

before taking him to court as by ...
may destroy the evidence, in which case it becomes difficult to prove the of-
fence. Another drawback is that no consent or permission is required to be taken
from the Board for establishing an industry outside the Air Pollution Control
Area even though its emission may be reaching the Air Pollution Control Area
also.

Yet another drawback lies in the fact that discharge of any air pollutant into
the atmosphere by a ship or aircraft is excluded from the purview of the Act.

6.14. WILDLIFE PROTECTION ACT, 1972.

6.14.1. Objectives of this Act

According to Section 1 of this Act, the objectives of Wildlife Protection Act, 1972,
are the following:

- (a) to maintain essential ecological processes and life-supporting systems.
- (b) to preserve the biodiversity.
- (c) to ensure a continuous use of species *i.e.* protection and conservation of wild
life.

6.14.2. Definition of Important Terms Used Under this Act

- (A) "*Wildlife*" has been defined to include any animal, bees, butterflies, crustacea,
fish, moths and aquatic and land vegetation which forms part of any habi-
tat.
- (B) The term "*Habitat*" includes land, water or vegetation which is the natural
home of any wild animal.
- (C) "*Hunting*" means
 - (a) to capture, kill, poison, share and trap any wild animal or trying to do
so.
 - (b) to injure, destroy or take away any part of the body of such animal and
damaging or disturbing the eggs or nests of wild birds and reptiles.
- (D) '*Animal articles*' include any article made from any part of a captive or wild
animal.

6.14.3. Details about the Act

(1) **Appointment of Director, Chief Wildlife Warden and Other Offic-
ers:** According to Section 3 of this Act, the Central Govt. may appoint:

- (a) A Director of Wild Life Preservation (subordinate to the Central Govt.)
- (b) Assistant Director of Wild Life Preservation (subordinate to the Director)
and
- (c) Other required officers and employees.

Under Section 4 of this Act, the State Govt. may appoint:

- (a) A Chief Wild Life Warden (subordinate to the State Govt.)
- (b) Wild Life Wardens (subordinate to the Chief Wild Life Warden)
- (c) Other required officers and employees.

Constitution of Wild Life Advisory Board : Under Section 6 of this Act, State Govt. or the Administration (in case of Union Territory) may constitute a Wild Life Advisory Board, consisting of the following members:

- (a) The Minister incharge of forests in the State or U.T. In case there is no such Minister, the Chairman will be represented by the Secretary to the State Govt. or the Chief Secretary to the Govt. or the Union Territory.
- (b) Two members of the State legislature.
- (c) Secretary to the State Govt. incharge of forests
- (d) The Forest Officer incharge of the State Forest Department, ex-officio.
- (e) An officer to be nominated by the Director.
- (f) Chief Wild Life Warden, ex-officio.
- (g) Not more than five officers of the State Govt.
- (h) Not more than ten persons, who in the opinion of the State Govt., are interested in the protection of Wild Life, including not more than three representatives of tribals.

The State Govt. may appoint a Vice-chairman of the Board from amongst the members referred in clause (b) and (h) above.

The State Govt. may appoint the Forest Officer incharge of the State Forest Department or Chief Wild Life Warden as the Secretary of the Board.

Under Section 7 of this Act, the Board shall meet at least twice a year at a place directed by the State Govt. The Board shall regulate its own procedure (including quorum).

(b) Duties of the Wild Life Advisory Board : Under Section 8 of this Act, the Wild life Advisory Board advises the State Government about:

- (a) Selection of areas to be declared as Sanctuaries, National Parks and closed areas.
- (b) Formulation of the policy for protection and conservation of the wild life and specified plants.
- (c) 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) Any matter referred to it by the State Govt.

(4) Prohibition of Hunting and Dealing in Animal Articles without Licence : Under Section 9, no person shall hunt any wild animal except as provided under Sections 11 and 12.

According to Section 11, hunting of wild animals is permitted in certain cases:

- (a) If the Chief Wild Life Warden is satisfied that any wild animal has become dangerous to human life or is disabled or diseased as to be beyond recovery,

then he may, by order in writing and stating the reason thereof, permit any person to hunt such animal or cause such animal to be hunted.

- (b) The killing or wounding in good faith of any wild animal in self defence or defence of any other person shall not be an offence.
- (c) Any wild animal killed or wounded in defence of any person shall be government property.

According to Section 12, the Chief Wildlife Warden, by an order in writing stating the reasons thereof and on payment of the prescribed fee, may grant a permit to any person, allowing him to hunt any wild animal specified in such a permit, for the purpose of:

- (a) Education,
- (b) Scientific research and management,
- (c) Collection of specimens,
- (d) Derivation, collection or preparation of snake-venom for the manufacture of life saving drugs.

Under Section 44, no person shall, except under and in accordance with a licence:

- (a) Carry on business as:
 - (i) manufacturer or dealer in animal articles.
 - (ii) dealer in trophy (trophy means rugs, skins, specimens of animals mounted in whole or in part antler, horn, hair, feathers, tooth, musk, nest, eggs, or captive animal or meat).
 - (iii) taxidermist (curing preparation or preservation of trophies).
- (b) Cook or serve meat in any eating house.
- (c) Derive, collect or prepare or deal in snake-venom.

