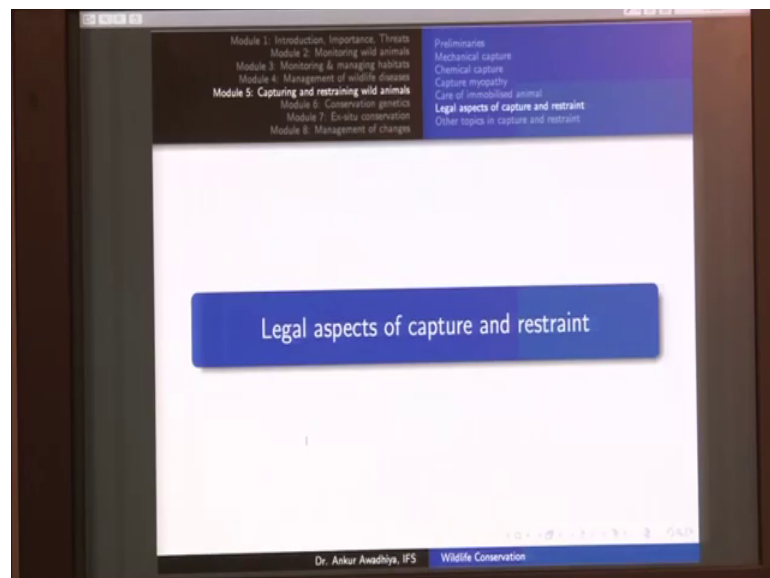


Wildlife Conservation
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Lecture - 23
Legal aspects of capture and restraint

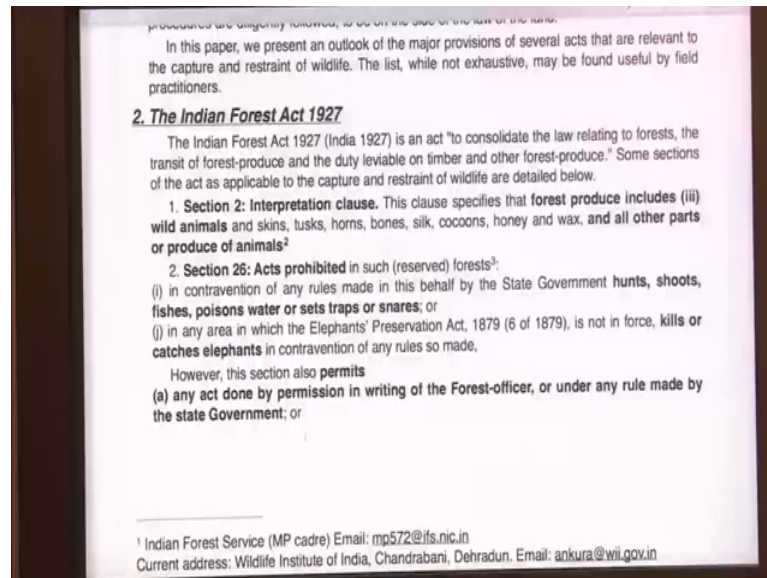
[FL] In today's lecture let us have a look at the Legal aspects of capture and restraint.

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So, in this lecture we will have a look at different laws of the country and how they relate to the capture and restraint of wild animals.

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So, we have seen that capture and restraint of wildlife is an integral part of contemporary wildlife management. So, what are the acts that govern the structure of wildlife? The first one is the Indian Forest Act of 1927, now in this act it defines what do we mean by a forest produce. And a forest produce includes wild animals and their skin tusks and other parts and all other the parts or produce of the animals.

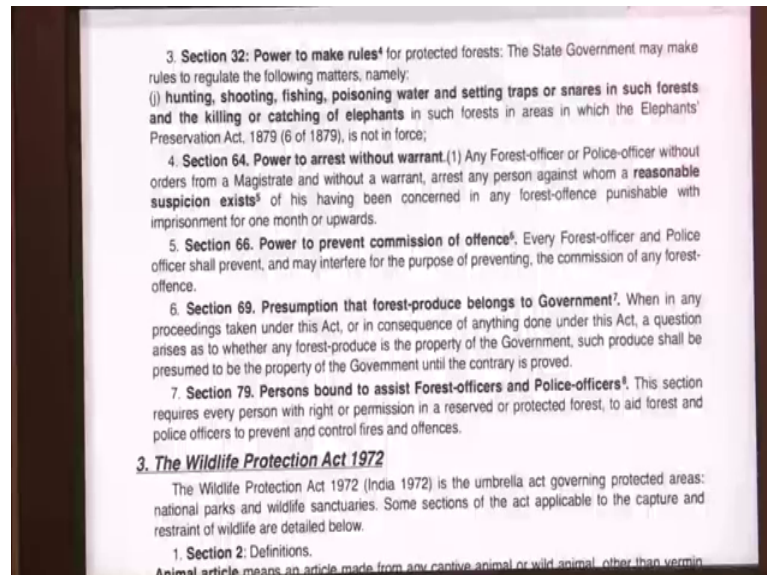
So, essentially if there is any wildlife that is there in the forest it is a forest produce. If you are taking it out then those the sections of the Indian forest act will also apply; then the acts prohibited. So, hunting, shooting, fishing, poisoning of water, and setting of traps, and snares. Now when we see hunting, then hunting involves a number of other activities that will soon come to.

Shooting, fishing, poisoning water or setting up of traps and snares; now, these are the things that is normally used to capture wildlife. So, all of these are governed by the Indian Forest Act. Killing or catching of elephants; when we do not have the Elephant Preservation Act in areas where we have the where we do not have the Elephant Preservation Act in place.

But then this act the section also permits any act done by the permission in writing of a forest officer or under rule made by the state government. So, essentially all of these activities are prohibited, they are not banned. Now the difference between banning and prohibition is that; if something is banned you can never do it, in case something is

prohibited then there are a certain sections that would permit you to do those at under certain circumstances. So, all of these things are prohibited they are not banned.

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Next we have the power to make rules for the protected forest. So, the government has the power to make rules for regulating; hunting, shooting, fishing, poisoning of water, setting of traps, and snares. Basically everything that we look that in the previous section, the state has the power to make rules regarding those. If there is somebody who contravenes these acts or against whom there is a reasonable suspicion that he or she has contravenes the provisions of the act; then there is a power arrest without warrant.

So, essentially all of these sections are cognizable sections, all of these offences are cognizable offences. Now the difference between a cognizable and non cognizable offence is that; in the case of a non cognizable offence you need to have a warrant from an executive officer or from judicial magistrate to arrest the person. In this cases there is a power to arrest without warrant.

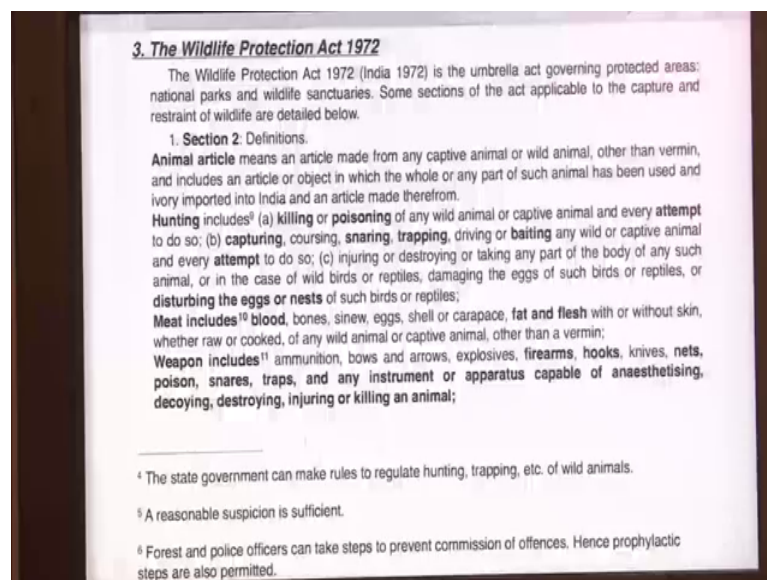
So, typically those offenses that are very light in nature; so for instance there was somebody who was there in the marketplace and then he shouted something found to me. So, such an offence it is an offence because that person has done me some harm, some level of mental distress has been given to me by shouting.

But those offenses will be a non cognizable offence. So, if I want to get that person arrested there has to be a warrant for arrest. But in the case of offences that have a more graver outcome: for instance rape or murder or things like that these come under the category of cognizable offences. So, you do not require a warrant you will directly go and arrested person. So, all of these offences are cognizable offences.

Next, the forest officers and the police officers have the power to prevent commission of an offence. So, we can take actions even before an offence has been committed. Then there is a presumption that the forest produce belongs to the government and as we saw before the wild animals and their produce are forest produce so, all of those belong to the government.

And persons are bound to assist forest officers and police officers then they have entered into the forest areas. So, basically if there is a researcher that has entered into our area for immobilizing of an animal for any to research purpose. Then that person is bound to help us to detect or prevent any offences that might go on in the area so, this is what the Indian Forest Act says.

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Now the Indian Forest Act was not specifically made for wildlife. So, because of that we had another act so Wildlife Protection Act of 1972. And this would deal with the aspects of wildlife in much greater detail as compared to the Indian forest act. Now, in the case

of wildlife protection act section 2 tells about the animal article which is any article that made from any captive or wild animal other than vermin.

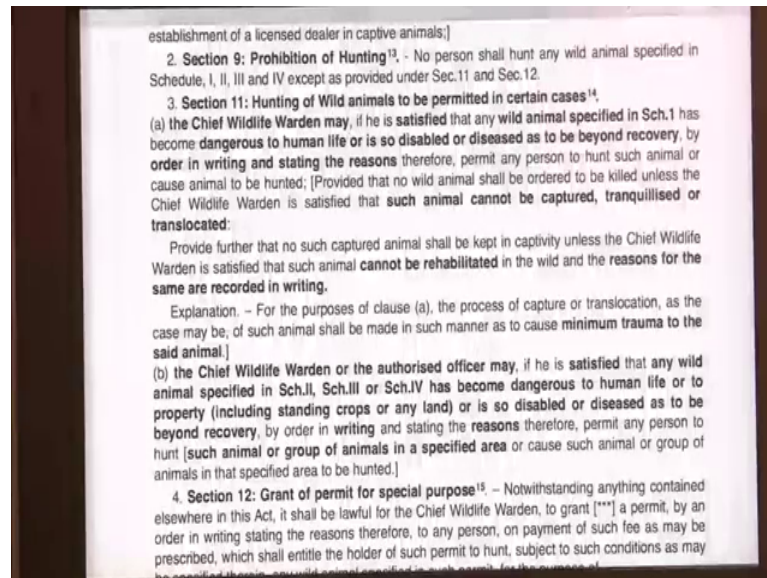
Vermin are those animals that we have specifically declared in schedule 5 of the act. That these are those animals that that we can get rid of and there are very small number of animals that are included there. Now, if you look at the definition of hunting under the Wildlife Protection Act. It includes killing or poisoning or any attempt to do that. Capturing, snaring, strapping, baiting or any attempt to do that; disturbing the eggs or nest of birds, then it also talks about meats.

So, meat also includes blood, fat, and flesh of any animal. So, basically if somebody is taking out any tissue samples, then that person is taking out meat of an animal out of the protected area. Then weapon includes firearms, hooks, nets, poison, snares, trap, or any instrument or apparatus capable of an anaesthetizing, decoying, destroying, injuring, or killing an animal. So, basically if you look at the wildlife protection act the definitions are very wide. So, hunting also includes things like capturing or trapping of an animal. Hunting also includes things like chasing of an animal out there in the forest area.

Similarly when we have weapon so anything that is used to capture and animal or that has and ability of anaesthetizing an animal decoying, destroying, injuring or killing animal is a weapon. So, anything that we used to capture the animal whether it is an immobilizing gun, whether it is a dart gun, whether it is a firearms, whether it is a hooks, or net, poison and this poison also includes, the drugs that we are using on the animals.

