

- (1) பக்கங்களின் எண்ணிக்கை 52-94
(2) புதுக்கித் திருப்பிய நாள் _____
(3) ஆதாரக் குறிப்பவர் சுருக்கொப்பம் _____

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெர்து கலை

அரசாணை எண். 139 மு. கோப்புத் தாள் எண்.	அச்சகம் பலவகை
நாள் : 21-2-1990	1990

மேல்க்கணை துணைப்படி கையாளலோ கூடாது.

ஆவண. கா. 1-18,006-6-9-90.

Public DEPARTMENT
G.O. DATED 21-2-79
No 139.

First copy sent to Press.

Returned for signature.

Despatched in print.



Despatch Abstract.

Nilgiri Game Act.

Transferring, with re-
marks, to the Legislative
Department certain papers
relating to the amendment
the ——— II of 1879.

157-10-13 Rev.
26-4-79 Rev.

1-5-79
10-1-13 II
22-6-38 III

58

Extract from Proceedings of Meeting of the
Virginia Game Association Committee held at
the Collector's Office, on the 25 March 1889 at
6.30.

* * * * *

1. The Committee observe that the Law
relating to Game on the Virginia is contained in
Game Act II of 1879 and notifications thereunder
and Section 21 of the Forest Act and the rules
thereunder contained in P. O. 6th December
1870 Revenue.

The law as it stands at present permits of
persons shooting over Government Wastelands other
than Reserved Forests without a License. The
Committee are strongly of opinion that it should
be made incumbent on all persons who wish to
shoot on any public Wastelands whether Reserved
or not, to take out a License.

There is no provision in the present Law
preventing the indiscriminate slaughter of Hares
and Parow, Doe Hens & Kids, Doe Spotted Deer,
Female Antelope & Cow Bison & calves. The Com-
mittee are aware that certain persons indulge
in the indiscriminate destruction of Deer for
purpose of profit. The Committee think

that the Collector should be authorized on the recommendation of the Committee of the Association to withhold a License for any such person, or cancel the same if it has been granted.

The Association will then be in a position to prevent the issue of Licenses to persons of the class above alluded to, or to have them cancelled if they have been granted.

The Committee are of opinion that the time has arrived for revising the Game Laws of the District and they resolve to move Government to take the matter into consideration. They are also of opinion that it would be more convenient if the Laws relating to Game were collected in one Act, and think that the additional provisions detailed above should be incorporated in the new Act.

In Section of Act II of 1879 the word Antelope appears to have been omitted probably through oversight. This should be inserted.

2. Resolved that the Collector be moved to issue a Notification under Rule 5 of the rules sanctioned under Section 21 of the Forest Act declaring that the Reserved and Rented Forests in the Viloiri Division be closed against the hunting

of Sambar & Chinglesheep & Deer of all description from May to October inclusive & Bison during the months of December to May inclusive).

3 Resolved that Government be moved to alter the Notification dated so as to allow shooting of small game from 15 Sept. to 15 March.

See in original
Sh. 16 8746
1001. 4m

* * * * *

(Signed) Henry Hapshare,
Hon. Sec.

(True Extract)

(Amended)

Acting Collector.

78

Extract from Proceedings of a General Meeting
held at the Library on the 13 May 1889.

Subjects discussed.

1. * * * *
2. * * * *

Alterations and amendments as proposed by the
Committee at their Meeting held on the 25th
March 1889.

Proposal N^o 1 Carried nem. con.
" 2 Carried nem. con.
" 3 " "

* * * *

(Signed) C. F. Mac Carter,
Chairman,
N. & A.

(True Extract)

Macdonald
acting Collector.

2456
1 of 89

C2110/24/1889

No 45.

Nilgiri Collectors Office
Coatacamund 5th July 1889

From,

C. N. 2118
C. F. Macfarlane Esq.
Off: Collector of Nilgiris

To,

The Chief Secretary to Government
Public Department

Sir,

I have the honor to submit for the orders of Government extracts from the Proceedings of a General meeting of the Nilgiri game association held on 13th May 1889 confirming the recommendations suggested by a Committee of the same association at their meeting on 25th March 1889 for the better protection of game within the area governed by the provisions of Act II of 1879 and of the notifications issued thereunder.

2. The following are the alterations —
advocated by the Association Seriation
(a) that it should be made incumbent on all persons who wish to shoot on any waste lands whether Reserved or not to take out a License.
(b) Whereas there is no provision in the present Law for preventing the indiscriminate slaughter of Hinds and Fawns, Doe Elex and Kids, Doe Spotted Deer, Female Antelope and Cow Bison and Calves that the Collector should be

Recd 139 8.21/2/90

2456
2 offg

2
C 2118/89 Pub.

For signature

Noted 12. 10. 89

authorized to withhold any license, or cancel the same if it has been granted, to any person killing such animals.

(c) that the Game Laws of the district should be revised and that it would be convenient if the Laws relating to Game were collected in one act, the foregoing additional provisions being incorporated therein

(d) that in Section (2) of Act II of 1879 Antelope appears to have been omitted probably through oversight and this should be inserted

(e) that Government be moved to alter the notification dated (8th February 1881) so as to allow shooting of small game from 15th September to 15th March.

(f) that the Collector be moved to issue a notification under Rule 5 of the rules sanctioned under section 21 of the Forest Act declaring that the Reserved and Rented Forests in the Nilgiri Wynad be closed against the hunting of Sambar and jungle sheep and Deer of all descriptions from May to October inclusive and of Bison during the months of December to May inclusive.

3. Proposal (a) is, it is submitted, beyond the scope of the existing Game Act. A similar suggestion was made by the

association in 1879, in dealing with which the Government remarked in para 2 of G. O. No. 1500, dated 11th October 1879, Public Department that the proposal was impracticable with reference to any Provision of Madras Act II of 1879, but so far as Reserved Forests are concerned they directed the Commissioner to notify (vide G. O. No. 237 dated 7th February 1880 Judicial Department) that persons found shooting or beating for Game in Government Forests without permission in writing to be granted on payment of a fee of Rs 15 would be prosecuted as trespassers. The above order was cancelled by G. O. dated 16th April 1885 No. 440 Revenue, on the ground that the rules issued under the Madras Forest Act V of 1882 have the force of law. There remain therefore Government Swamps and grass lands, not included in any Forest Reserve, over which any person can now shoot game during the open season without permission and payment of a fee. In 1887, the Collector proposed to the Board of Revenue at the instance of the Game Association that all Swamp lands (not included in Forest Reserves) be constituted as reserved lands under section 26 of the Forest Act for the protection of snipe which frequent them.

submitted
sent to the
Secretary

but the Board declined to accede to the request because "they consider that the snipe, being a migratory bird, and on that account not protected by the provisions of the Game Preservation Act, there is no reason why people on the Hills should not be permitted at all seasons of the year to amuse themselves by looking for them in these swamps if they please, without any necessity for taking out licenses. They are not likely by so doing to damage the swamps either as grazing grounds or by setting them on fire, and the shooting of an occasional snipe if found during the statutory close time for other game, is not likely to do much harm."

(Board's Proceedings dated 13th May 1887 Forest No. 265.)

The line of argument adopted by the Board would be reasonable enough but for the fact that they have overlooked G. O. No. 450 dated 24th March 1880 Public Department and Notification dated 13th April 1880 judicial declaring both snipe and woodcock to be protected by the Game Act. Snipe therefore are as much entitled to protection as any other game bird on the plateau. As regards other lands namely Government waste grass lands &c. it may be remarked generally that game both

protected and unprotected frequent ³⁵ them and as remarked by Mr. Marlow in para 2 of his letter printed on G. O. No. 257 dated 7 February 1880 ¹⁸⁸⁰ Public Department, persons in pursuit of game generally remain on the grass land outside forest and shoot such game as may be beaten out or that may be grazing outside on the grass lands. It may further be urged that indiscriminate shooting on swamps or on grasslands in the vicinity of Reserves must lead to the disturbance of Protected game during the close season.

4. Under the above circumstances, I beg to recommend the proposal (a) for the favorable consideration of Government and to suggest that the Act be amended by the addition of a general clause reserving to Government the power to frame rules for levying fees on all lands at the disposal of Government within the limits of the Game Act, and for utilizing such fees towards the protection and improvement of game. Section 7 should also be amended to admit of penalties being imposed for any infringement of the rules, as the section as at present stands refers to rules for fishing only.

5. Proposal (b). There is no existing provision in the act under which this recommendation of the Committee can be complied with, but their suggestion which is most valuable can be met by the amendment of section 4 which as at present enacted gives power to Government to prevent absolutely or for a time the pursuit of non-indigenous animals birds or fish. The section may be amended so as to embrace all indigenous species or ^{the} females thereof as Government may prefer. The Collector can then be empowered to cancel or withdraw the licenses held by indiscriminate slaughterers, as the Association suggests.

6. Proposal (c). I agree with the Committee that the Game act should be amended in the direction above pointed out.

7. Proposal (d). The Committee appear to be under a misapprehension on this point. I think that antelope is already protected by section 2 of the Game act as it merely falls within the general terms "deer of all descriptions".

8. Proposal (e). The present close seasons for game were fixed by G.O. dated 3rd February 1881

48.
No 132. Public Department as follows:-
Large Game (including all game other than hares and feathered game). } The 1st of June to the 31st of October inclusive.
Small game (hares and feathered game) — } The 1st of March to the 30th of September inclusive.
Messrs. Barlow and Roupell pointed out the inconvenience arising from the above dates and suggested an alteration: but Government in their Orders dated 11th February 1881 No. 188, and dated 25th March 1881 No. 422, Public Department, declined then to alter the dates. The Committee ~~now~~ urge that the shooting of small game be permitted between 15th September and 15th March: or in other words that the close season be fixed from 16th March to 14th September inclusive and their reasons for this recommendation are that the existing limitation so far as regards small game is unduly restrictive of sport ^{while} ~~and~~ the experience which has been acquired since Colonel Wilson advocated the adoption of the dates for closing now in force does not bear out his prediction that the supply of snipe and woodcock will be appreciably

lessened by shooting being allowed a little later in March and earlier in September.

9. Proposal (f). The rules under section 21 of the Forest Act quoted in this proposal were sanctioned in G. O. No. 1070 dated 6th December 1886 Revenue. A notice will at once be published as the Committee desire under rule IV clause 2 not rule V as quoted by the Committee so far as the Reserved Forests in the Nilgiri Wynnaad are concerned. It has been held that the issue of the rules under the above section in regard to Rented Forests was Ultra-vires. The re-issue of the rules for Rented Forests under the proper section of the Forest Act is under the consideration of Government in the Revenue Department. When they are sanctioned and published, a similar notice will be published prohibiting the pursuit &c of the game specified by the Committee in the Rented Forests as well.

I have the honor to be
Sir
your most obedient servant
C. Madhava
Collector.

575
1-7-89

Handwritten signature or mark.

2118

Public
From

The Collector
Nilgiris

30

The Chief Secretary to Government
Public Department
with the Governor
Stone House Hill

Dated 5th
Read

July 1899



No 45

Enc. 2.

Game Act and Rules.

Submitting for the orders
of Government proposals of the
Nilgiri Game Association for
making certain alterations in the
present Game Act and Rules.

25/7

Ct 2118

Note for Orders

The bulgiri game laws are at present under dual control, the rules and hotifs under Madras Act II of 1879 being issued by the Public Dept, and those under Madras Act V of 1882 by the Revenue Dept. The bulgiri game apoor now requests that the rules should be consolidated and the Acts amended -

1st Madras Act II of 1879

Shortly after this Act was brought into force (6th May 79), it was found that it was defective in several respects. It contained no provision for

(a) extending the close season period for extending specified kinds

G.O. 641 Pub 42 May 79 para. 2.

limits of game beyond a portion of the year.

(b) for paying license fees on persons entering abt. 5000 ft. land for shooting vivipores.

(c) for extending the Act beyond the limits laid down in the schedule, which excluded the 3 Amchons in St. Wynad now forming part of the Nilgiri District.

The notification issued under S.O. 132 of 3 Oct. '81, defining the close seasons for large and small game were recognized to be not quite correct, but having continued in force ever since, owing to the wide diversity of public opinion as to the proper periods in question.

2. Madras Act V of 1882. The notification prescribing the license fee in the case of Reserved forests

S.O. 1500 Pub. of 11 Oct. '79 para. 2

W. J. Lambie Esq. in

1070 Rev page 2.
6 Dec. '86

Pub. 188 422 1266
11 Feb. '82 25 Mar. '81 26 Oct. '82

forests sanctioned in S.O. Pub. 237 of 7 Feb. '80 could not be issued under Act V of 1882, and did not hold good under Act V of 1882, it was therefore superseded by the rules sanctioned in S.O. Rev. 440 of 16 April '85, but as these did not cover the Nilgiri-Wynad, fresh rules were sanctioned in S.O. Rev. 1070 of 6 Dec. 1886. A slightly different set of rules regarding the pursuit of game is in force in other districts both as regards reserved forests and other areas, the main difference being that the license fee is Rs 15 in the Nilgiris against Rs 5 elsewhere. Rev. Dept. Notif. No. 205 in the Gazette of the 30 July '89 declares only the rules on page 704 of the Gazette of

FOR ORDERS.

