

The Orissa Elephants' Preservation (Ex-Madras Areas) Rules, 1953

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The Orissa Elephants' Preservation (Ex-Madras Areas) Rules, 1953 Published vide Notification No. 18270-D, dated the 14th December, 1953, Orissa Gazette Part 3 of 1957 Notification No. 18270-D, dated the 14th December, 1953. - In exercise of the powers conferred by Section 8 of the Madras Wild Elephants' Preservation Act, 1873 (Madras Act I of 1873) and in supersession of all the previous rules on the subject in force in the areas specified in the Schedule to the rules hereto annexed, the Governor of Orissa is pleased to make the following rules :

1.

(a) These rules may be called the Orissa Elephants' Preservation (Ex-Madras Areas) Rules, 1953. (b) These shall come into force at once and shall apply to the areas specified in the Schedule in these rules.

2.

(i) In these rules, unless there is anything repugnant to the subject or context - (a) "District Officer" means the Collector, Deputy Commissioner or Agent of the district comprising the area in respect of which a licence is applied for, granted or renewed under these rules; (b) "Licence holder" means a person who holds a subsisting licence granted or renewed under these rules. (ii) Every application for a licence to kill or to capture or to kill and capture wild elephants or for the renewal of such licence, shall be made to the District Officer who may with the approval of the Board of Revenue, Orissa, grant to him a licence in Form 'A', appended to these Rules and subject to the conditions laid down therein. (iii) The fee payable for the grant or renewal of such licence shall be one hundred rupees : Provided that in special cases where the destruction of an elephant is urgently required in the interest of public safety the District Officer may with the approval of the Board of Revenue, Orissa,

grant a licence for the destruction of such elephant [* * *] [Omitted vide Orissa Gazette Part III of 1957-Notification No. 2376/13.2.1957.] free of charge [* * *] [Omitted vide Orissa Gazette Part III of 1957-Notification No. 2376/13.2.1957.] subject to the condition that the tusks of such elephant if killed shall be property of Government and shall be made over to the District Officer.

3.

A licence shall continue to be in force from the 1st October of the year in which it is granted, till the 30th September following and shall be valid within the boundaries specified in the licence.

4.

(i) A licence-holder shall be at liberty to kill or capture, or to kill and capture, as the case may be, wild elephants. (ii) A licence-holder shall not transfer in any manner his rights under the licence.

5.

For every elephant captured and for every elephant killed, the licence-holder shall pay to the Government in such manner as the District Officer may from time to time, direct, a fee of one hundred rupees : Provided that no fee shall be payable for an elephant killed under a licence granted under the proviso to Rule 2.

6.

A licence-holder shall be at liberty to capture or to kill elephants in any manner except in pits.

7.

(i) A licence-holder shall, on the first day of each month send to the District Officer or to such other officer as the District Officer may appoint in this behalf, a statement in Form 'B' appended to these Rules showing every elephant which during the preceding month-(a) has been captured by the licence-holder; (b) has been killed by the licence-holder; or (c) has died during or after capture by the licence-holder. (ii) If a licence-holder fails to comply with the provisions of Sub-rule (1) he shall be liable to pay to Government a sum of three thousand rupees for each elephant, the capture or death of which he has omitted to report.

8.

A licence-holder shall not remove outside the boundaries of the area covered by his licence any elephant captured by him or the tusks of an elephant killed by him, unless he has-(a) obtained in writing permission to do so from the District Officer or some other officer appointed by the District Officer in that behalf; and (b) paid the fee required to be paid under Rule 5. [Provided that the District Officer at his discretion and subject to the approval of the Board of Revenue, Orissa, may permit the

licence holder to remove the tusks without payment of any fees in this regard.] [Added vide Orissa Gazette Part III of 1957-Notification No. 2376/13.2.1957.]

9.

