

AS INTRODUCED IN LOK SABHA

Bill No. 260 of 2024

THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2024

BY

SHRI VISHALDADA PRAKASHBAPU PATIL, M.P

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BILL

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

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

1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 2024.

Short title and
commencement.

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

2. In section 2 of the Wild Life (Protection) Act, 1972, (hereinafter referred to as the principal Act), for sub-section (16A), the following sub-section, shall be substituted by—

Amendment of section 16A.

“(16A) invasive species” means a species of animal or plant that is non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.”.

3. In section 17A of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:-

Amendment of section 17A.

“Provided further that nothing in this section shall prevent the removal or destruction of invasive species, as identified by the Invasive Species Control Bureau, from any forest land or specified area.”.

4. In section 29 of the principal Act, after the existing proviso, the following proviso shall be inserted, namely:-

Amendment of section 29

“Provided further that the destruction of invasive species, as identified by the Invasive Species Control Bureau, may be permitted under a permit granted by the Chief Wild Life Warden, subject to such terms and conditions as may be specified.”.

5. In section 40A of the principal Act, after sub-section (3), the following sub-section, shall be inserted, namely: —

Amendment of section 40A

“(3A) The Central Government may, by notification, grant immunity from prosecution to any person who, prior to the declaration of a species as invasive, unintentionally caused harm to such species, provided that such harm was not caused with gross negligence or willful intent.”

6. Section 62A of the principal Act shall be omitted.

Omission of section 62A.

7. After Section 62A of the principal Act the following section shall be inserted, namely: —

Insertion of new section 62AA, 62AB, 62AC, 62AD and 62AE.

“62AA. (1) The Central Government may, for the purposes of this Act, by order published in the Official Gazette, constitute a Invasive Species Control Bureau, to identify and regulate or prohibit the import, trade, possession or proliferation of invasive species which pose a threat to the wild life or habitat in India, consisting of—

Constitution of Invasive Species Control Bureau.

- (a) the Director of Wildlife Preservation—Director ex officio;
- (b) the Inspector-General of Police—Additional Director;
- (c) the Chairperson of Invasive Species Committee—Additional Director ex officio;
- (d) the Deputy Inspector-General of Police—Joint Director;
- (e) the Deputy Inspector-General of Forests—Joint Director;
- (f) the Additional Commissioner (Customs) and Central Goods and Services Tax—Joint Director; and
- (g) such other officers as may be appointed from amongst the officers covered under sections 3 and 4 of this Act.

(2) 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.

“62AB. (1) Subject to the provisions of this Act, the Invasive Species Control Bureau shall take measures with respect to—

Power and functions of the Invasive Species Control Bureau.

(i) collection and collation of information related to the introduction, spread, and impacts of invasive species, and to disseminate the same to State and other enforcement agencies for immediate action, so as to regulate the population of invasive species and identify invasive species to establish a centralised invasive species data bank, in consultation with the Invasive Species Advisory Committee, as per sub-section (2) of section 62AD of this Act;

(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 control of invasive species;

(v) development of 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, in coordination with the Invasive Species Advisory Committee;

(vi) monitoring and the effectiveness of invasive species management programs; and

(vii) advising the Government of India on issues relating to invasive species having national and international ramifications, and suggest changes required in relevant policy and laws from time to time.

(2) The Invasive Species 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.”

“62AC. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established by the Central Government for the purposes of this Act, a body to be called the Invasive Species Committee, to advise the Invasive Species Control Bureau on the identification, assessment, and management of invasive species.

Constitution of
Invasive Species
Committee.

(2) The Invasive Species Committee shall consist of the following members, namely:—

(a) Chairperson, who shall be an eminent person having adequate knowledge, expertise and experience in the conservation and wildlife protection and in matters relating to invasive species, to be appointed by the Central Government;

(b) sixteen ex officio members to be appointed by the Central Government, representing the Ministries dealing with—

- (i) Agricultural Research and Education;
- (ii) Agriculture and Farmers Welfare;
- (iii) Ayurveda, Unani, Siddha, Sowa Rigpa, Yoga and Naturopathy and Homoeopathy;
- (iv) Commerce and Industry;
- (v) Environment and Climate Change;
- (vi) Forests and Wildlife;
- (vii) Indian Council of Forestry Research and Education;
- (viii) National Bureau of Fish Genetic Resources;
- (ix) Zoological Survey of India;
- (x) Botanical Survey of India;
- (xi) Wildlife Institute of India;
- (xii) Science and Technology;
- (xiii) Tribal Affairs;

(c) one representative each from ten States and Union territories by rotation, to be nominated by the Central Government;

(d) five non-official members to be appointed from amongst experts including legal experts and scientists having special knowledge of, or experience in, matters relating to conservation of biological diversity, wildlife protection and invasive species, representatives of industry, conservers, creators and knowledge-holders of biological resources; and

(e) a Member-Secretary, who shall have experience in matters relating to wildlife protection from the impact of invasive species, to be appointed by the Central Government.

(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. “

“62AD. (1) It shall be the duty of the Invasive Species Committee to advise the Invasive Species Control Bureau and the Central Government on the identification, assessment, and management of invasive species, by measures as it thinks fit.

Functions of the Invasive Species Committee.

(2) Without prejudice to the generality of the foregoing provision, the measures referred to therein shall provide for—

(a) developing and adopting scientific criteria for identifying and assessing invasive alien species, considering factors such as, potential ecological impacts, economic costs, social consequences, geographic distribution, pathways of introduction, dispersal potential and any other factor, as it may seem fit; and

(b) establishing a transparent process for proposing, evaluating, and listing (or delisting) invasive alien species, including public consultation and stakeholder engagement, peer review of scientific assessments, and annual review and updating of the list of invasive alien species with the Invasive Species Control Bureau.

