of search and seizure under CITES.

It is on the basis of properly justified reasons that the above two suggested amendments of sections 2(36) and 9 above, together with the existing provisions of the Act and Section 50 (1) as in the proposed Amendment Bill, would suffice to ensure appropriate legal safeguards for CITES species and for meeting India’s commitment to the International Convention.

If, however, if the Ministry of Law considers these inadequate, then the second option should be to remove Chapter 5B from the proposed Amendment Bill and a new act for it should be framed, so that both that act and the extant Wild Life (Protection) Act could complement each other, instead of the requirements of both being cluttered in the same Act and causing confusion, complications and conflict of interest. It may also be kept in mind that CITES is a dynamic and worldwide convention which will require constant changes, both in the provisions and more so in its appendices? Will such alterations not require periodic amendments of the Principal Act, causing more complications? Furthermore, if India becomes a signatory to other such regional or international conventions or treaties dealing with trade or transfer of wild fauna or flora, will they all be loaded willy-nilly into the Wild Life (Protection) Act, even if the intent and purpose of those are not in synch with this Act?

4.0. Other suggestions on the proposed amendments in the Bill:

4.1. In the proposed new Clause 16(A) under Section 2, (para 3), the word “alien” is not required and will cause confusion. All alien species may be invasive, but all invasive species are not alien. A definition of “invasive species” would be very essential and will have to be comprehensive and adequate. It should include both foreign species as well as

Indian species which are non-native to the locality in question and therefore “alien” there. An example is the removal of Sal Forests and planting of the lucrative teak in the Buxa Tiger Reserve in the past. The definition of invasive species must include feral domestic dogs, which in some parts of India including in the Himalaya, pose a greater threat to native species of animals than even human poachers.

4.2. A conjoint reading of the proposed amendment to Section 2(34) and Section 61 along with Section 62 in the extant law, reveals the true import on declaration of certain species as “Vermin”. By virtue of what is stated in Section 2(34) in the Bill, it is evident that even those species specified in Schedule I can be declared as a “Vermin”. This is completely unacceptable. In the extant law, Section 62 imposes a bar on the declaration of a species listed in Schedule I or Part II of Schedule II, as “Vermin”. In the Amendment Bill, Section 62 does continue with the bar on declaration of Vermin, of species in Schedule I. However, many species specified in Schedule I and Part II of Schedule II in the extant law have been downgraded to Schedule II, as mentioned in Para 2.1. **This is highly problematic and the implications are that any species including those specified in Schedule 1, could simply be deleted from any schedule and/or downgraded from Schedule 1 and declared as “Vermin.** It is therefore imperative that the amendment needs to be modified by the following manner –

In Section 2(34), the words “specified in schedule II and” must be inserted after the words “any wild animal”;

In section 61 of the principal Act, for the words “*add or delete any entry to or from any Schedule*” the phrase “**amend any schedule or add**” be substituted. This covers the requirements of amendment and the words “or delete” become totally redundant and unnecessary and may hence be dropped.

4.3 Next, the confusion and complications concerning the Schedules of the Act as already mentioned above, being ad hoc, unscientific and the declaration of vermin mentioned in the previous paragraph could be based on political considerations. It is, therefore, proposed that any amendments pertaining to the Schedules, including declaration of vermin, must be only decided, as and when necessary, only after scrutiny by a technical expert committee consisting of independent ecologists, taxonomists, wildlife wardens and expert members of civil society known for their knowledge and experience in the field.

4.4 Furthermore, declaration of vermin should be site-specific and should pertain to a particular area and not an ad hoc general one applicable to the entire state or region. Vermin when killed or captured, must remain as Government Property as defined in

Section 39 of the extant law and not be available for sale, alive or as meat. The amendments should clarify and provide for what has been suggested in paras 4.1 to 4.4.

4.5. In Section 5B sub-section (3) the phrase “on such terms and conditions as may be prescribed” needs to be deleted, as the duties & functions of the Standing Committee have already been prescribed by the National Board for Wild Life (NBWL). Besides, who will prescribe the other terms and conditions of the committee when sub-section (3) defines them as being those assigned to the NBWL? Is it proposed that some other functions other than those assigned to the NBWL are to be prescribed for the Standing Committee?

4.6 The proposed addition of the new Section 6A, under the present circumstances, can be deemed to be ominous. The NBWL has not convened now for almost nine years and only its Standing Committee meets periodically, almost entirely for the purpose of approving projects affecting Protected Areas. Records show that it has given approval to over 98% of project proposals that it has considered. Almost the same situation applies to most of the State Boards for Wildlife. Regrettably, the Statutory bodies that were created under the Act to provide policy and directions to safeguard the nation’s wild fauna and its habitats, are preoccupied with proposals that do not contribute to conservation, to say the least. By inserting Section 6A in the Act, is it the intention to give a legal status to Standing Committees of the State Boards to facilitate such clearances and also to make the State Boards redundant? It is, therefore, imperative that this proposed amendment be dropped.

4.7 The proposed amendment or rather the substitution of the ‘explanation’ under Section 29 of the Act (Para 12 of the Amendment Bill), is objectionable and fraught with severe consequences. The way it is framed, it will permit hunting, including that of animals that may cause damage to crops, even in a National Park or Sanctuary. It is, therefore proposed that the phrase “or hunting of wild animals under a permit granted under Section 11...permit granted under Section 12”, be deleted from the proposed ‘explanation’.

4.8. In Section 33 (para 13 of the Amendment Bill), the proposed amendment of sub-section (a) is extremely problematic. This author can vouchsafe that most of the management plans that are proposed for the Protected Areas, are prepared by persons mainly untrained in wildlife management as specialisation in the wildlife wings of the states is not in practice, and are therefore of poor quality. To give such shoddy management plans statutory status and to manage the last surviving samples of the nation’s national natural heritage which remain in our parks and sanctuaries, would be catastrophic. The prior approval of the Central Government, which is extant today, must remain to ensure their quality. Furthermore, there would be a conflict of interest with the Gram Sabha in the management of a number of protected areas. While public consultations and opinion including that of the Gram Sabha should be taken into account, the management plan

formulation must be carried out by a committee comprising of the Chief Wildlife Warden and expert wildlife ecologists, and the long-term conservation interest of the concerned protected area must prevail.

4.9. In Section 34 (Para 14 of the Amendment Bill) the proposed sub-section (4), the renewal of an arms license should only be with the approval of the Chief Wildlife Warden.

4.10. In the five decades that have elapsed since the passage of the Principal Act, the status of some of the species listed under Schedule 1 whose habitats encompass areas outside of the protected areas defined under this Act, has drastically declined. Amongst them are the great Indian bustard, the lesser florican, the caracal and others. There is almost a universal policy not to establish any more protected areas and on the contrary, a number of them have been reduced in size or even denotified altogether. Under such circumstances, provisions need to be made to safeguard the last remaining habitats outside of the established protected areas, of the critically endangered species whose world populations are say, below 300. An appropriate place to provide for this contingency would be a new Section 36E.

4.11. Unlike most legislation's, the Wild Life (Protection) Act lacks a clause which would overcome conflict with other legislations operating in the same field. It is, therefore, strongly suggested that a new Section 60C, be inserted, stating: "Section 60C- Act to have an overriding effect - The provisions of this Act shall have effects notwithstanding anything contained in any other law for the time being in force, or in any other instrument having effect by virtue of any law, other than this Act." The importance of including this section cannot be over emphasised.

Sd/-

Dr. M.K. Ranjitsinh

28-01-2022

Below are my considered comments on the proposed amendments to the Wildlife Act, an Act I've had a lot of dealing with over the decades. My main focus is on the listing of the Schedules, I hope this may help.

All good wishes,
Rom
Romulus Whitaker

1. While the new Scheduling appears to simplify the Act, the inclusion of the non-Indian species and CITES Appendices in a new Schedule IV makes the Act so ponderous and heavy to be almost unusable. And who is the competent authority here to accurately identify all the newly listed species, with more to be added?

2. In viewing the listing of species in Schedules I and II, it is apparent that certain experts, specializing in their taxa, have gone all out to provide their proposals whereas others are sadly depopulate, and thus you have such glaring anomalies in the listings:

Schedule I

Mammals - 131

Birds - 112

Reptiles - 43

Amphibians - 1 (!)

Fishes - 26

Insects - 63 **Butterflies, but not a single other insect nor arachnid species!**

Crabs - 3

Corals - 388 (!!) **Hats off to the coral experts**, but is there data to prove the rarity of all these species? Which raises the question--What are the criteria for listing?

Mollusks - 10

Holothurians - 32

Schedule II

Mammals - 41

Birds - 864 (!!) **And to the bird people.**

Reptiles - 12

Amphibians - 5

Insects - 57 **Butterflies and 1 Dragonfly, nothing else!**

Mollusks - 14

Sponges - 10

One could go on and on about the shortcomings of such listings, debate whether it is the rarity of the species (most of which for data is non-existent) or the likelihood of trade in the species which determines whether they get listed.

The fact remains that much more work is needed to make accurate listings determined by species rarity, destruction of their habitats, and susceptibility to over-exploitation. And we have the experts to do this.

Surely, the foremost biological institutions in India, including the Government of India's own ZSI, BSI, CMFTRI, NCBS, WII, and prominent private institutions like the Bombay Natural History Society and the host of great field and lab biologists we have can contribute to a much more comprehensive and logical listing for the Amended Act. And it would be very advantageous to have an inbuilt system by which species can be added or deleted as scientifically determined.

The Wild Life (Protection) Amendment Bill, 2021
(Comments from Dr. HS Pabla)

Preliminary: In the draft bill, the term “wild life” has been written as “wildlife” in several places. In the original Act, only the term “wild life” has been used. This may be corrected and only one expression may be used.

My para wise comments on the draft are as follows:

- **Short Title and Commencement:** No comments
- **Amendment of preamble:** The use of the expression “conservation” in the preamble is welcome. This word has not been used in the original Act and any of the subsequent amendments. This word has very special significance as it implies sustainable use of wildlife and encompasses the “protection and management of wildlife”, the other expressions used in the preamble. The use of this word indicates a welcome shift in the orientation of the Act, although none of the other amendments proposed in the draft bill indicate anything like that. If the Act shifts its goal from “protection” of wild life to “conservation”, it will be possible to prevent and minimise human-wild life conflict. *Conservation* of dangerous animals is much easier and sustainable than their preservation. Therefore, further thinking in this direction is recommended.
- **Amendment of section 2:** Section 2 gives a list of the definitions of important expressions used in the Act. All the amendments and additions proposed are important and justified. However, the definition of the word “hunting” (sub-rule 16) should also be amended. The current definition implies that driving wild animals out of somebody’s home or fields also amounts to hunting {clause (b)} and cannot be done without the permission of an authorised officer. This is a very absurd situation, although nobody seems to have realised this absurdity so far. The original definition of “hunting” was very practical but was later amended for some reason. I think it will be much better to revert to the original definition of this word which was as follows:

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

(a) capturing, killing, poisoning, snaring, and trapping of any wild animal and every attempt to do so;

(b) driving or baiting any wild animal for any of the purposes specified in sub-clause (a) 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.

Although it has not been specified anywhere in the draft bill, it appears the six schedules of the existing Act are going to be replaced with four, out of which schedule III shall be about plants and schedule IV shall be the list of vermin. There are going to be only two schedules of wild animals protected by this Act. Whereas the reduction in the number of schedules is welcome, the bill neither indicates the basis on which the schedules have been devised nor

has shown the actual schedules. Therefore, it is difficult to comment on their logic or contents.

However, the retention of the schedule IV for vermin does not seem necessary. Species are notified as vermin only for a specified time and for a specific area, while the Act is a permanent instrument. Vermin shall come and go. A species declared vermin in one state or district cannot become a part of the law which is applicable in the whole country. Therefore, it will be better to have only three schedules, presuming the division of all wild animals into two schedules is justified.

- **Amendment of Section 4:** While specification of qualifications for the post of CWLW seems a good idea, it might create problems in the management of IFS cadres in the states. For example, if the person due to be promoted as PCCF does not qualify to become a CWLW but that is the only post vacant, he will have to be superseded. Therefore, this provision will be difficult to be complied with. Such a provision is more important and practical for the selection of the Director Wild Life Preservation in the Central Government which is a selection post and the Central Government can easily pick and choose officers for appointment.
- **Insertion of new section 8 A:** No comments.
- **Amendment of Section 9:** This amendment should be reworded as the proposed language is defective. This is because the section refers to hunting only under sections 11 and 12 while the Act also provides for *de facto* hunting under section 29 and 35 (6) (No person shall destroy, exploit or remove any wild life ---). Therefore, either these sections should also be listed here or no sections be mentioned. For example, the section may simply say that “No person shall hunt any wild animal except as provided in this Act”. It is also not necessary to mention schedules as only the species mentioned in schedule I and II qualify to be called “wild animals” as per the Act. Others are just “wildlife”.
- **Amendment of Section 24:** No comments.
- **Amendment of Section 25:** No comments.
- **Substitution of Section 32:** This amendment is welcome but the provision should also be applicable to the waterways upstream of a sanctuary. Nearly a hundred gharials in the National Chambal Sanctuary were lost to gout caused by the release of chemical pollutants by the upstream industries in 2007 or 2008.
- **Insertion of new Sections 33C and 33D:** These insertions seem unnecessary, although harmless. Section 33B already provides for the constitution of advisory committees for sanctuaries and there does not seem to be any material difference between the two. Similarly, section 38 X already provides for the constitution of foundations in tiger reserves. Instead of bringing in new sections and making the Act cumbersome to read and interpret, the existing sections can perhaps be tweaked a little to meet the objectives of these new insertions.
- **Amendment of Section 34:** This is an unnecessary amendment and will lead to public inconvenience and resentment. It is well known that poaching is rarely done with

licensed weapons. Therefore, inconveniencing law-abiding citizens will not give us any conservation benefits.

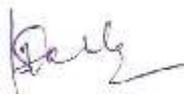
- **Amendment of Section 35:** This is a faulty amendment. Bringing in section 18 A here means only duplication of what has already been provided in this section. Only inserting sections 33 C and 33 D after 33 A would have been enough.
- **Amendment of Section 38:** No comment, except that the “conservation reserve” is a useless PA category as it neither provides for any special protection to the habitat (animals are protected everywhere) nor helps to improve local stakes in conservation by allowing special benefits to local people. Same goes for community reserves.
- **Amendment of Section 38 L:** No comments.
- **Amendment of Section 39:** No comment on the proposed amendment. However, I strongly feel that this sections should be completely recast to allow ownership of wild animals by the public in order to invite private investments in conservation and bring additional land under wildlife management.
- **Amendment of Section 40:** No comments.
- **Amendment of Section 40 A:** No comments.
- **Amendment of Section 41:** No comments.
- **Insertion of Section 42 A:** No comments.
- **Amendment of Section 43:** No comments.
- **Amendment of section 48:** No comments.
- **Amendment of Section 49A:** No comments except that this section (along with sections 49B and 49C) is unnecessary. These sections (Chapter VA) prohibit trade in animals belonging to schedule I and part II of schedule II. As section 40-2A already provides that ownership of these species cannot be transferred except by way of inheritance, where is the question of trade then? I think the entire chapter should be deleted.
- **Insertion of Chapter VB:** This is a long overdue amendment but could have been better done in a different way. The amendment could have simply said that “All import and export (international trade) of wildlife or its products and derivatives (these words shall need to be defined in section 2) shall be in accordance with the provisions of CITES and the rules that may be made in this regard”. This would be more convenient in case amendments are frequently required, as is happening in the case of other sections of the Act (WLPA is perhaps the most frequently amended Act in the country).
- **Amendment of Section 51:** No comments.
- **Amendment of Section 62:** As mentioned before, there is no need to create a schedule for listing locally and temporarily declared vermin. Schedule IV is unnecessary.
- **Amendment of Schedules:** No comments, except that the basis of classification of animals into the two schedules should be mentioned here and the schedules should be shared with the states and the public before finalisation. In the original Act (enacted in 1972) schedules were given titles (Big game, Special Game, Small Game) which were deleted later. Something on those lines can be done for the new schedules.

Additional Suggestions

Apart from the amendments proposed in the draft bill, some even more urgent amendments are required to deal with growing human-wildlife conflict. Some of these are as follows:

- **Amendment of Section 11:** The provisos below sub-section (b) which seriously compromise the powers of the CWLW in dealing with man-eaters and other authorised officers must be deleted. A lot of human lives are lost in trying to comply with this provision.
- **Amendment of Section 12:** The definition of scientific management (ban on killing in the name of management) given in this section is absolutely unscientific and should be either modified or deleted. There are situations when killing of certain number of animals is unavoidable because translocation is impractical for various reasons (E.g. no alternative habitat available, mass capture is technically difficult and expensive, animals tend to come back, maintenance of captured animals is expensive and unaffordable etc.). Therefore, the ban on killing must be deleted. Secondly, this section also contradicts section 29 and 35 (6) which provide for allowing the destruction and exploitation of wild life in PAs in the name of “improvement and better management of wild life therein”. It seems we are moving in circles, without going anywhere. Therefore, these provisions should be rationalized and harmonized.

In fact I have provided a complete draft of the relevant sections of the Act, required to deal with the growing menace of human-wildlife conflict, in my new book entitled “**Besides Loving the Beasts (Wildlife Conservation in India-4)**”. The approach in this draft is to go back to the original WLPA as it was enacted in 1972, as far as possible, with some additional insights resulting from newer thinking on conservation (e.g. community benefits from wildlife). A copy of that draft is attached herewith in the hope that some of those ideas may find place in the official draft.



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October 10, 2021.

APPENDIX-3

Wildlife Law for the Future

In Chapter 1, we have proposed the revamping of WLPA as a part of the proposed HWC management strategy for the country. The outline of the revised law is briefly discussed there. Presented in the following pages is the actual draft of the amended sections and chapters in accordance with the need discussed there.

The draft shows how the sections mentioned here need to read (post amendment) in order to facilitate the effective implementation of this strategy. Other sections which do not need any modification have not been mentioned.

As mentioned there, by and large, we need to bring back the original character of the Act, as it was passed by the parliament in 1972. That would provide all the freedom to the states to deal with conflict situations as they emerge from time to time. However, the draft also contains some new elements proposed in the light of the need to make it obligatory for the State to prevent and mitigate HWC and also to make the communities the owners of any benefits that HWC management strategy may produce from time to time (Sections 9 and 10). This vision did not exist in WLPA when it was promulgated in 1972, nor it does today. In view of this new orientation of the proposed law, the title of Chapter III itself has been changed. Another novel feature of the proposed draft is its linkage with CITES (Section 43-A). Although this feature is not directly linked to HWC management, export of trophies may require dealing with CITES authorities if hunting is ever accepted as the principal HWC management tool.

The Wild Life (Protection) Act, 1972

Chapter I

Preliminary

Section 2. Definitions. —

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

- (a) capturing, killing, poisoning, snaring, and trapping of any wild animal and every attempt to do so;
- (b) driving or baiting any wild animal for any of the purposes specified in sub-clause (a) 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.

Chapter III

Management of Human-Wildlife Conflict

Section 9. Obligation to manage human-wildlife conflict

Notwithstanding anything contained elsewhere in this Act or any other law, it is mandatory for the State Government to take steps as deemed necessary from time to time to control danger caused by wild animals to human life and property while ensuring the long-term survival of the species causing, or likely to cause, such danger.

Section 10. Hunting of wild animals

- (1) No person shall hunt any wild animal specified in Schedules I, II, III, and IV except as provided in this Act and in accordance with the rules that may be made in this regard.
- (2) The first charge on any benefits accruing from the hunting of wild animals shall be of the local communities.

Section 11. Hunting of dangerous or disabled wild animals.

- (1) Notwithstanding anything contained in any other law for the time being in force, the Chief Wild Life Warden or the authorised officer may, by an order in writing, permit any person to hunt wild animals or cause such animals to be hunted in any manner deemed fit, if he is satisfied that any wild animal or a group of wild animals
 - (a) has become dangerous to human life, buildings, crops, infrastructure, or any other property; or
 - (b) is so disabled or diseased as to be beyond recovery.
- (2) The killing, driving, or wounding in good faith of any wild animal in defence of a person or property, including standing crops, except by snaring, trapping, food explosives, poisoning, or electrocution, 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 accordance with sub-section (2) shall be Government property.

Section 12. Hunting of wild animals for special purposes

Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant a permit, to a person, institution, community-based organisation, or any other entity, on payment of such fee as may be prescribed, and subject to such conditions as may be specified therein, to hunt any wild animal or animals specified in such permit, for the purpose of:-

- (a) education;
- (b) research;
- (c) collection of specimens for recognised zoos, museums, and similar institutions;
- (d) collection or preparation of snake-venom for the manufacture of life-saving drugs; and
- (e) population management.

Section 13: Refusal, suspension, or cancellation of a hunting licence

The Chief Wild Life Warden or the authorised officer may, subject to any general or special orders of the State Government, for good and sufficient reason, to be recorded in writing, refuse to grant a licence or suspend or cancel any permit granted under this Chapter.

Provided that no such refusal, suspension, or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

Section 14: Appeal from an order under Section 13

- (1) An appeal from an order refusing to grant a licence, or an order suspending or cancelling a licence under Section 13, shall lie,—
 - (a) if the order is made by the authorised officer, to the Chief Wild Life Warden, or
 - (b) if the order is made by the Chief Wild Life Warden, to the State Government.
- (2) In the case of an order passed in appeal by the Chief Wild Life Warden under sub-section (1), a second appeal shall lie to the State Government.
- (3) Subject as aforesaid, every order passed in appeal under this section shall be final.
- (4) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against:

Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

Section 15. Hunting of young and females of wild animals

No person shall, unless specially authorised by a licence, hunt the young of any wild animal, other than vermin, or any female of such animal, or any deer with antlers in velvet.

Section 16. Declaration of closed time

- (1) The State Government may, by notification, declare the whole year or any part thereof, to be a closed time throughout the State, or any part thereof, for such wild animal as may be specified in the notification and no hunting permits under Section 12 shall be issued during the said period, in the area specified in the notification.
- (2) The provisions of sub-section (1) shall not apply to vermin unless otherwise specified by the State Government in this behalf.

Section 17. Restrictions on hunting

- (1) No person shall, for the purpose of sub-section (e) of Section 12,—
 - (a) hunt any wild animal, from or by means of, a wheeled or a mechanically propelled vehicle on water or land, or by aircraft;
 - (b) use an aircraft, motor vehicle, or launch for the purpose of driving or stampeding any wild animal;
 - (c) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisons, poisoned-weapons, snares, or traps, except in so far as they relate to the capture of wild animals under a Wild Animal Trapping Licence;
 - (d) hunt any wild animal other than with a rifle, unless specially authorised by the licence to hunt with a shot-gun using single-slug bullets;
 - (e) for the purpose of hunting, set fire to any vegetation;
 - (f) use any artificial light for the purpose of hunting, except when specially authorised to do so under a licence in the case of carnivora over a kill;
 - (g) hunt any wild animal during the hours of night, that is to say, between sunset and sunrise, except when specially authorised to do so under a licence in the case of carnivora over a kill;
 - (h) hunt any wild animal on a salt-lick or water hole or other drinking place or on path or approach to the same, except sandgrouse and water-birds;
 - (i) hunt any wild animal on any land not owned by Government, without the consent of the owner or his agent or the lawful occupier of such land;
 - (j) hunt any wild animal during the closed time referred to in Section 16;
 - (k) hunt, with the help of dogs, any wild animal except waterbird, *chakor*, partridge, or quail.

- (2) The provisions of sub-section (1) shall not apply to vermin or if specially exempted in the case of other species for reasons to be recorded in writing.

Section 29. Hunting in a sanctuary

Notwithstanding anything contained elsewhere in this Act, no licence to hunt any wild animals under Section 12 shall be issued in a sanctuary without the previous approval of the State Government. Further, no licence for the purposes of sub-sections (d) and sub-section (e) of Section 12 shall be issued and no permission for the diversion or destruction of wildlife habitat in a sanctuary shall be granted for any purpose except in consultation with the State Board for Wild Life.

Section 35 (6). Hunting in a national park (other sub-sections are not related to hunting)

Notwithstanding anything contained elsewhere in this Act, no licence to hunt any wild animals under Section 12 shall be issued in a national park without the previous approval of the State Government. Further, no licence for the purposes of sub-section (d) and sub-section (e) of Section 12 shall be issued and no permission for the diversion or destruction of wildlife habitat in a national park shall be granted for any purpose except in consultation with the National Board for Wild Life.

Section 39. Wild animals, etc. to be Government property

- (1) Every-
- (a) wild animal, other than vermin, which is hunted under Section 11 or bred or kept in captivity, or hunted in contravention of any provision of this Act or any rule or order made thereunder, or found dead, or killed by mistake; and
 - (b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed;
 - (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;
- shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any article, trophy, uncured trophy, or meat derived from such animal shall be the property of Central Government.
- (2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours of obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or authorized officer and shall, if so required, hand over such property to the office in charge of such police station or such authorised officer, as the case may be.
- (3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer-
- (a) acquire or keep in his possession, custody or control, or
 - (b) transfer to any person, whether by way of gift, sale or otherwise, or
 - (c) destroy or damage such Government property.

Section 40. Declarations

- (1) Every person having at the commencement of this Act the control, custody, or possession of any captive animal specified in Schedule 1 or Part II of Schedule II, or animal article, trophy, or uncured trophy derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the

authorised officer the number and description of the animal, or article of the foregoing description under his control, custody, or possession and the place where such animal or article is kept.

- (2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale, or otherwise transfer or transport any animal specified in Schedule 1 or Part II of Schedule II, or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.
- (3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of Section 38I or to a public museum.
- (4) The State Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer any animal or animal article or trophy (other than the musk of a musk deer or the horn of a rhinoceros), or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody, or possession in such form, in such manner, and within such time, as may be prescribed.

Section 40-A. To be omitted

Section 43. Regulation of transfer of animals etc.

- (1) Subject to the provisions of sub-section (2), sub-section (3), and sub-section (4), a person (other than a dealer) who does not possess a certificate of ownership shall not—
 - (a) sell or offer for sale or transfer whether by way of sale, gift, or otherwise, any wild animal specified in Schedule I or Part II of Schedule II or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom;
 - (b) make animal articles containing part or whole of such animal;
 - (c) put under a process of taxidermy an uncured trophy of such animal, etc. except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.
- (2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State any such animal, animal article, trophy, or uncured trophy as is referred to in sub-section (1) in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer, or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer, or transport is effected.
- (3) No person who does not possess a certificate of ownership shall transfer or transport from one State to another State or acquire by transfer from outside the State any such animal, animal article, trophy, or uncured trophy as is referred to in sub-section (1) except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is to be effected.
- (4) Before granting any permission under sub-section (1) or sub-section (3), the Chief Wild Life Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.
- (5) While permitting the transfer or transport of any animal, animal article, trophy, or uncured trophy, as is referred to in sub-section (1), the Chief Wild Life Warden or the authorised officer—
 - (a) shall issue a certificate of ownership after such inquiry as he may deem fit;
 - (b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been effected;
 - (c) may affix an identification mark on any such animal, animal article, trophy, or uncured trophy.
- (6) Nothing in this section shall apply—

- (a) to animal articles or trophies made out of feathers of peacocks;
- (b) to any transaction entered into by a public museum or recognised zoo with any other public museum or zoo.

Section 43-A. Import and export of specimens of wildlife specimens: -

- (1) For the purposes of this section, the words 'species' and 'specimen' carry the same meaning as in the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) of the United Nations.
- (2) From the day of commencement of this Act, no person shall import, export, re-export, or introduce from sea any specimens of a species of wild animals or wild plants, or a species included in any of the Appendices of CITES, except in accordance with the provisions of CITES as applicable to India and the rules that may be made in this behalf.
- (3) Quarantine certificate, issued by the appropriate authority of the country of export shall be produced for each imported wild animal or wild plant, upon arrival at customs port of entry.

Chapter VA. (Section 49-A to Section 49-C). Prohibition Of Trade Or Commerce In Trophies, Animal Articles, Etc., Derived From Certain Animals.

(To be omitted)

Section 61. Power to alter entries in Schedules.—

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

(2) On the issue of a notification under sub-section (1) the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

Section 62. Declaration of certain wild animals to be vermin.—

The State Government may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

CHAPTER 2

The Wild Life (Protection) Act 1972

Faulty Wiring

The Wild Life (Protection) Act, 1972 (WLPA) was enacted to usher in a comprehensive and uniform regulation regime for hunting and trade in wild animals, trophies etc. apart from providing protection to wildlife habitats in the country. Until then, the subject of wildlife was governed under a plethora of pre-independence instruments, including those promulgated by the feudal states. None of these dealt with the subject holistically. Most of them provided for regulation of hunting only, without giving any thought to the regulation of trade and protection of wildlife habitats.

The Madras Elephants Preservation Act 1873 was perhaps the first organised attempt in colonial India to preserve wild life. The Elephants Preservation Act 1879 became applicable to most of British India as more and more states adopted it. Wild Birds Protection Act, 1887 enabled the Government to frame rules prohibiting the possession or sale of specified wild birds killed or taken during the breeding season. The Wild Birds and Animals Protection Act, 1912, which was adopted and amended by most states later on, provided for nothing more than a closed season for hunting, primarily for a few game birds and animals. There were several other local laws such as The Mysore Game and Fish Preservation Regulations, 1901, The Madhya Pradesh Game Act, 1935, The Indore Game Act, 1907 etc. Some states also used IFA to frame hunting rules, such as the Madhya Pradesh (Hunting, Fishing, Poisoning Water and Setting Traps or Snares in Reserved or Protected Forests) Rules, 1963. I am not yet sure under what law what is now Kanha National Park was made the Banjar Valley Sanctuary in 1933. But MP passed its own Madhya Pradesh National Parks Act in 1955. Kanha, Bandhavgarh and Madhav national parks were created under this law. Corbett National Park (formerly Hailey's National Park) was created in 1936 under The United Provinces National Parks Act, 1935.

Rather than amending IFA to provide for wildlife conservation, we decided to promulgate a new law on the subject. WLPA, passed by the parliament on the request of several states (as wildlife was a state subject then), consolidated all the relevant laws and rules under one umbrella law. For the first time, it provided for a licensing system for regulating trade and transit of wildlife products, without which the regulation of hunting would have been of no use. In one stroke, it amended all existing laws by providing that anything contained in any other legislation related to wildlife shall stand repealed (section 66) with the passage of this law. It also provided a framework for creating sanctuaries and national parks, as well as for the constitution of wild life advisory boards in all states. The law seemed perfect in all aspects. It provided for almost all aspects of modern wildlife conservation, except perhaps for captive breeding and game farming. With the almost simultaneous advent of the Project Tiger in 1973, the country seemed to have entered the golden period of conservation.

Evolution of WLPA Since 1972

Until 1976, the Parliament did not have the power to make laws regarding 'wildlife' unless requested by the legislatures of two or more states, as it was a state subject. Mrs. Indira Gandhi virtually arm-twisted the states ruled by her party to pass resolutions to request a central law on wildlife in 1972 (Ranjitsinh 2017). 'Forests' and 'Protection of wild animals and birds' became a concurrent subject with the 42nd amendment of the constitution in 1976, giving the Centre power to make laws on this subject.

This empowered the Central Government to amend WLPAs as and when required and it has been doing so merrily ever since. Although the constitution requires that such legislation should be in consultation with the states, such consultations, if any at all, have been only perfunctory. The states were either not informed at all or were given too little time to respond to amendment proposals. They generally came to know of the amendments only after they had become a fact of life.

WLPAs are perhaps one of the most frequently amended laws of the country as shown by the list of amendments given below.

- The Wild Life (Protection) (Amendment) Act 1982 (23 of 1982).
- The Wild Life (Protection) (Amendment) Act 1986 (28 of 1986).
- The Wild Life (Protection) (Amendment) Act 1991 (44 of 1991).
- The Wild Life (Protection) (Amendment) Act 1993 (26 of 1993).
- The Wild Life (Protection) (Amendment) Act 2002 (16 of 2003).
- The Wild Life (Protection) (Amendment) Act 2006 (39 of 2006).

Another amendment is already in the works and has been pending with the parliament since 2013. The primary objectives of all the amendments have been:

- To strengthen the protectionist character of the law;
- To concentrate all decision making powers in the Centre; and
- To create new statutory authorities in Delhi.

The original Act reflected the belief that wildlife was depleting and that controls on its harvesting and trade were necessary to ensure its survival and sustainable utilisation. However, over time, we started feeling that, rather than sustainable utilisation, no-utilisation is a better tool to save wildlife. Therefore, we have outlawed any form of utilisation and trade in wildlife or its products and derivatives. Amendments have also been aimed at concentrating more and more powers in the Central Government and central institutions. The states now need the permission of the Centre and its agencies for virtually every substantive action. Tiger reserves can be notified only after prior permission from NTCA. States need the central nod for changing the boundaries of PAs. Central permission is required to capture schedule-I animals except when they become dangerous to human life. Central permission is also needed to capture or kill animals of any schedule in a national park or alter wildlife habitat in a NP. Also to bring animals to or take out of zoos. Management plans and tourism plans of tiger reserves are also approved by NTCA. These permissions are required either from the ministry or from the National Board for Wildlife (NBWL) or from NTCA or from the Central Zoo Authority (CZA), often from all of them. These organisations did not exist when the law was first made. Therefore, there was no question of permissions back then.

In fact, the creation of NTCA has almost completely destroyed the original power structure of the Act. It has reduced the Director of Wild Life Preservation (DWP) in the country to be only a titular head of conservation, and the Chief Wild Life Warden to the status of a mere post office. These were the only two statutory authorities in the original Act.

The goal of the Act is given in its opening statement, which says that it is "An Act to provide for the protection of wild animals, birds and plants — with a view to ensuring the ecological and environmental security of the country". 'Protection' of wild animals is a rather complex subject as animals interact with human beings as well as among themselves in the form of competition, conflict, predation etc. Too many animals can become a serious problem for local people. Too many animals can destroy their own habitat by overuse. Overpopulation of one species can spell doom for some other species. Therefore, sometimes animals need to be killed or captured for their own sake as well as for

harmonious human-wildlife relations. But successive amendments of the Act have made their killing and capture more and more difficult. Perhaps our bureaucrats and law makers have taken the world 'protection' too literally.

The real goal of every law has to be the enhancement of human well-being. Same applies to this Act. However, perhaps because this goal has not been stated in the Act, the progressive deletion or denaturing of the provisions which could have helped in preventing human suffering caused by wild animals, and possibly also generate some benefits from them, has gone unnoticed. As a result, success in conservation becomes a misfortune for local people as wildlife depredations go up. In fact, we have never felt the need to devise new ways of enhancing human welfare through wildlife. Not even for reducing pain. Therefore, innovation in conservation in India has been conspicuously absent.

The continuous stream of amendments indicates that the country is still groping around for a perfect law. Despite the repeated attempts to change the character of the original Act, bits and pieces of original provisions have escaped modification or deletion perhaps through oversight. This has resulted in serious contradictions and confusion within the Act. Several such discrepancies are discussed in the next section.

Internal Contradictions and Inconsistencies of the Act

The goal of the Act, as mentioned before, appears to be "the ecological and environmental security of the country" to be achieved through "the protection of wild animals, birds and plants". Although the 1972 version of the Act did not state this goal, it eminently facilitated its achievement as wildlife showed all round recovery in the country for a few years. However, things started slipping as the Act was amended again and again in the succeeding years. At present, the goal is clear but the tools provided in the original Act to achieve it have been blunted through unthinking amendments. Apart from the questions about the long-term sustainability of its outcomes, the law does not seem to be clear about how to go about achieving its own declared objectives i.e. protection of wild animals. The principal structural drawback of the current law seems to be that successive amendments have been conceived without taking a holistic view of the statute. Several provisions have been inserted or deleted without organically linking them with the existing elements. This has often resulted in either making the amendments redundant or in creating conflict with other provisions.

The Act, apart from providing for penalties for violations of the Act, mainly provides for the following:

- Creation of certain statutory authorities to discharge the functions allocated to each.
- Constitution and management of protected areas, such as national parks, wildlife sanctuaries, community reserves, conservation reserves. Some PAs can even be tiger reserves.
- Regulation of hunting, trade, possession and trade of wild animals, their products and derivatives.
- Rule-making powers of the Centre and States to facilitate the implementation of the Act.

Various superfluous or contradictory provisions related to these features of the Act are discussed and illustrated below:

1. Statutory Authorities

The Act now provides for the creation of several statutory authorities and institutions, namely:

- National Board for Wild Life (NBWL);
- State Boards for Wild Life (SBWL);

- Director of Wild Life Preservation at the centre;
- Chief Wild Life Wardens (CWLW), for each state;
- Central Zoo Authority (CZA);
- National Tiger Conservation Authority (NTCA); and,
- Wildlife Crime Control Bureau (WCCB).

While the plethora of authorities and institutions created by the Act is itself a recipe for confusion, the crosscutting and overlapping powers and jurisdictions of some of them have led to utter chaos. Sample the following:

1.1. The National and State Wild Life Boards

NBWL had existed at the Centre, without any statutory status, for long. It was given a statutory status through an amendment to the Act in 1991. The provision for SBWLs was in the Act since inception, albeit under a slightly different name i.e. the State Wildlife Advisory Boards. Both these bodies are meant to advise the Centre and the States, at their respective levels, regarding the formulation of conservation policies and the declaration and management of protected areas, among other things. The intention behind the dropping of the word 'advisory' from the names of the state boards is not clear and may have been done with a view to make them look more significant. The existence of two advisory bodies, albeit at different levels, is both wasteful as well as a recipe for conflict between the Centre and the States. There is hardly any scope for policy setting at the state level as far as wildlife conservation is concerned, as the entire country is governed by the central laws and policies. The States cannot make any policy changes related to hunting, trade or transactions in wildlife products as the law does not allow such activities. Although PAs can be created by the States, with or without the recommendations of the State Boards, but any changes in their boundaries can be done only with the concurrence of the NBWL {sec 26-A (3) and 35 (5)}. The state proposals on the subject are always supported by the recommendations of the SBWL, as NBWL always wants that. But views of the SBWL hardly ever carry any weight with the NBWL. If the recommendations of the SBWL are inconvenient, they are simply overlooked by the NBWL.

Similarly, matters related to developments that can result in the destruction of habitat in sanctuaries also end up at the doors of the NBWL, in view of Supreme Court orders dated 09.05.2002 in I.A. No. 18 in WP No. 337/1995. It says that, "— no permission under Section 29 of the Wildlife (Protection) Act, 1972 should be granted without getting approval of the Standing Committee of Indian Board for Wildlife —." The law requires consultation with the NBWL only in the case of national parks {sec. 35 (6)}. In this case as well, the views of the NBWL take precedence over those of the SBWL. This shows the SBWL as a useless body and does not serve any purpose for conservation.

Moreover, keeping the Prime Minister (PM) and the Chief Ministers (CM) as the Chairpersons of the respective boards also serves no useful purpose. While it is extremely difficult for these dignitaries to spare adequate time for the meetings, the discussions in these meetings are usually constrained by their presence. In fact, the boards did not meet for years until the Supreme Court made it mandatory that all development projects within 10 km from any PA (called 'ecosensitive zones') be examined by the National Board, and consequentially, by the state boards (order dated 4.12.2006, Writ Petition no 460/2004, Goa Foundation Vs. UoI and Ors.). Now the states have also been forced to constitute, with virtually the same composition as the SBWL "Steering Committees" for tiger conservation (section 38-U), under the CM's chairmanship. These committees, of course, will rarely hold a meeting, if any.

Incidentally, the recommendations of state boards are always based on what the CM agrees or disagrees with. A case in point is the proposal to construct a railway line passing along the northern

flank of Panna Tiger Reserve. While every member of the board opposed the proposal, the matter was recommended only because the CM wanted it supported. Some members agreed to it because they knew that the recommendation had no meaning.

I was privy to several cases of NBWL ignoring the recommendations of the SBWL completely. The Karera Wildlife Sanctuary in Madhya Pradesh (MP) was created, almost entirely in private croplands, to preserve the endangered great Indian bustard (GIB). Over time, the species disappeared from the area but the restrictions on the people remained. The recommendations of the Madhya Pradesh SBWL in favour of denotification of the sanctuary, were ignored by the NBWL. Later on, NBWL agreed to allow the denotification on the condition that the forest area equal to the area of the denotified sanctuary should be added to some other sanctuary of the state. Similarly, the proposal for widening the national highway no. 7 along the boundary of the Pench Wildlife Sanctuary, was recommended by the SBWL with certain safeguards for providing animal crossings of international standards, but the recommendation was summarily rejected by the standing committee of the NBWL.

Obviously, the SBWLs are considered inferior to the NBWL, which does not go well with our federal structure of the country. If the recommendations of a body, chaired by the CM himself, does not carry any weight even with an advisory body of the Centre, why have such a body?

1.2. Director Wild Life Preservation, Chief Wild Life Warden, and the National Tiger Conservation Authority

In the original scheme of the Act, DWP and CWLW were the chief functionaries of the law at the Centre and the States, respectively. However, the powers and importance of these two authorities have now been seriously eroded, particularly with the creation of the NTCA in 2006. Now they are only the titular heads of their domains. In fact, the law never gave any specific role to DWP in the first place. Rightly so, because the real conservation action, like notification and control of PAs, controlling offences, issuing permits and licenses etc. lies with the states and their CWLWs. All important functions of the CWLWs have now been taken over by the NTCA. While the law does not say a single word on the generic powers of DWP and CWLW in conservation, NTCA has been given the power to "issue directions to any person, officer or authority for the protection of tiger, and such person, officer or authority shall be bound to comply with the directions" [section 38-O (2)]. This means non-compliance with NTCA guidelines is a punishable offence. DWP has virtually no jurisdiction over issues related to tiger conservation, the species that rules the wilds, minds and sensibilities of India. The NTCA, which theoretically is an organ of the Ministry, hogs most of the conservation budget, and distributes it to the tiger reserves, thereby earning tremendous clout with the states. The ministry, i.e. the DWP, is left to distribute grants only to minor PAs.

NTCA's powers (section 38-O), in the name of tiger conservation, are all encompassing, ranging from approving the management plans (now called tiger conservation plans) for tiger reserves, laying down "normative standards and guidelines" on tourism, down to approving research projects on tiger. It is also mandated to ensure that no land is diverted for 'ecologically unsustainable uses' anywhere in India. The tiger conservation plans, which need approval from the NTCA, must also ensure that the 'forestry operations of regular forest divisions are not incompatible with the needs of tiger conservation'. NTCA often insists on deciding the posting of officers in tiger reserves as well.

These powers of NTCA regarding the control of PAs are in serious conflict with the role of the CWLW who is still the legal authority that should decide what can happen in protected areas (section 33). The failed attempts of the NTCA to 'phase out' tourism from protected areas, overriding the objections of the states, is a pointer to the shape of things to come. For example, in August 2010, the

CWLW MP approved a scheme to permit small groups of tourists to join selected patrolling parties in protected areas, in order to give them a unique wilderness experience. The NTCA immediately issued an advisory to all states not to entertain such thoughts.

