

MEGHALAYA ACT 9 OF 1971

THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION ACT, 1971

(As passed by the Assembly)

[Received the assent of the Governor on the Twenty-seventh July, 1971]

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THE SCHEDULE.

THE MEGHALAYA WILD ANIMALS AND BIRDS PROTECTION ACT, 1971

An

Act

**to provide for the better protection and preservation of certain
wild animals and birds.**

Be it enacted by the Legislature of Meghalaya in the Twenty-second Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called Meghalaya Wild Animals and Birds Protection Act, 1971.
- (2) It shall come into force immediately.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context:-
 - (a) "animal or bird" includes the young one of the animal or bird, as the case may be;
 - (b) "Forest Officer" means any person appointed by name or holding an office by or under the orders of the Government to be the Conservator, Deputy Conservator, Assistant Conservator, Extra Assistant Conservator, Deputy Forest Ranger, Forest Ranger, Forester or Forest Guard, or to discharge any function of a Forest Officer;
 - (c) "Government" means Government of Meghalaya;
 - (d) "Game" means any animal or bird to which this Act applies;
 - (e) "Hunt" means any animal or bird to which this Act applies;
 - (f) "Meat" includes fat, blood, flesh and bones;
 - (g) "Trophy" means the durable part of an animal or bird specified in the Schedule 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.

Application of Act.

3. (1) This Act applies, in the first instance, to the animals and birds specified in the Schedule, when in their wild state.

(2) The Government may, by notification, apply the provisions of this act to any kind of wild animal or bird; other than those specified in the Schedule, which in its opinion it is desirable to protect or preserve.

Domesticated and other animals and birds in captivity exempted.

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

Close time.

5. The Government may, by notification, declare the whole year or any part thereof to be a close time throughout the whole or any part of Meghalaya for any kind of wild animal or bird to which this Act applies, or for female or immature wild animals or birds of such kind and subject to the provision hereinafter contained, during such close time, and within the area specified in such notification, it shall be unlawful:-

(a) to capture any such animal or bird, or to kill or injure any such animal or bird which has not been captured before the commencement of such close time;

(b) to hunt for any game during such close time;

(c) to sell or buy, or offer to sell or buy, or to possess any such animal or bird which has not been captured or killed before the commencement of such close time, or the meat thereof;

(d) to sell or buy, or to offer to sell or to buy or the possess any trophy of such animal or bird captured or killed during such close time.

Power of entry, search,
arrest and detention.

6. (1) Any Forest Officer or Police Officer, who from his personal Knowledge or from information received and after such inquiry as he may consider necessary, has reason to believe that any person has committed an offence against this Act, may:-

(a) require any such person to produce for his inspection any animal, bird, meat or trophy in his possession or any license issued to him under the provisions of this Act and to furnish true and correct information as may be required of him;

(b) enter an search, at any time, by day or by night any premises, land, vehicle or vessel in the occupation of such person and open and search any baggage or other things in this possession;

(c) seize any animal, bird, meat or trophy together with any vehicle, weapon, trap or tools reasonably suspected to have been used for committing an offence against this Act 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;

(d) any officer, of a rank not inferior to that of an Assistant Conservator of Forests, who, or whose subordinate has seized any vehicle, weapon, trap or tools, under clause (c) of subsection (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 seizures has been made.

(2) It shall be lawful for any of the offices referred to in subsection (1) to stop and detain any person whom he sees committing or attempting to commit an offence against this Act and such officer may arrest without warrant such person and he may seize any weapon, trap or contrivance used for the purpose and also may seize such wild animal or bird or any part thereof killed in contravention of this Act;

Provided that the officer making such arrest may release such person arrested on his furnishing his name and address and otherwise satisfies such officer that he will duly answer any summon or other proceedings which may be taken against him.

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| Production of persons arrested and things seized. | 7. Every person detained or arrested or thing seized under any of the provision of this Act, shall be taken or produced before the Magistrate having jurisdiction with a report containing full particulars of the person arrested or things seized and the circumstances under which the arrest or seizure was affected, within twenty-four hours of such arrest or seizure, exclusive of the time necessary for the actual journey or transit from the place of arrest or seizure to the court of the Magistrate, to be dealt with according to law. | |
| Report of arrest and seizure. | 8. Any Forest or Police Officer making an arrest or seizure under this Act shall, forthwith, make a full report of all the particulars of such arrest or seizure to his immediate superior officer. | |
| Arrest how to be made. | 9. All arrests under this Act shall be made, as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1898. | Central Act
5 of 1898 |
| Searches and seizures how to be made. | 10. All searches under this Act shall be conducted as far as may be, in accordance with the procedure laid down in the Code of Criminal Procedure, 1898 as applicable to any search or seizure made under the authority of a warrant under the said Code. | Central Act
5 of 1898. |
| Refusal to produce things or furnish information to be unlawful. | 11. Whoever- <ol style="list-style-type: none"> 1) wilfully refuses or is unable to produce and show such things or licence or wilfully refuses or fails to give such information which under the provisions of this Act he is required to produce or to give, or otherwise furnishes information which he knows or believes to be false or does not believe to be true, or 2) forcibly resists arrest or attempts to evade arrest or obstructs any Forest or Police Officer to enter or search or to effect seizure under the powers conferred by this Act, shall be guilty of an offence against this Act. | |
| Penalties. | 12. (1) Any person who contravenes any of the provisions of this Act, shall, on conviction, be punished with imprisonment which may extend to six months or with fine which may extend to rupees five hundred 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 or meat in respect of which the offence has been committed and any weapon or trap with which the offence has been committed shall be at the disposal of the Government and that any license held by such person under the provisions of this Act, be cancelled. | |

