

Madhya Pradesh Game Act, 1935

15 of 1935

CONTENTS

1. Short Title
2. Definition
3. Prohibition To Shoot Or Kill Without Licence
4. Grant Of Licences For Shooting, Killing Or Capturing
5. Award Of Portion Of Fine To Person Giving Information Leading To Conviction
6. Confiscation Of Bird Or Animal Or Flesh Or Any Part Thereof
7. Magistrates Empowered To Try Offences
8. Restrictions On Court To Take Cognizance Of Offences
9. Persons Exempted From Operation Of Act
10. Shooting Or Killing Permitted In Certain Cases
11. Bar To Shoot, Kill Or Capture Birds Or Animals Which Are Protected Under Any Other Enactment
12. Seizure Of Net, Trap Or Other Instrument
13. Power To Make Rules

SCHEDULE 1 :- Schedule I

Madhya Pradesh Game Act, 1935

15 of 1935

An Act to provide for the control of the shooting, netting, trapping or killing of game in 2[Madhya Pradesh] Whereas it is expedient to control the shooting, netting, trapping or killing of game in 3[Madhya Pradesh]; And whereas the previous sanction of the Governor-General, required under sub-section (3) of Section 80-A of the Government of India Act, and the previous sanction of the Governor, required under Section 80-C of the said Act, have been obtained to the passing of this Act; It is hereby enacted as follows

:- 1. Published in the Central Provinces Gazette, dated 17-5-1935.
2. Substituted by Section 3 (4) of the M.P. Extension of Laws Act, 1958 (No. 23 of 1958). 3. Substituted by *ibid*.

1. Short Title :-

(1) This Act may be called the 1[Madhya Pradesh] Game Act, 1935.

2[(2) Extent and application.--It extends 3 to and shall be in force in the whole of Madhya Pradesh and shall apply to the birds and animals which are specified in the Schedule when in their wild state.]

(3) Addition to or exclusion from the Schedule of any bird or animal.--The State Government may, by notification, add to, or exclude from, the Schedule any bird or animal subject to such conditions as it may impose in each case.

1. Substituted by Sec. 3 (3), *ibid*.

2. The Act was extended to the whole of Madhya Pradesh by Section 3(1), *ibid* (w.e.f. 1-1-1959).

2. Definition :-

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

"prescribed" means prescribed by rules made under this Act.

3. Prohibition To Shoot Or Kill Without Licence :-

(1) Except as hereinafter or hereunder provided, it shall be unlawful for any person to shoot at or kill or to attempt to shoot at or kill a bird or animal to which this Act applies or to use or to attempt to use a net, trap or other instrument for the purpose of capturing such bird or animal without a licence under sub-section (1) of Section 4.

(2) Penalty for shooting, killing or capturing without licence.--Whoever does or attempts to do any act in contravention of sub-section (1) or, being the holder of a licence under this Act, commits a breach of any condition thereof, shall be punishable with fine which may extend to one hundred rupees.

4. Grant Of Licences For Shooting, Killing Or Capturing :-

(1) The 1[Collector] may on application of any person, grant to such person a licence for the period of one year at a time authorising him by name to shoot at or kill any bird or animal to which this Act applies or use a net, trap or other instrument for the purpose of capturing such bird or animal and subject to such conditions as may be prescribed :

Provided that the 1[Collector] shall not refuse such licence to any person holding a licence under the Indian Arms Act, 1878 (XI of 1878).

(2) A licence shall become void at the expiration of the said period but may, on application of the licensee, be renewed by the 1[Collector] for a like period.

(3) A licence may be cancelled by the 1[Collector] upon the conviction of the licensee for an offence against this Act, and no person, who has been convicted for such offence against this Act, and no person who has been convicted for such offence more than twice, shall be eligible for the grant or the renewal of a licence without the previous sanction of the State Government.

(4) Possession of a licence under the Indian Arms Act, 1878 (XI of 1878), or of a shooting permit shall confer a right on the holder thereof to shoot at or kill a bird or animal to which this Act applies.

(5) A temporary licence for a period of thirty days may be granted under sub-section (1).

(6) The fee for a licence granted for one year under this section for small game shall not exceed ten rupees and for big game and small game twenty rupees. The fee for a temporary licence for small game shall not exceed five rupees and for big game and small game ten rupees.