The interference of NTCA in state matters is increasing day by day. It first advised the states to phase out wildlife tourism from core areas of tiger reserves into buffer zones. The states did not stop tourism in the core zones of tiger reserves but spread it over to buffer zones also. Strangely, it has now issued an advisory not to improve the wildlife habitat in buffer zones (for improving tourism) as it may lead to increased human-wildlife conflict. Recently, NTCA directed the CWLWs to obtain its permission before exercising their statutory power (under section 11) to destroy any problem tiger. Knowing fully well that no hunting skills are left in the forest departments, due to the long ban on all hunting, NTCA has now ordered that private hunters should not be used to eliminate or capture problem tigers, risking the lives of foresters. I hope the states will refuse to obey such mad orders. If not, NTCA should be held responsible for any human deaths or injuries resulting from delays in eliminating man-eating tigers (this title is also banned by NTCA) due to inept handling.

Most CWLWs seriously resent such encroachment of their domain by a central body, but are reluctant to take a firm stand in view of the fact that virtually all the funds for conservation come from the Centre. They also do not want to be seen as a bickering lot. As a result of the Centre usurping all the powers of the states, the ownership of conservation programmes by the states is progressively going down. For example, MP government has not agreed, to convert Ratapani sanctuary into a tiger reserve, despite NTCA's repeated directives for over a decade, because the state is fed up with NTCA's interference in other tiger reserves of the state. This does not bode well for the future of conservation in the country.

1.3. NTCA and NBWL

The NTCA and the NBWL are composed of officials and non-officials, many being the same or from similar professions. NBWL was the top policy making and consultative body in the country since 2003 (section 5-C) until the birth of NTCA. Now all decisions which have any significant impact on the ground are taken by the NTCA while the NBWL has been reduced to be a ritualistic assembly whose meetings are almost unnecessary. Even the development projects which need NBWL approval, either as per law [section and 35 (6)] or by the orders of the Supreme Court, need the 'advice' of the NTCA [section 38-O (1) (g)]. NTCA's advice is binding on every "person, officer or authority" {sec. 38-O (2)}. Thus, a body headed by the Prime Minister has been virtually subordinated to a body headed by one of his own ministers!

In fact, section 38-O (1) (g) has another very sinister implication for conservation of wildlife. According to section 29 and 35 (6), no one can be permitted to "destroy or damage" the wildlife habitat within a PA unless it is "necessary for the improvement and better management of wildlife therein". Any clearance under these sections, if any, has to be in consultation with the NBWL in the case of a national park and SBWL in the case of a sanctuary. However, section 38-O (1) (g) provides that "a tiger reserve —" can now be "— diverted for ecologically unsustainable uses — in public interest — with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority". Thus, a sanctuary or national park forming the core of a tiger reserve can now be "diverted" even if it is not "necessary for the improvement and better management of wildlife therein", if the authorities or judges read section 38-O (1) (g) instead of 29 or 35 (6)! Incidentally, tiger reserves are the most important sanctuaries of India.

Recently, the Central Empowered Committee (CEC) of the Supreme Court recommended against the construction of the controversial Ken-Betwa river linking project, in Panna Tiger Reserve, primarily on the ground that there was no provision to "destroy, damage or divert the habitat — except for the improvement and better management of wild life" in a national park under section 35 (6). If the government advocates, arguing in favour of the project, had read section 38-O (1) (g) to the CEC, they would probably have got away with the murder which the conservation world sees this project to be! While no authority had the power to divert PA land for any other purpose until 2006, now a bunch of cronies of the government can do anything with these sacred lands. Thus, NTCA and NBWL have now been given the license to play havoc with the ecology of the country rather than being its guardians. Clearly, the people who brought in this new provision did not read the existing provisions before mutilating the law.

Perhaps, the country needs to think whether such a plethora of statutory bodies is of any use or not. For example, we may easily scrap the post of the DWP and CWLW now, if the NTCA is to remain in this shape. Above all the damage done to the federal fabric of the country by the concentration of powers in central bodies, like the NTCA, should be critically examined. (Also see section 2.9 ahead)

2. Constitution and Management of Protected Areas

Sections 18 to 35 of the Act prescribe the process for the constitution of wildlife sanctuaries and national parks as well as provide directions for their management. Some of the problematic areas related to this feature are discussed below:

2.1. When does a Sanctuary Come into Existence?

Apart from banning the killing of animals except when they become a danger to human life and property (section 11), constitution of sanctuaries and national parks is the main tool provided by WLPA to preserve wildlife. These PAs can be constituted only after settling the rights of the people on the lands proposed to be included in a PA. Sections 18 to 26 provide the process for settling rights. Section 26-A provides that if an area is a reserved forest or a part of the territorial waters of India, there is no need to settle rights to make it a WLS. These areas are presumed to have no or minimal rights. Same applies to a NP. Prior to 1991, it was possible to notify a sanctuary first and settle the rights *later*, while the national parks could be created only *after* extinguishing all rights. This distinction between a sanctuary and a national park was removed in 1991. Both can now be declared only after settling private rights. This means any restrictions applicable to a sanctuary or national park can be enforced only after settling rights and issuing the final notification.

However, the 2003 amendment to section 18 has turned the clock back to where it was before 1991 but in a strange manner. The following new provisions (section 18-A) inserted in 2003 are relevant here, namely:

- that sections 27 to 33-A of the Act become applicable from the day of notification of intention to constitute a sanctuary;
- that the State Government has to make alternative arrangements for fuel, fodder and other forest produce for the affected persons until the rights of the affected people are finally settled.

Sections 27 to 33-A provide a list of the restrictions applicable in a sanctuary. These include restrictions on entry and residence, carrying weapons, grazing livestock and destruction of habitat (e.g. cutting fodder, collecting minor forest produce or collecting firewood) causing fire, using injurious substances etc. People need prior permission for doing any of these activities in a sanctuary. Making these restrictions applicable even before the sanctuary comes into existence virtually annuls the

amendments of 1991. It is another matter that these restrictions are virtually unenforceable. If people are already living inside sanctuaries, they will continue to do so and will use the forest to survive. Poachers also won't ask for permission to carry guns into a sanctuary.

As mentioned before, settlement of rights before converting a land into a WLS was not necessary until 1991. You could impose the restrictions first and settle the rights later, putting people in serious difficulty. This was obviously untenable in a democracy and was changed. The 1991 amendment provided that these restrictions could be imposed only after the rights have been settled and the sanctuary is duly notified. Now the law says that a sanctuary cannot be made without settling rights but the restrictions will come into force from the day the intention to do so is declared. Thus, the law gives relief with one hand but takes it away with the other. It is not clear who we are trying to fool by making a law that moves in circles!

The provision for making alternative arrangements for fuel, fodder and other forest produce appears to be in line with the same confusion. The need for making this provision would have arisen only when someone's right to these products has been extinguished and if one deserves to be given an alternative. Does the introduction of this provision mean that we treat all rights as extinguished the moment a notification of intention is issued? Then what was the need to insert sub-section 18 (1) which mandates that a WLS cannot be created abruptly by a simple notification? In any case, most forest products are available free, at present, while the 'alternative arrangements' would have to be purchased by people. There is no way this can work, even if the government is able to undertake this nearly impossible task! And if the government starts providing 'alternatives' for a right and the right is later allowed to continue under section 24 (2) (c), it will be another paradox.

It seems that amendments in 1991 and in 2003 were done under pressure of different lobbies. While the so-called champions of people's rights were able to make the settlement of rights mandatory before making an area a sanctuary in 1991, the conservation lobbies had all those provisions neutralised by the introduction of contradictory provisions in 2003.

Despite this confusion, the undisputed essence of the Act is that a sanctuary or national park comes into being only with effect from the day the final notification is issued after the settlement/extinction of all rights. But, contrary to this incontrovertible truth, the CEC has advised the states that the restrictions imposed by the Supreme Court order dated 13.11.2000 in WP 337/1995 also apply to proposed sanctuaries where only a notification of intention has been issued. This order says that "Pending further orders no dereservation of forest/National Parks/ Sanctuaries shall be effected." This means no area can be deleted from a sanctuary or national park without the prior permission of the Supreme Court.

An important fallout of this obviously erroneous interpretation is that the process of settlement of rights in proposed sanctuaries and national parks has come to a complete standstill in the country. This process empowers a district collector to decide whether all the areas originally proposed to be included in a sanctuary should be retained or not, looking at the needs of the local people. He could earlier excise certain areas if necessary. But the collector can no longer exercise this discretion in view of the order of the Supreme Court. If the states now want to excise any areas from a sanctuary, it will be a long drawn process needing approvals of wildlife boards, central government agencies, CEC and the Supreme Court. Therefore, many states have taken no interest in this issue for decades. Not that the process was going anywhere before this order (see section 2.3). As the settlement of rights is a painful, expensive and politically unpopular action, no state was ever taking much interest in it. This order has put a seal of near permanence on this situation.

Logically, this order of the court should be applicable only in cases where the excision of land is proposed from a duly constituted or deemed sanctuary, or from a duly constituted national park. Perhaps the court has been led into giving the extant dispensation on the basis of the 2003 amendments in section 18 of the Act, which says that an area becomes a sanctuary virtually from the day the idea is announced. We now have a situation where a baby acquires his property rights from the day of conception not from the day of birth!

2.2. Accrual of New Rights in Protected Areas

According to section 20, "no new right can be acquired in or over the land comprised within the limits of" a proposed WLS "except by succession". This provision is being interpreted as a bar on sale and purchase of lands once the notification of intention of a WLS is issued. Sometimes this is even interpreted as a bar on the improvement of homes inside a proposed PA {High Court of Jabalpur, WP no. 5937/2002, AVM DS Mishra VS. State of MP & others.}. This provision has become a huge bone of contention between the government and hundreds of villages, even towns, situated within proposed PAs. Although it is difficult to find a sizable chunk of forests in India without interspersed villages (for making a PA for wild animals), a large number of villages were deliberately included in the proposed PAs with the intention of creating grasslands by their eviction. If the rights and properties in these villages had been acquired by the government quickly, and if the affected people were not so many, this provision would not have been a big issue. However, many decades have passed and hundreds of villages have neither been resettled nor have they been allowed to sell their properties and get out. On top of that, all the restrictions mentioned before have been imposed. Whether these people will be friends or enemies of conservation is anybody's guess.

Several questions in the legislative assembly of MP were raised on the plight of the 32 villages situated in the Karera WLS. This sanctuary was created in 1981 on the lands which did not belong to the forest department at all. So, the restrictions came in before the settlement of rights. Not to speak of the ban on selling or developing properties, the villagers were not even allowed to graze livestock on their own lands. In the initial years, the GIB flourished. Along with GIB, flourished the blackbuck and wild pig that destroyed their crops. The condition of the villagers was so miserable that people stopped giving them girls in marriages. Reportedly, they killed all the bustards for whom the sanctuary was created, in order to force the denotification of the sanctuary (no GIB, no sanctuary). The residents of village Dihaila almost admitted this to me sometimes in 2002, but promised to protect wildlife if we merely allowed sale and purchase of their lands. Although it was too late to save the GIB by then, they were not asking for the moon. Ever since I have been trying to sell an alternative interpretation of section 20, i.e. "sale/purchase of land is only the transfer of an existing right, not the creation of a new right", but there are no takers. Interestingly, section 5 of IFA, on which this section was modelled, allows the acquisition of new rights in a proposed reserve forest by way of "a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested" at the time of the notification. But not WLPA.

Incidentally, GoI and Supreme Court have since agreed to the denotification of Karera WLS which was never there in the first place, because not an inch of land belonged to MPFD. It was only a proposal to make people's homes and fields a sanctuary for wild animals, which had misfired.

It was to get over this legal imbroglio that the apex court allowed the villages in Pachmarhi WLS as "enclosures" where WLPA would not apply i.e. people can sell or purchase lands (IA 2202-2203 in WP 202/1995). Still these villages opted for relocation and have since gone. Nobody wants to live in a concentration camp!

2.3. Acquisition of Rights in Protected Areas

Section 18 to 26 lay out the process of settlement of rights for creating PAs for wildlife. Section 24 gives the district collector the discretion in respect of the lands to be included in the PA. Once the ownership of a person over any land proposed to be included in the sanctuary has been admitted, the collector has to decide whether the said land should be retained in the sanctuary or not. The same principle applies to rights over government lands, e.g. grazing livestock or collection of fuelwood. But, here, the collector has the additional option of treating the right and the land separately. He can keep in, or excise from, the sanctuary, either the land or the right, or both, as he deems fit, based on practical considerations. Obviously, the collector's decision would depend upon how important the land is to the sanctuary or how critical the right is to the right holder. Or how expensive it will be to acquire the right. Also, whether any alternative lands are available for the exercise of certain community rights like grazing livestock, collection of fuelwood etc.

In its original form, section 24 gave the collector three options {clauses 2 (a) and 2 (b)}:

- (i) the land could be excised from the proposed PA;
- (ii) the owner of land could surrender his right to the government under an agreement (on agreed payment); or
- (iii) the collector could acquire the land or the right, or both, depending on who owns the land, by paying compensation, through the process prescribed under the Land Acquisition Act, 1894.

However the insertion of clause 24 (2) (c), in 1991, has dramatically changed the nature of this section. It provides that, the collector can 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" (not in a NP). Thus, now the collector has the option of doing none of the above. Using this convenient route, many collectors have passed blanket orders, without any enquiry, saying that all existing rights in the sanctuary shall continue (e.g. Chambal, Ratapani, Pachmarhi WLS and many others). Legalistically speaking, they may be correct. But such an order defeats the very purpose for which the sanctuaries are meant to be created i.e. giving wild animals some space free from conflict with human beings. In fact, the objective of insertion of clause 24 (2) (c), must have been to permit the people living in the neighbourhood of sanctuaries (not inside) to use the sanctuary forests for limited grazing, collection of non-timber forest products, right of way, harvesting water etc. However, it stopped short of specifying this objective. This lack of clarity has created the scope for using this clause as a license to defeat the very core of the law i.e. only government land can be made a wildlife sanctuary. Thus, villages continue to exist in many sanctuaries even after the settlement proceedings have been completed.

As per the procedure prescribed in the Act, the final limits of a sanctuary are to be decided by acquiring or excising privately owned lands situated within the proposed boundaries. If the land in question is situated close to the boundary, it can be excised, if needed, by altering the boundary. However, if the private land (or an entire village) is situated deep inside the sanctuary, it should logically be acquired either by using the land acquisition law, or through an agreement. If it cannot be acquired, for any reason, it can be excised only by creating an island within the sanctuary, where the legal restrictions would not apply. Creation of exclusions within a sanctuary is a bit odd but has been permitted by the Supreme Court in the case of Pachmarhi WLS, because relocation of all the villages seemed impossible at that time. However, in cases where settlement proceedings have not been conducted or the villagers refuse to go away, we often tend to treat them as part of the PA. This amounts to giving the government rights over private properties without paying any compensation. This could never have been the intention of the authors of the law. As they cannot sell their lands, it condemns

people to continue to live in a sanctuary, until the government has the wherewithal and the will to relocate their villages.

In fact the provision to forcibly acquire lands for PAs {section 24 (b)} was thrown out of the window with the insertion of section 38-V (5) in WLPA (only applicable to tiger reserves) and the coming of FRA 2006 {section 4 (2)}. These provide that nobody can be moved out of PAs without his/her consent (also see "FRA and the Relocation of Villages from PAs" in Chapter 4). Thus, the prevailing legal position is that the acquisition of rights in a sanctuary is optional but if it has to be done, it can be done only on the basis of the consent of the affected people. Acquisition of rights is mandatory in national parks but cannot be done unless the affected people accept the compensation deal.

Interestingly, the texts of section 38-V (5) of WLPA and section 4 (2) of FRA are exactly the same. It is believed that this provision was inserted in WLPA as a part of the deal with the communists who had threatened to block the creation of NTCA in Parliament unless this provision was inserted. Strangely, the lengthy procedure given these sections, which in any case is almost impossible to comply with, does not have to be followed if the "voluntary relocation" is "on mutually agreed terms and conditions" and if such terms "satisfy the requirements laid down in this sub-section". This legal double talk is precisely the reason why the rights activists always claim that all relocations are in violation of FRA.

Incidentally the state has rarely used its legal power to forcibly acquire private lands to create sanctuaries for wild animals. It has been more of persuasion than coercion. People have been moving out of PAs, especially in MP, just because compensation has been relatively liberal. Earlier it was the lure of two hectares of agricultural land and a house. One was entitled to it even if one owned nothing in the original site. Now it is a million rupees per adult (or couple) that is luring people out of PAs. The 28 villages allowed, by the Supreme Court, to stay inside the Pachmarhi WLS as enclosures, have also moved out as the lure of a million rupees per person was enough to encourage them to leave a difficult life behind.

Thus, the law has been moving in circles here also. First it provided that private lands inside PAs have to be acquired either amicably or through the force of law. Then it provided that acquisition is not at all necessary in a sanctuary. Now it again provides that, if rights have to be acquired, it can be done only through mutual agreement. And, the new procedure provided in the laws is only for general guidance, not mandatory. What next?

2.4. Management and Control of Protected Areas

Section 33 empowers the CWLW of a state to "control, manage and maintain all sanctuaries" and he, for that purpose, "may take such measures, in the interests of wildlife, as he may consider necessary for the improvement of any habitat." There are no fetters on his powers under this section, except about the "construction of commercial tourist lodges, hotels, zoos and safari parks' in a sanctuary. He can also authorise any person to "destroy or damage the habitat" in a sanctuary to that end (section 29). This power he can exercise only with the prior permission of the Government and the SBWL. The Supreme Court has also made the approval of the standing committee of NBWL mandatory (orders dated 09.05.2002 in I.A. No. 18 in WP No. 337/1995). NBWL has to be consulted in the case of a NP before undertaking an operation that can "destroy or damage the habitat" {section 35 (6)}.

In fact most of the actions that can improve or destroy a habitat are the same i.e. cutting, burning or uprooting of vegetation. Whether the actions are taken u/s 29 or 33 is a matter of subjective judgment. These are routine PA management operations and cannot await any permissions. In fact, powers u/s 33 are usually delegated to the field officers to ensure timely action. Most grasslands have to be burnt

periodically to keep them productive. Fire lines have to be cut and burnt to prevent larger fires. Weeds have to be uprooted or burnt. PA management would come to a complete halt if section 29 overtakes section 33 and multiple permissions are required for each small action. However, critics, or even vested interests, can dispute the CWLW's actions due to these conflicting provisions. In fact, all these activities in Panna Tiger Reserve were the subject matter of a public interest litigation (PIL) in the Supreme Court and the department had to invest a lot of time and money in defending some very innocuous sanctuary management interventions in courts (CEC Application 376/2004 by WPSI).

The original form of section 29 concerned itself only with hunting in a sanctuary and had nothing to do with habitat management. Therefore, there was no conflict with section 33. Senseless tinkering with this section has created a potential roadblock to PA management. Thank God, nobody reads these two sections together and life goes on!

More than 50 of the most important PAs of the country are now the 'core areas' or 'critical tiger habitats' of tiger reserves. Since 2006, NTCA has been given complete control of tiger reserves (section 38-O). Although the law says nothing about whose writ will run, the world considers NTCA superior to CWLW in hierarchy because the NTCA represents the Centre. NTCA sends management advisories to states almost every day. Tiger conservation plans, which cover not only the tiger reserves but also the surrounding forests, are approved by NTCA not by the CWLW. Thus, the law has relegated the CWLW, who represents the authority of the state, to an insignificant position in his or her own state. No wonder that no creative conservation ideas are coming out of the states now.

2.5. Civil Infrastructure in Protected Areas

There are thousands of villages situated within protected areas and several major highways, railway lines and power lines crisscross them. Development of civil infrastructure such as roads, canals, power lines, railways etc. in PAs amounts to destruction of wildlife habitat in every sense of the word. Sections 29 and 35 (6) prohibit the destruction of wildlife habitat in a PA except for "the improvement and better management of wild life therein". No authority has the power to allow such developments in a PA (but see ahead). However, the authorities and institutions including the SBWLs and NBWL have been using the same provisions to allow the destruction of PAs for purposes not envisaged in law. Even the Supreme Court has agreed with this course of action. It regularly approves diversion of PA lands for development purposes in accordance with its order dated 14.2.2000 which restrained authorities "from ordering the removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses, etc. from any National Park or Game Sanctuary—".

It is a fact of life that lakhs of people are going to live in the sanctuaries for a long time and they are going to need development. There is no provision in the law to use sanctuary land for their benefit. In fact, the repeated amendments of the law have made modification of the wildlife habitats even for conservation purposes nearly impossible. So many authorities are now involved in making these decisions that the chances of all of them agreeing to a proposal are remote. The law says that the CWLW can issue a diversion permit with the permission of the state government, who will have to consult the SBWL or NBWL before giving its permission. All such proposals are now cleared by the Supreme Court and its CEC. In fact, permission of the Supreme Court is now required for infrastructure projects outside PAs also. In the "ecosensitive zone" if notified around a PA and in a 10-km belt if 'ecosensitive zone' has not been notified. The 2006 amendment also mandates the permission of NTCA for any changes in land use anywhere in the country!

The entire scheme of the law related to the issue of diverting PA land has been turned on its head by the introduction of section 38-O (1) (g) in 2006. This section empowers NTCA and NBWL to permit

the diversion of land, inside tiger reserves, even "for ecologically unsustainable uses", "in public interest". This provision clearly contradicts sections 29 and 35 (6). Although clearly unintended, the provision seems to open the door for legitimising the extremely serious violations of the law carried out by all the institutions, including the courts, responsible for safeguarding our ecology, all along. Perhaps the standing committee of the NBWL which clears diversion proposals inside PAs, on behalf of the NBWL, should start using this section, rather than sections 29 or 35, to destroy PAs "in public interest".

A proper course for the law would be to empower the local authorities, and CWLW, to take decisions regarding removing or destroying wildlife, or modifying its habitat in PAs, if it is required for improving wildlife management (as was provided in the original Act in 1972). Other institutions and courts may be involved in the decision-making if the destruction etc. is for other purposes. (Also see section **1.3: NTCA and NBWL**)

2.6. Protected Areas and Recreation (Tourism)

Tourism is one more area in which the country has tied itself in tight knots due to conflicting legal provisions to regulate it. While the law has empowered, since beginning, the CWLW to manage protected areas as per his or her best judgement (section 27, 28, 33), under the supervision of the State Government, NTCA has now been given the power to lay down "normative standards" and "guidelines" for tourism in tiger reserves [section 38-O (c)]. Management plans of all PAs, which also included prescriptions for tourism, used to be approved by the CWLWs. But now, this power has also been given to NTCA in respect of tiger reserves [section 38-O (1)], as mentioned before. The law has not reduced the role and responsibility of the CWLW in the management of PAs included in tiger reserves, but has given parallel powers to NTCA, thus creating a recipe for conflict. When NTCA wanted to "phase out" tourism from PAs, the states, particularly Madhya Pradesh, resisted this move. In an unprecedented situation, the State and the Centre were on the opposite sides in the High Court, and later in Supreme Court, when the demand for a ban on tourism in PAs came up for adjudication in a PIL. Such a situation would never have arisen if NTCA had not been given the power to interfere in the management of protected areas. NTCA has been, absolutely erroneously, trying to label wildlife tourism as illegal in the context of the expression 'inviolable areas' used to describe core areas of tiger reserves, although the law and all the policy documents of the government, clearly endorse the role and relevance of tourism in conservation of wildlife [section 28, 38-X (2)(b)]. If tourism is undesirable, let the laws clearly say it, rather than letting the competing authorities decide through a slugfest. It is also necessary to keep the line of authority in the management of PAs clear. Giving the central agencies the power to interfere in the management of state-owned areas is not only administratively abhorrent, it is also fundamentally flawed in view of our federal constitution. (Please see "Tourism: A Conservation Tool" in **Road To Nowhere** and "Saving Wildlife Tourism" in **Wardens in Shackles**, both by the same author).

2.7. Fishing in Protected Areas

Fishing in the irrigation reservoirs situated inside PAs is prohibited as removal of anything from a PA is illegal {section 29 and 35 (6)}, unless it is for improving wildlife management and is approved by a bunch of authorities (even Supreme Court). This is a serious bone of contention between the forest departments, fishing communities and fisheries departments. Most of these reservoirs were constructed before the PAs were notified or proposed and are the property of water resources departments. As fishing is the livelihood of many neighbouring communities, there is a very high pressure of illegal fishing in these reservoirs.

Fishing is the only kind of "hunting" offence that is compoundable in a PA (although no offence is compoundable in a tiger reserve). As per section 2 of the Act, fresh water fishes are not "wild animals"

as none of them is listed in any of the schedules. Therefore fishing in a PA does not come under the definition of "hunting" which is a more serious crime. Fish is also not a "forest produce" as per the Indian Forest Act (some ambiguity here). Despite this lack of importance given to fishes in the key conservation laws, illegal fishing in these reservoirs is one of the biggest headaches for the field staff. Apart from the scope for corruption created by the money involved, the staff spends valuable time in fighting fishermen who may usually not be any threat to the animals for whom the PAs are primarily created. I do not remember even a single case of fishermen poaching other animals in my entire career as a PA manager and also as CWLW. These reservoirs were either constructed on diverted forest lands or on non-forest lands which later got included in the protected areas, many of which have still not been finally notified. As the ownership of these reservoirs is with the irrigation department, and is going to remain as such, the forest department should not be meddling with the management of these properties. Particularly so in the PAs which have not yet been finally notified. As a result of this confusing legal situation, stand-offs between the fishing stakeholders and the forest departments are common place. The committee drafting the amendments to WLPA, referred to elsewhere, had suggested in 2007-08 that fishing should not be completely prohibited in irrigation tanks situated within PAs, but the suggestion did not find place in the draft that went to the parliament.

This prohibition of fishing in protected areas has also resulted in some bizarre implications. In many cases cleared for diversion of forest land for the construction of hydro or hydroelectric projects, Government of India has imposed a condition that the reservoirs shall be notified as sanctuaries, besides retaining the legal status of the diverted land as forest. Even if it is a hundred meters under water. The States are not at all keen to comply with this condition as they do not want to forgo the opportunities for developing fisheries in these reservoirs. None of the reservoirs constructed since the eighties, at least in MP, have yet been notified as PAs. Nor will they ever be. Still, MoEF&CC has never questioned the implementation agencies for non-compliance with this condition. Nobody has taken them to court. Perhaps we all have a feeling of guilt about the issue!

2.8. Removal of Wildlife from Protected Areas

Sections 29 and 35 (6) empower the CWLW, to "destroy, exploit, or remove" wildlife and other forest produce from PAs, "if it is necessary for the improvement and better management of wild life therein". The permits can be issued with the prior approval of the State Government in consultation with the SBWL in the case of sanctuaries, and the NBWL in the case of national parks. This is an empowering provision, which enables the State to allow hunting of wild animals if the welfare of wildlife in a PA so demands. But, paradoxically, the option to hunt wildlife for its "improvement and better management" is not available outside PAs. This means that the protection provided to the animals inside our so-called PAs is less than that available to wild animals outside. This paradox, again, is the result of the adhoc tinkering with the Act over time. The original Act, through sections 9 to 17, provided for issuing and regulating hunting permits for various reasons. While permits outside PAs could be issued for recreational hunting or for eliminating dangerous and harmful animals, hunting could be allowed in PAs only for one reason that is, "for the improvement and better management of wildlife". The removal of sections 9 to 17, and the denaturing of sections 11 and 12, has created this peculiar situation in which wild animals can be 'destroyed' in a PA even if they are not a threat to human life and property, but not outside. What a paradox!

In fact, the word "sanctuary" or "protected area" now appears a complete anachronism in the Act. The expression was justified when hunting outside could be allowed more liberally than inside a PA. But here it is the complete opposite. Nobody seems to notice or care!

Moreover, these procedures are so complicated that even the implementing authorities do not understand them fully. For example, we removed tigers from three national parks of MP, for translocation to Panna, with due permission from GoI, under section 12, without the mandatory permission of the NBWL. Similarly, we removed 50 gaurs from Kanha for translocation to Bandhavgarh. Perhaps, we also required the permission of the Supreme Court. In view of the widespread opposition to these projects within conservation circles, I am absolutely sure that we would never have got all the permissions needed to create history. Although I had realised my mistakes before implementing the projects, but decided, quite cheekily perhaps, to keep quiet, as we had already spent a lot of resources and time on preparations. Perhaps, some mistakes are worth making!

2.9. Commercial Use of Forest Produce Removed from Protected Areas

Another queer feature of these two sections [29 and 35(6)] is that they allow the use of forest produce removed from a protected area, only for bonafide needs of the people, not for commercial purposes. At first sight, it seems to be a worthy provision. However, the expressions "forest produce" and 'commercial' are not defined in the Act. As far as the difference between bonafide and commercial use is concerned, it is merely a question of perception and the economic condition of the person in question. What may be bonafide for one, can be commercial for another. Is selling of *mahua* flowers by a tribal to get a few rupees a commercial purpose? If he is permitted to collect *mahua*, he must be free to either use it at home or buy salt or grains or sugar by selling it. We are unable to stop collection of most minor forest products (MFP) by the people living inside sanctuaries, despite the Supreme Court order banning the removal of even grasses and fallen wood. It is impossible to find out whether they are using everything at home or are taking it to the nearby weekly market. And they will continue to do so unless they are relocated elsewhere. The provision was perhaps inserted with the intention of curbing the state's desire to exploit these forests for revenue but has had a totally unintended and undesirable impact. Now it is mostly used to harass the tribals living inside or along the PAs.

3. Hunting and Trade

The Act, in its original form, had a complete framework for issuing hunting permits and trading licenses for wild animals and their products, in the form of Chapter III (Hunting of Wild Animals) and Chapter V (Trade or Commerce in Wild Animals, Animal Articles and Trophies). Most of these provisions were either deleted or denatured over time to allow hunting only for very limited purposes. However, these amendments seem to have been done so haphazardly, that neither the public nor the authorities understand what the intent of the law is. Major contradictions in these chapters are highlighted below.

3.1. Capture for Translocation is Also Hunting

The definition of "hunting" in the Act also includes "capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and any attempt to do so". Animals can be killed or captured if they become dangerous to human life or property, or, if they are needed for educational or research purposes. But they cannot be killed for the purpose of "scientific management". They can only be captured (sections 11 & 12). While permits for eliminating dangerous animals can be issued by the CWLW without the permission of any other authority (section 11), he can permit the killing or capture for any other purpose only with the permission of the government (Central Government in the case of Schedule I animals) as per section 12. There lies the problem.

Permissions for capture are often required by research and training institutions like the Wildlife Institute of India (WII). WII scientists regularly complain that their research is hampered by the delay

in getting permissions. As most of this research and training is to be done inside PAs, where sections 29 and 35 would also apply, it is a miracle that any permissions are still being issued by the CWLWs.

Scientific management of wildlife is still not a part of the Indian conservation culture. Therefore, perhaps nobody asked for permission for translocation of animals until Madhya Pradesh started translocating other animals from PA to PA since 2006 in the name of scientific management. All these were schedule I animals. Therefore, permission of Central Government was required in each case. Central permissions were either unreasonably delayed or were cancelled midstream. As a result, tigers in Panna Tiger Reserve went extinct because the central permission to translocate two females did not come in time. Reintroduction of gaur in Bandhavgarh Tiger Reserve took five years from conception to conclusion because permission was cancelled midstream as the state could not comply with some impossible 'preconditions' imposed by the Centre. MP was able to finally get what it wanted, only because of dogged pursuit and the proactive approach of the then minister Mr. Jairam Ramesh. Fortunately, nobody realised at that time that 'removal' of a wild animal from a national park also required the permissions of the SBWL, NBWL {section 35 96} and the Supreme Court (order dated 14.02.2000). Thanks to this slip, translocation of wild animals has become a regular practice in MP now. The state now transfers hundreds of animals from one park to another every year without having to await permissions from the boards or the Supreme Court.

History of conservation in MP would have been totally different if it had sought all those additional permissions. Either they would not have come or they would have been intolerably delayed. The protagonists of these initiatives would have moved on long ago.

For averting such situations in future, it is important to differentiate between hunting and scientific interventions. The meaning of hunting should be limited to killing or capture for recreation, consumption or commerce while all other forms of killing or capture should be kept in a separate category. Different procedures and criteria for allowing and disallowing the two should be developed. We also need to empower CWLW to take decisions regarding killing or capture for scientific management as per the demands of a situation and execute them without outside interference. To believe that mandarins in Delhi are more capable of deciding on critical issues, is a grave misconception. They all come from the same school. The men in Delhi may in fact be handicapped by lack of local knowledge and commitment to the project. Even if the states make some mistakes, no mistake will be big enough to have national consequences. Not allowing people on the ground to innovate is already proving disastrous. Easy translocation of animals can enable us to save populations before they are wiped out. We can correct gender imbalances and even reverse local extinctions. But our law, rather than facilitating conservation, is the main road block.

3.2. Scientific Management of Wildlife

Section 12 of the Act permits hunting of wild animals for "scientific management", but strangely, the authors of the amendments went out of their way to emasculate the word 'scientific management' and define it as only 'translocation' and "population management without killing —". By being so conservative, they have robbed the section of whatever utility it was meant to provide. Under section 11, animals can be killed if they become dangerous to human life or property, including standing crops. But, the scientific management of their populations, under section 12, is possible only through translocation. This means that crop losses can be prevented only by translocating animals elsewhere. This means nothing can be done because India just does not have the expertise to undertake mass translocation of crop-raiding herbivores. In fact no one has ever undertaken a translocation exercise at a scale required to control crop damage, at any significant scale, even in countries where translocation expertise and skills are well established. Incidentally, Andhra Pradesh Forest Department has

transferred several thousand blackbucks from agricultural fields to forest areas. But the problem is far from over as the remaining population is breeding faster than they can be removed. Therefore, it has to be an unending exercise, costing a huge amount. Defining "scientific management" as population management through only non-lethal means is not scientific at all.

Strangely, sections 29 and 35 (6) provide that CWLW can permit one to "destroy, exploit or remove wild life" from PAs, for the purpose of "better management" of wild life. Obviously this means "scientific management". Thus, despite section 12, we can kill animals in the name of scientific management. So? If you want to hunt, make the place a national park! But, you cannot "destroy" a mosquito in a PA without the permission of the CWLW who cannot give this permission without the approval of a myriad other authorities. After all, a mosquito is "wild life".

3.3. The Law and Human Wildlife Conflict (HWC)

WLPA does not even mention "human-wildlife conflict" but some of its features have a bearing on the management of HWC in the country, namely:

- Wild animals can be killed or captured if they become dangerous to human life or property, including standing crops (section 11).
- Wild animals can be captured and translocated in the name of "scientific management" (section 12). Although the purpose of "scientific management" is not specified in the Act, management of HWC must logically be one of its objectives.
- Wild animals in PAs can be "destroyed, exploited or removed" for the "improvement and better management of wild life therein" {sections 29 and 35 (6)}. Here also the term "better management" has not been defined but lowering HWC is certainly "better management".
- Excessively harmful animals, such as pigs and monkeys, can also be declared vermin for unrestricted destruction from time to time (section 9 and 62).
- Schedule I animals, like the elephant and the blackbuck, cannot be killed or captured even if they are a threat to crops or other property (section 11). They can be killed only if they are a threat to human life. But they can be captured in the name of "scientific management".

The difference between hunting an animal under section 11 and any other section is that the CWLW does not need any permission to order the hunting of an animal under section 11 but needs several permissions to do it under any other section.

Although section 11 specifically allows hunting of dangerous animals, the new proviso added in 2003 has made a mockery of our HWC management concerns. It says:

"Provided that no 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 purpose of clause (a), the process of capture or translocation, as the case may be, of such an animal shall be made in such manner as to cause minimum trauma to the said animal."

This means the Chief Wildlife Warden cannot order the killing of a man-eater (apologies for using the prohibited term) without letting it kill or maim sufficient number of people during unsuccessful attempts to capture it. Although efforts to kill or capture carnivores, that have become dangerous to

human life, generally go on simultaneously, the law does not allow such an approach. Animal rights organisations can easily use this provision to harass authorities, as they did in the famous case of Avani, the tigress that killed nearly a dozen people in Chandrapur area of Maharashtra before being shot dead by a hired hunter.

The direction to rehabilitate delinquent animals, such as man-eating tigers and leopards, is a sure recipe for disaster. Translocated leopards kill dozens of people in Maharashtra every year. A tigress that killed a lady in Bandhavgarh was shifted to Satpura Tiger Reserve where it immediately killed two, before it was captured again and sent to a zoo, in 2019. Blackbucks translocated to Nagarjuna Sagar Sriselam Tiger Reserve in Andhra Pradesh from croplands disappeared within days, dying of stress and capture myopathy. Animal rights activists can take every person involved in a capture operation to court as no capture is without trauma. They dragged MPFD to court when 5 rampaging elephants were captured (one later died) by a Bandhavgarh team at huge personal risk. Activists wanted them to be let loose again because the law ordained it.

Presence of such recipes in a conservation law indicates that the framers of these provisions did not know their job and had perhaps never been in the frontline of conservation.

Hunting of wild animals, except that in self-defence, and that of vermin, can be done only under a permit from authorities. Hunting permits are normally sought by hunters and adventurers, not by victims or prospective victims of HWC e.g. farmers. Therefore, if wild animals enter a crop field, its owner cannot kill them as he does not have a permit. He can also not claim any compensation as there is no provision in law. Although most states have compensation schemes, it is not their legal obligation. Similarly, officials may issue hunting permits or may themselves have the problem animals hunted, under the above provisions, but it is not mandatory for them to do so. Thus, we are a strange country where wild animals are free to cause damage but the victims are neither allowed to defend themselves properly nor are they entitled to any compensation. Government is under no legal obligation to protect people against the depredations caused by protected animals. Most other countries either allow landowners to kill any animals entering their properties or provide compensation for losses if only non-lethal means are used to prevent losses.

Further, wild animals, except vermin, hunted under section 11, 29 or 35 are state property and can be consumed, transferred or traded by the hunter only if specifically so permitted (section 39). Most states issue permits to hunt nilgai and wild pig, the most widespread pests in the county, but do not allow the hunters to consume or sell their meat (Punjab has permitted it recently). As a result, there are very few takers for hunting licenses, as the cost of hunting a single animal runs into thousands of rupees in the form of license fee, bullets, transportation, labour, lodging, food, time etc.

Even if the states allow hunters to retain the booty, as they can under section 39, hunters cannot sell excess meat or trophies as there are no licensed dealers in wildlife products. Section 44 allows the authorities to issue licences for wildlife dealers, except for species from schedule I and part II of schedule II, but no licenses are being issued in any state. The hunters cannot sell the excess booty to the public as public is obliged to buy wildlife products only from licensed dealers (section 49). Thus there is nowhere to go.

3.4. Declaration of Trophies and Captive Animals

According to section 40, all trophies or captive animals listed in Schedule I and part II of Schedule II, acquired prior to the promulgation of the Act, are required to be registered with forest department. There is no provision to register any other trophies. However, according to section 39, all wild animals or animal articles, acquired legally or illegally, after the Act came into being, are a state property and

need to be reported to police or an authorised officer within 48 hours of acquiring possession. Nobody can acquire, keep, sell, purchase or gift such property without permission from the government as per section 39. This discrepancy causes serious problems in the implementation of the law as many of the common herbivores have also been moved from one schedule to another repeatedly. For example, sambar (*Rusa unicolor*), spotted deer (*Axis axis*) and nilgai (*Boselaphus tragocamelus*) were in schedule III at inception. MP moved them into part II of schedule II in the eighties. Now they are in schedule III again. Thus, if someone has a sambar skin from the pre-WLPA days or he acquired it lawfully during the days when its reporting was not required, he became a criminal for a few years when registration was required for this species. And if he did report when it became mandatory, how could he prove that it was indeed an old specimen? On the other hand, anybody acquiring a sambar skin illegally now can claim it to be an old specimen, and can trade it without requiring any permission. Thus, the law keeps moving in circles, allowing something in one section, disallowing the same thing in another, and again allowing it somewhere else.

The introduction of section 40-A through the 2003 amendment is another strange action on the part of the government. This provision empowered the Central Government to allow declaration of trophies whenever it wants (this power already existed under sub-section 4 of section 40) and any proceedings underway against any person for possessing unaccounted wildlife property shall stand abated if such a declaration is made. So, if Sansar Chand, who was believed to have poached more tigers than anybody else, had made a declaration, during the last period of amnesty in 2003, that he had inherited all the tiger and leopard skins from his ancestors, or got them as a gift from somebody, and that he or the original owner forgot to have them registered in 1972, he would have died an honourable man. Fortunately the period for declarations is over now, although many ill-gotten properties must have been registered during the period of amnesty. However, all the criminals can go hunting again, in the hope that there will be another chance to declare and legalise their illegal acquisitions, as government keeps reopening the registration time and again.

3.5. Trade or No Trade?

Section 9 now prohibits all hunting except for the purposes of section 11 and 12 (to protect human life and property, and for education, research, management etc.). These sections are silent about the power to "destroy, exploit, or remove" wildlife from PAs allowed under section 29 and 35 (6) "for improvement and better management of wild life". These limited provisions for allowing hunting were never likely to produce any goods worth trading. Even these provisions have rarely been used to hunt animals anywhere, except occasional killing/capture of problem carnivores, pigs or nilgai. Even here, hunters are usually not allowed to keep the proceeds of their hunts. But, for no obvious reason, provisions for licensing wildlife trade (including meat, eating houses) have been retained in the Act, in the shape of section 44 to 48.

Section 40 (2) empowers the CWLW to issue permission for possession, sale and purchase of animals, animal articles and trophies of species belonging to schedule I and part II of schedule II. No permission or license is required for keeping or trading in specimens of other species as per section 40. Section 43 (1) empowers the CWLW to permit the sale/purchase, transfer or transportation of animals/trophies belonging to restricted category *even if the owner does not have a certificate of ownership*. Here again there is no restriction on other species. Section 49-B prohibits "business" of any kind in animals, trophies, articles etc. derived *only* from the restricted species (called scheduled animals here).

Thus, the essence of the Act seems to be that none of the restrictions regarding the possession, sale/purchase or transfer apply to the species other than the restricted category (schedule I and part II

of schedule II). Business in restricted species is totally prohibited but isolated transactions in even these species can be permitted. No problem so far.

Matters get complicated when section 40 (2-A) says that nobody can acquire the restricted species or articles made from them except through inheritance. Then there is section 39 which says that all wild animals or their products, acquired legally or illegally are government property and no one can acquire, keep, sell, purchase, gift, destroy or damage such property without the prior permission of an authorised officer. This means that transactions even in species other than those in schedule I or Part II of schedule II need permission. This is clearly in contradiction to section 40 (2), 43 and 49-B. How can the poor authorities implement such poorly drafted law?

Even stranger is the existence of section 44 which provides that one requires a license to start or carry on a business in manufacturing or dealing in animal articles and trophies, taxidermy, meat, snake venom etc. When hunting is prohibited (except for a few special purposes) and all animals and animal articles are also government property, why keep a business licensing system in the law?

Equally strangely, despite the drastic amendments to the Act, the states have not yet amended the rules made in the seventies when hunting of wild animals could still be allowed. The Madhya Pradesh Wildlife (Protection) Rules, 1974 still provide for the constitution of shooting blocks and prescribe hunting fees (royalty) for various species.

