

KARNATAKA WILD ANIMALS AND BIRDS PRESERVATION ACT, 1963

' of 1964

[23rd January, 1964]

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**KARNATAKA WILD ANIMALS AND BIRDS PRESERVATION
ACT, 1963**

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STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 2 OF 1964 Karnataka Gazette Extraordinary, dated 22-12-1959 The question of effective legislation for protection of wildlife in the south was considered at length at the first meeting of the Southern Region of the Indian Board of Wildlife held at Mysore on the 14th May, 1956. As a consequence a draft model Bill and rules on wildlife conservation has been circulated to the State Governments by the Government of India. This Bill was considered by the State Board for wildlife which recommended the adoption of the Bill with certain modifications. There are in the new State of Mysore five different Game Acts. It is necessary to introduce a uniform legislation in regard to this. The Bill provides for a uniform Game law throughout the State replacing the different Game Acts in force in the five different areas of the State

CHAPTER 1

Preliminary

1. Short title extent and commencement :-

(1) This Act may be called the Karnataka Wild Animals and Birds Preservation Act, 1963.

(2) It shall extend to the whole of the State of Karnataka and shall apply to all wild animals and wild birds in their natural state on all Government and private lands.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires.

- (a) "Big game" means any game specified in Schedule III;
- (b) "Chief Wild Life Preservation Officer" means the Chief Conservator of Forests in Karnataka;
- (c) "Game" means any wild animal or wild bird specified in Schedules II, III, IV and V;
- (d) "Game Officer" means any officer, warden or servant appointed or authorised for any of the purposes of this Act;
- (e) "Game Sanctuary" means any area declared as such by notification under Section 21;
- (f) "Hunt means to hunt, injure kill or capture any wild animal or wild bird by any method and includes every attempt to injure, 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;
- (g) "Licence" means a licence granted under this Act;
- (h) "Meat includes fat, blood, flesh and bones whether preserved or not;
- (i) "Notification" means a notification published in the official Gazette;
- (j) "Permit means a permit granted under this Act;
- (k) "Prescribed" means prescribed by rules;
- (l) "Rules" means rules made under the provisions of this Act;
- (m) "Schedule" means a Schedule appended to this Act;
- (n) "Small game" means any game specified in Schedule II;
- (o) "Special big game" means any game specified in Schedule IV;
- (p) "Trophy" means the part of an animal or a bird which has been
- (q) "Vermin" means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under Section 20;
- (r) "Wild animal or wild bird" means any mammal, reptile or bird found in a wild state and includes the young ones of the animal, reptile or bird the flesh thereof and in the case of the bird, the eggs thereof.

3. 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.

CHAPTER 2

Authorities to be appointed or constituted under the Act

4. Appointment of Wild Life Preservation Officer, Game Wardens and other game officers :-

(1) The State Government may for the purposes of this Act appoint.

(a) a Wild Life Preservation Officer for the State;

(b) Game Wardens either honorary or stipendiary;

(c) such other officers and servants as may be necessary.

(2) An 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 Wild Life Preservation Officer, Game Wardens and other officers and servants appointed under this section shall be subordinate to the Chief Wild Life Preservation Officer.

5. Delegation of powers by the Chief Wild Life Preservation Officer :-

The Chief Wild Life Preservation Officer may, with the approval of the State Government, by notification, delegate any of his powers and duties under any of the provisions of this Act to any officer subordinate to him, subject to such conditions if any, as may be specified in such notification.

6. Constitution of State Wild Life Board :-

(1) As soon as possible after the coming into force of this Act, the State Government shall constitute an Advisory Board hereinafter called the State Wild Life Board consisting of the following ex officio, and other members nominated by the State Government, namely. (a) The Chief Minister of Karnataka as the Chairman; (b) Minister-in-charge of the portfolio of Forests as the Vice-Chairman; (c) One representative of the Karnataka Legislative Assembly; (d) One representative of the Karnataka Legislative Council; (e) Two

sportsmen who in the opinion of the State Government are interested in the protection of wild animals and birds; (f) Regional Secretary, Southern Region, Indian Board for Wild Life; (g) The Chief Wild Life Preservation Officer; (h) The Director of Horticulture in Karnataka; (i) The Director of Agriculture in Karnataka; (j) The Director of Animal Husbandry and Veterinary Services in Karnataka; (k) A person having special knowledge of wild life nominated by the State Government;

(l) A Professor of Zoology nominated by the State Government.

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

(3) The members other than ex officio 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 allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine.

