

MR. DEPUTY-SPEAKER : We will take it up.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill to provide for the protection and improvement of environment and for matters connected therewith be taken into consideration.”

The motion was adopted

MR. DEPUTY-SPEAKER : Now, we take up clause by clause consideration. The question is :

“That clause 2 stand part of the Bill”

The motion was adopted  
Clause 2 was added to the Bill

Clause 3—(Power of Central Government to take measures to protect and Improve Environment

Amendment made

Page 3, lines 2 and 3,—

Omit “not being a ship or an aircraft”

(SHRI Z. R. ANSARI) (2)

MR. DEPUTY-SPEAKER : The question is :

“That clause 3, as amended, stand part of the Bill”

The motion was adopted  
Clause 3, as amended was added to the Bill  
Clauses 4 to 18 were added to the Bill  
Clause 19—(Cognizance of offences)

Amendment made

Page 9,—

Omit lines 22 to 27 (3)

(SHRI Z. R. ANSARI)

MR. DEPUTY-SPEAKER: The question is :

“That clause 19, as amended, stand part of the Bill”

The motion was adopted  
Clause 19, as amended, was added to the Bill  
Clauses 20 to 23 were added to the Bill

Clause 24—(Effect of other laws)

Amendment made

Page 10, lines 5 and 6,—

OMIT “Save as otherwise provided by or under the Atomic Energy Act, 1962 in relation to radio-active air pollution and”

(SHRI Z. R. ANSARI)

MR. DEPUTY-SPEAKER: The question is :

“That clause 24, as amended, stand part of the Bill”.

The motion was adopted  
Clause 24, as amended, was added to the Bill  
Clause 25 and 26 were added to the Bill  
Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill

SHRI Z. R. ANSARI : I beg to move :

“That the Bill, as amended, be passed”.

MR. DEPUTY-SPEAKER: The question is :

“That the Bill, as amended, be passed”

The motion was adopted

17.20 hrs.

#### WILD LIFE (PROTECTION) AMENDMENT BILL

[English]

MR. DEPUTY-SPEAKER : Now we shall take up item No. 7 regarding Wild Life (Protection) Amendment Bill. Half an hour is allotted for this. I would like everybody to be brief when they are speaking.

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI) : Sir, I beg to move :

"That the Bill further to amend the Wild Life (Protection) Act, 1972, be taken into consideration."

The Wild Life (Protection) Act enacted in 1972, for the protection of wild animals and birds, is now in force throughout the country except in Jammu and Kashmir which has its own Wild Life (Protection) Act enacted in 1978.

The Wild Life (Protection) Act, 1972 provides the much needed uniform legislative support to implement the wildlife conservation efforts in the country. It is a comprehensive Act which provides for protection of wild animals and their habitat as well as control and regulation on hunting and trade or commerce and prescribes penalties and punishments for contraventions of its provisions. However, over the years, with the changing times, various provisions of the Act have been found wanting to deal with some aspects relating to enforcement and trade. It was on account of this that during 1982, the Act was amended for the first time to provide for grant of new licences, especially to a Government of India undertaking which had been authorised to acquire declared stocks of snake skins from licensed dealers and to manufacture articles for export. Besides, the amendment laid down that capture of wild animals specified in Schedule I could only be done with the permission of Government of India.....(*Interruption*).

[*Translation*]

PROF. MADHU DANAVATE : What have you to do with the wild animals ?

SHRI Z. R. ANSARI : Both of us are together.

[*English*]

Next to habitat destruction, the major cause of wild life decimation has been its commercial exploitation. This is true of

India as it is elsewhere. The most serious offences today under the Wild Life (Protection) Act are those which pertain to poaching for purposes of sale, or trade offences. A ban on the trade and taxidermy of animals and articles therefrom, which are endangered or gravely reduced, must be now enforced if these animals are to be protected.

The amendment of the Act now proposed through the Wild Life (Protection) Amendment Bill, 1986 is with a view to prohibiting trade or commerce in trophies, animal articles etc. derived from certain specified wild animals. The main reason for this proposal is that while the Export policy is quite stringent with regard to wild animals and derivatives therefrom, trade within the country, continues to be permitted under the provisions of the Wild Life (Protection) Act, 1972. Since there is hardly any market within the country, the stocks acquired by the traders are smuggled out to meet the demand in the foreign markets where these items have high value and fetch attractive prices. This clandestine trade places a heavy pressure on the wild populations of several species of wild animals, many of which are threatened on this account. Poaching of wild elephants for ivory is a case in point. It is noteworthy that poaching for ivory is almost entirely confined to the South Indian States which are the main centres of ivory carving. Today there is no restriction in the carving of ivory articles and its sale and the ivory illegally acquired from Indian elephants is thus easily mixed with ivory imported into India. The animals article stocks declared by the traders at the time of commencement of the Wild Life (Protection) Act, 1972 are still used as a cover for illicit trade. Attempts to acquire the declared stocks of skins like snake skins through the Bharat Leather Corporation after the 1982 amendment of the Act have not met with the desired success mainly because most of the traders are not inclined to part with their stocks and thereby lose the ploy for illegal activities. The proposed amendment to the Act, therefore, seeks to make a general provision to deal with all species of wild animals which are threatened by trade or commerce in them or their derivatives. All such species of wild animals will be transferred to Part II of Schedule II

of the Act, while the provisions of the Act are being amended to prohibit trade in such animals or their derivatives. The amended provisions will then apply also to any wild animal which may be transferred in future to Part II of Schedule II. For purposes of trade restrictions, the animals listed under Part II of Schedule II would be put on a par with the endangered animals mentioned in Schedule I of the Act, all of which have been given the designation of specified wild animals, and all of which would henceforth be banned for trade. A period of two months is being specified to provide an opportunity to the traders to dispose of their declared stocks of such specified wild animals within the country, including to notified Government undertakings. After this specified period, no further trade will be permitted and all existing licences would be invalidated thereafter. No further licences would be granted for internal trade on the specified wild animals or their derivatives, in future. An exemption is being given only to notified Government of India undertakings who can purchase stocks through licensees during the specified period of two months, for manufacturing articles exclusively for export.

