

CRITICAL ANALYSIS ON ILLEGAL EXOTIC PET TRADE IN INDIA AND SCOPE OF WILDLIFE PROTECTION ACT

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INTRODUCTION:

An exotic pet, in a basic sense is any animal of a species that is non- native and not normally domesticated in the country of its import. There exists a large demand and market for animals like ball pythons, pocket monkeys, crocodile skinks, hissing cockroaches and a wide range of exotic birds. People often want to own an animal that is rare, especially charismatic¹ and not just the traditional dogs or cats. Especially with the rise of the internet, social media plays a significant role in not only igniting the desire and demand for such animals but also providing the means of accessibility to them. Media has a great impact on the perceptions of its audiences². With millions of photos and videos being shared every second all around the world depicting the “cuteness” and “uniqueness” of these wild animals, it instills the desire in the average viewer and converts that person into a consumer of one of these transnational pet markets. Sellers and buyers are connected with a click, on consumer and social media sites like Ebay, Craigslist, Facebook , Instagram and pretty much any place online where virtual communication between two persons is possible. With the ease of internet banking and the array of online payment methods, communications become transactions and the statement “you can buy anything on the internet” holds true. Thus, there is need for proper regulation and legislation in the import and export of live animals and role of law in curbing these markets for exotic pets, in the interests of both the animals and the persons involved.

LEGALITY OF THE EXOTIC PET TRADE AND ITS EFFECTS:

¹ Stop the demand for Exotic Pets, African Wildlife Foundation, <https://secure.awf.org/stop-demand-for-exotic-pets>

² Andrea, Social Media and How it drives the Exotic Pet Trade, Stop the Traffic(September 10, 2017) <http://blog.nus.edu.sg/stopthetraffic/2017/09/10/social-media-and-how-it-drives-wildlife-trade-part-1/>

While the trade and keeping of wild pets are provided for in the law in many countries such as the United States (US)³ and the many countries in the European Union (EU) which are the first⁴ and second⁵ largest importers of exotic animals and reptiles respectively, there are different levels of legality of such ownership and this differs with each country and state. The legality of owning an exotic pet depends on the animal, its protection status according to national and international laws, whether a permit is required for its ownership or import and regional and national laws in respect to wildlife protection and foreign trade procedures⁶. However, the increasing popularity of these animals and the raging demands of this market have spawned an enormous illegal trade. The global illegal wildlife trade is estimated to be worth between EUR 8 and 20 billion annually⁷ with exotic animals being the centre of a multi-billion dollar business⁸. This increasing black market comes with dangerous effects to biodiversity and ecology. Smugglers take these animals from the wild since it is cheaper and easier than breeding them in captivity⁹. This depletes the species' population and disrupts their native ecosystem. Wild pets (whether wild-caught or captive-bred) are wild animals that can be unpredictable and may possess significant and robust physical attributes and defences. In many cases, owners of wild pets lack the necessary expertise to provide them with the appropriate care and animals commonly suffer as a result of unsuitable environment, malnutrition, inadequate or inappropriate social contact, and the stress of confinement. These factors coupled with the intention of domesticating a wild animal result in numerous cases of attacks on handlers and other animals. The scenario wherein exotic pets grow to be unmanageable and are subsequently abandoned by their owners is not an uncommon one. The release of wild pets can lead to the establishment of invasive alien species, which can disrupt ecosystems and displace local fauna, deplete populations and threaten their long-term viability. Small mammals and

³ Hessler, Katherine, and Tanith Balaban. "EXOTIC ANIMALS AS PETS." *GPSolo*, vol. 26, no. 5, 2009, pp. 42–47. *JSTOR*, JSTOR, www.jstor.org/stable/23673614.

⁴ Hilary Thompson, Documenting the Illegal Trade in Exotic Pets, The University of British Columbia, (June 12, 2014), <https://news.ubc.ca/2014/06/12/documenting-the-illegal-trade-in-exotic-pets/>

⁵ Wild Pets in the European Union, Endcap Wild Pets EU Report, (September 20, 2012, 04:56pm), <http://endcap.eu/wp-content/uploads/2013/02/Report-Wild-Pets-in-the-European-Union.pdf>

⁶ Hessler, Katherine, and Tanith Balaban. "EXOTIC ANIMALS AS PETS." *GPSolo*, vol. 26, no. 5, 2009, pp. 42–47. *JSTOR*, JSTOR, www.jstor.org/stable/23673614.

