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BOMBAY ACT No. XXIV OF 1951¹

[THE BOMBAY WILD ANIMALS AND WILD BIRDS PROTECTION ACT, 1951.]*

[24th July 1951]

Adapted and modified by the Bombay Adaptation of Laws (State and Concurrent Subjects) Order, 1956.

Adapted and modified by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

Amended by Mah. 11 of 1961.

" " " 2 of 1964.

" " " 3 of 1970.

**An Act to make adequate provision for the protection of wild animal and birds
in the State of Bombay.**

WHEREAS it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the state of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951. Short title,
extent and
commence-
ment.

²[(2) It extends to the whole of the State of Maharashtra.]

(3) It shall come into force ³[in the pre-Reorganisation State of Bombay] on such ⁴date as the State Government may, by notification in the *Official Gazette*, ⁵[appoint; and in the remaining part of the State of Maharashtra, it shall come into force on the ⁶commencement of the Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Act, 1960.]

Mah.
XI of
1961.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "Animal or Bird" includes the young ones of the animal or bird, as the case may be;

(b) "Big Game" means any animal specified in Schedule III or IV;

(c) "Game" means any animal or bird specified in Schedule II, III or IV;

(d) "Game Officer" means any officer, warden, or servant appointed or authorized for any of the purposes of this Act;

(e) "Hunt" means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest;

(f) "Licence" means a licence granted under this Act;

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1951, Part V, page 14.

² Sub-section (2) was substituted for the original by Mah. 11 of 1961, s. 3(a).

³ These words were inserted, *ibid.*, s. 3(b).

⁴ 1st May 1953 (*vide* G.N., A. & F.D., No. 5991-J, dated 7th April 1953).

⁵ This portion was substituted for the word "appoint" by Mah. 11 of 1961, s. 3(b).

⁶ 1st day of June 1961 (*vide* G.N., A. & F.D., No. WLP. 1056/12412-E, dated 25th May 1961).

* This Act was extended to and by virtue of such extension shall be in force in the rest of the State of Maharashtra (*vide* Mah. 11 of 1961, s. 2).

- (g) "Meat" includes fat, blood, flesh and bones ;
- (h) "Permit" means a permit granted under this Act ;
- (i) "Prescribed" means prescribed by rules ;
- (j) "Rules" means rules made under section 48 ;
- (k) "Schedule" means a Schedule appended to this Act ;
- (l) "Small Game" means any animal or bird specified in Schedule II ;
- (m) "Trophy" means the durable part of an animal or a bird which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest of any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid ;
- (n) "Vermin" means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

Domesticated and other animals and birds in captivity exempted.

3. Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers.

4. (1) The State Government may for the purposes of this Act appoint,—
- 1[(a) the Chief Conservator of Forests, Maharashtra State, as the Wild Life Preservation Officer for the State of Maharashtra ;]
- (b) the Game Wardens, either honorary or stipendiary ;
- (c) such other officers and servants as may be necessary.

(2) The honorary Game Warden shall ordinarily hold office for a period of three years :

Provided that the State Government may terminate his tenure of office at any time without assigning any reason.

(3) The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

Delegation of powers by Wild Life Preservation Officer.

5. The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act to ²[any officer of the State Government,] subject to such conditions, if any, as may be specified in the order.

¹ Clause (a) was substituted for the original by Mah. 11 of 1961, s. 4.

² These words were substituted for the words "any officer subordinate to him" by Mah. 30 of 1970, s. 2.

Mah. II of 1964. 6. ¹[(1) As soon as possible after the coming into force of the Bombay Wild Animals and Wild Birds Protection (Amendment) Act, 1963, the State Government shall reconstitute the advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the Minister for Forests as *ex-officio* Chairman, the Deputy Minister for Forests as *ex-officio* Vice-Chairman and thirteen members nominated by the State Government.] Constitution of State Wild Life Advisory Board.

(2) The Wild Life Preservation Officer shall be the Secretary of the Board.

(3) The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine :

Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.

