

Bombay Wild Animals and Wild Birds Protection Act, 1951

MAHARASHTRA

India

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Act 24 of 1951

- Published on 24 July 1951
- Not commenced
- [This is the version of this document from 24 July 1951.]
- [Note: The original publication document is not available and this content could not be verified.]

[24th July, 1951] This Act was extended to and by virtue of such extension shall be in force in the rest of the State of Maharashtra (vide Maharashtra 11 of 1961, section 2). For Statement of Objects and Reasons, see Bombay Government Gazette, 1951, part v, page 14. An Act to make adequate provision for the protection of wild animals and birds in the State of Bombay. Whereas it is expedient to make better and adequate provision for the preservation and protection of wild animals and wild birds in the State of Bombay and for certain other matters hereinafter appearing; it is hereby enacted as follows:-

Chapter I Preliminary

1. Short title, extent and commencement. -

(1) This Act may be called the Bombay Wild Animals and Wild Birds Protection Act, 1951. (2) It extends to the whole of the State of Maharashtra. (3) It shall come into force [in the pre-Reorganisation State of Bombay] on such [date as the State Government may, by notification in the Official Gazette, appoint]; and in the remaining part of the State of Maharashtra it shall come into force on the [Commencement] of the Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Act, 1960.]

2. Definitions. -

In this Act, unless there is anything repugnant in the subject or context- (a) "Animal or Bird" includes the young ones of the animal or bird, as the case may be; (b) "Big Game" means any animal specified in Schedule III or IV; (c) "Game" means any animal or bird specified in Schedule II III or IV; (d) "Game Officer" means any officer, warden or servant appointed or authorized for any of the

purposes of this Act;(e)"Hunt" means to hunt, kill or capture any animal or bird by any method and includes every attempt to kill or capture it or to take or destroy any part of its body or eggs or nest or to disturb its eggs or nest;(f)"Licence" means a licence granted under this Act;(g)"Meat" includes fat, blood, flesh and bones;(h)"Permit" means a permit granted under this Act;(i)"Prescribed" means prescribed by rules;(j)"Rules" means rules made under section 48;(k)"Schedule" means a Schedule appended to this Act;(l)"Small Game" means any animal or bird specified in Schedule II;(m)"Trophy" means the durable part of an animal or a bird which has been preserved by any means, whether natural or artificial, and includes the head or horn, tooth, tusk, bone, claw, hoof, skin, hair, feather, eggs or nest or any bird, but does not include any article manufactured from any such part of the animal or bird as aforesaid;(n)"Vermin" means any animal or bird specified in Schedule I and includes any animal or bird declared to be a vermin under section 18.

3. Domesticated and other animals and birds in captivity exempted. -

Nothing in this Act shall apply to domesticated or other animals or birds which are lawfully captured and kept in captivity.

Chapter II

Authorities to be Appointed or Constituted under the Act

4. Appointment of Wild Life Preservation Officer, Game Wardens and other Game Officers. -

(1)The State Government may for the purposes of this Act appoint,-(a)the Chief Conservator of Forests, Maharashtra State, as the Wild Life Preservation Officer of the State of Maharashtra;(b)the Game Wardens, either honorary or stipendiary;(c)such other officers and servants as may be necessary.(2)The honorary Game Warden shall ordinarily hold office for a period of three years:Provided that the State Government may terminate his tenure of office at any time without assigning any reason.(3)The Game Wardens and other officers and servants appointed under this section shall be subordinate to the Wild Life Preservation Officer.

5. Delegation of powers by Wild Life Preservation Officer. -

The Wild Life Preservation Officer may, with the approval of the State Government, by order in writing delegate any of his powers and duties under any of the provisions of this Act, to [any officer of the State Government,] subject to such conditions, if any, as may be specified in the order.

6. Constitution of State Wild Life Advisory Board. -

[(1) As soon as possible after the coming into force of the Bombay Wild Animals and Wild Birds Protection (Amendment) Act, 1963, the State Government shall reconstitute the advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the Minister for Forests as

ex-officio Chairman, the Deputy Minister for Forests as ex-officio Vice-Chairman and thirteen members nominated by the State Government.](2)The Wild Life Preservation Officer shall be the Secretary of the Board.(3)The members shall ordinarily hold office on such terms as to tenure and vacation of office as the State Government may determine:Provided that the tenure of office of any member may be terminated by the State Government at any time without assigning any reasons.(4)The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as the State Government may determine:[Provided that, if a member of the State Legislature is nominated as a member of the Board, he shall not be entitled to receiver any remuneration other than travelling allowance, daily allowance or such other allowance which is paid to a member of the Board for the purpose of meeting the personal expenditure incurred in attending the meeting of the Board or in performing any other function as such member.]

7. Duties of State Wild Life Advisory Board. -

It shall be the duty of the State Wild Life Advisory Board to advise the State Government-(1)in the selection of areas to be declared as Game Sanctuaries;(2)in formulating the policy in granting licences and permits under this Act and administration of Game Sanctuaries;(3)in the matter of framing rules under section 48; and(4)on any other matter connected with the preservation and protection of animals and birds which may be referred to it by the State Government.