(1) A licence-holder shall not—(a) build or make stockade in any sal or teak forest; (b) fell any valuable timber; (c) set fire to any jungle; (d) cause injury or annoyance to any jungle tribes or cultivators residing in the area covered by his licence; or (e) interfere with any operations of the Forest Department or any forest contractor in Government forest. (2) A licence-holder shall pay at the prevailing rates in the forests concerned for all timber felled or used by him for the construction of a stockade and if the timber required for the purposes is to be taken from the protected or reserved forests and reserved lands of the district, the previous sanction of the District Officer or the District Forest Officer, as the case may be, shall be obtained.

10.

A licence-holder shall not after the 15th day of December in any year undertake any kheda operations in any Government forest to which Fire Protection Rules apply.

11.

The District Officer may cancel the licence of any licence holder who commits breach of any of these rules.

Schedule

(1) Ganjam district. (2) Koraput district. (3) Baliguda and G. Udayagiri agency in Boudh Phulbani district. Form 'A' Licence for the capture of elephants within the district (Seal and signature of the District Officer) To Son of..... Resident of..... The right to catch elephants for one year in Block No..... North East South West Name of Block..... District of..... Province of..... The boundaries which are specified in the margin is granted to you on the following conditions: I. That you pay Rs. 100 (Rupees one hundred) for this licence. II. That you pay Rs. 100 (Rupees one hundred) royalty in respect of every elephant captured by you and for every elephant killed in attempt to capture. III. That you may hunt between the 1st October and the 30th September and not otherwise. IV. That you may catch elephants but shall not sell or lease your block, or any part of it. V. That you may catch elephants by any method except pit falls. VI. That you shall report in writing on the 1st of each month to the officer granting this licence or to any other official as you may direct, in the form herewith supplied to you, the killing or the capture or death during capture, of every elephant so captured or dying during the preceding month. VII. That you shall obtain a written permit and pay the royalty presented in Clause II before remaining beyond the boundaries specified in the margin any newly caught elephant or tusk of an elephant killed. VIII. That you shall not build a stockade in any sal or teak forest, or fell any valuable timber or set fire to any jungle or cause injury or unnecessary annoyance to any jungle tribes or cultivators residing in the

neighbourhood.IX. That should you wilfully destroy any elephant for the sake of its ivory, or otherwise, you will be proceeded against the Elephants' Preservation Act, VI of 1879.X. That you should in contravention of Clause VI, fail or neglect to report the killing or the capture, or killing in the attempt to capture, of any elephant you shall pay to Government a sum of Rs. 3,000 for each elephant the killing or the capture of death of which has not been reported.XI. That should you commit any breach of any of the conditions of this licence, the licence may, at the discretion of the District Officer, be cancelled, and any, or all, of the elephants captured by you forfeited to Government. This penalty will be in addition to any other punishment or penalty to which you may be liable under any provision of the law in force at the time of any rule duly made exercise on an authority conferred by law.I..... son of..... resident of..... to whom the licence No.....has been granted, do hereby acknowledge and declare that the conditions of this licence have been explained to me and that I have understood the same and that I accept the licence subject to all the conditions therein contained. And I further declare and covenant that I will not question or dispute the execution against my property of any penalty that may be imposed upon me under Clauses X and XI, for any breach of the conditions of this license.Signature of the licenseeAll the conditions of this licence were thoroughly explained to in our presence, and he also in our presence executed and signed the above covenant.Three witnesses-

1.

2.

3.

StationForm 'B'Statement for month of.....showing the number of elephants captured by.....duly licenced underAct VI of 1879

Date of capture	Number of elephants captured alive	Number of elephants that died during capture	Number of elephants killed	Number of elephants sold, out of those in Column2 entered	Number of elephants that died out of those inColumn2	Number of remaining at the end of the month (i.e.5 and 6)	Total number remaining at the end of precedingmonth	Total of Columns 7 and 3	Rem
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Male/ Female	Male/ Female	Male/ Female	Male/ Female	Male/ Female	Male/ Female	Male/ Female	Male/ Female	Male/ Female	Ma Fer