

West Bengal Act XXV of 1959¹

THE WEST BENGAL WILD LIFE PRESERVATION ACT, 1959.

[24th December, 1959.]

An Act to provide for the better preservation of wild life in West Bengal.

It is hereby enacted in the Tenth Year of the Republic of India, by [the Legislature of West Bengal, as follows:

CHAPTER I.

Preliminary.

1. (1) This Act may be called the West Bengal Wild Life Preservation Act, 1959.^d
(2) It extends to the whole of West Bengal.^{mem}
(3) It shall come into force in such areas as the State Government may by notification in the *Official Gazette* appoint and different dates may be appointed for different areas.
2. In this Act, unless there is anything repugnant in the subject or Definitions, context,^o
 - (a) "animal" includes quadrupeds, birds, fish and reptiles, any young ones (hereof;
 - (b) "Collector" means the Collector of a district or any other officer appointed by the State Government to discharge the functions of a Collector under this Act;
 - (c) "hunting" means killing, chasing, pursuing, capturing or wounding and includes also the seizing or destroying of eggs or nests or any attempt or any device to do any of the foregoing acts; and grammatical variations of the word shall be construed accordingly;
 - (d) "land" includes water and includes also the soil and sub-soil and rights to mines and minerals and all forests, jungles, trees and vegetation standing or growing on land;

¹For Statement of Objects and Reasons, see [the *Calcutta Gazette, Extraordinary*, dated the 9th February, 1959, Part IVA, page 267; For proceedings of the West Bengal Legislative Assembly, see the proceedings of its meetings of the Assembly held on the 19th and 23rd March, 1959; and for proceedings of the West Bengal Legislative Council, see the proceedings of the meeting of that Council held on

[West Ben. Act*(Chapter II.—Authorities under the Act.—Sections 3, 4.)*

- (c) "licence" means a licence issued under this Act;
 (d) "prescribed" means prescribed by rules made under this Act;
 (g) "trophy" means any dead animal or any part of any animal or any eggs or nests, preserved as a relic or for show;

Explanation. Part of an animal includes the head, horn, antlers, skin, tusk, tooth, bone, claw, hoof, hair or feather, but does not include any article manufactured or prepared therefrom;

- (h) "wild life" or "wild animal" means any animal specified in the First or the Second Schedule, when in a wild state.

CHAPTER U.**Authorities under the Act.**

Appoin
tment
or
officers

3. (1) The State Government may for the purpose of this Act appoint the following officers, namely:

- (a) A Chief Wild Life Preservation Officer for West Bengal,
 (b) Regional Wild Life Preservation Officers,
 (c) Divisional Wild Life Preservation Officers,
 (d) Game Wardens, either honorary or stipendiary, and
 (e) such other officers and servants as it deems necessary,

(2) All such appointments may be made either by name or by virtue of office.

(3) Honorary Game Wardens shall hold office for a period of one year:

Provided that the State Government may terminate the tenure of office of an Honorary Game Warden earlier, if in its opinion, his services are no longer required.

4. (1) The powers, duties and functions of the officers referred to in subsection (1) of section 3 shall be such as are mentioned in this Act or as may be prescribed.

(2) All officers referred to in clauses (a), (b), (c) and (d) of subsection (1) of section 3 shall be deemed to be public servants within the

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(Chapter III.—Hunting of Wild Animals.—Sections 5-8.)

CHAPTER III,

Hunting of Wild Animals.

5. No person shall hunt any wild animal except under a licence and in accordance with prescribed conditions specified in such licence.'

Prohibition
of hunting
wild
animals
except under
licence. 265

6. (1) The State Government may, by notification in the *Official Gazette*, declare the whole year to be a close time for wild animals mentioned in the First Schedule and may, by like notification, declare what period or periods during the year shall be close time for animals referred to in the Second Schedule.

Close time.

(2) During the close time specified for any wild animal, it shall not be lawful to hunt such wild animal anywhere within West Bengal, where this Act is in force:

Provided that if the State Government thinks it fit to do so in the public interest, it may authorise any person, institution or authority to hunt, even during the close time, any kind of wild animal, for collecting specimens for scientific or educational purposes.