1. Substituted by A.O. 1957.

5. Award Of Portion Of Fine To Person Giving Information Leading To Conviction :-

Where on any conviction for an offence against this Act a fine is imposed, the Court may award any portion not exceeding half the amount of the fine recovered as a reward to any person other than a servant of the Government, who gave information leading to the conviction.

6. Confiscation Of Bird Or Animal Or Flesh Or Any Part Thereof :-

(1) When any person is convicted of an offence punishable under this Act the convicting Magistrate may direct that any bird or animal, in respect of which such offence has been committed, or the flesh or any other part of such bird or animal shall be confiscated.

(2) Such confiscation may be in addition to the punishment provided by sub-section (2) of Section 3 for such offence.

7. Magistrates Empowered To Try Offences :-

No Court inferior to that of a Magistrate of the second class shall try any offence against this Act.

8. Restrictions On Court To Take Cognizance Of Offences :-

(1) No Court shall take cognizance of any offence against this Act except on the complaint of a police officer, not below the rank of sub-inspector, or of any other person or class of persons authorised by the State Government in this behalf.

(2) No Court shall take cognizance of any offence against this Act unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

9. Persons Exempted From Operation Of Act :-

The Governor-General of India, the Commander-in-Chief in India and the Governors of States in India shall be exempt from the operation of this Act, and the State Government may, by notification, exempt any person or class of persons from the operation of this Act, either generally or for any specified period, occasion or area subject to such conditions as may be imposed.

10. Shooting Or Killing Permitted In Certain Cases :-

Nothing in this Act shall be deemed to prevent any person from shooting at or killing, or from pursuing and shooting at or killing, any bird or animal to which this Act applies, found upon, or in the vicinity of cultivated lands for the purpose of protecting his crops, or to prevent any person from shooting at or killing any such bird or animal in defence of himself or any other person or of his property.

11. Bar To Shoot, Kill Or Capture Birds Or Animals Which Are Protected Under Any Other Enactment :-

Nothing in this Act shall permit any person to shoot at or kill any bird or animal, or to use a net, trap or other instrument for the purpose of capturing any bird or animal, the protection or preservation of which has been provided for in any enactment for the time being in force.

12. Seizure Of Net, Trap Or Other Instrument :-

The State Government may authorise any police officer, not below

the rank of sub-inspector, or any person or class of persons to seize a net, trap or such other instrument which he has reason to believe has been used for the commission of an offence against this Act.

13. Power To Make Rules :-

(1) The State Government may, after previous publication, make rules consistent with this Act, for the purpose of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules--

(a) prescribing any particulars to be contained in the applications for licences;

(b) prescribing the conditions subject to which licences may be granted and the forms of licences;

(c) prescribing the fees payable for licences and the cases in which a licence may be granted without the payment of any fee; and

(c) regulating the disposal of property confiscated under Section 6 or seized under Section 12.

(3) A copy of the draft of the proposed rules shall be laid on the table of the Legislative Assembly of the State. The State Government shall give the Assembly an opportunity of discussing them, and shall take into consideration of any resolution, concerning the same which may be passed by the Assembly before finally publishing them in the Official Gazette.

SCHEDULE 1

Schedule I

[Vide Sec. 1(2)]

Sl. No.	Scientific name	English name	Vernacular name	Big game or small game
(1)	(2)	(3)	(4)	(5)
Part A.--List of Birds				
1.	Anser ferus	The grey lag goose	Rajhans and	Small game
2.	Anser Indicus		Bath	"
3.	Casarca rutila	The bar-headed	Rajhans and	"
4.	Rhodonissa	Goose	Jungli quas	"
	caryophyllacea	The ruddy sheldrake or	Chakwa	"
5.	Chaulelasmus streperus	Brahminy duck	Gulabi badak	Small game
		The pink-		

