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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

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Dated 20-12-1878	197 :

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GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

6th December 1878, No. 179.

Nilgiris Game and Fish Preservation Act.

Read the following papers:—

No. 1. *From D. FITZPATRICK, Esq., Secretary to the Government of India, Legislative Department, to the Acting Chief Secretary to Government, dated Simla, 13th November* 1878, *No.* 1447.

In reply to your letter, No. 161, dated the 11th September last, relative to the Nilgiri Game and Fish Preservation Act, I am directed to express the regret of His Excellency the Viceroy and Governor-General that he is unable to assent to the Act as it stands, as, in the opinion of His Excellency, there seems to be no occasion to incur the inconvenience of a special fund such as Section 9 purports to create.

2. But the Government of India has no objection to the fines and forfeitures realised under the Act, together with the expenses of working it, being made Provincial; in which case the Government of Madras can dispose of them at its discretion.

3. I am at the same time to repeat the intimation given in my letter of the 23rd August last, namely, that His Excellency will give his assent to the Act if the provision regarding the special fund is omitted.

No. 2. No. 178.

Forwarded for the opinion of the Accountant-General whether the proposed alteration of Section 9 of the Nilgiri Game Act, as shown in the accompanying copy of the Act (viz., to pay all fees, &c., into the Public Treasury), will give effect to the sanction accorded by the Government of India (paragraph 2) that the funds shall be Provincial and at the disposal of this Government.

(By order,)

FORT ST. GEORGE,
20*th November* 1878.

(Signed) W. M. SCHARLIEB,
Assistant Secretary.

No. 3. *An Act to provide for the protection of Game and acclimatised Fish in the District of the Nilgiris in the Madras Presidency.*

WHEREAS it is expedient to provide for the protection of wild animals and birds used for food and of acclimatised fish, and to prohibit the killing, capturing and selling game and acclimatised fish in the district known as the Nilgiris, as described in the Schedule hereto appended, under certain conditions; it is hereby enacted as follows:—

Preamble.

1. This Act shall be called "The Nilgiris Game and Fish Preservation Act, 1878;" and it shall come into operation in the district aforesaid, or 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*.

Title and local extent.

2. In this Act, the word "game" shall include bison, sambhur, ibex, jungle-sheep, deer of all descriptions, hares, jungle-fowl, pea-fowl, partridge, quail and spur-fowl, or such birds or animals as the Governor in Council may deem fit to specify by notification from time to time in the *Fort St. George Gazette*.

Interpretation Clause—"Game."

3. The Governor in Council may, by notification in the *Fort St. George Gazette*, from time to time, fix a season or seasons of the year during which it shall not be lawful for any person to shoot at, kill, capture, pursue or sell, or attempt to kill, capture or sell game, as may be specified in such notification within the district aforesaid.

Power to fix close Season.

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

Proviso as to private Lands.

4. Whenever any animal, bird or fish useful for food, not indigenous to the district aforesaid, is introduced into it with the approval of the Government with a view to becoming acclimatised or being propagated therein, it shall be lawful for the Governor in Council from time to time by notification in the *Fort St. George Gazette*, to prohibit altogether, or to regulate in such manner and for such period not exceeding three years as may be declared in such notification, the pursuit, killing or capture of such animal, bird or fish.

Protection of Animal, Bird or Fish not indigenous.

5. 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 the regulation and control of fishing in any stream or lake within the said district; and such rules may, with the view to protect acclimatised [illegible] may be believed to be there or may be hereafter introduced therein, prohibit or regulate the poisoning of the waters of any stream or lake, the throwing of any deleterious matter therein, the use of fixed engines for the capture of fish in any stream, and the use of nets of a mesh below a certain size to be defined in such rules for the capture of fish in such stream or lake.

Power to prescribe Rules for the Regulation and control of Fishing.

6. Any Government officer or servant or policeman producing his certificate of office, or wearing the prescribed distinctive dress or badge of his department, may require any person whom he finds committing any offence against Section 3, 4 or 5 of this Act, to give his name and address, or, if there is reason to doubt the accuracy of the name and address so given, to accompany him to the nearest police-station.

Power of Government Officer or Police.

