

The Wild Birds & Animals Protection Act, 1912

*Act 8 of 1912
(18th September, 1912)

An Act to make better provisions for the protection and preservation of
certain Wild Birds and Animals

Whereas it is expedient to make better provisions 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

¹[2] It extends to the whole of India except ²[the territories which, immediately before
the 1st November, 1956, was 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 ¹[State Government] may, by notification in the ²[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 ²[State Government] may by notification in the Official Gazette,
declare the whole year or any part thereof to be close time through out 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 here in after contained, during such close time and within the
area specified in such notification, it shall be on lawful.

(a) to capture such bird or animal , or to kill any such bird or animal which
has 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 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 offer to sell or buy or to possess
such plumage :

4. Penalties- (1) Whoever does not attempt 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 there under 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 100 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 Offence- 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 ¹[State Government] is of opinion that, in the interests of scientific research, such a course is desirable, it may grant to any person a licence, 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 bird or a wild animal by any person in defence 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-[Repealed by the Second Repealing and Amending Act, 17 of 1914, Section 3 and Schedule II]