8. Procedure of State Wild Life Advisory Board. -

(1)The State Wild Life Advisory Board shall meet at least once a year at Bombay or such other place as the State Government may direct.(2)The Procedure (including the quorum) of the Board shall be such as the Board may, by bye-laws made in this behalf, determine.

Chapter III

Hunting of Animals and Birds

A-Licenses

9. Hunting of wild animals and birds without licence prohibited. -

No person shall hunt any wild animal or wild bird except under a licence granted under the provisions of this Act and in accordance with the conditions specified in such licence:Provided that no such licence shall be necessary to hunt any vermin.

10. Registration of certain persons in possession of arms. -

Any person who holds a licence granted under [the Arms Act, 1959] for the possession of arms for sport or protection or who is exempt from the provisions of that Act and possesses any arms, [and

desires to obtain any licence (other than a Bird Licence) granted under this Act,] shall register his name and address with the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf. Such registration shall be made on application made in the prescribed form and on payment of such fee as may be prescribed.

11. Procedure for licence. -

(1) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf in the prescribed form. Such application shall be accompanied by such fee for the licence as may be prescribed. (2) The application may be made for any or all of the following kinds of game licences namely:-(a) Small Game Licence, (b) Big Game Licence, (c) Special Big Game Licence, (d) Pet Animals (Possession) Licence, (e) Pet and other Animals (Trapping) Licence, [(f) Bird Licence, (g) Block Licence.] (3) On receipt of an application and after making such inquiry as he may deem necessary the Wild Life Preservation Officer or the authorized Officer may, subject to any general or special orders of the State Government, grant or refuse to grant the game licence [after recording in writing his reasons therefore.] When a game licence is refused the fee paid therefor shall be refunded to the applicant. (4) Every game licence granted under this section shall ordinarily be valid for such period [and in such area] as may be prescribed. [* * *]

12. Record of game hunted to be kept and submitted. -

(1) The holder of every game licence of the kind specified in [clause (a),] (b), (c) [, (e) or (g)] of sub-section (2) of section 11, shall keep a record containing such particulars as may be prescribed of all game killed or captured by him during the currency of his licence. (2) When any game is killed or captured by the holder of [a Big Game Licence, Special Big Game Licence or Block Licence, he shall within three days] of the killing or capture of the game or before leaving the [State of Maharashtra], whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other Officer authorised by the State Government in this behalf, the prescribed particulars of [the Big Game or Special Big Game] killed or captured by him. (3) Not later than fifteen days after the expiry of his licence, the holder shall surrender his licence to the Wild Life Preservation Officer or the authorized Officer and shall sign a declaration in the prescribed form certifying the accuracy of the record of the game killed or captured by him.

13. Issue of licence for special purposes. -

Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer [or any other officer authorised by the State Government in this behalf,] upon such conditions as he may deem fit to impose, to grant a licence to any person with or without payment of fee, which shall entitle the holder to hunt animals and birds specified thereon for any of the following purposes namely:-(i) Scientific research; (ii) Collection of specimens for zoological gardens, museums and similar institutions; and (iii) Killing of such animals and birds as are a source of serious menace to human life or property. [Subject to any general or special orders, of the State Government, it shall also be lawful for the Wild Life Preservation, Officer or the authorised officer to

grant at his discretion a reward to any person for killing of any animals or birds as are a source of serious menace to human life or property.]

14. Suspension or cancellation of licence. -

(1)The Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf may, subject to any general or special orders of the State Government, without giving any previous notice [but after recording in writing his reasons therefor], suspend or cancel any licence granted under this Chapter.[(2) No holder of a licence shall be entitled to any compensation for the suspension or cancellation of the licence, nor to a refund of any fee paid in respect thereof.][14A. Appeals. -(1)An appeal from an order refusing to grant a licence under sub-section (3) of section 11, or an order suspending or cancelling a licence under sub-section (1) of section 14, shall lie-(a)if the order is made by the officer authorized under sub-section (1) of section 11 or of section 14, to the Wild Life Preservation Officer; and(b)if the order is made by the Wild Life Preservation Officer, to the State Government.(2)In the case of an order passed in appeal by the Wild Life Preservation Officer under sub-section (1), a second appeal shall lie to the State Government.(3)Subject as aforesaid, every order passed in appeal under this section shall be final.(4)No appeal shall be entertained, unless it is filed within fifteen days from the date of the communication of the order appealed against:Provided that, the appellate authority may admit any appeal after the expiry of the period aforesaid, if the appellant satisfies that authority that he had sufficient cause for not preferring the appeal within time.][B-General

15. Hunting of young and female with young prohibited. -

(1)Except when authorized under a specified condition to that effect in a licence, no person shall hunt the young of any game or any female game accompanied by its young or any deer with horns in velvet:[Provided that, in any area under cultivation the hunting of any specified class of herbivorous female game which is, a menace to such cultivation may be permitted under a special permission granted by the Wild Life Preservation Officer or any other officer authorized by the State Government in this behalf.](2)Nothing contained in sub-section (1) shall apply to the hunting of a vermin.

