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The Wild Life (Protection) Act

The Wild Life (Protection) Act, 1972

(53 of 1972)

CHAPTER I

Preliminary

1. Short title, extent and commencement.

- (1) This Act may be called The Wild Life (Protection) Act, 1972.
- (2) It extends to the whole of India.
- (3) It shall come into force in a State or Union territory to which it extends on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union territories.

2. Definitions.

In this Act, unless the context otherwise requires,-

- (1) "Animal" includes mammals, birds, reptiles, amphibians, fish, other chordates and invertebrates and also includes their young and eggs;
 - (2) "animal article" means an article made from any captive animal or wild animal, other than vermin, and includes an article or object in which the whole or any part of such animal has been used, and ivory imported into India and an article made therefrom;
 - (4) "Board" means a State Board for Wild Life constituted under sub-section (1) of section 6;
 - (5) "captive animal" means any animal, specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity;
 - (7) "Chief Wild Life Warden" means the person appointed as such under clause (a) of sub-section (1) of section 4;
 - (7-A) "Circus" means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;
 - (9) "Collector" means the chief officer-in-charge of the revenue administration of a district or any other officer not below the rank of a Deputy Collector as may be appointed by the State Government under section 18-B in this behalf;
 - (10) "Commencement of this Act", in relation to -
 - (a) A State, means commencement of this Act in that State,
 - (b) Any provisions of this Act, means the commencement of that provision in the concerned State;
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- (11) "Dealer" in relation to any captive animal, animal article, trophy, uncured trophy, meat or specified plant, means a person, who carries on the business of buying or selling any such animal or article, and includes a person who undertakes business in any single transaction;
- (12) "Director" means the person appointed as Director of Wild Life Preservation under clause (a) of sub-section (1) of section 3;
- (12-A) "Forest officer" means the Forest officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927 (16 of 1927) or under any other Act for the time being in force in a State;
- (12-B) "Forest produce" shall have the same meaning as in sub-clause (b) of clause (4) of section 2 of the Indian Forest Act, 1927 (16 of 1927);
- (14) "Government property" means any property referred to in section 39 or section 17-H;
- (15) "Habitat" includes land, water or vegetation which is the natural home of any wild animal;
- (16) "Hunting", with its grammatical variations and cognate expressions, includes,-
- (a) Killing or poisoning of any wild animal or captive animal and every attempt to do so;
 - (b) Capturing, coursing, snaring, trapping, driving or baiting any wild or captive animal and every attempt to do so;
 - (c) Injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or reptiles, or disturbing the eggs or nests of such birds or reptiles;
- (17) "Land" includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes, whether artificial or natural, marshes and wetlands and also includes boulders and rocks;
- (18) "Licence" means a licence granted under this Act;
- (18-A) "Livestock" means farm animals and includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, sheep, horses, mules, yaks, pigs, ducks, geese, poultry and their young but does not include any animal specified in Schedules I to V;
- (19) "Manufacturer" means a person who manufactures articles from any animal or plant specified in Schedules I to V and VI, as the case may be;
- (20) "meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin, whether raw or cooked, of any wild animal or captive animal, other than a vermin;
- (20-A) "National Board" means the National Board for Wild Life constituted under section 5-A;
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- (21) "National Park" means an area declared, whether under section 35 or section 38, or deemed under sub-section (3) of section 66 to be declared, as a National Park;
- (22) "Notification" means a notification published in the Official Gazette;
- (23) "Permit" means a permit granted under this Act or any rule made thereunder;
- (24) "Person" includes a firm;
- (24-A) "Protected area" means a National Park, a sanctuary, a conservation reserve or a community reserve notified under sections 18, 35, 36-A and 36-C of the Act;
- (25) "Prescribed" means prescribed by rules made under this Act;
- (25-A) "Recognised zoo" means a zoo recognised under section 38-H;
- (25-B) "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927 (16 of 1927), or declared as such under any other State Act;
- (26) "Sanctuary" means an area declared as a sanctuary by notification under the provisions of Chapter IV of this Act and shall also include a deemed sanctuary under sub-section (4) of section 66;
- (27) "Specified plant" means any plant specified in Schedule VI;
- (29) "State Government", in relation to a Union territory, means the Administrator of that Union territory appointed by the President under article 239 of the Constitution;
- (30) "Taxidermy", with its grammatical variations and cognate expressions, means the curing, preparation or preservation or mounting of trophies;
- (30-A) "Territorial waters" shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);
- (31) "Trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means, whether artificial or natural, and includes-
- (a) Rugs, skins and specimens of such animal mounted in whole or in part through a process of taxidermy, and
 - (b) Antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;
- (32) "Uncured trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy, and includes a freshly-killed wild animal, ambergris, musk and other animal products;
- (33) "Vehicle" means any conveyance used for movement on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse and mule;
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- (34) "*Vermin*" means any wild animal specified in Schedule V;
 - (35) "*weapon*" includes ammunition, bows and arrows, explosives, firearms, hooks, knives, nets, poison, snares and traps and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal;
 - (36) "*Wild animal*" means any animal specified in Schedules I to IV and found wild in nature;
 - (37) "*Wild life*" includes any animal, aquatic or land vegetation which forms part of any habitat;
 - (38) "*Wild Life Warden*" means the person appointed as such under clause (b) of sub-section (1) of section 4;
 - (39) "*Zoo*" means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public and includes a circus and rescue centres but does not include an establishment of a licensed dealer in captive animals.
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CHAPTER II

