

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 1986

No. 28 of 1986

[23rd May, 1986]

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

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

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 1986.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

53 of 1972.

2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), in sub-section (1) of section 44,—

Amend-
ment of
section 44.

(a) in the opening paragraph,—

(i) for the words, brackets and figure "Except under, and in accordance with, a licence granted under sub-section (4), no person shall", the words, figures, letter and brackets "subject to the provisions of Chapter VA, no person shall, except under, and in accordance with, a licence granted under sub-section (4)" shall be substituted;

(ii) after sub-clause (i), the following sub-clause shall be inserted, namely:—

"(ia) a manufacturer of, or dealer in, any article made of ivory imported into India;"

(b) for the second proviso, the following proviso shall be substituted, namely:—

"Provided further that nothing in this sub-section shall apply to manufacturers of, and dealers in, articles made of feathers of peacock."

25-11-1986 : vide Notification No. S. O. 862 (E), dated 25-11-1986, Gazetted of India 1986, Extra-ordinary Part II, Section 3 (ii).

Insertion
of new
Chapter
VA.

3. After Chapter V of the principal Act, the following Chapter shall be inserted, namely:—

CHAPTER VA

PROHIBITION OF TRADE OR COMMERCE IN TROPHIES, ANIMAL ARTICLES, ETC., DERIVED FROM CERTAIN ANIMALS

Defini-
tions.

49A. In this Chapter,—

(a) "scheduled animal" means an animal specified for the time being in Schedule I or Part II or Schedule II;

(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;

(c) "specified date" means—

(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; and

(ii) in relation to any animal added or transferred to Schedule I or Part II of Schedule II at any time after such commencement, the date of expiry of two months from such addition or transfer.

Prohibi-
tion of
dealings
in
trophies,
animal
articles,
etc., de-
rived
from
schedul-
ed ani-
mals.

49B. (1) Subject to the other provisions of this section, on and after the specified date, no person shall,—

(a) commence or carry on the business as—

(i) a manufacturer of, or dealer in, scheduled animal articles; or

(ii) a taxidermist with respect to any scheduled animals or any parts of such animals; or

(iii) a dealer in trophy or uncured trophy derived from any scheduled animal; or

(iv) a dealer in any captive animals being scheduled animals; or

(v) a dealer in meat derived from any scheduled animal;

or

(b) cook or serve meat derived from any scheduled animal in any eating-house.

Explanation.—For the purposes of this sub-section, "eating-house" has the same meaning as in the *Explanation* below sub-section (1) of section 44.

(2) Subject to the other provisions of this section, no licence granted or renewed under section 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in clause (a) of sub-section (1) of this section or the occupation referred to in clause (b) of that sub-section after such date.

1 of 1956.
21 of 1860.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), where the Central Government is satisfied that it is necessary or expedient so to do in the public interest, it may, by general or special order published in the Official Gazette, exempt, for purposes of export, any corporation owned or controlled by the Central Government (including a Government company within the meaning of section 617 of the Companies Act, 1956), or any society registered under the Societies Registration Act, 1860 or any other law for the time being in force, wholly or substantially financed by the Central Government, from the provisions of sub-section (1) and (2).

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under section 44 to carry on the business as a taxidermist may put under a process of taxidermy any scheduled animal or any part thereof,—

(a) for or on behalf of the Government or any corporation or society exempted under sub-section (3), or

(b) with the previous authorisation in writing of the Chief Wild Life Warden, for and on behalf of any person for educational or scientific purposes.

49C: (1) Every person carrying on the business or occupation referred to in sub-section (1) of section 49B shall, within thirty days from the specified date, declare to the Chief Wild Life Warden or the authorised officer,—

Declara-
tion by
dealers.

(a) his stocks, if any, as at the end of the specified date of—

(i) scheduled animal articles;

(ii) scheduled animals and parts thereof;

(iii) trophies and uncured trophies derived from scheduled animals;

(iv) captive animals, being scheduled animals;

(b) the place or places at which the stocks mentioned in the declaration are kept; and

(c) the description of such items, if any, of the stocks mentioned in the declaration which he desires to retain with himself for his *bona fide* personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wild Life Warden or the authorised officer may take all or any of the measures specified in section 41 and for this purpose, the provisions of section 41 shall, so far as may be, apply.

(3) Where, in a declaration made under sub-section (1), the person making the declaration expresses his desire to retain with himself any of the items of the stocks specified in the declaration for his *bona fide* personal use, the Chief Wild Life Warden, with the prior approval of the Director, may, if he is satisfied that the person is in lawful possession of such items, issue certificates of ownership in favour of such person with respect to all, or as the case may be, such of the items as in the opinion of the Chief Wild Life Warden, are

required for the *bona fide* personal use of such person and affix upon such items identification marks in such manner as may be prescribed:

Provided that no such item shall be kept in any commercial premises.

(4) No person shall obliterate or counterfeit any identification mark referred to in sub-section (3).

(5) An appeal shall lie against any refusal to grant certificate of ownership under sub-section (3) and the provisions of sub-sections (2), (3) and (4) of section 46 shall, so far as may be, apply in relation to appeals under this sub-section.

(6) Where a person who has been issued a certificate of ownership under sub-section (3) in respect of any item,—

(a) transfers such item to any person, whether by way of gift, sale or otherwise, or

(b) transfers or transports from the State in which he resides to another State any such item,

he shall, within thirty days of such 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.

(7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, on and after the specified date, keep under his control, sell or offer for sale or transfer to any person any scheduled animal or a scheduled animal article.

4. In section 51 of the principal Act,

(a) in sub-section (1), for the words "contravenes any provision of this Act", the words, brackets, figure and letter "contravenes any provision of this Act (except Chapter VA)" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and also with fine which shall not be less than five thousand rupees."

5. In sub-section (1) of section 63 of the principal Act, after clause (c), the following clause shall be inserted, namely:—

"(d) any other matter which is required to be, or may be, prescribed."

Amend-
ment of
section 51.

Amend-
ment of
section 63.