16. Close time. -

The State Government may, by notification in the Official Gazette, declare the whole year or any part thereof to be a close time throughout the whole or any part of the [State of Maharashtra], for any kind of wild animal or bird or for female or immature wild animal or bird of such kind.

17. Unlawful methods of hunting. -

(1)[Subject to the provisions of sub-section (10), no person]shall hunt any game from or by means or a wheeled or a mechanically propelled vehicle on water or land or by air-craft.(2)[Subject to the provisions of sub-section (10), no person] shall use a motor car, motor launch or aircraft, for the

purpose of killing, driving or stampeding game.(3)No person shall hunt any game with nets, snares, pit-falls, poison or poison-weapons, except in defence of human life or property, and except in so far as it relates to capture of animals and birds under a licence of the kind specified in clause (e) of sub-section (2) of section 11.(4)No person shall for the purpose or hunting set fire to any vegetation.(5)No person shall use any artificial light for the purpose of hunting, except in the case of carnivora, over a [kill].(6)No person shall hunt any game during the hours of night, i.e., one hour after sun-set and one hour before sun-rise except in the case of carnivora, by sitting on a [kill].(7)No person shall hunt any game on a salt-lick or water hole or other drinking places or on paths and approaches to the same except sand-grouse and water birds.(8)No person shall hunt any game on any land of private ownership, without the consent of the owner or his agent or the lawful occupier of such land.(9) No person shall, notwithstanding that he holds a game licence for the purpose, hunt any game animal during the close time.[(10) Nothing in this section shall apply to shooting duck with the use of an out-board motor.]

18. Declaration of certain animals and birds as vermins. -

The State Government may, by notification in the Official Gazette, declare any wild animal or wild bird other than those specified in Schedule I, to be a vermin in any specified area, and it shall not be necessary to hold a licence to hunt any such animal or bird in such area.[18A. Application of sections 36 and 37 to game. -The provisions of sections 36 and 37 shall apply in relation to game as they apply in relation to a trophy.]

Chapter IV

Game Sanctuaries

19. Power to declare any area to be Game Sanctuary. -

The State Government may, by notification in the Official Gazette, declare any area to be a Game Sanctuary, in the manner hereafter appearing.

20. Notification regarding declaration of Game Sanctuary. -

Whenever it has been decided to declare any area to be a Game Sanctuary, the State Government shall issue a Notification in the Official Gazette, -(1)stating that it has been decided to declare such area to be a Game Sanctuary, (2)specifying as nearly as possible the situation and limits of such area, and (3)directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act, Explanation. - For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

21. Bar of accrual of any rights in land comprised in Game Sanctuary. -

After the issue of a notification under section 20, no right shall be acquired in or over the land comprised in such notification, except by succession.

22. Proclamation by Collector. -

When a notification has been issued under section 20, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation-(a)specifying, as nearly as possible, the situation and the limits of the proposed Game Sanctuary;(b)fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 20 or section 21 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

23. Inquiry by Collector. -

The Collector shall take down in writing all statements made under section 22 and shall at some convenient place inquire into all claims duly referred under that section and the existence of any rights mentioned in section 20 or 21 and not claimed under section 22 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

24. Extinction of rights. -

Rights in respect of which no claim has been preferred under section 22 and of the existence of which no knowledge has been acquired by inquiry under section 23, shall be extinguished.

25. Power to acquire land over which right is claimed. -

In the case of a claim to a right in or over any land, other than a right of public way or right of common pasture, the Collector shall either,-(a)exclude such land from the limits of the proposed Game Sanctuary, or(b)come to an agreement with the owner thereof for the surrender of his rights, or(c)proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

26. Acquisition Proceedings. -

For the Purpose of acquiring such land,-(1)the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894;(2)the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;(3)the provisions of the preceding sections of that Act shall be deemed to have been complied with;(4)the Collector with the consent of the claimant, or the Court, with the consent of both the

parties, may award compensation in land or partly in land and partly in money; and(5)in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

27. Power of Collector to be exercised by other officers. -

The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 20 to 26 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

28. Restriction on entry in Game Sanctuary. -

No person, other than,-(a)any public servant on duty;(b)any person who ordinarily resides within the limits of a sanctuary;(c)any person who has any rights over immovable property within the limits of a sanctuary;(d)any person passing through a sanctuary along a public highway;(e)the dependents and servants of the above persons;shall enter or reside in a Game Sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 29.

29. Permit to enter or reside in a Game Sanctuary. -

(1)The Wild Life Preservation Officer may issue to any person on application a permit to enter or reside in a Game Sanctuary for any of the following purposes, namely:-(a)Investigation or study of wild life and purposes incidental thereto;(b)Photography;(c)Scientific research;(d)To transact lawful business with any person residing in the sanctuary.(2)A permit to enter or reside in the sanctuary shall be issued, subject to such conditions as the Wild Life Preservation Officer may deem fit to impose or as may be prescribed and such conditions shall be endorsed on the permit.