It is obvious that there are so many contradictions in sections related to hunting (Chapter III) and trade (Chapter V and V-A) that it is virtually impossible for both the public as well as the authorities to make any sense of the law. Perhaps, nobody seems to bother to even look at these provisions because all commercial hunting is banned and, therefore, there is no question of trade. But a look at various sections shows that repeated amendments to the original law have robbed it of all its coherence and have made it a jumble of contradictory provisions.

Wading and winding through this maze of sections and sub sections, one conclusion is unavoidable: that the law intends to prohibit dealings only in species belonging to schedule I and part II of schedule II, and that trade in other species can be allowed under a license. However, nobody is willing to admit that. A glaring victim of this confusion is the trade in Japanese quails (*Coturnix japonica*) a species not found in most of India. GoI has issued numerous circulars, each contradicting the rest, allowing and disallowing business in quails and their meat. When the states cancelled licenses under pressure from GoI, the licensees went to court. Numerous litigations on the issue are going on in nearly every state. Licensed trade in quails is perfectly legal but no licenses are being issued or renewed due to the prevailing confusion. After a decision of the Indore High Court in favour of the licensees, in 2009, a few licenses for keeping and trading Japanese quails in MP were issued. More are being demanded. A simpler legal regime, specifying clearly what is permitted and what is not permitted, would have been much easier to enforce.

There is one more catch. All these birds are produced through captive breeding and there is no provision in the law for regulating captive breeding of wild animals/birds. Where do the people and the authorities find guidance?

Interestingly, India is a party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which obliges the country to make a law to regulate international trade as per the provisions of the convention. Despite going in circles over domestic trade in wildlife, WLPA does not say a word about international trade. As a result, we continue to regulate international trade in wild animals and products on the basis of general export-import laws rather than meeting our international obligation to have a CITES specific legal framework. This creates serious legal problems

in the implementation of CITES. For example, anybody can challenge the orders of the CITES scientific and management authorities as there is no law to create these authorities. As such, the existing authorities have no legal powers to allow or disallow any international trade or transit in wildlife specimens. But we continue to believe everything is hunky dory.

3.6. Procurement of Wildlife Specimens by Zoos and Museums

Sections 40, 43 and 49 of WLPA, which regulate the transactions and transport of wild animals and articles, do not apply to recognised zoos and public museums {sections 40 (3) and 43 (3) (b)}. Section 49 provides that public can purchase a wildlife specimen only from a licensed dealer. The exemption means the zoos and museums can procure their stuff even from illegal sources and transport the same without even informing the regulatory authorities. This became obvious to us when the famous Museum of Man at Bhopal wanted to bring tribal artefacts, made from schedule I animal parts, from Nagaland. They had bought the stuff from villagers. When we tried to explain the standard procedures, they showed us the law. And with telling effect.

4. Dealing with Offences

There are several strange features of the Act when it comes to dealing with its violations. Please take a look.

4.1. Forfeiture of Vehicles and Weapons

Provisions for dealing with offences are contained in Chapters VI and VI-A (sections 50 to 58-Y) of the Act. However, insertion of clause 39 (1) (d) in chapter V (Trade Or Commerce in Wild Animals, Animal Articles and Trophies), has introduced a major anomaly in the scheme of the Act.

Section 39 (1) (d) provides that "Every vehicle, vessel, weapon, rope or tools that has been used in commission of an offence, and has been seized under the provisions of this Act shall be the property of the State Government".

However, the Act also provides that "Any person detained, or things seized —, shall forthwith be taken before a Magistrate to be dealt with according to law — {section 50 (4)}. Then section 51 (2) provides that the court "may order that — any trap, tool, vehicle, vessel or weapon, used in the commission of the said offence be forfeited to the State Government—."

How can the two contradictory positions co-exist?

Perhaps, the provision under section 39 was created as a deterrence on the lines of IFA provision for the confiscation of seized vehicles, weapons etc. by an authorised forest officer. The authors probably wanted it to be even tougher than IFA provision by making seized goods state property right away (rather than having to follow a process). Forest officers have been confiscating private vehicles seized by them by citing this provision, without having been authorised by law or by any other government notification. Several courts, including the Supreme Court (SC order dated 09.01.2008, State of MP and Ors. vs. Madhukar Rao, civil appeal no. 5196/2001) have declared this procedure unsustainable but the practice has perhaps not stopped yet.

It is surprising why the authors of the 1991 amendment preferred to insert a dubious provision in the wrong place (the chapter on wildlife trade) and run the risk of having it struck down. They could have drafted a straight forward provision on the lines of IFA, and placed it in Chapter VI. Now sanctuaries like National Chambal Sanctuary which houses the largest gharial (*Gavialis gangeticus*) population in

the country, but is not a forest area, does not enjoy the protection which other PAs enjoy due to the power back up available under IFA 1927. Illegal sand miners are playing havoc in this vital sanctuary.

4.2. Investigation

Forest offences, including wildlife offences, are conventionally investigated by a forester or a deputy ranger level official, under the supervision of the Range Officer. Only a forest ranger has been empowered (notified) to submit the cases to the court for prosecution. But, inexplicably, WLPA provides that the investigation of a wildlife offence shall be done by an officer no less than an Assistant Conservator of Forests (ACF) and only he can compel the presence of witnesses, the discovery and submission of documents and material objects, and can receive evidence {section 50 (8)}. Obviously, it will be a derogation of the office of an ACF if he has to investigate a case and submit his report to his subordinate ranger for filing a prosecution. No ACF is happy doing that. As a result, most wildlife cases continue to be investigated by the foresters and deputy rangers and often fail in the court because the case has not been investigated by a competent officer. Thus, in an effort to make the wildlife offences look more important, by having them investigated by a senior officer, we have virtually undermined the Act itself.

4.3. Compounding of Offences

The forest laws recognise the fact, though without stating so, that forests are, virtually, an item of mass consumption, as far as the local people are concerned, due to their daily interaction. This interaction will often result in small offences or indiscretions which need to be discouraged but cannot be totally prevented without seriously inconveniencing the masses. In recognition of this fact, the laws, both WLPA and IFA provide that minor offences such as illicit grazing, trespass, removal of small timber etc., which nearly everyone commits, are compoundable, while serious crimes like hunting in protected areas, changing boundary pillars, counterfeiting official marks etc. are dealt with more severely. This is also expedient for the enforcement agencies as they do not have to prosecute every small offender. Otherwise, it would take a huge amount of time and money to prosecute thousands of tribals and other poor people each year. But the amended WLPA provides, in section 51 (1C), that in the core area of a tiger reserve, no offences can be compounded as it provides minimum penalty (imprisonment for 3 years) for all offences, irrespective of their gravity. The states find it impossible to enforce this section as thousands of people still live in the core areas of tiger reserves (thankfully no more in MP) and it will be a herculean task for the field staff to be able to launch prosecutions against them every day. As a result, the authorities continue to compound petty offences even in core areas while simultaneously begging the NTCA to change the law. But the latest proposal (2013) to amend the law does not carry any provision to that effect.

5. Why Five Schedules?

The five schedules in the Act (other than schedule VI, which relates to endangered plants) were obviously meant to classify our wildlife according to their rarity or the prevailing threat perception. The word game was used as a synonym for wild animals, in line with the global practice, meaning thereby that wild animals were meant to be hunted for recreation as well. Accordingly, the schedules were given titles such as, special game (Sch. II), big game (Sch. III), small game (Sch. IV), vermin (Sch. V) etc. The hunting fees were also prescribed on the basis of the schedule in which a species occurred. Although these titles were deleted in 1991, perhaps in order to purge the public mind of the very concept of "game", the existence of these five schedules shows the five levels of "game" value assigned to various species by the original authors of the Act. [Schedule I contains a list of animals with the highest threat (no game value)]. Accordingly, graded restrictions were imposed on hunting, trade and possession of

these species. However, in most sections providing protection to animals listed in Schedule I, animals listed in part II of schedule II, are also mentioned (section 40, 41, 43, 48, 49, 51). It is not clear why all the endangered animals could not be kept in schedule I itself. Strangely entries in part I of schedule II have no special protection and are completely at par with entries in 3rd and 4th schedules. There is no difference in protection levels available to schedule III and IV. Several adhoc changes in the schedule have also robbed them of whatever order they may have had to begin with. Obviously, there is no justification for so many schedules at all. The Act provides stiffer penalties for offences related to animals from schedule I and part II of schedule II, while all other schedules attract relatively lighter, uniform, punishment. Accordingly, it should be much more convenient to have only two schedules, according to the protection they are provided. Any animal not in the two schedules will automatically be unprotected or vermin. The unnecessary plethora of schedules creates confusion in the minds of the public as well as the implementing authorities and serves no purpose at all.

Moreover, it is impractical to provide the same level of protection to a species throughout the country. A species may be common in one state or even a district and rare in other parts of the country, with concomitant implications for the local people. It is illogical and unviable to let some people suffer at the hands of a pest on the grounds that the species is rarer somewhere else. The level of protection provided to a species should be decided by the States, on a population to population basis, depending upon its abundance or rarity. For example, blackbuck is a schedule I species. It is a serious crop pest in most parts of north and central India, but it cannot be killed or captured. Wild pig and nilgai are other common crop pests but can be allowed to be hunted. In MP, demand for crop protection measures against blackbuck is as high as that for the pig and nilgai but the state cannot do anything, not even an eyewash. Even capturing them for crop protection is illegal, as per our law.

Thus, there is a strong case not only for reducing the number of schedules, but also for allowing their state level customisation.

6. Rule Making Powers of Centre and States

Section 63 and 64 list the rule making powers of the Centre and the states respectively. Apart from other things, these sections also empower the Centre and the States to make rules regarding permits, licences, trade and transactions related to wildlife and wildlife articles. Clauses (h) to (j) of section 63 and clauses (d), (e), (f) and (g) of section 64 empower both the governments to make rules regarding hunting, sale, purchase, transactions etc. related to wildlife. As several sections of the Act have been amended to disallow any transactions related to wildlife, these powers are superfluous at the moment but remind us of the days gone by when wildlife was still a possession to be proud of. If utilisation of wildlife for human well-being had not been banned, these overlapping powers could have been a source of conflict between the states and the centre.

7. Concentration of Powers in the Centre

At the outset, the law assigned a preeminent role to the states in conservation as they notified and denotified protected areas, regulated hunting and trade in wildlife products and controlled poaching and other crimes. Centre had virtually no role in the actual happenings except making the law and providing some funding. However, a series of amendments have seriously depleted the decision-making powers of the states and they have now been reduced to doing the biddings of the centre. For example:

- Until 2003, wildlife sanctuaries could be notified or denotified by the states but now the states can notify a sanctuary but cannot denotify it, or change its boundaries, without the prior permission of the NBWL i.e. the GoI {section 26-A (3)}.

- Similarly the states could earlier alter the boundaries of a national park with the permission of the state legislature, but since 2003, the permission of the NBWL has been made mandatory {section 35 (5)}.
- Any deletion of areas from sanctuaries and national parks also needs the permission of the Supreme Court (order dated 13.11.2000 in I.A. No. 2 in WP No. 337/1995).
- Until 2003, the CWLW was empowered to allow the *destruction, exploitation or removal* of animals or removal of forest produce from national parks or modification of the habitat therein, for better management of wildlife, but now he needs the permission of the NBWL [section 35 (6)]. Although in the case of sanctuaries, he needs the permission of the SBWL [section 29], instead of the NBWL, the Supreme Court has ordered that permission of the standing committee of the NBWL is mandatory before giving any permission under section 29 (orders dated 09.05.2002 in I.A. No. 18 In WP No. 337/1995). Of course the permission of the court is also required. Since 2006, permission of the NTCA is also required as per section 38-O (1) (g) in relation to tiger reserves.
- Until 2006, the CWLW was competent to decide the management of PAs as per section 33, but now the NTCA approves the management plans (tiger conservation plans) of nearly all important PAs as they are the core areas of tiger reserves. Every single aspect of the tiger reserve management like, tourism, research, ecodevelopment etc. requires NTCA approval now (section 38-O).
- NTCA and NBWL approve all major development projects even outside PAs [section 38-O (g)].
- NTCA has been given the power to "issue directions to any person, officer or authority for the protection of tiger and that person, officer or authority shall be bound to comply with the directions" [section 38-O (2)]. This power is unprecedented in India.
- NTCA also controls the management of forests outside tiger reserves, through the tiger conservation plans which need NTCA approval [38 V (3) (c)]. The forestry operations of regular forest divisions adjoining tiger reserves cannot be incompatible with the needs of tiger conservation.
- NBWL, which did not exist till 2003, can frame policies related to conservation in the country (section 5C). In effect, NBWL means central bureaucracy.

Whether this shift in power balance is good or bad for the future of conservation can be debated. In my opinion, these changes have been extremely counterproductive. Most of these changes have been brought about as an expression of the distrust of the central government regarding the commitment of the states to conservation. How the states have allowed such a humiliating depletion of their powers to manage their own resources is very surprising. Perhaps the states were never consulted on these amendments, despite it being a constitutional requirement. Isn't it bizarre that the Centre can make laws about a property it does not own, without even consulting the owners? Perhaps, it happens only in India!

Wildlife Laws in Our Neighbourhood

Although India prides itself as the role model in conservation for the South Asian countries, wildlife laws of our neighbours seem to be much more realistic than ours. They have several elements which we may do well to examine for inclusion in our law.

Bangladesh's Wildlife (Conservation and Security) Act 2012, for example, allows game farming in the form of crocodile farms, deer farms and snake farms etc. If used creatively, this provision has the potential to show that wild animals can also be a natural resource for the country. Due to its small size, Bangladesh has very limited scope for using *in situ* conservation as a means of rural development. Although we, in India, would say that such farms can be a threat to *in situ* conservation as they may

encourage poaching from the wild, Bangladesh, perhaps, feels that these farms can create significant rural employment, and save the species in the wild, in turn.

Bhutan has probably the best and simplest forest law in the region. Unlike all other countries, there is a single law for forests and wildlife, which makes life much easier for all concerned. Forest and Nature Conservation Act of Bhutan 1995, provides that all forests in the country are government reserved forests, but any reserved forest can be converted into a community forest and vice versa. Protected areas, namely the national parks and wildlife sanctuaries etc. are part of the forest law rather than nesting in a separate wildlife law. The law has only one schedule containing a list of protected wild animals and plants. While the protected animals can be hunted only under special circumstances, other animals can be hunted under a regular hunting permit.

Nepal's National Parks and Wildlife Conservation Act, 1973 provides for only one schedule containing protected animals which cannot be hunted while other species can be hunted under a hunting permit, in hunting reserves, within a specified annual quota. Nepal has a unique law in that it can legally entrust the management of natural areas to conservation "institutions" (or NGOs) for integrated management in the name of "conservation reserves". The law also provides for the constitution of "users committees" in protected areas "for the management of fallen trees, dry wood, firewood and grass". The law provides for earmarking 30-50% of park revenues for community development. Along with these rather liberal provisions, the Nepalese law has some very harsh provisions for offenders. The maximum penalty for a wildlife crime can go upto 15 years, which is the highest in the region. Surprisingly, this punishment can be awarded by a wildlife warden or a forest officer in charge of a protected area. In Nepal, the army guards the important PAs like Chitwan National Park. That Nepal enjoyed 5 years of zero poaching between 2011 and 2018, in relation to tiger, rhino and elephant, may be the result of such special provisions in their laws.

In Pakistan, forests and wildlife is a provincial subject and all states have their own conservation laws, although they are mere duplications of "The Pakistan Wildlife Ordinance 1971", except some differences in the schedules of protected species. The law provides for two schedules. Animals in the First Schedule are called the "game birds" and can be hunted with a permit while those in the Second Schedule cannot be hunted, except in special circumstances. The law provides very clear distinction between a wildlife sanctuary, national park and a game reserve. A sanctuary is an area for the "**protection of wildlife**", **national parks are areas of "outstanding scenic merit"**. Hunting of animals and birds can be allowed in "game reserves" and "private game reserves". The sport hunting programmes of endangered species like the *markhor* (*Capra falconeri jerdeni*) and Afghan *urial* (*Ovis orientalis cycleros*) in the north western Pakistan are a role model in conservation for the entire world. They have helped to replace indiscriminate poaching with limited off-take and impressive gains in animal populations and local incomes.

Although USA is not our neighbour, a brief reference to her conservation framework will be useful. All major national parks in that country, such as Yellowstone National Park, Yosemite National Park etc. are created under independent laws. Therefore, there is complete clarity about how they are going to be managed and controlled. Secondly, 'national parks', 'national forests' and 'national monuments' are created on federal lands while the state properties are called state parks, state forests etc. Unlike India, federal government in USA has no role or authority in the management of states' assets. As a result, the scope for conflict between the federal and state agencies is perhaps far less in USA than here.

Conclusion

As we have seen above, WLPA is a bundle of contradictions and inconsistencies. The reason why wildlife is still surviving in the country despite such a poor law, is, perhaps, that the law is irrelevant to what happens on the ground. That we have lost most animals from 95% of our forests is proof that someone is killing, eating or trading wildlife, despite the absence of permits and licenses. Perhaps one can argue that the loss of wildlife is due to poor implementation of the law rather than due to the deficiencies of the law. But if the law ignores basic ground realities and is such that it just cannot be implemented, poor implementation would not be an issue at all. Perhaps the law is barking up the wrong tree. It ignores the fundamental reality that large wild animals can survive in a densely populated and poor country only if they are useful to man. They will not be safe only as ecological actors as their ecological role, i.e. controlling herbivore populations and vegetation composition, as the case may be, has already been taken over by man. Whether we have lost our wildlife due to our law, or despite it, will always remain a matter of debate. But, what is beyond debates is that most of its amendments have been ill-planned and are inconsistent with one another. More importantly, they have robbed the Act of its original pragmatism and worldliness.

Apart from the fact that the Act does not provide any clear direction to the authorities for preserving wildlife, it also does not say what to do when there are too many animals, locally or regionally. The objective of the law is to protect wild animals, but it does not recognise the fact that protection of one animal can be the demise of another due to interspecific conflict and competition. While one species can be food for another, species also have to fight over shared resources. Human intervention is necessary under such circumstances but the law does not allow much freedom of action. Wherever, the law does provide some scope for action, too many authorities are involved in decision making. States have virtually no authority to decide how to manage their wildlife or PAs as permissions of central agencies are always required. Several sections contradict each other or repeat what is already provided elsewhere. Thus, the Act is in an urgent need of overhaul, even replacement. The best course perhaps will be to return to the original character of the Act and strengthen it further in the light of global best practices. Haphazard tinkering, as has been the practice so far, will compound the confusion further, leaving animals as well as people in ongoing pain.

Remarks on Wildlife (Protection) Act,1972 as contained in Bill no.159 of 2021

Sl.No.	Section	Amendment	After Amendment	Remarks of MoEFCC on amendment	Remarks
1	Preamble	for the words "protection of wild animals, birds and plants", the words "conservation, protection and management of wild life" shall be substituted.	An Act to provide for the 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	This clause seeks to amend the preamble of the Wild Life (Protection) Act,1972 (hereinafter referred to as the principal Act). It proposes to include the aspects of "conservation" and "management" of wild life in the preamble in addition to the existing term "protection" since these broader actions are the need of the time and are to be provided for in the Act. Instead of using the terms wild animals, birds and plants separately, the term "wildlife" is proposed to be included since as per the principal Act, wild animals include birds and wild life includes wild animals and plants..	As wild animals, birds and plants are included in the definition of wildlife, the amendment is justified
2	2(5)	for the words and figures "Schedule I, Schedule II, Schedule III or Schedule IV", the words and figures "Schedule I or Schedule II" shall be substituted	"captive animal" means any animal, specified in Schedule I or Schedule II , which is captured or kept or bred in captivity;	This clause seeks to amend section 2 of the principal Act which relates to definitions	Due to substitution of new Schedules , the amendment is suggested
3	2(16)	after the words "wild animal", the words "or specified plant" shall be inserted;	"habitat" includes land, water or vegetation which is the natural home of any wild animal or specified plant	This clause seeks to amend section 2 of the principal Act which relates to definitions	Due to inclusion of plants in the schedules the amendment is suggested
4	2(16A)	'(16A) "invasive alien	New definition inserted	This clause seeks to amend section	The definition enables

		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;';		2 of the principal Act which relates to definitions	identification of foreign species which damage local vegetation
5	2(18A)	for the words and figures "Schedules I to V", the words and figures "Schedules I, II and IV" shall be substituted	"livestock" means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I, II and IV	This clause seeks to amend section 2 of the principal Act which relates to definitions	Due to substitution of Schedules, the amendment is suggested
6	2(19)	for the words and figures "Schedules I to V and VI", the words and figures "Schedules I, II and III" shall be substituted	"manufacturer" means a person who manufactures articles from any animal or plant specified in Schedules I, II and III , as the case may be;	This clause seeks to amend section 2 of the principal Act which relates to definitions	Due to substitution of Schedules, the amendment is suggested
7	2(24)	'(24) "person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not;';	'(24) "person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not;';	This clause seeks to amend section 2 of the principal Act which relates to definitions	The existing clause " <i>person</i> " includes a <i>firm</i> is substituted by wider definition
8	2(26A)	'(26A) "Schedule" means a Schedule appended to this Act;';	New amendment	This clause seeks to amend section 2 of the principal Act which relates to definitions	The new amendment specifies that 'schedule' means schedule appended to

					the Act
9	2(27)	for the word and figures "Schedule VI", the word and figures "Schedule III" shall be substituted	"specified plant" means any plant specified in Schedule III ;	This clause seeks to amend section 2 of the principal Act which relates to definitions	Due to substitution of Schedules, the amendment is suggested
10	2(34)	"vermin" means any wild animal notified under section 62';	"vermin" means any wild animal notified under section 62	This clause seeks to amend section 2 of the principal Act which relates to definitions	Due to deletion of Schedule VI, the notification is proposed under Section 62
11	2(36)	for the words and figures "Schedules I to IV", the words and figures "Schedule I or Schedule II" shall be substituted;	"wild animal" means any animal specified in Schedules I or Schedule II and found wild in nature	This clause seeks to amend section 2 of the principal Act which relates to definitions	Due to substitution of Schedules, the amendment is suggested
12	2(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	Existing clause is substituted	This clause seeks to amend section 2 of the principal Act which relates to definitions	The existing clause <i>"zoo" means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public and includes a circus and rescue centres but does not include an establishment of a licensed dealer in captive animals</i> is substituted.

		licensed dealer in captive animals.'.			
13	5A	in sub-section (1), for clause (d), the following clause shall be substituted, namely:— "(d) Member, NITI Aayog in-charge of Environment, Forest and Climate Change	5A. Constitution of the National Board for Wild Life.—(1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), constitute the National Board for Wild Life consisting of the following members, namely:— (a) the Prime Minister as Chairperson; (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; (d) Member, NITI Aayog in-charge of Environment, Forest and Climate Change;	This clause seeks to amend section 5A of the principal Act which relates to the constitution of the National Board for Wild Life. It proposes to replace the "Member, Planning Commission in-charge of Forests and Wild Life" with the "Member, NITI Aayog in-charge of Environment, Forest and Climate Change" as a member of the National Board since the Planning Commission has been replaced with NITI Aayog.	Due to constitution of NITI Aayog in place of Planning Commission
14	5B(3)	for the words "in proper discharge of functions assigned to it", the words "on such terms and conditions as may be prescribed for proper discharge of functions assigned to it under the Act" shall be substituted	The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time on such terms and conditions as may be prescribed for proper discharge of functions assigned to it under the Act	This clause seeks to amend sub-section (3) of section 5B of the principal Act which relates to the Standing Committee of the National Board for Wild Life. It is proposed to provide that rules may be made to prescribe the terms and conditions of committees, sub-committees or study groups to be	This is enabling clause for constituting Committees or Sub-Committees by the National Board.

				constituted by the National Board for proper discharge of functions assigned to it under the Act.	
15	6A	<p>"6A. (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.</p> <p>(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.</p> <p>(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."</p>	New provision inserted	<p>This clause seeks to insert a new section 6A allowing the State Board for Wild Life to constitute a Standing Committee to exercise such powers and perform such duties as may be delegated to it by the Board. It provides for the membership of such Standing Committee to be 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. It further provides for such Standing Committee to constitute committees, sub-committees or study groups as may be necessary</p>	As National Board cannot meet frequently, standing committees are formed to attend to concerned matters.

16	9	for the words and figures "Schedules I, II, III and IV", the words and figures "Schedules I and II" shall be substituted.	No person shall hunt any wild animal specified in Schedules I and II , except as provided under section 11 and section 12.	This clause seeks to substitute the words and figures "Schedules I, II, III and IV" with the words and figures "Schedules I and II" in section 9 which relates to prohibition on hunting. This is a consequential amendment in view of rationalisation of the Schedules to the principal Act.	Due to substitution of Schedules, the amendment is suggested
17	11	in sub-section (1), in clause (b), the words and figures ", Schedule III, or Schedule IV," shall be omitted	(b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt 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	This clause seeks to omit the words and figures ", Schedule III, or Schedule IV," in clause (b) of sub-section (1) of section 11 which relates to hunting of wild animals to be permitted in certain cases. This is a consequential amendment in view of rationalisation of the Schedules to the principal Act.	Due to substitution of Schedules, the amendment is suggested
18	24	in sub-section (2), in clause (b), for the words and figures "Land Acquisition Act, 1894", the words and figures "Right to Fair Compensation and Transparency in	(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"	This clause seeks to amend section 24 of the principal Act which relates to acquisition of rights to substitute the reference to the Land Acquisition Act, 1894 (1 of 1894) with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and	The repealed Act has been substituted by new Act.

		Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted.	and on payment of such compensation, as is provided in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013	Resettlement Act, 2013 (30 of 2013) since the Land Acquisition Act, 1894 has been repealed.	
19	25	(a) in clause (a), for the words and figures "Land Acquisition Act, 1894", the words and figures "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" shall be substituted; (b) in clauses (b) and (c), for the word and figure "section 9", the word and figures "section 21" shall be substituted; (c) in clause (d), for the words and figures "section 18" and "Part III", the words and figures "section 64" and "Chapter VIII" shall respectively be substituted; (d) in clause (e), for the words "the Court", the words "the Authority" shall be substituted; (e) after clause (f), the	(1) For the purpose of acquiring such land, or rights in or over such land,— (a) the Collector shall be deemed to be a Collector, proceeding under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ; (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 21 of that Act; (c) the provisions of the sections, preceding 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 section 64 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Chapter VIII of	This clause seeks to amend section 25 of the principal Act which relates to acquisition proceedings to substitute references to Land Acquisition Act, 1894 (1 of 1894) (hereinafter referred to as the Act, 1894) with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) (hereinafter referred to as the Act, 2013) since the Land Acquisition Act, 1894 has been repealed. It proposes, in sub-section (1) of section 25 of the principal Act, to— (i) substitute the Act, 1894 with the Act, 2013 in clause (a); (ii) substitute the reference to section 9 of the Act, 1894 with section 21 of the Act, 2013 in clauses (b) and (c); (iii) substitute the references to section 18 and Part III of the Act, 1894 with section 64 and Chapter VIII respectively of the Act, 2013 in clause (d); (iv) substitute the reference to the	The amendments are due to consequential substitution of Acts.

		<p>following Explanation shall be inserted, namely:— '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.'</p>	<p>that Act; (e) the Collector, with the consent of the claimant, or the court, 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.</p>	<p>Court under the Act, 1894 with the Authority under the Act, 2013 in clause (e); and (v) insert an Explanation to the effect that the expression 'Authority' shall mean the Land Acquisition, Rehabilitation, and Resettlement Authority established under section 51 of the Act, 2013</p>	
20	28(1)	<p>in sub-section (1), in clause (b), after the word "photography", the words "and film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life" shall be inserted.</p>	<p>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 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</p>	<p>This clause seeks to amend section 28 of the principal Act which relates to grant of permit. It proposes to include film-making without making any change in the habitat or causing any adverse impact to the habitat or wildlife as one of the purposes for which permits may be granted to enter or reside in a sanctuary</p>	<p>The amendment enables permits film shootings</p>

			sanctuary		
21	29	<p>(a) for the word "Board", the words "National Board" shall be substituted;</p> <p>(b) for the Explanation, the following Explanation shall be substituted, namely:—</p> <p>"Explanation.—For the purposes of this section, grazing or movement of livestock permitted under clause (d) of section 33, or hunting of wild animals under a permit granted under section 11 or hunting without violating the conditions of a permit granted under section 12, or the exercise of any rights permitted to continue under clause (c) of sub-section (2) of section 24, or the bona fide use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this section."</p>	<p>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 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:</p> <p>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.</p> <p>Explanation.—For the purposes</p>	<p>This clause seeks to amend section 29 of the principal Act which relates destruction, etc., in a sanctuary prohibited without a permit. It proposes to substitute the reference to the State Board for Wild Life in the section with the National Board.</p> <p>It further proposes to substitute the Explanation to section 29 of the principal Act so as to enhance the scope of the Explanation to exclude 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, and the bona fide use of drinking and household water by local communities from the scope of the prohibition in section 29.</p>	<p>The revised explanation includes many exemptions.</p>

			<p>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 subsection (2) of section 24, or the bona fide use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this section."</p>		
22	33	<p>(a) after the words "manage and maintain all sanctuaries", the words, brackets and figures "in accordance with such management plans for the sanctuary approved by him as per the guidelines issued by the Central Government and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006</p>	<p>Control of sanctuaries.—The Chief Wild Life Warden shall be the authority who shall control, in accordance with such management plans for the sanctuary approved by him as per the guidelines issued by the Central Government and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan for such sanctuary prepared</p>	<p>This clause seeks to amend section 33 of the principal Act which relates to control of sanctuaries. It proposes that the Chief Wild Life Warden shall control, manage and maintain all sanctuaries in accordance with the management plan prepared as per guidelines issued by the Central Government and in the case of sanctuaries falling in Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan prepared after due consultation with the concerned Gram Sabha. It</p>	<p>The Wildlife sanctuaries management is proposed to be done with approval of Gram Sabha as provided in Forest Rights Act, 2006</p>

		<p>is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned" shall be inserted;</p> <p>(b) in clause (a), in the proviso, for the words "commercial tourist lodges", the words "tourist lodges, including Government lodges, for commercial purposes" shall be substituted.</p>	<p>after due consultation with the Gram Sabha concerned and for that purpose, within the limits of any sanctuary,—</p> <p>(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:</p> <p>Provided that no construction of 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.</p> <p>(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</p> <p>c) may take such measures, in the interests of wild life, as he may consider necessary for the improvement of any habitat;</p> <p>(d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of live-stock.</p>	<p>further proposes to include Government lodges for commercial purposes within the purview of the proviso to clause (a) of section 33.</p>	
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23	34(3)	after sub-section (3), the following sub-section shall be inserted, namely:— "(4) No renewal of any licence under the Arms Act, 1959, shall be granted to any person residing within ten kilometres of a sanctuary except under the intimation to the Chief Wild Life Warden or the authorised officer."	New sub-section added	This clause seeks to amend section 34 of the principal Act which relates to registration of certain persons in possession of arms. It seeks to insert a new sub-section (4) whereby no renewal of any arms licences 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.	The amendment provides for permission of Chief Wildlife Warden for renewal of Arms Licence.
24	35(8)	in sub-section (8), for the words and figures "sections 27 and 28", the words, figures and letter "sections 18A, 27 and 28" shall be substituted.	The provisions of sections 18A, 27 and 28 , sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of section 33, section 33A shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.	This clause seeks to amend section 35 of the principal Act which relates to declaration of National Parks. It proposes to extend section 18A of the principal Act which relates to protection to sanctuaries, which currently applies only to sanctuaries, to National Parks as well	The protection available proposed Sanctuaries under Section 18A is extended to proposed National parks
25	36D(2)	in sub-section (2),— (a) for the words "five representatives", the words "not less than five representatives" shall be substituted; (b) after sub-section (2), the following sub-section shall be inserted, namely:—	(2) The committee shall consist of not less than five representatives nominated by the Village Panchayat or where such Panchayat does not exist by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located	This clause seeks to amend section 36D of the principal Act which relates to community reserve management committee. It proposes to change the representatives to be nominated to the committee by the Village Panchayat or Gram Sabha from "five" to "not less than five". It further proposes to insert a new	The private community reserve also is proposed to be provided with a management committee.

		"(2A) Where a community reserve is declared on private land under sub-section (1) of section 36C, the community reserve management committee shall consist of the owner of the land, a representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located and also the representative of the Panchayat concerned or the tribal community, as the case may be."	"(2A) Where a community reserve is declared on private land under sub-section (1) of section 36C, the community reserve management committee shall consist of the owner of the land, a representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located and also the representative of the Panchayat concerned or the tribal community, as the case may be."	sub-section (2A) which provides that where a community reserve is declared on private land under sub-section (1) of section 36C, the community reserve management committee shall consist of the owner of the land along with a representative of the State Forests or Wildlife Department under whose jurisdiction the community reserve is located.	
26	38	(a) in the marginal heading, after the words "National Parks", the words "or conservation reserves" shall be inserted; (b) after sub-section (2), the following sub-section shall be inserted, namely:— "(2A) The Central Government may, if it is satisfied that the conditions specified in sub-section (1) of section 36A are fulfilled in	38. Power of Central Government to declare areas as sanctuaries or National Parks or Conservation Reserves —(1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a sanctuary, to the Central Government, the Central Government may, if it is satisfied that the conditions specified in section 18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a sanctuary and the provisions of sections 18 to 35 (both inclusive),	This clause seeks to amend section 38 of the principal Act which relates to power of the Central Government to declare areas as sanctuaries or National Parks. It proposes to amend section 38 so as to allow the Central Government to declare conservation reserves in areas leased or otherwise transferred to it by the State Government	Provision is made for Conservation reserves on par with Sanctuaries or National Parks.

		<p>relation to any area referred to in sub-section (1), declare such area, by notification, to be a conservation reserve and the provisions of sections 36A and 36B shall apply in relation to such conservation reserve as they apply in relation to a conservation reserve declared by the State Government.";</p> <p>(c) in sub-section (3),—</p> <p>(i) after the words "or National Park", the words "or conservation reserve" shall be inserted;</p> <p>(ii) for the words, brackets and figures "sub-sections (1) and (2)", the words, brackets, figures and letter "sub-sections (1), (2) and (2A)" shall be substituted</p>	<p>54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.</p> <p>(2) The Central Government may, if it is satisfied that the conditions specified in section 35 are fulfilled in relation to any area referred to in section (1), whether or not such area has been declared, to be a sub sanctuary by the Central Government or the State Government, declare such area, by notification, to be a National Park and the provisions of sections 35, 54 and 55 shall apply in relation to such National Park as they apply in relation to a National Park declared by the State Government.</p> <p>"(2A) The Central Government may, if it is satisfied that the conditions specified in sub-section (1) of section 36A are fulfilled in relation to any area referred to in sub-section (1), declare such area, by notification, to be a conservation reserve and the provisions of sections 36A and 36B shall apply in relation to such conservation reserve as they apply in relation to a conservation reserve declared by the State Government</p>		
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			<p>(3) In relation to a sanctuary or National Park or Conservation Reserve declared by the Central Government, the powers and duties of the Chief Wild Life Warden under the sections referred to in sub-sections (1),(2) and (2A), shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references, in the sections aforesaid, to the State Government shall be construed as references to the Central Government and reference therein to the Legislature of the State shall be construed as a reference to Parliament.</p>		
27	38L(2)	<p>in sub-section (2), in clause (o), for the words "Inspector General of Forests or an officer of the equivalent rank", the words "an officer not below the rank of Inspector General of Forests" shall be substituted.</p>	<p>38L. Constitution of National Tiger Conservation Authority.— (1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act. (o) an officer not</p>	<p>This clause seeks to amend clause (o) of sub-section (2) of section 38L of the principal Act which relates to the constitution of the National Tiger Conservation Authority. It proposes to change the rank specified for the Member-Secretary of the National Tiger Conservation Authority from Inspector-General of Forests or an officer of equivalent rank to an officer not below the rank of Inspector-General of Forests.</p>	<p>The amendment enable to name Member Secretary of rank of an officer not below the rank of Inspector General of Forests</p>

			below the rank of Inspector General of Forests having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary		
28	38X	After section 38X of the principal Act, the following section shall be inserted, namely:— “38XA. The provisions contained in this Chapter shall be in addition to, and not in derogation of, the provisions relating to sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under this Act.”.	New provision	This clause seeks to insert a new section 38XA which provides that the provisions contained in Chapter IVB shall be in addition to, and not in derogation of, the provisions relating to the sanctuaries and National Parks (whether included and declared, or are in the process of being so declared) included in a tiger reserve under the principal Act	The amendment clarifies that the provisions in Chapter IVB will be in addition to other provisions of the Act.
29	Chapter IVC	in the heading, for the words "TIGER AND OTHER ENDANGERED SPECIES", the words "WILD LIFE" shall be substituted.	Chapter IV C WILDLIFE CRIME CONTROL BUREAU	This clause seeks to amend the heading of Chapter IVC of the principal Act which relates to TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU. It is proposed so as to change the name of the Chapter from "TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU" to "WILD LIFE CONTROL BUREAU".	The chapter heading is simplified

30	38Y	<p>(a) in the marginal heading, for the words "Tiger and other Endangered Species", the words "Wild Life" shall be substituted;</p> <p>(b) in the opening portion, the words "Tiger and other Endangered Species Crime Control Bureau to be known as the" shall be omitted;</p> <p>(c) in clause (e), for the words "Central Excise", the words "Central Goods and Services Tax" shall be substituted</p>	<p>38Y. Constitution of Wildlife Crime Control Bureau.—The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute the Wildlife Crime Control Bureau consisting of—</p> <p>...</p> <p>...</p> <p>(e) the Additional Commissioner (Customs and Central Goods and Services Tax)—Joint Director; and</p>	<p>This clause seeks to amend section 38Y of the principal Act which relates to the constitution of the Tiger and other Endangered Species Crime Control Bureau. It is proposed to amend the marginal heading and section so that the Bureau is referred to as the "Wild Life Crime Control Bureau". It is further proposed to change the reference from Additional Commissioner (Customs and Central Excise) to Additional Commissioner (Customs and Central Goods and Services Tax).</p>	<p>The word Wildlife is used in a simple way</p>
31	39(3)	<p>after sub-section (3), the following sub-sections shall be inserted, namely:—</p> <p>"(4) Where any such Government property is a live animal, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre where it cannot be released to its natural habitat.</p> <p>(5) Any such animal</p>	<p>New provisions</p>	<p>This clause seeks to amend section 39 which relates to wild animals, etc., to be Government property. It proposes to insert a new sub-section (4) to provide that where Government property is a live animal and it cannot be released to its natural habitat, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre. It further proposes to insert a new sub-section (5) and proviso so as to enable the State Government or Central Government to dispose of</p>	<p>The amendment provides clarification in dealing with live animals and trophies etc without specific orders from Magistrate</p>

		<p>article, trophy or uncured trophy or meat derived from any wild animal, as referred to in sub-sections (1) and (2) may be disposed of by the State Government or the Central Government, as the case may be, in such manner as may be prescribed by the Central Government: Provided that such disposal shall not include any commercial sale or auction and no certificate of ownership shall be issued for such disposal."</p>		<p>animal articles, trophies or uncured trophies or meat derived from wild animals in the manner prescribed by the Central Government. The proviso to the sub-section provides that such disposal shall not include any commercial sale or auction and no certificate of ownership shall be issued.</p>	
32	40	<p>the words and figures "or Part II of Schedule II" wherever they occur shall be omitted.</p>	<p>40. Declarations.—(1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or animal article, trophy or uncured trophy derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorised officer the number and description of the animal, or article of the</p>	<p>This clause seeks to amend section 40 of the principal Act which relates to declarations. It proposes to omit the words and figures "or Part II of Schedule II" from sub-sections (1), (2), (2A), and (4) of the principal Act. This is a consequential amendment proposed in view of rationalisation of the Schedules to the principal Act.</p>	<p>Due to changes in the Schedules proposed</p>

			<p>foregoing description under his control, custody or possession and the place where such animal or article is kept.</p> <p>(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or 420 otherwise transfer or transport any animal specified in Schedule I or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.</p> <p>(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I,, except by way of inheritance.</p> <p>(2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a</p>		
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			<p>declaration to the Chief Wild Life Warden or the authorised officer and the provisions of sections 41 and 42 shall apply as if the declaration had been made under sub-section (1) of section 40: Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant.</p> <p>(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.</p> <p>(4) The State Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer 5[any animal or animal article] or trophy (other than a musk of a muskdeer or horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I in his control, custody or possession in such form, in such manner, and within such time, as may be prescribed</p>		
33	40A	in sub-section (1), the words and figures "or Part II of Schedule II" shall be omitted.	(1) Notwithstanding anything contained in sub-sections (2) and (4) of section 40 of this Act, the Central Government may, by notification, require any person to declare to the Chief Wild Life	This clause seeks to amend sub-section (1) of section 40A of the principal Act which relates to immunity in certain cases. It proposes to omit the words and figures "or Part II of Schedule II" from	Due to changes in the Schedules proposed

			Warden or the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animals specified in Schedule I in his control, custody or possession, in respect of which no declaration had been made under sub-section (1) or sub-section (4) of section 40, in such form, in such manner and within such time as may be prescribed	the sub-section. This is a consequential amendment proposed in view of rationalisation of the Schedules to the principal Act.	
34	41(1)(b)	in sub-section (1), in clause (b), the words and figures "and Part II of Schedule II" shall be omitted.	(b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I and found thereon; and	This clause seeks to amend clause (b) of sub-section (1) of section 41 of the principal Act which relates to inquiry and preparation of inventories. It proposes to omit the words and figures "and Part II of Schedule II". This is a consequential amendment proposed in view of rationalisation of the Schedules to the principal Act.	Due to changes in the Schedules proposed
35	42	After section 42 of the principal Act, the following section shall be inserted, namely:— "42A. (1) Any person having a certificate of ownership in respect of any captive animal, animal article, trophy or uncured trophy, meat or ivory imported into India or an article made from	New provision added	This clause seeks to insert a new section 42A in the principal Act wild to surrender of captive animals, animal articles, etc. The proposed section will allow persons with an ownership certificate to surrender any captive animal, animal article, trophy or uncured trophy, meat or ivory imported into India or an article made from such ivory to the Chief Wild Life Warden if they are not desirous of keeping it in their control,	Provides for enabling clause of receiving captive animal, animal article etc from owners

