

Wildlife Protection Act

Chapter 11 - Hunting of wild animals to be permitted in certain cases

- (1)Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV, - (a) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefore, permit any person to hunt such animal or cause such animal to be hunted; (b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefore, permit any person to hunt such animal or cause such animal to be hunted. (2) The killing or wounding in good faith of any wild animal in defence of oneself or any other person shall not be an offence: Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provisions of this Act or any rule or order made thereunder. (3) Any wild animal killed or wounded in defence of any person shall be Government property. COMMENTSTo decide whether in killing an animal the accused acted in self defence or not, the nature and ferocity of the animal will be relevant. On the basis of the facts and circumstances of the case there can be no doubt that the accused acted in defence of his life and his act did commensurate with defence. Thus in this case of killing the tiger in good faith in defence of oneself it can not be said that the accused was committing any offence prior to shooting the tiger that charged at him. Therefore, the impugned order of conviction and sentence is contrary to the provisions of section 11 of the Act and as such it is liable to be set aside; Tilak Bahadur Rai v. State of Arunachal Pradesh, 1979 Cri LJ 1404.