

THE KHYBER PAKHTUNKHWA WILDLIFE AND BIODIVERSITY
(PROTECTION, PRESERVATION, CONSERVATION AND MANAGEMENT)

ACT, 2015.

(KHYBER PAKHTUNKHWA ACT NO. I OF 2015)

CONTENTS
PREAMBLE
SECTIONS
CHAPTER-I
PRELIMINARY

eID YM FS

10.

11.

12.

13.

14.

15.

Short title, extent and commencement.

Definitions.

Aims and objects.

CHAPTER-II
ORGANIZATION

Constitution of the Wildlife Force.

Constitution of the Board.

Functions of the Board.

Biodiversity and Wildlife Fund.

Returns and Statements.

CHAPTER-III
HUNTING OF WILDLIFE

Restrictions on hunting.

Prohibition to employ hawks and dogs.

CHAPTER-IV
POSSESSION AND DISPLAY OF WILDLIFE

Wild animals to be the property of Government.

Animals found dead or hunted unlawfully.

Certificate or Licence of possession.

Certificate or Permit of animal display.

Animals protected under laws of other Provinces.

16.
17.

18.
19.
20.
21.
22.
23.
24.
25.

26.
27.
28.
29.
30.
31.
32.
33.
34.
35.
36.

37.
38.
39.

Cruelty to animals.
Transfer of animals.

CHAPTER-V TRADE AND TRAFFIC OF WILDLIFE

Entrance and exit of animals.

Dealing in animals and their produce.
Trade under CITES and CMS.

Alien species.

Release in the wild.

Invasive species.

Transport, holding and captivity of animals.
Wildlife check post.

CHAPTER-VI PROTECTED AREAS

Wildlife sanctuary.

Site of Special Scientific Interest.
Wildlife Refuge.

National Park.

Biosphere Reserve.

National Natural Heritage Site.

Game Reserve.

Pre-emptive application of MEAs.

Pre-emptive application of this Act.

De-notification and alteration of boundaries of Protected Area.

Damage to structures in Protected Area.

CHAPTER-VII

PARTICIPATORY WILDLIFE MANAGEMENT

Empowerment and benefit sharing.

Private Game Reserve.

Conservancy.

40.

Al.

42.

43.

44.

45.

46.

47.

48.

49,

50.

51.

52.

53.

54,

55.

56.

57.

58.

59.

60.

61.

62.

63.

Community Managed Game Reserve.

CHAPTER-VIII

EX-SITU CONSERVATION OF WILDLIFE

Wildlife Park.

Zoological Garden or Zoo.

Breeding Facility.

CHAPTER-IX

POWERS OF OFFICER

Issuing of licences, permits, no objection certificates.

Cancellation of licences, permits, no objection Certificates.

Power to establish check post.

Search and arrest without warrant.

Seizure and confiscation of case property.

Disposal of case property.

Prevention of commission of offence.

Compounding of offence.

Powers of the Wildlife Officer.

Delegation of powers.

Grant of Exemption.

Revision of Schedules, period and fee.

CHAPTER-X

TRIAL OF WILDLIFE OFFENCES

Liability to inform.

Confiscation of property.

Abetment of an offence.

Interference in duty.

Lodging of complaint.

Competent Court.

Summary trial.

Hunting in defence.

64.
65.
66.
67.

68.

69.
70.
71.

Onus of proof.
Officers to be public servants.
Protection of action by officers.
Duty of Police Officer and members of other law enforcing agencies.

CHAPTER-XI

PENALTIES AND PUNISHMENTS

Penalties.

CHAPTER-XII

MISCELLANEOUS

Power to make rules.
Overriding effect.

Repeal and savings.

SCHEDULES FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

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AN
ACT

to consolidate the laws relating to protection,
preservation, conservation and management of wildlife and Biodiversity
in the Province of the Khyber Pakhtunkhwa

Preamble. ---WHEREAS it is expedient to consolidate the laws relating to protection, preservation, conservation and management of wildlife in the Province of the Khyber Pakhtunkhwa in the manner hereinafter appearing;

It is hereby enacted as follows:

CHAPTER -I
PRELIMINARY

1. Short title, extent and commencement.--- (1) This Act may be called the Khyber

Pakhtunkhwa Wildlife and Biodiversity (Protection, Preservation, Conservation and Management) Act, 2015.

(2) It extends to the whole of the Province of the Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions. ---In this Act, unless the context otherwise requires,-

(a) "alien species" means the species, which enter into an ecosystem and exert harmful influences over other members of the ecosystem, where their presence is not desirable;

(b) "animal" means amphibians, reptiles, birds and mammals, their young and also in the cases of amphibians, reptiles and birds, their eggs, but excluding

livestock and poultry;

(c) "animal article" means an article made from any wild animal and includes an article or object in which the whole or any part of such animal has been used;

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“animal display” means exhibiting any wild animal dead or alive publicly for commercial, gambling, fighting or baiting purposes;

“Appendix” means an Appendix to CITES or CMS;

“Big Game Hunting Licence” means a Licence issued under this Act or the rules, for hunting of Game Animals specified in Part-IV of the First Schedule;

“Big Game Hunting Permit” means a permit issued under this Act or the rules, for hunting of Game Animals specified in Part-IV of the First Schedule;

“biodiversity” or “biological diversity” means the variability among all living organisms from all sources including inter alia terrestrial, marine and other aquatic eco-systems and the ecological complexes of which they are part and includes diversity within species or between species and eco-systems;

“Biosphere Reserve” means an area declared as such under section 30;

“Board” means the Khyber Pakhtunkhwa Wildlife and Biodiversity Board, constituted under section 5;

“Breeding Facility” means an area established under section 43;

“buffer zone” means an area within or around a Protected Area, which may act as a transition zone between the core zone and multiple use zone of the Protected Area with respect to protection and utilization of natural resources therein;

“CBD” means the Convention on Biological Diversity (1992) as ratified by

the Government of Pakistan, inclusive of its Articles as are amended by the Conference of Parties to the Convention in their meetings from time to time;

“Certificate” means a Certificate issued under this Act for a period of more than one year;

“Chief Conservator Wildlife’ means the Chief Conservator of Wildlife, Khyber Pakhtunkhwa Province;

“CITES” means the Convention on International Trade in Endangered Species of Wild Flora and Fauna (1973) as ratified by the Government of Pakistan, inclusive of its Articles and Appendices as are amended by the Conference of Parties to the Convention in their meetings from time to time;

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“CITES Management Authority” means the authority regulating trade under CITES in Pakistan both for export and import of flora and fauna;

“CMS” means the Convention on Migratory Species of Wild Animals (1979) ratified by the Government of Pakistan, inclusive of its Articles and Appendices as are amended by the Conference of Parties to the Convention in their meetings from time to time;

“Community Organisation” means a representative organisation of significant majority of households or the interest group related to the resource in a given area with having any stake in the subject resource;

“Community Managed Game Reserve” means an area declared as such under section 40;

“Conservancy” means an area declared as such under section 39;

“core zone” means that part of a Protected Area where every biotic interference is strictly prohibited;

“cruelty to animal” shall have the same meaning as assigned to it in the Prevention of Cruelty to Animals Act, 1890 (XI of 1890);

“dealer”, when used in relation to wild animals, trophies, meat, or any forest produce shall mean any person who, in the course of trade or business carried on by him whether on his own behalf or on behalf of any person,-

(i) procure, purchases, sells, or barter any wild animal, its meat or trophy;

(ii) procure, purchases, sells, or barter any forest produce obtained from a Wildlife Sanctuary, National Park, Site of Special Scientific Interest and National Natural Heritage Site; and

(iii) cuts, carves, polishes, preserves, cleans, or otherwise prepares any such wild animals, trophy or meat or forest produce or manufactures any articles there from;

“Department” means the Environment Department of the Khyber Pakhtunkhwa;

“exotic” refers to a species, both floral and faunal, which does not occur in an area naturally and is introduced or intended to be introduced from outside of its natural occurrence excluding Trout Fish;

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“Forest Force” means as the Forest Force defined in section 2(21) of the Khyber Pakhtunkhwa Forest Ordinance 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002);

“Forest Officer” means a Forest Officer as defined in section 2(18) of the Khyber Pakhtunkhwa Forest Ordinance 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002);

“Forest Produce” means Forest Produce as defined in section 2(19) of the Khyber Pakhtunkhwa Forest Ordinance 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002);

“Fund” means the Biodiversity and Wildlife Fund established under section 7;

“Game Animal” means a wild animal specified in any part of the First Schedule;

“Game Reserve” means an area declared as such under section 32;

“Genetically Modified Organisms”, hereinafter referred to as “GMOs” means the organisms created as a result of Genetic engineering;