0.7/0

A suffer as the R.S. may able elsewhere for
permission to short in business could be deducted
from the amount of such interest ^(64%) and paid to the
benefit of ~~the~~.

from the designation made in (A). The antelope
is zoologically speaking not a deer but it
is commonly included in that category. There
would however be no harm in officially
protecting it. It is to be found in fair
numbers in the area included in the
Res.

Don't it? Has been referred to the
Legislation if it be wished to
amend the existing law.

The paper obs. to know from
sunday.

If this can done the question of
leaving your license fees &
preventing the buying of horses
e. i. being settled & the rules
under the Act w^t from the ^{new} same
locality. It does not want-

The above time for 'feather' & 'feet'

12 Aug.

2/8/54

N. G.

A Collector, as much the
slaves and men the fort.

07 a Noel 1872
Bonne nuit, bonne nuit
à tous les amis

the first direct.
the influence in his case
the same on to the

Some more. Will add them
to the Direct. and test
"B & B"

On the matter of making
a good coat of

referred to the New
provision

there is a general
part that for 5 lbs are

some within the mean
of the state of the river

has ignored / The
 times in connection with
 the matter. The pa.
 of the

1852. continued on
 the 2^d of some late fire of
 the house at present

June 18th - 7th of the 10th
 storm on in the 10th
 Did not all have to

With reference to the

Rev. Mr. Garrison in
instruction to transfer

These papers to the
Revenue Dept. it is not

mitted for consideration
that the Revenue Dept.

appears to have an
no occasion dealt with

Questions relating to
the Virginia game

law is the rule issued
under the Act.

Had if the Board has
at any time disapproved

of differences are the
Subject, there was probably
a significant difference in

a misapprehension; no
 Revolution of the B. L.
 have as yet been

from the file, came before
Government in the Public

of the Revenue dept.

in future to undertake
the work, it will be

xx present to Col. on my
 subject other than the
 a book has a "The
 the? he slays question
 when is the "The B.C. - who
 comes - from the Game
 1/2 to 2/3 of the - with
 there is any question of
 later the paper could be
 be drawn from the Public
 1/2 of the recovery
 after 1/2 of the

Pl. I. 2. 25 to the above
excepting Political - System
- and other matters
JHS
12/10

I think the
office not
out-the
undesirability
of a change - I have
no wish to throw across
your way on the
ground

As the Rev. Mr. Garrison's
instructions will alter
fast practice, they
are circulated.

2. It does not appear that any definite rules have been laid down by Govt. but some time has been lost in sending for orders on the subject. It has become the practice for Collectors to address Government direct on miscellaneous matters where no revenue interests of the Board were involved.

3. On the annexed sheet,
same subjects have
been entered regarding
which collectors write
to the Chief Secretary

4. In regard to political matters, the Revenue Board have at times refrained from passing any resolutions & have

1861
1 Oct.
On the contrary the B. refused
to provide the free omnibus
slaughter of snipe & woodcock
along the Glen road & it was
the fact that omnibus them &

only sent on papers to Gant. observing that they were not concerned; in the case of one bundle of Political prisoners - those in District. The Board at one time dis-posed of them, but Gant attend the arrangement, with it is believed, here.

3. Official results as there was much delay & some want of system.

5. It is hoped that at least as regards the Political papers the Hon. Mr. Gant may receive his opinion.

6. It is not understood whether in case the change is made, the Revenue Dept. Sect. is to deal with the papers when they come before Gant. As regards the particular subject which has given rise to this, it will be seen that the Hon. Mr. Gant has ordered that course to be pursued. The pro-ceedings to be handed over to the Rev. Sect. will be very numerous, and indexes will also have to be provided.

May 2 into the same Association's hands
12/60

containing the M. L. has with the Political prisoners - on with the Board of Revenue

* I think that locutions of this sort should be dropped.

* The same M. L. never happens to be in personal charge of both the Pol. & the Revenue Dept., & the only immediate effect of the change will be to take certain papers out of the hands of the C. S. Office, which is acquainted with the rules & has tried to deal with them to the satisfaction of H. L. S.

I have seen my hon. colleagues further remarks & when forming opinion that no change is called for in the present practice to the distribution of business in the Department. Change promises no advantage, is not based on any principle, and can only tend to the accumulation of work.

17 Oct

Subjects at present taken up in the Chief Secretary's office on which Collectors do not come through the Board of Revenue -

Public Dept:

1. Returns of Vernacular Newspapers.
2. Returns of Declaration of publishers of native newspapers -
3. Pressing Press -
4. Return of presses
5. Archeology -
6. Passport to pilgrims
7. Bills of Lading -

Political Dept

1. Political prisoners
2. Titles -

Ecclesiastical Dept

1. Cemetery reports

Marine Dept -

1. Week reports
2. Cyclone -

all the

Proposed amendment
of Virginia game laws
Notes for orders

0.28/10

C.30/9 | C.7/10 | C.16/10
R.14/10

No. 2118

From The Col. Virginia

Dated 188

FOR ORDERS

Amendment of the Virginia
Game Laws

Letter to the Hon. Mr. Garstin
Recd.
16 Nov

The following rough draft of
a Bill for amending the
Act II of 1873, is submitted for
orders, as directed in Art. 5 of the
present Act on
his subject.

This is a refinement - I think
'outlets' are included in
the term "deer of all
descriptions" - I do not
if there are any outlets in
the case of the deer. I do not

I In case of Art II of 1873 after
the word "deer" add "and
outlets"

II Substitute the following for
sec 3 of the present Act

3 It shall not be lawful in
the district aforesaid for
any person to shoot at, kill,
capture, pursue, or sell, or
attempt to kill, capture, or sell,
any kind of game without a
license from the collector

provided that nothing in this act shall preclude proprietors or occupiers of land from adopting on such land such measures as may be necessary for the protection of crops or produce growing thereon from the depredations of four-footed animals."

FOR ORDERS.

This is to certify that the above is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

3A Licenses under the preceding section shall be issued only on payment of such fees as the Commissioner from time to time prescribes.

3B It shall be lawful for the Commissioner, by notice in the Fort Worth Gazette, from time to time to make rules regulating the periods for which licenses shall be issued under sec 3, shall remain in force, the species of game for which such licenses shall be issued or refused, or any other matters relating to the grant of the said licenses."

3C Subject to the provisions of sec 3A & 3B above, the power of granting or refusing licenses

- the following matters:
1. The issue of licenses to kill game
 2. The establishment of seasons for the killing of game
 3. The issue of licenses to take or possess game
 4. The issue of licenses to transport game

This is to certify that the above is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

shall act with the collector, ^{the collector} this decision shall be final provided that in the event of the collector refusing to grant a license or appeal, he shall be bound to record his reasons in writing."

3D The Commissioner shall have power, by notice in the Fort Worth Gazette, to forbid from time to time the pursuit, killing, or capture of any game that is or of any particular kind of game in any specified area or areas of the district, and on the issue of any such notice, any license issued under sec 3 shall become null and void as far as regards such areas. Provided that no such notice shall have effect until at least two months from the date of its first publication in the Fort Worth Gazette, and shall continue in force for more than six months at a time."

For the above any portion of any calendar year last indicated in the close season

may be made or modified

It is desirable to continue the above as it is a good law

III In line respecting 7 of the

that night
against sec. 3, 3D, 4, or 5
of this act, or breach of any
condition under which license
has been granted thereunder
sec 3 shall be liable as

Public

And add at the close of this
section
And if such conviction shall
be in respect of breach of the
conditions of a license granted
under sec 3, it shall be lawful
for the [illegible] to summarily
cancel such license

The rules under the Forest
Act applicable to the Kilgini
might then be assimilated to
those of other districts

Sh
AM
Laser
9/11

W
W

Amendment of the Kilgini
Game Act:

This section ~~shall~~ require
considerable alteration. It
makes no provision for a small
license. It is to be
sizing a man's gun & etc.
in addition to taking away his
license & firing him.
~~It is to be a small license~~
It is to be a small license. In line 2
"He is to be a small license
license granted & cancelled
in addition to a small license
of 250 N. and of full of paper
kind to make improvements
for a period not exceeding
2 months."

Sec. 9. It is to be
"the [illegible] fire & [illegible]
of the [illegible] property
shall be paid in to the [illegible]
[illegible] There is no case
involving a [illegible] of [illegible]
[illegible] the [illegible] in the [illegible]
"how [illegible]" besides it
might be offensive."

1157
20/11/07
And reported [illegible] printed
C

28/11

AMENDMENT OF THE NILGIRI GAME ACT.

Assistant Secretary's Draft.

The following rough draft of a Bill for amending Madras Act II of 1879 in accordance with the proposals of the Chief Secretary is submitted for orders, as directed in His Excellency's note on page 5 of the previous notes on this subject:—

I. In section 2, Act II of 1879, after the word "deer" add "and antelope."

II. Substitute the following for section 3 of the present Act:—

"3. It shall not be lawful in the district aforesaid for any person to shoot at, kill, capture, pursue, or sell, or attempt to kill, capture, or sell, any kind of game without a license from the Collector.

"Provided that nothing in this Act shall preclude proprietors, or occupiers of land from adopting on such land such measures as may be necessary for the protection of crops or produce growing thereon from the depredations of four-footed animals."

"3A. Licenses under the preceding section shall be issued only on payment of such fees as the Governor in Council may from time to time prescribe."

"3B. It shall be lawful for the Governor in Council, by notification in the *Fort St. George Gazette*, from time to time to make rules for regulating the season and periods for which licenses granted under section 3 shall remain in force, the species of game for which such licenses shall be granted or refused, and any other matters relating to the grant of the said licenses."

"3C. Subject to the provisions of sections 3A and 3B above, the power of granting or refusing licenses shall rest with the Collector, and his decisions shall be final, provided that in the event of the Collector's refusing to grant a license on application, he shall be bound to record his reasons in writing."

"3D. The Collector shall have power, by notification in the District Gazette, to forbid from time to time the pursuit, killing, or capture of any game whatsoever in any specified area or areas of the district, and on the issue of any such notification, any license granted under section 3

Draft as amended by Hon. Mr. Garstin.

The following rough draft of a Bill for amending Madras Act II of 1879 in accordance with the proposals of the Chief Secretary is submitted for orders, as directed in His Excellency's note on page 5 of the previous notes on this subject:—

REMARK.—This is a refinement. I think "antelope" are included in the term "deer of all descriptions." Besides, I doubt if there are any antelope in the area to which the Act applies.

II. Substitute the following for section 3 of the present Act:—

"3. It shall not be lawful in the district aforesaid for any person to shoot at, kill, capture, pursue, or sell, or attempt to kill, capture, or sell, any kind of game without a license from the Collector.

"Provided that nothing in this Act shall preclude proprietors, or occupiers of land from adopting on such land such measures as may be necessary for the protection of crops or produce growing thereon from the depredations of game."

"3A. Licenses under the preceding section shall be issued only on payment of such fees as the Governor in Council may from time to time prescribe."

"3B. It shall be lawful for the Governor in Council, by notification in the *Fort St. George Gazette*, from time to time to make rules for regulating the following matters:—

- (1) The issue of licenses to kill game.
- (2) The establishment of a "close season" during which no game may be killed.

"3C. Subject to the provisions of sections 3A and 3B above, the power of granting or refusing licenses shall rest with the Collector of the Nilgiri District, and his decisions shall be final, provided that in the event of the Collector's refusing to grant a license on application, he shall be bound to record his reasons in writing."

"3D. The Collector shall have power, by notification in the District Gazette, to forbid from time to time, and for the whole or any portion of any calendar year not included in the close season, the pursuit, killing, or capture of any game whatsoever or of any particular kind of game in

I have for a long time been...

What is the point of the Act? recording his reasons if his decision is final?

1881

Why the collector? The fixing of close seasons implies to be reserved to the G. in C. & the prohibition of shooting in certain areas should not with the same authority.

N 24/4 1881

shall become null and void so far as regards such areas. Provided that no such notification shall have effect until at least two months from the date of its first publication in the District Gazette, and shall not continue in force for more than six months at a time."

III. For lines 2 and 3, section 7, of the present Act read—

"offence against sections 3, 3D, 4, or 5 of this Act, or of breach of any condition under which a license has been granted to him under section 3, shall be liable, &c." And add at the close of this section—

"and if such conviction shall be in respect of breach of the conditions of a license granted under section 3, it shall be lawful for the Collector to summarily cancel such license."

The rules under the Forest Act applicable to the Nilgiris might then be assimilated to those of other districts.

any specified area or areas of the district, and may cancel or modify the same, and on the issue of any such notification, any license granted under section 3 shall become null and void so far as regards such areas. Provided that no such notification shall have effect until at least two months from the date of its first publication in the District Gazette."