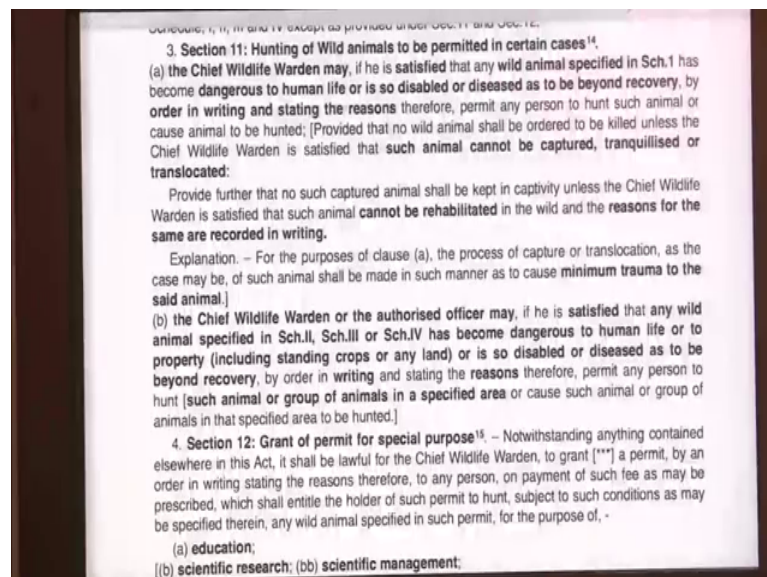
Snares, traps, and any other instrument or apparatus all of these come in the category of weapons. So, an immobilizing gun is a weapon under this section. And also any device that we are using to trap an animal is a weapon.

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Next is zoo includes rescue centers. Now, section 9 is very important it prohibits hunting. Here also it is important to note that section 9 prohibited hunting it does not ban hunting; because hunting is permitted in under certain circumstances.

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So, hunting of wild life will be permitted under certain cases and who is going to give the permission is the Chief Wildlife Warden of the state. Now, the Chief Wildlife Warden may if you satisfied that any wild animals is specified in schedule one has become dangerous to human life, or is so disabled or disease has to be beyond recovery by order

in writing and stating the reasons therefore, permit any person to hunt such animal or cause animal to be hunted.

Provided that no wild animal shall be order to be killed unless the Chief Wildlife Warden is satisfied that such animal cannot be captured, tranquilized or translocated. Now it is and provided further that no such captured animal shall be kept in captivity unless the Chief Wildlife Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same at recorded in writing So, basically section 11 gives a lot of protection to the wildlife.

So, there is an animal that is there in schedule 1 and most of our endangered species are in schedule 1. So, for instance tiger is a schedule 1 animal, elephant is a schedule 1 animal and so on. So, if there is a schedule 1 animal it can only be hunted, if the Chief Wildlife Warden gives a permission in writing and also giving the reasons and only under certain circumstances. When it becomes dangerous to human life, now it is important to know that here it is only human life. If it is doing any amount of property damage then it cannot be hunted.

So, for instance if there is an elephant that normally raids the crop fields of farmers nearby it cannot be hunted. Because it is only destroying a property, it is not destroying or it is not yet dangerous to the human life. But is that animal comes out and kills human being then when Chief Wildlife Warden if necessary me give it the permission. The other reasons are that the animal is to disable or disease has to be beyond recovery then this animal can be hunted down.

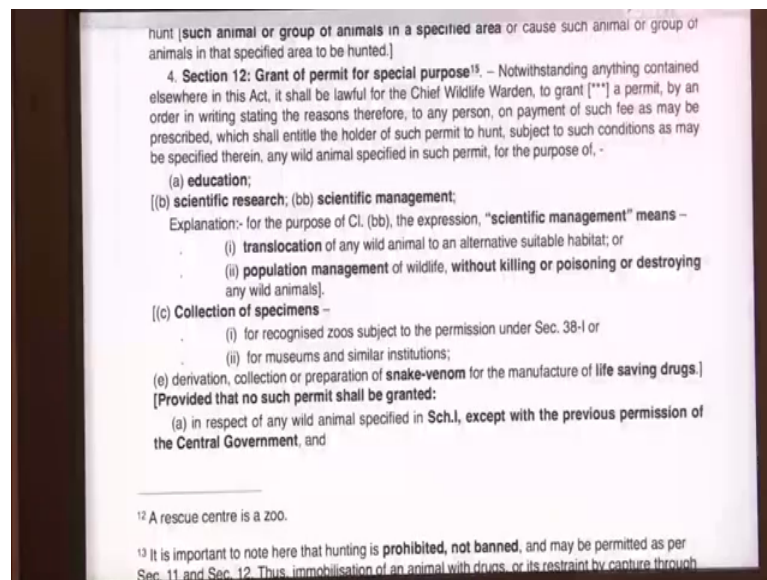
Now in this case the Chief Wildlife Warden also needs to be satisfied that the animal cannot be captured tranquilizer, translocated. So, even in the case of the elephant that has come out and is and has killed a few human beings; our first option will be to capture tranquilize and translocated this animal. So, you take it out of this forest and put it into some other forest. So, we need to avoid hunting of this schedule 1 animals as much as possible.

And whenever they are being captured or translocated it should be in a way that. So, that it causes minimum trauma to the animal. Now this was in terms in the case of schedule one animals now in the case of animals in other schedules other than schedule 5. So, it

includes schedule 2 3 and 4 then if the wild animal has become dangerous to human life or to property including standing crops or any land or the other conditions are the same.

So, essentially schedule 1 animals are given an extra protection they can only be hunted when they are dangerous to human life. The other animals can be hunted when they are dangerous to human life or to the property including crops and land. So, if the elephant was not a schedule 1 animal then it could be possible to hunted when it is destroying crops. Next we have grant of permit for special purposes.

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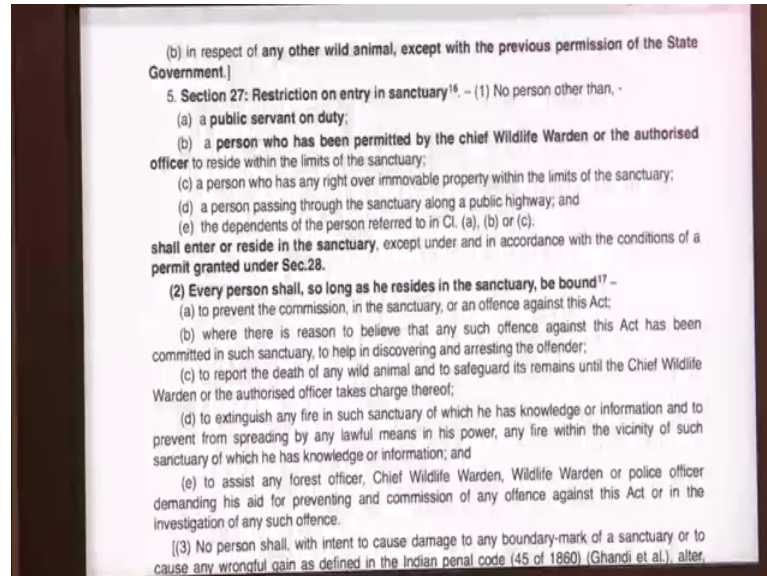


Now the Chief Wildlife Warden will also grant permit to hunting for purposes including education, scientific research scientific management. And scientific management it means translocation of animals from one place to another, population management of wildlife without killing or poisoning or destroying. So, essentially if you have a population that is over abundant you cannot just go and till that those animals to reduce the population in the name of population management.

Because, population management says categorically without killing or poisoning or destroying any wild animals and also collection of specimens also things like snake venom or life saving drugs. Now, all of these things have another category here let provided no such permits shall be granted in respect of any wild animal specified in schedule 1; again we note that schedule 1 is more is the most important animal except with the previous permission of the central government. So, in the case of schedule 1

animals even if you are giving these permissions there has to be a letter from the central government.

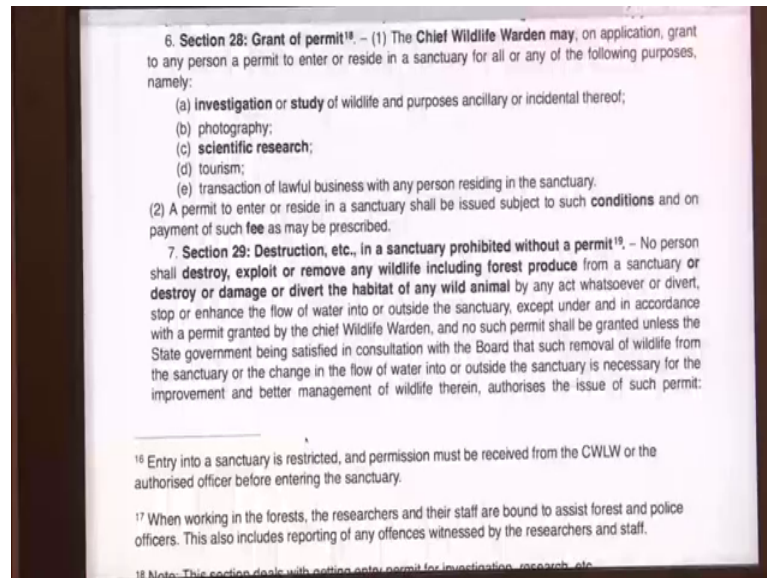
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And in respect of any other wild animal except with the permission, except with the previous permission of the state government. Next if there is a scientist who wants to get into a protected area then there is a restriction of entry for those people. So, no person other than a public servant on duty or a person who has been permitted by the Chief Wildlife Warden or the authorized officer to reside within the limits of the sanctuary shall enter or reside in the sanctuary and in accordance with the conditions of the permit granted under section 28.

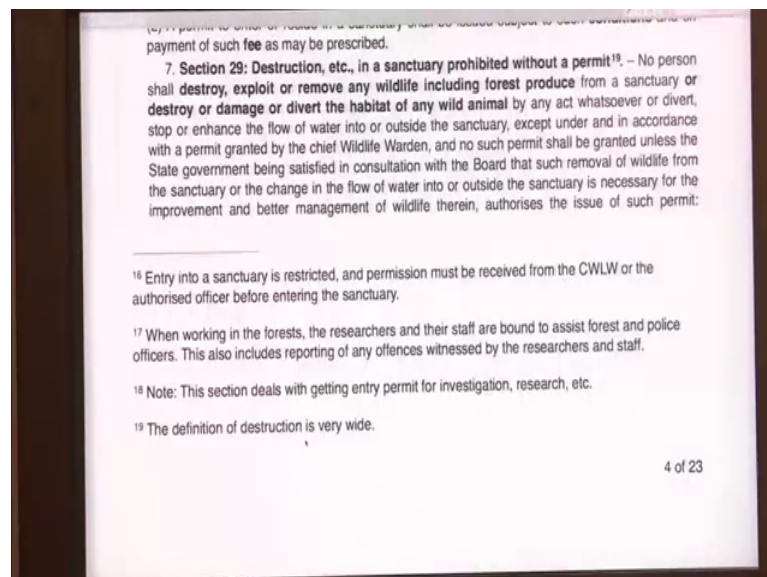
So, essentially not everybody can get into a protected area especially a sanctuary. And in the case of national parks they also have all of these provisions that are applicable to those by another section. Now every person as so, long as he resides in the sanctuary is bound to do certain things which include help in the forest officers or the police officers to stop any offences. So, the person is required to reporting the offences the person is required to help in the extinguishing of any fires and so on.

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Next is the grant of permit so whenever the Chief Wildlife Warden is granting permit for scientific research photography tourism and so on. Then he may put up certain conditions and you may also required the payment of certain fees for the granting of these permits.