“Government” means the Government of the Province of the Khyber Pakhtunkhwa;

“guzara forest” means an area declared as such under the Khyber

Pakhtunkhwa Forest Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002);

“hunt” means any act directed to the shooting, killing or capturing of an animal and shall include taking the nest or egg of a wild animal;

“habitat” means natural environment including biotic and abiotic factors essential for free survival of an animal;

“indigenous” means an animal species native to a specified area, a country or a region but not introduced;

“invasive species” means the species introduced in a habitat where they outgrow the native species and may reach a level where they could become a weed or a pest;

“Licence” means a Licence issued under this Act for a period of calendar year;

“MAB” means UNESCO Man and the Biosphere Programme (1977);

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“MEA” means a Multi-lateral Environmental Agreement ratified by Government of Pakistan like CBD, CITES, CMS, WHC, MAB, etc;

“meat” means the flesh, fat, blood or any eatable part of a wild animal, whether fresh or preserved;

“multiple use zone” means an area within or adjoining a Protected Area devoted primarily to human use and managed to facilitate maintenance of a

broader landscape hospitable to wild animal species;

“National Natural Heritage Site” means an area declared as such under section 31;

“National Park” means an area declared as such under section 29;

“offence” means an act punishable under this Act or the rules;

“Officer” means any person appointed as such under section 4;

“Permit” means a permit issued under this Act for a period not exceeding 30 days;

“prescribed” means prescribed by rules made under this Act;

;

“Private Game Reserve” means an area declared as such under section 38;

“product” means article, meat, trophy and any other derivatives of wild animal or plants in the context of Protected Areas;

“Protected Animal” means a wild animal specified in the Third Schedule of this Act;

“Protected Area” means an area declared in sections 26-32 and 38-40;

“protected forest” means all forests declared as such under section 29 of the Khyber Pakhtunkhwa Province Forest Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002);

“Province” means the Province of the Khyber Pakhtunkhwa;

“reserved forest” means all forests declared in section 20 of the Khyber Pakhtunkhwa Province Forest Ordinance, 2002 (Khyber Pakhtunkhwa Ord. No. XIX of 2002);

“rules” mean the rules made under this Act;

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“Schedule” means a Schedule appended to this Act;

“section” means a section of this Act;

“significant biodiversity” means ecosystems and habitats containing high species diversity, large number of endemic or threatened species, wilderness of social, economic, cultural or scientific importance, or which are unique representative or associated with key evolutionary or other biological processes and includes threatened wild relatives of domesticated or cultivated species of medicinal, agricultural, genetic or other economic value or indicator species of the biological diversity;

“Site of Special Scientific Interest” means an area declared as such under section 27;

“Small Game Hunting Licence” means a Licence issued under this Act or the rules, for hunting of Game Animals specified in Part-I of the First Schedule;

“Small Game Hunting Permit” means a permit issued under this Act or the rules, for hunting of Game Animals specified in Part-II of the First Schedule;

(mmm)*“sustainable use” means the use of components of biological diversity in a

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way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;

“trophy” means any dead body or any horn, antler, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg-shell or other durable part of a wild animal whether or not included in a manufactured or processed article, including rugs, skins, and specimens of such animals mounted in whole or in part through a process of taxidermy;

“WHC” means UNESCO World Heritage Convention (1972);

“Wildlife” means wild animals along with their habitat including plants, soil, water, organic resources and invertebrates;

“wild animal” means animals specified in the Schedules of this Act;

“Wildlife Force” means the entire wildlife establishment of the Department employed for the purpose of this Act, but does not include the ministerial staff;

“Wildlife Officer” means any person appointed or empowered by Government in this behalf to carry out all or any of the purpose of this Act, or to do anything required by this Act or any rule made there under;

(ttt) "Wildlife Park" means an area declared as such under section 41;

(uuu) "Wildlife Refuge" means an area declared as such under section 28;

(vvv) "Wildlife Sanctuary" means an area declared as such under section 26; and

(www) "Zoological Garden or Zoo" means a facility established as such under section 42.

3. Aims and objects.--- The aims and objects of this Act are the--

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strengthening the administration of the organization to effectively manage wild animals and their habitats;

to holistically manage Protected Areas in a sustainable manners for the best interest of the indigenous communities and _ local stakeholders;

securing appropriately the goods and services produced from wild animals and their habitats at the level of local communities;

fulfilling the obligations envisaged under the biodiversity related multilateral environmental agreements ratified by the Government of Pakistan;

promotion of public awareness and capacity building for proper appreciation of the environmental significance and socio-economic values of wildlife; and

conservation of biological diversity and realization of its intrinsic and extrinsic values through sustainable use and community participation.

CHAPTER -II ORGANIZATION

4. Constitution of the Wildlife Force.--- (1) The entire wildlife establishment under Government, excluding ministerial staff, for the purpose of this Act, shall be deemed to be a Wildlife Force and shall be constituted in the prescribed manner.

(2) The members of the Wildlife Force shall wear such uniform and be equipped with such arms, ammunitions, vehicles, vessels, tools and communication system as may be

prescribed.

(3) The members of the Wildlife Force shall be acceptable as witness before the court within the meaning of the Code of the Criminal Procedure, 1898 for implementation of this Act.

(4) The Wildlife Officer may use such force as may be reasonable in the circumstances to arrest the offender, seize the case property, recover the wildlife produce, detain or take into custody any wildlife offender or case property, or prevent the escape of any person concerned or likely to be concerned in a wildlife offence or prevent the removal of any case property or Wildlife produce in respect of which any such offence has occurred or likely to occur:

Provided that where it becomes necessary to stop for checking, searching and apprehending any mechanically propelled vehicle, boat, launch, railway wagon, cart and carriage or any kind of conveyance, the Wildlife Officer may use or caused to be used all force and means for stopping, checking, searching and apprehending it, or preventing its escape, but shall open fire only when it becomes absolutely necessary in self defence or on the specific order of a Wildlife Officer not below the rank of Range Officer Wildlife, if opening of fire in his opinion was necessary for the stoppage of a vehicle or conveyance on apprehension of the offender.

(5) The Wildlife Officer may enter any premises, enclosure or building other than a dwelling house, to make a search and seizure of wildlife produce and arrest offender, or break open the lock of any door, fixture or conveyance for the purpose of search or

seizure of wildlife produce or case property or arrest of offender.

(6) Government may, for the purpose of this Act, appoint honorary wildlife officers on such terms and conditions as may be prescribed.

5. Constitution of the Board.--- (1) As soon as may be, after the commencement of this Act, Government shall establish a Board to be called the Khyber Pakhtunkhwa Wildlife and Biodiversity Board.

(2) The Board shall consist of-

(a) a Chairman; and

(b) such number of official and non-official members as may be determined by Government.

(3) The Chief Minister of the Province shall be the Chairman of the Board.

(4) A non-official member shall hold office for a term of three years and may be elected for a second term.

(5) Secretary Environment Department shall be the Secretary of the Board.

(6) The meeting of the Board shall be held twice a year at such place and in accordance with such procedure as may be prescribed.

(7) The Board in its first meeting, shall from amongst the members, constitute the Monitoring and Evaluation Committee, the Human Resource Development Committee, the Research Committee and any other Committee that the Board may by majority consider necessary as and when required, in a manner as may be prescribed.

(8) The Chairman may relieve the member of the Committee who applied in writing, to the Chairman for stepping down, after his responsibilities are allocated to another member.

(9) The Board may hire additional experts for any of the Committees in a manner as may be prescribed.

(10) The non-official members shall be entitled to such honorarium as may be determined by Government.

(11) Any non-official member missing three consecutive meetings will be deemed to be relieved of his Board membership unless applied in writing with cogent reasons to the Chair and approved by the Board.

(12) Government shall prescribe the procedure and criteria for selection and appointment of the non-official members of the Board.

6. Functions of the Board.--- The Board shall-

(a) advise Government on policy decisions relating to protection, promotion, preservation, conservation and management of wildlife in the Province;

(b) review the progress of development activities in the field of wildlife promotion, protection, preservation, conservation and management in the Province; and

(c) undertake such other functions as may be prescribed.

7. Biodiversity and Wildlife Fund.---- (1) There shall be established a Fund to be known as "Biodiversity and Wildlife Fund" vested in the Board. The Fund shall be raised

and administered in a manner as may be prescribed.

(2) The Fund shall be opened with such seed money as the Government may determine.

(3) The other sources of Fund shall be-

(a) donations and funds raised from the national and international organisations;

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donations from philanthropists, conservationists, wildlife lovers;

receipts from visitors and rental of various facilities in all forms of Protected Areas;

resource extraction fee to include cess and licencing fee obtained from sale or auction of any resources extracted from the Protected

Area; and

any other sources as to be notified by the Government.

