

Department of Agriculture and Forests
Notification

Rangoon, the 2nd January 1941.

No. 2 Under section 26 of the Burma Wild Life Protection Act, 1936 the Governor makes the following rules to carry out the several objects and purposes of the said Act.

Rules under the Burma Wild Life Protection Act, 1936.

Chapter I.
Short Title and Definitions

1. (1) These rules may be called the Burma Wild Life Protection Rules, 1941.
- (2) They shall come into force on the 11th January 1941.
2. In these rules unless there is anything repugnant in the subject or context:
 - (1) “unprotected animals” mean all animals not falling under sections 6 and 7 of the Act.
 - (2) “resident” includes any person who not being a native of Burma, has satisfied the officer issuing licence that he is employed in or in otherwise a bona fide resident of British Burma.
 - (3) “non-resident” includes any one not a native of Burma and any one not included under Rule 2 (2).
 - (4) “Chief Conservator” means the officer appointed to the charge of the general forest administration of British Burma or invested with the powers of a Chief Conservator of Forests.

(5) "Conservator" means an officer appointed to the charge of a forest circle, or invested with the powers of a Conservator.

(6) "Divisional Forest Officer" means an officer appointed to hold charge of a forest division or invested with the powers of a Divisional Forest Officer.

(7) "Cattle" includes also elephants, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

(8) Land at the disposal of Government" means land in respect of which no person has acquired either-

(a) a permanent heritable and transferable right to use and occupancy under any law for the time being in force; or

(b) any right created by grant or lease made or continued by, or on behalf of, the British Government.

(9) "Zoological Society" means and includes any corporate body which maintains and/or exhibits a collection of animals for educational or scientific purposes and not for profit.

Chapter II.

Rules for licence to Hunt Animals.

A. Licences Prescribed.

3. Licences to capture elephants shall be issued in Form 1 attached to these rules.

4. The period of licence in Form 1 shall not exceed three years without the sanction of the Government.

5. Every holder of a licence to capture elephants shall give such security as the officer issuing the licence may demand. No application should be accepted from any one for whom Rs. 500 is not considered adequate security.

6. Not more than one licence in Form 1 shall be granted for any particular tract of country for any given period but such a licence may be granted either to an individual or to a body of persons acting together.

7. Licences to hunt elephants shall be issued in Form 2 attached to these rules.

8. No licence to hunt elephant may be issued for an area for which a licence under Rule has already been issued without holding the licence to capture elephants.

9. (a) The fee for a licence to hunt an elephant shall be:-

To a resident- Rs. 100 subject to a refund of Rs. 75 in the event of no elephant being killed or wounded.

To a non-resident- Rs. 200.

(b) The number of elephants for which licences may be issued in any one year ending 30th September in any forest division shall be fixed by executive order or the Chief Conservator.

(c) Subject to Rule 9 (b) above, the number of licences that may be issued at one time to any individual is left to the discretion of the Divisional Forest Officer.

10. (a) Licenses for residents and non-residents to hunt protected animals other (omitted) elephants everywhere, except in notified wild life sanctuaries, and unprotected animals in reserved forests except where reserved forests are included in wild life sanctuaries will be issued in Form 3 attached to these rules.

(b) Special licenses for residents to hunt unprotected animals only in reserved forests except where reserved forests are included in wild life sanctuaries will be issued in Form 4 attached to these rules.

11. No Licence is required to hunt unprotected animals outside reserved forests or notified wild life sanctuaries.

(a) The fee for a licence in Form 3 shall be Rs. 35 for residents and Rs. 70 for non-residents, and such licence may include the right to hunt the following:-

(i) Protected animals:

One male bison.

One male Saing.

Two gorals or either sex.

Two serows of either sex.

(ii) Unprotected animals:

Sambhur and hog deer, male only, to the extent which the issuing officer in his discretion may determine.

Other unprotected animals without limit.

