

The Wild Birds and Animals (Protection) Act, 1912

UNION OF INDIA

India

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Act 8 of 1912

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The Wild Birds and Animals (Protection) Act, 1912(Act No. 8 of 1912)Last Updated 27th June, 2019[Dated 18th September, 1912]An Act 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.

- This Act may be called the Wild Birds and Animals (Protection) Act, 1912.

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 such bird or animal which has not been captured or killed before the commencement of such close time, or the fresh 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. Cognizance of offences.

- No Court inferior to that of a Metropolitan Magistrate or a Magistrate of the second class shall try any offence against this Act.

6. Saving.

- 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. The Schedule(i) Bustards, ducks, floricans, jungle fowl, partridges, peafowl, pheasants, pigeons quail, sand-grouse, painted snipe, spurfowl, wood-cock, nerons, egrets, rollers and kingfishers.(ii)Antelopes, asses, bison, buffaloes, deer, gazelles, goats, hares, oxen, rhinoceroses and sheep.