30. Hunting in Game Sanctuary without permit prohibited. -

(1)No person shall hunt any animal or bird in a Game Sanctuary, provided that the Wild Life Preservation Officer may in any special case where he is satisfied that it is necessary that animals or birds should be hunted for the better preservation of other animal life, or for other good and sufficient reasons, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorized by him.(2)A permit issued under sub-section (1) shall specify the number and kind of animal or bird that may be hunted by the holder of such permit.

31. Refusal or cancellation of permit. -

(1)The Wild Life Preservation Officer may, for good and sufficient reason, refuse to issue any permit or may cancel any permit granted under this Chapter.(2)Any person aggrieved by the refusal or cancellation of a permit under subsection (1) may within fifteen days appeal to the State Government, whose decision shall be final.

32. Causing fire prohibited. -

No person shall set fire to a Game Sanctuary or kindle or leave any fire burning in such manner as to endanger such sanctuary.

Chapter V

Trophies and Pet Animals and Birds

33. Dealings in trophy and pets without licence prohibited. -

No person shall carry on the business of trophy dealer or dealer in pets, except under and in accordance with the trophy dealer's licence or pets dealer's licence granted under the provisions of this Chapter.

34. Trophy and pets dealer's licences. -

A trophy dealer's or pet and other animal dealer's licence may be issued by the Wild Life Preservation Officer or by any other Officer authorized by the State Government in this behalf on application and payment of such fees as may be prescribed, and shall entitle the holder to carry on the business of a trophy dealer or dealer in pets upon the premises and conditions specified in the licence. Every such licence shall be valid for one year from the date of issue, unless duly suspended or cancelled before that period.

35. Records and returns to be made by trophy and pets dealers. -

A trophy dealer or dealer in pets shall keep such records and submit such returns of his dealings to the Wild Life Preservation Officer as may be prescribed.

36. Certificate of ownership. -

The Wild Life Preservation Officer may for the purposes of section 37 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy.

37. Export and sale of trophies regulated. -

No person shall export or transfer by gift, sale or otherwise, to any person any trophy unless he is in possession of a certificate of ownership therefor, and such certificate shall be delivered or sent by post to the transferee at the time of export or transfer. Explanation. - For the purposes of this section, "export" means to take out of the [State of Maharashtra] otherwise than across a customs frontier.

38. Government trophies. -

Any game found dead or killed without a licence in defence of life or property or by mistake or any game or trophy in respect of which a breach of the provisions of this Act has been committed, shall be a Government trophy and the property of the State Government.[Explanation. - In this section, "game" includes the female and the young of any animal or bird specified in Schedule II, III or IV.]

39. Possession of Government trophy to be reported. -

Any person who by any means obtains possession of a Government trophy shall within 48 hours make a report thereof to the nearest Game, Police or Forest Officer and shall, if so required, hand over the trophy to him.

40. Unlawful possession and dealings in Government trophies. -

(1)No person shall without the permission of any of the Officers referred to in section 39 keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorised by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.(2)In any prosecution for contravention of the provisions of sub-section (1), it shall, until the contrary is proved and the burden of proving which shall lie on the accused, be presumed that the person in whose possession the Government trophy was found was in unlawful possession thereof.

41. Production of ivory or horn before Wild Life Preservation Officer. -

Every person who kills an elephant or a bison shall produce its ivory or horn before the Wild Life Preservation Officer or any other Officer authorised by the State Government in this behalf within one month of the killing thereof, or within such further time as may be allowed by him in any special case, together with the game licence under which it was killed.

42. Registration of ivory or horn and identification marks. -

The officer to whom the ivory or horn is produced under the provisions of section 41, if satisfied, after such inquiry as he may consider necessary, that the ivory or horn has been lawfully obtained, shall cause it to be weighed, marked, and registered in the prescribed manner and shall return it to the person producing it together with a certificate of ownership in the prescribed form.

43. No ivory or horn to be transferred without a certificate of ownership. -

No person shall in any manner transfer any such ivory or horn without the certificate of ownership obtained from the Wild Life Preservation Officer or the authorized Officer, as the case may be.

Chapter VI

Prevention and Detection of Offences and Penalties

44. Power of entry, search, arrest and detention. -

(1) The Wild Life Preservation Officer or any other Game Officer empowered by him or any Forest or Police Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act, - (a) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any licence, permit or other document issued to him or required to be kept by him under the provisions of this Act; (b) enter and search any premises, land, vehicle or boat, in the occupation of such person and open and search any baggage or other things in his possession; (c) seize any animal, bird, meat or trophy in the possession of any person and appearing to him to be the property of the State Government [together with any vehicle, weapon, trap or tools used for committing any such offence], and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, without warrant arrest and detain him.

44.

-A. Power to release property. - [(1A) Any officer, of a rank not inferior to that of an Assistant Game Warden, who, or whose subordinate has seized any vehicle, weapon, trap or tools, under clause (c) of sub-section (1), may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.] (2) It shall be lawful for any of the Officers referred to in sub-section (1) to stop and detain any person whom he sees doing any act for which a licence or permit is required under the provisions of this Act for the purposes of requiring such person to produce his licence or permit and if such person fails to produce his licence or permit, as the case may be, he may be arrested without a warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him. (3) Any person detained, or things seized under the foregoing powers, shall forthwith be taken before a Magistrate to be dealt with according to law. (4) Any person who, without reasonable cause, fails to produce anything which under the powers conferred by this section he is required to produce, shall be guilty of an offence against this Act.

