

THE ASSAM RHINOCEROS PRESERVATION ACT, 1954

(Assam Act XX of 1954)

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[Passed by the Assembly]

[Received the assent of the Governor of Assam on the 28th May, 1954]

An Act for the preservation of Rhinoceros

Preamble. Whereas it is expedient to provide for the preservation of Rhinoceros.

It is hereby enacted as follows :

NOTES

This Act was published in the Assam Gazette dated the 9th June 1954.

This Act was extended for its application in the State of Meghalaya, vide the Meghalaya Adaptation of Laws Order (No. 4) 1971, with effect from the appointed day *i. e.*, the 2nd April 1970, whereby sub-S. (2) of S. 1 of the Assam Act was omitted. [See also the Meghalaya Adaptation of Laws Order No. 3 of 1973 having application from the 21st day of January, 1972 and subsequently titled as the Meghalaya Rhinoceros Act.

1. Short title, extent and commencement. (1) This Act may be called the Assam Rhinoceros Preservation Act, 1954.

(2) It extends to the whole of Assam.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Killing, injuring and capture of Rhinoceros prohibited. No person shall kill, injure or capture, or attempt to kill injure or capture any Rhinoceros or be in possession of any limb or part of a Rhinoceros unless so permitted by the State Government by a licence granted or an order made under this Act :

Provided that a person will be entitled to kill or injure Rhinoceros in defence of himself or some other person.

Explanation. The onus of proving the right of private defence shall be on the person claiming it.

NOTES

The words "or be in possession..... part of a Rhinoceros" were inserted *vide* Assam Act No. XVII of 1970, published in the Assam Gazette, dated 1-10-1970, to come into force at once.

3. **Rights of Government with respect to certain Rhinoceros and their horns.** Every Rhinoceros captured and the horn or carcase or any part of every Rhinoceros killed in contravention of this Act or any condition of a licence or order issued under this Act shall be the property of the State Government.

4. **Power to grant licence to kill, injure and capture Rhinoceros.** (1) The State Government may, subject to such rules as may be framed in this behalf grant licences or issue orders to kill, or capture Rhinoceros in such part or parts of the State as may be specified in the licence or order.

(2) No such licence or order shall be issued unless the State Government is satisfied that—

- (a) any Rhinoceros has become a cause of imminent danger to human life, or
- (b) such Rhinoceros is required for any zoological, scientific or other special purpose as may be decided by the Government.

5. **Penalty.** (1) Whoever in contravention of S. 2, kills, injures or captures or attempts to kill injure or capture any Rhinoceros, or is found to be in possession of any limb or part of a Rhinoceros, shall be punished with fine of two thousand rupees and with imprisonment which may extend to three years, and whoever contravenes any conditions contained in a licence granted or order made under this Act shall be punishable with fine which may extend to one thousand rupees.

(2) Any weapon or contrivance used for the commission of an offence under this Act shall be liable to confiscation.

NOTES

In sub-S. (1) the words, "or is found to be in possession of any limb or part of a Rhinoceros" were inserted *vide* Assam Act No. XVII of 1970, published in the Assam Gazette dated the 1st October 1970, to come into force at once. By the same Amendment Act the quantum of fine was enhanced from rupees one thousand to rupees two thousand and the period of imprisonment extended to three years, while the original period being only one year.

6. **Cognizance of offence.** No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act or any rule made thereunder.

7. **Power to arrest without warrant and seize weapon.** (1) Any officer of the Police Department not below the rank of an Assistant Sub-Inspector or Police or any Forest Officer not below the rank of an Assistant Forester may arrest without warrant from a Magistrate, any person killing, injuring or capturing or attempting to kill injure or capture any Rhinoceros or possessing any limb or part of a Rhinoceros in contravention of the provisions of this Act and seize any weapon or contrivance used for the purpose and also the carcase or any part thereof of any Rhinoceros killed in contravention of this Act.

(2) Every officer making an arrest under sub-S. (1) shall produce the person arrested before the nearest Magistrate having jurisdiction to deal with case within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate, with a report containing full particulars of the person arrested and the circumstances under which the arrest was affected.

NOTES

In sub-S. (1) of this section, the words "possessing any limb or part of a Rhinoceros", were inserted *vide* Assam Act No. XVII of 1970, published in the Assam Gazette, dated 1-10-1970, to come into force at once.

8. Any Forest Officer not being below the rank of a Forester or any Police not being below the rank of a Sub-inspector of Police, who has reason to believe that for tracing an offence against this Act immediate search of a building or enclosed place is indispensable, may, even without obtaining a warrant from a Magistrate, search such enclosed place and seize such instruments, implements or any other thing which may furnish evidence of the commission of the offence :

Provided that after such search, he shall submit a report in writing within forty-eight hours to the Magistrate within whose jurisdiction the said search was made.

NOTES

This section was substituted *vide* Assam Act No. XVII of 1970, published in the Assam Gazette to come into force at once and the original S. 8, read as follows :

"8. **Power to search by Forest Officers.** Any Forest Officer not below the rank of an Assistant Forester who has reason to believe from personal knowledge or from information received from any person that any offence against this Act can be traced on the search of any building or enclosed place, may, on obtaining a warrant from a Magistrate, enter upon and search such building or enclosed place and seize such instruments, implements or any other things which may furnish evidence of the commission of the offence."

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

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

- (a) regulating the grant and renewal of licence under this Act ;
- (b) the fees, if any, to be charged on such grant and renewal ;
- (c) the time during which such licences shall be in force ; and
- (d) conditions (if any) on which licence shall be granted or order made.

10. Repeal. The provisions in the Assam Forest Regulations (Regulation VII of 1891) and the Wild Birds and Animals Protection Act, 1921 (Act VIII of 1912) or any other law for the time being in force so far as they relate to the killing, injuring or capturing or attempt at killing, injuring or capturing of any Rhinoceros or are otherwise repugnant to the provisions of this Act are hereby repealed.