(4) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine :

²[Provided that, if a member of the State Legislature is nominated as a member of the Board, he shall not be entitled to receive any remuneration other than travelling allowance, daily allowance or such other allowance which is paid to a member of the Board for the purpose of meeting the personal expenditure incurred in attending the meeting of the Board or in performing any other function as such member.]

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government—

- (1) in the selection of areas to be declared as Game Sanctuaries ;
- (2) in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries;
- (3) in the matter of framing rules under section 48; and
- (4) on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

Duties of State Wild Life Advisory Board.

8. (1) The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct.

(2) The procedure (including the quorum) of the Board shall be such as the Board may, by bye-laws made in this behalf, determine.

Procedure of State Wild Life Advisory Board.

CHAPTER III.

HUNTING OF ANIMALS AND BIRDS.

A-Licences

9. No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence :

Hunting of wild animals and birds without licence prohibited.

Provided that no such licence shall be necessary to hunt any vermin.

¹ Sub-section (1) was substituted by Mah. 2 of 1964, s. 2(a).

² The proviso was substituted, *ibid.*, s. 2(b).

Registration of certain persons in possession of arms. 10. Any person who holds a licence granted under ¹[the Arms Act, 1959,] for ^{54 of 1959.} the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, ²[and desires to obtain any licence (other than a Bird Licence) granted under this Act,] shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed.

Procedure for licence. 11. (1) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed.

(2) The application may be made for any or all of the following kinds of game licences namely :—

- (a) Small Game Licence,
- (b) Big Game Licence,
- (c) Special Big Game Licence,
- (d) Pet Animals (Possession) Licence,
- (e) Pet and other Animals (Trapping) Licence,
- ³[(f) Bird Licence,
- (g) Block Licence.]

(3) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence ⁴[after recording in writing his reasons therefor.] When a game licence is refused the fee paid therefor shall be refunded to the applicant.

(4) Every game licence granted under this section shall ordinarily be valid for such period ⁵[and in such area] as may be prescribed.

* * * * *

Record of game hunted to be kept and submitted. 12. (1) The holder of every game licence of the kind specified in ⁷[clause (a),] (b), (c) ⁸, (e) or (g) of sub-section (2) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence.

(2) When any game is killed or captured by the holder of ⁹[a Big Game Licence Special Big Game Licence or Block Licence, he shall within three days] of the killing or capture of the game or before leaving the ¹⁰[State of Maharashtra], whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of ¹¹[the Big Game or Special Big Game] killed or captured by him.

¹ These words and figures were substituted for the words and figures " the Indian Arms Act, 1878, " by Mah. 3 of 1970, s. 3(a).

² These words were inserted, *ibid.*, s. 3(b).

³ Entries (f) and (g) were added, *ibid.*, s. 4(a).

⁴ These words were substituted for the words " without assigning any reason " by Mah. 11 of 1961, s. 6(a).

⁵ These words were inserted by Mah. 3 of 1970, s. 4(b).

⁶ Sub-section (5) was deleted by Mah. 11 of 1961, s. 6(b).

⁷ This is substituted for the word " clause " *ibid.*, s. 7(a).

⁸ These brackets, letters and word were substituted for the word, brackets and letter " or (e) " by Mah. 3 of 1970, s. 5(a).

⁹ These words were substituted for the words " such licence, he shall not later than fifteen days " *ibid.*, s. 5 (d)(i).

¹⁰ These words were substituted for the words " Bombay area of the State of Maharashtra " by Mah. 11 of 1961, s. 7(b).

¹¹ These words were substituted for the words " the animal or bird " by Mah. 3 of 1970, s. 5(b)(ii).

(3) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, ¹[or any other officer authorised by the State Government in this behalf,] upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes, namely :—

Issue of licence for special purposes.

- (i) Scientific research ;
- (ii) Collection of specimens for zoological gardens, museums and similar institutions ; and
- (iii) Killing of such animals and birds as are a source of serious menace to human life or property.

