

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C) NO. 897 OF 2002**

IN THE MATTER OF: -

State of Uttar Pradesh ...Appellant

Versus

Jai Bir Singh ...Respondent

AND

CIVIL APPEAL NO. 6471 OF 2002

IN THE MATTER OF: -

The State of Maharashtra & Anr. ...Appellants

Versus

Serva Shramik Sangh ...Respondent

**SHORT NOTE BY MR. SHEKHAR NAPHADE, SENIOR ADVOCATE
ON BEHALF OF THE STATE OF MAHARASHTRA**

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ADVOCATE FOR STATE OF MAHARASHTRA: AADITYA A. PANDE

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THE INDIAN FOREST ACT, 1927
ACT NO. 16 OF 1927¹

[21st September, 1927.]

An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce;

It is hereby enacted as follows:—

CHAPTER I
PRELIMINARY

1. Short title and extent.—(1) This Act may be called the Indian Forest Act, 1927.

²[(2) It extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States.

(3) It applies to the territories which, immediately before the 1st November, 1956, were comprised in the States of Bihar, Bombay, Coorg, Delhi, Madhya Pradesh, Orissa, Punjab, Uttar Pradesh and West Bengal; but the Government of any State may by notification in the Official Gazette bring this Act into force³ in the whole or any specified part of that State to which this Act extends and where it is not in force.]

2. Interpretation clause.—In this Act, unless there is anything repugnant in the subject or context, —

(1) “cattle” includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(2) “Forest-officer” means any person whom ^{4***} the ⁵[State Government] or any officer empowered by ^{4***} the ⁵[State Government] in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;

1. This Act has been amended in its application to:—

- (1) Madhya Pradesh by Madhya Pradesh Acts 26 of 1950 and 20 of 1954 ;
- (2) Uttar Pradesh by U.P. Acts 18 of 1951, 5 of 1956, 21 of 1960, 11 of 1973 and 13 of 1976 ;
- (3) Orissa by Orissa Act 25 of 1952, 11 of 1954, 27 of 1959 and 14 of 1972 ;
- (4) West Bengal by Bengal Act 11 of 1945, s. 63, West Bengal Acts 14 of 1948 and 14 of 1975 ;
- (5) East Punjab by East Punjab Act 7 of 1948 ;
- (6) Haryana by Haryana Acts 12 of 1973 and 31 of 1973 ;
- (7) Maharashtra by Maharashtra Acts 6 of 1961 and 27 of 1968 ;
- (8) Gujarat by Gujarat Act 14 of 1973 ; and
- (9) Certain parts of Mysore by Mysore Act 10 of 1958:

2. Subs. by the A.O. (No. 3) 1956, for sub-sections (2) and (3).

3. This Act has been declared to be in force in the Khondmals District by the Khondmals laws regulations, 1936 (4 of 1936), s. 3 and the Schedule.; and in the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), and the Schedule. This Act has been extended in its application to:—

- (1) Berar (partially) by the Berar Laws Act, 1941 (4 of 1941);
- (2) The Province of Coorg, see Coorg Gazette, 1930, Pt. I, p. 94;
- (3) The Delhi Province see Gazette of India, 1933, Pt. II-A, p. 293;
- (4) The whole of Madhya Pradesh by Madhya Pradesh Act 23 of 1958 (when notified);
- (5) Dadra and Nagar Haveli (w.e.t. 1-7-1965) by Reg. 6 of 1963, s. 2 and the First Schedule;
- (6) Pondicherry on 1-10-1963: vide Reg. 7 of 1963, s. 3 and the First Schedule;
- (7) Goa, Darnan and Diu by Reg. 11 of 1963, s. 3 and the Schedule; and
- (8) the whole of the Union territory of Lakshadweep (w.e.f. 1-10-1967): vide Reg. 8 of 1965, s. 3 and the Schedule. The Act has been repealed in its application to Bellary District by Mysore Act 14 of 1955.
- (9) Extended to the Union territory of Jammu and Kashmir and Union territory of Ladakh by Act 34 of 2019, s. 95 and the Fifth Schedule (31-10-2019).

4. The words “the G.G. in C. or” rep. by the A.O. 1937.

5. Subs. by the A.O. 1950, for “Provincial Government”.

(3) “forest-offence” means an offence punishable under this Act or under any rule made thereunder;

(4) “forest-produce” includes—

(a) the following whether found in, or brought from, a forest or not, that is to say:—

timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, mahua flowers, mahua seeds ¹[, kuth] and myrabolams, and

(b) the following when found in, or brought from, a forest, that is to say:—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries);

²[(4A) “owner” includes a Court of Wards in respect of property under the superintendence or charge of such Court;]

(5) “river” includes any stream, canal, creek or other channels, natural or artificial;

(6) “timber” includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

(7) “tree” includes palms, ³***, stumps, brush-wood and canes.

STATE AMENDMENTS

Jammu and Kashmir and Ladakh (UTs).—

(i) Section 2.—for clause (1), the following clauses shall be substituted, namely:—

(1) “**authorised officer**” means an officer authorized under sub-section (2) of section 52;

(1A) “**cattle**” include elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, ram, ewes, sheep, lambs, goats and kids;

(1B) “**forest based industry**” means an industry or unit in which any forest produce is used as raw material or as a source of energy.

(ii) for clause (4), the following clause shall be substituted, namely:—

(4) “**forest-produce**” includes—

(a) timber, charcoal, caoutchouc, catechu, wood-oil, resin, natural varnish, bark, lac, kuth, myrobalans, dioscorea, firewood, humus, rasaunt, morels (*Morchella* spp), *Aconitum* spp, *Podophyllum* spp, *Picrorhizaspp*, *Trillium* spp, *Nardostachys* spp, *Taxus* spp, *Valerianassp*, *Rheum* spp, wild animals, skins, tusks, horns, bones and all other parts or produce of wild animals whether found in, or brought from, a forest or not; and

(b) the following when found in, or brought from, a forest, namely:—

(i) trees and leaves, flowers and fruits, roots and all other parts or produce of trees not specified in clause (a);

1. Ins. by Act 26 of 1930, s. 2.

2. Ins. by Act 3 of 1933, s. 2.

3. The word “bamboos” omitted by Act 5 of 2018, s. 2 (w.e.f 23-11-2017).

(ii) plants not being trees (including grass, bamboos, creepers, reeds and moss and lichen), and all parts or produce of such plants;

(iii) silk, cocoons, honey and wax; and

(iv) peat, surface soil, rock, and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries).

(iii) after clause (5), insert the following clause, namely:-

(5A) “saw mill” means any plant and machinery with which and the premises (including the precincts thereof) in which or in any part of which sawing is carried on with the aid of electrical or mechanical power.

(iv) after clause (6), insert the following clause, namely:-

(6A) “transporter” includes a person, a private agency, a Government Department, Corporation or any other agency engaged in transport of forest produce whether on his own or on behalf of any other person;

(v) after clause (7), insert the following clause;

(8) “wild animal” shall have the same meaning as assigned to it in the Wild Life (Protection) Act, 1972.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

CHAPTER II

OF RESERVED FORESTS

3. Power to reserve forests.—The ¹[State Government] may constitute any forest-land or waste-land which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

4. Notification by ¹[State Government].—(1) Whenever it has been decided to constitute any land a reserved forest, the ¹[State Government] shall issue a notification in the ²[Official Gazette]—

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called “the Forest Settlement-officer”) to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.—For the purpose of clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the ¹[State Government] from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

5. Bar of accrual of forest-rights.—After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. Subs. by the A.O. 1937, for “Local Official Gazette”.

purpose shall be made in such land except in accordance with such rules as may be made by the ¹[State Government] in this behalf.

6. Proclamation by Forest Settlement-officer.—When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation—

(a) specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement-officer.—The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

8. Powers of Forest Settlement-officer.—For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:—

(a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trial of suits.

9. Extinction of rights.—Rights in respect of which no claim has been preferred under section 6 and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

10. Treatment of claims relating to practice of shifting cultivation.—(1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the State Government, together with his opinion as to whether the practice should be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the ¹[State Government] may make an order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise—

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the ¹[State Government].

1. Subs. by the A.O. 1950, for “Provincial Government”.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the ¹[State Government].

11. Power to acquire land over which right is claimed.—(1) In the case of a claim to a right in or over any land, other than a right-of-way or right of pasture, or a right to forest-produce or a watercourse, the Forest Settlement-officer 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 Forest Settlement-officer shall either—

(i) exclude such land from the limits of the proposed forest; or

(ii) come to an agreement with the owner thereof for the surrender of his rights; or

(iii) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894(1 of 1894).

(3) For the purpose of so acquiring such land—

(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 (1 of 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 preceding sections of that Act shall be deemed to have been complied with; and

(d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money.

12. Order on claims to rights of pasture or to forest produce.—In the case of a claim to rights of pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

13. Record to be made by Forest Settlement-officer.—The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,—

(a) the name, father's name, caste, residence and occupation of the person claiming the right; and

(b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

14. Record where he admits claim.—If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the quantity of timber and other forest-produce which he is from time to time authorised to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

15. Exercise of rights admitted.—(1) After making such record the Forest Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement-officer may—

(a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or

(b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or

1. Subs. by the A.O. 1950, for "Provincial Government".

(c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, at such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the ¹[State Government].

16. Commutation of rights.—In case the Forest Settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the ¹[State Government] may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

17. Appeal from order passed under section 11, section 12, section 15 or section 16.—Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the ¹[State Government] in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to such officer of the Revenue Department, of rank not lower than that of a Collector, as the ¹[State Government] may, by notification in the ²[Official Gazette], appoint to hear appeals from such orders:

Provided that the ¹[State Government] may establish a Court (hereinafter called the Forest Court) composed of three persons to be appointed by the State Government, and, when the Forest Court has been so established, all such appeals shall be presented to it.

18. Appeal under section 17.—(1) Every appeal under section 17 shall be made by petition in writing, and may be delivered to the Forest Settlement-officer, who shall forward it without delay to the authority competent to hear the same.

(2) If the appeal be to an officer appointed under section 17, it shall be heard in the manner prescribed for the time being for the hearing of appeals in matters relating to land-revenue.

(3) If the appeal be to the Forest Court, the Court shall fix a day and a convenient place in the neighbourhood of the proposed forest for hearing the appeal, and shall give notice thereof to the parties and shall hear such appeal accordingly.

(4) The order passed on the appeal by such officer or Court, or by the majority of the members of such Court, as the case may be, shall, subject only to revision by the ¹[State Government], be final.

19. Pleaders.—The ¹[State Government], or any person who has made a claim under this Act, may appoint any person to appear, plead and act on its or his behalf before the Forest Settlement-officer, or the appellate officer or Court, in the course of any inquiry or appeal under this Act.

20. Notification declaring forest reserved.—(1) When the following events have occurred, namely:—

(a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate officer or Court; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11 elected to acquire under the Land Acquisition Act, 1894 (1 of 1894), have become vested in the Government under section 16 of that Act.

the ¹[State Government] shall publish a notification in the ²[Official Gazette], specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

1. Subs. by the A.O. 1950, for "Provincial Government".

2. Subs. by the A.O. 1937, for "Local Official Gazette".

STATE AMENDMENTS

Jammu and Kashmir and Ladakh (UTs).—

Section 20A.— After section 20, insert the following section—

20A. Demarcated forests deemed to be reserved forests.— (1) Notwithstanding anything contained in this Act or any other law for the time being in force, any forest which has been notified as a demarcated forest under the erstwhile Jammu and Kashmir Forest Act, 1987 (1930 A.D.), prior to the appointed day notified under the Jammu and Kashmir Reorganization Act, 2019, shall be deemed to be a reserved forest under this Act.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forest as demarcated forests shall be deemed to have been decided, issued and prepared under this Act, and the provisions of this Act relating to reserved forests shall apply to forest to which the provision of sub-section (1) are applicable.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

Orissa

Insertion of new section after section 20, (16 of 1927).—After section 20 of the Indian Forest Act, 1927 (16 of 1927) (hereinafter referred to as the said Act), the following new section shall be inserted, namely:—

20-A. Forest land or waste land deemed to be reserved forests.—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, any forest land or waste land in the merged territories, which had been recognized by the Ruler or any merged State immediately before the date of merger as a reserved forest in pursuance or any law, custom, rule, regulation, order or notification for the time being in force or which has been dealt with as such in any administration report or in accordance with any working plan, or register maintained and acted upon immediately before the said date and has been continued to be so dealt with thereafter, shall be deemed to be reserved forests for the purposes of this Act.

(2) In the absence of any rule, order or notification under this Act, application to the area in question any law, custom, rule, regulation, order or notification mentioned in sub-section (1) shall, anything in law to the contrary notwithstanding, be deemed to be validly in force as if he same had the force and effect of rules, orders and notifications made under the provisions of this Act and shall continue to so remain in force until superseded, altered or modified in accordance therewith.

(3) No report working plan, or register as aforesaid or any entry therein shall be questioned in any court of law; provided that the State Government have duly certified that such report, working plan, or register had been prepared under the authority of the said Ruler before the date of the merger and has been under the authority of the State Government continued to be recognized, maintained or acted upon thereafter.

(4) Forests recognized in the merged territories as khesra forests, village forests or protected forests, or forests other than reserved forests, by whatever name designed or locally known, shall be deemed to be protected forests within the meaning of this Act and provisions of sub-sections (2) and (3) shall mutatis mutandis apply.

Explanation I- “Working plan” includes any plan, scheme, project, maps, drawings and lay-outs prepared for the purpose of carrying out the operations in course of the working and management of forests.

Explanation II- “Ruler” includes the Darbar administration prior to the date of the merger and “State Government” includes the successor Government after the said date.”.

[Vide the Orissa Act 11 of 1954, s.2]

21. Publication of translation of such notification in neighbourhood of forest.—The Forest-officer shall, before the date fixed by such notification, cause a translation thereof into the local vernacular to be published in every town and village in the neighbourhood of the forest.

22. Power to revise arrangement made under section 15 or section 18.—The ¹[State Government] may, within five years from the publication of any notification under section 20 revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings, specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

1. Subs. by the A.O. 1950, for “Provincial Government”.

23. No right acquired over reserved forest, except as here provided.—No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the ¹[Government] or some person in whom such right was vested when the notification under section 20 was issued.

24. Rights not to be alienated without sanction.—(1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the ²[State Government]:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

25. Power to stop ways and watercourses in reserved forests.—The Forest-officer may, with the previous sanction of the ²[State Government] or of any officer duly authorised by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the ²[State Government] deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

26. Acts prohibited in such forests.—(1) Any person who—

(a) makes any fresh clearing prohibited by section 5, or

(b) sets fire to a reserved forest, or, in contravention of any rules made by the ²[State Government] in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest—

(c) kindles, keeps or carries any fire except at such seasons as the Forest-officer may notify in this behalf;

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(f) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;

(g) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce;

(h) clears or breaks up any land for cultivation or any other purpose;

(i) in contravention of any rules made in this behalf by the ²[State Government] hunts, shoots, fishes, poisons water or sets traps or snares; or

(j) in any area in which the Elephants' Preservation Act, 1879 (6 of 1879), is not in force, kills or catches elephants in contravention of any rules so made;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(2) Nothing in this section shall be deemed to prohibit—

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the ²[State Government]; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the ²[State Government] may (notwithstanding that any penalty has been inflicted under this section) direct that in

1. Subs. the A.O. 1950, for "Crown".

2. Subs. by the A.O. 1950, for "Provincial Government".

such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

STATE AMENDMENTS

Maharashtra

Amendment of section 26 of Act 16 of 1927.—In section 26 of the Indian Forest Act, 1927, in its application to the State of Maharashtra (hereinafter referred to as “the principal Act”),—

(a) in sub-section (1),—

(i) for the words “two thousand rupees” the words “five thousand rupees” shall be substituted;

(ii) the following proviso shall be added, namely:—

“Provided that, in cases where the forest-offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted for any forest-offence the punishment may extend to double the punishment mentioned in this sub-section.”;

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

“(1A) (a) The Forest-officer may evict from a reserved forest or from any land in a reserved forest any person who, in such forest, trespasses or pastures cattle, or permits cattle to trespass, or clears or breaks up such land for cultivation or for any other purpose, and may demolish any building erected or construction made by such person on such land.

(b) Any agricultural or other crops grown, or any building erected or any construction made, by any person on any land in a reserved forest shall be liable to confiscation by an order of the Divisional Forest-officer.

(c) The provisions of this sub-section shall have effect notwithstanding any punishment inflicted under sub-section (1):

Provided that, nothing in the above sub-section shall adversely affect the forest rights conferred on the forest dwelling Schedule Tribes and other traditional forest dwellers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) and the ownership rights of Gram Sabha over the minor forest-produce under the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996).”;

(c) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) Any person who causes resistance or hurt to deter public servants or employees engaged on their behalf from discharging their duties under sub-section (1A) shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but may extend to six years and also with fine which shall not be less than one thousand rupees.

(5) No civil court shall have any jurisdiction in any matter provided for by sub-section (1A).”.

[Vide Maharashtra Act 21 of 2015, s. 2].

STATE AMENDMENTS

Jammu and Kashmir and Ladakh (UTs).—

Section 26.-In sub-section (1)-

(i) in clause (e), substitute the word “dragging” with the words “dragging or removing”;

(ii) in clause (f), substitute the words “the same” with the words “the same or any forest produce”;

(iii) for clause (h), substitute the following clause, namely:—

(h) clears or breaks up any land or erects a fence, enclosure or any structure for cultivation or cultivates or attempts to cultivate any land in any other manner in any reserved forest, or for any other purpose;

(iv) in the long line, for the words “six months, or with fine which may extend to five hundred rupees,” substitute the words “two years, or with fine which may extend to twenty five thousand rupees.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

27. Power to declare forest no longer reserved.—(1) The ¹[State Government] may, ^{2***} by notification in the ³[Official Gazette], direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III

OF VILLAGE-FORESTS

28. Formation of village-forests.—(1) The ¹[State Government] may assign to any village-community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village-forests.

(2) The ¹[State Government] may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

STATE AMENDMENTS

Jammu and Kashmir and Ladakh (UTs).—

Section 28.-

(i) in sub-section (1), for the word “reserved forest”, substitute the words “reserved forest or declared a protected forest or is a land which has been entered in settlement records as khalsa land”;

(ii) in sub-section (3) after the words “reserved forests”, insert the words “or protected forests, as the case may be”.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

CHAPTER IV

OF PROTECTED FORESTS

29. Protected forests.—(1) The ¹[State Government] may, by notification in the ⁴[Official Gazette], declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forests produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a “protected forests”.

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. The words “subject to the control of the G.G. in C.” rep. by the A.O. 1937

3. Subs., *ibid*, for “Local Official Gazette”.

4. Subs. by the A.O. 1937, for “Local Official Gazette”.

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the ¹[State Government] thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste-land, the ¹[State Government] thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the mean time to endanger the rights of Government, the ¹[State Government] may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 29A.- After section 29, insert the following section—

29A. Undemarcated forests deemed to be protected forests.- (1) Notwithstanding anything contained in this Act or any other law for the time being in force, any undemarcated forest (which means and includes all forest land other than demarcated forest which is the property of the Government of Union territory of Jammu and Kashmir and is not appropriated for any specific purpose and includes all the undemarcated and berun line forest vested in the Forest Department under the provisions of section 48 of the Jammu and Kashmir Village Panchayat Act, 1958 or any other law for the time being in force), prior to the appointed day notified under the Jammu and Kashmir Reorganization Act, 2019, shall be deemed to be a protected forest under this Act.

(2) All questions decided, orders issued and records prepared in connection with the constitution of such forest as undemarcated forests shall be deemed to have been decided, issued and prepared under this Act, and the provisions of this Act relating to protected forests shall apply to forest to which the provision of sub-section (1) are applicable.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

30. Power to issue notification reserving trees, etc.— The ¹[State Government] may, by notification in the ²[Official Gazette],—

(a) declare any trees or class of trees in a protected forests to be reserved from a date fixed by the notification;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the ¹[State Government] thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in a locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the breaking up or clearing for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

31. Publication of translation of such notification in neighbourhood.—The Collector shall cause a translation into the local vernacular of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forests comprised in the notification.

32. Power to make rules for protected forests.—The ¹[State Government] may make rules to regulate the following matters, namely:—

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. Subs. by the A.O. 1937, for “Local Official Gazette”.

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;

(b) the granting of licenses to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licenses by such persons;

(c) the granting of licenses to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licenses by such persons;

(d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

(f) the examination of forest-produce passing out of such forests;

(g) the clearing and breaking up of land for cultivation or other purposes in such forests;

(h) the protection from fire of timber laying in such forests and of trees reserved under section 30;

(i) the cutting of grass and pasturing of cattle in such forests;

(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, and the killing or catching of elephants in such forests in areas in which the Elephants Preservation Act, 1879 (6 of 1879), is not in force;

(k) the protection and management of any portion of a forest closed under section 30; and

(l) the exercise of rights referred to in section 29.

33. Penalties for acts in contravention of notification under section 30 or of rules under section 32.— (1) Any person who commits any of the following offences, namely:—

(a) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;

(b) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal, or collects, subjects to any manufacturing process, or removes any forest-produce;

(c) contrary to any prohibition under section 30, breaks up or clears for cultivation or any other purpose any land in any protected forest;

(d) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading to any tree reserved under section 30, whether standing, fallen or felled, or to any closed portion of such forest;

(e) leaves burning any fire kindled by him in the vicinity of any such tree or closed portion;

(f) fells any tree or drags any timber so as to damage any tree reserved as aforesaid;

(g) permits cattle to damage any such tree;

(h) infringes any rule made under section 32;

shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the State Government may, notwithstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest-produce shall be suspended for such period as it thinks fit.

STATE AMENDMENTS

Maharashtra

Amendment of section 33 of Act XVI of 1927.—In section 33 of the principal Act, in sub-section (1), for the words “two thousand rupees” the words “five thousand rupees” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 3].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 33.—In Sub-section (1). —

(i) in clause (c), after the words “or clears”, insert the words “or attempts to break-up or clear”;

(ii) in clause (f), after the word “drags”, insert the words “or removes”;

(iii) in the long line for the words “six months, or with fine which may extend to five hundred rupees”, substitute the words “two years, or with fine which may extend to twenty-five thousand rupees”.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

34. Nothing in this Chapter to prohibit acts done in certain cases.—Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

35. Protection of forests for special purposes.—(1) The ¹[State Government] may, by notification in the ²[Official Gazette], regulate or prohibit in any forest or waste-land—

(a) the breaking up or clearing of land for cultivation;

(b) the pasturing of cattle; or

(c) the firing or clearing of the vegetation;

when such regulation or prohibition appears necessary for any of the following purposes:—

(i) for protection against storms, winds, rolling stones, floods and avalanches;

(ii) for the preservation of the soil on the ridges and slopes and in the valleys of hilly tracts, the prevention of landslips or of the formation of ravines, and torrents, or the protection of land against erosion, or the deposit thereon of sand, stones or gravel;

(iii) for the maintenance of a water-supply in springs, rivers and tanks;

(iv) for the protection of roads, bridges, railways and other lines of communication;

(v) for the preservation of the public health.

(2) The ¹[State Government] may, for any such purpose, construct at its own expense, in or upon any forest or waste-land, such work as it thinks fit.

(3) No notification shall be made under sub-section (1) nor shall any work be begun under sub-section (2), until after the issue of a notice to the owner of such forest or land calling on him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, as the case may be, and until his objections, if any, and any evidence he may

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. Subs. by the A.O. 1937, for “Local Official Gazette”.

¹[(4) Notwithstanding anything in this section, the ²[State Government] may, until provision to the contrary is made by ³[Parliament], continue to levy any duty which it was lawfully levying before the commencement⁴ of ⁵[the Constitution], under this section as then in force:

Provided that nothing in this sub-section authorises the levy of any duty which as between timber or other forest-produce of the ⁶[State] and similar produce of the locality outside the ⁶[State] discriminates in favour of the former, or which, in the case of timber or other forest-produce of localities outside the ⁶[State], discriminates between timber or other forest-produce of one locality and similar timber or other forest-produce of another locality.]

40. Limit not to apply to purchase money or royalty.—Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT

41. Power to make rules to regulate transit of forest produce.—(1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the ²[State Government], and it may make rules to regulate the transit of all timber and other forest-produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within ⁷[the State];

(b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorised to issue the same, or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue, production and return of such passes and for the payment of fees therefore;

(d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the ⁸[Government] on account of the price thereof, or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;

(e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it, and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;

(f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;

(g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

1. Ins. by the A.O. 1937.

2. Subs. by the A.O. 1950, for “Provincial Government”.

3. Subs. by the A.O. 1950, for “the Central Legislature”.

4. That is, 26th January, 1950.

5. Subs. by the A.O. 1950, for the “Part III of the Government of India Act, 1935”.

6. Subs. *ibid.*, for “Province”.

7. Subs. by the A.O. 1937, for “British India”.

8. Subs. by the A.O. 1950, for “Crown”.

(h) prohibit absolutely or subject to conditions, within specified local limits, the establishment of saw-pits, the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;

(i) regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The State Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.]

¹[**41A. Powers of Central Government as to movements of timber across customs frontiers.**—Notwithstanding anything in section 41, the Central Government may make rules to prescribe the route by which alone timber or other forest-produce may be imported, exported or moved into or from ²[the territories to which this Act extends] across any customs frontier as defined by the Central Government, and any rules made under section 41 shall have effect subject to the rules made under this section.]

42. Penalty for breach of rules made under section 41.—(1) The ³[State Government] may by such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

(2) Such rules may provide that penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

STATE AMENDMENTS

Maharashtra

Amendment of section 42 of Act 16 of 1927.—In section 42 of the principal Act, in sub-section (1), for the words “two thousand rupees” the words “five thousand rupees” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 4].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 42.- In sub-section (1), for the words “six months” and “five hundred rupees”, substitute the words “two years” and “twenty-five thousand rupees” respectively.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

43. Government and Forest-officers not liable for damage to forest-produce at depot.—The ⁴[Government] shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

44. All persons bound to aid in case of accident at depot.—In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the ⁴[Government] or by any private person, shall render assistance to any Forest-officer or Police-officer demanding his aid in averting such danger or securing such property from damage or loss.

1. Ins. by the A.O. 1937.

2. Subs. by the A. O. (No. 3) 1956, for “Part A States and Part C States”.

3. Subs. by the A.O. 1950, for “Provincial Government”.

4. Subs. *ibid.*, for “Crown”.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

45. Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly.—(1) All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

in such areas as the ¹[State Government] directs, all unmarked wood and timber;

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The ¹[State Government] may, by notification in the ²[Official Gazette], exempt any class of timber from the provisions of this section.

46. Notice to claimants of drift timber.—Public notice shall from time to time be given by the Forest-officer of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

47. Procedure on claim preferred to such timber.—(1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and, retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the ³[Government], or against any Forest-officer, on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

48. Disposal of unclaimed timber.—If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47, the ownership of such timber shall vest in the ³[Government], or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

49. Government and its officers not liable for damage to such timber.—The ³[Government] shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

50. Payments to be made by claimant before timber is delivered to him.—No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the

1. Subs. by the A.O. 1950, for "Provincial Government".

2. Subs. by the A.O. 1937, for "Local Official Gazette".

3. Subs. by the A.O. 1950, for "Crown".

Forest-officer or other person entitled to receive if such sum on account thereof as may be due under any rule made under section 51.

51. Power to make rules and prescribe penalties.—(1) The State Government ¹ [may, by notification in the Official Gazette, make rules] to regulate the following matters, namely:—

- (a) the salving, collection and disposal of all timber mentioned in section 45;
 - (b) the use and registration of boats used in salving and collecting timber;
 - (c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber;
- and
- (d) the use and registration of hammers and other instruments to be used for marking such timber.

²[(1A) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

(2) The ³[State Government] may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to six months, or fine which may extend to five hundred rupees, or both.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 51.—In sub-section (2), for the words “six months, or with fine which may extend to five hundred rupees”, substitute the words “two years, or with fine which may extend to twenty-five thousand rupees”.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

CHAPTER IX

PENALTIES AND PROCEDURE

52. Seizure of property liable to confiscation.— (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, boats, carts or cattle used in committing any such offence, maybe seized by any Forest-officer or Police-officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

STATE AMENDMENTS

Maharashtra

Amendment of section 52 of Act 16 of 1927.—In section 52 of the principal Act,—

- (a) sub-section (1A) shall be deleted;
- (b) in the marginal note, the words “and forfeiture” shall be deleted.

[Vide Maharashtra Act 21 of 2015, s. 5].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

1. Subs. by Act 4 of 2005, s. 2 and the Schedule, for “may make rules”.

2. Ins. by s. 2 and the Schedule, *ibid*.

3. Subs. by the A.O. 1950, for “Provincial Government”.

Section 52.-Substitute section 52 with the following section, namely:–

52. Seizure of property liable to confiscation and procedure thereof.– (1) When there is reason to believe that a forest offence has been committed in respect of any reserved forest, protected forest, village forest or forest produce, the forest produce, together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing any such offence, may be seized by a Forest Officer or Police Officer.

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized and shall, as soon as may be, make a report of such seizure before an officer not below the rank of the Divisional Forest Officer (hereinafter referred to as the ‘authorised officer’):

Provided that when the forest produce with respect to which such offence is believed to have been committed is the property of the Government and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

(3) Subject to sub-section (5), where the authorised officer upon receipt of report about seizure, is satisfied that a forest offence has been committed in respect thereof, he may, by order in writing and for reasons to be recorded, confiscate forest produce so seized together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing such offence and a copy of the order of confiscation shall be forwarded without any undue delay to the person from whom the property is seized and to the Conservator of Forest Circle in which the forest produce, tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article as the case may be, has been seized.

(4) No order confiscating any property shall be made under sub-section (3) unless the authorised officer,–

(a) sends an intimation in writing about initiation of proceedings for confiscation of the property to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made;

(b) issues a notice in writing to the person from whom the property is seized and to any other person who may, in the opinion of the authorised officer to have some interest in such property;

(c) affords an opportunity to the persons referred to in clause (b) of making a representation within such reasonable time as may be specified in the notice against the proposed confiscation; and

(d) gives to the officer effecting the seizure and the person or persons to whom notice has been issued under clause (b), a hearing on date to be fixed for such purpose.

(5) No order of confiscation under sub-section (3) of any tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article (other than timber or forest produce seized) shall be made if any person referred to in clause (b) of sub-section (4) proves to the satisfaction of authorised officer that any such tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article were used without his knowledge or connivance or, as the case may be, without the knowledge or connivance of his servant or agent and that all reasonable and necessary precautions had been taken against the use of objects aforesaid for commission of forest offence.

(6) Where the cattle are involved in the commission of a forest offence, the same after seizure by any officer, shall be entrusted to any responsible person under a proper receipt on an undertaking to produce the same when required in case there is no cattle pound within a radius of five kilometres from the place of such offence:

Provided that notwithstanding anything contained in section 57, in case of unclaimed cattle a Forest Officer not below the rank of Range Officer, after giving sufficient publicity in the vicinity of the place of

offence for the owner to come forward to claim the cattle within seven days from the date when such publicity has been given, may dispose them of by public auction.

(7) The provisions of the Cattle Trespass Act, 1871 (1 of 1871), shall apply in respect of the charges to be levied for the upkeep and fee of the cattle.

Insertion of section 52A to 52D.— After section 52, insert the following sections, namely:—

52A. Revision before Court of Sessions against order of confiscation.— (1) Any party aggrieved by an order of confiscation under section 52 may within thirty days of the order or if facts of the confiscation have not been communicated to him, within thirty days of knowledge of such order submit a petition for revision to the Court of Sessions Division whereof the headquarters of Authorised Officer are situated.

Explanation I.—In computing the period of thirty days under this sub-section, the time required for obtaining certified copy of the order of Authorised Officer shall be excluded.

Explanation II.—For the purposes of this sub-section a party shall be deemed to have knowledge of the order of confiscation under section 52 on publication of such order in two daily newspapers having circulation in the State.

(2) The Court of Sessions may confirm, reverse or modify any final order of confiscation passed by the Authorised Officer.

(3) Copies of the order passed in revision shall be sent to the Authorised Officer for compliance or passing such further order or for taking such further orders or for taking such further action as may be directed by such Court.

(4) For entertaining, hearing and deciding a revision under this section, the Court of Sessions shall, as far as may be, exercise the same powers and follow the same procedure as it exercises and follows while entertaining, hearing and deciding a revision under the Code of Criminal Procedure, 1973.

(5) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1973 (2 of 1974) the order of Court of Sessions passed under this section shall be final and shall not be called in question before any Court.

52B. Bar to jurisdiction of Courts etc. under certain circumstances.—(1) On receipt of report under sub-section (4) of Section 52 about intimation of proceedings for confiscation of property by the Magistrate having jurisdiction to try the offence on account of which the seizure of property which is subject matter of confiscation, has been made, no Court, Tribunal or Authority other than Authorised Officer and Court of Sessions referred to in sections 52 and 52A shall have jurisdiction to make orders with regard to possession, delivery, disposal or distribution of the property in regard to which proceedings for confiscation are initiated under section 52, notwithstanding anything to the contrary contained in this Act, or any other law for the time being in force.

Explanation.—Where under any law for the time being in force, two or more Courts have jurisdiction to try the forest offences, then receipt of intimation under sub-section (4) of section 52 by one of the Courts shall operate as bar to exercise jurisdiction on all such other Courts.

(2) Nothing in sub-section (1) shall affect the power saved under section 61 of the Act.

52C. Power of search and seizure.—(1) Any Forest Officer or Police Officer may, if he has reason to believe that a vehicle has been or is being used for the transport of forest produce in respect of which there is reason to believe that a forest offence has been or is being committed, require the driver or other person in charge of such vehicle to stop the vehicle and cause it to remain stationary as long as may reasonably be necessary to examine the contents in the vehicle and inspect all records relating to the goods carried which are in the possession of such driver or other person in charge of the vehicle.

(2) Any forest officer not below the rank of Range officer, having reasonable grounds to believe that forest produce is, in contravention of the provisions of this Act, in the possession of a person in any place, may enter such place with the object of carrying out a search for the forest produce and its confiscation:

Provided that such search shall not be conducted otherwise than in accordance with the provisions of the Code of Criminal Procedure, 1973.

