

# The Elephants Preservation Act, 1879 (Act 6 of 1879) (22 March, 1879)

## AN ACT FOR THE PRESERVATION OF WILD ELEPHANTS

Preamble – WHEREAS it is expedient to provide for the preservation of wild elephants, it is hereby enacted as follows-

**1. Short Title-** This Act may be called The <sup>1</sup>[Elephants Preservation Act, 1879.]

2[\*\*\*]

**2. Repeal** – (Repealed by the Repealing and Amending Act, 8 of 1930-Section 3 and Schedule II)

**3. Killing and capture of wild Elephants prohibited-** No person shall kill, injure or capture, or attempt to kill, injure or capture, any wild elephant unless-

- (a) in defence of himself or some other person;
- (b) when such elephant is found injuring houses or cultivation or upon, or in the immediate vicinity of, any main public road or any railway or canal;
- or
- (c) as permitted by a licence granted under this Act.

**4. Rights of Government with respect to certain Elephants and Tusks-**Every wild elephant captured, and the tusks of every wild elephant killed by any person not licensed under this Act, shall be the property of Government.

**5. Licenses to kill and capture of wild Elephants-** The Collector or Deputy Commissioner of any district may, subject to such rules as may, for the time being, be in force under this Act, grant licences to kill or capture wild elephants in such district:

Provided that no such licence shall authorizes any person to enter upon any land without the consent of the power or occupier thereof.

**6. Power of the State Government to declare what are Main Roads and Canals and to make Rules as to Licences-** The State Government may from time to time 3[\*\*\*] declare what shall be deemed to maintain public roads and canals with the meaning of this Act, and make Rules consistent with the Act for regulating-

- (a) the grant and renewal of licence under this Act:
- (b) the fees (if any) in money, tusks of captured elephants to be charged on such grant and renewal;
- (c) the time during which such licences shall continue in force; and
- (d) the conditions (if any) on which they shall be granted.

All such declarations and rules shall be punishable in the Official Gazette and shall there upon have the force of law.

**7. Penalty for Contravening Section 3-** Whoever, in contravention of Section 3 kills, injures or captures, or attempts to kill. Injure or capture. Any wild elephant, shall be punished with fine. Which may extend to five hundred rupees for each elephant concerned, and whoever breaks any condition contained in a licence granted under this Act shall be punished with fine which may extend to five hundred rupees.

Any person convicted of a second offence under this section shall be punished with imprisonment which may extend to six months of with fine or with both.

When any person holding a licence under this Act is convicted under this section, such licence shall become void and shall be delivered up to the convicting Magistrate.

**8. Licence to be produced and shown on Requisition of certain Officers-** Any Officer of Revenue or police, or any Forest Officer who may find any person killing, injuring or capturing, or attempting to kill, injure or capture any wild elephant, except in the cases mentioned in Section 3, Clauses (a) and (b), may require him to produce and show a licence granted to him under this Act.

Any person who, on such request, willfully refuses or is unable to produce and show such licence as aforesaid shall, in addition to any other punishment to which he may be liable under this Act, be punished with fine which may extend to one hundred rupees.

**9. Limitation of Prosecution-**Every prosecution under this Act shall be commenced within six months from the commission of the offence in respect of which it is instituted.

**10. Recovery of Fees** – The amount of value, if any, payable under any licence granted under this Act may be recovered from the licence as if it were an arrear of land revenue.