

FOREST DEPARTMENT.

(The Shan States Game Rules, 1929.)

No. 28

Dated Rangoon, the 28th February 1929.

No. 28.- In exercise of the powers conferred by section 33 (2) (e) and (3) and section 77 (1), 2 (d) and (3) of the Burma Forest Act, 1902, as subsequently amended, His Excellency the Governor of Burma is pleased' to make the following rules to regulate or prohibit hunting and shooting and the setting of traps or snares in or on reserved forests and public forest land in the Shan States, in supersession of the rules published in Revenue (Forest) Department Notification No. 147, dated the 20th September 1917, as subsequently amended in so far as they applied to the Shan States.

These rules shall come into force on the 1st April 1929.

RULES.

1. (1) These rules may be called the Shan States Game Rules, 1929;
(2) They extend to the whole of the Federated Shan States except areas east of the Salween River to which they shall automatically apply after a period of five years.
2. In these rules:-
 - (1) "hunting" includes killing and capturing by any method and every attempt or preparation to hunt, kill or capture;
 - (2) "Divisional Forest Officer" means the officer in charge of the Forest Division in question;
 - (3) "animals" includes all wild mammals and birds;
 - (4) "sanctuary" means any area which has been declared by His Excellency the Governor of Burma by notification to be a sanctuary for the preservation of animals;
 - (5) "Game Preserve" means any area of public forest land which has been declared by the Commissioner, Federated Shan States, with the approval of the Chief of the State concerned by notification to be a game preserve;
 - (6) "protected animals" means-
 - (a) rhinoceros, tapir, buffalo, mythun, serow, gooral and argus pheasant wherever found;
 - (b) bison, saing, thamin and hog-deer inside reserved forests, game preserves and sanctuaries;

- (c) any animals in addition to the above for which a close season is prescribed in the schedule attached to these rules during such close season;
- (d) any other animals which His Excellency the Governor of Burma may, in accordance with Rule 3 (b), declare by notification to be protected animals;

(7) "unprotected animals" mean all animals other than protected animals;

(8) "form prescribed" means the form prescribed from time to time in that behalf by the Commissioner, Federated Shan States.

(NOTE.- The hunting of elephants is governed by the Shan States Elephants Preservation Order, 1924).

3. His Excellency the Governor of Burma may by notification-

- (a) declare any area of reserved forests or public forest land to be a sanctuary and prescribe the additional restrictions which shall apply to hunting in that area;
- (b) declare any animal to be a protected animal in respect of the whole or of any part of the Shan States.

4. The Commissioner, Federated Shan States, may, with the approval of the Chief of the State concerned, declare by notification any area of Public Forest Land to be a game preserve.

5. No person shall-

- (a) shoot any animal with poisoned arrow;
- (b) lay down poison for any animals;
- (c) net wild water-birds;
- (d) hunt any animal by means of pitfalls;
- (e) hunt within one hundred yards of the compound of a Buddhist Monastery;
- (f) hunt any animal during the period shown to be a close time for that animal in the schedule attached to these rules;
- (g) shoot any animal other than carnivora from any kind of platform or machan;
- (h) use artificial light for the purposes of hunting any animal other than carnivora;
- (i) shoot any animal other than carnivora from the back of an elephant or from any kind of vehicle;
- (j) sell or buy or offer to sell or buy or possess or destroy the eggs of any bird mentioned in the schedule attached to these rules at any time of the year.

6. Save under and in accordance with the conditions of either a special license issued under the provisions of Rule 17 or a license issued in the form prescribed by an officer duly authorized in that behalf in accordance with the provisions of Rules 11 and 12 no one shall hunt, kill or capture-

- (a) protected animals wheresoever found;
- (b) any animal whatsoever in a reserved forest, game preserve or sanctuary.