Authorities to Be Appointed or Constituted Under the Act

3. Appointment of Director and other officers.

- (1) The Central Government may, for the purposes of this Act, appoint,-
 - (a) a Director of Wildlife Preservation;
 - (b) Assistant Directors of Wildlife Preservation; and
 - (c) Such other officers and employees as may be necessary.
- (2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.
- (3) The Assistant, Directors of Wildlife Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

4. Appointment of Chief Wildlife Warden and other officers. -

- (1) The State Government may, for the purposes of this Act, appoint -
 - (a) A Chief Wildlife Warden; ***
 - (b) Wildlife Wardens;
 - (bb) One Honorary Wildlife Warden in each district; and
 - (c) Such other officers and employees as may be necessary.
- (2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wildlife Warden shall be subject to such general or special directions, as the State Government may, from time to time, give.
- (3) The Wildlife Warden, the Honorary Wildlife Warden and other officers and employees appointed under this section shall be subordinate to the Chief Wildlife Warden.

5. Power of delegate.

- (1) The Director may, with the previous approval of the Central Government, by order in writing delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.
 - (2) The Chief Wildlife Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this Act, except those under Cl.(a) of sub-section (1) of Sec.11, to any officer subordinate to him subject to such conditions, if any, be specified in the order.
 - (3) Subject to any general or special, direction given or condition imposed by the Director or the Chief Wildlife Warden, any person, authorised by the Director
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or the Chief Wildlife Warden to exercise any, powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

5A. Constitution of the National Board for Wild Life.

- (1) The Central Government shall, within three months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002, constitute the National Board for Wild Life consisting of the following members, namely :-
- (a) The Prime Minister as Chairperson ;
 - (b) the Minister of Parliament of whom two shall be from the House Chairperson;
 - (c) Three Members of Parliament of whom two shall be from the House of the People and one from the Council of States;
 - (d) Member, Planning Commission in-charge of Forests and Wild Life;
 - (e) Five persons to represent non-governmental organisations to be nominated by the Central Government;
 - (f) Ten persons to be nominated by the Central Government from amongst eminent conservationists, ecologists and environmentalists;
 - (g) The Secretary to the Government of India in-charge of the Ministry or Department of the Central Government dealing with Forests and Wild Life
 - (h) The Chief of the Army Staff;
 - (i) The Secretary to the Government of India in-charge of the Ministry of Defence;
 - (j) The Secretary to the Government of India in-charge of the Ministry of Information and Broadcasting;
 - (k) The Secretary to the Government of India in-charge of the Department of Expenditure, Ministry of Finance;
 - (l) The Secretary to the Government of India, Ministry of Tribal Welfare;
 - (m) The Director-General of Forests in the Ministry or Department of the Central Government dealing with Forests and Wild Life;
 - (n) The Director-General of Tourism, Government of India;
 - (o) The Director-General, Indian Council for Forestry Research and Education, Dehradun;
 - (p) The Director, Wild Life Institute of India, Dehradun;
 - (q) The Director, Zoological Survey of India;
 - (r) The Director, Botanical Survey of India;
 - (s) The Director, Indian Veterinary Research Institute;
 - (t) The Member-Secretary, Central Zoo Authority;
 - (u) The Director, National Institute of Oceanography;
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- (v) One representative each from ten States and Union territories by rotation, to be nominated by the Central Government;
- (w) The Director of Wild Life Preservation who shall be the Member-Secretary of the National Board.