52D. Penalty for forcibly opposing seizure.- Whosoever opposes the seizure of any forest-produce, tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article liable to be seized under this Act, or forcibly receives the same after seizure, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or with both.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

53. Power to release property seized under section 52.—Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, boats, carts or cattle under section 52, may release the same on the execution by the owner thereof a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 53.-For section 53, substitute the following section, namely:—

53 Power to release property seized under section 52.- Any forest officer of a rank not inferior to that of a Range Officer, who, or whose subordinate, has seized any tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing any forest offence, including the forest produce, under section 52, may release the same on the execution by the owner thereof, of a security in a form of a bank guarantee, of an amount not less than the value of such property, as estimated by such officer, for the production of the property so released when so required by the Magistrate having jurisdiction to try the offence or by the authorised officer empowered under sub-section (2) of section 52, on account of which the seizure has been made:

Provided that when any forest produce is seized at a remote location from where it is not practicable to transport it immediately, the officer who, or whose subordinate has effected such seizure under section 52, may entrust the same (Supardnama) to any responsible person on the execution of a bond thereof, by such person, for the production of the property so entrusted if and when required by the Magistrate having jurisdiction to try the offence or before the authorised officer empowered under sub-section (2) of section 52, on account of which the seizure has been made.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

Orissa

Amendment of sections 52 and 53, (16 of 1927).—In section 52 and 53 of the said Act, for the word “carts” wherever it occurs the word “vehicle” shall be substituted.

[*Vide* the Orissa Act 11 of 1954, s. 3]

54. Procedure thereupon.—Upon the receipt of any such report, the Magistrate shall, with all convenient is despatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 54.—For section 54, substitute the following section, namely:—

54 Receipt of report of seizure by Magistrate and procedure thereupon.— Upon the receipt of any report under sub-section (4) of section 52, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law:

Provided that before passing any order for disposal of property the Magistrate shall satisfy himself that no intimation under sub-section (4) of section 52 has been received by his court or by any other court having jurisdiction to try the offence on account of which the seizure of property has been made.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

55. Forest-produce, tools, etc., when liable to confiscation.—(1) All timber or forest-produce which is not the property of ¹[Government] and in respect of which a forest-offence has been committed, and all tools, boats, carts and cattle used in committing any forest-offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

STATE AMENDMENTS

Maharashtra

Amendment of section 55 of Act 16 of 1927.—In section 55 of the principal Act,—

(a) in sub-section (1), for the words “shall be liable by order of the convicting court to forfeiture” the words “shall be liable to confiscation” shall be substituted;

(b) in sub-section (2), for the word “forfeiture” the word “confiscation” shall be substituted;

(c) in the marginal note, for the word “forfeiture” the word “confiscation” shall be substituted.

[Vide Maharashtra Act 21 of 2015, s. 6].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 55.— For sub-section (1), substitute the following sub-section:—

(1) All timber or forest produce which in either case is not the property of the Government and in respect of which a forest offence has been committed, and all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article, in each case used in committing any forest offence shall, subject to the provisions of section 52, 52A and 52B, be liable to confiscation upon conviction of the offender for such offence.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

56. Disposal on conclusion of trial for forest-offence, of produce in respect of which it was committed. —When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of ¹[Government] or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct.

1. Subs. by the A.O. 1950, for “Crown”.

STATE AMENDMENTS

Maharashtra

Amendment of section 56 of Act 16 of 1927.—In section 56 of the principal Act, for the word “forfeited” the word “confiscated” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 7].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 56.—For the words “When the trial of”, substitute the words, figures and letter, “Without prejudice to the provisions of section 52C, when the trial of”.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

57. Procedure when offender not known or cannot be found.—When the offender is not known or cannot be found, the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

STATE AMENDMENTS

Maharashtra

Amendment of section 57 of Act 16 of 1927.—In section 57 of the principal Act, for the word “forfeited” the word “confiscated” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 8].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 57.—For section 57, substitute the following section, namely:—

57. Procedure when the offender is not known or cannot be found.—When the offender is not known or cannot be found the Magistrate may, if he finds that an offence has been committed, but subject to section 52B, order the property in respect of which offence has been committed, to be confiscated or forfeited together with all tools, arms, boats, carts, equipment, ropes, chains, machines, vehicles, cattle or any other article used in committing the offence, and taken charge of by the Forest officer, or to be made over to the person whom the Magistrate deems to be entitled to the same:

Provided that, no such order shall be made until the expiration of one month from the date of seizing such property or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

58. Procedure as to perishable property seized under section 52.—The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 58.-For section 58, substitute the following section, namely:—

58. Procedure as to perishable property seized under section 52. — The Authorised Officer under sub-section (2) of section 52, or the Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt had it not been sold.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

59. Appeal from orders under section 55, section 56 or section 57.—The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section 57, appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

60. Property when to vest in ¹ [Government].—When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the ¹[Government] free from all incumbrances.

STATE AMENDMENTS

Maharashtra

Amendment of section 60 of Act 16 of 1927.—In section 60 of the principal Act, for the word “forfeiture” the word “confiscation” shall be substituted.

[Vide Maharashtra Act 21 of 2015, s. 9].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 60.-Renumbered as sub-section (2) thereof, and, before sub-section (2) as so renumbered, insert the following sub-section, namely:—

(1) Property ordered to be confiscated by an authorised officer under section 52, subject to the result of revision before Court of Sessions under section 52A shall upon conclusion of proceedings in revision, vest in the Government free from all encumbrances:

Provided that if no revision is preferred under section 52A, such vesting shall take effect on expiry of period specified for the submitting petition for revision under section 52A.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

1. Subs. by the A.O. 1950, for “Crown”.

61. Saving of power to release property seized.—Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the ¹[State Government] from directing at any time the immediate release of any property seized under section 52.

STATE AMENDMENTS

Maharashtra

Amendment of section 61A of Act XVI of 1927.—In section 61A of the principal Act,—

(a) for sub-section (3), the following sub-section shall be substituted:—

“(3) Where any timber, sandalwood, firewood, charcoal or any other notified forest-produce, which is the property of the State Government, is seized under sub-section (1) of section 52, or any such forest-produce is produced before any authorised officer under sub-section (1) and he is satisfied that a forest-offence has been committed in respect of such forest-produce, notwithstanding whether or not a prosecution is instituted for the commission of such offence, such authorised officer shall order the forest-produce so seized to be taken charge of by a Forest-officer, and may order confiscation of all tools, boats, vehicles and cattles used in committing such offence.”;

(b) in sub-section (4),—

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

“(a) where the authorised officer, after passing an order of confiscation under sub-section (3), is of the opinion that it is expedient in the public interest so to do, he may order sale of all confiscated tools, boats, vehicles and cattles.”;

(ii) in clause (b),—

(1) the words “property or the” shall be deleted;

(2) for the word “auction” the word “sale” shall be substituted.

[Vide Maharashtra Act 21 of 2015, s. 10].

Amendment of section 61B of Act 16 of 1927.—In section 61B of the principal Act,—

(a) in sub-section (1), the words “any timber, sandalwood, firewood, charcoal or any other notified forest-produce,” shall be deleted;

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

“(3) When the offender or the owner of any tool, boat, vehicle or cattle seized under, sub-section (1) of section 52 is not known or cannot to found, and the authorised officer is satisfied that the same has been used in committing a forest-offence in respect of timber, fire-wood, sandalwood, charcoal or any other notified forest-produce which is the property of the State Government, notwithstanding anything contained in the foregoing provisions, the authorised officer may pass order in accordance with the provisions contained in section 61A:

Provided that, no such order shall be made until the expiration of a period of thirty days form the date of seizing such property or without hearing the person claiming any right thereto.”.

[Vide Maharashtra Act 21 of 2015, s. 11].

Substitution of section 61F of Act 16 of 1927.—For section 61F of the principal Act, the following section shall substituted, namely:—

61F. Property etc. confiscated when to vest in Government.—When an order for confiscation of any property has been passed under section 61A or section 61C, and the period of limitation provided by section 61D for filing an appeal against such order has elapsed, and no such appeal has been preferred or when on such an appeal being preferred, the Appellate Court confirms such order in respect, of the whole or a portion of such property, such property of such portion thereof, or if it has been sold under section 58

1. Subs. by the A.O. 1950, for “Provincial Government”.

or under clause (a) of sub-section (4) of section 61A, the sale proceeds thereof, as the case may be, shall vest in the State Government free from all encumbrances.”.

[*Vide* Maharashtra Act 21 of 2015, s. 12].

Amendment of section 61G of Act 16 of 1927.—In section 61G of the principal Act, for the word “offence” the words “forest-offence in respect of such property” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 13].

62. Punishment for wrongful seizure.—Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

STATE AMENDMENTS

Maharashtra

Amendment of section 62 of Act 16 of 1927.—In section 62 of the principal Act, in sub-section (1), the words “or forfeiture” shall be deleted.

[*Vide* Maharashtra Act 21 of 2015, s. 14].

63. Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary-marks,—Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code (45 of 1860),—

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the ¹[Government] or of some person, or that it may lawfully be cut or removed by some person; or

(b) alters, defaces or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this Act are applied,

shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 63.-For the words, “or with fine”, substitute the words “or with fine which may extend to twenty-five thousand rupees”.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

64. Power to arrest without warrant.—(1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

(3) Nothing in this section shall be deemed to authorise such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause (c) of section 30.

1. Subs. by the A.O. 1950, for “Crown”.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 64A.-After section 64, insert the following section, namely:-

64A. Offences non-bailable.-Notwithstanding anything contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Act other than those compoundable under section 68 shall be non-bailable.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

65. Power to release on a bond a person arrested.—Any Forest-officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provisions of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer in charge of the nearest police station.

STATE AMENDMENTS

Maharashtra

Amendment of section 65A of Act 16 of 1927.—In section 65A of the principal Act, in clause (b), for the words, figures, brackets and letters “Section 26, clauses (a), (b), (f), (g), (h) and (i) of sub-section (1)”, the words, figures, brackets and letters “Section 26, clauses (a), (b), (d), (f), (g), (h) and (i) of sub-section (1) and sub-section (4)” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 15].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 65A and 65B.-After section 65, insert the following sections, namely:—

65A. Requisition for police assistance.-Any forest officer may requisition the services of any police officer to assist him for all or any of the purposes specified in sections 52, 63 and 64 and it shall be the duty of every such officer to comply with such requisition.

65B. Police officers bound to seek technical clearance from Authorized Officer.-Any police officer seizing any property under the provisions of this Act or rules framed there under shall be bound to seek technical clearance of the authorized officer to lodge a complaint to the magistrate under section 52 of this Act.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

66. Power to prevent commission of offence.—Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

STATE AMENDMENTS

Maharashtra

Insertion of new section 66A in Act 16 of 1927.—After section 66 of the principal Act, the following section shall be inserted, namely:—

66A. Punishment for abetment.—Whoever abets any forest-offence shall, if the offence abetted is committed in consequence of abetment, be punished with the same punishment as is provided for such offence.”.

[*Vide* Maharashtra Act 21 of 2015, s. 16].

67. Power to try offences summarily.—The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the ¹[State Government] may try summarily, under the Code of Criminal Procedure, 1898 (5 of 1898), any forest-offence punishable with imprisonment for a term not exceeding six months, or fine not exceeding five hundred rupees, or both.

STATE AMENDMENTS

Maharashtra

Amendment of section 67 of Act 16 of 1927.—In section 67 of the principal Act, for the words “two thousand rupees” the words “five thousand rupees” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 17].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 67.—For the words “not exceeding six months, or fine not exceeding five hundred rupees”, substitute the words “not exceeding two years or with fine not exceeding twenty five thousand rupees”.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

68. Power to compound offences.—(1) The ¹[State Government] may, by notification in the ²[Official Gazette], empower a Forest officer—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any seized shall be released, and no further proceedings shall be taken against such person or property.

(3) A Forest-officer shall not be empowered under this section unless he is a Forest-officer of a rank not inferior to that of a Ranger and is in receipt of a monthly salary amounting to at least one hundred rupees, and the sum of money accepted as compensation under clause (a) of sub-section (1) shall in no case exceed the sum of fifty rupees.

STATE AMENDMENTS

Maharashtra

Amendment of section 68 of Act 16 of 1927.—In section 68 of the principal Act,—

(a) in sub-section (1), —

(1) in clause (a), —

(i) after the words “other than an offence specified in” the words, brackets and figures “sub-section (4) of section 26 or” shall be inserted;

(ii) for the words “payment of a sum of money or, at his discretion, an undertaking in writing to pay a sum of money,” the words “payment of a sum of money” shall be substituted.

(2) in clause (b), for the words “ on payment of, or at his discretion, on acceptance of an undertaking in writing to pay,” the words “on payment of” shall be substituted.

(b) in sub-section (2), for the words “payment of, or on acceptance of an undertaking in writing to pay,” the words “payment of,” shall be substituted.

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. Subs. by the A.O. 1937, for “Local Official Gazette”.

(c) in sub-section (3), for the words “five hundred rupees” the words “five thousand rupees” shall be substituted.

[Vide Maharashtra Act 21 of 2015, s. 18].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 68.-For section 68, substitute the following section, namely:—

68. Power to compound offences.- (1) The Government may, by notification in the Official Gazette, empower any forest officer not below the rank of Assistant Conservator of Forests-

(a) to accept from any person against whom a reasonable suspicion exists, that he has committed any forest offence involving damage not exceeding fifty thousand rupees, other than an offence specified in section 62 or section 63, a sum of money by way of compensation for the offence, which such person is suspected to have committed:

Provided that the sum of money accepted by way of compensation shall in no case be less than double the amount involved in the loss caused by such offence; and

(b) when any property has been seized as liable to confiscation, release the same on payment of the value thereof, in addition to the compensation referred to in clause (a) of this subsection, as estimated by such officer.

(2) On the payment of such compensation and such value, to such officer, the suspected person if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

69. Presumption that forest-produce belongs to¹[Government]. —When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the ¹[Government], such produce shall be presumed to be the property of the ¹[Government] until the contrary is proved.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 69.-For the words, “contrary is proved”, substitute the words “contrary is proved by the accused”.

Section 69-A.-After section 69, insert the following section, namely:-

69-A. Double penalties for offences.-The penalties which are double of those mentioned under the provisions of this Act or rules framed thereunder shall be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or where the offender has been previously convicted of a like offence.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

CHAPTER X

CATTLE-TRESPASS

70. Cattle-trespass Act, 1871, to apply.—Cattle trespassing in a reserved forest or in any portion of a protected forest which has been lawfully closed to grazing shall be deemed to be cattle doing damage to

1. Subs. by the A.O. 1950, for “Crown”.

a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871 (1 of 1871), and may be seized and impounded as such by any Forest-officer or Police-officer.

71. Power to alter fines fixed under that Act.—The ¹[State Government] may, by notification in the ²[Official Gazette], direct that, in lieu of the fines fixed under section 12 of the Cattle-trespass Act, 1871 (1 of 1871), there shall be levied for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding the following, that is to say:—

For each elephant.....ten rupees.
For each buffalo or camel.....two rupees.
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, or heifer.....one rupee.
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid.....eightannas.

STATE AMENDMENTS

Maharashtra

Amendment of section 71 of Act 16 of 1927.—In section 71 of the principal Act,—

- (a) for the words “ten rupees” the words “Two hundred rupees” shall be substituted;
- (b) for the words “two rupees” the words “Two hundred rupees” shall be substituted;
- (c) for the words “one rupees” the words “Two hundred rupees” shall be substituted;
- (d) for the words “fifty nayepaise” the words “One hundred rupees” shall be substituted.

[*Vide* Maharashtra Act 21 of 2015, s. 19].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 71.—For the words “ten rupees”, “two rupees”, “one rupee” and “eight annas”, substitute the words “one thousand rupees”, “two hundred and fifty rupees”, “one hundred rupees” and “fifty rupees” respectively.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

CHAPTER XI

OF FOREST-OFFICERS

72. State Government may invest Forest-officers with certain powers.—(1) The ¹[State Government] may invest any Forest-officer with all or any of the following powers, that is to say:—

- (a) power to enter upon any land and to survey, demarcate and make a map of the same;
- (b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;
- (c) power to issue a search-warrant under the Code of Criminal Procedure, 1898 (5 of 1898); and

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. Subs. by the A.O. 1937, for “Local Official Gazette”.

(d) power to hold an inquiry into forest-offences, and, in the course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 72.-For section 72, substitute the following section, namely;

72. Government of Union territory of Jammu and Kashmir may invest Forest officers with certain powers.- (1) The forest officers shall have the following powers, namely:-

(a) power to enter upon any land and to survey, demarcate and make a map of the same.

(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to hold an inquiry into forest offences and in the course of such inquiry, to receive and record evidence; and

(d) power to issue search warrants under the Code of Criminal Procedure, 1973 (2 of 1974):

Provided that powers under clause (b) and (c) shall not be exercised by a forest officer below the rank of a Range Officer:

Provided further that the powers under clause (d) shall not be exercised by a forest officer below the rank of a Divisional Forest Officer.

(2) Any evidence recorded under clause (c) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, if that it has been taken in the presence of the accused person.

(3) Any forest officer not below the rank of a Range Officer may delegate his powers of inquiry to an officer of the rank of Forester if the offence is compoundable under section 68 of this Act.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

73. Forest-officers deemed public servants.—All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code (45 of 1860).

74. Indemnity for acts done in good faith.—No suit shall lie against any public servant for anything done by him in good faith under this Act.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 74.-For section 74, substitute the following section, namely:-

74. Indemnity for acts done in good faith.—(1) No suit, prosecution or other legal proceedings shall lie against any public servant for anything done in good faith or omitted to be done likewise, under this Act or the rules or orders made thereunder.

(2) No Court shall take cognizance of any offence alleged to have been committed by a forest officer while acting or purporting to act in the discharge of his official duty except with the previous sanction of the Government of Union territory of Jammu and Kashmir.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

75. Forest-officers not to trade.—Except with the permission in writing of the ¹[State Government], no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or any forest or in any contract for working any forest, whether in or outside ²[the territories to which this Act extends].

CHAPTER XII
SUBSIDIARY RULES

76. Additional powers to make rules.—The ¹[State Government] may make rules—

- (a) to prescribe and limit the powers and duties of any Forest-officer under this Act;
- (b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;
- (c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation of private persons; and
- (d) generally, to carry out the provisions of this Act.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 76A.—After section 76, insert the following section, namely:—

76A. Power to regulate manufacture and preparation of articles based on forest produce.—(1) The Government of Union territory of Jammu and Kashmir may make rules,—

(a) to provide for the establishment, and regulation by licence, permit or otherwise (and the payment of fees thereof), of saw mills, timber depots, firewood depots and other units including the factories or industries engaged in the consumption of forest produce or manufacture or preparation of the following articles:—

- (i) katha (catechu) or kutch out of khairwood;
- (ii) rosin, turpentine, other products out of resin, and wood oil;
- (iii) plywood, veneer and wood-based products;
- (iv) match boxes and match splints;
- (v) boxes including packing cases made out of wood;
- (vi) joinery and furniture items made out of wood;
- (vii) charcoal, lime stone and gypsum;

(viii) such other articles based on forest produce as the Government of Union territory of Jammu and Kashmir may, by notification in the Official Gazette, from time to time, specify;

(b) to provide for the regulation by licence, permit or otherwise, of procurement of raw material for the preparation of articles mentioned in clause (a), the payment and deposit of fees therefor and for due compliance of the condition thereof, the forfeiture of the fees so deposited or any part thereof for contravention of any such condition and adjudication of such forfeiture by such authority as the Government of Union territory of Jammu and Kashmir may, by notification, specify.

(2) The Government of Union territory of Jammu and Kashmir may provide that, as the contravention of any rules made under this section shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or both.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. Subs. by the A.O. (No. 3) 1956, for “Part A States and Part C States”.

77. Penalties for breach of rules.—Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to one month, or fine which may extend to five hundred rupees, or both.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 77.—For the words “extend to one month, or fine which may extend to five hundred rupees”, substitute the words “extend to two years or with fine which may extend to twenty five thousand rupees”.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

78. Rules when to have force of law.—All rules made by the ¹[State Government] under this Act shall be published in the ²[Official Gazette], and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

MISCELLANEOUS

79. Persons bound to assist Forest-officers and Police-officers.—(1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest, and every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the ³[Government], or who receives emoluments from the ³[Government] for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any Forest-officer or Police officer or not,—

(a) to extinguish any forest fire in such forest of which he has knowledge or information;

(b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest, and shall assist any Forest-officer or Police-officer demanding his aid—

(c) in preventing the commission in such forest of any forest-offence; and

(d) when there is reason to believe that any such offence has been committed in such forest in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails—

(a) to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information required by sub-section (1);

(b) to take steps as required by sub-section (1), to extinguish any forest fire in a reserved or protected forest;

(c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or

(d) to assist any Forest-officer or Police-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender;

1. Subs. by the A.O. 1950, for “Provincial Government”.

2. Subs. by the A.O. 1937, for “Local Official Gazette”.

3. Subs. by the A.O. 1950, for “Crown”.

shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 79.-In sub-section (2), in the long line, for the words “shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees” substitute the words, “shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees”.

Section 79A to 79C.-After section 79, insert the following sections, namely:-

79-A. Penalty for unauthorisedly taking possession of land constituted as reserved or protected forest.-(1) Any person who unauthorisedly takes or remains in possession of any land in areas constituted as reserved forest or protected forest under section 20 or section 29 as the case may be, may, without prejudice to any other action that may be taken against him under any other provision of this Act, be summarily ejected by order of a forest officer not below the rank of a Divisional Forest Officer and any crop which may be standing on such land or any building or other work which he may have constructed thereon, if not removed by him within such time as such forest officer may fix, shall be liable to forfeiture:

Provided that no order of ejection under this sub-section shall be passed unless the person proposed to be ejected is given a reasonable opportunity of showing cause why such an order should not be passed.

(2) Any property so forfeited shall be disposed of in such manner as the forest officer may direct and the cost of removal of any crop, building or other work and, of all works necessary to restore the land to its original condition shall be recoverable from such person in the manner provided in section 82.

(3) Any person aggrieved by an order of the forest officer under sub-section (1) may, within sixty days from the date of such order prefer an appeal by petition in writing to the concerned Chief Conservator of Forests in person or through a duly authorized agent and such petition shall be accompanied by a certified copy of the order appealed against.

(4) On receipt of the appeal and after summoning the parties and perusing the record of the proceedings, the Chief Conservator of Forests shall fix a date and convenient place for hearing the appeal and shall give notice thereof to the parties, and shall hear the appeal accordingly.

(5) The order passed on the appeal by the Chief Conservator of Forests shall be final.

79B. Summary action by Deputy Commissioner in fire cases.- If in any case under clauses (a) and (b) of sub-section (1) of section 79, it appears to the Deputy Commissioner of the district within which the forest concerned is situated after local enquiry made in a summary and administrative manner, either by himself, or through a Tehsildar deputed by him for the purpose, that any such person or village or other community has neglected to give such information or to render such assistance as is required thereby, he may impose a fine not exceeding one thousand rupees on, as well as direct payment of compensation for damage to Government’s property by, such person, village or other community or such individual member of such village or other community as may be determined in consultation with the Divisional Forest Officer and all fines imposed under this section shall be recoverable as arrears of land revenue.

79C. Appeal against order of Deputy Commissioner.- An appeal against every order passed under section 79B may be made to the concerned Divisional Commissioner whose decision thereon shall be final.

[Vide the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

80. Management of forests the joint property of ¹[Government] and other persons.—(1) If the ¹[Government] and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the ²[State Government] may either—

(a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or

(b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the ²[State Government] undertakes under clause (a) of sub-section (1) the management of any forest, waste-land or produce, it may, by notification in the ³[Official Gazette], declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

81. Failure to perform service for which a share in produce of ¹[Government] forest is employed.—If any person be entitled to a share in the produce of any forest which is the property of ¹[Government] or over which the ¹[Government] has proprietary rights or to any part of the forest-produce of which the Government is entitled upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the ²[State Government] that such service is no longer so performed:

Provided that no such share be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the ²[State Government].

82. Recovery of money due to Government.—All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

STATE AMENDMENTS

Maharashtra

Amendment of section 82 of Act 16 of 1927.—In section 82 of the principal Act, the words and figures “or on account of compensation or value of property agreed to be paid under section 68” shall be deleted.

[Vide Maharashtra Act 21 of 2015, s. 20].

Orissa

Amendment of section 82, (16 of 1927).—For section 82 of the Indian Forest Act, 1927 (16 of 1927), the following section shall be substituted, namely:—

“82. All money, other than fines, payable to the State Government under this Act, or any rules made thereunder, or on account of timber or other forest produce, or of expenses incurred in the execution of this Act in respect of timber or other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable thereunder for the breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest produce by auction or by invitation of tenders, issued by or under the authority of a Forest Officer and all compensation awarded to the State Government under this Act, may, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land-revenue.”

[Vide the Orissa Act 25 of 1952, s. 2]

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 82.-For section 82, substitute the following section, namely:—

1. Subs. by the A.O. 1950, for “Crown”.

2. Subs. by the A.O. 1950, for “Provincial Government”.

3. Subs. by the A.O. 1937, for “Local Official Gazette”.

82. Recovery of money due to Government.— All money payable to the Government under this Act or under any rule made under this Act, or on account of the price of timber, or other forest produce, or of expenses incurred in execution of this Act in respect of timber and other forest produce, or under any contract relating to timber and other forest produce including any sum recoverable there under for breach thereof, or in consequence of its cancellation, or under the terms of a notice relating to the sale of timber or other forest produce by auction or by invitation of tenders, issued by or under authority of a forest officer and all compensation awarded to the Government under this Act shall, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land revenue.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 82-A to 82-H.—After section 82, insert the following sections, namely:—

82-A. Recovery of penalties due under a bond.—When in respect of any forest lease any person binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servant and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof shall notwithstanding anything in section 74 of the Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.

82-B. Restoration of advantage or benefit or payment of compensation.—Notwithstanding anything contained in this Act or in the Indian Contract Act, 1872, or in any other law for the time being in force,—

(a) where any transaction or lease relating to sale of forest produce or extraction of timber from any forest is or is discovered to be void only on the ground that the transaction or lease is not in conformity with the provisions of article 299 of the Constitution of India or any order or direction issued thereunder, any person who has received any advantage or has enjoyed any benefit by virtue of such transaction or lease shall be bound to restore it or to make compensation for it, to the person or party from whom he received it;

(b) the extent of any advantage or benefit or the amount of compensation payable in lieu thereof, referred to in clause (a), shall be determined in accordance with the provisions of this Act and the value of the advantage or benefit or the amount of compensation so determined shall be recoverable as arrears of land revenue.

82-C. Constitution of Authority.—For the purposes of determining the extent of advantage or benefit or the value thereof or the amount of compensation under section 82-B, the Government of Union territory of Jammu and Kashmir shall, by notification in the Official Gazette, constitute, as and when necessary, an Authority consisting of one or more members having such qualification and experience and on such terms and conditions as may be prescribed and where the Authority consists of more than one member, one of them may be appointed as Chairperson thereof.

82-D. Powers of the Authority.—(1) The Authority shall, for purposes of holding inquiry for determining the extent of advantage or benefit or value thereof or the amount of compensation, as the case may be, under section 82-B, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person or witness and examining him on oath or solemn affirmation;

(b) requiring the discovery or production of any document relating to the subject matter of inquiry;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof relating to the subject matter of inquiry from any court or office; and

(e) issuing commissions for examination of witnesses, documents or other books of accounts relating to the subject matter of inquiry.

(2) The Authority shall also have power to issue a commission to such person as it considers fit for local investigation which may be requisite or proper for the purpose of elucidating any matter which is the subject matter of inquiry or of ascertaining the market value of any property.

(3) The person directed to execute a commission for any purpose under this section shall have all the powers of a commissioner appointed by a Civil Court in pursuance of the provisions of the Code of Civil Procedure, 1908 (5 of 1908).

(4) The Authority shall have the power to pass such orders as it thinks fit for the seizure, attachment, management, preservation, interim custody or sale of any forest produce or timber (wherever it may be in the State) which may be the subject matter of proceedings before it including the appointment of a receiver for any of the aforesaid purposes.

82-E. Restriction on alienation.—(1) Notwithstanding anything contained in any law for the time being in force,—

(a) where at any stage of the inquiry, the Authority is satisfied by affidavit or otherwise that a person liable to restore any advantage or benefit or to pay compensation in lieu thereof under any transaction or lease referred to in section 82-B, is likely to alienate his movable or immovable property with intent to evade payment or to defeat the recovery, of the advantage or benefit or the value thereof or the amount of compensation, that may be determined by him, it may by order in writing direct that such person shall not alienate his movable and immovable property or such portion thereof, as it may specify in the order, during the pendency of the inquiry;

(b) any alienation of property made in contravention of any order or direction issued under clause (a) shall be void, and no transferee of such property shall be deemed to have acquired any right, title or interest therein.

Explanation.—For the purposes of this section “alienation” includes mortgage, sale, gift, bequest, benami transaction, family settlement or any other mode of transfer of any right, title or interest in the property.

(2) For removal of doubts it is hereby declared that restrictions imposed under this section on the rights conferred by clause (1) of article 19 of the Constitution of India shall be deemed to be reasonable restrictions.

82-F. Procedure to be followed by the Authority.—(1) The Authority shall, subject to any rules made by the Government of Union territory of Jammu and Kashmir in this behalf, have power to regulate its own procedure in all matters arising out of or connected with the discharge of its functions, in consonance with the principles of natural justice.

(2) The parties shall have a right of being represented by counsel.

82-G. Appeal.—(1) Any person aggrieved by a final order of the Authority, determining the extent of advantage or benefit or value thereof or the amount of compensation under section 82-B, may, within thirty days of the date of the order, file an appeal against such order before the High Court and every such appeal shall be heard by a Division Bench of the High Court.

(2) No other order of the Authority shall be appealable.

(3) The order of the Authority shall, subject to the decision of the High Court under sub-section (1) in appeal, be final and shall be deemed to be a certificate within the meaning of section 90 of the Jammu and Kashmir Land Revenue Act, 1996.

(4) No further appeal shall lie against the decision of the High Court.

82-H. Exclusion of jurisdiction of Civil Court.— No Civil Court shall have jurisdiction to entertain any suit or other proceeding in respect of any matter which the Authority has taken cognizance of under section 82-B.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

83. Lien on forest-produce for such money.—(1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce, and such produce may be taken possession of by a Forest-officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to [Government].

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 83A. – After section 83, insert the following section, namely:–

83A. Restriction on alienation.—(1) Notwithstanding anything contained in the Transfer of Property Act 1882, or in any other law for the time being in force, no property offered by a forest lessee or by any other person on behalf of a forest lessee, as security for payment of royalty, interest, compensation, penalty or any other amount chargeable from the forest lessee, under any lease deed, bond or instrument shall be alienated without the previous permission of the Government of Union Territory of Jammu and Kashmir, till such time as the Chief Conservator of Forests certifies that such forest lessee has duly performed all the obligations devolving upon him under such lease deed, bond or instrument.

(2) Any alienation of property made in contravention of sub-section (1) shall be void, and no transferee of such property shall be deemed to have acquired any right, title or interest therein.

(3) Any amount of royalty, interest, compensation or penalty or any other sum falling due from a forest lessee under any lease deed, bond or instrument shall be recoverable as arrears of land revenue in accordance with the law for the time being in force, from the property offered by him or on his behalf as security and from any other movable or immovable property owned by the forest lessee.

Explanation.– For the purposes of this section,

(a) “alienation” includes sale, gift, exchange, bequest, mortgage, benami transaction, family settlement or any other mode of transfer of any right, title or interest therein or creation of any encumbrance thereon;

(b) the expression “forest lessee” shall be construed to mean a person in whose favour a right to convert and remove forest produce from any forest has been granted under any lease deed, bond or instrument.

(4) For removal of doubts it is hereby declared that restriction imposed under this section on the rights conferred by clause (1) of article 19 of the Constitution of India shall be deemed to be reasonable restrictions.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

84. Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act, 1894.—Whenever it appears to the State Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of section 4 of the Land Acquisition Act, 1894 (1 of 1894).

STATE AMENDMENT

Jammu and Kashmir and Ladakh (UTs).—

Section 84A.-After section 84, insert the following section, namely:-

84A. Application of the Act to land.- The Government may, by notification in the Official Gazette, declare that any of the provisions of this Act shall apply to any land which is the property of the Government of the Union territory of Jammu and Kashmir or the Central Government, and thereupon such provisions shall apply to such land accordingly.

[*Vide* the Jammu and Kashmir Reorganization (Adaptation of Central Laws) Order, 2020, notification No. S.O. 1123(E) dated (18-3-2020).]

85. Recovery of penalties due under bond.—When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the Indian Contract Act, 1872 (9 of 1872), be recovered from him in case of such breach as if it were an arrear of land-revenue.

¹ **[85A. Saving for rights of Central Government.**—Nothing in this Act shall authorise a Government of any State to make any order or do anything in relation to any property not vested in that State or otherwise prejudice any rights of the Central Government or the Government of any other State without the consent of the Government concerned.]

86. [Repeals].—*Rep. by the Repealing and Amending Act, 1948 (2 of 1948), s. 2 and the Schedule.*

THE SCHEDULE.—[*Enactments repealed.*] *Rep. by s. 2 and the Schedule, ibid.*

1. Subs. by the A.O. 1950, for section 85A. Earlier it was inserted by the A.O. 1937.

The Forest (Conservation) Rules, 2003

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The Forest (Conservation) Rules, 2003¹

In exercise of the powers conferred by sub-section (1) of Section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:—

1. Short title, extent and commencement.—(1) These rules may be called the Forest (Conservation) Rules, 2003.

(2) They shall extend to the whole of India except the State of Jammu and Kashmir.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) “Act” means the Forest (Conservation) Act, 1980 (69 of 1980);

²[(b) “Committee” means the Forest Advisory Committee constituted under Section 3 of the Act;]

³[(ba) “Conservator of Forests” means an officer appointed by the State Government or the Union Territory Administration, as the case may be, under the designation of Conservator of Forests or the Chief Conservator of Forests or the Regional Chief Conservator of Forests or any such similar designation, to hold charge of a Forest Circle having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;]

(c) “Chairperson” means the Chairperson of the Committee;

⁴[(ca) “Divisional Forest Officer” means an officer appointed by the State Government or the Union territory Administration, as the case may be, under the designation of the Divisional Forest Officer or the Deputy Conservator of Forests or any such similar designation, to hold charge of a Forest Division having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;]

⁵[(caa) “District Collector” means an officer appointed by the State Government or the Union Territory Administration, as the case may be, under the designation of District Collector or Deputy Commissioner or any such similar designation, to hold charge of the administration of

1. *Vide* Noti. No. G.S.R. 23(E), dated January 10, 2003, published in the Gazette of India, Extra., Part II, Section 3(i), dated 10th January, 2003, pp. 14-24, No. 18.

2. *Subs.* by Noti. No. G.S.R. 94(E), dated February 3, 2004 (w.e.f. 3-2-2004). Prior to substitution it read as:

“(b) “Committee” means the Advisory Committee constituted under Section 3 of the Act;”

3. *Ins.* by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

4. *Ins.* by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

5. *Ins.* by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017).