Provided that the issuing officer may further limit the numbers specified above at his own discretion for one additional male saing and one additional male bison subject to prepayment by residents of Rs. 20 per animal and non-residents of Rs. 40 per animal.

(b) The fee for a licence in Form 4 for unprotected animals in reserved forests shall be Rs.10 provided that a licence in this form may be issued to subordinates and lessees' or contractors' employees employed in reserved forests and drawing less than Rs. 100 a month at the reduced fee of Rs. 5.

(c) No refund is admissible in respect of a licence in forms 3 and 4.

12. The number of protected animals other than wild elephants, and, unprotected animals in reserved forests only, for which licences may be issued in any one year ending 30th September, in any individual division, shall from time to time be fixed by executive order of the Chief Conservator.

B. Issue of Licences.

13. Officers empowered to issue Licences are: -

(a) Licence in Form 1. – The Game Warden subject to the control of the Chief Conservator.

(b) Licence in Form 2. – The Chief Conservator, Conservators, and Divisional Forest Officers.

(c) Licence in Form 3. – The Chief Conservator, Conservators, and Divisional Forest Officers.

(d) Licence in Form 4. – The Chief Conservator, Conservators and Divisional Forest Officers.

14. No licence to hunt protected animals other than thamin, goral or serow shall be issued to any person who does not satisfy the officer issuing the licence that he possesses weapon which complies with the following specifications:-
bore 400 or greater shooting a bullet of not less than 400 grains or muzzle energy not less than 4,000 foot lbs.

15. An application for the issue or countersignature of a licence shall be made in writing to the officer empowered to grant the licence under rule 13 and shall have the applicant's firearms licence attached. The application signed by the applicant shall contain the following particulars: -

- (a) full name, occupation, permanent address and Burma address of the applicant;
- (b) kind of licence required;
- (c) method of hunting, if any, for which permission is asked;
- (d) dates between which the applicant desires that the licence be valid;
- (e) the area over which the applicant desires that the licence shall be valid;

16. Every person when applying for licence under these rules shall produce to the officer empowered to grant a licence, any other valid licence granted under these rules in the applicant's name and such officer may endorse thereon any additional area over which such licence is made valid and the number and date and nature of any additional licence granted under these rules to the applicant and shall sign the endorsement.

17. If it is within the powers of the Divisional Forest Officer to grant the licence on payment of the prescribed fee or may decline to grant it. Should the licence be refused the Divisional Forest Officer shall record his reason for refusal in writing.

18. No licence other than in Form 1 shall be granted to any one whose firearms licence is not endorsed for "sport" and valid for "reserved forests".

19. It shall be a condition of licences in Form 2, 3 and 4 that any animal wounded but not killed shall count against the number of the particular animal allowed under the licences.

20. (a) Licences to hunt in Forms 2, 3 and 4 when issued to residents shall expire on 30th September next following; in all other cases licences shall be valid for a term not exceeding three months.

(b) Licences issued in Forms 3 and 4 may, at their expiration, be renewed by the authority who issued them on payment of the same fees paid in the first instance for the original licences.

21. The orders of the Conservator shall be final on an appeal Chief Conservator. Against refusal to issue or to countersign Licences in Forms 2, 3 and 4 by Divisional Forest Officer. Conservator.

22. A person whose licence in Forms 2, 3 and 4 has been lost or destroyed may obtain a fresh licence for the remainder of the term of the licence lost or destroyed, on payment of a fee of Rs. 5 and on his satisfying the officer issuing the licence, in the event of the register contained in the licence also being lost, as to the number of protected animals killed, wounded or captured by him during the period of his aforesaid licence.

23. A licence issued under the provisions of these rules shall be valid within the boundaries specified in the licence.

(b) A licence which is valid in respect of any area in any forest division may be rendered valid in respect of an area in any other forest division on countersignature by the Divisional Forest Officer concerned and on payment of an additional fee of RS. 5 in the case of a licence in Form 2 issued under the provisions of Rule 7 and Re. 1 in the case of licences in Forms 3 and 4 issued under the provisions of Rule 10 (a) and (b).

