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THE PREVENTION OF CRUELTY TO ANIMALS ACT.

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THE PREVENTION OF CRUELTY TO ANIMALS ACT.¹

[BURMA ACT II, 1930 ; INDIA ACT XI, 1890.]

PART I.¹**PRELIMINARY.**

Extent.

1. This Part shall extend in the first instance to Rangoon only, but the President of the Union may, by notification, extend all or any of its provisions to any other local area² to which the corresponding provisions of Part II do not extend.

¹ The Burma Laws (Adaptation) Act, 1940 (Burma Act XXVII, 1940), consolidated the Burma Prevention of Cruelty to Animals Act, 1930 (Burma Act II, 1930), and the Prevention of Cruelty to Animals Act, 1890 (India Act XI, 1890), as Parts I and II of the Prevention of Cruelty to Animals Act.

Part I (which is an adaptation of Burma Act II of 1930) came into force on the 1st July, 1931.

² ဤအပိုင်းပါ ပြဋ္ဌာန်းချက်များကို မြတ်ခရိုင်တွင်တိုးချဲ့သက်ဆိုင်စေသည်။ မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၃ ခု၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၃၀ တွင်ကြည့်။

2. In this Part, unless there is anything repugnant in the subject or Definitions. context,....

- (a) " animal " means any domestic or captured animal, and includes any bird, beast, or reptile ;
- (b) " Commissioner of Police " means the Commissioner of Police, Rangoon ; and
- (c) " Rangoon " means the City of Rangoon as defined in clause (vii) of section 3 of the City of Rangoon Municipal Act, and shall also include the exceptions named in Schedule VI of that Act.

OFFENCES.

3. If any person—

- (a) overdrives, cruelly or unnecessarily beats, or otherwise ill-treats any animal ; or
- (b) binds, keeps or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering ; or
- (c) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding, or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily cruel manner ;

Cruelty to animals and sale of animals killed with unnecessary cruelty.

he shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both ; and on a second or subsequent conviction for any such offence, with fine which may extend to two hundred rupees, or with imprisonment which may extend to six months, or with both.

4. If any person overloads any animal he shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both, and on a second or subsequent conviction for any such offence, with fine which may extend to two hundred rupees, or with imprisonment which may extend to six months, or with both ; and—

Overloading animals.

- (i) if the owner of that animal, or
- (ii) if any person who, as a trader, contractor or carrier, or who, in virtue of his employment by a trader, contractor or carrier, is in possession of that animal or in control over the loading of it,

permits such overloading, he shall be punished with fine which may extend to one hundred rupees.

Explanation.—For the purpose of this section an owner or other person referred to in clauses (i) and (ii) above shall be deemed to have permitted overloading if he shall have failed to exercise reasonable care and supervision in respect of the loading of the animal.

Penalty for practising phúká.

5. If any person performs upon any cow or other milch animal the operation called phúká he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both, and the owner of the cow or other milch animal and any person in possession of or control over it shall be liable to the same punishment.

Killing animals with unnecessary cruelty.

6. If any person kills any animal in an unnecessarily cruel manner he shall be punished with fine which may extend to two hundred rupees, or with imprisonment which may extend to six months, or with both.

Employing animals unfit to work.

7. If any person employs in any work or labour any animal which, by reason of any disease, infirmity, wound, sore or other cause, is unfit to be so employed, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both, and, on a second or subsequent conviction for any such offence, with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both; and—

(i) if the owner of that animal, or

(ii) if any person who as a trader, contractor or carrier or who, in virtue of his employment by a trader, contractor or carrier, is in possession of that animal or in control over the employment of it,

permits such employment, he shall be punished with fine which may extend to one hundred rupees.

Explanation.—For the purposes of this section, an owner or other person referred to in clauses (i) and (ii) above shall be deemed to have permitted such employment if he shall have failed to exercise reasonable care and supervision in respect of the protection of the animal therefrom.

Allowing diseased animals to go at large.

8. If any person wilfully allows any animal of which he is the owner or of which he is in charge to go at large in any public place knowing or having reason to believe that the animal is affected with any contagious or infectious disease, or without reasonable excuse allows any diseased or disabled animal of which he is the owner or of which he is in charge to go at large or to die in any public place, he shall be punished with fine which may extend to one hundred rupees.

