

OPINION

Query No. 1: Do Indian laws permit zoos/rescue centers to acquire wild animals through commercial deals either domestically or internationally?

In order to answer the above query, it is important to understand the meaning of the term Wild Animal and Rescued Wild Animal. The Wildlife (Protection) Act, 1972 defines a 'Wild Animal' but does not define a 'Rescued Wild Animal'. However, Guidelines for the Establishment and Scientific Management of Zoos India issued by the Central Zoo Authority¹ 2025 deals with rescued animals. It is first of all important to understand the meaning of 'Wild Animal' as well as Zoo and Rescue Centre. After that it is important to locate the legal provision with respect to acquisition of wild animal

The Wild Life (Protection) Act, 1972 ["WLPA"] **Wild Animal** is defined as 'any animal specified in Schedule I or Schedule II and found wild in nature'.² The Act defines '**captive animal**' as 'any animal, specified in Schedule I or Schedule II which is captured or kept or bred in captivity'.³ A '**zoo**' is defined as 'an establishment, whether stationary or mobile, where captive animals are kept for exhibiting to the public or *ex-situ* conservation and includes a circus and off-exhibit facilities such as *rescue centers* and conservation breeding centers, but does not include an establishment of a licensed dealer in captive animals'. The Recognition of Zoo Rules, 2009 defines a Rescue Centre as follows:

"Rescue Centre" means an establishment for the long-term care of animals specified in the Schedules to the Act.

'**Hunting**' is defined to include the 'capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so'.⁴ Schedule I and Schedule II of the WLPA *only* lists mammals, birds, reptiles, amphibians, fish, Mollusca, arthropods, butterflies, dragonfly, and corals that are found 'wild in nature'.

Acquisition of Wild Animals for Zoos is provided in Section 38-1 of the WLPA. The relevant part reads as follows:

38-I. Acquisition of animals by a zoo. — (1) Subject to the other provisions of this Act, no zoo shall acquire, sell or transfer any wild animal or captive animal specified in Schedules I except with the previous permission of the Authority.

(2) No zoo shall acquire, sell or transfer any wild or captive animal except from or to a recognized zoo.

¹ See [here](#)

² See Section 2(36) of The Wild Life (Protection) Act, 1972

³ See Section 2 (5) of The Wild Life (Protection) Act, 1972

⁴ Section 2(16) of the Wildlife (Protection) Act, 1972

[Provided that nothing in this sub-section shall apply to a conservation breeding Centre.]

Section 12 of the WLPA provides for ‘Grant of permit for special purposes.

12. Grant of permit for special purposes.—Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of,—

- (a) education;
- (b) scientific research;
- (bb) scientific management.

Explanation.—For the purposes of clause (bb), the expression, “scientific management” means—

- (i) translocation of any wild animals to an alternative suitable habitat; or
- (ii) population management of wildlife, without killing or poisoning or destroying any wild animals;

(c) collection of specimens—

(i) for recognized zoos subject to the permission under section 38-I; or

(ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs.

Provided that no such permit shall be granted—

(a) in respect of any wild animal specified in Schedule I, except with the previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government;

Reading the above-mentioned provisions together would imply that any zoo, which includes a rescue centre, can acquire or sell or transfer any wild or captive animal *only* from or to a recognized zoo. Where the wild or captive animal sought to be acquired is an animal mentioned in Schedule I, such acquisition or transfer or sale can be done only with the prior permission of the Central Zoo Authority. **The use of the word ‘sell’ in Section 38-I seems to indicate that it is permissible for a recognized zoo to acquire or transfer any wild or captive animal from or to another recognized zoo via a commercial transaction.** It does not matter as to whether the individual animal listed in Schedule I is in a zoo located in India or abroad. So long as the species are included in Schedule I, the provisions of the WPA will apply.