- the revenue district having jurisdiction over the forest land for which the approval of the Central Government under the Act is required.]
- ⁶[(*cb*) “Chairperson of the Regional Empowered Committee” means chairperson of each of the Regional Empowered Committees constituted under Rule 4-A;
- (*cc*) “Head of the Regional Office” means senior-most officer in the rank of Additional Principal Chief Conservator of Forests or Chief Conservator of Forests appointed by the Central Government at Regional Office to deal with the forest conservation matters under the Act;
- (*cd*) “linear projects” means projects involving linear diversion of forest land for purposes such as roads, railways lines, pipelines, transmission lines, etc.;
- (*d*) “Member” means a member of the Committee;
- (*e*) “Nodal Officer” means any officer not below the rank of Conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;
- (*f*) “Regional Office” means a Regional Office of the Central Government in the ⁷[Ministry of Environment, Forests and Climate Change] established as part of the Ministry to deal with the forest conservation matters under the Act;
- (*g*) “Section” means a section of the Act;
- (*h*) “User Agency” means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

⁸[3. **Composition of the Forest Advisory Committee.**—(1) The Forest Advisory Committee shall be composed of the following members, namely:—

6. *Ins.* by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

7. *Subs.* for “Ministry of Environment, Forests” by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

8. *Subs.* by Noti. No. G.S.R. 94(E), dated February 3, 2004 (w.e.f. 3-2-2004). Prior to substitution it read as:

“3. *Composition of the Committee.*—(1) The Committee shall be composed of the following members:—

- | | | |
|-------|---|------------------|
| (i) | Director General of Forests, Ministry of Environment and Forests | Chairperson |
| (ii) | Additional Director General of Forests, Ministry of Environment and Forests | Member |
| (iii) | Additional Commissioner (Soil Conservation), Ministry of Agriculture | Member |
| (iv) | Three eminent experts in forestry and allied disciplines (non-officials) | Members |
| (v) | Inspector General of Forests (Forest Conservation), Ministry of Environment and Forests | Member Secretary |

(2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests.”

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- | | | | |
|-------|---|---|------------------|
| (i) | the Director General of Forests, ⁹ [Ministry of Environment, Forests and Climate Change] | — | Chairperson |
| (ii) | the Additional Director General of Forests, ¹⁰ [Ministry of Environment, Forests and Climate Change] | — | Member |
| (iii) | the Additional Commissioner (Soil Conservation), Ministry of Agriculture | — | Member |
| (iv) | three non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics | — | Members |
| (v) | the Inspector General of Forests (Forest Conservation), ¹¹ [Ministry of Environment, Forests and Climate Change] | — | Member-Secretary |

(2) The Additional Director General of Forests shall act as Chairperson in the absence of the Director General of Forests.]

4. Terms of appointment of non-official members shall be as follows.—(i)

A non-official member shall hold his office for a period of two years;

(ii) A non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving moral turpitude;

(iii) A non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;

(iv) Any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term;

(v) Travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force:

Provided that the payment of travelling allowance and daily allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature.

9. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).
 10. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).
 11. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

¹²[***4-A. Constitution of Regional Empowered Committee.**—(1) The Central Government by notification in the Official Gazette, shall constitute a Regional Empowered Committee at each of the Regional Offices.

(2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following members to be appointed by the Central Government to deal with the forest conservation matters, namely:

- | | | |
|-------|---|------------------|
| (i) | Head of the Regional Office; | Chairperson |
| (ii) | Senior most officer from amongst officers in the rank of Chief Conservator of Forests or Conservator of Forests in the Regional Office; | Member |
| (iii) | Three non-official members from amongst eminent persons who are experts in the forestry and allied disciplines; | Members |
| (iv) | Senior most officer from amongst officers in the rank of Deputy Conservator of Forests in the Regional Office. | Member-Secretary |

(3) Representatives of the State Government or the Union Territory Administration, as the case may be, not below the rank of a Director to the Government of India, one each from Forest Department and Revenue Department shall also be invited to attend meeting of the Regional Empowered Committee as special invitee, in the examination of the proposals pertaining to such State or Union Territory Administration, as the case may be.

(4) The term of appointment of non-official members shall be as specified in Rule 4.]

12. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:
 “*Constitution of the Regional Empowered Committee.*—(1) A Regional Empowered Committee shall be constituted at each of the Regional Offices and shall consist of the following members, namely—

- | | | | |
|-------|---|---|-------------------|
| (i) | the Regional Principal Chief Conservator of Forests (Central) | — | Chairperson |
| (ii) | three non-official members who shall be experts one each in Mining, Civil Engineering and Development Economics | — | Members |
| (iii) | the Conservator of Forests or the Deputy Conservator of Forests in the Regional Office | — | Member-Secretary” |

* **Publisher’s Note: In G.S.R. 94(E), dt. 3-2-2004, R. 4 reads as:**

“(4) In the said rules, after Rule 3, the following rule shall be inserted, namely:—”
 However, this ought to read as “4. In the said rules, after Rule 4, the following **Rule 4-A** shall be inserted, namely:—”

In G.S.R. 713(E), dt. 10-10-2014, Rule 3 read as:

“3. In the said rules, for Rule 4 relating to constitution of Regional Empowered Committee as inserted vide Notification Number G.S.R. 94(E), dated the 3rd February, 2004, the following rule shall be substituted, namely:—”
 However, this ought to read as “In the said rules, for **Rule 4-A** relating to constitution of Regional Empowered Committee as inserted vide Notification Number G.S.R. 94(E), dated the 3rd February, 2004, the following rule shall be substituted, namely:—”

R. 5-A]

5. Conduct of business of the Committee.—(i) The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.

(ii) The meeting of the Committee shall be held at New Delhi.

(iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of Rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.

(iv) The Chairperson shall preside over every meeting of the Committee at which he is present.

(v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.

(vi) The quorum of the meeting of the Committee shall be three.

13[5-A. Conduct of Business of Regional Empowered Committee.—(1) The Chairperson of the Regional Empowered Committee shall hold the meeting of the Regional Empowered Committee whenever considered necessary, but not less than once in a month.

(2) The meetings of the Regional Empowered Committee shall be held at the headquarters of the Regional Office:

Provided that where the Chairperson of the Regional Empowered Committee is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposals referred to the Regional Empowered Committee, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Regional Office for such inspection of site or sites.

(3) The Chairperson of the Regional Empowered Committee shall preside over every meeting of the Regional Empowered Committee:

Provided that in the absence of Chairperson of the Regional Empowered Committee, the senior most member in the rank of the Chief Conservator of Forests or the Conservator of Forests shall act as the Chairperson of the Regional Empowered Committee.

(4) Every proposal referred to the Regional Empowered Committee for advice or decision shall be considered in the meeting of the Regional Empowered Committee:

Provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson of the Regional Empowered Committee may direct that papers may be circulated and sent to members of the Regional Empowered Committee for their opinion within the stipulated time.

(5) The quorum of the meeting of the Regional Empowered Committee shall be three.]

¹⁴[6. **Submission of proposal seeking approval of the Central Government under Section 2 of the Act.**—(1) Every User Agency that wants to use any forest land for non-forest purposes, shall make its proposal in the relevant Form appended to these rules, namely; Form 'A' for proposal seeking first time approval under the Act, Form 'B' for proposal seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, and Form 'C' for prospecting of minerals, to the Nodal Officer of the concerned State Government or the Union territory Administration, as the case may be, along with requisite information and documents, complete in all respect.

(2) The User Agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer to the concerned Divisional Forest Officer, District Collector and Regional Office as well as the Monitoring Cell of the Forest Conservation Division of the ¹⁵[Ministry of Environment, Forests and Climate Change].

(3)(a) The Nodal Officer of the State Government or the Union territory Administration, as the case may be, after having received the proposal under sub-rule (1) and on being satisfied that the proposal is complete in all respects and requires prior approval under Section 2 of the Act, shall send the proposal to the concerned Divisional Forest Officer and the District Collector within a period of ten days of the receipt of the proposal.

(b) If the Nodal Officer of the State Government or the Union territory Administration, as the case may be, finds that the proposal is incomplete, he shall return it within a period of ten days to the User Agency and this time period and the time taken by the User Agency to re-submit the proposal shall not be counted for any future reference.

(c) The Divisional Forest Officer shall examine the factual details and feasibility of the proposal, certify the maps, carry out site-inspection and enumeration of the trees and forward his findings in the Format specified in this regard to the Conservator of Forests.

(d) The Divisional Forest Officer shall process and forward the application along with his findings on the proposal involving forest land up to forty hectares, above forty hectares and up to one hundred hectares and above one hundred hectares to the Conservator of Forests within a period of thirty days, forty-five days and sixty days respectively.

14. Subs. by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

15. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

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¹⁶[(e) the District Collector shall—

- (i) complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal;
- (ii) obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and
- (iii) forward his findings in this regard to the Conservator of Forests;

(f) the entire process referred to in clause (e) shall be completed by the District Collector within the time period stipulated in these rules for grant of in-principle approval under the Act to the proposal;

(g) the Conservator of Forests shall examine the factual details and feasibility of the proposal, carry out site inspection in case the area of forest land proposed to be diverted is more than forty hectares, and forward the proposal along with his recommendations to the Nodal Officer;]

(h) The time taken by the Conservator of Forests to process and forward to the Nodal Officer the proposal involving forest land up to forty hectares and above forty hectares shall not be more than ten days and thirty days respectively.

(i) The Nodal Officer, through the Principal Chief Conservator of Forest, shall forward the proposal to the State Government or the Union territory Administration, as the case may be, along with his recommendations.

(j) The Nodal Officer shall process and forward the proposal along with his findings on the proposal involving forest land, up to five hectares, above five hectares and up to forty hectares, above forty hectares up to one hundred hectares and above one hundred hectares, to the State Government or the Union territory Administration, as the case may be, within a period of ten days, twenty days, twenty-five days and thirty days respectively.

16. Clauses (e), (f) and (g) subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(e) The District Collector shall complete the process for settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) (hereinafter referred to as the FRA), obtain consent of the Gram Sabha or Gram Sabhas, wherever required, and forward his findings in the Format specified in this regard to the Conservator of Forests.

(f) The District Collector shall forward the proposal along with his findings on settlement of rights under FRA and consent of the Gram Sabha or Gram Sabhas, wherever required, in respect of the proposal involving forest land up to forty hectares, above forty hectares and up to one hundred hectares and above one hundred hectares to the Conservator of Forests within a period of thirty days, forty-five days and sixty days respectively.

(g) The Conservator of Forests shall examine the factual details and feasibility of the proposal, carry out site-inspection in case the area of forest land proposed to be diverted is more than forty hectares, and forward the proposal along with his recommendations and the report on settlement of rights under the FRA and consent of the concerned Gram Sabha or Gram Sabhas, wherever required, received from the District Collector to the Nodal Officer.”

(k) In case the State Government or the Union territory Administration, as the case may be, decides not to, de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, the same shall be intimated to the User Agency within thirty days of the receipt of proposal from the Nodal Officer:

Provided, all proposals involving diversion of forest land for projects of the Central Government or Central Government Undertakings where the State Government or the Union territory Administration, as the case may be, does not agree in-principle to de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, shall be forwarded to the Central Government along with comments of the State Government or the Union territory Administration, as the case may be.

(l) The State Government or the Union territory Administration, as the case may be, shall forward along with its recommendations all those proposals where State Government or the Union territory Administration, as the case may be, agrees in-principle to de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, and all proposals involving diversion of forest land for projects of the Central Government or Central Government Undertakings, to the Central Government within thirty days:

Provided that the all proposals involving felling of trees on forest land or a portion thereof for the purpose of using it for reforestation shall be sent in the form of Working Plan or Working Scheme or Management Plan:

Provided further that the concerned State Government or the Union territory Administration, as the case may be, shall simultaneously send the intimation to the User Agency about forwarding of the proposal, along with its recommendations, to the Regional Office or the ¹⁷[Ministry of Environment, Forests and Climate Change], as the case may be:

Provided also that total time taken exclusively for transit of a proposal between various authorities in the State Government or the Union territory Administration, as the case may be, shall not be more than twenty days, over and above the time period specified for processing of proposal by each authority.

(m) Whenever the time taken by the State Government or the Union territory Administration, as the case may be, for processing the proposal exceeds the time limits stipulated in clauses (a) to (l) above, the proposal shall be considered by the Central Government only if an explanation for the delay is furnished to the satisfaction of the Central Government, together with action taken against any individual held to be responsible for the delay.

¹⁸(4)(a) The proposal referred to in clause (l) of sub-rule (3), involving forest land up to forty hectares and all proposals related to linear projects irrespective

17. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

18. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

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of the area of forest land involved, shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the concerned Regional Office.

(b) The proposal referred to in clause (1) of sub-rule (3), involving forest land of more than forty hectares, other than proposals related to linear projects shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the Secretary, Government of India, Ministry of Environment, Forests and Climate Change.]

(c) The proposals referred to in clause (1) of sub-rule (3), involving clearing of trees in forest land or portion thereof for the purpose of using it for re-afforestation shall be sent to the concerned Regional Office.]

¹⁹[(5)(a) notwithstanding anything contained in these rules, the proposal to obtain approval under the Act to undertake prospecting of minerals without felling of trees and construction of new road or path in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors and having no forest cover of more than ten per cent crown density as per the latest India State of Forest Report published by the Forest Survey of India, shall be submitted by the User Agency in a letter form along with a georeferenced map indicating boundary of the prospecting block, location of each borehole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the aforementioned requirements to the Nodal Officer;

(b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the georeferenced map and the certificate are in order, shall send the proposal to the Divisional Forest Officer within a period of ten days of the receipt of the proposal;

(c) if the Nodal Officer, finds that the georeferenced map or the certificate are not in order, he shall return the proposal within a period of ten days to the User Agency and the said period taken by the Nodal Officer and the time taken by the User Agency to resubmit the georeferenced map and the certificate shall not be counted for any future reference;

(d) the Divisional Forest Officer shall authenticate the georeferenced map and certificate submitted by the User Agency and forward the same directly to the State Government or Union Territory Administration, as the case may be, or an officer not below the rank of the Nodal Officer, authorised by the State Government or

“(4)(a) The proposal referred to in clause (1) of sub-rule (3), involving forest land up to forty hectares shall be forwarded by the concerned State Government or the Union territory Administration, as the case may be, along with its recommendations, to the concerned Regional Office.

(b) The proposal referred to in clause (1) of sub-rule (3), involving forest land of more than forty hectares shall be forwarded by the concerned State Government or the Union territory Administration, as the case may be, along with its recommendations, to the Secretary, Ministry of Environment and Forests, Government of India.”

19. Ins. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017).

Union Territory Administration, as the case may be, to finally dispose of such proposals, within thirty days of its receipt;

(e) the State Government or the Union Territory Administration, as the case may be, or the officer not below the rank of the Nodal Officer, duly authorised by the State Government or the Union Territory Administration, as the case may be, to finally dispose of such proposals, after examination of the georeferenced map and certificate and after such further enquiry as it may consider necessary, grant permission for prospecting of minerals subject to fulfilment of stipulated conditions, or reject the same within twenty five days of receipt of the proposal from the Divisional Forest Officer and communicate the same to the concerned Divisional Forest Officer and the User Agency, within next five days;

(6)(a) notwithstanding anything contained in these rules, proposal to obtain approval under the Act to undertake prospecting of minerals without felling of trees and construction of new road or path in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors and having no forest cover of more than forty per cent crown density as per the latest India State of Forest Report published by the Forest Survey of India, shall also be submitted in a letter form along with a georeferenced map indicating boundary of the prospecting block, location of each borehole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the aforementioned requirements to the Nodal Officer;

(b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the georeferenced map and the certificate are in order, shall send the proposal to the Divisional Forest Officer within a period of ten days of the receipt of the proposal;

(c) if the Nodal Officer, finds that the georeferenced map or the certificate are not in order, he shall return the proposal to the User Agency within a period of ten days and the said period taken by the Nodal Officer and the time taken by the User Agency to resubmit the proposal shall not be counted for any future reference;

(d) the Divisional Forest Officer shall authenticate the georeferenced map and certificate submitted by the User Agency and forward the same directly to the Nodal Officer, within a period of thirty days of receipt of the georeferenced map and the certificate;

(e) the proposal received by the Nodal Officer under clause (d) shall be further processed in the manner and within the period as provided in clause (i) to clause (m) of sub-rule (3) and sub-rule (4) of Rule 6 and Rule 7 of these rules.]

²⁰[7. **Processing of proposals received by the Central Government.**—(1)(a) The Regional Office, after having received the proposal referred in clause (a) and clause (c) of sub-rule (4) of Rule 6 shall determine the completeness of proposal within five working days.

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(b) If the Regional Office finds that the proposal is incomplete, it shall return it within the period of five working days as specified under clause (a), to the State Government or the Union territory Administration, as the case may be, and this time period and the time taken by the State Government to re-submit the proposal shall not be counted for any future reference.

²¹[(2)(a) The Regional Office shall after examination of the proposal involving forest land up to five hectares other than the proposal related to mining, encroachments, and hydel projects, which are complete in all respect, and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within twenty five days of its receipt from the State Government or the Union Territory Administration, as the case may be, and communicate the same to the concerned State Government or the Union Territory Administration, as the case may be, within next five days.

²²[(b) In case a proposal involves forest land more than one hundred hectares or renewal of lease, Regional Office shall within forty five days of the receipt of the proposal complete in all respects from the State Government or the Union Territory Administration, as the case may be, inspect the forest land proposed to be diverted and prepare a site inspection report:

Provided that in case of the proposals seeking approval under the Act for prospecting of minerals in forest land, prior site inspection by the Regional Office

21. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

“(2)(a) The Regional Office shall after examination of the proposal involving forest land up to five hectares other than the proposal relating to mining and encroachments, which are complete in all respect, and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfilment of stipulated conditions, or reject the same within twenty five days of its receipt from the State Government or the Union territory Administration, as the case may be, and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, within next five days.

(b) The proposals involving forest land above five hectares and up to forty hectares and all proposals for regularisation of encroachments and mining up to forty hectares, which are complete in all respects, shall be examined by the Regional Office in consultation with an Advisory Group consisting of representatives of the State Government or the Union territory Administration, as the case may be, from Revenue Department, Forest Department, Planning Department or Finance Department and the concerned Department whose proposal is being examined.

(c) The Regional Office shall within a period of thirty-five days of the receipt of the proposal from the State Government or the Union territory Administration, as the case may be, shall forward such proposal along with views of the Advisory Group to the Secretary, Ministry of Environment and Forests for obtaining the decision of the Central Government:

Provided that time taken in transit of a proposal from Regional Office to the Ministry of Environment and Forests shall not be more than five days.

(d) The Central Government shall, after considering the views of the Advisory Group and after further enquiry as it may consider necessary, grant in-principle approval subject to fulfilment of stipulated conditions, or reject the same within thirty days of its receipt from the Regional Office and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, within next five working days.”

22. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(b) The proposals involving forest land above five hectares and up to forty hectares and all proposals for regularisation of encroachments and mining up to forty hectares, which are complete in all respects, shall be examined by the Regional Office in consultation with an Advisory Group consisting of representatives of the State Government or the Union territory Administration, as the case may be, from Revenue Department, Forest Department, Planning Department or Finance Department and the concerned Department whose proposal is being examined.”

shall be required only if the area of forest land required for construction of roads, paths, drilling of boreholes and all such non-forest purpose is more than one hundred hectares.]

(c) Regional Office shall refer all proposals involving forest land above five hectares and up to forty hectares; proposals related to mining, encroachments, and hydel projects involving forest land up to five hectares; and all proposals related to linear projects which are complete in all respects, including site inspection report, wherever required, to the Regional Empowered Committee within ten days of the receipt of the proposal from the State Government or the Union Territory Administration, as the case may be:

Provided that proposals referred to in clause (b) above, shall be referred to the Regional Empowered Committee within five days of the receipt of the site inspection report.

(d) The Regional Empowered Committee shall within a period of thirty days examine the proposals referred to it under clause (c) above and after such further enquiry as it may consider necessary, grant in-principle approval to the proposals other than proposals related to mining, encroachment and hydel projects subject to fulfilment of stipulated conditions, or reject the same and the Regional Office shall communicate the decision of the Regional Empowered Committee to the concerned State Government or the Union Territory Administration, as the case may be, within next five working days.

(e) The Regional Empowered Committee shall within a period of thirty days examine the proposals related to mining, encroachments, and hydel project involving diversion of forest land up to forty hectares and tender its advice:

Provided that the Regional Empowered Committee may suggest such conditions or restrictions if any, required to be imposed on the use of any forest land for non-forest purpose, which in its opinion would minimise adverse environmental impact.

(f) The Regional Office shall within a period of five days of the receipt of the advice of the Regional Empowered Committee on proposals referred to in clause (e) above, forward such proposal along with advice of the Regional Empowered Committee to the Secretary, Ministry of Environment, Forests and Climate Change for obtaining the decision of the Central Government:

Provided that time taken in transit of a proposal from Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than five days.

(g) The Central Government shall, after considering the advice of the Regional Empowered Committee and after further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within thirty days of its receipt from the Regional Office and communicate the same to the concerned State Government or the Union Territory Administration, as the case may be, within next five working days.]

R. 7] (3)(a) All proposals involving clearing of trees in forest land or portion thereof for the purpose of using it for re-forestation shall be finally disposed of by the Regional Office within a period of sixty days of receipt of the proposals from the State Government or the Union territory Administration, as the case may be.

(b) While examining the proposal, the Regional Office shall ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time.

(c) The Regional Office shall however seek prior clearance of the ²³[Ministry of Environment, Forests and Climate Change] whenever the proposal involves clear-felling of forest land having crown density above forty per cent irrespective of the area involved, or clear-felling of forest area of size more than twenty hectares in the plains and ten hectares in the hilly region, irrespective of density.

(4)(a) The ²⁴[Ministry of Environment, Forests and Climate Change], after having received the proposal referred to in clause (b) of sub-rule (4) of Rule 6 shall determine the completeness of the proposal within ten days.

(b) If the ²⁵[Ministry of Environment, Forests and Climate Change] finds that the proposal is incomplete, it shall return it within the period of ten days as specified under clause (a), to the State Government or the Union territory Administration, as the case may be, and this time period and the time taken by the State Government to resubmit the proposal shall not be counted for any future reference.

²⁶[(c) in case the proposal involves forest land more than one hundred hectares or renewal of lease, the Ministry of Environment, Forests and Climate Change shall within ten days of the receipt of a proposal complete in all respects, request the concerned Regional Office to inspect the forest land proposed to be diverted and submit a report to the Ministry of Environment, Forests and Climate Change within a period of forty five days:

Provided that in case of the proposals seeking approval under the Act for prospecting of minerals in forest land, prior site inspection by the Regional Office shall be required only if the area of forest land actually required for construction of roads, paths, drilling of boreholes and all such non-forest purpose is more than one hundred hectares:

23. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

24. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

25. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

26. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:
 "(c) In case the proposal involves forest land more than one hundred hectares, Ministry of Environment and Forest shall within ten days of the receipt of a proposal complete in all respects, request the concerned Regional Office to inspect the forest land proposed to be diverted and submit a report to the Ministry of Environment and Forest within a period of forty-five days:

Provided that the total time taken in communication of the request for site inspection from the Ministry of Environment and Forests to Regional Office and communication of the site inspection report from the Regional Office to the Ministry of Environment and Forests shall not be more than ten days, over and above the time taken in undertaking site inspection by the Regional Office."

Provided further that the total time taken in communication of the request for site inspection from the Ministry of Environment, Forests and Climate Change to Regional Office and communication of the site inspection report from the Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than ten days, over and above the time taken in undertaking site inspection by the Regional Office.]

(d) The Central Government shall refer every proposal, which is complete in all respects, received by it under clause (b) of sub-rule (4) of Rule 6 including site inspection reports, wherever required, to the Committee for its advice and the Committee shall give its advice within thirty days from the date of receipt of the said proposal.

(e) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under clause (d), namely—

- (i) whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying severely eroded catchment;
- (ii) whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;
- (iii) whether the State Government or the Union territory Administration, as the case may be, has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose;
- (iv) whether the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof;
- (v) whether the per unit requirement of forest land is significantly higher than the national average for similar projects; and
- (vi) whether the State Government or the Union territory Administration, as the case may be, before making their recommendation has considered all issues having direct and indirect impact of the diversion of forest land on forest, wildlife and environment.

(f) While tendering advice, the Committee may also suggest any condition or restriction on the use of any forest land for any non-forest purpose, which in its opinion would minimise adverse environmental impact.

(g) The Central Government shall, after considering the advice of the Committee under clause (e) and clause (f) and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfilment of stipulated conditions, or reject the same within thirty days of the receipt of advice from the Committee and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, within next five working days.

R. 8]

²⁷[8. **Submission of report on compliance to conditions stipulated in the in-principle approval and grant of final approval.**—(1)(a) The Nodal Officer shall within five days of receipt of the in-principle approval, endorse a copy of the same to the concerned Divisional Forest Officer and the Conservator of Forests;

(b) On receipt of a copy of the in-principle approval, the Divisional Forest Officer shall prepare a demand note containing item-wise amount of compensatory levies such as cost of creation and maintenance of compensatory afforestation, Net Present Value (NPV), cost of implementation of catchment area treatment plan or wildlife conservation plan etc. to be paid by the User Agency and communicate the same, along with a list of documents, certificates and undertakings required to be submitted by the User Agency in compliance with the conditions stipulated in the in-principle approval to the User Agency within ten days of the receipt of a copy of the in-principle approval.

(c) The User Agency shall within thirty days of receipt of demand note and list of documents, certificates and undertakings from the Divisional Forest Officer make payment of compensatory levies and submit a compliance report containing a copy of documentary evidence in respect of the payment of compensatory levies along with documents, certificates and undertakings indicated in the said list to Divisional Forest Officer.

(d) The Divisional Forest Officer, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the User Agency.

(e) If the Divisional Forest Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency within a period of fifteen days of its receipt from the User Agency and if the compliance report is complete in all respect, it shall be forwarded to the Conservator of Forests within a period of fifteen days of its receipt from the User Agency.

(f) The Conservator of Forests, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Divisional Forest Officer.

²⁸[(g) in case the Conservator of Forests finds that the compliance report is complete in all respect, he shall forward such report along with the report on completion of the process of recognition and vesting of forest rights and consent of the each Gram Sabha received from the District Collector referred to in sub-clause (f) of sub-rule (3) of Rule 6, to the Nodal Officer within a period of fifteen days of its receipt from the Divisional Forest Officer:

27. *Ins.* by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014). Earlier it was *omitted* by G.S.R. 94(E), dated February 3, 2004 (w.e.f. 3-2-2004).

28. *Subs.* by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(g) If the Conservator of Forests finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency and the Divisional Forest Officer within a period of fifteen days of its receipt from the Divisional Forest Officer and if the compliance report is complete in all respects, it shall be forwarded to the Nodal Officer within a period of fifteen days of its receipt from the Divisional Forest Officer.”

Provided that in case the Conservator of Forests finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency and the Divisional Forest Officer within a period of fifteen days of its receipt from the Divisional Forest Officer.]

(h) The Nodal Officer, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Conservator of Forests.

²⁹[(i) in case the Nodal Officer finds that the compliance report is complete in all respect, he shall forward such report to the State Government or Union Territory Administration, as the case may be, within a period of fifteen days of its receipt from the Conservator of Forests:

Provided that the State Government or the Union Territory Administration, as the case may be, may authorise the Nodal Officer to send the compliance report directly to the Ministry of Environment, Forest and Climate Change or the Regional Office, as the case may be:

Provided further that in case the Nodal Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Conservator of Forests.]

(j) The State Government or Union territory Administration, as the case may be, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Nodal Officer.

(k) If the State Government or Union territory Administration, as the case may be, finds that the compliance report is incomplete, it shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Nodal Officer, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Nodal Officer and if the compliance report is complete in all respects, it shall be forwarded to the ³⁰[Ministry of Environment, Forests and Climate Change] or the Regional Office, as the case may be, within a period of fifteen days of its receipt from the Nodal Officer.

(l) The ³¹[Ministry of Environment, Forests and Climate Change] or the Regional Office, as the case may be, after having received the compliance report shall determine its completeness within a period of fifteen days.

29. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:
“(i) If the Nodal Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Conservator of Forests and if the compliance report is complete in all respects, it shall be forwarded to the State Government or Union territory Administration, as the case may be, within a period of fifteen days of its receipt from the Conservator of Forests.”

30. Subs. for “Ministry of Environment, Forests” by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

31. Subs. for “Ministry of Environment, Forests” by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

R. 8]

³²[(m) in case the Ministry of Environment, Forests and Climate Change or the Regional Office, as the case may be, finds that the compliance report is complete in all respect, it shall accord the final approval under the Act and communicate such approval to the State Government or the Union Territory Administration, as the case may be, within a period of twenty days of the receipt of the compliance report:

Provided that in case the Ministry of Environment, Forests and Climate Change or the Regional Office, as the case may be, finds that the compliance report is incomplete, the shortcoming or shortcomings in the compliance report shall be communicated to the State Government or the Union Territory Administration, as the case may be, the Nodal Officer and the User Agency, within a period of twenty days of the receipt of the compliance report.]

(n) The report on fulfilment of shortcoming or shortcomings in the compliance report shall be processed and forwarded to authorities concerned in the State Government or the Union territory administration, as the case may be, and Central Government in the manner and within the time limits stipulated in clause (d) to clause (1) above.

(2) ³³[(a) In cases where compliance of conditions stipulated in the in-principle approval is awaited for more than five years from the State Government or the Union Territory Administration, as the case may be, the in-principle approvals may be summarily revoked:

Provided that in cases where for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval for obtaining final approval under the Act within five years from the date of grant of in-principal approval, the Central Government may extend the period for compliance of such conditions by such further period as it deem fit.]

(b) If the User Agency or the State Government or the Union territory Administration, as the case may be, is still interested in the project, after its revocation, they may submit a fresh proposal which shall be considered de-novo.

(3)(a) In case, before submission of a report on compliance to conditions stipulated in the in-principle approval accorded under the Act for a mining project by the State Government or the Union territory Administration, as the case may be, and grant of final approval by the Central Government within five years from the date of grant of in-principle approval, validity of the mining lease

32. Subs. by G.S.R. 200(E), dt. 6-3-2017 (w.e.f. 6-3-2017). Prior to substitution it read as:

“(m) If the Ministry of Environment and Forests or the Regional Office, as the case may be, finds that the compliance report is complete in all respect, it shall accord the final approval under the Act and communicate the same to the State Government or the Union territory Administration, as the case may be, within a period of twenty days of the receipt of a compliance report which is complete in all respect.”

33. Subs. by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

“(a) In cases where compliance of conditions stipulated in the in-principle approval is awaited for more than five years from the State Government or the Union territory Administration, as the case may be, the in-principle approvals shall be summarily revoked.”

expires, instead of submission of a de-novo proposal to obtain approval of Central Government under the Act for diversion of such forest land, for renewal of mining lease, the State Government or Union territory Administration, as the case may be, while submitting report on compliance to conditions stipulated in the in-principle approval may seek final approval of Central Government under the Act for diversion of such forest land for original period of the mining lease for which in-principle approval has already been accorded, and also for renewal of mining lease for a period, as specified by the State Government and Union Territory Administration, as the case may be, not exceeding twenty years.

(b) Report on compliance to statutes, circulars or directives, as applicable to such proposals, which came into force after grant of in-principle approval, if any, shall also be submitted to the Central Government along with the report on compliance to conditions stipulated in the in-principle approval.

³⁴[(c) In such cases, apart from grant of final approval under the Act for diversion of such forest land for original period of mining lease, the Central Government, shall, after considering advice of the Forest Advisory Committee or the Regional Empowered Committee, as the case may be, and after further enquiry as it may consider necessary, grant final approval to the proposal of the State Government or the Union Territory Administration, as the case may be, for renewal of mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions or reject the same.]

³⁵[(d) Procedure stipulated in clauses (a) to (c) above, shall also be applicable to the cases where in-principle approval under the Act for diversion of forest land has been accorded on a day more than five years prior to date of expiry of mining lease and for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval and obtain final approval within five years from the date of grant of the in-principal approval:

Provided such in-principle approval has not already been summarily revoked by the Central Government:

Provided further that in such cases, apart from the report referred to in clause (b) above, the State Government or the Union Territory Administration, as the case may be, shall also submit to the Central Government, reason or reasons for delay in compliance to conditions stipulated in the in-principle approval.

34. *Subs.* by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014). Prior to substitution it read as:

“(c) In such cases, apart from grant of final approval under the Act for diversion of such forest land for original period of mining lease, the Central Government, shall, after considering advice of the Forest Advisory Committee or the State Advisory Group, as the case may be, and after further enquiry as it may consider necessary, grant final approval to the proposal of the State Government or Union Territory Administration, as the case may be, for renewal of mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions or reject the same.”

35. *Ins.* by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

FORM A]

(e) Procedure stipulated in clauses (a) to (c) above, shall also be applicable to the cases where mining lease expires or has already expired within a period of ten years from the date of grant of in-principle approval under the Act, even if final approval under the Act for diversion of such forest land has been granted prior to expiry of the mining lease:

Provided, that in such cases, in place of a report on compliance to conditions stipulated in the in-principle approval, a report on compliance to conditions stipulated in the final approval under the Act for diversion of such forest land during validity of the original lease period shall be submitted to the Central Government by the State Government or the Union Territory Administration, as the case may be.]

9. Proceedings against persons guilty of offences under the Act.—(1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person(s) prima facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter:

Provided that no complaint shall be filed in the court, without giving the person(s) or officer(s) or authority(s) against whom the allegations of offence exist, an opportunity to explain his or their conduct and to show cause, by issuing a notice in writing of not less than sixty days, as to why a complaint should not be filed in the court against him or them for alleged offences.

(2) The officer authorised by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

APPENDIX

(See Rule 6)

FORM 'A'

Form for seeking prior approval under Section 2 of the proposals by the State Governments and other authorities

Part-I

(To be filled up by user agency)

1. Project details:
 - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
 - (ii) Map showing the required forest land, boundary of adjoining forest on a 1 : 50,000 scale map.
 - (iii) Cost of the project.
 - (iv) Justification for locating the project in forest area.
 - (v) Cost-benefit analysis (To be enclosed).
 - (vi) Employment likely to be generated.

2. Purposewise break-up of the total land required.
3. Details of displacement of people due to the project, if any:
 - (i) Number of families.
 - (ii) Number of Scheduled Castes/Scheduled Tribe families.
 - (iii) Rehabilitation plan (To be enclosed).
4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).
5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (Undertaking to be enclosed).
6. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block Letters)

Designation

Address (of User Agency)

Date:

Place:

State Serial No. of proposal

(To be filled up by the Nodal Officer with date of receipt)

Part-II

(To be filled by the concerned Deputy Conservator of Forests)

State Serial No. of proposal

7. Location of the project/Scheme:
 - (i) State/Union Territory.
 - (ii) District.
 - (iii) Forest Division.
 - (iv) Area of forest land proposed for diversion (In ha.).
 - (v) Legal status of forest.
 - (vi) Density of vegetation.
 - (vii) Specieswise (scientific names) and diameter classwise enumeration of trees (To be enclosed. In case of irrigation/hydel projects enumeration at FRL, FRL-2 meter and FRL-4 meter also to be enclosed).
 - (viii) Brief note on vulnerability of the forest area to erosion.
 - (ix) Approximate distance of proposed site for diversion from boundary of forest.
 - (x) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
 - (xi) Whether any rare/endangered/unique species of flora and fauna found in the area — if so details thereof.
 - (xii) Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.
8. Whether the requirement of forest land as proposed by the user agency in Column 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area itemwise with details of alternatives examined.
9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.

