

F.No.1-34/81-FRY (WL)

**DEPARTMENT OF LEGAL AFFAIRS
ADVICE (S) SECTION**

The provision for grant of license under the Wild Life (Protection) Act is section 44. That section makes it clear that license could be granted to a person as

- i) a manufacturer or dealer in any animal article or
- ii) a taxidermist, or
- iii) A dealer in trophy or uncured trophy, or
- iv) A dealer in captive animal, or
- v) A dealer in meet etc

2. Therefore, it is evident that license is required for a person dealing with animal article or trophy whether they be Indian or foreign animals or birds.

3. As regards the grant of dealership license, to deal with foreign animals and birds, attention of the Department is drawn to the definition of dealer in section 2 (11) of the Act. In view the definition therein, and read with section 44 of the act, it does not appear that there is any specific provision in the Act for grant of dealership license for African lion or Giraffee which are not listed in schedule I to IV and hence not captive animals.

4. But that does not mean that a person could sell or buy African lion or giraffe without any restrictions. In this connection, section 48 and 49 are relevant. Section 49 places restriction on the purchase of wild animals etc. by a licensee and section 48 places restriction on such purchase by persons other than licensee. Section 48 makes it clear that no licensee can keep in his control, custody or possession any animal which hasnot been lawfully acquired under the provisions of the Act or any rule or order made there under. So also it prohibits a licensee from capturing any wild animal except in accordance with such rules as may be made under this Act. Similarly section 49 makes it clear that a purchase of Wild animal could only be from a dealer or from a person authorized to sell or otherwise transfer the same under the Act.

4. If any further clarification is required, the Deputy Director of the Department may discuss the matter with the undersigned on a prior appointment.

Sd/-
M. Raghunatha Rao
Dy. Legal Advisor.
11-7-1983

Additional Chief Conservator of Forests