(4) All money credited to the Fund shall be kept in such custody as may be prescribed.

(5) The Board shall cause to maintain complete and accurate books of accounts in such form as may be prescribed.

(6) The accounts of the Fund vested in the Board shall be audited by the Auditor General of Pakistan.

(7) The Fund shall be utilized for-

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improvement and development of Protected Areas and National Parks;

conservation education and awareness about biodiversity;
research in the field of biodiversity conservation;

meeting of exigencies like forest fire, calamities, depredation losses etc. in a manner as may be prescribed;

capacity building of the Department and communities;

incentives or rewards for the Wildlife staff and communities for outstanding contribution to conservation;

running any project or activity for the uplift of Protected Areas in a manner as may be prescribed;

purchase of additional land to add to the Protected Areas;
allocation of an appropriate yearly amount for the Conservation

Committee of each National Park and Protected Area to be spent in a manner as may be prescribed; and

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any other activity as may be approved by Government.

8. Returns and Statements.--- Government may require the Board to furnish it with any document, return, statement, estimate, information or report regarding any matter related to the Fund under control of the Board and the Board shall comply with every such

requisition.

CHAPTER -III HUNTING OF WILDLIFE

9. Restrictions on hunting.--- No person shall--

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hunt any wild animal by means of a set gun, drop spear, deadfall, explosive, gun trap, explosive projectile, bomb, grenade, baited hook, net, snare, or any other trap, an automatic weapon, or a weapon of a calibre used by the Pakistan Army or Police Force or by means of a projectile containing any drug or chemical substance, likely to anaesthetize, paralyze, stupefy or render incapable an animal whether partly or totally;

hunt any Protected Animal;

hunt any Game Animal except under a Big Game Hunting Licence, Small Game Hunting Licence, Big Game Hunting Permit or Small Game Hunting Permit and in accordance with the provisions of this Act and the rules made thereunder;

hunt any Game Animal other than birds or hares with a shotgun or with non-magnum rifle of 0.22 calibre or less;

use or have in possession any net, snare, hook, bhagwa, or like devices for the purpose of hunting a Game Animal;

use or have in possession any device capable of electrocuting any wild animal or electrifying any part of its habitat including water

bodies, roosting and nesting places;

use or have in possession any poison for killing any wild animal or poisoning its food and water or part of any terrestrial or aquatic

habitat;

use vehicle of any type to pursue any wild animal or to drive or stampede any wild animal for any purpose whatsoever;

shoot any Game Animal from any conveyance;

Gj) hunt with the help of decoys or call birds, except in the case of waterfowl, cranes and quails as mentioned in the First Schedule:

Provided that remote control decoys will not be used for this purpose;

(k) hunt with the help of playback recorded calls;

() construct or use, for the purpose of hunting any wild animal, any pitfall, game pit, trench or similar excavation, any fence or enclosure, or any other similar contrivance;

(m) hunt by hiding near a water hole, except in the case of waterfowl;

(n) hunt near a salt lick;

(o) hunt before sunrise, except in case of waterfowl; and

(p) hunt after sunset, except in case of live catching of cranes and quails:
Provided that it shall not be an offence to use-

(i) a motor vehicle or aircraft to drive any wild animal away from an aerodrome or airstrip when such action is necessary to ensure the safety of aircraft using that aerodrome; and

(ii) any one or more of the aforesaid prohibited methods, if the officer authorized in this behalf grants, at his discretion, a Licence with permission to employ such method.

10. Prohibition to employ hawks and dogs.--- No person shall use hawk for hawking or dog for coursing, pointing and retrieving the Game Animals, except under a permit issued under this Act.

CHAPTER -IV POSSESSION AND DISPLAY OF WILDLIFE

11. Wild animals to be the property of Government.--- All wild animals, free ranging or captive, tamed or untamed, found within the territorial jurisdiction of the Province shall be deemed to be the property of Government.

12. Animals found dead or hunted unlawfully.--- Any wild animal which is found dead or dying or which has been killed, caught or acquired otherwise than in accordance with the provisions of this Act and any meat of animal, or article, product or trophy thereof, shall be the property of Government. The person in possession of such property shall be bound to hand over the possession of such property to the officer authorized under this Act.

13. Certificate or Licence of possession.--- (1) No person shall be in possession of any wild animal or exotic, dead or alive, trophy or meat specified in Second Schedule unless he is in possession of a valid Certificate or Licence.

(2) A person interested for a Certificate or Licence under sub-section (1) above, shall submit an application to an officer not below the rank of Divisional Forest Officer Wildlife, who shall dispose of the case within 60 days of receipt of the application.

(3) Every person in possession of any wild animal shall produce a Certificate or Licence of possession on demand to the officer authorized by Government in this behalf.

(4) The Divisional Forest Officer Wildlife shall mark and register the wild animal, trophy or meat in respect of which a Certificate or Licence of possession is issued, in the manner as may be prescribed.

14, Certificate or Permit of animal display.--- No person shall display any wild animal of an indigenous or exotic species, dead or alive and trophy of a kind specified in sub-section (1) of section 13 unless he is in possession of a valid "No Objection Certificate" for display in such place, time and purpose as specified in the same, granted by an officer not below the rank of Divisional Forest Officer Wildlife.

15. Animals protected under laws of other Provinces.--- Government may regulate possession of wild animals, their trophies, products and derivatives of species protected

under the wildlife laws of other provinces of Pakistan, and other countries.

16. Cruelty to animals.--- The officers appointed under section 4 shall also be empowered to exercise the powers of officers under The Prevention of Cruelty to Animals Act, 1890 (Act No. XI of 1890), in so far as it relates to the wild animals.

17. Transfer of animals.--- No person shall transfer by gift, sale or otherwise, to any other person, any wild animal, trophy or meat of a kind specified in sub-section(1) of section 13 unless he is in possession of a valid Certificate, in a manner as may be prescribed.

CHAPTER -V

TRADE AND TRAFFIC OF WILDLIFE

18. Entrance and exit of animals.--- (1) No person shall transport into the Province any animal of an indigenous or exotic species, or any trophy, meat or derivative of a kind specified in sub-section(1) of section 13, except under a permit granted by Government in a manner as prescribed by rules.

(2) No person shall transport outside the Province any animal of an indigenous or exotic species, or any trophy, meat or derivative of a kind specified in sub-section (1) of section 13, except under a permit granted by Government.

(3) Nothing in this section shall apply to any animal, trophy, meat or derivative in transit through the Province if such animal, trophy, meat or derivative, is-

(a) accompanied by necessary transit customs documents;

(b) entered through a custom's post of entry and is scheduled to a custom's post of exit; and

(c) not unloaded from the conveyance on which it is being carried on, in the case of rail or air transport, or it does not leave the precincts of the railway station or airport at which it is landed or trans-shipped or does not remain there for more than forty-eight hours:

Provided that "No Objection Certificate" or Certificate of import or export from CITES Management Authority shall be required for such import or export, as the case may be.

19. Dealing in animals and their produce.--- (1) No person shall, as a profession, trade or business, buy, sell or otherwise deal in animals, trophies, meat or derivatives thereof or process or manufacture goods or articles from such produce, unless he be in possession of a valid Licence, hereinafter called a dealer's Licence, to do so, issued by an officer not below the rank of Divisional Forest Officer Wildlife.

(2) The officer authorized under sub-section (1) may, on realization of such fees as may be prescribed, grant a dealer's Licence for the purpose of sub-section (1), whereupon the person concerned may carry on his business in accordance with specification made in the Licence.

(3) For the purpose of assessment of fees, dealers may be divided into different categories.

(4) The holder of the dealer's Licence shall maintain such register or record of his dealings in such manner as may be prescribed, and shall produce for inspection at any reasonable time when called upon to do so.

20. Trade under CITES and CMS.--- Government may further prohibit, or regulate the import, export, possession and trade, of wild fauna and flora, their parts, products and derivatives as contained in various appendices to Convention on International Trade in Endangered Species of Flora and Fauna (CITES) and Convention on Migratory Species of Wild Animals (CMS) and such other conventions, treaties and protocols for the time being in force.

21. Alien species.--- Government may prohibit or regulate entry into the Province and release in the wild of any alien species of fauna and flora and genetically modified organisms.

22. Release in the wild.--- No person shall release into the wild any exotic, alien or diseased species of fauna and flora in the Province, unless allowed and in a manner as deemed appropriate by an officer authorized in this behalf.

23. Invasive species.--- Government may take measures to control invasive species of fauna and flora to improve the indigenous fauna, habitat and the ecosystem or a part thereof.