At present there is a ban on the manufacture of articles made of and grade in ivory from Indian elephants as the animal is already included in Schedule I of the Act. However, there is at present an exemption given to manufacturers of articles made of and dealers in ivory imported into India, under the provisions of the Act, which is being removed to deal with the illegal trade in Indian ivory mentioned earlier. The amendment provides that the manufacture of and trade in articles made of imported ivory would henceforth be under licence granted under the Act. For any contravention of the provisions of the Amending Act, a higher penalty and punishment than presently available under the Act, is being prescribed.

The House may kindly consider and pass the Wild Life (Protection) Amendment Bill, 1966 in the current session of Parliament.

Sir, I move.

MR. DEPUTY SPEAKER : Motion moved :

"That the Bill further to amend the Wild Life (Protection) Act, 1972, be taken into consideration".

PROF. MADHU DANAVATE : Sir, protection of wild life in the House also :

MR. DEPUTY SPEAKER : We are mild ourselves ; there is no wild life ; Even animals are very calm and they are not wild !

Now, Shri Sobhanadreeswara Rao.

SHRI V. SOBHANADREESWARA RAO (Vijayawada) : Mr. Deputy Speaker, Sir, I welcome the Amendment proposed by the Minister to the Wild Life (Protection) Act, 1972. The amendments are quite essential as otherwise the gang of some traders and poachers, just for their own selfish ends, and with a view to earn more money, are smuggling out the wild animals as well as birds and the skins and their derivatives. At any cost this trade should be arrested. Hence we welcome this amendment. In spite of all these amendments, much depends upon the sincerity with which we implement the Act.

Sir, though at present, to kill a wild animal, we have to take the permission of Chief Wild Life Warden, without which nobody is expected to kill the wild animal, yet, in spite of that provision, there are several instances where several poachers are killing these animals.

Sir, it is also found many a time that the people working in the Department are also hands-in-glove with these poacher and they want to shield these poachers. Whenever such instances are brought to the notice of the Government, the Government should take stringent action against the poachers as well as the personnel involved in such incidents so that in future nobody will take the risk to do such a thing.

Sir, we are happy to learn that some efforts are being made by the Government to identify additional areas to constitute

[Shri V. Sobhanadreeswara]

wild life sanctuaries and national parks. This process, I suggest, should be speeded up and my strong request to the Government is that Kolleru Lake in Andhra Pradesh is a very famous place and birds, especially very rare species, come from many far off places, not only from our country, but even from Siberia, China, Indonesia and several other foreign countries. Unfortunately some greedy people are trying to kill those birds especially in that season. I suggest that Government should take stringent action for arresting such a type of activity by some people and I urge upon the Government to declare a national part for birds in Kolleru area.

Another suggestion I want to make to the Government is that there is a famous bird park in the miniature Indonesia, in Jakarta, where thousands of parks are there, and it is really a heartening sight to find the birds in the parks. I urge upon the Government to take steps to establish and develop one such park in our country also to create an awakening and a strong feeling among the people that it is the duty of the citizens to protect these birds.

Lastly, Sir, I urge upon the Government to take all necessary steps to encourage the growth of herbivores which help in regeneration in forest vegetation which retard the burning of forests. I am told the Minister has been telling that nearly a lakh of acres of forest area every year is burning which is detrimental to the growth of wild animals. I urge upon the Government to take this suggestion and take necessary steps in this regard.

With these words, I thank you for giving me an opportunity to speak.

**SHRI K.P. SINGH DEO (Dhenkanal) :**  
Sir, first of all I would compliment the Minister for Environment as well as the Prime Minister as the Minister Incharge for having brought this Wild Life (Protection) Amendment Bill. Sir, it is very welcome in the sense that it is 13-1/2 years too long that we have waited for this legislation to take place. But at the same time, legislation alone will not serve the purpose because just

as the taste of the pudding lies in its eating, the test of this legislation will lie in its implementation and its enforcement.

From the Statement of Objects and Reasons as well as the Minister's statement, it indicates that this is a rather serious matter because the traders have been in fact resisting the handing over of the skins and other products to the Government and therefore, it has taken 13-1/2 years.

Sir, we passed this legislation in 1972. As the hon. Minister told us, the first amendment came in 1982. In 1972 it was a watershed, we were the first country to pass the Wild Life (Protection) Act which has delegated the authority to the States to frame their own rules. Now that it is a concurrent subject, I think the Centre will take more interest in its enforcement and in the implementation of various provisions. Now, Sir, this is not something really new to us. Our Directive Principles of State Policy as enshrined in the Constitution says that the State shall endeavour to protect and improve the environment and to safeguard forest and wild life of the country. It means, it is not only flora and fauna but also water, soil and air which is the life-line of man itself. Our mythology and the Holy Scriptures as well as the Ashokan rock edicts are replete with instances where we have revered the wild life and given protection from time immemorial.

Panditji also gave a lot of importance and Indian Board for Wild Life was created during his time in 1950. The late Prime Minister, Shrimati Indira Gandhi was the first head of Government who participated both at Stockholm in 1970-72 as well as in 1980-81 when launching of the World Conservation Strategy at its meeting held here in Vigyan Bhavan in New Delhi. She was the first head of the Government in the world to pioneer this concept of environment. Then, we are signatory to the CITES, Conference on the International Trade on Endangered Species, which had its conference in Delhi. We were also its office-bearers. Therefore, in the light of all this, it is incongruous that so far we have not been able to stop or prevent vested interests from carrying on this illicit trade. There-

fore, I have also moved an amendment which I will come to during the clause-by-clause discussion.

