

5.1.4 Wildlife / fauna, non-timber flora

5.1.4.1 Northern Areas Forest Rules, 1983

See Section 5.1.2.x

5.1.4.2 Northern Areas Wildlife Preservation Act 1975

WILDLIFE PRESERVATION ACT

NORTHERN AREAS 1975

Preamble.—

Whereas it is expedient to amend and consolidate the law relating to wildlife in the Northern Areas, it is hereby enacted as follows:

SECTION 1

1. Short title, extent and commencement.—

1. This Act may be called the Northern Areas Wildlife Protection Act, 1975.
2. It extends to the whole of the Northern Areas and it shall come into force with immediate effect.

2. Definitions.—

In this Ordinance, unless the context otherwise requires the following expressions shall have the meaning hereby respectively assigned to them: that is to say:

- (a) "Animal" means any vertebrate creature other than human beings, animal of usually domesticated species or fish, and includes the eggs of birds and reptiles;
- (b) "Board" means a Wildlife Conservation Board constituted under this Act;
- (c) "Capture" means the taking alive of any animal and includes the taking of an egg;
- (d) "Chief Wildlife Warden" means the head of the Wildlife Conservation Organization in Northern Areas;
- (e) "dealer", when used in relation to animals, trophies or meat, means any person who in the course of any trade or business carried on by him, whether on his own behalf or on behalf of any other person:
 - (i) sells, purchases or barter any animal, trophy or meat:

- (ii) cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any animal's trophy or meat.
- (iii) manufactures any article from trophies or meat.
- (f) "Game" or Game animal means any animal specified in the First Schedule to this Act;
- (g) "Provincial Government" means the resident Commissioner for Northern Areas;
- (h) "hunt" means any act immediately directed to the killing or capturing of an animal, or the taking of nests or eggs;
- (i) "Licence" "Special Licence" "Permit" and "Special Permit" means respectively a licence, special licence, permit or special permit granted or issued under this Act or rules made thereunder;
- (j) "Licence Meat" means the flesh, fat, blood or any edible part of an animal, whether fresh or preserved;
- (k) "National Park" means comparatively large areas of outstanding scenic merit and natural interest with the primary object of protection and preservation of scenery, flora and fauna in the natural state to which access for public recreation, education and research may be allowed.
- (l) "officer" means any person not below the rank of Forest Guard or Game Watcher in the Forest Department and Wildlife Conservation Organization in the Northern Areas respectively appointed to carry out all or any of the provisions of this Act or any rule made thereunder;
- (m) "Owner" in relation to private land shall include leases, a mortgagee in possession of any person authorized by the owner to act on his behalf in his absence;
- (n) Trophy" means any dead animal or any horn antler, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg-shell or other durable part of an animal, whether or not included in a manufactured or processed article;
- (o) "Wildlife Reserve" means an area declared by the Provincial Government as such for the protection and increase in the population of important species wherein capturing of wild animal shall be unlawful;
- (p) "wild-life sanctuary" means an area closed to hunting, shooting or trapping of wild animals, declared as such by the Provincial Government as undisturbed breeding ground primarily for the protection of wildlife inclusive of all natural resources such as vegetation, soil and water.

3. Appointment of officers.—

- (1) Provincial Government may appoint:
 - (i) any officer to carry out the provisions of this act or rules made thereunder,

(ii) any person to act as honorary officer to assist the officers in carrying out the provisions of this Act or of any rules.

(2) Except as may otherwise be prescribed, an honorary officer by this Act or rules, shall hold office for a period of 3 years unless his appointment be earlier terminated.

4. Formation of Northern Areas Wildlife Board.—

(1) On coming into force of this Act the Provincial government shall constitute a board, hereinafter called the North Areas Wildlife Board consisting of such members as the Government shall deem fit.

(2) The Provincial Government shall make rules specifying the functions of the board.

5. Declaration of National Parks, Wildlife Reserves and Wildlife Sanctuaries.—

The Provincial government may by a notification declare any area to be a National Park, Wildlife Reserve or Wildlife Sanctuary and may alter the boundaries of such areas from time to time as deemed necessary.

6. Restriction of entry into a National Park. —

(1) The Chief Wildlife Warden shall make provisions for members of the public to have access to such part of a National Park where their presence will not conflict with its primary purpose of preserving fauna and flora in their natural state.

(2) Notwithstanding the provision of sub-section (1) of this Section no person shall enter a National Park without obtaining a ticket at the entry gate in case such an arrangement exists, or the written permission of an authorized officer, and then only subject to such conditions as may be endorsed on that permit.

(3) For the purpose of this Section and Section 7 an authorized officer shall mean the Chief Wildlife Warden, the officer for the time being responsible for the administration of the park or, in his absence, any person to whom he may have delegated his powers in writing.