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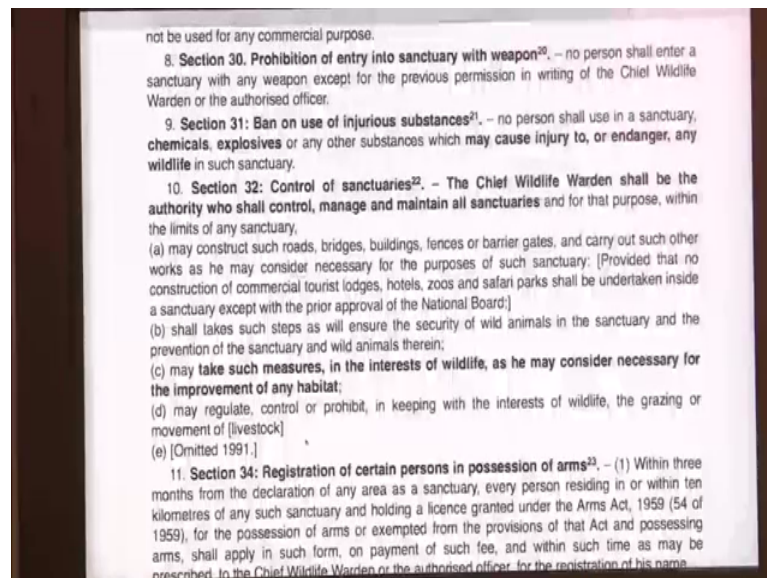
Next section 29 says destruction etcetera in a sanctuary prohibited without a permit. No person shall destroy exploit or remove any wildlife including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal. Now when we see destruction in a sanctuary again this term is very wide. So, like when we saw in the

case of pitfall traps that that these trap require you to predict certain structures in the ground.

And though these are temporary structures and when you take them off then these structures are going to leave a mark there in the sanctuary. So, even that could be the consider in the destruction of the habitat. So, essentially whenever you are doing anything in a protected area special sanctuary and national park. You need to have clear cut permissions from the Chief Wildlife Warden or from the authorized officer.

Now when we see authorized officers in most situations the Chief Wildlife Warden has delegated the powers both of these powers to the to the field director of the national park or the wildlife sanctuary. So, essentially you can even take permissions from the from the field director, but only in those cases where the act specifically says the Chief Wildlife Warden or his designate officer. In certain situations it just says the Chief Wildlife Warden only. So, in those cases this power cannot be delegated, the definition of destruction is very wide.

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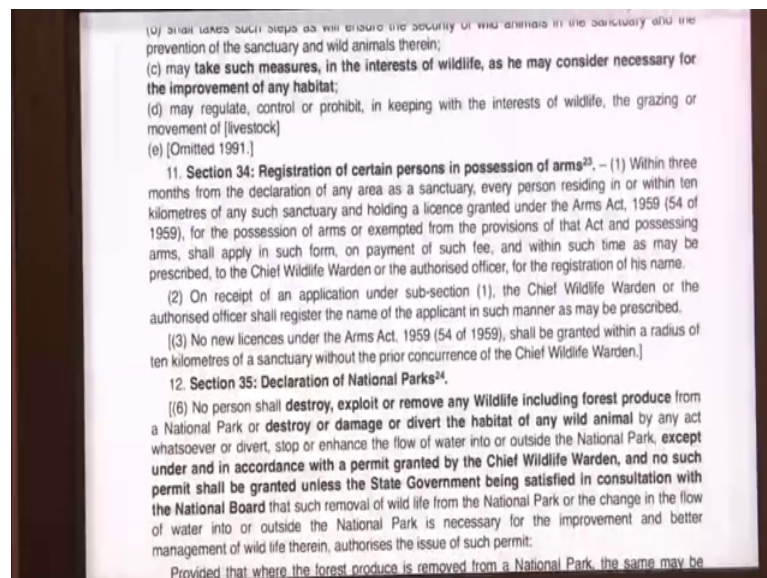


Now, section 30 says prohibition of entry into sanctuary with a weapon. Now as we saw earlier in the case of section 2 in the case of definitions weapon includes a number of things; it includes a tranquilizer gun, it includes an immobilizing gun, it includes any of the traps, or snares on nets, that you can use to capture a wildlife. So, even entry into the park with any of these weapons is prohibited except with a previous permission in

writing of this chief wild life warden or the authorized officer. So, basically if somebody gets into a natural park and states that I am having this net, but I have not captured in a wildlife so far.

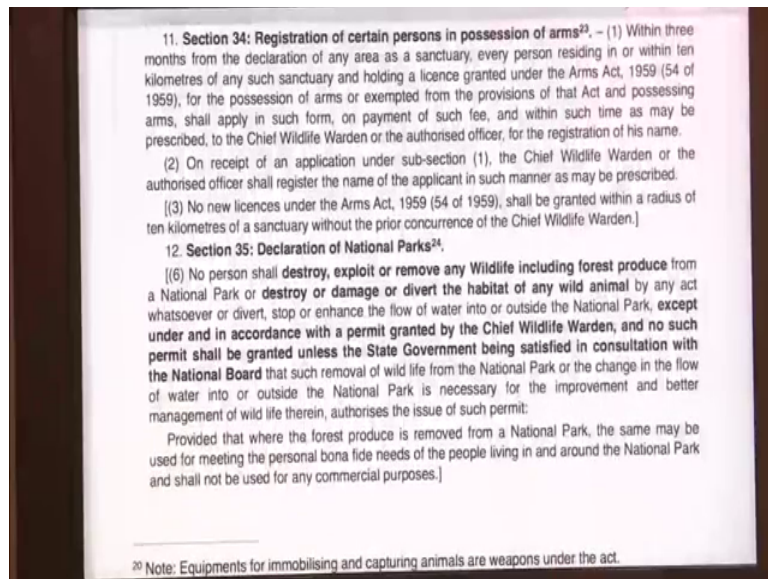
So, it does not mean that the person will be exonerated because in terms of section 30 even entry into the sanctuary with that net is prohibited. Next we have then only use of injurious substances section 31; which may cause injury to or endangered any wildlife and this includes chemicals and explosives and other substances. So, basically when we see this section it also includes all of our drugs that we are using because they may cause injury to or endanger wildlife. Next we have control of sanctuaries the Chief Wildlife Warden shall be the authority who shall control manage and maintain all the sanctuaries.

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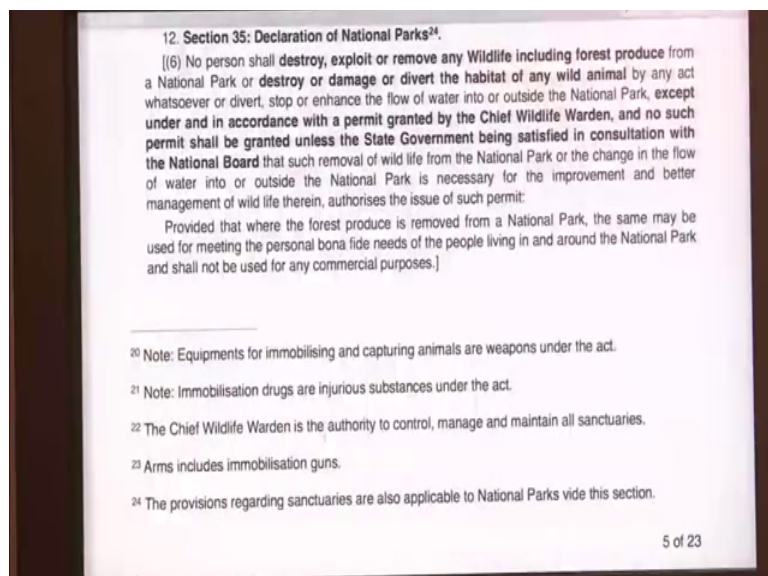
And take such measures in the interest of wildlife as he may considered necessary for the improvement of any habitat. So, essentially outsiders do not have any rights in these areas, but the Chief Wildlife Warden has all the authority to take any steps that he or she may find necessary for the improvement of the habitat of the animals. Because after all if this authority and this responsibility is wasted on the chief wildlife warden.

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Next section 34 states Registration of certain persons in possession of arms. So, if there is any person who is deciding in or within ten kilometers of any sanctuary and is holding a license arm then he or she needs to register. So, that these arms are not used for poaching of wildlife under any circumstances. Next we have a declaration of national parks now, this section 35 also states that destroying exploiting or removing of any wildlife including forest is not permitted.

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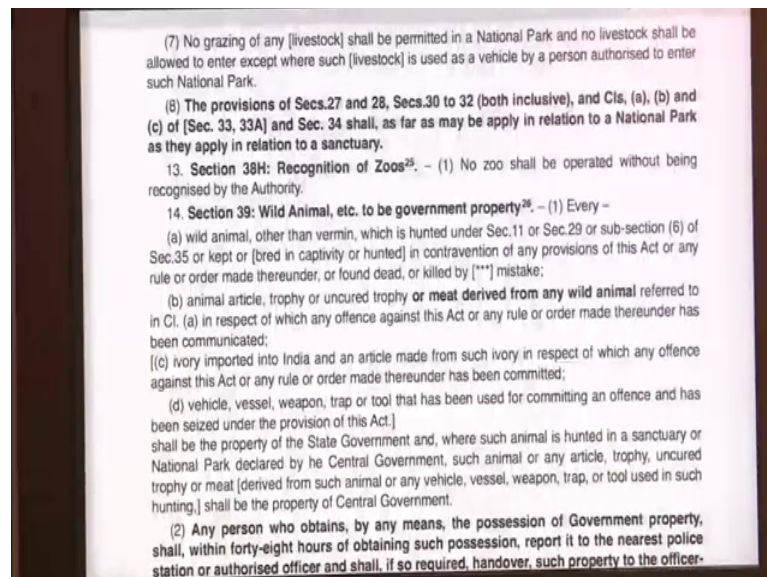


Damaging or destroying or diverting the habitat is not permitted. Except under and an accordance with the permission granted by the chief wildlife warden. And no such permission shall be granted unless the state government being satisfied in consultation

with the national board. That such removal of wildlife from the national park or change in the flow of water into or outside the national park is necessary for the improvement and betterment of wildlife there in authorize the issue of such permit.

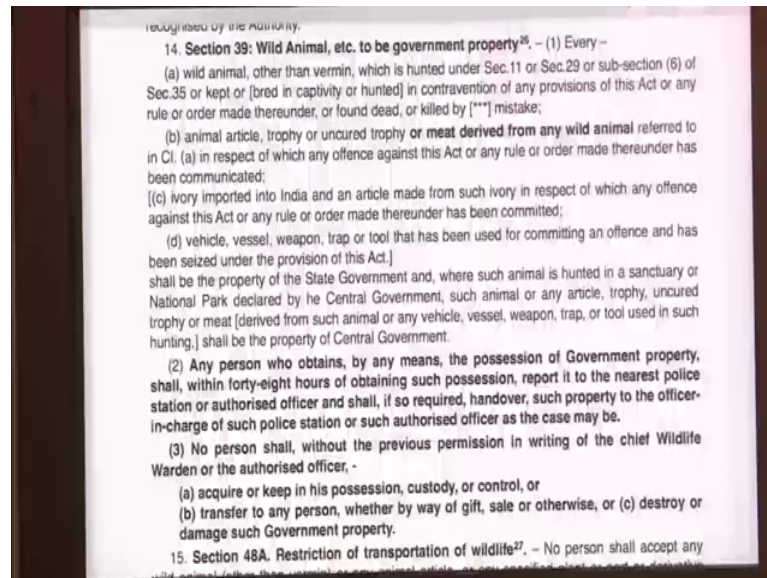
Now, in the case of national parks we have an added layer of protection. That the Chief Wildlife Warden will only grant this permissions when the state government is satisfied and not only the state government has to be satisfied it has to be satisfied in consultation with the national board. So, essentially you have taken the medals to the central government.