⁷ Study by Directorate- General for Trade Policies, Policy Department, European Parliament, EU Trade Policy and the Wildlife Trade

[http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578025/EXPO_STU\(2016\)578025_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/578025/EXPO_STU(2016)578025_EN.pdf)

⁸ Dangerous Trade: Exotic Animals <https://www.cnbc.com/dangerous-trade-exotic-animals/>

⁹ Pires, Stephen F., and Ronald V. Clarke. "SEQUENTIAL FORAGING, ITINERANT FENCES AND PARROT POACHING IN BOLIVIA." *The British Journal of Criminology*, vol. 51, no. 2, 2011, pp. 314–335. *JSTOR*, JSTOR, www.jstor.org/stable/23639881.

reptiles can collapse entire ecosystems and cause heavy losses to the species' diversity if introduced in areas they are not native to. In addition they may be carriers of diseases which may be dangerous to both humans and wildlife. Economic costs to governments relating to environmental impacts, outbreaks of animal and human disease or injuries resulting from the international trade in wild animals, invasive species have not been collated but are estimated to cost the global economy billions of dollars. Thus, the trade of exotic pets is harmful not only to the animals themselves but also puts in danger their handlers, local ecosystems and imposes unnecessary costs to the government in the management and regulation of this market.¹⁰

INDIAN SCENARIO:

In India, the import and ownership of exotic animals are restricted¹¹ under the Export Import Policy which governs all imports and exports in our country with elaborate procedures and permissions required for the import of any live animal, which is not covered under the definition of "livestock" under Livestock Importation Act 1898.¹² Despite these legal limitations, exotic pet trade is thriving in India, with people shelling out large sums of money for pocket monkeys from Brazil, black pond turtles from southern Asia, iguanas from South America and the Caribbean and fish from the coral reefs of Indonesia. These wild animals are illegally transported, cruelly bred and then sold at steep rates in Mumbai, Pune, Bangalore and Delhi. However, there is little knowledge about the population status, numbers poached, illegal trade hubs and dynamics of these species, and thus renders it difficult to ascertain the impacts of illegal trade on the population status of many of these captured animals¹³.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF FLORA AND FAUNA (C.I.T.E.S):

The increased exotic pet trade has rendered numerous species of animals as critically endangered. The fascination and demand for such animals have led poachers and traders engaging in these markets to push these populations to the brinks of extinction, landing animals

¹⁰ Wild Pets in the European Union, Endcap Wild Pets EU Report, (September 20,2012, 04:56pm),<http://endcap.eu/wp-content/uploads/2013/02/Report-Wild-Pets-in-the-European-Union.pdf>

¹¹ Abishek. A. Rastogi, Handbook on Foreign Trade Policy 2015-2020, (LexisNexis 1sted. 2015)

¹² Government of India, Animal Quarantine and Certification Services, <http://dahd.nic.in/sites/default/files/Animal%20and%20quarantine%20certification%20services.pdf>

¹³ Portia Putatunda, Open Secret: A Glimpse into the Illegal Trade of Exotic Pets, (August 20, 2015, 2:37pm), <https://www.boomlive.in/open-secret-a-glimpse-into-the-illegal-exotic-pet-market/>

like the slow loris¹⁴ and fennec foxes fighting for their survival. The transnational nature of wildlife trafficking, not just for the pet trade has cited the need for international collaboration in order to curb these illicit activities. Thus, the Convention on International Trade in Endangered Species of Flora and Fauna was brought into existence in order to ensure that international trade in specimens of wild animals and plants does not threaten their survival. C.I.T.E.S protects approximately 33,000 species of plants and animals with varying levels of protection¹⁵. Since its conception in 1973, 182 countries have become members to it, with India ratifying the agreement on July 20th, 1976¹⁶. C.I.T.E.S is legally binding on member countries and provides a framework to all parties to draft their national laws¹⁷. In India, the law enacted in furtherance of this convention is the Wildlife (Protection) Act 1972

WILD LIFE (PROTECTION) ACT 1972:

The illegal trade of wildlife is prohibited under the Wildlife Protection Act 1972. The Government enacted Wildlife (Protection) Act 1972 with the objective of effectively protecting the wildlife of this country and to control poaching, smuggling and illegal trade in wildlife and its derivatives¹⁸ International trade in all wildlife species of India, including the species covered under CITES in particular, is regulated collectively through the provisions of the Wild Life (Protection) Act of 1972, Export–Import Policy (EXIM Policy) under the Foreign Trade (Development and Regulation) Act of 1992 and Customs Act of 1962.¹⁹