		<p>such ivory, and who is not desirous of keeping it in his control, custody or possession may, after giving notice of seven working days to the Chief Wild Life Warden, surrender the same to him and any such certificate of ownership shall stand cancelled from the date of such surrender.</p> <p>(2) No compensation shall be payable to any person for surrender of any such animal, article, trophy, meat or ivory to the Chief Wild Life Warden under sub-section (1).</p> <p>(3) Any such animal, article, trophy, meat or ivory surrendered under this section shall become the property of the State Government and the provisions of section 39 shall apply."</p>		<p>custody or possession. It provides that any such ownership certificate will stand cancelled and no compensation shall be payable for such surrender. It also provides that the surrendered animal, animal article, trophy, etc., shall be State Government property and the provisions of section 39 shall apply.</p>	
36	43	<p>In section 43 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—</p> <p>"(4) This section shall not</p>	New provision	<p>This clause seeks to amend section 43 of the principal Act which relates to regulation of transfer of animal, etc. It proposes to insert a new sub-section (4) which provides that the section will not apply to</p>	<p>The amendment relaxes for transfer of animal by person having a certificate of ownership.</p>

		apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."		transfer or transport of a live elephant by a person having a certificate of ownership where prior permission of the State Government has been obtained, and on fulfilment of such conditions as may be prescribed by the Central Government	
37	48	In section 48 of the principal Act, in clause (b), in sub-clause (ii), the words and figures "or Part II of Schedule II" shall be omitted.	(ii) acquire, receive keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I or any animal article trophy, uncured trophy or meat derived therefrom or serve such meat, or put under a process of taxidermy or make animal article containing part or whole of such animal,	This clause seeks to amend sub-clause (ii) of clause (b) of section 48 of the principal Act which relates to purchase of animal, etc., by licensee. It proposes to omit the words and figures "or Part II of Schedule II" from the sub-clause. This is a consequential amendment proposed in view of rationalisation of the Schedules to the principal Act.	Due to changes in the Schedules proposed
38	49A	In section 49A of the principal Act, the words and figures "or Part II of Schedule II" at both the places where they occur, shall be omitted.	49A. Definitions.—In this Chapter,— (a) "Scheduled animal" means an animal specified for the time being in Schedule I : (b) "Scheduled animal article" means an article made from any Scheduled animal and includes an article or object in which the whole or any part of such animal has been used but does not include tail feather of peacock, an article or	This clause seeks to amend section 49A of the principal Act which relates to definitions. It proposes to omit the words and figures "or Part II of Schedule II" from clause (a) and sub-clause (ii) of clause (c) of the section. This is a consequential amendment proposed in view of rationalisation of the Schedules to the principal Act.	Due to changes in the Schedules proposed

			<p>trophy made therefrom and snake venom or its derivative.</p> <p>(c) "Specified date" means—</p> <p>(i) in relation to a scheduled animal on the commencement of the Wild Life (Protection)(Amendment) Act, 1986, the date of expiry of two months from such commencement;</p> <p>(ii) in relation to any animal added or transferred to Scheduled I at any time after such commencement, the date of expiry of two months from such addition or transfer</p> <p>[(iii) in relation 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 (44 of 1991).]</p>		
39	Chapter VA	After Chapter VA of the principal Act, the following Chapter shall be inserted, namely:— 'CHAPTER VB	<p>CHAPTER VB REGULATION OF INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA AS PER CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA</p> <p>49D. In this Chapter, unless the context otherwise requires,—</p> <p>(a) "artificially propagated" means plants which have been grown</p>	<p>This clause seeks to insert a new Chapter VB in the principal Act for Regulation of International Trade in Endangered Species of Wild Fauna and Flora (hereinafter referred to as the Convention). The proposed new section 49D seeks to inter alia, define the words and expressions for the purposes of the proposed new Chapter. The proposed new section 49E provides for the designation of</p>	<p>The new Chapter is introduced to cater to the commitments contained in International Conventions to which India is signatory.</p>

			<p>under controlled conditions from plant materials grown under similar conditions;</p> <p>(b) "bred in captivity" means produced from parents in captivity;</p> <p>(c) "Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora signed at Washington D.C., in the United States of America on the 3rd of March, 1973, and amended at Bonn on the 22nd of June, 1979, its appendices, decisions, resolutions and notifications made thereunder and its amendments, to the extent binding on India;</p> <p>(d) "export" means export from India to any other country of a specimen;</p> <p>(e) "import" means import into India from any other country of a specimen;</p> <p>(f) "introduction from the sea" means transportation into India of specimens of any species which were taken from the marine environment not under the jurisdiction of India or any other country;</p> <p>(g) "Management Authority" means the Management Authority designated under section 49E;</p>	<p>Management Authority by the Central Government. It provides that such Management Authority shall be an officer not below the rank of an Additional Director General of Forests and shall be responsible for issuance of permits and certificates for trade of scheduled specimens (i.e. specimens of species listed in Schedule IV), submission of reports, and shall perform such other functions as may be necessary to implement the provisions of the Convention. It enables the Central Government to appoint officers and employees to assist the Management Authority and for the Management Authority to delegate its powers with the approval of the Central Government to officers not below the rank of Assistant Inspector General of Forests.</p> <p>The proposed new section 49F provides for the designation of institutes engaged in scientific research as Scientific Authorities by the Central Government. It provides that the Scientific Authority shall advise the Management Authority on matters referred to it. It provides that the Scientific Authority shall monitor and advise on trade of species listed</p>	
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			<p>(h) "plant" means any member, alive or dead, of the plants listed in Schedule IV including seeds, roots and other parts thereof;</p> <p>(i) "readily recognisable part or derivative" includes any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species listed in Schedule IV;</p> <p>(j) "re-export" means export of any specimen that has previously been imported;</p> <p>(k) "Scientific Authority" means a Scientific Authority designated under section 49F;</p> <p>(l) "scheduled specimen" means any specimen of a species listed in Appendices I, II or III of the Convention and incorporated as such in Schedule IV;</p> <p>(m) "species" means any species, sub-species, or geographically separate population thereof;</p> <p>(n) "specimen" means—</p> <p>(i) any animal or plant, whether alive or dead;</p> <p>(ii) in the case of an animal,—</p> <p>(A) for species included in Appendices I and II of Schedule IV, any readily</p>	<p>in Appendix II of Schedule IV so as to maintain such species throughout their range at a level consistent with their role in the ecosystems in which they occur. The proposed new section 49G provides that the Management Authority and the Scientific Authority, while performing their duties and exercising powers, shall be subject to such general or special directions, as the Central Government may, from time to time, give. The proposed new section 49H provides that no person shall engage in trade of scheduled specimens except as provided for under Chapter VB. It further provides that the Central Government shall prescribe by rules the conditions and procedures by which the exemptions provided in Article VII of the Convention may be availed. It also provides that every person engaging in trade of scheduled specimens shall report the details to the Management Authority or authorised officer in the manner prescribed. It also provides that every person engaging in trade of scheduled specimen shall present it for clearance to the Management Authority or authorised officer or</p>	
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			<p>recognisable part or derivative thereof;</p> <p>(B) for species included in Appendix III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendix III of Schedule IV in relation to the species; and</p> <p>(iii) in the case of a plant,—</p> <p>(A) for species included in Appendix I of Schedule IV, any readily recognisable part or derivative thereof;</p> <p>(B) for species included in Appendices II and III of Schedule IV, any readily recognisable part or derivative thereof specified in Appendices II and III of Schedule IV in relation to the species;</p> <p>(o) "trade" means export, re-export, import and introduction from the sea.</p> <p>49E. (1) The Central Government shall, by notification, designate an officer not below the rank of an Additional Director General of Forests as the Management Authority for discharging the functions and exercising the powers under this Act.</p> <p>(2) The Management Authority shall be responsible for issuance of permits and certificates for trade of</p>	<p>customs officer only at the ports of exit and entry as may be specified by the Central Government.</p> <p>The proposed new section 49-I provides the conditions for export of scheduled specimen. It further provides for the permits or certificates that are required to be granted and presented for export of species listed in each Appendix of Schedule IV and the conditions to be satisfied for issue of export permits.</p> <p>The proposed new section 49J provides the conditions for import of scheduled specimen. It further provides for the permits or certificates that are required to be granted and presented for import of species listed in each Appendix of Schedule IV and the conditions to be satisfied for issue of import permits.</p> <p>The proposed new section 49K provides the conditions for re-export of scheduled specimen. It further provides for certificates that are required to be granted and presented for re-export of species listed in each Appendix of Schedule IV and the conditions to be satisfied for issue of re-export certificates.</p> <p>The proposed new section 49L provides the conditions for</p>	
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			<p>scheduled specimens in accordance with the Convention, submission of reports, and shall perform such other functions as may be necessary to implement the provisions of the Convention.</p> <p>(3) The Management Authority shall prepare and submit annual and biennial reports to the Central Government.</p> <p>(4) The Central Government may appoint such officers and employees as may be necessary to assist the Management Authority in discharging its functions or exercising its powers under this Chapter, on such terms and conditions of service including salaries and allowances as may be prescribed.</p> <p>(5) The Management Authority may, with the prior approval of the Central Government, delegate its functions or powers, to such officers not below the rank of the Assistant Inspector General of Forests, as it may consider necessary for the purposes of this Chapter.</p> <p>49F. (1) The Central Government shall, by notification, designate one or more institutes engaged in research on species as Scientific Authority for the purposes of this</p>	<p>introduction from the sea of scheduled specimen. It further provides that introduction from the sea of species listed in Appendix I and II of Schedule IV requires the prior grant and presentation of a certificate of introduction from the sea. It also provides the conditions to be satisfied for issue of certificates of introduction from the sea.</p> <p>The proposed new section 49M provides that every person possessing a living specimen of an animal species listed in Schedule IV shall report details to the Management Authority and the Management Authority shall, if he is satisfied that it has not been obtained in contravention of any law relating to protection of fauna and flora, issue a registration certificate allowing the owner to retain such specimen. It further provides for reporting and registration of transfers, births, and deaths of such specimens in accordance with rules prescribed by the Central Government.</p> <p>The proposed new section 49N provides that every person breeding or artificially propagating species listed on Appendix I of the</p>	
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			<p>Chapter, for fulfilling the functions under the Convention.</p> <p>(2) The designated Scientific Authority shall advise the Management Authority in such matters as may be referred to it by the Management Authority.</p> <p>(3) The Scientific Authority shall monitor the export permits granted for specimens of species listed in Appendix II of Schedule IV and the actual export of such specimens.</p> <p>(4) Whenever a Scientific Authority is of the opinion that the export of specimens of such species requires to be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I of the Convention, it shall advise the Management Authority to take such appropriate measures to limit the grant of export permits for specimens of that species as the Scientific Authority may deem necessary for said purpose.</p> <p>49G. The Management Authority and the Scientific Authorities, shall, while performing their duties and exercising powers under this Chapter, be subject to</p>	<p>Convention shall apply for registration to the Chief Wild Life Warden in the form and manner prescribed by the Central Government.</p> <p>The proposed new section 49-O provides that when the required conditions, including the relevant resolutions of the Convention relating to breeding in captivity or artificial propagation of Appendix I species are satisfied, the Chief Wild Life Warden shall issue a certificate of registration to a person making an application under subsection (1) of section 49N. It further provides that the certificate of registration shall be valid for two years, and also provides for an appeal to the State Government in case of refusal or cancellation of registration by the Chief Wild Life Warden.</p> <p>The proposed new section 49P provides that no person shall alter, deface, erase or remove a mark of identification affixed on a scheduled specimen or its package.</p> <p>The proposed new section 49Q provides that every scheduled specimen in respect of which any offence under the Act or rules has been committed shall become the property of the Central Government</p>	
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			<p>such general or special directions, as the Central Government may, from time to time, give.</p> <p>49H. (1) No person shall engage in trade of scheduled specimens except as provided for under this Chapter.</p> <p>(2) The Central Government shall prescribe the conditions and procedures by which the exemptions contained in Article VII of the Convention may be availed.</p> <p>(3) Every person engaging in trade of a scheduled specimen shall report the details of the scheduled specimen and the transaction to the Management Authority or the officer authorised by it in such manner as may be prescribed.</p> <p>(4) Every person engaging in trade of a scheduled specimen, shall present it for clearance to the Management Authority or the officer authorised by it or a customs officer only at the ports of exit and entry as may be specified by the Central Government.</p> <p>49-I. (1) The export of any specimen of species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of an export permit.</p> <p>(2) The export of any specimen of</p>	<p>and the provisions of section 39 shall, without prejudice to the Customs Act, 1962, apply to it as they apply to wild animals, captive animals and animal articles. It further provides that when a living specimen of a species listed in Schedule IV has been imported into India in contravention of the Act, the Management Authority shall after consultation with the country of export, return the specimen to that country at the expense of that country or ensure it is housed and cared for by a recognised zoo or rescue centre. It also provides that the Management Authority may for such purposes consult the Scientific Authority as it deems appropriate.</p> <p>The proposed new section 49R provides that where the same species is listed in Schedule IV and Schedules I or II, the provisions of the Act applicable to such species listed in Schedule I or II and the rules made thereunder shall apply.</p>	
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			<p>species included in Appendix III of Schedule IV shall require the prior grant and presentation of an export permit if the species has been listed in Appendix III of the Convention by India or a certificate of origin in other cases.</p> <p>(3) An export permit shall not be granted unless—</p> <p>(a) the Management Authority is satisfied that the specimen concerned has not been obtained in contravention of any law for the time being in force relating to protection of fauna and flora;</p> <p>(b) the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment;</p> <p>(c) in the case of a specimen of a species listed in Appendices I or II of Schedule IV, the Scientific Authority has advised that the export will not be detrimental to the survival of that species; and</p> <p>(d) in the case of specimens of species listed in Appendix I of Schedule IV, an import permit has been granted by the competent authority of the country of destination.</p> <p>49J. (1) The import of any specimen of a species included in Appendix I</p>		
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			<p>ofSchedule IV shall require the prior grant and presentation of an import permitand either an export permit or a re-export certificate from the country of export.</p> <p>(2) An import permit for a specimen of a species listed in Appendix I of Schedule IV shall not be granted unless—</p> <p>(a) the Management Authority is satisfied that the specimen concerned will not be used for primarily commercial purposes;</p> <p>(b) the Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species; and</p> <p>(c) the Scientific Authority is satisfied that the proposed recipient ofa living specimen is suitably equipped to house and care for it.</p> <p>(3) The import of any specimen of a species included in Appendix II of Schedule IV shall require the prior presentation of either an export permit or are-export certificate issued by the country of export.</p> <p>(4) The import of any specimen of a species included in Appendix III of Schedule IV shall require the prior presentation of—</p> <p>(a) a certificate of origin; or</p> <p>(b) in the case where the import is</p>		
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			<p>from a country which has included the species in Appendix III of the Convention, an export permit; or (c) a re-export certificate granted by the country of re-export.</p> <p>49K. (1) The re-export of any specimen of species included in Appendices I or II of Schedule IV shall require the prior grant and presentation of a re-export certificate.</p> <p>(2) A re-export certificate shall not be granted unless—</p> <p>(a) the Management Authority is satisfied that any specimen to be re-exported was imported in accordance with the provisions of this Chapter and of the Convention;</p> <p>(b) the Management Authority is satisfied that any living specimen will be so prepared and shipped as to minimise the risk of injury, damage to health or cruel treatment; and</p> <p>(c) in the case of any living specimen of species listed in Appendix I of Schedule IV, the Management Authority is satisfied that an import permit has been granted.</p> <p>49L. (1) The introduction from the sea of a specimen of a species included in Appendices I or II of Schedule IV shall require the prior</p>		
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			<p>grant and presentation of a certificate of introduction from the sea.</p> <p>(2) A certificate of introduction from the sea shall not be granted unless—</p> <p>(a) the Scientific Authority has advised that the introduction of any specimen will not be detrimental to the survival of the species;</p> <p>(b) in the case of a specimen of a species listed in Appendix I of Schedule IV, the Management Authority is satisfied that it is not to be used for primarily commercial purposes and that the proposed recipient of any living specimen is suitably equipped to house and care for it; and</p> <p>(c) in the case of a living specimen of a species listed in Appendix II of Schedule IV, the Management Authority is satisfied that it will be so handled as to minimise the risk of injury, damage to health or cruel treatment.</p> <p>49M. (1) Every person possessing a living specimen of an animal species listed in Schedule IV shall report the details of such specimen or specimens in his possession to the Management</p>		
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			<p>Authority or the authorised officer: Provided that the Central Government may exempt one or more specimens of any animal species included in Schedule IV from such declaration for such quantity and for such period as it may deem fit.</p> <p>(2) The Management Authority or the authorised officer may, on being satisfied that a person was in possession of a living specimen of an animal species listed in Schedule IV which had not been obtained in contravention of any law relating to protection of fauna and flora, issue a registration certificate allowing the owner to retain such specimen.</p> <p>(3) Any person who transfers possession, by any means whatsoever, of any living specimen of an animal species listed in Schedule IV shall report the details to the Management Authority or the authorised officer.</p> <p>(4) The Management Authority or the authorised officer shall register all transfers of living specimens of animal species listed in Schedule IV and issue the transferee with a registration certificate.</p> <p>(5) Any person in possession of any living specimen of an animal</p>		
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			<p>species listed in Schedule IV which bears any offspring shall report the birth of such offspring to the Management Authority or the authorised officer.</p> <p>(6) The Management Authority or the authorised officer shall on receipt of the report under subsection (5) register any offspring born to any living specimen of an animal species listed in Schedule IV and issue the owner with a registration certificate.</p> <p>(7) Any person in possession of any living specimen of an animal species listed in Schedule IV which dies shall report such death to the Management Authority or the authorised officer.</p> <p>(8) No person shall possess, transfer or breed any living specimen of any animal species listed in Schedule IV except in conformity with this section and the rules made by the Central Government in this behalf.</p> <p>(9) The form, manner and period for reporting possession, transfers, and births, deaths, and registration of the same under this section shall be as prescribed by the Central Government.</p> <p>49N. (1) Every person who is</p>		
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			<p>engaged in breeding in captivity or artificially propagating any scheduled specimen listed in Appendix I of Schedule IV shall make, within a period of ninety days of the commencement of the Wild Life(Protection) Amendment Act, 2021, an application for registration to the Chief Wild Life Warden.</p> <p>(2) The form and manner of the application to be made to the Chief Wild Life Warden under sub-section (1), the fee payable, the form of certificate of registration, the procedure to be followed in granting or cancelling the certificate of registration shall be such as may be prescribed by the Central Government.</p> <p>49-O. (1) On receipt of application under sub-section (1) of section 49N, the Chief Wild Life Warden shall, if—</p> <p>(a) the application is in the prescribed form;</p> <p>(b) the resolutions of the Convention relating to breeding in captivity or artificial propagation of species listed in Appendix I of Schedule IV are satisfied; and</p> <p>(c) the provisions of the Act and rules made thereunder have been</p>		
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			<p>duly complied with, record an entry of the statement in a register and grant the applicant a certificate of registration.</p> <p>(2) The Chief Wild Life Warden shall, if the provisions or resolutions of the Convention or this Act and any rules made hereunder have not been complied with, or if a false particular is furnished, refuse or cancel the registration as the case may be after providing the applicant with an opportunity of being heard.</p> <p>(3) The certificate of registration under sub-section (1) shall be issued for a period of two years and may be renewed after two years on payment of such fee as may be prescribed.</p> <p>(4) Any person aggrieved by the refusal of the Chief Wild Life Warden or cancellation of registration under sub-section (2) may prefer an appeal to the State Government within a period of sixty days in such manner as may be prescribed.</p> <p>49P. No person shall alter, deface, erase or remove a mark of identification affixed upon the scheduled specimen or its package.</p> <p>49Q. (1) Every species or scheduled specimen, in respect of which any</p>		
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			<p>offence against this Act or rules made thereunder has been committed, shall become the property of the Central Government and the provisions of section 39 shall, without prejudice to the Customs Act, 1962, apply, mutatis mutandis, in relation to species and scheduled specimens as they apply in relation to wild animals, captive animals and animal articles.</p> <p>(2) Where a living specimen of a species listed in Schedule IV has been seized under this Act or the Customs Act, 1962 or any other law for the time being in force as a result of import into India in contravention of this Act, the Management Authority shall, after consultation with the country of export, return the specimen to that country at the expense of that country, or ensure that it is housed and cared for by a recognised zoo or rescue centre in case it cannot be returned to the country of export.</p> <p>(3) The Management Authority may for such purposes consult the Scientific Authority as it deems appropriate.</p> <p>49R. Where the same species is listed in Schedule I or II and Schedule IV, then, the provisions of</p>		
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			this Act applicable to such species listed in Schedule I or II and the rules made thereunder shall apply.'		
40	50	In section 50 of the principal Act, in sub-section (1),— (i) after the words "the Director or any other officer authorised by him in this behalf ", the words "or the Management Authority or any officer authorised by the Management Authority" shall be inserted; (ii) after the words "a sub-inspector", the words "or any customs officer not below the rank of an inspector or any officer of the coast guard not below the rank of an Assistant Commandant" shall be inserted; (iii) in clauses (a) and (c), after the words "derivative thereof ", the words "or scheduled specimen" shall be inserted	50. Power of entry, search, arrest and detention. —(1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf or the Management Authority or any officer authorised by the Management Authority or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector or any customs officer not below the rank of an inspector or any officer of the coast guard not below the rank of an Assistant Commandant , may, if he has reasonable grounds for believing that any person has committed an offence against this Act,— (a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, trophy or trophy, uncured trophy, specified plant or part or derivative thereof or scheduled specimen in his	This clause seeks to amend section 50 of the principal Act which relates to power of entry, search, arrest and detention. It proposes to confer power of entry, search, arrest and detention on the Management Authority or any officer authorised by the Management Authority or any customs officer not below the rank of an inspector or any officer of the coast guard not below the rank of an Assistant Commandant. It further proposes to extend clauses (a) and (c) of sub-section (1) of the section to include scheduled specimen.	The amendment enables additional officers to exercise the powers.

			<p>control, custody or possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;</p> <p>(b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person, and open and search any baggage or other things in his possession;</p> <p>(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof</p> <p>scheduled specimen, 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:</p> <p>Provided that where a fisherman, residing within ten kilometres of a sanctuary or National Park,</p>		
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			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.		
41	51	In section 51 of the principal Act,— (a) in sub-section (1),— (i) for the words "twenty-five thousand rupees", the words "one lakh rupees" shall be substituted; (ii) in the first proviso,— (A) the words and figures "or Part II of Schedule II" shall be omitted; (B) after the words "boundaries of a sanctuary or National Park", the words and figures "or where the offence relates to a specimen of a species listed on Appendix I of Schedule IV" shall be inserted; (C) for the words "ten thousand rupees", the words "twenty-five thousand rupees" shall be substituted; (iii) in the second proviso,	(1) Any person who contravenes any provision of this Act (except Chapter VA and section 38J) or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees , or with both: Provided that where the offence committed is in relation to any animal specified in Schedule I or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park or where the offence relates to a specimen of a species listed on Appendix I of Schedule IV , such	This clause seeks to amend section 51 of the principal Act which relates to penalties. Sub-section (1) of section 51 provides penalties for contravention of any provision of the Act or any rule or order made thereunder or breach of any of the conditions of any licence or permit granted under this Act and such contravention is punishable currently with imprisonment for a term extending up to three years or with fine up to twenty-five thousand rupees or with both. This clause proposes to enhance fine for such offences to a maximum of one lakh rupees. Presently, the first proviso to sub-section (1) of section 51 provides that offences committed in relation to any animal specified in Schedule I or Part II of Schedule II or the meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries	The penalties are enhanced through this amendment.

		<p>for the words "twenty-five thousand rupees", the words "one lakh rupees" shall be substituted;</p> <p>(b) in sub-section (1A), for the words "ten thousand rupees", the words "twentyfive thousand rupees" shall be substituted</p>	<p>offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty five thousand rupees.</p> <p>Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than one lakh rupees</p> <p>(1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and also with fine which shall not be less than twenty five thousand rupees.</p>	<p>of a sanctuary or a National Park are punishable with imprisonment for a term not less than three years and extending up to seven years and also with fine not less than ten thousand rupees. This clause proposes to enhance the minimum fine for such offences to twenty-five thousand rupees. It seeks to omit the words "or Part II of Schedule II" from this proviso as a consequential amendment in view of rationalisation of the Schedules to the principal Act. It further proposes to include offences relating to specimens of species listed in Appendix I of Schedule IV in this proviso.</p> <p>Presently, the second proviso to sub-section (1) of section 51 provides that a second or subsequent offence of the nature mentioned in sub-section (1) is punishable with a term of imprisonment not less than three years and extending up to seven years and also with fine not less than twenty-five thousand rupees. This clause proposes to enhance the minimum fine for such offences to one lakh rupees.</p> <p>Presently, sub-section (1A) of section 51 provides that offences in</p>	
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				relation to ChapterVA are punishable with imprisonment for a term not less than three years and extending up to seven years and also with fine not less than ten thousand rupees. This clause proposes to enhance minimum fine for such offences to twenty-five thousand rupees.	
42	51A	In section 51A of the principal Act, the words and figures "or Part II of Schedule II" shall be omitted	51A. Certain conditions to apply while granting bail.—When any person accused of, the commission of any offence relating to Schedule I or offences relating to hunting inside the boundaries of National Park or wild life sanctuary or altering the boundaries	This clause seeks to amend section 51A of the principal Act which relates to certain conditions to apply while granting bail. It proposes to omit the words and figures "or Part II of Schedule II" from the section. This is a consequential amendment in view of rationalisation of the Schedules to the principal Act.	Due to changes in schedules
43	54	In the section 54 of the principal Act, in sub-section (4), for the words "twenty-five thousand rupees", the words "five lakh rupees" shall be substituted	(4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of five lakh rupees: Provided that no offence, for which a minimum period of imprisonment has been prescribed in section 51, shall be compounded	This clause seeks to amend section 54 of the Principal Act which relates to the power to compound offences. Presently, the sum of money accepted or agreed to be accepted by way of compounding an offence as per sub-section (4) of this section cannot exceed the sum of twenty-five thousand rupees. This clause proposes to enhance the maximum compounding amount to five lakh rupees.	The amendment enhances the compounding amount
44	55	In section 55 of the principal Act, after clause (ac), the following clause	55. Cognizance of offences.—No court shall take cognizance of any offence against this Act on the	This clause seeks to amend section 55 of the Principal Act which relates to cognizance of offences. This	The amendment empowers few other officers

		shall be inserted, namely:— "(ad) the Management Authority or any officer, including an officer of the Wild Life Crime Control Bureau, authorised in this behalf by the Central Government; or	complaint of any person other than ... (ad) the Management Authority or any officer, including an officer of the Wild Life Crime Control Bureau, authorised in this behalf by the Central Government; or	clause seeks to include a provision to empower the Management Authority or any officer, including an officer of the Wild Life Crime Control Bureau, authorised in this behalf by the Central Government, to file complaints in courts in respect of offences against the Act.	
45	57	In section 57 of the principal Act, after the words "derivate thereof" at both the places where they occur, the words "or Scheduled specimen" shall be inserted.	57. Presumption to be made in certain cases.—Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, trophy, uncured trophy, specified plant, or part or derivative thereof or Scheduled specimen it shall be presumed, until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, trophy, uncured trophy, specified plant, or part or derivative thereof	This clause seeks to amend section 57 of the principal Act which relates to presumption to be made in certain cases. It seeks to extend the section to scheduled specimen as it currently applies to captive animals, animal articles, meat, etc.	Presumption to be made in case of scheduled specimens.
46	61	In section 61 of the principal Act, for the word "add", the words "amend any Schedule or add" shall be	61. Power to alter entries in Schedules.—(1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, amend any	This clause seeks to amend section 61 of the Principal Act which relates to power to alter entries in Schedules. It seeks to substitute the word "add" with the words	The amendment empowers amendment of Schedules

		substituted	Schedule or add or delete any entry to or from any Schedule or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.	"amend any Schedule or add" so as to make it clear that the power provided by the section to the Central Government to alter the entries in the Schedules includes the power to amend a Schedule.	
47	62	In section 62 of the principal Act,— (a) the words and figures "and Part II of Schedule II" shall be omitted; (b) the words and figure "and so long as such notification is in force, such wild animals shall be deemed to have been included in Schedule V" shall be omitted.	62. Declaration of certain wild animals to be vermin.—The Central Government may, by notification, declare any wild animal other than those specified in Schedule I to be vermin for any area and for such period as may be specified therein..	This clause seeks to amend section 62 of the Principal Act which relates to declaration of certain wild animals to be vermin. The section empowers the Central Government to declare certain wild animals to be vermin for any area and for such period as may be specified by way of notification. The clause seeks to omit the references to Part II of Schedule II and Schedule V from the section. This is a consequential amendment in view of rationalisation of the Schedules to the principal Act.	Due to deletion of Schedules on Vermin, the notification is being proposed to be issued.
48	62	After section 62 of the principal Act, the following sections shall be inserted, Namely:— "62A. (1) The Central Government may, by notification, regulate or prohibit the import, trade, possession or proliferation of invasive	New provision	This clause seeks to insert new sections 62A and 62B in the Principal Act. The proposed new section 62A will empower the Central Government to take necessary actions for control of invasive alien species. It will allow the Central Government to regulate or prohibit the import, trade, possession or proliferation of	The amendment provides for control of alien species and seize such species

		<p>alien species which pose a threat to the wild life or habitat in India.</p> <p>(2) The Central Government may authorise the Director or any other officer to seize and dispose of, including through destruction, the species referred to in the notification issued under sub-section (1).</p> <p>62B. Notwithstanding any other provision of this Act, the Central Government may call for any information or report from a State Government or any such other agency or body or issue any direction to a State Government or any such other agency or body for effective implementation of the provisions of the Act for the protection, conservation and management of wild life in the country</p>		<p>invasive alien species which pose a threat to the wild life or habitat in India by way of notification. It also seeks to empower the Central Government to authorise the Director or any other officer to seize and dispose of, including through destruction, such species.</p> <p>The proposed new section 62B will empower the Central Government to call for any information or report from a State Government or any such other agency or body or issue any direction to a State Government or any such other agency or body for effective implementation of the provisions of the Act for the protection, conservation and management of wild life in the country.</p>	
49	63	In section 63 of the principal Act, in sub-	"(aii) terms and conditions of the committee, sub-committees or	This clause seeks to amend section 63 of the principal Act which relates	New enabling powers are being made to

		<p>section (1),— (a) after clause (ai), the following clause shall be inserted, namely:— "(aia) terms and conditions of the committee, sub-committees or study groups under sub-section (3) of section 5B;" ; (b) after clause (gvi), the following clauses shall be inserted, namely:— "(gvii) the manner of disposal of Government property under sub-section (5) of section 39; (gviii) the conditions for transfer or transport of live alaphant under sub-section (4) of section 43;" ; (c) after clause (j), the following clauses shall be inserted, namely:— "(ji) the terms and conditions of service including salaries and allowances for appointment of the officers and employees of the Management Authority under sub-</p>	<p>studygroups under sub-section (3) of section 5B’ "(gvii) the manner of disposal of Government property under sub-section (5) of section 39; (gviii) the conditions for transfer or transport of live alaphant under sub-section (4) of section 43; "(ji) the terms and conditions of service including salaries and allowances for appointment of the officers and employees of the Management Authority under sub-section (4) of section 49E; (jii) the conditions and procedures subject to which any exemption provided for in Article VII of the Convention may be availed under sub-section (2) of section 49H; (jiii) the reporting of details of scheduled specimens and the transaction as per sub-section (3) of section 49H; (jiv) the matters provided for in sub-sections (8) and (9) of section 49M;</p>	<p>to the power of the Central Government to make rules. It proposes to include the matters under the proposed legislation in respect of which the Central Government may make rules.</p>	<p>make rules by Central Government</p>
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		<p>section (4) of section 49E;</p> <p>(jii) the conditions and procedures subject to which any exemption provided for in Article VII of the Convention may be availed under sub-section (2) of section 49H;</p> <p>(jiii) the reporting of details of scheduled specimens and the transaction as per sub-section (3) of section 49H;</p> <p>(jiv) the matters provided for in sub-sections (8) and (9) of section 49M;</p> <p>(jv) the form and manner of the application, the fee payable, the form of certificate of registration, and the procedure to be followed in granting or cancelling a certificate of registration as per sub-section (2) of section 49N;</p> <p>(jvi) the fee payable for renewal of certificates of registration as per sub-section (3), and manner of making appeal under sub-section (4), of section 49-O;</p> <p>(jvii) any other matter for</p>	<p>(jv) the form and manner of the application, the fee payable, the form of certificate of registration, and the procedure to be followed in granting or cancelling a certificate of registration as per sub-section (2) of section 49N;</p> <p>(jvi) the fee payable for renewal of certificates of registration as per sub-section (3), and manner of making appeal under sub-section (4), of section 49-O;</p> <p>(jvii) any other matter for proper implementation of the Convention as maybe required under Chapter VB</p>		
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		proper implementation of the Convention as may be required under Chapter VB;".			
50	Schedules	For Schedules I, II, III, IV, V and VI to the principal Act, the following Schedules shall be substituted, namely	New Schedules	<p>This clause seeks to rationalise Schedules appended to the principal Act.</p> <p>Presently, the Act broadly has two classes of wild animal, that is—</p> <p>(a) species listed in Schedule I and Part II of Schedule II; and</p> <p>(b) species listed in Part I of Schedule II, Schedule III, and Schedule IV.</p> <p>Species listed in Schedule I and Part II of Schedule II are provided more protection (forexample commercial trade of these species is prohibited and possession of these species requires an ownership certificate) and penalties for offences involving these species are higher. Since the principal Act essentially has only these two levels of protection for animals, it is proposed to place the protected animal species in two Schedules, i.e., Schedule I and Schedule II.</p> <p>Along with the reduction in number of Schedules for protected animal species, it is also proposed to delete the schedule in which vermin species are listed (currently Schedule V) and simply have such species</p>	New schedules are proposed

				<p>notified. With the deletion of the Schedule forvermin, and the reduction in the number of Schedules for protected animal species from fourto two, along with the addition of a Schedule for species listed on the Appendices to theConvention, this clause seeks to reduce the number of Schedules from present six to four asfollows—</p> <p>Schedule I specifies the animal species with the highest level of protection.</p> <p>Schedule II specifies the animal species with a lesser level of protection.</p> <p>Schedule III specifies the protected plant species.</p> <p>Schedule IV specifies the species listed in the Appendices to the Convention.</p>	
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Salient features of
Wildlife (Protection) Act Amendment Bill 2021
(Bill no.159 of 2021)

The Bill was presented in Lok Sabha and now is sent for consideration of Rajya Sabha, and the Bill is being examined by a Committee which called for remarks from general public to reach them by 12.02.2022.

The salient features are:

1. Some definitions are being changed/introduced
2. The existing Schedules are totally proposed to be substituted. In place of existing (6) Schedules only (4) are proposed as follows:
 - (a) Schedule I specifies the animal species with the highest level of protection.
 - (b) Schedule II specifies the animal species with a lesser level of protection.
 - (c) Schedule III specifies the protected plant species.
 - (d) Schedule IV specifies the species listed in the Appendices to the Convention such as IUCN
3. Vermin is to be notified under Section 62 of the Act
4. Definition of “zoo” expanded as "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.'.
5. The National Board of Wildlife is being empowered to form Standing Committees to exercise such powers as may be delegated by the Board.
6. Wherever the expression ‘ Land Acquisition Act,1894 occurs, is to be replaced by “ Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013”.
7. Management Plans for Sanctuary is to be prepared in consultation with Gram Sabha in Scheduled Areas.(Sec.33)

8. The renewal of Arms Licence within ten kilometers of sanctuary to be done under intimation to Chief Wildlife Warden (Sec.34)
9. Provision of Section 18A made applicable to National Parks (Sec.35)
10. In Chapter IVC, the word "Tiger and other endangered Species" replaced by "Wildlife".
11. In section 39 power is being given to deal with live animals, trophies etc without reference to Magistrate.
12. On surrender of captive animal, trophy etc. by owner to Chief Wildlife Warden no compensation is payable (Sec.42)
13. Chapter VB introduced to regulate International Trade in Endangered Species of Wild Fauna and Flora as per Convention on International Trade in Endangered Species of Wild Fauna and Flora.
14. The Compounding amount enhanced to one lakh rupees from twenty five thousands (Sec.51)
15. The maximum amount of compounding is enhanced to Five lakh rupees from Twenty Five thousands (Sec.54)
16. Central Government can regulate or Prohibit import of invasive alien species (new Sec.62A)

BEFORE THE PARLIAMENTARY COMMITTEE ON SCIENCE AND TECHNOLOGY,
ENVIRONMENT FORESTS AND CLIMATE CHANGE

MEMORANDUM

Submitted by

Dr S K Khanduri IFS (Rtd), 409, Nilaya Hills, Dehradun, Uttarakhand

On the Subject

Observations and suggestions on The Wild Life (Protection) Amendment Bill, 2021

I hereby present the following observations and suggestions on the subject mentioned above for kind consideration of the Honourable Committee:

Preamble for the Bill as modified is not entirely reflected in the amendments suggested. In the 50 years old Act with initially 66 sections, repeated amendments have already added another 80 sections so far. Therefore, a comprehensive review of the Act is needed now after 50 years of initial enactment, in light of enormous changes as happened in the scope of the term wild life as well as the approach of management from only protection towards conservation paradigms.

However, considering the urgency of enactment of a law on implementation of CITES, it is welcome to introduce the bill incorporating the provisions of the Convention. So also the restructuring of the schedules in the background of no relevance of the existing schedules. Following points are made on some important aspects with basis/ justification of the issue/ suggestions made.

No.	Section/ Chapter in the Bill	Issue/suggestion	Justification
1.	Schedules	Schedules I and II do not include most of the plants in need of specific	By preamble, the aim of the amendment is to ensure protection, conservation and management of wildlife, which includes plants. Provisions for Sch III – only regulating collection from wild, cultivation

		<p>protection. Sch III for regulating a few specified plants does not provide protection needed for large number of plant species including those listed in CITES, from the forest/ wildlife crimes.</p> <p>It is proposed that every schedule is provided with two parts – one for animals and other for plants.</p>	<p>and commercial dealings for a few – 18 species do not provide protection to most of the vulnerable species.</p> <p>Many plant species, just like the wild animals, are vulnerable to illicit collection, removal and smuggling owing to their characteristics. Sandalwood, red sanders, rosewood, white cedar, deodar and many highly medicinal and aromatic plants deserve the degree of protection available to the wild animal species like those in Sch I and II. This way the punishment for offence related to a Sch I plant would be same as for an offence related to a Sch I animal.</p> <p>It would need additional provisions enabling regeneration and sustainable harvesting of the listed species of plants. It may be considered here that Indian Forest Act or the state acts do not provide for species specific protection or management provisions.</p>
2.	Chapter VB	<p>Provision of listing of all CITES Appendices in the Schedule IV complicates the process of management of the provisions as well as CITES itself.</p> <p>Linking of</p>	<p>Appendices I, II and III of the CITES are highly dynamic and keep changing not only in the meetings of the CoP or Standing Committees alone, but also with regular processing of the proposals received from the member countries from time to time. In such case, work of updating of the schedule IV concurrently is an unnecessary and cumbersome exercise particularly in light of the section 61 in which the powers of the Central Government are to be exercised every time CITES affects a change in its</p>

		<p>(referring the) CITES Appendices to the provisions of the Chapter VB is sufficient. All three indices need not be copied to the Schedule IV as such.</p>	<p>Index. Moreover, the schedule IV will have to be kept concurrently up to date with all the Annotations and related conditions to the status of the entries in the Appendices. Any difference in the Appendices of CITES and Schedule IV of the Act would create legal issues related to implementation, which is important aspect of the economically important international trade and is prone to misuse too.</p> <p>This cumbersome process will need a separate, dedicated establishment for this task alone, which is virtual duplication of the contents of the CITES Appendices and is avoidable.</p> <p>The model law (2021) provided by CITES suggests several options in this regard and the option D suggests as follows: <i>“The official website of the Convention is the official reference for the Appendices”</i></p> <p>Ref: https://cites.org/sites/default/files/projects/NLP/E-Model_law-revised_Oct.2021.FINAL.DRAFT.pdf</p> <p>Honourable Committee may like to consider suggesting adopting the option D of the model law in this regard.</p>
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Submitted for kind consideration.