²[Subject to any general or special orders of the State Government, it shall also be lawful for the Wild Life Preservation Officer or the authorised officer to grant at his discretion a reward to any person for killing of any animals or birds as are a source of serious menace to human life or property.]

14. (1) The Wild Life Preservation Officer, or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice ³[but after recording in writing his reasons therefor], suspend or cancel any licence granted under this Chapter.

Suspension or cancellation of licence.

⁴[(2) No holder of a licence shall be entitled to any compensation for the suspension or cancellation of the licence, nor to a refund of any fee paid in respect thereof.]

⁵[14A. (1) An appeal from an order refusing to grant a licence under sub-section (3) of section 11, or an order suspending or cancelling a licence under sub-section (1) of section 14, shall lie—

Appeals.

- (a) if the order is made by the officer authorised under sub-section (1) of section 11 or of section 14, to the Wild Life Preservation Officer; and
- (b) if the order is made by the Wild Life Preservation Officer, to the State Government.

(2) In the case of an order passed in appeal by the Wild Life Preservation Officer under sub-section (1), a second appeal shall lie to the State Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) No appeal shall be entertained, unless it is filed within fifteen days from the date of the communication of the order appealed against :

Provided that, the appellate authority may admit any appeal after the expiry of the period aforesaid, if the appellant satisfies that authority that he had sufficient cause for not preferring the appeal within time.]

¹ These words were inserted by Mah. 3 of 1970, s. 6 (a).

² This was added, *ibid.*, s. 6(b).

³ These words were substituted for the words " and without assigning any reasons " by Mah. 11 of 1961, s. 8(a).

⁴ Sub-section (2) was added by Mah. 3 of 1970, s. 7.

⁵ Section 14A was inserted, by Mah. 11 of 1961, s. 9.

B.-General

Hunting of young and female with young prohibited. 15. (1) Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet :

¹[Provided that, in any area under cultivation the hunting of any specified class of herbivorous female game which is, amenable to such cultivation may be permitted under a special permission granted by the Wild Life Preservation Officer or any other officer authorised by the State Government in this behalf.]

(2) Nothing contained in sub-section (2) shall apply to the hunting of a vermin.

Close time. 16. The State Government may, by notification in the *Official Gazette*, declare the whole year or any part thereof to be a close time throughout the whole or any part of the ²[State of Maharashtra], for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

Unlawful methods of hunting. 17. (1) ³[Subject to the provisions of sub-section (10), no person] shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air-craft.

(2) ³[Subject to the provisions of sub-section (10), no person] shall use a motor car, motor launch or air-craft, for the purpose of killing, driving or stampeding game.

(3) No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (e) of sub-section (2) of section 11.

(4) No person shall for the purpose of hunting set fire to any vegetation.

(5) No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a ⁴kill.

(6) No person shall hunt any game during the hours of night, i.e., one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a ⁴kill.

(7) No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.

(8) No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.

(9) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.

⁵[(10) Nothing in this section shall apply to shooting duck with the use of an out-board motor.]

Declaration of certain animals and birds as vermins. 18. The State Government may, by notification in the *Official Gazette*, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.

Application of sections 36 and 37 to game. ⁶[18A. The provisions of sections 36 and 37 shall apply in relation to game as they apply in relation to a trophy.]

¹ This proviso was added by Mah. 3 of 1970, s. 8.

² These words were substituted for the words "Bombay area of the State of Maharashtra", by Mah. 11 of 1961, s. 10.

³ These words were substituted for the words "No person" *ibid.*, s. 11 (a).

⁴ The word "natural" was deleted, *ibid.*, s. 11(c).

⁵ Sub-section (10) was added, *ibid.*, s. 11(c).

⁶ Section 18A was inserted, *ibid.*, s. 12.

CHAPTER IV.

GAME SANCTUARIES.

19. The State Government may, by notification in the *Official Gazette*, declare any area to be a Game Sanctuary, in the manner hereafter appearing.

Powers to declare any area to be Game Sanctuary.

20. Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a notification in the *Official Gazette*,—

Notification regarding declaration of Game Sanctuary.