The Wildlife Protection Act provides for the prohibition (subject to provided exceptions) of hunting of protected species, strict regulation of their possession, transport and trade and the creation and management of protected areas. While the act provides for regulation of hunting, ownership, purchase and transport of captive animals or animal products subject to the

¹⁴ Andrea, Social Media and How it drives the Exotic Pet Trade, Stop the Traffic(September 10, 2017)<http://blog.nus.edu.sg/stopthetraffic/2017/09/10/social-media-and-how-it-drives-wildlife-trade-part-1/>

¹⁵ Ariya B.Majumdar, Debosmita Nandy, Swayambhu Mukherjee, Environment and Wildlife Laws in India 143 (LexisNexis 1st ed.,2013)

¹⁶ List of Contracting Parties, Convention on International Trade in Endangered Species of Flora and Fauna, <https://www.cites.org/eng/disc/parties/chronolo.php>

¹⁷ Ariya B.Majumdar, Debosmita Nandy, Swayambhu Mukherjee, Environment and Wildlife Laws in India 143 (LexisNexis 1st ed.,2013)

¹⁸ National Portal of India, Wildlife (Protection) Act 1972,<https://www.india.gov.in/wildlife-protection-act-1972-3>

¹⁹ Ajay Kumar Saxena, CITES and CBD implementation in India: Complementarities, Current Implementation Status and Future Challenges, https://cites.unia.es/file.php/1/files/Thesis_Ajay_Kumar_Saxena.pdf

provided licenses, certificates and procedures and allows the seizure of illegally acquired property, these provisions only pertain to wild animals and captive animals as defined under sections 2(36) and 2(5) as any animal specified in Schedules I to IV of the Act found wild in nature and captured or kept or bred in captivity respectively. Animals enshrined in Schedule I and Part II of Schedule II (wild or captive) cannot be possessed without an ownership certificate under Section 42 or transferred or acquired by any means other than inheritance. For species listed in Part I of Schedule II, Schedule III and Schedule IV, although no hunting of these species is allowed, Section 44 provides for the issue of licenses to taxidermists, eating houses, and dealers in animal articles, trophies, uncured trophies, captive animals, and snake venom of the species listed in these schedules²⁰. Thus, sufficient legal backing is provided for the scheduled animals which are indigenous species native to India and South Asia but when non-indigenous animals are imported illegally into India for the exotic pet trade, there is a lack of legislation under which they can be seized²¹ or offered rehabilitation.

The Act provides wild animals to be government property and provides for procedures to declare custody and possession of captive animals specified in Schedule I or Part II of Schedule II, issuance of certificate of ownership of persons in lawful possession of any wild animal, animal article and trophies(cured and uncured), regulations for transfer of captive animals, animal articles or trophies in their possession, dealings in trophy or animal articles and the licenses required for such business²².

LACK OF LEGISLATION TO SEIZE ILLEGAL EXOTIC PETS:

According to Section 50, any offense in contravention of this Act, wherein any animal, animal article or trophy under this act is believed to be possessed in contravention of the provisions, enforces the right to a Director or any other officer authorized by him in this behalf or the Chief Wildlife Warden or the authorized officer or any forest officer or any police officer not below

²⁰ Avinash Baskar, Offences under the Wild Life (Protection) Act, 1972: A Discussion based on Case law, Wildlife Protection Society of India, http://www.wpsi-india.org/publications/Offences_under_WPA_%20Case_Law.pdf

²¹ V. Nilesh, Sale of Exotic Birds, Animals in Hyderabad goes unabated, New Indian Express, (January 21st, 2107, 06:02am), <http://www.newindianexpress.com/cities/hyderabad/2017/jan/21/sale-of-exotic-birds-animals-in-hyderabad-goes-unabated-1561957.html>

²² Wild Life (Protection) Act, 1972

the rank of a sub-inspector, if he has reasonable grounds to believe that person has committed an offence against this Act, to

a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, [trophy, uncured trophy-specified plant or part or derivative thereof] in his control, custody or possession, or any license, permit or other document granted to him or required to be kept by him under the provisions of this Act;

(b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person, and open and search any baggage or other things in his possession;

(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof, in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel or weapon used for committing any such offence and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, and detain him²³.

Sub-section 3 of this Section provides for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a license or permit is required under the provisions of this Act. This section also enforces such officer to arrest such person in failure of complying with the provisions of this section or any person found in suspicion to be contravening this Act²⁴.

