



Feedback

Wildlife (Protection) Amendment Bill, 2021

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Google drive link for accessing the reports mentioned in this document: (link is active, please click on it)

<https://drive.google.com/drive/folders/1A58btPTlv3Ct3ITuDqIAf8fle4yNaPEk?usp=sharing>

Clause 6: (new section 6A)

This amendment will make the existing “State Board of Wildlife” a defunct body. This specifies that a maximum of 10 members can be appointed for the “Standing Committee”. This leads to a situation in which the committee can be formed with just two members (Vice-Chairperson and member secretary).

We suggest continuing with the existing setup of the State Board of Wildlife that has 13 external members (representing NGOs and experts) (or) in the “Standing Committee” model, make the change that “13 external members need to be part of the committee”.

Note: Out of these 13 members, at least 3 members who are working for the welfare of captive wild animals should be nominated. This should be mentioned in the amendment.

Clause 22: (amending section 39)

“(4) Where any such Government property is a live animal, the State Government shall ensure that it is housed and cared for by a recognised zoo or rescue centre where it cannot be released to its natural habitat.

The words used in this amendment are not giving a clear idea. This can be changed as below

*“(4) Where any such Government property is a live animal and in case this animal cannot be released to its natural habitat, then the State Government shall ensure that it is housed and cared for by a recognised **large category zoo** or rescue centre.*

Note: Since zoos are kept in appalling condition, rehabilitating the animal at a **large category zoo** (or) rescue centre will provide the facilities to fulfil at least a few basic needs of the animal.

Attached: Report about horrible, appalling condition of animals at medium, small and mini zoos.

Clause 26: (new section 42A)

Appreciate this initiative which provides an opportunity for animal owners to surrender their animals. Unfortunately, since there is no compensation given by the government, the owners will prefer to sell the animal illegally and make some profit. We suggest providing reasonable compensation (equal to market rates) to encourage the owners to surrender the animals.

This section does not make surrender mandatory. We suggest making the surrender mandatory and permanently phasing out the system of private ownership of wild animals, which is the core purpose of creating the Wildlife Protection Act.

Clause 27: (amending section 43)

Allowing the commercial sale of elephants will promote illegal capture, barbaric taming, and selling of elephants. This will reverse the 50 years of effort (from 1972) done to save the elephant species. The damage done by this amendment is unimaginable. This also goes against the MoEF elephant task force's Gajah report (2010) that suggests phasing out captive elephants in India. This clause needs to be removed without any second thoughts.

Attached: A report about the illegal capture, taming and sale of wild elephants from North East India to South India with support from state forest department officials.

Clause 32 (amending section 51)

Jail Term: This amendment increases the penalties for crimes but this is not sufficient, even the jail terms (both minimum and maximum) should be increased. This is very important to prevent crimes.

Non-bailable: All wildlife crimes need to be made into non-bailable offences. This will deter the criminals. A wildlife crime incident in 2021, in the Nilgiris district of Tamil Nadu, shocked the nation. An innocent elephant was killed because of the large bleeding wound on its head, caused by a burning tyre thrown on it, by a local Home Stay owner. Even such heinous crimes are bailable.

Such gruesome incidents and poaching will reduce only critical WPA violations that are made non-bailable.

Clause 39 (new section 62A)

This new section about controlling the import of alien species is appreciable.

Illegal wildlife trade is in the second rank in the global market of illegal trades. Several thousands of animals are killed during capture and transport to the destination country.

Cruel, horrifying methods are used to control and pack these animals for shipping. These animals are transported in this shocking condition for several days to reach the pet markets in India.

Allowing the import of alien species has a huge impact on biodiversity.

Pet shops sell these animals for very huge rates.

People with zero knowledge about raising alien species of animals, just buy these animals out of curiosity. After a short stint of keeping the exotic pet, unable to manage the animal, they release the animal in any habitat in India. If they are not released, the animals die due to extremely poor maintenance.

The appalling living conditions does not satisfy even the basic biological, psychological, physiological and sociological needs of the animal.

