

# **THE WILD LIFE (PROTECTION) ACT, 1972**

[Act No. 53 of 1972 dated 9th. September, 1972]

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*An Act to provide for the protection of<sup>1</sup>[wild animals, birds and plants] and for matters connected therewith or ancillary or incidental thereto.*

<sup>2</sup>[\*\*\*]

## CHAPTER I : PRELIMINARY

### 1. Short title, extent and commencement

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

<sup>3</sup>[(2) It extends to the whole of India except the State of Jammu and Kashmir.]

(3) It shall come into force in a State or Union Territory to which it extends, <sup>4</sup>[\*\*\*] on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union territories.

### 2. Definitions

In this Act, unless the context otherwise requires,-

(1) "animal" includes amphibians, birds, mammals and reptiles and their young, and also includes, in the cases of birds and reptiles, their eggs;

(2) "animal article" means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal <sup>5</sup>[has been used, and ivory imported into India and an article made therefrom];

<sup>6</sup>[\*\*\*]

(4) "Board" means the Wild Life Advisory Board constituted under sub-section (1) of section 6;

(5) "captive animal" means any animal, specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;

<sup>6</sup>[\*\*\*]

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

<sup>7</sup>[(7A) "circus" means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;]

(8) "closed area" means the area which is declared under sub-section (1) of section 37 to be closed to hunting;

(9) "Collector" means the chief officer in charge of the revenue administration of a district;

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

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

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

(11) "dealer" means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncured trophy <sup>5</sup>[meat or specified plant];

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

<sup>7</sup>[(12A) "Forest Officer" means the Forest Officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927;]

<sup>8</sup>[\*\*\*]

(14) "Government property" means any property referred to in section 39; <sup>7</sup>[or section 17H;]

(15) "habitat" includes land, water or vegetation which is the natural home of any wild animal;

(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 any wild animal for any of the purposes specified in sub-clause (a),

(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;

(17) "land" includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, <sup>5</sup>[marshes and wetlands and also includes boulders and rocks];

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

<sup>7</sup>[(18A) "live stock" includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheeps, yaks and also includes their young;]

(19) "manufacturer" means a manufacturer of animal articles;

(20) "meat" includes blood, bones, sinew, eggs, fat and flesh, whether raw or cooked, of any wild animal, other than vermin;

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

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

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

(24) "person" includes a firm;

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

<sup>7</sup>[(25A) "recognised zoo" means a zoo recognised under section 38H;

(25B) "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927 (16 of 1927);]

(26) "sanctuary" means an area declared, whether under section <sup>5</sup>[26A] or section 38, or deemed, under sub-section (3) of section 66, to be declared, as a wild life sanctuary;

<sup>5</sup>[(27) "specified plant" means any plant specified in Schedule VI;]

(28) "special game" means any animal specified in Schedule II;

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

(30) "taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation of trophies;

<sup>7</sup>[(30A) "territorial waters" shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);]

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

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

(b) antler, horn, rhinoceros horn, hair, feather, nail, tooth, musk, eggs and nests;

(32) "uncured trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a <sup>5</sup>[freshly killed wild animal, ambergris, musk and other animal products];

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

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

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

(36) "wild animal" means any animal found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule III, Schedule IV or Schedule V, wherever found;

(37) "wild life" includes any animal, bees, butterflies, crustacea, fish and moths; and aquatic or land vegetation which form part of any habitat;

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

<sup>7</sup>[(39) "Zoo" means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licensed dealer in captive animals.]

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

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

(a) A Director of Wild Life Preservation;

(b) Assistant Directors of Wild Life Preservation; and

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

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

(3) The Assistant Directors of Wild Life Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

#### **4. Appointment of Life Warden and other officers**

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

(a) a Chief Wild Life Warden;

(b) Wild Life Wardens;<sup>9</sup>[\*\*\*]

<sup>10</sup>[(bb) one Honorary Wild Life Warden in each district; and]

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

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

(3)<sup>11</sup>[The Wild Life Warden, the Honorary Wild Life Warden] and other officers and employees appointed under this section shall be subordinate to the Chief Wild Life Warden.

#### **5. Power to delegate**

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

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

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

#### **6. Constitution of Wild Life Advisory Board**

(1) The State Government, or, in the case of a Union territory, the Administrator, shall, as soon as may be after the commencement of this Act, constitute a Wild Life Advisory Board consisting of the following members, namely :-

(a) the Minister in charge of forests in the State or Union territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government of the Union territory, who shall be the Chairman;

(b) two members of the State Legislature or, in the case of a Union territory having a Legislature, two members of the Legislature of the Union territory, as the case may be;

(c) Secretary to the State Government, or the Government of the Union territory, in charge of forests;

<sup>12</sup>[(d) the Forest officer in charge of the State Forest Department by whatever designation called, ex officio;]

(e) an officer to be nominated by the Director;

(f) Chief Wild Life Warden, ex officio;

<sup>12</sup>[(g) officers of the State Government not exceeding five;

(h) such other persons, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of wild life, including the representatives of tribals not exceeding three.]