The WLPA has to be read along with the Recognition of Zoo Rules, 2009 and National Zoo Policy, 1998 notified by the Ministry of Environment and Forest. Section 9 (iii) of Recognition of Zoo Rules, 2009 on “Acquisition and breeding of animals” reads “To safeguard against the ill effects of inbreeding on the zoo population, the zoo shall endeavour to introduce unrelated animals to zoo stock through exchange, loaning and getting gifts of animals from other zoos.” **The three methods of prescribed acquisition - namely, exchange, loan and gifts - do not include purchase.**

As per the National Zoo Policy 1998, 'the main objective of the zoos shall be to complement and strengthen the national efforts in conservation of the rich biodiversity of the country, particularly the wild fauna'. It is important to emphasise that the main aim is 'conservation of the rich biodiversity of the country', which implies that the priority is the conservation of wild fauna of India. Significantly, on the aspect of collection of animals from the Wild, the Policy states:

3.2 ACQUISITION OF ANIMALS : 3.2.1 Except for obtaining founder animals for approved breeding programme and infusion of new blood into inbred groups, **no zoo shall collect animals from the wild.**

It further states:

3.2.2 Zoos shall not enter into any transaction involving violation of the law and provisions of international conventions on wildlife conservation.

It is pertinent to focus on Section 12 of the WLPA which provides that the Chief Wild Life Warden may grant a permit to any person to hunt a wild animal for the purposes of collection of species for 'recognized zoos subject to the permission under Section 38-I'. **Since, the proviso to Section 38-I (2) provides that it shall not apply to a conservation breeding centre, it follows that only such recognised zoos that are conservation breeding centres, may acquire specimens by hunting wild animals. All other zoos other than conservation breeding centres can only acquire animals from other recognized zoos, (which may include conservation breeding centres). For the sake of clarity, the collection of specimen from the wild of any Wild Animal listed in Schedule I of the WPA, is permissible only for a Conservation Breeding Centre and not any other category of Zoo including a Rescue Centre.**

Guidelines issued by the Central Zoo Authority on acquisition of native or exotic species by zoos:

- i. Annexure – VIA of the Guidelines for the Establishment and Scientific Management of Zoos India issued by the Central Zoo Authority⁵ states that **'Import of exotic animals in non-viable numbers shall be avoided. Such imports will only be permitted as part of planned breeding of species identified by the Central Zoo Authority.'**
- ii. **The Guidelines for the preparation of the Master Plan of Zoos⁶ state that all zoos must prepare an appropriate 'animal collection plan' which varies according to the size of the zoo.** For example, a Large Zoo should keep 30% each of wild animal species of the ecosystem the zoo is part of, representative species of North, South, West, Central, East or North-east depending upon the suitability of the climate, and representative wild animal species of the nation which are

⁵ See [here](#)

⁶ See [here](#)

comfortable in the climate of the zoo and not more than 10% of exotic wild animal species. **On the other hand, a mini zoo should have a few identified common wild animal species of the area/locality/ecosystem the zoo is part of, and maybe 1-2 common exotic wild animal species**

2025 Policy Guidelines on the acquisition of rescued animals by Indian Zoos

The Policy Guideline issued by the Central Zoo Authority for the first time deals at length with rescued wild animals. The relevant parts reads:

The term rescue is often specifically associated with the removal of animals in distress from their natural habitats, typically resulting from anthropogenic disturbances or other factors. However, the relocation of animals between zoos under the circumstances described above does not precisely fit this definition. Instead, such actions are more accurately categorized as transfers of animals between facilities, rather than rescues. The justification for this argument is based on the specific usage and connotations of the term rescue. While rescue operations generally involve saving animals from immediate danger or life-threatening situations, the transfers between zoos in this context are primarily driven by long-term welfare considerations. **The primary objective of these transfers is to improve the animals' living conditions and ensure their well-being, which distinguishes them from traditional rescue efforts.**

The Policy Guidelines states that extant statutory provisions for the acquisition/transfer of rescued animals is as under:

- 1) The acquisition/transfer of animals by/between recognised zoos (including exclusive off-display rescue centres) requires permission from the Central Zoo Authority
- 2) The permission is accorded primarily on the basis of the following by the CZA:
 - i. Approval of the Master Plan by CZA.
 - ii. The species in question being included in the collection plan.
 - iii. The availability of prescribed housing facilities (including quarantine) by the recipient zoo.
 - iv. The history and upkeep of the given species at the recipient zoo.
 - v. The climatic suitability of a species to the said region and other relevant provisions.

