

WILD LIFE (PROTECTION) (ASSAM) RULES, 1980

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WILD LIFE (PROTECTION) (ASSAM) RULES, 1980

In exercise of the powers conferred by Section 64 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the Act) which was adopted by the Legislative Assembly of Assam on 23rd Day of February, 1976, and of all other powers enabling it on that behalf the Government of Assam hereby makes the following Rules namely:

CHAPTER 1

Preliminary

1. Short title, extent and commencement :-

These rules may be called the Wild Life (Protection) (Assam) Rules, 1980.

(1) They shall extend to the whole of the State of Assam.

(2) They shall come into force on such date as the Government of Assam by notification in the Official Gazette, appoint.

2. Definitions :-

(1) In these rules, unless the context otherwise requires:

(a) " Act" means the Wild Life (Protection) Act. 1972 (Central Act 53 of 1972)

(b) " Chairman" means the Chairman of the Board.

(c) " Form" means a form appended to these rules.

(d) " Shooting Block" means a forest area closed for hunting except under a 'Licence' granted for the purpose.

(e) " State Government" means the State Government of Assam.

(f) " Governor" means the Governor of Assam.

(g) " Licensing Authority" means the Chief Wild Life Warden or any other officer authorised by the State Government of Assam to grant a licence under these Rules.

(h) " Section" means a Section of the Act.

(i) " Schedule" means a Schedule to the Act.

(2) "Words and expressions" used in these rules but not defined herein, shall have the meanings respectively assigned to them under the Act.

CHAPTER 2

Wild Life Advisory Board

3. Terms of Office :-

Subject to provision of Rule 5. the terms of office of the members of the Board referred to in Clause (g) of sub-Section (1) of Section 6 of the Act shall be for a period of three years from the date of the appointments.

4. Resignation :-

Of the member as mentioned in Rule 3:

(1) A member of the Board may resign his office by writing under his hand addressed to the Chairman.

(2) The office of the member of the Board shall fall vacant from the date on which his resignation is accepted, or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(3) The power to accept the resignation of a member of the Board shall vest in the Chairman who, on accepting the resignation, shall report to the Board at its next meeting.

5. Filling of Casual Vacancy :-

When a member of the Board referred to in Clause (g) of sub-Section (1) of Section 6 of the Act resigns or dies or removed from office or become incapable of acting, the State Government may, by notification in the Official Gazette, appoint a persons to fill the vacancy for the remaining period of the term of the Board.

6. Removal of Member :-

(1) A member of the Board referred to in Clause (g) of sub-Section (1) of Section 6, may be removed from office by an order of the State Government for misconduct or negligence in the discharge his duties or for being guilty of misbehaviour.

Provided that no such member shall be removed from office, unless he has been given a reasonable opportunity to furnish his explanation and/ or being heard.

(2) Notwithstanding anything contained in sub-rule (1) the State Government may by order, remove from office, any member of the Board if such member

(a) is in the opinion of the State Government unfit to continue in office by reason of infirmity of mind or body; or

(b) is adjudged insolvent; or

(c) is convicted of a criminal offence involving moral turpitude; or

(d) fails, without leave of the Chairman to attend more than three successive meetings of the Board.

7. Allowance :-

(1) The non-Official members of the Board shall get travelling and daily allowance as admissible to Senior grade officers of the State Government.

(2)

(a) A member of the State Legislature who is a member of the Board shall not be paid any fare in respect of journeys by rail or road if he is entitled for free coupons for such journeys.

(b) If a meeting of the Board is held; during a session of the Legislature and at the same place where-such session is held a member of the Legislature who is a member of the Board shall not be entitled to any daily allowance.

8. Disbursement of Allowances :-

The travelling allowance bills shall be presented to the Secretary of the Board, who shall after scrutiny thereof, pass and countersign the bills and disburse the allowances.

CHAPTER 3

Hunting and Capturing Wild Elephants

9. Application for Licence :-

(1) An application for Elephant Hunting Licence shall made to tile Chief Wild Life Warden through the Divisional Forest Officer of the Forest Division concerned in Form AWL-I:

Provided that no such application shall be considered except from a person who is in possession of a valid Licence for sport in the Form-III as set out in Schedule 111 to the Arms Rules. 1962 and who is in possession of Rifle of a bore of more than 400 which is suitable to kill Elephants:

Provided further that no application for a License shall be entertained from any person referred to in Section 34. unless the name of such applicant has been registered by the Chief Wild Life Warden or the Authorised Officer under that Section.

(2) Application for capture of Wild Elephant shall be made in Form AWL-2 for regular competitive lenders when called for or otherwise in Form AWL-3 for sporadic capture when considered necessary by the Chief Wild Life Warden in specific locations for limited periods, through the Divisional Forest Officer of the Forest Division concerned to the Chief Wild Life Warden. Such lenders or applications for capture may be invited by the Chief Wild Life Warden or at his instance by any Divisional Forest Officer giving due publicity.

