

CHAPTER III

Hunting of Wild Animals

[(9 Prohibition of Hunting. – No person shall hunt any wild animal specified in Schedule, I, II, III and IV except as provided under section 11 and section 12. ^{1]}

10. [²(Omitted 199)

11. Hunting of Wild animals to be permitted in certain cases.– (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV –

- (a) the Chief Wildlife Warden may, if he is satisfied that any wild animal specified in Sch. I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause animal to be hunted;
- (b) the Chief Wildlife Warden or the authorised officer may, if he is satisfied that any wild animal specified in Sch. II Sch, III or Sch. IV has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted.

(2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence;

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. Grant of permit for special purposes. - Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wildlife Warden, to grant [***³] a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt, subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of, –

- (a) education;
- [⁴(b) scientific research;
- (bb) scientific management;

Explanation:- for the purposes of Cl. (bb), the expression, “scientific management” means

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- (i) translocation of any wild animal to an alternative suitable habitat; or
 - (ii) population management of wildlife, without killing or poisoning or destroying any wild animals].
- [⁵(c) Collection of specimens
- (i) for recognised zoos subject to the permission under section 38-1 or
 - (ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life saving drugs.]

⁶[Provided that no such permit shall be granted:

- (a) in respect of any wild animal specified in Sch.L except with the previous permission of the Central Government, and
- (b) in respect of any other wild animal, except with the previous permission of the State Government.]

[(13) “Suspension or cancellation of licence. - The Chief Wildlife Warden or the authorised officer may, subject to any general or special order of this State Government, for good and sufficient reasons, to be recorded in writing, suspend or cancel any licence granted under this Chapter. (OMITTED 1991)

Provided that no such suspensions or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard”.]

[⁷(14) Omitted 1991]

[⁸(15) Omitted 1991]

[⁹(16) Omitted 1991]*

[¹⁰(17) Omitted 1991]

¹ Sec.9. “Hunting of Wild animals”...
Sec.9(1)“No person shall hunt any wild animal specified in Sch. I” Substituted.
(2) “No person shall hunt any wild animal specified in Sch. II, Sch. III, or Sch. IV, except under, and in accordance with, the conditions specified in a licence granted under sub-section (5).” substituted.
(3) “Any person distilling to obtain a licence referred to in sub-section (2) shall apply, in such form and on payment of such fee, as may be prescribed, to the Chief Wildlife Warden or any other officer authorised by the State Government in this behalf (hereinafter referred to as the authorised officer).”
(4) “An application under sub-section (3) may be made for all or any of the following kinds of licences, namely
(a) Special game hunting licence.
(b) Big game hunting licence.
(c) Small game hunting licence.
(d) Wild animal trapping licence.
Provided that any such licence may be restricted to be hunting or trapping of such animal as may be specified therein.” omitted.
(5) “On receipt of an application under sub-section (3), the Chief Wildlife Warden or the authorised officer may, after making such inquiry as he may think fit with regard to the fitness or otherwise of the applicant to receive the licence, grant or refuse to grant such licence after recording in writing his reason for such grant or refusal; and when the grant of a licence is refused, the fee paid therefor shall be refunded to the applicant. “ omitted.
(6) “A Licence granted under this section shall
(a) be in such form as may be prescribed;
(b) be valid for such period as may be specified therein;

(c) be subject to such items, conditions, and restrictions as may be prescribed; (d) not be transferable.

Omitted by Act 44 of 1991, sec.9.

2 Sec. 10. Maintenance of records of wild animals killed or captured. –(1) The holder of every licence shall maintain a record, containing such particulars as may be prescribed, of the wild animals, other than vermin, killed or captured by him during the currency of the licence.

(2) When any animal specified in Sch. III is killed, wounded, or captured by the holder of a licence, he shall, not later than fifteen days from the date of such killing, wounding, or capture, or before leaving the area specified in the licence, whichever is earlier, intimate in writing to the Chief Wildlife Warden or the authorised officer, the prescribed particulars of such animal killed, wounded, or captured by him”..

(3) The holder of any licence shall, not later than fifteen days from the date of expiry of such licence, surrender the records maintained by him under sub-section (1) and the licence to the Chief Wildlife Warden or the authorised officer, and shall sign a declaration, in the prescribed form, certifying the accuracy of the records maintained by him under sub-section (a).”

omitted by Act of 1991, sec. 10

3 Sec. 12. the words “with the previous permission of the State Government” omitted by Act 23 of 1982, sec.2.

4 Sec. 12(b) substituted by Act 23 of 1982, sec.2.

5 Sec. 12 (c) “collection of specimens for zoological gardens, museums, and similar institutions” substituted by *ibid*.

6 Proviso inserted by Act 23 of 1982, sec.2

7 Sec 14. Omitted by Act 44 of 1991. Sec. 12

“Appeals. - (1) An appeal from an order refusing to grant a licence under sec.9, or an order suspending or cancelling a licence under sec. 13, shall lie

(a) if the order is made by the authorised officer, to the Chief Wildlife Warden, or

(b) If the order is made by the Chief Wildlife Warden, to the State Government.