However these provisions relate only to “wild animal” or “captive animal” under the Act and thus, exclude from its ambit exotic species which have been illegally imported into India for the exotic pet trade. The seizure of these animals does not have any legal backing under the Act and leaves a window for the continuance of this trade. Exclusion of exotic species from the ambit of this Act does not allow proper rehabilitation to be given to these animals and penalty for these offenders as per court orders under Section 50(4)²⁵ of the Act.

²³ Wild Life (Protection) Act, 1972

²⁴ Wild Life (Protection) Act, 1972

²⁵ Wild Life (Protection) Act, 1972

In addition to rendering the continuance of this trade unabated, by excluding exotic species from the ambit of being seized for illegal possession, any police officer with the lack of legislation to seize such specimens may be held liable for wrongful seizure under Section 53 of the Act. The section provides that if any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretense of seizing it for the reasons mentioned in section 50, may be held liable for punishment with imprisonment²⁶. Thus, any officer with the intention to expose such possession or bar such trade of these animals would not be empowered to seize such exotic specimen as he would be, had it been an indigenous specimen and such intention to curb such malpractices would be held punishable under Section 53 for lack of legislative backing, thus holding such seizure unnecessary and vexatious and as provided punishable.

Hence exotic species illegally imported into India for the exotic pet trade cannot be seized under the Act and find no relief under its provisions. The act formulated for the aim of protecting wildlife and prohibiting illegal trade allows for such illegal trade of exotic pets by not providing sufficient legislative backing and renders any officials with knowledge of such activity powerless under the sections, although the same sections empowers the exposure and curbing of such trade in specimens indigenous to the subcontinent.

NEED FOR DEFINITION:

An “exotic animal” or “exotic pet” is not defined under any law in India. Exotic animals are not provided for under the definition of “pet animal” according to the Prevention of Cruelty to Animals (Pet Shop) Rules, 2016 which lays down the scope of the term to include “dog, cat, rabbit, guinea pig, hamster, rodents of the rat or mice category, and captive birds, the ownership of, and trade in, which is not prohibited by any other law, rules or regulations”, according to Section 2(k)²⁷ of the Act. There is need to define these terms so as to establish the scope of this class of animals and the furtherance of curbing their illegal trade. Defining these terms is necessary thus, in setting the ambit of the species subject to these offences.

IMPORT LAWS FOR LIVE ANIMALS IN INDIA:

²⁶ Wild Life (Protection) Act, 1972

²⁷ Prevention of Cruelty to Animals (Pet Shop) Rules, 2016

The import and export of items like live animals, germplasm and other items used for animal husbandry purposes that are categorized as restricted in the EXIM Policy of Government of India, requires license from the Director General of Foreign Trade (DGFT)²⁸.

The importer(s) of live animal and animal origin materials require pre-import no objection from the Department of Animal Husbandry, Dairying and Fisheries and need to fulfil the quarantine and animal health certificate requirement at the time of import²⁹.

The import of live animals is allowed only through airport and sea port of Delhi, Mumbai, Chennai and Kolkata where the quarantine facilities are available. The importers of the live animals before embarkment of the animals from the foreign port, should obtain permission for embarkment from the Regional Officer/ Quarantine Officer of the ports mentioned above after showing a copy of import license issued by the DGFT and a copy of Health Certificate issued by the Official Veterinarian of the exporting country as per the requirement of health certificate enclosed with the license by DGFT. This permission needs to be obtained from the Regional Officer/ Quarantine Officer seven days before embarkment (relaxable up to three days depending on the pressing circumstances). The testing for diseases as prescribed in the health certificate should be conducted in the exporting country and all the test report need to accompanied with the animals³⁰.

However, it is difficult to seize illegally imported animals at these ports since the imports are commonly brought through the porous land borders in the northern most parts of India. Since these imports do not make it to the ports and customs offices, it is difficult to seize them at these places³¹.