(5) Protection of Specified Plants : Protection to specified plants is provided for in Section 17(A—H) of the Act by:

- (a) prohibiting picking and uprooting of specified plants.
- (b) grant of permit for special purposes.
- (c) prohibiting unlicensed cultivation of specified plants.
- (d) prohibiting unlicensed dealing in specified plants.
- (e) declaration of stock.
- (f) possession of plants by licence.
- (g) purchase of specified plants.
- (h) declaring plants to be government property.

(6) Declaration of Sanctuary and Restriction on Entry in Sanctuary : If the State Govt. considers that any area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, then under Section 18 of this Act, it may, by notification declare such an area as a Sanctuary for the purpose of protecting, propagating or developing wild life or its environment.

Under Section 27, no person other than

a public servant on duty.

a person permitted by the Chief Wildlife Warden or the authorised officer to reside within the limits of the Sanctuary.

a person who has any right over immovable property within the limits of the sanctuary.

a person passing through the Sanctuary along a public highway.

the dependents of the person referred to the above clauses.

shall enter or reside in the Sanctuary in accordance with the conditions of a permit granted under Section 28.

long as a person resides in a Sanctuary he shall be bound:

- (a) to prevent the commission in the Sanctuary, of an offence against this Act.
- (b) to help in discovering and arresting the offender in case such offence against this Act is believed to have been committed in such a Sanctuary.
- (c) to report the death of any wild animal and to safeguard its remains until the Chief Wildlife Warden or the authorised officer takes charge.
- (d) to extinguish any fire within his knowledge, in the Sanctuary.
- (e) to assist any Forest Officer, the Chief Wildlife Warden, the Wildlife Warden or police officer demanding his aid for preventing the commission of any offence against this Act.

Declaration of National Parks and Closed Areas : Under Section 35, the State Govt. may by notification, declare an area as a National Park, if it feels that area is important from ecological, faunal, floral, geomorphological, biological point of view, for the purpose of protecting, propagating or developing wild life therein or its environment and, under Section 37, the State Govt. may, by notification declare any area as closed to hunting for a specified period and no hunting of any wild animal shall be permitted in such a closed area.

Constitution and Functions of Central Zoo Authority : According to Section 38-A, the Central Govt. shall constitute the Central Zoo Authority consisting of the following members, namely:

- (a) a chairperson
- (b) not more than ten members,
- (c) member-secretary

The Central Zoo Authority shall perform the following functions under Section 38-C.

- (a) specification of the minimum standards for housing, upkeep and veterinary care of the animal kept in a zoo.
- (b) evaluation and assessment of the functioning of the zoos with respect to the prescribed standards.
- (c) recognise and de-recognise zoos.
- (d) identification of endangered species of the wild animals for purpose of captive breeding.
- (e) co-ordination of acquisition, exchange and loading of animals for breeding purposes.

(9) Powers of the Chief Wildlife Warden and Authorised Officers

(A) Power of Cancellation of Licence : Under Section 45, the Chief Wildlife Warden or Authorised Officer may suspend or cancel any licence granted under Section 44, after recording the reasons in writing and after giving the licence holder reasonable opportunity to be heard.

(B) Power of Entry, Search, Arrest and Detention : If there are reasonable grounds for believing that any person has committed an offence against this Act, then, under Section 50, the Director or any Forest Officer or any police officer not below the rank of a sub-inspector has the power to:

- Order such a person to produce for inspection any captive animal, wild animal, animal article, meat, trophy, uncured trophy or any specified plant or part or derivative in his custody or possession or any licence or permit granted to him under the provisions of this Act.
- Stop any vehicle or enter any place to conduct search of any of such a person's possessions, open and search any baggage in his possession.
- Seize any captive animal, wild animal, animal article, meat, trophy, uncured trophy or any specified plant or part or derivative.
- Arrest such a person with warrant and detain him if the officer thinks necessary.

(10) Penalties for Violation of the Provisions in this Act

- A person violating any provision of this Act shall be guilty of an offence against this Act and shall be punished with imprisonment for three years or a fine of Rs. 23000/- or both.
- When a person is convicted of an offence against this Act, the court may order that any captive animal, wild animal, animal article, trophy, trap, vehicle, weapon etc., be forfeited to the State Govt. and that any licence or permit held by such person under the provisions of this Act be cancelled in addition to the other penalties awarded in such an offence.
- In case of cancellation of licence, the court may order that such a person shall not be eligible for a licence under the Arms Act, 1959, for a period of 5 years from the date of conviction.

6.15. THE INDIAN FOREST ACT, 1927

6.15.1. Objectives of the Indian Forest Act

This Act has been passed to provide for the following objectives:

- protection and conservation of Forests.
- to ensure judicious use of forest products.

6.15.2. Important Definitions of Terms Used in this Act

- "Forest" is a biotic community composed predominantly of trees, shrubs and woody climbers.