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PART II - Section 1

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th December, 2022/Agrahayana 29, 1944 (Saka)

The following Act of Parliament received the assent of the President on the 19th December, 2022 and is hereby published for general information:—

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2022

No. 18 OF 2022

[19th December, 2022.]

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

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

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2022.

Short title and commencement.

(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 long title 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 long title.

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;

(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.'

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;"

Insertion of new section 6A.

5. 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.

(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."

6. 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. Amendment of section 9.
7. 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.
8. 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.
9. 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;
- (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.!
- 30 of 2013.
10. 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. Amendment of section 28.
11. In section 29 of the principal Act,— Amendment of section 29.
- (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, including the *bona fide* use of drinking and household water by local communities until they are settled, shall not be deemed to be an act prohibited under this section."
12. In section 33 of the principal Act,— Amendment of section 33.
- (a) for the words "manage and maintain all sanctuaries", the words, brackets and figures "manage and protect all sanctuaries in accordance with such management plans for the sanctuary approved by him as per the guidelines issued by the Central Government and in case the sanctuary also falls under the Scheduled Areas or areas where the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is applicable, in accordance with the management plan for such sanctuary prepared after due consultation with the Gram Sabha concerned" shall be substituted;
- 2 of 2007.

- (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. **13.** 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." 54 of 1959.
- Amendment of section 35. **14.** In section 35 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely:—
- "(3A) When the State Government declares its intention under sub-section (1) to constitute any area as a National Park, the provisions of sections 27 to 33A (both inclusive), shall come into effect forthwith, until the publication of the notification declaring such National Park under sub-section (4).
- (3B) Till such time as the rights of the affected persons are finally settled under sections 19 to 26A [both inclusive except clause (c) of sub-section (2) of section 24], the State Government shall make alternative arrangements required for making available fuel, fodder and other forest produce to the persons affected, in terms of their rights as per the Government records."
- Amendment of section 36D. **15.** 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."
- Amendment of section 38. **16.** 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.
- Amendment of section 38-I. **17.** In section 38-I of the principal Act,—
- (a) in sub-section (1), the word and figures "and II" shall be omitted;
- (b) in sub-section (2), the following proviso shall be inserted, namely:—
- "Provided that nothing in this sub-section shall apply to a conservation breeding centre."
- 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.

- 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 when 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, in sub-section (2), the following proviso shall be inserted, namely:—
- "Provided that the transfer or transport of a captive elephant for a religious or any other purpose by a person having a valid certificate of ownership shall be subject to such terms and conditions as may be prescribed by the Central Government."

Insertion of new section 38XA.
Provisions of Chapter to be in addition to provisions relating to sanctuaries and National Parks.

Amendment of heading of Chapter IVC.

Amendment of section 38Y.

Amendment of section 39.

Amendment of section 40.

Amendment of section 40A.

Amendment of section 41.

Insertion of new section 42A.

Surrender of captive animals, animal article, etc.

Amendment of section 43.

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, 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

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;

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

(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;

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

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

(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;

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

(h) "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;

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

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

(k) "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;

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

(m) "specimen" means—

(i) any animal or plant, whether alive or dead;

(ii) in the case of an animal,—

(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,—

(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;

(n) "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.

(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.

(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.

(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.

(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.

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.

(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.

(5) The form and manner of making an application for a permit or certificate to trade in a scheduled specimen, the fee payable therefor, the conditions subject to which the permit or certificate may be granted, and the procedure to be followed in granting or cancelling such permit or certificate, shall be such as may be prescribed by the Central Government.

Conditions for
export of
scheduled
specimens.

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.

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;

(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

(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.

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;

(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.

Conditions for introduction from sea of scheduled specimens.

(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

Possession,
transfer and
breeding of
living
scheduled
animal
species.

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.

Application
for Licence by
breeders of
Appendix I
species.

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, 2022, an application for a licence 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 licence, the procedure to be followed in granting or cancelling the licence 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—

Licence 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 licence.

(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 licence as the case may be after providing the applicant with an opportunity of being heard.

(3) The licence 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 licence 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.

52 of 1962.

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.

52 of 1962.

(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. (1) 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.

(2) Nothing in sections 49M, 49N or 49-O shall apply to a species listed in Schedule I or Schedule II if the same species is also listed in Schedule IV.

(3) The provisions of this Chapter shall be subject to the provisions of Chapters III, IIIA, IVA, V, VA and VIA and without prejudice to anything contained therein.

Amendment
of section 50.

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.

Amendment
of section 51.

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.

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.

Amendment of
section 54.

34. In 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:—

"(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,—

(a) for the words "captive animal" at both the places where they occur, the words "wild animal, captive animal" shall be substituted;

(b) after the words "derivative 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.

- 38.** In section 62 of the principal Act,—
- (a) for the words and figures “other than those specified in Schedule I and Part II of Schedule II”, the words and figure “specified in Schedule II” shall be substituted;
- (b) for the words and figure “deemed to have been included in Schedule V”, the words and figure “deemed not to be included in Schedule II for such area and for such period as specified in the notification” shall be substituted.
- 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 (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 terms and conditions of a transfer or transport of a captive elephant by a person having a valid certificate of ownership for a religious or any other purpose under the proviso to sub-section (2) of section 43;”;
- (b) 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 form and manner of application, the fee payable, the conditions and the procedure to be followed under sub-section (5) of section 49H;
- (jv) the matters provided for in sub-sections (8) and (9) of section 49M;
- (jvi) the form and manner of the application, the fee payable, the form of licence and the procedure to be followed in granting or cancelling a licence as per sub-section (2) of section 49N;
- (jvii) the fee payable for renewal of licence as per sub-section (3), and manner of making appeal under sub-section (4), of section 49-O;
- (jviii) 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 section 62.

Insertion of new sections 62A and 62B.

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

Power to issue directions.

Amendment of section 63.

Amendment of Schedules.