45. Penalties. -

(1) Any person who contravenes any of the provisions of this Act or of any rules made thereunder or who commits a breach of any of the conditions of any licence or permit shall be guilty of an offence against this Act, and shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 500 or with both. (2) When any person is convicted of an offence against this Act, the Court trying the offence may order that any animal, meat or trophy in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the State Government, and that any licence or permit

held by such person under the provisions of this Act, be cancelled.(3)Such cancellation of licence or permit shall be in addition to any other punishment awarded for the offence.[45A. Punishment for wrongful seizure. -Any person exercising powers under this Act who vexatiously and unnecessarily seizes the property of any person on the pretence of seizing it for the reasons mentioned in section 44 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.][45B. Power to compound offences. -(1)The State Government may, by notification in the Official Gazette, empower the Wild Life Preservation Officer, or any officer not below the rank of Conservator of Forests,-(a)to accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, by way of composition of the offence, payment of a sum of money, not exceeding one thousand rupees if the offence is in respect of a special big game and not exceeding five hundred rupees in the case of any other offence, or at the discretion of such officer, an undertaking in writing from such person to pay like sum within a specified period;(b)when any property has been seized under section 44, to release the same on payment of the value thereof as estimated by such officer, or at the discretion of such officer on accepting an undertaking in writing from the person concerned to pay the estimated value within a specified period.(2)On payment of such sum of money or such value or both to such officer, or on acceptance of such undertaking or undertakings by such officer, as the case may be, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings in respect of the offence shall be taken against such person:Provided that, any sum payable under such undertaking, if not paid when due, shall be recoverable as an arrear of land revenue.]

46. When Court to take cognizance of offence. -

No court shall take cognizance of any offence against this Act,-(1)except on the complaint or report of the Wild Life Preservation Officer or any Officer authorised by him or of any Forest, or Police Officer or of any other Officer authorised by the State Government in this behalf; and(2)unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

47. Operation of other laws not barred. -

Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or commission which constitutes an offence under this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act:Provided that no person shall be punished twice for the same offence.

Chapter VII

Miscellaneous

48. Power to make rules. -

[(1) The State Government may, by notification in the Official Gazette make rules for carrying out the purposes of this Act.](2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following matters, namely:-(a) the forms to be used for any application, licence, permit, registration, declaration, certificate, return or other documents, granted, issued, made or submitted under the provisions of this Act and the fees, if any, therefor;(b) the conditions subject to which any licence or permit may be granted under this Act;(c) the particulars of the record of game killed or captured to be kept and submitted by any licensee;(d) controlling settlements in game sanctuaries with a view to preventing disturbance to the natural fauna;(e) regulating the sale of pet and other animals and trophy derived from the wild animal and birds;(f) manner of registration of ivory or horn of elephant or bison brought for such registration;(g) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.(3) The power to make rules under this section shall be exercised subject to the condition of previous publication.[(4) All rules made under this section shall be laid before each House of the State Legislature as soon as possible after they are made, and shall be subject to such modifications as the State Legislature may make, during the session in which they are so laid or the session immediately following and publish in the Official Gazette.]

49. Power to amend Schedules. -

For the purpose of preserving or protecting the rare species of wild animals and wild birds, protecting such animals and birds during the breeding season and for any similar purpose, the State Government may, by notification in the Official Gazette, add to or alter any of the Schedules and any such addition or alteration shall have effect as if it had been made by this Act.

50. Defence of life and property. -

Subject to the provisions of sections 38 to 40 (both inclusive), nothing in this Act shall prohibit,-(1) the killing or capturing of any wild animal or wild bird by the occupier of any land in defence of the standing crop or cattle on the land;(2) the killing or capturing in good faith of any wild animal or wild bird in defence of himself or of any other person; Provided that nothing in this section shall exonerate any person who, when such defence became necessary, was hunting any game or committing any contravention of this Act.

51. Games officers to be public servants. -

All Game Officers and other Officers exercising any of the powers conferred by this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