The trauma the animals undergo in this process is unimaginable.

Online articles about exotic pet trade in India

<https://www.wildlifeconservationtrust.org/why-india-needs-stronger-laws-to-protect-exotic-species-on-its-soil/>

<https://india.mongabay.com/2021/04/exotic-animal-trade-carries-risks-of-disease-outbreak-and-introduction-of-invasive-species/>

<https://www.thecitizen.in/index.php/en/newsdetail/index/13/20511/why-the-exotic-wildlife-trade-is-rising-steeply-in-india>

Wildlife Markets in India

The interactions between wildlife and humans are ever-increasing as we encroach upon and alter wild habitats, one of the many results of this being increased risk of pathogen spillover from wildlife hosts to humans. Markets selling live wildlife or wild meat amplify this risk as they are hotbeds presenting a **large number of species**, kept under **stressful conditions** for **extended periods of time** with a high potential to **shed and share viruses** on the site as well as after.



Exotic wild animal markets in India (partial list)

Image by: Wildlife Conservation Trust



Attached: Report about illegal bird trade.

Amendment needed:

- Import of alien species to supply to traders, pet shops.
- Purchase of alien species by public

needs to be completely banned.

Surrendering exotic pets to the government needs to be made mandatory. Government should take immediate measures to return these animals to their native country. Suitable amendments have to be made to facilitate this project.

P.T.O.

Feedback - Amendments needed in the Principal Act

Banning private ownership of wild animals:

Captivity does not satisfy even the basic biological, psychological, physiological and sociological needs of a wild animal.

The concept of private ownership (including temples) of wild animals needs to be completely abolished. This includes abolishing ownership of animals in any format i.e., with ownership certificate (or) via inheritance (or) with permission from Chief Wildlife Warden etc. Some of the section that deals with private ownership are **40, 41, 42**.

Attached: A report on how elephants suffer in private ownership.

Short term and long-term plans for rehabilitating captive animals in wild:

When several countries in the world are seriously focusing on sending captive wild animals back to the wild, in India such projects are NOT existing. This is shocking. This questions the core purpose of having the Wildlife Protection Act, MoEF, state forest departments and a battalion of officers trained in Indian Forest Services and Indian Administrative Services.

There is a fundamental flaw in the system if a project for sending captive wild animals back to the wild is not existing.

Attached: Details about projects focusing on sending captive wild animals (including elephants) back to the wild, in other countries

Amendment needed:

- Add sections to rehabilitate the wild animals currently owned by private people (including temples). The rehabilitation should be done in a government-owned rehabilitation facility that replicates a sanctuary. (**Note:** Rehabilitation cannot be done at a zoo). The existing forest department elephant camps can be used for such rehabilitation programs (or) a new facility needs to be developed.
- Add sections about the long-term plans for sending healthy wild animals from the rehabilitation facility, back to the wild, using the soft release method.

Lack of a section regarding “Maintenance of Zoos”

Zoos in India are kept in appalling condition with enormous animal suffering and unimaginable cruelty. The majority of the zoos do not comply with even the fundamental aspects of the CZA rules. The violations are very high in Mini, Small and Medium category zoos.

Zoos do not satisfy even the basic biological, psychological, physiological and sociological needs of a wild animal.

Zoos need to be abolished in the country. To start with closing of Mini, Small and Medium zoos will be a progressive approach. The animals from these zoos can be shifted to a large zoo. Animals fit to release in wild can be released in the wild. Phasing out zoos needed to be added as a new section

Not maintaining the zoos properly and not complying with CZA rules need to be declared as an offence. Stringent punishment to officers, for doing such offences, needs to be included.

Attached: Report about appalling condition of animals at medium, small and mini zoos.

Amendment needed: Amendments are needed to handle all the above-mentioned problems.

Banning exchange, diplomatic gift of the zoo, forest camp animals, with overseas countries:

Bringing exotic animals from other countries to India (or) transfer of Indian zoo animals, forest camp animals to other countries needs to be completely banned by amending the law.

