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...enabling provisions for Advocacy



Praveen Bhargav
Former Member – National Board for Wildlife
Author – Wildlife Law for Rangers



The Indian Forest Act, 1927

(16 of 1927)

with
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- The Forest (Conservation) Act, 1980
- The Forest (Conservation) Rules, 2003

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- KARNATAKA PRESERVATION OF TREES ACT, 1976
[As Amended by Karnataka Act No. 6 of 2017 WITH RULES, 1977]
- FOREST (CONSERVATION) ACT, 1980 & RULES, 2003
[As Amended by GSR 200(E), dated 6-3-2017]
- KARNATAKA CATTLE TRESPASS ACT, 1966 & RULES, 1971
- SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006 & RULES, 2008

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(53 of 1972)

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- The Wild Life (Protection) Rules, 1985
- The Wild Life (Specified Plants—Conditions for Possession by Licensee) Rules, 1995
- The Wild Life (Specified Plants Stock Declaration) Central Rules, 1995
- National Zoo Policy, 1998
- The Declaration of Wild Life Stock Rules, 2003
- The National Board for Wild Life Rules, 2003
- The National Tiger Conservation Authority (Salaries, Allowances and Other Conditions of Appointment) Rules, 2006
- The National Tiger Conservation Authority (Qualifications and Experience of Experts or Professional Members) Rules, 2006
- The Recognition of Zoo Rules, 2009
- Guidelines for Appointment of Honorary Wild Life Wardens
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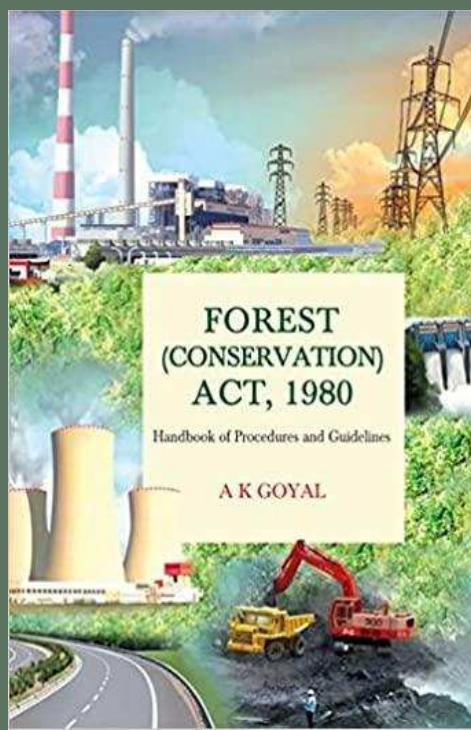
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- The Regulation of Persistent Organic Pollutants Rules, 2018
- The Solid Waste Management Rules, 2016
- The Construction and Demolition Waste Management Rules, 2016
- The Plastic Waste Management Rules, 2016

as amended by
The Plastic Waste Management (Amendment) Rules, 2018
(G.S.R. 285(E), dated 27-3-2018)

- The E-Waste Management Rules, 2016
- Regulation of Polychlorinated Biphenyls Order, 2016
- The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989
- The Recycled Plastics Manufacture, Sale and Usage Rules, 1999
- The Noise Pollution (Regulation and Control) Rules, 2000
- The Batteries (Management and Handling) Rules, 2001
- The Wetlands (Conservation and Management) Rules, 2017
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- Powers
- Procedures
- Penalties

Wildlife (Protection) Act, 1972

- Protection to wild animals in Schedule I to IV
- Constitution of Protected Areas & Tiger Reserves
- Prosecution of offenders involved in wildlife crime
- Appraisal of projects that seek diversion of habitat
- Prohibition on trade in wildlife and its derivatives
- Management of Zoos

Reserved Forests (RFs) or State Forests (SFs)
Notified under Indian Forest Act, 1927
or State Forest Acts

National Parks/Sanctuaries/Conservation & Community Reserves(PAs)
Notified under WLPA Chapter IV
NPs /SAN notified by amalgamating two or more contiguous RFs

Critical Wildlife Habitats (CWH)
PAs notified under Forest Rights Act

Critical Tiger Habitats (CTH)
PAs notified under WLPA Chapter IV B

Buffer Zones of Tiger Reserves
RFs around CTH notified under WLPA

Eco-Sensitive Zones around National Parks or Sanctuaries
Govt. Land /Private land /villages notified under the
Environment (Protection) Act, 1986

Statutory Bodies under the WLPA

National Board for Wildlife

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Schedule for NBWL, National Board of Wildlife (online Process)

