Researchers for Wildlife Conservation
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RESEARCHERS FOR WILDLIFE CONSERVATION
An Alumni Association

04-September-2013

To,
Dr. T Subbarami Reddy,
Member of Parliament - Rajyasabha, and
Chairperson of Parliamentary Standing Committee-
-on Science & Technology, Environment & Forests.

Sub: Seeking correction of anomalies in the Wildlife (Protection) Amendment Bill, 2013 that can be severely detrimental to wildlife research and conservation.

Dear Dr. T Subbarami Reddy,

As a group of wildlife researchers and conservationists, we would like to draw your attention to some anomalies in the proposed amendment to the Wildlife (Protection) Act, 1972, tabled as Bill No XXXI of 2013 in the Rajya Sabha during the current monsoon session. We would greatly appreciate if you, as the Chairperson of the Parliamentary Standing Committee on Science and Technology and Environment & Forests, could ensure that these anomalies are removed.

1. The proposed amendment of Section 51A, dealing with transgressions of the Wildlife Protection Act reads –

"51 A. (l) Where the offence relates to contravention of any other provision of this Act or any rule or order made thereunder, or the breach of any of the terms and conditions **of any license or permit granted under this Act**, such offence shall be punishable with imprisonment for a term which may extend to **three years and also with fine** which may extend to twenty five thousand rupees:" (Research permits fall under this Section)

Under the proposed amendment, even relatively minor lapses such as a delay in submitting research reports, can lead to severe consequences for researchers, involving both imprisonment and fines. It is clear that this amendment would seriously and adversely impact scientific research on our threatened wildlife and ecosystems. In contrast, a very serious offence of poaching or possessing Schedule II, III and IV species, attracts only a fine **OR** imprisonment.

We therefore request that scientific research is explicitly excluded from this section 51 A.(1) and be dealt with under provisions already in place (Section 51-1).

2. Section 12A (3) states that
The Central Government may prescribe the following, namely:—
(a) the areas for conduct of scientific research;
(b) the person who shall be eligible for the grant of permits;
(c) the time frame in which proposals for scientific research shall be disposed of, which shall in no case exceed one hundred twenty days;
(d) the conditions subject to which permits for scientific research may be granted.".

We request that clause (a) be dropped, as this can severely curtail the professional freedom of scientists, so long this does not pose a threat to species and ecosystems. Governments can use this clause to prevent access to information by the general public, for example on illegal mining by restricting research in this area.

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We request that in clause (b), the prescription of eligibility for research permits should be restricted to academic qualifications and NOT to institutional affiliations, so that this clause is not used to restrict research by NGOs and qualified private individuals.

We request that in clause (c) the time-frame for issuing permits be restricted to 30 days. Research projects, such as those funded by DST and DBT, are mostly for 3 years and could lose precious time waiting for research permits.

In this context, we would like to bring to your kind notice that there is at present no appellant authority to whom a researcher can appeal for redressal of complaints such as undue delay in the issue of permits and arbitrary denial of research permits. Both of these have been rampant in recent years in many states, leaving researchers with no avenue for appeal. **We request that the Forest Secretary of the state be appointed as the Appellant Authority for research permit applications through this amendment.**

3. "9A. (1) No person shall manufacture, sell, purchase, keep, transport or use any animal trap except with prior permission in writing of the Chief Wild Life Warden given for educational and scientific purposes."
As you are aware, millions of farmers use traps to control rodents and other pests in agricultural fields and in houses. With this one amendment, all these people would become criminals. Due to a lack of imagination on how to define various traps that are used by poachers, the framers of this amendment have used a sledgehammer of amendment. **We strongly urge you to restrict the definition of the trap only to leg-hold traps and jaw traps.**

Wildlife researchers in India are very few in number and are already under several restrictions from the Wildlife Protection Act. Further restrictions in the form of threats of imprisonment for violations either minor or of not their making, and on subject areas in which they can do research would further suffocate this field of research which is so critical to managing our threatened species and ecosystems, and to the ecological security of our country. We hope that, as Chairperson of the Parliamentary Standing Committee on Science and Technology & Environment and Forests, you would take the lead in addressing the above anomalies in the proposed amendments to the Wildlife Protection Act.

With best regards,

Yours' sincerely,

Tarun Nair

Authorized Signatory / Trustee,
Researchers for Wildlife Conservation.
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