These animals are forcefully separated from their families and exchanged.

In such exchanges, even the basic biological, psychological, physiological and sociological needs of a wild animal cannot be satisfied at the new location. Animals that are received as a pair, lose their partner very soon, due to poor living conditions and extreme stress. Animals from a tropical country like India when sent to extremely cold countries, undergo enormous suffering due to harsh, unsuitable weather in a foreign land.

Examples of exotic animals that suffer in isolation, for multiple decades:

- **Lonely male African elephants at Mysore and Delhi zoos.**

Very Important: Such exchange, diplomatic gifting programs consider animals as just display pieces. They are least bothered about the ethics (or) welfare of the animals.

News 1: The year 2018 news article about illegal tagging of “Karnataka Forest camp elephants” as “Mysore Zoo elephants” and planning to send them to Singapore zoo for commercial exploitation is given below.

Violations by government officials:

- CZA had banned keeping elephants at zoos in 2009.
- The exchange of animals to a foreign country, that does not have the same species in its natural habitat is not allowed as per the animal exchange rules of CZA. Singapore does not have a natural elephant habitat.

<https://www.newindianexpress.com/states/karnataka/2018/feb/21/activists-see-red-over-transfer-of-elephant-calves-to-from-mysuru-zoo-singapore-1776523.html>

News 2: Article about plans to separate a female elephant from its family in the Karnataka Forest camp and send it to Armenian zoo as a diplomatic gift

<https://www.hindustantimes.com/india/stop-gift-of-indian-elephant-to-armenia/story-SKgFjsAHuqU3NiFGe2BQ0M.html>

Section 11 – Translocation option very rarely used

Section 11 clearly states that a wild animal captured due to “human-wildlife conflict” needs to be translocated immediately without causing any trauma to the animal. Only in unavoidable scenarios, the Chief wildlife warden can keep it in captivity.

In about 95% of the elephant capture cases, the option of translocation is never tried. The elephants are directly lodged inside a kraal (cage for taming) and brutally attacked for several months for taming.

Government staff killing elephants by barbaric capture and taming:

In multiple incidents, in the above said barbaric taming process the elephants are killed by government staff (mahouts). Here is a partial list of elephants that are killed in the taming process.

2003: Young wild bull elephant was captured, chained on all legs, beaten for 18 days without food, water and was killed by Chhattisgarh state forest department staff. As per eyewitness statements, a total of 18 elephants were killed in this manner in Chhattisgarh, within a year.

2006: In Peppara sanctuary in Kerala state, a wild male elephant (nicknamed as Kola Kolli) was killed inside the cage during taming.

2013: Pregnant elephant captured from Thiruvannamalai (Tamil Nadu state) and brutally attacked inside the kraal at Mudumalai. The elephant delivered a calf prematurely and the calf died very soon.

2015: Three wild elephants were captured in the Sindu-Durg district of Maharashtra state. During the brutal taming process two of them were killed inside the cage in Maharashtra.

2016: The wild elephant captured in Madukkarai, Coimbatore, Tamil Nadu state, nicknamed as 'Madukkarai Maharaj' was killed inside the Kraal (cage) at Varagaliyar forest department camp, two days after it was captured. This animal had suffered multiple fractures on its skull, broke its tusks and multiple other injuries while trying to free itself from the kraal.

2018: Juvenile male elephant was separated from its mother and was killed due to brutal attacks for taming, in Sidhi forest, Madhya Pradesh state

2019: Elephant aged around 35 years (called Laden) killed due to capture and taming in Assam. Unqualified people (not vets) used tranquilizer guns to capture the elephant.

Amendment needed: Section 11 has to be amended saying translocation has to be followed as a mandatory procedure, in every elephant capture case. Such operations have to be done in consultation with NGOs working for the welfare of captive wild animals and the Animal Welfare Board of India. There are great success stories of translocation in Tamil Nadu. These translocations were done due to repeated petitions by us. In Karnataka also there are success stories. These procedures were successful as they were planned in detail to avoid failures. Any failure in translocation is due to poor planning.