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S. No.	Agenda Date	Minutes Date
1	6/6/2019	

Schedule for NBWL, Wildlife Advisory Committee (offline Process)

Sl.No	Agenda Date	Minutes Date
1.	29 December 2022	27 January 2023
2.	13 October 2022	28 October 2022
3.	29 July 2022	30 August 2022
4.	30 May 2022	17 June 2022
5.	25 March 2022	12 April 2022
6.	31 December 2021	01 February 2022
7.	21 September 2021	08 October 2021

Composition of the NBWL

- S 5A: NBWL consists of the following members:

01 Prime Minister – Chairperson

01 Environment Minister – Vice Chair

03 MPs

05 NGOs

10 eminent conservationists / ecologists

16 officials

10 States

01 Member Secretary

47 members

32 Government & 15 Non-Government members

Standing Committee

F. No. 6-46/2013-WL (pt-2)
GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE
NATIONAL BOARD FOR WILDLIFE

INDIRA PARYAVARAN BHAWAN
JORBAGH ROAD,
NEW DELHI -110003

DATED: 22 July, 2014

NOTIFICATION

Standing Committee of National Board for Wildlife was constituted vide notification No. 6-1/2006 WL-I (pt) dated 14th September 2010, in exercise of powers conferred by sub section (1) of section 5B of the Wildlife (Protection) Act 1972. In view of the reconstitution of the National Board for Wildlife, the following members of the Board are hereby nominated to the Standing Committee of NBWL with immediate effect.

Minister in charge of Environment and Forests	Chair
Wildlife Preservation Officer (Additional DGF (WL), MoEF&CC)	Member Secretary

Members nominated by Vice Chair, NBWL

1	Secretary, MoEF&CC	Member
2	DGF & Spl Secretary, MoEF&CC	Member
3	Director, Wildlife Institute of India, Dehradun	Member
4	Nominee of GEER Foundation, Gandhinagar	Member
5	Prof. R. Sukumar, IISc, Bangalore	Member
6	Dr. H.S. Singh, Gandhinagar	Member
7	Representative of the state of Andhra Pradesh	Member

Member Secretary, National Tiger Conservation Authority will be a special invitee to the Standing Committee.

The business of the Committee shall be performed in accordance with the provisions of the notification dated 14th September 2010 mentioned above.


(Dr. S.S. Garbyal)
DGF&SS and Director Wildlife Preservation

16. सचिव, जनजातिय कार्य मंत्रालय —सदस्य
 17. सचिव, सामाजिक न्याय और अधिकारिता मंत्रालय —सदस्य
 18. अध्यक्ष, राष्ट्रीय अनुसूचित जाति आयोग —सदस्य
 19. अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग —सदस्य
 20. सचिव, पंचायती राज मंत्रालय —सदस्य
 21. निदेशक, वन्य जीव संरक्षण, पर्यावरण और वन मंत्रालय —सदस्य
 22. मुख्य वन्य जीव वाईन, आंध्र प्रदेश —सदस्य
 23. मुख्य वन्य जीव वाईन, बिहार —सदस्य
 24. मुख्य वन्य जीव वाईन, छत्तीसगढ़ —सदस्य
 25. मुख्य वन्य जीव वाईन, कर्नाटक —सदस्य
 26. मुख्य वन्य जीव वाईन, मिजोरम —सदस्य
 27. मुख्य वन्य जीव वाईन, पश्चिमी बंगाल —सदस्य
 28. श्री पी.बी. सिंह, संयुक्त सचिव और विधायी परामर्शी, विधायी विभाग, विधि और न्याय मंत्रालय —सदस्य
 29. अपर प्रधान मुख्य वन पाल (व्याघ्र परियोजना) पर्यावरण और वन मंत्रालय —सदस्य सचिव”;
- (क) पैर 2 का लोप किया जाएगा।

डॉ. राजेश गोपाल, अपर प्रधान मुख्य वनपाल (व्याघ्र परियोजना) और सदस्य सचिव-एनटीसीए

[सं. विज्ञापन III/4/असल/187-एन/09]

टिप्पणी:— राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण गठित करने वाली मूल अधिसूचना भारत के राजपत्र, असाधारण में सं. का.आ. 1403(अ) तारीख 4 सितम्बर, 2006 द्वारा प्रकाशित की गई थी और संख्यांक का.आ. 1889(अ) तारीख 2 नवम्बर, 2006 और का.आ. 981(अ) तारीख 15 जून, 2007 द्वारा उसमें परामर्शपूर्ण संशोधन किया गया।