52. Protection to persons acting in good faith. -

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

53. Power to exempt. -

The State Government may, by notification in the Official Gazette, exempt any person by name or in virtue of his office or any class of persons from all or any of the provisions of this Act.[53A. Power to amend Schedules. -The State Government may, by notification in the Official Gazette, add to, omit or alter any entry in Schedule I, II, III or IV, subject to such conditions (if any) as may be specified in such notification; and on the issue of such notification such Schedule shall be deemed to be amended accordingly, but without prejudice to anything done or omitted to be done before the amendment of such Schedule.][54. Repeal.] -The Wild Birds and Animals Protection Act, 1912, in its application to the [pre-Reorganisation State of Bombay,] is hereby repealed:Provided that any licence granted under the said Act and in force on the date of commencement of this Act shall continue to be in force and be deemed to have been granted under section 13 of this Act.[55. Further repeals and savings. -On the commencement of the Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Act, 1960, the following laws, that is to say:-(a)the Central Provinces and Berar Game Act, 1935,(b)the Wild Birds and Animals Protection Act, 1912, in its application to the Vidrabha area of the State of Maharashtra, and(c)the Game Regulation 1354 Fasli,shall stand repealed:Provided that, such repeal shall not-(i)affect the previous operation of any law so repealed or anything duly done or suffered thereunder;(ii)affect any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed;(iii)affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or(iv)affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;and any such investigation, legal proceedings or remedy may be instituted continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid laws had not been repealed:Provided further that, subject to the preceding proviso, anything done or action taken (including any notifications, orders, certificates, notices or receipts issued, applications made, permissions or licences granted, suspension or revocation of licences effected, and exemptions given) under any such law shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have done or taken under the corresponding provisions of this Act, and shall continue in force accordingly, unless and until superseded by anything done or any action taken under this Act.][Schedule I][See sections 2(n) and 53A](Vermin)1. Mongoose.2. Civet Cat.3. Wild cat (excluding tiger, lion, panther and cheetah).4. Wild dog.5. Rodents except hare, giant squirrel and flying squirrel).6. Jackal.7. Monkey.8. Bat.9. Crow.[* * * * *][Schedule II][See section 2(c) and (I) and section 53A](Small Game)

1. Spot-bill duck.2. Nukta.3. Whistling teal (large and small).4. Cotton teal.5. Duck, goose and swan (all kinds other than those mentioned above and pinkheaded duck).6. Water birds (excluding storks, egrets and herons).7. Crane (excluding sarus).8. Bustard [(including Great Indian Bustard)].9.

Sand-grouse (all species).10. Spur fowl.11. Jungle fowl.[* * * *]13. Partridge (grey and painted).14. Quail (all species).15. Pigeon and dove (all species)[* * *]17. Hare (all species).18. Hyaena.19. Wolf.20. Wild pig.21. Chinkara (male only).22. Barking deer.[23. Parakeet.24. Birds of prey.]

[Schedule III][See section 2(b) and (c) and section 53A](Big Game)

1. Nilgai.2. Black-buck (male only with horns over [30 centimetres].)3. Four-horned antelope.4. Sambar (male only with hard horns over [75 centimetres].)5. Cheetal (male only with hard horns over [50 centimetres].)6. Panther.7. Tiger.8. Sloth bear.9. Crocodile.

[Schedule IV][See section 2(b) and (c) and section 53A](Special Big Game)

1. Bison "Male only, if horn measurements reach at least one of the following limits:-

(a)a span of [83 centimetres] between the outer edges of the horns at their widest spread;(b)a girth of [45 centimetres] at the base of the horns.

2. Elephant.3. Wild buffalo.

NotificationsG. N., A. & F. D., No. 5991-j, dated 7th April, 1953 (B. G., Part IV-B, page 717) - In exercise of the powers conferred by section 1(3) of the Bombay Wild Animals and Wile Birds Protection Act, 1951, Government is pleased to direct that the said Act and the rules framed thereunder, published in Part IV-B of the Bombay Government Gazette, dated the 24th July, 1951 and 26th June, 1952, respectively, shall come into force in the whole State of Bombay with effect from the 1st May, 1953.G. N., A. & F. D., No. WLP. 1056/12412-E, dated 25th May, 1961 (M. G., Part IV-B, page 487) - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Wild Animals and Wild Birds Protection (Extension and Amendment) Act, 1960 (Maharashtra XI of 1961), the Government of Maharashtra hereby appoints the 1st day of June, 1961 to be the date on which the said Act shall come into force.G. N., R. & F. D., No. WLP. 1668/140092-Y, dated 28th March, 1970 (M. G., Part IV-B, page 599) - In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Wild Animals and Wild Birds Protection (Amendment) Act, 1960 (Maharashtra III of 1970), the Government of Maharashtra hereby appoints the 1st day of April, 1970 to be the date on which the said Act shall come into force.G. N., A. & F. D., No. WLP. 1658/104807-E(II), dated 20th October, 1958 (M. G., Part IV-B, page 1299) - In exercise of the powers conferred by clause (b) of sub-section (1) of section 4 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (XXIV of 1951), the Government of Maharashtra hereby appoints the Chief Agricultural Officer, Aarey Milk Colony to be a Game Warden for the purposes of the said Act within the jurisdiction of Greater Bombay.G. N., A. & F. D., No. WLP. 1157/17302-E, dated 4th October, 1957 (B. G., Part IV-B, page 1943) - In exercise of the powers conferred by clause (c) of