7. Duties of the State Wild Life Board :-

It shall be the duty of the State Wild Life 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 51; 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.

8. Procedure of State Wild Life Board :-

(1) The State Wild Life Board shall meet at least once a year at Bangalore 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.

CHAPTER 3

Hunting of Game LICENCES

9. Hunting of game without licence prohibited :-

Subject to the provisions of Chapter V in respect of elephants, no person shall hunt any game except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence.

10. Hunting of vermin :-

(1) No person shall hunt vermin in any Reserved Forest or Game Sanctuary except under a permit granted by such officer as may be prescribed.

(2) Save as provided in sub-section (1) no permit or licence under this Act shall be necessary to hunt vermin.

11. Registration of certain persons in possession of arms :-

Any person who holds a licence granted under the Arms Act, 1959 for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, shall register his name and address with the Chief Wild Life Preservation Officer or any other officer authorised 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.

12. Procedure for licence :-

(1) Any person desiring to obtain a game licence shall apply to the Chief Wild Life Preservation Officer or any other prescribed officer 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) Wild Animals and Birds (possession) Licence;
- (e) Wild Animals and Birds Trapping Licence.

(3) On receipt of an application and after making such inquiry as he may deem necessary the Licensing Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence without assigning any reasons. 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 as may be prescribed.

(5) Any person aggrieved by the refusal of a licence may within fifteen days from the date of receipt of intimation of such refusal, appeal to the Chief Wild Life Preservation Officer, if the licence is refused by any officer subordinate to him and to the State Government, if the licence is refused by the Chief Wild Life Preservation Officer and the decision of the Appellate Authority thereon shall be final.

13. Obligations of holder of game licence :-

(1) The holder of every game licence 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 such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State of Karnataka, whichever is earlier, intimate in writing to the Wild Life Preservation Officer, and to the Licensing Officer the prescribed particulars of the animal or bird killed or captured by him.

(3) The holder of every game licence shall report immediately to the nearest Game Officer or Forest Officer any information he may possess regarding the commission of or intention to commit any offence punishable under this Act or the rules.

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

14. Issue of licences for special purposes, etc :-

Notwithstanding anything contained in this Act.

(a) it shall be lawful for the Wild Life Preservation Officer 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 wild animals and wild birds specified therein for any of the following purposes, namely.

(i) scientific research;

(ii) collection of specimens for zoological gardens, museums and similar institutions;

(b) no licence shall be necessary to hunt and kill such wild animals and wild birds as are a source of serious menace to human life and property within municipal areas and in such other areas as may from time to time be notified by the Chief Wild Life Preservation Officer or other prescribed officer.

15. Suspension or cancellation of licence :-

(1) The Chief Wild Life Preservation Officer or the Licensing Officer may, subject to any general or special orders of the State Government without giving any previous notice and without assigning any reasons, suspend or cancel any licence granted under this chapter.

(2) Any person aggrieved by the suspension of or cancellation of a licence under sub-section (1) may within fifteen days from the date of receipt of the order of suspension or cancellation appeal to the Chief Wild Life Preservation Officer if the order is made by any officer subordinate to him and to the State Government, if the order is made by the Chief Wild Life Preservation Officer, and the decision of the Appellate Authority on such appeal shall be final.

16. Hunting of young and female with young prohibited :-

(1) Except when authorised under a specific condition to that effect in a licence, no person shall hunt the young ones of any game or any female game accompanied by its young or any deer with horns in velvet.

(2) Nothing contained in sub-section (1) shall apply to the hunting of a vermin.

17. Close season :-

The State Government may, by notification, declare the whole year or any part thereof to be a close season throughout the whole or any part of the State of Karnataka for any kind of wild animal or

bird or for female or immature wild animal or bird of such kind.

18. Unlawful methods of hunting :-

(1) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by aircraft.

(2) No person shall use a motor car, motor launch or aircraft for the purpose of killing, driving or stampeding game.

(3) No person shall hunt any game with nets, snares or pitfalls 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 12.

(4) No poison or poisonous weapon shall be used for hunting any game.

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

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

(7) No person shall hunt any game during the hours of night, that is, one hour after sunset and one hour before sunrise except in the case of carnivora by sitting on a kill.

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

(9) No person shall hunt with dogs any game other than birds.

(10) 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.

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

19. Declaration of certain wild animals and wild birds as protected :-

The wild animals and wild birds specified in Schedule V are protected, and shall not, save as provided in this Act be hunted by any person.

20. Declaration of certain wild animals and wild birds as

vermin :-

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 vermin in any specified area, and no licence shall be necessary to hunt any such animal or bird in such area.

