

Punjab Wild Birds and Wild Animals Protection Act, 1933

2 of 1933

[12th April 1933]

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Punjab Wild Birds and Wild Animals Protection Act, 1933

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An Act to make better provision for the protection and preservation of certain wild birds and wild animals in the Punjab Preamble-
Whereas it is expedient to make better provision for the protection and preservation of certain wild birds and wild animals in the punjab, and whereas the previous sanction of the Government General has been obtained under section 80-A of the Government of India Act; It is hereby enacted as follows-

1. Short tide, extend and commencement :-

(1) This Act may be called the Punjab Wilds Birds and Wild Animals

Protection Act, 1933.

(ii) It extends to the Union Territory of Delhi,

(iii) It shall come into force on such date as the Chief Commissioner, any, by notification, appoint in this behalf

(iv) The Wild Birds and Wild Animals Protection Act, 1912, is in its application to the Union territory of Delhi, hereby repealed

2. Application of Act :-

This Act shall, subject to the provisions hereinafter appearing, apply to all wild birds and wild animals whether in their wild state or in captivity

3. Definitions :-

In this Act unless there is anything repugnant in the subject or context-

(i) "Animal" means an animal which suckles its young;

(ii) "Licence" means a licence granted under this Act;

(iii) The expression "wild bird or wild animal" shall be deemed to include the flesh thereof and, in the case of a wild bird, the eggs thereof

4. Closing time :-

It shall not be lawful to kill or to capture, or to possess, whether dead or alive, or to buy or to sell or to offer for sale any wild bird or wild animal, except in the manner and to the extent hereinafter provided-

(i) The wild birds, or wild animals specified in schedule I may be killed, captured, possessed, bought, sold or offered for the sale throughout the year;

(ii) The wild birds or wild animals specified in Schedule II-

(a) may be killed, captured, possessed, bought, sold or offered for sale during period specified in the said schedule under a licence, and in the manner and to the extent provided thereby: Provided that no licence shall be necessary for shooting such wild birds and wild animals during the period specified in the said Schedule;

(b) may be bought or possessed without a licence during the period specified in the said schedule for purposes of consumption, provided they have been obtained from a licensee or have been

shot

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(iii) The wild birds or wild animals specified in Schedule III-

(a) may be killed, captured, possessed, bought, sold or offered for sale during the period specified in the said Schedule under a licence, and in the manner and to the extent provided thereby;

(b) may be bought or possessed without a licence during the period specified in the said Schedule for the purposes of consumption, provided that they have been obtained from a licensee;

(iv) The wild birds or wild animals specified in Schedule IV may be possessed throughout the year as pets or for use as decoys in the manner and to the extent specified in the said Schedule: Provided that nothing in this section shall be deemed to prohibit-

(a) the possession of the eggs of any birds by a bona fide collector; or

(b) the possession by any person of skins, antlers, horns or other trophies; or

(c) the possession by any person of the offspring of any wild bird or wild animal which is bred in captivity, subject to the limits specified in Schedule iv:

Provided further, that any person who hold a licence issued under the Indian Arms Act, 1952, and rules thereunder, for purposes of sport, or who is exempt from the provisions of that Act, shall be entitled to purchase a licence under this Act from any Government treasury or sub-treasury, stamp vendor, or any such other person or place as may be prescribed by rules under This Act

5. Person in possession of any wild bird or wild animal to produce his licence when required :-

Any person in possession of any wild bird or wild animal specified in Schedules II and III shall, if required so to do by a person authorised in this behalf, produce his licence within fifteen days

6. Power to add to or exclude from schedules :-

The Chief Commissioner may, by notification, which may apply either to the whole or to any parts of its territories

(i)

(a) add to Schedules I and IV

(b) add to or exclude from schedules II and III, any wild bird or wild animal subject to such conditions as it may impose in each case;

(ii) alter the period during which any wild bird or wild animal specified in schedules II and III may be killed or captured;

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(iii) alter the number of wild birds'-or wild animals specified in column 5 of schedule IV which may be kept as pets or for use as decoys

7. Power to grant exemption :-

Where the Chief Commissioner is of opinion that such a course is desirable in the interests of scientific research, or for the better protection or preservation of crops or other property, it may grant to any person a licence subject to such restrictions or conditions as it may impose, entitling the holder thereof to do any act which is by this Act declared to be unlawful

8. Power to declare any area to be a sanctuary for wild birds and wild animals :-

The Chief Commissioner may, by notification declare any area which is vested in the Chief Commissioner and subject to the consent of the owner and to such conditions as may be determined by mutual agreement, any area which is private property, to be a sanctuary for wild birds or wild animals, or both, and it shall be unlawful for any person to kill or capture any wild bird or wild animals as the case may be, within such area at any time

9. Penalties :-

(1) Whoever commits a breach of the provisions of this Act or of any rule made thereunder, shall be punishable with fine which may extend to fifty rupees or in default with imprisonment of either description which may extend to one month

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(2) Whoever, having already been convicted of an offence under this Act or any rule made thereunder is again convicted thereunder, shall, on every subsequent conviction, be punishable with fine which may extend to five hundred rupees or in default with imprisonment of either description which may extend to three

months, and shall, in addition to the punishment provided for the offence, be liable to confiscation of the licence. On conviction of any person for an offence under this Act the convicting Magistrate may, in addition to any other penalty imposed, order any net, trap or snare, used in the commission of such offence, to be destroyed or to be sold and converted into money and the proceeds thereof forfeited

10. Jurisdiction inferior to that of a magistrate of the second class excluded :-

No court inferior to that of a Magistrate of the second class shall try and offence under this Act