Our ladies in the Kumaon and Garhwal regions through the Chipko movement have also done a lot to preserve forest from depredation and exploitation by the contractors. It is also interesting that India is again the pioneer when the first ecological task force in the world was set up in the Shajahanpur block of Dehradun area and my hon. colleague, Mr. Brahma Dutt says that they have done good work both in Mussorie and Dehradun area and the second one is set up in the Bikaner area of Rajasthan. I hope the hon. Minister will also endeavour that more such ecological task forces are raised with 100% ex-servicemen who belong to that area so that they have a sense of belonging and they have a stake in the environment there and which has been an unqualified success both in Rajasthan and in Dehradun area. I hope, he will also very soon sanction two such task forces in the other two regions of Shivaliks—one in Jammu & Kashmir and the other in Himachal Pradesh.

Then, we have got this Tiger reserves, national parks, sanctuaries. And also in the 7th Plan, we are adding a lot of social forestry. Recently in the bio-sphere reserves, there was some announcement that apart from the 13 bio-sphere reserves, one or two additional such centres are being taken up here. I would like to say that his hon. predecessor Mr. Vir Sen when he went last year to Simlipal Park, which is one of the 9 original Tiger reserves, he had made a commitment that in future the Government of India would take up more bio-sphere reserves. He said, the Simlipal Park which forms a unique eco system will also be considered.

Sir, first and foremost is that our ethos on forestry must change from the imperialistic attitude of the productive aspect of forestry to protective aspect of forestry. We should not put too much stress on the revenue generation of the forestry. In this the worst culprits are the Forest Corporations and the Forest Corporations are only bothered about the cost of everything, price of everything and they

know the value of nothing about forest. I refer to many of the States in the North-eastern sector as well as my own home State where the Forest Corporations are in operation and as the hon. Member has said, this is another source of depredation of forests. At a time when the growing human population is conflicting with the requirements of wild life and forestry, it is interesting to note that a study conducted on the Silent Valley of Kerala by the Bombay Natural History Society as well as by the Indian Board for Wildlife and other expert bodies have come to the conclusion that thousands of acres of forests if destroyed will result in 250,000 tonnes of carbon di-oxide not being recycled. The World Meteorological Organisation and the UN Environment Programme have also come to the conclusion that this carbon di-oxide is affecting not only the temperature and climate but also the polar regions where it will result in five metres of more water coming in and it will inundate and flood specially South East Asia, that is, India as well as the Netherlands and other countries, that means the most fertile areas of our country, that is the food bowl of India. Therefore, this takes a very serious aspect which has to be looked into and the Central Government here, since it is a Concurrent subject, will get the active co-operation of the State Government in trying to replant, regenerate and cover the forest area.

Just a few more points. One is that it is having an adverse effect on floods, drought and cyclone. Then the carbon di-oxide as well as the Sulphur di-oxide are also affecting the entire ecology and the biosphere and it is also polluting the atmosphere.

I am very happy that the Environment Bill before us has got the unanimous support of the entire House. It is a comprehensive Bill and the whole House has supported it. I hope like the Ganga, the Government will also take a look at the Brahmani and the Mahanadi Valleys where major industries are located and some of the super thermal power stations are sought to be located. While there should be an impact analysis of ecology and environment on any development project, but, at the same time, on flimsy environmental grounds defence projects and super thermal power

[Shri K.P. Singh Deo]

stations like Talcher and Ib valley and the defence ordnance factory which is coming up in Bolangir should not be delayed or put on the side lines.

I wholeheartedly support this legislation and I compliment the Minister for bringing this.

[*Translation*]

\*SHRI MATILAL HANSDA (Jhargram): Sir, the object of this Wild Life (Protection) Amendment Bill, 1986 is to plug the loopholes and shortcomings of the existing wild life (Protection) Act, 1972. Taking advantage of these loopholes a section of the poverty stricken, unemployed and miserable people of our country on the one hand and the greedy, high-profit-motivated professionals and traders on the other, have embarked upon a systematic campaign of destroying wild life indiscriminately. This has become a matter of grave concern for the lovers of nature, environment and wild life and the scientists, humanists and the Government. Hence this Bill has been brought forth with the object of plugging the loopholes and protecting the wild life, forest wealth and forest areas and expanding the same. I would like to say a few things on this Bill and make some recommendations also. My party and the left front hopes that with the extensive cooperation of the people everywhere, the implementation of this legislation can go a long way to halt the process of indiscriminate destruction of the valuable wild life of our country.

Sir, the Wild Life (Protection) Act was passed in 1972. After 14 long years this amendment Bill has been brought forth today. In this legislation 'wild life' has been defined as, "any animal, bees, butterflies crustaceus, fish and moths and aquatic or land vegetation which forms part of any habitat." The condition of the wild animals is very critical in all areas except the national parks, the sanctuaries and the protected area. A few species of wild animals have

become extinct and a few others are facing extinction. The report of the expert committee of the Indian Board for Wild Life contains a list of species of wild animals who are considered to be in danger of extinction. All of them has not been included in No. 1 Schedule of this Bill. This should have been done for their complete protection. The provision of constituting the Indian Board for wild life with sufficient representatives of the State Wild life Boards should have been made in this amendment Bill. This almost indispensable provision has not been made in this Bill. Under the Wild Life (Protection) Act of 1972, the conservation and protection of Wild life was regulated both in the forest areas and outside. But in this Bill the trading in wild animals, wild animal articles, trophies and ivory inside the country has not been banned. There was a provision of regulating the same. The manufacturers, dealers, taxidermists etc. have been given licences to deal in these articles. Taking advantage of the loopholes of this legislation, the wild animals, birds etc. are being exported to foreign markets illegally and in a clandestine manner. Since there is hardly any market within the country for wild animals or articles, and derivatives thereof or trophies etc., the stocks acquired for trade within the country are being smuggled out to meet the demand in foreign markets. With a view to stop this practice, Chapter V A has been added to this amendment Bill and trading in these commodities is being prohibited within and outside the country. After two months of the enactment of this legislation, all existing licences issued for internal trade would become invalid. Those who want to keep the existing stocks with them as their personal or private possessions, they will have to declare the same to the Chief Wild Life Warden or to the authorised officer who will issue an ownership certificate to them. But the Central Government Corporations or private societies have been granted exemption for purposes of exports. Further, those who are holding a licence to carry on the business as taxidermists, they have also been exempted and are allowed to carry on the business of taxidermist for or on behalf of the Government or any

\*The speech was originally delivered in Bengali.

corporation or society who have been granted exemption. Those engaged in this work for scientific and educational purposes, with the previous authorisation in writing of the Chief Wild Life Warden, have also been exempted.