CHAPTER 4**Game Sanctuaries****21. Notification regarding declaration of Game Sanctuary :-**

If in the opinion of the State Government, it is necessary for the preservation and protection of wild animals and birds in any area the State Government shall publish a notification in the official Gazette declaring such area to be a 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 Deputy Commissioner 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, bridges or other well known or readily intelligible boundaries.

22. Bar of accrual of any rights in land comprised in Game Sanctuary :-

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

23. Proclamation by Deputy Commissioner :-

When a notification has been issued under Section 21, the Deputy Commissioner shall publish in the regional language and the languages of the locality, in every town and village in the neighbourhood of the area comprised therein, a proclamation.

(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 21 or Section 22 within such period either to present to the Deputy Commissioner 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.

24. Inquiry by Deputy Commissioner :-

The Deputy Commissioner shall take down in writing all statements made under Section 23 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in Section 21 or 22 and not claimed under Section 23 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.

25. Extinction of rights :-

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 24 shall be extinguished.

26. Power to acquire land over which right is claimed :-

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 Deputy Commissioner 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.

27. Acquisition Proceedings :-

For the purpose of acquiring such land.

- (1) the Deputy Commissioner shall be deemed to be a Deputy Commissioner 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 Deputy Commissioner 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 Deputy Commissioner 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.

28. Power of Deputy Commissioner to be exercised by other officers :-

The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Deputy Commissioner under Sections 21 to 27 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

29. Restriction on entry in Game Sanctuary :-

No person, other than.

(a) a public servant on duty;

(b) a person who ordinarily resides within the limits of a sanctuary;

(c) a person who has any rights over immovable property within the limits of a sanctuary;

(d) a person passing through a sanctuary along a public highway;

(e) dependents and servants of such 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 30.

30. Permit to enter or reside in a Game Sanctuary :-

(1) the Chief Wild Life Preservation Officer or any other prescribed 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 Chief Wild Life Preservation Officer or any other prescribed officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

31. Hunting in Game Sanctuary without permit prohibited :-

(1) No person shall hunt any animal or bird in a Game Sanctuary, provided that the Chief Wild Life Preservation Officer or any other prescribed 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 reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

(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.

32. Refusal or cancellation of permit :-

(1) The Chief Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this chapter.

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

33. Causing fire prohibited :-

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

34. Provisions of certain sections not applicable to area included in reserved forest :-

Where any area included in a Game Sanctuary declared under Section 21 is within the limits of a reserved forest, the provisions of clause (3) of Section 21 and Sections 22 to 28 (both inclusive) shall not be applicable to such area in the reserved forest. Explanation. For purposes of this section, 'reserved forest' means any area declared as reserved forest in any area of the State other than the Mysore Area, and the area declared as 'State forest' under

the Karnataka Forest Act, 1900 in the Mysore Area.

CHAPTER 5

Wild Elephants

35. Killing and capture of wild elephants :-

No person shall kill, injure, or capture, or attempt to kill, injure or capture, any wild elephant.

36. Killing of rogue elephants :-

Notwithstanding anything contained in Section 35, the Chief Wild Life Preservation Officer may by notification declare any wild elephant which is a menace to human life or property to be a rogue elephant, and when such declaration is made any person may under permit granted by the Chief Wild Life Preservation Officer kill such wild elephant.

37. Record of rogue elephant shot injured or killed to be kept and submitted :-

(1) The holder of every permit granted under Section 36 to kill a rogue elephant shall keep a record containing such particulars as may be prescribed of the elephant shot, injured or killed by him.

(2) When any rogue elephant is shot injured or killed by the holder of such permit he shall, not later than fifteen days thereof or before leaving the State of Karnataka, whichever is earlier, intimate in writing to the authority issuing the permit and such other authority as he may specify the prescribed particulars of the elephants shot or killed by him.

CHAPTER 6

Trophies and Dealers Licences

38. Dealings in trophy etc. :-

without licence prohibited. No person shall carry on the business of a trophy dealer or dealer in wild animals or birds or a taxidermist or of tanning or curing of skins of wild animals except under and in accordance with licence granted under the provisions of this chapter.

39. licences :-

(1) Any dealer's licence under Section 38 may be issued by the Chief Wild Life Preservation Officer or by any other prescribed officer 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 wild animals or birds or a taxidermist or tanning, or curing of skins of wild animals upon the premises and on conditions specified in the licence. Every such licence shall be valid for a period specified in the licence, unless duly suspended or cancelled before that period.