24. Transport, holding and captivity of animals.--- Government may regulate transport, holding and captivity of any live wild animals or trophies of a kind specified in

sub-section(1) of section 13, in a manner as may be prescribed.

25. Wildlife check post.--- (1) Government or an officer authorized in this behalf may allow and notify the establishment of a wildlife check post and erection of barrier at any place as deemed appropriate so as to have a check as to whether or not an offence under this Act has been committed.

(2) Every person crossing wildlife check post whether on foot or in a vehicle or by any other means of transport shall be liable to stop by the check post, and offer himself and his belongings for checking by the check post staff to their satisfaction.

CHAPTER -VI PROTECTED AREAS

26. Wildlife Sanctuary.--- (1) Government may, by notification in the official Gazette, declare any area to be Wildlife Sanctuary and may demarcate it in such manner as may be prescribed.

(2) The Wildlife Sanctuary shall be set aside as safe breeding grounds for the protection of wildlife and access thereto for public shall, except in accordance with the rules, be prohibited and no exploitation of forest therein shall be allowed except for reducing fire hazards, epidemic or insect attacks or other natural calamities.

(3) No person shall-

(a) enter or reside;
(b) cultivate any land;

(c) damage or destroy any vegetation;

(d) hunt, kill or capture any wild animal or fire any gun or other fire-arm within one mile of the boundaries;

(e) introduce any exotic species of animal or plant;

(f) introduce any domestic animal or allow it to stray;

- (g) cause any fire; and
- (h) pollute water, in a Wildlife Sanctuary:

Provided that Government may, for scientific purposes or for subsistence of bonafide communities, in a manner prescribed, authorize the aforementioned acts on a specific request by Chief Conservator Wildlife.

27. Site of Special Scientific Interest.--- With a view to protect species of flora and fauna or habitat or landscape having special scientific importance or for mitigating the effects of climate change, Government may, by notification in the official Gazette, declare any area to be a Site of Special Scientific Interest and prohibit therein every act deemed against the scientific interest of the site.

28. Wildlife Refuge.--- Government or an officer authorized in this behalf may, by notification in the official Gazette, declare any area to be a Wildlife Refuge where hunting of all wild animals shall be prohibited. The refuge shall be managed in a manner as may be prescribed.

29. National Park.--- (1) With a view to the protection and preservation of scenery, flora, fauna, geological features of special significance and biological diversity in the natural state, Government may, by notification in the official Gazette, declare any area to be a National Park and may demarcate it in such a manner as may be prescribed.

(2) A National Park shall be accessible to public for recreation, education and research subject to such restrictions and fee as Government may impose.

(3) Provision for access roads to and construction of rest houses, hostels and other buildings in the National Park along with amenities for public may be so made, as not to impair the object of the establishment of the National Park.

(4) Any facility provided under sub-sections (2) and (3) shall be in conformity with the recommendations of the environmental impact assessment or initial environmental examination within the meaning of Pakistan Environmental Protection Act, 1997 (Act No. XXXIV of 1997).

(5) The following acts shall be prohibited in a National Park:

- (a) hunting, shooting, trapping, killing or capturing of any wild animal;
- (b) carrying of arms, pet animals, livestock, firing any gun or doing any other act which may disturb any wild animal or doing any act which

interferes with the serenity and tranquillity of the park and breeding places of wild animals;

(c) logging, felling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree;

(d) grazing of livestock;

(e) fishing;

(f) clearing or breaking up any land for cultivation; mining or quarrying of stones or for any other purpose;

(g) polluting or poisoning water flowing in and through the National Park;

(h) littering and dumping of wastes;

(i) writing, inscribing, carving, disfiguring, defacing, painting, chalking, advertising;

Gj) use of vehicular transport, except on recognized roads and routes;

(k) blowing of pressure horns within one kilometre radius of the park boundary; and

() play back music, using radios, players or any other audio-video equipments, or making noise:

Provided that Government may, for scientific purpose or betterment of the National Park, or for providing incentives and concessions to the communities for participatory management, authorize doing of one or more of the afore-mentioned acts on an explicit written request made by the Chief Conservator Wildlife, justifying the need for such an action and certifying that it does not impair the object of establishment of the National Park:

Provided further that in case if a National Park is established over a designated forest, i.e. Reserved Forest, Protected Forest and Guzara Forest, the provisions of the Forest Ordinance 2002, to the extent of "acts prohibited" shall prevail.

30. Biosphere Reserve.--- When an area has a potential for promoting solutions to reconcile the conservation of biodiversity with its sustainable use, Government may, by notification in the official gazette, declare the area to be a Biosphere Reserve, comprising of a core zone, a buffer zone and multiple-use zone, and manage it in the prescribed manner.

31. National Natural Heritage Site.--- With a view to protect natural, physical and biological formations or groups of such formations, which are of outstanding national or global value from the aesthetic or scientific point of view, Government may declare any area to be a National Natural Heritage Site and regulate its management in the prescribed manner.

32. Game _Reserve.--- (1) Government or an officer authorized in this behalf may declare any area to be a Game Reserve, where hunting of wild animals shall not be allowed, except under a special permit, which may specify the number and kind of animals to be hunted, method of hunting, the area and duration for which such permit shall be valid.

(2) The officer authorized in this behalf may take measures for management, maintenance and improvement of habitat in a Game Reserve as may be prescribed.

33. Pre-emptive application of MEAs.--- Government may, by notification in the official gazette, declare any area, which qualifies for the implementation of any biodiversity related Multilateral Environmental Agreement to which Government of Pakistan is signatory, as a Protected Area with appropriate nomenclature and regulate its management as may be prescribed.

34. Pre-emptive application of this Act.--- Where Government is satisfied that designation of an area is suitable for achieving one or more of the objectives of this Act, it may declare such area with an appropriate nomenclature and prescribe its management through a notification in the official Gazette.

35. De-notification and alteration of boundaries of Protected Area.--- Government may, by notification in the official Gazette, de-notify a Protected Area or make any alteration in the boundaries of a Protected Area so declared on an explicit written request made by the Chief Conservator Wildlife, justifying such an action:

Provided that Wildlife Sanctuary, National Park and Site of Special Scientific Interest shall neither be de-notified nor altered in size, except with the prior consent of the Board.

36. Damage to structures in Protected Area.--- No person shall damage, alter, counterfeit, deface or displace boundaries of a Protected Area, enclosures, transects,

Government infrastructures, visitors facilities, water bodies or any other structure raised or facility provided for the management of wildlife or Protected Area.

CHAPTER -VII PARTICIPATORY WILDLIFE MANAGEMENT

37. Empowerment and benefit sharing.--- (1) Each Protected Area will be governed by a Conservation Committee chaired by the respective Divisional Forest Officer Wildlife. Composition and functions of the committee shall be such, as may be prescribed.

(2) The Conservation Committee may approve and finance small projects, activities and hire local staff through funds apportioned by the Board.

(3) Government or an officer authorized in this behalf may recognize and register any community organization, civil society organization, non-governmental organisation,

research organisation or an individual as co-management partner for conservation or research with such terms and conditions as may be prescribed.

(4) A community organization, recognized under sub-section (3) above shall be entitled to equitably share the benefits with Government accrued from commercial sustainable use of elements of biodiversity in the respective area in the manner as may be prescribed.

(5) No organization, outfitter, or individual shall conduct any development, entrepreneurship or research in a Wildlife Sanctuary, National Park, Site of Special Scientific Interest and National Natural Heritage Site, unless in possession of "No Objection Certificate" from the Department before hand under such terms and conditions as may be prescribed.

(6) A community organization, civil society organization, Non-Governmental Organisation (NGO), research organization or an individual, recognized under sub-section (3) above, shall share the benefits accrued from use of the elements of biodiversity as may be prescribed.

38. Private Game Reserve.--- (1) Where Government or an officer authorized in this behalf is satisfied that an area of private land has been dedicated by its owner for the purposes similar to a Game Reserve, he may, on the application of the owner, declare such an area to be a Private Game Reserve.

(2) Hunting of wild animals, in a Private Game Reserve, shall not be allowed except under a permit, issued by the owner under intimation to the Department or by an officer authorized in this behalf upon concurrence of the owner. The maximum number of the permits for the game species and for the season shall be agreed between the owner and the Department.

(3) The amount of hunting permit fee charged by the owner shall in no case be less than the amount fixed by the Government in a Game Reserve of similar nature and species. The amount of permit fee fixed by the Government shall be shared equitably among the owner and Government as may be prescribed.