From:

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To:

Shri Rakesh Anand
Additional Director,
Rajya Sabha, Secretariat
New Delhi - 110001

Sir,

Sub: Wildlife (Protection) Amendment Bill 2021 - Submission of Memorandum - reg

We wish to submit remarks on the proposed Wildlife (Prot) Amendment Bill 2021 as under:

Section	Existing provision as per Act	Proposed Amendment (WP(A) Bill 2021)	Suggested Amendment	Justification
Long Title	....protection of wild animals, birds and plants....	.....conservation, protection and management of wild life.....	Amendment of Long Title	Preamble was omitted by the Act 44 of 1991. By Act 16 of 2003 substitution made for 'Long Title', hence, the amendment is of 'Long Title' and not 'Preamble'
2 (2-A)	Nil A new term proposed for definition	Nil	'Authorised Officer' - means person authorized by the Director or Chief Wildlife Warden u/s 5(3) of the Act	Many sections of the Act do mention of the Authorised Officer along with the Chief Wildlife Warden (CWLW), but the same has not been defined in Section 2 of the Act. Lack of this definition has led to lack of distinction between delegation of CWLW's powers to officers u/s 5(2) and the officers authorised u/s 5(3) of the Act.
2 (15)	"habitat" includes land.....	Nil	"habitat" includes air , land.....	'Air' needs to be included in the definition of the habitat, as the "vehicle" u/s 2 (33) also includes conveyance used for movement on 'air' and therefore, flying of drones/ helicopters over sanctuaries and NPs may destroy or damage or divert

				the habitat of any wild animal especially arboreals
2 (26-A)	Nil. A new term proposed for definition	Nil	Schedule I animal - means an animal specified for the time being in Sch I and is considered more threatened	Original classification of the Schedules was based on the hunting parameters (Game animals) and penal provisions. Since now, we are merging 5 Schedules into 2, the basis for the classification needs to be spelt out, as penal provisions are different while dealing with the offences related to the two schedules.
2 (26-B)	Nil. A new term proposed for definition	Nil	Schedule II animal - means an animal specified for the time being in Sch II and is considered threatened	
29	Proviso under Section 29	Nil	Provided that..... any commercial purpose excepting where disposal is meant for improvement and better management of wildlife therein by utilization of the revenue so generated	In many wildlife sanctuaries (WLS) and National Parks (NP), there are monoculture plantations of exotic invasive species like Wattle in Kodaikanal WLS and it occupies more than 50% of the WLS, not allowing wild animals like Indian Gaur to utilize the habitat due to deep thickets, forcing Gaur to come to towns and cities. The removed wattle cannot be fully utilized to meet the personal <i>bona fide</i> needs of the people living in and around the sanctuary because of expanse cover of wattle and therefore can only be sold as pulpwood/ firewood to the industries. The revenue so generated can very well be utilized for improvement/ restoration of the habitat for the wild animals in the area.
38-I (1)	Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in	Nil	In section 38-I of the principal Act, in sub-section (1), the words and figures " and II " shall be omitted	After merger of Schedules III and IV with the amended Schedule II, we need to differentiate between the more threatened species in Schedule I requiring prior approval from the CZA and less threatened in Schedule II which do not require permission from the CZA (as in respect of Schedules III & IV earlier)

	Schedules I and II except with the previous permission of the Authority			
38-I (2)	No zoo shall acquire, sell or transfer any wild or captive animal except from to a recognized zoo	Nil	No zoo shall acquire, sell or transfer any wild or captive animal except from to a recognized zoo and permit granted under section 12(c)(1) of the Act	As per 38-I (2), only source of acquisition is from recognized zoo than how CWLW can grant permit u/s 12(c)(1) of the Act in this regard
39(1)(a)	Wild animal, other than vermin which is hunted u/s 11 or 29 (1) or 35 (6)	Nil	Wild animal which is hunted u/s 11 or 29 (1) or 35 (6) or 62	As schedule V for vermin has been deleted and the animals now listed in Schedule II, which could be declared as vermin u/s 62, include species which have conservation significance and cannot be left at the mercy of the people for its disposal. This becomes more complicated when the notification u/s 62 is for a limited specified area and the same species in non-notified area attracts sec 39
39(1)(d)	.....shall be the property of the State Govt.....	Nil	.....shall be liable to be the property of the State Govt subject to 50(4)	Mere seizure of any vehicle, vessel, weapon, trap or tool under the provisions of the Act cannot make it as a Govt property without forfeiting or confiscating the same. Also, when compounding of the case is done u/s 54(4), no orders can be passed on the disposal of the seizures by the officer compounding the offence and same needs to be dealt as per Section 50 (4) and actual forfeiture by the Magistrate is dealt u/s 51(2)
40 (1)	Declaration ....Schedule I or Part II of Schedule II ..	Declaration "or Part II of Schedule II" wherever they	Declaration "Part II of" wherever they occur shall be omitted)	As section 40 (1) deals with the declaration of Schedule I animals only and there is no clarity as to the possession of captive animals and animal

		occur shall be omitted)		articles specified in Sch II, where many persons are in the possession of the same through ancestral inheritance and in the absence of no provision for the issue of ownership certificates in such cases, there is always an apprehension of illegal possession from the wild. If we permit people to possess more threatened animals, animal articles etc under Sch I then there is no justification for disallowing ownership certificates for Sch II animals.
40 (2)	Declaration ....Schedule I or Part II of Schedule II ..	Declaration “or Part II of Schedule II” wherever they occur shall be omitted)	Declaration “Part II of” wherever they occur shall be omitted)	
40 (4)	Declaration ....Schedule I or Part II of Schedule II ..	Declaration “or Part II of Schedule II” wherever they occur shall be omitted)	Declaration “Part II of” wherever they occur shall be omitted)	
40 (2-B)	Proviso.... Provided that nothing in sub-sections (2-A) and (2-B) shall apply to the live elephants	Nil	Proviso.... Provided that nothing in sub-sections (2-A) and (2-B) shall apply to the live elephants in possession of the Govt Depts or Govt Agencies/ Institutions	As per the decision in the MoEF&CC, Govt of India minutes of the meeting in F.No. 13-3/2019-PE dated 4 th Nov 2019, no elephants can be gifted or sold and ownership can be by inheritance or acquisition by Govt agencies by captive transfer etc. The above decision was taken to ensure welfare of the captive elephants under the control of the Govt Dept / agencies/ institutions and to avoid any cruelty or misuse of the elephants under private ownership
43(4)	New	This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Govt on fulfilment of such conditions as prescribed by the Central Govt	This section shall not apply to the transfer or transport of any live elephant by Govt Dept or Govt Agencies to another Govt Dept of Govt Agency / Institution	As per the decision in the MoEF&CC, Govt of India minutes of the meeting in F.No. 13-3/2019-PE dated 4 th Nov 2019, no elephants can be gifted or sold and ownership can be by inheritance or acquisition by Govt agencies by captive transfer etc in order to wean off any misuse or cruelty under the private ownership. The proposed amendment will also lead to rampant trade in captive elephants paving way for smuggling etc

66(3)	For removal of the doubts..... and where any right in or over any land in any such National Park which had not been extinguished with the provisions of this Act	Nil	For removal of the doubts..... and where any right in or over any land in any such Sanctuary or National Park which had not been extinguished with the provisions of this Act	There are many Sanctuaries in the State/s, which were declared u/s 18 (1) prior to 1991 amendment and final notification subsequently was not done u/s 26-A on account of no provision for the same u/s 66(3) in respect of Sanctuaries as the same was limited to National Parks. Prior to 1991 notification, section 18(1) dealt directly with constitution of any area as sanctuary than 'intention to constitute as sanctuary' after 1991 amendment; leading to non-completion of acquisition of rights after issue of proclamation
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We request for consideration of the above suggestions in the amended Act.

Date: 5-2-2022

Place: Chennai

Yours faithfully,



For SANJAY K SRIVASTAVA & A UDHAYAN

From:

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To:

Shri Rakesh Anand
Additional Director,
Rajya Sabha, Secretariat
New Delhi - 110001

Sir,

Sub: Wildlife (Protection) Amendment Bill 2021 - Submission of Memorandum - reg

We wish to submit remarks on the proposed Wildlife (Prot) Amendment Bill 2021 as under:

Section	Existing provision as per Act	Proposed Amendment as per WP(A) Bill 2021	Suggested Amendment	Justification
Long Title	....protection of wild animals, birds and plants....	.....conservation, protection and management of wild life.....	Amendment of Long Title	Preamble was omitted by the Act 44 of 1991. By Act 16 of 2003 substitution made for 'Long Title', hence, the amendment is of 'Long Title' and not 'Preamble'
2 (2-A)	Nil A new term proposed for definition	Nil	'Authorised Officer' - means person authorized by the Director or Chief Wildlife Warden u/s 5(3) of the Act	Many sections of the Act do mention of the Authorised Officer along with the Chief Wildlife Warden (CWLW), but the same has not been defined in Section 2 of the Act. Lack of this definition has led to lack of distinction between delegation of CWLW's powers to officers u/s 5(2) and the officers authorised u/s 5(3) of the Act.
2 (15)	"habitat" includes land.....	Nil	"habitat" includes air, land.....	'Air' needs to be included in the definition of the habitat, as the "vehicle" u/s 2 (33) also includes conveyance used for movement on 'air' and therefore, flying of drones/ helicopters over sanctuaries and NPs may destroy or damage or divert

				the habitat of any wild animal especially arboreals
2 (26-A)	Nil. A new term proposed for definition	Nil	Schedule I animal - means an animal specified for the time being in Sch I and is considered more threatened	Original classification of the Schedules was based on the hunting parameters (Game animals) and penal provisions. Since now, we are merging 5 Schedules into 2, the basis for the classification needs to be spelt out, as penal provisions are different while dealing with the offences related to the two schedules.
2 (26-B)	Nil. A new term proposed for definition	Nil	Schedule II animal - means an animal specified for the time being in Sch II and is considered threatened	
29	Proviso under Section 29	Nil	Provided that..... any commercial purpose excepting where disposal is meant for improvement and better management of wildlife therein by utilization of the revenue so generated	In many wildlife sanctuaries (WLS) and National Parks (NP), there are monoculture plantations of exotic invasive species like Wattle in Kodaikanal WLS and it occupies more than 50% of the WLS, not allowing wild animals like Indian Gaur to utilize the habitat due to deep thickets, forcing Gaur to come to towns and cities. The removed wattle cannot be fully utilized to meet the personal <i>bona fide</i> needs of the people living in and around the sanctuary because of expanse cover of wattle and therefore can only be sold as pulpwood/ firewood to the industries. The revenue so generated can very well be utilized for improvement/ restoration of the habitat for the wild animals in the area.
39(1)(a)	Wild animal, other than vermin which is hunted u/s 11 or 29 (1) or 35 (6)	Nil	Wild animal which is hunted u/s 11 or 29 (1) or 35 (6) or 62	As schedule V for vermin has been deleted and the animals now listed in Schedule II, which could be declared as vermin u/s 62, include species which have conservation significance and cannot be left at the mercy of the people for its disposal. This becomes more complicated when the notification u/s 62 is for a limited specified area

				and the same species in non-notified area attracts sec 39
39(1)(d)	.....shall be the property of the State Govt.....	Nil	.....shall be liable to be the property of the State Govt subject to 50(4)	Mere seizure of any vehicle, vessel, weapon, trap or tool under the provisions of the Act cannot make it as a Govt property without forfeiting or confiscating the same. Also, when compounding of the case is done u/s 54(4), no orders can be passed on the disposal of the seizures by the officer compounding the offence and same needs to be dealt as per Section 50 (4) and actual forfeiture by the Magistrate is dealt u/s 51(2)
40 (1)	Declaration .....Schedule I or Part II of Schedule II ..	Declaration "or Part II of Schedule II" wherever they occur shall be omitted)	Declaration " Part II of " wherever they occur shall be omitted)	As section 40 (1) deals with the declaration of Schedule I animals only and there is no clarity as to the possession of captive animals and animal articles specified in Sch II, where many persons are in the possession of the same through ancestral inheritance and in the absence of no provision for the issue of ownership certificates in such cases, there is always an apprehension of illegal possession from the wild. If we permit people to possess more threatened animals, animal articles etc then there is no justification for disallowing ownership certificates for Sch II animals.
40 (2)	Declaration .....Schedule I or Part II of Schedule II ..	Declaration "or Part II of Schedule II" wherever they occur shall be omitted)	Declaration " Part II of " wherever they occur shall be omitted)	
40 (4)	Declaration .....Schedule I or Part II of Schedule II ..	Declaration "or Part II of Schedule II" wherever they occur shall be omitted)	Declaration " Part II of " wherever they occur shall be omitted)	
40 (2-B)	Proviso.... Provided that nothing in sub-sections (2-A) and (2-B) shall apply to the live elephants	Nil	Proviso.... Provided that nothing in sub-sections (2-A) and (2-B) shall apply to the live elephants in possession of the Govt Depts or Govt Agencies/ Institutions	As per the decision in the MoEF&CC, Govt of India minutes of the meeting in F.No. 13-3/2019-PE dated 4 th Nov 2019, no elephants can be gifted or sold and ownership can be by inheritance or acquisition by Govt agencies by captive transfer etc. The above decision was taken to ensure welfare of the captive elephants under the control

				of the Govt Dept / agencies/ institutions and to avoid any cruelty or misuse of the elephants under private ownership
43(4)	New	This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Govt on fulfilment of such conditions as prescribed by the Central Govt	This section shall not apply to the transfer or transport of any live elephant by Govt Dept or Govt Agencies to another Govt Dept of Govt Agency / Institution	As per the decision in the MoEF&CC, Govt of India minutes of the meeting in F.No. 13-3/2019-PE dated 4 th Nov 2019, no elephants can be gifted or sold and ownership can be by inheritance or acquisition by Govt agencies by captive transfer etc in order to wean off any misuse or cruelty under the private ownership. The suggested amendment will also lead to rampant trade in captive elephants paving way for smuggling etc
66(3)	For removal of the doubts..... and where any right in or over any land in any such National Park which had not been extinguished with the provisions of this Act	Nil	For removal of the doubts..... and where any right in or over any land in any such Sanctuary or National Park which had not been extinguished with the provisions of this Act	There are many Sanctuaries in the State/s, which were declared u/s 18 (1) prior to 1991 amendment and final notification subsequently was not done u/s 26-A on account of no provision for the same u/s 66(3) in respect of Sanctuaries as the same was limited to National Parks. Prior to 1991 notification, section 18(1) dealt directly with constitution of any area as sanctuary than 'intention to constitute as sanctuary' after 1991 amendment; leading to non-completion of acquisition of rights after issue of proclamation

We request for consideration of the above suggestions in the amended Act.

Yours faithfully,



For SANJAY K SRIVASTAVA & A UDHAYAN

Comments and suggestions on “The Wild Life (Prot.) Amendment Bill” By
R.S.Bhadauria Ex- PCCF (HoD U.P.

To
Shri Jai Ram Ramesh
Chairperson Parliamentary Standing Committee
MoEF & CC, Govt. of india
Indira Paryavaran Bhawan , Jorbag Road, New Delhi

Sub. Amendment of Wild Life (Prot.)Act 1972

Sir

I am giving below, my comments and suggestions on proposed Wild Life (Prot.) Act 1972 Bill, introduced in Lok Sabha, for committee members’ perusal and consideration, to help amendments in the Act.

Regarding my interest and involvement in this important exercise, and my experience in this subject, I would like to give my brief introduction hereunder:-

I retired in 1996, as PCCF (HoD) U.P. Forest dept, where besides doing many forestry related assignments, I spent about 20 yrs, exclusively in Wild Life Wing of the forest dept. working as Wild Life Warden, Founder Director, Kanpur Zoological Park, Dy. Chief Wild Life Warden (H.Q), Additional Chief Wild Life Warden, U.P., and Chief Wild Life Warden, U.P., concurrently acting as Administrator Lucknow Zoological Park also. In nutshell. I have managed Wild Life in captivity as well as in forests, and Sanctuaries & National Parks, spread across length and breadth of undivided U.P. successfully implementing the said Act during its initial phase and creating chain of Protected Areas (PAs) viz; 12 Bird sanctuaries, 2 River sanctuaries, 8 Forest sanctuaries, 3 National Parks and 1 Biosphere reserve, covering about 26% forest area under PAs After retirement gave voluntary services to CZA. GOI (18 yrs) as Expert in Zoo planning and designing.

Before suggesting and commenting on relevant sections, proposed to be amended, I consider it necessary to suggest first general approach and guide lines to be followed to formulate provisions of amended Bill, as under :-

- It is well known fact that Forest as well as Wild Life (being an open property), can not be managed effectively without cooperation from local public, because even laws do not work with hostile public. Therefore while making laws to manage wild life ,this cardinal principle should be kept in mind and laws should be such that they unnecessarily do not impinge upon Locals’ day-to- day life..
- About 40 years closure of hunting, has turned the corner, reversing declining trend in animal population of almost all spp. and in fact status of some spp. has become abundant also in certain areas, causing serious Human Wildlife Conflict (HWC). Glaring examples of HWC, relate to Blue bulls, Monkeys (Rhesus macaque), Wild boars, wild Elephants in general and Leopards in Uttarakhand. This situation needs to be acknowledged and remedied in the long term interest of wild life conservation.

- Since Chief Wild Life Warden (CWW), according to the Act, is the main executive authority to implement the Act, he should be allowed to use his discretion to take appropriate timely decisions, without his hands being tied with chains of unnecessary provisos, added by later amendments, to various empowering sections of the original Act.
- Though Forest is a concurrent listed subject. yet its day-to-day functioning and management are being controlled by state Govt, manned by staff under state Govt. Therefore powers given to state Govt. and CWLWs under the original Act, should also be restored, wherever usurped by Central Govt. by way of subsequent amendments, which have been found to cause delay in decision making , causing problems for CWLW and the people living near forests..

Wild life management is a dynamic process, hence laws/rules governing it need to be flexible, enabling executive authority to effect changes, depending upon the dynamics of the animal population, ascertained through frequent censuses. Therefore Act should provide opening windows to control and manage excess/ surplus population by allowing **culling** as and when necessary, then closing again to ensure **sustainable population**. Culling in extreme situations, may entail even shooting (generally called sport.), as it is for management purpose) or capturing either for translocation/ rehabilitation or augmenting zoo exhibits (internal or abroad), by reopening export, observing CITES rules. **“Wild life should not and can not be managed on sentimental grounds, instead it should be managed on ground realities”**, was oft repeated advice by famed naturalist late shri Salim Ali .

- In view of aforesaid guidelines my section- wise suggestions, on some seriously flawed sections, are as under:-

Chapter 1,

Section 1- Title of the Act—The ultimate aim of the Act is to manage wild life on sustainable basis till perpetuity. This objective can best be achieved by managing it on the principle of **Conservation**, (not by mere protection) because conservation encompasses “preservation, protection and exploitation also if warranted, to maintain sustainability. of the species. Therefore ideally the title of the Act should be **The Wild Life Conservation Act**. Now how this changed nomenclature can be dovetailed with amendment of Act of 1972, can best be advised and worded by legal experts.

.. Chapter II

- Section 5A- Constitution of the National Board for Wild Life.

According to existing composition of the Board, besides PM, Minister I/C Forest and Wild Life, GOI, and 3 MPs, out of remaining 42 nominated members. there are only 4 professionally trained & experienced subject specialist Foresters in the long list of members. It really looks ridiculous that a body expected to act as watch dog and formulate policies of a Scientific Subject, requiring scientific & technical knowledge and field experience , is almost devoid of such talent, when there is no dearth of such talent within senior IFS cadre, serving as Chief Wild Life Wardens in states and also as scores of retired Chief Wild Life. Wardens , who should form the backbone of the body. as it is their field of activity. If the body has to serve its real purpose, talented and experienced senior Foresters should comprise min 50% of the total strength of the board. This can easily be done by amending the format of constitution of the Board, by filling all posts provided under paras (e & v- in all 15 posts) and tweaking some posts from para(f). leaving some posts for scientists &

ecologists from eminent research bodies like BNHS, WWF, Wild Life Institute of India and ICFRE Dehradun. Some farmers from neighborhood of HWC affected areas should also be included on rotation basis, recommended by State Govts. (to ensure wide representation) instead of NGOs and self-- proclaimed environmentalists, who live in far off urban locales and are neither real stakeholders nor equipped with professional/ technical knowledge of the subject.

Similarly composition of Standing committee of National Board and State Wild Life Boards may kindly be changed to make them more effective.

I may reiterate that Forestry and Wild Life management are Scientific subjects, which are taught during 2 years rigorous training in Govt. run Forestry institutes, after recruitment from Science Graduates or mostly post graduates, to fill cadres of Forest Rangers, State Forest Service and Indian Forest Service. Forest and Wild Life management go hand in hand and it is not anybody's foray to meddle in to it. **It is rather a pity that of late in our Country, this exclusive domain of trained forestry professionals has been hijacked and derailed by self seeking NGOs and self promoted environmentalists.** As a proof of this truth, composition of existing policy making committee in MoEF, GOI may kindly be examined.

I sincerely hope that this distortion would be corrected by your high empowered committee in the interest of forestry sector, through the undergoing exercise of amendment of the Act..

Chapter- III

Section 9 --Prohibition of Hunting

It is suggested to delete mention of sections 11 and 12, at the end of provision, instead it should be worded as : "No person shall hunt any wild animal except as provided under this Act".

Section 11—Hunting of Wild animals to be permitted in certain cases:-

This section is very important for wildlife management which empowers CWLW to wean off aberrant, troublesome animals, which become dangerous to human life and property. If delay occurs in weaning off such animals, particularly man-eating Tigers Leopards, and wild elephants, due to some reason, innocent lives of mostly poor bread earning villagers is lost, it creates big law and order problem, sometimes even causing *gherao and manhandling* of forest staff on the spot. Therefore CWLW has to take quick action to mitigate the problem and to facilitate it, CWLW should have free hands to take decision and act. This was possible under original Act of 1972, but with addition of several unnecessary **provisos** in this section by later amendments, CWLW has to take longer time in complying those provisos, to avoid any mistake committed in satisfying those provisos, resulting in to more deaths on one hand the uproar created by NGOs on shooting it. Recent glaring examples of such situations are shooting orders of Avni man-eating tigrress in Maharashtra in Nov. 2018 which had to be shot after it killed 13 people during long period of tricky trials of capturing which failed. Even then irresponsible NGOs' created outrage, and similar hue & cry was raised against culling of crop raider Blue bulls in Bihar and orchard raiding Monkeys in Himachal Pradesh, after central Ministry declaring them vermin, for some time, as per law.

In fact chain of unnecessary provisos, moving in circles, added to section 11 (1) (a) of the Act, give chance to trouble makers to find some loopholes in execution of power granted under section 11 (1) (a) , approaching even Courts and this is why CWLWs are afraid of exercising this mangled power and resort to safer recourse of capturing method, albeit time consuming, enabling more human killings, turning more and people enemies of wild animals on one hand and on the other piling up, captured culprits in small transport cages, for want of proper housing space, inflicting cruelty worse than killing. and also spending sizable budget on their costly feed, accruing no conservation benefit.

For these reasons it is suggested that all provisos, added to section 11 (1) (a), should be deleted, enabling CWLWs to exercise this power with discretion and free mind, like in original Act 1972.

Section 12- Grant of permit for special purposes

Section 12(bb) Scientific management. It is good that framers of the Act, provided management of animal population under this section, but while defining Wild Life Management. under clause 12(bb) (ii) its effect has been nullified by inserting condition “ WITHOUT KILLING’ In fact in practice, when there is no scope for translocation or for any other use,, number has to be reduced by killing some animals.

It is therefore suggested that this clause should be amended by allowing (CULLING)- a more appropriate word as its dictionary meaning (Google) is **”to kill a number of animals in a group to prevent the group from becoming too large”**. It will serve the intended purpose of scientific management without using harsh word “Killing”. As a matter of fact, word Culling is extensively used in wildlife management parlance.

Chapter IV

Protected Areas , Section 29 –Destruction etc prohibited in a sanctuary without a permit(proviso) “Provided that where the forest produce removed from a sanctuary.....shall not be used for any commercial purpose”.

This proviso in practice poses great problem when it comes to removal of trees and the distribution thereof amongst several villagers., because making equal share in tress is not possible without sawing them, with the result sanctuary staff avoids removal of trees , even though such removal becomes necessary to improve habitat. This problem I am quoting based on a similar difficulty, encountered in a sanctuary in U.P.. Because of this problem in most of the protected areas (N Ps and Sanctuaries) habitat improvement works are not being carried out, which of course go unreported for fear of being reprimanded, resulting the provision of improving the Habitat, inoperative and ineffective..

Therefore it is suggested that for removal of trees, state Forest Corporation may be allowed to remove such trees, on the recommendation of CWLW, and the received price thereof from Forest Corporation, may be distributed equally amongst eligible local villagers. However removed of grasses and any other distributable forest produce may remain covered under the proviso as such. Similar amendment should be done in similar proviso to section 35 (6) dealing with National Parks..

Elephant Conservation

- **History and Background and Suggestion to amend the Act**

Wild elephant is one such animal which has dual existence since times immemorial. It exists in wild state in forests and also conversely exists in totally tame or domesticated state under human care and possession, as a pet and cattle. When original Act of 1972 was enacted, only wild elephant was kept in sight, rightly leaving tame elephant out of the preview of the Act as it has been defined as “cattle“ in **Indian Forest Act** and also because of following reasons:-

- Wild and Tame are not only diametrically opposite words to each other, but when referred to animals, are also indicative of huge differences in habits, living condition, behaviour & psychology towards humans. Wild elephant is ferocious and does not tolerate even human presence near about while tame elephant is most human friendly, trustworthy, obedient to human commands and remains obediently in human service in many ways.
- Because of these inherent differences and other unique qualities, tame elephant attained semi--God status in the world's oldest Vaidic religion (supposedly incarnation of Ganesh Ji) and got deeply ingrained in Hindu psyche, earning reverence and respect. Therefore had it been treated as wild animal. in the original Act, then huge tame population (around 4000 to 5000), had to be seized from the possession of Temples/Muths and private individuals, spread across the country, and it would have created unmanageable situation, first in seizure, hurting religious sentiments, generating resentment & legal problems and thereafter creating problems of housing and feeding, needing colossal amount of budget. Therefore very wisely tame elephants were kept outside the preview of original WLP Act 1972.
- Wild elephants were also kept rightly under schedule III of the original Act as non- endangered category spp., facilitating their legal capture for training., to augment tame population which remained in great demand internally and also externally in Foreign courtiers, as zoo exhibits, earning foreign exchange for state exchequer. Additionally such practice, helped control wild population maintaining sustainable populations in forests, avoiding occurrence of HWC .as of now.
- This kind of Status quo remained until early eighties, when arbitrarily and un--thoughtfully its schedule was changed by GOI, from schedule III to I, treating it as endangered spp, prohibiting its legal capture from forest, shutting the door for managing its excess population in forest, which over the years, has resulted in huge HWC problem.
- . Presently elephant population in wild state is more than 32,000 heads which is much beyond the carrying capacity of entire elephant habitat, available in India's forests. For its habitat, it requires rich dense high forest (preferably mixed with bamboo crop) with abundant flowing water availability. It is a mega feeder, mightiest & heaviest herbivore, having no natural enemies to control its wild population, therefore it is inimical to its own habitat, causing destruction of forests, including new forest plantations and forest establishments inside forests (staff quarters & rest houses etc) as well as invading neighboring farm crops along with homes and hearths of poor farmers. **This is how today, its overpopulation (still increasing) has become cause of maximum HWC in the country, (much more than that of dangerous carnivores like tigers and leopard etc) causing greatest**

headache for wild life managers across entire elephant bearing zones of the country. About 500 human casualties, happened and in retaliation 100 elephants were done to death by poisoning in one year .

- To add salt to injury, at the insistence and pressure created by self-seeking, cheap publicity hungry, novo wild life activists, the GOI without carefully mulling over consequences, erroneously treated tame population as wild population by amending the Act in the year 2002, which until such amendment, were treated outside the purview of WLP Act. This fallacy, opened flood gates for some NGOs to start business of seizing tame elephants from individual owners, by opening life time Rescue centres, seeking huge foreign funding under FCRA provisions, maligning falsely private ownership, alleging ill keeping and cruel treatment to animals, tarnishing country's image also before the world, but filling their own coffers by misusing funds, received.
- This kind of unlawful drive against private ownership of tame elephants has not only **angered a large section of elephant owners, religious heads in temples and Muth owners for hurting religious sentiments but is also destroying & alienating age old mutually beneficial cordial bond between Elephant and Man, on one hand and on the other, putting an end to the age old art of elephant catching, training, and invaluable technique of commanding them (Mahaut's knowledge). evolved by our ancestors, braving untold dangers and sacrificing innumerable lives. All these techniques and age-old art are of heritage value and treasures worth preserving but cannot be preserved if tame elephants are treated as wild animals of endangered category (Schedule-1 animal). Besides this, if art of capture and taming comes to an end once, it can not be revived and then it will be impossible to control wild populations, to maintain sustainable population. In forest.**
- My request to Hon'bl members of Standing Committee is to take out domesticated/tame elephants from the purview of WLP Act, not only to be kept and used by Forest depts., zoos, private persons, Muths and temples and also permitting export, but also to serve a larger purpose of conserving this species, by utilizing burgeoning surplus population in forests by capturing and training to feed human demand as before , instead of letting them destroy forests digging their own grave. I am sorry to point out that my brother officers, occupying important positions in Govt. are keeping their eyes closed and not reading the ominous signs on the wall, for earning accolades by letting the wild population increase year after year and unconsciously (perhaps) causing grounds for their (Elephants') perforce mass butchering at some later date as done in Zimbabwe to save forests.

Suggestions

In view of above, the Hon'ble members of the committee are requested to realize the gravity of the situation and recommend following steps to amend draft Bill.,

There is no sensible logic behind treating domesticated/tame elephants as Wild animal as explained above. Hence this irrational logic deserve to be erased legally

also from the purview of the Act, **by amending the definition of “Animal”**, described in Chapter-1, under section 2 (1) of - Definitions, to be worded as under:

1-:”animal “ includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates including their young ones and eggs, **excluding domesticated/ tame elephants and their young ones.**”

•
2- The last unnecessary sentence below the Section 40 (2) under sub-sections (2A and 2B) viz “ Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant.”. may also be deleted.

3- Wild elephants should be shifted from Schedule- I to Sch. III of the amended Act, like original Act 1972. Otherwise shifted to Schedule II of the Act (if the proposed Act is going to limit no of schedule to 2 only) removing its endangered spp. status. enabling its culling wherever it is necessary.

Besides above steps, wherever necessary, the position of tame or domesticated elephant should be made clear that it is not a wild animal, instead it is tame animal like cattle as defined in Indian Forest Act. It will solve **Elephantine Problem**, unnecessarily created by over enthusiastic wild life activists.



(R.S.Bhadauria)

Dated: Lucknow Jan. 24, 2022

Dated Jan. 25-1-2022

To
Shri Jai Ram Ramesh
Chairperson Parliamentary Standing Committee
MoEF & CC
Indira Paryavaran Bhawan ,
Jorbag Road, New Delhi

Sub. Revision of Wild Life (Protection) Act 1972

Ref – My email dt 24-1-2022 on the subject.

Dear Sir

In continuation to my above referred letter, emailed yesterday, containing my suggestions for amending the Bill, I am sending this letter , with the request that, State Govts. and CWLWS may be allowed to play wider role, enabling them to take quick decisions to deal with more politically aware public.

Aforesaid Act is being revised to update it according to the requirements of the present time. Ever since this Act was promulgated and implemented, status of several spp. has changed considerably. Human Wildlife Conflict (HWC) has increased in respect of some spp., and public attitude towards wild life has also undergone change from hostility to sympathy, but now conflict scenario is pushing it back to hostility and it does not auger well for future wild life management. All these factors do necessitate amendments in the Act and it is good that the Act is being revised timely.

Since CWLWs in states, are the executive authorities to implement this Act. they have by experience, identified its strengths & weaknesses, infirmities, angularities and public interface, encountered during its implementation. So far we have regulations applicable uniformly all over the country but I feel that revised Act should address area specific problems also. For Instance a certain spp. may be abundant in some area/region, while it may be endangered elsewhere. To deal with such varied management situations expeditiously, state Govts. may be authorized to change schedule for a specified period (under intimation to Central Govt.) , on the recommendation of CWLW. It is therefore advisable to invite suggestions from CWLWs, giving them fixed time limit for compliance. The suggestions received from CWLWs should be scrutinized by the committee constituted for the purpose to arrive at appropriate amendments. This wider consultation from the states is necessary even otherwise because this is concurrent listed subject.

Yours Sincerely



(R.S.Bhadauria)
Ex- PCCF U.P.
Ex- CWLW U.P.

Dear Sir,
Greetings,

The amendment 2021 to WLPA,1972 has come beautifully well for the benefit of the wl conservation n management except the following issues which require reconsideration.

1. Permission for film shooting in PAs,
2. Transportation of pvt elephants
3. Empowerment to the Subject subcommittees in Satate/National WL Boards to clear the FCA... Project clearance files with out the sitting of the Boards.. .

Rest I appreciate the amendment as hailed in news paper Deccan Herald.

<https://www.deccanherald.com/opinion/panorama/wildlife-conservation-gets-a-boost-with-timely-amendment-1071754.html>

Regards
Sincerely yours
BMT Rajeev IFS (Retd)

To,

Shri Jairam Ramesh

Chairperson

Parliamentary Standing Committee on Science & Technology, Environment and Forests and Climate Change

Parliament House Annexe, New Delhi 110 001

Subject: Article/Comments on the Wild Life (Protection) Amendment Bill, 2021 (Bill No 159 of 2021 as introduced in the Rajya Sabha) to amend the Wild Life (Protection) Act of 1972

Dear Sir,

Given below is an article authored by me on the Wild Life (Protection) Amendment Bill, 2021 to amend the Wild Life (Protection) Act of 1972 , which was published in *The Telegraph* dated 24th, January, 2022.

I have added additional comments, and this may be taken as my submission to the Parliamentary Standing Committee on Science & Technology, Environment and Forests and Climate Change.

I have also attached a pdf of *The Telegraph* in which the article '*Read Between the Lines*' appears.

Article (with additions) on the the Wild Life (Protection) Amendment Bill

On December 17, 2021, the Minister for Environment, Forest and Climate Change Bhupender Yadav introduced the Wild Life (Protection) Amendment Bill, 2021 in the Lok Sabha. It seeks to amend the Wildlife Protection Act, 1972, which has been the bedrock of conserving India's wildlife and its habitat. Any changes, therefore, have tremendous import on the conservation of India's diverse, rare and endemic fauna.

The WLPA was glaringly silent on the smuggling of exotic wild animals—from chimpanzees to macaws—which has seen a steep rise in India. A welcome change is that the amendment regulates international trade in line with international conventions such as the CITES to which India is party.

However, many proposed changes are problematic, of which this column will focus on a few key ones.

A chief concern is that the bill **renders premier institutes like the State Board for Wildlife (SBWL), defunct**. These expert, independent policy-making bodies are chaired by the Chief Minister and mandated to safeguard wildlife. Currently, most state boards are active, and for all their emphasis on clearing projects within PA's, some like Karnataka and Maharashtra have been proactive in expanding the state's Protected Area network.

The amendment proposes to establish a 'Standing Committee' of the SBWL, to be headed by the Forest Minister, along the lines of the Standing Committee of the National Board for Wildlife (NBWL). This dilutes the gravitas of the SBWL, reducing it to a clearing body –

meeting with the sole purpose of allowing damaging projects within PAs, as is the case now with the NBWL's Standing Committee. It is pertinent to note here that the National Board for Wildlife headed by the Prime Minister has not met even once since 2014, while its Standing Committee regular and frequent meetings primarily to clear development, infrastructure projects and other activities within Protected Areas and its Eco-Sensitive Zones.

The NBWL is the only national-level statutory policy making body for the conservation of forests and wildlife. It has on board 47 members, which include top government officials and independent non-official members with expertise in wildlife conservation. The bill proposes to include the NITI Aayog in the NBWL. Ordinarily, this would be welcome. It is vital that the premier think tank factor in wildlife concerns in the country's development plans. The problem is that many of NITI Aayog's development proposals are in direct conflict with the NBWL's conservation mandate. A case in point is NITI Aayog's mega development plans for Great Nicobar which will destroy the island's pristine forest and coast including the nesting habitat of the Giant Leatherback Turtle and the endemic Nicobar megapode. Being on the board gives NITI Aayog an opportunity for undue influence on the NBWL's decisions.

Another major concern **is that the bill allows for animals listed in Schedule II to be declared as vermin, virtually stripping them of legal protection.** This will open the floodgates to hunt, trap and trade many species including increasingly rare ones like Common Fox, Jackal, Martens, Hyena; potentially leading to population declines and grave ecological consequences. This move is problematic, and cannot be endorsed.

This is especially concerning as till date, **there is no systematic process or assessment to declare a species vermin.** Allowing for a long list of wild animals that can potentially be declared as vermin may lead to catastrophic declines of increasingly threatened species. The declaration of a wild animal as vermin must be undertaken with the greatest caution and scientific rigour.

I would also question the use of the term 'vermin' for wildlife in a law central to its conservation. The use of language communicates the government's intent and such derogatory terminology sends the wrong message. While recognising that species do cause tremendous damage to the life, and livelihoods, especially of communities living in and around Protected Areas, and other wildlife-rich areas; what is needed is to control potential damage caused by the species through specified or permitted management measures.

Similarly, the listing of species lack a robust scientific basis, with no comprehensive studies to assess which species need greater protection. Consequently, a large number of species particularly reptiles, amphibians and bats have not been listed in Schedule I or II. The need of the hour **is a well-considered scientific, consultative process for evaluating, listing, and delisting species.**

Shockingly, the **proposed bill also effectively allows for the commercial sale and purchase of live elephants – India's national Heritage animal.**

Earlier, the WLPA explicitly disallowed commercial transactions of animals protected under Schedule I and II. In the proposed bill, live captive elephants have been excluded from this general prohibition, leaving a gaping loophole for their commercial sale and purchase.

The elephant is the only wild animal that can be legally owned by a private individual. The legal ownership of elephants must be banned as it encourages their illegal capture and trade. Besides, it presents the elephant, a protected wild animal, as a tradable commodity; and is therefore, at odds with the objective, and the spirit of The Wildlife (Protection) Act. This is a serious anomaly in law that must be corrected. Instead, the proposed bill has suggested a retrograde step that will likely negatively impact wildlife elephant populations and captive elephant welfare. There is no explanation on why this regressive move has been proposed. It is unwarranted, and it must be scrapped.

Amendment Clause 39, Section 62A is a new section which introduces invasive alien species, which is a welcome development. Currently there is no policy to address invasive alien species, which are a major threat to wildlife and habitats in India. But **a serious lacunae is the proposed clause is that it does not take into account *invasive native species***, which are native to certain parts of India, and are introduced in other regions that is not its home range. One glaring example is the chital *Axis axis* in Andamans.

The definition of invasive alien species as proposed in the bill is not in sync with the existing definitions arrived at scientifically. As for example, the Convention on Biological Diversity, to which India is party, defines it as follows:

Invasive alien species are plants, animals, pathogens and other organisms that are non-native to an ecosystem, and which may cause economic or environmental harm or adversely affect human health. In particular, they impact adversely upon biodiversity, including decline or elimination of native species - through competition, predation, or transmission of pathogens - and the disruption of local ecosystems and ecosystem functions.

The above definition lays emphasis on the ecosystem rather than the origin of the invasive species.

The proposed bill allows for: **'Bona fide use of drinking and household water by local communities, shall not be deemed to be an act prohibited under this Section'** (Section 29). While, in some ways this is a positive development, **how does one define what is a bona fide use?** The potential for misuse is enormous, and can be used to extract water for other, and commercial, purposes. It must be noted that water holes, streams and other water sources are also used by wild animals, birds and reptiles as well as constitute a habitat for fish, waterfowl, and other aquatic wildlife.

Most proposed amendments lack the careful consideration, scientific rigour and transparency the exercise demands. The preamble itself is problematic. Whereas earlier the emphasis was on the "*protection* of wild animals, birds and plants"; the amendment introduces the term 'management'. While seemingly innocuous, this implies a shift in the mindset of the government from protection of wildlife to its management as a resource.

The amended bill is a missed opportunity to fill critical gaps in conservation such as protection to wildlife corridors, and habitats outside the Protected Area network.

The Protected Area network covers only 5 percent of terrestrial India. Many important ecosystems such as grasslands, semi-desert, wetlands, marshes, coasts, rivers and Himalayan high-altitude ecosystems are sparsely represented in the PA network. These habitats are vital for conservation of species such as the Critically Endangered Great Indian Bustard, Lesser Florican, Gharials, Fishing Cats etc.

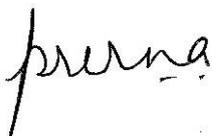
Wildlife corridors between Protected Areas, and reserve forests are another category of habitat that require protection. There needs to be some regulation of development and potentially damaging projects in such wildlife corridors and important wildlife habitats that fall outside PAs. One potential safeguard is to ensure that such projects need prior approval of the State Board for Wildlife, and then the National Board for Wildlife.

The need of the hour is to expand the PA network, and to provide for a framework to protect habitats outside of this network. Here, there is a need to incentivise and collaborate with farmers, local communities, landowners and other stakeholders in the protection of wildlife.

The Wild Life (Protection) Act, 1972 was a landmark legislation, pivotal in the conservation of megafauna like tigers, lions, elephants, giving India the status of a global conservation leader. The Act in its new, diluted avatar threatens to destroy its legacy –and India's natural heritage.

I thank you for your kind consideration, and appeal to the honourable committee to ensure that the Wild Life (Protection) Act, 1972 remains true to its mandate of the protection of wildlife and its habitat in letter, and spirit.

Sincerely,



Sd/Prerna Singh Bindra

Writer and Conservationist

Former member, National Board for Wildlife

Former member, State Board for Wildlife, Uttarakhand

2nd February, 2022

Dear Sir,

Please find attached my comments on the Wild Life (Protection) Amendment Bill, 2021, as introduced in the Rajya Sabha, for the consideration of the esteemed members of the Parliamentary Standing Committee on Science & Technology, Environment and Forests and Climate Change.

I write to you in hope that you will favourably consider my deep concerns regarding the proposed amendments to the Wild Life (Protection) Act, 1972, which has been the bedrock of the conservation of India's diverse wildlife, including many of its flagship charismatic species like the tiger, elephant to name a few. Our wildlife stands severely endangered [today](#), and any (further) dilution of the law will only render it all the more vulnerable.

I urge you to seriously consider and deliberate the proposed changes, keeping in view the spirit, and intent, of the Wild Life (Protection) Act, 1972.

Thank you for your time, and patience.

Sincerely,

sd/-Perna Singh Bindra

Dr.E.K.Easwaran

B.V.Sc. & A.H., P.G.D.E.V.P., P.G.D.T.M.D., LL.B.

Rtd. Chief Forest Veterinary Officer, Kerala State, India

Member IUCN - SSC - AsESG., Member - Captive Elephant Healthcare and Welfare

Committee (CEHWC) - MoEF&CC - Govt. of India

"Edamana Matom" No. AP 6/767, Aruvikkara P.O., Kerala, INDIA 695564

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To whom so ever it is concerned

Kindly note my views on the WPA amendments.

I have been working with the captive elephants of Kerala, India ever since 1995 as the Veterinarian of the Forest Dep.

All wild animals except elephants which were in the hand of public like with the Bear charmers, Circus etc had been taken back by the govt. and were rehabilitated. Even the elephants in zoos were taken back and are in forest camps as part of welfare actions.

Unfortunately, the captive elephants were allowed to be retained by the owners. I could not understand this at all.

It is said that the captive elephants are part of customary and religious culture/functions. This is not completely true because many of such functions are created in the recent past for creating job to captive elephants.

We all know that the issues of captive elephants had scaled up after the ban on extracting wild timber making them job less especially in north east India, pushing them to other states through legal and illegal trade / sale. At the new destinations by and large they were considered as means for making money and the welfare aspects were greatly compromised.

THE IDEAL ACTION TO BE TAKEN BY GOVT. IS TO TAKE BACK ALL THESE CAPTIVE ELEPHANTS AND REHABILITATE THEM APPROPRIATELY. I know this is a real though and near impossible task, but in the interest of the captive elephants this is the best thing to be done.

There are good male-germplasm among the captive elephants and some mechanism has to be developed to use the for breeding with the wild population as it can contribute to great extend to retain the genetic diversity. At least the semen has to be collected and stored as frozen semen for long term conservation purpose.

Also, the recommendations in the AsESG captive elephant musth management document, especially use of vaccines to prevent musth, has to be brought in to the act. As you know musth has no role in captivity and is actually creating lot of management issues, causing severe injury and other health

issues due to the continuous tethering during the entire musth period. Both human and elephant causalities are also happening.

Regarding allowing transfer of ownership: this is a very sensitive point.

Please make a thorough study and understanding of the real ground situation.

Though transfer is legally banned, a lot of transfer is still taking place both locally and interstate.

Many owners do this for good money and many do this since they cannot no longer afford to maintain the elephant. These elephants at some points of time were sold to the owners by the Govts. It self. It is against natural justice to prevent them from reselling the elephants.

Huge money to the tune of tens of lakhs, is involved in these deals. Having an elephant is considered to be a symbol of one's wealth and might. The ego, especially of the new millionaires, is exploited here. There money power and political clout protects them from the legal actions.

What is be noted is that a person who can afford to spend half a crore or more money illegally / in the black, who can also afford to lose such a huge money if something happens to the elephant, is acquiring the elephant. Further he also has to spend a good amount to suppress the legal actions throughout the future.

No need to say what interest he will have with respect to the welfare of the elephant and indeed of the keepers (mahouts). My observation over the past several years is that these custodians neglect the elephants and try to make maximum money at the shortest period. Many young captive elephants had died due to improper management.

SO, MY HUMBLE SUBMISSION IS THAT THE TRANSFER OF ELEPHANTS, IRRESPECTIVE OF THEIR PRESENT LEGAL OWNERSHIP STATUS, SHALL BE ALLOWED WITH THE STATE, UNDER STRINGENT CONDITIONS TO ALLOW GENUINE PERSONS TO ACQUIRE ELEPHANTS AT THE BEST INTEREST OF THE WELFARE OF THE CAPTIVE ELEPHANTS. THIS WILL ALSO PREVENT THE INVOLVEMENT OF HUGE BLACK MONEY AND CLANDESTINE PEOPLE.

Further the state Animal Husbandry Departments shall be made responsible for extending necessary services for the health care of the captive elephants. They should have a panel of expert Elephant Veterinarians to attend these animals. The examination and treatments shall be done only by a team of such Veterinarians in every instances.