Procedure as to disposal of perishable property seized.

13. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under this Act which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Penalty for subsequent offences.

14. Whoever having been convicted of an offence punishable under this Act shall again be guilty of any such offence, shall be subject for every such subsequent offence to double the amount of punishment with which he would otherwise have been punishable for the same;

Provided that he shall not be punishable in any case with imprisonment for a term exceeding one year or with fine exceeding rupees one thousand or with both.

Power to compound offence.

15. (1) Any officer not below the rank of Deputy Conservator of Forests, may:-

(a) accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act, by way of composition of the offence, payment of a sum of money, not exceeding five hundred rupees or at the discretion of such officer, an undertaking in writing from such person to pay lime sum within a specified period;

(b) release any property seized under the powers conferred by this Act on payment of the value thereof as estimated by such officer, or at the discretion of such officer on accepting an undertaking in writing from the person concerned to pay the estimated value within a specified period.

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

Provided that, any sum payable under any such undertaking if not paid when due, shall be recoverable as an arrear of land revenue.

When Court to take cognizance of offence.

16. No Court shall take cognizance of any offence against this Act,-

1) except on the complaint or report of a Forest or Police Officer or of any other officer authorised by the Government in this behalf; and

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

Issue of license for special purpose.

17. Where the Government is of opinion that in the interest of scientific research, such a course is desirable, it may grant to any person a license, subject to such restrictions and conditions as it may impose, entitling the holder thereof to do any act which is by section 5 declared to be unlawful

- Operation of other laws not barred.
18. 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;
- Provided that no person shall be punished twice for the same offence.
- Defence of life and property.
19. Nothing in this Act shall be deemed to apply to the capture or killing of a wild animal by any person in defence of himself or any other person, or to the capture or killing of any wild animal or bird in *bonafide* defence of property;
- Provided that nothing in this section shall exonerate any person who, when such defence becomes necessary, was committing any contravention of this Act.
- Protection to persons acting on good faith.
20. 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 make rules.
21. The Government of Meghalaya may make rules to carry out the purposes of this Act.
- Removal of difficulties.
22. (1) If any difficulties arise in giving effect to the provisions of this Act, the Government may by order published in the official Gazette do anything which appears to it to be necessary for the purpose of removing the difficulties.
- (2) No order made under sub-section (1) shall be questioned in any Court of Law on the ground that no difficulty as is referred to in the said sub-section existed or was required to be removed.
- (3) Everything order published under this Section shall as soon as may be after its publication be laid before the legislative Assembly.

SCHEDULE

(See Section 3)

I. ANIMALS

1. Rhinoceros Unicornis.
2. Tiger.
3. Leopard.
4. Panther.
5. Deer (All types of Deer)
6. Sambhar or Sambar.
7. Hares.
8. Wild Buffaloes.
9. Gaur or Indian Bison.
10. Elephant.
11. Gibon or Hollock.
12. Golder Langur.
13. Pygmy hog.
14. Pangolin.
15. Hispid hart.
16. Golden Cat.
17. Marbled Cat.
18. Spotted linsang.
19. Flying Squirrel.
20. Porcupine.
21. Wild Bear.
22. Bear.

II. BIRDS

1. Pigeons and doves.
2. Black Swamp.
3. Bamboo and Hills Partridge.
4. Jungle Fowl.
5. Pheasant.
6. Quail.
7. Cock-florican.
8. Spot Bill.
9. Whistling teal.
10. Cotton teal.
11. Geese.
12. Brahmini Duck.
13. Wood Cock.
14. Plover.

SCHEDULE - contd.

15. Snipe.
16. Wood Duck.
17. Horn Bill.
18. Peafowl.
19. Peacock.
20. Duck.
21. Crane.
22. Bustard.
23. And all other birds except Vermins like crow, hawks, sparrow magpie, parakeets and bulbuls.

III. REPTILES

1. Monitor lizard.
2. Crocodile.