(3) Every application referred to in sub-rules (1) and (2) shall be affixed with It the full amount of appropriate court-fee stamps as specified from lime to time.

10. Grant of Hunting Licence :-

(1) On rcceipl of an application for licence under sub-rule (1) of

Rule 9 the Divisional Forest Officer after due enquiry shall forward the application to the Chief Wild Life Warden with a detailed report. The Chief Wild Life Warden may grant or reject the application and he would not be required to assign any reason for rejections.

(2) Where the Chief Wild Life Warden decides to grant the Licence the applicant would be required to pay in cash or to produce a receipted treasury challan for Rs. 100 (Rupees one hundred) only as Licence fee to the Divisional Forest Officer concerned. There will be renewable fee of the licence of Rs. 10 (ten) only per year.

(3) The Licence referred to in sub-rule (2) above would entitle the licences to shoot mature male Wild elephants declared for destruction in areas where crops or property are in the imminent danger of being destroyed or human life endangered.

(4) The Licences referred to in sub-rule (2) above would be valid for a period ending the following 30th June, and in no case would be for more than months. Such Licences would be issued by the Chief Wild Life Warden.

(5) The Licensee referred to in sub-rule (2) above, would not be granted in the case of any appoint, who is found to have failed to kill most of the elephants at which he fires, who when requested to do so does not assist as much as might reasonably be expected in the destruction of declared dangerous wild elephants, who is suspected of breaking game and other laws, who fails to observe Section 74 of the Assam Forest Regulation or who, for any other reason become considered an unsuitable person to hold such a licence. The licence shall be in the Form No. AWL-4 appended to these rules.

(6) No royalty would be required to be paid by a licence for elephants shot under the authority of licence referred to in sub-rule (2) above.

11. Grant of Capture Licence :-

(1) The applications for capture of Wild elephants vide sub-rule (2) of the Rule 9 above should be forwarded- with his detailed report by the Divisional Forest Officer, in one lot and in case of tenders and individually in case of sporadic capture to the Chief Wild Life Warden. The Chief Wild Life Warden may grant or reject such applications and he would not be required to assign any reasons for rejections. The final authority for accepting or rejecting any tenders

or applications shall be the Chief Wild Life Warden and no appeal shall lie against his order in this behalf.

(2) Where the Chief Wild Life Warden decides to grant the licence such licence would be issued by the Conservator of Forests /Divisional Forest Officer concerned free of any licences fee. But the licensee would be required to pay royally and a stipulated surcharge based on tendered amount of competitive tenders for each year and area for each elephant captured under the authority of the licence. The Licencee will also be required to pay a deposit at call as specified in the licence.

(3) The maintenance of a stock of wild elephants, suitable for any elephant hunting areas shall be ensured by regulating the length of the intervals of rest or by limiting the number of stockades, the hunting season or the number of "Koonkies" (Trained domestic elephants used for capturing wild ones and duly registered with the Divisional Forest Officer) to be employed, or by limiting the number of elephants that may be caught during the season in any area, and the decision of the Chief Wild Life Warden would be final on all such issues.

(4) The Divisional Forest Officer shall report by the last week of August each year to the Conservator of Forests concerned as to the necessity for elephant capture operations in his district during the following season, indicating the area where such operations should be under taken, past history of operations and captures in the specific area for the past five years, the method of captures proposed, the capture limit, number of "Koonkies" permissible and all other relevant details. The Conservator of Forests will forward such proposals with his comments to the Chief Wild Life Warden latest by the following 30th September and the Chief Wild Life Warden would approve or reject such proposals with or without modifications and accord his permission for opening of specific areas, termed "Mahals" for elephant capture operations during the following season. On receipt of the decision of the Chief Wild Life Warden the Divisional Forest Officer would arrange publication of notice inviting tenders applications for elephant capture licences' in such manner as prescribed by the Chief Wild Life Warden from time to time, and all tender applications received in response to such notice would be forwarded to the Chief Wild Life Warden for orders.

