

## Wildlife Protection Act

### Chapter 39 - Wild animals, etc., to be Government property

(1) Every-(a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or 1[bred in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed by 2[\* \* \*] mistake; and (b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed; 1[(c) ivory imported into India an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed; (d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provision of this Act,]shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat 2[derived from such animal, or any vehicle, vessel, weapon, trap or tool used in such hunting] shall be the property of the Central Government.(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or the authorised officer and shall, if so required, hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be. (3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer-(a) acquire or keep in his possession, custody or control, or (b) transfer to any person, whether by way of gift, sale or otherwise, or (c) destroy or damage, such Government property.COMMENTSThe wild animals which are dead in a private land, the owner of the land is entitled to claim ownership of the dead animal. The body of a wild animal which is found on a particular land becomes the absolute property of the owner of the soil even if killed by a trespasser, unless, the trespasser chased the animal on the land of one person and killed it on the land of another. The dead elephant in question had not been chased or pursued by the forest authorities, but it had been shot by some unknown persons and it voluntarily quit the reserve forest and entered the private land where it died. In this view, the order of the lower Appellate Court can not be sustained; B.Natwall Valid v. State of Tamil Nadu, AIR 1979 Mad 218.