7. Acts restricted in a National Park. —

No person shall:

(i) reside in a National Park.

(ii) hunt, kill or capture, or be found in circumstance showing that it is his intention to hunt, kill or capture any animal in a National Park;

(iii) carry any fire arm or other hunting weapon in a National Park;

(iv) introduced any domestic animal or allow a domestic animal to stray in a national Park. Any domestic animal found in a National Park may be destroyed or seized by, or on the orders of an authorized officer and shall be disposed of in accordance with the instructions of the Chief Wildlife Warden;

- (v) cause, any bush or grass fire (except at designated places) or cut, destroy, injure or damage in any way any tree or other vegetation in a National Park.
- (vi) cultivate any land in a National Park,
- (vii) pollute any water in or flowing in a National Park;
- viii) introduce any exotic animal or plant into a National Park;
- (ix) pick any flower or remove any plant, animal, stone or other natural object from a National Park;
- (x) write on, cut, carve or otherwise deface any building, monument, notice board, tree, rock or other object, whether natural or otherwise, in a National Park;
- (xi) fail to comply with the lawful orders of an officer while in a National Park,
- (xii) discard any paper, tin, bottle or litter of any sort in a National Park except in a receptacle provided for the purpose;

Provided that the Provincial Government may, for scientific purposes or for the betterment of the park, or in exceptional circumstances, authorize or direct the doing of any Act prohibited by this Section;

8. Restriction on hunting, killing or capturing animals in Wildlife Reserve or Wildlife Sanctuary. —

No person shall hunt, kill or capture, or be found in circumstances showing that it is his intention to hunt, kill or capture any animal in Wildlife Reserve or Wildlife Sanctuary.

9. Other restrictions in a Wildlife Reserve or Wildlife Sanctuary.—

No person shall commit any of the acts specified in Para (i) to (xii) of Section 7 of this Act in a Wildlife Reserve or in a Wildlife Sanctuary.

Provided that the Chief Wildlife Warden or any officer appointed by him in this behalf may issue written permission to any person for entering or residing in a Wildlife Reserve or Wildlife Sanctuary subject to such conditions as may be endorsed on that permit.

10. Restriction on killing or capturing of Protected or Game Animals.—

- (1) The animals specified in the Third Schedule to this Act shall be known as Protected animals and shall not be hunted, killed or captured, save as otherwise expressly provided in this Act.
- (2) The animal specified in column 1 of parts I and II of this First Schedule to this Act shall be known as Game animals and shall not be hunted, killed or captured, save under in accordance with the terms of a Game Shooting Licence or Game Capture licence issued under this Act.
- (3) No person shall keep as a pet or be in possession of any animal or of products thereof any animal specified in the Third Schedule unless especially permitted to

do so by the Chief Wildlife Warden and that only for a recognized Zoo or for scientific purposes.

11. Game Shooting Licence.—

Game Shooting Licences shall be of the following kinds:

- (i) a Small Game Shooting Licence which shall, subject to the provisions of this Act, entitle the holder to hunt and kill the animals specified in column I of part I of the First Schedule to the number specified in column II, subject to the limitations of time and season specified in column IV.
- (ii) A Big Game Shooting Licence which shall, subject to the provisions of this Act, entitle the holder to hunt and kill a single individual of the animals specified in column 1 of part II of the First Schedule of the kind endorsed on that licence, subject to the limitations of season and locality specified in column IV and V.

12. Issuance of Game Shooting Licences.—

The Chief Wildlife Warden or any officer authorized in this behalf may grant to any person, or may refuse without assigning any reason, a Game Shooting Licence of a kind specified in Section II and before granting such a licence he may require the applicant to furnish with proof that:

- (i) he is conversant with provisions of this Act;
- (ii) he has access to and is entitled to carry a fire-arm of the type suitable for use in hunting the animals for which the licence is required;
- (iii) he has adequate skill in use of fire-arms;

13. Obligation to maintain a register and return licence.—

Any person who has been granted a Game Shooting Licence shall:

- (i) carry it on his person when hunting;
- (ii) keep a register in a prescribed form;
- (iii) enter particulars of any animal killed or wounded in the register within 24 hours of its being killed or wounded;
- (iv) produce his licence or register for inspection at any reasonable time on being called upon to do so;
- (v) return his register and the Game Shooting Licence to which it refers to Chief Wildlife Warden on the expiry of that licence or on his leaving the country, whichever the earlier.

Provided that a Big Game Shooting Licence may be retained as proof of lawful possession of the trophies or meat of an animal killed under that licence until such time as it has been exchanged for a Certificate of Lawful Possession.