(5) The different methods permissible for catching of elephants would be:

- (a) "Kheddah Shikar" where stockades will be allowed to be built in strategic locations and where herds of wild elephants can be driven into and trapped in such stockades.
- (b) " Mela-Shikar" in which no stockades are allowed to be built and trained "Koonkies" are allowed to enter the "Mahal" area and capture the permitted number of elephants operating from fixed depots to which a individual capture are to be brought.
- (c) "Anchored Mela Shikar" in which the koonkies engaged for catching wild elephants may leave the fixed depot early in the morning, but must return to the fixed depot by the evening of the same day. The koonkies shall not stay over night at any place away from the fixed depot.
- (d) "Kheddah-cum-Mela Shikar" combining the methods outlined in both the Clauses (a) and (b) above.
- (e) The period of operations for all the above method would be normally from the 1st of October and shall normally close not latter than the 15th of March. But the Chief Wild Life Warden may permit deviation of these dates at his discretion.
- (f) The Chief Wild Life Warden may permit anyother methods of capture to be employed when crops or properties are being damaged or when human life is in danger, at any time of the year and in any manner he deems fit.
- (6) A licence to catch wild elephants in any 'mahal', (Specific area for a specific lease and period) by the method of "Kheddath Shikar", or 'Kheda cum-Mela-Shikar" shall be issued by the Conservator of Forests in whose jurisdiction the 'Mahal, is situated' on receipt of orders from the Chief Wild Life Warden. Only such persons shall be licensed to operate such mahals as can be trusted to work personally in their mahals and not merely through agents, and who have shown their capacity not only for catching but also for training and looking after elephants without any cruelty to the animals. The names of all eligible koonkies' Phundies, Mahuts, grass cutters and other employees of the licencees must be registered before starting of the mohal operation with the Depot Officer who shall not be below the rank of a Deputy Manager. Photographs of all Phandies and Mahuts shall be furnished in quarduplicate to the licensor before starting of the mohal operation.

(7) Licence for all other methods of capture would be issued by the Divisional Forest Officer after obtaining orders from the Chief Wild Life Warden. Only owners of "Koonkies" would be given such licenses.

(8) All licences shall be in the Form Nos. AWL-5, AWL-6 and AWL-7 appended to these rules' the different forms being used for different methods of capture.

(9) The licensee shall pay royalty dues as specified in sub-rule (2) above on all elephants captured (excepting these released/destroyed under sub-rules 12 and 14) dying or killed in the attempt to capture or during and after capture.

(10) A licence shall remain in force for the stipulated period of capture only.

(11) The Divisional Forest Officer shall fix the depots to which all captured elephants are to be brought. A subordinate forest officer not below the rank of a Deputy Ranger shall ordinarily be placed in charge of each depot and he shall be known as the Depot Officer.

(12) The Chief Wild Life Warden or any Officer specially authorised by him to do so, may release or destroy or put under medical treatment at the expense of the licensee any captured elephant suffering from lack of fodder or of water or by reason of mutilation starvation or other ill-treatment.

(13) The licensee shall not carry any guns during the elephant capture operations except for "Khedah Shikar" or "Kheddah-Cum-Mela Shikar" when a maximum of 4 (four) guns per stockade can be permitted.

(14) Male elephants, trapped in stockades that are too big for the "Koonkies" to trackle may be shot and killed, if necessary. The licensee must report such occurrences immediately to the Depot Officer and in the case of tusked elephants, tusks should be delivered at the nearest Forest Officer, which remains the property of the Government. All such cases of destruction of elephants in stockades must be personally investigated by the Divisional Forest Officers and a report furnished to the Chief Wild Life Warden.

(15)

(a) In the event of a captured elephant showing distinct signs of domestication the licensee would immediately report the fact to the

Officer-in-charge of the Depot and the later after verification of sign of domestication or previous capture would declare it is Ban "Ghorasia elephant and refer to the Divisional Forest Officer. The Divisional Forest Officer would then issue claimant notice giving one months time for lodging of claims.

(b) The claimant, if any, would have to prove this claim satisfactorily with documentary evidence of ownership the notice for loss of elephant lodged by him receipt for grazing tax for the three years immediately prior to the loss and detailed descriptions/measurements of the lost elephant.

(c) When a claim is admitted by the Divisional Forest Officer, the "Ban- Ghorasia" elephant should be handed over to the claimant after submission of report and approval of the Chief Wild Life Warden after payment by the claimant to the licensee and amount determined by the Divisional Forest Officer as cost of maintenance from the time of capture of the elephant to its release.

(d) If there are no claims within the stipulated period or claims preferred are not admitted by the Divisional Forest Officer, the animal will be treated as a duly captured wild elephant during the operation.

CHAPTER 4

HUNTING OF WILD ANIMALS (OTHER THAN ELEPHANTS)

12. Application :-

(1) An application for a special game (other than elephants) hunting licence a big game hunting licence or a small game hunting licence shall be made in Form No. AWL-8:

Provided that no application for a licence shall be entertained from any person eligible for registration under Section 34, unless the applicant has registered his name and address under the said Section:

Provided further that no person shall apply for a licence under this Chapter unless he possesses a valid licence for sport in Form No. III set out in Schedule III to the Arras Rules, 1962.

(2)

(a) An application for a special game hunting Licence shall be made to the Chief Wild Life Warden.

