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 filed as a separate compilation

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
 Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the
 President on the 30th May 1963, is hereby published for general information.

AKBAR S. SARELA,
 Secretary to Government,
 Legal Department.

GUJARAT ACT No. XXXII of 1963

[First published, after having received the assent of the President in the
 "Gujarat Government Gazette" on the 6th June 1963.]

An Act to make adequate provisions for the protection of wild animals
 and birds in the State of Gujarat.

It is hereby enacted in the Fourteenth Year of the Republic of India as
 follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Gujarat Wild Animals and Wild Birds Short title,
extent and
commence-
ment. Protection Act, 1963.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) 'Animal and Bird' include the young animals or birds, 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 authorised 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 49;

(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 of 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 vermin under section 19.

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

Domesticated and other animals and birds in captivity exempted.

CHAPTER II.

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT.

4. (1) The State Government may for the purposes of this Act appoint,—

(a) the Wild Life Preservation Officer for the State of Gujarat;

(b) Game Wardens either honorary or stipendary;

(c) such other officers and servants as may be necessary.

Appointment of Wild Life Preservation Officer, Game Wardens and the game floors.

(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. 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 subordinate to him, subject to such conditions, if any, as may be specified in the order.

Delegation
of powers
by Wild Life
Preserva-
tion Officer.

6. (1) As soon as possible after the coming into force of this Act, the State Government shall constitute an advisory board hereinafter called "the State Wild Life Advisory Board" consisting of the following *ex-officio* and other members nominated by the State Government, namely :—

Constitution
of State
Wild Life
Advisory
Board.

(a) The Minister-in-charge of Forests, Government of Gujarat as the Chairman ;

(b) Two representatives of the Gujarat Legislative Assembly ;

(c) Five non-officials who in the opinion of the State Government are interested in the protection of wild animals and birds ;

(d) One representative of the Gujarat Natural History Society ;

(e) Four officials of 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 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 the receipt of such allowances by the representatives of the Gujarat Legislative Assembly shall not be deemed to make them holders of an office of profit under the State Government.

7. It shall be the duty of the State Wild Life Advisory Board to advise the State Government—

Duties of
State Wild
Life Advi-
sory Board.

(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 49; 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.

Procedure of State Wild Life Advisory Board.

8. (1) The State Wild Life Advisory Board shall meet at least twice a year at such place as the State Government may direct.

(2) The procedure (including the quorum) of the Board shall be such as the Board may, by by-laws made in this behalf, determine.

CHAPTER III.

HUNTING OF ANIMALS AND BIRDS.

A.—Licences.

Hunting of wild animals and birds without licence prohibited.

9. 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 vermin.

Registration of certain persons in possession of arms.

10. 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, 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. 64 of 1959.

Procedure for licence.

11. (1) Any person desiring to obtain a game licence shall apply to the Wild Life Preservation Officer or any other officer authorised 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.

(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 without assigning any reasons. 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 as may be prescribed.

12. (1) The holder of every game licence of the kind specified in clause (a), (b), (c) or (e) 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. Record of game hunted to be kept and submitted.

(2) When any game is killed or captured by the holder of such licence, he shall not later than fifteen days of the killing or capture of the game or before leaving the State whichever is earlier, intimate in writing to the Wild Life Preservation Officer or to any other officer authorized by the State Government in this behalf the prescribed particulars of the animal or bird 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. Notwithstanding anything contained in this Act, it shall be lawful for the Wild Life Preservation Officer, 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 therein for any of the following purposes, namely :— Issue of licence for special purposes.

(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.

14. 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 for reasons to be recorded by him suspend or cancel any licence granted under this Chapter. Suspension or cancellation of licence.

15. (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 section 14, shall lie,— Appeals.

(a) if the order is made by the officer authorised under sub-section (1) of section 11 or under 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) An appeal under this section shall be filed within thirty days from the date of the communication of the order appealed against :

Provided that, the appellate authority may admit any appeal preferred after the expiry of the said period if the appellant satisfies it that he had sufficient cause for not preferring the appeal within time.

B.—General.

Hunting of young and female with young prohibited.

16. (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.

(2) Nothing contained in sub-section (1) shall apply to the hunting of vermin.

Closed time.

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

Unlawful methods of hunting.

18. (1) No person shall hunt any game from or by means of a wheeled or a mechanically propelled vehicle on water or land or by air craft.

(2) No person shall use a motor car, motor launch or air-craft, 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 of 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, by sitting over a kill in the case of carnivora.

(7) No person shall hunt any game on a salt-lick or water hole or other drinking place or on a path and approach to one, except for 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 during the closed time.

(10) Nothing in the foregoing provisions of this section shall apply to shooting duck with the use of an out-board motor or to killing animals and birds which have become a source of serious menace to human life or property.

19. The State Government may, by notification in the *Official Gazette*, declare any kind of wild animal or wild bird not included in Schedule I, to be vermin in any specified area.

Declaration of animals and birds as vermin.

CHAPTER IV.

GAME SANCTUARIES.

20. The State Government may, by notification in the *Official Gazette*, declare any area to be a game sanctuary, in the manner hereafter appearing.

