MINISTRY OF ENVIONMENT & FORESTS

NOTIFICATION

New Delhi, the18th April, 2003

S.O. 445 (E) In exercise of the powers conferred by sub-sections (1) and (3) of section 40A read with section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government hereby makes the following rules, namely:

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1. Short title and commencement

(1) These rules may be called the declaration of Wild Life Stock Rules, 2003.

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

2. Definitions:

In these rules, unless the context otherwise requires, -

(a) Act means the Wildlife (Protection) Act, 1972 (52 of 1972);

(b) form means the form annexed to these rules;

(c) all other words and expressions used in these rules shall have the meanings respectively assigned to them in the Act.

3. Publicity of intent of notification and Assistance in making application:-

(1) The Chief Wildlife Warden or the officer authorized by the State Government in this regard shall cause to give wide publicity to the intent of this notification in the regional language through electronic or print media or such other means.

(2) The Chief Wildlife Warden or the officer authorized by the State Government in this regard shall take necessary action to assist the local communities and individuals especially the poor and illiterate in the declaration of their possession, filling up the specified form and any other matter connected therewith and shall make every attempt to ensure that no individual or community associated with animals is deprived of this opportunity.

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4. Procedure for filing applications

(1) An application to the Chief Wildlife Warden or the officer authorized by the State Government in this regard shall be presented in the Form annexed to these rules by the applicant either in person or by an agent or by duly authorized legal practitioner or sent by registered post addressed to the Chief Wild Life Warden or the officer authorized by the Sate Government in this regard of the concerned State or the Union territory.

(2) The application under sub rule (1) shall be presented in four complete sets within a period of one hundred and eighty day from the date of publication of these rules.

(3) The applicant may attach to and present with his application an acknowledgement slip as is given in the form which shall be signed by the official receiving the application on behalf of the Chief Wild Life Warden or the officer authorized by the State Government in this regard in acknowledgement of the receipt of the application.

5 Presentation and scrutiny of applications :-

(1) The Chief Wildlife Warden or the officer authorized by the State Government in this regard shall endorse on every application the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement.

(2) If on scrutiny, the application is found to be in order, it shall be duly registered and give serial number.

(3) If the application, on scrutiny, is found to be defective, the same shall be returned to the applicant within fifteen days for rectifying the defects and resubmitting the corrected application within fifteen days from the date of its receipt.

(4) If the applicant fails to rectify the defect within the time allowed under sub-rule (3), the Chief Wild Life Warden or the officer authorized by the State Government in this regard may, by order and for the reasons to be recorded in writing, decline to register the application.

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6 Place of filing application :-

The applicant shall file application with the Chief Wild Life Warden or the officer authorized by the State Government in this regard.

7 Date and Place of hearing to be notified

The Chief Wild Life Warden or the officer authorized by the State Government in this regard shall notify to the parties the date, place and time of hearing of each application, if required.

8 Decision on applications (1) The Chief Wild Life Warden or the officer authorized by the State Government in this regard shall verify the facts mentioned in the application and make such inquiry as maybe required.

(2) The Chief Wild Life Warden shall, as far as possible, decide the application within six months of the date of its presentation and communicate the same to the applicant in writing under his own signature by registered post.

9 Hearing on application ex-parte

Where on the date fixed for hearing the application, the applicant fails to appear without intimation, the Chief Wild Life Warden or the officer authorized by the State Government in this regard may at their discretion adjourn or decide the application ex-parte.

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10 Inquiry by the Chief Wild Life Warden or Authorized Officer

(1) The Chief Wild Life Warden or the officer authorized by the State Government in this regard shall conduct a detailed inquiry and take all actions as provided in section 41 of the Act.

(2) A copy of the report pertaining to sub-rule (1) f this rule, shall be provided to the applicant.

11. Certificate of ownership

(1) The Chief Wild Life Warden shall provide a certificate of ownership to the applicant whose claim is found valid.

(2) The certificate of ownership shall be provided as per the provisions of section 42 of the Act.

(3) The certificate of ownership shall contain the facsimile of the identification mark and in case of live animals the identification number of the transponder (microchip) implanted shall be mentioned in the certificate.

12. Dealing with declared objects:

Any captive animal, animal article, trophy or uncured trophy declared under sub section (1) of section 40A and in respect of which certificate of ownership has not been granted or obtained, shall be treated as government property.

13. Order to be signed and dated

Every order of the Chief Wild Life Warden shall be in writing and shall be signed and dated by the Chief Wild Life Warden.

14. Communication of order to parties:-

Every order passed on the application shall be communicated to the applicant either in person or by registered post free of cost.

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[F.No 1-1-/2003 WL-I]

M.K. Sharma, Director General of Forests and Spl. Secy.

FORM

APPLICATION UNDER SECTION 40A OF WILD LIFE PROTECTION ACT, 1972 FOR CRTIFICATE OF OWNERSHIP

To

The Chief Wildlife Warden or the Authorized Officer

State or Union Territory of

..

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(i) I (Surname)

(First Name)

(Middle Name)

son/ daughter of.

(Surname) (First Name) (Middle Name)

presenting residing at House

Number Taluk District

State.. (PIN Code) and having

permanent residence at House No. Taluk

District

State

(PIN Code)

hereby declare that I am in control, custody or possession of captive animal and / or its offspring bred in captivity / animal article / trophy / uncured trophy / derived from animal (Strike out whichever is not applicable) specified in Schedule 1 or part II of Schedule Ii of the Wildlife (Protection) Act, 1972 having following description:-

1. Common name of the animal species

2. Zoological name (Mention sub-species, if any)

3. Description

4. State the condition of the item (provide four colour photographs of size 8 x 6 covering front, left and right profile sand a full photograph)

5. Number of item

6. Method of procurement : Purchase/gift/inheritance/ any other mode specify

7. Date of Procurement

8. Name of Person / institution from whom obtained

9. Address of person / institution referred to in (6) above:

10. Size (in metres / cms)

(i) Length

(ii) Width

(iii) Height

11. Weight (in kgs / gms)

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12. Any other specific mark that can help in identification of the item:

13. Mention the age and sex in case of live animals

(ii) I hereby declare that the above referred captive animal / item has been kept, stored or maintained at the following address

(iii) I hereby declare that the above referred captive animal / item was acquired by me through legal means but no declaration has been made by me under sub-section (1) or sub-section (4) of section 40 of the Wild Life (protection) Act, 1972.

(iv) I further declare that I have read and understood the provisions contained in sections 40A, 42 and 43 of the Wild Life (Protection) Act, 1972 and state that the above shall not be transferred to anyone by any mode except by way of inheritance.

(v) I hereby give my consent for fixing an identification make to each item and transponder in case of captive animal and assure that the mark or transponder will not be erased, altered or damaged and in the event of any damage, alteration or change of the mark, I shall inform the competent authority within twenty four hours.

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I do hereby declare that the information given above is true to the bet of my knowledge and belief.

Place :

Signature of the person making the declaration

Date : (Name)

ACKNOWLEDGEMENT SLIP

Receipt of the application filed by Shri / Smt / _____ presently residing at _____(Full address and Telephone Number) _____ in the Office of the _____ is hereby acknowledged seal

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Signature

OFFICE SEAL