(1) stating that it has been decided to declare such area to be a Game Sanctuary;

(2) specifying as nearly as possible the situation and limits of such area, and

(3) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act,

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

21. After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

Bar of accrual of any right in land comprised in Game Sanctuary.

22. When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

Proclamation by Collector.

(a) specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary;

(b) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

23. The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly referred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Inquiry by Collector.

24. Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

Extinction of rights.

Power to
acquire land
over which
right is
claimed.

25. In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,—
- (a) exclude such land from the limits of the proposed Game Sanctuary, or
 - (b) come to an agreement with the owner thereof for the surrender of his rights, or
 - (c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

Acquisition
Proceedings.

26. For the purpose of acquiring such land,—
- (1) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894;
 - (2) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;
 - (3) the provisions of the preceding sections of that Act shall be deemed to have been complied with;
 - (4) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money; and
 - (5) in the case of the stoppage of a public way or a common pasture the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

Power of
Collector
to be
exercised by
other officers.

27. The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

Restriction
on entry
in Game
Sanctuary.

28. No person, other than,—
- (a) any public servant on duty;
 - (b) any person who ordinarily resides within the limits of a sanctuary;
 - (c) any person who has any rights over immovable property within the limits of a sanctuary;
 - (d) any person passing through a sanctuary along a public highway;
 - (e) the dependents and servants of the above persons;
- shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

Permit to
enter or
reside in a
Game
Sanctuary.

29. (1) The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely :—

- (a) Investigation or study of wild life and purposes incidental thereto;
- (b) Photography;
- (c) Scientific research;
- (d) To transact lawful business with any person residing in the sanctuary.

(2) A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

30. (1) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reasons, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him. Hunting in Game Sanctuary without permit prohibited.

(2) A permit issued under sub-section (1) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

31. (1) The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter. Refusal or cancellation of permit.

(2) Any person aggrieved by the refusal or cancellation of a permit under sub-section (1) may within fifteen days appeal to the State Government, whose decision shall be final.

32. No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary. Causing fire prohibited.

CHAPTER V.

TROPHIES AND PET ANIMALS AND BIRDS.

33. No person shall carry on the business of a trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter. Dealings in trophy and pets without licence prohibited.

34. A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorised by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period. Trophy and pets dealer's licences.

35. A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed. Records and returns to be made by trophy and pets dealers.

36. The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy. Certificates of ownership.

37. No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefore and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer. Export and sale of trophies regulated.

Explanation.—For the purposes of this section, “export” means to take out of the [State of Maharashtra] otherwise than across a custom frontier.

¹ These words were substituted for the words “Bombay area of the State of Maharashtra” Mah. 11 of 1961, s. 13.

Governments trophies. 38. Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.

¹[*Explanation.*—In this section, “game” includes the female and the young of any animal or bird specified in Schedule II, III or IV.]

Possession of Government trophy to be reported. 39. Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to be nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

Unlawful possession and dealings in Government trophies 40. (1) No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift sale, or otherwise, any Government trophy to any person.

(2) In any prosecution for contravention of the provisions of sub-section (1), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

Production of ivory or horn before Wild Life Preservation Officer. 41. Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

Registration of ivory or horn and identification marks. 42. The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

No ivory on horn to be transferred without a certificate of ownership. 43. No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

CHAPTER VI.

PREVENTION AND DETECTION OF OFFENCES AND PENALTIES.

Power of entry, search, arrest and detention. 44. (1) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act,—

(a) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act ;

¹ This Explanation was added, by Mah. 11 of 1961, s. 14.

(b) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession;

(c) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government ¹[together with any vehicle, weapon, trap or tools 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, without warrant arrest and detain him.

²[(1A) Any officer, of a rank not inferior to that of an Assistant Game Warden, who, or whose subordinate, has seized any vehicle, weapon, trap or tools, under clause (c) of sub-section (1), may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.] Power to release property.

(2) It shall be lawful 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 licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.

(3) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law.

(4) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

45 (1) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both. Penalties.

(2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, bird, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit shall be in addition to any other punishment awarded for such offence.

