

Wildlife Protection Act

Chapter 51 - Penalties

(1) Any person who 1[contravenes any provision of this Act 2[(except Chapter VA and section 38J)] or any rule order and made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to 3[three years] or with fine which may extend to 4[twenty-five thousand rupees] or with both: Provided that where the offence committed is in relation to any animal specified in Schedule I or part II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence 5[relates to hunting in, or altering the boundaries of] a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than 6[one year] but may extend to six years and also with fine which shall not be less than 7[five thousand rupees:] 8[Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.] 9[(1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and also with fine which shall not be less than five thousand rupees.] 10[(1B) Any person who contravenes the provisions of section 38J shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both: Provided that in the case of a second or subsequent offence the term of imprisonment may extend to one year, or with fine which may extend to five thousand rupees.](2) When any person is convicted of an offence against this Act, the court trying the offence may order that any captive animal, wild animal, animal article, trophy, 2[uncured trophy, meat, ivory imported into India or an article made from ivory, any specified plant, or part or derivative thereof] in respect of which the offence has been committed, and any trap, tool, vehicle, vessel or weapon, used in the commission of the said offence be forfeited to the State Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled. (3) Such cancellation of licence or permit or such forfeiture shall be in addition to any other punishment that may be awarded for such offence. (4) Where any person is convicted of an offence against this Act, the court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1954), for possession of any arm with which an offence against this Act has been committed, shall be cancelled and that such person shall not be eligible for a licence under the Arms Act, 1959 (54 of 1954), for a period of five years from the date of conviction. 1[(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 (2 of 1974) or in the Probation of offenders Act, 1958 (20 of 1958) shall apply to a person convicted of an offence with respect to hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.] COMMENTS (i) The accused was convicted for possession of lion shaped trophies of Chinkara skins meant for sale without licence. But there was no evidence whatsoever as to when the accused came into possession of these trophies. The proviso to section 51 of the Act providing minimum sentence of 6 months is not attracted; *Pyarelal v. State (Delhi Administration)*, AIR 1995 SC 1159. (ii) To convict a person under the Act, it is necessary to prove that he had either killed or attempted to kill one of the animals or birds mentioned in the Schedules. It is no offence for a person holding a licence to go about with a gun in his possession; *Batan Singh v. Emperor*, 29 Cri LJ 238 (Lah).