INFIRMARIES AND VETERINARY OFFICERS.

Infirmaries.

9. The President of the Union may, by general or special order, appoint places in any area to be infirmaries for the treatment and care of animals in respect of which offences against this Part are alleged to have been committed in such area; and may appoint persons to be veterinary officers in charge of such infirmaries.

10. The President of the Union may appoint persons to be veterinary officers for carrying into effect the provisions of this Part and may declare the area within which each officer so appointed shall exercise his powers under this Part, and the area of which he shall be in charge.

Appoint-
ment of
Veterinary
Officers.

11. (1) Any police-officer, or any other person duly authorized by the President of the Union in this behalf, who has reason to believe that an offence punishable under this Part has been or is being committed in respect of any animal, may seize the animal and produce the same for examination by the veterinary officer in charge of the area in which the animal is seized :

Production
of animals
for examina-
tion.

Provided that, when any animal is seized under this section and the animal cannot be produced before the veterinary officer within three hours of the seizure, if the person in charge requires this to be done the animal shall be shown to a police-officer not below the rank of a police-station officer. If such police-officer does not consider the animal ought to be detained it shall be released at once.

(2) The police-officer or person who seizes an animal under sub-section (1) may require the person in charge of the animal to accompany it to the place of examination.

12. If on seizure of an animal under the provisions of section 11 the veterinary officer is of opinion that the animal is unfit to be employed on the work or labour on which it was employed at the time of seizure, or for any other reason requires care and treatment, he may send the animal for care and treatment to the infirmary, if any, appointed under section 9 and shall inform the owner of the animal of his having done so; and if he considers that a prosecution is necessary, or if the owner of the animal so elects, he shall direct the prosecution of the offender and cause the animal to be produced before a Magistrate within twenty-four hours of its seizure. If the animal is not sent to an infirmary, and if prosecution is not directed, the animal shall be returned to the owner forthwith.

Despatch
of animals
to infirmary
and pro-
secution of
offenders.

13. The Magistrate before whom an animal is produced under section 12, or the Magistrate before whom a prosecution for any offence under this Act has been instituted, may, if he thinks fit, direct that the animal, in respect of which the offence is alleged or proved to have been committed, shall be sent for treatment and care to an infirmary, if any, appointed under section 9.

Power of
Magistrate to
send animals
to infirmary.

14. (1) When an animal has been sent to an infirmary in accordance with the provisions of section 12 or section 13, it shall be detained there until, in the opinion of the veterinary officer in charge of the infirmary, it is cured or is again fit for the work or labour on which it has been ordinarily employed :

Detention
and cost of
treatment of
animal at
infirmary

¹ Provided that an animal sent to an infirmary may, if the veterinary officer so thinks fit, be returned to the owner thereof on the owner furnishing reasonable security in cash, to such amount, if any, as the veterinary officer may determine, to produce the animal at the infirmary for the examination and treatment as and when required to do so.

¹ Inserted by Act XLVIII, 1946.

(2) The cost of the treatment, feeding, and watering of the animal during the period of its detention in the infirmary shall be payable by the owner of the animal according to such scale of rates as the President of the Union may prescribe :

Provided that, if the owner supplies food and water to the satisfaction of the veterinary officer in charge of the infirmary, he shall not be charged with the cost of feeding and watering.

(3) If the owner refuses or neglects to pay such cost, or to remove the animal within such time as the veterinary officer in charge of the infirmary may prescribe, that officer may direct that the animal be sold and the proceeds of the sale be applied to the payment of such cost.

(4) The surplus, if any, of the proceeds of the sale shall, on application to be made by the owner within two months after the date of sale, be paid to him ; but the owner shall not be liable to make any payment in excess of the proceeds of the sale.

(5) If no application is made by the owner for the surplus sale-proceeds within the time prescribed under sub-section (4), these proceeds shall be applied in such manner as the President of the Union may direct.

(6) If the animal cannot be sold under sub-section (3) the veterinary officer in charge of the infirmary may dispose of it in such manner as the President of the Union may, by general or special order, direct.

Destruction
of suffering
unfit animals.

15. (1) A District Magistrate, a Subdivisional Magistrate, a Magistrate of the first class, the Commissioner of Police, or a veterinary officer appointed under section 10 may direct the immediate destruction of any animal which is so diseased or so severely injured or in such a physical condition that, in his opinion, its condition is such as to render such a direction proper.