²⁸ Department of Animal Husbandry, Dairying and Fisheries, Procedure for examination of applications for import and export of Items under restricted list, <http://dahd.nic.in/sites/default/files/Procedure%20for%20import%20and%20export%20of%20items%20under%20the%20restricted%20list%20%201.pdf>

²⁹ Department of Animal Husbandry, Dairying and Fisheries, Procedure for examination of applications for import and export of Items under restricted list, <http://dahd.nic.in/sites/default/files/Procedure%20for%20import%20and%20export%20of%20items%20under%20the%20restricted%20list%20%201.pdf>

³⁰ Department of Animal Husbandry, Dairying and Fisheries, Procedure for examination of applications for import and export of Items under restricted list, <http://dahd.nic.in/sites/default/files/Procedure%20for%20import%20and%20export%20of%20items%20under%20the%20restricted%20list%20%201.pdf>

³¹ Akash S. Karmakar, The Lacunae in Wildlife Protection Laws in India, <http://www.elaw.in/forest/wildlife/lacunaewildlife-Akash.pdf>

The Customs Act 1962 and Foreign Trade (Regulation and Development) Act 1992 provide analogous search, seizure and arrest powers on officers for the exposure and confiscation of illegally imported items. These powers are provided for under Section 10 of the Foreign Trade (Regulation and Development) Act 1992 and Chapter 13 and 14 of the Customs Act. Both the acts are complementary to each other in nature. The object of the foreign trade act is to provide for development and regulation of foreign trade by facilitating imports into and argument export from India and the matters concerned therewith or incidental thereto. The object of the customs act is to consolidate and amend the law relating to customs³². Section 100 of the Customs act empowers authorized officers to search any persons he has reason to believe has secreted any goods liable to confiscation or any documents relating thereto. This provision is not sufficient since, as aforementioned; most of these illegal animals are transported not via these registered ports. Section 101 empowers officer of customs authorized under the Act with the power to search in certain other cases, however this section relates only to items mentioned in subsection (2) of the section, which includes gold, watches, diamonds, manufacture of gold or diamonds and any other class of goods which the Central Government may specify by notification in the Official Gazette³³. Thus, this section does not include live animals.

Section 105 empowers authorized officers of customs to search for and confiscate any goods he has reason to believe are liable to be confiscated under the Act in any area adjoining the land frontier or the coast of India. Section 106 empowers authorized officers of customs to stop and search any conveyance he has reason to believe is carrying any smuggled goods or any goods liable to be confiscated under the Act. The following sections under the chapter empower officers to inspect and seize goods, documents or things he has reason to believe are in contravention of the Act and examine and summon suspected persons and require them to give evidence and produce documents for the exposure of any secreted activity in contravention of these Acts³⁴.

Section 111 of this Act imposes liability to be confiscated any goods which are imported in any manner in contravention of the procedures and regulations laid down in the Act. The section specifically mentions prohibited goods, which could mean any goods for which the conditions for import are not fulfilled. Prohibition of importation or exportation could be

³² Vol 1, T.P. Mukherjee, Commentary on Customs Act 1962, 78 (Delhi Law House, 9th ed. 2016)

³³ Customs Act 1962

³⁴ Customs Act 1962

subject to certain prescribed conditions to be fulfilled before or after clearance of goods. If conditions are not fulfilled it may amount to prohibited goods. Thus, this puts within the ambit of the section any animal which has been imported in contravention of such established import procedures. Sub section (d) of this Act specifies that any import in contravention of this Act or any other law for the time being in force is liable to be confiscated³⁵. Thus, it brings within the ambit any animal which has been imported in contravention of procedures specified in the Foreign Trade Policy and not in accordance with the procedures for imported restricted items.

Section 112 provides for penalty for improper importation of goods however, the highest penalty under the section is fine for the value of the goods thus found in violation of such laws or five thousand rupees whichever is higher³⁶. This is not in proportion to the penalties given under the Wildlife Protection Act wherein any person in violation of the provisions or is guilty of any offense of the Act is liable to pay a fine which may extend up twenty five thousand rupees or with imprisonment which may extend upto 3 years or both under Section 51. An offender and participator in the illegal exotic pet trade may on a case to case basis be found in violation of Section 132 if he has been found with false document or false declarations and Section 133 if he is found obstructing any officer of customs in the exercise of his powers, the penalty for both these offences include fine or imprisonment up to six months. Section 135 provides for anyone evading duty or prohibition or acquires possession of any good liable to confiscation under section 111 or 133 may be liable to fine or imprisonment up to 3 years or both³⁷. However the prevalence and rampant nature of this trade render these provisions insufficient to combat this transnational illegal market and thus, reflect the need for stronger legislation to efficiently curb these criminal activities.