III. Substitute the following for section 7 of the Act:—

"Every person convicted before a Magistrate of any offence against sections 3, 3D, 4, or 5 of this Act, shall be liable to have his license forfeited and cancelled, and, in addition, to a penalty not exceeding Rs. 250, or, in default of payment thereof, to simple imprisonment not exceeding 2 months."

"and if such conviction shall be in respect of breach of the conditions of a license granted under section 3, it shall be lawful for the Collector to summarily cancel such license."

IV. Substitute the following for clause 1 of section 9 of the present Act:—

"All fees, fines, and sums realized by the sale of forfeited property shall be paid into the Public Treasury."

The rules under the Forest Act applicable to the Nilgiris might then be assimilated to those of other districts.

Argument

Why not use the usual phraseology

then ... with ante about conditions of the license.

I am opposed to the whole thing, but I would suggest that instead of this draft, it should be entirely withdrawn I note that no provision is made for protecting females of any kind of game.

U.S.

3 Dec

Public DEPARTMENT.

C No. 2118

From

Amendments of the Bill for
the

Dated

188 .

FOR ORDERS.

In accordance with Mr. [unclear]
instructions I have had put
in type in printed form,

(1) The draft amendment of
the Act which I submitted
(per order) on the 4th inst
- 2118 -

(2) The draft is amended by
the Mr. [unclear]. [unclear] amendments
are shown in italics
The paper is now re-circulated

same
JHS
28/11

has been
28/11

For Orders
Act II of 1879 (Madras)
is hereunder redrawn
in accordance with
the orders of His Excellency.

Title

An Act to provide for the
protection of Game &
Fish in the District of the
Nilgiris in the Madras
Presidency.

Note.

There is only one indigenous fish
in the District apparently & that the
size of a minnow, it seems un-
necessary to specially exempt it
by Act because it will be easy
to exempt it in the notification
~~issued under the Act~~.
Submitted therefore that 'Fish'
may replace the words 'Authenticated
Fish'.

Preamble.

Whereas it is expedient to provide
for the protection of certain
wild animals & birds & of
fish & to prohibit, under
certain conditions, the

Slaughter, capture & sale
of game & fish in the
district known as the
Nilgiris as described
in the schedule hereto
appended; It is hereby
enacted as follows:—

note

It seems unnecessary to use
the words 'used for food' as
the intention of the Legislature
is not merely to keep up a
food-supply nor are the
animals mostly killed for
the pot. The wording of the
original Act is altered here
in certain other unimportant
particulars.

Section I.

This Act may be called
'The Nilgiris Game &
Fish Preservation Act,
18—' and it shall come
into force in the district
aforesaid or in such
parts thereof & from such
date as the Governor in
Council may, from time
to time, declare by
notification

Notification in the Fort St.
George Gazette.

note

The only change is the
omission of the word
'acclimatised.'

Section 2.

In this Act the word
'game' shall include
bison, ~~sheep~~, antelope,
deer of all descriptions,
hares, jungle-fowl, ^{spur-fowl} ~~pea-~~
fowl, partridges, quails,
~~snipe~~ snipe & woodcock
& such other animals or
birds as the Governor in
Council may deem fit
to specify by notification
from time to time in the
Fort St George Gazette.

note

~~They have been referred to by 'wild goat'.~~
Sambhar & jungle-sheep are
true deer (Cervidae) & have
therefore not been mentioned;
antelopes belong to a super-
family (Bovidae) & have
therefore been separately men-
tioned. Snipe & woodcock
have been added. The word
has been very slightly altered.

Section 3

It shall not be lawful in the district aforesaid for any person to kill, capture, pursue or sell or attempt to kill, capture or sell any kind of game without a license from the Collector. Provided that nothing in this Act shall preclude proprietors or occupiers of land from adopting on such land such measures as may be necessary for the protection of the produce growing thereon from the depredations of game.

Note

This is a new section inserted at the request of the Nilgiri Game Association & drafted in the light of the Hon. Secy's remarks upon the last Secretary's previous amending draft Bill. The words "to shoot at" have been omitted as it is submitted that they are covered by "attempt to kill." The words "crops or" have been similarly omitted as covered by "produce of."

Section 4

Licenses under the preceding section shall be issued only on payment of such fees & subject to such rules as the Governor in Council by notification in the Fort St. George Gazette may from time to time prescribe.

Note

This is also a new section dependent upon §3 supra. It has been formed by amalgamating §3A of the Hon. Secy's revised draft with the first part of §3B & §3C. (1) of the same draft. This was done under the belief that the Hon. Secy intended this draft merely for guidance & not as the final form which the Act was to assume.

Section 5

The Governor in Council may, from time to time, by notification in the Fort St. George Gazette, fix a season or seasons during which

Corresponding to §3 Act II of 1879.

it shall not be lawful
for any person, whether
with or without the
license mentioned
in section 3 of this act,
to kill, capture, pursue
or sell, or attempt to
kill, capture or sell
such game as may
be specified in the noti-
fication within the
aforesaid district.

This section is subject to the same proviso
as § 3 of this Act.

This section is modelled upon
§ 3 of the old Act & includes
§ 3-B(2) of the Hon. Mr. Garstin's
amending draft. It is sub-
mitted that some definition
of the words "close season" is
required & that this is supplied
by the present draft. The words
"shoot at" have been omitted
& it was felt desirable to insert
the words "whether.... Act"
in order to prevent any misconception.
The words "attempt to... sell"
have also been added to the section
as it originally stood.

Submitted that the addition
of the proviso is necessary.

Includes § 4 of Act II of 1879.

from time to time

I submit that this is not a sufficiently
long period. It is not a sufficient
time to allow a person to have
been issued a license and then to
be prohibited from hunting for 5 years & then
to have a chance given of being
issued a license again.

Section 6.

Subject to the provisions
of § 4 of this Act the
power of granting or
refusing the licenses
required under § 3 shall
rest with the Collector &
his decision shall be
final.

note

The alteration of the section
to the provisions of which this
section is subject is rendered
necessary by the alteration in
§§ 4 & 5 above. The words "of
this Act" & "required under
§ 3" have been added, otherwise
the section corresponds to § 3C.
of the Hon. Mr. Garstin's draft
modified with reference to the
Hon. Mr. Stokes' remarks.

Section 7.

The Governor in Council shall
have power by notification
in the Fort St. George Gazette
to forbid altogether for
any period not exceeding
three years the slaughter,
capture, pursuit or sale

of any game or fish
whatsoever or of any
particular kind ~~or~~ or kinds of game
or fish in any specified
area or areas of the
district or in the district
generally within the
limits mentioned in
the schedule & may
cancel or modify the
same. On the issue of
such notification any
license granted under
§ 3 shall become null &
void so far as regards
such areas.

Provided that no such
notification shall have
effect until at least two
months from the date of
its first publication in
the Fort-St George Gazette.
Note.

With certain alterations & with
the modification advised by His
Excellency this represents § 3D
of the Hon. Mr. Parrott's draft.
"Collector" has been changed
into "Governor in Council". The
words "and for the whole or any
part of the district"

portion of any calendar year
not included in the close season
have been omitted because they
clash with the latter part of
§ 3D which directs that such
notification shall not remain
in force for more than six months.
Submitted that either period
is too short & that the period
may remain at 3 years as
in § 4 of the old Act.

The words "or fish" have been
inserted & by this means, it
is submitted, all that is secured
by § 4 of the old Act is secured
in this section. There appears
no reason why the protection
afforded should be accorded only
to exotic animals, birds & fish which
are also useful for food. On
the introduction of any new animal
into the district the J. in C. has
merely to notify under § 2 supra
that the animal is to be 'game'
& then under this § 7 he can proceed
to forbid any one to kill it for
3 years. Moreover it is submitted
that this new section secures another
object, it empowers the J. in C. by
notification to declare that the

of any kind of game shall be protected completely for a like period. The new § 4 thus not only secures every advantage attainable under old § 4 but goes far beyond & gives power to protect any indigenous game or the females of any indigenous game as well as acclimated game.

Corresponding to § 5 of Act II of 1879.

Section 8.

It shall be lawful for the Governor in Council by notification in the Fort St. George Gazette to make rules from time to time for the regulation & control of fishing in any stream or lake within the said district; and such rules may, among other things, prohibit or regulate the poisoning of the water, the throwing of any deleterious substance therein, the use of fixed engines for the capture of fish & the use of nets of a mesh below

size to be defined in such rules.

note

All allusion to "acclimated fish" has been omitted. It was thought unnecessary to restrict the prohibition of fixed engines to streams only & the words "in any stream" have consequently been omitted. There are some other trifling changes in phraseology. So "such rules may" has been altered to "other things" as probably representing the meaning of the § better.

Section 9.

Any government officer or servant may require any person whom he finds committing any offence under §§ 3, 5, 7 or 8 of this Act to give his name & address & if there be any reason to doubt the accuracy of the name or address so given, may require such person to accompany him to the nearest Police Station.

note.

The words "a policeman producing his certificate of

Corresponding to § 8 of Act II of 1879

Should be worded better to make this "any Officer of the Revenue, Forest or Police Department."

The section as it stands is practically impossible. I have no more than the bare suggestion of a change which I have also some little changes.

What if the man gives an address, but no name and address and declines to accompany the Officer or omit to do so? Should the power to arrest be given? A Revenue man may arrest a man with a warrant & call him without giving through the form of taking his address why should he not have authority to arrest the offender and produce him to the nearest Police Station? If he refuses to give his address or name & address he will be arrested and taken to the nearest Police Station.

office, or wearing the prescribed
distinctive dress or badge of
his department" have been
omitted because, firstly, a
policeman is a "government
servant" & secondly, it
would be extremely unlikely
that a gov: servant above
the rank of peon would be
in uniform in the jungles
where the ~~offence~~ offence
would be likely to take place.

Any thing about dress would be included in the
general instructions at the head of the Section - note 2

Section 10

Every person convicted
before a Magistrate of any
offence against §§ 3, 5, 7
or 8 of this Act shall be
liable to a penalty not
exceeding Rs 250 or in default
to simple imprisonment
for a period not exceeding
two months & in addition
~~it shall be lawful for~~
~~the Collector on proof of~~
~~conviction to cancel the~~
~~license of any person so~~
~~convicted.~~

note

to the forfeiture to

At the discretion of the
Magistrate, of the game
or fish taken & of all
weapons, implements &
dogs used in or for the
purpose of aiding the
commission of such
offence.

note
It shall further be at
the discretion of the Collector
on proof of such conviction
to cancel the license of
any person so convicted.

note

This section is modelled on
§ 7 of Act II of 1879, on the
Hon: Mr. Gurnea's § III & on
the Hon: Mr. Stokes' remarks.
The proposed addition of the
words "breach of any condition
under which the license has been
granted" etc found in the
Asst. Secretary's first draft
are omitted as not approved
by the Hon: Mr. Gurnea & as being
undesirable in themselves it
being submitted that the §§ 3,
5, 7 & 8 cover every class of
offence. The liability of forfeiture

apparently

has been omitted from the Am:
Mr. Parson's draft, ^{§ III} ~~presumably~~
unintentionally as appears from
his § IV + ^{it has} ~~the~~ consequently
been added provided for in this
draft section. In the spirit
of the Am: Mr. Parson's draft
the Collector has been authorized
to cancel a license but upon
any conviction & not only
upon conviction for breach of license
rules, this has been done as
nothing is said ^{previously} ~~above~~ about
conditions & submitted that the
matter may be left to the
Collector's discretion.

Section 11

The provisions of the Code
of Crim. Proc. relating
to the summoning & examining
of persons accused & of
witnesses & to the trying
of penalties shall be
applied to proceedings
under this Act.

Section 12

All fees, fines & sums
realized by the Sale of

forfeited property
shall be paid into the
public treasury.
But it shall be competent
to the convicting Magistrate
to any person ^{or persons} whose information he
to award ^{such} portion
of the fine or of the sum
realized as aforesaid as
he may think fit ~~but~~
provided that the amount of such award shall
not exceed ~~an amount~~
one-half the amount of
the full fine authorized
to be ~~levied~~ ^{imposed} by
this Act. ~~in any case~~
~~under this Act~~ to the
person or persons ~~on~~
whose information the
conviction is obtained
follows.

Note

Amended in the light of
the Am: Mr. Parson's remarks
"is obtained" has been
altered to "follows". The order
of the words has also been ~~reversed~~

A. Muttarworth.

21st Dec. 19--

Corresponding to § 8 of Act II of 1879.

Corresponding to § 9 of Act II of 1879.

The schedule of the Act
has also to be considered.
As it stands it excludes
the 3 taluks of Kambela
Ras, Cheraukad &
Minnanad which were
added to the District
in March 1877.

Why they were excluded
does not appear, possibly
by an oversight but this
is scarcely probable
as the letter from the same
Association recommending
legislation is dated
Nov. 1877. Probably
as they had only lately
been added there was
no one in the Committee
to represent their claims.