10. Details of compensatory afforestation scheme:
 - (i) Details of non-forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.
 - (ii) Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.
 - (iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
 - (iv) Total financial outlay for compensatory afforestation scheme.
 - (v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view (To be signed by the concerned Deputy Conservator of Forests).
11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in Columns 7(xi, xii), 8 and 9 above.
12. Division/District profile:
 - (i) Geographical area of the district.
 - (ii) Forest area of the district.
 - (iii) Total forest area diverted since 1980 with number of cases.
 - (iv) Total compensatory afforestation stipulated in the district/division since 1980 on—
 - (a) forest land including penal compensatory afforestation,
 - (b) non-forest land.
 - (v) Progress of compensatory afforestation as on (date) on—
 - (a) forest land,
 - (b) non-forest land.
13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature
Name
Official Seal

Date:

Place:

Part-III

(To be filled by the concerned Conservator of Forests)

14. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection and observation made in form of inspection note to be enclosed.
15. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date:

Place:

Part-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

17. Detailed opinion and specific recommendation of the State Forest Department for acceptance of otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon.)

Signature

Name and Designation

(Official Seal)

Date:

Place:

Part-V

(To be filled in by the Secretary in Charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

18. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon.)

Signature

Name and Designation

(Official Seal)

Date:

Place:

Instructions (for Part-I).—

1. The project authorities may annex a copy of the approved project/plan in addition to filling Column 1(i) e.g. IBM approved mining plan for major mineral/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF — Column 1(ii).
3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given — Column 1(iii).
4. For proposals relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral in surrounding/nearby non-forest areas.
5. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
6. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

General Instructions.—

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.

- 2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
- 3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per form prescribed above read with the clarifications issued by the ³⁶[Ministry of Environment, Forests and Climate Change], Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
- 4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

FORM 'B'
(See Rule 6)

Form for seeking prior approval under Section 2 of the proposals by the State Governments and other authorities in respect of renewal of leases, which have been earlier granted clearance under Forest (Conservation) Act, 1980

Part-I

(To be filled up by user agency)

- 1. Letter No. and date vide which clearance under Forest (Conservation) Act, 1980 accorded by the Central Government (Copy to be enclosed):
- 2. Project details:
 - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
 - (ii) Map showing the required forest land, boundary of adjoining forest on a 1 : 50,000 scale map.
 - (iii) Cost of the project:
- 3. Purposewise break-up of the total land required (Already broken and to be broken):
- 4. Details of Certificates/documents enclosed as required under the instructions.

Signature
(Name in Block Letters)
Designation
Address (of User Agency)

Date:
Place:

State Serial No. of proposal
(To be filled up by the Nodal Officer with date of receipt)

Part-II

(To be filled by the concerned Deputy Conservator of Forests)
State Serial No. of proposal

- 5. Location of the project/Scheme:
 - (i) State/Union Territory.
 - (ii) District.
 - (iii) Forest Division.
 - (iv) Area of forest land proposed for diversion (In ha.).
 - (v) Legal status of forest.

³⁶. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

- (vi) Density of vegetation.
 - (vii) Specieswise (scientific names) and diameter classwise enumeration of trees in unbroken area.
 - (viii) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed.)
6. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
 7. Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.
 8. Division/District profile:
 - (i) Geographical area of the district.
 - (ii) Forest area of the district.
 - (iii) Total forest area diverted since 1980 with number of cases.
 - (iv) Total compensatory afforestation stipulated in the district/division since 1980 on—
 - (a) forest land including penal compensatory afforestation,
 - (b) non-forest land.
 - (v) Progress of compensatory afforestation as on (date) on—
 - (a) forest land,
 - (b) non-forest land.
 9. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature
Name
Official Seal

Date:

Place:

Part-III

(To be filled by the concerned Conservator of Forests)

10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection and observation made in form of inspection note to be enclosed.
11. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
12. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date:

Place:

FORM B]

Part-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

13. Detailed opinion and specific recommendation of the State Forest Department for acceptance of otherwise of the proposal with remarks.
(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon.)

Signature

Name and Designation

(Official Seal)

Date:

Place:

Part-V

(To be filled in by the Secretary in Charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

14. Recommendation of the State Government:
(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon.)

Signature

Name and Designation

(Official Seal)

Date:

Place:

Instructions (for Part-I).—

1. The project authorities may annex a copy of the approved project/plan in addition to filling Column 2(i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF — Column 2(ii).
3. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
4. Itemwise requirement (Column 3) should be separately shown for broken up and fresh areas.
5. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

General Instructions.—

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per form prescribed above read with the clarifications issued by the

³⁷[Ministry of Environment, Forests and Climate Change], Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.

4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

³⁸[FORM 'C'

Form for seeking prior approval under Section 2 of the proposals by the State Governments and other authorities for prospecting of minerals in forest land

Part-I

(To be filled up by User Agency)

1. Project detail:

- (i) Name, address and contact details of the User Agency:
- (ii) Legal status of the User Agency:
- (iii) Name, designation and full address of the person making application:
- (iv) Documents in support of the competence or authority of the person making this application to make application on behalf of the User Agency enclosed: (Yes/No)
- (v) Mineral commodity to be explored:
- (vi) Short narrative of the activities proposed to be undertaken in both forest and non-forestland:
- (vii) Details of approvals accorded by the concerned Ministry or Department in the State or Central Government, as the case may be, for grant of prospecting license in favour of the User Agency:
- (viii) Details of forest and non-forest land included in the prospecting lease:
- (ix) Total area of forest land required for prospecting:
 - (a) Area of forest land likely to experience permanent change in land use
 - (b) Area of forest land likely to experience temporary change in land use
- (x) Total period for which the forest land is proposed to be utilised for prospecting:
- (xi) Estimated cost of the project:
- (xii) Details of forest land diverted earlier, if any, in favour of the User Agency in the State or Union territory along with current status of the use of such forest land:
- (xiii) Details of permission accorded earlier, if any, in favour of the User Agency for prospecting of minerals in forest land along with current status of prospecting in each case:

2. Details of Maps enclosed:

- (i) Survey of India Topo-sheet(s), in original in 1:50,000 scale showing boundary of prospecting block; boundary of each patch of forest land located within the prospecting block; location of each sample plot or borehole site, roads or pathway (existing as well as new pathway to be shown separately) to be used for transportation of drilling equipments; boundary of the adjoining forests and protected areas located within ten (10) Kilometres distance from boundary of forest land identified for prospecting etc.:(Yes/No).

Note 1: In case Survey of India Toposheet in 1:50,000 scale is not available, especially in case of the areas located near International Borders and other strategic locations, in place of Survey of India Toposheet other maps available in public domain may also be used.

Note 2: Due to technical reasons, while undertaking the prospecting activities, the user agency may vary location of boreholes, sample plots, roads or paths etc. up to 300 metres,

37. Subs. for "Ministry of Environment, Forests" by G.S.R. 713(E), dt. 10-10-2014 (w.e.f. 1-11-2014).

38. Ins. by G.S.R. 185(E), dt. 14-3-2014 (w.e.f. 14-3-2014).

provided area of forest land proposed to be utilised and number of trees proposed to be cut does not exceed the same given in the proposal.

3.(i) Justification for prospecting in forest land:

(ii) Details of alternatives examined;

(iii) Detail of non-invasive prospecting activities, if any, undertaken by the user agency in the forest land indicated in the extant proposal:

4. Whether the forest land identified for prospecting is located in scheduled areas (Yes/No);

5. Details of activities proposed to be undertaken in forest land:

(i) Surface sampling

(a) Grab sampling

(b) Chip sampling

(c) Groove sampling

(d) Channel sampling

(e) Bulk sampling

(f) Geochemical grid sampling with sample line spacing

(ii) Pitting or trenching

(a) Number and dimension of pits or trenches

(b) Total volume of excavation

(c) Area of forest land to be utilised for pits or trenches

(iii) Drilling

(a) Number and diameter of boreholes or wells

(b) Spacing of boreholes or wells

(c) Area to be temporarily disturbed at each bore hole or well

(d) Area, if any, to be permanently disturbed at each bore hole or well

(e) Total meterage of boreholes or wells

(f) Number of drill core samples

(g) Volume of drill core samples

(iv) Construction of roads or paths

(a) Length and width of roads or paths proposed to be constructed;

(b) Area of forest land proposed to be utilised for roads or paths;

(v) Any other activity (pl. specify)

6. Area of forest land likely to experience temporary change in land use due to:

(i) Surface sampling;

(ii) Pitting or trenching;

(iii) Drilling;

(iv) Construction of roads or paths;

(v) Any other activity (pl. specify);

Total:

7. Area of forest land likely to experience permanent change in land use due to:

(i) Surface sampling;

(ii) Pitting or trenching;

(iii) Drilling;

(iv) Construction of roads/paths;

(v) Any other activity (pl. specify.);

Total:

8. Details of machinery or equipments to be deployed for prospecting:

Sl. No.	Name of equipment or machinery	Mode of traction	Size (L × B × H)	Estimated deployment (machine hours)	Maximum noise level (decibel)

9. Details of existing paths or roads proposed to be utilised for transport of the equipment or machines in the forest land;

10. Approximate number and approximate duration of stay in the forest land of the persons proposed to be deployed for prospecting;

11. Summary of the estimated quantity of ore and other samples proposed to be collected during the prospecting (not applicable for hydrocarbon sector):

Sl. No.	Details of samples	Qty. proposed to be collected (Metric Tonne)

12. Estimated accuracy and confidence level for mineral reserve assessment;

13. Estimated accuracy and confidence level in case number of bore holes proposed to be drilled are reduced by:

	Accuracy (%)	Confidence level (%)
(i) 10%:
(ii) 20%:
(iii) 30%:
(iv) 40%:
(v) 50%:

14. In case the proposal is for extension of the period of the permission granted for prospecting, or for drilling of additional bore holes, please provide following additional information:

(i) Details of approval accorded under the Forest (Conservation) Act, 1980 in the past:

Sl. No.	Number and date of the approval accorded	Area of forest land permitted for prospecting (ha)	Validity period of approval	
			From	To

(ii) Report on status of compliance to the conditions stipulated in the approval accorded in the past enclosed (Yes/No)

(iii) Details of violation(s), if any committed.

(iv) Justification for extension of permission accorded for prospecting.

(v) Details of prospecting activities undertaken and sample collected, so far.

15. Details of documents enclosed:

Date:

Signature

Place:

(Name in Block letter)

Designation

Address (of User Agency)

State serial No. of proposal

Part-II

(To be filled by the concerned Deputy Conservator of Forests)

Division serial No. of proposal.....

16. Location of the project or scheme:

- (i) State/Union Territory
- (ii) District
- (iii) Forest Division
- (iv) Area of forest land proposed to be utilised for prospecting.

17. Legal status of forest land identified for prospecting.

18. Details of vegetation available in the forest land proposed for diversion:

- (i) Forest type;
- (ii) Average crown density of vegetation;
- (iii) Species-wise local or scientific names and girth-wise enumeration of trees required to be felled;
- (iv) Working plan prescription for the forest land proposed to be utilised for prospecting.

19. Brief note on topography and vulnerability of the forest land proposed to be utilised for prospecting to erosion.

20. Approximate distance of the forest land proposed to be utilised for prospecting from boundary of the forest land.

21. Significance of the forest land proposed to be utilised for prospecting from wildlife point of view:

- (i) Details of wildlife present in and around the forest land proposed to be utilised for prospecting;
- (ii) Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
- (iii) Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within ten kilometers from boundary of the forest land proposed to be utilised for prospecting (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
- (iv) Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within one kilometer from boundary of the forest land proposed to be utilised for prospecting (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
- (v) Whether any rare or endangered or unique species of flora and fauna found in the area — if so details thereof.

22. Whether any protected archaeological or heritage site or defense establishment or any other important monument is located in the area — (If so, details thereof with No Objection Certificate (NOC) from competent authority to be annexed).

23. Comment as to the reasonability of the extent of the forest land proposed to be utilised for prospecting:

- (i) Whether the requirement of forest land as proposed by the User Agency in Para 6 and Para 7 of the Part – I is unavoidable and bare minimum for the project.
- (ii) If no, recommended area of forest land which may be used for prospecting.

24. Details of violation committed:

- (i) Whether any work in violation of the Act or guidelines issued under the Act has been carried out (Yes/No).
- (ii) If yes, details of the violation including period of work done, area of forest land involved in violation, name, address and designation of the person(s) responsible for violation and action taken against the person(s) responsible for violation;
- (iii) Whether work in violation is still in progress (Yes/No):

25. Details of compensatory afforestation scheme:

- (i) Legal status of the land identified to raise compensatory afforestation;
- (ii) Details such as location, Survey or Compartment or Khasra number, area and distance from adjoining forest of each plot of non-forest area or degraded forest land identified for compensatory afforestation;
- (iii) Survey of India Toposheet(s), in original in 1:50,000 scale showing non-forest or degraded forest land identified for compensatory afforestation and adjoining forest boundaries enclosed? (Yes/No);
- (iv) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc. enclosed (Yes/No);
- (v) Total financial outlay for compensatory afforestation scheme;
- (vi) Certificates from the concerned Deputy Conservator of Forests regarding suitability of area identified for compensatory afforestation and from management point of view enclosed? (Yes/No);

26. Site inspection report of the Deputy Conservator of Forests highlighting important facts pertaining to the impact of proposed activities on flora and fauna enclosed (Yes/No);

27. Specific recommendations of the Deputy Conservator of Forests for acceptance or otherwise of the proposal with reasons.

Date:

Place:

Signature.....

Name.....

Official Seal

.....

Part-III

(To be filled by the concerned Conservator of Forests)

28. Whether site, where the forest land involved is located has been inspected by the Conservator of Forests (Yes/No). If yes the date of inspection and observations made in form of inspection note to be enclosed.

29. Whether the Conservator of Forests agree with the information given in Part-II and the recommendations of Deputy Conservator of Forests.

30. Specific recommendation of Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Date:

Place:

Signature.....

Name.....

Official Seal

.....

Part-IV

(To be filed in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

31. Detailed opinion and specific recommendation of for acceptance or otherwise of the proposal with remarks

(While giving opinion, the adverse comments made by the Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Date:

Place:

Signature.....

Name.....

Official Seal

.....

Part-V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

32. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-II or Part -III or Part-IV above should be specially commented upon)

Date:

Place:

Signature.....

Name.....

Official Seal

.....]

THE MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975*[Text as on 22nd November 2023]*

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PREAMBLE.

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LIST OF AMENDMENT ACTS

1. Amended by Mah. 72 of 1975¹ (1-10-1975)
2. Amended by Mah. 14 of 1978 (26-4-1978)²
3. Amended by Mah. 5 of 1980 (12-2-1980)
4. Amended by Mah. 5 of 1998 (6-2-1998)

¹ Maharashtra Ordinance No. XIII of 1975 was repealed by Mah. 72 of 1975, s. 6.

² Maharashtra Ordinance No. II of 1978 was repealed by Mah. 14 of 1978, s. 5.

MAHARASHTRA ACT No. XXIX OF 1975¹

[THE MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975.]

[This Act received the assent of the President on the 25th day of August, 1975 ; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 29th August 1975.]

An Act to acquire private forests in the State and to provide for certain other matters.

²[WHEREAS, the forest land in the State is inadequate ;

AND WHEREAS, the private forest in the State is generally in highly degraded and over-exploited state, and is adversely affecting agriculture and agricultural population ;

AND WHEREAS it is, therefore, expedient to acquire private forests in the State of Maharashtra generally for conserving their material resources and protecting them from destruction or over-exploitation by their owners and for promoting systematic and scientific development and management of such forests for the purpose of attaining and maintaining ecological balance in the public interest, for improving the socio-economic conditions of the rural population, and particularly of the adivasis and other backward communities who generally live in forest areas, for developing as pasture the forest suitable for the purpose, for assigning a part of the private forest to the rural community for controlling the soil erosion both in the forest areas and in the lower level agricultural lands, for conserving soil moisture. for improvement of the water regime and raising the water table, for retarding the situation of dams and tanks, for distribution of forest produce for the common good and preventing the concentration of forest wealth to the common detriment, for distribution of the mature exploitable forest produce as best to sub-serve the common good, for promoting employment opportunities based on forest, for meeting the requirements of forest produce including fire-wood with a view *inter-alia* to decrease the dependence on cow-dung, and in particular, for afforestation of private forest wherever feasible on scientific lines, and thereby create conditions for the preservation of soil, conservation of water, prevention of erosion of soil and for improvement of land and underground water resources to the best interest of agriculture and agriculturists is such private forest and other land in the State, and for undertaking schemes ³[for such purposes] ;

AND WHEREAS it is also expedient to provide that in the case of owners of private forests (other than those whose lands were used for extracting minor minerals such as stone quarries) whose total holdings of lands became less than twelve hectares on the appointed day on account of acquisition of their forest lands under this Act, or whose total holdings of lands was already less than twelve hectares on the day immediately preceding the appointed day, the whole or the appropriate portion of their forest lands so acquired shall be restored to and re-vested in them, so that their total holdings of lands may be twelve hectares or less, as the case may be, and they may be able to continue to earn their livelihood from such lands ; and to provide for certain other purposes hereinafter appearing;] It is hereby enacted in the Twenty-sixth Year of the Republic of India as follows :—

1. Short title, extent and commencement.— (1) This Act may be called the Maharashtra Private Forests (Acquisition) Act, 1975.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date⁴ as the State Government may, by notification in the *Official Gazette*, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date on which this Act comes into force ;

(b) “Code” means the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966);

¹ For statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1975, Part V, 560.

² This preamble was deemed always to have been substituted for the original by Mah. 72 of 1975, s. 2,

³ These words were substituted the words “for these and other purposes as hereinafter provided and to provide for matters connected therewith” by Mah. 14 of 1978, s. 2.

⁴ 30th August, 1975 vide G.N., R and F.D., No PRF. 1073/40845-F-2, dated 29th August, 1975.

(c) “Collector” includes an officer not below the rank of a Deputy Collector appointed by the State Government to exercise the powers and perform the duties of the Collector under this Act ;

¹[(c-i) “forest” means a tract of land covered with trees (whether standing, felled, found or otherwise), shrubs, bushes, or woody vegetation, whether of natural growth or planted by human agency and existing or being maintained with or without human effort, or such tract of land on which such growth is likely to have an effect on the supply of timber, fuel, forest, produce, or grazing facilities, or on climate, stream flow, protection of land from erosion, or other such matters and includes—

(i) land covered with stamps of trees of forest ;

(ii) land which is part of a forest or lies within it or was part of a forest or was lying within a forest on the 30th day of August 1975 ;

(iii) such pasture land, water-logged or cultivable or non-cultivable land, lying within or linked to forest, as may be declared to be forest by the State Government ;

(iv) forest land held or let for purpose of agriculture or for any purposes ancillary thereto ;

(v) all the forest produce therein, whether standing, felled, found or otherwise ;]

(d) “Forest Act” means the Indian Forest Act, 1927 (XVI of 1927) in its application the State of Maharashtra ;

(e) “prescribed” means prescribed by rules made under this Act ;

(f) “private forest” means any forest which is not the property of Government and includes,—

(i) any land declared before the appointed day to be a forest under section 34A of the Forest Act ;

(ii) any forest in respect of which any notification issued under sub-section (1) of section 35 of the Forest Act, is in force immediately before the appointed day ;

(iii) any land in respect of which a notice has been issued under sub-section (3) of section 35 of the Forest Act, but excluding an area not exceeding two hectares in extent as the Collector may specify in this behalf ;

(iv) land in respect of which a notification has been issued under section 38 of the Forest Act ;

(v) in a case where the State Government and any other person are jointly interested in the forest, the interest of such person in such forest:

(vi) sites of dwelling houses constructed in such forest which are considered to be necessary for the convenient enjoyment or use of the forest and lands appurtenant thereto;

(g) “Tribunal” means the Maharashtra Revenue Tribunal constituted or deemed to be constituted under the Code;

(h) words and expressions used in this Act but not defined therein shall have the meanings assigned to them in the Code, or as the case may be, in the Forest Act.

3. Vesting of private forests in State Government.— (1) Notwithstanding anything contained in any law for the time being in force or in any settlement, grant, agreement, usage, custom or any decree or order of any Court, Tribunal or authority or any other document, with effect on and from the appointed day, all private forests in the State shall stand acquired and vest, free from all encumbrances, in and shall be deemed to be, with all rights in or over the same or appertaining thereto. the property of the State Government, and all rights, title and interest of the owner or any person other than Government subsisting in any such forest on the said day shall be deemed to have been extinguished.

¹ Clause (c-i) was deemed always to have been inserted by Mah. 72 of 1975, s. 3.

(2) Nothing contained in sub-section (1) shall apply to so much extent of land comprised in a private forest as is held by an occupant or tenant and is lawfully under cultivation on the appointed day and is not in excess of the ceiling area provided by section 5 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 (Mah. XXVII of 1961), for the time being in force or any building or structure standings thereon or appurtenant thereto.

(3) All private forests vested in the State Government under sub-section (1) shall be deemed to be reserved forests within the meaning of the Forest Act.

4. Step to be taken by Government on acquisition of private forest.— On acquisition of private forests, the State Government shall take or cause to be taken steps for afforestation of forest funds on scientific basis, for developing the lands and utilising them according to their capability including pastures, for regulating the felling of trees on scientific lines, for promoting soil and water conservation as will best sub-serve agriculture ¹[for distribution of the mature exploitable forest produce as best to sub-serve the common good and for securing those purposes undertake schemes particularly in the best interests of agricultural population of the State. Such Schemes may also provide for the utilisation of the forest produce in the best interests of agriculture and agricultural population of the State, and particularly the weaker sections of the community, such as schemes to assist the construction of huts for the landless, schemes for supply of timber for cattle sheds, agricultural implements, bullock-carts and houses, trellis and scaffolding for orchards, schemes to promote utilisation of forest produce, such as leaves for manure and fodder, thorns for fencing, grass and gazing for cattle and edible forest produce for consumption, schemes to promote employment opportunities of adivasis and other based on forest produce and schemes calculated to meet fuel requirements.]

²**5. Power to take over possession of private forest.**— Where any private forest stands acquired and vested in the State Government under the provisions of this Act, the person authorised by the State Government or by the Collector in this behalf, shall enter into and take over possession thereof, and if any person resists the taking over of such possession, he shall without prejudice to any other action to which he may be liable, be liable to be removed by the use of such force as may be necessary.]

6. Settlement of disputes.— Where any question arises as to whether or not any forest is a private forest, or whether or not any forest is a private forest or portion thereof has vested in the State Government or whether or not any dwelling house constructed in a forest stands acquired under this Act, the Collector shall decide the question, and the decision of the Collector shall, subject to the decision of the tribunal in appeal which may be preferred to the tribunal within sixty days from the date of the decision of the Collector, or the order of the State Government under section 18, be final.

7. Payment of amount owners of private forests.— (1) Every owner of a private forest which vests in the Government under the provisions of this Act shall be paid by the State Government, an amount which is equal to twenty times the assessment per hectare of land comprised in such forest, and in respect of dwelling houses and amount calculated in accordance with the provisions of sections 23 and 24 of the Land Acquisition Act, 1894 (I of 1894).

(2) If any forest land has not been assessed, the amount of assessment for the purpose of this section shall be fixed by the Collector, having regard to the amount of assessment which would have been leviable on the same extent of forest land of similar nature in the same area.

8. Application for payment of amount.— Any owner of private forest entitled to payment of an amount under section 7 shall, within six months of the appointed day, make an application to the Collector for determining the amount payable to him under section 7.

9. Collector to determine amount.— (1) On receipt of an application under section 8, the Collector shall, after making formal enquiry in the manner provided in the Code, make an award determining the amount payable to the owner under section 7.

(2) Where the officer making an award under sub-section (1) is a Collector under this Act, but not a Collector appointed under section 7 of the Code, and the amount of such award exceeds fifty

¹ This portion was deemed always to have been substituted for the portion beginning with “and in particular” and ending with “population of the State” by Mah. 72 of 1975, s. 4.

² Section 5 was deemed always to have been substituted for the original, *ibid.* s. 5.

thousand rupees, the award shall not be made without the previous approval of the Collector appointed under section 7 of the Code.

10. Manner in which amount to be paid.— (1) The amount specified in the award shall be paid in cash to the person entitled thereto.

(2) Where the amount awarded is not paid at the time of or before taking possession of the private forest, the amount awarded shall be payable with interest thereon at the rate of four per cent per annum from the time of taking possession till the time the amount is paid.

11. Deduction of amount of encumbrances for amount payable to owner.— (1) During an inquiry held under section 9, the Collector shall determine in the prescribed manner the amount of encumbrances, if any, lawfully subsisting on the private forest in question, on the appointed day.

(2) (a) If the total amount of encumbrances is less than the amount determined as payable to the owner, the amount of encumbrances shall be deducted from the amount determined as payable to the owner. The balance shall then be paid to the owner and the amount so deducted shall be utilised for payment of the encumbrances; and

(b) If the total amount of encumbrances is equal to or more than the amount determined as payable to the owner, the amount payable to the owner shall be distributed amongst the holders of the encumbrances in proportion to the respective amounts of encumbrances, and having regard to the claims inter-se of such holders on the basis of their priorities :

Provided that, if any sum of money is due to the State Government by the owner of a private forest, such sum of money shall first be adjusted against the amount payable to such owner by the State Government and the surplus alone shall be available as the balance to be paid to the owner under clause (a), or as the case may be, as the amount to be distributed amongst the holders of encumbrances under clause (b).

(3) If the determination of any issue under this section involves any question of law regarding the validity of any encumbrance or the claim of the holder of any encumbrance, or any question regarding the amount due to the holder in respect of the encumbrance, the Collector shall, in the manner prescribed, refer the question for decision to the relevant Civil Judge within the territorial limits of whose jurisdiction the forest is situate. On receipt of such reference, the Judge concerned shall, after giving notice to the parties concerned, try the question referred to him and record findings thereon, and send the same to the Collector. The Collector shall then give decision in accordance with the said findings.

(4) Nothing in this section shall affect the rights of the holder of any such encumbrances to proceed to enforce against the owner of the private forest his right in any other manner or under any other law for the time being in force.

12. Payment of amount for extinguishment rights of other persons.— (1) If any person other than the owner of a private forest is aggrieved by any provision of this Act as extinguishing any right enjoyed by him otherwise than as a member of the general public and such person proves that such extinguishment amounts to the transference to the State Government or to public ownership of such right, such person may apply to the Collector for Payment of amount for such extinguishment.

(2) Such application shall be made within six months from the appointed day.

(3) On receipt of an application under sub-section (1), the Collector, shall after holding a formal inquiry in the manner provided in the Code and also giving an opportunity to be heard to the owner of the private forest concerned, award such amount to the applicant as the Collector deems reasonable.

(4) The amount so awarded to the applicant shall be liable to be deducted from the amount determined as payable to the owner of such private forest under section 7.

13. Appeals.— Notwithstanding anything contained in the Code, an appeal shall lie to the Tribunal against an award of the Collector under section 9 or against any order of the Collector passed under section 11 or 12.

14. Procedure before Tribunal.— (1) The Tribunal shall, after giving notice to both the parties, decide the appeal and record its decision.

(2) In deciding an appeal under this Act, the Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows, in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908 (V of 1908).

15. Limitation.— Save as otherwise provided in section 6, every appeal made under this Act to the Tribunal shall be filed within a period of sixty days from the date of the award, or as the case may be, order, of the Collector. The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (36 of 1963), shall apply to the filing of such appeal.

16. Court-fees.— Notwithstanding anything contained in the ¹Bombay Court-fees Act, 1959 (Bom. XXV of 1959), every appeal made under this Act to the Tribunal shall bear a court-fee stamp of five rupees.

17. Finally of award and decision of Tribunal Revision.— The award made by the Collector under section 9 and an order passed by the Collector under section 11 or 12, subject to an appeal to the Tribunal or to an order of the State Government under section 18, and the decision of the Tribunal on an appeal shall be final and conclusive, and shall not be questioned in any suit or proceeding in any Court.

18. Revision.— Where no appeal has been filed within the period provided for it against any decision, order or award of the Collector, the State Government may, within a period not exceeding one year from the date of such decision, order or award-

(a) call for the record of any inquiry or proceedings of the Collector for the purpose of satisfying itself as to the legality or propriety of any decision, order or award passed by, and as to the regularity of the proceedings of, such Collector, as the case may be, and

(b) pass such order thereon as it deems fit:

Provided that, no decision, order or award of the Collector shall be modified, annulled or reversed unless opportunity has been given to the interested parties to appear and be heard.

19. Inquiries and proceedings before Collector and Tribunal to be judicial proceeding.— All inquiries and proceedings before the Collector and the Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

20. Indemnity.— No suit, prosecution or order legal proceeding shall lie against the State Government, the Tribunal or any officer of the State Government for anything in good faith done or intended to be done under this Act.

21. Declaration of certain lands as private forests.— (1) Wherever it appears to the State Government that any tract of land not being the property of Government, contains trees and shrubs, pasture lands and any other land whatsoever, and that it should be declared in public interest and for furtherance of the objects of this Act, to be a private forest, the State Government shall publish a notification in the *Official Gazette*

(a) declaring that it is proposed to declare such tract of land to be a private forest ; and

(b) specifying, as nearly as possible, the situation and limits of such tract.

(2) On the publication of such notification the Collector or any other officer authorised in this behalf by the State Government shall issue a notice to the owner of such tract of land and to all other persons having an interest in such tract of land, calling on them to show cause, within a reasonable period to be specified in such notice, why such declaration should not be made.

(3) After hearing the objections, if any, of the owner and other persons and considering any evidence that they may produce in support of the same, the Collector, or as the case may be, the authorised officer shall submit his report to the State Government, along with the objections, proceeding and his opinion whether the tract of land should or should not be declared to be a private forest.

¹ The short title of this Act was amended as “the Maharashtra Court-fees Act” by Mah. 24 of 2012, Sch., entry 77, w.e.f. 1-5-1960.

(4) After taking into consideration the objections, proceedings and report and the opinion of the Collector, or as the case may be, of the authorised officer, the State Government shall decide, whether such tract of land or any part thereof should or should not be declared to be a private forest, and such decision shall be final.

(5) If the State Government decides to declare such tract of land or any part thereof to be a private forest, it shall publish such decision by a notification in the *Official Gazette*.

(6) Upon publication of the notification under sub-section (5), the tract of land in question or any part thereof shall be deemed to be private forest, and thereupon, all the provisions of this Act shall apply thereto, subject to the modification that the appointed day in relation thereto shall be deemed to be the date of the issue and publication of the notification in the *Official Gazette* under sub-section (5) in relation thereto.

(7) If the State Government decides not to declare such tract of land or any part thereof to be a private forest, it shall communicate its decision to all persons interested in such tract of land or any part thereof.

(8) On the publication of a notification under sub-section (1) in respect of any tract of land, it shall not be lawful for the owner of such tract of land or any other person to do therein, except with the previous permission in writing of the Divisional Forest Officer, any of the following things. for a period of one year from the date of such publication, or till the date of the publication of the notification under sub-section (5), or as the case may be, till the date of communicating the decision under sub-section (7), whichever period expires earlier, namely :—

- (a) the breaking up or cleaning of the land for cultivation ;
- (b) the pasturing of cattle ;
- (c) the firing or cleaning of the vegetation ;
- (d) the girding, tapping or burning of any tree or the stripping off the bark or leaves from any tree ;
- (e) the lopping and pollarding of tree ;
- (f) the cutting, sawing, conversion and removal of trees and timber ; or
- (g) the quarrying of stone or the burning of lime or charcoal or the collection or removal of any forest produce or its subjection to any manufacturing process.

(9) If any person contravenes the provisions of sub-section (8), he shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine or with both.

¹[21A. **Saving of certain afforested lands.**— Nothing in section 21 shall apply to any non-forest land, not being the property of Government, on which by artificial means or by human agency afforestation. is made by planting forest tree species]

22. Owner of private forest to deliver records to authorised officers.— (1) Whenever an officer authorised by the State Government in this behalf so directs, the owner of a private forest, which has vested in the State Government under the provisions of this Act, shall deliver to such officer or to such other officer as may be specified in the direction, the records relating to such private forest maintained by the owner.

(2) If the owner fails, without reasonable cause, to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hundred rupees and in the case of a continuing failure to deliver any such records, he shall be punished with an additional fine which may extend to twenty- five rupees for every day during which such failure continues after conviction for the first failure.

²[22A. **Restoration of forest land to owner in certain circumstances.**— (1) Notwithstanding anything contained in the foregoing provisions of this Act, if, on an application made by any owner of

¹ Section 21A was inserted by Mah. 5 of 1998 s. 2.

² Section 22A was inserted by Mah. 14 of 1978. s. 3.

private forest, within a period of six months from the date of commencement of the Maharashtra Private Forests (Acquisition) (Amendment) Act, 1978 (Mah. XIV of 1978), or *suo motu* at anytime, the Collector, after holding such inquiry as he deems fit, is satisfied that the total holding of land of such owner became less than twelve hectares on the appointed day on account of acquisition of his forest land under this Act or that the total holding of land of such owner was already less than twelve hectares on the day immediately preceding the appointed day, the Collector shall determine whether the whole of the forest land acquired from such owner or what portion thereof shall be restored to him, so, however, that his total holding of land, on the appointed day, shall not exceed twelve hectares.

(2) After the Collector has determined the area and situation of the land to be restored to any owner of private forest, the Collector shall make an order, that with effect from the date of his order, the land specified therein, which was acquired and vested in the State Government, shall cease to be a reserved forest within the meaning of the Forest Act, be deemed to have been regranted to the owner and shall be re-vested in him, subject, however, to all encumbrances if any, lawfully subsisting on the day immediately preceding the appointed day, which shall stand revived. Possession of the land so restored shall be given by the Collector to the owner as far as may be practicable under the circumstances, within a period of one month from the date of the order.

(3) If the amount payable to the owner of private forest under section 7 has been paid to him or the holder of the encumbrances, if any, the Collector shall determine what would have been the amount or the proportionate amount payable to him under section 7 in respect of the land restored to him under sub-section (2), without taking into consideration the deductions to be made for paying the holders of encumbrances, if any, and shall by order direct the owner to repay the amount so determined to the State Government, within a period of six months from the date of receipt of such order by the owner. If the amount is not repaid in time, it shall be recoverable as an arrear of land revenue. When any amount due is repaid by the owner to the State Government, he shall be entitled to make necessary adjustment with the holders of the encumbrances, if any, for any payment made to them by the State Government in respect of the land re-vested in the owner.