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

New Delhi, the 1st September, 2009

No. 15-25/09NTCA.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 38L of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby appoints the following Chairperson and Members to the National Tiger Conservation Authority for a period of three years from the date of publication of this notification in the Official Gazette and for that purpose makes the following further amendments in the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1403 (E), dated the 4th September, 2006, namely:—

In the said notification,—

- (a) in the opening paragraph, the words “for a period of three years with effect from the date of publication of this notification in the Official Gazette” shall be omitted;
 - (b) for serial numbers 1 to 26 and the entries relating thereto, the following serial numbers and entries shall be substituted, namely:—
1. The Minister in charge of the Ministry —Chairman of Environment and Forests
 2. The Minister of State for Environment —Vice- and Forests (Vacant) Chairperson
 3. Smt. Maneka Gandhi, Member of —Member Parliament (Lok Sabha)
 4. Member of Parliament —Member (Lok Sabha) Vacant
 5. Shri Santosh Bagrodia, Member —Member of Parliament (Rajya Sabha)
 6. Shri Brijendra Singh —Member 28, Sunder Nagar, New Delhi-110003.
 7. Shri Valmik Thapar —Member G-13, Maharani Bagh, New Delhi-110014.
 8. Shri P. K. Sen —Member B-II/2275, Vasant Kunj, New Delhi-110070.
 9. Dr. Prakash Murlidhar Amte —Member Lok Biradari Prakash, Hemal Kasa, Post Bhamragad, District Gad Chiroli, Maharashtra. Pin-442710.
 10. Dr. Urmila Pingle —Member 3-34/5 Madhuvan Enclave, St. No. 4, Habshiguda, Hyderabad-500007. Andhra Pradesh.
 11. Dr. K. Ullas Karanth —Member Centre for Wildlife Studies, 1669, 31st Cross, 16th Main, Banashankari 2nd Stage, Bangalore, Karnataka-560070.
 12. Shri Samar Singh —Member P-1, Hauz Khas, New Delhi-110016.
 13. Dr. Aparajita Datta —Member Door No. 3076-5, 4th Cross, Gokulam Park, Mysore-570002, Karnataka
 14. Secretary, Ministry of Environment —Member and Forests
 15. Director General of Forests and —Member Special Secretary
 16. Secretary, Ministry of Tribal Affairs —Member



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State govt reconstitutes Wildlife Board

The state government has reconstituted the Wildlife Board and issued orders for appointment of 10 members, apart from government officials.



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te Board for Wil....pdf ^

¹THE
KARNATAKA
STATE BOARD FOR WILD LIFE RULES, 2006

In exercise of the powers conferred by sub-sections (2) and (3) of Section 6 read with Section 64 of the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972), the Government of Karnataka hereby makes the following rules, namely.—

1. Title and commencement.—(1) These rules may be called the **Karnataka State Board for Wild Life Rules, 2006.**

(2) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires.—

(a) “**Act**” means the Wild Life (Protection) Act, 1972 (53 of 1972);

(b) “**State Board**” means the Karnataka State Board for Wild Life constituted under sub-section (1) of Section 6 of the Act;

(c) “**Chairperson**” means the Chairperson of the State Board appointed under Section 6(1) of the Act.

(2) All other words and expressions used in these rules but not defined shall have the same meanings respectively assigned to them in the Act.

3. State Board for Wild Life.—(1) The term of office of the members of the State Board other than those who are members *ex officio* shall be for a period of three years.

(2) The Member of State Legislature nominated to the State Board shall cease to be the Member of the State Board on his having ceased to be the Member of State Legislature.

(3) The vacancies referred to in clauses (d) and (e) of sub-section (1) of Section 6 of the Act shall be filled by nomination by the State Government with the approval of the Chairperson.

4. Meetings.—(1) The State Board shall meet at least twice a year at such place as the State Government may direct.

(2) The Member-Secretary shall prepare an agenda items for the meetings obtain approval of the Chairperson and circulate it to all members at least fifteen days prior to the date of such meeting.

1. Published in the Karnataka Gazette, dated 17-5-2007, vide Notification No. FEE 3 FWL 2006, dated 12-4-2006

GUIDELINES FOR APPOINTMENT OF HONORARY WILD LIFE WARDENS

THE NEED

1. People's participation and support is crucial for nature and Wildlife Conservation. One of the important ways of enlisting such support is by involving the community leaders and other persons of standing, who have the interest as well as the capacity to render assistance for this cause. Such assistance can be very useful in control over poaching for this clandestine trade in wild animals or their articles, identification of relatively less known wildlife refuges needing protection, carrying the message of conservation to the people living in and around the sanctuaries and national parks, and related matters. This objective can be accomplished if really suitable public men are identified, duties and appointed Honorary Wildlife Wardens, with their responsibilities, and powers clearly defined.