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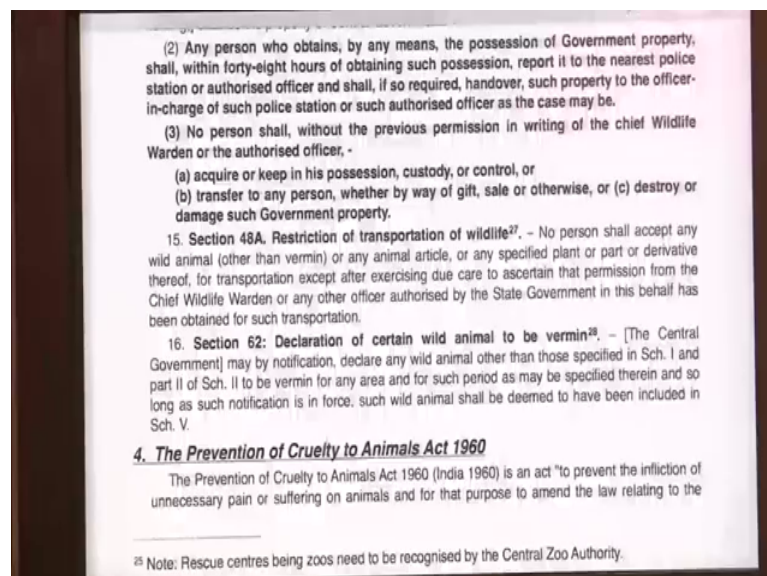
Now, the provisions of section 27 and 28, 30 32 both inclusive and closes a b and c of section 33 and 33 A and section 34 shall apply as far as may apply in relation to a national park as they apply in relation to sanctuary. So, essentially all the protection that was given to a sanctuary are also applicable to a national park. Next we have recognition of zoos wild animals to be a government property.

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So, wild animal or their meat or any trophy is government property.

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And if now this class is important any person who obtained by any means the possession of government property shall within 48 hours of obtaining such position. Reported to the nearest police station or authorized officer and shall if required handover such property to the officer in charge of such police station or such authorized officer as the case may be. So, basically if you come in the possession of any government property and here

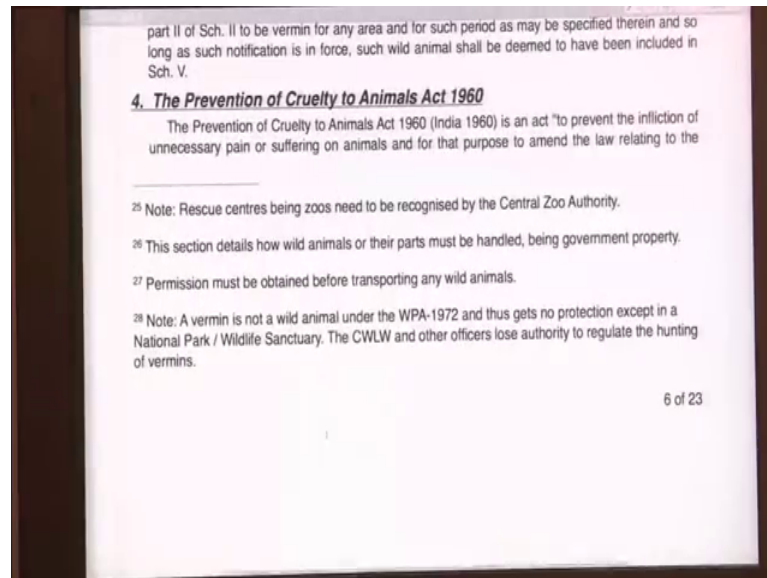
government property; means animals in the wild animals their trophies their meet any such things.

If you by any means come into possession of this government property you need to reported within 48 hours to the nearest police station and maybe even if required handover such property to the officer in charge. And no person shall without the previous permission in writing of the Chief Wildlife Warden or the authorized officer. Acquire or keep in his possession or control or transferred to any person whether by way of gift sale or otherwise or destroy or damage such government property. So, basically if you have come into possession of any government property any of these trophies or meat or skin.

Then you can only give it back to the government you will be need to reported to the police station and hand it over there. You are not authorized to keep it with you to give it to any other person whether by gift or sale or anything and you are not even authorized to destroy or damage this government property otherwise it would be considered as an offence. Next section 48 a district the transportation wildlife; so, without their permission and section 62 declares certain wild animals to be governments

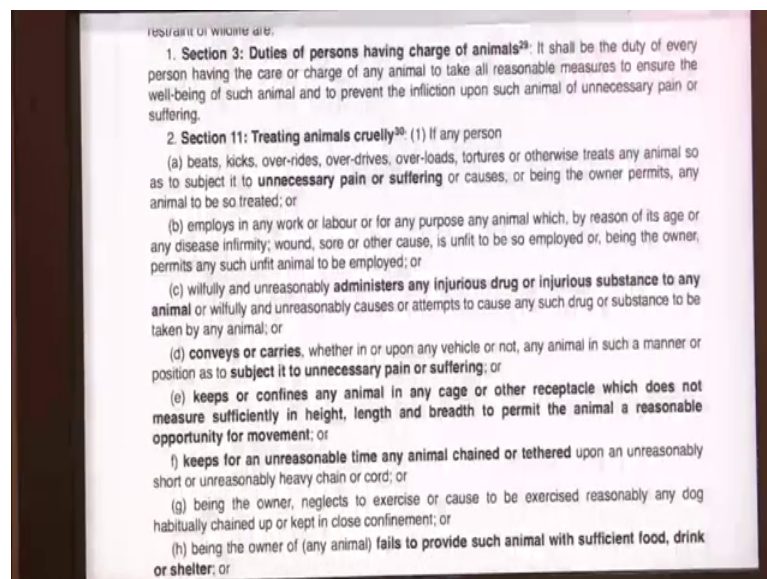
Now, in case of section 62 the central government made by notification declare any wild animal other than those specified in schedule 1 and part 2 of schedule 2 to be a government for an area and for such period as maybe specified there in. And so, long as the notification is in force such wild animal shall be deemed to have been included in schedule 5. Now, in the case of schedule 5 there is a provision that these animals can be hunted.

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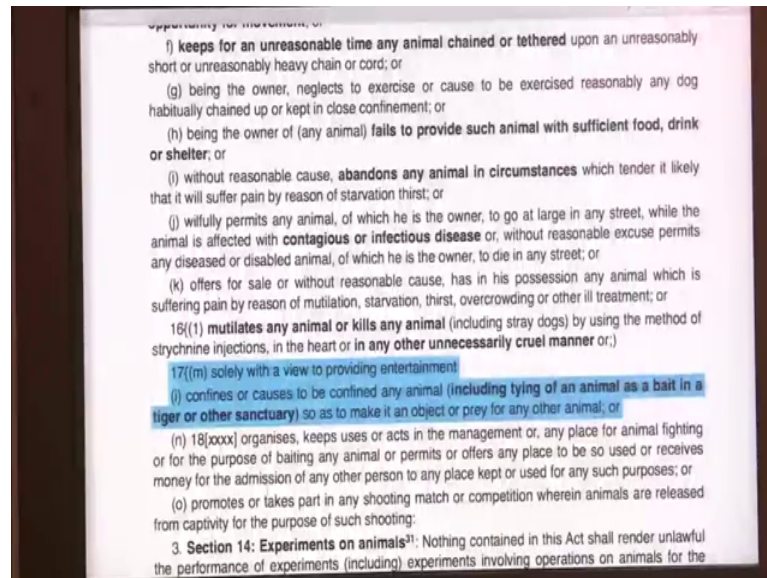
The next act that will consider it is The Prevention of Cruelty to Animals Act 1960.

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Now, it says a duties of the persons in charge of the animal. So, any person who is having a charge of the animals need to follow these provisions. You cannot treat an animal cruelly you cannot give it unnecessary pain or suffering. Now, this is not only applicable to the wild animals, but it is also applicable to the domestic animals.

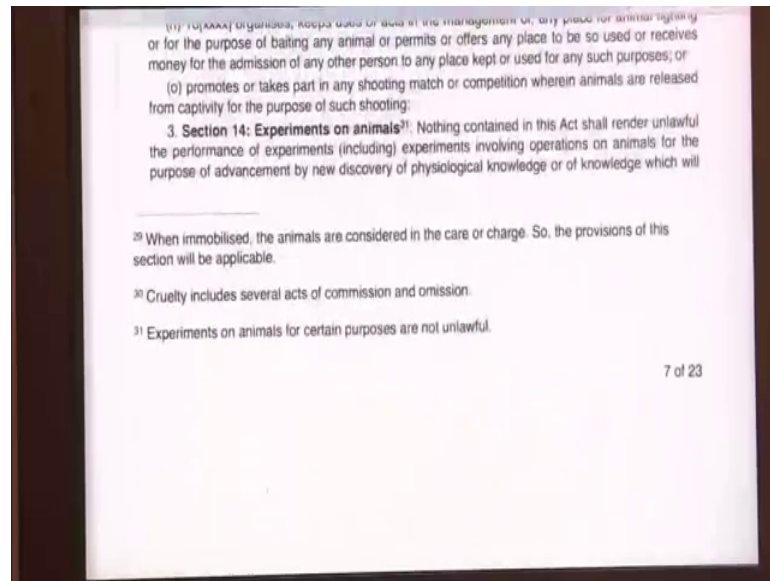
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You cannot administer any injurious drug or injurious substance to any animal you cannot convey or carry this animal whether in a vehicle or anything else and subject to unnecessary pain and suffering. Keep it confined in a cage or any receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement.

Keep the animal for an unreasonable time chained or tethered. Failed to provide such animal with sufficient food drink or shelter you cannot abandon this animal under circumstances in which it will suffer pain by reason of starvation of thirst authors. At this animal is suffering from any contiguous or infection diseases you cannot let loose. You cannot mutilate this animal you cannot kill this animal.

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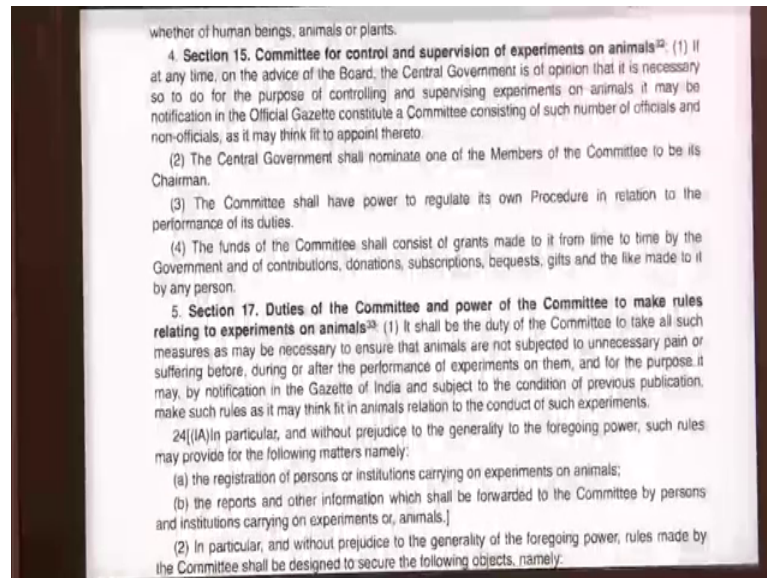


And this is important solely with a view to providing entertainment confined or cause to be confined and any animal including time of an animal as a bit in a tiger or other sanctuary so as to make it an object or prey to any other animal. Now this section has been a bit controversial; because at times people have used this section to state that, no animal can be used as a bit for capturing of any other animal. So, essentially when you are trying to capture a leopard that has become involved in human wildlife conflict you cannot tie a goat to capture this animal.

But then this section 17m, it clearly states; solely with a view to providing entertainment confines or causes to be confined any animal including of an animal as a bait so, as to make it as an object of prey for any other animal. So, why does it state like this? Because in the earlier times there were situation in which people used to tie a buffalo in a reserve or a sanctuary. Now when there is a buffalo or a calf that is tied somewhere then the predator would come there and hunt this animal.

