

[CHAPTER VA]¹

**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 Sch. I or Part 11 of Sch. 11;
- (b) “scheduled animal article” means an article made from any scheduled animal and includes an article or object in which the whole or any part of such animal (has been used but does not include tail-feather of peacock, an article or trophy made therefrom and snake venom or its derivative;²)
- (c) “specified date” means -
 - (i) In relation to a scheduled animal on the commencement of the Wildlife (Protection) Amendment Act, 1986, the date of expiry of two months from such commencement.]
 - (ii) in relation to any animal added or transferred to Sch. I or part II of Sch. 11 at any time after such commencement, the date of expiry of two months such addition or transfer;
 - [(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of 6 months from the commencement of the Wildlife (Protection) Amendment) Act 1991.³]

49B. Prohibition of dealing 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
 - [(ia) a dealer in ivory imported into India or article made therefrom or a manufacturer of such article; or⁴]
 - (ii) a taxidermist with respect to any schedule animals or any parts of such animals; or
 - (iii) a dealer in trophy or unacred trophy derived from any scheduled animal; or
 - (iv) a dealer in any captive animal being scheduled animal; or
 - (v) a dealer in meat derived from any scheduled animal⁵; 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 Sec.44.

(2) Subject to the other provisions of this section, no licence granted or renewed under sec. 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in Cl. (a) of sub-section (1) of this section on the occupation referred into Cl (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 to do so 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 Sec.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-section (1) and (2).

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under sec-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 Wildlife Warden, for and on behalf of any person for educational or scientific purposes.

49C. Declaration by dealer. - (1) Every person carrying on the business or occupation referred to in sub-section (1) of Sec.49B shall, within thirty days from the specified date, declare to the Chief Wildlife Warden or the authorised officer,

- (a) his stock, if any, as at the end of the specified date of -
 - (i) scheduled animal articles;
 - (ii) scheduled animals and part thereof;
 - (iii) trophies and uncured trophies derived from scheduled animals;
 - (iv) captive animals, being scheduled animals;
 - (v) ivory imported into India or article made therefrom.]
- (b) the place of places at which the stocks mentioned in the declaration are kept; and
- (c) the description of such items, if any, of the stocks mentioned in the declaration which he desires, to retain with himself for his bohafide personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wildlife Warden or the authorised officer may take all or any of the measures specified in Sec.41 and for this purpose, the provisions of Sec. 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 Wildlife 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 Wildlife 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-section (2), (3) and (4) of sec. 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) transfer 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 Wildlife Warden or the authorised officer within whose jurisdiction the transfer or transport is effected.

(7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, on and after the specified date, keep under his control, sell or offer for sale or transfer to [any person any scheduled animal or scheduled animal article or ivory imported into India or any article made therefrom. ⁶]

¹ Chap VA Inserted by Act 28 of 1986, sec.3.

² Sec.49A(b) "has been used.... derivatives" substituted by Act 44 of 1991, sec.33.

³ Sec.49(A)(c)(i) The word "and after "commencement"; omitted by Act 44 of 1991, sec.33.

⁴ Sec.49B(1)(a)(ia) Inserted by Act 44 of 1991, sec.34.

⁵ Sec.49B(1)(a)(v) Inserted by Act 44 of 1991, sec.35.

⁶ Sec.49C(7) The words "any scheduled animal or a scheduled animal article or ivory imported into India or any article made therefrom." substituted by Act 44 of 1991, sec.35.