The Tamil Nadu Wild Elephants Preservation Act, 1873

Act 1 of 1873

Keyword(s):
Wild Elephants, Protection, Wild Female Elephant

1(TAMIL NADU) ACT No. I OF 1873.

[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 prevent the indiscriminate destruction of wild elephants within the [State of Tamil Nadu]; It is hereby enacted as follows:

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

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

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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 Proceedings 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 "Presidency 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 "territories for the time being subject to the Government of the Presidency Fort of St. George" by ibid.
8. 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 or destroying] any wild female elephant upon waste or forest land, whether such land be the property 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.

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.

3-A. The District Collector may, subject to such rules as may from time to time be made by the 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.

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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.
whether such lands be the property of the Government or otherwise subject to such conditions and restrictions 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 licence granted under the provisions of section 7, 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 or destroying any wild male elephant upon waste or forest land, the property of 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.

5. Nothing in this Act shall be deemed to prevent any zamindar or other proprietor or occupier of land, or any person duly authorized in that behalf by any 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 1960.

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 1960.
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.

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 [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 [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:

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

8. The [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.

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.

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1 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.

2 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.