7. Nothing in these rules shall be deemed to apply-

- (a) to the killing or wounding of any animal by any person in defence of himself or of any other person;
- (b) to the shooting, trapping or snaring of any animal in bona fide defence of property;
- (c) to the destruction by any means whatever of carnivora that have been preying on domestic animals or man or of wild dogs:

Provided-

- (a) that any person killing or capturing any protected animal under the provisions of this rule shall, within seven days, report the fact to the Forest Department either direct or through a State Official;
- (b) that no person shall follow an animal into a reserved forest, game preserve or sanctuary under the provisions of this rule except with the written authority of a Forest Officer, which authority shall be dated and shall be valid for the day of issue only.

8. Subject to the provisions of Rule 5 and the close seasons specified in the schedule attached to these rules, any person may, without a license, hunt unprotected animals on public forest land unless the same has been declared by notification to be a game preserve or sanctuary.

9. Licenses under these rules shall be issued in the forms prescribed and no licensee shall hunt except under and in accordance with the terms and conditions of his license.

10. (1) A license issued under these rules may authorize the holder to do such of the following acts as may be stated in the license subject to the provisions of these rules and of any notification issued under the Burma Forest Act, 1902, or under these rules-

- (i) to hunt in specified sanctuaries the kinds of animals specified in the license subject to the conditions prescribed therein;
- (ii) to hunt any animal in reserved forests and game preserves other than sanctuaries;
- (iii) to hunt unprotected animals in reserved forests;
- (iv) to hunt protected animals in public forest land.

Provided that no person shall be granted more than one license of the same kind at the same time.

(2) The fees chargeable in respect of licenses shall be as fixed from time to time by His Excellency the Governor of Burma by notification.

11. (1) Licenses to hunt rhinoceros, tapir, buffalo, mythun and argus pheasant shall only be granted under the provisions of Rule 17.

(2) Licenses to hunt animals inside sanctuaries shall be granted by such officers as His Excellency the Governor of Burma may specially authorize for the purpose by notification.

12. Licenses to hunt protected animals other than those referred to in Rule 11, in (a) public forest land, (b) reserved forests and (c) game preserves, and licenses to hunt unprotected animals in (a) reserved forests and (b) game preserves may be granted by the Divisional Forest Officer.

13. (1) Licenses issued under the provisions of these rules shall in respect of protected animals specify the number and the limitations of size, if any, or each species of animal that may be killed and it shall be a condition of all such licenses that any animal wounded but not killed shall count against the number of animals for which the license is available.

(2) The kinds and numbers of the above animals which the license-holder may hunt throughout the whole or any part of the area to which these rules apply together with the limitations of size, if any, of such animals shall be fixed from time to time by order of His Excellency the Governor of Burma by notification.

14. No license to hunt shall be issued to any person who does not satisfy the officer issuing the license that he possesses a weapon which is in the opinion of such officer adequate for use against the animals which he proposes to hunt.

15. A license issued under the provisions of these rules shall be valid only within the tract of country, the boundaries of which shall be defined in the license;

Provided that, in the case of a license granted under the provisions of Rule 12-

(a) a license which is valid in respect of any area in any forest division may be rendered valid in respect of any area in any other forest division on counter signature by the Divisional Forest Officer of such last mentioned Forest Division and on payment of an additional fee of Re.1;

(b) the Principal Forest Officer may issue a license or countersign a license to render it valid throughout the Shan States on payment of an additional fee of Rs. 5, such issue or countersignature shall be subject to such additional conditions as the Principal Forest Officer may think fit: Provided further that such countersignature shall not increase the total number of animals that may be hunted under the license.

16. A license to hunt protected animals other than those stated in Rule 11 (1) and unprotected animals in Reserved Forests when issued to residents of the Shan States or Burma shall expire on the 31st March following the date of issue. Such licenses when taken out on or after 1st October shall be issued at a reduced fee. In all other cases licenses shall be valid for a term not exceeding three months.