sub-section (1) of section 4 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay hereby appoints the two Special Duty Range Forest Officers, Mobile Squad, East and West Thana Divisions, in the Nasik Circle to be Assistant Game Wardens for the purposes of the said Act within their respective local jurisdiction. G. N., A. & F. D., No. WLP. 1658/100064-E, dated 3rd June, 1958 (B. G., Part IV-B, page 592) - In exercise of the powers conferred by clause (c) of sub-section (1) of section 4 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (XXIV of 1951), the Government of Bombay hereby appoints (1) the Superintendent, Krishnagiri Upwan, Borivali, (2) the Forester, Borivali, (3) the Assistant Agricultural Officer (Aarey Milk Colony), and (4) the Assistant Agricultural Officer (Pawai) to be Assistant Game Wardens for the purposes of the said Act within the jurisdiction of Greater Bombay. G. N., A. & F. D., No. WLP. 1158/21574-E, dated 29th July, 1958 (B. G., Part IV-B, page 788) - In exercise of the powers conferred by clause (c) of sub-section (1) of section 4 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay hereby appoints the Chief Inspector, Market Department and the Head Inspector, "A" Section of Market Department of the Bombay Municipal Corporation, to be Assistant Game Wardens for the purposes of the said Act for the Crawford Market area in the Bombay City. G. N., R. & F. D., No. WLP. 1667/144124-Y (i), dated 19th December, 1968 (M. G., 1969, Part IV-B, page 1) - In exercise of the powers conferred by section 6 of the Bombay Wild Animals and Wild Birds Protection Act, 1951, as amended by the Bombay Wild Animals and Wild Birds Protection (Amendment) Act, 1963, Government is pleased to appoint the Deputy Minister for Forests as the Vice-Chairman of the State Wild Life Advisory Board reconstituted under Government Notification, Revenue and Forests Department, No. WLP. 1667/144124-Y, dated the 27th June, 1968. Amended by G. N., A & F. D., No. WLP. 1061/7965 (II)-E, dated 26th July, 1962 (M. G., Part IV-B, page 2599) Amended by G. N., R. & F. D., No. WLP 1064/130422-Y, dated 8th July, 1965 (M. G., Part IV B, page 1373) G. N., A. & F. D., No. WLP. 1061/7965-II-E, dated 26th March, 1962 (M. G., Part IV-B, page 586) - In exercise of the powers conferred by section 10, subsection (1) of section 11, sub-section (2) of section 12, section 41 and section 45-B of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), and in supersession of any orders in force under those sections in any part of the State, the Government of Maharashtra hereby authorises the officers specified in column I of the Schedule hereto, for the purposes of sections specified in column 2 thereof. **Schedule**

Officers	Sections
1	2
1. (a) The Commissioner of Police, Greater Bombay, (b) The District Magistrate (c) The Sub-Divisional Magistrate and, (d) The Conservator of Forests, and	(1) Section 10.
2. (a) The Territorial conservator of Forests, and (b) The Conservator of Forests, Head-quarters.	Section 11(1) in so far as it (2) relates to an application for any kind of game Licence. (2-A) Section 11(1) in so far as it relates to an application for –

- | | |
|--|---|
| | (a) Small Game Licence,
(b) Big Game Licence,
(c) Pet Animals (Possession) Licence.] |
| 3. (a) The Divisional Forest officer
(b) [The Sub-Divisional Forest Officer, in charge of an independent Sub-Divisions.]

[****] | (3) Section 11(a) so far as it relates to an application for –
(a) Small Game Licence,
[(aa) Big Game Licence,
(b) Pet Animals (Possession) Licence.]
(3-A) Section 141(1) in so far as it relates to an application for –
(a) Small Game Licence,
(b) Pet Animals (Possession) Licence.] |
| [3-A. The Deputy Collector appointed as Game Warden. | |
| 4. (a) The Territorial Conservator of Forests,
(b) The Divisional Forest Officer,
[(c) The Sub-Divisional Forest officer in charge of an independent Sub-Division.]
(d) The Deputy Collector appointed as Game Warden, and
(e) The Commissioner of Police, Greater Bombay. | (4) Section 12(2). |
| 5. (a) The Territorial Conservator of Forests,
(b) The Divisional Forest Officer,
[(c) The Sub-Divisional Forest officer in charge of an independent Sub-Division.]
(d) The Deputy Collector appointed as Game Warden, and
(e) The Commissioner of Police, Greater Bombay. | (5) Section 41. |
| 6. (a) The Wild Life Preservation Officer.
(b) The Territorial Conservator of Forests, and
(c) The Conservator of Forests, Head-quarters. | (6) Section 45-B |

G. N., A. & F. D., No. 8358, dated 2nd May, 1953 (B. G., Part IV-B, page 854) - In exercise of the powers conferred by section 16 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 Government is Pleased to declare that the period specified in column 2 of the Schedule hereto appended shall be the close-time for the kinds of wild birds and wild animals specified in column 1 thereof, in the State of Bombay.**Schedule**

Wild birds and wild animals	Close-time
1	2

(i) All wild birds and wild animals listed in Schedule II to the Bombay Wild Animals and Wild Birds Protection Act, 1951, except the following wild birds: } 1st April to 30th September.
 –(a) Bustard (including Great Indian Bustard). (b) Pink-headed duck.

(ii) (a) Black Panther (b) Cheetah (c) Indian Lion (d) Indian Wild Ass (e) Brow-antlered Deer (f) Pigmy Hog (g) Bustard (including Great Indian Bustard.) (h) Pink-headed duck (i) Pea-fowl (j) White-winged Wood Duck } The Whole year.