(3) The State Government may, if it thinks fit to do so in the public interest, at any time, make any alterations or changes in any of the Schedules.

7. (1) No person shall hunt any wild animal from or by means of a wheeled or mechanically propelled vehicle on land or by aircraft.

(2) No person shall use a motor car, motor cycle, or aircraft for the purpose of killing, driving or stampeding any wild animal.

(3) No person shall hunt any wild animal with poison or poisoned weapons,

(4) No person shall for the purpose of hunting wild animal set fire to any vegetation,

(5) No person shall use any artificial light for the purpose of hunting any wild animal (except in the case of carnivora).

(6) No person shall hunt any wild animal (except pigs, bears and carnivora) between one hour after sunset and one hour before sunrise.

(7) No person shall hunt any wild animal on a salt-lick or water-hole or on paths and approaches to the same.

Restrictions
on the
methods of
hunting.

8. (1) Any person desiring to obtain a licence shall apply to the Divisional Wild Life Preservation Officer concerned.

(2) Upon the receipt of such application, the Divisional Wild Life Preservation Officer shall, after making such enquiries, if any, as he

Procedure for
obtaining
licence.

(Chapter III.—Hunting of Wild Animals.—Sections 9, 10.)

(3) Where the Divisional Wild Life Preservation Officer refuses to grant a licence to any person, he shall record in writing the reasons for such refusal and furnish to the person on request a brief statement of the same unless in any case he records his opinion that it will not be in the public interest to furnish such statement.

(4) Any person aggrieved by the refusal of a licence may appeal within thirty days of the date of the order and in the prescribed manner to the Regional Wild Life Preservation Officer concerned. No such appeal shall be disposed of unless the appellant has been given an opportunity of being heard. An order passed in appeal shall, subject to the provisions of sub-section (5), be final and conclusive.

(5) The Chief Wild Life Preservation Officer may, on his own motion or on the motion of any person aggrieved, at any time revise any order passed under sub-section (4) and his order on such revision shall be final and conclusive:

Provided that no order shall be passed in revision which adversely affects any person unless such person has been given an opportunity of being heard.

(6) The fee for a licence shall be as may be prescribed.

9. (1) Every licence granted under this chapter shall be valid for such period as may be prescribed.

cancelled
on
licences.

(2) The Divisional Wild Life Preservation Officer may, at any time, if he is satisfied that the holder of a licence has failed to comply with the conditions specified in the licence, cancel such licence, after giving the holder an opportunity of being heard. Where a licence is cancelled as aforesaid, any person aggrieved shall have the same right of appeal and revision as if the licence had been refused.

10. (1) The holder of every licence shall keep a record containing such particulars as may be prescribed, of all wild animals hunted by him during the currency of the licence.

Licence-
holder
keep
cord.

(2) Not later than thirty days after the expiry of his licence, the holder of the licence shall surrender his licence and also the record referred to in sub-section (1) to the Divisional Wild Life Preservation Officer concerned and shall also furnish him with a declaration in the

12. (1) Any person whose land or interest in land or incumbrance in land vests in the State under sub-section (3) of section 11, may apply to the Collector within three months of the issue of the declaration under that sub-section for the determination and award of compensation to be paid to him.

(2) Every such application shall describe the land or the nature and extent of the interest or incumbrance of the applicant in the land, as the

Wild Life
Sanctuaries.

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[West Ben. Act*(Chapter IV.—Wild Life Sanctuaries.—Sections 33-15.)*

(3) The amount of compensation payable shall be the price, which, in the opinion of the Collector, the land or the interest or the incumbrance would have fetched in the open market if it had been sold on the date of the declaration.

(4) In determining the amount of compensation payable under subsection (3), the Collector shall give the applicant an opportunity of being heard and shall also take such evidence and make such enquiries, if any, as he thinks fit.

(5) An appeal shall lie to the Commissioner of the Division in which the area is situated against an order of the Collector determining and awarding compensation. Any order passed on such appeal shall be final and conclusive.

13. (U) Where the amount of compensation awarded under this chapter does not exceed Rs. 5,000, it shall be paid entirely in cash, within one year from the date of the last order awarding compensation.

Manner of
payment of
compensation.

