



THE ELEPHANTS' PRESERVATION ACT, 1879



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THE ELEPHANTS' PRESERVATION ACT, 1879

¹ACT No. VI OF 1879

[22nd 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 Elephants' Preservation Act, 1879.

¹For the Statement of Objects and Reasons, see Gazette of India, 1878, Pt. V, p.199 ; for the Preliminary Report of the Select Committee, see *ibid.*, Pt., V, p.387 ; for discussions in Council, See *ibid.*, 1878, Supplement, p. 1103, 1855 ; and *ibid.*, 1879, Supplement, pp. 348-350.

The Act has been repealed in its application to the Province of Punjab by Punjab Ordinance XXI of 1972, s. 42 with effect from the 25th October, 1972 which was temporarily enacted by the Punjab Act, VI of 1973 and on the expiry of the Ordinance as so enacted by Punjab Act 2 of 1974, s. 48.

This Act has been repealed to the extent of Islamabad Capital Territory, See Ordinance No. 27 of 1981 s. 4 and 3rd Sch.

Local extent.¹[It may be extended to any local area by the Provincial Government through notification in the official Gazette.]

Commencement. So far as regards the power to make declarations and rules, it shall come into force on the passing thereof. In other respects it shall come into force on the first day of April, 1879.

2. [Repeal.] Rep. by the Repealing and Amending Act, 1930 (VIII of 1930), s. 3 and Sch. 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 license granted under this Act.

²[**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. License to kill and capture 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 licenses to kill, or to capture, or to kill and capture, wild elephants in such district:

Provided that no such license shall authorize any person to enter upon any land without the consent of the owner or occupier thereof.

³**6. Power of Provincial Government to declare what are main roads and canals, and to make rules as to licenses.** The ⁴[Provincial Government] may from time to time, ⁵* * * declare what shall be deemed to be main public roads and canals within the meaning of this Act, and make rules consistent with this Act for regulating-

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

All such declarations and rules shall be published in the ⁶[official Gazette] and shall thereupon have the force of law.

¹ Subs. by A.O., 1949, Sch., for the original paragraph, as amended by A.O., 1937 and the Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

²Subs. by the Elephants' Preservation Act (1879) Amdt. Act, 1883 (2 of 1883), for the original section.

³For rules under this section, see different local R. and O.

⁴ Subs. by A. O., 1937, for "L.G."

⁵ The words "subject to the control of the Governor General in Council" rep. by Act 38 of 1920, s. 2 and Sch. I.

⁶Subs. by A. O., 1937, for "local official Gazette".

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 license 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, or with fine, or with both.

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

8. License 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 license granted to him under this Act.

Any person who, on such request, wilfully refuses or is unable to produce and show such license 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 or value of any fee payable under any license granted under this Act may be recovered from the licensee as if it were an arrear of land-revenue.