(4) The owner of a Private Game Reserve shall prepare a management plan of the Game Reserve in consultation with Department and shall cause it to be implemented after approval of the same by the Chief Conservator Wildlife.

(5) Government may, by notification in the official Gazette, at any time, declare that any Private Game Reserve shall cease to be a Private Game Reserve.

39. Conservancy.--- (1) Government may declare any landscape, which supports or has the potential to support significant biodiversity for sustainable multiple use management, including biodiversity conservation, collaboratively by the local communities and Government, as a Conservancy.

(2) The Conservancy may be managed in a manner as may be prescribed.

40. Community Managed Game Reserve.--- Where Government is satisfied that an area of land owned by Government or communities can be effectively managed for sustainable hunting of wild animals, collaboratively by the local communities and Government, it may declare such an area to be Community Managed Game Reserve and manage this in a manner as may be prescribed.

CHAPTER -VIII

EX-SITU CONSERVATION OF WILDLIFE

41. Wildlife Park.--- Government may declare and enclose any area for propagation of wild animal species under natural or semi natural conditions, conservation awareness, research and recreation, as a Wildlife Park, which shall be managed in a manner as may be prescribed.

42. Zoological Garden or Zoo.--- (1) Government may establish or allow establishment of Zoo or Zoological Garden in public or private sector for keeping animals of indigenous or exotic species for the purposes of recreation, conservation education, propagation and research to be managed in a manner as may be prescribed.

(2) An officer authorized in this behalf may register on prescribed fee, and regulate the establishment and operation of a Zoo or Zoological Garden established under sub-section (1).

(3) Every owner or operator of an existing facility, referred to in sub-section (1), shall get the facility registered within six months of coming into force of this Act.

(4) Government or an officer authorized in this behalf may regulate transport and trade between various zoos or breeding facilities registered under this Act in a manner as may be prescribed.

(5) Government or an officer authorized in this behalf may regulate release in the wild or harvest after release in the wild of the captive bred animal as may be prescribed.

43. Breeding Facility.--- (1) Government or an officer authorized in this behalf may register on prescribed fee, and regulate the establishment and operation of a Breeding Facility of wild animals, including the exotic animals, or any other similar facility, with whatever nomenclature known in public and private sector, as may be prescribed.

(2) Every owner or operator of an existing facility, referred to in sub-section (1), shall get the facility registered within six months of coming into force of this Act.

(3) Government or an officer authorized in this behalf may regulate transport and trade between various breeding facilities or zoos registered under this Act.

(4) Government or an officer authorized in this behalf may regulate release in the wild or harvest after release in the wild of the captive bred animal as may be prescribe.

CHAPTER -IX POWERS OF OFFICER

44. Issuing of licences, permits, no objection certificates.--- Any officer authorized by Government in this behalf, may issue a Licence, big game hunting, small game hunting, permit for big game hunting, small game hunting or a No Objection Certificate for regulating, hunting, possession, dealing, display and transportation as may be prescribed.

45. Cancellation of licences, permits, no objection Certificates.--- Any officer authorized by Government in this behalf, may cancel a Licence, for big game hunting, small game hunting, permit for big game hunting, small game hunting, a No Objection Certificate issued under section 44 of this Act in a manner as may be prescribed.

46. Power to establish check post.--- Any officer authorized by Government in this behalf, may order establishment of a temporary or permanent check post in any area for regulating hunting, possession, dealing, display and transportation of wild animals and their products as may be prescribed.

47. Search and_arrest_without_warrant.--- (1) Any officer or any other person, authorized by Government in this behalf, may search any person, premises, vessel, vehicle, animal package, receptacle or covering, without warrant, so as to satisfy himself as to whether or not an offence under this Act has been committed and arrest the offender without warrant.

(2) The person arrested under sub-section (1) shall be produced, in the absence of any unavoidable circumstances, to the nearest police station within 24 hours, for further proceedings under the law for the time being in force.

48. Seizure and confiscation of case property.--- Any officer or any person authorized by Government in this behalf may-

(a) seize and confiscate any wild animal, dead or alive, which has been acquired otherwise than in accordance with the provisions of this Act;
and

(b) seize any fire-arm, net, trap, snare, bow, arrow or any vehicle or vessel or anything what-so-ever used or suspected to have been used in the commission of an offence under this Act.

49. Disposal of case property.--- Notwithstanding any other provision of this Act, the officer or any other person authorized in this behalf may sell or dispose of any property seized or confiscated under section 48, or set free in the wild any animal if seized alive, and

may, subject to the determination of the rights thereto, deal with the proceeds in such manner as may be prescribed.

50. Prevention of commission of offence.--- Every officer, or any other person authorized by Government in this behalf, shall be competent to prevent by all lawful means the commission of any offence under this Act.

51. Compounding of offence.--- (1) Government may, by notification in the Official Gazette, empower an officer,-

(a) to accept from any person against whom reasonable proof for committing an offence under this Act exists, a sum of money by way of compensation for such offence as may be prescribed; and

(b) to release the property, which has been seized as liable to confiscation, on receipt of the value thereof, as estimated by an officer authorized in this behalf.

(2) On the receipt of compensation or such value of property or both under sub-section (1), as the case may be, the suspected person, if in custody, shall be discharged and the property, if any, seized shall be released and no further proceedings shall be taken against such person or property.

(3) The sum of money accepted as compensation under clause (a) of sub-section (1), shall in no case exceed the sum of one hundred thousand rupees.

(4) The officer authorized in this behalf may give as reward a portion of the amount realized as compensation and value of property under sub-section (3), to the person or persons who helped in detection, registration and/or disposal of the offence. Such reward shall not exceed one-fourth of the amount so realized.

52. Powers of the Wildlife Officer.--- The Wildlife Officer shall, for the purpose of this Act have the same powers as are vested in a Civil Court under the Code of Civil Procedure,

1908 in respect of the following matters, namely:

(a) summoning and enforcing the attendance of persons and examining him on oath;

(b) compelling the production of documents;

(c) receiving evidence on affidavits; and

(d) issuing commission for examination of witnesses.

53. Delegation of powers.--- Government may, by notification in the official Gazette, delegate all or any of the powers conferred upon it under the provisions of this Act to Wildlife Officer, Forest Officer and any officer subordinate to it.

54. Grant _of Exemption.--- Notwithstanding anything contained in this Act, Government may, upon request by the officer authorized in this behalf, allow, by notification in the official Gazette, killing and capturing of such wild animals in such places and by such means as may be specified in the notification, in the interest of any scientific or public purpose.

55. Revision of Schedules, period and fee.--- Government or an officer authorized in this behalf may, by notification in the official Gazette, in respect to any specified area,-

(a) add to or exclude from the Schedules any wild animals, subject to such conditions as it may impose in each case;

(b) fix or alter the period during which any wild animal may be hunted;

(c) open or close any area to hunting; and

(d) revise the fee for various types of licences or permits prescribed under this Act or the Management Plan.

CHAPTER -X

TRIAL OF WILDLIFE OFFENCES

56. Liability to inform.--- Every coupe purchaser or lessee of forest, non-timber forest produce, fish, wildlife, mines, Lambardar, Canal Patwari, Public Works Department Daroga, Chowkidar, Dafadar, Village Watchman, Abdar, Zilladar, Revenue Patwari, Qannungo and Tehsildar shall, in the absence of any reasonable excuse, be bound to give to any officer or any other person authorized in this behalf, information in respect of any snaring, trapping, netting, unauthorized killing, or any other offence under this Act committed within the limits of his jurisdiction, as soon as the commission of such offence comes to his knowledge.

57. Confiscation of property.--- When the offender is not known or cannot be traced, any property found at or around the spot shall be confiscated by the officer authorized in this behalf, if he has reasons to believe that the property in question was used in the commission of the offence.

58. Abetment of an offence.--- Abetment of any offence under this Act or rules shall be punishable as the offence.

59. Interference in duty.--- No person shall interfere or attempt to interfere in the performance of any functions or in the discharge of any duty under this Act and the rules made thereunder.

60. Lodging of complaint.--- (1) No Court, except on the complaint of the officer or any person authorized by Government in this behalf, shall take cognizance of any offence under this Act.

(2) Members of the Wildlife Force and forest force shall be accepted as witness in the meaning of the Code of Criminal Procedure, 1898 (Act No. V of 1898) for the purpose of prosecution of the case under this Act.

61. Competent Court.--- No Court inferior to that of a Judicial Magistrate of the First Class shall take cognizance of and try an offence under this Act.

62. Summary trial. --- The Judicial Magistrate of the First Class may try any offence punishable under this Act summarily, in accordance with the provision of the Code of Criminal procedure, 1898.