(4) Notwithstanding anything contained in the Code or this Act, no appeal shall lie against any decision or order of the Collector under this section, but the Commissioner or the State Government may, within a period not exceeding one year from the date of such decision or order,—

(a) call for the record of any inquiry or proceedings of the Collector for the purpose of satisfying himself or itself as to the legality or propriety of such decision or order, and as to the regularity of such proceedings, as the case may be, and

(b) pass such order thereon as he or it deems fit :

Provided that, on such decision or order shall be modified, annuled or reversed, unless opportunity has been given to the interested parties to appear and to be heard.

(5) Any decision taken or order made under this section by the Collector, subject to any revision by the Commissioner or the State Government, and any order made by the Commissioner or the State Government in revision, shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

(6) Nothing contained in this section shall apply to any land in a private forest which was used immediately before the appointed day for extracting of minor mineral such as stone quarries. Accordingly, such land shall not be taken into consideration and shall not be liable to be restored under this section.]

¹[22B. Power of Collector to grant private forest vested in the State for public purpose in certain cases.— Notwithstanding anything contained in section 4 or any other provisions of this Act, the Collector may with the previous approval of the State Government grant, transfer or otherwise make available any private forest vested in the State Government under sub-section (1) of section 3, or any portion thereof, for any public purpose, only if any government land is not available or suitable, or any other land is not found suitable for acquisition under the Land Acquisition Act, 1894 (1 of 1894), for such public purpose.]

¹ Section 22B was inserted by Mah. 5 of 1980 s. 2.

23. Power to make rules.— (1) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rule may provide for levy of fees for any of the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

24. Repeal of sections 34A to 37 of Forest Act.— ¹[(1)] On and from the appointed day, sections 34A, 35, 36A, 36B, 36C, and 37 of the Forest Act shall stand repealed.

²[(2) Notwithstanding anything contained in sub-section (1), on and from the date of commencement of the Maharashtra Private Forests (Acquisition) (Amendment) Act, 1978 (Mah. XIV of 1978), sections 34A, 35, 36, 36A, 36B, 36C and 37 of the Forest Act, shall in respect of the lands restored under section 22A, be deemed to have been re-enacted in the same form and be deemed always to have been in force and applicable in respect of such lands, as if they had not been repealed.]

¹ Section 24 was re-numbered as sub-section (1), by Mah. 14 of 1978 s. 4.

² Sub-section (2) was added, *ibid.*, s. 4.

THE WILD LIFE (PROTECTION) ACT, 1972

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THE WILD LIFE (PROTECTION) ACT, 1972

ACT NO. 53 OF 1972

[9th September, 1972.]

¹[An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.]

²* * * * *

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Wild Life (Protection) Act, 1972.

³[(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 extends⁴***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,—

⁵[(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 animal⁶[has been used, and ivory imported into India and an article made therefrom];

⁷* * * * *

⁸[(4) “Board” means a State Board for Wild Life 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;

⁹* * * * *

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

¹⁰[(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;]

¹¹* * * * *

¹²[(9) “Collector” means the chief officer in charge of the revenue administration of a district or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under section 18B in this behalf;]

(10) “commencement of this Act”, in relation to—

1. Subs. by Act 16 of 2003, s. 2, for the long title (w.e.f. 1-4-2003).

2. The preamble omitted by Act 44 of 1991, s. 3 (w.e.f. 2-10-1991).

3. Subs. by s. 4, *ibid.*, for sub-section (2) (w.e.f. 2-10-1991).

4. The words “,or may become extended in future,” omitted by s. 4, *ibid.* (w.e.f. 2-10-1991).

5. Subs. by Act 16 of 2003, s. 3, for clause (1) (w.e.f. 1-4-2003).

6. Subs. by Act 44 of 1991, s. 5, for “has been used” (w.e.f. 2-10-1991).

7. Clause (3) omitted by s. 5, *ibid.* (w.e.f. 2-10-1991).

8. Subs. by Act 16 of 2003, s. 3, for clause (4) (w.e.f. 1-4-2003).

9. Clause (6) omitted by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).

10. Ins. by s. 5, *ibid.* (w.e.f. 2-10-1991).

11. Clause (8) omitted by Act 16 of 2003, s. 3 (w.e.f. 1-4-2003).

12. Subs. by s. 3, *ibid.*, for clause (9) (w.e.f. 1-4-2003).

* Subject to verification and confirmation by the administrative ministry.

(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;

¹[(11) “dealer” in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;]

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

²[(12A) “Forest officer” means the Forest officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other Act for the time being in force in a State;

(12B) “forest produce” shall have the same meaning as in sub-clause (b) of clause (4) of section 2 of the Indian Forest Act, 1927 (16 of 1927);]

³* * * * *

(14) “Government property” means any property referred to in section 39⁴[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,—

⁵[(a) killing or poisoning of any wild animal or captive animal and every attempt to do so;

(b) capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;]

(c) injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;

(17) “land” includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, ⁶[marshes and wetlands and also includes boulders and rocks];

(18) “licence” means a licence granted under this Act;

⁷[(18A) “livestock” means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V;]

⁸[(19) “manufacturer” means a person who manufactures articles from any animal or plant specified in Schedules I to V and VI, as the case may be;

(20) “meat” includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;

(20A) “National Board” means the National Board for Wild Life constituted under section 5A;]

(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;

1. Subs. by Act 16 of 2003, s. 3, for clause (11) (w.e.f. 1-4-2003).

2. Subs. by s. 3, *ibid.*, for clause (12A) (w.e.f. 1-4-2003).

3. Clause (13) omitted by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).

4. Ins. by s. 5, *ibid.* (w.e.f. 2-10-1991).

5. Subs. by Act 16 of 2003, s. 3, for sub-clauses (a) and (b) (w.e.f. 1-4-2003).

6. Subs. by Act 44 of 1991, s. 5, for “and also includes boulders and rocks” (w.e.f. 2-10-1991).

7. Subs. by Act 16 of 2003, s. 3, for clause (18A) (w.e.f. 1-4-2003).

8. Subs. by s.3, *ibid.*, for clauses (19) and (20) (w.e.f. 1-4-2003).

(24) “person” includes a firm;

¹[(24A) “protected area” means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36A and 36C of the Act;]

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

²[(25A) “recognised zoo” means a zoo recognised under section 38H;

³[(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), or declared as such under any other State Act;

(26) “sanctuary” means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66;]

⁴[(27) “specified plant” means any plant specified in Schedule VI;]

⁵* * * * *

(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;

⁶[(30) “taxidermy”, with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;]

⁷[(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

⁸[(b) antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;]

(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 ⁹[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;

¹⁰[(36) “wild animal” means any animal specified in Schedules I to IV and found wild in nature;]

¹¹[(37) “wild life” includes any animal, aquatic or land vegetation which forms part of any habitat;]

1. Ins. by Act 16 of 2003, s. 3 (w.e.f. 1-4-2003).

2. Ins. by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).

3. Subs. by Act 16 of 2003, s. 3, for clauses (25B) and (26) (w.e.f. 1-4-2003).

4. Subs. by Act 44 of 1991, s. 5, for clause (27) (w.e.f. 2-10-1991).

5. Clause (28) omitted by Act 16 of 2003, s. 3 (w.e.f. 1-4-2003).

6. Subs. by s. 3, *ibid.*, for clause (30) (w.e.f. 1-4-2003).

7. Ins. by Act 44 of 1991, s. 5 (w.e.f. 2-10-1991).

8. Subs. by Act 16 of 2003, s. 3, for sub-clause (b) (w.e.f. 1-4-2003).

9. Subs. by Act 44 of 1991, s. 5, for “freshly-killed wild animals” (w.e.f. 2-10-1991).

10. Subs. by Act 16 of 2003, s. 3, for clause (36) (w.e.f. 1-4-2003).

11. Subs. by s. 3, *ibid.*, for clause (37) (w.e.f. 1-4-2003).

¹[5A. **Constitution of the National Board for Wild Life.**—(1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), constitute the National Board for Wild Life consisting of the following members, namely:—

- (a) the Prime Minister as Chairperson;
- (b) the Minister in-charge of Forests and Wild Life as Vice-Chairperson;
- (c) three members of Parliament of whom two shall be from the House of the People and one from the Council of States;
- (d) Member, Planning Commission in-charge of Forests and Wild Life;
- (e) five persons to represent non-governmental organizations to be nominated by the Central Government;
- (f) ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;
- (g) the Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (h) the Chief of the Army Staff;
- (i) the Secretary to the Government of India in-charge of the Ministry of Defence;
- (j) the Secretary to the Government of India in-charge of the Ministry of Information and Broadcasting;
- (k) the Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;
- (l) the Secretary to the Government of India, Ministry of Tribal Welfare;
- (m) the Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;
- (n) the Director-General of Tourism, Government of India;
- (o) the Director-General, Indian Council for Forestry Research and Education, Dehradun;
- (p) the Director, Wild Life Institute of India, Dehradun;
- (q) the Director, Zoological Survey of India;
- (r) the Director, Botanical Survey of India;
- (s) the Director, Indian Veterinary Research Institute;
- (t) the Member-Secretary, Central Zoo Authority;
- (u) the Director, National Institute of Oceanography;
- (v) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;
- (w) the Director of Wild Life Preservation who shall be the Member-Secretary of the National Board.

(2) The term of office of the members other than those who are members *ex officio*, the manner of filling vacancies referred to in clauses (e), (f) and (v) of sub-section (1), and the procedure to be followed in the discharge of their functions by the members of the National Board shall be such, as may be prescribed.

(3) The members (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

(4) Notwithstanding anything contained in any other law for the time being in force, the office of a member of the National Board shall not be deemed to be an office of profit.

1. Ins. by Act 16 of 2003, s. 6 (w.e.f. 1-4-2003).

5B. Standing Committee of the National Board.—(1) The National Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National 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 National Board.

(3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

5C. Functions of the National Board.—(1) It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for—

(a) framing policies and advising the Central Government and the State Governments on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;

(b) making recommendations on the setting up of and management of national parks, sanctuaries and other protected areas and on matters relating to restriction of activities in those areas;

(c) carrying out or causing to be carried but impact assessment of various projects and activities on wild life or its habitat;

(d) reviewing from time to time, the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and

(e) preparing and publishing a status report at least once in two years on wild life in the country.]

¹[**6. Constitution of State Board for Wild Life.**—(1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) constitute a State Board for Wild Life consisting of the following members, namely:—

(a) the Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be - Chairperson;

(b) the Minister in-charge of Forests and Wild Life - Vice-Chairperson;

(c) three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;

(d) three persons to represent non-governmental organizations dealing with wild life to be nominated by the State Government;

(e) ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;

(f) the Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;

(g) the Officer in-charge of the State Forest Department;

(h) the Secretary to the State Government, Department of Tribal Welfare;

(i) the Managing Director, State Tourism Development Corporation;

(j) an officer of the State Police Department not below the rank of Inspector-General;

(k) a representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;

1. Subs. by Act 16 of 2003, s. 7, for section 6 (w.e.f. 1-4-2003).

- (l) the Director, Department of Animal Husbandry of the State;
- (m) the Director, Department of Fisheries of the State;
- (n) an officer to be nominated by the Director, Wild Life Preservation;
- (o) a representative of the Wild Life Institute of India, Dehradun;
- (p) a representative of the Botanical Survey of India;
- (q) a representative of the Zoological Survey of India;
- (r) the Chief Wild Life Warden, who shall be the Member-Secretary.

(2) The term of office of the members other than those who are members *ex officio* and the manner of filling vacancies referred to in clauses (d) and (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.

(3) The member (except members *ex officio*) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.]

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 ¹[State Board for Wild Life].—It shall be the duty of ¹[State Board for Wild Life] to advise the State Government,—

²[(a) in the selection and management of areas to be declared as protected areas;]

³[(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; ⁴***

⁵[(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

⁶[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.]

[10. *Maintenance of records of wild animals killed or captured.*—Omitted by the *Wild Life (Protection) Amendment Act, 1991 (44 of 1991), s. 10 (w.e.f. 2-10-1991).*

1. Subs. by Act 16 of 2003, s. 8, for “the Wild Life Advisory Board” (w.e.f. 1-4-2003).

2. Subs. by s. 8, *ibid.*, for clause (a) (w.e.f. 1-4-2003).

3. Subs. by Act 44 of 1991, s. 8, for clause (b) (w.e.f. 2-10-1991).

4. The word “and” omitted by s. 8, *ibid.* (w.e.f. 2-10-1991).

5. Ins. by s. 8, *ibid.* (w.e.f. 2-10-1991).

6. Subs. by s. 9, *ibid.*, for section 9 (w.e.f. 2-10-1991).

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;

¹[Provided that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such animal cannot be captured, tranquilised or translocated:

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

Explanation.—For the purposes of clause (a), the process of capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal]

(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 ²[such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted].

(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^{3****}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;

⁴[(b) scientific research;

(bb) scientific management.

Explanation.—For the purposes of clause (bb), the expression, “scientific management” means—

(i) translocation of any wild animals to an alternative suitable habitat; or

(ii) population management of wildlife, without killing or poisoning or destroying any wild animals;]

⁵[(c) collection of specimens—

(i) for recognised zoos subject to the permission under section 38-I; or

(ii) for museums and similar institutions;

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

⁶[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

1. Ins. by Act 16 of 2003, s. 9 (w.e.f. 1-4-2003).

2. Subs. by s.9, *ibid.*, for “such animal or cause such animal to be hunted” (w.e.f. 1-4-2003).

3. The words “, with the previous permission of the State Government” omitted by Act 23 of 1982, s. 2 (w.e.f. 21-5-1982).

4. Subs. by s. 2, *ibid.*, for clause (b) (w.e.f. 21-5-1982).

5. Subs. by Act 44 of 1991, s. 11, for clause (c) (w.e.f. 2-10-1991).

6. Ins. by Act 23 of 1982, s. 2 (w.e.f. 21-5-1982).

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

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

13. [*Suspension or cancellation of licence*].—Omitted by the *Wild Life (Protection) Amendment Act, 1991*(44 of 1991), s. 12(w.e.f. 2-10-1991).

14. [*Appeals*].—Omitted by, s. 12, *ibid.*(w.e.f. 2-10-1991).

15. [*Hunting of young and female of wild animals*].—Omitted by, s. 12, *ibid.*(w.e.f. 2-10-1991).

16. [*Declaration of closed time*].—Omitted by, s. 12, *ibid.*(w.e.f. 2-10-1991).

17. [*Restrictions on hunting*].—Omitted by, s. 12, *ibid.*(w.e.f. 2-10-1991).

¹[CHAPTER IIIA
PROTECTION OF SPECIFIED PLANTS

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* (44 of 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 derivate thereof:

1. Ins. by Act 44 of 1991, s. 13 (w.e.f. 20-4-1995).

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) (Amendment) Act, 1991 (44 of 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 (44 of 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.]

CHAPTER IV

¹[PROTECTED AREAS]

Sanctuaries

18. Declaration of sanctuary.—²[(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

1. Subs. by Act 16 of 2003, s. 10 for the heading (w.e.f. 1-4-2003).

2. Subs. by Act 44 of 1991, s. 15, for sub-section (1) (w.e.f. 2-10-1991).

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.

¹[**18A. Protection to sanctuaries.**—(1) When the State Government declares its intention under sub-section (1) of section 18 to constitute any area, not comprised within any reserve forest or territorial waters under that sub-section, as a sanctuary, the provisions of sections 27 to 33A (both inclusive) shall come into effect forthwith.

(2) Till such time as the rights of affected persons are finally settled under sections 19 to 24 (both inclusive), 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.

18B. Appointment of Collectors.—The State Government shall appoint, an officer to act as Collector under the Act, within ninety days of coming into force of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), or within thirty days of the issue of notification under section 18, to inquire into and determine the existence, nature and extent of rights of any person in or over the land comprised within the limits of the sanctuary which may be notified under sub-section (1) of section 18.]

19. Collector to determine rights.—²[When a notification has been issued under section 18,] the Collector 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 shall³[within a period of sixty days] 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 prefer 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.

1. Ins. by Act 16 of 2003, s. 11 (w.e.f. 1-4-2003).

2. Subs. by Act 44 of 1991, s. 16, for “Whenever any area is declared to be a sanctuary” (w.e.f. 2-10-1991).

3. Ins. by Act 16 of 2003, s. 12 (w.e.f. 1-4-2003).

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(1 of 1894).

¹[(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 (1 of 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 ha the matter of compensation, he shall be deemed, within the meaning of section 18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief against the award under the provisions of 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.

²[**25A. Time-limit for completion of acquisition proceedings.**—(1) The Collector shall, as far as possible, complete the proceedings under sections 19 to 25 (both inclusive), within a period of two years from the date of notification of declaration of sanctuary under section 18.

(2) The notification shall not lapse if, for any reasons, the proceedings are not completed within a period of two years.]

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.

1. Ins. by Act 44 of 1991, s. 17 (w.e.f. 2-10-1991).

2. Ins. by Act 16 of 2003, s. 13 (w.e.f. 1-4-2003).

¹[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).

²[(3) No alteration of the boundaries of a sanctuary shall be made by the State Government except on a recommendation of the National Board.]

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.

1. Ins. by Act 44 of 1991, s. 18 (w.e.f. 2-10-1991).

2. Subs. by Act 16 of 2003, s. 14, for sub-section (3) (w.e.f. 1-4-2003).

¹[(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.

²[**29. Destruction, etc., in a sanctuary prohibited without a permit.**—No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a sanctuary the same may be used for meeting the personal *bona fide* needs of the people living in and around the sanctuary and shall not be used for any commercial purpose.

Explanation.—For the purposes of this section, grazing or movement of livestock 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 carry out such other works as he may consider necessary for the purposes of such sanctuary:

³[Provided that no construction of commercial tourist lodges, hotels, zoos and safari parks shall be undertaken inside a sanctuary except with the prior approval of the National Board.]

(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;

1. Ins. by Act 44 of 1991, s. 19 (w.e.f. 2-10-1991).

2. Subs. by Act 16 of 2003, s. 15, for section 29 (w.e.f. 1-4-2003).

3. Ins. by s. 16, *ibid.* (w.e.f. 1-4-2003).

(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 ¹[live-stock.]

²***

³[**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 a sanctuary without getting it immunised.]

⁴[**33B. Advisory Committee.**—(1) The State Government shall constitute an Advisory Committee consisting of the Chief Wild Life Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Raj Institutions, two representatives of non-governmental organisations and three individuals active in the field of wild life conservation, one representative each from departments dealing with Home and Veterinary matters, Honorary Wild Life Warden, if any, and the officer-in-charge of the sanctuary as Member-Secretary.

(2) The Committee shall render advice on measures to be taken for better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.

(3) The Committee shall regulate its own procedure including quorum.]

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.

⁵[(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.

⁶[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.

1. Subs. by Act 44 of 1991, s. 21, for "cattle;" (w.e.f. 2-10-1991).

2. Clause (e) omitted by s. 21, *ibid.* (w.e.f. 2-10-1991).

3. Ins. by s. 22, *ibid.* (w.e.f. 2-10-1991).

4. Ins. by Act 16 of 2003, s. 17 (w.e.f. 1-4-2003).

5. Ins. by Act 44 of 1991, s. 22A (w.e.f. 21-5-2001).

6. Added by s. 23, *ibid.* (w.e.f. 2-10-1991).

(3) Where any area is intended to be declared as a National Park, the provisions of sections ¹[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.

²[(5) No alteration of the boundaries of a National Park by the State Government shall be made except on a recommendation of the National Board.

(6) No person shall destroy, exploit or remove any Wild Life including forest produce from a National Park or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the 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 in consultation with the National Board that such removal of wild life from the National Park or the change in the flow of water into or outside the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit:

Provided that where the forest produce is removed from a National Park, the same may be used for meeting the personal *bona fide* needs of the people living in and around the National Park and shall not be used for any commercial purpose.]

(7) No grazing of any ³[live-stock] shall be permitted in a National Park and no ³[live-stock] shall be allowed to enter therein except where such ³[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 ⁴[section 33, section 33A] shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.

⁵[*Explanation.*—For the purposes of this section, in case of an area, whether within a sanctuary or not, where the rights have been extinguished and the land has become vested in the State Government under any Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under sections 19 to 26 (both inclusive) and the provisions of sub-sections (3) and (4) of this section shall not apply.]

⁶***

36. [*Declaration of game reserve.*—Omitted by the *Wild Life (Protection) Amendment Act, 1991* (44 of 1991), s. 24 (w.e.f. 2-10-1991).

⁷[**36A. Declaration and management of a conservation reserve.**—(1) The State Government may, after having consultations with the local communities, declare any area owned by the Government,

1. Subs. by Act 44 of 1991, s. 23, for “section 23, for “19 to 26(both inclusive)” (w.e.f. 2-10-1991).

2. Subs. by Act 16 of 2003, s. 19, for sub-sections (5) and (6) (w.e.f. 1-4-2003).

3. Subs. by Act 44 of 1991, s. 23, for “cattle” (w.e.f. 2-10-1991).

4. Subs. by s. 23, *ibid.*, for “section 33” (w.e.f. 2-10-1991).

5. Ins. by Act 16 of 2003, s. 19 (w.e.f. 1-4-2003).

6. The sub-heading “GAME RESERVE” omitted by Act 44 of 1991, s. 24 (w.e.f. 2-10-1991).

7. Ins. by Act 16 of 2003, s. 20 (w.e.f. 1-4-2003).

particularly the areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, as a conservation reserve for protecting landscapes, seascapes, flora and fauna and their habitat:

Provided that where the conservation reserve includes any land owned by the Central Government, its prior concurrence shall be obtained before making such declaration.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 shall, as far as may be, apply in relation to a conservation reserve as they apply in relation to a sanctuary.

36B. Conservation reserve management committee.—(1) The State Government shall constitute a conservation reserve management committee to advise the Chief Wild Life Warden to conserve, manage and maintain the conservation reserve.

(2) The committee shall consist of a representative of the forest or Wild Life Department, who shall be the Member-Secretary of the Committee, one representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-governmental organisations working in the field of wild life conservation and one representative each from the Department of Agriculture and Animal Husbandry.

(3) The Committee shall regulate its own procedure including the quorum.

36C. Declaration and management of community reserve.—(1) The State Government may, where the community or an individual has volunteered to conserve wild life and its habitat, declare any private or community land not comprised within a National Park, sanctuary or a conservation reserve, as a community reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30, 32 and clauses (b) and (c) of section 33 shall, as far as may be, apply in relation to a community reserve as they apply in relation to a sanctuary.

(3) After the issue of notification under sub-section (1), no change in the land use pattern shall be made within the community reserve, except in accordance with a resolution passed by the management committee and approval of the same by the State Government.

36D. Community reserve management committee.—(1) The State Government shall constitute a Community Reserve management committee, which shall be the authority responsible for conserving, maintaining and managing the community reserve.

(2) The committee shall consist of five representatives nominated by the Village Panchayat or where such Panchayat does not exist by the members of the Gram Sabha and one representative of the State Forests or Wild Life Department under whose jurisdiction the community reserve is located.

(3) The committee shall be the competent authority to prepare and implement the management plan for the community reserve and to take steps to ensure the protection of wild life and its habitat in the reserve.

(4) The committee shall elect a Chairman who shall also be the Honorary Wild Life Warden on the community reserve.

(5) The committee shall regulate its own procedure including the quorum.]

Closed Area

37.[*Declaration of closed area.*]—*Omitted by the Wild Life (Protection) Amendment Act, 2002 (16 of 2003), s. 21(w.e.f. 1-4-2003).*

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 ¹[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 section (1), whether or not such area has been declared, to be a sub sanctuary by the Central Government or the State Government, declare such area, by notification, to be a National Park and the provisions of sections 35, 54 and 55 shall apply in relation to such National Park as they apply in relation to a National Park declared by the State Government.

(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.

²[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 member³[other than the Member-Secretary] 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:

1. Subs. by Act 44 of 1991, s. 25, for "sections 19 to 35" (w.e.f. 2-10-1991).

2. Ins. by s. 26, *ibid.* (w.e.f. 2-10-1991).

3. Ins. by Act 16 of 2003, s. 22 (w.e.f.1-4-2003).

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 may be prescribed;

(c) recognise or derecognise zoos;

(d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;

(e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;

(f) ensure maintenance of stud-books of endangered species of wild animals bred in captivity;

(g) identify priorities and themes with regard to display of captive animals in a zoo;

(h) co-ordinate training of zoo personnel in India and outside India;

(i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;

(j) provide technical and other assistance to zoos for their proper management and development on scientific lines;

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

38D. Procedure to be regulated by the Authority.—(1) The Authority shall meet as and when necessary and shall meet at such time and place as the chairperson may think fit.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

38E. Grants and loans to Authority and Constitution of Fund.—(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants and loans made to the Authority by the Central Government, all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

(4) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(5) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

(6) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(7) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

38F. Annual report.—The Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38G. Annual report and audit report to be laid before Parliament.—The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received before each House of Parliament.

38H. Recognition of zoos.—(1) No zoo shall be operated without being recognised by the Authority:

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) (Amendment) Act, 1991(44 of 1991) may continue to operate without being recognised for a period of¹[eighteen months from the date of such commencement] and if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

²[(1A) On and after the commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) a zoo shall not be established without obtaining the prior approval of the Authority.]

(2) Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.

(3) Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.

(4) No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

(5) No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) The Authority may, for reasons to be recorded by it, suspend or cancel any recognition granted under sub-section (4):

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

1. Subs. by Act 26 of 1993, s. 2, for “six months from the date of such commencement” (w.e.f. 4-8-1992).

2. Ins. by Act 16 of 2003, s. 23 (w.e.f. 1-4-2003).

(7) An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or cancelling a recognition under sub-section (6) shall lie to the Central Government.

(8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication to the applicant of the order appealed against:

Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

¹**[38-I. Acquisition of animals by a zoo.**—(1) Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in Schedules I and II except with the previous permission of the Authority.

(2) No zoo shall acquire, sell or transfer any wild or captive animal except from or to a recognised zoo.]

38J. Prohibition of teasing, etc., in a zoo.—No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo.]

²[CHAPTER IVB

NATIONAL TIGER CONSERVATION AUTHORITY

38K. Definitions.—In this Chapter,—

(a) “National Tiger Conservation Authority” means the Tiger Conservation Authority constituted under section 38L;

(b) “Steering Committee” means the Committee constituted under section 38U;

(c) “Tiger Conservation Foundation” means the foundation established under section 38X;

(d) “tiger reserve State” means a State having tiger reserve;

(e) “tiger reserve” means the areas notified as such under section 38V.

38L. Constitution of National Tiger Conservation Authority.—(1) The Central Government shall constitute a body to be known as the National Tiger Conservation Authority (hereinafter in this Chapter referred to as the Tiger Conservation Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Tiger Conservation Authority shall consist of the following members, namely:—

(a) the Minister in charge of the Ministry of Environment and Forests—Chairperson;

(b) the Minister of State in the Ministry of Environment and Forests—Vice-Chairperson;

(c) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(d) eight experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in tiger reserve out of which at least two shall be from the field of tribal development;

(e) Secretary, Ministry of Environment and Forests;

(f) Director General of Forests and Special Secretary, Ministry of Environment and Forests;

(g) Director, Wild Life Preservation, Ministry of Environment and Forests;

(h) six Chief Wild Life Wardens from the tiger reserve States in rotation for three years;

(i) an officer not below the rank of Joint Secretary and Legislative Counsel from the Ministry of Law and Justice;

1. Subs. by Act 16 of 2003, s. 24, for section 38-I (w.e.f. 1-4-2003).

2. Ins. by Act 39 of 2006, s. 2 (w.e.f. 4-9-2006).

- (j) Secretary, Ministry of Tribal Affairs;
- (k) Secretary, Ministry of Social Justice and Empowerment;
- (l) Chairperson, National Commission for the Scheduled Tribes;
- (m) Chairperson, National Commission for the Scheduled Castes;
- (n) Secretary, Ministry of Panchayati Raj;

(o) Inspector-General of Forests or an officer of the equivalent rank having at least ten years experience in a tiger reserve or wildlife management, who shall be the Member-Secretary,

to be notified by the Central Government, in the Official Gazette.

(3) It is hereby declared that the office of member of the Tiger Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

38M. Term of office and conditions of service of members.—(1) A member nominated under clause (d) of sub-section (2) of section 38L shall hold office for such period not exceeding three years:

Provided that a member may, by writing under his hand addressed to the Central Government, resign from his office.

(2) The Central Government shall remove a member referred to in clause (d) of sub-section (2) of section 38L, from office if he—

- (a) is, or at any time has been, adjudicated as insolvent;
- (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude;
- (c) is 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 Tiger Conservation Authority, absent from three consecutive meetings of the said Authority; or
- (f) has, in the opinion of the Central Government, so abused his position as to render his continuation in office detrimental to the public interest:

Provided that no member shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

(3) Any vacancy in the office of a member shall be filled by fresh appointment and such member shall continue for the remainder of the term of the member in whose place he is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Tiger Conservation Authority shall be such as may be prescribed.

(5) No act or proceeding of the Tiger Conservation Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Tiger Conservation Authority.

38N. Officers and employees of Tiger Conservation Authority.—(1) The Tiger Conservation Authority may, with the previous sanction of the Central Government, appoint such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act:

Provided that the officers and employees holding office under the Directorate of Project Tiger and dealing with Project Tiger immediately before the date of constitution of the Tiger Conservation Authority shall continue to hold office in the said Authority by the same tenure and upon the same terms and conditions of service or until the expiry of the period of six months from that date if such employee opts not to be the employee of that Authority.

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

38O. Powers and functions of Tiger Conservation Authority.—(1) The Tiger Conservation Authority shall have the following powers and perform the following functions, namely:—

(a) to approve the Tiger Conservation Plan prepared by the State Government under sub-section (5) of section 38V of this Act;

(b) evaluate and assess various aspects of sustainable ecology and disallow any ecologically unsustainable land use such as, mining, industry and other projects within the tiger reserves;

(c) lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance;

(d) provide for management focus and measures for addressing conflicts of men and wild animals and to emphasise on co-existence in forest areas outside the National Parks, sanctuaries or tiger reserve, in the working plan code;

(e) provide information on protection measures including future conservation plan, estimation of population of tiger and its natural prey species, status of habitats, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

(f) approve, co-ordinate research and monitoring on tiger, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;

(g) ensure that the tiger reserves and areas linking one protected area or tiger reserve with another protected area or tiger reserve are not diverted for ecologically unsustainable uses, except in public interest and with the approval of the National Board for Wild Life and on the advice of the Tiger Conservation Authority;

(h) facilitate and support the tiger reserve management in the State for biodiversity conservation initiatives through eco-development and people's participation as per approved management plans and to support similar initiatives in adjoining areas consistent with the Central and State laws;

(i) ensure critical support including scientific, information technology and legal support for better implementation of the tiger conservation plan;

(j) facilitate ongoing capacity building programme for skill development of officers and staff of tiger reserves; and

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of tigers and their habitat.

(2) The Tiger Conservation Authority may, in the exercise of its powers and performance of its functions under this Chapter, issue directions in writing to any person, officer or authority for the protection of tiger or tiger reserves and such person, officer or authority shall be bound to comply with the directions:

Provided that no such direction shall interfere with or affect the rights of local people particularly the Scheduled Tribes.

38P. Procedure to be regulated by Tiger Conservation Authority.—(1) The Tiger Conservation Authority shall meet at such time and at such place as the Chairperson may think fit.

(2) The Chairperson or in his absence the Vice-Chairperson shall preside over the meetings of the Tiger Conservation Authority.

(3) The Tiger Conservation Authority shall regulate its own procedure.

(4) All orders and decisions of the Tiger Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorised by the Member-Secretary in this behalf.

38Q. Grants and loans to Tiger Conservation Authority and Constitution of Fund.—(1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Tiger Conservation Authority grants and loans of such sums of money as that Government may consider necessary.

(2) There shall be constituted a Fund to be called the Tiger Conservation Authority Fund and there shall be credited thereto—

(i) any grants and loans made to the Tiger Conservation Authority by the Central Government;

(ii) all fees and charges received by the Tiger Conservation Authority under this Act; and

(iii) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(3) The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Tiger Conservation Authority and the expenses of the Tiger Conservation Authority incurred in the discharge of its functions under this Chapter.

38R. Accounts and audit of Tiger Conservation Authority.—(1) The Tiger Conservation Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Tiger Conservation Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Tiger Conservation Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Tiger Conservation Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Tiger Conservation Authority.

(4) The accounts of the Tiger Conservation Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Central Government by the Tiger Conservation Authority.

38S. Annual report of Tiger Conservation Authority.—The Tiger Conservation Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

38T. Annual report and audit report to be laid before Parliament.—The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, insofar as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be after the reports are received, before each House of Parliament.

38U. Constitution of Steering Committee.—(1) The State Government may constitute a Steering Committee for ensuring co-ordination, monitoring, protection and conservation of tiger, co-predators and prey animals within the tiger range States.

(2) The Steering Committee shall consist of—

(a) the Chief Minister —Chairperson;

(b) the Minister in-charge of Wild Life —Vice-Chairperson;

(c) such number of official members not exceeding five including at least two Field Directors of tiger reserve or Director of National Park and one from the State Government's Departments dealing with tribal affairs;

(d) three experts or professionals having qualifications and experience in conservation of wild life of which at least one shall be from the field of tribal development,

(e) two members from the State's Tribal Advisory Council;

(f) one representative each from State Government's Departments dealing with Panchayati Raj and Social Justice and Empowerment;

(g) Chief Wild Life Warden of the State shall be the Member-Secretary, *ex officio*,

to be notified by the State Government, in the Official Gazette.

38V. Tiger Conservation Plan.—(1) The State Government shall, on the recommendation of the Tiger Conservation Authority, notify an area as a tiger reserve.

(2) The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, sections 30,32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary.

(3) The State Government shall prepare a Tiger Conservation Plan including staff development and deployment plan for the proper management of each area referred to in sub-section (1), so as to ensure—

(a) protection of tiger reserve and providing site specific habitat inputs for a viable population of tigers, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

(b) ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas of tiger reserves or from tiger breeding habitats within other protected areas;

(c) the forestry operations of regular forest divisions and those adjoining tiger reserves are not incompatible with the needs of tiger conservation.

(4) Subject to the provisions contained in this Act, the State Government shall, while preparing a Tiger Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in tiger bearing forests or a tiger reserve,

Explanation.—For the purposes of this section, the expression “tiger reserve” includes—

(i) core or critical tiger habitat areas of National Parks and sanctuaries, where it has been established, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and, notified as such by the State Government in consultation with an Expert Committee constituted for the purpose;

(ii) buffer or peripheral area consisting of the area peripheral to critical tiger habitat or core area, identified and established in accordance with the provisions contained in Explanation (i) above, where a lesser degree of habitat protection is required to ensure the integrity of the critical tiger habitat with adequate dispersal for tiger species, and which aim at promoting co-existence between wildlife and human activity with due recognition of the livelihood, developmental, social and cultural rights of the local people, wherein the limits of such areas are determined on the basis of scientific and objective criteria in consultation with the concerned Gram Sabha and an Expert Committee constituted for the purpose.

