

Bill No. 72 of 2019

THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2019

By

DR. KIRIT PREMJI BHAI SOLANKI, 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) This 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 in the Official Gazette, appoint.

53 of 1972.

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

Insertion of the new Chapter IVD.

"CHAPTER IVD

LION CONSERVATION AUTHORITY

10

38ZA. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Lion Conservation Authority" means the Lion Conservation Authority constituted under section 38ZB;

(b) "Lion Conservation Fund" means the Fund established under sub-section (2) of section 38ZG;

(c) "sanctuary" means the sanctuaries situated in the State Governments including Gir.

Constitution of the Lion Conservation Authority.

38ZB. (1) The Central Government shall constitute an Authority to be known as the Lion Conservation Authority, to exercise the powers conferred on, and to perform the functions assigned to it under this Act. 5

(2) The Lion Conservation Authority shall consist of the following members, namely:—

(a) the Minister-in-Charge of the Ministry of Environment, Forests and Climate Change—Chairperson; 10

(b) the Minister of State in the Ministry of Environment, Forests and Climate Change and—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) the Minister in-Charge of Wild Life from the State of Gujarat; 15

(e) five experts or professionals having prescribed qualifications and experience in conservation of wild life and welfare of people living in and around the Gir Sanctuary;

(f) Secretary, Ministry of Environment, Forests and Climate Change;

(g) Director General of Forests and Special Secretary, Minister of Environment, Forests and Climate Change; 20

(h) Director, Wild Life Preservation Ministry of Environment, Forests and Climate Change;

(i) Chief Wild Life Warden from the State of Gujarat;

(j) Additional Chief Secretary, Department of Forests and Environment, State of Gujarat; 25

(k) Conservator of Forests, Gujarat Lion Conservator Society.

(3) It is hereby declared that the office of member of the Lion Conservation Authority shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

Terms of office and conditions of the service of members.

38ZC. (1) A member nominated under clause (e) of sub-section (2) of section 38ZB shall hold office for such period not exceeding three years: 30

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 (e) of sub-section (2) of section 38ZB, from office if he— 35

(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; 40

(e) is, without obtaining leave of absence from the Lion 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.

5 (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 or she is appointed.

(4) The salaries and allowances and other conditions of appointment of the members of the Lion Conservation Authority shall be such as may be prescribed.

10 (5) No act or proceeding of the Lion 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 Lion Conservation Authority.

15 **38ZD. (1) The Lion 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.**

Officers and employees of the Lion Conservation Authority.

(2) The salary and allowances payable to and other terms and conditions of service of officers and other employees of the Lion Conservation Authority shall be such as may be prescribed.

20 **38ZE. (1)** The Lion Conservation Authority shall have the following powers and perform the following functions, namely:—

Powers and functions of the Lion Conservation Authority.

(a) to approve the Lion Conservation Plan prepared by the State Government under section 38ZK;

25 (b) to evaluate and assess various aspects of sustainable ecology and disallow ecologically unsustainable land use such as mining, industry and other projects within the sanctuary;

(c) to lay down normative standards for eco-tourism activities and guidelines for lion conservation;

(d) to provide measures for addressing conflicts of men and wild animals and to emphasis on co-existence in the sanctuary;

30 (e) to provide information on protection measures including future conservation plan, estimation of population of lion and its natural prey species, status of habitat, disease surveillance, mortality survey, patrolling, reports on untoward happenings and such other management aspects as it may deem fit including future plan conservation;

35 (f) to identify exclusive lion corridors and zones for the facilitation of movement of lions, on the basis of consultation with the State Government concerned;

(g) to approve, co-ordinate research and monitoring on lion, co-predators, prey, habitat, related ecological and socio-economic parameters and their evaluation;

40 (h) to facilitate and support biodiversity conservation initiatives through eco-development and the participation of the local communities living in and around the sanctuary in eco-tourism and conservation related activities;

(i) to ensure critical support including scientific, information technology and legal support for better implementation of the lion conservation plan;

45 (j) to facilitate ongoing capacity building programme for skill development of officers and staff of sanctuary; and

(k) to perform such other functions as may be necessary to carry out the purposes of this Act with regard to conservation of lions and their habitat.

(2) The Lion 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 the lion or sanctuary 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 communities living in and around the sanctuary. 5

Meetings of the Lion Conservation Authority.

