

(The Myanmar Game Rules, 1927.)

No. 241

[Amendment : 18.06.1989]

No. 241. - In exercise of the powers conferred by sections 26 (h), 33 (a) (e) and (3) and 77 (1), (2) (d) and (3) of the Myanmar Forest Act, 1902, as subsequently amended, the Local Government is pleased to make the following rules to regulate or prohibit hunting and shooting and the setting of traps or snares in or on the reserved forests and the public forest land of Myanmar, in supersession of the rules published in Revenue (Forest) Department Notification No. 147, dated the 20th September 1917, as subsequently amended.

These rules shall come into force on the 1st November 1927.

Rules.

1. (1) These rules may be called **the Myanmar Game Rules, 1927.**

(2) They extend to the whole of Myanmar except the Federated Shan States.

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2. In these rules-

(1) **“hunting”** includes hunting, killing and capturing by any method and every attempt or preparation to hunt, kill or capture;

(2) **“Divisional Forest Officer”** is the officer in charge of the Forest Division in question;

(3) **“animal”** includes all wild mammals and birds;

(4) **“Sanctuary”** means any area which has been declared by the Local Government by notification to be a sanctuary for the preservation of animals;

(5) **“protected animals”** mean-

(a) elephant, rhinoceros, tapir, buffalo, mythun, bison, saing, serow, gooral and argus pheasant wherever found;

(b) thamin and hog-deer inside reserved forests and sanctuaries;

(c) any animals in addition to the above for which a close season is prescribed under section 3 of the Wild Birds and Animals Protection Act, 1912, during such close season;

(d) any other animals which the Local Government may in accordance with Rule 3 (b) declare by notification to be protected animals;

- (6) **“unprotected animals”** mean all animals other than protected animals;
- (7) **“form prescribed”** means the form prescribed from time to time in that behalf by the Chief Conservator of Forests, Myanmar.

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3. The Local Government may by notification-

- (a) declare any area of reserved forest 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 Myanmar.

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4. No person shall-

- (a) shoot any animal with poisoned arrows;
- (b) lay down poison for any animal;
- (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 platform or machan;
- (h) use artificial light for the purpose 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 of the birds mentioned in the schedule attached to these rules at any time of the year.

NOTE. - The schedule under sub-clause (f) reproduces the close time prescribed under Local Government's Notification No. 245, dated the 29th September 1927, issued under section 3 of the Wild Birds and Animals Protection Act, 1912.

5. Save under and in accordance with the conditions of either a special license issued under the provisions of Rule 18 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 person shall hunt, kill or capture-

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

6. 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 bond fide defence of property;
- (c) to the hunting of any individual wild elephant the destruction of which has been authorized by the Deputy Commissioner in writing;
- (d) 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 at once report the fact to the nearest Forest Officer;
- (b) that no person shall follow an animal into a reserved forest under the provision 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;
- (c) that any elephant or elephants captured or the tusks of any elephant or elephants killed under the provisions of this rule shall be the property of Government and shall be handed over to the nearest Forest Officer.

7. (1) Any person who finds tusks of wild elephants shall make over the same to the Divisional Forest Officer having jurisdiction.

- (2) The Divisional Forest Officer may, if he is satisfied that any such tusks have not been unlawfully obtained from domestic animals, either pay to such person half the sale proceeds of such tusks or permit such person to buy in such tusks on payment of half their estimated value:

Provided that this rule shall not apply to persons who obtain tusks from an elephant lawfully shot by them-

- (a) under a license granted under Rule 9;
- (b) under the provisions of Rule 6 and who obtain permission from the Conservator of Forests having jurisdiction to retain the tusks.

8. Subject to the provisions of Rule 4 and of any notifications issued under the Wild Birds and Animals Protection Act, 1912, any person may, without a license, hunt unprotected animals on public forest land unless the same has been declared by notification to be a 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 by the Local Government under section 3 of the Wild Birds and Animals Protection Act, 1912:-
- (i) to capture elephants;
 - (ii) to kill elephants;
 - (iii) to hunt in specified sanctuaries the kinds of animal specified in the license subject to the conditions prescribed therein;
 - (iv) to hunt any animal in reserved forests other than sanctuaries;
 - (v) to hunt protected animals in public forest land;
 - (vi) to hunt unprotected animals in reserved forests:

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 the Local Government by notification.
11. (1) Licenses to hunt rhinoceros tapir, buffalo, mythun and argus pheasant shall only be granted under the provisions of Rule 18.
- (2) Licenses to hunt-
- (a) elephants;
 - (b) animals inside sanctuaries;
- shall be granted by such officers as the Local Government may specially authorize for the purpose by notification:
- Provided that in the case of a license to capture elephants no more than one license shall be granted for any particular tract of country for the same period; but such license may be granted either to an individual or to a body of persons acting together.
12. Licenses to hunt protected animals other than those stated in Rule 11 or to hunt unprotected animals in reserved forests may be granted by the Divisional Forest Officer.
13. (1) Licenses issued under the provisions of these rules shall, in respect of protected animals except in the case of a license to capture elephants, specify the number and the limitations of size, if any, of 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 the Local Government 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. Every holder of a license to capture elephants shall give such security as the officer issuing the license may think fit to demand.

16. 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 an 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 Chief Conservator of Forests may issue a license, or countersign a license to render it valid throughout the Province on payment of an additional fee of Rs. 10; and a Conservator of Forests in charge of a Territorial Circle may similarly issue or countersign a license to render it valid throughout his Circle on payment of an additional fee of Rs. 5. Such issue or countersignature shall be subject to such additional conditions as the Chief Conservator of Forests or the Conservator of Forests, as the case may be, may think fit:

Provided further that such countersignature shall not increase the total number of protected animals that may be hunted under the license.

17. Licenses to hunt elephants and protected animals other than those stated in Rule 11 (1) and unprotected animals in reserved forests when issued to residents of Myanmar shall expire on the 31st March following the date of issue. Such licenses taken out on or after the 1st October shall be issued at a reduced fee. In all other cases licenses shall be valid for a term not exceeding three months.

A license to capture elephants may be issued for any period up to three years from the date of issue.

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18. Notwithstanding anything in the foregoing rules, where the Local Government is of opinion that in the interests of scientific research such a course is desirable, it may grant to any person a special license valid for such areas and such periods and subject to such restrictions and conditions as it 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 the Local Government 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 the Local Government for the purpose.

19. (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 Myanmar 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 shall be valid;
- (v) the area over which the applicant desires that the license should be valid;
- (vi) particulars of any valid licenses 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 22.

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 reasons for refusal in writing.

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

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20. 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.

21. 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 animal 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 and sanctuaries, if any) over which the license is valid.

22. Every holder of a license shall keep a register in the form prescribed in the license. In this register he shall record all head 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.

23. 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.

24. 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 protected animals killed, wounded or captured by him during the period of his aforesaid license.

25. Whoever commits a breach of any of the foregoing rules which is not punishable under section 55 of the Myanmar 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.

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----- Footnote -----

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----- Attachment -----

[ATTACH LIST 1] 01 SCHEDULE OF CLOSE TIME. [Rule 4 (f).]

Myanmar Law Information System (MLIS)