

will, on the aforesaid A.B. being delivered to his care and custody, have the said A.B. properly taken care of and prevented from doing injury to himself or to others ¹[(and in case of temporary release under section 33A add) and taken back to the asylum on the expiry of the period of his release or in the event of his becoming unmanageable or dangerous and unfit to be at large]] ; and in case of the said E.F. making default therein, we bind ourselves, jointly and severally, to forfeit to ²[the President] ³* * *, the sum of rupees

Dated this day of 19 (Signature)

SCHEDULE II.—[ENACTMENTS REPEALED.] Rep. by the Second Repealing and Amending Act, 1914 (XVII of 1914), s. 3 and Schedule II.

THE WILD BIRDS AND ANIMALS PROTECTION ACT, 1912

4ACT NO. VIII OF 1912

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

Short title and extent.

¹Ins. by the Lunacy (Amdt.) Act, 1951 (35 of 1951), s. 3.

²Subs. by A. O., 1961, Art. 2 and Sch., for "His Majesty" (with effect from the 23rd March, 1956).

³The words "the King-Emperor of India" omitted by A. O., 1949, Sch.

⁴For Statement of Objects and Reasons, see Gazette of India, 1912, Pt. V, p. 2 ; for Report of Select Committee, see *ibid.*, 1912, Pt. V, p. 173, and for Proceedings in Council, see *ibid.*, 1912, Pt. VI, pp. 57 and 691.

This Act has been extended to the Leased Areas of Baluchistan, see G. O. 3 of 1950 and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

The Act has been amended in its application to Baluchistan by Regulation III of 1942.

It has been repealed in its application to the N.-W.F.P. by the N.-W.F.P. Wild Birds and Wild Animals Protection Act, 1950 (N.-W.F.P. Act 13 of 1950).

The Act has been rep. in its application to the Province of Punjab by Punjab Ordinance XXI of 1972, s. 42 w.e.f. the 25th October, 1972 which was temporarily enacted by the Punjab Act VI of 1973 and on the expiry of the Ordinance as so enacted, by Punjab Act II of 1974, s. 48.

This Act has been rep. to the extent of Islamabad Capital Territory, see, Ordinance No. XXVII of 1981, s. 4 and 3rd Sch.

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[1912 : Act IV

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Application
of Act.

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

(2) The ²[Provincial Government] may, by notification in the ³[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.

Close time.

3. The ²[Provincial Government] may, by notification in the ³[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 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.

Penalties.

4.—(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.

¹Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., (with effect from the 14th October, 1955), for the original sub-section (2) as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

²Subs. by A. O., 1937, for "L. G."

³Subs. *ibid.*, for "local official Gazette".

5.—(1) When an animal is found dead or disabled under this Act any bird or animal so found, or the flesh thereof, shall be confiscated.

(2) Such confiscation shall be in accordance with the provisions provided by section 10.

6. No Court shall entertain any suit for the recovery of compensation for the loss of any animal of the second class shall be payable.

7. Where the provisions of this Act are in the interests of the public, it may grant to any person, subject to such conditions as may be prescribed, to do any act which is prohibited by this Act.

8. Nothing in this Act shall prevent any person from capturing or killing any wild bird or animal for the purpose of scientific research or for the purpose of the preservation of the species.

9. [Repeal.] Repealed by the Act, 1914 (XVII of 1914).

(i) Bus

peal

pair

roll

(ii) Ant

goat

¹The original was amended by the Act, 1961, Art. 2 and Sch.

²Subs. by A. O.

5.—(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.

Confiscation.

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

6. No Court inferior to that of * * * a Magistrate of the second class shall try any offence against this Act.

Cognizance of offences.

7. Where the [Provincial 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.

Power to grant exemption.

8. 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.

Savings.

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

THE SCHEDULE

(i) Bustards, ducks, floricans, jungle fowl, partridges, peafowl, pheasants, pigeons, quail, sand-grouse, painted snipe, spurfowl, wood-cock, herons, egrets, rollers, and king-fishers.

(ii) Antelopes, asses, bison, buffaloes, deer, gazelles, goats, hares, oxen, rhinoceroses and sheep.

¹The original words "a Presidency Magistrate or" omitted by A. O., 1961, Art. 2 and Sch. (with effect from the 23rd March, 1956).

²Subs. by A. O., 1937, for "L. G."