



The Sindh Wildlife & Protected Areas Act, 2010



**Government of Sindh, Karachi
Pakistan**



**Drafted by
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Sindh Wildlife and Protected Areas Act, 2010

An Act to provide for protection, preservation, conservation, sustainable use and management of biodiversity, especially wildlife, and establishment and management of protected areas in the Province of Sindh

Preamble and Objectives

WHEREAS the Province of Sindh has rich biodiversity and natural heritage, especially wildlife that has unfortunately been degrading and depleting, mainly due to human activities. As a result, their current and potential values are eroding to the disadvantage of the present and future generations;

WHEREAS it is expedient to provide for protection, preservation, conservation, sustainable use and management of biodiversity, especially wildlife, and establishment and management of protected areas in the Province and for matters connected therewith, providing for amending, consolidating and improving the law relating to these in the manner hereinafter appearing;

It is hereby enacted as follows:

1. Short Title, Extent and Commencement

- (1). This Act may be called the Sindh Wildlife and Protected Areas Act, 2010.
- (2). It extends to the whole Province of Sindh.
- (3). It shall come into force on the date as notified by the Government in the official Gazette.

2. Definitions

In this Act, unless there is anything repugnant in the subject or context.-

- (1) “Act” means the Sindh Wildlife and Protected Areas Act, 2010;
- (2) “Adverse effects of climate change” means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare;
- (3) “Alien Species” are species, which enter into an ‘Ecosystem’ and exert harmful influences over other members of the Ecosystem, where their presence is not desirable;

- (4) "Appendix" means an updated Appendix of Convention on International Trade on Endangered Species of Wild Fauna and Flora and Convention on Migratory Species of Wild Animals, as specified and amended or updated by the Conference of the Parties to these Conventions in their meetings;
- (5) "Appendix I of CITES" includes all species threatened with extinction, which are or may be affected by import and export of living specimens of wild fauna and flora and their parts, products and derivatives;
- (6) "Appendix II of CITES" includes:
 - (i) all species which, although not necessarily now threatened with extinction, may become so unless import and export of specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival, and
 - (ii) other species which must be subject to regulation in order that import and export of specimens of certain species referred to in (i) above may be brought under effective control;
- (7) "Appendix III of CITES" includes all species which any State Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other States Parties in the control of import and export;
- (8) Appendix-I of CMS lists migratory species which are endangered.
- (9) Appendix-II of CMS lists migratory species which have an unfavourable conservation status and which require international agreements for their conservation and management, as well as those which have a conservation status which would significantly benefit from the international co-operation that could be achieved by an international agreement. A migratory species may be listed both in Appendix I and Appendix II;
- (10) "Article" means an article made from whole or part of any wild, captive, bred or pet animal of wild origin;
- (11) "Big Game Hunting Permit" means a special permit issued under this Act for hunting of big game animals specified in Part-C of Schedule –II;
- (12) "Biological Diversity or Biodiversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within and between species of animals and plants of

wild origin; and of habitats and ecosystems;

- (13) "Biological Resources" include genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity;
- (14) "Biosphere Reserve" means an area of terrestrial and coastal/marine ecosystems or a combination thereof, which is internationally recognized within the framework of UNESCO's Programme on Man and the Biosphere (MAB)'s Statutory Framework of the World Network of Biosphere Reserves and is declared as such under Section 44;
- (15) "Biotechnology" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;
- (16) "Board" means the Sindh Wildlife Management Board, constituted under Section 7;
- (17) "Buffer Zone" generally 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. The Buffer Zone in the context of a Biosphere Reserve means an area which usually surrounds or adjoins the core areas, and is used for cooperative activities compatible with sound ecological practices, including environmental education, recreation, ecotourism, other livelihood opportunities and applied and basic research;
- (18) "Certificate", "License", "Special License", "Private License", "Permit", "Special Permit" "Big Game Hunting Permit", "Trophy Hunting Permit" or "Private Permit" means respectively a certificate, license, special license, private license, permit, special permit, big game permit, trophy hunting permit or private permit respectively granted or issued under this Act;
- (19) "Chapter" means a Chapter of this Act unless specified otherwise;
- (20) "CITES Management Authority" means a national management authority of Pakistan, designated in accordance with Article IX of CITES, authorised to regulate the import and export of CITES specimens to and from Pakistan respectively;
- (21) "CITES Scientific Authority" means a national scientific authority designated in accordance with Article IX of CITES;
- (22) "Community" means a community that is managing a Community Game

Reserve or a Conservancy or is involved in management of any other type of Protected Area;