7. Every person convicted before a Magistrate of any offence against Section 3, 4 or 5 of this Act, shall be liable for a first offence to a penalty not exceeding Rupees fifty and to the forfeiture to Government, at the discretion of the Magistrate, of the game, birds or fishes taken and of all guns, engines, implements, nets and dogs used in or for the purpose of aiding the commission of such offence, and, in default of payment of fine, to simple imprisonment for a period not exceeding one month, and for every second and subsequent offence to a penalty not exceeding Rupees one hundred and the same liability to forfeiture, and in default of payment to simple imprisonment for a period not exceeding two months.

Penalties for Shooting, &c., during close Season and for breach of Fishing Rules.

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

Procedure under this Act.

9. All fees, fines and forfeitures realised under this Act shall be paid into the public treasury.

Appropriation of Fees, Fines, &c.

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But it shall be competent to the convicting Magistrate to award such portion of the fine or such amount of the forfeiture as he may think fit, not exceeding one-half the amount of full fine authorised to be imposed by this Act in any case under this Act, to the person or persons on whose information the conviction is obtained.

Award to Informer.

SCHEDULE REFERRED TO IN THE PREAMBLE.

The Nilgiris District shall for the purpose of this Act be held to be bounded by—

The north bank of the Bhowani River from Attiputty in the Attipadi Valley to the junction of the Moyar River.

The west and south banks of the Moyar River from its junction with the Bhowani to the point in the Mudumullah District nearest to Gudalur.

A line carried thence to the head of the Pandy River (Ouchterlony Valley).

The east bank of the Pandy River to where it falls near the Karkur Pass into Malabar Payenghaut.

A line along the south crest of the Ouchterlony Valley and across the western slopes of the Nilgiri and Mukurti Peaks and Sisapara Ranges to Wallaghaut.

A line thence along the west crest of the Silent Valley (Malabar) Range.

N.B.—The District shall include the entire tract known as the Silent Valley.

A line from the south end of the above-named range to the Bhowani River at Attiputty in the valley of the same name.

No. 4. *From L. C. PROBYN, Esq., Accountant-General, to the Acting Chief Secretary to Government, dated Fort St. George, 29th November* 1878, *No.* 6569.

With reference to your Endorsement, No. 178, of 28th, on letter from the Secretary to the Government of India, Legislative Department, No. 1447, dated the 13th November 1878, I have the honor to report that the proposed alteration in the intended Nilgiri Game Act forwarded therewith, and herewith returned, will apparently put the fees on the same footing as other Government Revenue, whether Imperial or Provincial, and it will depend upon an order of the Government of India in its executive capacity under which of the two heads they shall be classed.

2. As, however, the Government of India has no objection to the fees being made Provincial as well as the charges for the working of the said Act, as stated in paragraph 2 of the letter above alluded to, nothing further appears necessary.

No. 5. ORDER THEREON, 6th December 1878, No. 179.

The disallowance by His Excellency the Viceroy of the Nilgiris Game and Fish Preservation Act will be communicated to the Council for making Laws and Regulations, in accordance with Rule 39 of the Rules for the conduct of the Legislative business of the Council of *Fort St. George*.

2. The revised draft of the Act will be introduced into the Council as a new measure, and the Hon'ble W. Hudleston will be requested to take charge of the Bill.

(True Extract.)

W. M. SCHARLIEB,
Assistant Secretary to Government.
Legislative Department.

To the Honorable W. Hudleston
" Financial Department.
" Public Department.
" Judicial Department.

Exd. F. R. Bantleman.

Order

Order in the Public Department, 18 December 1878,

No. 1817

Communicated to the Revenue Department and the Commissioner of the Nilgiris.

True Extract

A. B. Ruff

Asst Under Secretary

To

The Revenue Department.

M

Govt. of [illegible] 1878

LEGISLATIVE.

THE HONOURABLE W. HUDLESTON,

&c., &c.,

Public Department, 6th

Read

G.O., 6th December 1878, No. 189.

DECEMBER

Nos. 1–5.

Nilgiris Game and Fish Preservation Act.

Mr. Hudleston moved that the Report of the Select Committee on the Bill to amend with reference to the Nilgiris the Game and Fish Preservation Act, 1865, be taken into consideration, and that the Bill be introduced as a new measure.

The Council

Revenue 1878 Dep.t

No. 5550

Rec.d of Gov.t & Public Dep.t

Dated 15, Dec.r
Rec.d 18

No. 181)

Communicating
C.O. Legislative Dep.t
introducing into the
Legislature Council a
revised Bill on Wilpies
game & fish Preservation
Act

No. 3078

Communicated to the
Board of Revenue
20: Dec/78.