³[45A. Any person exercising powers under this Act who vexatiously and unnecessarily seizes the property of any person on the pretence of seizing it for the reasons mentioned in section 44 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.] Punishment for wrong seizure.

¹ These words were inserted by Mah. 11 of 1961, s. 15(i).

² Sub-section (1A) was inserted, *ibid.*, s. 15(ii).

³ Section 45A was inserted, *ibid.*, s. 16.

Power to compound offences. 45B. (1) The State Government may, by notification in the *Official Gazette* empower the Wild Life Preservation Officer, or any officer not below the rank of Conservator of Forests,—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, by way of composition of the offence, payment of a sum of money, not exceeding one thousand rupees if the offence is in respect of a special big game and not exceeding five hundred rupees in the case of any other offence, or at the discretion of such officer, an undertaking in writing from such person to pay like sum within a specified period;

(b) when any property has been seized under section 44, to release the same on payment of the value thereof as estimated by such officer, or at the discretion of such officer on accepting an undertaking in writing from the person concerned to pay the estimated value within a specified period.

(2) On payment of such sum of money or such value or both to such officer, or on acceptance of such undertaking or undertakings by such officer, as the case may be, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings in respect of the offence shall be taken against such person :

Provided that, any sum payable under any such undertaking, if not paid when due, shall be recoverable as an arrear of land revenue.]

When Court to take cognizance of offence.

46. No court shall take cognizance of any offence against this Act,—

(1) except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest or Police Officer or of any other Officer authorised by the State Government in this behalf; and

(2) unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Operation of other laws not barred.

47. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act :

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

Power to make rules.

48. ²[(1) The State Government may, by notification in the *Official Gazette* make rules for carrying out the purposes of this Act.]

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following matters, namely :—

(a) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted issued, made or submitted under the provisions of this Act and the fees, if any, therefor;

(b) the conditions subject to which any licence or permit may be granted under this Act ;

(c) the particulars of the record of game killed or captured to be kept and submitted by any licensee;

(d) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna ;

(e) regulating the sale of pet and other animals and trophy derived from the wild animals and birds ;

¹ Section 45B was substituted by Mah. 3 of 1970, s. 9.

² Sub-section (1) was substituted for the original by Mah. 11 of 1961, s. 17(a).

(f) manner of registration of ivory or horn of elephant or bison brought for such registration ;

(g) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(3) The power to make rules under this section shall be exercised subject to the condition of previous publication.

1[(4) All rules made under this section shall be laid before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following and publish in the *Official Gazette*.]

49. For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the *Official Gazette*, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act. Power to amend Schedules.

50. Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,— Defence of life and property.

(1) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land;

(2) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person :

Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

51. All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Games officers to be public servants.
XLV of 1860.

52. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting in good faith.

53. The State Government may, by notification in the *Official Gazette*, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act. Power to exempt.

2[53A. The State Government may, by notification in the *Official Gazette*, add to, omit or alter any entry in Schedules, II, III or IV, subject to such conditions (If any) as may be specified in such notification; and on the issue of such notification such Schedule shall be deemed to be amended accordingly, but without prejudice to anything done or omitted to be done before the amendment of such Schedule.] Power to amend Schedules.

¹ Sub-section (4) was substituted for the original, by Mah. 11 of 1961; s. 17(b).

² Section 53A was inserted, *ibid.*, s. 18.

Repeal. *54. The Wild Birds and Animals Protection Act, 1912, in its application to VIII of 1912.
the [pre-Reorganisation State of Bombay,] is hereby repealed:

Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.

Further repeals and savings. say :—
*55. On the commencement of the Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Act, 1960, the following laws, that is to Mah. XI of 1961.

(a) the Central Provinces and Berar Game Act, 1935.

C.P. and Berar XV of 1935.

