

Declaration of Wild Life Stock Rules, 2003

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Declaration of Wild Life Stock Rules, 2003

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

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 Wild Life (Protection) Act, 1972 (53 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.

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 Wildlife Warden or the officer authorized by the State 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 days from the date of publication of these rules.

(3) The applicant may attach to and present with his application an acknowledgment slip as is given in the Form which shall be signed by the official receiving the application on behalf of the Chief Wildlife Warden or the officer authorized by the State Government in this regard in acknowledgment 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 given 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 re-submitting 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.

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 may be 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.

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 Sec. 41 of the Act.

(2) A copy of the report pertaining to sub-rule (1) of 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 Sec. 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-sec. (1) of Sec. 40-A 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.