(b) An application for a big game hunting licence or a small game hunting licence may be made to the Chief Wild Life Warden or any other officer authorised by the Chief Wild Life Warden in this behalf (in either case hereinafter referred to as the issuing officer).

13. Fee :-

All applications for licence specified in Rule 12 above should be affixed with appropriate Court fee stamps as specified from time to time. Where the issuing officer decides to grant the licence, the successful applicant will have to pay the amounts, as indicated in the table below, as licence fee either in cash or produce a receipted treasury challan (original copy) for the corresponding amount, to the issuing officer within 7 (seven) days from the date of issue of a letter intimating the decision to grant the licence:

14. Application :-

An application for a wild animal trapping licence shall made to the Chief Wild Life Warden in Form No. AWL-9.

15. Fee :-

All application for a wild animal trapping licences should be affixed with appropriate Court fee stamps as specified from lime to time. Within seven days from the date of issue of the communication containing decision to grant a trapping licence, the successful applicant will have to deposit the following amount in cash or to produce a receipted treasury challan (original copy) for the corresponding amount :

(a) Monthly (Calendar month) licence fee of Rs. 20 in case of a citizen of India, or a monthly licence fee of Rs. 500 in case of person other man a citizen of India.

(b) Yearly (for a season pending licensing 31st May) Licence, fee of Rs. 200 in case of a citizen of India or an Yearly licence fee of Rs. 5000 (Rupee five thousand) in case of a person other than a citizen of India.

16. Grant of Licence :-

(1) On receipt of an application for a licence under this chapter, the issuing officer may, after such inquiry as he may deem fit, grant or reject the application.

(2) Where the issuing officer decides to grant the licence applied for, the applicant would be required to deposit, within seven days

of the date of issue . communication containing decision to grant the licence, in cash or furnish receipted treasury challans and or Bank Draft of approved Bank the amount of licence fee mentioned in Rules 13 and 15 above, and the deposit-at-call (if any) indicated in Rule 17 below

(3) On receipt of the amount or documents showing the deposit of amount, as outlined is sub-rule (2) above, the issuing officer shall grant the, licence applied for in the appropriate form specified below:

(a) A special game hunting licence shall be granted in Form No. AWL 10.

(b) A big game hunting licence shall be granted in Form No. AWL 11

(c) A small game hunting licence shall be granted in Form No. AWL 12.

(d) A wild animal trapping licence shall be granted in Form No. AWL 13.

17. Deposit-At-Call :-

A person to whom licence may be granted under this chapter shall, when required to do so by the issuing officer pay the following amount as Deposit-at-call, in the shape of a Treasury Challan of Revenue Deposit or Deposit-at call of an approved Bank located at the station of issue, the amount being duly pledged to the issuing officer.

18. Royalty :-

In addition to the licence fee and the Deposit-at-call mentioned earlier, a licensee shall have to pay the following amount as royalty on each of the animals shot, wounded or captured within twenty four hours of each occurrence. The royalty payable by people other than a Citizen of India will be double above rates.

19. Period of Licence :-

(1) A licence granted under this chapter shall be valid for the period specified therein shall not exceed one year.

(2) The licence shall also indicate the area in which the licensee could hunt.

20. General Conditions Governing Grant of Licence :-

(1) The special game hunting licence and the big game hunting licence shall specify.

(a) The number of animals of any species that could be hunted.

(b) The Sex that could be hunted.

(2) The small game hunting licence shall also specify the maximum number of each species that could be hunted during the period of the licence.

(3) Hunting of Female and young ones of any species is strictly prohibited unless by any condition to the contrary is specified in the licence.

(4) The wild animal trapping licence shall specify the method that would be permitted for the capture of the wild animal specified therein and the condition under which the wild animal could be trapped and shall be subject to the restrictions imposed by Section 17 of the Act.

(5) The licensee shall not hunt in areas notified as National Parks, Wild Life Sanctuaries, game Reserve or other areas declared as closed for hunting.

(6) A holder of a special game hunting licence or a big game hunting licence or a small game hunting licence shall not sale or barter to any person any animal shot by him or any most or uncured trophy derived therefrom.

(7)

(a) Any person who is entitled to hunt a dangerous animal under a special game hunting licence or a big game hunting licence and who wounds such animal shall do Ms utmost to kill the same.

(b) on his failure to do so, he shall forthwith inform in writing to the issuing officer and the Divisional Forest Officer of the area in which such occurrence had taken place giving reasons why the wounded animal could not be tracked and kill and he shall also infonn the Gaon Panchayat of the adjoining area of the existence of the wounded animal in the neighbourhood.

(8) For the purpose of a special game hunting licence and a big game hunting licence, an animal which has been wounded and lost shall be deemed to have been hunting under the licence, and the licensee shall forfeit the right to hunt another specimen in the place

of the one wounded, and lost.

