

CHAPTER 572

ELEPHANT KRAALS

*Ordinance* AN ORDINANCE TO MAKE PROVISION FOR THE REGULATION OF ELEPHANT KRAALING.  
*No. 1 of 1912.*  
*Act*  
*No. 22 of 1955.*

[29th April, 1912.]

Short title. 1. This Ordinance may be cited as the Elephant Kraal Ordinance.

Interpretation 2. In this Ordinance, unless there is something repugnant in the subject or context--

“ elephant kraal ” and “ kraal ” mean a pen or other enclosure or any kind of stockade erected for the purpose of capturing wild elephants ;

“ elephant kraaling ” and “ kraaling ” mean the capture in a kraal of wild elephants, and also all or any of the steps, acts, arrangements, and preparations necessary and intended for the capture in a kraal of wild elephants.

Kraaling prohibited without the sanction of the Minister 3. From and after the coming into operation of this Ordinance elephant kraaling is prohibited, except with the sanction of the Minister, and any person acting in contravention of the provisions of this section shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term which may extend to six months, or to both.

Power to Minister to make rules for the regulation of kraaling. 4. (I) The Minister may, by notification in the Gazette, make such rules as to him may appear necessary for the regulation of elephant kraaling.

(2) In particular, and without prejudice to the generality of the power in the preceding subsection contained, such rules may-

(a) prescribe the conditions under which sanction to kraal elephants will be granted under section 3 ;

(h) prescribe the fees payable by an applicant to whom sanction is issued to kraal elephants ;

(c) prescribe the radius from a kraal within which no person, except those designated in the rule, may enter or pass without a permit in writing from the Government Agent of the administrative district within which the kraal is erected ;

(d) prescribe the conditions under which such permit shall be issued ;

(e) prohibit the putting up of huts, stands, or other buildings or erections within a prescribed radius without a permit in writing from the Government Agent aforesaid ;

(f) prescribe the conditions under which such permit shall be issued.

(3) Such rules as aforesaid may be made not only to apply to kraals and elephant kraaling generally, but also to the case of any particular kraal about to be erected, or any particular kraaling operations about to take place at any particular locality.

5. Any person committing a breach of the said rules shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period which may extend to three months, or to both ; and it shall be lawful for any police officer not below the rank of inspector, or any person authorized in writing by the Government Agent, without a warrant, to arrest or cause to be arrested any person found within a prohibited area and refusing to quit the same when required

Penalty for infringement of rules.

to do so, and to take him into his custody to be taken before a Magistrate's Court to be dealt with according to law, or to remove or cause to be removed such person outside the prohibited area and to prevent him from re-entering the same, and also to prevent all other persons not legally entitled to do so from entering the prohibited area, and also to remove or cause to be removed all huts, stands, and other buildings unlawfully erected within the same.

6. The provisions of this Ordinance shall not apply to elephant kraaling by any person who by the production of documents or other evidence satisfies the Minister that the right to kraal elephants at any particular locality has been conceded to him by the Government, and obtains a writing under the hand of the Minister certifying to such concession and setting forth the nature and extent of the right conceded.

Ordinance not to apply to kraaling by persons to whom right to kraal at particular localities has been conceded by Government