38ZF. (1) The Lion Conservation Authority shall meet at least once in every six months 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 Lion Conservation Authority. 10

(3) All orders and decisions of the Lion Conservation Authority shall be authenticated by the Member-Secretary or any other officer of the said Authority duly authorized by the Member-Secretary in this behalf.

Central Government to provide grants to the Lion Conservation Authority and constitute Lion Conservation Authority Fund.

38ZG. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Lion Conservation Authority grants and loans of such sums of money as the Government may consider necessary. 15

(2) There shall be constituted a Fund to be called the Lion Conservation Fund and there shall be credited thereto—

(i) any grants and loans made to the Lion Conservation Authority by the Central Government; 20

(ii) all fees and charges received by the Lion Conservation Authority under this Act; and

(iii) all sums received by the said 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 utilised for meeting salary, allowances and other remuneration of the members, officers, and other employees of the Lion Conservation Authority and the expenses of the Lion Conservation Authority incurred in the discharge of its functions under this Chapter. 25

Maintenance of accounts and audit of the Lion Conservation Authority.

38ZH. (1) The Lion 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. 30

(2) The accounts of the Lion 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 Lion Conservation Authority to the Comptroller and Auditor-General of India. 35

Annual report of the Lion Conservation Authority.

38ZI. The Lion 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. 40

Annual and Audit Report to be laid before Parliament.

38ZJ. The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far 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. 45

Lion Conservation Plan.

38ZK. (1) The State Government shall prepare a Lion Conservation Plan including staff development and deployment plan for the proper management of the sanctuary, so as to ensure—

(a) protection of the sanctuary and providing specific habitat inputs for a viable population of lions, co-predators and prey animals without distorting the natural prey-predator ecological cycle in the habitat;

5 (b) initiatives and activities to encourage participation of local communities in the conservation process and eco-tourism.

(2) Subject to the provisions contained in this Act, the State Government shall, while preparing a Lion Conservation Plan, ensure the agricultural, livelihood, developmental and other interests of the people living in and around the sanctuary.

10 (3) 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 forest dwellers shall be resettled or have their rights adversely affected for the purpose of creating inviolate areas for lion conservation unless—

(i) the process of recognition and determination of rights and acquisition of land or forest rights of the forest dwelling persons is complete;

15 (ii) the concerned agencies of the State Government, in exercise of their powers under this Act, establish with the consent of the forest dwellers in the area, and in consultation with independent ecological and social scientists familiar with the area, that the activities of the forest dwellers or the impact of their presence upon wild animals is sufficient to cause irreversible damage and shall threaten the existence of lions and their habitat;

(iii) the State Government, after obtaining the consent of the forest dwellers inhabiting the area, and in consultation with independent ecological and social scientists familiar with the area, have come to a conclusion that other reasonable options of co-existence, are not available;

25 (iv) resettlement or alternative package has been prepared providing for livelihood for the affected individuals and communities and fulfills 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

30 (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."

3. In section 55 of the principal act, after clause (ac), the following clause shall be inserted, namely:—

"(ad) Member-Secretary, Lion Conservation Authority;".

Amendment
of section 55.

35 **4.** In section 59 of the principal Act, after the word, figures and letter "Chapter IVC", the word, figures and letter "Chapter IVD" shall be inserted.

Amendment
of section 59.

5. In section 60 of the principal Act, in sub-section (3), after the word, figures and letter "Chapter IVC", the word, figures and letter "Chapter IVD" shall be inserted.

Amendment
of section 60.

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

Amendment
of section 63.

"(gvii) qualification and experience of experts or professionals under clause (e) of sub-section (2) of section 38ZB;

(gviii) the salaries and allowances and other conditions of appointment of the members under sub-section (4) of section 38ZC;

45 (gix) the form in which the annual statement of accounts of Lion Conservation Authority shall be prepared under sub-section (1) of section 38ZH;

(gx) the form in which and the time at which the annual report of Lion Conservation Authority shall be prepared under section 38ZI."

STATEMENT OF OBJECTS AND REASONS

The State of Gujarat is home to some of the last living Asiatic Lions. While their numbers have been steadily increasing, the species are still considered to be 'endangered'. A sustainable solution to ensure the protection of lions can only emerge from within an inclusive and comprehensive framework, which must be the result of a consensus formed at the national level.