(2) In the case of an order passed in appeal by the Chief Wildlife Warden 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 preferred within fifteen days from the date of the communication to the applicant of the order appealed against.

*Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.”

8 See 15 Omitted by Act 44 of 1991. Sec. 12

“Hunting of young and female of wild animals. --No person shall, unless specially authorised by a licence, hunt the young of any wild animal, other than vermin, or any female of such animal, or any deer with antlers in velvet.”

9 Sec 16. Omitted by Act 44 of 1991. Sec. 12

Declaration of closed time.– (1) The State Government may, by notification, declare the whole year or any part thereof, to be a closed time throughout the State, or any part thereof, for such wild animal as may be specified in the notification and no hunting of such animal shall be permitted, during the said period, in the area specified in the notification.

(2) The provisions of sub-section (1) shall not apply to vermin unless otherwise specified by the State Government in this behalf [omitted 1991]

^{5*} **Conviction, setting aside of.** –On 5th February, 1954, at about 10 a.m. a rhinoceros was shot dead at village Hahpani. The petitioner along with a few others, who have since been acquitted or discharged, were sent up for trial under sec. 429 of the Indian Penal Code and Sec. 25 (g) of the Assam Forest Regulation. The charge under sec. 25 (g) of the Forest Regulation failed because the occurrence was found to have taken place outside the game sanctuary. The petitioner was, however, convicted by the learned Magistrate under sec.429 of the Indian Penal Code for having shot and killed the rhinoceros with a gun, and that conviction was upheld by the learned Sessions Judge on

appeal. 'Me only evidence against the petitioner was that of one prosecution witness, who saw the petitioner firing at the rhinoceros with a single - barreled nuzzle loading gun, and later the animal was found dead. The evidence of this witness had been believed by the two Courts below who has, therefore, convicted the petitioner. The argument for the defence was that in order for the conviction to be correct, the destruction of property should be established. Where, therefore, no one has any property or right in an animal, the killing of the animal does not come within that meaning of Sec. 425 of the Indian Penal Code. And thus the provision of Sec.429 of the Indian Penal Code will also not be attracted. The learned Sessions Judge appears to have overlooked the effect of Sec. 425 on the interpretation of Sec 429. It was submitted that at any rate an offence had been committed under sec.3 of the Wild Birds and Animals Protection Act, 1912 (8 of 1912), and therefore, the conviction of the petitioner should be altered to one under Sec.4 of the Act and an appropriate sentence imposed on him. But this cannot be done for the obvious reason that there is nothing to show in this case that there was any such notification by the Government declaring that the offence, if any, was committed in a closed season, as prohibited by the law, 'Mat being so, the conviction and sentence of the petitioner must be set aside. - Nabin Chandra Gogoi vs State of Assam, AIR 1961, pp. 18-19.

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Sec. 17 Omitted by Act 44 of 1991. Sec. 12

17. "Restrictions on hunting. -(I) No person shall

- (a) hunt any wild animal, from or by means of, a wheeled or mechanically propelled vehicle on water or land, or by aircraft;
 - (b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal;
 - (c) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisonous, poisoned weapons, snares or traps, except insofar as they relate to the capture or wild animals under a Wild Animal Trapping Licence;
 - (d) hunt any special game or big game other than with a rifle unless specially authorised by the licence to hunt with a shot gun using single-slug bullets;
 - (e) for the purpose of hunting, set fire to any vegetation;
 - (f) use any artificial light for the purpose of hunting except when specially authorised to do so under licence in the case of carnivora over a kill;
 - (h) hunt any wild animal on a salt-lick or waterwheel or other drinking place or on path or approach to the game, except sandgrouse and waterbirds;
 - (i) hunt any wild animal on any land not owned by Government, without the consent of that owner or his agent or the lawful occupant of such land;
 - (j) notwithstanding that he holds a licence for the purpose, hunt any wild animal during the closed time referred to in Sec. 16;
 - (k) hunt, with the help of dogs, any wild animal except waterbird, chakor, partridge, or quail;
- (2) The provisions of sub-section (1) shall not apply to vermin. " [Omitted]