Under Chapter 5A of this amendmet Bill, nobody else will be permitted to trade in scheduled animals, articles and trophies as manufacturer, dealer, taxidermist etc. No body is permitted to cook or serve meat derived from scheduled animals in any hotel, restaurant etc. Violation of the provisions of this legislation is a cognizable offence and entails imprisonment ranging from 1 to 7 years and a fine of Rs. 5000/-

Now, Sir, I will make a few recommendations suggestions.

There are many extensive forests in the country where there are no protected areas. There the protected forest areas should be extended for the protection of wild life.

There are at present 247 wild life sanctuaries and 53 National Parks in the country. More protected areas should be set up as wild life sanctuaries and national parks. These should be undertaken by the concerned States and Union territories

All types of import and export trade in animals, birds and rare plants should be completely banned, without exception.

In the 7th Five Year Plan the Central Govt. has allocated Rs. 16.8 crores for the sanctuaries, national parks, tiger projects etc. in the States and union territories. This amount is too inadequate compared to the needs. It is essential to increase this allocation substantially.

The officers and employees entrusted with wild life protection work in the protected forest areas are in collusion with the poachers and illegal hunters. Because of this, nobody is punished whatever penal provisions there may be in the law. This aspect has to be kept in view. I draw the attention of the Govt. to this serious situation. With that Sir, I thank you and conclude my speech.

[English]

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): Mr. Deputy-Speaker, Sir, there can hardly be two opinions about this particular legislation. I welcome the Bill and I congratulate the hon. Prime Minister and the Minister for Environment and Forests for bringing this legislation before this august House. This Bill has a very limited scope. I would only like to point out some of the methods in the process of implementation where the common people are facing harassment from the departmental officers.

Number one is, in the case of elephant ivory, you have put an embargo that it cannot be used for manufacturing any item. There are elephants which are owned and maintained by individuals. After the death of the elephant, if the owner has got the ivory, how will it be disposed of? By getting a certificate from the Chief Wild Life Warden, he can keep it in his house, but if he wants to sell it, then he has to sell it to the government undertaking or society or whatever is the authorised institution. In that case, the price that he will be getting will be much less than the market price. So, while implementing this provision it has to be seen that proper prices are given to the owners of these elephants. Otherwise illegal trade will go on.

The main intention of the Bill is that there should be no poaching. To put an end to poaching, this Bill has been brought. But at the same time the legal owners of the wild life should be protected so far as disposal of skin and other things of the wild life are concerned.

There are crocodiles in some of the areas like Andaman and Nicobar Islands, and the cattle are being killed and even human beings are killed by the crocodiles. But Government is not paying any compensation to these people. When you are protecting the wild life, at the same time the poor villages whose cattle are killed by crocodiles should be given adequate compensation.

[Shri Manoranjan Bhakta]

Another important point that I would like to mention is this. The poachers are not only traders but also senior government officials. I would like to bring this allegation to the notice of the House that in most of the cases the forest officials themselves kill the wild animals. Also I have seen in my constituency that the Defence officials go at night and kill the wild animals. In such cases there is no protection of the wild life ; no check is being kept on the activities of these officials. I would request the hon. Minister to see that a method is evolved by which these high officials are prevented from killing the wild life.

In Andaman and Nicobar Islands there is an item called ambergris. This is the vomit of whales. It is a strongly-scented substance which is found floating on the sea water or sometimes it is found on the shore. It is only a refuse. There also the Forest Department people are creating problems and are harassing the villagers and others while they are collecting the ambergris. There is no question of killing any animal. This is only the vomit of the whales which is floating in the sea and coming to the shore. If anybody is collecting, there should be no embargo on this.

With these words, I support the Bill. Thank you.

SHRI SARAT DEB (Kendrapara) : Mr. Deputy-Speaker, Sir, the amendment that has been brought is definitely a progressive one and I welcome it. Rather I would say that this amendment which has been brought today should have been the principal Act in 1972.

India in the whole world is well known for its wild life as well as for foreign birds. But unfortunately, leave apart the Central Parliament even in the State Governments also there have been laws to protect the wild animals ; but inspite of those laws that have been enacted from our practical experience we have seen that poaching is going on. Certain animal species which are rare in the world, which are found in India and for which India has been famous are completely getting extinct from this county. Whichever species are left, they are also now facing this problem.

Therefore, I would tell the Minister that the amendment that has been brought today is not very sufficient to protect the wild lives. Rather there should be more strict laws.

I want to add that in order to stop poaching only bringing laws or involving officials is not sufficient. Protecting the animal means that you have to take the local people into confidence. Only when there is involvement of the local people can you stop the poaching.

I want to cite certain examples. As far as black bugs are concerned there are certain regions in India where people have protected them out of the religious sentiments. That is how they have been preserved. Particularly in Orissa it is there. If we can educate the people of the forest and nearby areas, we then only succeed. Or else, as my colleagues have said, this poaching will go on with the connivance of the forest officials.