(9) The trapping of wild animals specified in Schedule II and Schedule III shall not be permitted unless the Chief Wild Life Warden is satisfied for reasons to be recorded in writing that such trapping is necessary under the provisions of sub-Section (1) of Section 1 or of Section 12.

(10) Any machan (Platform) or pit constructed for purpose of hunting shall immediately be dismantled or filled up on completion of hunting.

(11) All trophies which has been killed or captured in contravention of the conditions of the licence, including specimen a smaller than the minimum dimensions specified, shall be deemed to be the Government property under Section 39.

(12) While hunting or trapping any wild animal a licence, shall carry with him his licence and shall, on demand, produce for inspection such licence before any staff of the Forest Department of the State, or an Officer appointed under sub-section (1) of Section 4 of the Wild Life (Protection) Act, 1972.

(13) A licence granted under this chapter shall not be transferable.

(14) A licensee under this chapter shall maintain a record in Form AWL-14 of the animals killed captured or wounded by him and such record shall be surrendered to the issuing officer as required by Section 10.

(15) Any licence granted under this chapter shall not be valid during the period of closed time declared under sub-Section (1) of the Section 16.

(16) The licensee shall not be or any Rifle of a bore smaller than 400 H. V. or 500 H.V. blackpowder except a Magnam 375 H.V. rifle for hunting of a bison. The licensee shall not use rifles of bore less than 375 for shooting special game and big game.

(17) The licensee of a hunting license shall not carry catriges of shotguns loaded with shot larger than No. 4, except for cartridge of single bullets, such as Lethal of Contractile.

(18) No animal except carnivora and pig shall, except in a best be shot from a machan or with the aid of artificial light. The shooting of animals at a salt lick or from a motor vehicles or boat (Powered

with an engine) is absolutely prohibited.

(19) The licensee shall not possess any live animal which is maimed or injured.

(20) The licensee or any of his retainers or followers, shall be responsible for liabilities, if any in respect of any wrongful act done under the Assam Forest Regulation or any other law for the time being in force.

Explanation: For purpose of this sub-rule.

(a) "Retainer" means a person holding an arms licence and accompanying the licensee for assisting him during hunting, capturing or trapping of any wild animal, and

(b) "Floower" means a person employed by the licensee for rendering field assistance to him in connection with hunting, capturing or trapping of any wild animal.

(21) The licensee shall abide by the provisions of Section 17 of the Act, these rules and the conditions specified in the licence.

CHAPTER 5

SANCTUARIES AND NATIONAL PARKS

21. Entry in Sanctuary or National Park for purposes of Section 28(1) (d) and (e) :-

(1) Every person desiring to enter a sanctuary or National Park for purposes of tourism or transaction of lawful business with any person residing therein shall obtain a permit which shall be issued at the nearest -Forest Office to the gate of the sanctuary or National Park.

(2) A permit issued under sub-rule (1) shall not be valid for a period exceeding five days.

(3)

(a) The entrance fee per day in the case of a citizen of India shall be Rs. 5 (Rupees five) only.

(b) The entrance fee in the case of a person other than a citizen of India shall be Rs. 20 (for the first day and Rs. 15 for each subsequent day).

(c) A student who is an Indian Citizen, shall be admitted on payment of the half the rate of fee as mentioned in Clause (a).

(d) No fee shall be payable in respect of Child below five years of age.

(e) An additional fee at the following rates for motor vehicle shall be levied, provided such a vehicle has been specially permitted entry by the local Forest Officer concerned not below the rank of Divisional Forest Officer. Movement of vehicle inside sanctuaries and National Park is ordinarily prohibited;

(4) The fee for operating cameras by Amateurs shall be paid at the rate specified below:

Type of Camera	Amount payable by Citizen of India
(i) Still Camera without telephoto lens	Rs. 5 per camera per trip.
(ii) Still camera with telephoto lens	Rs. 20 per camera per trip
(iii) Cine Camera 8 m. m	Rs. 50 per person per trip.
(iv) 16 m. m.	Rs. 100
(v) 35 m. m.	Rs. 1000

For persons other than a Citizen of India, the amounts payable shall be double the above rates.

(5) A permit for angling in Wild Life Sanctuaries may be issued by Divisional Forest Officer concerned with approval of the Chief Wild Life Warden and for such permits the following fees will have to be paid.

DURATION	AMOUNT PAYABLE BY CITIZEN OF INDIA
One day or part thereof	Rs. 10 (ten) per person.
Fifteen days	Rs. 100 (one hundred) per person

For persons other than a Citizen of India, the amount payable shall be double the above rates.