Any police-officer, or any other person duly authorized by the President of the Union in this behalf, who finds any animal so diseased or so severely injured or in such a physical condition that it cannot without cruelty be removed shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the veterinary officer in charge of the area in which the animal is found, and the veterinary officer shall thereupon take action under this sub-section.

(2) When any animal is sent to an infirmary in accordance with the provisions of section 12 or section 13 the veterinary officer in charge of the infirmary may direct the immediate destruction of the animal if, in his opinion, its physical condition is such as to render such a direction proper.

PROCEDURE.

Arrest.

16. (1) Any police-officer or any other person duly authorized by the President of the Union in this behalf may arrest without a warrant—

(i) any person who, being in charge of an animal seized under the provisions of section 11, refuses to accompany him on request, or

(ii) any person committing in his view any offence punishable under this Act, or any person against whom he has received credible information of having committed any such offence, if the name and address of such person is unknown to the officer or such duly authorized person, as the case may be, and if such person on demand declines to give his name and address or gives a name and address which the officer or such duly authorized person, as the case may be, has reason to believe to be false.

(2) When the true name and address of a person arrested under sub-section (1) have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate if so required.

(3) If the true name and address of such person are not ascertained within twenty-four hours from the time of arrest, or if he fails to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate :

Provided that where an arrest is made under this section by any person who is not a police-officer, such person shall follow the procedure laid down in section 59, sub-section (1), of the Code of Criminal Procedure.

MISCELLANEOUS.

17. If a Magistrate of the first class, the Commissioner of Police, or any other police-officer duly authorized by the President of the Union in this behalf, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 3, section 6, or section 7 is being or is about to be or has been committed in any place, he may, at any time by day or by night, without notice, either himself enter and search, or by his warrant authorize any police-officer above the rank of a constable to enter and search the place. Search-warrant.

18. The provisions of the Code of Criminal Procedure relating to searches under that Code, shall, as far as those provisions can be made applicable, apply to a search made under section 17. Searches.

RULES.

19. (1) The President of the Union may make rules to carry out the purposes of this Part. Power of President to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, the President of the Union may make rules—

- (a) prescribing the maximum weight of the loads to be carried on or drawn by animals ;
- (b) for preventing the overcrowding of animals ;
- (c) prescribing the qualifications of persons to be appointed veterinary officers ;
- (d) prescribing such forms and registers as may be required for carrying out the purposes of this Part ;

- (e) prescribing a scale of rates according to which the cost of treatment, feeding and watering shall be payable under sub-section (2) of section 14 ; and
- (f) prescribing the manner in which fines realized under this Part and sale-proceeds realized under section 14 shall be applied.

Delegation of powers.

20. The President of the Union may delegate, subject to such restrictions as he considers fit, any of the powers conferred upon him by sections 9, 10, 11, 14, and sub-section (1) of section 15, to any person, or local authority, or to any society approved in this behalf by the President of the Union.

Limitation of prosecutions,

21. A prosecution for an offence punishable under this Part shall not be instituted after the expiration of three months from the date of the commission of such offence.

Persons appointed under this Part to be public servants.

22. Every person appointed or authorized under section 9, 10, 11, 15 or 16 shall be deemed to be a public servant within the meaning of section 21 of the Penal Code.

Indemnity.

23. No suit, prosecution, or other legal proceeding shall lie against any person who is or who has been declared to be a public servant within the meaning of section 21 of the Penal Code for anything which is in good faith done or intended to be done under this Part.

PART II. ¹

Extension of Part to areas to which Part I does not apply.

1. The President of the Union may, by notification, extend all or any of the provisions of this Part to any area in the Union of Burma to which the corresponding provisions of Part I do not extend. ²

Definitions.

2. In this Part, unless there is something repugnant in the subject or context,—

- (1) " animal " means any domestic or captured animal ; and
- (2) " street " includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, to which the public have access.

Penalty for cruelty to animals in public places and for sale in such places of animals killed with unnecessary cruelty.

3. If any person in any street or in any other place, whether open or closed, to which the public have access, or within sight of any person in any street or in any such other place,—

- (a) cruelly and unnecessarily beats, overdrives, overloads or otherwise ill-treats any animal, or
- (b) binds or carries any animal in such a manner or position as to subject the animal to unnecessary pain or suffering, or

¹ Part II (which is an adaptation of India Act XI of 1890) came into force on the 21st March, 1890.