14. Restriction on number and use of Game Shooting Licence.—

No person shall:

- (i) hold more than one valid Small Game Shooting Licence at any time;
- (ii) transfer a Game Shooting Licence or any kind to another person.
- (iii) make use of a game Shooting Licence of any kind that has been issued to another person;

15. Game Capture Licences.—

(1) The Chief Wildlife Warden may grant to any person, or may refuse without assigning any reason for his refusal, a Game Capture licence and before granting such a licence he may require the applicant to furnish him with proof that:

- (i) he has adequate experience of the capture and care of wild animals;
- (ii) the captive animal is required for a reputable purpose;
- (iii) the proposed method of capture is suitable;
- (iv) he has adequate crating and transport facilities at his disposal;

(2) A Game Capture Licence shall be valid for a specified period from the dates of its issuance and shall entitle the holder to hunt and capture the kind and number of Game Animals endorsed therein and such locality and by such means and for such purpose as may be specified.

16. Obligation to maintain register and return licence.—

Any person who has been granted a Game Capture Licence shall:

- (i) carry it on his person when hunting;
- (ii) maintain a register in the prescribed form;
- (iii) enter any animal caught or accidentally killed or wounded and lost in that register within 24 hours of its being caught or killed or wounded and lost and enter the date of death of any animal that dies subsequent to being captured;
- (iv) return his register and licence to which it refers to the Chief Wildlife Warden within thirty days of the expiry of the licence or on his leaving the country, whichever is the earlier.

17. Restriction and transfer of Game Capture Licences. .—

No person shall:

- (i) transfer a Game Capture Licence to any other person;
- (ii) make use of a Game Capture Licence which has been issued to another person.

18. Animals to count against Game Shooting Licences and Game Capture Licences.—

- (1) Any animal which is killed or wounded and lost, in any circumstances whatsoever, by the holder of a game Shooting Licence or a Game Capture Licence, which entitles the holder to kill or capture an animal of that kind, shall count against that licence.
- (2) Any animal which is caught by the holder of a Game Capture Licence which entitles the holder to capture an animal of that kind, and which subsequently dies, shall count against the licence.

19. Animals found dead or killed or caught unlawfully.—

Any Protected animal or Game Animal, or the meat and trophies of any Protected or Game animal that is found dead or dying, or which has been killed or caught other than in accordance with the provisions of a licence or permit issued under the Act, or any rule made thereunder, shall be the property of the provincial Government.

20. Prohibited methods of hunting.—

No person shall:

- (i) sell, buy, use or have in his possession any gin or similar trap having a jaw length of three or more inches, or any snare or similar contrivance made of wire;
- (ii) for the purpose of hunting or assisting in hunting any animal cause any fire or drive or surround any animal by fire;
- (iii) hunt any animal by means of a set-gun, drop-spear or deadfall;
- (iv) hunt any animal by means of a baited hook;
- (v) hunt any animal by means of an explosive projectile bomb or grenade;
- (vi) hunt any Game Animal by means of any automatic weapon or a weapon used by the Pakistan Armed Forces or Police Force;
- (vii) hunt any Game Animal other than birds, hares, stone martens, desert or jungle cats with a shot gun or with rifle of 22 calibre or less;
- (viii) hunt any game animal by means of a projectile containing any drug or chemical substance having the property of anaesthetizing, paralyzing, stupifying or rendering an animal incapable, whether partly or totally;
- (ix) use, or have in his possession, any poison or like injurious substance for the purpose of hunting any Game Animal;
- (x) construct, use or have in his possession for the purpose of hunting any Game Animal any pitfall, game pit, trench or other similar excavation, any net, fence or enclosures, any gin trap, snare or similar devices of a type other than those specified in paragraph (i) of this Section; or the device known as "bhagwa".
- (xi) drive any animal into water for the purpose of incapacitating and killing it;

- (xii) hunt any game animal during the hours of darkness, which for the purpose of this paragraph shall mean the period commencing half an hour after sunset and ending half an hour before sunrise, either with or without the aid of a torch or other artificial light;
- (xiii) use any motor vehicle, motor driven vessel or aircraft to pursue any Game Animal or to drive or stampede game Animal for any purpose whatsoever;
- (xiv) shoot any game animal from an aircraft, motor vehicle, rail trolley, cart or other conveyance, or from within 200 yards of an aircraft, motor vehicle, rail, trolley, cart or any other conveyance;

Provided that:

- (a) it shall not be an offence to use a motor vehicle or aircraft to drive any animal away from an aerodrome or airship;
- (b) the Chief Wildlife Warden may, at his discretion, authorize the holder of a Game Capture Licence issued under Section 15 of this Act to employ one or more of the methods of hunting specified in paragraph (viii), (x), (xi), (xii) or (xiii) of this Section, in which case he will endorse the Game Capture Licence accordingly.

