

F. No. 4-36/2013 WL
Government of India
Ministry of Environment and Forests
(Wildlife Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003

Dated: 25th August 2013

Policy Circular

Subject: Policy on prohibition of "finning" of Shark fins in the sea.

The Wild Life (Protection) Act, 1972, has been enacted by the Parliament for the purpose of according protection of wildlife and their habitat in the country. The Act also has six schedules. Various wildlife species are categorized into these Schedules based on their prevailing threat status and providing different degrees of protection to the species therein.

Whereas, India is known to be home to about 40- 60 species of sharks, many of them assessed as threatened, ten species of the critically endangered Sharks and Rays are listed under the Schedule-I of the Act according them highest degree of protection;

Whereas, Section 9 of the Wild Life (Protection) Act, 1972 prohibits hunting of any wild animal specified in Schedule- I, II, III and IV, except in provisions provided under Section 11 and 12 of the Act;

Whereas, it has been noticed that large number of sharks have been decimated by the act of "finning" on-board the vessel in the mid-sea, and the 'de-finned' sharks are subsequently disposed in the sea.

Noting that the enforcement of provisions of the Wild Life (Protection) Act, 1972 is extremely difficult as it is often difficult to identify the species of the shark from the fins alone, without the corresponding carcass, from which the fins have been detached;

Also *Noting* that bringing in this policy would enable the enforcement agencies to monitor the illegal hunting/poaching of the species of sharks that are listed in the Schedule-I of the Wild Life (Protection) Act, 1972;

It is expedient for the Ministry of Environment and Forests to prohibit removal of shark fins on board a vessel in the sea.

Any possession of shark fins that are not naturally attached to the body of a shark, would amount to "hunting" of a Schedule-I species and thereby, attracting penal provisions under Section 51 of the Act. Further, in accordance with Section 57 of the Act, the burden of proof for unlawful possession, custody, control of such animal, animal article, meat etc. shall lie on the accused.

All the concerned State Governments shall strictly implement this policy initiative through appropriate legislative, enforcement and other measures.

This issues with the approval of competent authority.

Ja 21/8/2013
(Vivek Saxena)

Deputy Inspector General of Forests (WL)

Distribution:

1. The Chief Secretary, all Coastal States.
2. The Joint Secretary (Fisheries), Ministry of Agriculture, Krishi Bhawan, New Delhi
3. The Addl. Director, WCCB, New Delhi
4. The Principal Secretary (Fisheries), all Coastal States
5. The Principal Secretary (Forests), all Coastal States
6. The Chief Wildlife Warden, all Coastal States
7. The Director (Fisheries), all Coastal States.

Copy to:

1. PS to Hon'ble Minister of State (Independent Charge) for Environment and Forests.
2. PPS to Secretary (E&F), MoEF
3. PPS to DGF & SS, MoEF
4. PPS to Addl. DGF(WL), MoEF
5. PPS to IGF(WL), MoEF
6. PS to JD(WL)
7. Technical Director, NIC- with a request to kindly upload this circular in the MoEF website.