AUSTRALIAN LEGSILATION:

In Australia, the import of live animals into Australia is controlled by the Environment Protection and Biodiversity Conservation Act 1999, and the Biosecurity Act 2015. The Environment Protection and Biodiversity Conservation Act 1999 (the EPBC Act) is the Australian Government's central piece of environmental legislation. It provides a legal framework to protect and manage nationally and internationally important flora, fauna,

³⁵ Customs Act 1962

³⁶ Customs Act 1962

³⁷ Customs Act 1962

ecological communities and heritage places — defined in the EPBC Act as matters of national environmental significance. These laws apply to anyone who intends to bring a live exotic animal into Australia. In order to be eligible for import into Australia, a species must be listed on the “[List of Specimens Taken to be Suitable for Live Import](#)”. Plant and animal specimens considered to be suitable for live import into Australia are listed on the Live Import List. There are procedures available for adding certain species on this list³⁸. Thus the working of procedure is opposite to the procedures of import of live animals in India, wherein the animal applied for import is checked whether it is in the schedules of the Wildlife Protection Act, enshrined in the appendices of C.I.T.E.S or is an invasive species under Biodiversity Act and if it does not fall under any of these classifications, it may be suitable for import according to the procedures established, whereas in the Australian legislation, the list of specimens taken to be suitable for live import enshrines a group of both native and non-native species, both provided for or not provided for under the CITES appendices, and any deviation from this fixed list makes such species of animal not available for import. The import and possession of exotic animals under this Act works on a permit system, wherein permission is required from the federal environment department depending on where on the “Live Import List” such specimen falls. Any contravention of the norms import of exotic animals under this Act makes such animal liable for seizure under Division 10, Subdivision AA and AB of the Act. Section 444A provides for seizure of specimens involved in a contravention of Part 13A. Part 13A provides for a list of threatened species categorized as extinct, extinct in the wild, critically endangered, endangered, vulnerable and conservation dependent. These pertain to only native species similar to the schedules of the Wildlife Protection Act. However, in addition to this, the Act provides for Seizure of things (other than specimens involved in a contravention of Part 13A) under Section 445 under Subdivision AB which empowers an authorized officer to seize a thing if he or she has reasonable grounds to suspect that it is evidential material in relation to an offence against an environmental law, in relation to a contravention of an environmental penalty provision or in relation to both. Subsection 4 of this section defines a “thing” to include a vehicle, vessel, aircraft, platform, document, organism and specimen. Thus, the inclusion of the word “specimen” within its ambit allows the seizure of illegally imported pets. As “environmental law” is provided to mean The Environment Protection and Biodiversity Act

³⁸ Wildlife Trade and Law, Department of Environment and Energy, Australian Government, <http://www.environment.gov.au/biodiversity/wildlife-trade/law>

1999, any contravention against the “Live Import Lists” or permits included thereof brings within the jurisdiction of this Act, offences pertaining to the illegal trade and ownership of exotic pets³⁹. These provisions are in addition to other legislation applied to the import and export of wildlife products, including legislation administered by the [Department of Immigration and Border Protection](#), Department of Agriculture and Water Resources and [Therapeutic Goods Administration](#)⁴⁰.

CONCLUSION:

The thriving illegal trade of endangered species in India points to loopholes in the Wildlife (Protection) Act, 1972. The Act covers only species that are endemic to India. Birds and animals that are imported do not have any kind of protection. In such cases, the onus is on state governments to keep tabs on sale of endangered species. But their role is restricted to ensuring that the traders have proper licenses and the animals and birds are disease-free⁴¹. There is need for an amendment in the Act exercising powers under Section 61 of the Act which empowers the Central Government to add species to the schedules via notification. Species like Tokay gecko, pocket monkey (pygmy marmoset), Madagascar hissing cockroaches, Bearded dragons, Sugar gliders, Burmese python, capybara etc. which are common exotic pets but are not provided for in the Wildlife Protection Act schedules nor are enshrined in the CITES appendices are to be included in Schedule so as to ensure their protection and the protection of human interests as well. It is high time the law is amended to put a stop to illegal trade in all endangered species, irrespective of their origin, so as to decrease this form of illegal trafficking of wildlife rampant in India.

³⁹ Environment Protection and Biodiversity Conservation Act 1999

⁴⁰ Wildlife Trade and Law, Department of Environment and Energy, Australian Government, <http://www.environment.gov.au/biodiversity/wildlife-trade/law>

⁴¹ Karthikeyan Hemalatha, Everything is for E-Sale, even Exotic Species, Times of India (August 22, 2013, 05:23am), <https://timesofindia.indiatimes.com/home/environment/flora-fauna/Everything-for-e-sale-even-exotic-species/articleshow/21969175.cms>