21. Restricted methods of hunting.—

- (1) No person shall, unless he be in possession of a special permit to do so:
 - (i) hunt any game animal by means of a hawk or falcon;
 - (ii) employ a call bird or live decoy in the hunting of any Game Bird;
 - (iii) employ a dog in the hunting of any Game Animal except for flushing and retrieving Game Birds and hares;
- (2) The holder of a special permit issued under sub-section (1) of this Section shall be restricted in the number of Game Animals that may be killed by the means specified on that special permit, together with all other means combined, to the total specified in column II of part 1 of the First Schedule, and shall be likewise subject to the limitations of time and season specified in column IV thereof.

22. Controlled hunting Area.—

- (1) The provincial government may by notification declare any area to be a Controlled Hunting Area or declare that any Controlled Hunting Area shall cease to be a Controlled Hunting Area.
- (2) No person shall hunt, kill or capture any Game animal in a Controlled Hunting Area unless he is in possession of a permit so to do, herein after called a Controlled Hunting Area Permit.

- (3) The Chief Wildlife Warden may issue or refuse without assigning a reason for his refusal, a Controlled Hunting Area Permit to any holder of a Game Shooting Licence or a Game Capture Licence issued under this Act and such Controlled Hunting Area Permit shall stipulate;
 - (i) the Controlled Hunting Area or part of Controlled Hunting Area to which it applies;
 - (ii) the period of its validity;
 - (iii) any special conditions regarding the method of hunting, killing or capturing that the Chief Wildlife Warden may impose;
 - (iv) any special limitations as to the species, number or sex of the Game animals that may be hunted, killed or captured that the Chief Wildlife Warden may deem fit.
- (4) The fee to be paid for a Controlled Hunting Area Permit assessed at a fixed sum of each day of its validity and may differ for different Controlled Hunting Areas.

23. Defence of life and property.—

- (1) Notwithstanding any other provisions of this Act, it shall not be an offence:
 - (i) for any person to kill any animal by any means in the immediate defence of his own life or that of any other person;
 - (ii) for the owner of livestock or his employee to kill any animals that is doing damage to that livestock by any means where the livestock is enclosed.

Provided that paragraph (i) and (ii) of this Section shall not apply to any unlawful cultivation in National Park, Wildlife Reserve or Wildlife Sanctuary or a Reserved or Protected Forest or to any livestock illegally grazing or herded therein.

- (2) The killing or capturing of any Protected animal or Game Animal under the provisions of sub-section (1) of this Section shall be reported to the nearest competent authority with the least possible delay.
- (3) The meat and trophies of any Protected or Game Animal killed under sub-section (1) shall be property of the Provincial Government and shall be disposed of according to the directions of the Chief Wildlife Warden.

24. Certificate of Lawful Possession.—

- (1) The Chief Wildlife Warden or the officer authorized by him may issue a Certificate of Lawful Possession to any person who is in lawful possession of any animal, trophy or meat.
- (2) No person shall be in possession of any animal, trophy or meat or a kind specified in the Second Schedule to this Act unless he be in possession of a Certificate of Lawful Possession in respect thereof.

Provided that any person importing an animal, trophy or meat in accordance with the provisions of this Act or acquiring an animal, trophy or meat in accordance with the terms of the licence or permit issued under this Act or any rule made thereunder shall be allowed 30 days from the date of importing or acquiring the animal, trophy or meat in which to apply for a Certificate of Lawful Possession.

- (3) The Chief Wildlife Warden or the officer authorized by him may mark or register, or cause to be marked or registered, any animal, trophy or meat in respect of which a Certificate of Lawful Possession is issued in any manner he may deem fit, or he may seize, pending the taking of legal action under this Act, any animal, trophy or meat which he is not satisfied has been legally imported or acquired.
- (4) Any person who:
 - (i) fails to apply for a Certificate of Lawful Possession for any animal, trophy or meat for the possession of which a Certificate of Lawful Possession is required; or
 - (ii) counterfeits changes or in any way interferes with any mark or registration put on any animal, trophy or meat for which a Certificate of Lawful Possession has been issued, or alters or in any way changes a Certificate of Lawful Possession, shall be guilty of an offence.

25. Restrictions of transfer of animals, trophies or meat. .—

- (1) No person shall transfer by gift, sale or otherwise to any other person any animal, trophy or meat of a kind specified in the Second Schedule to this Act unless he be in possession of a Certificate of Lawful Possession in respect thereof, and such certificate shall be endorsed with details of the transaction and given to the transferee at the time of the transfer.
- (2) No person shall receive by gift, purchase or otherwise any animal, trophy or meat of a kind specified in the Second Schedule of this Act unless he shall receive at the same time as the animal, trophy or meat a valid Certificate of Lawful Possession in respect thereof.