My other suggestions are that

The Act should address the necessary animal management including population management in the wild. This shall include continuous population monitoring, management including culling if required.

Wildlife Veterinary Cadre has to be established and standards has to be prescribed including the number of Vets according to animal population and terrain.

More powers for protecting local biodiversity shall be given to the 3 tire Panchayath Local Self Governments in the Act.

The involvement of the Forest and Wildlife Depts. in One Health actions shall be made mandatory in the Act.

Easwaran E K Dr.

Respected Sir.

Subject: - URGENT NEED TO AMEND THE WILDLIFE PROTECTION ACT, 1972.

Reference: - 1. **Bill No 159 of 2021. The Wildlife (Protection) Amendment Bill 2021**

WILDLIFE PROTECTION ACT 1972 is a Central Act and came in to force with the aim of the protection of Wild Animals, Birds, and Plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the Ecological and Environmental security of the Country.

This Act is uniformly applicable to the whole of the country.

The procedure for registration, investigation, enquiry, and Trial of the offences arising out of the Act should be the same thorough out the country.

But due to many Legal Technical problems and the ambiguity in the Act, different procedures have been followed by different States. There is no uniformity among Investigating Agencies. Even there is no uniformity in the procedure of Investigation, and Trial of cases within the States. The result of which, the Hunters of endangered and threatened animals, poachers and violators of provisions of this Act are escaping from the clutches of Law, even before the trial on merit, due to Technical problems.

PROPOSED AMENDMENT

Chapter VI of the Act is regarding "PREVENTION AND DETECTION OF OFFENCES "

1. There is no mention in the Act as to whether the offences are cognizable or non-cognizable.

2

Proposal: - Amendment to Section 50.

Section 50- A. To be inserted

(To enable the Investigating Officers to take-up investigation without the orders of the Court, As in I P C cases.)

Notwithstanding anything contained in any other Law for the time being in force, all offences under this Act or any rules made thereunder shall be Cognizable.

2. There is no specific mention as to the offences are bailable or non-bailable.

Proposal: - Section 50- B (To be inserted)

Notwithstanding anything contained in any other Law for the time being in force, all offences under this Act or any rules made thereunder, which are punishable with imprisonment for more than six months shall be non-bailable.

3. Section 50 and 55 of the Act are contradictory to each other. Section 50 empowers the officers mentioned therein, to enter, search, seize any materials and to arrest the accused, without warrant or the orders of the Magistrate. Section 55 says Court can take Cognizance only on Complaint. There is no specific provision under the act to register FIR

Proposal: - Section 55 to be amended.

Insertion of Section 55 -B

Court can take cognizance of the offences under this Act or any rules made thereunder also on Police Report.

Explanation: - *All the officers authorised under section 50 of the Act are deemed to be police officers and can exercise all the powers as that of the officer in-charge of Police Station for the purpose of registration, investigation and submission of Final Report of the offences under this Act or Rules.*

Any report submitted by any of the officers authorised under Section 50 of the Act, after investigation, be deemed to be a "police report "for the purpose of section 190 of Cr.P.C.

3

The Act is silent about the investigation of the offences.

There is no provision to follow provisions laid down under Sec. 154 of Cr.P.C. to register case as regular F I R, and also to conduct Investigation and to submit final report under Sec. 173 of Cr.P.C

Due to above mentioned technical issues, different procedures are being followed by the investigating agencies, and Courts are also following different procedures while receiving First Information Report and also for Trial of the offences.

Some Courts insist for FIR and some other for filing Complaint, immediately when the offences are detected.

Every State Government has to appoint a CWLW and also authorise the officers to exercise the powers conferred under section 50. But who are the officers authorised in this behalf will not be included in the particular Section of the Act. For that matter we have to go through the Government order or the Gazette Notification, in each and every case registered.

Different Courts have taken different views on the same question of Law and that is why there is confusion in the mind of the Investigating Officers as to what procedure is to be followed.

There is no mention in the Act as to the procedure to be followed by other than police officers who are empowered under Sec.50, when provisions of many other Acts, like Arms Act, IPC, Electricity Act, etc, are also violated along with WLP Act.

Therefore to serve the purpose of the Constitution of India as per the stipulation under Article 48-A & 51- A (g), it is absolutely necessary to bring the above-mentioned proposed amendments also to The Wildlife Protection Act 1972 immediately.

05-02-2022

Yours Faithfully

Sirsi Karnataka

V G Bhandi. Public Prosecutor (Rtd)

Sir,

I have the following suggestion for kind consideration.

Control of invasive alien species – regarding Caiman crocodiles held in captivity

Some zoos in India have included Caiman crocodilians in their captive population.

There are six different species of Caimans. These are *Caiman crocodilus* (Spectacled Caiman), *Caiman yacare* (Yacare caiman), *Caiman latirostris* (Broad-snouted caiman), *Palaeosuchus palpebrosus* (Cuvier's dwarf caiman), *Palaeosuchus trigonatus* (Schneider's dwarf caiman) and *Melanosuchus niger* (Black caiman).

For normal staff of the Forest Department, it is not easy to distinguish these species. The caimans can reproduce very fast. Therefore, they may pose danger to local species of crocodilians (Mugger crocodile - *Crocodylus palustris* and the Estuarine crocodile - *Crocodylus porosus*) by replacing them in the wild, and / or occupying habitats available in the wild. This is not in the interest of conservation of native crocodilian species.

The law may be amended for:

- **Prevention of breeding of alien species of crocodilians, like the caimans, in zoos and other captive facilities under Government or private control.**
- **Housings for such alien species of crocodilians must ensure that the alien species are not able to escape out to the wild habitats any time.**
- **Interbreeding of alien species of crocodilians with Indian species should also be prevented.**
- **Any new addition of alien crocodilians to the existing animals held in a captive facility, should have adequate justification and prior permission from CZA.**

Thank you.

Best regards

Dr L A K Singh, PhD

Dear Sir,

Many thanks for inviting memoranda from the public about the proposed amendments in the Wild Life (Protection) Amendment Bill, 2021. In this context, I would like to submit the following suggestions to the Honorable Committee;

1. The Wildlife (Protection) Act, 1972 is one of the robust Act that is highly appreciated in the world as it gives utmost care to wildlife in India. So far, we could protect our wonderful wildlife most efficiently using this Act though we are one of the most populated nations in the world. However, there are certain issues that need to be addressed in the existing Act. For example, the Act may be renamed as 'The Wild Life (Conservation) Act/Bill, 2021' so that we can take care of entire gamut of issues related to wildlife conservation in the country that facilitate not only the protection and also promote the integrated management of wildlife and their habitats, sustainable use of wildlife resources to strengthen the livelihoods of local communities, restoration of endangered species and their habitats, etc.

2. I was coordinating the listing of Schedule Species in the WLPA, 1972 in 2007 and 2008 with help of experts from all over the country using whatever data available during that time. Present proposed Bill contains those lists. But, the conservation status of many species have changed now. Further, nomenclature of species due to recent development in taxonomy (in the past 14 years) have also been changed for some of the species listed that need to be rechecked with ZSI, WII, etc before finalizing the proposed scheduled species lists. Further, the Bill may include the necessity of 'Periodic Listing' of scheduled species every 4-5 years using IUCN Red Data Criteria with some modifications that suit Indian species. Therefore, addition/deletion/upgrade or downgrade of species in the Scheduled Lists can be undertaken with help of scientific data and experts for better conservation and protection of species that deserve most.

3. We have to provide adequate power to the Chief Wildlife Warden to efficiently tackle the problematic animals that often get into conflict with humans. For example, wild pig, monkeys, nilgai, etc. Enough power needs to be given to the State Level Authority to control the populations of problematic animals but with proper scientific data and technology.

4. Providing more power to the CWLWs to approve the certain developmental projects without consensus of MoEF&CC may be detrimental to wildlife and their habitats. In this context, I may request to avoid such amendments and retain the old rules.

5. Invasive species are one of the most important threats to wildlife in India. We need a separate section in this proposed Bill, 2021 to efficiently prevent the introduction of IAS and manage existing invasive alien species. If required, I may even suggest a separate act titled 'Invasive Alien Species Act' to tackle these species.

6. Further, I request the Honorable Committee to expand the scope of the Bill, 2021 upto EEZ of India so that we can take care of marine biodiversity and their habitats outside the territorial water with effective management system. We are unable to declare Marine Protected Areas outside the Territorial Water as the scope of existing Act is seems to be upto the Territorial Water of India. Expanding the scope of the proposed Bill, 2021 would help us to promote the blue economy with sustainable spatial planning.

Thank you.

Regards,
Sivakumar

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(Former Scientist G, Wildlife Institute of India)

Memoranda submitted by Hon'ble Members of Parliament

1. Shrimati Hema Malini, Lok Sabha
2. Shrimati Navneet Ravi Rana, Lok Sabha
3. Shri K. Muraleedharan, Lok Sabha
4. Shri Rajmohan Unnithan, Lok Sabha
5. Dr. Lorho S. Pfoze, Lok Sabha
6. Shri Dhairyasheel S. Mane, Lok Sabha

Hema Malini
MEMBER OF PARLIAMENT
(Lok Sabha)
17- Mathura (Uttar Pradesh)



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E-mail : hema3pol@gmail.com.

10th February 2022

To,
Shri Jairam Ramesh
Chairman
Joint Parliamentary Standing Committee on Science and Technology, Environment and
Forests and Climate Change
Parliament House Annexe, New Delhi 110001

Subject: Comments on the Wildlife (Protection) Amendment Bill 2021 (159/2021)

Dear Jairam Ramesh Ji,

I'm writing to you in relation Bill No. 159 of 2021 introduced in Lok Sabha on 17th December 2021 to amend Wildlife (Protection) Act, 1972.

On the forefront I'd like to assert that The Wildlife (Protection) Act, 1972 (WLPA) is one of the most elaborate & effective tools available with the law enforcement agencies and the judiciary of the country to protect and conserve our country's rich natural heritage. It is hence truly heartening that 50-year legislation is updated for sustainable conservation of our wildlife while keeping in pace with current science and international commitments made.

Upon a detailed reading of the Wildlife (Protection) Amendment Bill, 2021, I wish to humbly submit my recommendations to this bill in its draft stage before it is presented in the Parliament.

1. Proposed amendment which allows commercial trade in live elephants must be reconsidered.

Existing Section 43(1) says: No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

Proposed amendment however excludes applicability of section 43 on transfer & transport of live elephant, implying that commercial sale and purchase is no longer prohibited, under the Act and the Amendment Bill therefore allows for commercial trade in elephants. This will inevitably lead to rampant hunting in order to supply elephants for open commercial trading.

Hence, I request you to reconsider the said amendment only as a proviso to section 43(2) without excluding the applicability of Section 43 instead of adding a new subsection (4) to the said section to protect live elephants from commercial exploitation.

2. Proposed amendment to schedules and section 62 will take away protection from hundreds of species of wild animals and therefore must be omitted

Existing Section 62 says: The Central Government may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any



area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

Proposed amendment to schedules will merge part II of Schedule II in schedule I but also merges schedules III & IV to the remainder of Schedule II. Further amendment to Section 62 will allow all or any animals listed in the proposed Schedule II can declared as vermin which pose serious threat to their existence in the wild & lead to human-animal conflicts even in protected areas.

I request you to please delete the said proposed amendment along with corresponding amendments in Sections 40A, 41, 48, 51 & 51A as declaration of one wild animal as vermin has serious consequence on another species & the ecosystem.

3. Proposed amendment to add Police Officer in Section 55 to take Cognizance of offences:-

Existing Section 55 says: No court shall take cognizance of any offence against this Act on the complaint of any person other than—

- (a) the Director of Wildlife Preservation or any other officer authorized in this behalf by the Central Government; or
- ⁵[(aa) the Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IVA; or]
- ¹[(ab) Member-Secretary, Tiger Conservation Authority; or
- (ac) Director of the concerned tiger reserve; or]
- (b) the Chief Wild Life Warden, or any other officer authorized in this behalf by the State Government ²[subject to such conditions as may be specified by that Government]; or
- ²[(bb) the officer-in-charge of the zoo in respect of violation of provisions of section 38J; or]
- (c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the State Government or the officer authorized as aforesaid.]

I request you to consider allowing for police officers above the rank of sub-inspector of police to file a complaint against any offences under the act thereby allowing any court to take cognizance.

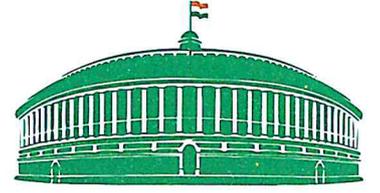
I also congratulate the committee for recognizing the need to regulate invasive species and bringing in suitable language therein.

I request you to kindly consider the recommendations I have made in this regard and incorporate them to the best possible extent in the draft bill thus rendering the legislation truly robust.

Thanking you.

Hema Malini

Mrs. NAVNEET RAVI RANA
MEMBER OF PARLIAMENT
AMRAVATI LOKSABHA



To,

Shri Jairam Ramesh ji

Chairman, Joint Parliamentary Standing Committee on Science
and Technology, Environment and Forests and Climate Change

Parliament House Annexe, New Delhi 110 001

Subject: Comments on the Wildlife (Protection) Amendment
Bill 2021 (159/2021)

Dear Jairam Ramesh Ji.

The Wildlife (Protection) Act, 1972 (WLPA) provides important protections and gives teeth to enforcement agencies and the judiciary to protect and conserve India's megadiversity. The Wildlife (Protection) Amendment Bill, 2021 is a progressive step forward in keeping updated with science and our international obligations, to regulate invasive species and to increase penalties for wildlife crimes

An in-depth reading of the Wildlife (Protection) Amendment Bill, 2021, highlights some concerns. I wish to humbly submit my recommendations to this bill in its draft stage before being presented in the parliament.

Restrict Commercial trade in live elephants: Currently, through Section 43, the WLPA prevents commercial trade in live elephants and even

prohibits transfer of elephants, under any other section of the WLPA, to be of a commercial nature. However, the Draft Bill proposes to exempt live elephants from this important protection under section 43 and allows them to be sold and purchased for commercial purposes. This is against the very essence of the WLPA and will prove to be detrimental in conservation of a highly vulnerable and threatened species. I request you omit sub-section (4) of section 43 from the Draft Bill.

Declaration of vermin: The Draft Bill merges schedules and under the proposed amendment to section 62 gives the Central Government more power to declare a large list of species, in the proposed Schedule II, as vermin. This dangerously corresponds to making all animals in the proposed Schedule II vulnerable to be indiscriminately hunted and killed by anyone. I recognise that some species cause loss of crop or property, but the principal act already provides for humanely dealing with such animals, once duly identified by the Chief Wildlife Warden under section 11 & section 12. I request you to amend section 62 of the Draft Bill to include important checks and balances, by:

Adding specific criteria and process under which wild animals can be notified as vermin

Including a time-period for the notification to be effective

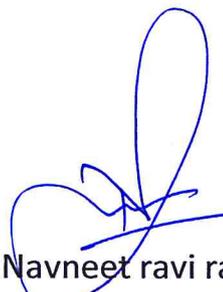
Limiting the applicability of such a notification to a specific geographical range

Listing authorities of the state or forest department who can alone engage in such culling or relocation of wild animals

Cognizability of Offences: Section 55 of the principal act, gives powers to a certain set of officers to file a complaint for offences under the act, based on which, any court would take cognizance. Unfortunately, currently, the list excludes police officers which makes the enforcement extremely restrictive, insufficient and delays the process of justice. I request you to kindly add a sub-section under section 55 that would empower police officers, above the rank of sub-inspector of police, to also file a complaint against any offences under the Act, thereby allowing any court to take cognizance.

I request you to kindly consider my recommendations while putting together the Parliamentary Committee Report and incorporate them in the draft bill to help strengthen the WLPA and achieve its purpose.

Thanking you.



Navneet ravi rana
Member of parliament



**HUMANE SOCIETY
INTERNATIONAL**
INDIA



February 7, 2022

To,
Hon'ble Smt. Navneet Ravi Rana

19, Duplex, North Avenue, New Delhi-110001

Subject: Comments on the Wildlife (Protection) Amendment Bill, 2021

Dear Madam,

I am writing to you on behalf of Humane Society International/India (HSI/India) and People for Animals (PFA), India's largest animal protection organizations, to bring to your kind attention the proposed revision of the Wildlife (Protection) Act, 1972 in the Parliament.

As you are aware, our country is home to a diverse array of wild animals and the Wildlife (Protection) Act, 1972 serves as the backbone to protect these animals and their habitats from any threat. This law, enacted by an act of the Parliament in 1972 is currently under revision under the aegis of a Joint Parliamentary Committee (JPC) led by Member of Parliament and former Union Minister, Shri. Jairam Ramesh.

The Wildlife (Protection) Amendment Bill, 2021 (159/2021) (hereinafter referred to as draft bill) proposes to update and amend the existing act and streamline it to keep with other laws and international commitments. While this initiative is welcome and much needed, certain provisions of the draft bill are detrimental to the interest of wildlife and need to be changed before it is presented in the Parliament in its final form.

Towards this, we request you kindly submit suitable recommendations on the draft bill to the Joint Parliamentary Committee so the revision of the act, which is taking place after half a century, is in the interest of wild animals and their habitat.

For the sake of convenience, I have attached a draft letter that you may so kindly use or refer to while sending your representation to the committee members and the secretariat.

I can be reached on asengupta@hsi.org or gaurimaulekhi@gmail.com for any further information you may need on this or for any clarification.

Thanking you.
Yours Sincerely,

Alokparna Sengupta
Managing Director
HSI/India

Gauri Maulekhi
Trustee
People for Animals

K. MURALEEDHARAN

Member of Parliament
(Lok Sabha)
Vadakara (Kerala)



Member:

- Committee on Estimates
- Parliamentary Standing Committee on Transport, Tourism and Culture
- Consultative Committee on Civil Aviation

राज्य सभा सचिवालय
Rajya Sabha Secretariat
समिति अनुभाग (वि. एवं प्रौ.)
Committee Section (S&T)
हाथी नं./Dy. No. 8093/1
दिनांक/Date 10/12/2022

9/2/2022

Shri Jairam Ramesh, MP

Chairman,

Joint Parliamentary Standing Committee on Science and
Technology, Environment and
Forests and Climate Change

Parliament House Annexe, New Delhi 110001

**Subject: Concerns with the Wildlife (Protection)
Amendment Bill, 2021 (159/2021)**

Dear Shri Jairam Ramesh Ji,

Promote the bio-fencing to check the Man-Animal Conflict The Wildlife (Protection Amendment) Bill .2021 has not mentioned about biofencing which is very beneficial for preventing man-animal conflict. To prevent wild animals from entering residential areas and to protect agricultural crops and livestock in areas adjoining to forests, bio-fencing by growing various species of plants in those areas may be promoted. Lemongrass, agave, rambans, and certain species of chilly and some other plant species have been identified to be grown at areas where wild animals enter residential areas and near forests. Leopards and bears, along with elephants and wild boars are a major threat to human life, livestock and crops. Bio-fencing will be economical and environment-friendly as compared to the other methods. Bio-fencing with lemongrass will be done to prevent entry of elephants because elephants do not like the smell of lemongrass. Likewise, agave will be grown to

Muralee
10/2/22

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K. MURALEEDHARAN
Member of Parliament
(Lok Sabha)
Vadakara (Kerala)



Member:

- Committee on Estimates
- Parliamentary Standing Committee on Transport, Tourism and Culture
- Consultative Committee on Civil Aviation

-2-

deter elephant and wild boars. This biotic method is environment-friendly and harvesting of such plants can also be economical for farmers.

Why bio-fencing?

Solar-powered wire fencing would be effective only when local villagers maintain them. About erection of walls in forest areas, building and repairing them is a costly affair. If local farmers agree to be part of the bio-fencing exercise, they can earn by growing lemongrass, a good source of oil. Also, bio-fencing will help save the money the government spends on building walls, digging pits and on solar-powered wire fencing. A fence of rambans could be effective in deterring wild boars, blue bulls, Chital and Sambar, which damage the crops most. Rambans and kanta bans both can deter wild animals as physical barriers. According to officials, incidents of man-animal conflict occur in forest areas almost daily, and many cases go unreported. Hence, the Bill may explore the erection of bio-fence to avoid man-animal conflict and to protect wildlife from human activity.

With kind regards,

Yours sincerely,

K. Murala
(K.MURALEEDHARAN)

RAJMOHAN UNNITHAN

Member of Parliament
(Lok Sabha)
Kasaragod - Kerala



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Member:

- Standing Committee on Food, Consumer Affairs & Public Distribution
- Consultative Committee on Ministry of Railways

Date: 09-02-2022

To,

**Shri Jairam Ramesh,
Chairman,
Joint Parliamentary Standing Committee on Science and Technology,
Environment and Forests and Climate Change,
Parliament House Annexe, New Delhi.**

Subject: Concerns with the Wildlife (Protection) Amendment Bill, 2021 (159/2021)

Dear Jairam Ramesh Ji,

As the Wild Life (Protection) Act, 1972 (“WLPA”) is the principal law for the protection of wild animals, birds, and plants in India, the amendment to improve the law is a welcome measure. After perusing the Wildlife (Protection) Amendment Bill, 2021 (“Draft Bill”), I wish to bring to your kind attention certain concerns and recommendations regarding the Draft Bill :

- 1. Restrict commercial trade in live elephants:** Section 43 of the WLPA prohibits all commercial trade of wild animals. However, the Draft Bill introduces a new provision, via Section 43(4), that permits commercial ownership by excluding elephants from the purview of this regulation. This is extremely concerning, as it impacts the legal protection afforded to elephants, thereby promoting commercial trade of live elephants, which will severely, their population. I, therefore, request that sub-section 4 of Section 43 be omitted from the Draft Bill.
- 2. Declaration of vermin:** The Draft Bill widens the powers of the Central Government to declare any wild animal as ‘vermin’ under Section 62, including some species currently in Schedule II. This leaves a large number of animals and birds susceptible to being declared ‘vermin’ and becoming victims of culling drives. It also makes them more vulnerable to incidents of brutal cruelty, as they are viewed as inferior pests that can be killed by anyone, and disregards other laws in force.

RAJMOHAN UNNITHAN

Member of Parliament
(Lok Sabha)
Kasaragod - Kerala



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- Consultative Committee on Ministry of Railways

Further, snares and traps for 'vermin' often capture and injure other animals, including tigers and elephants. The most prominent recent incident was the pregnant elephant who died from consuming a pineapple stuffed with firecrackers (known as bait bombs). These methods are often used to hunt wild boars.

Section 62 offers no grounds for a declaration of vermin, time limitation for such declaration or the state authorities permitted to carry out the action. This provision also does not offer any checks and balances and is open to misuse.

The WLPA already has a provision to allow hunting in specific circumstances, as provided under section 11. This offers a scientific and logical solution that makes section 62 obsolete. It must therefore be omitted from the WLPA.

- 3. Cognizability of offenses:** The WLPA currently only allows the courts to take cognizance of offenses under the Act when a complaint is filed by any officer or authorized persons listed under Section 55. It is my submission that this provision is extremely restrictive. I request that Section 55 be amended to include a new sub-section that allows police officers above the rank of sub-inspector to file a complaint about offenses under this Act. This will allow the appropriate court to take cognizance of the offense, thereby strengthening the application and implementation of this Act.

I thank you for chairing this Joint Parliamentary Standing Committee and examining this critical issue. I hope these concerns will be taken into consideration when preparing the Parliamentary Committee Report, and in subsequent drafts of the bill.

Thanking you.

Yours Sincerely,



Rajmohan Unnithan
Rajmohan Unnithan

DR. LORHO S. PFOZE
Member of Parliament



सत्यमेव जयते

MEMBER
Parliamentary Committee on Coal & Steel
Consultative Committee on Roads & Highways
Consultative Committee on Zonal Railway Users (NFR)

DO: MP-II/PSC(S&T,Env&Forest,CC)/2022-2023/01

dated the 10th February 2022

Shri. Jairam Ramesh
Chairman, Joint Parliamentary Standing Committee on Science & Technology,
Environment & Forests and Climate Change
Parliament House Annexe, New Delhi 110001

**Subject: Concerns with the Wildlife (Protection) Amendment Bill, 2021
(159/2021)**

Dear *Jairam Ramesh Ji,*

As the Wild Life (Protection) Act, 1972 (“**WLPA**”) is the principal law for the protection of wild animals, birds and plants in India, the amendment to improve the law is a welcome measure. After perusing the Wildlife (Protection) Amendment Bill, 2021 (“**Draft Bill**”), I wish to bring to your kind attention certain concerns and recommendations regarding the Draft Bill:

Restrict commercial trade in live elephants: Section 43 of the WLPA prohibits all commercial trade of wild animals. However, the Draft Bill introduces a new provision, via Section 43(4), that permits commercial ownership by excluding elephants from the purview of this regulation. This is extremely concerning, as it impact the legal protection afforded to elephants, thereby promoting commercial trade of live elephants, which will severely, their population. I therefore request that sub-section 4 of Section 43 be omitted from the Draft Bill.

Declaration of vermin: The Draft Bill widens the powers of the Central Government to declare any wild animal as ‘vermin’ under Section 62, including some species currently in Schedule II. This leaves a large number of animals and birds susceptible to being declared ‘vermin’, and becoming victims of culling drives. It also makes them more vulnerable to incidents of brutal cruelty, as they are viewed as inferior pests that can be killed by anyone, and disregards other laws in force.

Further, snares and traps for ‘vermin’ often capture and injure other animals, including tigers and elephants. The most prominent recent incident being the pregnant elephant that died from consuming a pineapple stuffed with firecrackers (known as bait bombs). These methods are often used to hunt wild boars.

Section 62 offers no grounds for declaration of vermin, time limitation for such declaration, or the state authorities permitted to carry out action. This provision also does not offer any checks and balances, and is open to misuse.

DR. LORHO S. PFOZE
Member of Parliament



सत्यमेव जयते

MEMBER
Parliamentary Committee on Coal & Steel
Consultative Committee on Roads & Highways
Consultative Committee on Zonal Railway Users (NFR)

The WLPA already has a provision to allow hunting in specific circumstances, as provided under section 11. This offers a scientific and logical solution that makes section 62 obsolete. It must therefore be omitted from the WLPA.

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I thank you for chairing this Joint Parliamentary Standing Committee and examining this critical issue. I hope these concerns will be taken into consideration when preparing the Parliamentary Committee Report, and in subsequent drafts of the bill.

Thanking you.

Yours Sincerely,

(DR. LORHO S. PFOZE)

Dhairyasheel S. Mane

Member of Parliament - Lok Sabha

Member :

- Standing Committee on Information Technology
- Consultative Committee for Ministry of Textiles

Outward No.DSM/239/2022



सत्यमेव जयते

धैर्यशील संभाजीराव माने

लोकसभा सदस्य

सदस्य :

- स्थायी समिती - माहिती व तंत्रज्ञान
- सल्लागार समिती - वस्त्रोद्योग मंत्रालय

Date :- 07/03/2022

To,
Shri.RakeshAnand,
Additional Director,
RajyaSabha Secretariat,
New Delhi

Subject :Suggestion regarding The Wildlife (Protection) Amendment Bill 2021..

Respected Sir,

As we know India is a mega bio-diverse country, however, wildlife in India is under stress due to poaching and illicit trafficking of wildlife and its parts. Wildlife Crime Control Bureau (WCCB) has been established as a multi – disciplinary statutory body under the Wild Life (Protection) Act, 1972, to combat organized wildlife crime in the country.

Keeping in view the geographical size of the country and magnitude of the tasks involved, I would like to suggest following things for The Wildlife (Protection) Amendment Bill 2021.

Some Statutory Provision of Wildlife Volunteers i.e. ARANYA MITRAs and training for the Wildlife Volunteers- Especially for those college students who have interest to join as volunteer to work for conservation of Wildlife and Biodiversity. They provide assistance and mass awareness among the public for the control of illegal wildlife trade.

If the said provision gets incorporated into The Wildlife (Protection) Amendment Bill 2021, large number of volunteers (AranyaMitras) would get trained in nearest Office of the Reserve forest, Sanctuaries and they will work for the same in community.

I am waiting your positive reply for the same.

Thanking you,

Yours Sincerely,

(Dhairyasheel S. Mane)

Memoranda submitted by Concerned Citizens

1. Shri Manish Vaidya, Ahmedabad
2. Shri Subir Mario Chowlin, Pauri
3. Shri Dhiraj Umesh Mirajkar, Maharashtra
4. Shri Arvind Jain, New Delhi
5. Shri Bhaskar Asthana, Lucknow
6. Smt. Jhinku Banerjee, Howrah, West Bengal
7. Shri Milind Vaman Karkhanis, Panaji
8. Shri Manan Mehta, Mumbai
9. Shri Navneet Chahal, New Delhi
10. Smt. Pankti Desai
11. Shri Sanjay Kumar Singh, Rohini, Delhi
12. Shri Yogesh Kumar
13. Shri Mathen Mathew, Telangana
14. Shri Sandeep Chakrabarti, Bengaluru

Dear Sir

I, Manish Vaidya, have been working for the last several years to teach nature education and prevent wildlife crime. For this, the laws of India, court orders, new notification are openly discussed through a social site at the national level. At the same time, we cover the unnatural death of Indian wildlife. The Wildlife Protection Act of India which is being amendment of 1972. Which has been referred to the Standing Committee of the Lok Sabha by the Minister of Forest, Environment and Climate Change, Government of India. As per my preliminary examination This law amendment mentions some positive and negative clauses. We will study and send our suggestions / feedback to the Additional Director of the Secretariat of Rajya Sabha of India. But it is important to note that people in India who are still living near forest or have direct contact with wildlife are not influenced by the English language and the Internet, meaning that they have difficulty understanding, reading and speaking English. For these reasons I make an appeal to the Government of India that

(1) This Act of the Central Government shall be transmitted in the regional languages of India before publishing.

(2) For the amendment bill for which the suggestions / feedback of the people has been sought within 15 days as advertised, its time should be given a maximum of 3 months.

(3) The IWPA either its amendment law is not yet understood by many citizens as there is no awareness in it, so at the divisional level the Forest Officer's office is advertised in the local daily newspaper and the people concerned are gathered and persuaded then their suggestions / feedback is taken which is documented in the amendment bill in Lok Sabha. Be sent.

(4) This amendment bill should not be for the examiner only if the member of Rajya Sabha is not sufficient but it is necessary to discuss this in both the houses (Rajya Sabha and Lok Sabha).

(5) If we are given more time, we will understand this bill, discuss it with the people and we will also send it to you with the comments of the people to make this bill suitable. Thanks

(Manish Vaidya)

Dear Sir,

The following suggestions and objections on the proposed amendments to the Wildlife (Protection) Act, 1972 may please be placed before the Hon'ble Parliamentary Standing Committee.

2 (16A) The definition for invasive alien species should be expanded to also include species that are historically found in certain regions of India but in recent times have spread or may have been introduced into other regions of India to which they are not historically known to occur, as a species which is native to a particular region or part of India may become invasive if it is introduced to another part of India.

2 (24) "person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not. The definition of "person" should be expanded to include individuals and should be re-written as - "person" shall include any firm or company or any authority or association or body of individuals whether incorporated or not or any individual.

2(39) Ex-situ conservation like rescue centres and conservation breeding centres should not be clubbed with circuses and zoos. Further, if a conservation breeding centre is required to be set-up as part of a conservation strategy for a particular species in a PA or wider landscape, permission for the such a centre should be under the preview and granted by the Chief Wildlife Warden of a State.

4 (d) Member of Niti-Ayog should be omitted as many of the Niti Aayog's development proposals are in direct conflict with the conservation mandate of the NBWL.

6A(1), 6A(2) and 6A(3) should be omitted as a Standing Committee will render the State Board for Wildlife defunct as a Standing Committee would be a body with the sole purpose of allowing damaging projects within PAs.

In Section 11 (a) and 11 (b) of the Principal Act a scientific basis for identifying an individual animal which has become dangerous to human life should be included and permission for its removal by the Chief Wildlife Warden should be issued only after proper identification of such an individual. Such identification could include either photographs, videos, camera-trap images, DNA profiles or tags of the individual animal. Pug-marks should be excluded as they merely depict the presence of a species and are prone to error when discriminating between individuals of a species. For example, before declaring a leopard or a tiger as a "man-eater" for removal from a particular area the individual animal should first be identified and then only after such identification has taken place should permission for the removal of only that particular individual be granted.

In section 28 of the principal Act, "photography", "and film-making without making any change in the habitat or causing any adverse impact to the habitat or wild life for purposes of research shall be permitted without any fees" should be inserted.

More impetus should be given for ecosystem, ecological and species research in PAs particularly for individuals which should also include financial allocations.

Thanking You,

Dhiraj Umesh Mirajkar B.Sc., LL.M

Advocate

Legal Advisor: Sanjay Gandhi National Park Division

And

Mangrove and Marine Biodiversity Foundation of Maharashtra

29/1/2022

To,

Shri Rakesh Anand

Additional Director

Rajya Sabha Secretariat

Parliamentary Standing Committee

Science, Technology, Environment,

Forests and Climate Change

(rsc-st@sansad.nic.in)

Dear Sir,

The following suggestions and objections on the proposed amendments to the Wildlife (Protection) Act, 1972 may please be placed before the Parliamentary Committee.

Section proposed to be amended and subject	Suggestion / Objection	Reasons for the Suggestion / Objection
2 (16A) – alien/ invasive species	The definition should include species which are	A species native to a certain area in India

	found in certain parts of India but historically have never been found in other parts.	can be invasive & destructive if introduced to another area. E.G. Spotted deer (Chital/ Axis axis) introduced in the Andaman Islands have become invasive as there is no predator for this species there.
2(34) –‘vermin’ along with the corresponding sec. 62	The original definition of vermin should be retained; also the reference in Sch. V to ‘jackal’ should be omitted. Section 62 as it stands presently should be retained.	The definition is worded too widely. Any animal can be declared as ‘vermin’ under section 62 for perpetuity. Also any person can then kill such animal which renders section 11 of the Act redundant.
2 - clauses 18A, 19, 27, 36	The Schedules should be re-numbered – a Schedule should be retained which clearly mentions ‘ <i>vermin</i> ’	This will act as a guideline as to which creatures can be declared as ‘vermin’ on the ejusdem generis / noscitur a sociis principle. Arbitrariness will be avoided.
5A (1) (d) NBWL	In 5A (1)(c), add: at least two of these Members of Parliament shall be from among the Opposition.	Government already has a very heavy representation on the NBWL. The presence of the Opposition MPs should help in keeping the playing field level.
5 B (3) Standing Committee NBWL	The amendment should be dropped.	The Standing Committee is of the NBWL whose functions are prescribed by the Act. There is no reason to circumscribe that functioning by ‘terms

		and conditions’.
9 – mention of the Schedules	Same as for sec. 2 - clauses 18A, 19, 27, 36 above.	Same reasons as assigned above.
33(a) Management of sanctuaries by CWLW	The proposed additional words after “approved by him..” should be deleted in their entirety.	<p>Forests are a concurrent subject of legislation under the Constitution and the proposed provision (whose deletion is suggested) gives room to Central Government to interfere in the management of the sanctuary.</p> <p>Also, the references to the Forest Rights Act 2006 unnecessarily restricts the powers of the State Government to declare a sanctuary or part thereof to be Critical Wildlife Habitat under the same Forest Rights Act, when the situation so demands.</p>
38Y(e) Wildlife Crime Control Bureau	Proposed Clause (e) should be dropped and instead should read Clause (e) three persons who are recognized experts in the fields of criminal law and wildlife conservation, nominated by the Chief Wildlife Warden.	The Proposed introduction of a person from the Goods and Service Tax Department does not bring anything of much use to the WCCB. Persons experienced in Criminal law and wildlife conservation, (especially knowledgeable in species being

		trafficked and allied subjects) would be more useful to the WCCB.
39 proposed sub-sec.(5)	<p>This should be dropped. Instead add:</p> <p>Any such animal article, trophy, uncured trophy or meat of any wild animal shall be destroyed upon the orders of the Chief Wildlife Warden or any officer authorized by him in writing, in such manner as may be directed and a proper electronic and video record of such destruction shall be preserved. Such destruction shall be ordered only after a scientific report of identification of the animal article, trophy, uncured trophy or meat has been obtained for use as evidence in any prosecution for an offence or any proceeding under this Act or any other law.</p>	Disposal of such articles takes time; storage till disposal is problematic as it takes up space and requires facilities not always available; it can lead to a host of undesirable activities. After seizure, and adequate sampling for scientific identification, this material can be destroyed with an electronic visual recording of the destruction to be preserved.
40, 40A, 41, 48 49A	The Schedules need to be renumbered	As mentioned above.
42A surrender of animal article , trophy etc.	Should read: shall surrender the said animal article (etc) to him along with the respective certificate of ownership and the Chief Wildlife Warden shall then cause the same to be destroyed and preserve a proper record of such	<p>The “trophy culture” needs to be buried once and for all and the sooner the better.</p> <p>Keeping such articles a State property involves needless and non-productive record</p>

	<p>surrender and destruction.</p> <p>The proposed provision making such article, trophy, etc., the property of Govt. should be dropped.</p>	<p>keeping and storage and the risk of theft and misappropriation always looms large.</p> <p>Well documented destruction eliminates this.</p>
2(32) 'uncured trophy' - ambergris	<p>"ambergris" should be deleted from the definition of 'uncured trophy".</p>	<p>Ambergris is the vomit of the Sperm Whale.</p> <p>It is found floating in the sea by fishermen. Whales are neither killed nor molested in any manner to obtain it.</p> <p>People who find it and are then found in possession of it are needlessly arrested and face harassment.</p> <p>Peacock feathers are not treated either as animal article or as uncured trophy under the Act.</p> <p>There is no rationale for treating ambergris any differently.</p>
Nomenclature in the Schedules	The scientific names of the wild animals listed in the	

	<p>Schedule are printed incorrectly.</p> <p>e.g.</p> <p>Gee's Golden Langur is correctly : <i>Trachypithecus geii</i>, separate words.</p> <p>Items 52 to 55 (foxes) the name of the sub-species should be separately written</p> <p>e.g. <i>Vulpes vulpes montana</i></p> <p>Alternate common names should also be included as many a time there is confusion in Court over the species.</p> <p>Similarly peafowl (peacock) is not <i>Pavocristatus</i>, but <i>Pavo cristatus</i>.</p>	
Plants in the Schedule	<p>Red Sanders tree – <i>Pterocarpus santalinus</i>, is endemic to a very few regions in India.</p> <p>It is regularly smuggled out of the country.</p> <p>Any detection of smuggling only results in actions under the Customs Act</p>	

1962 and not under the Wildlife (Protection) Act 1972. This is because the tree is not a Schedule species.	
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Therefore, this needs rectification.	
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I am forwarding these suggestions hoping that they will be seriously considered in the spirit in which they are sent, viz. the desire to preserve the rich and diverse natural heritage of India for ages to come.

Yours sincerely,

Dhiraj U Mirajkar

Dhiraj Umesh Mirajkar B.Sc., LL.M

Advocate

Legal Advisor: Sanjay Gandhi National Park Division

And

Mangrove and Marine Biodiversity Foundation of Maharashtra

30/1/2022

To,

Shri Rakesh Anand

Additional Director

Rajya Sabha Secretariat

Parliamentary Standing Committee

Science, Technology, Environment,

Forests and Climate Change

(rsc-st@sansad.nic.in)

Dear Sir,

Sub: Addendum to suggestions (emailed [yesterday](#))

on the proposed amendments to

the Wildlife (Protection) Act, 1972

In continuation of the suggestions mailed [yesterday](#), I also suggest the following amendments be incorporated in the Act.

I] Amendments in Section 50.

(a) In **Sub-section (4) of section 50** the words "or things seized" **should be deleted.**

(The reason for the deletion is that the things seized should be dealt with by the Forest Officer authorized under sub-section 6 which is also to be amended as indicated below)

(b) In **sub-section (6) of Section 50**, Firstly, renumber it as *Sub sec. 6(i)* then, *after* the opening words "Where any", **add/insert** "*wild animal, whether alive or dead, or meat of any wild animal*".

After the words "or derivative thereof" **add:** "*or any snare, trap, tool, vehicle, vessel or weapon*".

After the words "as may be prescribed" **add:** "*or as generally directed by administrative orders of the Chief Wildlife Warden within 60 days from the date after the seizure is reported, after hearing the person if any likely to be affected by the order, and shall communicate the order in writing to such person within 15 days of the same being made*".

Add after clause (i): "*(ii) Any person aggrieved by any order or action of the authorized officer under clause(i) above, may file an appeal the Court of Sessions within 30 days of the date of the order and the Court of Sessions on appeal may make such order as appears to it to be reasonable in the circumstances. The provisions of section 5 of the Limitation Act, 1963 shall be applicable to such appeal.*"

(The reason for this amendment is that in many States, the Indian Forest Act 1927 has empowered Forest Officers of a specified rank to deal with the seized goods especially vehicles transporting contraband. The amendment brings the procedure to deal with seizures under this Act on par with those under the Indian Forest Act. An Appellate remedy with provisions for condonation of delay in filing of the appeal is also provided.)

(c) After sub-section (6), **add sub-section (6-A)** as follows:

“(i) Notwithstanding anything contained in section 56 of this Act or in any other law for the time being in force or any judgement of any Court, all offences against any of the provisions of this Act shall be non-bailable.

(ii) Any person who is arrested for an offence against any of the provisions of this Act shall not be released on bail unless the Officer investigating the offence has been given a reasonable opportunity of being heard on any application for bail”.

The reason for this amendment is that often Courts question whether offences under this Act are bailable or otherwise. The amendment seeks to clarify this. Also, as the offences are serious and affect the natural heritage of the country, it is necessary to provide that the Officer investigating the offence should be heard on whether bail should be granted or not in a particular case.

Yours sincerely

Dhiraj U Mirajkar

Sub: Comments on The Wildlife Protection Amendment Bill 2021.

Mr. Rakesh Anand
Additional Director,
Rajya Sabha Secretariat

Dear Sir:

The current amendments proposed to be introduced to Wildlife Protection Act are harmful to elephants as by these amendments you will allow trafficking and ownership of elephants and **we oppose these proposed amendments** .

The Wildlife (Protection) Act, 1972 specifically prohibits trade in Wild Animals including captive and wild elephants. Section 40 of the Act prohibits any person from acquiring, receiving, keeping in one's control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I and Part II of Schedule II except with the previous permission of the Chief Wildlife Warden. Thus not only is sale prohibited: even an offer for sale is prohibited without prior approval of the CWLW. The Chief Wildlife Warden's power are however restricted in view of proviso 2 (A) and 2 (B) which states that that only way one can acquire, receive, keep in control, custody and possession is through the mode of inheritance. Thus one could inherit Ivory, Tiger Skin Rhino horn Antlers etc of scheduled species after prior approval of CWLW but cannot acquire or receive the same through any other manner other than inheritance. Thus inheritance is the sole method through which one can acquire Scheduled animal and animal article. However, the proviso to Sub Section 2 (A) and 2 (B) states that it the inheritance clause will not apply to elephants. This means that elephants could be acquired through mode other than inheritance.