In 1877 out of a revenue
of Rs 16,609 derived from
holdings in these taluks
Rs 10,551 were paid by
the Government out of 1842 Rs.

only 5-9 were in European hands.

The density of population is much the same in 1871 as in the other taluks of the district & there appears to be no reason why the limits of the schedule should not be extended so as to include these 3 amsams.

Mr
14 Jan

85
16/1

seen
2 Feb

FOR ORDERS.

Act II of 1879 (Madras) is hereunder redrawn in accordance with the orders of His Excellency:—

TITLE.

An Act to provide for the protection of Game and Fish in the district of the Nilgiris in the Madras Presidency.

Note.

There is only one indigenous fish in the district, apparently, and that the size of a minnow. It seems unnecessary to specially exempt it by legal enactment, because it will be easy to exempt it in the notifications issued under Sections 7 & 8 *infra*. Submitted, therefore, that "Fish" may replace the words "Acclimatised Fish."

PREAMBLE.

Whereas it is expedient to provide for the protection of certain wild animals and birds and of fish, and to prohibit, under certain conditions, the slaughter, capture and sale of game and fish in the district known as the Nilgiris as described in the schedule hereto appended; It is hereby enacted as follows:—

Note.

* I think it would be safer to retain these words—J. F. P.

It seems unnecessary to use the words "used for food," as the intention of the legislature is not merely to keep up a food-supply, nor are the animals mostly killed for the pot. The wording of the original Act is altered here in certain other unimportant particulars.

Corresponding to Section 1 of Act II of 1879.

SECTION I.

This Act may be called "The Nilgiris Game and Fish Preservation Act, 18—," and it shall come into force in the district aforesaid or in such parts thereof and from such dates as the Governor in Council may, from time to time, declare by notification in the *Fort St. George Gazette*.

Note.

The only change is the omission of the word "acclimatised."

Corresponding to Section 2 of Act II of 1879.

SECTION 2.

In this Act the word "Game" shall include bison, ibex, antelope, deer of all descriptions, hares, jungle-fowl, spur-fowl, pea-fowl, partridges, quails, snipe and woodcocks and such other animals or

birds as the Governor in Council may deem fit to specify by notification from time to time in the *Fort St. George Gazette*.

Note.

Sambhur and jungle-sheep are true deer (Cervidae), and have therefore not been mentioned; antelopes belong to a separate sub-family (Bovidae), and have therefore been separately mentioned. Snipe and wood-cock have been added. The wording has been very slightly altered otherwise.

SECTION 3.

It shall not be lawful in the district aforesaid for any person to kill, capture, pursue or sell, * or attempt to kill, capture or sell, * any kind of game without a license from the Collector. *Provided that nothing in this Act shall preclude proprietors or occupiers of land from (adopting on such land such measures as may be necessary for the protection of the produce growing thereon from the depredations of game)*

Note.

This is a new section inserted at the request of the Nilgiri Game Association, and drafted in the light of the Hon. Mr. Garstin's remarks upon the Assistant Secretary's previous amending draft Bill. The words "to shoot at" have been omitted, as it is submitted that they are covered by "attempt to kill." The words "crops or" have been similarly omitted as covered by "produce of."

SECTION 4.

Licenses under the preceding section shall be issued only on payment of such fees and subject to such rules as the Governor in Council by notification in the *Fort St. George Gazette* may from time to time prescribe.

Note.

This is also a new section dependent upon Section 3 *supra*. It has been formed by amalgamating Section 3-A of the Hon. Mr. Garstin's revised draft with the first part of Section 3-B and Section 3-B (1) of the same draft. This was done under the belief that the Hon. Mr. Garstin intended his draft merely for guidance, and not as the final form which the Act was to assume.

SECTION 5.

Corresponding to Section 3 of Act II of 1879.

The Governor in Council may, from time to time, by notification in the *Fort St. George Gazette*, fix a season or seasons *in every year* during which it shall not be lawful for any person, whether with or without the license mentioned in Section 3 of this Act, to kill, capture, pursue or sell, or attempt

This is unnecessary as it is implied in the definition of game. An antelope being a kind of deer. I don't think that crops and wood-cock require protection being suggested regarding them when out of season. I don't think it is a game bird and game of the forest.

* I submit that making it necessary to have a license to sell game is rather too strong a step. There is, I know, at least one dealer who gets game up from the plains for sale at Ootacamund—J. F. P.

It won't do him any harm to take a license to sell game. I rather think he gets it. It is indefinite. The word undelimited and game. I shall say "excepting a killing at any time and any game being damaged to any adjoining land."

to kill, capture or sell, such game as may be specified in the notification within the aforesaid district. This section is subject to the same proviso as Section 3 of this Act.

Note.

This section is modelled upon Section 3 of the old Act, and includes Section 3-B (2) of the Hon'ble Mr. Garstin's amending draft. It is submitted that some definition of the words "close season" is required, and that this is supplied by the present draft. The words "shoot at" have been omitted, and it was felt desirable to insert the words "whether . . . Act" in order to prevent any misconception. The words "attempt to . . . sell" have also been added to the section as it originally stood.

Submitted that the addition of the proviso is necessary.

SECTION 6.

Subject to the provisions of Section 4 of this Act, the power of granting or refusing the licenses required under Section 3 shall rest with the Collector, and his decision shall be final.

Note.

The alteration of the section to the provisions of which this section is subject is rendered necessary by the alteration in Sections 4 and 5 above. The words "of this Act" and "required under Section 3" have been added, otherwise the section corresponds to Section 3-C of the Hon. Mr. Garstin's draft modified with reference to the Hon. Mr. Stokes' remarks.

SECTION 7.

The Governor in Council shall have power by notification from time to time in the *Fort St. George Gazette* to forbid altogether for any period not exceeding ~~three~~ *three* years * the ~~slaughter~~ *slaughter*, capture, ~~pursuit~~ *pursuit* or sale of any game or fish whatsoever or of any particular kind or kinds of game or fish in any specified area or areas of the district or in the district generally within the limits mentioned in the schedule, and may cancel or modify the same. On the issue of such notification, any license granted under Section 3 shall become null and void so far as regards such areas.

Provided that no such notification shall have effect until at least two months from the date of its first publication in the *Fort St. George Gazette*.

Note.

With certain alterations and with the modification ordered by His Excellency, this represents Section 3-D of the Hon. Mr. Garstin's draft. "Collector" has been changed into "Governor in Council." The words "and for

Includes Section 4 of Act II of 1879.

* I submit that this is not a sufficiently long period. Pheasants and chicore have been recently introduced, and they should be protected for certainly 5 years, if they are to have a chance given of really increasing—J. F. P.

request for 5 years

killing

the whole or any portion of any calendar year not included in the close season" have been omitted, because they clash with the latter part of Section 3-D, which directs that such notification shall not remain in force for more than six months. Submitted that either period is too short, and that the period may remain at 3 years, as in Section 4 of the old Act.

The words "or fish" have been inserted, and by this means, it is submitted, all that is secured by Section 4 of the old Act is secured in this section. There appears no reason why the protection afforded should be accorded only to exotic animals, birds and fish which are also useful for food. On the introduction of any new animal into the district, the Governor in Council has merely to notify under Section 2 *supra* that the animal is to be "Game," and then under this Section 7 he can proceed to forbid any one to kill it for 3 years. Moreover, it is submitted that this new section secures another object, it empowers the Governor in Council by notification to declare that the females of any kind of game shall be protected completely for a like period. The new section thus not only secures every advantage attainable under old Section 4, but goes far beyond and gives power to protect any indigenous game or the females of any indigenous game as well as acclimatised game.

SECTION 8.

Corresponding to Section 5 of Act II of 1879.

It shall be lawful for the Governor in Council by notification in the *Fort St. George Gazette* to make rules from time to time for the regulation and control of fishing in any stream or lake within the said district; and such rules may, among other things, prohibit or regulate the poisoning of the water, the throwing of any explosive or deleterious substance therein, the use of fixed engines for the capture of fish and the use of nets of a mesh below a certain size to be defined in such rules.

Note.

All allusion to "Acclimatised fish" has been omitted. It was thought unnecessary to restrict the prohibition of fixed engines to streams only, and the words "in any stream" have consequently been omitted. There are some other trifling changes in phraseology. To "such rules may" has been added "among other things" as probably representing the meaning of the section better.

SECTION 9.

Corresponding to Section 6 of Act II of 1879.

Any Government officer or servant may require any person whom he finds committing any offence under Sections 3, 5, 7 or 8 of this Act to give his name and address, and, if there be any reason to doubt the accuracy of the name or address so given,

Would it not be better to make this "Every officer of the Revenue, Forest or Police Department"?—J. F. P.

* What if the man gives an obviously false name and address and declines to accompany the officer or omits to do so? Should not power to arrest be given? A Revenue peon may arrest a man with a handful of salt earth without going through the form of asking his address. Why should he not have authority to arrest the slayer of a protected pheasant, if he refuses to give his address or gives a false one and will not quietly accompany him to a Police Station? The section as it stands is practically perfectly useless. I know of more than one case of "gentlemen" shooting without a license who gave false addresses.—J.F.P.

† This is wrong. Foresters and Rangers wear uniform.—J. F. P.

may require such person to accompany* him to the nearest Police Station.

Note.

The words "or policeman producing his certificate of office, or wearing the prescribed distinctive dress or badge of his department" have been omitted because, firstly, a policeman is a "Government servant," and, secondly, it would be extremely unlikely that a Government servant above the rank of peon would be in uniform in the jungles where the offence would be likely to take place. Anything about dress would be needless if the amendment proposed at the head of the section is made.

SECTION 10.

Every person convicted before a magistrate of any offence against Sections 3, 5, 7 or 8 of this Act shall be liable to a penalty not exceeding Rs. 250, or in default to simple imprisonment for a period not exceeding two months and in addition to the forfeiture to Government, at the discretion of the magistrate, of the game or fish taken and of all weapons, implements and dogs used in or for the purpose of aiding the commission of such offence.

It shall further be at the discretion of the Collector, on proof of such conviction, to cancel the license of any person so convicted.

Note.

This section is modelled on Section 7 of Act II of 1879, on the Hon. Mr. Garstin's Section III, and on the Hon. Mr. Stokes' remarks. The proposed addition of the words "breach of any condition under which the license has been granted," etc., found in the Assistant Secretary's first draft, is omitted as not approved, apparently, by the Hon. Mr. Garstin and as being undesirable in themselves, it being submitted that the Sections 3, 5, 7 or 8 cover every class of offence. The liability to forfeiture has been omitted from the Hon. Mr. Garstin's draft Section III unintentionally, as appears from his Section IV, and it has consequently been provided for in this draft section. In the spirit of the Hon. Mr. Garstin's draft, the Collector has been authorized to cancel a license, but upon any conviction and not only upon conviction for breach of license rules. This has been done as nothing is said previously about conditions, and submitted that the matter may be left to the Collector's discretion.

SECTION 11.

The provisions of the Code of Criminal Procedure relating to the summoning and examination of persons accused and of witnesses and to the levying of penalties shall be applied to proceedings under this Act.

Corresponding to Section 8 of Act II of 1879.

SECTION 12.

Corresponding to Section 9 of Act II of 1879.

a/ All fees, fines and sums realized by the sale of forfeited property shall be paid into the public treasury. But it shall be competent to the convicting magistrate to award to any person or persons on whose information ~~the~~ conviction follows such portion of the fine or of the sum realized as aforesaid as he may think fit, provided that the amount of such award shall not exceed one-half the amount of the full fine authorized to be imposed by this Act.

Note.

Amended in the light of the Hon'ble Mr. Garstin's remarks, "is obtained" has been altered to "follows." The order of the words has also been changed.

(Signed) A. BUTTERWORTH.

21st Dec. 1889.

amended The schedule of the Act has also to be considered. As it stands, it excludes the three taluks of Nambalakód, Cheramkód and Múnnanád, which were added to the district in March 1877.

amended Why they were excluded does not appear; possibly by an oversight, but that is scarcely probable, as the letter from the Game Association recommending legislation is dated November 1877. Probably, as they had only lately been added, there was no one in the Committee to represent their claims. In 1877, out of a revenue of Rs. 16,609 derived from holdings in these taluks, Rs. 10,051 were paid by Europeans, though out of 1,342 holdings only 69 were in European hands.

The density of population was much the same in 1881 as in the other taluks of the district, and there appears to be no reason why the limits of the schedule should not be extended so as to include these three amsams.

(Intld.) A. B.

14th Jan. 1890.

I think they may be included
21/1/90

10

FOR ORDERS.

Act II of 1879 (Madras) is hereunder redrawn in accordance with the orders of His Excellency:—

TITLE.

An Act to provide for the protection of Game and Fish in the district of the Nilgiris in the Madras Presidency.

Note.

There is only one indigenous fish in the district, apparently, and that the size of a minnow. It seems unnecessary to specially exempt it by legal enactment, because it will be easy to exempt it in the notifications issued under Sections 7 & 8 *infra*. Submitted, therefore, that "Fish" may replace the words "Acclimatised Fish."