(5) Save as for voluntary relocation on mutually agreed terms and conditions, provided that such terms and conditions satisfy the requirements laid down in this sub-section, no Scheduled Tribes or other forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for tiger conservation unless—

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the Scheduled Tribes and such other forest dwelling persons is complete;

(ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establishes with the consent of the Scheduled Tribes and such other forest dwellers in the area, and in consultation with an ecological and social scientist familiar with the area, that the activities of the Scheduled Tribes and other forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of tigers and their habitat;

(iii) the State Government, after obtaining the consent of the Scheduled Tribes and other forest dwellers inhabiting the area, and in consultation with an independent ecological and social scientist familiar with the area, has come to a conclusion that other reasonable options of co-existence, are not available;

(iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfils the requirements given in the National Relief and Rehabilitation Policy;

(v) the informed consent of the Gram Sabha concerned, and of the persons affected, to the resettlement programme has been obtained; and

(vi) the facilities and land allocation at the resettlement location are provided under the said programme, otherwise their existing rights shall not be interfered with.

38W. Alteration and de-notification of tiger reserves.—(1) No alteration in the boundaries of a tiger reserve shall be made except on a recommendation of the Tiger Conservation Authority and the approval of the National Board for Wild Life.

(2) No State Government shall de-notify a tiger reserve, except in public interest with the approval of the Tiger Conservation Authority and the National Board for Wild Life.

38X. Establishment of Tiger Conservation Foundation.—(1) The State Government shall establish a Tiger Conservation Foundation for tiger reserves within the State in order to facilitate and support their management for conservation of tiger and biodiversity and, to take initiatives in eco-development by involvement of people in such development process.

(2) The Tiger Conservation Foundation shall, *inter alia*, have the following objectives:—

(a) to facilitate ecological, economic, social and cultural development in the tiger reserves;

(b) to promote eco-tourism with the involvement of local stake-holder communities and provide support to safeguard the natural environment in the tiger reserves;

(c) to facilitate the creation of, and or maintenance of, such assets as may be necessary for fulfilling the above said objectives;

(d) to solicit technical, financial, social, legal and other support required for the activities of the Foundation for achieving the above said objectives;

(e) to augment and mobilise financial resources including recycling of entry and such other fees received in a tiger reserve, to foster stake-holder development and eco-tourism;

(f) to support research, environmental education and training in the above related fields.

CHAPTER IVC

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

38Y. Constitution of Tiger and other Endangered Species Crime Control Bureau.—The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Tiger and other Endangered Species Crime Control Bureau to be known as the Wildlife Crime Control Bureau consisting of—

(a) the Director of Wildlife Preservation—Director *ex officio*;

- (b) the Inspector-General of Police—Additional Director;
- (c) the Deputy Inspector-General of Police—Joint Director;
- (d) the Deputy Inspector-General of Forests—Joint Director;
- (e) the Additional Commissioner (Customs and Central Excise)—Joint Director; and

(f) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

38Z. Powers and functions of the Wildlife Crime Control Bureau.—(1) Subject to the provisions of this Act, the Wildlife Crime Control Bureau shall take measures with respect to—

(i) collect and collate intelligence related to organized wildlife crime activities and to disseminate the same to State and other enforcement agencies for immediate action, so as to apprehend the criminals and to establish a centralised wildlife crime data bank;

(ii) co-ordination of actions by various officers, State Governments and other authorities in connection with the enforcement of the provisions of this Act, either directly or through regional and border units set up by the Bureau;

(iii) implementation of obligations under the various international Conventions and protocols that are in force at present or which may be ratified or acceded to by India in future;

(iv) assistance to concerned authorities in foreign countries and concerned international organisations to facilitate co-ordination and universal action for wildlife crime control;

(v) develop infrastructure and capacity building for scientific and professional investigation into wildlife crimes and assist State Governments to ensure success in prosecutions related to wildlife crimes;

(vi) advice the Government of India on issues relating to wildlife crimes having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.

(2) The Wildlife Crime Control Bureau shall exercise—

(i) such powers as may be delegated to it under sub-section (1) of section 5, sub-sections (1) and (8) of section 50 and section 55 of this Act; and

(ii) such other powers as may be prescribed.]

CHAPTER V

TRADE OR COMMERCE IN WILD ANIMALS, ANIMAL ARTICLES AND TROPHIES

39. Wild animals, etc., to be Government property.—(1) Every—

(a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or ¹[bred in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed ^{2***} or by mistake; and

(b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed,

³[(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed;

1. Subs. by Act 44 of 1991, s. 27, for “bred in captivity” (w.e.f. 2-10-1991).

2. The words “without a licence or” omitted by s. 27, *ibid.* (w.e.f. 2-10-1991).

3. Ins. by s. 27, *ibid.* (w.e.f. 2-10-1991).

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act.]

shall be the property of the State Government, and, wheresuch animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat ¹[derived from such animal or any vehicle, vessel, weapon, trap or tool used in such hunting] shall be the property of the Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the, nearest police station or the authorised officer and shall, if so required, hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer—

- (a) acquire or keep in his possession, custody or control, or
- (b) transfer to any person, whether by way of gift, sale or otherwise, or
- (c) destroy or damage, such Government property.

40. Declarations.—(1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II, ²[or animal article, trophy or uncured trophy] derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorised officer the number and description of the animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or 420 otherwise transfer or transport any animal specified in Schedule I or Part II of Schedule II or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

³[(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003)acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance.

(2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorised officer and the provisions of sections 41 and 42 shall apply as if the declaration had been made under sub-section (1) of section 40:

Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant.]

⁴[(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum.]

(4) The State Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer ⁵[any animal or animal article] or trophy (other than a musk of a musk deer or horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession in such form, in such manner, and within such time, as may be prescribed.

1. Subs. by Act 44 of 1991, s. 27, for “derived from such animal” (w.e.f. 2-10-1991).

2. Subs. by Act 16 of 2003, s. 25, for “or any uncured trophy” (w.e.f. 1-4-2003).

3. Ins. by s. 25, *ibid.* (w.e.f. 1-4-2003).

4. Subs. by Act 44 of 1991, s. 28, for sub-section (3) (w.e.f. 2-10-1991).

5. Subs. by Act 16 of 2003, s. 25, for “any animal article” (w.e.f. 1-4-2003).

¹[**40A. Immunity in certain cases.**—(1) Notwithstanding anything contained in sub-sections (2) and (4) of section 40 of this Act, the Central Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer, any captive animal, animal article, trophy or uncured trophy derived from animals specified in Schedule I or Part II of Schedule II in his control, custody or possession, in respect of which no declaration had been made under sub-section (1) or sub-section (4) of section 40, in such form, in such manner and within such time as may be prescribed.

(2) Any action taken or purported to be taken for violation of section 40 of this Act at any time before the commencement of the Wild Life (Protection) Amendment Act, 2002 (16 of 2003) shall not be proceeded with and all pending proceedings shall stand abated.

(3) Any captive animal, animal article, trophy or uncured trophy declared under sub-section (1), shall be dealt with in such manner and subject to such conditions as may be prescribed.]

41. Inquiry and preparation of inventories.—(1) On receipt of a declaration made under section 40, the Chief Wild Life Warden or the authorised officer may, after such notice, in such manner and at such time, as may be prescribed,—

(a) enter upon the premises of a person referred to in section 40;

(b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I and Part II of Schedule II and found thereon; and

(c) affix upon the animals, animal articles, trophies or uncured trophies identification marks in such manner as may be prescribed.

(2) No person shall obliterate or counterfeit any identification mark referred to in this Chapter.

42. Certificate of ownership.—The Chief Wild Life Warden may, for the purposes of section 40, issue a certificate of ownership in such form, as may be prescribed to any person who, in his opinion, is in lawful possession of any wild animal or any animal article, trophy, uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification.

²[Provided that before issuing the certificate of ownership in respect of any captive animal, the Chief Wild Life Warden shall ensure that the applicant has adequate facilities for housing, maintenance and upkeep of the animal.]

³[**43. Regulation of transfer of animal, etc.**—(1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

(2) Where a person transfers or transports from the State in which he resides to another State or acquires by transfer from outside the State, any such animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership, he shall, within thirty days of the transfer or transport, report the transfer or transport to the Chief Wild Life Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(3) Nothing in this section shall apply—

(a) to tail feather of peacock and the animal article or trophies made therefrom;

(b) to transfer of captive animals between recognised zoos subject to the provisions of section 38-I, and transfer amongst zoos and public museums.]

1. Ins. by Act 16 of 2003, s. 26 (w.e.f. 1-4-2003).

2. Added by s. 27, *ibid.* (w.e.f. 1-4-2003).

3. Subs. by s. 28, *ibid.*, for section 43 (w.e.f. 1-4-2003).

44. Dealings in trophy and animal articles without licence prohibited.—¹[(1) Subject to the provisions of Chapter VA, no person shall, except under and in accordance with, a licence granted under sub-section (4)]—

(a) commence or carry on the business as—

(i) a manufacturer of or dealer In, any animal article; or

²***

(ii) a taxidermist; or

(iii) a dealer in trophy or uncured trophy; or

(iv) a dealer In captive animals; or

(v) a dealer In meat; or

(b) cook or serve meat In any eating-house:

³[(c) derive, collect or prepare or deal in snake venom;]

Provided that nothing in this sub-section shall prevent a person, who, immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section, from carrying on such business or occupation for a period of thirty 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:

⁴[Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufactures of such articles.]

Explanation.—For the purposes of this section, “eating-house” includes a hotel, restaurant or any other place where any eatable is served on payment, whether or not such payment is separately made for such eatable or is included in the amount charged for board and lodging.

(2) Every manufacturer of, or dealer in, animal article, or every dealer in captive animals, trophies or uncured trophies, or every taxidermist shall, within fifteen days from the commencement of this Act, declare to the Chief Wild Life Warden his stocks of animals articles, captive animals, trophies and uncured trophies, as the case may be, as on the date of such declaration and the Chief Wild Life Warden or the Authorised officer may place an identification mark on every animal article, captive animal, trophy or uncured trophy, as the case may be.

(3) Every person referred to in sub-section (1) who intends to obtain a licence, shall⁵*** make an application to the Chief Wild Life Warden or the authorised officer for the grant of a licence.

(4) (a) Every application referred to in sub-section (3) shall be made In such form and on payment of such fee as may be prescribed, to the Chief Wild Life Warden or the authorised officer.

⁶[(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implication which the grant of such licence would have on the status of wild life and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted.]

(5) 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.

(6) Every licence granted under this section shall—

1. Subs. by Act 28 of 1986, s. 2, for certain words (w.e.f. 25-11-1986).

2. Sub-clause (ia) omitted by Act 44 of 1991, s. 30 (w.e.f. 2-10-1991).

3. Ins. by s. 30, *ibid.* (w.e.f. 2-10-1991).

4. Subs. by s. 30, *ibid.*, for the second proviso (w.e.f. 2-10-1991).

5. Certain word omitted by Act 23 of 1982, s. 3 (w.e.f. 21-5-1982).

6. Subs. by s.3, *ibid.*, for clause (b) (w.e.f. 21-5-1982).

- (a) be valid for one year from the date of its grant;
- (b) not be transferable; and
- (c) be renewable for a period not exceeding one year at a time.

(7) No application for the renewal of a licence shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Chief Wild Life Warden or the authorised officer is satisfied that—

- (i) the application for such renewal has been made after the expiry of the period specified therefor, or
- (ii) any statement made by the applicant at the time of the grant or renewal of the licence was incorrect or false in material particulars, or
- (iii) the applicant has contravened any term or condition of the licence or any provision of this Act or any rule made thereunder, or
- (iv) the applicant does not fulfil the prescribed conditions.

(8) Every order granting or rejecting an application for the grant or renewal of a licence shall be made in writing.

(9) Nothing in the foregoing sub-sections shall apply in relation to vermin.

45. Suspension or cancellation of licences.—Subject to any general or special order of the State Government, the Chief Wild Life Warden or the authorised officer may, for reasons to be recorded by him in writing, suspend or cancel any licence granted or renewed under section 44:

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

46. Purchase.—(1) An appeal from an order refusing to grant or renew a licence under section 44 or an order suspending or cancelling a licence under section 45 shall lie—

- (a) if the order is made by the authorised officer, to the Chief Wild Life Warden; or
- (b) if the order is made by the Chief Wild Life Warden, to the State Government.

(2) In the case of an order passed in appeal by the Chief Wild Life Warden under clause (a) of sub-section (1), a second appeal shall lie to the State Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) An appeal under this section shall be preferred within thirty days from the date of the communication, to the applicant, of the order appealed against:

Provided that the appellate authority may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

47. Maintenance of records.—A licensee under this Chapter shall—

- (a) keep records, and submit such returns of his dealings, as may be prescribed,—
 - (i) to the Director or any other officer authorised by him in this behalf, and
 - (ii) to the Chief Wild Life Warden or the authorised officer; and
- (b) make such records available on demand for inspection by such officers.

48. Purchase of animals, etc., by licensee.—No licensee under this Chapter shall—

- (a) keep in his control, custody or possession,—
 - (i) any animal, animal article, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (2) of section 44 has to be made but has not been made;

(ii) any animal or animal article, trophy, uncured trophy or meat which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;

(b) (i) capture any wild animal, or

(ii) acquire, receive keep in his control, custody or possession, or sell, offer for sale or transport, any captive animal specified in Schedule I or Part II of Schedule II or any animal article trophy, uncured trophy or meat derived therefrom or serve such meat, or put under a process of taxidermy or make animal article containing part or whole of such animal,

except in accordance with such rules as may be made under this Act;

Provided that where the acquisition or, possession, control or custody of such animal or animal article, trophy or uncured trophy entails the transfer or transport from one State to another, no such transfer or transport shall be effected except with the previous permission in writing of the Director or any other officer authorised by him in this behalf:

Provided further that no such permission under the foregoing proviso shall be granted unless the Director or the officer authorised by him is satisfied that the animal or article aforesaid has been lawfully acquired.

¹[48A. **Restriction on transportation of wild life.**—No person shall accept any wild animal (other than vermin), or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation.]

49. Purchase of captive animal, etc., by a person other than a licensee.—No person shall purchase, receive or acquire any captive animal, wild animal, other than vermin, or any animal article, trophy, uncured trophy or meat derived therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act:

²[Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 38-1 or to a public museum.]

³[CHAPTER VA

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

49A. Definitions.—In this Chapter,—

(a) “Scheduled animal” means an animal specified for the time being in Schedule I or Part II of 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 ⁴[has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative.]

(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; ⁵***

(ii) in relation to any animal added or transferred to Scheduled 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.

1. Ins. by Act 44 of 1991, s. 31 (w.e.f. 2-10-1991).

2. Subs. by s. 32, *ibid.*, for the proviso (w.e.f. 2-10-1991).

3. Ins. by Act 28 of 1986, s. 3 (w.e.f. 25-11-1986).

4. Subs. by Act 44 of 1991, s. 33, for “has been used” (w.e.f. 2-10-1991).

5. The word “and” omitted by s. 33, *ibid.* (w.e.f. 2-10-1991).

¹[(iii) in relation ivory imported into India or an article made from such ivory, the date of expiry of six months from the commencement of the Wild Life (Protection) (Amendment) Act, 1991 (44 of 1991).]

49B. Prohibition of dealings in trophies, animal articles, etc., derived from scheduled animals.—(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

²[ia) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such 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.

(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 (1 of 1956), or any society registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force, wholly or substantially financed by the Central Government, from the provisions of sub-sections (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. Declaration by dealers.—(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—

(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;

1. Ins. by Act 44 of 1991, s. 33 (w.e.f. 2-10-1991).

2. Ins. by s. 34, *ibid.* (w.e.f. 2-10-1991).

(iv) captive animals being scheduled animals;

¹[(v) ivory imported into India or articles made therefrom;]

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

(c) the description of such items, if any, 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 ²[any scheduled animal, a scheduled animal article, or ivory imported into India or any article made therefrom.]

CHAPTER VI

PREVENTION AND DETECTION OF OFFENCES

50. Power of entry, search, arrest and detention.—(1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector, may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, trophy or ³[trophy, uncured trophy, specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;

1. Ins. by Act 44 of 1991, s. 35 (w.e.f. 2-10-1991).

2. Subs. by s. 35, *ibid.*, for “any scheduled animal or a scheduled animal article” (w.e.f. 2-10-1991).

3. Subs. by s. 36, *ibid.*, for “trophy or uncured trophy” (w.e.f. 2-10-1991).

(b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person, and open and search any baggage or other things in his possession;

¹[(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof, in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel or weapon used for committing any such offence and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, and detain him:

Provided that where a fisherman, residing within ten kilometres of a sanctuary or National Park, inadvertently enters on a boat, not used for commercial fishing, in the territorial waters in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.]

²* * * * *

(3) It shall be lawful for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a licence or permit is required under the provisions of this Act, for the purposes of requiring such person to produce the licence or permit and if such person fails to produce the licence or permit, as the case may be, he may be arrested without warrant, unless he furnishes his name and address, and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

³[(3A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life Preservation or ⁴[an Assistant Conservator of Forests] who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.]

(4) Any person detained, or things seized under the foregoing power, shall forthwith be taken before a Magistrate to be dealt with according to law ⁵[under intimation to the Chief Wild Life Warden or the officer authorised by him in this regard].

(5) Any person who, without reasonable cause, fails to produce anything, which he is required to produce under this section, shall be guilty of an offence against this Act.

⁶[(6) Where any meat, uncured trophy, specified plant or part or derivative thereof is seized under the provisions of this section, the Assistant Director of Wild Life Preservation or any other officer of a gazetted rank authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer may arrange for the disposal of the same in such manner as may be prescribed.]

(7) Whenever any person is approached by any of the officers referred to in sub-section (1) for assistance in the prevention or detection of an offence against this Act, or in apprehending persons charged with the violation of this Act, or for seizure in accordance with clause (c) of sub-section (1), it shall be the duty of such person or persons to render such assistance.

⁷[(8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wild Life Preservation or ⁸[an officer not below the rank of Assistant Conservator of Forests authorised by the State Government in this behalf] shall have the powers, for purposes of making investigation into any offence against any provision of this Act—

(a) to issue a search warrant;

1. Subs. by Act 44 of 1991, s. 36, for clause (c) (w.e.f. 2-10-1991).

2. Sub-section (2) omitted by s. 36, *ibid* (w.e.f. 2-10-1991).

3. Ins. by s. 36, *ibid*. (w.e.f. 2-10-1991).

4. Subs. by Act 16 of 2003, s. 29, for “Wild Life Warden,” (w.e.f. 1-4-2003).

5. Ins. by s. 29, *ibid*. (w.e.f. 1-4-2003).

6. Subs. by s. 29, *ibid*., for sub-section (6) (w.e.f. 1-4-2003).

7. Ins. by Act 44 of 1991 s. 36 (w.e.f. 2-10-1991).

8. Subs. by Act 16 of 2003, s. 29, for “Wild Life Warden” (w.e.f. 1-4-2003).

(b) to enforce the attendance of witnesses;

(c) to compel the discovery and production of documents and material objects; and

(d) to receive and record evidence.

(9) Any evidence recorded under clause (d) of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in the presence of the accused person.]

51. Penalties.—(1) Any person who ¹[contravenes any provision of this Act ²[(except Chapter VA and section 38J)]] or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to ³[three years], or with fine which may extend to ⁴[twenty-five thousand rupees], or with both:

⁵[Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park or altering the boundaries of a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees:

Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of the imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees.]

⁶[(IA) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than ⁷[three years] but which may extend to seven years and also with fine which shall not be less than ⁸[ten thousand rupees].]

⁹[(IB) Any person who contravenes the provisions of section 38J, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that in the case of a second or subsequent offence the term of imprisonment may extend to one year or the fine may extend to five thousand rupees.]

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any captive animal, wild animal, animal article, trophy,¹⁰[uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or derivative thereof] in respect of which the offence has been committed, and any trap, tool, vehicle, vessel or weapon, used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

(4) Where any person is convicted of an offence against this Act, the Court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1959), for possession of any arm with which an offence against this Act has been committed, shall be cancelled and that such person shall not be eligible for a licence under the Arms Act, 1959, for a period of five years from the date of conviction.

1. Subs. by Act 28 of 1986, s. 4, for “contravenes any provision of this Act” (w.e.f. 25-11-1986).

2. Subs. by Act 44 of 1991, s. 37, *ibid.*, for “(except Chapter VA)” (w.e.f. 2-10-1991).

3. Subs. by s. 37, *ibid.*, for “two years” (w.e.f. 2-10-1991).

4. Subs. by s. 37, *ibid.*, for “two thousand rupees” (w.e.f. 2-10-1991).

5. Subs. by Act 16 of 2003, s. 30, for the first and second provisos (w.e.f. 1-4-2003).

6. Ins. by Act 28 of 1986, s. 4 (w.e.f. 25-11-1986).

7. Subs. by Act 16 of 2003, s. 30, for “one year” (w.e.f. 1-4-2003).

8. Subs. by s. 30, *ibid.*, for “five thousand rupees” (w.e.f. 1-4-2003).

9. Ins. by Act 44 of 1991, s. 37 (w.e.f. 2-10-1991).

10. Subs. by s. 37, *ibid.*, for “uncured trophy or meat” (w.e.f. 2-10-1991).

¹[(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974), or in the Probation of Offenders Act, 1958 (20 of 1958), shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.]

²**[51A. Certain conditions to apply while granting bail.**—When any person accused of, the commission of any offence relating to Schedule I or Part II of Schedule II or offences relating to hunting inside the boundaries of National Park or wild life sanctuary or altering the boundaries of such parks and sanctuaries, is arrested under the provisions of the Act, then notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) no such person who had been previously convicted of an offence under this Act shall, be released on bail unless—

(a) the Public Prosecutor has been given an opportunity of opposing the release on bail; and

(b) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.]

52. Attempts and abetment.—Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule or order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

53. Punishment for wrongful seizure.—If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in section 50 he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

³**[54. Power to compound offence.**—(1) The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer not below the rank of Assistant Director of Wild Life Preservation and in the case of a State Government in the similar manner, empower the Chief Wild Life Warden or any officer of a rank not below the rank of a Deputy Conservator of Forests, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed.

(2) On payment of such sum of money to such officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under sub-section (1) shall, in no case, exceed the sum of twenty-five thousand rupees:

Provided that no offence, for which a minimum period of imprisonment has been prescribed in section 51, shall be compounded.]

⁴**[55. Cognizance of offences.**—No court shall take cognizance of any offence against this Act on the complaint of any person other than—

(a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government; or

⁵[(aa) the Member-Secretary, Central Zoo Authority in matters relating to violation of the provisions of Chapter IVA; or]

1. Ins. by Act 44 of 1991, s. 37. (w.e.f. 2-10-1991).

2. Ins. by Act 16 of 2003, s. 31 (w.e.f. 1-4-2003).

3. Subs. by s. 32, *ibid.*, for section 54 (w.e.f. 1-4-2003).

4. Subs. by Act 44 of 1991, s. 39, for section 55 (w.e.f. 2-10-1991).

5. Ins. by Act 16 of 2003, s. 33 (w.e.f. 1-4-2003).

¹[(*ab*) Member-Secretary, Tiger Conservation Authority; or

(*ac*) Director of the concerned tiger reserve; or]

(*b*) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government²[subject to such conditions as may be specified by that Government]; or

²[(*bb*) the officer-in-charge of the zoo in respect of violation of provisions of section 38J; or]

(*c*) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the State Government or the officer authorised as aforesaid.]

56. Operation of other laws not barred.—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act: Provided that no person shall be punished twice for the same offence.

57. Presumption to be made in certain cases.—Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, ³[trophy, uncured trophy, specified plant, or part or derivative thereof]it shall be presumed, until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, ³[trophy, uncured trophy, specified plant, or part or derivative thereof.]

58. Offences by Companies.—(*I*) Where an offence against this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (*I*), where an offence against this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) “company” means any body corporate and includes a firm or other association of individuals; and

(*b*) “director”, in relation to a firm, means a partner in the firm.

⁴[CHAPTER VIA

FORFEITURE OF PROPERTY DERIVED FROM ILLEGAL HUNTING AND TRADE

58A. Application.—The provisions of this Chapter shall apply only to the following persons, namely:—

(*a*) every person who has been convicted of an offence punishable under this Act with imprisonment for a term of three years or more;

1. Ins. by Act 39 of 2006, s. 4 (w.e.f. 4-9-2006).

2. Ins. by Act 16 of 2003, s. 33 (w.e.f. 1-4-2003).

3. Subs. by Act 44 of 1991, s. 40, for “trophy or uncured trophy” (w.e.f. 2-10-1991).

4. Ins. by Act 16 of 2003, s. 34 (w.e.f. 1-4-2003).

(b) every associate of a person referred to in clause (a);

(c) any holder (hereafter in this clause referred to as the present holder) of any property which was at any time previously held by a person referred to in clause (a) or clause (b) unless the present holder or, as the case may be, any one who held such property after such person and before the present holder, is or was a transferee in good faith for adequate consideration.

58B. Definitions.—In this Chapter, unless the context otherwise requires,—

(a) “Appellate Tribunal” means the Appellate Tribunal for Forfeited Property constituted under section 58N;

(b) “associate” in relation to a person whose property is liable to be forfeited under this Chapter, includes—

(i) any individual who had been or is managing the affairs or keeping the accounts of such person;

(ii) any association of persons, body of individuals, partnership firm or private company within the meaning of the Companies Act, 1956 (1 of 1956) of which such person had been or is a member, partner or director;

(iii) any individual who had been or is a member, partner or director of an association of persons, body of individuals, partnership firm or private company referred to in sub-clause (ii) at any time when such person had been or is a member, partner or director of such association, body, partnership firm or private company;

(iv) any person, who had been or is managing the affairs, or keeping the accounts of any association of persons, body of individuals, partnership firm or private company referred to in sub-clause (iii);

(v) the trustee of any trust, where,—

(1) the trust has been created by such person; or

(2) the value of the assets contributed by such person (including the value of the assets, if any, contributed by him earlier) to the trust amounts on the date on which contribution is made, to not less than twenty per cent. of the value of the assets of the trust on that date;

(vi) where the competent authority, for reasons to be recorded in writing, considers that any properties of such person are held on his behalf by any other person, such other person;

(c) “competent authority” means an officer authorised under section 58D;

(d) “concealment” means the concealment or disguise of the nature, source, disposition, movement or ownership of property and includes the movement or conversion of such property by electronic transmission or by any other means;

(e) “freezing” means temporarily prohibiting the transfer, conversion, disposition or movement of property by an order issued under section 58F;

(f) “identifying” includes establishment of proof that the property was derived from, or used in, the illegal hunting and trade of wild life and its products;

(g) “illegally acquired property” in relation to any person to whom this Chapter applies, means,—

(i) any property acquired by such person, wholly or partly out of or by means of any income, earnings or assets derived or obtained from or attributable to illegal hunting and trade of wild life and its products and derivatives;

(ii) any property acquired by such person, for a consideration or by any means, wholly or partly traceable to any property referred to in sub-clause (i) or the income or earning from such property,

and includes—

(A) any property held by such person which would have been, in relation to any previous holder thereof, illegally acquired property under this clause if such previous holder had not ceased to hold it, unless such person or any other person who held the property at any time after such previous holder or, where there are two or more such previous holders, the last of such previous holders is or was a transferee in good faith for adequate consideration;

(B) any property acquired by such person, for a consideration, or by any means, wholly or partly traceable to any property falling under item (A), or the income or earnings therefrom;

(h) “property” means property and assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and deeds and instruments evidencing title to, or interest in, such property or assets, derived from the illegal hunting and trade of wild life and its products;

(i) “relative” means—

(1) spouse of the person;

(2) brother or sister of the person;

(3) brother or sister of the spouse of the person;

(4) any lineal ascendant or descendant of the person;

(5) any lineal ascendant or descendant of the spouse of the person;

(6) spouse of a person referred to in sub-clause (2), sub-clause (3), sub-clause (4) or sub-clause (5);

(7) any lineal descendant of a person referred to in sub-clause (2) or sub-clause (3);

(j) “tracing” means determining the nature, source, disposition, movement, title or ownership of property;

(k) “trust” includes any other legal obligation.

58C. Prohibition of holding illegally acquired property.—(1) From the date of commencement of this Chapter, it shall not be lawful for any person to whom this Chapter applies to hold any illegally acquired property either by himself or through any other person on his behalf.

(2) Where any person holds such property in contravention of the provisions of sub-section (1), such property shall be liable to be forfeited to the State Government concerned in accordance with the provisions of this Chapter:

Provided that no property shall be forfeited under this Chapter if such property was acquired by a person to whom this Act applies before a period of six years from the date on which he was charged for an offence relating to illegal hunting and trade of wild life and its products.

58D. Competent authority.—The State Government may, by order published in the Official Gazette, authorise any officer not below the rank of Chief Conservator of Forests to perform the functions of the competent authority under this Chapter in respect of such persons or classes of persons as the State Government may, direct.

58E. Identifying illegally acquired property.—(1) An officer not below the rank of Deputy Inspector General of Police duly authorised by the Central Government or as the case may be, the State Government, shall, on receipt of a complaint from the competent authority about any person having illegally acquired property, proceed to take all steps necessary for tracing and identifying any property illegally acquired by such person.

(2) The steps referred to in sub-section (1) may include any inquiry, investigation or survey in respect of any person, place, property, assets, documents, books of account in any bank or financial institution or any other relevant step as may be necessary.

(3) Any inquiry, investigation or survey referred to in sub-section (2) shall be carried out by an officer mentioned in sub-section (1) in accordance with such directions or guidelines as the competent authority may make or issue in this behalf.

58F. Seizure or freezing of illegally acquired property.—(1) Where any officer conducting an inquiry or investigation under section 58E has reason to believe that any property in relation to which such inquiry or investigation is being conducted is an illegally acquired property and such property is likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to forfeiture of such property under this Chapter, he may make an order for seizing such property and where it is not practicable to seize such property, he may make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the officer making such order, or of the competent authority and a copy of such order shall be served on the person concerned:

Provided that a copy of such an order shall be sent to the competent authority within forty-eight hours of its being made.

(2) Any order made under sub-section (1) shall have no effect unless the said order is confirmed by an order of the competent authority within a period of thirty days of its being made.

Explanation.—For the purposes of this section, “transfer of property” means any disposition, conveyance, assignment, settlement, delivery, payment or other alienation of property and, without limiting the generality of the foregoing, includes—

(a) the creation of a trust in property;

(b) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in property;

(c) the exercise of a power of appointment, of property vested in any person not the owner of the property, to determine its disposition in favour of any person other than the donee of the power; and

(d) any transaction entered into by any person with intent thereby to diminish directly or indirectly the value of his own property and to increase the value of the property of any other person.

58G. Management of properties seized or forfeited under this Chapter.—(1) The State Government may, by order published in the Official Gazette, appoint as many of its officers (not below the rank of Conservator of Forests) as it thinks fit, to perform the functions of an Administrator.

(2) The Administrator appointed under sub-section (1) shall receive and manage the property in relation to which an order has been made under sub-section (1) of section 58F or under section 58-I in such manner and subject to such conditions as may be prescribed.

(3) The Administrator shall also take such measures as the State Government may direct, to dispose of the property which is forfeited to the State Government.

58H. Notice of forfeiture of property.—(1) If having regard to the value of the properties held by any person to whom this Chapter applies, either by himself or through any other person on his behalf, his known sources of income, earnings or assets, and any other information or material available to it as a result of a report from any officer making an investigation under section 58E or otherwise, the competent authority for reasons to be recorded in writing believes that all or any of such properties are illegally acquired properties, it may serve a notice upon such person (hereinafter referred to as the person affected) calling upon him within a period of thirty days specified in the notice to show cause why all or any of such properties, as the case may be, should not be declared to be illegally acquired properties and forfeited to the State Government under this Chapter and in support of his case indicate the sources of his income, earnings or assets, out of which or by means of which he has acquired such property, the evidence on which he relies and other relevant information and particulars.

(2) Where a notice under sub-section (1) to any person specifies any property as being held on behalf of such person by any other person, a copy of the notice shall also be served upon such other person.

58-I. Forfeiture of property in certain cases.—(1) The competent authority may, after considering the explanation, if any, to the show cause notice issued under section 58H, and the materials available before it and after giving to the person affected and in a case where the person affected holds any property specified in the notice through any other person, to such other person, also a reasonable opportunity of being heard, by order, record a finding whether all or any of the properties in question are illegally acquired properties:

Provided that if the person affected (and in a case where the person affected holds any property specified in the notice through any other person, such other person also), does not appear before the competent authority or represent his case before it within a period of thirty days specified in the show cause notice, the competent authority may proceed to record a finding under this sub-section *ex parte* on the basis of evidence available before it.

(2) Where the competent authority is satisfied that some of the properties referred to in the show cause notice are illegally acquired properties but is not able to identify specifically such properties, then, it shall be lawful for the competent authority to specify the properties which, to the best of its judgment, are illegally acquired properties and record a finding accordingly under sub-section (1) within a period of ninety days.

(3) Where the competent authority records a finding under this section to the effect that any property is illegally acquired property, it shall declare that such property shall, subject to the provisions of this Chapter stand forfeited to the State Government free from all encumbrances.

(4) In case the person affected establishes that the property specified in the notice issued under section 58H is not an illegally acquired property and therefore not liable to be forfeited under the Act, the said notice shall be withdrawn and the property shall be released forthwith.

(5) Where any shares in a company stand forfeited to the State Government under this Chapter, the company shall, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956) or the article of association of the company, forthwith register the State Government as the transferee of such shares.

58J. Burden of proof.—In any proceedings under this Chapter, the burden of proving that any property specified in the notice served under section 58H is not illegally acquired property shall be on the person affected.

58K. Fine in lieu of forfeiture.—(1) Where the competent authority makes a declaration that any property stands forfeited to the State Government under section 58-I and it is a case where the source of only a part of the illegally acquired property has not been proved to the satisfaction of the competent authority, it shall make an order giving option to the person affected to pay, in lieu of forfeiture, a fine equal to the market value of such part.

(2) Before making an order imposing a fine under sub-section (1), the person affected shall be given a reasonable opportunity of being heard.

(3) Where the person affected pays the fine due under sub-section (1), within such time as may be allowed in that behalf, the competent authority may, by order revoke the declaration of forfeiture under section 58-I and thereupon such property shall stand released.

58L. Procedure in relation to certain trust properties.—In the case of any person referred to in sub-clause (vi) of clause (b) of section 58B, if the competent authority, on the basis of the information and materials available to it, for reasons to be recorded in writing believes that any property held in trust is illegally acquired property, it may serve a notice upon the **author of the trust**, or as the case may be, the contributor of the assets out of or by means of which such property was acquired by the trust and the trustees, calling upon them within a period of thirty days specified in the notice, to explain the source of money or other assets out of or by means of which such property was acquired or, as the case may be, the source of money or other assets which were contributed to the trust for acquiring such property and thereupon such notice shall be deemed to be a notice served under section 58H and all the other provisions of this Chapter shall apply accordingly.