It is all right that we should protect the wild animals ; but at the same time we should also see that these wild animals do not become hazardous to the farmers and to the people. Why I am saying this is because there is a crocodile farm in Orissa in my constituency where crocodile farming is taking place. No doubt, it is a very good project ; but the outcome of it has become very dangerous. After a crocodile becomes adult it becomes a menace. There are hundreds of examples where they are taking human lives. Ordinary crocodiles which are wild are scared of human beings. But these crocodiles which are reared in the farms get acquainted with human beings from the very childhood and when they are grown up, they do not have any fear for human beings. The question is how to control them.

18.00 hrs.

The wild boar species, though it is a wild animal, it is very hazardous because it is a pest. Controlling this is the duty of the Government. Similarly I want to bring to the notice of the Hon. Minister that in the coast of Bay of Bengal there are certain areas where species of tortoise come and lay eggs particularly in my area which is internationally reputed for that but fortunately

that area has been neglected and could not be developed and as a result of which 4000 tortoise died in the last season. It was really a pitiable sight.

MR. DEPUTY-SPEAKER : Please conclude.

SHRI SARAT DEB : I will sum up by saying that on the question of trade these tortoise shells if they are properly marketed to the foreign countries like Australia they will fetch a very good foreign exchange for the country. So from commercial angle also it will earn a good amount to the State exchequer.

As far as ivory is concerned those persons who are rearing elephants domestically, the tusk of the elephant keeps growing and they keep on cutting it. They have to sell it to the State Trading Corporation as the market for it has been banned the person concerned should be given proper price for the labour he puts in rearing the elephant.

Lastly the crocodile farming though it has been taken up since long yet it has not been commercialised as yet.

[*Translation*]

SHRI DAL CHANDER JAIN (Damoh): Mr. Deputy Speaker, Sir, I support the Wild Life (Protection) Amendment Bill introduced in the House. I shall not repeat the points already raised by our hon Members but I would like to attract your attention to some new points.

Sometimes, hunting is done in the forests declared reserved. I have an information that sometimes even the forest department officers collude in such activities. Sir, it is a separate thing but the nearby living poor labour and farmers face great difficulty when their cattle stray into those reserved forests. The difficulty in getting them back beggars description. We shall have to bear in mind that those poor labourers and farmers should not be harassed unnecessarily when their cattle stray into the reserved forests.

Sir, the second thing is that our country of Bhagwan Mahavira and Bhagwan Budha believes in non-violence. We have to protect the rare wild animals and birds. In this connection, I want to draw your attention to a news in the 'Navbharat' of 25.3.86 published from Jabalpur. There was a news that trade of human flesh is in full swing and that 50,000 human skeletons are exported to foreign countries from here because they are in short supply there. What I mean to say is that we receive many reports of missing persons. These persons are whisked away in a mysterious manner; we have to take care of them. We have to protect the wild life but also have to take care of the common complaints.

SHRI MANOJ PANDEY (Bettiah) : Mr. Deputy Speaker, Sir, I support the Bill introduced here in connection with protection of wild life.

First of all I would submit that in the game-sanctuaries of the country, as one hon. Member has said, big officers and other important persons are even today indulging in poaching and it is necessary to stop them from doing so. We introduce a Bill and pass it here but in reality our forests are not protected even today and wild animals are becoming victims of the poachers.

These so-called hunters are big officers and other important persons, who have lot of money. I would like to draw the attention of the hon. Minister towards Champaran district of North Bihar. There is one game-sanctuary in Madanpur whose protection has been entrusted to the local officers and forest officers. But I know that there are certain officers among them who encourage such hunters and take them for hunting during night.

We pass the Bill just by sitting here but have we ever brought a Bill wherein it might be provided that such forest officers who are indulging in illegal activities will be apprehended? We know that protection of wild life is very necessary. Otherwise the way they are being hunted, the forests will be emptied of these animals.

[Shri Manoj Pandey]

In Madanpur sanctuary, a survey made some 2 or 3 years back showed the number of tigers 25 but today I can say with authority that their number is decreasing and if we do not take some timely action, there will be no more tigers in that area.

Balmik Nagar is at the farthest end of West Champaran. From there onward, border of Nepal begins. Nepal's forests and our forests are contiguous. Nepal's wild animals, including rhinos, enter our forests also. I know it myself that these rhinos are being poached. If we continue to give them this liberty, then we shall not be able to protect our wild life.

I would submit that these unauthorised activities should be stopped. I support the Bill.

[English]

SHRI PIYUS TIRAKY (Alipurduara) :  
Mr Deputy-Speaker, Sir, I have only one or two points to make on this Bill.

In Jalpaiguri district at Rajabhatkhawa, there is a proposal to have a Tiger Project. The area has already been demarcated and the people living there have to vacate the place. I would urge upon the Government that the people already living there for centuries must be rehabilitated first before the Tiger Project is implemented. The area should also be properly protected, so that it does not prove to be a menace to the surrounding area. Animals, special cows, buffaloes and other domestic animals are killed by the tigers and sometimes even human beings lose their lives. The Tiger Project is welcome, but I must add that in all these projects, we have the ultimate good of the human beings in view and, therefore, the project should not be a menace for the people living there.

Further, I find that in the Forest Department persons who are given employment are generally from the town areas, those who are not habituated to living in the forest areas. That is not the right approach. You must take persons for

employment in the Forest Department from that area itself, especially the tribals in that area, who have got the real love for the forests and the animals there.

As we know, the forests area has been reduced to a considerable extent. We must take proper action for afforestation, so that we can have more forests and the wild animals can move from one place to another in the forest freely. If the animals are confined to one place, just as we have them in the zoos, they begin to suffer from many diseases, which are sometimes very difficult to be cured. And if one animal gets that disease, it spreads to others also.

As I said, the employment in the Forest Department should be given to people who know the entire forest area, they are habituated to live in those environments and have love for the forests.

Secondly, a lot of deforestation has taken place already. We have now introduced social forestry and that should be encouraged. A number of small birds and other species of the wild life are becoming extinct or have already become extinct. The people living in those areas should be encouraged to preserve those birds and animals, they previously had. Specially the tribals living there for centuries are well conversant with these species, and they have great love for the wild life. They should be given all encouragement.