<sup>13</sup>[(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1).]

(2) The State Government shall appoint <sup>12</sup>[the Forest Officer in charge of the State Forest Department].

(3) The term of office of the members of the Board referred to in clause (g) of sub-section (1) and the manner of filling vacancies among them shall be such as may be prescribed.

(4) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the State Government may prescribe.

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

- (1) The Board shall meet at least twice a year at such place as the State Government may direct.
- (2) The Board shall regulate its own procedure (including the quorum).
- (3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

## **8. Duties of Wild Life Advisory Board**

It shall be the duty of the Wild Life Advisory Board to advise the State Government,-

(a) in the selection of areas to be declared as sanctuaries, National Parks <sup>14</sup>[\*\*\*] and closed areas and the administration thereof;

<sup>15</sup>(b) in formulation of the policy for protection and conservation of the wild life and specified plants;]

(c) in any matter relating to the amendment of any Schedule; <sup>14</sup>[\*\*\*]

<sup>16</sup>(cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and]

(d) in any other matter connected with the protection of wild life which may be referred to it by the State Government.

## **CHAPTER III : HUNTING OF WILD ANIMALS**

### **<sup>17</sup>[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.]

<sup>18</sup>[\*\*\*]

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

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

(a) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted;

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

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

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

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

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



Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant <sup>19</sup>[\*\*\*] a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of,-

- (a) education;
- <sup>20</sup>(b) scientific research;
- (bb) scientific Management.

Explanation.-For the purposes of clause (bb), the expression, "Scientific Management" means-

- (i) translocation of any wild animal to an alternative suitable habitat; or
- (ii) population management of wildlife without killing or poisoning or destroying any wild animals;]

<sup>21</sup>[(c) collection of specimens-

- (i) for recognised zoos subject to the permission under section 38I; or
- (ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs:]

<sup>22</sup>[Provided that no such permit shall be granted-

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

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

<sup>23</sup>[\*\*\*]

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

Save as otherwise provided in this Chapter, no person shall-

(a) wilfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by notification, by the Central Government;

(b) posses, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof :

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bona fide personal use.

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

The Chief Wild Life Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of-

- (a) education;
- (b) scientific research;
- (c) collection, preservation and display in a herbarium of any scientific institution; or
- (d) propagation by a person or an institution approved by the Central Government in this regard.

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

(1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf:

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) (Amendment) Act, 1991, was cultivating a specified plant from carrying on such cultivation for a period of six months from such commencement or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

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

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

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) (Amendment) Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

### **17E. Declaration of stock**

(1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days from the date of commencement of the Wild Life (Protection) (Amendment) Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.

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

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

No licensee under this Chapter shall-

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

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

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

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

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

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

(2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof or they apply in relation to wild animals and articles referred to in sub-section (1) of that section.]

### **18. Declaration of sanctuary**

<sup>26</sup>[(1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment.]

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

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

## **19. Collector to determine rights**

<sup>27</sup>[When a notification has been issued under section 18] the controller shall inquire into, and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

## **20. Bar of accrual of rights**

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

## **21. Proclamation by Collector**

When a notification has been issued under section 18, the Collector shall publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation-

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

## **22. Inquiry by Collector**

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

- (a) the claim preferred before him under clause (b) of section 21, and
- (b) the existence of any right mentioned in section 19 and not claimed under clause (b) of section 21, so far as the same may be ascertainable from the records of the State Government and the evidence of any person acquainted with the same.

## **23. Powers of Collector**

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

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

## **24. Acquisition of rights**

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

- (2) If such claim is admitted in whole or in part, the Collector may either-
  - (a) exclude such land from the limits of the proposed sanctuary, or

(b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and on payment of such compensation, as is provided in the Land Acquisition Act, 1894.

<sup>28</sup>[(c) allow, in consultation with the Chief Wild Life Warden, the continuation of any right of any person in or over any land within the limits of the sanctuary.]

## **25. Acquisition proceedings-**

(1) For the purpose of acquiring such land, or rights in or over such land,-

(a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894;

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(c) the provisions of the sections, preceding section 9 of that Act, shall be deemed to have been complied with;

(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 18 of the Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of Part III of that Act;

(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.

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

## **26. Delegation of Collector's powers**

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

## **29[26A. Declaration of area as sanctuary**

(1) When-

(a) a notification has been issued under section 18 and the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or

(b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be sanctuary on and from such date as may be specified in the notification:

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government:

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

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

(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislature of the State.]

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

- (1) No person other than,-
- (a) a public servant on duty,
  - (b) a person who has been permitted by the Chief Wild Life Warden or the authorised officer to reside within the limits of the sanctuary,
  - (c) a person who has any right over immovable property within the limits of the sanctuary,
  - (d) a person passing through the sanctuary along a public highway, and
  - (e) the dependants of the person referred to in clause (a), clause (b) or clause (c),
- shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.
- (2) Every person shall, so long as he resides in the sanctuary, be bound-
- (a) to prevent the commission, in the sanctuary, of an offence against this Act;
  - (b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;
  - (c) to report the death of any wild animal and to safeguard its remains until the Chief Wild Life Warden or the authorised officer takes charge thereof;
  - (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading, by any lawful means in his power, any fire within the vicinity of such sanctuary of which he has knowledge or information; and
  - (e) to assist any Forest Officer, Chief Wild Life Warden, Wild Life Warden or Police Officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.
- <sup>30</sup>[(3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause wrongful gain as defined in the Indian Penal Code, 1860 (45 of 1860), alter, destroy, move or deface such boundary-mark.
- (4) No person shall tease or molest any wild animal or litter the grounds of sanctuary.]

