



# Standing Committee Report Summary

## The Wild Life (Protection) Amendment Bill, 2021

- The Standing Committee on Science and Technology, Environment, Forests and Climate Change (Chair: Mr Jairam Ramesh) submitted its report on the Wild Life (Protection) Amendment Bill, 2021 on April 21, 2022. The Bill was introduced in Lok Sabha in December 2021. The Bill seeks to amend the Wild Life (Protection) Act, 1972. The Act provides for the protection of wild animals, birds, and plants. The Bill seeks to: (i) implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), (ii) protect native Indian species, and (iii) improve enforcement of the law. Key observations and recommendations of the Committee include:
  - **Implementing CITES:** CITES is an international agreement to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species. The Committee observed that amending the Biological Diversity Act, 2002 would be the most appropriate way of implementing CITES, as the mandate of CITES is sustainable use of biodiversity. It also observed that the approach under the Bill will make the principal Act complicated and might introduce contradictions. To address this concern, it recommended: (i) amending the relevant sections of the 1972 Act, without introducing an elaborate Chapter as proposed in the 2021 Bill, (ii) eliminating Schedule IV of the 2021 Bill and replacing the references to Schedule IV with CITES Appendices in the entire Bill. Schedule IV is a list of the specimens listed in the CITES Appendices. Under CITES, plant and animal specimens are classified into three Appendices, based on the threat to their extinction.
  - **Protection of native Indian gene pool:** The Bill empowers the central government to regulate the import, trade, possession or proliferation of invasive alien species. The Bill defines ‘invasive alien species’ as plant or animal species which are: (i) not native to India and, (ii) whose introduction may adversely impact wild life or its habitat. The Committee observed that invasive alien species may exist within the country, with regards to particular ecosystems. The Committee recommended: (i) having a scientific and transparent process for listing and delisting invasive alien species, (ii) enabling provisions for formulating specific management measures, and (iii) bringing clarity that CITES specific provisions don’t facilitate breeding and trade of native Indian species.
  - **Rationalising Schedules:** The Bill reduces the total number of schedules in the 1972 Act from six to four. These are: (i) two schedules for specially protected
- animals (Schedules I and II, with Schedule II for lesser protection), (ii) one schedule for specially protected plants (Schedule III), and (iii) Schedule IV. The Committee observed: (i) omission of many species from Schedules I, II and III, and (ii) wrong categorisation of species between Schedules I and II. It recommended: (i) inserting a separate schedule for species that do not feature in Schedules I and II, and (ii) consulting the Botanical Survey of India to make Schedule III more comprehensive.

  - **State Board for Wild Life:** The 2021 Bill empowers the State Board for Wild Life to constitute a Standing Committee, for exercising certain delegated powers and duties. The Committee will consist of: (i) Vice-Chairperson of the Board, (ii) Member-Secretary, and (iii) up to ten members, nominated by the Vice-Chairperson, from amongst the Board members. The Committee noted that the Standing Committee will be packed with official members, and may end up being a rubber stamp for faster clearances of projects. It recommended that Standing Committee must have the following members: (i) at least one-third of the non-official members of the SBWL, (ii) at least three institutional members (such as the National Tiger Conservation Authority), and (iii) the Director of the Wildlife Institute of India or his nominee.
  - **Transport of live elephants:** The 1972 Act prohibits the sale and transfer of any protected wild animals, without the prior permission of the Chief Wild Life Warden. The Bill exempts the transfer of certain live elephants from the permission requirement. This applies to live elephants for which there is an ownership certificate and due permission from the state government. To discourage private ownership and trade in elephants, the Committee recommended that this exemption should be removed. It also recommended empowering the central government to prescribe conditions for transport of live elephants. This would allow acquisition of elephants by religious institutions. Further, the Committee suggested that the Rules should have clear provisions for remedial actions, if the conditions are not fulfilled.
  - **Penalties:** Under the Act, all offences are punishable with fine, imprisonment, or both. The Committee observed that there should be a distinction between a criminal act and a possible erroneous breach of law, especially with regard to permissions granted for education, science, and research. The latter should attract fines but not imprisonment.

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