		the pintail		
6.	Nettion crecca	The gadwall	Gairi	"
7.	Anas Acuta	The common teal	Urki or Eri	"
8.	Querquedula discolor	The pintail	Nanda	"
9.	Spatula clypeata	The garganey or blue winged teal	Urki or Eri	"
10.	Nettion rufina	The shoveller	Ghirah	"
11.	Nyroca ferina	The red-crested pochard	Lal Sir	"
12.	Nyroca ferruginea	The pochard	Lal Sir	"
13.	Sarcidiorhis melanotos	The white-eyed pochard.	Kurchiya Nukta	"
		The comb duck		
14.	Nettion coromandelianus	The cotton teal	Girra	"
15.	Dendrocygna javanica	The whistling teal	Silhi	"
16.	Dendrocygna fulva	The large whistling teal	Silhi	"
17.	Anas boschas	The mallard	Nilsir	"
18.	Anas poecilorhynchos	The Indian spot bill	Gugral, Buth.	"
19.	Mareca penelope	The wigeon	Chota lal sir	"
20.	Crocopus phoenicopterus crocopus chlorogaster	The green pigeon	Harial	"
21.	Columba intermedia	The blue rock pigeon	Kabutar	"
22.	Carpophaga aenea	The imperial pigeon	Barra kabutar	"
23.	Pterocles facialis	The painted sand grouse	Bhat titar.	"
24.	pterocles exustus	the Common Indian sand grouse	Bhat titar	"
25.	Pavo cristatus	The Peafowl	Mor	"
26.	Gallus sonnerati	The grey jungle fowl	Jungli murgi	"
27.	Gallus ferrugineus	The red jungle fowl	Jungli murgi	"
28.	Gallus padana	The red spur fowl	Choti jungli murgi	"

29.	<i>Galloperdi lunulata</i>	The painted spur fowl	Choti jungli murgi	"
30.	<i>Perdica asiatica</i>	The jungle bush quail	Lawa	"
31.	<i>Francolinus pondicerianus</i>	The grey partridge	Titar	"
32.	<i>Francolinus pictus</i>	The painted partridge	Kala titar	Small game
33.	<i>Coturnix communis</i>	The common or grey quail	Bater	"
34.	<i>Coturnix coromandelica</i>	The rain quail	Lawa	"
35.	<i>Turnix dussumieri</i>	The little button quail	Chota Lawa	"
36.	<i>Antropoides virgo</i>	The demoiselle crane	Karaka or kulan	"
37.	<i>Eupoditis Edwardsi</i>	The bustard	Horn, Bherar	"
38.	<i>Sypheotis aurita</i>	The lik-florican	Tan mor, likh	"
39.	<i>Gallinago coelestis</i>	The common snipe	Chaha, panwlaw	"
40.	<i>Gallinago stenura</i>	The pintail snipe	Chaha	"
41.	<i>Gallinago gallinula</i>	The jack snipe	Chota chaha	"
42.	<i>Rostratula capensis</i>	The painted snipe	Chaha.	"
Part B.--List of Animals				
1.	<i>Felis tigris</i>	Tiger	Bagh, sher	Big game
2.	<i>Felis pardus</i>	Leopard	Gulbagh-tendua.	"
3.	<i>Cynaelurus jabatus</i>	Hunting leopard	Cheeta	"
4.	<i>Nalursus usinus</i>	Sloth bear	Reech Bhalu	Small game
5.	<i>Lepus ruficandatus</i>	Common Indian hare	Khargosh sasa	"
6.	<i>Lepus simcoxi</i>	Simcoxs hare	Koarli, karra	"
7.	<i>Bos gaurus</i>	Bison	Ran boda Ranhela	Big game
8.	<i>Bos bulbalus</i>	Wild buffalo	Jangli Bhainsa	"
9.	<i>Boselaphus tragocamelus</i>	Blue bull	Nilgai	"
10.	<i>Tetracerus quadricornis</i>	Four-horned antelope	Jungli bakri, chausingha	"
11.	<i>Antelope cervicapra</i>	Black buck	Hiran, kalahiran, kalehwit	"
12.	<i>Gazella benettii</i>	Indian gazelle	Chinkara	"

12.	Gazella benettii	Indian gazelle	Chinkara	
13.	Cervulus muntjac	Barking deer	Kakar, Bherki, jungli bakri.	"
14.	Cervus duvanceli	Swamp deer	Barsingha	""
15.	Cervus unicolor	Sambhar	Sambhar	"
16.	Cervus axis	Chital or spotted deer.	Chital.	"