## **28. Grant of permit**

- (1) The Chief Wild Life Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:-
- (a) investigation or study of wild life and purposes ancillary or incidental thereto;
  - (b) photography;
  - (c) scientific research;
  - (d) tourism;
  - (e) transaction of lawful business with any person residing in the sanctuary.
- (2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

## **<sup>31</sup>[29. Destruction, etc., in a sanctuary prohibited without permit**

No person shall destroy, exploit or remove any wild life from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

Explanation.-For the purposes of this section, grazing or movement of live-stock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section.]

### **30. Causing fire prohibited**

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

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

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

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

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

### **33. Control of sanctuaries**

The Chief Wild Life Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,-

- (a) may construct such roads, bridges, buildings, fences or barrier gates, and carryout such other works as he may consider necessary for the purposes of such sanctuary;
  - (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals therein;
  - (c) may take such measures, in the interests of wild life, as he may consider necessary for the improvement of any habitat;
  - (d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of <sup>32</sup>[live-stock].
- <sup>33</sup>[\*\*\*]

### **34[33A. Immunisation of live-stock**

(1) The Chief Wild Life Warden shall take such measures in such manner, as may be prescribed, for immunisation against communicable diseases of the live-stock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause, to be taken or grazed, any live-stock in sanctuary without getting it immunised.]

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

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

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

<sup>35</sup>[(3) No new licences under the Arms Act, 1959 (54 of 1959) shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wild Life Warden.]

*National Parks*

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

(1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological or zoological association or importance, needed to be constituted as a National Park for the purpose of protecting, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park:

<sup>36</sup>[Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.]

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

(3) Where any area is intended to be declared as a National Park, the provisions of sections <sup>37</sup>[19 to 26A (both inclusive except clause (c) of sub-section (2) of section 24)] shall, as far as may be, apply to the investigation and determination of claims, and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

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

(a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and

(b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government, the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall destroy, exploit or remove any wild life from a National Park or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such National Park except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

(7) No grazing of any <sup>37</sup>[live-stock] shall be permitted in a National Park and no <sup>37</sup>[live-stock] shall be allowed to enter therein except where such <sup>37</sup>[live-stock] is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of <sup>37</sup>[section 33, section 33A] and section 34 shall, as far as may be apply in relation to a National Park as they apply in relation to a sanctuary.

<sup>38</sup>[\*\*\*]

*Closed Area*

### **37. Declaration of closed area.**

(1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in a closed area during the period specified in the notification referred to in sub-section (1).

Sanctuaries or National Parks declared by Central Government

### **38. Power of Central Government to declare areas as sanctuaries or National Parks**

(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 <sup>39</sup>[sections 18 to 35] (both inclusive), 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

(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 sub-section (1), whether or not such area has been declared, to be a

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.

(3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wild Life Warden under the sections referred to in sub-sections (1) and (2), shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references, in the sections aforesaid, to the State Government shall be construed as references to the Central Government and reference therein to the Legislature of the State shall be construed as a reference to Parliament.

## **<sup>40</sup>[CHAPTER IVA : CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS**

### **38A. Constitution of Central Zoo Authority**

(1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Authority shall consist of-

- (a) chairperson;
- (b) such number of members not exceeding ten; and
- (c) member-secretary,

to be appointed by the Central Government.

### **38B. Term of office and conditions of service of Chairperson and members, etc**

(1) The chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(2) The chairperson or a member may by writing under his hand addressed to the Central Government, resign from the office of chairperson or, as the case may be, of the member.

(3) The Central Government shall remove a person from the office of chairperson or member referred to in sub-section (2) if that person-

- (a) becomes an undischarged insolvent;
- (b) gets convicted and sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (c) becomes of unsound mind and stands so declared by a competent court;
- (d) refuses to act or becomes incapable of acting;
- (e) is, without obtaining leave of absence from the authority, absent from three consecutive meetings of the Authority; or

(f) in the opinion of the Central Government has so abused the position of chairperson or member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.

(5) The salaries and allowances and other conditions of appointment of chairperson, members and member-secretary of the Authority shall be such as may be prescribed.

(6) The Authority shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of the Authority.

(7) The terms and conditions of service of the officers and other employees of the Authority shall be such as may be prescribed.

(8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority.



### **38C. Functions of the Authority**

The Authority shall perform the following functions, namely:-

- (a) specify the minimum standards for housing, upkeep and veterinary care of the animals kept in a zoo;
- (b) evaluate and assess the functioning of zoos with respect to the standards or the norms as