However, Section 43 of the Act however limits the power of the CWLW by stipulating that any such transfer, even if allowed cannot be of a commercial nature. Section 43 reads:

No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

A combined reading of existing Section 40 and 43 leads to the following conclusion with respect to a live elephant:

- Transfer, acquiring and receiving of a live captive elephant is permissible under the existing legal provision with the prior approval of the Chief Wildlife Warden.
- However, such transfer, acquisition and receiving of an elephant should not involve any commercial transaction. Thus sale, purchase and offer for sale or purchase is explicitly prohibited under the provisions of the Act.

The Amendment Bill however, inserts a new subsection (4) to section 43 which reads:

“(4) This section (section 43) shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government.”

Thus an exception has been carved out by excluding 'live elephant' from the general prohibition contained in Section 43. The implication of the same is that commercial sale and purchase is no longer prohibited, under the Act.

The Amendment Bill therefore allows for commercial trade in elephants, therefore we oppose the proposed amendments .

Regards,

Arvind Jain

वन्य जीव अधिनियम संशोधन में विचारणीय बिंदुओं के संबंध में सुझाव - जापन
ससम्मान निवेदन यह है कि,

१-सृष्टि में मानव बस्तियों के बसने से पूर्व सभी जीव वन्य जीव ही रहे,मानव सभ्यता के विकास साथ साथ मानव द्वारा अपने लिए उपयोगी वन्य जीवों को उनकी उपयोगिता के आधार पर अपने साथ रखना/पालना शुरू किया गया वे जीव पालतू या घरेलू कहलाए।

२-वर्तमान में भी मानव हेतु संभावित उपयोगी वन्य जीवों को आवश्यकतानुसार उनके द्वारा उत्पादित पदार्थों की प्राप्ति हेतु जिसमें उनके साथ क्रूरता न होती हो,पशुपालन की दृष्टि से तैयार करने हेतु नये संशोधन में प्रावधान किया जाना उचित रहेगा।

३- अनेक वन्य जीवों से उनके निर्जीव शरीर भागों जैसे सींग ,बाल तथा ग्रंथि स्राव आदि की प्राप्ति हेतु वन्य जीवों का पशुपालन किये जाने के आशय से नये संशोधन में प्रावधान किया जाना उचित रहेगा।

४- जन स्वास्थ्य कल्याण हेतु कस्तूरी मृगों से कस्तूरी प्राप्त करने के आशय से (आधुनिक कस्तूरी निष्कर्षण विधि द्वारा जो कि पूर्णतया अहिंसक है) उनका व्यावसायिक स्तर पर पशुपालन किसी व्यक्ति /संस्था/समाज द्वारा अंगीकार किये जा सकने हेतु नये संशोधन में प्रावधान किया जाना उचित रहेगा।

५- मृग श्रंग (हरिण या सांभर के सींग) का उपयोग आयुर्वेदिक /पारंपरिक चिकित्सा में आदि काल से होता रहा है,परंतु वर्तमान में मृग श्रंग के अभाव में जन उपयोगी औषधियों का निर्माण प्रभावित है।

अतः मृग श्रंग की उपलब्धता हेतु जिस प्रकार से राजस्थान में विशनोई समाज द्वारा श्रद्धा वश काले हिरणों का पालन किया जाता है,ऐसे ही मृग श्रंग के व्यावसायिक उत्पादन की दृष्टि से उपयुक्त मृग वंश का पशुपालन के रूप में उपयोग किये जा सकने हेतु प्रावधान नये संशोधन में किया जाना उचित रहेगा।

उपलब्ध सूचना के अनुसार मृग श्रंग मृग का निर्जीव अंग होने के साथ साथ टूटने पर स्वयं पुनः बन जाता है।

६- वर्तमान में जिस प्रकार वन क्षेत्रों का आकार निरंतर घट रहा है उसे देखते हुए जैव विविधता को बचाए रखना एक चुनौती साबित हो रहा है,ऐसे में वन्य जीवों का उनकी जन आवश्यकताओं के क्रम में उपयोगिता के आधार पर पशुपालन किये जाने से जैव विविधता में बढ़त का होना स्वाभाविक है क्यों कि उनसे आर्थिक लाभ होने की स्थिति में पालक द्वारा उनके अनुकूल परिवेश व्यवस्थित किया जाना आवश्यक होगा ।

७- वर्तमान परिदृश्य में वन्य जीवों से संभावित जन उपयोगी पदार्थों की प्राप्ति हेतु संभावनाओं पर दृष्टि बनाये रखने के आशय से राष्ट्रीय औषधीय पादप बोर्ड की तर्ज पर राष्ट्रीय वन्य जीव आधारित औषधीय पदार्थ बोर्ड स्थापित किया जाना समय की मांग है जो कि केन्द्रीय जू अथोरिटी आफ इंडिया तथा आयुष मंत्रालय भारत सरकार का संयुक्त उपक्रम हो।इसके हेतु आवश्यकतानुसार नये संशोधन में प्रावधान किया जाना उचित रहेगा।

८- वर्तमान में मानव का औसत स्वभाव बड़ा ही स्वार्थ पूर्ण होना प्रतीत होता है वह प्रत्यक्ष लाभ हेतु उन्मुख रहता है और परोक्ष लाभ के प्रति उदासीनता सामान्य सी बात है। अतः ऐसे प्रयास जिनमें जैव विविधता का विस्तार होता हो और मानव को अप्रत्यक्ष के साथ साथ प्रत्यक्ष लाभ भी होता हो, उन्हें प्राथमिकता प्रदान करनी होगी, इससे परस्पर हित साध्य होंगे और प्रकृति विस्तार में मानवीय स्वैच्छिक सहयोग मिलना स्वाभाविक होगा।

श्रीमान जी विचार करना चाहें ।

भवदीय

भास्कर अस्थाना

९४५००९५७६७

Mr. Rakesh Anand
Additional Director,
Rajya Sabha Secretariat

Dear Sir,

The current amendments proposed to be introduced to the Wildlife Protection Act are harmful to elephants as by these amendments you will allow trafficking and ownership of elephants and we oppose these proposed amendments for the reasons as stated below.

The Wildlife (Protection) Act, 1972 specifically prohibits trade in Wild Animals including captive and wild elephants. Section 40 of the Act prohibits any person from acquiring, receiving, keeping in one's control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I and Part II of Schedule II except with the previous permission of the Chief Wildlife Warden. Thus not only is sale prohibited: even an offer for sale is prohibited without prior approval of the CWLW. The Chief Wildlife Warden's power is however restricted in view of proviso 2 (A) and 2 (B) which states that the only way one can acquire, receive, keep in control, custody and possession is through the mode of inheritance. Thus one could inherit Ivory, Tiger Skin Rhino horn Antlers etc of scheduled species after prior approval of CWLW but cannot acquire or receive the same through any other manner other than inheritance. Thus inheritance is the sole method through which one can acquire Scheduled animal and animal articles. However, the proviso to Sub Section 2 (A) and 2 (B) states that the inheritance clause will not apply to elephants. This means that elephants could be acquired through mode other than inheritance.

However, Section 43 of the Act however limits the power of the CWLW by stipulating that any such transfer, even if allowed, cannot be of a commercial nature. Section 43 reads:

No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

A combined reading of existing Section 40 and 43 leads to the following conclusion with respect to a live elephant:

- Transfer, acquiring and receiving of a live captive elephant is permissible under the existing legal provision with the prior approval of the Chief Wildlife Warden.

- However, such transfer, acquisition and receiving of an elephant should not involve any commercial transaction.

Thus sale, purchase and offer for sale or purchase is explicitly prohibited under the provisions of the Act.

The Amendment Bill however, inserts a new subsection (4) to section 43 which reads:

“(4) This section (section 43) shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government.”

Thus an exception has been carved out by excluding 'live elephant' from the general prohibition contained in Section 43. The implication of the same is that commercial sale and purchase is no longer prohibited, under the Act.

The Amendment Bill therefore allows for commercial trade in elephants under the garb of exception of "Live Elephant", therefore we oppose the proposed amendments .

Best

Jhinku Banerjee

<https://jhinkubanerjee.com/>

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/

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FOTOJAJS

www.fotojajs.com

To
Shri Rakesh Anand ji,
Additional Director,
Rajyasabha Secretariat.

Sub: Suggestion for amendment to the Wildlife (Protection) Act, 1972

Respected sir,

Apro pos the following advertisement in respect of the Bill to amend the Wild Life (Protection) Act, 1972. -

"davp 31202/11/0004/2122", in the newspapers, your kind self is requested to please give due consideration to the following -

1. In Goa, in most of the wildlife sanctuaries, the basic process of settlement of various rights in the areas declared u/s 18 of the wildlife Act are yet to be successfully completed since last up to 50 years. This has been causing many local residents to suffer enormously, without actually accruing any benefit to the concerned wildlife !

For example, in privately owned non-forest land holdings in the Section 18 area, the owners are denied permission by the concerned government authorities to erect residential constructions or to fell trees for meeting their essential expenses, under the pretext of it being part of the wildlife sanctuary (a forest land from point of view of the Forest Conservation Act, 1980).

The local human beings who are residents of the Section 18 areas are also part and parcel of that wilderness. It is they who have preserved that wilderness for generations without exploiting it to deterioration. Therefore the law should consider them as the most sensitive and precious resource of the forest and provide to treat them accordingly with respect, without depriving them of the scope to enjoy their rights within their limits.

In order to further this intention, following sub-section may be inserted in the Act after sub-section 2 of Section 18-A -

"(3) Provisions of Forest (Conservation) Act, 1980 shall not be applicable to the privately owned non-forest lands in Section 18 areas irrespective of whether the process of settlement of rights is completed or not".

Kindly do the needful, sir.

Yours sincerely,

Milind Vaman Karkhanis,

401, Atlantis-1, above SBI, Kerant, Caranzalem, Panaji, Tiswadi Taluka, North Goa District,
PIN - 403002.

To,

Shri Rakesh Anandji,
Additional Director,
Rajya Sabha Secretariat,

Respected Sir,

I am writing this email as an appeal to the respected Members of the Parliament.

I am neither a qualified environmentalist nor an activist with domain expertise who brings about a positive social change. I am just an ordinary citizen born and brought up in India with Indian values in a Hindu religious household.

I came across the attached ad about THE Wild life Protection Amendment Bill 2021 and researched about it through all the details available on the internet with arguments for and against this bill. Specifically, Clause 27 that proposes to permit the commercial trade of the elephants.

I am absolutely heartbroken to know that our respected members of the parliament have tabled the bill with clause 27 that permits the commercial trade of Elephants!

How can we, in 2022, propose laws that are regressive in spirit and intend?
How can the last biggest land mammals walking on earth, such intelligent beings, that survive completely on herbivorous diet, be treated with such cruelty and disrespect?
How can we, a land where we worship them as god, addressing them as Aadidev - the one worshipped first before any other gods, treat their actual swaroop on earth as mere commodity for trade?

I do understand that the respected Members of Parliaments, despite their earnest efforts, cannot solve all and every problem in our country. But by passing this bill with Clause 27 that allows commercial trading of elephants, you will lead these wild elephants, these pure and absolute children of mother nature, these magnificent beasts as they are into Extinction! Yes, they might just about survive in captivity and might live few years longer than in wild. However they will no longer be either wild or animals. They will merely be biological devices and tools existing to fulfill human greed and desires.

We need to acknowledge that they are the souls of the jungles and lands they roam. They are the living embodiment, a testament of the power of mother nature who has nurtured all - us humans, a tiniest unicellular organism and these gentle giants together in her bosom.

Researches point that we definitely have no blood relations with them and genetically we only share roughly 90 percent of our DNA with elephants apart from few other animals species, but we all are absolutely connected to each other in ways that we can only feel it deep inside us in our 'aNu' अणु

Researches also show that elephants are not very different than us humans in their social and cognitive capacities. They too, like us, mourn their dead for days. They too honour their fallen friends and family. They display empathy. Have long lasting memories and are seen being self-aware.

All of this understanding is available on a click of a button on the internet. I am sure many of our children already know these better than us by now. Imagine, later if they come to know that a law was passed by their own fathers, mothers and grand parents that robbed them of experiencing and knowing these beautiful beings of mother nature in their true form - living like elephants in the wild.

As the native american proverb by the wise Chief Seattle goes, "We do not inherit the earth from our ancestors, we borrow it from our children"

So would your collective conscious allow you to pass a law that treats these intelligent beings, these awe inspiring creatures, the swaroop of Vignaharta himself with cruelty and indignity? Because if this law passes then they will be treated as commodities and cruelty on them will have no bounds. We are not only seeing this happen in cattle trade but have seen its ugly side when human slavery was legal.

I am confident that we the people of this country have chosen our representatives who, sitting in the highest house, are like us - pragmatic, compasionate, and future forward in our thinking and human character.

I understand that you all are responsible and respectable Members of the Parliment and the decision that you will take will be a holistic one and that will make every member of you own family and your extended family - India very proud of you.

A humble citizen.

Manan Mehta

Sub: Comments on The Wildlife Protection Amendment Bill 2021.

Mr. Rakesh Anand
Additional Director,
Rajya Sabha Secretariat

Dear Sir:

The current amendments proposed to be introduced to Wildlife Protection Act are harmful to elephants as by these amendments you will allow trafficking and ownership of elephants and **we oppose these proposed amendments** .

The Wildlife (Protection) Act, 1972 specifically prohibits trade in Wild Animals including captive and wild elephants. Section 40 of the Act prohibits any person from acquiring, receiving, keeping in one's control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I and Part II of Schedule II except with the previous permission of the Chief Wildlife Warden. Thus not only is sale prohibited: even an offer for sale is prohibited without prior approval of the CWLW. The Chief Wildlife Warden's power are however restricted in view of proviso 2 (A) and 2 (B) which states that that only way one can acquire, receive, keep in control, custody and possession is through the mode of inheritance. Thus one could inherit Ivory, Tiger Skin Rhino horn Antlers etc of scheduled species after prior approval of CWLW but cannot acquire or receive the same through any other manner other than inheritance. Thus inheritance is the sole method through which one can acquire Scheduled animal and animal article. However, the proviso to Sub Section 2 (A) and 2 (B) states that it the inheritance clause will not apply to elephants. This means that elephants could be acquired through mode other than inheritance.

However, Section 43 of the Act however limits the power of the CWLW by stipulating that any such transfer, even if allowed cannot be of a commercial nature. Section 43 reads:

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A combined reading of existing Section 40 and 43 leads to the following conclusion with respect to a live elephant:

- Transfer, acquiring and receiving of a live captive elephant is permissible under the existing legal provision with the prior approval of the Chief Wildlife Warden.
- However, such transfer, acquisition and receiving of an elephant should not involve any commercial transaction. Thus sale, purchase and offer for sale or purchase is explicitly prohibited under the provisions of the Act.

The Amendment Bill however, inserts a new subsection (4) to section 43 which reads:

“(4) This section (section 43) shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government.”

Thus an exception has been carved out by excluding 'live elephant' from the general prohibition contained in Section 43. The implication of the same is that commercial sale and purchase is no longer prohibited, under the Act.

The Amendment Bill therefore allows for commercial trade in elephants, therefore we oppose the proposed amendments .

To,
Sri Rakesh Anand,
Additional Director,
Rajya Sabha Secretariat.

Dear Sir,

Kindly find my objections to the Wildlife Protection (Amendment) Bill 2021:

- India being a vast and diverse country with different habitats and ecosystems in different corners, the definition of “invasive alien species” in Section 2 (16A) of the Bill is incorrect and not the correct scientific definition. The definition in the Bill is one “which is not native to India” whereas the focus of the definitions under the Convention on Biological Diversity and as per the IUCN is that if a species is introduced outside its natural past or present distribution and is non-native to an ecosystem, resulting in adverse impact upon the native species, then it is termed as an invasive alien species. Thus, for example, an animal found in the Western Ghats of India when introduced to another habitat within India will not be deemed to be an invasive alien species despite its adverse effects on the local biodiversity.
- There is no clear process or scientific criteria for the notification of species as “invasive alien species” by the Central Government under Section 62A of the Bill.
- Section 62A(2) of the Bill does not provide for any safeguards, processes and guidelines to govern the seizure and disposal, including through destruction, of the invasive alien species notified under 62A(1) of the Bill. Thus, there is no restriction preventing the Director or any other officer from monetizing the disposal of the invasive alien species and earn profits for himself or from causing pollution in the process of destruction. No safeguards have been provided to protect and not to disturb the local wildlife and ecosystems whilst seizing the invasive alien species.
- The Bill does not provide for the amendment of Section 5-B of the Act to ensure that the National Board for Wild Life is not defunct. As a result of Section 5-B of the Act in its present form, the National Board for Wild Life headed by the Prime Minister has not met since 2014 and all its statutory functions are carried out by the Standing Committee headed by the Environment Minister without any accountability to the Board. The Standing Committee has essentially been reduced to a

clearing house including for linear projects and between 2015-16 to 2019-20, a whopping 680 projects located in protected areas or wild life rich areas were cleared during just 23 meetings. Thus, all decisions of the Standing Committee should be mandatorily referred to the National Board for Wild Life for its ratification, whose final decision should not be bound by the decision of the Standing Committee.

- Section 5A(1)(d) of the Bill proposes to include the NITI Aayog in the National Board for Wild Life although many of the NITI Aayog's development proposals are in direct conflict with the Board's conservation mandate. Being on the board gives the NITI Aayog undue influence on the decisions of the National Board for Wild Life.
- The introduction of Section 6A of the Bill will render the existing State Boards for Wild Life defunct. The Bill intends to replicate the model of the National Board for Wild Life and its Standing Committee. The State Boards for Wild Life currently manage the conservation and protection of wild life at the state level and a state's chief minister sits atop the board which consists of several members, including of the state legislature, NGOs, conservationists and representatives of the state forest departments and department of tribal welfare. Instead, if the Bill is passed, the Standing Committee will be able to function with just two members – the Minister in-charge of Forests and Wild Life and the Member-Secretary, if need be, which will dilute the very purpose of the State Boards for Wild Life and it will make it easier to clear “development projects”.
- The condition of elephants in captivity is pathetic especially now during the pandemic with loss of income to their owners and most of them indicate tell-tale signs of depression and abuse with chains tied to them for long hours every day. Further, the anatomy of elephants is neither built nor evolved for carrying heavy weight on their backs such as howdahs, etc. Thus, the Proviso to Section 40(2-B) of the Act requires to be deleted.
- A combined reading of Sections 40 and 43 of the Act leads to an inference that the transfer, acquisition and receiving of an elephant should not involve any commercial transaction and thus, the sale, purchase and offer for sale or purchase is explicitly prohibited under the provisions of the Act. Section 43(4) of the Bill seeks to carve out an exception by excluding “live elephants” from the general prohibition contained in Section 43 of the Act implying that their commercial sale and purchase

is no longer prohibited. By taking away this layer of protection, it will cause the condition of captive elephants to deteriorate even further and lead to their commodification. Furthermore, it will promote the illegal capture of wild elephants as well as their calves by illegal entry into protected areas and criminals will be able to sell them under the guise of captive born elephants after forging the requisite paper trail leading to increase in allied crimes. The elephant ownership and trade exception is an embarrassment and at odds with the core objective of the Act and is a continuation of the derogatory colonial exploitative mindset.

- A 2011 report by Chaturbhuj Behera of the Wildlife Crime Control Bureau warned of an active nexus of the illegal capture of wild elephants from Assam and their trade via the Sonepur Mela in Bihar to meet the temple demands of the southern states. In October 2020, a video went viral of an elephant trader in Kerala called Shaji claiming that he had traded over 200 captive elephants to private owners in the past few years. Further there are several instances of temple elephants which are beaten and abused. Thus, it is the need of the hour that all private ownership and trade of elephants is outlawed to prevent its misuse.
- In the Explanation to Section 29 of the Bill, the bonafide use of drinking and household water by local communities shall not be prohibited under this Section. It is pertinent to point out that water holes, streams and other water sources are also used by wild life for sustenance as well as their habitat. It is imperative to ensure that such exercise of bonafide rights is done in a manner which harmonizes the need of local communities with that of wildlife with strict guidelines laid down for access and use. Furthermore, the wording in the Bill leaves ample scope for misuse so as to construct dams and canals and lay pipelines in protected areas under the guise of drinking and household water projects, thereby submerging vast swathes of wild life habitats, diversion of rivers and disturbing the ecosystems of marine creatures and interdependent species.
- Section 33 of the Bill seeks to introduce Management Plans for Sanctuaries for Sanctuaries which must be approved by the Chief Wild Life Warden. However, it is observed that the position of Chief Wild Life Warden is only an administrative post with no fixed tenure and there is no requirement for him to have any specialized training in wild life. Therefore, it is imperative that the Management Plan must be approved by a competent and scientifically trained body instead of the Chief Wild Life Warden.

Furthermore, public comments should be invited to the draft Management Plan and it must be placed before the State Board for Wild Life for its approval before being notified.

- There is no transparent and accountable process under the Act or the Bill, based on ecological and social evidence, to identify species as “Vermin” and specify the duration and area in which they can be hunted and these species need to be regularly monitored lest they’re over-hunted. There is no clear process or scientific criteria for the notification of species as “Vermin” by the Central Government. Once a wild animal is declared as “Vermin”, it enjoys no legal protection and has the same status as a domestic animal. It can be killed, traded and tamed.
- As there is no systematic process or assessment to declare a species as “Vermin”, it could lead to population declines and grave ecological consequences. It is also important to highlight that declaration of one wild animal as “Vermin” has serious consequences on other species. Eg. Traps laid for wild boars leads to killing of leopard, tiger, elephants and other unintended species. Similarly, poison used for killing monkeys and other such animals invariably kills other species who eat the same. There is also no assessment as to how such declaration of “Vermin” could lead to ecological imbalance and increase human animal conflict, Eg. Killing of wild boars would deplete prey base of leopards and tigers which in turn are likely to depend more on livestock.
- The concept of “Vermin” under Section 62 of the Act and Bill also violates Articles 14 and 21 of the Constitution, which guarantees equal protection before the law and extends the right of life to animals. Furthermore, the said Section is also ultra vires the Judgment of the Hon’ble Supreme Court of India in Animal Welfare Board of India vs A. Nagaraja reported in (2014) 7 SCC 547, wherein the Apex Court has categorically held that every species has the right to life and security with some intrinsic worth, honour and dignity. The well-being and welfare of animals has also been statutorily recognised under Sections 3 and 11 of the Prevention of Cruelty to Animals Act, 1960, which has been duly affirmed by the Apex Court.
- The Bill amends Section 62 by stating that only species listed in Schedule I cannot be declared as “Vermin”, while species listed in Schedule II can be declared as such. The Central government could potentially declare animals listed in Schedule II as “Vermin”, virtually stripping them of legal protection and opening

the floodgates to hunt, trap and trade species including increasingly rare ones like Striped Hyena, Indian Fox, Andaman Wild Pig, Asiatic Jackal, Jungle Cat, Bengal Fox, Martens, Mongooses, Civets, Sparrows, Owls and Parakeets, which can pose a serious threat to their very existence in the wild.

- The Schedules I and II to the Bill omit several rare species of amphibians, reptiles, crabs, fishes, bats and insects, which are severely underrepresented thereby depriving them of the protection that they deserve. At least 446 bird species in India, including many endangered species and hundreds of other plant and animal species that deserve protection are absent from the Schedules to the Bill. Many endemic species found only in the biodiversity hotspots such as the Western Ghats and the North East have been omitted without any explanation.
- Similarly, the listing of species in Schedules I and II to the Bill lacks any robust scientific studies to assess which species need greater protection.
- Many species that are currently in the Act are simply missing from the Schedules to the Bill, with no rationale for why they have been removed. For example, the Nicobar Imperial Pigeon is endemic to the Nicobar islands and is one of the at least 446 bird species left out of the Bill. As a Schedule IV species under the Act, killing this bird for any reason, even by accident is illegal under the Act. However, the Bill excludes it from the Schedules entirely, leaving it vulnerable to mega-projects that the Centre may have planned for the islands.
- There have been several instances of accused getting away scot-free since the common names or scientific names of species have not been updated or are missing from the Schedules to the Act. The Bill also fails to provide for any safeguards in that regard or a mechanism for faster updation of the Schedules as a result of taxonomical changes or the discovery of new species. A systemic solution has to be provided to incorporate changes made in the dynamic scientific field.
- The Bill is a missed opportunity to fill critical gaps in conservation such as giving statutory status to Project Elephant and protection to wildlife corridors, habitats outside the Protected Area network.
- The amendment of the Preamble vide the Bill itself is problematic. Whereas earlier the emphasis was on the

“protection of wild animals, birds and plants”, the Bill introduces the term ‘management’ by seeking to incorporate “conservation, protection and management of wildlife”. While seemingly innocuous, this implies a shift in the mindset of the State from protection of wildlife to its management as a resource for human benefit.

Hope you consider the same.

Warm regards,
Pankti Desai

Mr. Rakesh Anand
Additional Director,
Rajya Sabha Secretariat

Dear Sir:

The current amendments proposed to be introduced to Wildlife Protection Act are harmful to elephants as by these amendments you will allow trafficking and ownership of elephants and **we oppose these proposed amendments** .

The Wildlife (Protection) Act, 1972 specifically prohibits trade in Wild Animals including captive and wild elephants. Section 40 of the Act prohibits any person from acquiring, receiving, keeping in one's control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I and Part II of Schedule II except with the previous permission of the Chief Wildlife Warden. Thus not only is sale prohibited: even an offer for sale is prohibited without prior approval of the CWLW. The Chief Wildlife Warden's power are however restricted in view of proviso 2 (A) and 2 (B) which states that that only way one can acquire, receive, keep in control, custody and possession is through the mode of inheritance. Thus one could inherit Ivory, Tiger Skin Rhino horn Antlers etc of scheduled species after prior approval of CWLW but cannot acquire or receive the same through any other manner other than inheritance. Thus inheritance is the sole method through which one can acquire Scheduled animal and animal article. However, the proviso to Sub Section 2 (A) and 2 (B) states that it the inheritance clause will not apply to elephants. This means that elephants could be acquired through mode other than inheritance.

However, Section 43 of the Act however limits the power of the CWLW by stipulating that any such transfer, even if allowed cannot be of a commercial nature. Section 43 reads:

No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

A combined reading of existing Section 40 and 43 leads to the following conclusion with respect to a live elephant:

- Transfer, acquiring and receiving of a live captive elephant is permissible under the existing legal provision with the prior approval of the Chief Wildlife Warden.
- However, such transfer, acquisition and receiving of an elephant should not involve any commercial transaction. Thus sale, purchase and offer for sale or purchase is explicitly prohibited under the provisions of the Act.

The Amendment Bill however, inserts a new subsection (4) to section 43 which reads:

“(4) This section (section 43) shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government.”

Thus an exception has been carved out by excluding 'live elephant' from the general prohibition contained in Section 43. The implication of the same is that commercial sale and purchase is no longer prohibited, under the Act.

The Amendment Bill therefore allows for commercial trade in elephants, therefore we oppose the proposed amendments .

Regards,
Sanjay Kr Singh

प्रिय मित्र !

अंग्रेजों द्वारा स्थापित किसी भी व्यवस्था का नए भारत का कोई आवश्यकता नहीं है। वन्यजीव संरक्षण अधिनियम 1972, इनकी शासकीय एवं प्रशासकीय तत्वों द्वारा संचालन में है। वर्तमान स्थिति में इस व्यवस्था में संशोधन का नहीं अपितु पूर्ण-सम्पूर्ण परिवर्तन का अनिवार्यता है।

सम्पूर्ण वर्तमान तन्त्र नौकरशाही एवं लालफीताशाही से आच्छादित है अतः आकांक्षित व्यवहार से अंत-धीत है। श्री नरेन्द्र मोदी जैसा चरित्र एवं व्याक्तत्व नव भारत निर्माण हेतु क्रियाशील एवं विकास पथ पर अग्रसर है किन्तु इसमें स्थापित का स्थाई होना संदिग्ध परिलक्षित होता है इसलिए कोरीना वाला का महत्ता को समझते हुए "नवाचार" अपरिहार्य प्रतीत होता है।

नवाचार हेतु व्यवस्था में परिवर्तन आवश्यक है संशोधन तो क्यापि नहीं।

श्री नरेन्द्र मोदी जी से माँ प्रकृति का एक सन्देश साझा करना आवश्यक है :- " राष्ट्रीय वन्य जीव बोर्ड " के अध्यक्ष पद से स्वयं का सर्वथा विमुक्ति प्रदान करे, एवं अन्य किसी प्रकृति-प्रेमी अथवा प्रकृति माँ के सुयोग्य पुत्र को "अध्यक्ष" पद के समस्त अधिकारों, दायित्वों एवं कर्तव्यों का यथाचित हस्तान्तरण सुनिश्चित एवं निर्वारित करे।

वन्य जीव संरक्षण अधिनियम 1972 प्रारम्भ से ही सर्वथा दोषपूर्ण है क्योंकि 'इसका' विस्तार जम्मू-काश्मीर में नहीं है। और मानव होता क्यों है प्राणियों को परिभाषित कर उनका दोहन करने वाला ? समय अक्षय्य है अतः आप सबकी जाग्रत होनी की नितांत आवश्यकता है प्रकृति ! माँ प्रकृति मानवीय हस्तक्षेपों से प्रभावित होती रही है अब कानून नहीं कानूनात्मक अनिवार्य है।

03/02/2022 आरंभ 04:12 P.M.

माँ प्रकृति की समर्पित

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वन्य जीव संरक्षण अधिनियम 1972

1. केंद्रीय सरकार ने यह व्यवस्था स्वयं नियंत्रण में रखी है। एवं उच्च स्तरीय आई. ए. एस. एवं आई. एफ. एस. इत्यादि वर्गों को शर्तों रूप में नियुक्त किया है एवं अन्य निम्न स्तरीय अधिकारियों व कर्मचारियों इनके अधीन कार्यरत होते हैं।
2. वर्ष 1972 से आज तक बेटन बर्गी उच्च लोक श्रेणिक वर्गों एवं निम्न श्रेणिक वर्गों द्वारा नती वनों के संरक्षण पर ध्यान दिया और न ही वन्य जीवों को और अपेक्षित ध्यान दिया। ध्यान दिया तो केवल पैसे कमाने में ध्यान दिया। श्रद्धा का अनुशासन व व्यवहार तो जग प्रसिद्ध हैं। "पैसे" कमाने को अतृप्त भावना के साथ वन्य जीव संरक्षण में नियुक्त व प्रवृत्त वर्गों द्वारा वनों एवं प्राणियों का चरितम शोषण ही तो किया है।
3. स्वतन्त्रता प्रत्येक जीव और प्राणों का नैसर्गिक अधिकार है। कोई भी किसी को स्वतन्त्रता का हनन एवं दोहन कदापि नहीं करने का कोई अधिकार श्रवता है। नियम और कानून नियंत्रण स्थापित करते हैं और नियंत्रण का उद्देश्य ही तो महत्व श्रवता एवं निर्धारित करता है कि नियंत्रण श्रवने अथवा विनियमित करने वाला अपने अधिकारों, दायित्वों व कर्तव्यों का निर्वाहन सकारात्मक रूप से करता है अथवा नकारात्मक, तो वर्ष 1972 एवं इससे भी पूर्व वर्ष 1927 में जब अंग्रेजों का शासन था और उनका एक मात्र कार्य "लूटना" ही तो था - भारत के समस्त प्राकृतिक साधनों एवं संसाधनों को "लूटा" गया और "लूट" को विनियमित करने के लिए "कानून" बनाए गए और इन समस्त कानूनों के नियंत्रणकर्ता "अंग्रेज" ही तो थे और जब वर्ष 1947 में तत्कालीन आजादी प्राप्त भी हुई तो सत्ता का सुरत लेने 'नेहरू' और नेहरू के चापलूस अथवा विमुख वाले अंग्रेज ही तो रहे - तत्कालीन आजादी के परचात भी 'लूट' का यह धूमिल अन्त निर्वाध चलता रहा।

4. वृक्षों में प्राकृतिक वन्य जन्तु इत्थानों एवं अन्य असांखनों जैसे कि- लकड़ी को काटने अर्थात् वृक्षों को नष्ट करना अबाधित चलता रहा वनों को संरक्षा एवं क्षेत्रफल में निरंतर हास होता चला आया वन्य जीव जन्तुओं हेतु उनका समुचित निवास एवं आहार भी न बचा- वन्य काम होने से वन्य प्राणियों को निकटता स्वभाव मानवीय बस्तियों से होने लगी और समय एवं असुरक्षा को भावना के फलस्वरूप परस्पर संघर्ष और झूठ ने तो वन्य प्राणियों को मानव-घात हेतु विवश तक कर दिया।

5. जंगल में जंगल का कानून ही प्रभावकारी होता है - मानव को सभ्य रूपों माना जाता है क्योंकि वह "जंगली" नहीं है। वन को मानव नियंत्रण से सर्वथा मुक्त करना ही उचित है - वन स्वभाव विस्तार प्राप्त कर मानव कल्याण चक्र में अपनी नैसर्गिक अद्युति समर्पित करेगा।

6. सम्पूर्ण वन क्षेत्र को किसी भी प्रकार के मानवीय हस्तक्षेपों से मुक्त करना 'शासक' का उपरिद्वय कर्तव्य है सम्पूर्ण विश्व में जलवायु परिवर्तन को ध्यान में रखते हुए।

7. वन क्षेत्रों एवं वन्य प्राणियों पर स्थानीय निवासियों (वनों के वासी) वासी के अतिरिक्त अन्य कोई हस्तक्षेप कदापि नहीं करे इसका व्यवस्थापक अनिवार्य दायित्व शासक का ही है।

8. वर्तमान वन्य जीव संरक्षण अधिनियम 1972, पूर्णतया आर्थिक दृष्टिकोण पर आधारित एक व्यावसायिक योजना रूपक परिलक्षित हो रहा है - "मूल्य संबंधित वस्तु और सेवा कर" प्रणाली का आज के डिजिटल युग में **थर्चरतः** व्यापक स्मरत प्रकार को असुसं-गत कृत्यों का प्रतिबंध करने की सम्पूर्ण क्षमता व सामर्थ्य श्रवता है फिर यह कृत्य व्यापारिक ही, व्यावसायिक ही एवं आशयपूर्ण ही- डिजिटल वर्ल्ड स्वभाव निपन्त्रण स्थापित करने में सक्षम है।

9. वनवासियों को ही सम्पूर्ण वन्य जन्तु आवश्यक सामग्री के संग्रहण व परिवहन के आसानी अधिकार आवश्यकतानुसार प्राप्त व प्रदत्त होना आवश्यक है।

10. विगत अनेकों जताबंदियों से लुप्त एवं समाजव्यवस्था की परिस्थितियों में मनुष्य द्वारा वन्य-क्षेत्र एवं वन्य प्राणियों का शोषण एवं दोहन होता आया है जिसके परिणाम स्वरूप कितने ही प्रकार की प्रजातियाँ लुप्त-विलुप्त व दुर्लभ प्राण्य ही गईं वर्तमान जलवायु परिवर्तन की स्थिति साक्षात् प्रमाण है कि मानवीय वानुजीव नियंत्रण ने वनों की और श्वयं मानवों की अपनी अज्ञानता एवं मूर्खता से "ब्लैकवॉर" स्थिति में ला खड़ा किया है।

11. डॉ. नरेन्द्र मोदी के शासन में "अव्यवचार" पर अकुंश अवश्य लगा किन्तु इतने कम समय में मोदी जी वनों का वह विस्तार व्यापि प्राप्त न कर सके जो आवश्यक है। कारण वन क्षेत्र 5-10 साल में ही विकसित नहीं होता - इन वानुजों ने और इस वानुज का निर्वाह करने वालों ने 1972 और 1927 से "भारत" की वृत्त प्रदान किया? उच्च स्तरीय शैवकों एवं प्रकृतियों इत्यादि के ACCOUNTS अवश्य शिबस बैंकों में खुल गए।

12. भारत माता के नवजातमक पुत्रों ने अव्यवचार कृत्य व्यापितकर प्रत्यक्षतः एवं स्पष्टतया "दोमक" सदृश प्रतिनिधित्व किया है। और देश की ऐसे शैवकों की व्यापि आवश्यकता नहीं जो "पैसे" की प्राप्ति मात के लिए भारत की अथवा श्वयं मानवीय सेवा करने की व्यावस्थां श्वयं है और जिसे प्रकृति के उत्तरोत्तर होते दोहन एवं शोषण से कोई सरोकार नहीं होता फलस्वरूप वर्तमान जलवायु परिवर्तन श्वयं प्रमाण है।

13. प्राचीन भारत अकप्रारण्यों से सुसज्जित एवं सुरक्षित रहा था। किस शासक द्वारा अर्चित भारतीय शासक द्वारा अनादि काल में मानवों के व्यवसाय के अतिरिक्त वन हेतु कोई विशेष नियम-वानुज का प्रावधान किया ही इसका विवरण तो ज्ञात ही नहीं। जगल अपना श्वयं का वानुज निर्मित करता है प्राचीन शासक गण यह समझते थे और प्रकृति (वैज्ञानिक वर्ग) वनों में व्यवस्था के साथ निवास व अन्य अपरिहार्य व अनिवार्य व्यवहार करते थे।

14. वर्तमान परिस्थितियों को देखते समझते वनों का एवं वन्य प्राणियों का समुचित मानवीय जनित संरक्षण अनिवार्य है। अतः इस हेतु, प्राकृतिक एवं नैसर्गिक दृष्टिकोण के अनुसार "अल्पवधि" हेतु एक सुगठित व्यवस्था निर्माण एवं स्थापन को निरन्तर आवश्यकता अवश्य है।

15. वनों के निर्माण में अथवा निवास में इच्छुक वन्यप्राणियों को वनों में निवास को एवं वानिकी कार्य प्रसार हेतु अपरिहार्य अनुमति शासकीय स्तर से प्रदान को जाए - वनवासी एवं वन्यप्राणी तत्वों का परस्पर संयोग प्रकृति पर अशुभित सकारात्मक प्रभाव डालने में सक्षम है।

16. समस्त प्रकार के वैज्ञानिक अनुसंधान केन्द्रों इत्यादि शैक्षिक व्यवस्था हेतु व्यवस्था वनों में "मानव बस्ती" में किया जाना अपेक्षित होगा।

17. "पैसा" खर्च करके अल्पकाल प्रकार का व्यक्तित्व अङ्गधारणों, वनों आदि में भ्रमण कर आता है - सरकार द्वारा स्वयं ही यह कानून बनाकर सरकारों व्यावसायिक गतिविधियाँ अन्वयत जारी कर रखीं हैं जिसका दुष्प्रभाव आज वैश्विक जलवायु परिवर्तन के रूप में परिलक्षित हो रहा है - शब्दार्थ उपवन कानून के अन्तर्गत एक विशाल चिड़ियाघर को आति हो तो नियंत्रित एवं व्यवस्थित किया जा रहा है और ठीक इसके समानान्तर प्राकृतिक संसाधनों का दोहन एवं शोषण भी होगा आया है।

18. (अनुच्छेद 10 का भाग) युद्धों में भारतीयों को अङ्गप्रस्था के फलस्वरूप वन प्रदेश आवश्यक एवं समुचित संरक्षण व सुरक्षा प्रदान करते थे "जीरिल्ला युद्ध कला" वाद्य अङ्गप्रस्थाकारियों ने, मुगलशासन काल में एवं अंतर्गत अङ्ग्रेजों के शासन काल में और तथाकथित आजादी प्राप्त होने के पश्चात समस्त काल अङ्ग्रेजों द्वारा "वन सम्पदा" का उत्तरोत्तर ह्रास जनित वृत्त लिए हैं और वर्तमान अवस्था इंगित करती है कि वन संरक्षण एवं वन्य प्राणी संरक्षण

में मानव जनित अव्यवस्था निर्मित - कारित कितने प्रयास किस सीमा तक सफल रहे !