Power to declare any area to be game sanctuary.

21. 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*,

Notification regarding declaration of game sanctuary.

(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 them 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.

22. After the issue of a notification under section 21, no right shall be acquired in or over the land comprised in such notification, except by succession.

Bar of accrual of any rights in land comprised in game sanctuary.

23. When a notification has been issued under section 21, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

Proclamation by Collector.

(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 21 or section 22 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.

Inquiry by Collector. 24. The Collector shall record in writing all statements made under section 23 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 21 or 22 and not claimed under section 23 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.

Extinction of rights. 25. Rights in respect of which no claim has been preferred under section 23 and of the existence of which no knowledge has been acquired by inquiry under section 24, shall be extinguished.

Power to acquire land over which right is claimed. 26. 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. I of 1894.

Acquisition proceedings.

27. For the purpose of acquiring such land,—

(1) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894; I of 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.

Power of Collector to be exercised by other officers. 28. 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 21 to 27 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

29. 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 dependants and servants of the above persons.

Restriction on entry into game sanctuary.

shall enter or reside in a game sanctuary, except under a permit and in accordance with the conditions of the permit granted under section 30.

30. (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 :—

Permit to enter or reside in game sanctuary.

- (a) investigation or study of wild life and purposes incidental thereto;
- (b) photography;
- (c) scientific research;
- (d) transaction of 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.

31. (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 reason, issue a permit authorising any person, to hunt such animals or birds under the direction of an officer authorised by him.

Hunting in game sanctuary without permit prohibited.

(2) A permit issued under sub-section (1) shall specify the number and kinds of animals or birds that may be hunted by the holder of such permit.

32. (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.

Refusal or cancellation of permit.

(2) Any person aggrieved by the refusal or cancellation of a permit under sub-section (1) may within fifteen days appeal to the State Government, whose decision shall be final.

33. No person shall set fire to a game sanctuary or kindle a fire or leave one burning in such manner as to endanger such sanctuary.

Causing fire prohibited.

CHAPTER V.

TROPHIES AND PET ANIMALS AND BIRDS.

Dealings in trophies and pets without licence prohibited.

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

Trophy and pets dealer's licences.

35. 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 subject to the conditions specified in the licence. Every such licence shall be valid for three years from the date of issue, unless duly suspended or cancelled before that period.

Suspension or cancellation of licence.

36. The Wild Life Preservation Officer or any other officer authorised by the State Government in this behalf, may, subject to any general or special order of the State Government without giving any previous notice but for reasons to be recorded by him, suspend or cancel any licence issued under section 35.

Appeals.

37. (1) An appeal from an order refusing to issue a licence under section 35 or an order suspending or cancelling a licence under section 36 shall lie,—

(a) if the order is made by the officer authorised under section 35 or under section 36 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) An appeal under this section shall be filed within thirty days from the date of the communication of the order appealed against:

Provided that, the appellate authority may admit any appeal preferred after the expiry of the said period if the appellant satisfies it that he had sufficient cause for not preferring the appeal within time.

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

38. 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.

Certificate of ownership.

39. The Wild Life Preservation Officer may for the purposes of section 38 issue a certificate of ownership to any person who in his opinion is in lawful possession of a trophy or game.

40. No person shall export or transfer by gift, sale or otherwise, to any person any trophy or game 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.

Export and sale of trophies regulated.

Explanation.—For the purposes of this section, “export” means to take out of the State of Gujarat otherwise than across a customs frontier.

41. Any game found dead or killed without a licence in defence of life or property or by mistake and 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.

Government trophies.

Explanation.—In this section, “game” includes the female and the young of any animal or bird specified in Schedule II, III or IV.

42. 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.

Possession of Government trophy to be reported.

43. (1) No person shall without the permission of any of the Officers referred to in section 42, keep in his possession any Government trophy or without the permission of the Wild Life Preservation Officer or any other Officer authorized by the State Government in this behalf transfer, by gift, sale or otherwise, any Government trophy to any person.

Unlawful possession of and dealing in, Government trophies.

(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.

CHAPTER VI.

PREVENTION AND DETECTION OF OFFENCES AND PENALTIES.

44. (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,—

Power of entry, search, arrest, detention and seizure.

(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 documents 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.

(2) 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.

(3) 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.

(4) Any person detained or things seized under the foregoing powers shall forthwith be taken before a Magistrate to be dealt with according to law.

(5) 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.

Penalties.

45. (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, 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, bird, meat or trophy in respect of which, 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 such offence.

(4) Where any person is convicted of an offence against this Act and the Court trying the offence inflicts a punishment of fine, with or without imprisonment, on such person, the Court may direct any portion not exceeding one half of the amount of fine that may be recovered to be paid as a reward to any person who may have given information of the commission of such offence.

Power to compound offences.

46. (1) The State Government, may, by notification in the *Official Gazette* empower the Wild Life Preservation Officer or any officer of a rank not inferior to that of a Deputy Conservator of Forests,—

(a) to accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act payment of a sum of money or, at his discretion, an undertaking in writing to pay a sum of money, by way of composition for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on the payment of, or at his discretion, on acceptance of an undertaking in writing to pay, the value thereof as named by such officer.