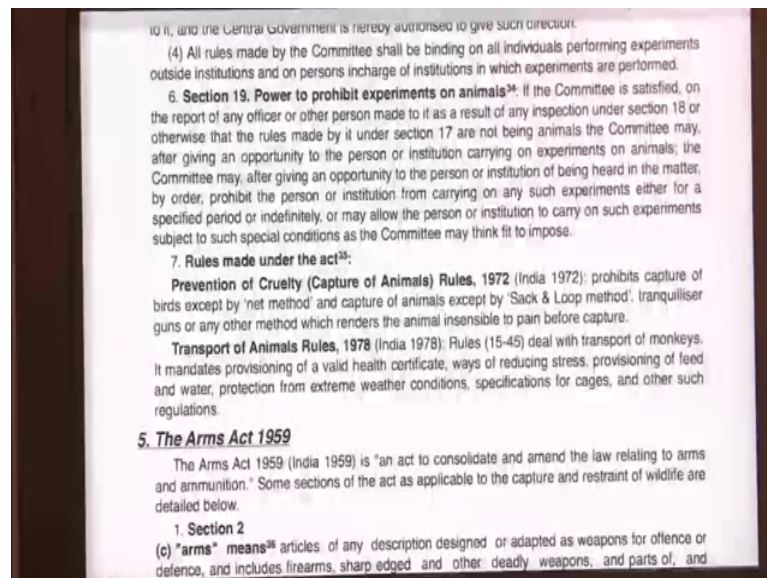
And this was done solely to provide entertainment to the people who are coming there to the tourist who were coming to visit this park and to see how this predator is hunting the animals. Now, solely for the purpose of entertainment this cannot be done, but otherwise if you are using an animal as a bait, for any other purpose it is permitted under the prevention of cruelty to animals act 1960.

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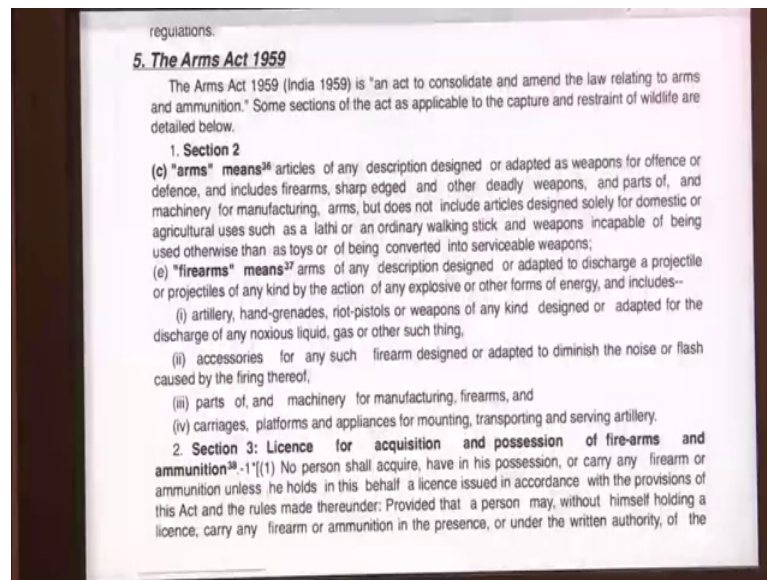
Then experiments on animals are regulated, there is a committee to control and supervised experiments on animals. It also has some duties and responsibilities.

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Then there is a power to prohibit experiments on animals and then there are rules.

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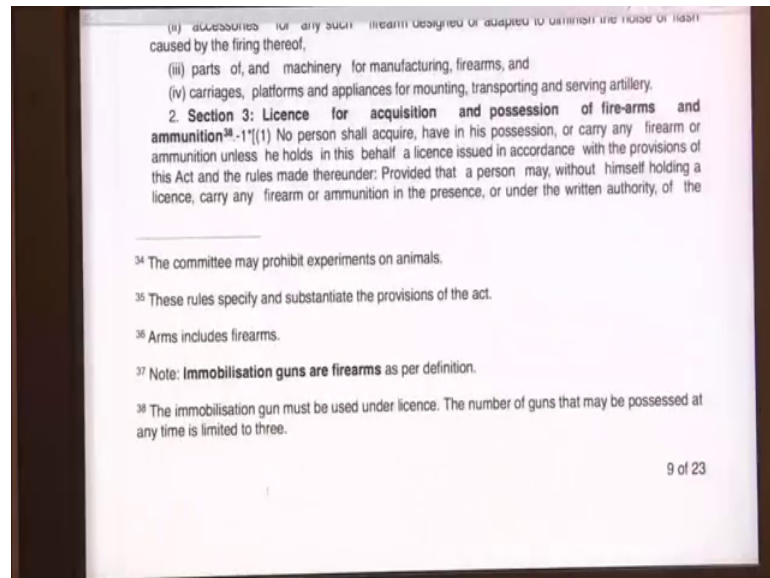


That are made under these which are prevention of cruelty, capture of animal rules 1972 and transport of animal rules, to deal with the transport of monkeys. Now, why is this important because in a number of situations you have observed that monkeys are getting into human wildlife conflict. So, essentially there are certain temples in which monkeys have been generated for a number of decades because, in India people consider monkeys as to be related to the Lord Hanuman.

But if these animals are getting into conflict and if the government wants to transport this monkeys away from residential areas or from these temples around it into the forest areas. Then even these monkeys have protection so, they cannot be confined into smaller cages, they cannot be we just put inside this smaller cages in a large number and then translocated. You need to be extremely mind put that these monkeys are also animals who have a sense who can suffer, who can suffer from pain, and other discomfort.

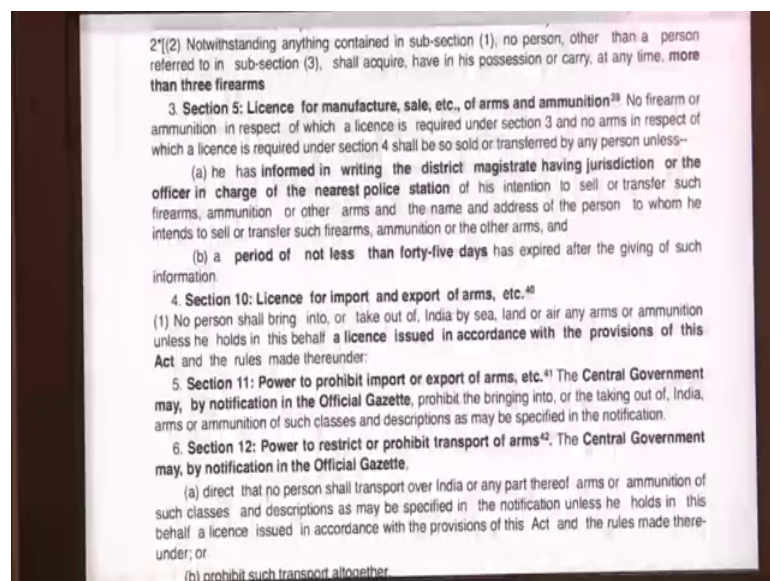
So, whenever these monkeys are being translocated for any reason then this transportation has to be done in a comfortable manner. So, this is about the prevention of 22 animals act. Next we have the arms act of 1959, now here also section two deals with the definitions and when we look at the definitions of arms and firearms.

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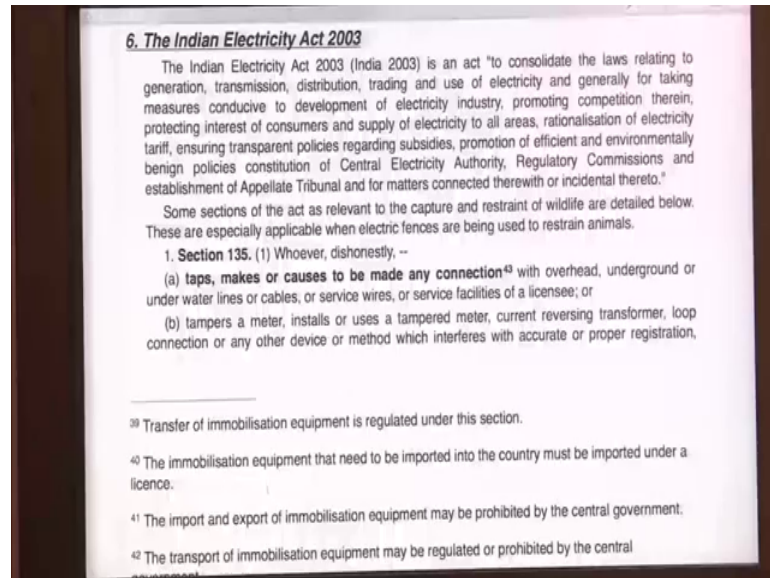
Then we can see clearly that the two things; one arms includes firearms and immobilization guns are firearms as per the definition. So, essentially immobilization guns are firearms and because firearms and (Refer Time: 25:45) arms. So, immobilization guns are both firearms and arms. So, the provisions of this act are completely act applicable whenever we have using the immobilization guns Now, in certain areas the rules have been relaxed a bit, but in general you require licence for the possession of firearms and ammunition.

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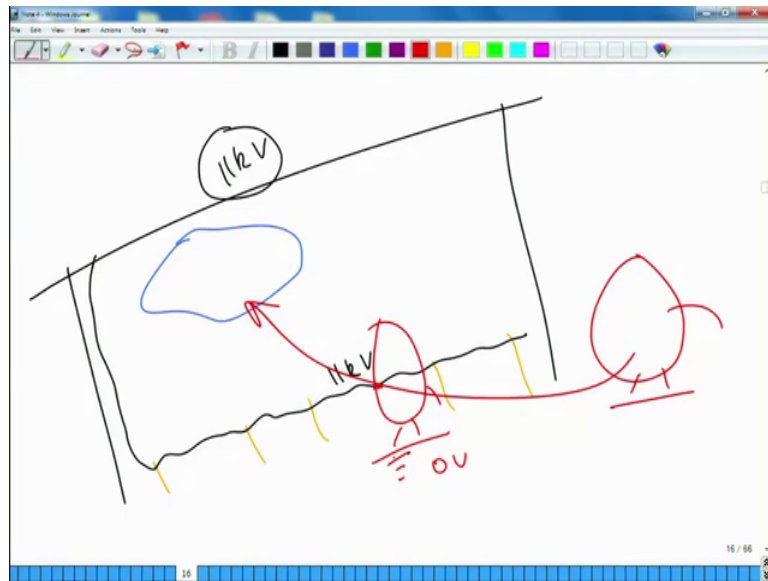
You cannot have more than three firearms at any time. Then the manufacturers feel etcetera of these arms and ammunitions required a licence. And also import and export of these arms and etcetera are required a licence.

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And then there is power to prohibit import and export of arms by the central government and also a power to restrict or prohibit the transportation of arms. Next we have the provisions of the Indian Electricity Act 2003. Now why is this provision important, because in a number of situations we have observed that there are people who perform hunting of animals using electricity.

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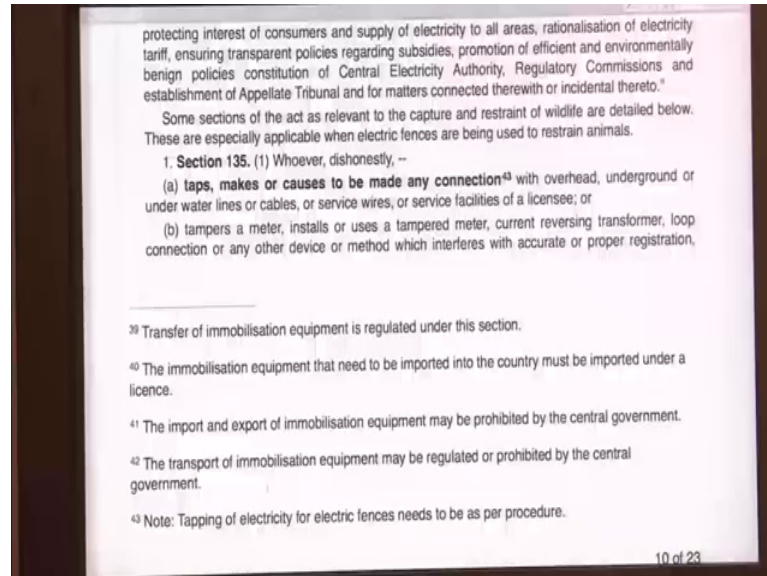


So, what they would be doing; if there is a high tension wire so suppose this wire is scanning 11 kV of a electricity these people would just put up some things on the ground and then take a GI wire, pass it like this and then leave it like this. So, when you do any such activities this 11,000 volts that was there in the high tension wire is now brought down. So, all this wire is now having a potential of 11 kV and now if there is any animal and if this if there is suppose a water body somewhere there and this animal is using this path to go to the water body.