- (23) "Community Game Reserve" means an area in de-jure or de-facto ownership of a community, which is managed for sustainable hunting and declared as such under Section 48;
- (24) "Conservancy" means a large area of land managed primarily by community led Conservancy Management Authority, hereinafter called CMA, which is supported by the Department for conservation and sustainable use of biological resources, and which is declared as such under Section 49;
- (25) "Conservation" includes preservation, protection and sustainable use of biological diversity including, species, habitat and ecosystem of wild animals and plants; landscape; and the associated cultural elements in the Protected Areas and outer countryside;
- (26) "Conservation Status of Species of Wild Animals" will be taken as:
- (i) "favourable" when:
 - (a) population dynamics data indicate that the species is maintaining itself on a long term basis as a viable component of its ecosystems,
 - (b) the distribution and abundance of the species approach historic coverage and levels to the extent that potentially suitable ecosystems exist and to the extent consistent with wise wildlife management, and
 - (c) the range of the species is neither currently being reduced, nor is likely to be reduced, on a long-term basis, and
 - (ii) "unfavourable" if:
 - (a) the sum of the influences acting on the species may affect its long-term distribution and abundance,
 - (b) there is not sufficient habitat at present or in the foreseeable future to maintain viable population of the species on a long-term basis;
- (27) "Convention" means a multilateral agreement or a treaty, to which Pakistan is a party, whether separately defined in this Act or not;
- (28) Convention on Biological Diversity of 1992 (hereinafter called the "CBD") as

amended and includes the Resolutions, Guidelines, explanations and elaborations as adopted by the Conference of Parties Convention on Migratory Species of Wild Animals of 1979 (hereinafter called the "CMS") inclusive of its Articles and Appendices as amended and includes the Resolutions, guidelines, explanations and elaborations as adopted by the Conference of Parties;

- (29) Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973) (hereinafter called the "CITES") as inclusive of its Articles and Appendices as amended and includes the Resolutions, guidelines, explanations and elaborations as adopted by the Conference of Parties;
- (30) "Core Zone" means that part of a protected area, where all kinds of biotic interference is strictly prohibited unless specifically permitted;
- (31) "Country of origin of genetic resources" means the country which possesses those genetic resources under in-situ conditions;
- (32) "Countryside recreation" means outdoor recreation in the Protected Areas and outer countryside.
- (33) "Cruelty to Wild Animal" means an act directed towards a wild animal, which is against the natural instinct and behaviour of the wild animal and has negative effect on the health of the wild animal. This may include over-running, baiting, beating, mutilation, starvation, keeping thirsty, overcrowding or ill treatment to a wild animal.
- (34) "Cultural Heritage" means heritage which is found within or associated with the Protected Areas t and includes:
 - (i) groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding provincial, national or universal value from the point of view of history, art or science,
 - (ii) monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings, drawings and combinations of features, which are of outstanding provincial, national or universal value from the point of view of history, art or science,
 - (iii) sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding provincial, national or universal value from the historical, aesthetic, ethnological or

anthropological point of view;

- (35) "Dealer" means a person who sells, purchases or barter any wild animal, its parts, products and derivatives; and cuts, carves, polishes, preserves, cleans or otherwise prepares any product or derivative or manufactures any article therefrom;
- (36) "Department" means the Forest and Wildlife Department of the Government;
- (37) "Derivative" means an article extracted from a wild animal or a part of a wild animal used in any article and includes oil extracted from the fat of mammals, birds and reptiles;
- (38) "Desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;
- (39) "Ecosystem" means a dynamic complex of plant, wild animal and micro-organism communities and their non-living environment interacting as a functional unit;
- (40) "Emissions" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time;
- (41) "Endangered" in relation to a particular species means the species which is in danger of extinction in the Province or Pakistan or throughout all or a significant portion of its range;
- (42) "Exclusive Economic Zone of Pakistan or EEZ" means the Zone described as such in Section 6 of Territorial Waters and Maritime Zones Act, 1976 and Ministry of Foreign Affairs Notification published in The Gazette of Pakistan of 29 August 1996;
- (43) "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;
- (44) "Ex-situ conservation" means the conservation of components of biological diversity outside their natural habitats;
- (45) "External Trade" means export, re-export, import and introduction from the sea of specimens of wild animals and plants;
- (46) "Game Animal" means a wild animal included in Schedule - II, which may be hunted with a valid license;