(2) Where the amount of compensation awarded under this chapter exceeds Rs. 5,000, a sum of Rs. 5,000 shall be paid in cash within one year from the date of the last order awarding compensation, and the remainder shall be paid in bonds carrying interest at 2½ per cent. per annum on the total sum awarded (less the sum of Rs. 5,000 paid) with effect from such date and payable in ten equal annual instalments, the first annual instalment being due on the day one year after such date.

14. No person shall hunt any animal in any Wild Life Sanctuary:

Prohibition
of hunting in
Wild Life
Sanctuaries.

Provided that the Regional Wild Life Preservation Officer concerned, may, if he thinks that it is necessary that any animal should be hunted, for better preservation of other animals, authorize any person whom he deems suitable to hunt the first-mentioned animals, either temporarily for a specific period or permanently, and with or without any licence.

15. No person other than,

Permit to enter
or reside
within
Wild Life
Sanctuary.

- (a) a public servant on duty,
- (b) any person passing along a public highway running through a Wild Life Sanctuary,

shall enter or reside within a Wild Life Sanctuary except under a permit

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(Chapter V.—Business in Trophies and Pet Animals.—Sections J 6, J 7. 6
Chapter VI.—Offences and Penalties.—Sections 18, 19.)

CHAPTER V.

Business in Trophies and Pet Animals.

16. (I) No person shall carry on the business of a trophy dealer or a dealer in pet animals except under and in accordance with the conditions of a business certificate granted under this chapter.

(2) Nothing in this section shall require any person to obtain a business certificate

- (i) for possessing pet animals, not exceeding twelve in number, or
- (ii) for possessing trophies which have been lawfully acquired by him,

provided such animals or trophies are kept by him for his individual use or benefit.

17. (J) A business certificate referred to in section 16 may be issued by the officer prescribed in this behalf on application made in that behalf and on payment of such fees as may be prescribed.

(2) Every such business certificate shall be valid for one year from the date of issue.

(3) Every holder of such business certificate shall keep such record and submit such return to the officer referred to in sub-section (I) as may be prescribed.

Business certificate to be obtained for dealing in trophies and pet animals.

Issue of business certificate, the period of their validity and records and returns.

CHAPTER VI.

Offences and Penalties.

18. (I) Any person who contravenes the provisions of section 5, sub-section (2) of section 6, section 7, section 10, section 14, section 15, sub-section (1) of section 16 or sub-section (3) or section 17, shall be guilty of an offence under this Act and 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 a person is convicted of an offence under this Act, the court convicting such person may also order that any animal or trophy in respect of which the offence has been committed, or any weapon or instrument, vehicle or vessel used in committing the offence, shall be forfeited to the State or that any licence or permit or business certificate held by such person be cancelled.

19. No court shall take cognizance of an offence under this Act except on written complaint of any officer referred to in clause (a), (b) or

Offences and penalties.

Cognizance of offences.

West Ben. Act*(Chapter Vf.—Offences and Penalties.—Sections 20, 21.)*

rank of a Sub-Inspector of Police and unless the prosecution is instituted within three months from the date on which the offence is alleged to have been committed.

Power of
entry,
search,
seizure and
arrest.

20. (1) Any officer referred to in clause (a), (b), (c) or (d) or subsection (1) of section 3 or any police-officer not below the rank of a Sub-Inspector of Police may, if he has reasonable grounds for believing that a person has committed an offence under this Act,â

- (a) require such person to produce for his inspection, any animal or carcase thereof, or any trophy in his possession, or any licence, permit or business certificate issued to him under this Act.
- (b) stop, enter and search any vehicle or vessel in the occupation of any person and open and search any package or other thing in his possession;
- (c) seize any animal or carcase thereof, or any trophy or any weapon, instrument, vehicle or vessel, if there is reasonable ground for believing that it has been procured or used in committing such offence;
- (d) arrest any person against whom reasonable suspicion exists of having committed such offence.

(2) Any officer arresting a person under clause (d) of subsection (1) may release him on his executing a bond in the prescribed form to appear if and when so required before a Magistrate having jurisdiction in the case or before the officer-in-charge of the nearest police-station.

(3) Where a person arrested under clause (d) of sub-section (1) is not released under sub-section (2), the officer arresting him shall forthwith take and produce him to the officer-in-charge of the nearest police-station, who shall deal with him according to law.