So, as soon as the body of this animal comes into contact with the wire here. So, the 11 kV line and this the legs of the animal are connected to the ground. So, when this animal comes here then, this 11 kV potential of the wire and this is ground so this is having a 0 volt potential. So, this potential difference of 11000 volts will result in a massive jolt of electricity that goes from the body of this animal and this animal would die.

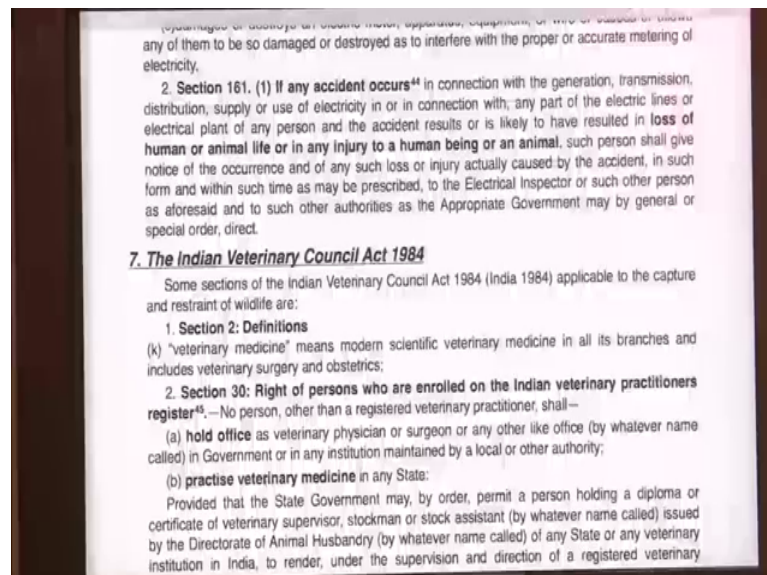
Now, this process of electrocution is being used by some people to hunt for smaller animals. Similarly electricity is also being used to hunt fishes. So, people would just put up this electric wire into the point and then pass a high voltage of current through it. So, all of these activities are regulated and in a number of cases even banned under the Indian Electricity Act 2003.

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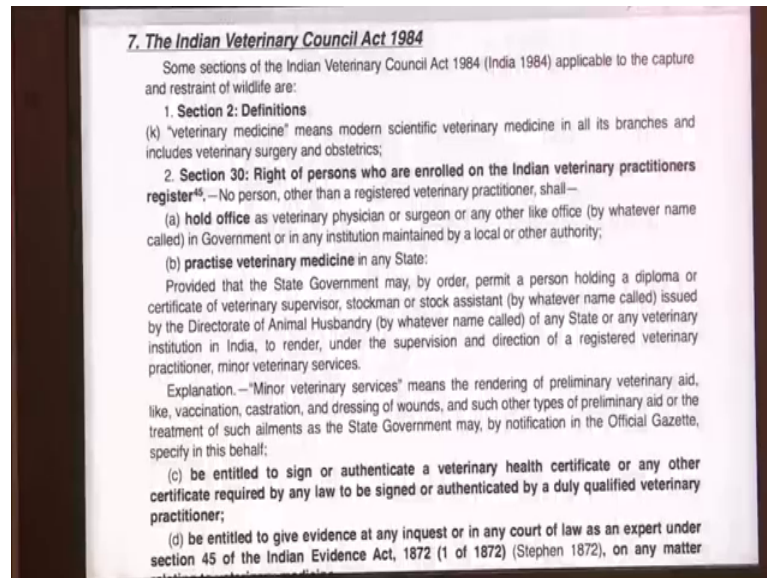
So, section 135 talks about tapping or making or causing to be made by any connection with overhead underground or underwater lines or cable; so, this is all prohibited.

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And if there is any accident that occurs; including the loss of human or animal life or injury to human or animal life. Then the person needs to give a notice of occurrence and of any such loss of or injury actually caused by the accident in the form to the electrical inspector of the area. So, that is the Indian Electricity Act.

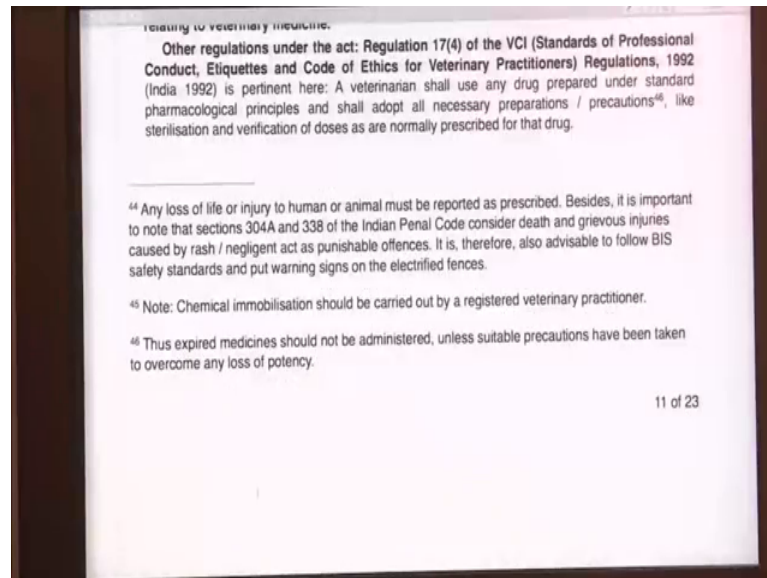
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It is not very much applicable in the case of a immobilizations, but it is important to note that if you are using electricity for any immobilization of or any capturing of animals, then these rules also need to be taken into account. Now, the important act that we need to deal with I mean immobilizing animals is a Indian Veterinary Council Act of 1984. Now in this act section 2 is definitions. So, it says that veterinary medicine means modern scientific veterinary medicine in all it is branches and includes veterinary surgery and obstetrics. So, it includes a number of things and the term veterinary medicine. Now in the case of section 30 it says rights of persons who are enrolled on the Indian veterinary practitioners register they can hold office and they can practice veterinary medicine.

Now, why is this important? Because if you are immobilizing an animal then you are giving some drugs to the animal so, you are practicing veterinary medicine on that animal. Now you can only do that if you are enrolled on the Indian veterinary practitioners register so, essentially you have a licence to practice. So, any person cannot just go and administer the immobilizing drugs or anesthetics to any of the wild animals and also to any other animals. But because we are dealing with wildlife conservation whenever anybody is going into the forest area and is trying to immobilize an animal he or she needs to have a licence of practice under the Indian Veterinary Council Act of 1984.

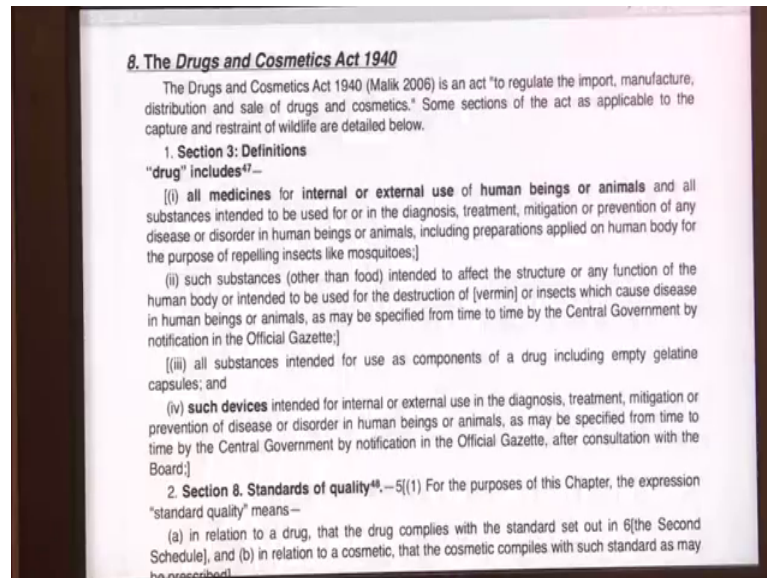
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And then it also says that other regulations under the regulations 17 4 of the Veterinary Council of India, standards of Professional Conduct Etiquettes and Code of Ethics for Veterinary Practitioners Regulation 1992 will be used. Now, it says that a veterinarian shall use any drug prepared under standard pharmacological principles and shall adopt all necessary preparations and precautions; like sterilization and verification does as a normally prescribed for that drug.

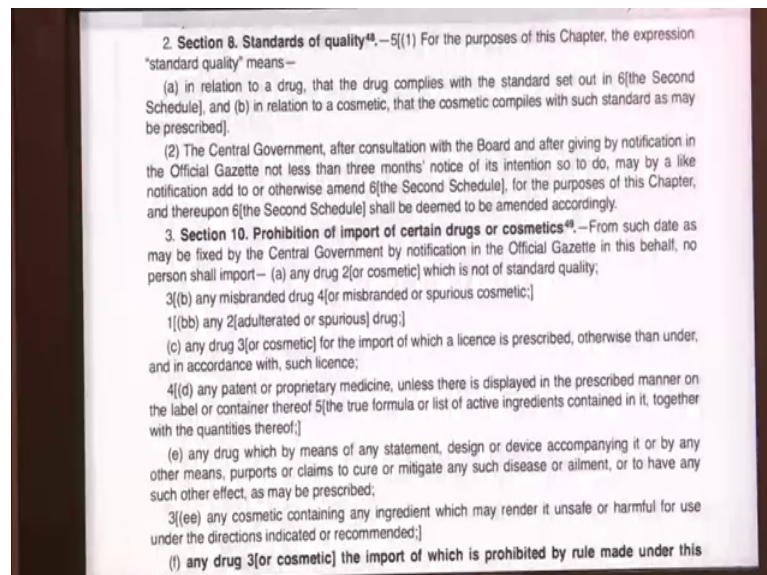
Now it also means that expired medicines cannot be administered on the wild animals; unless the veterinarian things that he or she has taken suitable precautions that have been taken to overcome any loss of potency of these drugs. But then as a rule expired medicines should not be used on wildlife. As far as possible only in the cases of experiences are emergencies the veterinarian can make an informed decision, but that should be the exception not the norm.

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Next we have the Drugs and Cosmetics Act of 1940. So, it says so section 3 definitions drug includes all medicines for internal or external use of human beings or animals. So, any immobilizing drug or any anesthetic drug that we are using on a wildlife comes under the control of the Drugs and Cosmetics Act of 1940.

