

Bill No. 42 of 2023

THE WILD LIFE (PROTECTION) AMENDMENT
BILL, 2023

By

ADV. DEAN KURIAKOSE, M.P.

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BILL

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

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

1. (1) This act may be called the Wild Life (Protection) Amendment Act, 2023.

Short title
and
commencement.

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

Amendment of
section 2.

2. In section 2 of the Wild Life Protection Act, 1972 (hereinafter referred to as the principal Act),— 53 of 1972

(a) existing clause (I) shall be renumbered as clause (IB) and before clause (IB) as so renumbered, the following clause shall be inserted, namely:—

“(I) “agriculture” with all its grammatical variations and cognate expressions includes floriculture, horticulture, sericulture, the raising of crops, grass or garden produce, dairy farming, poultry farming, cutting of wood or grass, gathering of fruit, raising of man-made forest or rearing of seedlings or plants;”;

(IA) “agricultural produce” includes paddy, wheat, sugarcane, millet, barley, ragi, madwa, cotton, maize, soyabean, rapeseed, mustard, peanut, coconut, sunflower, groundnut, safflower, sesamum, niger seed, gram, tur, urad, moong, masoor (lentil), peas, jute, cashew nut, pepper, turmeric, tobacco, potato, tomato, onion, mango, apple, orange, kinnoo, mousambi and other such foodgrains or commodity as may be prescribed:

(b) after clause (10), the following clause shall be inserted, namely:—

“(10A) “cultivating farm” means a piece of land used for agriculture or livestock rearing; and

(c) after clause (25B), the following clause shall be inserted, namely:—

(25C) “residential property” means a building or habitation used for dwelling by any person.”.

Amendment of
section 11.

3. In Section 11 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) The killing or wounding of any wild animal by a person inside his cultivating farm or residential property where the wild animal has entered and has caused damage to agricultural produce or livestock shall not be an offence.”.

STATEMENT OF OBJECTS AND REASONS

The Wild Life (Protection) Act, 1972 is a seminal piece of legislation that has helped in the preservation of wild life in India. Over the years, it has led to the protection of many species that are indeed a pride to our nation and are a treasure to entire mankind. Protection extended to majestic animals like the Royal Bengal Tiger and the greater-one horned Rhino has helped in improving their numbers and saving the species from extinction. However, there is also widespread criticism to the act that it has led to excessive bureaucratization and has also taken away the rights of common people. Especially affected are the farmers who inhabit areas bordering forest lands. Here, they brave the inclement weather and constant threat of wild animals to create farm goods that is consumed by the whole nation. Many a times, they are helpless when an animal ravages their land. Especially is the case of wild boar– an animal that preys upon the helpless farmers. Many national and international studies have proven that there is no threat to the wild boar populations in terms of dwindling numbers. In fact, their numbers have increased in the forests due to ready availability of food from the farms and farmers being unable to control them by killing them when they enter farmlands. If the farmer is given the right to kill wild boars and other animals that enter their farm and cause destruction, it will help the control the wild board Attack. It will also be a seminal step in managing the human-wild life conflict.

The resolution of that conflict lies in adopting locally appropriate steps that include killing of animals that cause extensive damage to the farms. Instead of taking a one size fits all approach that mandates that the Central Government declare vermin for any area in the country, more scientific and practical choice is to allow the farmers kill animals that enter their fields and create destruction to farms and human life. Also, the people living near forests need to be liberated from unnecessary legal hassles due to cases registered against them for killing animals in self-defence or to save a human life.

Hence this Bill.

NEW DELHI;
January 16, 2023.

DEAN KURIAKOSE

ANNEXURE

EXTRACT FROM THE WILD LIFE (PROTECTION) ACT, 1972
(53 OF 1972)

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Definitions.

2. In this Act, unless the context otherwise requires,—

(1) “animal” includes amphibians, birds, mammals and reptiles and their young, and also includes, in the cases of birds and reptiles, their eggs;

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Hunting of wild animals to be permitted in certain cases.

11. (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,—

(a) * * * * *

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(2) The killing or wounding in good faith of an wild animal in defence of oneself or of any other person shall not be an offence:

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

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

(Adv. Dean Kuriakose, M.P.)