26. Restriction on import of animals, trophies or meat. .—

- (1) No person shall import or attempt to import into the Northern Areas any live wild animal of any endemic or exotic species, or any trophy or meat of a kind specified in the Second Schedule to this Act except.
 - (i) through a customs port of entry into Pakistan;
 - (ii) he produces to the customs officer satisfactory proof that such animal, trophy or meat has been lawfully exported from the country of export;
 - (iii) he produces an Import permit issued under this Act.
- (2) It shall be the duty of a customs officer to detain any live wild animal or any trophy or meat of a kind specified in the Second Schedule to this Act until the documents

required by paragraph (ii) and (iii) of sub-section (1) of this Section have been surrendered to him, and if those documents are not surrendered within a reasonable time the animal, trophy or meat shall be forfeited and disposed of in accordance with the instructions of the Chief Wildlife Warden.

27. Restriction on export of animal trophies or meat.—

- (1) No person shall export or attempt to export any animal, trophy or meat of any kind specified in the Second Schedule to this Act except,
 - (i) through a customs port of exit from Northern Areas;
 - (ii) he produce to the customs officer an export permit issued under this Act;
- (2) The Chief Wildlife Warden or any officer authorized by him in this behalf may issue, or refuse without assigning any reason for his refusal, an export permit to the lawful possessor of any animal, trophy or meat of a kind specified in the Second Schedule to this Act and on receiving such export permit the owner of the wild animal trophy or meat shall immediately surrender the Certificate of Lawful Possession relating thereof.

28. Restriction on dealing in animals, trophies or meat.—

- (1) No person shall as a profession, trade or business buy, sell or otherwise deal in animals, trophies or meat unless he be in possession of a valid permit so to be issued by the Chief Wildlife Warden or any officer authorized by him in his behalf herein after called a Dealer's Permit.
- (2) The Chief Wildlife Warden or any officer authorized by him in this behalf may grant, a Dealer's Permit or may refuse without assigning any reason, which shall entitle that person to deal in any animal trophy or meat, or any class of animal, trophies or meat specified in that permit.
- (3) A Dealer's Permit shall be valid for a period of one year from the date of issuance and shall be subject to the fee specified. For the purpose of assessing fees, dealers may be divided into different classes and a different fee may be prescribed for each class.
- (4) The holder of a Dealer's Permit shall maintain such register or records of his dealings as the Chief Wildlife Warden may require and shall produce them for inspection at any reasonable time when called upon to do so.
- (5) Nothing in this section shall be construed to absolve the holder of a Dealer's Permit from complying with the provisions of Section 24, 25, 26 and 27.

29. Unlawful possession of animals, trophies or meat. .—

- (1) Any person who is in possession of any animal, trophy or meat that is the property of the Provincial Government, or which has not been obtained in accordance with the provisions of this Act, shall be guilty of an offence.

- (2) When any person is charged with being in possession of any animal, trophy or meat which is the property of the Provincial government of which has been obtained in contravention of this Act, and proof of possession is given, the onus shall lie on the person charged to prove that such animal, trophy or meat was lawfully obtained.

30. Power of search, Seizure and arrest without warrant.—

- (1) If any officer or any other person, authorized by the Provincial Government in this behalf, has reasonable grounds for believing that any person has committed an offence against this Act, he may:
 - (i) require that person to produce for inspection any animal, trophy or meat in such person's possession or any fire-arm, weapons, trap, net, poison, or any instrument, material or thing of any sort in relation to or in connection with which an offence appears to such officers to have been committed, or any licence, permit or other document required to be held by such person under the provisions of this Act or any rule made under it;
 - (ii) enter and search any land, building, tent, shelter, vehicle, aircraft, boat or any place in the occupation of such person and open and search any baggage or any other thing in the possession of such person;
 - (iii) seize and detain any animal, trophy or meat which appears to such officer to be the property of the Provincial Government, or any vehicle, aircraft, boat or transport animal, or any fire-arm or other weapon, trap, snare, net, poison, or any instrument, material or thing in relation to or in connection with which an offence appears to such officer to have been committed, or which appears to commission of an offence, whether or not it is in the immediate possession of any person;
 - (iv) arrest and detain any person appearing to such officer to have committed an offence.

Provided that the power to arrest and detain any person appearing to have committed an offence shall be searched only by an officer or other person who has been especially empowered to do so by the Provincial Government.