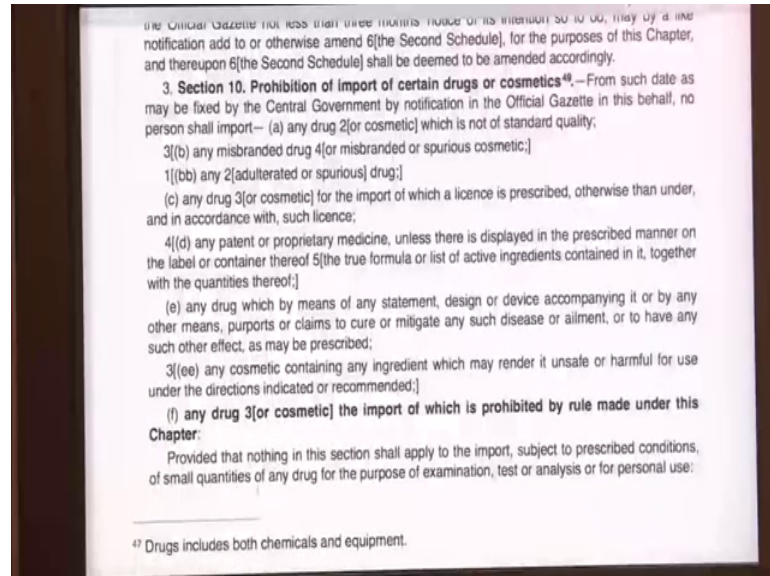
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And it also includes those devices that are intended for internal and external use in diagnosis treatment medication or prevention of disease or disorder. So, it includes those

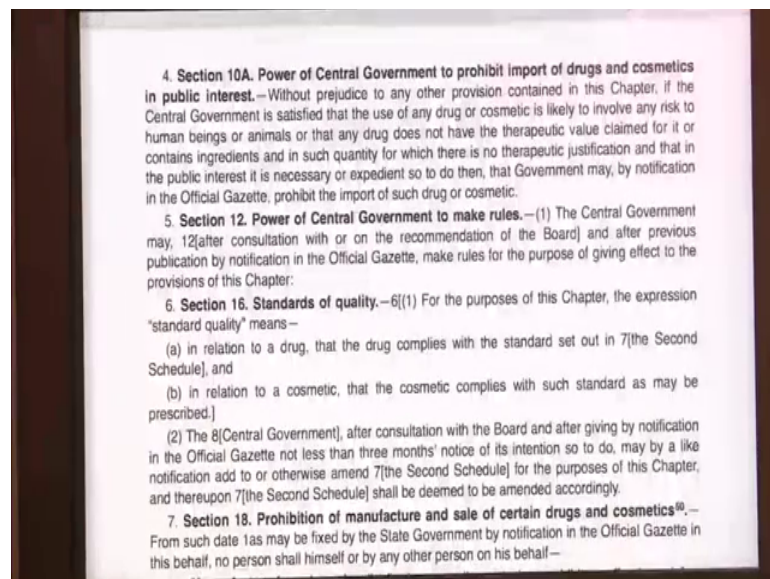
chemicals and also the devices. Then he talks about the standards of quality. So, the all these drugs have to be of a certain standard of quality.

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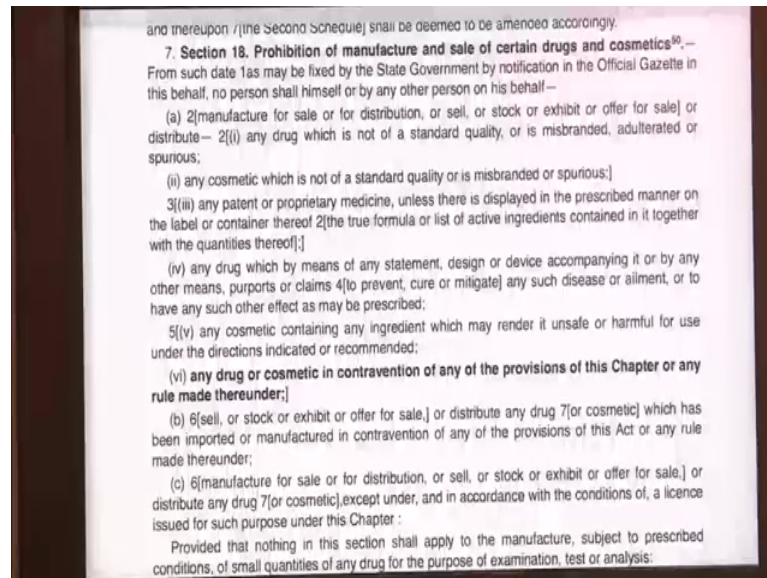
Now, next it says there that there is prohibition of import of certain drugs or cosmetics. So, the central government by notification in the official gazette can regulate or prohibit the import or of certain drugs and cosmetics.

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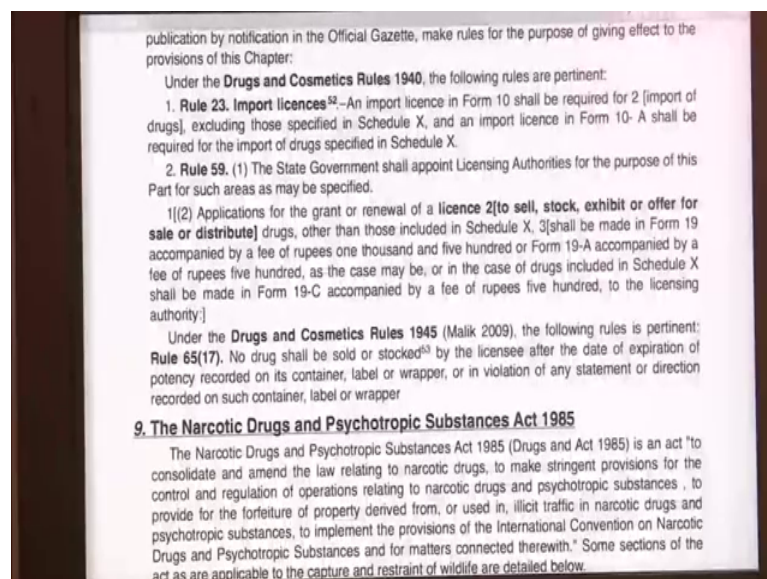
Also to prohibit completely the import of drugs and cosmetics in public interest; the central government can also make rules regarding standards of quality.

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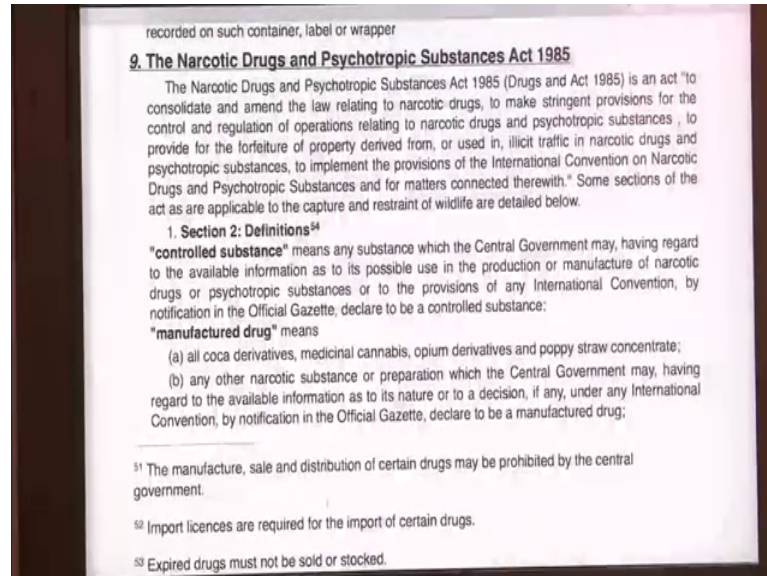
Prohibition of manufacture and sale of certain drugs and cosmetic; now why this is important? Because in a number of situations you would here that in the field there is a dearth of certain drugs. But then if there is a demand for those drugs it is not possible for any person to just go ahead and manufactured those drugs it is not just related to a profit and loss thing or demand in supply rule. Essentially the central government has the power to regulate the import on manufacturing of any drug or cosmetics in the public interest.

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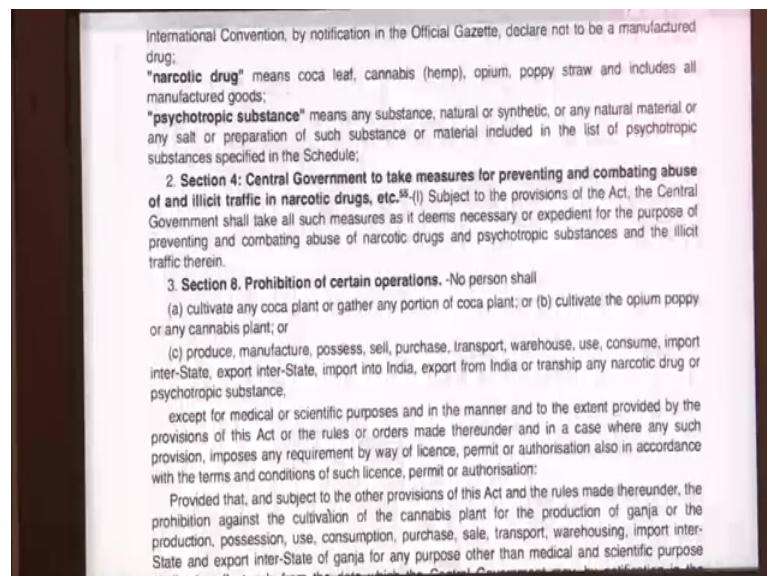
So, it we also have the drugs and cosmetics rules 1940 which talk about import licences; licence to sell stock exhibit or offer for sale or distribute these drugs and so on.

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Next important act is the narcotic drugs and psychotropic substances act in 1985. Now, why this important? Because I was in the lecture on immobilization narcotics are a very important category of drugs that we use for the immobilization of animals. Now it talks this act talks about controlled substances and manufacturing drugs narcotic drugs means coca leaf, cannabis hemp, opium, poppy straw, and includes all manufactured goods.

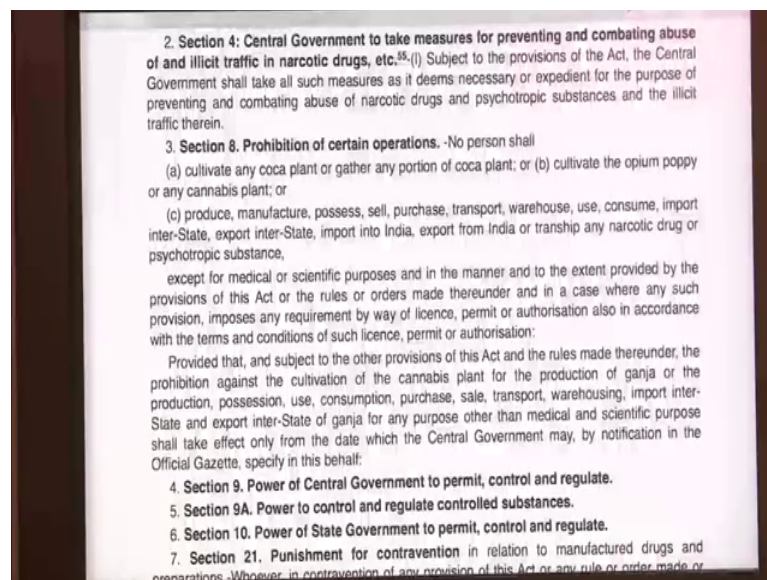
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So, essentially when we saw that all of the narcotic drugs that we use for wildlife are morphine or their derivatives and morphine's derived out of opium or poppy. So, basically all of these are included in under this act. And psychotropic substances means any substance natural or synthetic or any natural material or any solved the or preparation of such substance or material included in the list of psychotropic substances.

Now psychotropic substances also include the areas that that perform the role of hallucinogens. So, they create hallucination in the animal and those are also used as dissociative anesthetics as you saw in the lecture on immobilization. So, both narcotics and psychotropic substances are included or are covered under the ambit of this act.

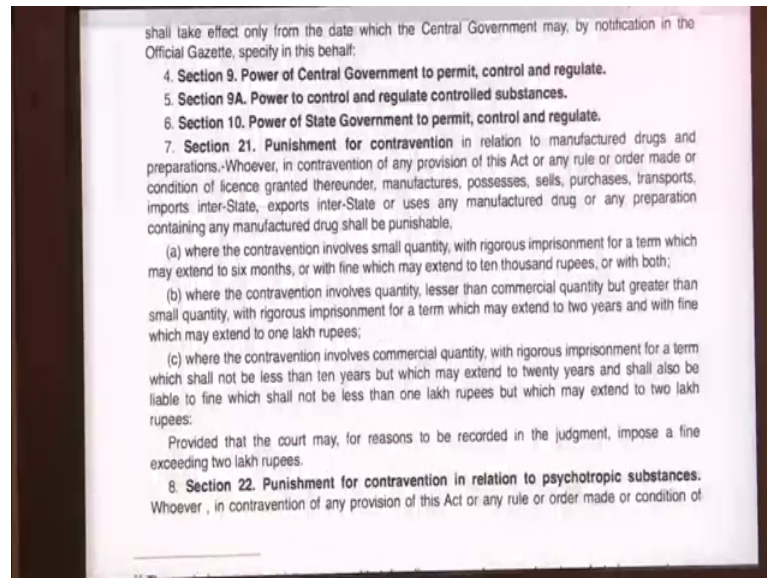
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Now, the central government can take measures to prevent and combat abuse of and illicit trafficking narcotic drugs. Now why is this that important? Because in the case of wildlife conservation; we might required these drugs for conservation of wildlife of or immobilization for transportation of wildlife.

