

Chapter - II

LEGAL FRAME WORK

The Jammu and Kashmir Game and Preservation Act, 1942 got assent of His Highness The Maharaja Bahadur on 15th January 1942 and published in Government Gazette on 24th Magh, 1998 (1942 A.D.). The main objective of the Act was to amend and consolidate the law relating to the protection and preservation of the Game in the Jammu and Kashmir State along with the other features as under:

- Consolidating of laws and edicts of Maharaja into a single piece of legislation;
- Providing for declaration of Game Sanctuaries, Game Reserves and Reserved Area;
- Restriction of certain Acts subject to permission and hunting in Game Reserves.

In this Act, hunting of wild animals, grazing in the Game Reserves and Reserved Areas was allowed seasonally or closed. However, uncontrolled hunting of the wild animals, as elsewhere, after independence became a trade to meet out the domestic needs and ultimately some of the species came to be on the verge of extinction. The uncontrolled grazing resulted into massive habitat destruction which was very important from wildlife conservation point of view.

The need was felt to have a new piece of legislation. The Jammu and Kashmir Game and Preservation Act, 1942 was repealed and the **Jammu and Kashmir Wildlife (Protection) Act, 1978** was enacted. The Act provided for appointment of Chief Wildlife Warden, Regional Wildlife Wardens and Wildlife Wardens, constitution of Wildlife Advisory Board, regulated hunting, declaration of areas into Sanctuaries, National Parks, Game Reserves and Closed Areas, determination of rights and extinguishment thereof wherever required particularly in National Parks regulating trade and commerce in Wildlife Animals, articles & trophies apart from saving provisions of the previous Act.