PREAMBLE.

Whereas it is expedient to provide for the protection of certain wild animals and birds and of fish, and to prohibit, under certain conditions, the slaughter, capture and sale of game and fish in the district known as the Nilgiris as described in the schedule hereto appended; It is hereby enacted as follows:—

Note.

It seems unnecessary to use the words "used for food," as the intention of the legislature is not merely to keep up a food-supply, nor are the animals mostly killed for the pot. The wording of the original Act is altered here in certain other unimportant particulars.

SECTION I.

This Act may be called "The Nilgiris Game and Fish Preservation Act, 18—," and it shall come into force in the district aforesaid or in such parts thereof and from such dates as the Governor in Council may, from time to time, declare by notification in the *Fort St. George Gazette*.

Note.

The only change is the omission of the word "acclimatised."

SECTION 2.

In this Act the word "Game" shall include bison, ibex, antelope, deer of all descriptions, hares, jungle-fowl, spur-fowl, pea-fowl, partridges, quails, snipe and woodcocks and such other animals or

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* I think it would be safer to retain these words—J. F. P.

Corresponding to Section 1 of Act II of 1879.

Corresponding to Section 2 of Act II of 1879.

birds as the Governor in Council may deem fit to specify by notification from time to time in the *Fort St. George Gazette*.

Note.

Sambar and jungle-sheep are true deer (*Cervidae*), and have therefore not been mentioned; antelopes belong to a separate sub-family (*Bovidae*), and have therefore been separately mentioned. Snipe and wood-cock have been added. The wording has been very slightly altered otherwise.

SECTION 3.

It shall not be lawful in the district aforesaid for any person to kill, capture, ~~possess~~ or sell, * or attempt to kill, capture or sell, * any kind of game without a license from the Collector. *Provided that nothing in this Act shall preclude proprietors or occupiers of land from adopting on such land such measures as may be necessary for the protection of the produce growing thereon from the depredations of game.*

Note.

This is a new section inserted at the request of the Nilgiri Game Association, and drafted in the light of the Hon. Mr. Garstin's remarks upon the Assistant Secretary's previous amending draft Bill. The words "to shoot at" have been omitted, as it is submitted that they are covered by "attempt to kill." The words "crops or" have been similarly omitted as covered by "produce of."

SECTION 4.

Licenses under the preceding section shall be issued only on payment of such fees and subject to such rules as the Governor in Council by notification in the *Fort St. George Gazette* may from time to time prescribe.

Note.

This is also a new section dependent upon Section 3 *supra*. It has been formed by amalgamating Section 3-A of the Hon. Mr. Garstin's revised draft with the first part of Section 3-B and Section 3-B (1) of the same draft. This was done under the belief that the Hon. Mr. Garstin intended his draft merely for guidance, and not as the final form which the Act was to assume.

SECTION 5.

Corresponding to Section 3 of Act II of 1879.

The Governor in Council may, from time to time, by notification in the *Fort St. George Gazette*, fix a season or seasons *in every year* during which it shall not be lawful for any person, whether with or without the license mentioned in Section 3 of this Act, to kill, capture, ~~possess~~ or sell, or attempt

* I submit that making it necessary to have a license to sell game is rather too strong a step. There is, I know, at least one dealer who gets game up from the plains for sale at Ootacamund—J. F. P.

capturing or killing at any time any game doing damage to any crop growing thereon.

to kill, capture or sell, such game as may be specified in the notification within the aforesaid district. This section is subject to the same proviso as Section 3 of this Act.

Note.

This section is modelled upon Section 3 of the old Act, and includes Section 3-B (2) of the Hon'ble Mr. Garstin's amending draft. It is submitted that some definition of the words "close season" is required, and that this is supplied by the present draft. The words "shoot at" have been omitted, and it was felt desirable to insert the words "whether" in the Act in order to prevent any misconception. The words "attempt to... sell" have also been added to the section as it originally stood. Submitted that the addition of the proviso is necessary.

SECTION 6.

Subject to the provisions of Section 4 of this Act, the power of granting or refusing the licenses required under Section 3 shall rest with the Collector, and his decision shall be final.

Note.

The alteration of the section to the provisions of which this section is subject is considered necessary by the alteration in Sections 4 and 5 above. The words "of this Act" and "required under Section 3" have been added, otherwise the section corresponds to Section 3-C of the Hon. Mr. Garstin's draft modified with reference to the Hon. Mr. Stokes' remarks.

SECTION 7.

The Governor in Council shall have power by notification from time to time in the *Fort St. George Gazette* to forbid altogether for any period not exceeding *five* ~~three~~ years * the ~~slaughter~~ *killing*, capture, ~~pursuit~~ or sale of any game or fish whatsoever or of any particular kind or kinds of game or fish in any specified area or areas of the district or in the district generally within the limits mentioned in the schedule, and may cancel or modify the same. On the issue of such notification, any license granted under Section 3 shall become null and void so far as regards such areas.

Provided that no such notification shall have effect until at least two months from the date of its first publication in the *Fort St. George Gazette*.

Note.

With certain alterations and with the modification ordered by His Excellency, this represents Section 3-D of the Hon. Mr. Garstin's draft. "Collector" has been changed into "Governor in Council." The words "and for

Includes Section 4 of Act II of 1879.

* I submit that this is not a sufficiently long period. Pheasants and chicore have been recently introduced, and they should be protected for certainly 5 years, if they are to have a chance given of really increasing—J. F. P.

the whole or any portion of any calendar year not included in the close season" have been omitted, because they clash with the latter part of Section 3-D, which directs that such notification shall not remain in force for more than six months. Submitted that either period is too short, and that the period may remain at 3 years, as in Section 4 of the old Act.

The words "or fish" have been inserted, and by this means, it is submitted, all that is secured by Section 4 of the old Act is secured in this section. There appears no reason why the protection afforded should be accorded only to exotic animals, birds and fish which are also useful for food. On the introduction of any new animal into the district, the Governor in Council has merely to notify under Section 2 *supra* that the animal is to be "Game," and then under this Section 7 he can proceed to forbid any one to kill it for 3 years. Moreover, it is submitted that this new section secures another object, it empowers the Governor in Council by notification to declare that the females of any kind of game shall be protected completely for a like period. The new section thus not only secures every advantage attainable under old Section 4, but goes far beyond and gives power to protect any indigenous game or the females of any indigenous game as well as acclimatised game.

SECTION 8.

Corresponding to Section 5 of Act II of 1879.

It shall be lawful for the Governor in Council by notification in the *Fort St. George Gazette* to make rules from time to time for the regulation and control of fishing in any stream or lake within the said district; and such rules may, among other things, prohibit or regulate the poisoning of the water, the throwing of any explosive or deleterious substance therein, the use of fixed engines for the capture of fish and the use of nets of a mesh below a certain size to be defined in such rules.

Note.

All allusion to "Acclimatised fish" has been omitted. It was thought unnecessary to restrict the prohibition of fixed engines to streams only, and the words "in any stream" have consequently been omitted. There are some other trifling changes in phraseology. To "such rules may" has been added "among other things" as probably representing the meaning of the section better.

SECTION 9.

Any Government officer or servant may require any person whom he finds committing any offence under Sections 3, 5, 7 or 8 of this Act to give his name and address, and, if there be any reason to doubt the accuracy of the name or address so given,

Corresponding to Section 6 of Act II of 1879.

Would it not be better to make this "Every officer of the Revenue, Forest or Police Department"—J. F. P.

* What if the man gives an obviously false name and address and declines to accompany the officer or omits to do so? Should not power to arrest be given? A Revenue peon may arrest a man with a handful of salt earth without going through the form of asking his address. Why should he not have authority to arrest the slayer of a protected pheasant, if he refuses to give his address or gives a false one and will not quietly accompany him to a Police Station? The section as it stands is practically perfectly useless. I know of more than one case of "gentlemen" shooting without a license who gave false addresses.—J. F. P.

† This is wrong. Foresters and Rangers wear uniform.—J. F. P.

Corresponding to Section 7 of Act II of 1879.

and in the case of his refusing to do so such person shall be deemed to have committed an offence punishable under section 10 of this act in addition to any penalty he may have incurred under sections 3, 5 or 7.

may require such person to accompany him to the nearest Police Station.

Note.

The words "or policeman producing his certificate of office, or wearing the prescribed distinctive dress or badge of his department" have been omitted because, firstly, a policeman is a "Government servant," and, secondly, it would be extremely unlikely that a Government servant above the rank of peon would be in uniform in the jungles where the offence would be likely to take place. Anything about dress would be needless if the amendment proposed at the head of the section is made.

SECTION 10.

Every person convicted before a magistrate of any offence against Sections 3, 5, 7 or 8 of this Act shall be liable to a penalty not exceeding Rs. 250, or in default to simple imprisonment for a period not exceeding two months and in addition to the forfeiture to Government, at the discretion of the magistrate, of the game or fish taken and of all weapons, implements and dogs used in or for the purpose of aiding the commission of such offence.

It shall further be at the discretion of the Collector, on proof of such conviction, to cancel the license of any person so convicted.

Note.

This section is modelled on Section 7 of Act II of 1879, on the Hon. Mr. Garstin's Section III, and on the Hon. Mr. Stokes' remarks. The proposed addition of the words "breach of any condition under which the license has been granted," etc., found in the Assistant Secretary's first draft, is omitted as not approved, apparently, by the Hon. Mr. Garstin and as being undesirable in themselves, it being submitted that the Sections 3, 5, 7 or 8 cover every class of offence. The liability to forfeiture has been omitted from the Hon. Mr. Garstin's draft Section III, unintentionally, as appears from his Section IV, and it has consequently been provided for in this draft section. In the spirit of the Hon. Mr. Garstin's draft, the Collector has been authorized to cancel a license, but upon any conviction and not only upon conviction for breach of license rules. This has been done as nothing is said previously about conditions, and submitted that the matter may be left to the Collector's discretion.

SECTION 11.

The provisions of the Code of Criminal Procedure relating to the summoning and examination of persons accused and of witnesses and to the levying of penalties shall be applied to proceedings under this Act.

Corresponding to Section 8 of Act II of 1879.

SECTION 12.

Corresponding to Section 9 of Act II of 1879.

All fees, fines and sums realized by the sale of forfeited property shall be paid into the public treasury. But it shall be competent to the convicting magistrate to award to any person or persons on whose information ~~the~~ conviction follows such portion of the fine or of the sum realized as aforesaid as he may think fit, provided that the amount of such award shall not exceed one-half the amount of the full fine authorized to be imposed by this Act.

Note.

Amended in the light of the Hon'ble Mr. Garstin's remarks, "is obtained" has been altered to "follows." The order of the words has also been changed.

(Signed) A. BUTTERWORTH.

21st Dec. 1889.

amshoms The schedule of the Act has also to be considered. As it stands, it excludes the three ~~taluks~~ of Nambalakód, Cheramkód and Múnnanád, which were added to the district in March 1877.

amshoms Why they were excluded does not appear; possibly by an oversight, but that is scarcely probable, as the letter from the Game Association recommending legislation is dated November 1877. Probably, as they had only lately been added, there was no one in the Committee to represent their claims. In 1877, out of a revenue of Rs. 16,609 derived from holdings in these ~~taluks~~, Rs. 10,051 were paid by Europeans, though out of 1,342 holdings only 59 were in European hands.

The density of population was much the same in 1881 as in the other taluks of the district, and there appears to be no reason why the limits of the schedule should not be extended so as to include these three amsams.

(Intld.) A. B.

14th Jan. 1890.

Papers to be read in Proceedings:—

Again G.O., dated

18, No.

Again G.O., dated

18, No.

Current No. 2118 of 1889, dated 5th July 1889 from the Collector of Nilgiris.

Draft Bill to provide for the protection of Game and Fish in the district of the Nilgiris in the Madras Presidency.

Current No. of 18, dated from

Learn

M1

Sd/-
1872Order 21st Feb/90: No. 139

In his letter C.O. 2118 D
5th July 1889 the Collector of
the Nilgiris District submitted
certain resolutions of the
Nilgiri Game Association
wherein the following suggestions
were made with a view to
the amendment of the Nilgiri
Game Act, Madras Act II of
1874:—

(a) That it shall be made in-
cumbent on all persons im-
pounded on any waste land
whether reserved or not,

(b) That it is desirable to make
Special provision to prevent the slaughter
of the females of the various
sorts of animals protected by
the Act & with a view to this
that the Collector be authorized
to introduce or withdraw

Is do that?

Is do that?

Is do that?

any person killing a female
~~and~~ ~~the~~ license
which it is proposed ~~that~~ to
render ~~compulsory~~ -

and (c) That the word antelope
should be added to the
list of animals declared
to be game in section 2 of
the Act.

2. With a view to meeting these
suggestions & to amending
other portions of the existing
law which are defective
Madras Act II of 1879 has
been completely redrawn.