G. N., A. & F. D., No. WLP. 1853/33311-J, dated 2nd November, 1953 (B. G., Part IV-B, page 2243) - In exercise of the powers conferred by section 53 of the Bombay Wild animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay is pleased to exempt from the provisions of section 9 of the said Act all persons who hold a valid licence for hunting and shooting under the Indian Forests Act, 1927 (XVI of 1927), during the currency of such licence. G. N., A. & F. D., No. WLP. 1653-J, dated 11th December, 1953 (B. G., Part IV-B, page 2564) - In exercise of the powers conferred by section 53 of the Bombay Wild Animal and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay is pleased to exempt the class of persons specified in the Schedule appended hereto from the payment of registration fees required to be paid under section 10 of the said Act. **Schedule** Cultivators who belong to the Scheduled Tribes specified as the Scheduled Tribes in part III of the Constitution (Scheduled Tribes) Order, 1950, and who hold licences under the Indian Arms Act, 1878, for the possession of arms for sport or protection or, being exempt from the provisions of that Act, possess any arms. G. N., A. & F. D., No. WLP. 1653/1144-J, dated 12th July, 1954 - In exercise of the powers conferred by section 53 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay is pleased to exempt the Government servants, specified in the Schedule appended hereto, from the provisions of section 10 of the said Act. **Schedule** Forest and Police and such other officers who have been provided with Government arms for the purpose of protection of Government property. G. N., A. & F. D., No. WLP. 1654-F, dated 28th January, 1955 (B. G., Part IV-B, page 635) - In exercise of the powers conferred by section 53 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay hereby exempts the Rulers Of Indian States as defined in clause (22) of article 366 of the Constitution from the provisions of:-(1) section 10 of the said Act so far as they related to the payment of fee for registration; and (2) section 11 of the said Act so far as they relate to the payment of fee for a game licence. G. N., A. & F. D., No. WLP. 1656/139072-E, dated 31st December, 1956 (B. G., Part IV-B, page 21) - In exercise of the powers conferred by section 53 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay hereby exempts the Rulers of Indian States, as defined in clause (22) of article 366 of the constitution from the provisions of sections 9 and 11 of the said Act so far as they relate to the Pet Animals (Possession) Licence. G. N., A. & F. D., No. WLP. 2157/101093 E, dated 19th July, 1957 (B. G., Part IV-B, page 1489) - In exercise of the powers conferred by section 53 of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951), the Government of Bombay hereby exempts the Trustees of the Lord Reay Maharashtra Industrial Museum, Poona, from the payment of the licence fee payable by a trophy dealer under the Provision of section 34 of the said Act. Amended by G. N., R. & F. D., No. WLP. 1666/57616-Y, dated 5th April, 1971 (M. G., Part IV-B, page 483) Amended by G. N., R. & F. D., No. WLP. 1666/57616-X, dated 25th January, 1972 (M. G., Part IV-B, page 283). G. N., R. & F. D., No. WLP. 1666/57616-Y, dated 28th August, 1969 (M. G., Part IV-B, page 1297) - In exercise of the powers conferred by section 53 of the Bombay Wild Animals and Wild Birds Protection Act, 1951

(Bombay XXIV of 1951) and in supersession of Government Notification, Revenue and Forests Department, No. WLP. 1666/57616-Y, dated the 8th August 1968, the Government of Maharashtra hereby exempts-(i)the following persons from the provisions of sub-section (1) of section 11 of the said Act, in so far as they related to payment of fees in respect of licences referred to in clauses (a), (b) and (c) of sub-section (2) of that section, if such persons are during the course of their official duties, required to tour any forest area, namely:-(1)Chief Minister, Ministers, [Ministers of State] and Deputy Ministers of the Government of Maharashtra;(2)Chief Secretary to the Government of Maharashtra;(3)Secretaries to the Government of Maharashtra;(4)Heads of Departments under the Government of Maharashtra;(5)Commissioners of Divisions;(6)Collectors of Districts;(7)District Superintendents of Police;(8)Chief Executive Officers of Zilla Parishads;(9)Gazetted Officers of the Forest Department;(10)Members of the Maharashtra State Wild Life Advisory Board; [*](ii)the Range Forests Officers, from the provisions of sub section (1) of the said section 11 in so far as they relate to payment of fee in respect of licences referred to in clause (a) of subsection (2) of that section.[(iii) persons invited as guests for hunting by the State Government, from the provisions of subsection (1) of section 11 in so far as they relate to payment of fees in respect of licences referred to in clauses (a), (b) and (c) of sub-section (2) of that section.]G. N., R. & F. D., No. WLP. 1069/62945-Y, dated 10th March, 1970 (M. G., Part IV-B, page 560) - In exercise of the powers conferred by section 53A of the Bombay Wild Animals and Wild Birds Protection Act, 1951 (Bombay XXIV of 1951) and of all other powers enabling it in that behalf, the Government of Maharashtra hereby amends Schedule III to the said Act, as following namely:-In the said schedule, after the entry "9. Crocodile" the following shall be added, namely:-"10. India Rock Python".