[Translation]

SHRI BRAHMA DUTT (Tehri Garhwal):  
Mr. Deputy Speaker, Sir, I support this amendment Bill. In this connection I want to submit 3 or 4 things.

It is a scientific fact that for the protection of the human society, the protection of trees, animals and wild life is imperative. This Bill has also been brought with the purpose that the trade of wild animals could be brought to an end. There was a time when man used to hunt animals for eating because farming had not then started. Later on, hunting of these animals became a pastime.

Presently what is needed is to protect them and to increase their number. Two-third of my constituency consists of forests wherein wild animals used to be plenty but today they are not seen. Forests catch fire resulting in destruction of trees as well as of animals. Why do the forests catch fire? Because earlier cooperation of the people living in forests was sought and certain rights were given to them. Therefore, these thing did not happen. Nowadays, they have been deprived of those right. Therefore, some coordination should be established. Secondly, there is shortage of drinking water there. Due to lack of forest conservation and also because of soil erosion, the drinking water is not available in that area.

One thing more I want to say is that if we do some work, howsoever good it may be, in an unrealistic manner that will not yield good result. There is on Rajaji Sanctuary in our area. There is one more sanctuary upwards. Between these two sanctuaries fall three villages, namely, Raiwala, Gorimafi and Partitnagar. There is one big military camp and Raiwala Station there. But God knows to whom did it occur that these two sanctuaries should be converted into one? The hon. Prime Minister has just now said that we will not implement any scheme till the people who are going to be affected are re-settled somewhere else. There are two thousand families in these three villages. Notices have been issued to these two thousand families about connecting these two sanctuaries and about acquiring their land. But it has not occurred to our officers that there is one station there which cannot be removed and there is a big military camp which also cannot be removed. I then suggested one way out that a corridor can be provided between these two sanctuaries. Our purpose will be served with this corridor. What we are to see is that not only the animals in the forests should remain protected but people living in the surrounding areas of those forests should also remain safe.

One thing more I want to say. It is good fortune of our district that hon. Prime Minister laid the foundation stone of the Wild Life Institute there last year. But some two weeks back when I went there to

see the progress, I found that only the foundation stone was there and no building has been constructed there so far. Kindly look into that because research work regarding wild-life protection and procreation is going to be done there. These are my suggestions. I would like to submit that the future of humanity depends on the protection of trees, animals and birds.

[English]

SHRI P. NAMGYAL (Ladakh) : Mr. Deputy Speaker Sir, I rise to support the Wild Life (Protection) Amendment Bill, 1986, in which it has been sought to check the clandestine and illicit trade in skin and trophies other products of some of the wild life species, which are on the verge of extinction. The Act passed in the year 1972 is being used as a cover for such illicit trade.

Sir, my constituency is full of many kinds of wild life species such as snow leopard, stone martin, black-necked crane, blue sheep, Markbor, wild yak, antelope, etc. Some of these species have become very rare because of the indiscriminate killing for their skins and other products as also for their meat. They are almost on the verge of extinction. Sir, the Jammu & Kashmir State has got its own Wild Life Act, which has got the same loopholes as you have projected here in this Bill for amendment. Unless the Wild Life (Protection) Act of the Jammu & Kashmir State is amended in line with this Act, it will have no use because the traders will get protection under the Jammu & Kashmir Wild Life Act and shift their business to Kashmir. Hence the very purpose of amending this Bill will be defeated. You have to impress upon the Governor of Jammu and Kashmir to amend the State Government's Wild Life Act in line with this Central Act. Then only, we can check this illicit trade.

Sir, regarding some of the wild animals, we have a peculiar problem in my constituency. In some parts of our constituency, there are thousands of wild asses, which are locally known as 'Kiang'. The Chinese on the other side of the border shoot these

[Shri P. Namgyal]

animals and eat their flesh with the result that these animals have migrated from the Chinese side to our side of the border. The result is that they almost denuded the entire area of whatever little greeneries such as or bushes or grasses or the pasture land are there. This has very badly affected the environment of the area.

MR. DEPUTY-SPEAKER : Now you have to eat it.

SHRI P. NAMGYAL : We don't eat it. That is why this problem is there. Not only a few hundreds but there are thousands of this animal are there in a very small area, but now these animals have started invading the farmers' field, and damaging the crops. So you have to find a method to check the growth of this animal, by caging them and castrating, or by some other method or you have to resort to selective killings. So this has created a big problem for us and you have to think in this direction.

Lastly, there is a need for establishment of a Wild Life Sanctuary in my area. We have very many species of wild life which are rare species. So, if the Government of India comes forward with a proposal, it would be well and good. Although State Government had a proposal to establish a wild life sanctuary, but so far they have not been able to do it. But I would request the hon. Minister to kindly consider this suggestion to set up a wild life sanctuary in Ladhakh.

With these words, I support this Bill. Thank you very much.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Deputy Speaker, Sir, I would like to touch only two points. Firstly, there are wild boars in our district which are very dangerous for the villagers. They destroy crops and ground-nuts. That is why people kill them by planting country bombs and eat pork. Even in the absence

of any provision in the Act in this regard, people are arrested and un-necessarily harassed. I, therefore, want that "wild-boar" should be deleted from the schedule. Secondly, in summer season due to non-availability of water in the forest, lion enters the village for drinking water and kills cows and bulls of the villagers. Therefore, I would request you that forest department should provide water in some parts of the forests so that lion may not come near the villages. I once again would like to repeat that lion enters the villages for drinking water and kills and eat the cows, bulls, calves etc. Therefore, it is necessary to provide water in the forest itself.

One more thing I would like to say that nobody can hunt in the jungle without the permission of Forest Officer. Therefore, if any hunter is caught hunting in the forest, then the Forest Officer should also be made responsible. In Orangal district, hundreds of wild animals died of an epidemic and under such circumstances, some doctors were called from Delhi who gave some injections to control the epidemic. Due to the non-availability of veterinary doctors, thousands of animals have died there. If there is any difficulty in giving injections, provision of tablets should be made and if necessary research should be carried on over it. Therefore, the arrangement of doctors is necessary there.