Example: Releasing elephants in the same forest range that is well connected with its home range. The FD should think about alternate options only if the first translocation fails.

Attached: Few news articles and photos about elephants killed during taming

Handling animal emergency - Supply of “Dart Guns” to Animal Husbandry veterinarians

Dart guns play a very important role in wild animals' medical treatment and humane capturing for transport and release back into the wild.

Dart guns are used for injecting tranquiliser, vaccines, antibiotics.

The state forest departments have very few veterinarians (just 2 or 3 for the entire state).

When an animal is in danger (Ex.: fell into a well) (or) needs emergency medical treatment (or) it has strayed into human settlement areas, immediate capture of the animal in a humane method, is a must. Tranquillising the animal using a dart gun becomes mandatory in such scenarios.

The arrival of the forest veterinarian with a dart gun, to a remote location that is several hundred kilometres away from the vet's location, causes major delays in helping the animal, that needs emergency attention. In many incidents, the injured or sick animal dies due to a delay in treatment.

In several cases of animals straying into human settlements, **the animal is brutally beaten to death with metal rods, sticks (or) stoned to death by the public (or) burnt alive with fire and fuel**

Even if people (or) Fire and Rescue Services (or) Forest staff try to help the animal, due to lack of experience of people and lack of proper equipment such as dart gun, the rescue plan leads to negative results, causing more harm to animals.

Solution:

Animal Husbandry vets are present all over India in every town and city.

State forest department

1. Can identify AH vets working in forest border areas.
2. Supply them with dart guns and medicines (for injecting)
3. Supply them with small refrigerators to store the medicines
4. Provide training to vets in using the dart guns

Very Important: Identified vets do not work full time for the forest department. They help the wild animals only when a scenario arises. Even after getting trained in using dart guns, they continue to do their regular day-to-day duty in the animal husbandry department. By this arrangement, the regular work of the AH vets will not be affected.

The above arrangement, if made, will bring a drastic positive change in the way wild animals that need emergency support are handled.

Amendment needed: Suitable amendment needs to be made to execute the above project. Financial aspects need to be covered in the amendment.

Section 62 - Declaration of a species as Vermin– Critical problems:

No scientific study: Declaration of any animal as vermin is not done with any scientific study. The declaration should be done only after a detailed study by analysing the problem, not only from the human perspective but also from the perspective of biodiversity conservation and maintaining ecological balance.

For example, when wild boars are declared as vermin and killed, it leads to a serious impact on other aspects of biodiversity and ecology. The prey base for leopards, tigers reduce in the wild and the chances of carnivores' animals attacking farm animals (or) humans increases.

Wild boars are called ecology engineers. They root (till) the forest floor and support the growth of new plants in the wild. They spread seeds. The wallows created by them support many small animals, insects and birds. Killing boars will impact this important ecological web.

Translocation: The option of translocating such animals (declared as vermin) into a deep jungle (ex: a tiger reserve), needs to be considered and such translocation has to be executed without any trauma to the animals, by tranquilising them.

Violation of Prevention of Cruelty to Animals: The moment a species is declared as vermin it loses all forms of protection in WPA. This leads to brutal attacks on these innocent animals, capture with cruel traps, barbaric handling, by anyone. **This completely violates the “Prevention of Cruelty to Animals Act”.** This is unacceptable.

Declaration of Wild Boars as vermin in Kerala in 2021 and barbaric attacks on thousands of wild boars is a shocking example of this critical issue.

These animals should be protected from humans inflicting pain, cruel methods of capturing / killing and barbaric attacks.

In highly unavoidable scenarios, where translocation is not possible, a qualified vet has to be employed with tranquiliser guns to euthanise the animals without any pain.

Reference

<https://www.rewildingbritain.org.uk/explore-rewilding/reintroductions-key-species/rewilding-superstars/wild-boar-pig>

Appointment of scientists' team for every state forest department:

Handling wildlife is a highly technical subject. It has to be handled by highly qualified subject matter experts (SMEs) from the respective fields.