- (2) Any person detained or thing seized under the powers conferred by sub-section (1) of this Section shall, subject to the provisions of Section 31 and 32 of this Act, be forthwith taken before a competent court or to the officer in charge of the nearest police station.
- (3) Any Officer may:
 - (i) stop and detain any person he sees doing an act for which is a licence or permit is required under this Act and require such person to produce such licence or permit;

(ii) erect temporary barrier across and road or public place and require any person approaching such barrier to stop and permit the officer to carry out such search of any vehicle or baggage that he may deem fit.

(4) Any person who is called on to stop under the provisions of sub-section (3) of this Section and who fails to do so, or who fails to comply with any reasonable order of the officer stopping him, or who gives a false name or any false information on to such officer shall be guilty of an offence.

31. Powers to release an Arrested person on bond.—

(1) Any officer or person on whom such powers have been conferred, who has arrested or whose subordinates have arrested any person under the provisions of Section 30 of this Act may release such person on his executing a bond to appear, if and when so required, before the court having jurisdiction in the case or at the nearest police station.

32. (1) Any officer on whom such powers have been conferred may;

(i) accept from any person against whom a reasonable suspicion exists that he has committed an offence a sum of money by way of compensation for that offence;

(ii) If any property has been seized as having been used in connection with that offence accept from that person a sum of money equivalent to the value of that property, as assessed by that officer.

(2) On payment of such the suspected person if in custody shall be released, the property seized shall be returned and no further proceedings shall be taken against such person in regard to the offence of which he is regarded as being guilty or in regard to the property that has been released.

(3) The sum of money accepted as compensation under section (1) (i) of this section shall in no case exceed the sum of (five thousand rupees only) Rs5000/=.

(4) No Officer shall have power to compound a second or subsequent offence under this Act.

33. Offences.—

Any person who—

(i) commits a breach of any section of this Act or who fails to comply with the conditions thereof;

(ii) commits a breach of or fails to comply with the conditions or any rule made under this Act;

(iii) commits a breach of or fails to comply with the conditions of any licence or permit issued under this Act;

- (iv) fails to comply with any lawful order given to him under any power conferred by this Act.
- (v) interferes with an officer in the execution of his duties;
- (vi) actively aid or abets a person to do any of the acts specified in paragraphs (i) to (v) of this section

shall be guilty of an offence.

34. Penalties.—

- (1) Any person who is found guilty of an offence against:
 - (i) violation of the provisions of Section 13,14, 16,17, 24 and 26 of this Act shall render the offender punishable with imprisonment which may extend to one year or a fine which may extend to ten thousand rupees, or with both such imprisonment and fine, together with the cancellation of any licence or permit held under this Act for a specified period of time;
 - (ii) violation of the provisions of Section 6, 7, 8, 9, 10, 20,21,22,25, 27, 28, or 29 of this Act shall render the offender punishable with imprisonment which may extend to two years or a fine which may extend to two thousand rupees, or with both, together with the cancellation of any licence or permit held under this Act and recovery of shooting fee for the game specified in this Act;
- (2) Any person found guilty of contravening any provision of this Act or of any rule made thereunder, for the contravention of which no special penalty is provided, shall be punished with imprisonment which may extend to six months or with a fine which may extend to five hundred rupees, or with both.
- (3) Whoever having been already convicted of any offence against the Act is again convicted thereunder shall be punished with imprisonment or a fine which may extend to double that laid down for the category of the second offence, and any firearm, vehicle or thing of any sort used in the commission of the offence shall be forfeited and he shall be debarred from holding any licence or permit issuable under this Act for a period of three years.

35. Prosecution of offence under any other law.—

Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act of commission which constitutes an offence under this Act or from being liable under law to pay higher punishment or penalty than that provided by this Act.

36. Duty of nambardar, village headmen, etc. to report offences.—

Every public servant as defined in Pakistan Penal Code be bound in the absence of reasonable excuse to give any officer or any person empowered in this behalf by a Provincial Government information in respect of any snaring, trapping, netting or of any unauthorized hunting, killing or capturing of animals 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.

37. Procedure regarding punishable property seized under Section 30.—

Notwithstanding anything contained within this Act, an officer may sell any property seized under the provisions of Section 30 of this Act which is liable to speedy decay and shall deal with the proceeds as he would have dealt with such property had it not been sold.

38. Protection of action taken under this Act.—

No suit, prosecution or other legal proceedings shall lie against any officer for anything done in good faith or intended to be done in pursuance of any provisions of this Act.