With these words I conclude.

\*SHRI G. S. BASAVARAJU (Tumkur): Mr. Deputy-Speaker, Sir, I rise to support the Amendment to Wild Life (Protection) Act, 1972. This is a very important and progressive Bill and I am sure that the whole House would wholeheartedly welcome it. In fact, this amendment should have been brought in the year 1972 when late Smt. Indiraji was the Prime Minister. There is a great need to protect the animals and birds all over the country.

In Karnataka, few years ago there were thousands of elephants. Now, there are only few hundred elephants. What has

\*The speech was originally delivered in Kannada.

happened to these elephants? Many of them have been shot dead. Some of them have been victims of poisonous food by unscrupulous persons. If this tendency continues there would be no elephants for our next generation to see. If they ask about the elephant, tigers and other animals then we would be compelled use the pictures to show them. Some rare species of animals are on the verge of extinction. Some strict measures to stop this merciless butchering of animals are very essential.

The killing of elephants is mainly to extract ivory. Persons involved in stealing smuggling of ivory must be given severe punishment such that he should never do it again. In some cases the forest department officials are also involved. On account of this the number of animals is decreasing very fast. In the same way trees are cut in the forests. The trees are cut for the purposes of getting timber and fuel. Therefore there is an urgent need for stopping deforestation immediately.

Throughout the country there are bird sanctuaries. In Karnataka there are three famous bird sanctuaries. Unfortunately the birds in the sanctuaries are decreasing in number day by day. Peacock, the wonderful bird of Indian forest is also facing a great threat to its existence.

Therefore I commend the measures taken by our Govt. to protect birds and animals. Once again I welcome this bill which seeks to protect the wild life and with these words I conclude.

[English]

SHRI MOOL CHAND DAGA (Pali) :  
What is the purpose of this Bill? Mahatma Gandhi had said :

“It is wrong assumption to say that human beings are lords and masters of the lower creation. On the contrary, being endowed with greater things in life, they are the trustees of the lower animal kingdom”.

[Translation]

Every year, wild life week is observed and emphasis is laid on the theory of live and let live. But actually forests have been devastated and now even wild animals cannot move freely. Our late Prime Minister Shrimati Indira Gandhi had said :

[English]

“The tiger cannot be preserved in isolation. It is at the apex of a large and complex specie. Its habitat, threatened by human intrusion, commercial forestry and cattle grazing must first be made inviolate.”

[Translation]

Mr. Deputy Speaker, Sir, all the speaker who have so far spoken on this Bill were non-vegetarian and you would like now a vegetarian speaking on this Bill. We people sacrifice our lives but protect the life of others. I would tell you that our women folk breast-feed the little deers who lose their mother deers. It may not happen in your Madras but it happens in our Rajasthan. I would like to ask the hon. Minister how many persons have been punished and jailed since the enforcement of this Act of 1972. How many licences have been cancelled. Nothing is done. Jungles are being cut continuously. Now the condition is this that wild animals cannot move in the jungles freely. All jungles have been cut and it has become difficult for the animals to move freely. There were so many streams and springs in the jungles but now dams have been constructed on them and as a result of it, water is not available to the animals. You should not play with the life of the animals.

There is a bird named ‘Godawar’ in Rajasthan. The King of Saudi Arabia had came here for hunting this bird. I want that this bird should also be protected.

I would like to ask as to what extent the Act of 1972 has been implemented. After the laws have been made, they decorate the

[Shri Mool Chand Daga]

shelves. One more statute book will decorate the shelf of Shri Ansari. Had the law been strictly implemented, the forest would have not been reduced to just 10 per cent in the country. At one time, forest area was 33 per cent in our country. Today neither there are forests nor animals. If you cannot protect the wild animals, at least you should have not played with their lives. Here your bell will ring and that will also ring the bell for the wild animals in the forests. (*Interruptions*). Meat eating spoils the teeth and causes heart trouble. We should protect the animals.

[*English*]

SHRI Z.R. ANSARI : This Bill has got a very limited scope. This is an Amendment Bill, Wild Life (protection) Amendment Bill, 1986. It has been brought only with a specific purpose of controlling the trade of these wild animals.

It is true that the Act of 1972 was misused and certain illegal and illicit trade was going on and certain provisions of that Act of 1972 were just acting as a cover to protect the illegal traders. So, far this particular purpose, this Bill has come. I understand that all the hon. Members have supported the very spirit of this Bill and they have also supported the provisions of this Bill, as far as controlling of that trade is concerned and prohibiting of that illicit and illegal trade is concerned.

In the debate, we had a wide ranging of questions. I do not propose to answer all those questions. Of course, this is a very welcome trend. I shall certainly make use of these suggestions which have been made in this august House by the hon. members. When we come with certain other specific legislations in other fields—it may be forest conservation ; it may be wild life protection and amendments, we shall certainly make use of these suggestions. Mr. Maga is not here. He has given sermons, as usual, I shall certainly make use of those sermons. I am very much enlightened by those sermons which Mr. Daga has given. Although in this world of blood and flesh

sometimes the sermons which are not practicable. Even then, the sermons are there and those people who want to make use of those sermons, they are most welcome to do so.

I just want to answer a few points. One point has been raised, which is a very relevant point, made by hon. Member, Shri Bhakta, He had asked "what happens to those people who tame an elephant and what will be the position of the ivory after the elephant dies?" He wanted to know whether he would be in a position to sell or transfer the ivory.