According to the National Zoo Policy, 1998, one of the objectives of Indian zoos is “...to function as rescue centres for orphaned wild animals subject to the availability of appropriate housing and upkeep infrastructure’. The 2025 Policy Guidelines on the Placement and Management of Rescued Animals in Indian Zoos issued by the Central Zoo Authority⁷ states that rescued animals received by zoos fall into two categories: wild animals (as defined under the WLPA) captured as per provisions of Section (11) and (12) of the WLPA, and native/non-native animals confiscated from illegal trade. **Therefore, the guidelines do not contemplate rescuing animals/acquiring rescued animals from foreign**

⁷ See [here](#)

jurisdictions to be placed in Indian zoos. As per Black's Law Dictionary, the term 'confiscate' means (1) 'to appropriate (property) as forfeited to the government (2) to seize (property) by authority of law. Thus, there are only two situations in which rescued wild animals which are native to can be kept in a rescue centre/ zoo:

- Through the process of capture from the wild in India with respect to wild animals listed in WPA
- Through the process of confiscation of any animal listed in WPA

However, with respect to non-native exotic species, the animal must have been confiscated by the authorities in India for violation of the law. This is the only way in which a non native species can be accepted by a rescue centre in India.

The Schedule to the Recognition of Zoo Rules, 2009 provides for certain rules for the acquisition of rescued animals: (i) No zoo shall accept any rescued animal unless it has appropriate facilities for keeping it in isolation during the quarantine period. **(ii) Whenever any zoo decides to accept any rescued animal for housing, a detailed report regarding the source from which the animal has been received, legality of its acquisition and the facilities available at the zoo for housing, upkeep and healthcare shall be sent to the Chief Wildlife Warden of the State.**

It is pertinent to point out that the expression used is 'accept' and not 'acquired'.

Re: Acquisition of animals through international commercial deals

- i. Chapter VB of the WLPA deals with 'Regulation of International Trade in Endangered Species of Wild Fauna and Flora as per Convention on International Trade in Endangered Species of Wild Fauna and Flora'.
- ii. The import of scheduled specimens listed in Schedule IV of the Act is governed by Section 49J of the WLPA –

49J. Conditions for import of scheduled specimens.— (1) The import of any specimen of a species included in Appendix I of Schedule IV shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate from the country of export.

(2) An import permit for a specimen of a species listed in Appendix I of Schedule IV shall not be granted unless—

- (a) the Management Authority is satisfied that the specimen concerned will not be used for primarily commercial purposes;
- (b) the Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species; and
- (c) the Scientific Authority is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

(3) The import of any specimen of a species included in Appendix II of Schedule IV shall require the prior presentation of either an export permit or a re-export certificate issued by the country of export.

(4) The import of any specimen of a species included in Appendix III of Schedule IV shall require the prior presentation of—

- (a) a certificate of origin; or

- (b) in the case where the import is from a country which has included the species in Appendix III of the Convention, an export permit; or
 - (c) a re-export certificate granted by the country of re-export.
- iii. Moreover, The Central Zoo Authority has issued a 'Procedure and Process for Acquiring Animals from Zoos abroad'⁸ which involves several steps such as:
- (i) Ensuring animals to be acquired are a part of the approved collection plan
 - (ii) Negotiating with the foreign zoo and obtaining a veterinary protocol for bringing in animals into India
 - (iii) No objection Certificate of the Chief Wildlife Warden and approval of the Central Zoo Authority
 - (iv) No objection Certificate of the Ministry of Environment and Forests (MoEF), Government of India and
 - (v) Submission of an Application to the regional office of the Wildlife Crime Control Bureau, MoEF for the issue of CITES import permit and Director General of Foreign Trade for an import permit.
- These guidelines do not explicitly prohibit or permit the acquisition of animals via commercial deals by Indian zoos. However, this has to be read with the Zoo Policy, 1998 which specifically states that the source of rescued animal which is non-native is restricted to only those animals which are 'confiscated'. Import of CITES listed species after following the due process cannot be termed as 'confiscation'.**

Query No.2 What would be the likely legal consequences if an Indian zoo/rescue center acquires animals commercially?

Acquiring animals mentioned in Schedule I and Schedule II of the WLPA from zoos or conservation breeding centers via commercial transactions is permitted only after following strictly the provisions of the WLPA, Zoo Rules as well as the Zoo Policy and Guidelines of 2025.