39. Provincial Government may invest officers certain powers.—

Provincial Government may invest any officer, or any other person authorized in this behalf, with all or any of the following powers:

- (i) the power of a civil court to compel the attendance of witnesses and the production of documents or other evidence;
- (ii) the power to hold an enquiry into offences under this act and in the course of such enquiry to receive and record evidence;
- (iii) the power to issue a search warrant under the Code of Criminal Procedure 1898;
- (iv) the power to prosecute a case before a magistrate;
- (v) the power to release an arrested person on bond;
- (vi) the power to compound an offence;

40. Duties of police officers.—

Any police officer shall on a request being made by any person employed under this Act, assist him in due discharge of his duties under this Act.

41. Courts to hear cases.—

- (1) No court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act, provided that the Provincial Government may also invest Forest Officers of NPS 17 and above with magisterial powers for trial of such offences under this Act as may be specified.
- (2) The Provincial Government may appoint special magistrates to try offences under this Act and may set up mobile courts as and when necessary.
- (3) A District Magistrate or any other Magistrate of the First Class especially empowered in this behalf by the Provincial Government may try summarily under the Code of Criminal procedure 1898, any offence punishable under this Act.

- (4) No court shall take cognizance of any offence under this Act except on the complaint of any officer or of any person authorized by the Provincial Government in this behalf.

42. Delegation of powers by Provincial Government and Chief Wildlife Warden.—

- (1) The Provincial Government may delegate all or any of the powers or duties conferred upon it under the provisions of this Act to any officer subordinate to it.
- (2) The Chief Wildlife Warden may delegate or assign in writing any of the powers or duties conferred upon him by the provisions of this Act to an officer or any honorary officer.

43. Power to vary schedules.—

The Provincial Government may, by notification in respect of any area, alter, vary or amend the First Schedule to this Act.

44. Power to grant exemption.—

Notwithstanding anything contained in this Act, a Provincial Government may, for any scientific or public purpose, allow by notification, the hunting, killing or capturing of any specified animal by any specified means in any specified place.

45. Power to make rules.—

- (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may:
- (i) prescribe the powers and duties of officers, honorary officers and other persons employed under this Act;
 - (ii) prescribe the forms to be used for and the procedure to be followed in respect of any application, licence, special licence, permit, special permit, certificate, register, return or other document to be made, issued, granted or kept under the provisions of this Act;
 - (iii) prescribe the fees to be paid for any licence, special licence, permit, special permit or certificate to be granted or issued under this Act, the manner, terms and conditions under which they may be granted or issued and the authority of officer that may grant or issue them;
 - (iv) specify the maximum number of licence or permit of any kind that may be issued in any locality or in any period of time;
 - (v) control the actions of visitors to National Parks, Wildlife Reserves or Wildlife Sanctuaries, import fee for entry there to or for the use of facilities therein;

- (vi) prescribe rewards that may be paid to a person who renders help in the detection of an offence under this Act;
 - (vii) control the movement of any kind of animal, trophy or meat from one part of a province to another;
- (3) Notwithstanding anything contained in the Forest Act, 1927, a Provincial Government may make rules for the management of National Parks, Wildlife Reserves, Wildlife Sanctuaries or Controlled hunting Areas in Reserved or Protected Forests.
- (4) All rules by a Provincial Government under this Act shall be published and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

46. Repeal of enactments.—

- (1) The enactments in the following Schedule are hereby repealed to the extent specified in the fourth column thereof.

Year	Act No.	Short title	Extent of Repeal
1912	--	The Wild Birds and Animals Protection Act	The Whole
1941	--	Gilgit Agency Game Rules	The Whole
--	--	Jammu & Kashmir Game Preservation Act	The Whole

- (2) Notwithstanding the repeal of the enactments specified in sub-section (1) of this Section everything done, action taken obligation, liability, penalty or punishment incurred, enquiry or procedure commenced, officer appointed or person authorized, jurisdiction conferred and licence, notification or order issued under any provisions of the said enactments or of any rules made thereunder shall continue in force and, so far as maybe, deemed to have been respectively done, taken, incurred, commenced, appointed, 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 and to the corresponding provision thereof.

FIRST SCHEDULE

Game animals i.e. animals which shall only be hunted under the terms of a Game Shooting or Game Capture Licence.