24. (a) The Chief Conservator may issue a licence or countersign a current licence in Forms 2, 3 and 4 and make it valid throughout British Burma. A Conservator may issue a licence or countersign a current licence in Forms 2, 3 and 4 and make it valid through his circle.

(b) The additional fees for such licence or countersignature shall be: -

(i) issue or countersigned by the Chief Conservator:- Rs. 20/- in the case of an elephant hunting licence in Form 2 issued under Rule 7.

Rs. 10/- in the case of a licence on Forms 3 and 4 issued under the provisions of Rule 10 (a) and (b).

(ii) issued or countersigned by a Conservator: - Rs. 10 in the case a Conservator:- Rs. 10 in the case of an elephant hunting licence in Form 2 issued under Rule 7.

Rs. 5/- in the case of a licence in Forms 3 and 4 issued under the provisions of Rule 10 (a) and (b).

Chapter III.

Rules for Fishing in Reserved Forests.

25. (a) A licence to fish in reserved forests shall be issued in Form 5 attached to these rules. The licence which is issued by the Divisional Forest Officer shall be valid for a period not exceeding one year and shall specify the locality in which fishing is permitted: -
Provided -

(i) That a licence to fish for purposes of sport may extend to all reserved forests in the forest division for which it is issued except such forests or part of forests as the Conservator may order to be closed to the issue of.

(ii) that in the case of villagers living in the vicinity of a reserved forest for such lower fee may be charged, as the Divisional Forest Officer considered suitable.

(iii) that no licence to fish either in streams crossing a reserved forest or in watered connected either for the whole or part of a year with fishery waters lying outside reserved forests shall be issued without the previous approval of the Deputy Commissioner, and

(iv) that in the Delta and Henzada-Bassein in Forest Divisions within the Irrawaddy Delta Ring Fence Area licences to fish in reserved forests may be issued by any forest officer authorised in writing by the Divisional Forest Officer.

(b) In issuing licences under this rule, the Divisional Forest Office shall be guided as to the nature or implement or the implements which may be used and the fee liable for the use of such implements, by the Schedule attached to the Fishery Rules 1911, as amended from time to time.

The fee for a licence issued under Rule 25 shall be Rs.10. Provided -

(i) that a licence issued under provisions (i) to Rule 25 (a) may be countersigned on payment of Re.1/- by any other Divisional Forest Officer for reserved forests in his division and by a Conservator on a payment of Rs.5/- for reserved forests in all or any of the divisions in his circle.-

(ii) that the right to fish within any fixed limits under an agreement not exceeding one year and subject to such conditions as the Conservator with the concurrence of the Deputy Commissioner may prescribe in each case may be sold by the Divisional Forest Officer by public auction or tender, and

(iii) that in special cases after consultation between the civil authorities and the Forest Department, licences may be granted by the Conservator for periods exceeding one year but not exceeding five.

27. A licence or agreement issued under Rule 25 and 26 shall as regards conditions be interpreted according to the custom ruling in adjacent fisheries.

Chapter IV.
Rules for Wild Life Sanctuaries.

28. The Chief Conservator may authorize the Game Warden and through the Game Warden his staff of sanctuary keepers to take such measures as are in the opinion of the Chief Conservator necessary to preserve the balance of animals in any sanctuary.

29. No cattle may be grazed within the boundaries of the under mentioned wild life sanctuaries or within three miles of the boundaries of any of these sanctuaries unless they have been inoculated and marked under arrangements made with the Veterinary Department within the previous twelve months, against anthrax and within the previous two years against rinderpest:-

- (1) Pidaung Wild Life Sanctuary.
- (2) Shwe-u-daung Wild Life Sanctuary.

30. The Divisional Forest Officer may with the previous consent of the Deputy Commissioner destroy without payment of compensation any cattle infected with anthrax or rinderpest found within the boundaries of the Pidaung Wild Life Sanctuary.

