

Assam Rhinoceros Preservation Act, 1954

20 of 1954

[09 June 1954]

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PREAMBLE

An

Act for the Preservation of Rhinoceros

WHEREAS it is expedient to provide for the preservation of Rhinoceros;

It is hereby enacted as follows:--

1. Short title, extent and commencement :-

- (1) This Act may be called the Assam Rhinoceros Preservation Act, 1954.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint.

2. Killing, injuring and Rapture of Rhinoceros prohibited :-

No person shall kill, injure or capture, or attempt to kill, injure or

capture any Rhinoceros unless so permitted by the State Government by a license granted or an order made under this Act. Provided that a person will be entitled to kill or injure a Rhinoceros in defence of himself or some other person.

Explanations.--The onus of proving the right of private defence shall lie on the person claiming it.

3. Rights of Government with respect to certain Rhinoceros and their horns :-

Every Rhinoceros captured and the horn or carcass or any part of every Rhinoceros killed in contravention of this Act or any condition of a license or order issued under this Act shall be the property of the State Government.

4. Power to grant license to kill, injure and capture Rhinoceros :-

(1) The State Government may, subject to such rules as may be framed in this behalf, grant licenses or issue orders to kill, or capture Rhinoceros in such part or parts of the State as may be specified in the license or order.

(2) No such license or order shall be issued unless the State Government is satisfied that--

(a) any Rhinoceros has become a cause of imminent danger to human life, or

(b) such Rhinoceros is required for any Zoological, Scientific, or other special purpose as may be decided by Government.

5. Penalty :-

(1) Whoever, in contravention of Section 2, kills, injures or captures or attempts to kill, injure or capture any Rhinoceros, shall be punished with fine of one thousand extend to one and whoever contravenes any condition contained in a license granted or order made under this Act shall be punished with fine which may extent to one thousand rupees.

(2) Any weapon or contrivance used for the commission of an offence under this Act shall be liable to confiscation.

6. Cognizance of offence :-

No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act or any rule made thereunder.

[Price 1 anna or 1d.]

Any Forest Officer not being below the rank of a Forester or any Police Officer not being below the rank of a Sub-Inspector of Police, who has reason to believe that for tracing an offence against this Act immediate search of a building or enclosed place is indispensable, may, even without obtaining a warrant from a Magistrate, search such building or enclosed place and seize such instruments, implements or any other thing which may furnish evidence of the commission of the offence:

Provided that after such search, he shall submit a report in writing within forty-eight hours to the Magistrate within whose jurisdiction the said search was made.]

7. Power to arrest without warrant and seize weapon :-

(1) Any officer of the Police Department not below the rank of an Assistant Sub-Inspector of Police or any Forest Officer, not below the rank of an Assistant Forester may arrest without warrant from a Magistrate any person killing, injuring or capturing or attempting to kill, injure or capture any Rhinoceros in contravention of the provisions of this Act and seize any weapon or contrivance used for the purpose and also the carcass or any part thereof of any Rhinoceros killed in contravention of this Act.

(2) Every officer making an arrest under sub-section (1) shall produce the person arrested before the nearest Magistrate having jurisdiction to deal with the case within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, with a report containing full particulars of the person arrested and the circumstances under which the arrest was effected.

8. Power to search by Forest Officers :-

Any Forest Officer, not below the rank of an Assistant Forester who has reason to believe from personal knowledge or from information received from any person that any offence against this Act can be traced on the search of any building or enclosed place may, on obtaining a warrant from a Magistrate enter upon and search such building or enclosed place and seize such instruments, implements or any other thing which may furnish evidence of the commission of the offence.

9. Power to make rules :-

(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 provide for all or any of the following matters, namely:--

(a) regulating the grant and renewal of licenses under this Act;

(b) the fees, if any, to be charged on such grant and renewal;

(c) the time during which such licenses shall be in force, and

(d) conditions (if any) on which license shall be granted or order made.

10. Repeal :-

The provisions in the Assam Forest Regulations (Regulation VII of 1891) and the Wild Birds and Animals Protection Act, 1912 (Act VIII of 1912) or any other law for the time being in force so far as they relate to the killing, injuring or capturing or attempts at killing, injuring or capturing of any Rhinoceros or are otherwise repugnant to the provisions of this Act are hereby repealed.