(4) Any officer making any seizure under clause (c) of subsection (1) shall forthwith take and produce the objects seized to the officer-in-charge of the nearest police-station, who shall deal with them according to law.

Compound-
ing of
offences.

21. Notwithstanding anything contained in the foregoing sections of this chapter, where a person is alleged to have committed an offence under this Act, an officer referred to in clause (a), (b) or (c) of subsection (1) of section 3, may, in accordance with such rules as may be prescribed, accept from such person, by way of composition of such offence, a sum not exceeding Rs. 200, as may be determined by him. Upon payment of such sum within such period as may be prescribed, no proceedings shall be commenced against such person and any

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(Chapter VII.—Miscellaneous.—Sections 22-27)

CHAPTER VII.

Miscellaneous.

22. Nothing in this Act shall be deemed to apply to [the killing or wounding in good faith of any animal by any person in defence of himself or any other person or of any property.

Killing or wounding in defence of person or property.

Act VI of 1879.

Ben. Act VIII of 1932.

23. Nothing in this Act shall be deemed to affect the Elephants' Preservation Act, 1879, as amended in its application to West Bengal or the Bengal Rhinoceros Preservation Act, 1932, and those Acts shall continue to apply as if this Act had not come into force.

Act VI of 1879. Ben. Act V of 1932 and Ben. Act VIII of 1932 not affected.

24. Save as otherwise provided in the Constitution of India, no court shall have jurisdiction in any matter relating to licences, permits or business certificates or compensation under this Act.

Bar or jurisdiction.

25. No suit, prosecution or legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or the rules made thereunder.

Indemnity.

26. (1) The State Government may make rules for carrying out the Rules, provisions of this Act,

(2) In particular, and without prejudice to the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (i) anything required to be prescribed under this Act;
- (ii) the fee to be paid for any application or appeal, the period of limitation for any appeal and the procedure to be followed in appeals;
- (iii) the fee to be paid for a licence or a business certificate and the time and manner of payment of such fees;
- (iv) the management of Wild Life Sanctuaries;
- (v) the conditions to be observed by persons who have been permitted to enter or reside in a Wild Life Sanctuary,

Act VIII of 1911

27. The Wild Birds and Animals Protection Act, 1912, shall stand repealed, repealed in its application to West Bengal in the areas in which this

{The First Schedule.)

The First Schedule.

[See section 6(1).]

Animals for which llie whole year may be notified as close lime.

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|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 1. Pangolin or Scaly ant-eater | <i>Man is crassicaudata</i> |
| 2. Lesser Panda or Cat-bear | <i>A Hit nix falgens</i> |
| 3. Elephant | <i>Elepfias maxiintis</i> |
| 4. Rhinoceroses | <i>Rhinoceros Sus</i> |
| 5. Pygmy hog | <i>salvanius</i> |
| 6. Female deer of all kinds | |
| 7. Mute deer when hornless or in velvet | |
| 8. Mousedeer | <i>Tragulus meminna</i> |
| 9. Chectal deer | <i>Axix axis Avf.v pore</i> |
| 10. Hog deer | <i>inns Cervus diivauceli</i> |
| 11. Swamp deer | <i>Bos gaums Bubal us</i> |
| 12. Gauror Indian bison | <i>bubal is Varaiuts</i> |
| 13. Buffalo | <i>monitor</i> |
| 14. Common Monitor or Grey land lizard | <i>Vara mis fJavesdens Varaiuts</i> |
| 15. Yellow land lizard | <i>saivator Python moliirus</i> |
| 16. Ringed or water lizard | <i>Elachistodon Westerntanni</i> |
| 17. Python | <i>Tyhlriton verrucosus Order</i> |
| 18. Indian egg-eating snake | Falconiformes, except <i>Accipiter n</i> |
| 19. Indian Salamander | <i>is us, Acci piter virgams,</i> |
| 20. Birds of prey (diurnal), exeepti sparrow-Hawks, Fishing Eagles, Marsh-Harrier, and Shahin and lag gar Falcons | <i>HaliaeeUts. Ichthye- phaga, Circus aeruginosas, Falco peregrinus and Falco chiquers</i> |
| | Family Ardeidae Family |
| | Threskiornithidac <i>Rhodontesm caryophyllacea Cairina aaitulais</i> |
| 21. Herons and Egrets | <i>Galloperdix Ishaginis cruentus</i> |
| 22. Storks, Ibises and Adjutants | <i>Trn o/in/rir rctfvr/T</i> |
| 23. Pink-headed duck | |
| 24. White-winged Wood-duck | |
| 25. Spur-fowls | |
| 26. Blood-pheasant | |
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(The First Schedule.)