63. Hunting in defence.--- (1) Notwithstanding any other provision of this Act, it shall not be an offence if-

(a) any person kills any wild animal by any means in the immediate defence of his own life or that of the life of any other person; and

(b) the owner of livestock or his employee kills any wild animal, doing material damage to his livestock, by means not prohibited under this Act, within a reasonable distance where that livestock is grazing or where it is enclosed for the night:

Provided that clause (b) shall not apply to any livestock unlawfully grazing, herded or unguarded.

(2) The killing under sub-section (1) of wild animals shall be reported to the nearest office established for the purposes of this Act with the least possible delay.

(3) The meat or trophy of any wild animal killed under sub-section (1) shall be the property of Government and shall be disposed of as directed by the officer authorized in this behalf.

(4) Government may compensate the loss of life and property caused by wild animals in the manner as may be prescribed.

64. Onus_of_proof.--- Where during any proceedings taken under this Act or in consequence of anything done under this Act, a question arises as to whether any animal, trophy, meat or derivative is the property of Government, such animal, trophy, meat or derivative shall be presumed to be the property of Government, until the contrary is proved.

65. Officers to be public servants.--- The officers or persons authorized under any provisions of this Act to do a certain thing or act in certain manner shall be deemed to be public servants within the meaning of the Pakistan Penal Code, 1860 (XLV of 1860).

66. Protection of action by officers.--- No suit, prosecution or other legal proceedings shall lie in any court against any officer empowered under this Act, for anything done or intended to be done in good faith in pursuance of any provision of this Act or the rules.

67. Duty of Police Officer and members of other law enforcing agencies.--- Every police officer and member of other law enforcing agencies shall, upon request made by any officer or person empowered under this Act, assist him in the due discharge of his duties under this Act.

CHAPTER -XI

PENALTIES AND PUNISHMENTS

68. Penalties.--- (1) Whoever contravenes or attempts to contravene the provisions of this Act shall be punished as provided in the Fourth Schedule.

(2) Whoever, having already been convicted of an offence under sub-section (1), is again convicted thereunder, shall, on every subsequent conviction, be punished with imprisonment which shall not be less than three months, or fine which shall not be less than ten thousand rupees or both, and his fire-arm, vehicle, appliance or anything used in the commission of the offence and his Licence, permit or special permit, issued under this Act, shall be confiscated/cancelled and he shall not be eligible to such Licence, permit, or a special permit, as the case may be, for a period of at least two years.

(3) The property confiscated under sub-sections (1) and (2) shall become property of Government, and may be disposed of by the Department in a manner as may be prescribed.

(4) For any other offence under this Act or the rules for which no specific penalty is provided, the offender shall be punished with fine of rupees ten thousand or one month imprisonment or with both.

CHAPTER -XII

MISCELLANEOUS

69. Power to make rules.--- (1) Government may make rules for the purposes of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-

(a) the powers and duties of the officers and other persons especially authorized to perform functions under this Act;

(b) the form in which, the terms and conditions on which, a Licence, special Licence, a permit or a special permit may be granted;

(c) the fees to be charged for any Licence, a permit, a special permit or entry to any Protected Area;

(d) in the case of any species of wild animals, the number and the sex that may be killed under a Licence, a permit or a special permit;

(e) reward to persons who render help in detection of offences under this Act;

(f) the authorities by whom, the conditions on which, and the manner in

which, licences may be issued; and

(g) the management of Wildlife Sanctuary, Site of Special Scientific Interest, Wildlife Refuge, National Park, Biosphere Reserve, National Natural Heritage Site, Forest Biodiversity Reserve, Game Reserve, Private Game Reserve, Conservancy, Community Managed Game Reserve, Wildlife Park, Zoological Garden, captive breeding facilities or any other area required to be managed under this Act.

70. Overriding effect.--Provisions of this Act shall override the provisions of all other Acts, which, partially or fully, address matters related to protection, preservation, conservation and management of wild animals in the Province.

71. Repeal and savings.--- (1) The Khyber Pakhtunkhwa Province Wildlife (Protection, Preservation, Conservation and Management) Act, 1975 (Khyber Pakhtunkhwa Act No. V of 1975) and Martial Law Order No. 292 of 1981 are hereby repealed.

(2) Notwithstanding the repeal of the enactment mentioned in sub-section (1), everything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceedings commenced, officer appointed or person authorized, jurisdiction or power conferred, rule made and Licence or order issued under the provisions of the said enactment or rules made thereunder shall continue in force, and so far as may be, be deemed to have been respectively done, taken, incurred, commenced, appointed, authorized, conferred, made or issued under this Act and any enactment or document referring to any of the said provisions shall, as far as may be, construed to refer to this Act or the corresponding provision thereof.

SCHEDULES

FIRST SCHEDULE

[see sections 2(f), (g), (ee), (kkk), (111); 9(c), (d), (e), (i), G) and 10]

ANIMALS WHICH SHALL BE HUNTED ONLY UNDER THE TERMS OF A
SMALL GAME/BIG GAME HUNTING LICENCE/PERMIT

PART -I

(Animals, which may be hunted on a Small Game Hunting Licence).

Name of Species

Anatidae Ducks

1. Northern Pintail (*Anas acuta*)
2. Common Teal (*Anas crecca*)
3. Mallard (*Anas platyrhynchos*)
4. Gadwall (*Anas strepera*)
5. Eurasian Wigeon (*Anas Penelope*)
6. Garganey (*Anas querquedula*)
7. Shoveler (*Anas clypeata*)
8. Common Pochard (*Aythya farina*)
9. White-eyed Pochard (*Aythya nyroca*)
10. Tufted Duck (*Aythya fuligula*)

Rallidae Coots and Moorhens

1. White breasted Moorhen (*Amaurornis phoenicurus*)
2. Common Moorhen (*Gallinula chloropus*)
3. Eurasian Coot (*Fulica atra*)

Charadriidae Plovers, Sandpipers, Snipes and other waders

1. Golden Plover (*Pluvialis apricaria*)
2. Grey Plover (*Pluvialis squatarola*)
3. Eastern Golden Plover (*Pluvialis dominica*)
4. Eurasian Curlew (*Numenius arquata*)
5. Solitary Snipe (*Gallinago solitaria*)

Pteroclididae Sandgrouses

Tibetan Sandgrouse

Indian Sandgrouse

Spotted Sandgrouse

Imperial or Black bellied Sandgrouse

(*Syrrhaptes tibetanus*)

(*Pterocles exustus*)

(*Pterocles senegallus*)

(*Pterocles orientalis*)

(*Pterocles coronatus*)

(*Pterocles indicus*)

Coronated Sandgrouse

Close-Barred or painted Sandgrouse

DAABRYWNE

Columbidae: Pigeons and doves

All Species of pigeons and Doves, other than the Green pigeons and Imperial pigeons (Genus *Ducula*).

Phasianidae and Turnicidae: Francolins, Partridges and Quails

(*Ammoperdix griseogularis*)

(*Alectoris chukar*)

(*Francolinus pondicerianus*)

Black partridge (*Francolinus francolinus*)

5. Common quail (*Coturnix coturnix*)

6. Rain quail or Black breasted quail © (*Coturnix coromandelica*)

1. See-see partridge

2. Chukar partridge

3. Grey partridge

BR

Lepus: i.e Hares

1. Cape Hare (*Lepus capensis*)

2. Indian Hare (*Lepus nigricollis*)

3. Arabian Hare (*Lepus arabis*)

PART -II

Animals for hunting of which a Small Game Hunting Permit shall be required in addition to

the Small Game Hunting Licence to be issued by the officer authorized in this behalf.

(*Pucrasia macrolopha*)

(*Lophura leucomelana*)

(*Tetraogallus imalayensis*)

1. Koklass pheasant
2. Kalij pheasant
3. Himalayan Snow cock

PART -III

Animals which can be live caught only under a Small Game Hunting Permit to be granted by an officer authorized in this behalf, in addition to the Small Game Hunting Licence.

Common quail (*Coturnix coturnix*)

Rain quail or Black breasted quail (*Coturnix coromandelica*)

Common Crane (*Grus grus*)

Demoiselle Crane (*Anthropoides virgo*)

See-see partridge (*Ammoperdix griseogularis*)

Chukar partridge (*Alectoris chukar*)

Grey partridge (*Francolinus pondicerianus*)

Black partridge (*Francolinus francolinus*)

Mynas (Family (*Sturnidae*, Genus *Sturnus*)

. Parrots (Alexandrine Parakeet *Psittacula eupatria*)

Rose-ringed Parakeet (*Psittacula krameri*) Blossom-headed Parakeet (*Psittacula cyanocephala*)

. House sparrows (*Passer domesticus*)

12.

13.

14.