Explanation.—For the purposes of this section “illegally acquired property” in relation to any property held in trust, includes—

(i) any property which if it had continued to be held by the **author of the trust** or the contributor of such property to the trust would have been illegally acquired property in relation to such **author or contributor**;

(ii) any property acquired by the trust out of any contributions made by any person which would have been illegally acquired property in relation to such person had such person acquired such property out of such contributions.

58M. Certain transfers to be null and void.—Where after the making of an order under sub-section (1) of section 58F or the issue of a notice under section 58H or under section 58L, any property referred to in the said order or notice is transferred by any mode whatsoever, such transfer shall, for the purposes of the proceedings under this Chapter, be ignored and if such property is subsequently forfeited to the State Government under section 58-I, then, the transfer of such property shall be deemed to be null and void.

58N. Constitution of Appellate Tribunal.—(1) The State Government may, by notification in the Official Gazette, constitute an Appellate Tribunal to be called the Appellate Tribunal for Forfeited Property consisting of a Chairman, and such number of other members (being officers of the State Government not below the rank of a Principal Secretary to the Government), as the State Government thinks fit, to be appointed by that Government for hearing appeals against the orders made under section 58F, section 58-I, sub-section (1) of section 58K or section 58L.

(2) The Chairman of the Appellate Tribunal shall be a person who is or has been or is qualified to be a Judge of a High Court.

(3) The terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

58-O. Appeals.—(1) Any person aggrieved by an order of the competent authority made under section 58F, section 58-I, sub-section (1) of section 58K or section 58L may, within forty-five days from the date on which the order is served on him prefer an appeal to the Appellate Tribunal:

Provided that the Appellate Tribunal may entertain an appeal after the said period of forty-five days, but not after sixty days, from the date aforesaid if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the Appellate Tribunal may, after giving an opportunity of being heard to the appellant, if he so desires, and after making such further inquiry as it deems fit, confirm, modify or set aside the order appealed against.

(3) The Appellate Tribunal may regulate its own procedure.

(4) On application to the Appellate Tribunal and on payment of the prescribed fee, the Appellate Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Appellate Tribunal and obtain a certified copy or any part thereof.

58P. Notice or order not to be invalid for error in description.—No notice issued or served, no declaration made, and no order passed under this Chapter shall be deemed to be invalid by reason of any error in the description of the property or person mentioned therein if such property or person is identifiable from the description so mentioned.

58Q. Bar of jurisdiction.—No order passed or declaration made under this Chapter shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Appellate Tribunal or any competent authority is empowered by or under this Chapter to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Chapter.

58R. Competent Authority and Appellate Tribunal to have powers of civil court.—The competent authority and the Appellate Tribunal shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for examination of witnesses or documents;
- (f) any other matter which may be prescribed.

58S. Information to competent authority.—(1) Notwithstanding anything contained in any other law for the time being in force, the competent authority shall have power to require any officer or authority of the Central Government or a State Government or a local authority to furnish information in relation to such persons, on points or matters as in the opinion of the competent authority will be useful for, or relevant to, the purposes of this Chapter.

(2) Every officer referred to in section 58T may furnish *suo motu* any information available with him to the competent authority if in the opinion of the officer such information will be useful to the competent authority for the purposes of this Chapter.

58T. Certain officers to assist Administrator, competent authority and Appellate Tribunal.—For the purposes of any proceedings under this Chapter, the following officers shall render such assistance as may be necessary to the Administrator appointed under section 58G, competent authority and the Appellate Tribunal, namely:—

- (a) officers of Police;
- (b) officers of the State Forest Departments;
- (c) officers of the Central Economic Intelligence Bureau;
- (d) officers of the Directorate of Revenue Intelligence;
- (e) such other officers as specified by the State Government in this behalf by notification in the Official Gazette.

58U. Power to take possession.—(1) Where any property has been declared to be forfeited to the State Government under this Chapter, or where the person affected has failed to pay the fine due under sub-section (1) of section 58K within the time allowed therefor under sub-section (3) of that section, the competent authority may order the person affected as well as any other person who may be in possession of the property to surrender or deliver possession thereof to the Administrator appointed under section 58G or to any person duly authorised by him in this behalf within thirty days of the service of the order.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the Administrator may take possession of the property and may for that purpose use such force as may be necessary.

(3) Notwithstanding anything contained in sub-section (2), the Administrator may, for the purpose of taking possession of any property referred to in sub-section (1) requisition the services of any police officer to assist him and it shall be the duty of such officer to comply with such requisition.

58V. Rectification of mistakes.—With a view to rectifying any mistake apparent from record, the competent authority or the Appellate Tribunal, as the case may be, may amend any order made by it within a period of one year from the date of the order:

Provided that if any such amendment is likely to affect any person prejudicially and the mistake is not of a clerical nature, it shall not be made without giving to such person a reasonable opportunity of being heard.

58W. Findings under other laws not conclusive for proceedings under this Chapter.—No finding of any officer or authority under any other law shall be conclusive for the purposes of any proceedings under this Chapter.

58X. Service of notices and orders.—Any notice or order issued or made under this Chapter shall be served,—

(a) by tendering the notice or order or sending it by registered post to the person for whom it is intended or to his agent;

(b) if the notice or order cannot be served in the manner provided in clause (a), then, by affixing it on a conspicuous place in the property in relation to which the notice or order is issued or made or on some conspicuous part of the premises in which the person for whom it is intended is known to have last resided or carried on business or personally worked for gain.

58Y. Punishment for acquiring property in relation to which proceedings have been taken under this Chapter.—Any person who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings are pending under this Chapter shall be punishable with imprisonment for a term which may extend to five years and with fine which may extend to fifty thousand rupees.]

CHAPTER VII

MISCELLANEOUS

59. Officers to be public servants.—Every officer referred to ¹[in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA], ²[Chapter IVB] and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860).

60. Protection of action taken in good faith.—(1) No-suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

³[(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA⁴[Chapter IVB] and its chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.]

⁵[**60A. Reward to persons.**—(1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the Court may, when passing judgment, order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding ⁶[fifty per cent. of such fine].

(2) Where a case is compounded under Sec. 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding ⁷[fifty per cent. of such money].]

⁸[**60B. Reward by State Government.**—The State Government may empower the Chief Wild Life Warden to order payment of reward not exceeding ten thousand rupees to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may be prescribed.]

1. Subs. by Act 44 of 1991, s. 41, for “in Chapter II and” (w.e.f. 2-10-1991).

2. Ins. by Act 39 of 2006, s. 5 (w.e.f. 4-9-2006).

3. Ins. by Act 44 of 1991, s. 42 (w.e.f. 2-10-1991).

4. Ins. by Act 39 of 2006, s. 6 (w.e.f. 4-9-2006).

5. Ins. by Act 44 of 1991, s. 43 (w.e.f. 2-10-1991).

6. Subs. by Act 16 of 2003, s. 35, for “twenty per cent. of such fine” (w.e.f. 1-4-2003).

7. Subs. by s. 35, *ibid.*, for “twenty per cent. of such money” (w.e.f. 1-4-2003).

8. Ins. by s. 36, *ibid.* (w.e.f. 1-4-2003).

61. Power to alter entries in Schedules.—(1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, ¹[add or delete any entry to or from any Schedule] or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.

²* * * * *

(3) On the issue of a notification under sub-section (1) ^{3****}, the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

⁴* * * * *

Provided that any such alteration made by the State Government, if it has been made with the previous consent of the Central Government, shall prevail in that State:

Provided further that nothing in the foregoing proviso shall prevent the Central Government from modifying or cancelling, at any time, the alteration made by the State Government.

62. Declaration of certain wild animals to be vermin.—⁵[The Central Government] may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

63. Power of Central Government to make rules.—⁶[(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:—

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;

⁷[(ai) the term of office of members other than those who are members *ex officio*; the manner of filling vacancies, the procedure to be followed by the National Board under sub-section (2) and allowances of those members under sub-section (3) of section 5A;]

⁸[(aa) the matters to be prescribed under clause (b) of sub-section (4) of section 44;]

(b) the salaries, allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of section 38B;

(c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of section 38B;

(d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38E;

(e) the form in which and the time at which the annual report of the Central Zoo Authority shall be prepared under section 38F;

(f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of section 38H;

(g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H;

1. Subs. by Act 44 of 1991, s. 44, for “add any entry to any Schedule” (w.e.f. 2-10-1991).

2. Sub-section (2) omitted by s. 44, *ibid.* (w.e.f. 2-10-1991).

3. The words brackets and figure “or sub-section (2)” omitted by Act 44 of 1991, s. 44 (w.e.f. 2-10-1991).

4. Sub-section (4) omitted by s. 44, *ibid.* (w.e.f. 2-10-1991).

5. Subs. by s. 45, *ibid.*, for certain words (w.e.f. 2-10-1991).

6. Subs. by s. 46, *ibid.*, for sub-section (1) (w.e.f. 2-10-1991).

7. Ins. by Act 16 of 2003, s. 37 (w.e.f. 1-4-2003).

8. Ins. by Act 23 of 1982, s. 4 (w.e.f. 21-5-1982).

¹[(*gi*) qualifications and experience of experts or professionals under clause (*d*) of sub-section (2) of section 38-1;

(*gii*) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38M;

(*giii*) the terms and conditions of service of the officers and other employees of the Tiger Conservation Authority under sub-section (2) of section 38N;

(*giv*) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R;

(*gv*) the form in which and the time at which the annual report of Tiger Conservation Authority shall be prepared under section 38S;

(*gvi*) other powers of the Wild Life Crime Control Bureau under clause (*ii*) of sub-section (2) of section 38Z.]

(*h*) the form in which declaration shall be made under sub-section (2) of section 44;

(*i*) the matters to be prescribed under Cl. (*b*) of sub-section (4) of section 44;

(*j*) the terms and conditions which shall govern transaction referred to in clause (*b*) of section 48;

(*k*) the manner in which notice may be given by a person under clause (*c*) of section 55;

(*l*) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government.]

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

64. Power of State Government to make rules.—(1) The State Government may, by notification, make rules for carrying out the provisions of this Act in respect of matters which do not fall within the purview of section 63.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

²[(*a*) the term of office of members other than those who are members, *ex officio*, the manner of filling vacancies and the procedure to be followed by the Board under sub-section (2) of section 6;

(*b*) allowances referred to in sub-section (3) of section 6;]

(*c*) the forms to be used for any application, certificate, claim, declaration, licence, permit, registration, return, or other document, made, granted, or submitted under the provisions of this Act and the fees, if any, therefor;

(*d*) the conditions subject to which any licence or permit may be granted under this Act;

³[(*dd*) the conditions subject to which the officers will be authorised to file cases in the court;]

(*e*) the particulars of the record of wild animals (captured or killed) to be kept and submitted by the licensee;

⁴[(*ee*) the manner in which measures for immunisation of live-stock shall be taken;]

1. Ins. by Act 39 of 2006, s. 7 (w.e.f. 4-9-2006).

2. Subs. by Act 16 of 2003, s. 38, for clauses (*a*) and (*b*) (w.e.f. 1-4-2003).

3. Ins. by s. 38, *ibid.* (w.e.f. 1-4-2003).

4. Ins. by Act 44 of 1991, s. 47 (w.e.f. 2-10-1991).

(f) regulation of the possession, transfer and the sale of captive animals, meat, animal articles, trophies and uncured trophies;

(g) regulation of taxidermy;

¹[(ga) the manner and conditions subject to which the Administrator shall receive and manage the property under sub-section (2) of section 58G;

(gb) the terms and conditions of service of the Chairman and other members under sub-section (3) of section 58N;

(gc) the fund from which and the manner in which payment of reward under section 60B shall be made;]

(h) any other matter which has to be, or may be, prescribed under this Act.

65. Rights of Scheduled Tribes to be protected.—Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration, No. 40,/67/F, No. G635, Vol. III, dated the 28th April, 1967, published at pages 1 to 5 of the Extraordinary issue of the Andaman and Nicobar Gazette, dated the 28th April, 1967.

66. Repeal and savings.—(1) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed:

Provided that such repeal shall not,—

(i) affect the previous operation of the Act so repealed, or anything duly done or suffered thereunder;

(ii) affect any right, privilege, obligation or liability, acquired, accrued or incurred under the Act so repealed;

(iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or

(iv) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and. Punishment may be imposed, as if the aforesaid Act had not been repealed.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken under the Act so repealed, (including any notification, order, certificate, notice or receipt issued, application made, or permit granted) which is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act as, if this Act were in force at the time such thing was done or action was taken, and shall continue to be in force, unless and until superseded by anything done or any action taken under this Act;

(b) every licence granted under any Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, subject to the provisions of this Act, continue to be in force for the unexpired portion. of the period for which such licence had been granted.

(3) For the removal of doubts, it is hereby declared that any sanctuary or National Park declared by a State Government under any Act repealed under sub-section (1) shall be deemed to be a sanctuary or National Park, as, the case may be, declared by the State Government under this Act and where any right

1. Ins. by Act 16 of 2003, s. 38 (w.e.f. 1-4-2003).

in or over any land in any such National Park which had not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such rights shall be made in accordance with the provisions of this Act.

¹[(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of section 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), any reserve forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under section. 26A.]

1. Ins. by Act 44 of 1991, s. 48 (w.e.f. 2-10-1991).

SCHEDULE 1

(See Sections 2, 8, 9, 11, 40, 41, 43, 48, 51, 61 and 62)

PART I : MAMMALS

- ¹[1. Andaman Wild pig (*Susandamanensis*)]
- ²[1-A. Bharal (*Ovis nahura*)]
- ²[1-B. **Binturong (*Arctictis binturong*)**]
2. Blackbuck (*Antilope cervicapra*)
- ²[2-A. *******]
3. Brow-antlered deer or Thamin (*Cervus eldi*)
- ³[3-A. Himalayan Brown bear (*Ursus arctos*)]
- ⁴⁵[3-B.] Capped langur (*Presbyx pileatus*)]
4. Caracal (*Felils caracal*)]
- ⁶[4A. Catacean spp.]
5. Cheetah (*Acinonyx jubatus*)
- ⁷[5-A. Chinese Pangolin (*Manis pentadactyla*)]
- ⁸[5-B. Chinkara or Indian gazelle (*Gazella gazella bennetti*)]
6. Clouded leopard (*Neofelis nebulosa*)
- ⁹[6-A. Crab-eating macaque (*Macaca irus umbrosa*)]
- ¹⁰¹¹[6-B.] Desert cat (*Felis libyca*)]
- ¹²[6-C. Desert fox (*Vulpes bucopus*)]
7. Dugong (*Dugong dugon*)
- ¹³[7-A. Ermine (*Mustela erminea*)]
8. Fishing Cat (*Felis viverrina*)
- ¹⁴[8-A. Four-horned antelope (*Tetraceros quadricornis*)]
- ¹⁵[8-B. *******]
- ¹⁵¹⁶[8-C. *** * ***]

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1. Entry 1 from Schedule III transferred as entry 1 of Part I of Schedule I by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.
 2. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.
 3. Entry 2 of Part II of Schedule II transferred as entry 3A by notification No. S.O. 859(E) dated 24-11-1986
 4. Entry 4 in Part I of Schedule II transferred as entry 3A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.
 5. Entry 3A renumbered as Entry 3B by notification No. S.O. 859(E), dated 24-11-1986.
 6. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.
 7. Ins. by notification No. J 11012/31/76-FRY (WL) dated 29-08-1977.
 8. Entry 4 of Schedule III transferred as entry 5B by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.
 9. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.
 10. Entry 1 of Schedule IV transferred as entry 6A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.
 11. Entry 6A renumbered as entry 6B by Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.
 12. Entry 2 of Schedule IV transferred as entry 6C by notification No. S.O. 859(E), dated 24-11-1986.
 13. Entry 3 from Schedule IV as entry 7A by notification No. S.O. 859(E), dated 24-11-1986.
 14. Entry 6 of Schedule III transferred as entry 8A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.
 15. Entry 6 and 8 of Schedule II transferred as entry 8B and 8C by notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Section 3(i), dated 24th November, 1986.
 16. Entry 8C transferred to Part II of Schedule II as entry 1C by notification No. 859(E), dated 24-11-1986.

- ¹[8-D. Gangetic dolphin (*Platanista gangetica*)]
²[8-E. Bison or Gaur (*Bos gaurus*)]
9. Golden cat (*Felis temmincki*)
10. Golden Langur (*Presbytis geei*)
³[10-A. Giant squirrel (*Ratufa macroura*)]
⁴⁵[10-B.] Himalayan ibex (*Capra ibex*)]
⁶⁷[10-C.] Himalayan tahr (*Hemitragus jemlahicus*)]
11. Hispid hare (*Caprolagui hispidus*)
⁸[11-A. Hog badger (*Arctonyx collaris*)]
12. Hoolock gibbon (*Hylobates hoolock*)]
⁹[12-A. ¹⁰[***]]
¹¹[12-B. Indian Elephant (*Elephas maximus*)]
13. Indian lion (*panthera leo persica*)
14. Indian wild Ass (*Equus homionus khur*)
¹²[15. Indian wolf (*Canis lupus pallipes*)]
16. Kashmir Stag (*Cervus elaphus hanglu*)
¹³[16-A. Leaf monkey (*Presbytis phayrei*)]
¹⁴[16B. Leopard or Panther (*Panthera pardus*)]
17. Leopard cat (*Felis bengalensis*)
18. Lesser or red panda (*Ailurus fulgens*)
19. Lion tailed macaque (*Macaca silenus*)
20. Loris (*Loris tardigradus*)
¹⁵[20-A. Little Indian porpoise (*Neomeris phocaenoides*)]
21. Lynx (*Felis lynx isabellinus*)
22. Malabar civet (*Viverra megaspila*)
¹⁶[22-A. Malay or sun bear (*Helarctos malayanus*)]

1. Entry 8D ins by notification No. 859(E), dated 24-11-1986.

2. Entry 3 of Schedule II of Part I transferred as entry 8E by notification No. S.O. 859(E), dated 24-11-1986.

3. Entry 1A of Part II of Schedule II transferred as entry 10A by notification No. S.O. 859(E), dated 24-11-1986.

4. Entry 9 of Schedule III transferred as entry 10B by ??

5. Entry 10A renumbered as entry 10B by notification No. S.O. 859(E), dated 24-11-1986.

6. Entry 10 of Schedule III transferred as entry 10A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

7. Entry 10B renumbered as entry 10C by notification No. S.O. 859(E), dated 24-11-1986.

8. Entry 12 of Part I of Schedule II transferred as entry 11A by notification No. S.O. 859(E), dated 24-11-1986.??

9. Entry 12A ins. by notification No. J 11012/31/76-FRY (WL) dated 29-08-1977.

10. [Entry 12 A omitted ?? or transferred??](#)

11. Entry 13 of Part I of Schedule II transferred as entry 12B by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

12. Entry 15 subs. by notification No. J 11012/31/76-FRY (WL) dated 29-08-1977.

13. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.

14. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.

15. Entry 4C of Schedule IV transferred as entry 20A by notification No. S.O. 859(E), dated 24-11-1986

16. Entry 15 of Part I of Schedule II transferred as entry 22A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

23. Marbled cat (*Felis marmorata*)
24. Markhor (*Capra falconeri*)
- ¹[24-A. Mouse deer (*Tragulus meminna*)
25. Musk deer (*Moschus moschiferus*)
- ²[25-A. Nilgiri langur (*Presbytis johni*)
- ³[25-B. Niggiri Tahr (*Hemitragus hylccrius*)
26. [Nayan or great Tibetan sheep???](#) (*Ovis ammon hodgsoni*)
27. Pallas's Cat (*Felis manul*)
28. Pangolin (*Manis crassicaudata*)
29. Pygmy hog (*Sus salvanius*)
- ⁴[29-A. Ratel (*Mellivora capensis*)
30. Rhinceros (*Rhinoceros unicornis*)
31. Rusty Spotted Cat (*Felis rubiginosa*)
- ⁵[31-A. Serow (*Capricornis sumatraensis*)]
- ⁶[31-B. Otter (*Aonyx cinerea*)]
- ⁷⁸[31-C.] Sloth bear (*Melursus ursinus*)]
32. Slow loris (*Nycticebus coveang*)
- ⁹[32-A. [Small Travancore flying Squirrel](#) (*Petinomys fuscopapillus*)]
33. Snow leopard (*Panthera uncia*)
- ¹⁰[33-A. Snubfin dolphin (*Orcaella brevirostris*)]
34. Spotted linsang (*Prionodon pardicolor*)
35. Swamp deer (*All sub-species of Cervus duvauceli*)
36. Takin or Mishmi takin (*Budoroas taxicolor*)
- ¹¹[36-A. Tibetan Antelope or Chiru (*Panthelops hodgsoni*)]
- ¹²[36-B. Tibetan fox (*Vulpes ferrilatus*)]
37. Tibetan gazelle (*Procapra picticaudata*)
38. Tibetan wild ass (*Equus hemionus kiang*)
39. Tiger (*Panthera tigris*)
40. Urial or Shapu (*Ovis vignei*)

1. Entry 13 of Schedule III transferred as entry 24A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

2. Entry 3 from Part II of Schedule II as entry 25A by notification No. S.O. 859(E), dated 24-11-1986.

3. Entry 25A renumbered as Entry 25B by notification No. S.O. 859(E), dated 24-11-1986.

4. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.

5. Entry 18 of Part I of Schedule II transferred as entry 31A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

6. Entry 4 of Part II of Schedule II transferred as entry 31B by notification No. S.O. 859(E), dated 24-11-1986.

7. Entry 17 of Schedule III transferred as entry 31B by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

8. Entry 31B renumbered as entry 31C by notification No. S.O. 859(E), dated 24-11-1986.

9. ??

10. Ins. by Notification No. S.O. 859(E), dated 24-11-1986.

11. Entry 20 of Part I of Schedule II transferred as entry 36A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

12. Entry 9 of Schedule IV transferred as entry 36B by Notification No. S.O. 859(E), dated 24-11-1986.

41. Wild buffalo (*Bubalus bubalis*)
¹[41-A. Wild yak (*Bos grunniens*)]
²[41-B. Tibetan wolf (*Canis lupus chanco*)]
³[42. Wroughton's free tailed bat (*Otomops wroughtoni*)
 43. Salim Ali's fruit bat (*Latidens salimalii*)
⁴[44. Hog Deer (*Axis porcinus*)]

PART II : AMPHIBIANS AND REPTILES

- ⁵[1. Agra Monitor Lizard [*Varanus griseus* (Daudin)]]
⁶[1-A. ~~7*****~~]
⁸[1-B. Audithia turtle (*Pelochelys bibroni*)]
⁹¹⁰[1-C]. Barred, oval or Yellow Monitor Lizard (*Varanus flavescens*)
¹¹[1-D]. Crocodiles (Including the estuarine or saltwater crocodile)(*Crocodilus porosus and Crocodilus palustris*)
¹²[1-E. Batagur Terrapin (*Batagur baska*)
 1-F. Eastern hill terrapin (*Melanochelys triearinata*)
 2. Gharial (*Gavialis gangeticus*)
¹³[3. Ganges soft-shellod turtle (*Trionyx gangeticus*)
¹⁴[3-A. Golden gecko (*Caloductyloides aureus*)
 4. Green Sea turtle (*Chelonia mydas*)
 5. Hawksbill Turtle (*Eratmochelys imbricata imbricata*)
¹⁵[6. * * * * *]
 7. Indian egg eating snake (*Elachistodon westermanni*)
 8. Indian soft-shelled turtle (*Lissemys punctata*)
 9. Indian tent turtle (*Kachuga tecta tecta*)
¹⁶[9A. Kerala Forest Terrapin (*Hoesemys sylvatica*)
 10. Large Bengal Monitor Lizard (*Varanus bengalensis*)
 11. Leathery turtle (*Dermochelys coriacea*)

1. Entry 23 of Part I of Schedule II transferred as entry 41A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

2. Entry 6of Part II of Schedule II transferred as entry 41B by notification No. S.O. 859(E), dated 24-11-1986.

3. Ins. by notification No. S.O. 1085(E), dated 30-9-2002.

4. Ins. by notification No. S.O. 3653(E), dated 6-12-2013.

5. Entry 1 of Part I of Schedule II transferred as entry 1 by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

6. Entry 1A ins by notification No. notification No. J11012/31/76-FRY(WL) dated 29-08-1977.

7.

8. Entry 1B ins. by notification No. S.O. 859(E), dated 24-11-1986.

9. Ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.

10. Entry IB renumbered as entry IC by Notification No. S.O. 859(E), dated (24-11-1986).

11. Entry IC renumbered as entry 1D by Notification No. S.O. 859(E), dated (24-11-1986).

12. Entries 1E and 1F ins. by notification No. S.O. 859(E), dated (24-11-1986).

13. Entries 3 to 17 Ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.

14. Entry 3A ins. by notification No. S.O. 859(E), dated 24-11-1986.

15. Vide Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Section 3(i), dated 24th November, 1986. Transferred to Part I of Schedule II as entry 11A by notification No. 859(E), dated 24-11-1986.

16. Entry 9A ins. by notification No. S.O. 859(E), dated (24-11-1986).

- 12. Loggerhead turtle (*Caretta caretta*)
- 13. Oliveback loggerhead turtle (*Lepidochelys olivacea*)
- 14. Peacock-marked soft-shelled turtle (*Trionyx hurum*)
- ¹[14-A. Pythons (*Genus python*)]
- ²[14B. Sail terrapin (*Kachuga kachuga*)]
- 14C. Spotted black terrapin (*Geoclemys hamiltoni*)]
- ³[15. *****]
- [16. ***]
- 17. ***]
- ⁴[17-A. Water Lizard (*Varanus salvator*.)]

⁵[PART IIA
Fishes

1. Whate shark (*Rhincodon typus*)]

⁶[⁷2. Shark and Ray

- (i) Anoxypristis cuspidate
- (ii) Carcharhinus hemiodon
- (iii) Glyphis gangeticus
- (iv) Glyphis glyphis
- (v) Himantura fluviatilis
- (vi) Pristis microdon
- (vii) Pristis zijsron
- (viii) Rhybchobatus djiddensis
- (ix) Urogymnus asperrimus]

3. Sea Horse (All sygnathidians).

4. Giant Grouper (*Ephinephelus lanceolatus*)]

PART III: BIRDS

⁸[1. Andaman Teal (*Anas gibberifrons allogularis*)

1-A. Assam bamboo partridge (*Bambusicola fytchii*)]

⁹[1-B. Bazas (*Aviceda jerdoni and Aviceda leuphotes*)]

1. Entry 17 of Part I of Schedule II transferred as entry 14A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.
 2. Entries 14B and 14C ins. by notification No. S.O. 859(E), dated (24-11-1986).
 3. Vide Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Section 3(i), dated 24th November, 1986.
 4. Entry 21 in Part I of Schedule II transferred as entry 17A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.
 5. Added by notification No. S.O. 474(E), dated 28-5-2001.
 6. Ins. by S.O. 665(E) dated 11-07-2001.
 7. Subs by notification No. S.O. 1197(E), dated 5-12-2001, for serial number 2 and the entry relating thereto.
 8. Entries 1 and 1A ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.
 9. Entry 1 renumbered as entry 1B by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.

- ¹[1-C. Bengal florican (*Eupodotis bengalensis*)]
 1-D. Black-necked crane (*Grus nigriocollis*)
 1-E. Blood pheasants (*Ithaginis cruentus tibetanus, I.c. kuseri*)
²[1-F. ***]
 2. Cheer pheasant (*Catreus wallichi*)
³[2-A. Eastern white stock (*Ciconia ciconia boyciana*)??]
 2-B. Forest spotted owlet (*Athene blewitti*)
⁴[2-C. Frogmouths (*Genus batrachostomus*)
 3. Great Indian bustard (*Choriotis nigriceps*)
 4. Great Indian hornbill (*Buceros bicornis*)
⁵[4-A. Hawks (*fam. Accipitridae*)??]
⁶[4-B. Hooded crane (*Grus monacha*)]
 [4-C. Hornbills (*Ptiloaeus tickelli austeni, Aceros nipalensis, Rhyticeros undulatus ticehursti*)]
 [4-D. Houbara bustard (*Chlamydotis undulata*)]
 [4-E. Hume's bar-backed pheasant (*Syrmaticus humiae*)]
 [4-F. Indian pied hornbill (*Anthracoceros malabaricus*)]
 5. Jerdon's courser (*Cursorius bitorquatus*)
 6. Lammergeier (*Gypaetus barbatus*)
 7. Large falcons (*Falco peregrinus, Falco biarmicus and Falco chicquera*)
⁷[7-A. Large Whistling teal (*Dendrocygna bicolor*)]
⁸[7-B. Lesser florican (*Sypheotides indica*)]
⁹[7-C. Monal Pheasants (*Lophophorus impejanus, L. sclateri*)]
 8. Mountain quail (*Ophrysia superciliosa*)
 9. Narcondom hornbill (*Rhyticeros (undulatus) marcondami*)
¹⁰[9-A. ***]
 10. Nicobar megapode (*Megapodins freycinet*)
¹¹[10-A. Nicobar pigeon (*Caloenas nicobarica pelewensis*)
¹²[10-B. Osprey or Fish eating eagle (*Pandion haliaetus*)]
¹³[10-C. Peacock pheasant (*Polyplectron bicalcaratum*)]

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1. Entries 1C to 1F inserted by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.
 2. Vide Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Section 3(i), dated 24th November, 1986.
 3. Entries 2A and 2B ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.
 4. Entry 2C Ins. by notification No. S.O. 859(E), dated 24-11-1986.
 5.
 6. Entries 4A to 4E ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.
 7. Entries 7A and 7B ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.
 8. Entry 7B ins. by Notification No. S.O. 859(E), dated 24-11-1986.
 9. Entry 7B renumbered as entry 7C Ins. by Notification No. S.O. 859(E), dated 24-11-1986.
 10. Vide Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Section 3(i), dated 24th November, 1986.
 11. Entries 10A and 10B ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.
 12.
 13.

11. Peafowl (*Pavo cristatus*)
12. Pink-headed duck (*Rhodonessa caryophyllacea*)
13. Scaterer's Monal (*Lophophorus solateri*).
14. Siberian white crane (*Grus leucogeranus*)
- ¹[14-A.^{2****}]
- 14B. Tibetan Snow-cock (*Tetraogallus tibetanus*)]
15. Tragopan Pheasants (*Tragopan melanocephalus*, *Tragopan blythii*, *Tragopan satyra*, *Tragopan temmincki*)
16. White-bellied sea eagle (*Haliaeetus leucogaster*)
17. White-eared pheasant (*Crossoptilon crossoptilon*)
- ³[17-A. White spoonbill (*Platalea leucorodia*)]
18. White-winged wood duck (*Cairina scutalata*)
- ⁴[19. Swiftlets (*Collocaliaunicolor* and ^{5***})
20. Hill myna (*Gracula religiosa intermedia*, *Gracula religiosa peninsularis*, *Gracula religiosa indica* and *Gracula religiosa andamanensis*)
21. Tibetan ear pheasant (*Crossoptilon harmani*)
22. Kalij pheasant (*Lophura leucomelana*)
23. Lord Derby's parakeet (*Psittacula derbyana*)
24. Vultures (*Gyps indicus*, *Gyps bengalensis*, *Gyps tenuirostris*)
25. White bellied heron (*Ardea insignis*)

⁶[PART IV : CRUSTACEA AND INSECTS]

⁷[1. Butterflies and Moths

Family Amathusidae	Common English name
<i>Discophora deo deo</i>	Duffer, banded
<i>Discophora sondaica muscina</i>	Duffer, common
<i>Faunis faunula faunuloides</i>	Pallid fauna
Family Danaidae	
<i>Danaus gautama gautamoides</i>	Tigers
<i>Euploea crameri nicevillei</i>	Crow, spotted Black
<i>Euploea midamus roepstorfti</i>	Crow, Blue-spotted

1. Entries 14A and 14B ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.

2. Vide Notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Section 3(i), dated 24th November, 1986.

3. Entry 17A ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.

4. Ins. by notification No. S.O. 1085(E), dated 30-9-2002.

5. The word "*Collocalia fusiphaga*" in entry 19 omitted by S.O. 3653 (E), dated 6-12-2013.

6. Part IV ins. by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.

7. Entry 1 subs. by notification No. S.O. 859(E), dated 24th November, 1986, published in the Gazette of India, Extra., Pt. II, Section 3(i), dated 24th November, 1986.

