

The M.P. Game Act, 1935

MADHYA PRADESH

India

The M.P. Game Act, 1935

Act 15 of 1935

- Published on 17 May 1935
- Commenced on 17 May 1935
- [This is the version of this document from 17 May 1935.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Game Act, 1935 Act No. 15 of 1935 Statement of Objects and Reasons. - Game Law of modern States are based on certain accepted principles. There include a close season in which the hunting of a given species is forbidden, a limit to the take in the open season, the absolute protection of certain species close to extinction and obligatory licences for sportsman for the purposes of providing revenue. The Bill is designed in conjunction with the Wild Birds and Animals Protection (Central Provinces Amendment) Bill, 1934, to secure these objects by means of a system of game licences. Published in the Central Provinces Gazette, dated 17-5-1935. An Act to provide for the control of the shooting, netting, trapping or killing of game in [Madhya Pradesh] [Substituted by Section 3 (4) of the M.P. Extension of Laws Act, 1958 (No. 23 of 1958).] Whereas it is expedient to control the shooting, netting, trapping or killing of game in [Madhya Pradesh] [Substituted by Section 3 (4) of the M.P. Extension of Laws Act, 1958 (No. 23 of 1958).]; 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. Short title.

(1) This Act may be called the [Madhya Pradesh] [Substituted by Section 3 (4) of the M.P. Extension of Laws Act, 1958 (XXIII of 1958).] Game Act, 1935. (2) [Extent and application. - It [extends] [Substituted by Section 3 (3) of the M.P. Extension of Laws Act, 1958 (XXIII of 1958).] 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.

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 [Collector] [Substituted by A.O. 1957.] 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 [Collector] [Substituted by A.O. 1957.] 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 [Collector] [Substituted by A.O. 1957.] for a like period.(3)A licence may be cancelled by the [Collector] [Substituted by A.O. 1957.] 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.

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 (d) 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. The Schedule [Vide Section 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 caryophyllacea | GooseThe ruddy sheldrake or | Jungli quasChakwa | “ |
| 5. | Chauleasmus streperus | Brahminy duckThe pink-headed duck | Gulabi badak | “ |
| 6. | Nettion crecca | The gadwall | Gairi | “ |
| 7. | Dafila Acuta | The common teal | Urki or Eri | “ |
| 8. | Querquedula ciria | The pintail | Nanda | “ |
| 9. | Spatula clypeata | The gargancy or blue winged teal | Urki or Eri | “ |
| 10. | Netta rufina | The shoveller | Ghirah | “ |
| 11. | Nyroca ferina | The red-crested pochar | Lal Sir | “ |
| 12. | Nyroca ferruginea | The pochard | Lal Sir | “ |

| | | | | |
|-----|---|---------------------------------------|--------------------|---|
| 13. | <i>Sarcidiornis melanonotus</i> | The white-eyed pochard. The comb duck | Kurchiya Nukta | “ |
| 14. | <i>Nettopus coromandelianus</i> | The cotton teal | Girria | “ |
| 15. | <i>Dendrocygna javanica</i> | The whistling teal | Silhi | “ |
| 16. | <i>Dendrocygna fulva</i> | The large whistling teal | Silhi | “ |
| 17. | <i>Anas boscas</i> | The mallard | Nilsir | “ |
| 18. | <i>Anas poecilor phyncha</i> | The Indian spot bill | Gugral, Buth. | “ |
| 19. | <i>Mareca penelope</i> | The wigeon | Chota lal sir | “ |
| 20. | <i>Crocopus phoenicop terus</i> <i>crocopus chlorogaster</i> | The green pigeon | Harial | “ |
| 21. | <i>Columba intermedia</i> | The blue rock pigeon | Kabutar | “ |
| 22. | <i>Carpophaga aenea</i> | The imperial pigeon | Barra kabutar | “ |
| 23. | <i>Pterocles faciatus</i> | The painted sand grouse | Bhat titar. | “ |
| 24. | <i>pterocles exustus</i> | The Common Indian sand grouse | Bhat titar | “ |
| 25. | <i>Pavo cristatus</i> | The Peafowl | Mor | “ |
| 26. | <i>Gallus sonnerati</i> | The grey jungle fowl | Jungli murgi | “ |
| 27. | <i>Gallus ferrugineus</i> | The red jungle fowl | Jungli murgi | “ |
| 28. | <i>Galloperdis spadicea</i> | The red spur fowl | Choti jungli murgi | “ |
| 29. | <i>Galloperdi lunulata</i> | The painted spur fowl | Choti jungli murgi | “ |
| 30. | <i>Perdicula 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 | “ |
| 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>Gallinaga 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 ussinus</i> | Sloth bear | Reech Bhalu | Small game |
| 5. | <i>Lepus ruficandatus</i> | Common Indian hare | Khargosh sasa | “ |
| 6. | <i>Lepus simcoxi</i> | Simcox's 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 bennettii</i> | Indian gazelle | Chinkara | “ |
| 13. | <i>Cervulus muntjac</i> | Barking deer | Kakar, Bherki, jungli bakri. | “ |
| 14. | <i>Cervus duvanceli</i> | Swamp deer | Barsingha | “ |
| 15. | <i>Cervus unicolor</i> | Sambhar | Sambhar | “ |
| 16. | <i>Cervus axis</i> | Chital or spotted deer. | Chital. | “ |