. Finches

16.

17.

18.

Doves, Pigeons (Family: *Columbidae*, Genus: *Columba*)

Buntings

Munias

Thrushes

Larks

Bulbuls

PART -IV

Animals for hunting of which a Big Game Hunting Permit shall be required in addition to the Big Game Hunting Licence to be issued by the officer authorized in this behalf.

1. Common leopard (*Panthera pardus*)
2. Wolf (*Canis lupus*)
3. Rhesus Monkey (*Macaca mulatta*)
4. Himalayan ibex (*Capra ibex*)
5. Grey goral (*Naemorhedus goral*)
6. Markhor (*Capra falconeri*)
7. Urial (*Ovis vignei*)

PART -V

Animals which are usually considered as vermin can be hunted under the provisions of a No Objection Certificate to be issued by the officer authorized in this behalf, in addition to a Small Game Hunting Licence or Big Game Hunting Licence or a trapping permit as the case may be;

1. Wild boar (*Sus scrofa*)
2. Jackal (*Canis aureus*)
3. Indian porcupine (*Hystrix indica*)
4. Fulvous fruit bat (*Rousettus leschenaultia*)
5. House crows (*Corvus splendens*)

SECOND SCHEDULE

(see section 13)

Animals, trophies or meat, for the possession, transfer, display or export of which a Certificate of Lawful Possession is required:

1. Any live wild animal
2. Trophy of any wild animal

THIRD SCHEDULE

[see section 2(zz)]

Protected Animals, i.e. Animals, which shall neither be hunted nor possessed.

1. All Game Animals when immature i.e. not fully grown,
2. All female Game Animals when:

- (a)
- (b)
- (c)

Pregnant;

In a condition that indicates that they are suckling or feeding young; and
Accompanied by their immature offspring.

All females of following species:

- (a)
- (b)
- (c)

- ()
- (a)

- (b)
- (c)
- (d)

- (e)
- (f)
- (g)
- (h)
- (i)
- (j)
- (k)
- (l)

- (m)
- (n)

- (o)

Grey Goral (*Naemorhedus goral*)

Markhor (all races) (*Capra falconeri*)

Ibex or Himalayan ibex (*Capra ibex*)

All individuals of the following species, genera, families of birds;

All members of the family ARDEIDAE; i.e. all Herons. Paddy birds,
Egrets or Bitterns;

All members of the family PELECANIDAE; i.e. all pelicans;

All members of the family CICONIIDAE; i.e. all storks;

All members of the family THRESKIORNITHIDAE; i.e. all Ibis' and
Spoonbills;

All members of the family PHOENICOPTERIDAE; i.e. all flamingos;

All members of the genus *Cygnus* i.e. all Swans;

All members of the genus *Anser* i.e. all geese;

All Members of the GENUS HELIOPAIS i.e. all Fin foots;

All Members of the family OTIDIDAE; i.e. all Bustards;

All Members of the SUB-FAMILY SCOLOPACINAE ce. all Woodcocks;

All members of the GENUS DUCULA; i.e. all imperial Pigeons;

All members of the GENUS TRERON i.e. all green Pigeons;

All members of the GENUS STURNUS i.e. all Starlings;

All Members of the family ACCIPITRIDAE i.e. all Hawks, Vultures, Kites, Buzzards, Hawk-Eagles, Eagles, Harriers and Ospreys; and

All Members of the family FALCONIDAE i.e., all Falcons.

(2) The following species of Ducks, Moorhens, Lapwings and Snipes,-

- (a)
- (b)
- (c)
- (d)
- (ec)
- ()
- (g)
- (h)
- (i)
- G)
- (kK)

Marbled teal (*Marmaronetta angustirostris*)
Lesser Whistling teal (*Dendrocygna javanica*)
Large Whistling teal (*Dendrocygna bicolor*)
Falcated teal (*Anas falcata*)

Pink-headed Duck (*Rhodonessa caryphallacea*)
Cotton teal (*Nettapus coromandelianus*)
White-headed Duck or Stiff-tailed Duck (*Oxyura leucocephala*)
Nukhta or Comb Duck (*Sarkidiornis melanotos*)
Ruddy Shelduck or Brahminy Duck (*Tadorna ferruginea*)
Common Shelduck (*Tadorna tadorna*)
Red-crested Pochard (*Netta rufina*)

5.

()
(m)
(n)
(0)
(p)
(q)
(x)
(s)
(t)
(u)
(v)
(w)
(x)

(3)

(a)
(b)

(7)

Greater Scaup

Long tailed Duck or Old Squaw
Golden eye Duck

Smew

Goosander

Red breasted merganser
Purple Moorhen

Red wattled Lapwing
Yellow wattled Lapwing
Pintail Snipes

Jack Snipe

Great Snipe

Painted Snipe

The following species of parrots:

(Aythya marila)
(Clangula hyemalis)
(Bucephala clangula)
(Mergus albellus)
(Mergus merganser)
(Mergus serrator)
(Porphyrio porphyrio)
(Hoplopterus indicus)

(Hoplopterus malabaricus)
(Gallinago stenura)
(Lymnocryptes minimus)
(Caplla media)
(Rostratula bengalensis)

Blossom head parakeet: *Psittacula cyanocephala*; and
Slaty headed parakeet: *Psittacula himalayana*.

Following members of the family PHASIANIDAE i.e. Monal Pheasant
Lophophorus impejanus; Western Horned Tragopan Pheasant Tragopan
melanocephalus; Cheer Pheasant *Catreus wallichii*; Snow partridge

Lerwa lerwa:

All individuals of the following species, genera or families of mammals,-

(i) Common Langur

(ii) Pangolin

(iii) Blandford's Fox

(iv) Wild dog

(v) Black Bear

(vi) Brown Bear

(vii) Yellow-Throated Marten

(viii) Marbled Polecat

(ix) Ratel

(x) Common Otter

(xi) Smooth coated Otter

(xii) Large Indian Civet

(xiii) Small Indian Civet

(xiv) Common Palm Civet
or Toddy Cat

(xv) Himalayan Palm Civet
or Masked Civet

(xvi) Binturong

(xvii) _ Pallas's Cat

(xviii) Caracal cat

(Presbytis entellus)
(Manis crassicaudata)
(Vulpes cana)

(Cuon alpinus)
(Selenarctos thibetanus)
(Ursus arctos)

(Martes flavigula)
(Vormela peregusna)
(Mellivora capensis)
(Lutra lutra)

(Lutrogale perspicillata)
(Viverra zibetha)
(Viverricula indica)
(Paradoxurus hermaphrodites)

(Paguma larvata)
(Arctitis binturong)

(Felis manul)
(Felis caracal)

(xix)
(xx)
(xxi)
(xxii)
(xxiii)
(xxiv)
(xxv)
(xxv)
(xxvii)
(xxviii)
(xxix)
(xxx)
(xxx)
(xxxil)
(xxxili)

Lynx

Leopard Cat

Fishing Cat

Sand Cat

Common Leopard

Snow Leopard

Hoary-bellied Flying Squirrel

Musk Deer

Muntjac or Barking Deer

Hog Deer

Chinkara or Indian Gazelle

Straight- horned Markhor

Marco Polo's sheep

Punjab Urial

Indus River Dolphin

(Felis lynx)

(Prionailurus bengalensis)

(Prionailurus viverrinus)

(Felis margarita)

(Panthera pardus)

(Uncia uncia)

(Callosciurus phygerythrus)

(Moschus chrysogaster)

(Muntiacus muntjak)

(Axis porcinus)

(*Gazella bennetti*)

(*Capra falconeri jerdoni*)

(*Ovis ammon polii*)

(*Ovis orientalis punjabiensis*)

(*Platanista minor*)

All individuals of the following species, genera or families of reptiles,-

(a)

(b)

(c)

Marsh Crocodile

(*Crocodylus palustris*)

All snakes of genus *Python*; i.e. all pythons

All lizards of the genus *Varanus*; i.e. all Monitor Lizards

FOURTH SCHEDULE

[see section 68(1)]

S. No.

Nature of Offence

Minimum Penalty

Maximum Penalty

A. Offence under section 9

1.

Unlawful hunting by means of
restricted weapons or appliances

Rs. 5,000 fine or one
week imprisonment or
both; plus value of
property or two weeks
imprisonment in lieu
thereof.

Rs.45,000 fine or two
years imprisonment
or both; plus value of
wild animal or one
month imprisonment
in lieu thereof.

Unlawful hunting of any Protected

Animal

Rs.10,000 fine or two
weeks imprisonment or
both; plus value of wild
animal or one month
imprisonment in lieu
thereof.

