

Tamil Nadu Wild Elephants Preservation Act, 1873

TAMILNADU

India

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Act 1 of 1873

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Tamil Nadu Wild Elephants Preservation Act, 1873(Tamil Nadu Act 1 of 1873)Received the assent of the Governor on the 21st April 1873 and the Governor-General on the 15th May 1873.An Act to prevent the indiscriminate destruction of wild elephants.Preamble. - Whereas it is expedient to make provision to prevent the indiscriminate destruction of wild elephants within the [State of Tamil Nadu] [Substituted for the expression 'Presidency of Madras' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th day of January 1969.]; It is enacted as follows:-

1. Local extent and commencement.

- This Act extends to the [State of Tamil Nadu] [Substituted for the expression 'territories for the time being subject to the Government of the Presidency of Fort St. George' by the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th day of January 1969.]; and it shall come into force on the 1st day of October 1873.This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Tamil Nadu Merged States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).This Act was further extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 5 of the Tamil Nadu Forest (Amendment) Act, 1965 (Tamil Nadu Act 40 of 1965), which came into force on the 1st June 1966, repealing the corresponding law in that territory.

2. Destruction of wild elephants prohibited.

- From and after the said day, the destruction of wild elephants is prohibited, except as hereinafter provided.

3. Penalty for destroying female elephants.

- [Whoever, not being authorised thereto by a licence granted under the provisions of section 3-A, shoots at or intentionally destroys and whoever abets within the meaning of the Indian Penal Code (Central Act XLV of 1860) any person not authorised as aforesaid in shooting at or destroying] [The words within square brackets were substituted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).], any wild female elephant upon waste or forest land, whether such land be the property [of the Government] [The words 'of the Crown' were substituted for the to words 'of Government' by Adaptation Order of 1937 and the to words 'Government' was substituted for 'Crown' by the Adaptation Order of 1950.] or otherwise, shall be liable to a penalty not exceeding five hundred rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding three months. Penalty on second conviction. - Any person convicted under this Act of an offence committed after his previous conviction under this Act shall be liable to a penalty not exceeding one thousand rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

3A. [Licence to shoot female elephants. [Section 3-A was inserted by section 3 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).]

- The District Collector [xxx] may subject to such rules as may, from time to time, be made by the [State Government] [The words 'Provincial Government' were substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.], on the application of any person, grant to such person by name a special licence to shoot or destroy wild female elephants upon waste or forest lands in a specified area situated within the district whether such lands be the property [of the Government] [The words 'of the Crown' were substituted for the to words 'of Government' by Adaptation Order of 1937 and the words 'Government' teas substituted for 'Crown' by the Adaptation Order of 1950.] or otherwise subject to such conditions and restrictions [xxx] [The words 'as the Board of Revenue may direct or' were omitted by the section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1951 (Madras Act X of 1951).] as the District Collector may think fit, for a period not exceeding one year from the date of the grant of the licence. Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector for any period not exceeding one year: Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted.]

4. Penalty for destroying male elephants on the Government land without licence.

- Whoever, not being authorised thereto by a licence granted under the provisions of section 7, shoots at, or intentionally destroys, [and whoever abets within the meaning of the Indian Penal Code (Central Act XLV of 1860), any person not authorised as aforesaid in shooting at, or destroying] [Substituted by section 4 of the Madras Wild Elephants Preservation (Amendment) Act,

1933 (Madras Act XXIV of 1933).], any wild-male elephant upon waste or forest land, the property of [the Government] [The words 'of the Crown' were substituted for the words 'of Government' by Adaptation Order of 1937 and the words 'Government' was substituted for 'Crown' by the Adaptation Order of 1950.] shall, upon a first or second conviction, be liable to the penalties and periods of imprisonment, respectively, provided for a first or second conviction in section 3 of this Act.

5. Saving clause as to destruction of male elephant on zamindar or private land.

- Nothing in this Act shall be deemed to prevent any zamindar or other proprietor occupier of land, any person duly authorised in that behalf by any such zamindar, proprietor or occupier, from destroying wild male elephants upon the waste or forest lands of such zamindar, proprietor or occupier.

6. Saving clause as to destruction elephant on cultivated lands.

- Nothing in this Act shall be deemed to prevent any person from shooting at, or destroying, any wild male or female elephant found upon cultivated lands, or upon or in the immediate vicinity of any public road, or to prevent any person from shooting at, or destroying any male or female elephant in defence of himself or any other person.

7. Licence to shoot male elephant.

- The Collector or other officer in-charge of a district may, subject to such rules as may, from time to time, be made by the [State Government] [The words 'Provincial Government' were substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] issue a licence to any person authorizing him by name to shoot wild male elephants upon waste or forest lands the property of [the Government] [The words 'of the Crown' were substituted for the words 'of Government' by Adaptation Order of 1937 and the words 'Government' was substituted for 'Crown' by the Adaptation Order of 1950.] in such district for the period of one year from the date of the grant of such licence. Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector or other officer for a like period: Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted.

8. Power to make rules for the grant or renewal of licences.

- The [State Government] [The words 'Provincial Government' were substituted for the words 'Local Government' by the Adaptation Order of 1937 and the word 'State' was substituted for 'Provincial' by the Adaptation Order of 1950.] may make rules for regulating the grant or renewal of licences under this Act and the fees to be charged on such grant or renewal and may, from time to time, alter or cancel such rules.

9. Limitation of prosecution.

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