

ELEPHANTS PRESERVATION ACT, 1879

6 of 1879

[22nd March, 1879]

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An Act for the preservation of wild elephants Whereas it is expedient to provide for the preservation of wild elephants; It is hereby enacted as follows:--

1. Short title :-

This Act may be called The Elephants Preservation Act, 1879. Local extent It extends to the territories now respectively administered by the Lieutenant-Governor of the North-Western Provinces¹ and the Chief Commissioners of Oudh, the Central Provinces, and Coorg; and the [State Government] may extend it to any other local area which, immediately before the 1st November 1956, was not comprised in a Part B State by notification in the Official Gazette. Commencement So far as regards the power to make declarations and rules, it shall come into force on the passing thereof. In other respects it shall come into force on the first day of

April, 1879.

2. Repeal :-

Repealed by the Repealing and Amending Act, 1930 (98 of 1930), Section 3 and Schedule II.)

3. Killing and capture of wild elephants prohibited :-

No person shall kill, injure or capture, or attempt to kill, injure or capture, any wild elephant unless-- (a) in defence of himself or some other person; (b) when such elephant is found injuring houses or cultivation, or upon, or in the immediate vicinity of, any main public road or any railway or canal; or (c) as permitted by a licence granted under this Act.

4. Rights of Government with respect to certain elephants and tusks :-

Every wild elephant captured, and the tusks of every wild elephant killed by any person not licensed under this Act, shall be the property of Government.]

5. License to kill and capture wild elephants :-

The Collector or Deputy Commissioner of any district may, subject to such rules as may for the time being be in force under this Act, grant licences to kill, or to capture, or to kill and capture, wild elephants in such district : Provided that no such licence shall authorize any person to enter upon any land without the consent of the owner or occupier thereof.

6. Power of State Government to declare what are main roads and canals, and to make rules as to licences :-

The State Government may from time to time declare what shall be deemed to be main public roads and canals within the meaning of this Act, and make rules consistent with this Act for regulating-- (a) the grant and renewal of licences under this Act; (b) the fees (if any) in money, tusks of captured elephants to be charged on such grant and renewal; (c) the time during which such licences shall continue in force; and (d) the conditions (if any) on which they shall be granted. All such declarations and rules shall be published in the Official Gazette and shall thereupon have the force of law.

7. Penalty for contravening section 3 :-

Whoever, in contravention of section 3, kills, injures or captures or attempts to kill, injure or capture, any wild elephant, shall be punished with fine which may extend to five hundred rupees for each elephant concerned, and whoever breaks any condition

contained in a licence granted under this Act shall be punished with fine which may extend to five hundred rupees. Any person convicted of a second offence under this section shall be punished with imprisonment which may extend to six months, or with fine, or with both. When any person holding a licence under this Act is convicted under this section, such licence shall become void and shall be delivered up to the convicting Magistrate.

8. Licence to be produced and shown on requisition of certain officers :-

Any officer of Revenue or Police, or any Forest-officer, who may find any person killing, injuring or capturing, or attempting to kill, injure or capture, any wild elephant, except in the cases mentioned in section 3, clauses (a) and (b), may require him to produce and show a license granted to him under this Act. Any person who, on such request, wilfully refuses or is unable to produce and show such license as aforesaid, shall, in addition to any other punishment to which he may be liable under this Act, be punished with fine which may extend to one hundred rupees.

9. Limitation of prosecution :-

Every prosecution under this Act shall be commenced within six months from the commission of the offence in respect of which it is instituted.

10. Recovery of fees :-

The amount or value of any fee payable under any licence granted under this Act may be recovered from the licensee as if it were an arrear of land revenue.