“62AE. (1) State Governments may, in consultation with the Invasive Species Committee, notify species not specified under Schedules I, II, III, and IV of this Act, as invasive within their respective jurisdictions for a period not exceeding two hundred days;

Declaration of certain wild animals as invasive species.

(2) if subsequent to the initial notification mentioned under sub-section (1), circumstances necessitate an extension, the State Government, in consultation with the Central Government, issue a further notification extending the period of the initial notification for a period not exceeding one hundred days;

(3) subsequent extensions may be granted by the Central Government, in consultation with the Invasive Species Committee, for periods not exceeding ninety days each, provided that the total duration of the initial notification and all extensions shall not exceed two years.”.

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

Amendment of section 63.

(ka) the matters to be prescribed under sub-section (2) of section 62AA;

(kb) the matters to be prescribed under Cl (i) of sub-section(1) and Cl. (ii) of sub-section (2) of section 62AB;

(kc) the matters to be prescribed under sub-section (3) of section 62AC;

(kd) the matters to be prescribed under sub-sections (1) and (2) of section 62AD;

(ke) the matters to be prescribed under sub-sections (2) and (3) of section 62AE.”.

STATEMENT OF OBJECTS AND REASONS

The impact of invasive species is a gravely pressing matter in terms of research, economic, environmental impact and legislations. Many parts of India are affected by invasive species, especially the Andaman Islands. Many scientists fear that endemic species of the islands might have to face the fate of the lonesome Galapagos tortoise which went extinct due to invasive species. While India has several general laws to tackle the issue of invasive species, it is not specific and is left open to interpretation by concerned authorities. This sort of open interpretation would be detrimental to the action taken as not all officers may have the required scientific background for the same, and even if the officer may wish to take action there is no clear way ahead on what to do once the invasive species is caught. Moreover, since a proper definition of invasive species is lacking in the current Wild Life (Protection) Act, 1972, it is not addressing the fact that invasive species must be defined in terms of the concerned ecosystem and the considerable harm it has on the environment it is released or public health or economy. As per international standards, majority of the invasive animal species are of least concern in IUCN's Red List and Unlisted except the Indian Bullfrog to belong to Appendix II of CITES. This may allow the state to execute laws on invasive species with certain independence. However due to lack of specific research data is insufficient in many regions so the extent of problem is not clear pushing back chances of specific legislations. For example, we have Plant Quarantine (Regulation of Import into India) Order 2003, due to adequate research. Unfortunately, this is not the case with other species. For example, fish research in India has been done only with captured groups and not those found in the wild. Action taken by Government both at Union and States is not healthy, for example the Judiciary has expressed its displeasure at slow pace of work in this field, as was observed in the Madras High Court. This is due to the responsibility of managing invasive species in hands of multiple agencies and their lack of coordination and a public centralized database access.

This is a matter of concern as India had adopted the Convention on Biological Diversity's (CBD) Aichi Target 9 as its National Biodiversity Target 4 – i.e., to identify invasive alien species and their pathways of introduction, and to develop strategies to manage prioritised invasive alien species by 2020. In addition to this, India has also submitted 23 targets under the Kunming-Montreal Global Biodiversity Framework, CBD pledging to reduce rates of introduction and establishment of invasive alien species by 50 per cent. by 2030. Therefore, keeping these mutli-faceted lacunae in mind, the basis of actions has been bolstered as a whole so that India can successfully report in the next upcoming COP its achievement of the above targets, via-

- (i) including definition of invasive species
- (ii) Omitting section 62 of the Act and introducing a comprehensive structure to regulate or prohibit the import, trade, possession or proliferation of invasive species, with: –
 - a. the Invasive Species Committee, a research wing with diverse yet relevant representations dedicated to invasive species, cross-ministerial, institutes, experts, etc, outlining a well-considered scientific and transparent process for proposing, evaluating, listing (and delisting as well) invasive species, along with enabling provisions directing the formulation of specific management measures, which is proposed to embolden; and

- b. the Invasive Species Control Bureau, a converging body with officials from relevant services tasked with the mission to regulate invasive species and identify and thereby create a database on invasive species in India as well as to advise the Centre from time to time on important policy matters to keep in cognizance to achieve international commitments; and

(iii) Allowing State governments to declare invasive species with deadlines, extendable with reasonable conditions

Hence this Bill.

NEW DELHI;

VISHALDADA PRAKASHBAPU PATIL

November 13, 2024.

FINANCIAL MEMORANDUM

Clause 7 of the Bill vide proposed section 62AA provides for Constitution of Invasive Species Control Bureau. It also vide proposed section 62AC provides for constitution of Invasive Species Committee. The Bill, therefore, if enacted and brought into operation, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees three hundred of recurring expenditure per annum would be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two hundred is also likely to be involved.

(ACT NO. 53 OF 1972)

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40A.(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 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.

Immunity in certain cases.

(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.

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62A.(1) The Central Government may, by notification, regulate or prohibit the import, trade, possession or proliferation of invasive alien species which pose a threat to the wild life or habitat in India.

Regulation or prohibition of import, etc., of invasive alien species.

(2) The Central Government may authorise the Director or any other officer to seize and dispose of, including through destruction, the species referred to in the notification issued under sub-section (1).

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63.(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:—

Power of Central Government to make rules.

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| (j) * | * | * | * | * |
| (k) * | * | * | * | * |
| (l) * | * | * | * | * |

(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.

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

(Shri Vishaldada Prakashbapu Patil, M.P.)