Actually this amendment does not concern those individuals, provided they have a certificate of origin of that elephant from the Chief Wild Life Warden and it is covered under Section 43 of the Original Act, the Wild Life (Protection) Act, 1972 where it has been provided that any person who is having any wild animal if he has tamed it and if he has a valid certificate from the Chief Wild Life Warden then he can sell that elephant—not necessarily to any Government agency—to any other person. So, that point is very well protected. We have not touched this Section 43. This amendment is for Section 44 on wards. Therefore, that thing is not there.

The other point which has been made is about the extension of the Act to the State of Jammu & Kashmir. We have—the Government of India—already requested the Government of Jammu and Kashmir that the application of the Wild Life (Protection) Act may be got extended to the State of Jammu and Kashmir also. That step we have taken and we hope that they will certainly look to it favourably.

Then, Sir, there are certain suggestions regarding sanctuaries and one hon. Member from Ladakh had made a suggestion that there should be a sanctuary in Ladakh, and I think that the State of Jammu and Kashmir is setting up one sanctuary, one National Park in that area, which we will certainly support financially.

Then one hon. Member from Andhra Pradesh probably made a point regarding Kolar Lake in Andhra Pradesh, and about a bird sanctuary there.

PROF. N. G. RANGA (Guntur) : Kolar is in Karnataka, Mysore.

SHRI Z.R. ANSARI : May be, it is on the border. There is already a sanctuary there.

Now, that is all I think, Sir.

SHRI K.P. SINGH DEO (Dhenkonal): I had asked about Sunilipal Biosphere Reserve. Why the discrimination against Orissa ?

SHRI Z.R. ANSARI : That is not a point at issue. As I have already said,.....  
(Interruptions)

SHRI K.P. SINGH DEO : Because, the hon. Minister replied to the other points, that is why, I have mentioned it. I shall be rather obliged to the hon. Members for giving valuable suggestions. I shall certainly look into these suggestion.

With these words, I commend that this Bill be passed.

SHRI SARAT DEB : As the hon. Minister was saying, according to the present Act, you have restricted all other trading concerns except the State Trading Corporation from dealing in ivory items. Now, those who are in possession of domestic animals, they cannot go to the open market to sell ivory.

SHRI Z.R. ANSARI : I think, under section 43 they can sell it.

SHRI SARAT DEB : Then it is contradictory, because this Act specifically prohibits ivory business to be conducted in the open market as there is not much scope inside the country. That is why, I want to ask you except the State Trading Corporation, how are you allowing any private dealer to deal in this item.

SHRI Z.R. ANSARI : Section 43 reads like this :

“Subject to the provisions of sub-sections 2, 3 and 4 person other than a dealer...”

If he is not a dealer, a private individual, then amendments are being brought through this amending Bill to section 44 on wards. Regarding those persons, who are private persons and are having elephants, they are being dealt with under section 43.

SHRI SARAT DEB : But when he sells the tusk, he can sell it to the State Trading Corporation and not to any private persons. Not only that. The elephant tusk keeps on growing. They keep on cutting and selling. That is why I wanted to know the provision.

SHRI Z.R. ANSARI : In that case, they will have to sell those things to the public sector undertakings which are authorised to deal with the indigenous ivory.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill further to amend the Wild Life (Protection) Act, 1972, be taken into consideration.”

The motion was adopted

MR. DEPUTY-SPEAKER : Now, we take up clause by clause consideration. The question is :

“That clause 2 stand part of the Bill”

The motion was adopted

Clause 2 was added to the Bill

Clause-3 (Insertion of new chapter VA)

SHRI K. P. SINGH DEO : I beg to move :

Page 4, line 3,—

OMIT “for display” (1)

SHRI Z.R. ANSARI : I accept it.

MR. DEPUTY-SPEAKER: The question is :

Page 4, lines 3,—

OMIT "for display" (1)

The motion was adopted

MR. DEPUTY-SPEAKER : The question is :

"That clause 3, as amended, stand part of the Bill"

The motion was adopted  
Clause 3, as amended was added to the Bill  
Clauses 4 and 5 were added to the Bill  
Clause 1, the Enacting Formula, and the  
Title were added to the Bill

SHRI Z. R. ANSARI : I beg to move :

"That the Bill, as amended, be passed".

MR. DEPUTY-SPEAKER: The question is :

"That the Bill, as amended, be passed"

The motion was adopted

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18.45 hrs.

#### INCOME-TAX (AMENDMENT) BILL

[English]

MR. DEPUTY-SPEAKER : Now we shall take up item No. 8.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : Sir, I beg to move :

"That the Bill further to amend the Income-tax Act, 1961, be taken into consideration."

This short Bill has been introduced primarily in pursuance to the announcement made in the Budget Speech this year as also the Finance Minister's Speech in the Lok Sabha on 24th April, 1986 while moving Government amendments to the Finance Bill, 1986.

In the Budget speech, a proposal to provide relief to self-employed persons or salary earners in respect of medical expenses incurred by them had been announced. To implement this, it is proposed to insert a new section in the Income-tax Act, providing for a deduction up to Rs. 3,000 in a year, in the aggregate, in respect of any sum paid as premium by an individual for insurance of his own health or on the health of his or her spouse or dependent parents and children. In the case of a Hindu undivided family or an association of persons or body of individuals consisting of only husband and wife governed by the system of community of property. In force in the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the deduction is to be allowed in respect of the premium paid for insurance on the health of any member of such family. It is also proposed to introduce a new section in the Income-tax Act so that deduction is allowed to an employer in respect of premia paid by cheque for insurance on the health of the employees in accordance with an approved scheme.

As per the provisions of the Income-tax Act, deduction is allowed to a scheduled or or non-scheduled bank to the extent of ten per cent of the pre-tax profit in respect of provision made by it for bad and doubtful debts or of an amount not exceeding two two per cent of the aggregate average advances made by the rural branches, whichever is higher. I propose to amend the relevant section so that a deduction is allowed to all banks of an amount not exceeding two per cent of the aggregate average advances made by their rural branches together with a deduction of provision for bad debts limited to five per cent of their total income, subject to the existing conditions.