

AS INTRODUCED IN LOK SABHA

Bill No. 324 of 2019

THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2019

By

SHRI RAJIV PRATAP RUDY, M.P.

A

BILL

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

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) The Act may be called the Wild Life (Protection) Amendment Act, 2019.

Short title and
commencement.

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

Definitions.	<p>2. In section 2 of the Wildlife Protection Act, 1972 (hereinafter referred to as the principal Act), clause (12A) and (12B) shall be renumbered as clauses (12B) and (12C) and before clauses (12B) and (12C) as so renumbered, the following clause be inserted, namely:—</p> <p>'(12A) "Environmental Impact Assessment" refers to a detailed report evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse;'</p>	53 of 1972. 5
Insertion of new sections 28A, 28B, 28C, 28D and 28E.	<p>3. After section 28 of the principal Act, the following sections shall be inserted, namely:—</p>	
Chief Wildlife Warden to commission an Environmental Impact Assessment Report with respect to National Parks.	<p>"28A. Notwithstanding anything contained in this Act, the Chief Wildlife Warden shall—</p> <p>(a) commission an Environmental Impact Assessment Report in each of the National Parks and Wildlife Sanctuaries in the region covering specifically the impact of industrial activity in surrounding areas and impact of tourist activity on each of the National Parks and Wildlife Sanctuaries; and</p> <p>(b) issue permits for setting up of Commercial Establishments in non-core areas of Wildlife Sanctuary and National Parks solely for the purpose of refreshments and lodging, subject to Environmental Impact Assessment Reports made under clause (a) in the impact of the setting up of such establishments:</p> <p>Provided that no permit shall be issued by the Chief Wildlife Warden beyond the determined carrying capacity of the protected areas under this Act.</p>	10 15
The Central Government and the State Government to frame guidelines for setting up of commercial establishments in protected areas and sanctuaries.	<p>28B. The Central Government in Consultation with the State Government concerned shall frame guidelines for setting up of commercial establishments in and around protected areas under this Act.</p>	20
Collector to publish Annual Reports.	<p>28C. The Collector shall publish annual reports on the following issues related to the National and Wildlife Reserves:—</p> <p>(a) status of existing infrastructure in the protected areas and cost of upkeep of such infrastructure facilities;</p> <p>(b) status of employees working, including but not limited to number of persons employed, wages earned and working conditions; and</p> <p>(c) financial benefits to local communities in and around protected areas under this Act.</p>	25 30
Regulation of tourist activity, photography and research in protected areas.	<p>28D. (1) No permit shall be granted to individuals travelling to the protected areas under this Act unless unaccompanied by local guides or tour operators.</p> <p>(2) No person shall be allowed to do photography in protected areas without obtaining prior permission in this regard.</p> <p>(3) No person shall be permitted to have any physical interaction with or disturb the habitat of any species of fauna in the protected area except for scientific research purpose subject to the fact that no physical damage is inflicted on the said species.</p>	35

28E. Whoever,—

(a) found guilty of intentionally defacing or damaging any resource in the protected areas shall be liable to a fine which shall not be less than rupees five thousand per person and imprisonment for a term which may extend upto six months or with both; and

Penalty for defacing or damaging any resource in the protected areas, etc.

(b) found guilty of littering in the protected areas shall be liable to a fine which shall not be less than rupees two thousand per person:

Provided that if the person found guilty of any offence punishable under clause (a) or (b) is a tour operator or a local guide, he shall be liable to a fine which shall not be less than rupees ten thousand for the first offence:

Provided further that if the tour operator or a local guide is found guilty of any offence punishable under clause (a) or (b) second or subsequent time, he shall be prohibited to enter in the protected area and his license shall also be cancelled."

STATEMENT OF OBJECTS AND REASONS

India boasts of a vast diversity of flora and fauna and therefore has a huge potential to increase ecotourism even further. The tiger, the gangetic dolphin, the flamingo of Chilika, the mangroves of Sundarbans, the Himalayas and the Western and Eastern Ghats are just some of the places which boast of a huge trove of ecological treasures of India. Therefore, it is only natural that ecotourism is a growing field in the country. Researches estimate an average annual growth rate of 7-8 per cent in ecotourism activity across the country.

The growth and proliferation of ecotourism in India must be celebrated. However, with it come dangers as well. Exploitation of India's wildlife resources put the natural order at risk. Poaching and disturbance of habitats are on the rise. The risk of human-wildlife conflicts increases. There are also increasing instances of vandalism and destruction inside wildlife reserves.

Therefore, there is a need to address the need of a well thought out ecotourism framework in the country, especially *via* legislative action. At the moment, only the Wild Life (Protection) Act of 1972 talks of ecotourism, with regards to national parks and wildlife sanctuaries. Thus, a set of guidelines to further strengthen the scope of this Act is being proposed.

The Bill, therefore, seeks to amend the Wild Life (Protection) Act, 1972 with a view to:—

(a) expand the role of the Chief Wildlife Warden with respect to protected areas under the Act for commissioning an Environmental Impact Assessment Report covering impact of industrial activity in surrounding areas and impact of tourist activity on each of the National Parks and Wildlife Sanctuaries;

(b) empower the Central Government and the State Government to frame guidelines for setting up of commercial establishments in and around protected areas under this act;

(c) making an obligation of the Collector to publish annual reports regarding protected areas in such manner as may be prescribed under this Act containing status of existing infrastructure in the protected areas and cost of upkeep of such infrastructure facilities etc.; and

(d) regulate tourist activity, photography and research in protected areas and punishment thereof.

Hence this Bill.

NEW DELHI;
November 6, 2019.

RAJIV PRATAPRUDY

ANNEXURE

EXTRACT FROM THE WILD LIFE (PROTECTION) ACT, 1972

(53 OF 1972)

* * *

2. (1) In this Act, unless the context otherwise requires,— Definitions.

* * *

(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);* * *

* * *

LOK SABHA

A

BILL

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

(Shri Rajiv Pratap Rudy, M.P.)