

THE RAJASTHAN WILD ANIMALS & BIRDS
PROTECTION ACT, 1951.
(ACT NO. XII OF 1951)

(Made by His Highness the Rajpramukh on the
26th day of April, 1951.)

An Act to provide for the protection and preservation
of wild animals and birds in Rajasthan.

Whereas it is expedient to provide for the protection
and preservation of wild animals and birds in Rajasthan:

It is hereby enacted as follows :—

1. Short title, extent and commencement :—

- (1) This Act may be called the Rajasthan Wild
Animals and Birds Protection Act, 1951.
- (2) It extends to the whole of Rajasthan.
- (3) It shall come into force on such date as the
Government may, by notification in the
Rajasthan Gazette, appoint.

2. Definition :—

In this Act, unless there is anything repugnant in
the subject or context—

- (i) "Government" means the Government of Rajasthan;
- (ii) "Licence" means a licence issued under or in pursuance of this Act or the rules made thereunder;
- (iii) "Prescribed" means prescribed by rules made under this Act; and
- (iv) "Reserved area" in relation to any class of wild animals or wild birds, means any area in Rajasthan specified under or in pursuance of section 5 to be the area in which the hunting, shooting, netting trapping, snaring, capture or killing of such animal or bird is for the time being prohibited, whether the same be a reserved or protected forest or other area.

3. Application of Act:

The Government may, by notification in the Rajasthan Gazette, from time to time, specify the wild animals and wild birds to which the provisions of this Act shall for the time being apply.

4. Close-time:

- (1) The Government may, by notification in the Rajasthan Gazette, declare the whole year, or any part thereof to be a close-time throughout the whole or any part of Rajasthan for any kind of wild animals or wild birds or for female immature animals or birds of such kind; and, subject to the provisions hereinafter contained; it shall

during such close-time and within the area specified in the notification, be unlawful—

- (a) to hunt or shoot such animal or bird, or
- (b) to net, trap, snare or capture such animal or bird, or
- (c) to kill any such animal or bird which has not been captured before the commencement of such close time, or
- (d) to sell or buy, or offer to sell or buy, or to possess any such animal or bird which has not been captured before the commencement of such close time or
- (e) to sell or buy, or offer to sell or buy, or to possess the flesh of any such animal or bird which has not been killed before the commencement of such close time.

Provided that in all cases in which a person is accused of having sold or exposed for sale any such animal or bird or the flesh thereof it shall be presumed that the animal or bird was netted, trapped, snared, captured or killed as the case may be after the commencement of the close-time unless the contrary is proved.

- (2) If any plumage, hair or skin has been taken away from any animal or bird which has been netted, trapped, snared, captured or killed during the close-time declared under sub-section (1) it shall be unlawful to sell, or buy, or offer to sell or buy or to possess, such plumage, hair or skin.

5. Power to declare reserved area :—

- (1) The Government may, by notification in the Rajasthan Gazette, declare any area in Rajasthan to be a reserved area for the purposes of this Act.
- (2) Throughout every such area, it shall be unlawful to hunt, shoot, net, trap, snare, capture or kill any kind of wild animals or wild birds at any time of the year.

6. Licences :—

Where the Government is of opinion that such course is desirable in the interests of scientific research or for the better protection or preservation of crops or other property, it may grant to any person a licence subject to such restrictions or conditions as it may impose, entitling the holder thereof to do any act which is by this Act declared to be unlawful.

7. Exemptions :—

- (1) Nothing in this Act shall be deemed to apply to the shooting, netting, trapping, snaring, capture or killing of any wild animal or wild bird to which this Act applies for the time being by a person in defence of himself or any other person or in bona fide defence of property.
- (2) The Government may, also by general or special order, exempt, wholly or partly,

provisions of this Act and the rules made thereunder.

8. Penaltion. (1)

Whoever does, or attempts to do, or abets the doing of, any act in contravention of the provisions of this act or of the rules made thereunder, in respect of any wild animal or wild bird, shall be punishable —

- (a) If it be a bird, with simple imprisonment for a term which may extend to fifteen days or with fine which may extend to fifty rupees or with both, or
 - (b) If it be an animal, with simple imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees or with both, or
 - (c) If any such act is committed or is abetted or attempted to be committed, in any reserved area, with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees or with both.
- (2) Whoever commits any of the offences under this section at night, shall be punishable with twice the punishment provided in sub section (1).

9. Enhanced punishment for second or subsequent conviction.

Whoever having been previously convicted of an

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offence under section 8, is again convicted thereunder of a similar or any other offence, shall, on every subsequent conviction, be punishable with imprisonment of either description for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

10. *Confiscation:*—

When any person is convicted of an offence punishable under section 8 or section 9, the convicting Magistrate may, without prejudice to the provisions of these sections also direct that any wild animal or wild bird or the flesh, plumage, hair skin, or any other part thereof, in respect of which such offence has been committed, and any net, trap, snare or other articles used in the commission thereof shall be forfeited to the Government.

11. *Cognizance of offences.*

- (1) No court inferior to that of a Magistrate of the second class shall try any offence under this Act.
- (2) Any police officer or any other officer or class of officers authorised in this behalf by the Govt. may arrest without warrant any person who has committed or is suspected of having committed any offence under this act.
- (3) No court shall give cognizance of any offence under this act except on the complaint in writing of a police officer or any other officer authorised

under sub-section (2) rot below such rank as the Government may prescribe.

Power to make rules :—

- 1) The Government may make rules for the purpose of carrying into effect the provisions of this act.
- 2) All such rules shall be published in the Rajasthan Gazette and upon such publication have effect as if enacted in this Act.

Repeal and Savings :—

- 1) All laws relating to the protection of wild animals and wild birds in force in any part of Rajasthan shall on the coming into operation of this Act, be repealed.
- 2) Notwithstanding such repeal, anything done or action taken under any of the said laws shall, unless superseded under or in pursuance of this Act, continue and be deemed to have been done or taken thereunder as the case may be.

Interpretation :—

The provisions of the General Clauses Act, 1897, of Central Legislature shall mutatis mutandis apply as apply to a Central Act.

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