जो हो चुका वह हो चुका, वर्तमान परिस्थितियों में वास्तव में होना क्या चाहिए इस पर ही तो विशेष ध्यान दिखे जाने की आवश्यकता है।

19. समस्त शत्रु शासक के अधीन संचालित एवं नियंत्रित होता है तो फिर अब अंग्रेजों की व्यवस्था को हीना समाप्त कर देना चाहिए क्योंकि "वन्य जीव संरक्षण अधिनियम 1972" की धारा 5(क) में अधिक "शत्रु वन्य जीव बोर्ड" का अध्यक्ष "प्रधानमंत्री" को बनाना सुनिश्चित किया गया है। वर्तमान समय तो श्रीमान नरेन्द्र मोदी जी ही इस बोर्ड के अध्यक्ष हैं किन्तु इनके पूर्व के समस्त अध्यक्षों के कार्यकाल में वनों की, वन्य प्राणियों की एवं स्वयं माँ प्रकृति की कितनी सेवा की है इसका उमाण स्वयं माँ प्रकृति प्रस्तुत कर रही है और आज का मनुष्य इतना बड़ा "वैज्ञानिक" बन गया है जो प्रकृति की शर्मानुसार नियंत्रित करने का आति-भाति से प्रयास कर रहा है।

20. कानून निर्मित करने मात्र से प्रकृति का समुचित संरक्षण कदापि संभव नहीं हो सकता। भेने स्वयं सम्पूर्ण "वन्यजीव संरक्षण अधिनियम 1972" का मूल्यांकन एवं विश्लेषण किया है। प्रतीत स्पष्ट यह होता है कि उपरोक्त कार्य की समग्र एवं व्यापक सफलता हेतु - "इच्छाशक्ति" मात्र की आवश्यकता है।

21. उपरोक्त विषय लेखन मात्र से स्पष्ट नहीं होता तो एक स्वस्थ किंतु गम्भीर बार्तालाप की आवश्यकता आवश्यक है। युग परिवर्तन निश्चित है "इंडिया" में शासन अंग्रेजों द्वारा निर्मित कानूनों का ही रहा है, भारत आवृण शत्रु है और भारत के लिए विशुद्ध भारतीय तत्व की इच्छाशक्ति प्रयोज्य है।

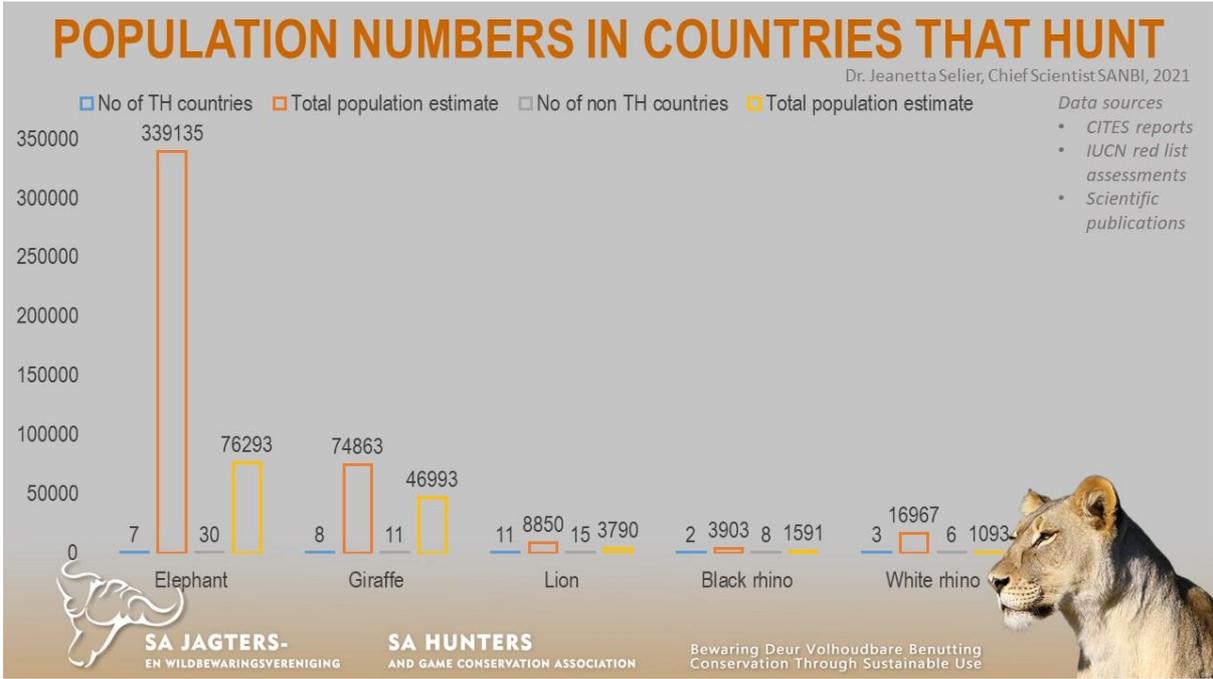
वन्देमातरम

भारत का ई-आधिकार

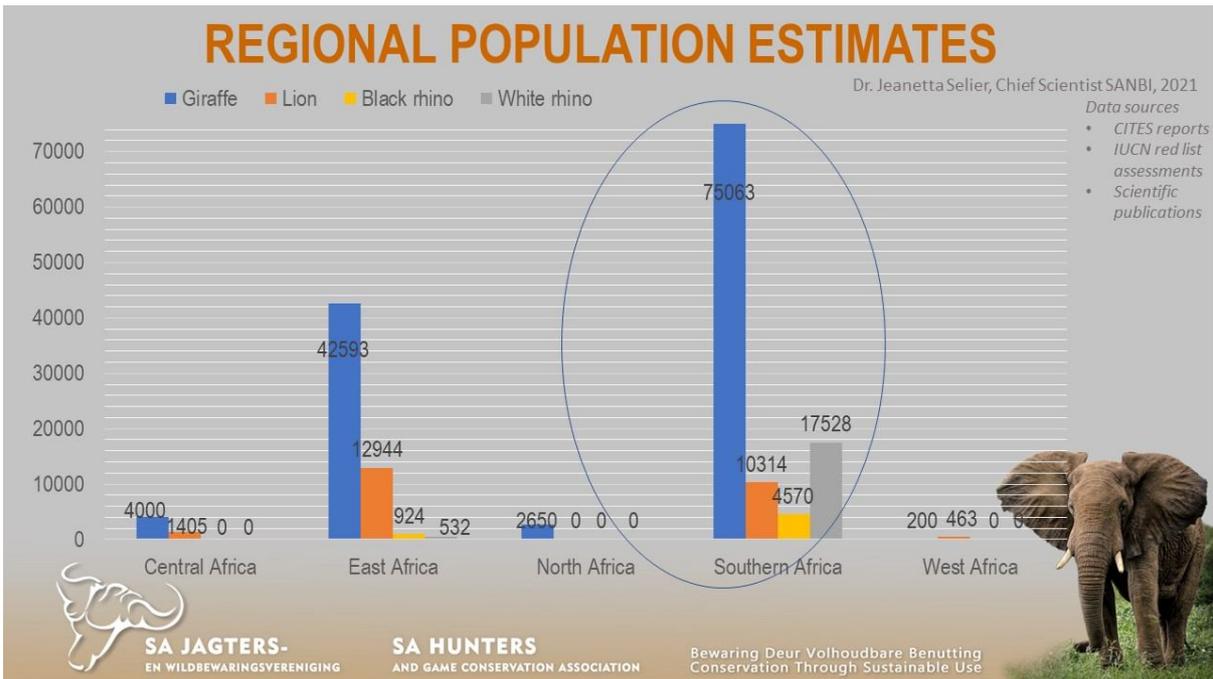
Wild Life (Protection) Act (Amendments) – Mathen Mathew

Short Title:	Wild Life (Conservation) Act
Section 2:	<p>Hunting as a conservation tool must be used to address Human-Wildlife Conflict (HWC).</p> <p>[Hunters have over the years, played a major role in conservation of biodiversity worldwide. One of the biggest champions of conservation was big-game hunter Theodore Roosevelt, who preserved millions of acres of wildlife habitats to ensure the sustainability of hunting stocks and to preserve the beauty of America's natural heritage. Ducks Unlimited, was also born in the midst of the 1930s, when severe drought conditions threatened many North American waterfowl with extinction. A group of concerned sports hunters gathered to promote one primary mission: habitat conservation. And since its beginnings in 1937, Ducks Unlimited has succeeded in preserving over 12 million acres of natural habitat and continue with sustainable waterfowl hunting to fund conservation efforts. The South African Hunters and Game Conservation association was also established by a group of concerned hunters to promote responsible hunting and conservation of game species and their habitats. (CONSERVATION BENEFITS OF HUNTING – A FACT SHEET Compiled by E.J Nel – Manager Conservation July 2015)]</p>
Insertion of new Section 6A	The SBWL has very limited powers as all major decisions governing wildlife and wild spaces are taken by the central government. Hence, any committee/s formed will be as powerless.
Section 9:	The chapter III (Section 9) deals with hunting. Hunting is a recognized tool for the management of wild life. It should be incorporated with certain logical rules governing it. Namibia and South Africa among other Southern African Development Community (SADC) countries have used hunting to successfully recover wildlife populations.
Section 11	Hunting should be permitted. Most herbivores and some carnivores should be allowed for hunting with seasons. So too some game birds like duck, francolins etc.
Section 29:	In case of problem animals, the Chief Wild Life Warden (CWLW) or someone authorized should be able to give such permits to destroy such animals.
Section 34:	<p>This is counterproductive to the conservation effort; people will resent it as well.</p> <p>Poaching rarely takes place with licenced weapons. Most are by poisoning and snaring, and rarely with illegal firearms.</p>
Section 35:	No comments, except that it a duplication of sec 18A.
Section 36D:	The Namibian Community Based Natural Resource Management (CBNRM) process should be followed, where the communities will be able to manage wild life, provide corridors and have a meaningful sustainable use model built in.
Section 39:	If hunting is going to be allowed (which it must) then this chapter needs to be recast with CITES Appendix as well as taking best practices from other SADC countries, Europe and North America.
Section 48:	If trade and hunting is allowed this will need an overhaul.

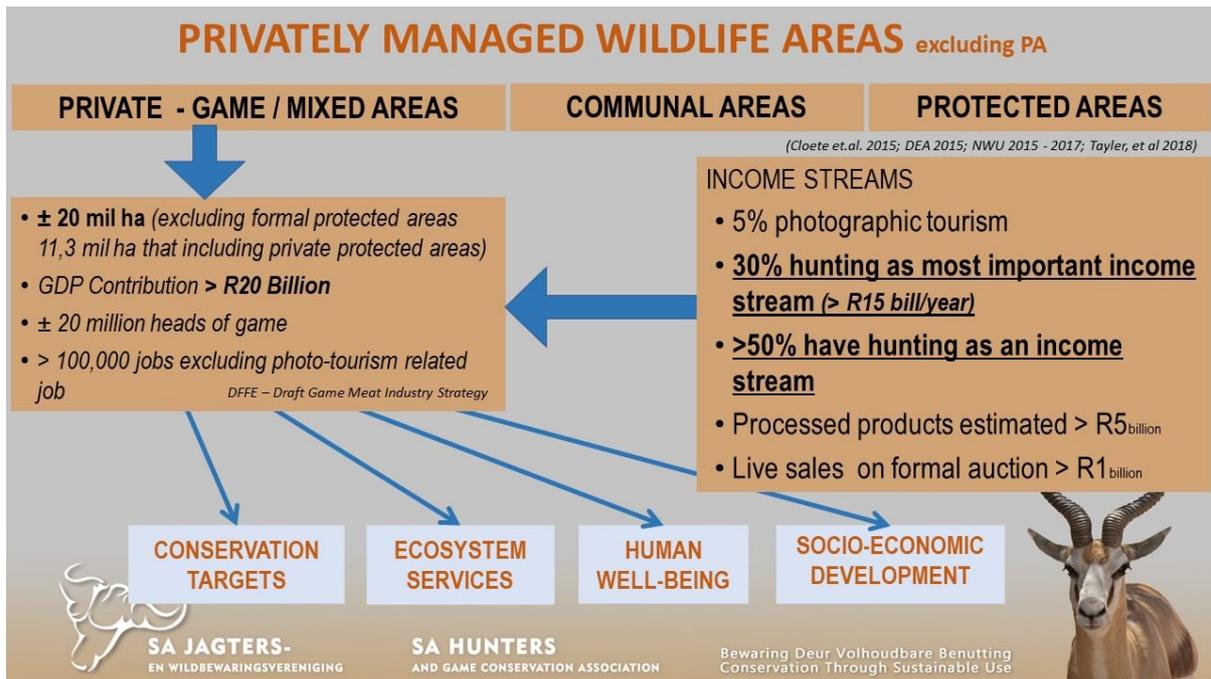
Section 49A:	As above
Insertion of Chapter VB:	CITES inclusion was overdue, but due caution must be exercised in embracing it. Every country – especially India – has a lot to gain or lose, depending on how we place ourselves. Some of the guiding principles of the IUCN papers and Namibian CBNRM laws will be good guides.
Section 61:	All inclusions/deletions in the Schedules should be done in consultation of the state governments; including animals in Schedule 1.
Section 62:	The Schedule 1 animals should also be allowed to be proscribed as vermin. As stated above, the state governments should be allowed to make suggestions in declaration of animals as vermin.
Schedules:	<p>Schedules should be rationalized.</p> <p>Sch1 should comprise of Dugong, River Dolphins, Wild Water Buffalo, Nilgiri Marten, Bustards (Bustards and floricans), Hoolok apes, Cranes – Sarus and Black-necked, Narkondam Hornbill and other endemic Andaman and Nicobar island animals and birds.</p> <p>All deer, antelope, wild sheep, wild goats, gaur, wild boar and elephant, all large carnivores should be placed in Sch 2 and allowed to be hunted under seasons or when they threaten life and property.</p> <p>Monkeys other than apes should be in schedule 2 with concurrence of the respective states. Some like the wild boar, blue bull (neel gai), rhesus macaque and langoor may be declared as vermin to protect peoples' livelihoods.</p> <p>Rats, mice and similar pests to agriculture should be transferred to the agricultural department.</p> <p>Blue Rock Pigeons, Norwegian rats – black and brown, invasive alien species of fish and plants should be allowed to be harvested/removed out of the system without let or hindrance.</p>



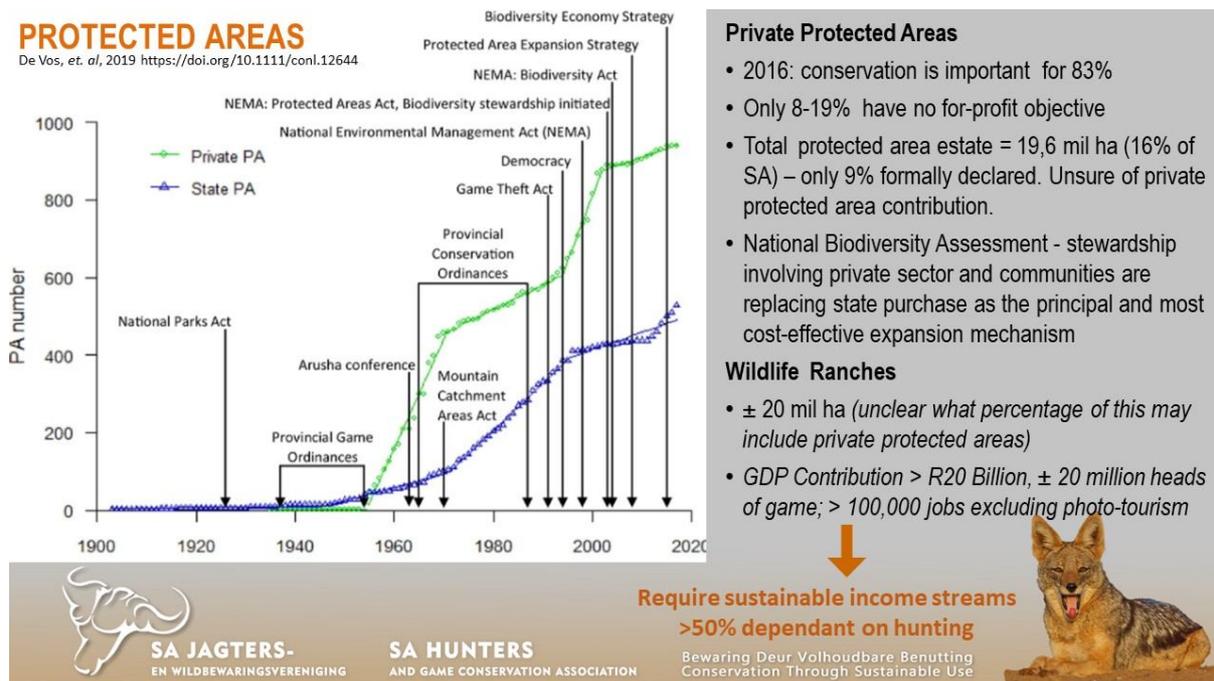
Game numbers in African countries that allow hunting.



Population estimates of regions of Africa with hunting and non-hunting.



Hunting as a tool for conservation.



Private protected areas – South Africa

Hunting – (Trophy, Conservation etc.) – have huge benefits to both environment and for the people. It addresses:

1. Biological stability

Trophy hunting as described in (Section II), can serve as a conservation tool when it:

- Does not contribute to long-term population declines of the hunted species or of other species sharing its habitat, noting that a sustainably harvested population may be smaller than an unharvested one;
 - Does not substantially alter processes of natural selection and ecosystem function; that is, it maintains “wild populations of indigenous species with adaptive gene pools. This generally requires that hunting offtake produces only minor alterations to naturally occurring demographic structure. It also requires avoidance of breeding or culling to deliberately enhance population-genetic characteristics of species subject to hunting that are inconsistent with natural selection;
 - Does not inadvertently facilitate poaching or illegal trade of wildlife;
 - Does not artificially and/or substantially manipulate ecosystems or their component elements in ways that are incompatible with the objective of supporting the full range of native biodiversity.
2. Net conservation benefit
Trophy hunting can serve as a conservation tool when it:
- Is linked to identifiable and specific parcels of land where habitat for wildlife is a priority (albeit not necessarily the sole priority or only legitimate use); and on which the “costs of management and conservation of biological diversity [are] internalized within the area of management and reflected in the distribution of the benefits from the use;
 - Produces income, employment, and/or other benefits that generate incentives for reduction in pressures on populations of target species, and/or help justify retention, enhancement, or rehabilitation of habitats in which native biodiversity is prioritized. Benefits may create incentives for local residents to co-exist with such problematic species as large carnivores, herbivores competing for grazing, or animals considered to be dangerous or a threat to the welfare of humans and their personal property;
 - Is part of a legally recognized governance system that supports conservation adequately and of a system of implementation and enforcement capable of achieving these governance objectives.
3. Socio-economic-cultural benefits
Trophy hunting can serve as a conservation tool when it:
- Respects local cultural values and practices (where “local” is defined as sharing living space with the focal wildlife species), and is accepted by (and preferably, co-managed and actively supported by) most members of the local community on whose land it occurs;
 - Involves and benefits local residents in an equitable manner, and in ways that meet their priorities;
 - Adopts business practices that promote long-term economic sustainability.

Adaptive Management: Planning, Monitoring, and Reporting

Trophy hunting can serve as a conservation tool when it:

1. Is premised on appropriate resource assessments and/or monitoring of hunting indices, upon which specific quotas and hunting plans can be established through a collaborative process. Optimally, such a process should (where relevant) include local communities and

draw on local/indigenous knowledge. Such resource assessments (examples might include counts or indices of population performance such as sighting frequencies, spoor counts) or hunting indices (examples might include trophy size, animal age, hunting success rates and catch per hunting effort) are objective, well documented, and use the best science and technology feasible and appropriate given the circumstances and available resources;

2. Involves adaptive management of hunting quotas and plans in line with results of resource assessments and/or monitoring of indices, ensuring quotas are adjusted in line with changes in the resource base (caused by ecological changes, weather patterns, or anthropogenic impacts, including hunting offtake);
3. Is based on laws, regulations, and quotas (preferably established with local input) that are transparent and clear, and are periodically reviewed and updated;
4. Monitors hunting activities to verify that quotas and sex/age restrictions of harvested animals are being met;

IUCN SSC (2012). IUCN SSC Guiding principles on trophy hunting as a tool for creating conservation incentives. Ver. 1.0. IUCN, Gland.

References cited:

1. Sustainable Resource Management in Namibia – Jessica Brown and Neil Bird
2. A marketing and spending analysis of Trophy Hunters (2015-16 season) – Peet van der Merwe
3. CONSERVATION BENEFITS OF HUNTING – A FACT SHEET Compiled by E.J Nel – Manager Conservation July 2015
4. National Policy on Community Based Natural Resource Management (March 2013) Ministry of Environment and Tourism, Directorate of Parks and Wildlife Management, Republic of Namibia
5. Guidelines for management of conservancies and Standard Operating Procedures (August 2013) Ministry of Environment and Tourism, Republic of Namibia
6. National Policy on Human-Wildlife Conflict Management 2009 Ministry of Environment and Tourism, Republic of Namibia
7. Draft 2 March 2021 WILDLIFE AND PROTECTED AREAS MANAGEMENT REGULATIONS: WILDLIFE AND PROTECTED AREAS MANAGEMENT ACT, 2020 Ministry of Environment and Tourism, Republic of Namibia
8. Citation: IUCN SSC (2012). IUCN SSC Guiding principles on trophy hunting as a tool for creating conservation incentives. Ver. 1.0. IUCN, Gland.
9. The baby and the bathwater: trophy hunting, conservation and rural livelihoods (IUCN)
R. Cooney, C. Freese, H. Dublin, D. Roe, D. Mallon, M. Knight, R. Emslie, M. Pani, V. Booth, S. Mahoney and C. Buyanaa



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The Wildlife (Protection) Amendment Bill 2021

The suggestions made in this note are primarily related to Mahseer Conservation, but does not preclude the conservation of other aquatic species of fish in Indian rivers or in other freshwater habitats which are IUCN Red Listed as, Critically Endangered, Endangered or Vulnerable. Rivers and other fresh water habitats, which harbour such aquatic species should be included in the proposed Amendment Bill, whether or not they flow through or are present in 'protected areas' as currently defined. Stretches of such rivers and other fresh water habitats should be clearly defined and declared "Important Aquatic Habitats", and afforded protection under The Wildlife Protection Act.

"Important Aquatic Habitats", thus defined, should be conserved and protected as follows:

- Harvesting of any Red Listed aquatic species, whether for commercial purpose or sustenance by local communities should be prohibited.
- Use of dynamite, poison, gill nets, traps and snares, electrocution should be made cognisable offences and be punishable by Law. Punishment may be defined by competent legal authority.
- Recreational Angling (using Rod & Line) strictly on a "Catch & Release" basis should be permitted. This 'Eco-Tourism' model of conservation is a proven success globally, and it benefits the local community financially, apart from promoting 'community involvement in conservation', critical to any conservation management plan.
- Introduction of any aquatic species that could be harmful to the Red Listed species should be banned. Nature should not be tampered with such introductions.
- Sand and gravel mining, removal of stones/ boulders, destruction of riverine trees and vegetation should be banned by law.
- Non-native, introduced and invasive species of aquatic fauna should be defined for each "Important Aquatic Habitat", and the removal of such species, if caught, by recreational anglers, should be made mandatory.
- Local NGO's should be identified and made partners, to help with the protection and conservation of habitats and identified crucial species, along with the Forest, Fisheries and Police departments.
- The proposed amendment bill should mandate a bi-annual meeting of all defined stakeholders, the minutes of which should be submitted to the MoEF&CC.
- Construction of any man made structure, abstraction or diversion of water, which could alter the habitat, should be approved by the National Green Tribunal.
- Lakes, tanks and such other water bodies defined as "Important Aquatic Habitat" should be kept free of exotic aquatic weeds such as *Eichhornia crassipes* and *Ipomoea cornea*.

- The current definition of 'hunting' in the WPA should be suitably qualified to state that this definition applies to terrestrial, avian and amphibious species and not to purely aquatic species.
- 'Catch & Release' recreational angling does not tantamount to 'hunting' as the animal is not killed.
- The amendment bill should provide for revisions and modifications as deemed necessary, based on current and future scientific knowledge, insofar as the spirit of the law is not violated. Protection and conservation of the Red Listed aquatic species should be the prime concern.

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Date: 07/02/2022

Place: Bengaluru

Email: outrigor@gmail.com

Memoranda submitted by Concerned Citizens with identical representations

1. Shri Adnan Khan, Bengaluru
2. Shri Dinesh Kallahalli
3. Shri P. Vijayan, Salem
4. Smt. S. Jayachandran, Ooty, Tamil Nadu
5. Shri K.R. Purandara, Bengaluru
6. Shri Rajendra Prasad, Mandya, Karnataka
7. Shri Ratheesh Pisharody, Bangaluru
8. Shri Sharada Ganesh, Bengaluru
9. Shri Shreekumar, Udupi, Karnataka
10. Shri K.J. Siddharth, Bengaluru
11. Shri Srinathmba
12. Shri S. Subbaiah, Bengaluru
13. Shri Sumanas Koulagi, Mandya, Karnataka
14. Shri Sundarmuthanna, Bengaluru
15. Shri T. Vijayendra, Hyderabad, Telangana

Dear Sir,

This letter is in **response to the invitation for memoranda** published by the "Department-Related Parliamentary Standing Committee on Science & Technology, Environment, Forests & Climate Change", on the **28th of January 2022 towards the "Wild Life (Protection) Amendment Bill, 2021"**.

As a responsible citizen, I consider it my fundamental duty to protect the natural resources of our country including wildlife in all its forms, which are a part of our ecological fabric. I thank you for the opportunity to provide feedback on this most important Bill. After careful study, I wish to express my strong objections to some of the changes proposed in the amendment.

Below I am recording my feedback to the amendments proposed:

1. The amendment seeks to change the **preamble of the WPA** itself in two areas. While the consolidation of "wild animals, birds and plants" into the phrase "wild life" is simple, desirable and straight-forward, the decision to introduce the words "conservation" and "management" will de-focus the act and will open up future pathways for dilution. As the title of the Act suggests, it is about the "protection" of wildlife and should remain that way. While the word "conservation" sounds innocuously similar to "protection" it is in practice not the same. **"Conservation" involves preservation or protection of species outside their natural habitats which essentially is not the same thing as protecting wildlife in-situ.** In other words, conservation is a compromised mitigation that is a necessary action that follows when existing species of wildlife cannot be protected. Hence the introduction of this word into the preamble of the Act is self-defeating. The word "management" on the other hand is completely unnecessary for the purposes of the said Act, and will go on to include all forms of intrusive micro-management that comes with it. The intent of the Act to make an uncompromising attempt to protect all forms of wildlife in its natural state, and in its natural relations with its surroundings, is being violated by this attempt to introduce these words into the preamble.

2. In **Section-2**, the introduction of the phrase "invasive alien species", in addition to the term "vermin", now redefined to mean animals in Section-62 (i.e the section dealing with "invasive alien species") only furthers the artificial-divides that exist in the understanding of ecology. The term "alien", which only currently seems to consider the border between India and other countries, has varied meanings under practical conditions when one looks at the diversity of regions within India as well as the forested borders it shares with other countries where the eco-regions merge. The introduction of the term "alien" would be applicable to laws (perhaps unfair) that would entail from such a term, for creatures who know no such borders and naturally exist within the confines of such eco-regions. The term "invasive" itself is a temporal term that has a binding to certain circumstances. Hence no species of wildlife can be inherently called so. The current amendment does not seek to list anything explicitly under these descriptions but the **introduction of such a phrase can lead to opportunities being opened for schedules and lists (just as what happened in case of "vermin") that in the long run would turn out to be unwarranted.**

3. While it is a welcome change to see the **removal of Schedule-V** (for the so-called

"vermin"), the aforementioned phrase **"invasive alien species" only seems to replace it**. Further, the changes to Section-62 makes it evident that this might not play out in the larger interest of wildlife. The amendment states explicitly that "disposing" and "including through destruction" is applicable to such species and that too for all the species listed in Schedule-II. By doing so, the Act has opened up a huge list of creatures to being unfairly treated on a case-to-case basis. In the worst case this treatment would be arbitrary and at the discretion of officers, experts and scientists who may or may not uphold the holistic case of protecting India's wildlife when they deal with locally fathomable circumstances. This is notwithstanding the issue that even a bare minimum process for a notification has not been described. Thus, **it simply entails a smaller list of 4 - stigmatized - species being replaced by a larger list of - potentially stigmatized - 1000 species**, undoing what the amendment set out to do by removing Schedule-V. Additionally, there is no clarity about the process involved in destruction of the said species (under the exceptional circumstances); for e.g "invasive species" could be shrubs that have now interspersed among valuable green cover and there exists as many damaging ways to their removal as there are safe. A lack of process can result in loss of wildlife that we intend to protect or a disruption in the food chain for the species we are trying to protect.

4. Zoos themselves are archaic and colonial vestiges that only transformed from circus-like entertainment that included the human species at some point in history to what they have become [today](#). While the existence of zoos itself needs to be questioned in a modern India with its strong laws that champion the causes for all wildlife, it is appalling to see that the amendment, in **Section-2 now seeks to introduce the word "conservation" into the zoo-lingua-franca thereby going the way of western countries** that have chosen to co-opt conservation into Zoos while continuing its commercial viability. This would only enable the act of putting immense pressure on animals for the recreational value of the masses without any benefit for the wildlife itself. By adding a "conservation" angle, future funding of zoos would be made possible via misrepresentation. In the ideal case of an amendment, provisions for having zoos itself need to be removed, the wild animals organically re-introduced to their natural environments and zoos closed eventually through a natural die-down. Specifically to this act, **no further loopholes and provisions should be provided to Zoos so that they can continue the act of legalized emotional abuse** that is endured by the wild creatures.

5. The introduction of **"film making" in Section 28 is shocking**. While the amendment seems to suggest that a qualifying statement with what seems like a vague-condition would sharpen this clause, it does not go all the way and indicate what "adverse impacts" could be expected thereby making the clause toothless. Moreover, "changes to habitat" and its "adverse impact" are all side effects of all the existing possibilities in the present Act itself; for e.g tourism which is in the same list and could do with the same qualifier. "Film making" at any scale involves a humongous amount of foot-fall in terms of supporting staff, vehicles, props, lighting and ultimately sound. None of these can be open to interpretation and discretion at officer levels when it comes to a permit. The permits in future might be regarded as a form of revenue and we will fail to protect the wildlife that need their space, comfort and quiet in their natural habitats. Further, such an introduction only gives a chance to human-animal conflict in the future. **With the advent of technology such as computer generated graphics and other virtual possibilities there is no justification for allowing for an extremely**

intrusive, damage inducing and purely commercial venture such as film-making to occur in forests of all kinds. The history of film making itself is its own testament that it is a process that usually transformative to its environment and thus the only rational thing to do is to not introduce "film making" into the set of items for which permits can be obtained. Also important to note here is the fact that in 1978, film making in the wild was specifically banned to avoid accidents.

6. Sections 40 and 43 of the amendment imply that "live elephants" can now be traded. This is a shocking change that begs the question as to whose interest are we protecting with the act and its amendments? While an underground market continues to exist and enables wild elephants to be captured and traded between poachers, middlemen, individuals and the temples in India, making an explicit provision for actually trading live elephants will undo all the good work that has happened towards regulation of handling wildlife such as the elephants. Elephants are an endangered species overall and the Indian Elephant, technically the Asian Elephant (*Elephas Maximus*) is a part of the Appendix-I of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) which ironically this very amendment seems to adhere to. **The very fact that the amendment claims to implement CITES but opens up an unnecessary floodgate via the permission to trade live elephants should be seen as contradictory and cancelling;** so contradictory, in fact, that this pushes Elephant conservation back by years.

7. The amendments to **Section 29** includes the provisions for "bona fide use of drinking water and household water by local communities" which upholds the principles of the Forest Rights Act, and is a commendable change. At the same time an unqualified provision like this can lead to unfair usage of the common resources that more often than not physically exist in boundaries between human and wild habitats. **The existence of a liberal clause can lead to projects that will develop under the guise of drinking and household water** but eventually transform into extraction for other purposes as well as over-extraction. Untimely extraction of water can also occur as water resources and their quantity is seasonal with animals venturing closer to such sources that are in the peripheries especially during times of scarcity. Thus, **unclear wording in the act can lead to human animal conflict.** What is suggested here is a comprehensive and updated section that lists out the exact share that the human species has in these resources and clarity on what are the conditions for non-extraction.

8. In Section 5A (1) (d), the removal of "Member, Planning Commission" is a welcome change but the **substitution with "Member, NITI Aayog" undoes the whole purpose of the Act.** Having a member from any kind of department, executive-body or office whose primary concerns are directly in conflict with the Board for Wildlife will only result in the furthering of developmental interests instead of the interests of the protection of Wildlife and their habitats. Hence, it is recommended that instead of the proposed change, **clause (d) be completely removed along with the clauses (h), (i), (j) and (n)** that represent Army, Defence, I&B and Tourism respectively.

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several species from the original act missing in this amendment. Also missing are species that were absent during the lifetime of the present Act, but which have been documented in India by well reputed organizations hence. Apart from that, within the newly provided schedules there exist cases of incorrect spellings and/or incorrect scientific names. All these errors can lead to situations where wildlife would go unprotected since sometimes - in cases such as spelling errors - criminals can get away due to the incorrectly spelt species names.

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In the light of the above concerns, I request that the proposed amendments to the Wild Life (Protection) Act, 1972 should be **withdrawn, reconsidered and fortified with better provisions** for the Wild Life it aims to protect. I hereby would like to register my opposition to the amendment proposed.

Yours Sincerely,
Adnan Khan

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Below I am recording my feedback to the amendments proposed:

1. The amendment seeks to change the preamble of the WPA itself in two areas. While the consolidation of "wild animals, birds and plants" into the phrase "wild life" is simple, desirable and straight-forward, the decision to introduce the words "conservation" and "management" will de-focus the act and will open up future pathways for dilution. As the title of the Act suggests, it is about the "protection" of wildlife and should remain that way. While the word "conservation" sounds innocuously similar to "protection" it is in practice not the same. "Conservation" involves preservation or protection of species outside their natural habitats which essentially is not the same thing as protecting wildlife in-situ. In other words, conservation is a compromised mitigation that is a necessary action that follows when existing species of wildlife cannot be protected. Hence the introduction of this word into the preamble of the Act is self-defeating. The word "management" on the other hand is completely unnecessary for the purposes of the said Act, and will go on to include all forms of intrusive micro-management that comes with it. The intent of the Act to make an uncompromising attempt to protect all forms of wildlife in its natural state, and in its natural relations with its surroundings, is being violated by this attempt to introduce these words into the preamble.

2. In Section-2, the introduction of the phrase "invasive alien species", in addition to the term "vermin", now redefined to mean animals in Section-62 (i.e the section dealing with "invasive alien species") only furthers the artificial-divides that exist in the understanding of ecology. The term "alien", which only currently seems to consider the border between India and other countries, has varied meanings under practical conditions when one looks at the diversity of regions within India as well as the forested borders it shares with other countries where the eco-regions merge. The introduction of the term "alien" would be applicable to laws (perhaps unfair) that would entail from such a term, for creatures who know no such borders and naturally exist within the confines of such eco-regions. The term "invasive" itself is a temporal term that has a binding to certain circumstances. Hence no species of wildlife can be inherently called so. The current amendment does not seek to list anything explicitly under these descriptions but the introduction of such a phrase can lead to opportunities being opened for schedules and lists (just as what happened in case of "vermin") that in the long run would turn out to be unwarranted.

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Thanking you,

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Sd/-

Dinesh Kallahalli

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Thanking you,
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Jayachandran.S.

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In the light of the above concerns, I request that the proposed amendments to the Wild Life (Protection) Act, 1972 should be **withdrawn, reconsidered and fortified with better provisions** for the Wild Life it aims to protect. I hereby would like to register my opposition to the amendment proposed.

Yours Sincerely,
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In the light of the above concerns, I request that the proposed amendments to the Wild Life (Protection) Act, 1972 should be **withdrawn, reconsidered and fortified with better provisions** for the Wild Life it aims to protect. I hereby would like to register my opposition to the amendment proposed.

Yours Sincerely,
Shreekumar

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Below I am recording my feedback to the amendments proposed:

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As a responsible citizen, I consider it my fundamental duty to protect the natural resources of our country including wildlife in all its forms, which are a part of our ecological fabric. I thank you for the opportunity to provide feedback on this most important Bill. After careful study, I wish to express my strong objections to some of the changes proposed in the amendment.

Below I am recording my feedback to the amendments proposed:

1. The amendment seeks to change the **preamble of the WPA** itself in two areas. While the consolidation of "wild animals, birds and plants" into the phrase "wild life" is simple, desirable and straight-forward, the decision to introduce the words "conservation" and "management" will de-focus the act and will open up future pathways for dilution. As the title of the Act suggests, it is about the "protection" of wildlife and should remain that way. While the word "conservation" sounds innocuously similar to "protection" it is in practice not the same. **"Conservation" involves preservation or protection of species outside their natural habitats which essentially is not the same thing as protecting wildlife in-situ.** In other words, conservation is a compromised mitigation that is a necessary action that follows when existing species of wildlife cannot be protected. Hence the introduction of this word into the preamble of the Act is self-defeating. The word "management" on the other hand is completely unnecessary for the purposes of the said Act, and will go on to include all forms of intrusive micro-management that comes with it. The intent of the Act to make an uncompromising attempt to protect all forms of wildlife in its natural state, and in its natural relations with its surroundings, is being violated by this attempt to introduce these words into the preamble.

2. In **Section-2**, the introduction of the phrase "invasive alien species", in addition to the term "vermin", now redefined to mean animals in Section-62 (i.e the section dealing with "invasive alien species") only furthers the artificial-divides that exist in the understanding of ecology. The term "alien", which only currently seems to consider the border between India and other countries, has varied meanings under practical conditions when one looks at the diversity of regions within India as well as the forested borders it shares with other countries where the eco-regions merge. The introduction of the term "alien" would be applicable to laws (perhaps unfair) that would entail from such a term, for creatures who know no such borders and naturally exist within the confines of such eco-regions. The term "invasive" itself is a temporal term that has a

binding to certain circumstances. Hence no species of wildlife can be inherently called so. The current amendment does not seek to list anything explicitly under these descriptions but the **introduction of such a phrase can lead to opportunities being opened for schedules and lists (just as what happened in case of "vermin") that in the long run would turn out to be unwarranted.**

3. While it is a welcome change to see the **removal of Schedule-V** (for the so-called "vermin"), the aforementioned phrase **"invasive alien species" only seems to replace it.** Further, the changes to Section-62 makes it evident that this might not play out in the larger interest of wildlife. The amendment states explicitly that "disposing" and "including through destruction" is applicable to such species and that too for all the species listed in Schedule-II. By doing so, the Act has opened up a huge list of creatures to being unfairly treated on a case-to-case basis. In the worst case this treatment would be arbitrary and at the discretion of officers, experts and scientists who may or may not uphold the holistic case of protecting India's wildlife when they deal with locally fathomable circumstances. This is notwithstanding the issue that even a bare minimum process for a notification has not been described. Thus, **it simply entails a smaller list of 4 - stigmatized - species being replaced by a larger list of - potentially stigmatized - 1000 species,** undoing what the amendment set out to do by removing Schedule-V. Additionally, there is no clarity about the process involved in destruction of the said species (under the exceptional circumstances); for e.g "invasive species" could be shrubs that have now interspersed among valuable green cover and there exists as many damaging ways to their removal as there are safe. A lack of process can result in loss of wildlife that we intend to protect or a disruption in the food chain for the species we are trying to protect.

4. Zoos themselves are archaic and colonial vestiges that only transformed from circus-like entertainment that included the human species at some point in history to what they have become [today](#). While the existence of zoos itself needs to be questioned in a modern India with its strong laws that champion the causes for all wildlife, it is appalling to see that the amendment, in **Section-2 now seeks to introduce the word "conservation" into the zoo-lingua-franca thereby going the way of western countries** that have chosen to co-opt conservation into Zoos while continuing its commercial viability. This would only enable the act of putting immense pressure on animals for the recreational value of the masses without any benefit for the wildlife itself. By adding a "conservation" angle, future funding of zoos would be made possible via misrepresentation. In the ideal case of an amendment, provisions for having zoos itself need to be removed, the wild animals organically re-introduced to their natural environments and zoos closed eventually through a natural die-down. Specifically to this act, **no further loopholes and provisions should be provided to Zoos so that they can continue the act of legalized emotional**

abuse that is endured by the wild creatures.

5. The introduction of "**film making**" in **Section 28 is shocking**. While the amendment seems to suggest that a qualifying statement with what seems like a vague-condition would sharpen this clause, it does not go all the way and indicate what "adverse impacts" could be expected thereby making the clause toothless. Moreover, "changes to habitat" and its "adverse impact" are all side effects of all the existing possibilities in the present Act itself; for e.g tourism which is in the same list and could do with the same qualifier. "Film making" at any scale involves a humongous amount of foot-fall in terms of supporting staff, vehicles, props, lighting and ultimately sound. None of these can be open to interpretation and discretion at officer levels when it comes to a permit. The permits in future might be regarded as a form of revenue and we will fail to protect the wildlife that need their space, comfort and quiet in their natural habitats. Further, such an introduction only gives a chance to human-animal conflict in the future. **With the advent of technology such as computer generated graphics and other virtual possibilities there is no justification for allowing for an extremely intrusive, damage inducing and purely commercial venture such as film-making to occur in forests** of all kinds. The history of film making itself is its own testament that it is a process that usually transformative to its environment and thus the only rational thing to do is to not introduce "film making" into the set of items for which permits can be obtained. Also important to note here is the fact that in 1978, film making in the wild was specifically banned to avoid accidents.

6. **Sections 40 and 43 of the amendment imply that "live elephants" can now be traded**. This is a shocking change that begs the question as to whose interest are we protecting with the act and its amendments? While an underground market continues to exist and enables wild elephants to be captured and traded between poachers, middlemen, individuals and the temples in India, making an explicit provision for actually trading live elephants will undo all the good work that has happened towards regulation of handling wildlife such as the elephants. Elephants are an endangered species overall and the Indian Elephant, technically the Asian Elephant (*Elephas Maximus*) is a part of the Appendix-I of CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) which ironically this very amendment seems to adhere to. **The very fact that the amendment claims to implement CITES but opens up an unnecessary floodgate via the permission to trade live elephants should be seen as contradictory and cancelling;** so contradictory, in fact, that this pushes Elephant conservation back by years.

7. The amendments to **Section 29** includes the provisions for "bona fide use of drinking water and household water by local communities" which upholds the principles of the Forest Rights Act, and is a commendable change. At the same time an unqualified provision like this can lead to unfair usage of the common

resources that more often than not physically exist in boundaries between human and wild habitats. **The existence of a liberal clause can lead to projects that will develop under the guise of drinking and household water** but eventually transform into extraction for other purposes as well as over-extraction. Untimely extraction of water can also occur as water resources and their quantity is seasonal with animals venturing closer to such sources that are in the peripheries especially during times of scarcity. Thus, **unclear wording in the act can lead to human animal conflict**. What is suggested here is a comprehensive and updated section that lists out the exact share that the human species has in these resources and clarity on what are the conditions for non-extraction.

8. In Section 5A (1) (d), the removal of "Member, Planning Commission" is a welcome change but the **substitution with "Member, NITI Aayog" undoes the whole purpose of the Act**. Having a member from any kind of department, executive-body or office whose primary concerns are directly in conflict with the Board for Wildlife will only result in the furthering of developmental interests instead of the interests of the protection of Wildlife and their habitats. Hence, it is recommended that instead of the proposed change, **clause (d) be completely removed along with the clauses (h), (i), (j) and (n)** that represent Army, Defence, I&B and Tourism respectively.

9. The **rationalization of the Schedules is a welcome change** when in comparison to what existed in the present Act. It will certainly help for an easy understanding of the two levels of protection assured for the wildlife. However, there are many concerns when it comes to these new schedules. The **rationale for why certain animals are in Schedule-I and the others made it only to Schedule-II is unclear**. There are several species from the original act missing in this amendment. Also missing are species that were absent during the lifetime of the present Act, but which have been documented in India by well reputed organizations hence. Apart from that, within the newly provided schedules there exist cases of incorrect spellings and/or incorrect scientific names. All these errors can lead to situations where wildlife would go unprotected since sometimes - in cases such as spelling errors - criminals can get away due to the incorrectly spelt species names.

10. The **"FINANCIAL MEMORANDUM"** has made explicit that the funds for salaries and operations for all the newly described officers and their departments which are part of the adherence to CITES, **comes from the budget allocated for "Integrated Development of Wildlife Habitats"**. The 2022 Budget has also allocated a slightly higher amount to the aforementioned scheme. However, in effect, the increase in budget for this scheme and the proposal of an amendment of this scale and budgetary requirements cancel each other out. It is well known that one of the biggest hurdles for protection even under the current Act is the amount of finances we "can-be" and "have-been" spending on the

foot-soldiers (**guards, wardens etc**); this includes the integrated scheme of activities involving local communities. Instead of making a palpable change in the wages and conditions of these foot-soldiers and thereby strengthening the ground-base for protection, **the amendment's investment in a new hierarchy tree is rather untimely.**

11. It has to be noted here that the **listing of explicit species** for all protection levels is **not a methodology that can be sustained** as can be seen from the history of the Act itself. Considering this past learning and a potential future flux in the list, a pragmatic approach would be the following. (a) List the wildlife (i.e mammals, birds, plants et al) that need to enjoy the highest level of protection in a single Schedule, namely Schedule-I. (b) Come up with a much smaller list for the domestic animals, birds and plants named Schedule-II; a list, that, due to its sheer number would be easier to maintain (c) Come up with a clause that explicitly states that the highest protection is for Schedule-I and the second level of protection would be for all wild life that is NOT in Schedule-II. **A simple non-enumerated version such as this will ensure many species can be protected** that are currently at various stages of understanding and research. This would also reduce the need to update the Schedules of the Act very often and is as easy to understand and implement as at the rationalized versions presented in the amendment.

In the light of the above concerns, I request that the proposed amendments to the Wild Life (Protection) Act, 1972 should be **withdrawn, reconsidered and fortified with better provisions** for the Wild Life it aims to protect. I hereby would like to register my opposition to the amendment proposed.

Yours Sincerely,
T. Vijayendra