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¹(TAMIL NADU) ACT No. I OF 1873².

[THE ¹(TAMIL NADU) WILD ELEPHANTS
PRESERVATION ACT, 1873.]

(Received the assent of the Governor on the 21st April
1873, and of the Governor-General on the 15th
May 1873.)

An Act to prevent the indiscriminate destruction of
wild elephants.

WHEREAS it is expedient to make provision to Preamble.
prevent the indiscriminate destruction of wild ele-
phants within the ³[State of Tamil Nadu]; It is hereby
enacted as follows :—

1. This Act extends to the ⁴[State of Tamil Nadu]; Local extent.
and it shall come into force on the first day of October Commencement.
1873.

2. From and after the said day the destruction Destruction of
of wild elephants is prohibited, except as hereinafter wild elephants
provided. prohibited.

¹ These words were substituted for the word " Madras " by
the Tamil Nadu Adaptation of Laws Order, 1969 as amended
by the Tamil Nadu Adaptation of Laws (Second Amendment)
Order, 1969, which came into force on the 14th January 1969.

² Short title, " The Madras Wild Elephants Preservation
Act, 1873 " was given by the Repealing and Amending Act, 1901
(Central Act XI of 1901).

For Statement of Objects and Reasons, see *Fort St. George
Gazette*, Supplement, dated the 25th February 1873, p. 4; for Proceed-
ings in Council, see *ibid*, 25th February 1873, p. 2, and *ibid*, dated
the 22nd April 1873, p. 5.

This Act was extended to the merged State of Pudukkottai
by section 3 of, and the First Schedule to, the Tamil Nadu Merged
States (Laws) Act, 1949 (Tamil Nadu Act XXXV of 1949).

This Act was extended to the Kanyakumari district and the
Shencottah taluk of the Tirunelveli district by section 5 of the
Tamil Nadu Forest (Amendment) Act, 1965 (Tamil Nadu Act 40
of 1965), which came into force on the 1st June 1966, repealing
the corresponding law in that territory.

³ This expression was substituted for the expression " Presi-
dency of Madras " by the Tamil Nadu Adaptation of Laws Order,
1970, which was deemed to have come into force on the 14th January
1969.

⁴ This expression was substituted for the expression " terri-
tories for the time being subject to the Government of the Presi-
dency Fort of St. George " by *ibid*.

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Penalty for
destroying fe-
male elephants.

3. ¹[Whoever, not being authorized thereto by a licence granted under the provisions of section 3-A shoots at or intentionally destroys and whoever abets within the meaning of the Indian Penal Code, any person not authorized as aforesaid in shooting at ^{Central Act XLV of 1860.} or destroying] any wild female elephant upon waste or forest land, whether such land be the property ²[of the Government] or otherwise, shall be liable to a penalty not exceeding five hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding three months.

Penalty on
second
conviction.

Any person convicted under this Act of an offence committed after his previous conviction under this Act shall be liable to a penalty not exceeding one thousand rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

Licence to shoot
female ele-
phants.

³3-A. The District Collector, ⁴() may, subject to such rules as may from time to time be made by the ⁵[State Government] on the application of any person, grant to such person by name a special licence to shoot or destroy wild female elephants upon waste or forest lands in a specified area situated within the district

¹ The words within square brackets were substituted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

² The words " of the Crown " were substituted for the words " of Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

³ Section 3-A was inserted by section 3 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

⁴ The words, " if specially authorized by the Board of Revenue, " were omitted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1951 (Madras Act X of 1951).

⁵ The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

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whether such lands be the property ¹[of the Government] or otherwise subject to such conditions and restrictions ²() as the District Collector may think fit, for a period not exceeding one year from the date of the grant of the licence.

Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector for any period not exceeding one year :

Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted.]

4. Whoever, not being authorized thereto by a Penalty for licence granted under the provisions of section 7, destroying male shoots at or intentionally destroys, ³[and whoever elephant on abets within the meaning of the Indian Penal Code, Government land without any person not authorized as aforesaid in shooting licence. at or destroying] any wild male elephant upon waste or forest land, the property of ⁴[the Government], shall, upon a first or second conviction, be liable to the penalties and periods of imprisonment respectively provided for a first or second conviction in section 3 of this Act.

Central
Act
XLV of
1950.

5. Nothing in this Act shall be deemed to prevent Saving clause as any zamindar or other proprietor or occupier of land, to destruction of or any person duly authorized in that behalf by any male elephants on zamindari or private land, such zamindar, proprietor or occupier, from destroying wild male elephants upon the waste or forest-lands of such zamindar, proprietor or occupier.

¹ The words " of the Crown " were substituted for the words " of Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

² The words " as the Board of Revenue may direct or " were omitted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1951 (Madras Act X of 1951).

³ These words were substituted by section 4 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

⁴ The words " the Crown " were substituted for the words " the Government " by the Adaptation Order of 1937 and the word " Government " was substituted for " Crown " by the Adaptation Order of 1950.

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Saving clause as to destruction of elephants on cultivated lands, etc. 6. Nothing in this Act shall be deemed to prevent any person from shooting at, or destroying, any wild male or female elephant found upon cultivated lands, or upon or in the immediate vicinity of any public road, or to prevent any person from shooting at, or destroying, any male or female elephant in defence of himself or any other person.

Licence to shoot male elephants. 7. The Collector or other officer in charge of a district may, subject to such rules as may from time to time be made by the ¹[State Government], issue a licence to any person authorizing him by name to shoot wild male elephants upon waste or forest-lands, the property of ²[the Government], in such district, for the period of one year from the date of the grant of such licence.

Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector or other officer for a like period :

Proviso.

Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted.

Power to make rules for grant or renewal of licences.

8. The ¹[State Government] may make rules, for regulating the grant or renewal of licences under this Act, and the fees to be charged on such grant or renewal, and may from time to time alter or cancel such rules.

Limitation of prosecution.

9. Every prosecution under this Act shall be commenced within a period of six months from the date of the offence in respect of which it is instituted.

¹The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

²The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.