3. The principal changes which the Government considers it best
it is proposed to introduce
are described hereunder:-

(a) Act II of 1879 provides for
the protection of ~~game~~ ^{animals} ~~used for food~~
Antimerised Fish; the use
of the words ~~and~~ "used for
food" & "Antimerised"
are ~~considered unnecessary~~
~~and should be~~ omitted.

(b) ~~It has~~ ^{The} Shooting, capture
or sale of game without a
license granted by the Collector
is declared illegal.

[5]

Papers to be read in Proceedings:-

DEPARTMENT.

2 -
96

Again G.O., dated 18, No.
Again G.O., dated 18, No.
Current No. of 18, dated from

Current No. of 18, dated from

Order cont -

(c) Such licenses are to
be issued upon payment
of fees -

(d) Power has been reserved
to the Governor in Council to
prohibit absolutely for a
period the ~~prohibition~~ ^{selling} or sale
of any game or fish whatever
by this means ~~extending~~ ^{extending} ~~the~~ ^{the} ~~power~~ ^{power} ~~conferred~~ ^{conferred} ~~by~~ ^{by} ~~the~~ ^{the} ~~present~~ ^{present} ~~Act II of 1879~~ ^{Act II of 1879}
~~rendering possible~~ the protection
of females of indigenous
animals has been rendered
possible while the object of
Section 4 of Act II of 1879 is
at the same time secured

(e) Power has been given to the
Collector to cancel the license
of any person convicted

by a Magistrate of an
offence against the Act
and (f) The Act is extended to the
three amshams
of Hambalakōs, Cherambōs
& Minnamā.

4- With these remarks the
papers are transferred
to the Legislative Department.
in view of the necessary action
being taken in that department.

10 Feb 1890

21st FEBRUARY 1890, No. 139, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From C. F. MacCARTIE, Esq., Acting Collector of Nilgiris, to the Chief Secretary
to Government, dated Ootacamund, 5th July 1889, No. 45.

I have the honor to submit, for the orders of Government, extracts from the
proceedings of a general meeting of the Nilgiri Game Association held on 13th May
1889, confirming the recommendations suggested by a committee of the same Associa-
tion at their meeting on 25th March 1889, for the better protection of game within the
area governed by the provisions of Act II of 1879 and of the notifications issued
thereunder.

2. The following are the alterations advocated by the Association *seriatim* :—

- (a) that it should be made incumbent on all persons who wish to shoot on
any waste lands, whether reserved or not, to take out a license ;
- (b) whereas there is no provision in the present law for preventing the indis-
criminate slaughter of hinds and fawns, doe ibex and kids, doe spotted
deer, female antelope and cow bison and calves that the Collector should
be authorized to withhold any license, or cancel the same if it has been
granted to any person killing such animals ;
- (c) that the Game Laws of the district should be revised and that it would be
convenient if the laws relating to game were collected in one Act, the
foregoing additional provisions being incorporated therein ;
- (d) that in section (2) of Act II of 1879, antelope appears to have been omitted,
probably through oversight, and this should be inserted ;
- (e) that Government be moved to alter the notification dated 8th February
1881, so as to allow shooting of small game from 15th September to
15th March ;
- (f) that the Collector be moved to issue a notification under rule 5 of the rules
sanctioned under section 21 of the Forest Act, declaring that the reserved
and rented forests in the Nilgiri-Wynaad be closed against the hunting
of sambur and jungle sheep and deer of all descriptions from May to
October inclusive, and of bison during the months of December to May
inclusive.

3. Proposal (a) is, it is submitted, beyond the scope of the existing Game Act. A
similar suggestion was made by the Association in 1879, in dealing with which the
Government remarked in paragraph 2 of G.O., dated 11th October 1879, No. 1500,
Public Department, that the proposal was impracticable with reference to any provision
of Madras Act II of 1879 ; but so far as reserved forests are concerned, they directed
the Commissioner to notify (*vide* G.O., dated 7th February 1880, No. 237, Public
Department), that persons found shooting or beating for game in Government forests
without permission in writing to be granted on payment of a fee of Rs. 15, would be
prosecuted as trespassers. The above order was cancelled by G.O., dated 16th April
1885, No. 440, Revenue, on the ground that the rules issued under the Madras Forest
Act V of 1882 have the force of law. There remain therefore Government swamps
and grass lands, not included in any forest reserve, over which any person can now
shoot game during the open season without permission and payment of a fee. In
1887, the Collector proposed to the Board of Revenue at the instance of the Game
Association, that all swamp lands (not included in forest reserves) be constituted as
reserved lands under section 26 of the Forest Act for the protection of snipe which
frequent them ; but the Board declined to accede to the request because " they consider
that the snipe, being a migratory bird, and on that account not protected by the

provisions of the Game Preservation Act, there is no reason why people on the Hills should not be permitted at all seasons of the year to amuse themselves by looking for them in these swamps if they please, without any necessity for taking out licenses. They are not likely by so doing to damage the swamps either as grazing grounds or by setting them on fire, and the shooting of an occasional snipe if found, during the statutory close time for other game, is not likely to do much harm." (Board's Proceedings, dated 13th May 1887, Forest No. 265). The line of argument adopted by the Board would be reasonable enough, but for the fact that they have overlooked G.O., No. 453, dated 24th March 1880, Public Department, and notification dated 13th April 1880, Judicial, declaring both snipe and woodcock to be protected by the Game Act. Snipe therefore are as much entitled to protection as any other game bird on the plateau. As regards other lands, namely, Government waste grass lands, it may be remarked generally that game both protected and unprotected frequent them, and as remarked by Mr. Barlow in paragraph 3 of his letter printed in G.O., No. 237, dated 7th February 1880, Public, persons in pursuit of game generally remain on the grass land outside forest, and shoot at such game as may be beaten out or that may be grazing outside on the grass lands. It may further be urged that indiscriminate shooting on swamps or on grass lands in the vicinity of reserves must lead to the disturbance of protected game during the close season.

4. Under the above circumstances, I beg to recommend the proposal (a) for the favorable consideration of Government, and to suggest that the Act be amended by the addition of a general clause reserving to Government the power to frame rules for levying fees on *all* lands at the disposal of Government within the limits of the Game Act, and for utilizing such fees towards the protection and improvement of game. Section 7 should also be amended, to admit of penalties being imposed for any infringement of the rules, as the section as at present stands refers to rules for fishing only.

5. *Proposal (b).*—There is no existing provision in the Act under which this recommendation of the committee can be complied with, but their suggestion which is most valuable can be met by the amendment of section 4, which, as at present enacted, gives power to Government to prevent absolutely, or for a time, the pursuit of non-indigenous animals, birds or fish. The section may be amended so as to embrace all indigenous species, or the females thereof, as Government may prefer. The Collector can then be empowered to cancel or withdraw the licenses held by indiscriminate slaughterers as the Association suggests.

6. *Proposal (c).*—I agree with the committee that the Game Act should be amended in the direction above pointed out.

7. *Proposal (d).*—The committee appear to be under a misapprehension on this point. I think that antelope is already protected by section 2 of the Game Act, as it merely falls within the general terms "deer of all descriptions."

8. *Proposal (e).*—The present close seasons for game were fixed by G.O., dated 3rd February 1881, No. 132, Public, as follows:—

Large game (including all game other than hares and feathered game).	The 1st of June to the 31st of October inclusive.
Small game (hares and feathered game)	The 1st of March to the 30th Sept. inclusive.

Messrs. Barlow and Roupell pointed out the inconvenience arising from the above dates, and suggested an alteration; but Government in their Orders, dated 11th February 1881, No. 188, and dated 25th March 1881, No. 422, Public, declined then to alter the dates. The committee now urge that the shooting of *small* game be permitted between 15th September and 15th March, or in other words that the *close* season be fixed from 16th March to 14th September inclusive, and their reasons for this recommendation are that the existing limitation so far as regards small game is unduly restrictive of sport; while the experience which has been acquired since Colonel Wilson advocated the adoption of the dates for closing now in force does not bear out his prediction that the supply of snipe and woodcock will be appreciably lessened by shooting being allowed a little later in March and earlier in September.

9. *Proposal (f).*—The rules under section 21 of the Forest Act, quoted in this proposal, were sanctioned in G.O., No. 1070, dated 6th December 1886, Revenue. A notification will at once be published as the committee desire under Rule IV, clause 2, not Rule V as quoted by the committee so far as the *reserved* forests in the Nilgiri-Wynaad are concerned. It has been held that issue of the rules under the above section in regard to *rented* forests was *ultra vires*. The re-issue of the rules for rented forests under the proper section of the Forest Act is under the consideration of Government in the Revenue Department. When they are sanctioned and published, a similar notice will be published prohibiting the pursuit, &c., of the game specified by the committee in the rented forests as well.

ENCLOSURES.

EXTRACT from Proceedings of Meeting of the Nilgiri Game Association Committee held at the Collector's office, on the 25th March 1889, at 3 P.M.

1. The committee observe that the law relating to game on the Nilgiris is contained in the Game Act II of 1879 and notifications thereunder, and section 21 of the Forest Act and the rules thereunder, contained in G.O., 6th December 1886, No. 1070, Revenue.

The law as it stands at present permits of persons shooting over Government waste lands other than reserved forests without a license. The committee are strongly of opinion that it should be made incumbent on all persons who wish to shoot on any public waste lands, whether reserved or not, to take out a license.

There is no provision in the present law for preventing the indiscriminate slaughter of hinds and fawns, doe ibex and kids, doe spotted deer, female antelope and cow bison and calves. The committee are aware that certain persons indulge in the indiscriminate destruction of deer for the purpose of profit. The committee think that the Collector should be authorized on the recommendation of the committee of the Association to withhold a license for any such person, or cancel the same if it has been granted.

The Association will then be in a position to prevent the issue of licenses to persons of the class above alluded to, or to have them cancelled if they have been granted.

The committee are of opinion that the time has arrived for revising the Game Laws of the district, and they resolve to move Government to take the matter into consideration. They are also of opinion that it would be more convenient if the laws relating to game were collected in one Act, and think that the additional provisions detailed above should be incorporated in the new Act.

In section 2 of Act II of 1879, the word antelope appears to have been omitted probably through oversight. This should be inserted.

2. Resolved that the Collector be moved to issue a notification under Rule IV, clause 2 of the rules sanctioned under section 21 of the Forest Act, declaring that the reserved and rented forests in the Nilgiri-Wynaad be closed against the hunting of sambur and jungle sheep and deer of all descriptions from May to October inclusive, and bison during the months of December to May inclusive.

3. Resolved that Government be moved to alter the notification, dated 8th February 1881, so as to allow shooting of small game from 15th September to 15th March.

(Signed) H. WAPSHARE,
Honorary Secretary.

EXTRACT from Proceedings of a General Meeting held at the Library on the 13th May 1889.

Subjects discussed.

1.

2.

Alterations and amendments as proposed by the committee at their meeting held on the 25th March 1889.

Proposal No. 1.—Carried *em. con.*

" " 2.—Carried *nem. con.*

" " 3.—Carried *nem. con.*

(Signed) C. F. MACCARTIE,
Chairman, Nilgiri Game Association.

Exd. W. H. French.

Licenses under the preceding section shall be issued only on payment of such fees and subject to such rules as the Governor in Council by notification in the *Fort St. George Gazette* may from time to time prescribe.

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SECTION 5.

The Governor in Council may, from time to time, by notification in the *Fort St. George Gazette*, fix a season or seasons in every year during which it shall not be lawful for any person, whether with or without the license mentioned in Section 3 of this Act, to kill, capture, or sell, or attempt to kill, capture or sell, such game as may be specified in the notification within the aforesaid district. This section is subject to the same proviso as Section 3 of this Act.

SECTION 6.

Subject to the provisions of Section 4 of this Act, the power of granting or refusing the licenses required under Section 3 shall rest with the Collector, and his decision shall be final.

SECTION 7.

The Governor in Council shall have power by notification from time to time in the *Fort St. George Gazette* to forbid altogether for any period not exceeding five years the killing, capture, or sale of any game or fish whatsoever or of any particular kind or kinds of game or fish in any specified area or areas of the district or in the district generally within the limits mentioned in the schedule, and may cancel or modify the same. On the issue of such notification, any license granted under Section 3 shall become null and void so far as regards such areas.

Provided that no such notification shall have effect until at least two months from the date of its first publication in the *Fort St. George Gazette*.

SECTION 8.

It shall be lawful for the Governor in Council by notification in the *Fort St. George Gazette* to make rules from time to time for the regulation and control of fishing in any stream or lake within the said district; and such rules may, among other things, prohibit or regulate the poisoning of the water, the throwing of any explosive or deleterious substance therein, the use of fixed engines for the capture of fish and the use of nets of a mesh below a certain size to be defined in such rules.

7

SECTION 9.

Any Government officer may require any person whom he finds committing any offence under Sections 3, 5, 7 or 8 of this Act to give his name and address, and, if there be any reason to doubt the accuracy of the name or address so given, may require such person to accompany him to the nearest Police Station, and in the case of his refusing to do so, such person shall be deemed to have committed an offence punishable under Section 10 of this Act in addition to any penalty he may have incurred under Sections 3, 5 or 7.