28. Monal or Impeyan pheasant	<i>Lophophorus impejanits</i>
29. Floricans	<i>Eupodotis</i>
30. Sandgrouse	<i>Pterocles exitsius</i>
31. Owls	Family Strigidae
32. Rollers	<i>Coracias and Ertrystomns</i>
33. Kingfishers	Family Alcedinidae
34. Bee-caters	Family Meropidae
35. Hoopoes	<i>Upupa</i>
36. Hornbills	Family Buceroidae
37. Swifts	Family Apodidae
38. Barbels	Family Capiionidae
39. Woodpeckers	Family Picidae
40. Brondbills	<i>Serilophus and Psarisonuts</i>
41. Piliars	<i>Pitta</i>
42. Larks	Family Alaudidne
43. Marlins and Swallows	Family Apodidae
44. Blue-bird	
45. Minivels and Cuckoo-shrikes	Family Pericrocoiidac
46. Flycatchers, Shorlwings, Babblers, Laughing-thrushes, Warblers. Red-starts, Robins, Blackbird, Thrushes, Chats, Whistling ihrush, Forktails, Wrens	Family Muscicapidae (Mi capinae, Timaliinae, Sylvii Turdinae and Troglodytinae)
47. Pipits and Wagtails	Family Motacillidae
48. Shrikes	<i>Lanins</i>
49. Swallow-shrikes	<i>Ariamiis</i>
50. Creepers and Nuthatches	Family Siuidac
51. Tils	Family Paridae
52. Flowerpeckers	Family Dicaeidae
53. Sunbirds	Family Nectariniidae
54. Finches and Buntings	Family Fringillidac
55. Weaver-binds and Munias	Family Ploccidac
56. Orioles	<i>Oriolus</i>
57. Drongocs	<i>Dicrurus</i>
58. Jays, Magpies, Tree-pics, Choughs and Crows	Family Corvidae
59. The Greal Indian Bustard	<i>Chorioris nigriceps.</i>
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The West Bengal Wild Life Preservation Act, 1959.

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*(The Second Schedule.)***The Second Schedule.***[See section 6(1).]*

Animals for which a part of the year may be notified as close time.

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|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 1. Barking deer stags with horns not in velvet | <i>Cervtus imicolor</i> <i>Capreolus</i> <i>vis</i> |
| 2. Sambar with horns not in velvet | <i>Sumatraensis</i> <i>Naemorhedus</i> <i>goral</i> |
| 3. Scrow | <i>Lepus</i> and <i>Caprolagus</i> |
| 4. Goral | |
| 5. Hares | |
| 6. All kinds of geese, teal, clucks, etc., except the Pink-headed duck and the White-winged wood-duck | <i>Francolimts</i> , <i>Coin mix</i> , <i>Predicula</i>
<i>Arborophila</i> <i>Lophitra</i> |
| 7. Partridges and quails | <i>Jeucomelana</i> <i>Gallus</i> <i>gallus</i> <i>Pavo</i>
<i>cris!</i> <i>at use</i> Family Gruidae Family |
| 8. Kalij pheasant | Rallidae |
| 9. Jungle-fowl | |
| 10. Peafowl | <i>Tunix</i> |
| 11. Cranes (excepting Saras) | Family Mctopidae <i>Gallinago</i> ,
<i>Sculopax</i> and <i>Rostral u la</i> |
| 12. Rails, Crakes, Waterhens, Moorhens and Coot | Family Columbidae except |
| 13. Buon-quails | <i>Coimmba livia</i> . |
| 14. Jacanas | |
| 15. Snipes and Woodcock, Painted snipe | |
| 16. All doves and pigeons except rock-pigeon | |
- Muntiacus mmtiak*