A rescue centre, on the other hand, can acquire rescued animals only under the three situations indicated above. The policy guidelines do not contemplate the acquisition of any rescued animal by a rescue centre, either domestically or internationally, by way of a commercial deal. Any acquisition of rescued animals in violation of the Policy Guidelines issued in accordance with the Recognition of Zoo Rules, 2009 is punishable under Section 51 of the WLPA where any person who contravenes any provision of the WLPA or any rule made thereunder will be punished with imprisonment for a term which may extend to three years, or with fine which may extend to one lakh rupees, or with both. Moreover, under Section 39 of the WLPA any wild animal that is kept or bred in captivity or hunted in contravention of any provision of the WLPA or any rule or order made thereunder shall be the property of the State Government, and where such an animal is hunted in a sanctuary or National Park declared by the Central Government, it shall be the property of the Central Government.

⁸ See [here](#)

The Central Zoo Authority could also suspend or cancel the recognition granted to the zoo under Section 38-H of the WLPA.

Query 3. What would be the likely legal consequences if an Indian zoo/rescue center acquires wild-caught animals by documenting those as captive-born.

Any acquisition of animals specified under Schedule I and II of the WLPA by a zoo in violation of Section 38-I would attract punishment under Section 51 of the WLPA. Moreover, such animals would become government property as per Section 39 of the WLPA.

If the approval of the Scientific Authority for the purposes of obtaining an import permit is based on whether the specimen is wild-caught or captive born, suppressing such information could amount to an offence under Section 51 of the WLPA. Under Section 51 any person who contravenes any provision of Act, shall be punishable with imprisonment for a term which may extend to three years and/ or with a fine Moreover, under Section 49Q, where a specimen has been imported in to India in contravention of any provision of the WLPA, the Management Authority shall, after consultation with the country of export, return the specimen to that country at the expense of that country or ensure that it is housed and cared for by a recognised zoo or rescue centre in case it cannot be returned to the country of export. This is in consonance with the provisions of CITES which states in Article VIII which states

The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures: (a) to penalize trade in, or possession of, such specimens, or both; and **(b) to provide for the confiscation or return to the State of export of such specimens.**

It is thus clear that CITES does not contemplate rescued/ confiscated animals to remain in a country which is not their natural habitat.

Under the Wild Life (Protection) International Trade of Specimens Rules, 2023, an application for trade in a specimen of species listed under Schedule IV of the WLP requires the Applicant to mention the 'Country in which the specimen was procured from the wild/bred in captivity/artificially propagated' and any false information submitted shall make the application liable to be rejected.⁹

The 2022 Import Policy¹⁰ regarding Live Animals states that the 'Import of Live Animals other than wild animals as defined under the Wild Life Protection Act, 1972 is permitted against a license to Zoos and Zoological parks, circus companies, private individuals, on the recommendation of the Chief Wild Life Warden of a State Government subject to the provisions of CITES'. Under Section 11 of the Foreign Trade (Development and Regulation) Act, 1992, if any person makes or abets or attempts to make any export or import in contravention of the Act or rules made thereunder or the foreign trade policy, he shall be

⁹ See [here](#)

¹⁰ See [here](#)

liable to a penalty of not less than ten thousand rupees and not more than five times the value of the goods in respect of which any contravention is made or attempted to be made.

The Central Zoo Authority could also suspend or cancel the recognition granted to the zoo under Section 38-H of the WLPA.

Query 4. While importing wildlife, what is the liability of an Indian zoo/rescue center if a CITES export permit it furnished to Indian CITES authorities turns out to be spurious due to misrepresentation of facts or violation of CITES rules by the exporting outfit and/or CITES authorities of the exporting country?

If the Indian zoo/rescue centre abets or knowingly attempts to import wildlife using a spurious export permit it may be held liable under Section 11 of the Foreign Trade (Development and Regulation) Act, 1992. Additionally, a rescue centre as stated above cannot import any wild animal.

The Central Zoo Authority could also suspend or cancel the recognition granted to the zoo under Section 38-H of the WLPA.

Finally, a Zoo/ Rescue Centre requires in addition to prior approval of CZA, the approval of the Supreme Court also in view of the directions in Naveen Raheja versus Union of India¹¹

¹¹ <https://cza.nic.in/uploads/documents/notifications/orders/english/C-1.pdf>