(2) Any person aggrieved by the refusal of any licence under subsection (1) may within fifteen days from the date of intimation of such refusal appeal to the Chief Wild Life Preservation Officer if the refusal is by any officer subordinate to him or to the State Government if the refusal is by the Chief Wild Life Preservation Officer, and the decision of the Appellate Authority on such appeal shall be final.

40. Records and returns by dealers :-

A trophy dealer or dealer in wild animals and birds, a taxidermist or person carrying on business of tanning or curing of skins of wild animals shall keep such records and submit such returns of his dealings to the Chief Wild Life Preservation Officer as may be prescribed.

41. Government trophies :-

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.

42. Possession of Government trophy to be reported :-

Any person who by any means obtains possession of a Government trophy shall, within forty eight hours make a report thereof to the nearest game or other prescribed officer and if so required hand over the trophy to him.

43. Unlawful possession of Government trophies :-

(1) No person shall without the permission of any of the officers referred to in Section 42 keep, in his possession, any Government trophy.

(2) If in any prosecution for contravention of the provisions of subsection (1), a question arises whether any game whether dead or alive or a trophy is a Government trophy, such game or trophy shall be presumed to be Government trophy until the contrary is proved and the burden of proving the contrary shall be on the

accused.

CHAPTER 7

Prevention and Detection of Offences and Penalties

44. Powers of entry, search, arrest and detention :-

(1) The Chief Wild Life Preservation Officer or any other Game Officer 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;

(b) enter and search any premises, land, vehicle, vessel or aircraft 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 together with any weapons, arms, ammunition, tools, vehicle or vessel, aircraft or other thing, used in committing any such offence, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him arrest without warrant and detain him.

(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, or refuses to furnish his name and address or furnishes a name and address which there is reason to believe to be false or if there is reason to believe that he will abscond, he may be arrested without a warrant.

(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:

Provided that if in the opinion of the officer seizing anything it is not possible to take it before the Magistrate to be dealt with under this sub-section in time, such officer may sell the property himself, remit the sale proceeds to the nearest Government treasury, and

make a report of such seizure, sale and remittance to the Magistrate, and thereupon the Magistrate shall take such action in the case as he deems fit.

(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. Penalties :-

(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 five hundred rupees or with both:

Provided that where the offence is committed after sunset and before sunrise or where the offender has been previously convicted of a like offence the convicting Court may inflict double the punishment prescribed under this sub-section.

(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, arms, ammunition, tools, vehicle, vessel, aircraft or other thing with which the offence has been committed shall be forfeited to the State Government, and that any licence or permit held by such person under the provisions of this Act be .

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

46. Fees, fines, etc., realised under Act, and rewards to informants :-

Subject to such rules as the State Government may prescribe, all fees and fines levied and sums realised by the sale of property confiscated under this Act shall be paid into the public treasury. But the convicting Court may award to any person or persons on whose information the conviction was obtained, the whole or any portion of any fine imposed or of any sum realised as aforesaid.

47. Procedure when offender is not known or cannot be found :-

(1) When the offender is not known or cannot be found, the

Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the animal, bird, meat or trophy or any other property in respect of which the offence has been committed, to be confiscated and taken possession of by a Game Officer duly empowered in this behalf, or to be made over to such Game Officer or other person, as the Magistrate may consider entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of the seizure of such property, or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under sub-section (1) to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in any manner he may deem fit.

48. When Court to take cognizance of offence :-

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

(a) except on the complaint or report of any Game Officer or of any Forest Officer, Police Officer or of any other officer authorised by the State Government in this behalf; and

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

49. 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 is 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.

50. Power to compound offences :-

(1) The Government may, by rules, empower Game Officers.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed an offence punishable under this Act, other than an offence committed in respect of the wild animals and birds specified in Schedule V, such sums of money as may be

prescribed by way of composition for the offence which such person is suspected to have committed;

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer.

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

CHAPTER 8

Miscellaneous

51. Power to make rules :-

(1) The State Government may, after previous publication by notification, 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 wild animals and trophy derived from the wild animals and birds;

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

52. Investiture of Game Officers with certain powers :-

(1) The State Government may invest any Game Officer with all or

any of the following powers, that is to say.

(a) power to enter upon any land;

(b) powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to issue a search warrant under the Code of Criminal Procedure, 1898;

(d) power to hold inquiries in offences punishable under this Act and, in the course of such inquiry, to receive and record evidence and may withdraw any power so conferred.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate.