22. Entry in a sanctuary or National Park for purpose of Section 28(1) (a) (b) and (c) :-

(1) Every person desiring to enter a sanctuary or National Park for purposes of investigation or study of Wild life and purposes

ancillary or incidental thereto or professional photography or scientific research shall obtain a permit from the Chief Wild Life Warden or an Officer duly authorised by the Chief Wild Life Warden to issue such permit.

(2) The fee payable by a person or party not exceeding five for conducting scientific research in a sanctuary or National Park shall be Rs. 10 per head per day for a person who is a citizen of India and Rs. 20 per head per day for person other than citizen of India.

(3) The fee payable by a Professional photographer for operating a still Camera in a sanctuary or National Park shall be Rs. 50 per day in the case of a citizen of India and Rs. 100 per day in the case of a person other than citizen of India.

(4) The fee payable by a professional photographer for operating a Cine Cam- era in a Sanctuary or National Park shall be Rs. 1 000/- per day in the case of a citizen of India and Rs. 6000/- per day in the case of a person other than a citizen of India.

(5) The fee payable under sub-rule (3) or sub-rule (4) would be payable in ad- vance.

23. General Conditions Governing the Issue of a Permit :-

(1) A permit issued under this Chapter shall specify all or any of the following particulars namely.

(a) purpose of entry.

(b) duration of visit

(c) areas permitted to be visited or used

(d) places where camping is permitted.

(e) engagement of guides

(f) any other condition that may be deemed necessary.

(2) A permit issued under this chapter shall not entitle any person a free accommodation in any Government National Park.

(3)

(a) Any member of the Forest Department or an officer appointed under sub-Section (1) of Section 4 may require any person to stop within the limit of the sanctuary or National Park as the case may be, or at the entrance gate for purposes of checking and may

demand the permit granted under this Chapter to be produced for inspection.

(b) Every person so required to stop under Clause (a) shall stop when called upon to do so and shall produce the permit for inspection.

24. Cancellation of permit :-

Where any person commits any breach of any of the conditions specified in a permit, the Chief Wild Life Warden of the Divisional Forest Officer in-charge of a sanctuary or National Park may, after recording his reasons in writing cancel any permit.

25. Power to exempt :-

Where the State Government considers it necessary or expedient to do so in the public interest, it may by order exempt any person or class of persons from the payment of the fee payable under this chapter.

26. Registration of person holding fire arms :-

(1) Within three months from the declaration of an area as a Sanctuary or National Park or in the case of a sanctuary or National Park existing at the commencement of these rules within three months of such commencement, every person residing within ten kilometers of such Sanctuary or National Park and holding of a licence granted under the Arms Act, 1959 (Central Act 54 of 1959) or exempted from the provisions of that Act and possessing arms, shall apply in Form No. AWL 15 the Divisional Forest Officer-in-charge of the Sanctuary or National Park for the registration of his name.

(2) The applicant under sub-rule (1) shall have to affix Court Fees Stamp prevalent at the time of application on the body of the application Form AWL-15.

(3)

(a) on receipt of an application under sub-rule (1), the Divisional Forest Officer-in-charge of the Sanctuary or National Park after making such inquiry as may deem fit, register the name and other particulars of the applicant in Form No. AWL-16.

(b) a separate page in the register shall be allotted to each licensee.

(4) Where licensee commits any offence under the Act, or rules made thereunder, the Officer in charge of the Sanctuary or National Park shall make an entry to that effect in the register and where the registering officer is satisfied that the licensee has committed the said Offence on occasions more than one, he may take such step as he considers necessary to move the authority concerned for cancelling the licence under the Arms Act, 1959 (Central Act 54 of 1959).

(5) Where the licensee transfers his arms to another person by way of sale, gift or otherwise, he shall intimate the officer-in-charge of the Sanctuary National Park, within a period of fifteen days of such transfer.

(6) Where the licensee shifts his residence to another place within the said ten kilometres or shifts his residence beyond the said distance, he shall within a fortnight of shifting to the new residence, intimate the new address to the officer-in-charge of the Sanctuary or National Park.

(7) Where the licensee dies, his successor or legal representative shall intimate the fact to the officer-in-charge of the Sanctuary or National Park,

CHAPTER 6

TRADE OR COMMERCE IN WILD ANIMALS ARTICLES AND TROPHIES

27. Declaration :-

Notwithstanding any declaration that person may have made under sub-Section (1) of Section 40 any person who has in his control, custody or possession, any animal article or trophy (other than the musk of a musk deer or the horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule 1 or Part 11 of Schedule II shall within thirty days from the commencement of these rules, make a declaration in Form No. AWL-17 to the Chief Wild Life Warden or an officer authorised by him in this behalf (hereinafter referred to as the authorised Officer).