Family Lycaenidae	
<i>Allotinus drumila</i>	Darkie, crenulate/Great
<i>Allotinus fabius penormis</i>	Angled darkie
<i>Amblopala avidiena</i>	Hairstreak, Chinese
<i>Amblypodia ace arata</i>	Leaf Blue
<i>Amblypodia alea constanceae</i>	Rosy Oakblue
<i>Amblypodia ammonariel</i>	Malayan Bush blue
<i>Amblypodia arvina ardea</i>	Purple Brown tailless Oakblue
<i>Amblypodia asopia</i>	Plain tailless Oakblue
<i>Amblypodia comica</i>	Comic Oakblue
<i>Amblypodia opalima</i>	Opal Oakblue
<i>Amblypodia zeta</i>	Andaman tailless Oakblue
<i>Biduanda melisa cyara</i>	Blue posy
<i>Callophrys leechii</i>	Hairstreak, Ferruginous
<i>Catalius rosimon alarbus</i>	Pierrot, common
<i>Charana cepheis</i>	Mandar in Blue, Cachar
<i>Chiloria othona</i>	Tit, orchid
<i>Deudoryx epijarbas amatius</i>	Cornelian, scarce
<i>Everes moorei</i>	Cupid, Moore's
<i>Gerydus biggsii</i>	Bigg's Brownie
<i>Gerydus symethus diopeithes</i>	Great Brownie
<i>Heliphorus hybrida</i>	Sapphires
<i>Horaga albimacual</i>	Onyxes
<i>Jamides ferrari</i>	Caeruleans
<i>Liphyra brassolis</i>	Butterfly, Moth
<i>Listeria dudgeni</i>	Lister's hairstreak
<i>Logania Watsoniana subfasciata</i>	Mottle, Watsen's
<i>Lycaenopsis binghami</i>	Hedge Blue
<i>Lycaenopsis haraldus ananga</i>	Hedge Blue, Felder's
<i>Lycaenopsis puspa prominens</i>	Common hedge Blue
<i>Lycaenopsis quadriplaga dohertyi</i>	Naga hedge Blue
<i>Nacaduba noriea hampsoni</i>	Lineblue, White-tipped
<i>Polymmatius oritulus leela</i>	Greenish mountain Blue
<i>Pratapa icetas mishmia</i>	Royal, dark Blue

<i>Simiskina phalena harterti</i>	Brilliant, Broadlanded
<i>Sinthusia Virgo</i>	Spark, Pale
<i>Spindasis elwesi</i>	Silverline, Elwes's
<i>Spindasis rukmini</i>	Silverline, Khaki
<i>Strymoni mackwoodi</i>	Hairstreak, Mackwood's
<i>Tajuria ister</i>	Royal, uncertain
<i>Tajuria luculentus nela</i>	Royal, Chinese
<i>Tajuria yajna yajna</i>	Royal, Chestnut and Black
<i>Thecla ataxus zulla</i>	Wonderful hairstreak
<i>Thecla bleti mendera</i>	Indian Purple hairstreak
<i>Thecla lethia</i>	Watson's hairstreak
<i>Thecla paona</i>	Paona hairstreak
<i>Thecla pavo</i>	Peacock hairstreak
<i>Virachola smilis</i>	Guava Blues
Family Nymphalidae	
<i>Apatura ulupi ulupi</i>	Emperor, Tawny
<i>Argynnis hegemonia</i>	Silver-washed fritillary
<i>Callinaga buddha</i>	Freak
<i>Chorax durnfordi nicholi</i>	Rajah, chestnut
<i>Cirrochora fasciata</i>	Yeomen
<i>Diagora nicevillei</i>	Siren, Scarce
<i>Dillipha morgina</i>	Emperor, Golden
<i>Doleschallia bisaltide andamana</i>	Autuman leat
<i>Eriboea moori sandakanas</i>	Malyan Nawab
<i>Eriboea schreiberi</i>	Blue Nawab
<i>Eulaceura manipurensis</i>	Emperor, Tytler's
<i>Euthalia durga splendens</i>	Barons/Connis/Duchesses
<i>Euthalia iva</i>	Duke, Grand
<i>Euthalia Khama Curvifascia</i>	Duke, Naga
<i>Euthalia tellehinia</i>	Baron, Blue
<i>Helcyra hemina</i>	Emperor, White
<i>Hypolimnas missipus</i>	Eggfly, Danaid
<i>Limenitis austenia purpurascens</i>	Commodore, Grey
<i>Limenitis zulema</i>	Admirals

<i>Melitaea shandura</i>	Fritillaries/Silverstripes
<i>Neptis antilope</i>	Sailer, variegated
<i>Neptis aspasia</i>	Sailer, Great Hockeystick
<i>Neptis columella kankena</i>	Sailer, Short-banded
<i>Neptis cydippe kirbariensis</i>	Sailer, Chinese yellow
<i>Neptis ebusa</i>	Sailer/ Lascar
<i>Neptis jumbah binghami</i>	Sailer, chestnut-streaked
<i>Neptis manasa</i>	Sailer, Pale Hockeystick
<i>Neptis nycteus</i>	Sailer, Hockeystick
<i>Neptis poona</i>	Lascar, tytler's
<i>Neptis sankara</i>	Sailer, Board-banded
<i>Panthoporia jina jina</i>	Bhutan sergeant
<i>Panthorpria reta moorei</i>	Malay staff sergeant
<i>Prothoc franckii regalis</i>	Begum, Blue
<i>Sasakia funebris</i>	Empress
<i>Seophisa chandra</i>	Courtier, Eastern
<i>Symbrenthia silana</i>	Jester, Scarce
<i>Vanessa antipoa yedunula</i>	Admirable
Family Papilionidae	
<i>Chilasa clytea clytea f. commixtus</i>	Common mime
<i>Papilio elephenor</i>	Spangle, yellow-crested
<i>Papilio liomedon</i>	Swallowtail, Malabar Banded
<i>Parnassius aeco geminifer</i>	Apollo
<i>Parnassius delphius</i>	Banded apollo
<i>Parnassius hannyingtoni</i>	Hannyington's apollo
<i>Parnassius imperator augustus</i>	Imperial apollo
<i>Parnassium stoliezkanus</i>	Ladakh Banded Apollo
<i>Polydorus coon sambilanga</i>	Common clubtail
<i>Polydorus cerassipes</i>	Black windmill
<i>Polydorus hector</i>	Crimson rose
<i>Polydorus nevillei</i>	Nevill's windmill
<i>Polydorus plutonius pembertoni</i>	Chinese windmill
<i>Polydorus polla</i>	Denicevile's windmill.

Family Pieridae	
<i>Aporia harrietae harrietae</i>	Black veins
<i>Baltia butleri sikkima</i>	White butterfly
<i>Colias colians thrasibulus</i>	Clouded yellows
<i>Colias dubi</i>	Dwarf clouded yellow
<i>Delias samaca</i>	Jexebel, pale
<i>Pieris krueperi devta</i>	Butterfly cabbage/White II
Family Satyriidae	
<i>Coelitis monthis adamsoni</i>	Cat's eye, Scarce
<i>Cyllogenes janetae</i>	Evening Brown, Scarce
<i>Elymnias peali</i>	Palmfly, Peal's
<i>Elymnias penanga philasis</i>	Palmfly, Painted
<i>Erebia annada annada</i>	Argus, ringed
<i>Erebia nara singha nara singha</i>	Argus, Mottled
<i>Lethe, distans</i>	Forester, Scarce Red
<i>Lethe dura gammiee</i>	Lilacfork, Scarce
<i>Lethe europa tamuna</i>	Bamboo tree brown
<i>Lethe gemina gafuri</i>	Taylor's tree brown
<i>Lethe guluihal guluihal</i>	Forester, Dull
<i>Lethe margaritae</i>	Tree brown, Bhutan
<i>Lethe ocellata lyncus</i>	Mystic, dismal
<i>Lethe ramadeva</i>	Silverstripe, Single
<i>Lethe satyabati</i>	Forester, pallid
<i>Mycalesis orseis nautilus</i>	Bushbrown, Purple
<i>Pararge menava maerodies</i>	Wall dark
<i>Yathima doherlyi persimisis</i>	Five ring, Great]

[1-A.Coconut or Robber Carb (*Bigrus latro*)]

¹[2.Dragon Fly (*Epioplebia laidlawi*)]

²[PART IVA

Coelenterates

1. Reef Building coral (All Scleractinians).

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1. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.
2. Part IV A, Part IV B and Part IV C ins. by notification No. S.O. 665(E), dated 11-7-2001.

2. Black coral (All Antipatharians).
3. Organ Pipe Coral (*Tubipora musica*).
4. Fire Coral (All *Millipora* Species).
5. Sea Fan (All Gorgonians).

¹[PART IVB

Mollusca

1. *Cassis cornuta*
2. *Charonia tritonis*
3. *Conus milneedwardsi*
4. *Cypraecassis rufa*
5. *Hippopus hippopus*
6. *Nautilus pompilicis*
7. *Tridacna maxima*
8. *Tridacna squamosa*
9. *Tudicla spirillus*.]

PART IV-C

Echinodermata

- Sea Cucumber (All *Holothurians*).]

1. Part IV B and the entries relating thereto subs. by notification No. S.O. 1197(E), dated 5-12-2001.

SCHEDULE II

[See sections. 2, 8, 9,¹***, 11, 40, 41, 43, 48, 51, 61, and 62]

²[***]

PART I

- ³[1. ***]
- ⁴[1-A. Assamese macaque (*Macaca assamensis*)]
- [2. **Bengal Porcupine (*Atherurus mecrourus assamensis*)**]
- ⁵[3. ***]
- ⁶[3-A. **Bonnet macaque (*Macaca radiata*)**]
- ⁷[3-B. ***]
- ⁸[3-C. Cetaceanspecies (other than those listed in Sch. I and Sch.II, Part II)]
- ⁹[4. *****]
- ¹⁰[4-A. **Common langur (*Presbytis entellus*)**]
- ¹¹[5. ***]
- ¹²[6. *****]
7. Ferret badgers (*Melogale moschata*,*Melogale personata*)
- ¹³[8. *****]
- ¹⁴[9. *****]
- ¹⁵[10. *****]
11. Himalayan Crestless porcupine(*Hystrix hodgsoni*)
- ¹⁶[11-A. Himalayan newtor salamander (*Tyletotriton verrucosus*)]
- ¹⁷[12. ****]
- ¹⁸[13. *****]
- ¹⁹[14. *****]

1. The figures "10" omitted by Act 44 of 1991, s. 49 (w.e.f. 2-10-1991).

2. The words "SPECIAL GAME" omitted by s. 49, *ibid.* (w.e.f. 2-10-1991).

3. Entry 1 transferred to Part II of Schedule I by by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

4. Entry 1A ins. by Notification No. FJ 11012/13/76 FRY(WL), dated 29th August, 1977.

5. Entry 3 transferred to Part I of Schedule I as entry 8E by notification No. 859(E), dated 24-11-1986.

6. Entry 3A ins. by Notification No. FJ 11012/13/76 FRY(WL), dated 29th August, 1977.

7. Entry 8 of Schedule III transferred as entry 3B by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

8. Entry 3C Ins. by notification No. 859(E), dated 24-11-1986.

9. Entry 4 of Part I of Schedule II transferred as entry 3A by notification No. J11012/31/76-FRY(WL) dated 5-10-1977

10. Entry 4A Ins. by Notification No. FJ 11012/13/76 FRY(WL), dated 29th August, 1977

11. **Vide Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3i), p. 431, dated 2nd October, 1980.**

12.

13.

14.

15.

16. Entry 6 of Part II of Schedule I as entry 11A by notification No. S.O. 859(E), dated 24-11-1986.

17.

18.

19.

- ¹[15. *****]
 16. Pig-tailed macaque(*Macaca nemestrina*)
²[17. *****]
³[17-A. Rhesus macaque(*Macaca mulatta*)
⁴[18. *****]
 19. Stump-tailed macaque (*Macaca speciosa*)
⁵[20. *****]
 21. ***
 22. Wild dog or dhole (*Cuon alpinus*)
⁶[23. *****]
⁷[24. Chameleon (*Chameleon calcaratus*)]
 25. Spiny-tailed lizard or sanda (*Uromastix hardwickii*)

PART II

- ⁸[1. Beetles

Family Carabidae	
Agonotrechus andrewesi	Callistominus belli
Amara brucei	Chlaenius championi
Amara eleganfula	Chlaenius kanarae
Brachinus atripennis	Chlaenius masoni
Brososoma gracile	Chlaenius nilgircus
Brosous bipillifer	Family Chrysomelidae
Broter ovicollis	Acrocrypta rotundata
Calatlius amaroides	Bimala indica
Clitea indica	Family Erycinidae
Gopala pita	Abisara kausambi
Griva cyanipennis	Dodona adonira
Nisotra cardoni	Dodona dipoea
Nisotra madurensis	Dodona egeon
Nisotra nigripennis	Libythea lepita

-
1.
 2.
 3. Ins. by Vide notification No. FJ 11012/31/76 FRY(WL), dated 29th August, 1977.
 4.
 5.
 6.
 7.
 8. 119. Vide Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3i), p. 431, dated 2nd October, 1980.

Nisotra semicoerulea	
Nisotra striatipennis	Family HesperIIDae
Nonarthra patkaia	Baoris phidippina
Psylliodes plana	Bebasa sena
Psylliodes shira	Halpe homolea
Sebaethe cervina	
Sebaethe patkaia	Family Lycaenidae
Sphaeroderma brevicorne	Ailotinus subviolaceus manychus
	Amblypodia aberrans
Family Cucujidae	Amblypodia aenea
Carinophlocus raffrayi	Amblypodia agaba aurelia
Cucujus bicolor	Amblypodia agrata
Cucujus grouvelle	Amblypodia alesia
Cucujus imperialis	Amblypodia apidanus ahamus
Heterojinus semilaetaneus	Amblypodia areste areste
Laemophloeus belli	Amblypodia bazaloides
Laemophloeus incertus	Amblypodia camdeo
Pediacus rufipes	Amblypodia ellisi
	Amblypodia fulla ignara
Family Inopeplidae	Amblypodia genesa watsoni
Inopeplus albonn Bus	Amblypodia paraganesa zephyreeta
	Amblypodia paralea
Family Amathusidae	Amblypodia silhetensis
Aemona amathusia amathusia	Amblypodia suffusa suffusa
Amathusia phildippus andamanicus	Amblypodia yendava
Amathusia amythaonam	Apharitis lilacinus
Discophora deo deodoides	Araotes lapithis
Discophora lepida lepida	Artipe eryx
Discophora timora andamanehsi	Bindahara phocides
Enispe cycnus	Bothrinia chennellial
Faurds sumeus assama	Castalius roxus manluena
Sticopthalma nourmahal	Catapoecilma delicatum
Thauria aliris amplifascia	Catapoecilma elegans myositina

	Charana jalindra
Family Danaidae	Cheritrella truncipennis
Euploea melanaleuca	Chliaria kina
Euploea midamus rogenhofer	
Deudoryx hypargyria gaetulia	Pratapa blanka
Enchrysops onejus	Pratapa deva
Everes kalaroi	Pratapa icetas
Helipphorus androcles moorei	Rapala buxaria
Horage onyx	Rapala chandrana chandrana
Horage viola	Rapala nasaka
Hypolycaena nilgirica	Rapala refalgens
Hypolycaena thecloides nicobarica	Rapala rubida
Iraota rochana boswelliana	Rapala scintilla
Jamides alectokandulana	Rapala ophinx ophinx
Jamides celeodus pura	Rapala varuna
Jamides kankena	Spindasis elima elima
Lampides boeticus	Spindasis lohita
Lilacea albocaerulea	Spindasis nipalicus .
Lilacea atroguttata	Suasa lisides
Lilacea lilacea	Surendra todara
Lilacea melaena	Tajuria albiplaga
Lilacea minima	Tajuria cippus cippus
Logania massalia	Tajuria culta
Lycaenesthes lycaenina	Tajuria diaeus
Mahathala ameria	Tajuria illurgoodes
Mahathala atkinsoni	Tajuria illurgis
Magisba malaya presbyter	Tajuria jangala andamamca
Nacaduba aluta coelestis	Tajuria melastigma
Nacaduba ancyra aberrans	Tajuria sebonga
Nacaduba dubiosa fulva	Tajuria thydia
Nacaduba helicon	Tajuria yajna istroides
Nacaduba hermus majoi	Tarucus callinara
Nacaduba pactolus	Tarucus dharta

Neucheritra febronia	Thaduka malticaudata malkarnda
Niphanda cymbia	Thecla ataxus ataxus
Orthomiella pontis	Thecla bitel
Pithecopus fulgens	Thecla icana
Polyminatus devanica devanica	Thecla jakamensis
Polymmatus metallica metallica	Thecla kabrea - ..
Polymmatus orbitulus jaloka	Thecla khasia
Polymmatus yeonghusbandi	Thecla kirbariensis
Poritia erycinoides elsiei	Thecla suroia
Poritia hewitsoni	Thecla syla assamica
Poritia plusrata geta	Thecla vittata
Pratapa bhotas	
Thecla zoa	Euthalia merta eriphyle
Thecla usta	Euthalia nara nara
Una usta	Euthalia patala taocana
Yasoda tripunctata	Euthalia teuta
	Herona marathus andamana
Family Nymphalidae	Hypolimnas missipus
Adolias cyanipardus	Hypolimnas polynice birmana
Adolias dirtea	Kallima albofasciata
Adolias khasiana	Kallima alompra
Apatura chevana	Kallima philarchus horsfieldii
Apatura parvata	Limenitis austenia austenia
Apatura sordida	Limenitis damava
Apatura ulupi florenciae	Limenitis dudu
Argyrmis adippe pallida	Melitaea robertsi lutko
Argynnis altissima	Neptis anjana nashona
Argynnis clara clara	Neptis aurelia
Argynnis pales horla	Neptis magadh khasiana
Atella Iscippe	Neptis nandina hamsoni
Calinaga buddha brahaman	Neptis narayana
Charaxes aristogiton	Neptis radha radha
Charaxes fabius sulphureus	Neptis soma

Charaxes nabruba	Neptis zaida
Cliaraxes marmax	Neurosigma doublodayi doubledayi
Charaxes polyxena herman	Pantoporia asura asura
Chersonesia rahria arahrioides	Pantoporia kanwa phorkys
Cyrestis cocles	Pantoporia larymna siamensis
Diagora persimilis	Pantoporia pravara a cutipennis
Doleschallia bisaltide malabarica	Pantoporia ranga
Eriboea athames andamanicus	Parthenos sylvia
Eriboea delphis	Penthema lisarda
Eriboea dolon	Symbrenthia niphanda
Eriboea harcoea lissainei	Vanesa egea agnicula
Euripus consimilis	Vanesa lalbum
Euripus halitherses	Vanesa polychloros fervida
Euthalia anosia	Vanesa prarsoides dohertyi
Euthalia cocytus	Vanesa urticae rizama
Euthalia duda	
Euthalia durga durga	Family Papilionidae
Euthalia evalina landabilis	Bhutanitis liderdalii
Euthalia francae	Chilasa epycides epycides
Euthalia garuda acontius	Chilasa paradoxa telearchus
Euthalia lepidea	
Chilasa slateri slateri	Family Satyridae
Graphium aristeus anticrates	Aulocera brahminus
Graphium arcyies arcyces	Cyllogenes suradeva
Graphium Graphium macronius	Elymnias melilas milamba
Graphium evemon aibociliates	Elymnias vasudeva
Graphium gyas gyas	Erebia annada suroia
Graphium megarus megaras	Erebia hydriva
Papilio bootes	Erebia kalinda kalinda
Papilio buddha	Erebia manii manii
Papilio fuscus andamanicus	Erebia seanda opima
Papilio machaon verityi	Erites falcipennis
Papilio mayo	Hipparchis heydenreichi shandura

Parnassius charltonius charltonius	Lethe atkinsoni
Parnassius epaphus hillensis	Lethe baladeva
Parnassius jacquemonti jacquemonti	Lethe brisanda
Polydorus latreillei kabrua	Lethe goalpara goalpara
Polydorus plutonius tytleri	Lethe insana insana
Teinopalpus imperialis imperialis	Lethe jalaurida
	Lethe kaubra
Family Pieridae	Lethe Iatiaris latiaris
Aporia nabellica	Lethe moelleri moelleri
Appias albina darada	Lethe naga naga
Appias indra shiva	Lethe nicetella
Appias lyncida latifasciata	Lethe pulaha
Appias wardi	Lethe scanda
Baltia butleri butleri	Lethe serbonis
Cepora nadian remba	Lethe siderca
Cepora nerissa dapha	Lethe sinorix
Colias eocandica hinducucica	Lethe tristigmata
Colias eogene	Lethe violaceudicta kanjupkula
Colias ladakensis	Lethe visrava
Colias stoliczkana miranda	Lethe yama
Delias lativitta	Maniola davendra davendra
Dercas lycorias	Melanitis zitanius
Euchloe charlonia Iucilla	Mycalesis adamsoni
Eurema andersoni ormistoni	Mycalesis anaxias
Metaporia agathon	Mycalesis botama chamka
Pieris deota	Mycalesis heri
Pontia chloridice alipina	Mycalesis lepcha bethami
Saletara panda Chrysaea	Mycalesia maisarida
Valeria avatar avatar	
Mycalesis misenus	Pararge macrula maefula
Mycalesis mestra	Ragadia crislda crito

Mycalesis mystes	Rhpicera sitricus kabrua
Mycalesis suavolens	Ypthima bolanica
Neorina hilda	Ypthima lycus lycus
Neorina patria westwoodii	Ypthima mathora mathora
Oeneis buddha gurhwalica	Ypthima similis affectata
Parantirrhoea marshali	Zipotis saitis]

¹[1-A. Civets (*all species of Viverridae except Malabar civet*)]

²[1-B. Common fox (*Vulpesibeugalensis*)]

³[1-C. Flying squirrels (*all species of the genera Bulopetes, Petaurista, Pelomys and Eupetaurus*)]

⁴[1-D. Giant squirrels (*Ratufa indica, and R. bicolor*)]

⁵[2. *****]

⁶[2-A. Himalayan black bear (*Selenarctos thibetanus*)]

⁷[2-B. Jackal (*Canis aureus*)]

⁸[2-C. Jungle cat (*Felis chaus*)]

⁹[2-D. Marmots (*Marmota bobak himalayana, M. caudata*)]

¹⁰[2-E. Martens (*Martes foria intermedia, Martes flovigule, Martes gwatkinsii*)]

¹¹[(3.*****)]

4. Otters (*Luthroa, L. perspicillate*)

¹²[4-A. Pole cats (*Vormela peregusna, Mustila potutius*)]

¹³[4-B. Red fox (*Vulpes vulpes, vulpes Montana, vulpes griffithi, vulpes pusilla*)]

¹⁴***

¹⁵[5A. Sperm whale (*Physeter macrocephalus*).]

¹⁶[6. ***]

¹⁷[7. Weasels (*Mustela Sibirica, Mustela Kathian, Mustela Altaica*)]

¹⁸[8. Checkered keelback (*Xenochrophis piscator*)]

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1. Entry 1 from Schedule IV as entry 1A by notification No. 859(E), dated 24-11-1986.
 2. Entry 1A from Schedule IV as entry 1B by notification No. 859(E), dated 24-11-1986.
 3. Entry 8C Part I of Schedule I as entry IC by notification No. 859(E), dated 24-11-1986.
 4. Entry 1A renumbered as entry 1D by notification No. S. O. 859 (E) dated 24-11-1986.
 5. Entry 2 transferred to Part I of Schedule I as entry 3A by notification No. 859(E), dated 24-11-1986.
 6. Vide Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3i), p. 431, dated 2nd October, 1980.
 7. Entry 4B from Schedule IV transferred as entry 2B by notification No. S. O. 859 (E) dated 24-11-1986.
 8. Entry 4D from Schedule IV transferred as entry 2C by notification No. S. O. 859 (E) dated 24-11-1986.
 9. Entry 5 from Schedule IV transferred as entry 2D by notification No. S. O. 859 (E) dated 24-11-1986.
 10. Entry 6 from Schedule IV transferred as entry 2E by notification No. S. O. 859 (E) dated 24-11-1986.
 11. Entry 3 transferred to Part I of Schedule II as entry 25A by notification No. S. O. 859 (E) dated 24-11-1986.
 12. Entry 7A from Schedule IV transferred as entry 4A by notification No. S. O. 859 (E) dated 24-11-1986.
 13. Entry 8 and 8A from Schedule IV as entry 4B transferred by notification No. S. O. 859 (E) dated 24-11-1986.
 14. Entry 5 omitted by Notification No. S.O. 3653(E), dated 6-12-2013.
 15. Ins. by notification No. S. O. 859 (E) dated 24-11-1986.
 - 16.
 17. Entry 10 from Schedule IV transferred as entry 7 by notification No. S. O. 859 (E) dated 24-11-1986.
 18. Ins. by notification No. S. O. 859 (E) dated 24-11-1986.

9. Dhaman or rat snak (*Plyas muscosus*)
10. Dog-faced water snake (*Carbrus rhynchops*)
11. Indian cobras (all sub-species belonging to genus *Naja*)
12. King cobra (*Ophiophagus hannah*)
13. Oliveaceous keel back (*Artaetium schistosum*)
14. Russel's viper (*Vipera ruselli*)
15. Varanus species (excluding yellow monitor lizard)]
- ¹[16. Mongooses (All species of genus *Herpestes*):
17. Grey jungle fowl (*Gallus sonnerati*)]

1. Ins. by Notification No. S. O. 1085 (E) dated 30-9-2002.

SCHEDULE III

[See secs. 2, 8,^{1***} 9, 11, and 61]^{2***}³[1.***]2. Barking deer or muntjac (*Muntiacus muntjak*)⁴[3.Bharal (*Ovis nahura*)]⁵[4.***]5. Chital (*Axix axis*)⁶[6.***]7. Gorals (*Nemorheadus goral*, *Nemorhaedus hodgsoni*)⁷[8.***]⁸[9.***]⁹[10.***]^{10***}12. Hyanena (*Hyaena hyaena*)¹¹[13.***]14. Nilgai (*Boselaphus tragocamelus*)¹²[15.***]16. Sambar (*Cervus unicolor*)¹³[17.***]¹⁴[18.***]19. Wild pig (*Sus scrofa*)¹⁵[20. Sponges (All Calcareans).]

1. The figures "10" omitted by 44 of 1991, s. 50 (w.e.f. 2-10-1991).

2. The words "BIG GAME" omitted by s. 50, *ibid.* (w.e.f. 2-10-1991).

3. Entry 1 from Schedule III transferred as entry 1 of Part I of Schedule I by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

4. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.

5. Entry 4 of Schedule III transferred as entry 5B of Part I of Schedule I by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

6. Entry 6 of Schedule III transferred as entry 8A of Part I of Schedule I by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

7. Entry 8 of Schedule III transferred as entry 3B of Part I of Schedule II by notification No. J11012/31/76-FRY(WL) dated 5-10-1977. See entry 2A of Part II of Schedule II Vide Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.

8. Vide Notification NO. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.

9. Entry 10 of Schedule III transferred as entry 10A of Part I of Schedule I by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

10. Entry 11 omitted by Notification No. S.O. 3653(E), dated 6-12-2013.

11. Entry 13 by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

12. Entry 15 by notification No. J11012/31/76-FRY(WL) dated 5-10-1977.

13.

14.

15. Entry 20 ins. by notification No. S.O. 665(E), dated 11-7-2001

SCHEDULE IV

[See secs. 2, 8, 9, 11 and 61]

¹***²[1. ***]³[1-A. ***]⁴[2. ***]⁵[3. ***]⁶[3-A Five-striped palm squirrel (*Fouambulus pennanti*)]

4. Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)

⁷[4-A. Hedge hog (*Hemiechinus auritus*)]⁸[4-B. ***]⁴[4-C. ***]⁹[4-D. ***]⁵[4-E. Indian porcupine (*Hystrix indica*)]¹⁰[5. ***]¹¹[6. ***]¹²***⁷[6-B. ***]⁷[7. ***]¹³[7-A. ***]⁷[7-B. ***]¹⁴[8. ***]¹²[8-A. ***]¹⁵[9. ***]⁵[9-A. ***]¹⁶[10. ***]

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1. The word "SMALL GAME" omitted by Act 44 of 1991, s. 51 (w.e.f. 2-10-1991).
 2. Transferred to Part II of Schedule II as entry 1A by notification No. S.O. 859(E), dated 24-11-1986.
 3. Transferred to Part II of Schedule II as entry 1B by notification No. S.O. 859(E), dated 24-11-1986.
 4. Transferred to Part I of Schedule I as entry 6C by notification No. S.O. 859(E), dated 24-11-1986.
 5. Transferred to Part I of Schedule I as entry 7A by notification No. S.O. 859(E), dated 24-11-1986.
 6. Entry 3A vide Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, published in the Gazette of India, Extra., Pt. II, Section 3i), p. 431, dated 2nd October, 1980.
 7. Entry 4A by notification No. J11012/31/76-FRY(WL) dated 29-08-1977.
 8. Transferred to Part II of Schedule II as entry 2B by notification No. S.O. 859(E), dated 24-11-1986.
 9. Transferred to Part II of Schedule II as entry 2C by notification No. S.O. 859(E), dated 24-11-1986.
 10. Transferred to Part II of Schedule II as entry 2D by notification No. S.O. 859(E), dated 24-11-1986.
 11. Transferred to Part II of Schedule II as entry 2E by notification No. S.O. 859(E), dated 24-11-1986.
 12. Entry 6A omitted by Notification No. S. O. 1085 (E) dated 30-9-2002.
 13. Transferred to Part II of Schedule II as entry 4A by notification No. S.O. 859(E), dated 24-11-1986.
 14. Transferred to Part II of Schedule II as entry 4B by Notification No. 859 (E), dated 24-11-1986.
 15. Transferred to Part I of Schedule I as entry 36B by Notification No. 859 (E), dated 24-11-1986.
 16. Transferred to Part II of Schedule II as entry 37 by Notification No. 859 (E), dated 24-11-1986.

⁸[11. Birds ¹[(other than those which appear in other Schedules)]]:

1. Avadavat (Estrildinae)
2. Avocet (Recurvirostridae)
3. Babblers (Timaliinae)
4. Barbets (Capitonidae)
5. Barnowls (Tytonknae)
6. Bitterns (ardecidae)
7. Brown-headed gull (Larus brunnicephalus)
8. Bulbuls (Pycnonotidae)
9. Buntings (Emberizidae)
10. Bustorda (Otididae)
11. Bustard-Quails (Turnicidae)
12. Chloropsis (Irenidae)
13. Comb duck (Sarkidornis melanotes)
14. Coots (Rallidae)
15. Cormorants (Phalacrocoracidae)
16. Cranes (Gruidae)
17. Cuckoos (Cuculidae)
- 17-A Curlews (Sealopacinae)
18. Darters (Phalacrocoracidae)
19. Doves including the Emerald Dove (Columbidae)
20. Drongos (Dicruridae)
21. Duck (Anatidae)
22. Egrets (Ardeidae)
23. Fairy Blue Bird (Irenidae)
24. Falcons (Falconidae), excepting the Shaheen and Peregrine falcons (Falco peregrinus), the shaker or churrug, shankghar and lagger falcons (F.biarmicus), and the retheaded merlin (F.chicquera)
25. Finches including the chaffinch (Fringillidae)
26. Falmingos (Phoenicopteridae)
27. Flowerpeckers (Dicaeidae)
28. Flcatchers (Muscicapidae)
29. Geese (Anatidae)
30. Goldfinch and allies (Carduelinae)
31. Grebes (Pooicipididae)
32. Gerons (Ardeidae)
33. Ibises (Thereskironithidae)

1. Ins. by notification No. S. O. 859 (E), dated 24-11-1986.

34. Iorars (Irenidae)
35. Jays (Corvidae)
36. Jacanas (Jacanidae)
- 36-A. Junglefowl (Phasianidae)
37. Kingfishers (Alcedinidae)
38. Larks (Alaudidae)
39. Lorikeets (Psittacidae)
40. Magpies including the Hunting agpie (Corvidae)
41. Mannikins (Estrildinae)
42. Megapodes (Megapodidae)
43. Minivets (Campephagidae)
44. Munias (Estrildinae)
45. Mynas (Sturnidae)
46. Nightjara (Caprimulgidae)
47. Orioles (Oriolidae)
48. Owls (Strigidae)
49. Oysteractchers (Haematopodidae)
50. Parakeets (Psittacidae)
51. Partridges (Phasianidae)
52. Pelicans (Pelecandae)
53. Pheasants (Phasianidae)
54. Pigeons (Columbidae) except the Blue Rock Pigeon (*Columba livia*)
55. Pipts (Motoacillidae)
- 55-A. Pittas (Pittidae)
56. Plovers (Charadriinae)
- ¹[57. Quails (*Phasianidae*)-except *Coturnix japonica* (Japanese Quails) of farm bred variety]
58. Rails (Rallidae)
59. Rollers or Blue Jays (Coraciidae)
60. Sandgrouses (Pteroclididae)
61. Sandpipes (Scolopacinae)
62. Snipes (Scolopacinae)
63. Spurfowls (Phasianidae)
64. Starlings (Sturnidae)
65. Stone Curlew (Burhinidae)
66. Storks (Ciconiidae)
67. Stilts (Recurvirostridae)

1. Subs. by Notification No. S.O. 3653(E), dated 6-12-2013, for item 57.

68. Sunbirds (Nectariniidae)
69. Swans (Anatidae)
70. Teals (Anatidae)
71. Thrushes (Turdidae)
72. Tits (Paridae)
73. Tree pies (Corvidae)
74. Trogons (Trogonidae)
75. Vultures (Accipitridae)
76. Waxbills (Estrildidae)
77. Weaver Birds or Bayas (Ploceidae)
78. White-eyes (Zosteropidae)
79. Woodpeckers (Picidae)
80. Wrens (Troglodytidae)

²[12. Snakes¹[other than those species listed in Sch.I,Pt.II; and Sch.II, Pt.II]:

- (i) Amblycephalidae
- (ii) Amilidae
- (iii) Boidae
- (iv) Colubridae
- (v) Dasypetidae (Egg-eating snakes)
- (vi) Elapidae (Cobras, Kraits, and Coral Snakes)
- (vii) Glauconidae
- (viii) Hydrophidae (Fresh water and sea snakes)
- (ix) Tlysiidae
- (x) Leptotyphlopidae
- (xi) Typhlopidae
- (xii) Uropeltidae
- (xiii) Viperidae
- (xiv) Xenopeltidae]

¹[13. Fresh Water Frogs (*Rana* spp.)]

¹[14. Three-keeled Turtle (*Geoemydas tricarinata*)]

¹[15. Tortoise (*Testudinidae*, *Tryonychidae*)]

²[15A. Tokay gecko (*Gekko gecko*).]

¹[16. Viviparous toads (*Nectophrynodes* sp.)]

¹[17. Volvs]

¹[18. Butterflies and Moths]

1. Ins. by notification No. S.O. 859 (E), dated 24-11-1986.

2. Ins. by Notification No. S.O. 3653(E), dated 6-12-2013.

Family Danaidae

Euploca core simulatrix
 Euploca crassa
 Euploca diocletianus ramsayi
 Euploca muleiber

Family Hesperlidae

Boaris farri
 Harora vitta
 Hyarotis adrastus
 Oriens concinna
 Pelopidas assasmensis
 Pelopidas sinensis
 Polytrema discreta
 Polytrema rubricans
 Thoressa horioerei

Family Lycaenidae

Tarucus ananda

Family Nymphalidae

Euthalia lubentina

Family Peeridae

Aporia agethon ariaca
 Appias libythea
 Appiad nero galba
 Prioneris sita

¹[19. Mollusca

- (i) Cypraea lamacina
- (ii) Cypraea mappa
- (iii) Cypraea talpa
- (iv) Fasciolaria trapezium
- (v) Harpulina arausiaca
- (vi) Lambis chiragra
- (vii) Lambis chiragra arthritica
- (viii) Lambis crocea
- (ix) Lambis millepeda
- (x) Lambis scorpius
- (xi) Lambis truncate
- (xii) Placenta placenta

1. Added by notification No. S.O. 1197(E), dated 5-12-2001.

(xiii) *Strombus plicatus sibbaldi*

(xiv) *Trochus niloticus*

(xv) *Turbo marmoratus*.]

¹[(20) Horeshoe Crabs (*Tachypleaus gigas* and *Carcinoscopius rotundicauda*).]

1. Ins. by notification No. S.O. 2293 (E), dated 4-9-2009.

SCHEDULE V

[See section 2, 8, 61, and 62]

1. Common crow

¹[2. ***]

3. Fruit bats

¹[4. ***]

5. Mice

6. Rats

²[7. ***]

1. Vide Notification No. FJ 11012/31/76 FRY(WL), dated 5th October, 1977, published in the Gazette of India, Extra., Pt. II, Section 3(i), p.385, dated 5th October, 1977.
2. Vide Notification No. F1-28/78 FRY(WL), dated 9th September, 1980, Published in the Gazette of India, Extra., Pt. II, Section 3(i), p. 431, dated 2nd October, 1980.

¹[SCHEDULE VI

[*See* section 2]

1. Beddomes' cycad (*Cycas beddomei*)
2. Blue Vanda (*Vanda soerulec*)
3. Kuth (*Saussurea lappa*)
4. Ladies slipper orchids (*Paphiopedilum* spp.)
5. Pitcher plant (*Nepenthes khasiana*)
6. Red Vanda (*Rananchera imschootiana*)

1. Ins. by Act 44 of 1991, s. 52 (w.e.f. 2-10-1991).