

MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION ACT, 1971

9 of 1971

[27th July, 1971]

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SCHEDULE 1 :- SCHEDULE

MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION ACT, 1971

9 of 1971

[27th July, 1971]

An Act to provide for better protection and preservation of certain wild animals and birds Be it enacted by the Legislature of Meghalaya in the Twenty-second year of the Republic of India as follows

1. Short title extent and commencement :-

(1) This Act may be called the Meghalaya Wild Animals and Birds Protection Act, 1971.

(2) It shall extend to the whole State of Meghalaya.

(3) It shall come into force immediately.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context

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

(b) "Forest Officer" means any person appointed by name or holding an office by or under the orders of the Government to be a Conservator, Deputy Conservator, Assistant Conservator, Extra Assistant Conservator, Deputy Forest Ranger, Forest Ranger, Forester or Forest Guard, or to discharge any function of a Forest Officer ;

(c) "Government" means Government of Meghalaya ;

(d) "Game" means any animal or bird to which this Act applies ;

(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 hurt or to disturb its eggs or nest;

(f) "Meat" includes fat, blood, flesh and bones ;

(g) "Trophy" means the durable part of an animal or bird specified in the Schedule 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 or any such part of the animal or bird as aforesaid.

3. Application of the Act :-

(1) This Act applies, in the first instance, to the animals and birds specified in the Schedule, when in their wild state.

(2) The Government may, by notification, apply the provisions of this Act to any kind of wild animal or bird other than those specified in the Schedule, which in its opinion it is desirable to protect or

preserve.

4. Domesticated and other animals and birds in captivity exempted :-

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

5. Close time :-

The Government may, by notification, declare the whole year or any part thereof to be a close time throughout the whole or any part of Meghalaya for any kind of wild animal or bird to which this Act applies, or for female or immature wild animals or birds of such kind ; and subject to the provision hereinafter contained, during such close time, and within the area specified in such notification, it shall be unlawful

(a) to capture any such animal or bird, or to kill or injure any such animal or bird which has not been captured before the commencement of such close time;

(b) to hunt for any game during such close time ;

(c) to sell or buy, or offer to sell or buy, or to possess any such animal or bird which has not been captured or killed before the commencement of such close time, or the meat thereof ;

(d) to sell or buy, or to offer to sell or buy or to possess any trophy of such animal or bird captured or killed during such close time.

6. Power of entry search arrest and detention :-

7. Production of persons arrested and things seized :-

Every person detained or arrested on things seized under any of the provisions of this Act, shall be taken or produced before the Magistrate having jurisdiction with a report containing full particulars of the person arrested or things seized and the circumstances under which the arrest or seizure was effected, within twenty-four hours of such arrest or seizure, exclusive of the time necessary for the actual journey or transit from the place of arrest or seizure to the court of the Magistrate, to be dealt with according to law.

8. Report of arrest and seizure :-

Any Forest or Police Officer making an arrest or seizure under this Act shall forthwith make a full report of all the particulars of such arrest or seizure to his immediate superior officer.

9. Arrest how to be made :-

All arrests under this Act shall be made, as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1898.

10. Searches and seizures how to be made :-

All searches under this Act shall be conducted, as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1898 as applicable to any search or seizure made under the authority of a warrant under the said Code.

11. Refusal to produce things or furnish information to be unlawful :-

Whoever

(1) wilfully refuses or is unable to produce and show such things or licence or wilfully refuses or fails to give such information which under the provisions of this Act he is required to produce or to give, or otherwise furnishes information which he knows or believes to be false or does not believe to be true, or

(2) forcibly resists arrest or attempts to evade arrest or obstructs any forest or Police Officer to enter or search or to effect seizure under the powers conferred by this Act, shall be guilty of an offence against this Act.

12. Penalties :-

(1) Any person who contravenes any of the provisions of this Act, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to rupees five hundred or with both.

(2) When any person is convicted of an offence against this Act, the court trying the offence may order that any animal, bird or meat 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 Government and that any licence, held by such person under the provisions of this Act, be cancelled.

13. Procedure as to disposal of perishable property seized :-

The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under this Act which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had

not been sold.

14. Penalty for subsequent offences :-

Whoever having been convicted of an offence punishable under this Act shall again be guilty of any such offence shall be subject, for every such subsequent offence, to double the amount of punishment with which he would otherwise have been punishable for the same :

Provided that he shall not be punished in any case with imprisonment for a term exceeding one year or with fine exceeding rupees one thousand or with both.

15. Power to compound offences :-

16. When Court to take cognizance of offence :-

No Court shall take cognizance of any offence against this Act,

(1) except on the complaint or report of a Forest or Police Officer or of any other officer authorised by the 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.

17. Issue of licence for special purpose :-

Where the Government is of opinion that in the interest of scientific research, such a course is desirable, it may grant to any person a licence, subject to such restrictions and conditions as it may impose, entitling the holder thereof to do any Act which is by S. 5 declared to be unlawful.

18. Operation of other laws not barred :-

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.

19. Defence of life and property :-

Nothing in this Act shall be deemed to apply to the capture or killing of a wild animal by any person in defence of himself or any other person, or to the capture or killing of any wild animal or bird

in bonafide defence of property

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

20. Protection to persons acting in good faith :-

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.

21. Power to make rules :-

The Government of Meghalaya may make rules to carry out the purposes of this Act.

22. Removal of difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, do anything which appears to it to be necessary for the purpose of removing the difficulties.

(2) No order made under sub-S. (1) shall be questioned in any Court of Law on the ground that no difficulty as is referred to in the said sub-section existed or was required to be removed.

(3) Every order published under this section shall, as soon as may be after its publication, be laid before the Legislative Assembly.

SCHEDULE 1

SCHEDULE

[See Section 3]	
SCHEDULE	
[See Section 3]	
I. Animals	
1. Rhinoceros Unicornis.	
2. Tiger.	
3. Leopard.	
4. Panther.	
5. Deer (All types of Deer).	
6. Sambhar or Sambar.	
7. Hares.	
8. Wild Buffaloes.	
9. Gaur or Indian Bison.	
10. Elephant.	

11. Gibon or Hollock.
12. Golden Langur.
13. Pygmy hog.
14. Pangolin.
15. Hispid hart.
16. Golden Cat.
17. Marbled Cat.
18. Spotted Linsang.
19. Flying Squirrel.
20. Porcupine.
21. Wild Bear.
22. Bear.

II. Birds

- Pigeons and doves.
- Black Swamp.
- Bamboo and Hills Partridge.
- Jungle Fowl.
- Pheasant.
- Quail.
- Cock-florican.
- Spot Bill.
- Whistling teal.
 10. Cotton teal.
 11. Geese.
 12. Brahmini Duck.
 13. Wood Cock.
 14. Plover.
 15. Snipe.
 16. Wood Duck.
 17. Horn Bill.
 18. Peafowl.
 19. Peacock.
 20. Duck.
 21. Crane.
 22. Bustard.
- 23. And all other birds except Vermins like crow, hawks, sparrow, magpie, parakeets and bulbuls.

III. Reptiles

1. Monitor lizard.
2. Crocodile.