28. Inquiry and preparation of Inventories :-

(1)

On receipt of a declaration under Rule 27 or under sub-Section (5) of Section 40 the Chief Wild Life Warden, or the authorised Officer, shall give a notice to the person making the declaration as to the

date and time on which he shall enter upon the premises of the person and such notice shall be served on the person making the declaration or sent to him by registered post

(2) The Chief Wild Life Warden or the authorised Officer if any, after making such inquiry as he may deem fit, inspect the premises and animal articles, trophies uncured trophies, and captive animals, specified in Schedule 1 or Part II of Schedule II.

(3) The Chief Wild Life Warden or the authorised Officer shall make an inventory in Form No. AWL 18 of such animal or objects found upon the premises.

(4) The Chief Wild Life Warden or the authorised Officer shall affix upon the objects referred to in sub-rule (3) identification marks as far as possible in indelible ink.

29. Certificate of ownership :-

The Chief Wild Life Warden may, for the purposes of Section 40, issue a certificate of ownership in Form No. AWL-19 to a person who in his opinion, is the lawful possession of any animal, animal article trophy or uncured trophy.

30. Transit pass :-

No person shall move or transport any animal, animal article or trophy or uncured trophy, unless it is covered by a document in the form of.

(a) Certificate of ownership in Form No. AWL-19 which will be valid for transit by road within the limits of a Forest Division.

(b) For all other modes of transit and for transit beyond the limit of a Forest Division or outside the State of Assam, a transit pass in Form No. AWL-20. issued by a Forest Officer, duly authorised by the Chief Wild Life Warden or the Director of Wild Life protection. Government of India, in special cases, persons other than Forest Officer also may be so authorised.

31. Application for licence to commence or carry on business as a manufacturer or dealer in any animal article etc :-

(1) Every person desiring to commence or carry on the business as.

(i) a manufacturer of or dealer in any article concerning any Wild Life; or

(ii) a taxidermist; or

(iii) a dealer in trophy or uncured trophy ; or

(iv) a dealer in captive, animals or wild animals shall apply in Form No. AWL-21 to the Chief Wild Life Warden or an officer authorised by him in this behalf.

32. Grant of licence :-

(1) On receipt of an application under Rule 31 the Chief Wild Life Warden or the authorised Officer shall, after making such inquiry as he may deem fit, either decide to grant the licence or reject the application.

(2) Where the Chief Wild Life Warden or the authorised Officer decides to grant a licence, the successful applicant will have to pay the amounts, as indicated in Rule 34, below, as licence fee either in cash or produce a receipted to challan (original copy) for the corresponding amount within 7(seven) days the date of issue of the letter intimating the decision to grant the licence.

(3) In granting a licence under sub-rule (1) the Chief Wild Life Warden shall have due regard to.

(a) The past record of the applicant as a dealer in the business which he desires to carry on.

(b) Whether the person has been convicted of any offence under the provisions of the Act or the rules made thereunder.

(c) The need for granting a licence keeping in view the abundance or authorise of Wild Life existing in the Site

(4) A Licence:

(a) to commence or carry on the business as

(i) a manufacturer of or dealer in animal articles or a dealer trophy a in uncured trophy shall be granted in Form No. AWL-22.

(ii) a taxidermist shall be granted in Form No. AWL-23.

(iii) a dealer in captive animals shall be granted in Form No. AWL-24.

(b) to cook or serve meat in any eating house shall be granted in Form No. AWL-28.

33. Renewal of licence :-

(1) A licensee may apply in Form No. AWL-25 for renewal of the licence within 30 days before the date of expiry of the licence.

(2) The Chief Wild Life Warden or the authorised Officer may subject to the provisions of sub-Section (7) of Section 44, renew the licence in appropriate form and specify therein the period upto which the licence is renewed.

34. . :-

The fee payable for the grant/renewal of licence would be in the following scale.

(a) to commence or carry on the business as:

(i) a manufacturer or dealer in any animal article shall be Rs. 50

(ii) a taxidermist shall be Rs. 100.

(iii) a dealer in trophy or uncured trophy shall be Rs. 100.

(iv) a dealer in captive animals shall be Rs. 100.

35. Conditions covering the grant of licence :-

Every licence granted under this chapter shall specify the terms subject to a business or profession shall be carried on and shall also be subject to the provisions of the Act and the rules made thereunder.

36. Issue of bill or cash memo :-

(1) Every licensee, other than taxidermist, shall at the time of sale, issue a bill or cash memo to the purchasers, and such bill or cash memo shall contain the following particulars:

(a) Name of the licensee.

(b) Name, address and place of business of the licensee.

(c) Licence Number.

(d) Description of articles sold.

(e) Sale price thereof.

(f) Date of sale.

(g) Signature of the licensee.

(2) Every taxidermist shall at the time of returning the trophy or uncured trophy issue a voucher to the owner thereof and such voucher shall contain the following:

(a) Date of issue of voucher.