² See section 1 of Part I of this Act.

(c) offers, exposes or has in his possession for sale any live animal which is suffering pain by reason of mutilation, starvation or other ill-treatment, or any dead animal which he has reason to believe to have been killed in an unnecessarily cruel manner,

he shall be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

4. If any person performs upon any cow the operation called phúká, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty for practising phúká.

5. If any person kills any animal in an unnecessarily cruel manner, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for killing animals with unnecessary cruelty anywhere.

5A. If any person has in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner, he shall be punished with fine which may extend to one hundred rupees, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.

Penalty for being in possession of the skin of a goat killed with unnecessary cruelty.

5B. If any person is charged with the offence of killing a goat contrary to the provisions of section 5, or with an offence punishable under section 5A, and it is proved that such person had in his possession, at the time the offence was alleged to have been committed, the skin of a goat with any part of the skin of the head attached thereto, it shall be presumed, until the contrary be proved, that such goat was killed in an unnecessarily cruel manner, and that the person in possession of such skin had reason so to believe.

Presumptions as to possession of the skin of a goat.

6. (1) If any person employs in any work or labour any animal which by reason of any disease, infirmity, wound, sore or other cause is unfit to be so employed, or permits any such unfit animal in his possession or under his control to be so employed, he shall be punished with fine which may extend to one hundred rupees.

Penalty for employing anywhere animals unfit for labour.

(2) The President of the Union may, by general or special order, appoint places to be infirmaries for the treatment and care of animals in respect of which offences against sub-section (1) have been committed.

(3) The Magistrate before whom a prosecution for such an offence has been instituted may direct that the animal in respect of which the offence is alleged or proved to have been committed shall be sent for treatment and care to an infirmary and be there detained until it is in his opinion, or in the opinion of some other Magistrate, again fit for the work or labour on which it has been ordinarily employed.

(4) The cost of the treatment, feeding and watering of the animal in the infirmary shall be payable by the owner of the animal according to such scale of rates as the District Magistrate may from time to time prescribe.

(5) If the owner refuses or neglects to pay such cost and to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of the sale shall, on application made by the owner within two months after the date of the sale, be paid to him, but the owner shall not be liable to make any payment in excess of the proceeds of the sale.

Penalty for permitting diseased animals to go at large or to die in public places.

7. If any person wilfully permits any animal of which he is the owner to go at large in any street while the animal is affected with contagious or infectious disease, or without reasonable excuse permits any diseased or disabled animal of which he is the owner to die in any street, he shall be punished with fine which may extend to one hundred rupees.

Special power of search and seizure in respect of certain offences.

7A. If a police-officer, not below the rank of sub-inspector, has reason to believe that an offence under section 5, in respect of a goat, is being or is about to be, or has been, committed in any place, or that any person has in his possession the skin of a goat with any part of the skin of the head attached thereto, he may enter and search such place or any place in which he has reason to believe any such skin to be, and may seize any such skin and any article or thing used or intended to be used in the commission of such offence.

Search-warrants.

8. (1) If a Magistrate of the first class, Subdivisional Magistrate or District Superintendent of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against section 4, section 5 or section 6 is being or is about to be or has been committed in any place, he may either himself enter and search or by his warrant authorize any police-officer above the rank of a constable to enter and search the place.

(2) The provisions of the Code of Criminal Procedure relating to searches under that Code shall, so far as those provisions can be made applicable, apply to a search under sub-section (1) or under section 7A.

Limitation for prosecutions.

9. A prosecution for an offence against this Part shall not be instituted after the expiration of three months from the date of the commission of the offence.

Destruction of suffering animals.

10. When any Magistrate or District Superintendent of Police has reason to believe that an offence against this Part has been committed in respect of any animal, he may direct the immediate destruction of the animal if in his opinion its sufferings are such as to render such a direction proper.

11. Nothing in this Part shall render it an offence to kill any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class.

Saving with respect to religious rites and usages.

12. Notwithstanding anything in section 1, sections 9, 10 and 11 shall extend to every local area in which any section of this Part constituting an offence is for the time being in force.

Provision supplementary to section 1 with respect to extent of Part.

THE WILD LIFE PROTECTION ACT.

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