- (2) The term of office of the members other than those who are members ex officio, the manner of filling vacancies referred to in clauses (e), (f) and (v) of sub-section (1), and the procedure to be followed in the discharge of their functions by the members of the National Board shall be such, as may be prescribed.
- (3) The members (except members ex officio) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.
- (4) Notwithstanding anything contained in any other law for the time being in force, the office of a member of the National Board shall not be deemed to be an office of profit.

5B. Standing Committee of the National Board.

- (1) The National Board may, in its discretion, constitute a Standing Committee for the purpose of exercising such powers and performing such duties as may be delegated to the Committee by the National Board.
- (2) The Standing Committee shall consist of the Vice-Chairperson, the Member-Secretary, and not more than ten members to be nominated by the Vice-Chairperson from amongst the members of the National Board.
- (3) The National Board may constitute committees, sub-committees or study groups, as may be necessary, from time to time in proper discharge of the functions assigned to it.

5C. Functions of the National Board. -

- (1) It shall be the duty of the National Board to promote the conservation and development of wild life and forests by such measures as it thinks fit.
 - (2) Without prejudice to the generality of the foregoing provision, the measures referred to therein may provide for-
 - (a) Framing policies and advising the Central Government and the State Governments on the ways and means of promoting wild life conservation and effectively controlling poaching and illegal trade of wild life and its products;
 - (b) Making recommendations on the setting up of and management of national parks, sanctuaries and other protected areas and on matters relating to restriction of activities in those areas;
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- (c) Carrying out or causing to be carried out impact assessment of various projects and activities on wild life or its habitat;
- (d) Reviewing from time to time, the progress in the field of wild life conservation in the country and suggesting measures for improvement thereto; and
- (e) Preparing and publishing a status report at least once in two years on wild life in the country.

6. Constitution of State Board for Wild Life.

- (1) The State Government shall, within a period of six months from the date of commencement of the Wild Life (Protection) Amendment Act, 2002 constitute a State Board for Wild Life consisting of the following members, namely:-
 - (a) The Chief Minister of the State and in case of the Union territory, either Chief Minister or Administrator, as the case may be-Chairperson;
 - (b) The Minister in-charge of Forests and Wild Life-Vice-Chairperson;
 - (c) Three members of the State Legislature or in the case of a Union territory with Legislature, two members of the Legislative Assembly of that Union territory;
 - (d) Three persons to represent non-governmental organisations dealing with wild life to be nominated by the State Government;
 - (e) Ten persons to be nominated by the State Government from amongst eminent conservationists, ecologists and environmentalists including at least two representatives of the Scheduled Tribes;
 - (f) The Secretary to the State Government or the Government of the Union territory, as the case may be, in-charge of Forests and Wild Life;
 - (g) The Officer in-charge of the State Forest Department;
 - (h) The Secretary to the State Government, Department of Tribal Welfare;
 - (i) The Managing Director, State Tourism Development Corporation
 - (j) An officer of the State Police Department not below the rank of Inspector-General;
 - (k) A representative of the Armed Forces not below the rank of a Brigadier to be nominated by the Central Government;
 - (l) The Director, Department of Animal Husbandry of the State;
 - (m) The Director, Department of Fisheries of the State;
 - (n) An officer to be nominated by the Director, Wild Life Preservation;
 - (o) A representative of the Wild Life Institute of India, Dehradun;
 - (p) A representative of the Botanical Survey of India;
 - (q) A representative of the Zoological Survey of India;
 - (r) The Chief Wild Life Warden, who shall be the Member-Secretary.
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- (2) The term of office of the members other than those who are members ex officio and the manner of filling vacancies referred to in clauses (d) and (e) of sub-section (1) and procedure to be followed shall be such, as may be prescribed.
- (3) The member (except members ex officio) shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as may be prescribed.

