

F. No. 8- 75/2014 WL  
Government of India  
Ministry of Environment and Forests  
(Wildlife Division)

Paryavaran Bhawan  
CGO Complex, Lodhi Road  
New Delhi-110003

Dated: 7<sup>th</sup> May 2014

OFFICE MEMORANDUM

**Sub: Protection of the National Bird- Indian Peafowl (*Pavo cristatus*)**

Indian Peafowl (*Pavo cristatus*), the National Bird of India is also listed in Schedule-I of the Wild Life (Protection) Act, 1972, with the highest degree of protection. However, the Act provides certain exemptions under Sections 43, 44(4) and 49 (a) for transport, transfer and trade in the Peacock Tail Feathers within the country. Peacock Tail Feathers are commonly used in the country for various religious, cultural and traditional purposes and are also traded freely within the country.

2. Over the recent past, there have been reports of mortality of peacocks in various parts of the country, cited as poaching as well as otherwise. Reports also suggest that peacocks are hunted specifically for their feathers, so as to meet the large scale demand the market offers for the articles made from peacock tail feathers, besides, being hunted for its meat in some parts of the country. It is also observed that in the name of the exemptions available to peacock feathers in Wildlife (Protection) Act, and as the birds are found outside forests as well as within, genuine actions for protection is not being taken.

3. In view of these facts, it is felt that there is urgent need to accord adequate protection to the peafowl. Following clarifications are issued in this context for urgent action to ensure that the bird receives the priority of protection it deserves.

- i. Any case of mortality of peafowl must be enquired into and dealt with on priority being a Schedule I species in Wildlife (Protection) Act 1972.
- ii. It needs to be understood that exemptions are available only from regulation within the Act, on transfer, transport and trade of peacock tail feathers and articles made therefrom, under the provisions of Section 43, Section 44 (4) and Section 49. This implies that only the requirement of reporting to the Chief Wildlife Warden/ authorised officer has been dispensed with in case of section 43, and the requirement of a license from the Chief Wildlife Warden/authorised officer in case of section 44(1). Similarly, regulations under chapter VA are not applicable on trade of peacock and thus exemption is available only from declaration of stock to the CWLW.
- iii. The exemptions mentioned above do not authorise any person/ trader to either not reveal the origin of the stock being traded, or keep in stock illegally obtained feathers, or to not follow the rest of the provisions of Wildlife (Protection) Act, which authorise the enforcement agencies on relevant matters, including those related to stock and trade of peacock feathers. Thus checking of stock and records for source, chain of custody and trade of schedule I species peafowl will be completely within the powers of authorised enforcement agencies.
- iv. While feathers may be collected and possessed by communities for their religious, cultural and subsistence needs, nobody is exempted from ban on hunting. Killing and plucking feathers, within or outside forests is not only an offence, but attracts punishment in the relevant sections related to schedule I animals.

- v. The exemptions mentioned above do not absolve the Wild Life enforcement agencies from the responsibility of monitoring the trade with a view to ensure that illegally collected material is not being dealt under the garb of exemptions, thereby promoting illegal activities.
- vi. The peacock tail feathers are generally traded in large quantity in bulk. It should be ensured that feathers are traded only with their shafts intact. Random checking for traces of blood on the base of shaft can lead to information on whether the feathers are naturally shed or plucked from the body of animal. State government has the power to make rules on such aspects under section 64.

5. It is requested that necessary action be taken to check the trade of illegally obtained peacock feathers and undertake periodical checks in the stock of dealers and put the samples to forensic investigation for identifying the origin i.e. from forcibly plucking from a live/ poached bird or those that are naturally shed.

6. It is requested that the Wildlife enforcement agencies take all measures to ensure that the National birds are not annihilated for their feathers, besides giving **wide publicity** (especially in vernacular) on the various provisions of the law pertaining to the trade in peacock tail feathers and specifying that **all other provisions, except Section 43, 44(4) and 49** (chapter V A) of the Wild Life (Protection) Act, 1972, are applicable in case of peacock tail feathers, especially the Section 9, *inter alia*, prohibiting hunting of Schedule-I species.



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1. The Principal Secretary (Forests), all States/Union Territories
2. The Addl. Director General of Forests & Member Secretary, NTCA
3. The Chief Wildlife Wardens, All States/Union Territories
4. The Addl. Director, WCCB, New Delhi
5. The Director, Wildlife Institute of India, Dehradun.

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