17. Notwithstanding anything in the foregoing rules where His Excellency the Governor of Burma is of opinion that in the interests of scientific research such a course is desirable, he may grant to any person a special license valid for such areas and such periods and subject to such restrictions and conditions, as he may impose, entitling the holder thereof to do any act which is declared to be unlawful under these rules. A license under this rule shall only be granted in cases where His Excellency the Governor of Burma is satisfied that specimens can be obtained without detriment to the existing stock. In cases where specimens of any rare species, such as rhinoceros, tapir, buffalo, mythun, or argus pheasant are required or where it is necessary to obtain specimens from sanctuaries, the duty of obtaining such specimens shall ordinarily be entrusted to an officer deputed by His Excellency the Governor of Burma for the purpose.

18. (1) An application for the issue or countersignature of a license shall be made in writing to the officer empowered to grant the license under Rules 11 and 12. The application shall contain the following particulars and shall conclude with a statement that the applicant has read these rules and an undertaking that he will observe their provisions:-

- (i) Full name, occupation and address in Burma of the applicant.
- (ii) Kind of license required according to the description in Rule 10.
- (iii) Method of hunting, if any, for which permission is asked.
- (iv) Dates between which the applicant desires the license to be valid.
- (v) The area over which the applicant desires the license to be valid.
- (vi) Particulars of any valid license granted in his name under these rules.
- (vii) In respect of any valid license a copy of the entries in the register prescribed in Rule 21.

The application shall be signed by the applicant.

(2) If it is within the powers of the Divisional Forest Officer to grant the license he may either grant the license on payment of the prescribed fee or may decline to grant it, recording his reason for refusal in writing.

(3) An appeal from a refusal by a Divisional Forest Officer to issue a license shall lie to the Principal Forest Officer and the Principal Forest Officer's orders shall in all cases be final.

19. Every person who shall apply for a license under these rules shall produce to the officer empowered to grant a license any valid license granted under these rules in his name and such officer shall endorse thereon any additional area over which such license is made valid and the number and date and nature of any additional license granted under these rules to the applicant and shall sign the endorsement.

20. The officer who issues the license shall cause the following particulars to be entered therein:-

- (a) Name in full of the person to whom it is issued with his signature or (in case he is illiterate) his thumb impression.
- (b) The kinds and numbers and limitations of size (if any) of each kind of protected animals which the license-holder is allowed to hunt, as fixed by the orders under Rule 13 (2).
- (c) The methods of hunting permitted.
- (d) The fee paid for the license and the further fee, if any, due as surcharge.
- (e) The period for which the license is valid;
- (f) Area (specifying reserved forests, game preserves and sanctuaries if any) over which the license is valid.

21. Every holder of a license shall keep a register in the form prescribed in the license. In this register he shall record all heads of protected animals killed, wounded or captured by him showing the sex of each, the date upon and the place at which it was killed, wounded or captured and in the case of horned animals killed the length of each horn measured round the outside curve. He shall produce this register on being required to do so by any Revenue, Forest or Police Officer.

22. Every holder of a license shall, within fifteen days after his license has expired, return the same to the officer who granted it and shall produce before or send to that officer the register of protected animals killed, wounded or captured by him under his license.

23. Any person whose license has been lost or destroyed may obtain a fresh license for the remainder of the term of the license lost or destroyed, on payment of a fee of Rs. 5 and on production of the register of animals killed, or captured under the license or on his satisfying the officer issuing the license, in the event of this register being lost as to the number of the protected animals killed, wounded or captured by him during the period of his aforesaid license.

24. Whoever commits a breach of any of the foregoing rules which is not punishable under section 55 of the Burma Forest Act, 1902, shall be punishable with imprisonment for a term which may extend to six

months or with fine which may extend to five hundred rupees or when the damage resulting from the offence amounts to more than two hundred and fifty rupees, to double the amount of such damage.

----- **Footnote** -----

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----- **Attachment** -----

[ATTACH LIST 1] 01 SCHEDULE OF CLOSE TIME. Rule 5 (f).