

# Rajasthan Wild Animals and Birds Protection Act, 1951

RAJASTHAN

India

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### Act 13 of 1951

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Rajasthan Wild Animals and Birds Protection Act, 1951(Act No. 13 of 1951)Object.- As a result of unscrupulous hunting, shooting etc. throughout the year many rare animals and birds became rarer still and there was a threat of their total extinction in course of time. It, therefore, became necessary to impose restrictions under a codified law of hunting, shooting, netting, trapping, snaring, capturing or killing of such animals and birds for their protection and preservation. Hence this enactment.An act to provide for the protection and preservation of wild animals and birds in the [State of Rajasthan] [The Act came into force with effect from 15.8.1952 vide Notification No. F.8(4) for/52, dated 12.8.1952 (Made by His Highness the Rajpramukh on the 23rd day of May, 1951) (Published in Rajasthan Gazette, Part-I, dated 16.8.1952, Page 452).]Whereas it is expedient for the protection and preservation of wild animals and birds in the [State of Rajasthan.] [The Act came into force with effect from 15.8.1952 vide Notification No. F.8(4) for/52, dated 12.8.1952 (Made by His Highness the Rajpramukh on the 23rd day of May, 1951) (Published in Rajasthan Gazette, Part-I, dated 16.8.1952, Page 452).] It is hereby enacted as follows-

### 1. Short title, extent and commencement.

(1)This Act may be called the Rajasthan Wild Animals and Birds Protection Act, 1951.(2)[It extends to the whole of the Rajasthan.] [The Act came into force with effect from 15.8.1952 vide Notification No. F.8(4) for/52, dated 12.8.1952 (Made by His Highness the Rajpramukh on the 23rd day of May, 1951) (Published in Rajasthan Gazette, Part-I, dated 16.8.1952, Page 452).](3)It shall come into force on such [date] [The Act came into force with effect from 15.8.1952 vide Notification No. F.8(4) for/52, dated 12.8.1952 (Made by His Highness the Rajpramukh on the 23rd day of May, 1951) (Published in Rajasthan Gazette, Part-I, dated 16.8.1952, Page 452).] as [the State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary Part 4A, dated 13.8.1957)] may by notification in the [Official Gazette] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary Part 4A, dated 13.8.1957)] appoint.

## 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(i)[....] [Deleted by item No. 14 of the Schedule-ibid](ii)"Licence" means a licence issued under or in pursuance of this Act or the rules made thereunder;(iii)"Prescribed" means prescribed by rules made under this Act; and(iv)"Reserved Area" in relation to any class of wild animals or wild birds, means any area in the 2[State Rajasthan] specified under or in pursuance of Section 5 to be in the area in which the hunting, shooting, netting, irapping, snaring, capturing or killing of such animals and birds is for the time being, prohibited whether the same be a reserved or protected forest or other area.

## 3. Application of Act.

- The [State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] may, by notification in the [Official Gazette] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] from time to time, specify the wild animals and wild birds to which the provisions of this Act shall for the time being apply.

## 4. Close time.

(1)[State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] may, by notification in the [Official Gazette] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] declare the whole year or any part thereof to be a close time throughout the whole or any part of the [State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] for kind of wild animal's or wild birds or for femine immature animals or birds of such kind; and, subject to the provisions hereinafter contained, it shall during such close-time and within the area specified in the notification be unlawful-(a)to hunt or shoot such animal or bird, or(b)to net, trap, snare or capture such animal or bird, or(c)to kill any such animal or bird which has not been captured before the commencement of such close-time, or(d)to sell or buy, or offer to sell or buy or to possess any such animal or bird which has not been captured before the commencement of such close-time, or(e)to sell or buy, or offer to sell or buy, or to possess the flesh of any such animal or bird which has not been kill before the commencement of such close-time :Provided that in all cases in which a person accused or having sold or exposed for sale of any such animal or bird was netted, trapped, snared, captured or killed as the case may be, after the commencement of the close-time unless the contrary is proved.(2)If any plumage, hair or skin has been taken away from any animal or bird which has been netted, trapped, snared, captured or killed during the close-time declared under. sub-section (1), shall be unlawful to sell or buy, or offer to sell or buy, or to possess, such pulmage, hair or skin.

## **5. Power to declare reserved area.**

(1)The [State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] may by notification in the [Official Gazette] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)], declare any area in [State of Rajasthan] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] to be a reserved area for the purpose of this Act.(2)Throughout every such area, it shall be unlawful to hunt, shoot, net, trap, snare, capture or kill any kind of wild animals or wild birds at any time of the year.

## **6. Licenses.**

- Where the [State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary., Part 4-A, dated 13.8.1957)] is of opinion that such a course is desirable in the interest of scientific research or for the better protection or preservation of crops or other property it may grant to any person a licence subject to such restrictions or conditions as it may impose, entitling the holder thereof to do any act which is by this Act declared to be unlawful.

## **7. Exemptions.**

(1)Nothing in this Act shall be deemed to apply to the shooting, netting, trapping, snaring, capture or killing of any wild animal or wild bird to which this Act applies for the time being by any person in defence of himself or any other person or in bona fide defend or property.(2)The [State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] may, also be general or special order, exempt wholly or partly, any person or class of persons from all or any of the provisions of this Act and the rules made thereunder.

## **8. Penalties.**

(1)Whoever does, or attempts to do, or abets the doing of any act in contravention of the provisions of this Act and the rules made thereunder-(a)if it be a bird, with simple imprisonment for a term which may extend to fifteen days or with fine which may extend to fifty rupees or with both, or(b)if it be an animal, with simple imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both, or(c)if any such act is committed, or is abetted, or attempted to be committed, in any reserved area, with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both, or(d)if any such act is committed, or abetted, or attempted to be committed, in any reserved area, with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.(2)Whoever commits any of the offences under this Section at night shall be punishable with twice the punishment provided in sub-section (1).

## **9. Enhanced punishment for second or subsequent conviction.**

- Whoever, having been previously convicted of an offence under Section 8, is again convicted thereunder of a similar or any other offence, shall, on every subsequent conviction, be punishable with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

## **10. Confiscation.**

- When, any person is convicted of an offence punishable under Section 8 or Section 9, the convicting Magistrate may, without prejudice to the provisions of those sections also direct that any wild animals or wild bird or the flesh, plumage, hair, skin or any other part thereof, in respect of which such offence has been committed, and any net, trap, snare or other article used in the commission thereof shall be forfeited to the [State Government]. [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)]

## **11. Cognizance of Offence.**

(1) No court inferior to that of a Magistrate of the second class shall try an offence under this Act. (2) Any police officer or any other officer or class of officers, authorised in this behalf by [State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] may arrest without warrant any person who has committed or is suspected of having committed any offence under this Act. (3) No Court shall take cognizance of any offence under this Act, except on the complaint in writing to a Police Officer or any other officer authorised under sub-section (2) not below such rank as the [State Government] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] may prescribe.

## **12. Power to make rules.**

(1) The [State Government]. [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] may make rules for the purpose of carrying into effect the provisions of this Act. (2) All such rules shall be published in the [Official Gazette] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Extraordinary, Part 4-A, dated 13.8.1957)] and shall upon such publication have effect as if enacted in this Act.

## **13.**

[.....] [Omitted by Section 4 of Rajasthan Act 27 of 1957 (Published in Rajasthan Gazette, Part. IV-A, Extraordinary dated 13.8.1957)]

**14.**

[.....] [Omitted by Section 4 of Rajasthan Act 27 of 1957 (Published in Rajasthan Gazette, Part. IV-A, Extraordinary dated 13.8.1957)]