The increasing population of the Asiatic Lion has led to a unique problem of habitat and crowding. By pushing the boundaries of the areas inhabited by lions from the forests to nearby local villages and towns, the chances of man-animal conflict increase. As a result, exclusive lion zones and corridors need to be established to ensure the existence of adequate habitat.

The foundation of any conservation strategy is the pattern of ownership that it advocates. A strong emphasis on community control should be considered. The local communities living around the Gir Sanctuary as well as the forest officials have played an undeniable role in the conservation of the Asiatic Lion. Thus, community control and the participation of local populations in the conservation process should be institutionalized and encouraged.

Furthermore, a 'Project Lion', along the lines of the 'Project Tiger' should be considered in order to facilitate adequate funding and awareness. This can be supplemented with an encouragement of eco-tourism. Addressing these issues can help create the framework necessary for the sustainable and long-term conservation of the Asiatic Lion.

The Bill, therefore, seeks to amend the Wildlife (Protection) Act, 1972 with a view to provide for—

(i) constitution of the Lion Conservation Authority;

(ii) conferreing powers and functions of the Lion Conservation Authority, so as to include—

(a) approval of Lion Conservation Plan prepared by State Governments;

(b) lay down normative standards, guidelines for tiger conservation in the buffer and core areas of Lion reserve, apart from ensuring their due compliance;

(c) providing information on protection measures including future conservation plan, lion estimation, disease surveillance, mortality survey, patrolling, reports on untowards happenings and such other management aspects as it may deem fit, including future plan for conservation;

(d) approve and co-ordinate research on lion, its habitat and related ecological and socio-economic parameters;

(e) facilitate and support bio-diversity conservation through eco-development and people's participation as per approved management plans, and to support similar initiatives in adjoining areas;

(iii) preparing the Annual Report of the Lion Conservation Authority and sub-mission of the audited report to the Central Government for laying before Parliament.

(iv) preparation of the Lion Conservation Plans by State Governments including staff development and deployment, protection, habitat inputs, addressing the livelihood concerns of local people and compatibility of forestry operations in the adjoining Forest Divisions; and

(v) ensuring the agricultural, livelihood, developmental and other interests of people living inside forests or in Lion bearing forest areas.

Hence this Bill.

NEW DELHI;
June 6, 2019.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for the constitution of the Lion Conservation Authority. It also provides for appointment of the officers and other employees to the Authority. It also provides that Central Government shall provide grants and loans to the Authority for being utilised for the purposes of the Bill. It further provides for constitution of the Lion Conservation Authority Fund in which all grants, loans made by the Central Government, fees and charges etc. received by the Authority shall be credited. The expenditure relating to States shall be borne by the Consolidated Fund of the State Government concerned. The Bill, therefore, if enacted, will involve recurring expenditure of rupees two hundred crore per annum which shall be charged from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill provides for the constitution of the Lion Conservation Authority to which the Central Government may prescribe by rules—

(i) the salaries, allowances and other conditions of appointment of members of the Authority;

(ii) the terms and conditions of service of officers and other employees of the Authority;

(iii) the form in which the annual statement of accounts of the Authority is to be prepared; and

(iv) the form and time for submitting annual reports of the Authority to the Central Government.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

ANNEXURE

EXTRACT FROM THE WILD LIFE (PROTECTION) ACT, 1972

(53 OF 1972)

* * * * *

55. No court shall take cognizance of any offence against this Act on the complaint of any person other than Cognizance of Offences.

(a) the Director of Wildlife Preservation or any other officer authorised in this behalf by the State Government; or

(ab) Member Secretary Tiger Conservations Authority; or

(ac) Director of the concerned tiger reserve; or

59. Every officer referred to in Chapter II and the chairperson, members, member secretary, officers and other employees referred to in chapter IVA, chapter IVB and foreseen and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1860). Officers to be public servants.

60. (1) No suit, prosecution, or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees, for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and Chapter IVB and its chairperson, members, member secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.

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.

* * * * *

(giv) the form in which the annual statement of accounts of Tiger Conservation Authority shall be prepared under sub-section (1) of section 38R.

* * * * *

LOK SABHA

A

BILL

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

(Dr. Kirit Premjibhai Solanki, M.P.)