- (47) "Game Reserve" means a state owned area designated under Section 45, which is managed for sustainable hunting;
- (48) "Genetic material" means any material of plant, wild animal, microbial or other origin containing functional units of heredity;
- (49) "Genetic resources" means genetic material of actual or potential value;
- (50) "Genetically Modified Organisms (GMOs)" are the organisms, created as a result of genetic engineering;
- (51) "Government" means the Government of Sindh;
- (52) "Guidelines" means the Guidelines notified under this Act unless specified otherwise;
- (53) "Habitat" means any area, which contains suitable living conditions for a species, group of species or communities of wild animals or plants or a place or type of site where an organism or population naturally occurs or natural environment including biotic and non-biotic factors essential for free survival of a wild animal or a plant species;
- (54) "Hunting" means any act directed to killing, shooting, trapping or capturing of a wild animal and includes taking the nest or egg of a wild animal;
- (55) "Indigenous" refers to a species of wild animal native to the Province or the neighbouring area of another province of Pakistan or an adjoining country;
- (56) "In-situ conditions" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties;
- (57) "In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties;
- (58) "Introduction from the Sea" means transportation and release into the Territorial Waters of Pakistan in the jurisdiction of the Province or in a contiguous aquatic ecosystem of a specimen of any species from the marine environment outside the Exclusive Economic Zone of Pakistan;
- (59) "Invasive Species" are 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;

- (60) "Land" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;
- (61) "Land Degradation" means reduction or loss of the biological or economic productivity and complexity of the Protected Area, resulting from unauthorised land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:
 - (i) soil erosion caused by wind and/or water,
 - (ii) deterioration of the physical, chemical and biological conditions, or
 - (iii) long-term loss of natural vegetation;
- (62) "MEAs" means Multi-lateral Environmental Agreements as mentioned in this Act and to which Pakistan is a Party;
- (63) "Meat" means the flesh, fat, blood or any edible part of wild animal, whether fresh or preserved;
- (64) "Migratory Species" means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more provincial or national jurisdictional boundaries;
- (65) "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 species of wild animals;
- (66) "Natural Heritage" includes:
 - (i) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of wild animals and plants of outstanding provincial, national or universal value from the point of view of science or conservation,
 - (ii) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding provincial, national or universal value from the aesthetic or scientific point of view,
 - (iii) natural sites or precisely delineated natural areas of outstanding

provincial, national or universal value from the point of view of science, conservation or natural beauty;

- (67) "Natural Heritage Site" means an area having rich natural heritage as defined in (64) above and declared as such under Section 42;
- (68) "Offence" means an act punishable under this Act;
- (69) "Officer" means:
- (i) any person appointed as such under Section 4(2) to carry out all or any of the purposes of this Act or to do any act required by this Act or Rules made there under;
 - (ii) any Forest Officer as defined under the Pakistan Forest Act, 1927 (Act No. XVI of 1927) and the Sindh Forest Regulations, 1890;
- (70) "Outer countryside" means the geographical areas that are rural in character and are located outside the Protected Area;
- (71) "Owner" includes owners in case of movable or immovable property held jointly in private ownership;
- (72) "Parts of a Wild Animal" include trophy, skin, horn, bone, claw, meat, fat, blood, feather and plumage;
- (73) "Person" includes an individual or group of persons or an organization in the public sector or of a civil society, a partnership or a company in the private sector whether incorporated or otherwise;
- (74) "Prescribed" means prescribed by the Rules, Regulations and Guidelines;
- (75) "Private Game Reserve" means an area of land held in private ownership that is declared as such under Section 47 and is managed for sustainable hunting;
- (76) "Private Permit" means a game hunting permit issued by the owner of a "Private Game Reserve" for hunting of game animal(s) from his "Private Game Reserve";
- (77) "Product" means an article made of a wild animal or plant or of a part of a wild animal or plant as defined in (5) above;
- (78) "Protected Animal" means a wild animal included in Schedule-I whose hunting, killing, trapping, capturing, possession or trade is not allowed;

- (79) "Protected Area" means a geographically defined area of land and/or sea, including especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, which is dealt with in Chapter VI;
- (80) "Province" means the Province of Sindh;
- (81) "Ramsar Convention" means The Convention on Wetlands of International Importance, Especially as Habitats of Migratory Waterfowl;
- (82) "Range" means all the areas of land or water in the Province, Pakistan or other countries where a resident or migratory species inhabits, stays in temporarily, crosses or overflies at any time on its normal living or migration;
- (83) "Re-export" means export of any specimen of a wild animal that has previously been imported;
- (84) "Regulation" means a regulation made under this Act unless specified otherwise;
- (85) "Rescue Centre" means an institution or facility designated as such by the CITES Management Authority in Pakistan to look after the welfare of living wild animals, particularly those that have been confiscated or found injured or the young ones of wild animals that are orphan and cannot survive at their own;
- (86) "Rule" means a Rule made under this Act unless specified otherwise.
- (87) "Schedule", as amended and updated from time to time means a Schedule appended to this Act unless specified otherwise;
- (88) "Section" means a Section of this Act unless specified otherwise;
- (89) "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, including threatened wild relatives of domesticated or cultivated species of medicinal, aromatic, agricultural or other economic value or indicator species of the biological diversity;
- (90) "Sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere;