LEGAL STATUS

2. Section 4 of the Wild Life (Protection) Act, 1972, empowers the State Governments to appoint—

- (a) a Chief Wild Life Warden;
- (b) Wild Life Wardens; and
- (c) such other officers and employees as may be necessary for the purposes of the Act.

Honorary Wild Life Wardens can be appointed under sub-section (c) of section 4 of the Act. Under section 59 of the aforesaid Act, such Honorary Wild Life Wardens shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

CRITERIA FOR SELECTION

3. It is very important that the right persons are selected for appointment as Honorary Wild Life Wardens. Every State has a Chief Wild Life Warden and it is mainly his duty to recommend the names of suitable person for this purpose. However, in order to assist him in this regard as well as to introduce a measure of wider participation, the members of the State Wild Life Advisory Board should be requested to suggest suitable names, especially from their own areas.

4. The following criteria should be kept in mind while assessing the suitability of a person as an Honorary Wild Life Warden:

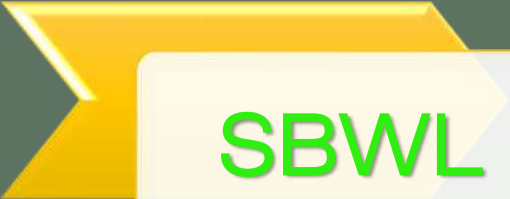
- (a) Genuine concern for Wild Life conservation.
- (b) Personal record free of involvement in any activity detrimental to the interests of nature and Wild Life conservation.

Any person involved in commercial exploitation of Wild Life should not be considered.

- (c) Capacity to render help to the official machinery.
- (d) Local standing which make him/her effective, especially in conveying the conservation message.

