

## THE WILD BIRDS AND ANIMALS PROTECTION ACT, 1912

[Act No. 8 of 1912 dated 8th September, 1912]<sup>1</sup>

*An act to make better provision for the protection and preservation of certain wild birds and animals.*

**Comment:** *The aim of the Act is to make better provision for the protection and preservation of certain wild birds and animals.*

Whereas it is expedient to make better provision for the protection and preservation of certain wild birds and animals, It is hereby enacted as follows: -

### 1. Short title and extent

(1) This Act may be called the Wild Birds and Animals Protection Act, 1912; and

<sup>2</sup>[(2) It extends to the whole of India except <sup>3</sup>[the territories which, immediately before the 1st. November, 1956, were comprised in Part B States].]

### 2. Application of Act

(1) This Act applies, in the first instance, to the birds and animals specified in the Schedule, when in their wild state.

(2) The State Government may, by notification in the Official Gazette, apply the provisions of this Act to any kind of wild bird or animal, other than those specified in the Schedule, which, in its opinion, it is desirable to protect or preserve.

### 3. Close time

The State Government may, by notification in the Official Gazette, declare the whole year or any part thereof to be a close time throughout the whole or any part of its territories for any kind of wild bird or animal to which this Act applies, or for female or immature wild birds or animals of such kind; and, subject to the provisions hereinafter contained, during such close time, and within the areas specified in such notification, it shall be unlawful-

(a) to capture any such bird or animal, or to kill any such bird or animal which has not been captured before the commencement of such close time;

(b) to sell or buy, or offer to sell or buy, or to possess, any bird or animal which has not been captured or killed before the commencement of such time, or the flesh thereof;

(c) if any plumage has been taken from any such bird captured or killed during such close time, to sell or buy, or to offer to sell or buy, or to possess, such plumage.

#### 4. Penalties

(1) Whoever does, or attempts to do, any act in contravention of section 3 shall be punishable with fine which may extend to fifty rupees.

(2) Whoever, having already been convicted of an offence under this section, is again convicted thereunder shall, on every subsequent conviction, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

#### 5. Confiscation

(1) When any person is convicted of an offence punishable under this Act, the convicting Magistrate may direct that any bird or animal in respect of which such offence has been committed, or the flesh or any other part of such bird or animal, shall be confiscated.

(2) Such confiscation may be in addition to the other punishment provided by section 4 for such offence.

#### 6. Cognizance of offences

No court inferior to that of a Presidency Magistrate or a Magistrate of the second class shall try any offence against this Act.

#### 7. Power to grant exemption

Where the State Government is of opinion that, in the interests of scientific research, such a course is desirable, it may grant to any person a license, subject to such restrictions and conditions as it may impose, entitling the holder thereof to do any act which is by section 3 declared to be unlawful.

#### 8. Savings

Nothing in this Act shall be deemed to apply to the capture or killing of a wild animal by any person in defence of himself or any other person, or to the capture or killing of any wild bird or animal in bona fide defence of property.

[Section 9 repealed by the Second Repealing and Amending Act, 1914 (17 of 1914)]

### **THE SCHEDULE**

(i) Bustards, ducks, floricans, jungle fowl, partridges, peafowl, pheasants, pigeons, quail, sand-grouse, painted snipe, spurfowl, woodcock, herons, engrets, rollers, and kingfishers.

(ii) Antelopes, asses, bison, buffaloes, deer, gazettes, goats, hares, oxen, rhinoceroses<sup>4</sup> and sheep.

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