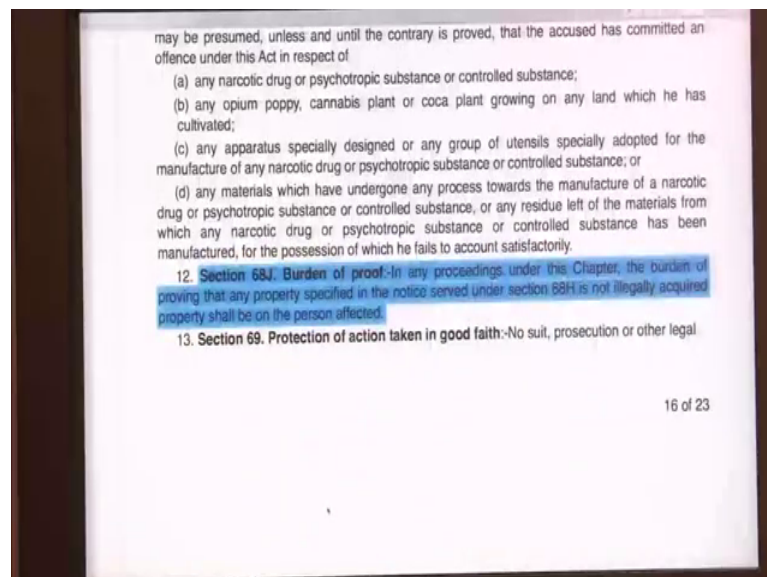
But there are people who can abuse these drugs as a recreational substance. So, which is by it becomes extremely crucial for the government to take measures to prevent and combat abuse and illegal traffic in narcotic drugs then it prohibits certain operations.

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And then this act says that: not only does the central government permit control and regulate these drugs, but also the state government. So, this is a power that is also given to the state government and then it talks about which means.

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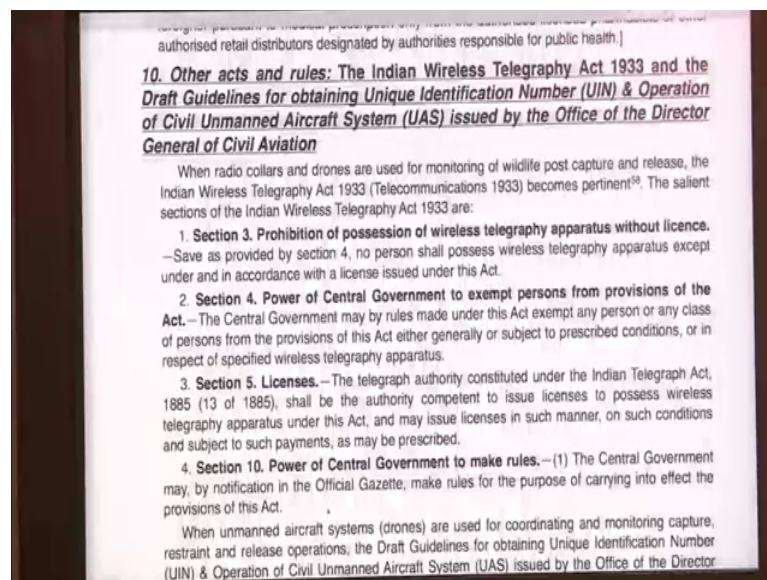


Now, section 68J is important the burden of proof in any proceedings under this chapter the burden of proving that any property specified in the notice served under section 68H is not illegally acquired property shall be on the person affected. So, basically the burden of proof is given on the person that has been inducted under this act. So, if you are in

position of any of the drugs that are mentioned here, it is your responsibility to prove that you have acquired those drugs legally.

So, you have not illegally imported those drugs, you have not illegally manufactured those drugs, you have not taken those drugs illegally from some place, you have not stolen those drugs from someplace. So, all of this all of these responsibilities will fall on the person who is found in possession of the drugs so, which is by it become important under section 68J. Then it also protects action taken in good faith and then take government and central government can make certain rules regarding this. Then you have to apply for a licence import certificate, transit licences and so on.

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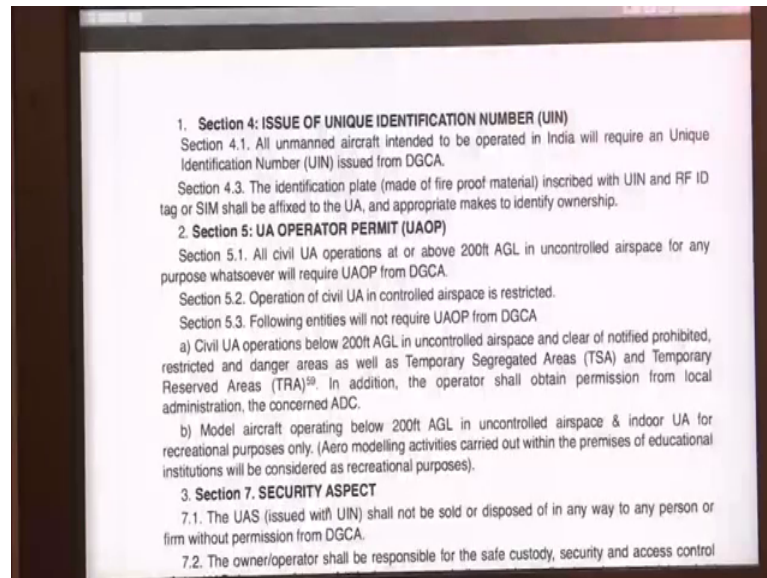


Now, other acts and rules that are important in the case of immobilization include the Indian Wireless Telegraphy Act of 1933 and the Draft Guidelines for obtaining Unique Identification Number and Operation of Civil Unmanned Aircraft System UAS issued by the Office of the Director General of Civil Aviation

So, basically when we talk about immobilization of animals we also look that placing of collars on the animals. So, these radio collar that are put on the neck of the animal. So, once you have immobilized the animal you can put a radio collar to track this animal. Now because this radio collar makes use of wireless frequencies so, the Indian Wireless Telegraphy Act of 1933 becomes important here.

Now, it says that you have a prohibition of position of wireless telegraphy operators without licence. So, you need to have a licence before you are operating any of these collars, power of central government to exempt persons from provisions of the act. Then he talks about licence, power of the central government to make rules that is important to note that all of these rules are governed by the central government.

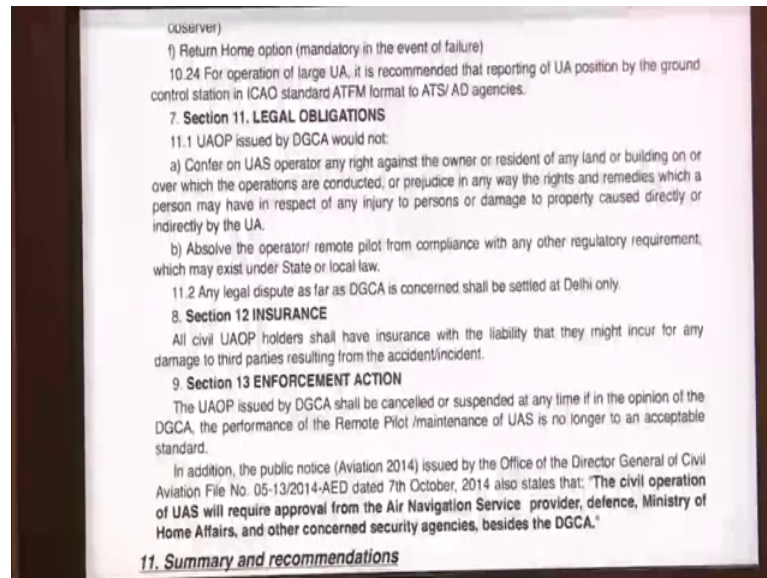
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Next is the use of drones or the unmanned air vehicles UA's. So, here we have things like issue of unique identification number to all unmanned aircraft. Now drones are increasingly being use these days to locate the animal that needs to be immobilized. So, you can fly a drone into your reserve area and see: which is the animal that you want to dart.

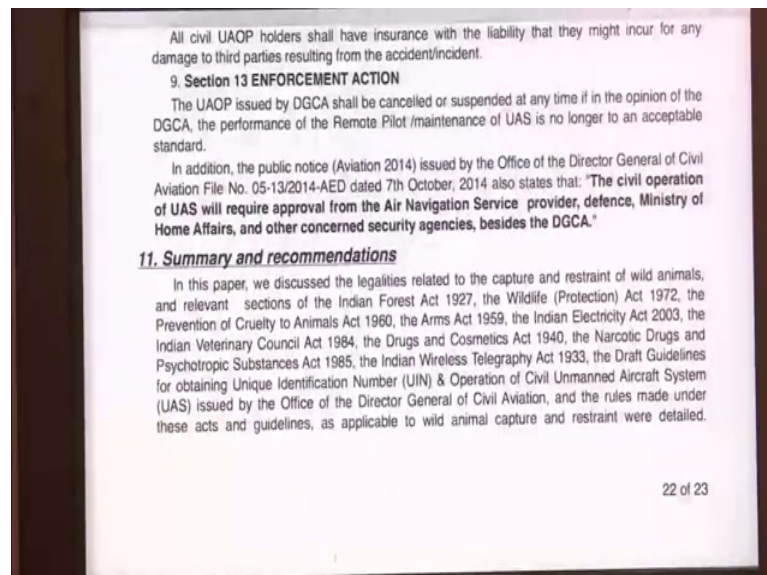
So, in that case you need to have a unique identification number for you drone, you need to have unmanned aircraft operator permit, the security aspects need to be taken into account, training requirements, maintenance of the aircraft, and so on. Now, all of these rules are becoming increasingly important these days because we are making use of newer and newer technologies.

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In the case of drones it also becomes important because these drones also have the potential to say crash into a wild animal, to kill that animal or to crash into the forest area and start a fire. So, essentially a number of insurances, a number of trainings, need to be kept in mind; the aircraft needs to be properly maintained and so on.

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So, essentially in this lecture we had a look at a number of acts and rules. So, Indian Forest Act, the Wildlife Protection Act, the rules we made under those, the Prevention of Cruelty to Animal Act, the Arms Act, the Indian Electricity Act, the Indian Veterinary

Council Act 1984, the Drugs and Cosmetics Act 1940, the Narcotic Drugs and Psychotropic Substances Act 1985, Indian Wireless Telegraph Act 1933, Draft Guidelines for obtaining Unique Identification and Operation of Civil Unmanned Aircraft System and so on were discussed.

Now, it is important to note here that most of these acts and rules are changing with time. Because, we are getting newer and newer technologies this acts and rules are getting amended. So, whenever there is any activity any person who wants to do perform immobilization of wild animal in a reserve area; then it makes a lot of sense to go through all of these acts once more to see if there has been any amendment in any of those provisions. and whether you have all the required licences with you, all the required permissions with you.

So, for instance in the case of our narcotic substances and our Narcotics and Psychotropic Substances Act; we saw that even if you are in position of a drug it is your responsibility to prove that you have acquired it legally and there is no hanky panky business that is going on. So, it is always important to keep in mind that you have all the permissions and you are following all the laws of the land. So, that is all for today.

Thank you for your attention. [FL]