

THE WILD BIRDS AND ANIMALS PROTECTION ACT, 1912
ACT NO. 8 OF 1912
1* [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. (1) This Act may be called the Wild Birds and Animals Protection Act, 1912; and 2[(2) It extends to the whole of India except 3[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 ----- 1. The Act has been amended in its application to West Bengal by the Bengal Rhinoceros Preservation Act, 1932 (Ben.8 of 1932); the U.P. by the Wild Birds and Animals Protection (U. P. Amendment) Act, 1934 (U. P. 13 of 1934), and in its application to the C. P. by the Wild Birds and Animals Protection (C. P. Amendment) Act, 1935 (C. P. 27 of 1935); Ajmer by the Wild Birds and Animals Protection (Ajmer Amendment) Act, 1954 (Ajmer 4 of 1954). The Act has been extended to- the whole of Madhya Pradesh by M. P. Act 23 of 1958 ; and the whole of the Union Territory of Lakshadweep by Reg. 8 of 1965, S. 3 and Sch. (w.e.f. 1-10-1967). The Act has been extended to and brought into force in- Dadra and Nagar Haveli by Reg. 6 of 1963, s. 2 and Sch. I (w.e.f. 1-7-1965); and Pondicherry by Reg. 7 of 1963, s. 3 and Sch. I. The Act has been repealed in its application to- the Bellary District by Mysore Act 14 of 1955 ; and the State of West Bengal by W. B. Act 25 of 1959. 2 Subs. by the A. O. 1950, for the former sub-section. 3 Subs. by the Adaptation of Laws (No. 2) Order, 1956 for "Part B States". ----- 30 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 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. 30A

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.

9. [Repeal.] Rep. by the Second Repealing and Amending Act, 1914 (17 of 1914), s. 3 and Sch. II.

THE SCHEDULE (i) Bustards, ducks, floricans, jungle fowl, partridges, peafowl, pheasants, pigeons, quail, sand-grouse, painted snipe, spurfowl, woodcock, herons, egrets, rollers, and king-fishers. (ii)Antelopes, asses, bison, buffaloes, deer gazelles, goats, hares, oxen, rhinoceroses' and sheep. ----- 1 In the application of the Act to Bengal, the word "rhinoceroses" has been rep. by the Bengal Rhinoceros Preservation Act, 1932 (Ben. 8 of 1932), s. 7. -----