(b) Name, address and place of business of the licensee.

(c) Licence Number.

(d) Description including name of species.

(e) Price realised.

(f) Name and address of the person to whom the voucher is issued.

(g) Signature of the licensee.

37. Bill, cash memo or voucher how to be maintained :-

(1) Every bill, cash memo or voucher as the case may be, referred to in Rule 36, shall be in triplicate and serial numbered.

(2) The duplicate and triplicate copy of every bill, cash memo or voucher shall be retained by the licensee and the original copy.

(a) in the case of a bill or Cash memo, shall be given to the purchaser; and.

(b) in the case of a voucher, shall be given to the owner of the trophy

(3) Every book containing blank voucher shall be presented to the Chief Wild Life Warden or the authorised Officer for affixing his initials or stamp on such book before it is brought into use.

(4) The duplicate copy of every bill, cash memo or voucher shall be sent along with the monthly return referred to in Rule 39.

38. Maintenance of registers :-

(1) A licenced dealer in captive animals, animal articles, trophy or uncured trophies or meat derived therefrom maintain a register in Form No. AWL-26

(2) A licensee who is a taxidermist or a manufacturer of animal article shall maintain a register in Form No. AWL- 27.

(3) The licensee shall ensure that the register required to be maintained by him under this rule has been brought up-to date

before closing the business for the day.

39. Submission of returns :-

(1) Every licensee shall submit an annual return to:

(a) the Chief Wild Life Warden or the authorised Officer, and

(b) the Director of Wild Life preservation or the Officer authorised by him in this behalf, in the shape of a true copy of the entries made by him in the relevant register, referred to in Rule 38, during the course of a month duly certified and signed by the licensee as true copy of such entries.

2. The return under sub-rule (1) shall be submitted by the tenth of the month following the month to which the return relates.

CHAPTER 7

Miscellaneous

40. Disposal of meat or uncured trophy seized under Section 50 :-

The Chief Wild Life Warden or the Officer authorised by the Chief Wild Life Warden may arrange for the sale in public auction of any meat or uncured trophy seized under the provisions of Section 50 and the proceeds shall be credited as "Receipt of Forest Department (Wild Life Wing)" under appropriate sub-head of account.

41. Crediting of fee, royalty and deposit-at-call :-

(1) The fees and royalty payable under any of the provisions of these rules shall be credited as "Receipt of Forest Department (Wild Life Wing)" under appropriate sub-head of account.

(2) A deposit-at-call payable under any of the provisions of these rules be credited under the head "Revenue Deposit" in a Government Treasury or in an approved bank as Deposit-at-call draft, the amount being duly pledged to the issuing Officer in either case.

42. Power to compound offences :-

For the purpose of Section 54, the following Officers shall be empowered to compound an offence against the act, to order for realisation of a sum of money by way of composition of an offence and to order for release on payment of value thereof, any property seized within the area of his jurisdiction, namely.

(a) Chief Wild Life Warden.

(b) Wild Life Warden.

(c) A Forest Officer of rank not inferior to that of Deputy Conservator of Forests.

43. Cognizance of offences :-

The following Officers shall be authorised to make complaints under Section 55, namely:

(a) The Chief Wild Life Warden.

(b) Wild Life Warden.

(c) Any Forest Officer not below the rank of a Beat Forest Officer;
or

(d) Any Police Officer not below the rank of a Sub-Inspector of Police

44. Repeal and saving :-

As from the commencement of these rules the Elephant Hunting Rules framed vide Government Notification No. 4392-R, dated 14th November 1930 and Rules for the preservation of Wild Life in Reserved Forests and for visits to Sanctuaries and National Park framed vide Government Notification No. FOR /WL/679/68/28. dated 29th November 1968 and FRW 33/75/87, dated 20th December 1976, shall stand repealed:

Provided that such repeal shall not:

(i) affect the previous operation of the rules so repealed or anything duly done or suffered thereunder

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

(iii) affect any investigation, all proceedings or remedy in respect of any such right, privilege obligation or liability:

Provided further that subject to the preceding provisions, anything done or any action taken under the rules so repealed shall in so far as it is not inconsistent with the provisions of these rules be deemed to have done or taken under the corresponding provisions of these rules and shall continue in force accordingly, until it is superseded by anything done or any action taken under these rules.

SCHEDULE A
RENEWALS

SCHEDULE 'A'							
RENEWALS							
Period		Amount and licence			Signature & Seal of the Issuing		
Fee paid			Officer				
From To							
 <u>SCHEDULE B</u> Details of elephants killed							
SCHEDULE 'B'							
Details of elephants killed							
	Tusker or Ganesh						
SI No	Date	Locality	Measurement and weight of tusks	Signature of Forest officer	SI No	Locality	Signature of Forest officer