SECTION 10.

Every person convicted before a magistrate of any offence against Sections 3, 5, 7 or 8 of this Act shall be liable to a penalty not exceeding Rs. 250, or in default to simple imprisonment for a period not exceeding two months and in addition to the forfeiture to Government, at the discretion of the magistrate, of the game or fish taken and of all weapons, implements and dogs used in or for the purpose of aiding the commission of such offence.

It shall further be at the discretion of the Collector, on proof of such conviction, to cancel the license of any person so convicted.

SECTION 11.

The provisions of the Code of Criminal Procedure relating to the summoning and examination of persons accused and of witnesses and to the levying of penalties shall be applied to proceedings under this Act.

SECTION 12.

All fees, fines and sums realized by the sale of forfeited property shall be paid into the public treasury. But it shall be competent to the convicting magistrate to award to any person or persons on whose information a conviction follows such portion of the fine or of the sum realized as aforesaid as he may think fit, provided that the amount of such award shall not exceed one-half the amount of the full fine authorized to be imposed by this Act.

Govt. of {1890} Madras.
PUBLIC.

Pub 139
Original not sent
for the purpose

Issued

Recd.

Encl.

G.O., 21st February 1890, No. 139.

FEBRUARY.

Nilgiris Game Act.

Transferring, with remarks, to the Legislative Department, certain papers relating to the amendment of the — II of 1879.

21ST FEBRUARY 1890, No. 139, PUBLIC.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper:—

From C. F. MacCARTIE, Esq., Acting Collector of Nilgiris, to the Chief Secretary to Government, dated Ootacamund, 5th July 1889, No. 45.

I have the honor to submit, for the orders of Government, extracts from the proceedings of a general meeting of the Nilgiri Game Association held on 13th May 1889, confirming the recommendations suggested by a committee of the same Association at their meeting on 25th March 1889, for the better protection of game within the area governed by the provisions of Act II of 1879 and of the notifications issued thereunder.

2. The following are the alterations advocated by the Association *seriatim*:—

- (a) that it should be made incumbent on all persons who wish to shoot on any waste lands, whether reserved or not, to take out a license;
- (b) whereas there is no provision in the present law for preventing the indiscriminate slaughter of hinds and fawns, doe ibex and kids, doe spotted deer, female antelope and cow bison and calves that the Collector should be authorized to withhold any license, or cancel the same if it has been granted to any person killing such animals;
- (c) that the Game Laws of the district should be revised and that it would be convenient if the laws relating to game were collected in one Act, the foregoing additional provisions being incorporated therein;
- (d) that in section (2) of Act II of 1879, antelope appears to have been omitted, probably through oversight, and this should be inserted;
- (e) that Government be moved to alter the notification dated 8th February 1881, so as to allow shooting of small game from 15th September to 15th March;
- (f) that the Collector be moved to issue a notification under rule 5 of the rules sanctioned under section 21 of the Forest Act, declaring that the reserved and rented forests in the Nilgiri-Wynaad be closed against the hunting of sambur and jungle sheep and deer of all descriptions from May to October inclusive, and of bison during the months of December to May inclusive.

3. Proposal (a) is, it is submitted, beyond the scope of the existing Game Act. A similar suggestion was made by the Association in 1879, in dealing with which the Government remarked in paragraph 2 of G.O., dated 11th October 1879, No. 1500, Public Department, that the proposal was impracticable with reference to any provision of Madras Act II of 1879; but so far as reserved forests are concerned, they directed the Commissioner to notify (*vide* G.O., dated 7th February 1880, No. 237, Public Department), that persons found shooting or begging for game in Government forests without permission in writing to be granted on payment of a fee of Rs. 15, would be prosecuted as trespassers. The above order was cancelled by G.O., dated 16th April 1885, No. 440, Revenue, on the ground that the rules issued under the Madras Forest Act V of 1882 have the force of law. There remain therefore Government swamps and grass lands, not included in any forest reserve, over which any person can now shoot game during the open season without permission and payment of a fee. In 1887, the Collector proposed to the Board of Revenue at the instance of the Game Association, that all swamp lands (not included in forest reserves) be constituted as reserved lands under section 26 of the Forest Act for the protection of snipe which frequent them; but the Board declined to accede to the request because "they consider that the snipe, being a migratory bird, and on that account not protected by the

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18/2

provisions of the Game Preservation Act, there is no reason why people on the Hills should not be permitted at all seasons of the year to amuse themselves by looking for them in these swamps if they please, without any necessity for taking out licenses. They are not likely by so doing to damage the swamps either as grazing grounds or by setting them on fire, and the shooting of an occasional snipe if found, during the statutory close time for other game, is not likely to do much harm." (Board's Proceedings, dated 13th May 1887, Forest No. 265). The line of argument adopted by the Board would be reasonable enough, but for the fact that they have overlooked G.O., No. 453, dated 24th March 1880, Public Department, and notification dated 13th April 1880, Judicial, declaring both snipe and woodcock to be protected by the Game Act. Snipe therefore are as much entitled to protection as any other game bird on the plateau. As regards other lands, namely, Government waste grass lands, it may be remarked generally that game both protected and unprotected frequent them, and as remarked by Mr. Barlow in paragraph 3 of his letter printed in G.O., No. 237, dated 7th February 1880, Public, persons in pursuit of game generally remain on the grass land outside forest, and shoot at such game as may be beaten out or that may be grazing outside on the grass lands. It may further be urged that indiscriminate shooting on swamps or on grass lands in the vicinity of reserves must lead to the disturbance of protected game during the close season.

4. Under the above circumstances, I beg to recommend the proposal (a) for the favorable consideration of Government, and to suggest that the Act be amended by the addition of a general clause reserving to Government the power to frame rules for levying fees on all lands at the disposal of Government within the limits of the Game Act, and for utilizing such fees towards the protection and improvement of game. Section 7 should also be amended to admit of penalties being imposed for any infringement of the rules, as the section as at present stands refers to rules for fishing only.

5. *Proposal (b).*—There is no existing provision in the Act under which this recommendation of the committee can be complied with, but their suggestion which is most valuable can be met by the amendment of section 4, which, as at present enacted, gives power to Government to prevent absolutely, or for a time, the pursuit of non-indigenous animals, birds or fish. The section may be amended so as to embrace all indigenous species, or the females thereof, as Government may prefer. The Collector can then be empowered to cancel or withdraw the licenses held by indiscriminate slaughterers as the Association suggests.

6. *Proposal (c).*—I agree with the committee that the Game Act should be amended in the direction above pointed out.

7. *Proposal (d).*—The committee appear to be under a misapprehension on this point. I think that antelope is already protected by section 2 of the Game Act, as it merely falls within the general terms "deer of all descriptions."

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Large game (including all game other than hares and feathered game).	The 1st of June to the 31st of October inclusive.
Small game (hares and feathered game)	The 1st of March to the 30th Sept. inclusive.

Messrs. Barlow and Roupell pointed out the inconvenience arising from the above dates, and suggested an alteration; but Government in their Orders, dated 11th February 1881, No. 188, and dated 25th March 1881, No. 422, Public, declined then to alter the dates. The committee now urge that the shooting of small game be permitted between 15th September and 15th March, or in other words that the close season be fixed from 16th March to 14th September inclusive, and their reasons for this recommendation are that the existing limitation so far as regards small game is unduly restrictive of sport, while the experience which has been acquired since Colonel Wilson advocated the adoption of the dates for closing now in force does not bear out his prediction that the supply of snipe and woodcock will be appreciably lessened by shooting being allowed a little later in March and earlier in September.

9. *Proposal (f).*—The rules under section 21 of the Forest Act, quoted in this proposal, were sanctioned in G.O., No. 1070, dated 6th December 1886, Revenue. A notification will at once be published as the committee desire under Rule IV, clause 2, not Rule V as quoted by the committee so far as the reserved forests in the Nilgiri-Wynaad are concerned. It has been held that issue of the rules under the above section in regard to rented forests was *ultra vires*. The re-issue of the rules for rented forests under the proper section of the Forest Act is under the consideration of Government in the Revenue Department. When they are sanctioned and published, a similar notice will be published prohibiting the pursuit, &c., of the game specified by the committee in the rented forests as well.

ENCLOSURES.

EXTRACT from Proceedings of Meeting of the Nilgiri Game Association Committee held at the Collector's office, on the 25th March 1889, at 3 P.M.

1. The committee observe that the law relating to game on the Nilgiris is contained in the Game Act II of 1879 and notifications thereunder, and section 21 of the Forest Act and the rules thereunder, contained in G.O., 6th December 1886, No. 1070, Revenue.

The law as it stands at present permits of persons shooting over Government waste lands other than reserved forests without a license. The committee are strongly of opinion that it should be made incumbent on all persons who wish to shoot on any public waste lands, whether reserved or not, to take out a license.

There is no provision in the present law for preventing the indiscriminate slaughter of hinds and fawns, doe ibex and kids, doe spotted deer, female antelope and cow bison and calves. The committee are aware that certain persons indulge in the indiscriminate destruction of deer for the purpose of profit. The committee think that the Collector should be authorized on the recommendation of the committee of the Association to withhold a license for any such person, or cancel the same if it has been granted.

The Association will then be in a position to prevent the issue of licenses to persons of the class above alluded to, or to have them cancelled if they have been granted.

The committee are of opinion that the time has arrived for revising the Game Laws of the district, and they resolve to move Government to take the matter into consideration. They are also of opinion that it would be more convenient if the laws relating to game were collected in one Act, and think that the additional provisions detailed above should be incorporated in the new Act.

In section 2 of Act II of 1879, the word antelope appears to have been omitted probably through oversight. This should be inserted.

2. Resolved that the Collector be moved to issue a notification under Rule IV, clause 2 of the rules sanctioned under section 21 of the Forest Act, declaring that the reserved and rented forests in the Nilgiri-Wynaad be closed against the hunting of sambur and jungle sheep and deer of all descriptions from May to October inclusive, and bison during the months of December to May inclusive.

3. Resolved that Government be moved to alter the notification, dated 8th February 1881, so as to allow shooting of small game from 15th September to 15th March.

(Signed) H. WAPSHARE,
Honorary Secretary.

EXTRACT from Proceedings of a General Meeting held at the Library on the 13th May 1889.
Subjects discussed.

1.
2.

Alterations and amendments as proposed by the committee at their meeting held on the 25th March 1889.

Proposal No. 1.—Carried *nem. con.*
" " 2.—Carried *nem. con.*
" " 3.—Carried *nem. con.*

(Signed) C. F. MacCARTIE,
Chairman, Nilgiri Game Association.

ORDER—dated 21st February 1890, No. 139, Public.

With his letter No. 45, dated 5th July 1889, the Collector of the Nilgiri District submitted certain resolutions of the Nilgiri Game Association wherein the following suggestions were made with a view to the amendment of the Nilgiris Game Act, Madras Act II of 1879:—

- (a) that it shall be made incumbent on all persons wishing to shoot on any waste lands, whether reserved or not, to take out a license before doing so;
- (b) that it is desirable to make special provision to prevent the slaughter of the females of the various sorts of animals protected by the Act, and with a view to this, that the Collector be authorized to withdraw from any person killing a female the license which it is proposed to render obligatory; and
- (c) that the antelope should be added to the list of animals declared to be game in section 2 of the Act.

2. With a view to meeting these suggestions and to amending other portions of the existing law which are defective, Madras Act II of 1879 has been completely redrawn.

3. The principal changes which the Government considers it desirable to introduce are described hereunder:—

- (a) Act II of 1879 provides for the protection of animals and birds used for food and acclimatised fish; the use of the words "used for food" and "acclimatised" are unnecessary and they should be omitted;
- (b) the shooting or capture and sale of game without a license granted by the Collector is declared illegal;
- (c) such licenses are to be issued upon payment of fees;
- (d) power has been reserved to the Governor in Council to prohibit absolutely for a period the killing, capturing or sale of any game or fish whatsoever. By this means the protection of females of indigenous animals has been rendered possible, while the object of section 4 of Act II of 1879 is at the same time secured;
- (e) power has been given to the Collector to cancel the license of any person convicted by a Magistrate of an offence against the Act; and
- (f) the Act is extended to the three amshams of Nambalakód, Cheramkód and Múnnanád.

4. With these remarks the papers are transferred to the Legislative Department, in view to the necessary action being taken in that department.

(True Extract.)

Ag. Chief Secretary.

To the Legislative Department: 51/8499
- Coll. Nilgiris 19/3/90

Exd. W. H. French.

APPENDIX.

TITLE.

An Act to provide for the protection of Game and Fish in the district of the Nilgiris in the Madras Presidency.

PREAMBLE.

Whereas it is expedient to provide for the protection of certain wild animals and birds and of fish, and to prohibit, under certain conditions, the killing, or capture and sale of game and fish in the district known as the Nilgiris as described in the schedule hereto appended; It is hereby enacted as follows:—

SECTION I.