53. Power to amend Schedules :-

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, add to or alter any of the Schedules and any such addition or alteration shall, subject to the provisions of Section 60, have effect as if enacted in this Act.

54. Game Officers to be public servants :-

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.

55. Protection to persons acting in good faith :-

No suit, prosecution or other legal proceedings shall lie against any public servant for anything which is in good faith done or intended to be done under this Act.

56. Defence of life or property :-

Subject to the provisions of Sections 41 to 43 (both inclusive) nothing in this Act shall prohibit.

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

(2) the killing, wounding or capturing in good faith of any wild animal or wild bird in defence of himself or 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.

57. Weunding of Wild Animals :-

When any person wounds any wild elephant bison, tiger, panther or bear he shall forthwith intimate in writing to the nearest Game Officer, Forest Officer or Police Officer or Revenue Officer the particulars of the animal wounded by him.

58. Operations by the State Government :-

Nothing in this Act shall be applicable to the killing or capturing of wild animals or wild birds for purposes of the State under the general or special orders of the State Government.

59. Power to exempt :-

The State Government may, by notification, exempt any class of persons from all or any of the provisions of this Act, subject to such terms and conditions as the State Government may specify in such notification.

60. Rules and notifications to be laid before State Legislature :-

Rules made under Section 51 and notifications issued under Sections 53 and 59 shall be laid, as soon as may be after they are made or issued, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if, before the expiry of the said period either House of the State Legislature makes any modification in the rules or notifications or directs that any rule or notification shall not have effect and if the modification or direction is agreed to by the other House, the rules or notifications, as the case may be, shall thereafter have effect only in such modified form or be of no effect, as the case may be.

61. Repeal and Savings :-

The Wild Birds and Animals Protection Act, 1912 (Central Act VIII of 1912), the Elephants Preservation Act, 1879 (Central Act VI of 1879), the Bombay Wild Animals and Birds Protection Act, 1951 (Bombay Act XXIV of 1951), the Hyderabad: Game Regulations, 1354 Fasli, the Madras Wild Elephants Preservation Act, 1873 (Madras Act I of 1873), and the Karnataka Wild Elephants (Preservation) Act, 1873 (Karnataka Act I of 1873), as in force in any area of the State of Karnataka, and the Karnataka Game and Fish Preservation Act, 1901 (Karnataka Act II of 1901), insofar as it relates to wild

animals and birds are hereby repealed: Provided that any licence or permit granted under any of the said Acts 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 the corresponding provisions of this Act: Provided further that Section 6 of the Mysore General Clauses Act, 1899 (Mysore Act III of 1899), shall be applicable in respect of the repeal of the said Acts and Sections 8 and 24 of the said Act shall, except to the extent specified in the preceding proviso, be applicable.

SCHEDULE 1

SCHEDULE I

SCHEDULE - I

(VERMIN)

Mongoose

Civet Cats

Wild Cats (excluding tigers and panthers)

Wild Dogs

Wild Pigs

Rodents (except hares, Malabar squirrels and flying squirrels)

Jackals

Bats

Crows

Birds of prey (excluding vultures)

Crow Pheasants

Monkeys (other than Nilgiri Langurs and Slender Loris)

Poisonous snakes and reptiles (all species)

SCHEDULE 2

SCHEDULE II

SCHEDULE II

(SMALL GAME)

Hares (all species)

Jungle Fowls

Partridges

Grouses

Pigeons and Doves (all species)

Bustards (excluding Great Indian Bustards)

Water Birds (excluding storks, egrets and herons)

Ducks and Geese

Teals

Snipes

Plowers

Golden Plowers

Wolves

Hyaenas, Hares, Malabar Squirrels, Panthers

Barking Deer

Mouse Deer

Sloth Bear

Spur Fowl

SCHEDULE 3
SCHEDULE III

SCHEDULE III
(BIG GAME)

Sambhars (Male)

Spotted Deer (Male)

SCHEDULE 4
SCHEDULE IV

SCHEDULE - IV

(SPECIAL BIG GAME)

Bison (Male)

Tiger

SCHEDULE 5

SCHEDULE V

SCHEDULE -V

PROTECTED WILD ANIMALS AND WILD BIRDS

Elephant

Nilgai

Black-buck

Four-horned antelope

Chinkara

Nilgiri Langur

Peafowl

Demoiselle Crane

Great Indian Bustard

Florican

Brahmini Kite

Parrot

Birds of song and of bright plumage

Spotted Deer (Female)

Sambhar (Female)

Slender Loris

Vulture

Crocodiles

Ichthyophis