Chapter V.
Rules for Restricting Imports and Exports of Animals.

31. The Conservator of Forests, Utilization Circle, Rangoon, is empowered to issue licenses in Form 6 attached to these rules authorizing the import into Burma of the animals and parts or products thereof specified in section 11 (1) (ii) of the Act other than animals the importation of which is prohibited under the provisions of any Act in force.

32. The Conservator of Forests Utilization Circle, Rangoon, is empowered to issue licences in Form 6 authorizing the export from Burma of the animals and parts or products thereof specified in section 11 (1) (ii) of the Act.

Such licence shall only be issued:-

- (1) for living animals imported into Burma under a licence issued under Rule 31.
- (2) for animals consigned by the Trustees of the Victoria Memorial Parks, Rangoon.
 - (a) to recognised zoological societies, or
 - (b) in exchange for other animals;
 - (c) in very special circumstances and with the previous sanction of the Governor to private agencies which desire to purchase surplus animals for which no suitable exchanges are available.
- (3) for elephants and any part or product thereof;
- (4) in very special circumstances and with the previous sanction of the Governor for animals exported by private agency for bona fide educational or scientific purposes;
- (5) for bona fide pet animals accompanying a passenger leaving Burma;
- (6) for animals exported by private agency in exchange for animals imported.

33. The Governor may by notification charge a fee for licences issued under Rules 31 and 32 which meanwhile shall be issued free of charge.

34. The Conservator of Forests, Utilization Circle, Rangoon, may before issuing a licence under Rules 31 and 32:

(1) require the production of any animal or part or product thereof for which a licence is required or any licence issued under Rule 31;

(2) refuse to issue a licence or cancel the same already issued in any case where he is of the opinion that-

(a) the animal for which the licence is required has been unlawfully captured or imported or is in such a state of health or packed in such a way that its transport is likely to entail undue cruelty, or

(b) the animals other than elephants are being exported in unreasonably large numbers.

Chapter VI.

Rules as to Rewards, Appointment of Game Wardens and General Powers.

35. Rewards may be granted to any officers in the public service who are not gazetted officers and to informers as follows:-

(a) When a sum of money has been accepted by way of compensation under section 17 of the Act, a Divisional Forest Officer may award to any non-gazetted officer or to any informer any portion of such sum not exceeding fifty rupees.

(b) In the case of confiscation under section 18 of the Act, the Divisional Forest Officer may award to any non-gazetted officer or informer a sum which is not in excess of the proceeds of any fine or confiscation, or both, ordered by the court. Such sum shall normally not exceed fifty rupees.

(c) In cases other than these mentioned in clauses (a) and (b), the Divisional Forest Officer may grant a reward not exceeding fifty rupees to a non-gazetted officer or informer.

(d) For exceptionally good work for unusually arduous duties performed under circumstances of exceptional personal discomfort or risk, the Divisional Forest Officer may with the previous sanction of the Conservator grant to subordinates below the rank of forest ranger, a reward not exceeding one month's pay.

(e) For information leading to a conviction for any offence committed a reward not exceeding five hundred rupees in respect of rhinoceros and two hundred rupees in any other case, shall be granted under this rule to any non gazetted officer or informer in any one proceeding.

Provided that no reward shall be granted to any forest officer, unless he has displayed unusual ability, diligence, courage or acumen or has endured exceptional hardship or risk.

36. All Extra Assistant Conservators of Forests and all forest Officer of higher rank and any Game Warden, authorized by name on this behalf, shall exercise for the purpose of this Act the powers of a Demarcation Officer under the Boundaries Act, 1880.

37. All Extra Assistant Conservators of Forests and all forest Officers of higher rank, any Game Warden authorized by name in this behalf and all Subdivisional Police Officers and Police Officers of higher rank shall exercise for the purpose of this Act, the powers of a civil court to compel the attendance or witnesses and production of documents.