This Act may be called "The Nilgiris Game and Fish Preservation Act, 18—," and it shall come into force in the district aforesaid or in such parts thereof, and from such dates as the Governor in Council may, from time to time, declare by notification in the *Fort St. George Gazette*.

SECTION 2.

In this Act the word "Game" shall include bison, ibex, antelope, deer of all descriptions, hares, jungle-fowl, spur-fowl, pea-fowl, partridges, quails, snipe and woodcocks and such other animals or birds as the Governor in Council may deem fit to specify by notification from time to time in the *Fort St. George Gazette*.

SECTION 3.

It shall not be lawful in the district aforesaid for any person to kill, capture, or sell, or attempt to kill, capture or sell, any kind of game without a license from the Collector. *Provided that* nothing in this Act shall preclude proprietors or occupiers of land from capturing or killing at any time any game doing damage to any crop growing thereon.

SECTION 4.

Licenses under the preceding section shall be issued only on payment of such fees and subject to such rules as the Governor in Council by notification in the *Fort St. George Gazette* may from time to time prescribe.

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SECTION 5.

The Governor in Council may, from time to time, by notification in the *Fort St. George Gazette*, fix a season or seasons in every year during which it shall not be lawful for any person, whether with or without the license mentioned in Section 3 of this Act, to kill, capture, or sell, or attempt to kill, capture or sell, such game as may be specified in the notification within the aforesaid district. This section is subject to the same proviso as Section 3 of this Act.

SECTION 6.

Subject to the provisions of Section 4 of this Act, the power of granting or refusing the licenses required under Section 3 shall rest with the Collector, and his decision shall be final.

SECTION 7.

The Governor in Council shall have power by notification from time to time in the *Fort St. George Gazette* to forbid altogether for any period not exceeding five years the killing, capture, or sale of any game or fish whatsoever or of any particular kind or kinds of game or fish in any specified area or areas of the district or in the district generally within the limits mentioned in the schedule, and may cancel or modify the same. On the issue of such notification, any license granted under Section 3 shall become null and void so far as regards such areas.

Provided that no such notification shall have effect until at least two months from the date of its first publication in the *Fort St. George Gazette*.

SECTION 8.

It shall be lawful for the Governor in Council by notification in the *Fort St. George Gazette* to make rules from time to time for the regulation and control of fishing in any stream or lake within the said district; and such rules may, among other things, prohibit or regulate the poisoning of the water, the throwing of any explosive or deleterious substance therein, the use of fixed engines for the capture of fish and the use of nets of a mesh below a certain size to be defined in such rules.

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SECTION 9.

Any Government officer may require any person whom he finds committing any offence under Sections 3, 5, 7 or 8 of this Act to give his name and address, and, if there be any reason to doubt the accuracy of the name or address so given, may require such person to accompany him to the nearest Police Station, and in the case of his refusing to do so, such person shall be deemed to have committed an offence punishable under Section 10 of this Act in addition to any penalty he may have incurred under Sections 3, 5 or 7.

SECTION 10.

Every person convicted before a magistrate of any offence against Sections 3, 5, 7 or 8 of this Act shall be liable to a penalty not exceeding Rs. 250, or in default to simple imprisonment for a period not exceeding two months and in addition to the forfeiture to Government, at the discretion of the magistrate, of the game or fish taken and of all weapons, implements and dogs used in or for the purpose of aiding the commission of such offence.

It shall further be at the discretion of the Collector, on proof of such conviction, to cancel the license of any person so convicted.

SECTION 11.

The provisions of the Code of Criminal Procedure relating to the summoning and examination of persons accused and of witnesses and to the levying of penalties shall be applied to proceedings under this Act.

SECTION 12.

All fees, fines and sums realized by the sale of forfeited property shall be paid into the public treasury. But it shall be competent to the convicting magistrate to award to any person or persons on whose information a conviction follows such portion of the fine or of the sum realized as aforesaid as he may think fit, provided that the amount of such award shall not exceed one-half the amount of the full fine authorized to be imposed by this Act.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—the following paper :—

From C. F. MACCARTIE, Esq., Acting Collector of Nilgiris, to the Chief Secretary to Government, dated Ootacamund, 5th July 1889, No. 45.

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2. The following are the alterations advocated by the Association *seriatim* :—

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3. Proposal (a) is, it is submitted, beyond the scope of the existing Game Act. A similar suggestion was made by the Association in 1879, in dealing with which the Government remarked in paragraph 2 of G.O., dated 11th October 1879, No. 1500, Public Department, that the proposal was impracticable with reference to any provision of Madras Act II of 1879 ; but so far as reserved forests are concerned, they directed the Commissioner to notify (*vide* G.O., dated 7th February 1880, No. 237, Public Department), that persons found shooting or beating for game in Government forests without permission in writing to be granted on payment of a fee of Rs. 15, would be prosecuted as trespassers. The above order was cancelled by G.O., dated 16th April 1885, No. 440, Revenue, on the ground that the rules issued under the Madras Forest Act V of 1882 have the force of law. There remain therefore Government swamps and grass lands, not included in any forest reserve, over which any person can now shoot game during the open season without permission and payment of a fee. In 1887, the Collector proposed to the Board of Revenue at the instance of the Game Association, that all swamp lands (not included in forest reserves) be constituted as reserved lands under section 26 of the Forest Act for the protection of snipe which frequent them ; but the Board declined to accede to the request because " they consider that the snipe, being a migratory bird, and on that account not protected by the

Issued

Recd.

Encl.

G.O., 21st February 1890, No. 139.

FEBRUARY.

Nilgiris Game Act.

Transferring, with remarks, to the Legislative Department, certain papers relating to the amendment of the — II of 1879.

provisions of the Game Preservation Act, there is no reason why people on the Hills should not be permitted at all seasons of the year to amuse themselves by looking for them in these swamps if they please, without any necessity for taking out licenses. They are not likely by so doing to damage the swamps either as grazing grounds or by setting them on fire, and the shooting of an occasional snipe if found, during the statutory close time for other game, is not likely to do much harm." (Board's Proceedings, dated 13th May 1887, Forest No. 265). The line of argument adopted by the Board would be reasonable enough, but for the fact that they have overlooked G.O., No. 453, dated 24th March 1880, Public Department, and notification dated 13th April 1880, Judicial, declaring both snipe and woodcock to be protected by the Game Act. Snipe therefore are as much entitled to protection as any other game bird on the plateau. As regards other lands, namely, Government waste grass lands, it may be remarked generally that game both protected and unprotected frequent them, and as remarked by Mr. Barlow in paragraph 3 of his letter printed in G.O., No. 237, dated 7th February 1880, Public, persons in pursuit of game generally remain on the grass land outside forest, and shoot at such game as may be beaten out or that may be grazing outside on the grass lands. It may further be urged that indiscriminate shooting on swamps or on grass lands in the vicinity of reserves must lead to the disturbance of protected game during the close season.

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(Signed) H. WAPSHARE,
Honorary Secretary.

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Subjects discussed.

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2.

Alterations and amendments as proposed by the committee at their meeting held on the 25th March 1889.

Proposal No. 1.—Carried *nem. con.*

" " 2.—Carried *nem. con.*

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(Signed) C. F. MACCARTIE,
Chairman, Nilgiri Game Association.

ORDER—dated 21st February 1890, No. 139, Public.

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2. With a view to meeting these suggestions and to amending other portions of the existing law which are defective, Madras Act II of 1879 has been completely redrawn.

3. The principal changes which the Government considers it desirable to introduce are described hereunder :—

- (a) Act II of 1879 provides for the protection of animals and birds used for food and acclimatised fish ; the use of the words "used for food" and "acclimatised" are unnecessary and they should be omitted ;
- (b) the shooting or capture and sale of game without a license granted by the Collector is declared illegal ;
- (c) such licenses are to be issued upon payment of fees ;
- (d) power has been reserved to the Governor in Council to prohibit absolutely for a period the killing, capturing or sale of any game or fish whatsoever. By this means the protection of females of indigenous animals has been rendered possible, while the object of section 4 of Act II of 1879 is at the same time secured ;
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4. With these remarks the papers are transferred to the Legislative Department, in view to the necessary action being taken in that department.

(True Extract.)

Ag. Chief Secretary.

To the Legislative Department.
" Collector of Nilgiris.

Exd. W. H. French.

APPENDIX.

TITLE.

An Act to provide for the protection of Game and Fish in the district of the Nilgiris in the Madras Presidency.

PREAMBLE.

Whereas it is expedient to provide for the protection of certain wild animals and birds and of fish, and to prohibit, under certain conditions, the killing, or capture and sale of game and fish in the district known as the Nilgiris as described in the schedule hereto appended ; It is hereby enacted as follows :—

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This Act may be called "The Nilgiris Game and Fish Preservation Act, 18—," and it shall come into force in the district aforesaid or in such parts thereof and from such dates as the Governor in Council may, from time to time, declare by notification in the *Fort St. George Gazette*.

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In this Act the word "Game" shall include bison, ibex, antelope, deer of all descriptions, hares, jungle-fowl, spur-fowl, pea-fowl, partridges, quails, snipe and woodcocks and such other animals or birds as the Governor in Council may deem fit to specify by notification from time to time in the *Fort St. George Gazette*.

SECTION 3.

It shall not be lawful in the district aforesaid for any person to kill, capture, or sell, or attempt to kill, capture or sell, any kind of game without a license from the Collector. *Provided that* nothing in this Act shall preclude proprietors or occupiers of land from capturing or killing at any time any game doing damage to any crop growing thereon.

SECTION 4.

Licenses under the preceding section shall be issued only on payment of such fees and subject to such rules as the Governor in Council by notification in the *Fort St. George Gazette* may from time to time prescribe.

SECTION 5.

The Governor in Council may, from time to time, by notification in the *Fort St. George Gazette*, fix a season or seasons in every year during which it shall not be lawful for any person, whether with or without the license mentioned in Section 3 of this Act, to kill, capture, or sell, or attempt to kill, capture or sell, such game as may be specified in the notification within the aforesaid district. This section is subject to the same proviso as Section 3 of this Act.

SECTION 6.

Subject to the provisions of Section 4 of this Act, the power of granting or refusing the licenses required under Section 3 shall rest with the Collector, and his decision shall be final.

SECTION 7.

The Governor in Council shall have power by notification from time to time in the *Fort St. George Gazette* to forbid altogether for any period not exceeding five years the killing, capture, or sale of any game or fish whatsoever or of any particular kind or kinds of game or fish in any specified area or areas of the district or in the district generally within the limits mentioned in the schedule, and may cancel or modify the same. On the issue of such notification, any license granted under Section 3 shall become null and void so far as regards such areas.

Provided that no such notification shall have effect until at least two months from the date of its first publication in the *Fort St. George Gazette*.

SECTION 8.

It shall be lawful for the Governor in Council by notification in the *Fort St. George Gazette* to make rules from time to time for the regulation and control of fishing in any stream or lake within the said district; and such rules may, among other things, prohibit or regulate the poisoning of the water, the throwing of any explosive or deleterious substance therein, the use of fixed engines for the capture of fish and the use of nets of a mesh below a certain size to be defined in such rules.

SECTION 9.

Any Government officer may require any person whom he finds committing any offence under Sections 3, 5, 7 or 8 of this Act to give his name and address, and, if there be any reason to doubt the accuracy of the name or address so given, may require such person to accompany him to the nearest Police Station, and in the case of his refusing to do so, such person shall be deemed to have committed an offence punishable under Section 10 of this Act in addition to any penalty he may have incurred under Sections 3, 5 or 7.

SECTION 10.

Every person convicted before a magistrate of any offence against Sections 3, 5, 7 or 8 of this Act shall be liable to a penalty not exceeding Rs. 250, or in default to simple imprisonment for a period not exceeding two months and in addition to the forfeiture to Government, at the discretion of the magistrate, of the game or fish taken and of all weapons, implements and dogs used in or for the purpose of aiding the commission of such offence.

It shall further be at the discretion of the Collector, on proof of such conviction, to cancel the license of any person so convicted.

SECTION 11.

The provisions of the Code of Criminal Procedure relating to the summoning and examination of persons accused and of witnesses and to the levying of penalties shall be applied to proceedings under this Act.

SECTION 12.

All fees, fines and sums realized by the sale of forfeited property shall be paid into the public treasury. But it shall be competent to the convicting magistrate to award to any person or persons on whose information a conviction follows such portion of the fine or of the sum realized as aforesaid as he may think fit, provided that the amount of such award shall not exceed one-half the amount of the full fine authorized to be imposed by this Act.

Gobt. of {1890} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 21st February 1890, No. 139.

FEBRUARY.

Nilgiris Game Act.

Transferring, with remarks, to the Legislative Department, certain papers relating to the amendment of the — II of 1879.

HEAD AGAIN ORDER OF GOVERNMENT, DATED
1890, No. 4

FURTHER PAPER.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DATES.

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