7. Procedure to be followed by the Board.

- (1) The Board shall meet at least twice a year at such place as the State Government may direct.
- (2) The Board shall regulate its own procedure (including the quorum).
- (3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

8. Duties of State Board for Wild Life.

It shall be the duty of State Board for Wild Life to advise the State Government,-

- (a) In the selection and management of areas to be declared as protected areas;
 - (b) In formulation of the policy for protection and conservation of the wild life and specified plants;
 - (c) In any matter relating to the amendment of any Schedule; *
 - (cc) In relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and
 - (d) In any other matter connected with the protection of wild life, which may be referred to it by the State Government.
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CHAPTER III

Hunting of Wild Animals

9. Prohibition of hunting.

No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.

10. Maintenance of records of wild animals killed or captured.

Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 10 (w.e.f. 2-10-1991).

11. Hunting of wild animals to be permitted in certain cases.

(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,-

- (a) The Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted:

Provided that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such animal cannot be captured, tranquilised or translocated:

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

Explanation. - For the purposes of clause (a), the process of capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal;

- (b) The Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted.
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- (2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence:
Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.
- (3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. Grant of permit for special purposes.

Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt, subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of,-

- (a) Education;
- (b) Scientific research;
- (bb) scientific management.

Explanation. - For the purposes of clause (bb), the expression, "scientific management" means-

- (i) Translocation of any wild animals to an alternative suitable habitat; or
 - (ii) Population management of wild life, without killing or poisoning or destroying any wild animals;
- (c) Collection of specimens
- (i) For recognised zoos subject to the permission under section 38-I; or
 - (ii) For museums and similar institutions;
- (d) Derivation, collection or preparation of snake venom for the manufacture of life-saving drugs:

Provided that no such permit shall be granted

- (a) In respect of any wild animal specified in Schedule I, except with the previous permission of the Central Government, and
- (b) In respect of any other wild animal, except with the previous permission of the State Government.

13. Suspension or cancellation of licence.

Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f. 2-10-1991).

14. Appeal.

Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f. 2-10-1991).

15. Hunting of young and female of wild animals.

Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f. 2-10-1991).

16. Declaration of closed time.

Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f. 2-10-1991).

17. Restriction on hunting.

Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), section 12 (w.e.f. 2-10-1991).

CHAPTER III-A

Protection of Specified Plants

17A. Prohibition of picking, uprooting, etc., of specified plant.

Save as otherwise provided in this Chapter, no person shall-

- (a) Wilfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by notification, by the Central Government;
- (b) Possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof:

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his *bona fide* personal use.

17B. Grants of permit for special purposes.

The Chief Wild Life Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17-A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of-

- (a) Education;
- (b) Scientific research;
- (c) Collection, preservation and display in a herbarium of any scientific institution;
or
- (d) Propagation by a person or an institution approved by the Central Government in this regard.

17C. Cultivation of specified plants without licence prohibited.

- (1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf:

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

- (2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

17D. Dealing in specified plants without licence prohibited.

- (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivate thereof:
Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.
- (2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. Declaration of stock.

- (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days from the date of commencement of the Wild Life (Protection) Amendment Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.
- (2) The provisions of sub-sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17-C and section 17-D as they apply in relation to the licence or business in animals or animal articles.

17F. Possession, etc., of plants by licensee.

No licensee under this Chapter shall

- (a) Keep in his control, custody or possession-
- (i) Any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17-E has to be made but has not been made;
 - (ii) Any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;
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- (b) (i) Pick, uproot, collect or acquire any specified plant, or
(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof, except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. Purchase, etc., of specified plants.

No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer:

Provided that nothing in this section shall apply to any person referred to in section 17-B.

17H. Plants to be Government property.

- (1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government such plant or part or derivative thereof shall be the property of the Central Government.
- (2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof or they apply in relation to wild animals and articles referred to in sub-section (1) of that section.
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