Part 1 (animal which may be Hunted on a small Game Shooting Licence)

Name of animal	Number allowed	Licence fee	Time at which hunting is permitted	Localities in which hunting is permitted
Ducks	Unlimited but not more than five ducks of all species combined may be killed in any one day		1st November to 1st March	Wherever found but subject to the provisions of part II and Section 22 of this Act.
Puddy Shel Duck or Brahminy Duck	do		do	do
Common Shel Duck	do		do	do
Pantial	do		do	do
Common Teal	do		do	do
Baikal Teal	do		do	do
Mallard	do		do	do
Gadwal	do		do	do
Falcated Teal	do		do	do
Wigeon	do		do	do
Gargaly	do		do	do
Shoveller	do		do	do
Red-crested	do		do	do
Pochard	do		do	do
Common Pochard	do		do	do
White-eyed Pochard	do		do	do
Tufted Duck	do		do	do
Scaup	do		do	do
Old Squaw Long-tailed Duck	do		do	do
Golden Duck	do		do	do
Smew	do		do	do
Coosander	do		do	do
Red-breasted	do		do	do
Merganser				
Pheasant, Partdidges	Unlimited but not more than five per day		do	do

Name of animal	Number allowed	Licence fee	Time at which hunting is permitted	Localities in which hunting is permitted
Snow Partridge	do		Weekly holidays and gazetted holidays	do
Tibetan Snow Cock	do		1st November to 1st March	Wherever found but subject to the provisions of Part II and Section 2 of this Act.
Himalayan Snow Cock	Unlimited but not more than six per day.		Wednesday, Sunday and gazetted holidays from 1st November to 1st March	do
White-cheeked Bill Partridge.	Unlimited but not more than three birds in any one day		do	do
White breasted Moor Hen	do		do	do
Plovers, Sandpipera and other Waders	do		do	do
White-tailed Lapwing	do		do	do
Woodsnipe	Unlimited but not more than ten snipe of all Specices combined in any one day		do	do
Solitary Snipe	do		do	do
Pine-tail Snipe	do		do	do
Jack Snipe	do		do	do
Grate snipe	do		do	do
Painted Snipe	As for Snipe		do	do
Stone Ourlew and Stone Plovers	Unlimited but nor more than one each day		1st November to 1st march	do
Tibetan Sandgrouse	Unilimited but not more than 10 Sandgrouses of all appecies combined in one day.		do	do
Spotted Sandgrouse	do		do	do
Imperial or Black-bellied Sandgrouse	do		do	do
Indian Sandgrouse	do		do	do

Name of animal	Number allowed	Licence fee	Time at which hunting is permitted	Localities in which hunting is permitted
Coroneted Sangdrouse	do		do	do
Closed-barred or Painted Sandgrouse	do		do	do
Green Pigeons and doves	do		do	do
Cape Hare	Unlimited but not more than five animals of genus lepus in any one day		All year round	do
India Hare	Do		do	do

Part-II
(Animals which may be hunted on a Big Game Shooting Licence)

Name of animal	Number allowed	Licence fee	Time at which hunting is permitted	Localities in which hunting is permitted
Stone marten	Four		1st November to 1st March	Wherever found but subject to Part II and Section 22 of this Act.
Black bear (all races)	Two		do	In such areas as the Chief Wildlife Warden might specify
Jungle cat	Four		do	do
Himalayan ibex	Two		do	do
Markhor (all races)	Do		do	do
Urial or Shaplu (all races)	Do		do	do

SECOND SCHEDULE

(Section 24, 25, 26 and 27)

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

- (1) Any live Protected Animal or live Game Animal.
- (2) Any trophy or meat derived from a Protected animal.
- (3) The horns of Ibex, markhor, Urial or Marco polo sheep.
- (4) The skin of Stone marten, Jungle cat, Otter, Brown bear, Markhor, Ibex, Urial and Marco polo sheep.

THIRD SCHEDULE

Protected Animals i.e. animals which shall not be hunted

- (1.) All game Animals when immature or not full grown.
- (2.) All female Game Animals when:
 - (a) pregnant;
 - (b) in a condition that indicates that they are suckling or feeding young;
 - (c) accompanied by their immature offsprings;
- (3.) All female of the following species:

Markhor (all races)

Ibex or Himalayan ibex

Urrial or Shaplu (all races).
- (4.) All individuals of the following species, genera or family of birds:

All herons, Nights, paddy birds, Egrets or Bitterns.

All Pelicans

All Storks

All Geese including the Bar-headed Goose

Pink-headed Duck; White-headed Duck or Stiff-tailed Duck; and Nukhta or Comb Duck.

All hawks, Vultures, Kites, Buzzards, Eagles, harriers and Ospreys.

All Falcons, Kestrels and Hobbies.

All Pheasants and Partridges, except those specified in the First Schedule.

All Grances; Scolopax Rusticola and Woodcock.

All Imperial pigeons.
- (5.) All individuals of the following species, genera or families of mammals:

Blanfores fox, Lutra lutra and Common otter.

Brown bear and Lynt.

Snow leopard.

Hoary-bellied plying squired;

Musk Deer.

Kashmir stag or Hangul.

Bharal blue sheep.

Marco polo sheep

(6) All individuals of the following species, genera or families of reptiles:

All snakes of the genus python i.e. all pythons.

All lizards of the genus varanus i.e. all Monitor lizards.