रजिस्ट्री सं० डी० एल०—(एन)04/0007/2006—08 REGISTERED NO. DL—(N)04/0007/2006—08

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 45] नई दिल्ली, सोमवार, सितम्बर 4, 2006 / भाद्र 13, 1928
No. 45] NEW DELHI, MONDAY, SEPTEMBER 4, 2006 / BHADRA 13, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 4th September, 2006/*Bhadra 13*, 1928 (*Saka*)

The following Act of Parliament received the assent of the President on the 3rd September, 2006, and is hereby published for general information:—

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 2006

No. 39 OF 2006

[*3rd September*, 2006.]

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

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

Short title and commencement.

1. (*1*) This Act may be called the Wild Life (Protection) Amendment Act, 2006.

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

Insertion of new Chapters IVB and IVC.

53 of 1972.

2. After Chapter IVA of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), the following Chapters shall be inserted, namely:—

'CHAPTER IVB

NATIONAL TIGER CONSERVATION AUTHORITY

Definitions.

38K. 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.

Constitution of National Tiger Conservation Authority.

38L. (*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;

(*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.

Term of office and conditions of service of members.

38M. (*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.

Officers and employees of Tiger Conservation Authority.

38N. (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.

Powers and functions of Tiger Conservation Authority.

38O. (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 (3) 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.

Procedure to be regulated by Tiger Conservation Authority.

38P. (*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.

Grants and loans toTiger Conservation Authority and Constitution of Fund.

38Q. (*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.

Accounts and audit of Tiger Conservation Authority.

38R. (*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.

Annual report of Tiger Conservation Authority.

38S. 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.

Annual report and audit report to be laid before Parliament.

38T. 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.

Constitution of Steering Committee.

38U. (*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 consists 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.

Tiger Conservation Plan.

38V. (*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.

Alteration and de-notification of tiger reserves.

38W. (*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.

Establishment of Tiger Conservation Foundation.

38X. (*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 IV C

TIGER AND OTHER ENDANGERED SPECIES CRIME CONTROL BUREAU

Constitution of Tiger and other Endangered Species Crime Control Bureau.

38Y. 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.

Powers and functions of the Wildlife Crime Control Bureau.

38Z. (*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.".

Amendment of section 51.

3. In section 51 of the principal Act, after sub-section (*1B*), the following sub-sections shall be inserted, namely:—

"(*1C*) Any person, who commits an offence in relation to the core area of a tiger reserve or where the offence relate to hunting in the tiger reserve or altering the boundaries of the tiger reserve, such offence shall be punishable on first conviction 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 fifty thousand rupees but may extend to two lakh rupees; and in the event of a second or subsequent conviction with imprisonment for a term of not less than seven years and also with fine which shall not be less than five lakh rupees but may extend to fifty lakh rupees.

(*1D*) Whoever, abets any offence punishable under sub-section (*1C*) shall, if the act abetted is committed in consequence of the abetment, be punishable with the punishment provided for that offence.".

Amendment of section 55.

4. In section 55 of the principal Act, after clause (*aa*), the following clauses shall be inserted, namely:—

"(*ab*) Member-Secretary, Tiger Conservation Authority; or

(*ac*) Director of the concerned tiger reserve; or".

Amendment of section 59.

5. In section 59 of the principal Act, after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted.

Amendment of section 60.

6. In section 60 of the principal Act, in sub-section (*3*), after the word, figures and letter "Chapter IVA", the word, figures and letter "Chapter IVB" shall be inserted.

Amendment of section 63.

7. In section 63 of the principal Act, in sub-section (*1*), after clause (*g*), the following clauses shall be inserted, namely:—

"(*gi*) qualifications and experience of experts or professionals under clause (*d*) of sub-section (*2*) of section 38-I;

(*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.".

K. N. CHATURVEDI,
Secy. to the Govt. of India.

PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2006.

MGIPMRND—2686GI(S5)—04-09-2006.