11. Persons who may lodge complaints :-

No court shall take cognizance of any offence under this Act except, on the complaint of a police officer not below the rank of Sub-Inspector or of any other person or class of persons authorised by Chief Commissioner in this behalf

12. Savings :-

Nothing in this Act shall be deemed to apply to-

(i) the killing or capture in good faith of any wild bird or wild animal by any person in defence of himself or of any other person or of property

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(ii) the capture, sale, purchase or possession for scientific or public purposes of any wild bird or wild animal by, or on behalf of the authorities administering public zoological gardens

13. Power to make rules :-

(i) The Chief Commissioner may, after previous publication, make rules for the purpose of carrying into effect the provisions of this Act

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(ii) In particular and without prejudice to the generality of the foregoing power, the Chief Commissioner may make rules for all or any of the following purposes, namely-

(a) to prescribe the form in which and the terms and conditions under which, a licence may be granted;

(b) to prescribe the fees to be charged for any licence;

(c) to provide for the confiscation of any wild bird or wild animal killed, captured, bought, sold or offered for sale in contravention of the provisions of this Act

(d) to prescribe the person or class of persons who may make complaint of offences under this Act or may require the production of a licence under section 5;

(e) to prescribe in the case of any species of wild bird or wild animal the numbers and sex may be killed, captured or possessed under a licence

SCHEDULE 1

Schedule of Wild Birds and Wild Animals which are excluded from protection under Section 4 of the Act

SCHEDULE I			
Schedule of Wild Birds and Wild Animals which are excluded from protection under Section 4 of the Act			
SI. No.	Scientific name	English name	Vernacular name
1	2	3	4
BIRDS			
1.	Corvus leuallanti	The Himalayan Jungle Crow	Kowa, kawwa, kan, pahari kowa.
2.	Corvus splendens	The House Crow	Kan, kaw, desi kan.
3.	Phalacrocorax corpo	The Indian Large Cormorant	Pan kowa, jalkan.
4.	Phalacrocorax fuscicollis	The Indian Shag	Jalkan, ghoghar.
5.	Phalacrocorax niger	The Little Cormorant	Jograti, nikka julkan.
6.	Anhinga melanogaster	The Indian Darter, or Snake bird	Jalkani, bunwa.
7.	Psittaculaeupatria	The Large Indian Paroquet	Tota, raitota.
8.	Pasittavlak rameri	The Rose ringed Paroquet	
9.	Pasittacula syanocephala	The Western Blossom Headed Paroquet	Libber tola, tuiya.
10.	Pasittacula himalayana	The Himalayan Slatyheaded Paroquet	Tula tola, pahari tuiyan.
11.	Coturnix Coturnix	The Common Quail	Baler, bara bater, gagas bater, khair
12.	Coturnix coromandelica	The Black-breasted or Rain Quail	Bater, china bater.
13.	Grus	The Eastern crane	Kunj, kulang, murunch.
14.	Anser anser	The drev Laq Goose	Sona, kuria, sonahans.

			hans raj, mug.
15	Anser aibifrons	The White fronted goose	Hans raj mug, chittach, mug,
16	Anser erythropus	The dwarf or Lesser White fronted Goose	
17.	Anser brachyrhynchus	The Pink-footed Goose	Hans, karey bans, rajhans, mug birwa.
18..	Anser indicus	The Bar-headed Goose	
19	Anser Branta ruficolis	The Red-breasted Goose	
20.	Felis pardus Felis	ANIMALS The Leopard or Panther	Beg, berag, golbagh, Chitra, purra, unagh, mirg
21.	bengalensis	The Leopard cat	China billa, chenang, banbilla, jungli, billi, bagar billa.
22.	Felis ornata	The Indian Desert Cat	
23.	Felis chaus	The Jungle Cat	
24	Felis caracal	The Caraca	Siyah, gosh, ekb, patsalan, tsogda.
25.	Felis iynx	The Lynx	
26.	Felis Viverra Zibetha	The Larger-Indian Civet	Khatas, kastura, mooshkbilla, bausokar.
27.	Felis Paradoxurus gray	The Himalayan Palm Civet	
28.	Herpestec auropunciatus	The Small Indian Mongoose	Neol, neul, naola, dhor.
29.	Herpestes mungo	The Common Indian Mon goose	
30.	Herpestes amithi	The Ruddy Mongoose	
31.	Canis lupus	The Wolf	Gurg, bhagyar, bheriya. Giddar, sial, phival.
32.	Canis Pallipes	The Indian Wolf	
33.	Canis aureus	The Jackal	
34.	Cyon dukhensis	The Indian Wild dog	Sonkutta, ramkutta, bunkutta, janglikutta, bhaosa, bhunsa.
35.	Mustela flavigula	The Indian Marten or Pine Marten	Chitral, turala, shikra, dhinkloo.
36.	Lutra vulgaris	The Common Otter	Ud, udbilao, ludhar.
37.	Ursus torquatus	The Himalayan Black Bear	Bhalu, kala bhalu, richh.
38.	Sus eristatus	The Indian Wild Bear	Suar, budh.
39.	Boselaphus tragocamelus	Nilgai or Blue Bull	Nilgav, nilgai, lilgai, bangai, raujb, gond, bain.
40.	Macacus rhesus	The Bengal Monkey	Bandar.
41.	Hyaena striata	The Hyena	Tarkh.
42.	Pteropus medius	The Indian Fruit Bat	Badur, Barbagul, chumgidda, ultakakao,

			manis.
43.	Hystrix bucura	The Indian Porcupine	Syal, sahi, khundew, alii.
44.	Sciurus Indicus	The Squirrel	Gulehra.
45.	Mus (whole-family)	Rats and Mice	Chuha, chuhi.