(2) On the payment of, or on acceptance of an undertaking in writing to pay, such sum of money, or such named value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released and no further proceedings shall be taken against such person or property.

(3) The sum of money accepted or agreed to be accepted as composition under clause (a) of sub-section (1) shall in no case exceed the sum of five hundred rupees.

(4) The money payable under this section may, if not paid when due, be recovered as an arrear of land revenue.

47. 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 authorized by him or of any Forest or Police Officer or of any other officer authorized by the State Government in this behalf; and

When Court to take cognizance of offence.

(2) unless the prosecution is instituted within six months from the date on which the offence is alleged to have been committed.

48. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission 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 :

Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

CHAPTER VII.

MISCELLANEOUS.

49. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

(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 document, 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 trophies derived from the wild animals and birds;

(f) any other matter which is expressly required or allowed by this Act to be prescribed by rules.

(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 for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature, or to such modification as the State Legislature may make, during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made shall be published in the *Official Gazette*, and shall thereupon take effect.

Power to amend Schedules.

50. 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, a 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.

Defence of life and property.

51. Subject to the provisions of sections 41 to 43 (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 oneself 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.

Game Officers to be public servants.

52. 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.

XLV
of
1860.

Protection to persons acting in good faith.

53. 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.

Power to exempt.

54. 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.

Repeal and savings.

55. On the commencement of this Act, the following laws, that is to say,—

(a) the Bombay Wild Animals and Wild Birds Protection Act, 1951,

Bom.
XXIV
of
1961

Sau.
Act
XXX-
II of
1952.

(b) the Saurashtra Wild Animals and Wild Birds Protection Act, 1952,

VIII
of
1912.

(c) the Wild Birds and Animals Protection Act, 1912 in its application to the Kutch area of the State of Gujarat,

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 notification, order, certificate, notice or receipt issued, application made, permission or licence granted, suspension or revocation of a licence effected, and exemption given) under any such law shall, in so far it is not inconsistent with the provisions of this Act, be deemed to have been 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 Section 2 (n).]

(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.
10. Birds of prey (excluding kestrel, hobby, white-eyed buzzard, red-headed merlin, crested serpent eagle, short toed eagle and black-winged kite.)
11. Parakeet.
12. Crow pheasant.
13. Tree pie.

SCHEDULE II.

[See Section 2 (c) and (d).]

(SMALL GAME)

1. Spot-bill or grey duck.
2. *Nukta* or comb duck.
3. Whistling teal (Large and small).
4. Cotton teal.
5. Duck, goose and swan (all kinds other than those mentioned above and pink-headed duck).
6. Snipe.
7. Wood-Cock.
8. Curlew.
9. Whimbrel.
10. Coot.
11. Florican.
12. Crane (excluding sarus),
13. Bustard (excluding Great Indian Bustard).
14. Sand-grouse (all species).
15. Spur fowl.
16. Jungle fowl.
17. Guinea-fowl.
18. Partridge (all species).
19. Quail (all species).

20. Pigeon and dove (all species).
21. Rosy-pastor or Rose-coloured Starling.
22. Hare (all species).
23. Hyaena.
24. Wolf.
25. *Chinkara* (male only).
26. Barking deer.
27. *Nilgal*.
28. Wild boar.

SCHEDULE III.

[See Section 2 (b) and (c).]

(BIG GAME)

1. Black-buck (male only with horns over 12 inches).
2. Four-horned antelope.
3. Sambar (male only with hard horns over 28 inches).
4. *Cheetal* (male only with hard horns over 25 inches).
5. Panther.
6. Tiger.
7. Sloth bear.
8. Crocodile.
9. Cheetah.
10. Wild Ass.

SCHEDULE IV.

[See Section 2 (b) and (c).]

(SPECIAL BIG GAME)

9. Lion

IV Extra 88 (Lino)

Extra No. 17

REGISTERED No. G/GNR/2

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV

**Acts of the Gujarat Legislature and Ordinances promulgated
and regulations made by the Governor.**

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th May, 2004 is hereby published for general information.

S. S. PARMAR,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 15 OF 2004.

(First published, after having received the assent of the Governor in the "*Gujarat Government Gazette*", on the 26th May, 2004.)

AN ACT

to repeal the Gujarat Wild Animals and Wild Birds Protection Act, 1963.

It is hereby enacted in the Fifty-fifth Year of the Republic of India, as follows:-

1. This Act may be called the Gujarat Wild Animals and Wild Birds Protection (Repeal) Act, 2004. Short title.

Repeal and
savings.

2. (1) The Gujarat Wild Animals and Wild Birds Protection Act, 1963 is hereby repealed. **Guj. XXXII of 1963.**

(2) Notwithstanding such repeal, the provisions of section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Gujarat Wild Animals and Wild Birds Protection Act, 1963 as if the Act had been an enactment within the meaning of the said section 7. **Bom. 1 of 1904
Guj. XXXII of 1963.**