(b) the Wild Birds and Animals Protection Act, 1912, in its application to VI of 1912.
the Vidarbha area of the State of Maharashtra and

(c) the Game Regulations 1354 Fasli,

shall stand repealed :

Provided that, such repeal shall not—

(i) affect the previous operation of any law so repealed, or anything duly done or suffered thereunder ;

(ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed ;

(iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed ; or

(iv) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceedings or remedy may be instituted continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid laws had not been repealed :

Provided further that, subject to the preceding proviso, anything done or action taken (including any notifications, orders, certificates, notices or receipts issued, applications made, permissions or licences granted, suspension or revocation of licences effected, and exemptions given) under any such law shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have done or taken under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.]

*Section 54 shall stand unmodified (*vide* Mah. Adap. of Laws Order, 1960).

¹ These words were substituted for the words " State of Bombay " by the Bombay Adaptation of Laws (State and Current Subjects) Order, 1956.

² Section 55 was inserted by Mah. 11 of 1961, s. 19.

1[SCHEDULE I.

[See sections 2(n) and 53A.]

(VERMIN).

1. Mongoose.
 2. Civet Cat.
 3. Wild cat (excluding tiger, lion, panther and cheetah).
 4. Wild dog.
 5. Rodents (except hare, giant squirrel and flying squirrel).
 6. Jackal.
 7. Monkey.
 8. Bat.
 9. Crow
- 2* * * *

SCHEDULE II.

[See section 2(c) and (f) and section 53A.]

(SMALL GAME).

1. Spot-bill duck.
 2. *Nukta*.
 3. Whistling teal (large and small).
 4. Cotton teal.
 5. Duck, goose and swan (all kinds other than those mentioned above and pink-headed duck).
 6. Water-birds (excluding storks, egrets and herons).
 7. Crane (excluding *sarus*).
 8. Bustard ³[(including Great Indian Bustard).]
 9. Sand-grouse (all species).
 10. Spur fowl.
 11. Jungle fowl.
- 4* * * *
13. Partridge (grey and painted).
 14. Quail (all species).
 15. Pigeon and dove (all species).
- 5* * * *
17. Hare (all species).
 18. Hyaena.
 19. Wolf.
 20. Wild pig.
 21. *Chinkara* (male only).
 22. Barking deer.
 - ⁶[23. Parakeet.
 24. Birds of prey.]

¹ Schedules I to IV were substituted for the original by Mah. 11 of 1961, s. 20:

² Entries 10 and 11 were deleted by Mah. 3 of 1970, s. 10.

³ These brackets and words were substituted for the brackets and words " (excluding Great, Indian Bustard) " *ibid.*, s. 11(a).

⁴ Entry 12 was deleted, *ibid.*, s. 11(b).

⁵ Entry 16 was deleted, *ibid.*, s. 11(c).

⁶ Entries 23 and 24 were added, *ibid.*, s. 11(d).

SCHEDULE III.

[See section 2(b) and (c) and section 53A.]

(BIG GAME).

1. Nilgai.
2. Black-buck (male only with horns over ¹[30 centimetres].)
3. Four-horned antelope.
4. Sambar (male only with heard horns over ²[75 centimetres].)
5. Cheetal (male only with hard horns over ³[50 centimetres].)
6. Panther.
7. Tiger.
8. Sloth bear.
9. Crocodile.

SCHEDULE IV.

[See section 2(b) and (c) and section 53A.]

(SPECIAL BIG GAME).

1. Bison : Male only, if horn measurements reach at least one of the following limits :—
 - (a) a span of ⁴[83 centimetres] between the outer edges of the horns at their widest spread ;
 - (b) a girth of ⁵[45 centimetres] at the base of the horns.
2. Elephant.
3. Wild buffalo.]

¹ These figures and word were substituted for the figures and word " 12 inches " by Mah. 3 of 1970, s. 12(a).

² These figures and word were substituted for the figures and word " 30 inches " *ibid.*, s. 12(b).

³ These figures and word were substituted for the figures and word " 20 inches " *ibid.*, s. 12(c).

⁴ These figures and word were substituted for the figures and word " 33 inches " *ibid.*, s. 13.

⁵ These figures and word were substituted for the figures and word " 18 inches " *ibid.*, s. 13.