Rs. 45,000 fine or
two years
imprisonment or
both; plus value of
property or two
months imprisonment
in lieu thereof.

Unlawful hunting of Game Animals:

(a) Small Game Animals

(b) Big Game Animals

Rs. 2,000 fine or three days imprisonment or both; plus value of property or two days imprisonment in lieu thereof.

Rs. 5,000 fine or one week imprisonment or both; plus value of property or one week imprisonment in lieu thereof.

Rs. 45,000 fine or one year imprisonment or both; plus value of property or one month imprisonment in lieu thereof.

Rs. 45,000 fine or three years imprisonment or both; plus value of property or six months imprisonment in lieu thereof.

Other offences

Rs. 2,000 fine or one week imprisonment or both; plus value of property or two days imprisonment in lieu thereof.

Rs. 25,000 fine or two months imprisonment or both; plus value of property or one month imprisonment in lieu thereof.

S. No.

Nature of Offence

Minimum Penalty

Maximum Penalty

B. Offence under section 10

Unlawful hunting by means of hawks

or dog

Rs. 3,000 fine or one week imprisonment or both; plus value of property or one week imprisonment in lieu thereof.

Rs. 20,000 fine or one month imprisonment or both; plus value of property or two weeks imprisonment in lieu thereof.

C. Offence under section 13, 14, 15, 16 & 17

6.

(a) Birds

i.

ii.

iii.

iv.

Partridges

Quails

Demoiselle or Common
Crane

Siberian crane

Falcon

a. Saker and Peregrine

Rs. 1,000 fine or one

week imprisonment or
both; plus value of
property or two days
imprisonment in lieu
thereof.

Rs. 500 fine or three days
imprisonment or both;
plus value of property or
two days imprisonment in
lieu thereof.

Rs. 2,000 fine or one
week imprisonment or
both; plus value of
property or two days
imprisonment in lieu
thereof.

Rs. 10,000 fine or two
week imprisonment or
both; plus value of
property or one week

imprisonment in lieu
thereof.

Rs. 10,000 fine or one
month imprisonment or
both; plus value of

Rs. 10,000 fine or
one month
imprisonment or
both; plus value of
property or four days
imprisonment in lieu
thereof.

Rs. 5,000 fine or two

weeks imprisonment

or both; plus value of
property or three days
imprisonment in lieu

thereof.

Rs. 20,000 fine or
one year
imprisonment or
both; plus value of
property or four days

imprisonment in lieu
thereof.

Rs. 45,000 fine or
one year
imprisonment or
both; plus value of
property or two
weeks imprisonment
in lieu thereof.

Rs. 45,000 fine or
one year
imprisonment or

S. No.

Nature of Offence

Minimum Penalty

Maximum Penalty

Vi.

b. Other species

Indigenous pheasants (live or dead)

a. Monal, Tragopan,

property or one month imprisonment in lieu thereof.

Rs. 5,000 fine or one week imprisonment or both; plus value of property or one week imprisonment in lieu thereof.

Rs. 10,000 fine or two

both; plus value of property or two months imprisonment in lieu thereof.

Rs. 35,000 fine or six months imprisonment or both; plus value of property or two weeks imprisonment in lieu thereof.

Rs. 45,000 fine or

Kalij, Koklass and weeks imprisonment or | one year Cheer pheasants both; plus value of | imprisonment or property or three weeks | both; plus value of imprisonment in _ lieu | property or one thereof. month imprisonment in lieu thereof.

Vii. Other birds Rs. 3,000 fine or one | Rs. 20,000 fine or six

week imprisonment or both; plus value of property or two weeks imprisonment in lieu

thereof.

months imprisonment
or both; plus value of
property or three
weeks imprisonment
in lieu thereof.

(b) Mammals

1.

Markhor, Ibex, Urial,
Musk deer, Goral,
Chinkara, Barking deer
and Hog deer

Rs. 10,000 fine or one
month imprisonment or
both; plus value of
property or two months
imprisonment in lieu
thereof.

Rs. 45,000 fine or
three years
imprisonment or
both; plus value of
property or six
months imprisonment
in lieu thereof.

ii.

Black and Brown bear

Rs. 10,000 fine or one
month imprisonment or
both; plus value of
property or two months
imprisonment in lieu
thereof.

Rs. 45,000 fine or
three years
imprisonment or
both; plus value of
property or six
months imprisonment
in lieu thereof.

S. No.

Nature of Offence

Minimum Penalty

Maximum Penalty

iii.

iv.

vi.

vii.

Snow leopard

Common leopard

Other carnivores such as
wolf, fox, civet, marten
etc.

Monkey and Langur

Others

Rs. 30,000 fine or one
year imprisonment or
both; plus value of
property or six months
imprisonment in lieu
thereof.

Rs. 10,000 fine or three
months imprisonment or
both; plus value of
property or one month
imprisonment in lieu
thereof.

Rs. 5,000 fine or two
months imprisonment or
both; plus value of
property or one month
imprisonment in lieu
thereof.

Rs. 5,000 fine or two
months imprisonment or
both; plus value of
property or one month
imprisonment in lieu
thereof.

Rs. 2,000 fine or one

month imprisonment or
both; plus value of
property or one week

imprisonment in lieu
thereof.

Rs. 45,000 fine or
three years
imprisonment or
both; plus value of
property or six
months imprisonment
in lieu thereof.

Rs. 45,000 fine or
three years
imprisonment or
both; plus value of
property or three
months imprisonment
in lieu thereof.

Rs. 45,000 fine or
two years
imprisonment or
both; plus value of
property or two
weeks imprisonment
in lieu thereof.

Rs. 45,000 fine or
two years
imprisonment or
both; plus value of
property or one
month imprisonment
in lieu thereof.

Rs. 35,000 fine or
two years
imprisonment or
both; plus value of
property or two
months imprisonment
in lieu thereof.

S. No. Nature of Offence Minimum Penalty Maximum Penalty

(c) Reptiles

1. Marsh crocodile Rs. 5,000 fine or one | Rs. 45,000 fine or

ii. Python month imprisonment or | two years

iii. Monitor lizard both; plus value of | imprisonment or

iv. Turtles and tortoises property or one week | both; plus value of

v. Other species imprisonment in ___ lieu | property or two

thereof. months imprisonment

in lieu thereof.

(d) Other animals (indigenous or Rs. 5,000 fine or two | Rs. 45,000 fine or
exotic) weeks imprisonment or | two years

both; plus value of | imprisonment or

property or two week | both; plus value of

imprisonment in _ lieu | property or one

thereof. month imprisonment

in lieu thereof.

D- Offences under section 18, 19, 20, 21, 22, 23, 24 and 25

7.

(a) Birds and Game Animals

Rs. 5,000 fine or two

weeks imprisonment or

both; plus value of

property or two weeks

imprisonment in lieu

thereof.

Rs. 45,000 fine or two

years imprisonment or

both; plus value of

property or two months

imprisonment in lieu

thereof.

(b) Protected Animals

Rs. 20,000 fine or six

months imprisonment

or both; plus value of

property or two months

imprisonment in lieu

thereof.

Rs. 45,000 fine or three

years imprisonment or

both; plus value of

property or six months

imprisonment in lieu

thereof.

E- Offences under section 26, 27 and 28

8. | Contravention of sub- section (2) and | Rs. 5,000 fine or one | Rs.45,000 fine or three
(3) of Section 26, 27 and 28. month imprisonment or | years imprisonment or
both (in each case). both (in each case).

F- Offences under section 29

9. a) Contravention of sub section (2) Rs. 10,000 fine or one | Rs. 45,000 fine or three

month imprisonment or
both; plus value of
property or two months

imprisonment in lieu

years imprisonment or
both; plus value of
property or six months
imprisonment in lieu

S.No. |

Nature of Offence

| Minimum Penalty

| Maximum Penalty

b) Contravention of clause a, b, c, d, e, f, g, h, i, j, k and 1 of sub- section (5) of Section 29

thereof.

Rs. 10,000 fine or one month imprisonment or both; plus value of property or two months imprisonment in lieu thereof (in each case).

thereof.

Rs. 45,000 fine or three years imprisonment or both; plus value of property or six months imprisonment in lieu thereof (in each case).

G- Offences under section 30, 31, 32, 33, 34, 36, 38, 39, 40, 41,42, 43, 56,59 and 63(2), (3)

10.

Contravention of section 30, 31, 32, 33, 34, 36, 38, 39, 40, 41,42, 43, 56,59 and 63(2)

Rs. 5,000 fine or two weeks imprisonment or both; plus value of property or one month imprisonment in lieu thereof.

Rs. 45,000 fine or three years imprisonment or both; plus value of property or six months imprisonment in lieu thereof.