38. All Extra Assistant Conservators of Forests and all forest Officers of higher rank, any Game Warden authorized by name in this behalf and all subdivisional Police Officers and Police Officers of higher rank shall exercise for the purpose of this Act, the powers to hold enquiries into offences and in the course of such enquiries to receive and record evidence.

39. Any Divisional Forest Officer or any other forest officer specially authorized in this behalf by the Divisional Forest Officer or any District Superintendent of Police or any Police Officer specially authorized in this behalf by the District Superintendent of Police may take possession of anything or animals in respect of which an order of confiscation has been passed under section 20 (1) of the Act.

40. Any Divisional Forest Officer or any District Superintendent of Police may at any time direct the release of anything or animal seized under section 24 of the Act which is not the property of Government and the withdrawal of any charge made in respect of such thing and animal.

41. All Divisional Forest Officers are empowered to give to any person who captures or kills an animal in defence of himself or of any other person, or in bona fide defence of property such animal or any part thereof except elephant tusks.

Chapter VII. Penalties.

41. Whoever commits a breach of any of the rules mentioned in column (1) shall be punishable with imprisonment for a term which may extend to the period specified therefor in the third column or with both namely:-

No. of Rules (1)	Subject matter of Rules (2)	Penalty prescribed for breach of Rule (3)
7	Issue of licence in Form 2. Breach of conditions thereof.	
10 (a)	Issue of licence in Form 3. Breach of conditions thereof.	Fine not exceeding five hundred rupees.
10 (b)	Issue of licence in Form 4. Breach of conditions thereof.	
25 (a)	Issue of licence in Form 5. Breach of conditions thereof.	Fine not exceeding fifty rupees.
29	Grazing cattle within a sanctuary or grazing them near it without being duly inoculated and marked.	Imprisonment for a term of two months or a fine of one hundred rupees or both.

Explanations:- The entries in the second column of the above table headed "subject matter of rules" are not intended as definition of the offences described in the rules mentioned in the first column or even as abstracts of these rules, but are inserted merely as reference to the subject of such rules.

Wild Life Protection

Conserve Burma's Wild Life by strict adherence to and enforcement of the Rules regarding the protection of wild life which are concerned in "THE BURMA WILD LIFE PROTECTION ACT. 1936, AND RULES, 1941".

Completely protected animals are: -

Rhinoceros, tapir, brow-antlered deer, the great argua pheasant, masked finfoot and the peafowl.

Protected animals are: -

Elephant, the Burmese bison or gaur, banteng (saing), serow and goral. (May hunt only with a Special Licence).

CLOSE SEASON.

5th June to 30th September: Hog deer, sambur and barking deer

5th March to 30 September: All species of: Pheasant (except the great argus pheasant), partridge, jungle fowl, quail, wild duck and teal.

The following birds may not be captured alive or bought or sold at any time of the year:-

All species of: - Snipe, wild duck, teal, wild geese, partridge, pigeon, dove, pond heron, egret, moorhen and grackle.

NOTICE.

Trade Prohibitions under the Burma Wild Life Protection Act, 1936.

The attention of the public is invited to the fact that the new Burma Wild Life Protection Act of 1936 came into force on the 1st December 1936. From that date under Section 9 of the said Act it will be illegal for any person to capture or possess or sell or buy any live wild geese, wild duck, teal or snipe and the public is warned that under this section the trapper, seller and buyer of live wild geese, wild duck, teal or snipe are equally liable.

Under section 2 (i) of the same Act an "animal" includes all birds, mammals and reptiles other than snakes, while Section 11 of the same Act prohibits the export from and import into Burma of any animal or parts and products thereof, except under certain conditions. The public is therefore warned that it is inadvisable to make arrangements for importing or exporting animals without previous enquiry from the Conservator of Forests, Utilization Circle, Rangoon, as to what conditions may be imposed.

F.J. Mustill

Game Warden, Burma