IFS officers come from various educational backgrounds. Many officers qualifications are NOT related to wildlife biology, biodiversity, ecology, wild animal welfare, conservation etc.

Due to lack of education in the core subjects, several wrong decisions are made (Ex: Killing of wild elephants, by barbaric attacks, by forest staff (details provided in previous sections))

The state forest departments normally do not have a full-fledged scientists' team on their payroll. Very few scientists are: - hired on a contract basis, for a temporary period (or) Deputed from other government departments for a short period.

This system is the biggest flaw in our forest services. It is like managing a huge multi-speciality hospital without doctors.

Continuity of projects for the long term is NOT possible due to the temporary job nature of the very few scientists, engaged in the projects.

Amendment needed:

For every state forest department - Highly qualified (PhD / Masters) degree holders from the following core subjects need to be recruited on a full-time employment basis.

- ⊕ Wildlife Biology
- ⊕ Ecology
- ⊕ Biodiversity Conservation
- ⊕ Animal Welfare and Psychology (for handling human-wildlife conflicts, captive wild animals and "release back to wild" programs)
- ⊕ Environment Conservation
- ⊕ Forest Conservation
- ⊕ Species (wild animals) conservation

At least 10 members are to be recruited in this experts' team.

Suitable remuneration packages (equal to the market value) need to be provided to this expert team.

IFS recruitment changes to be done:

Only candidates from the core subjects (mentioned above) need to be recruited as IFS officers. This needs to be amended in the law and also enforced very stringently.

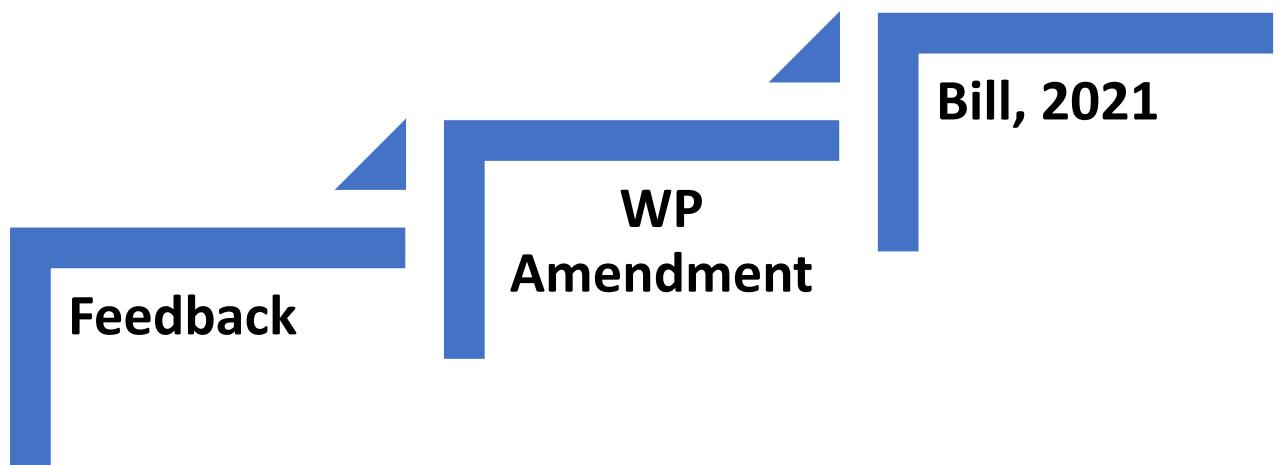
The above amendments, if made, will bring drastic positive changes in the functioning of state forest departments and the conservation of wildlife.

The spelling of the word 'Wildlife'

The word 'Wildlife' is a single word. In the entire principal act (including its title) the word is used with a wrong spelling, that is a gap is inserted between the words 'Wild' and 'Life'. This needs to be corrected at all places of the principal act.

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END



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