- (91) "Small Game Hunting License" means a license issued under this Act for hunting of small game animals specified in Part-A and Part-B of Schedule-II;
- (92) "Species" means any wild animal or plant species, subspecies, or geographically separate population thereof;
- (93) "Specimen" means and includes:
- (i) any wild animal or plant, whether alive or dead,
 - (ii) any readily recognizable part of a wild animal or of a plant in a Protected Area or product thereof or derivative therefrom;
- (94) "State owned area" means an area of land or coast that is the property of the Government or over which Government has proprietary rights;
- (95) "Strict Nature Reserve" means any terrestrial, aquatic or coastal area of special scientific interest or critical habitat of any species of wild animal or plant, notwithstanding its size or ownership, declared as such under Section 39 with the objective of managing mainly for scientific research, environmental monitoring and/or wilderness protection or preserving its natural condition or protecting species of flora, fauna, habitat or geological feature;
- (96) "Sustainable Use" means the use of components of biological resources in a way and at a rate that does not lead to their long-term decline, thereby maintaining potential to meet the needs and aspirations of present and future generations;
- (97) "Taking" means taking, removing, hunting, shooting, capturing, killing, or harassing of a wild animal or fishing in a protected area or attempting to engage in any such act;
- (98) "Technology" includes biotechnology;
- (99) "Transition Zone" means a zone of Biosphere Reserve as defined in Section 44 (2)(iii);
- (100) "Trophy" means and inter alia, includes, any dead wild animal or its horn, antler, tooth, tusk, bone, hoof, claw, skin, hair, plumage, feather, egg, shell or other durable part, whether in a raw form or a manufactured or processed article through taxidermy or otherwise; and includes, skins, and specimens of such wild animals mounted in whole or in part;
- (101) "Trophy Hunting Permit" means a permit issued under this Act for hunting of

big game animals specified in Part-C of Schedule -II for trophy of head, horn or skin;

- (102) "Waterfowl" are birds ecologically dependent on wetlands;
- (103) "Wetlands" are areas of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres;
- (104) "Wild Animal" includes wild, captive bred or pet mammal, bird, reptile, amphibian and invertebrate species of wild origin including its young, and eggs in the case of reptile and bird, parts, products and derivatives but excludes livestock and poultry;
- (105) "Wildlife" includes wild animals and their habitats including vegetation, soil, water, organic resources and invertebrate organisms;
- (106) "Wildlife Sanctuary" means a state owned area of land or coast declared as such under Section 40, which is managed for protection of wild animals, especially for their undisturbed breeding or staging and wintering of migratory waterfowl;
- (107) "Zoo" or "Zoological Garden" means a place to keep or house wild animals of indigenous and exotic species to provide for conservation of threatened species, recreation and education to the general public, conduct research, and breed wild animal species for their display, multiplication, or even for re-introduction in the wild with the permission of the Government.

3. Guiding Principles

The guiding principles of this Act are:

- (1) consolidation, amendment, improvement and up-dating of wildlife laws with a view to enact a comprehensive Act that:
 - (i) is in consonance with or integrates with other relevant laws of the Province and Pakistan, and provides legal cover to the policies supportive of the objectives of this Act,
 - (ii) meets the local, provincial, national and global requirements for protection, preservation, conservation, management and sustainable use of biodiversity, especially wildlife and their habitats in the Province as a key component of biological diversity with due recognition to social, cultural, economic, biological and ecological significance for the present and future generations,

- (iii) provides for and supports participation of local communities by creating enabling environment, raising awareness, building capacities and providing economic incentives for promotion of their social, economic, cultural and ecological well being including poverty reduction;
- (2) empowerment of communities, community based organizations and non-governmental organizations (NGOs) for conservation and sustainable use of biological resources;
- (3) strengthening of the administration of law for its effectiveness;
- (4) incorporation of the relevant provisions of the biodiversity related Multilateral Environmental Agreements (MEAs);
- (5) promotion of public awareness for proper appreciation of the environmental significance and socio-economic, cultural and recreational values of wildlife, biodiversity and Protected Areas and realization of their intrinsic and extrinsic values through sustainable use to enhance their support to these.