Appraisal and Clearance of Wildlife Habitat

U/s 29 / 35(6), 26A(3), 33, 35(5), 38O(1)(g), 38W
R/w Section 5C & 8



SBWL

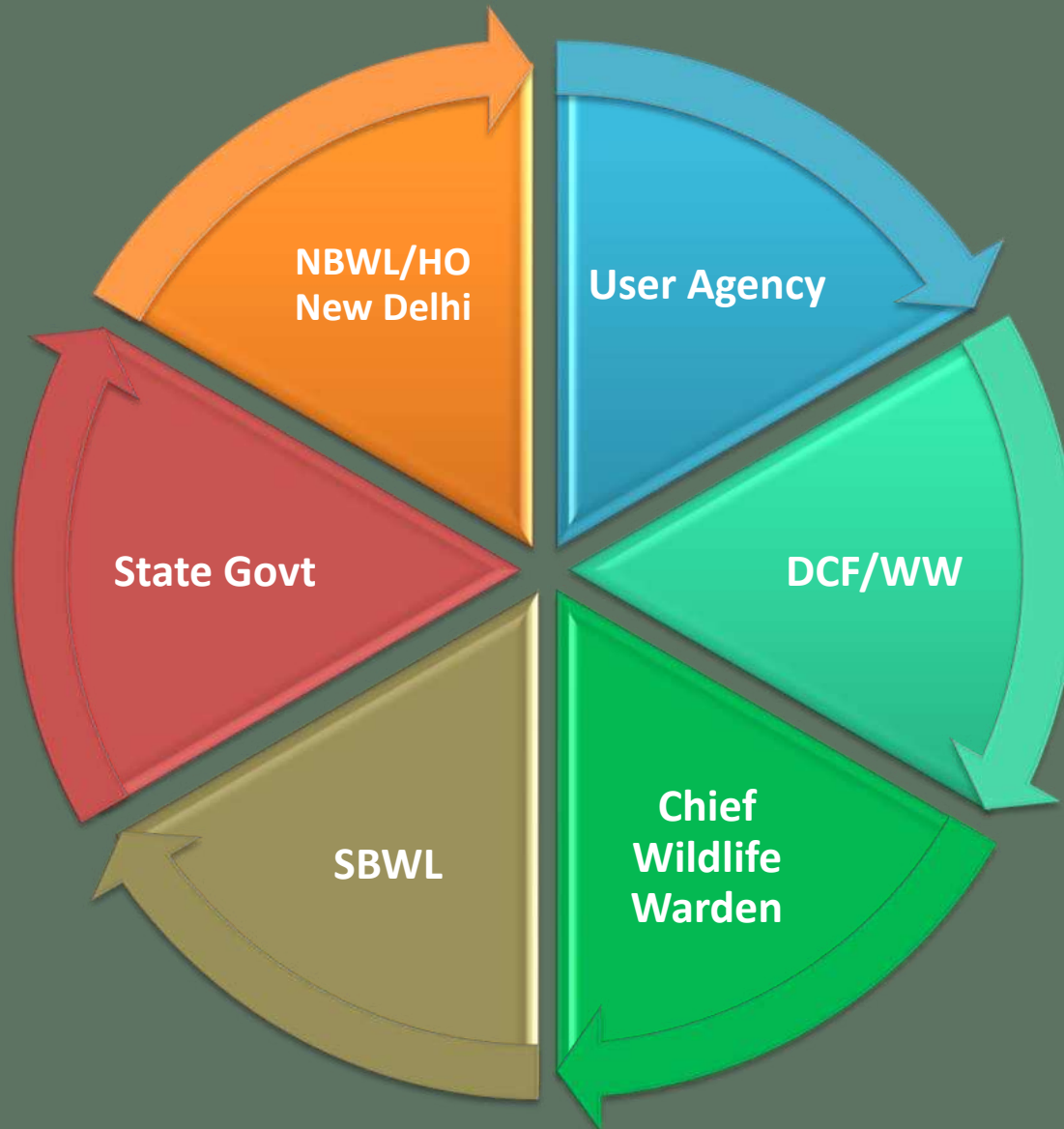


NBWL



CEC

Wildlife Clearance Flow Chart



Application of Net Present Value



The Constitution

- Preamble : *“... to secure to all its citizens... Liberty of thought and Expression...”*
- Article 19: Fundamental Rights - Freedom of Speech & Expression; form associations; move freely -settle anywhere
- Article 21: Right to life encompasses preservation of environment, ecological balance
- Article 32: Right to move the Supreme Court to challenge a law
- Article 226 & 227: Seek issuance of writs in High Courts
- 42nd Amendment in 1976 including List III (Forest & Wildlife)
- Article 48A : State shall endeavor to safeguard forests/wildlife
- Article 51A(g) : Fundamental duty to protect forests, wildlife
- Article 51A (h): Fundamental Duty to develop the scientific temper, humanism and the spirit of inquiry and reform;

Enabling provisions for citizens

- S 5C: Functions of the NBWL
- S 8: Duties of the SBWL
- S 28: Permission for Research R/w S 12
- S 33B: Sanctuary Advisory Committee
- S 36D: Community Reserves
- S 55(c): Complaint

Wildlife Law for Rangers

Step-by-step Charts
Detection To Conviction



"The book is an excellent ready reckoner and a useful guide to Forest Officers"

Justice A.V Chandrashekar - Former Judge, High Court of Karnataka

Praveen Bhargav



The idea of writing a book on Wildlife Law primarily for Rangers and Forest Officers developed during interactions at law enforcement training programs that Wildlife First has been conducting since 1997. Effective implementation of the Wild Life (Protection) Act, 1972 and prosecution of offenders requires Forest Officers to also have a reasonable understanding of the Code of Criminal Procedure, 1973. However, lack of formal training in law and criminal procedures makes this an intimidating subject for Rangers. The book seeks to address this major lacuna and has therefore been written in an easy to understand style along with specific wildlife related examples. The step-by-step procedure to be followed right from detection of an offence to conviction or acquittal has been illustrated in three simple color charts with all important stages covered. The book also contains a detailed chart with classification of various wildlife offences as Cognizable, Non-Cognizable, Bailable and Non-Bailable. Apart from Forest Officers, this book will be of interest to other Enforcement Officers with jurisdiction on Wildlife Offences.

Praveen Bhargav has represented Wildlife First on the National Board for Wild Life, the highest statutory body on wildlife chaired by the Prime Minister. He has also served on various expert committees of the Ministry of Environment and Forests and the National Tiger Conservation Authority and was part of the sub-committee on amendments to the Wild Life (Protection) Act, 1972. He has conducted several training programs and workshops for Judicial Officers in association with Judicial Academies in many States, Police Officers under the aegis of the Karnataka Police Academy and Forest Officers/staff in association with various State Forest Departments. He has also been invited to speak on Conservation Policy and law at National Law Schools, officers at the National Academy of Customs and the State Forest Service College of the MoEF. In 2002, he was nominated for the Environmental Leaders Forum hosted by CERC, Columbia University, New York. The US Government in 2005 selected him to participate in the International Visitor Leadership Program on Public Parks & Conservation. He currently anchors the policy and litigation campaigns of Wildlife First.

ISBN: 978-93-5382-866-0



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Thank you
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Questions
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