Chapter I: ADMINISTRATION

4. Administration of the Act

- (1) The Department is mandated to implement, seek compliance and enforce the relevant provisions of this Act, the Rules and the Regulations.
- (2) The Department may appoint or designate any officer to carry out the provisions of this Act.

5. Functions of the Department

- (1) The Department shall perform the following functions to achieve the objectives of this Act:
 - (i) assist the Government in formulation of enabling policy, legislation and Rules for conservation, sustainable management and development of biodiversity, especially wildlife and Protected Areas;
 - (ii) implement the wildlife, biodiversity and Protected Areas policy and enforce and seek compliance of this Act, Rules and Regulations;
 - (iii) establish and manage Protected Areas in various management categories as provided for in Chapter VI;
 - (iv) establish and manage wildlife parks, captive breeding facilities, aviaries, zoological gardens, botanic gardens, zoological museums, herbaria, environmental education centres, rescue centres and any other facility under and for the purposes of this Act;
 - (v) improve and maintain the conservation status of resident and migratory species of wild fauna with in-situ and ex-situ conservation measures;
 - (vi) undertake or promote captive breeding of native wild animals which are endangered, endemic and rare, and which are threatened due to local and international trade, and other factors;
 - (vii) serve as technical and focal department for the Government for the matters relating to biodiversity, especially wildlife, and Protected Areas;
 - (viii) undertake field surveys and inventory of wild animals; generate, manage, update and use wildlife data; and prepare state-of-the-art reports for the Government;
 - (ix) undertake conservation education and awareness raising of importance of wildlife, biodiversity and Protected Areas, and of the measures needed for their protection and conservation;
 - (x) develop human and other resources for promotion and sustainable management of biodiversity, wildlife and Protected Areas;

- (xi) develop, implement and monitor plans, programmes and projects, including management plans of Protected Areas, and species management and recovery plans;
 - (xii) implement the biodiversity related Multi-lateral Environmental Agreements (MEAs) and Programmes on behalf of the Government of Pakistan;
 - (xiii) maintain and promote cooperation and collaboration with the wildlife, biodiversity and Protected Areas related national and international organizations operating in or permitted to operate in Pakistan by the Government of Pakistan;
 - (xiv) coordinate with the Federal, Provincial and District governments for obtaining their support in conservation and management of wildlife, biodiversity and Protected Areas; and
 - (xv) promote collaboration with civil society organizations, and support the local communities, the private sector, Non Governmental Organizations (NGOs) and relevant government departments and other stakeholders in protection, conservation and sustainable use of wildlife.
- (2) In pursuance of the guiding principles listed in Section 3 and the functions of the Department listed in Section 5, the Department shall take the following specific measures to:

(i) Identification and Monitoring

- a) identify components of biological diversity important for its conservation and sustainable use;
- b) monitor the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those that offer potential for sustainable use;
- c) identify processes and categories of activities which have or are likely to have significant adverse impact on the conservation and sustainable use of biological diversity and monitor their effects; and
- d) maintain and organize, by any appropriate mechanism, data base derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above;

(ii) In-situ Conservation

- a) establish a system plan of Protected Areas or areas where special measures need to be taken to conserve biological diversity;

- b) develop, where necessary, guidelines for the selection, establishment and management of Protected Areas or areas where special measures need to be taken to conserve biological diversity;
- c) regulate or manage biological resources important for the conservation of biological diversity whether within or outside Protected Areas, with a view to ensuring their conservation and sustainable use;
- d) promote the protection and conservation of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
- e) promote environmentally sound and sustainable development in areas adjacent to Protected Areas with a view to furthering protection and conservation of these areas;
- f) rehabilitate and restore the depleted and degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies;
- g) establish or maintain means to regulate, manage or control the risks associated with the use and release of living genetically modified organisms (GMOs) resulting from biotechnology which are likely to have adverse environmental impact that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;
- h) adhere to the Bio-safety Guidelines of the Government of Pakistan in this regard;
- i) prevent the introduction of, control or eradicate alien species that threaten ecosystems, habitats or species;
- j) endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;
- k) respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

- l) develop or maintain necessary regulatory provisions for the protection of threatened species and populations;
- m) regulate or manage the relevant processes and categories of activities where a significant adverse effect on biological diversity has been determined; and
- n) provide financial and other support for in-situ conservation;

(iii) Ex-situ Conservation

- a) adopt measures for the ex-situ conservation of components of biological diversity, preferably of endemic and native species of wild animals and plants of the Province that are endangered, threatened or rare;
- b) establish and maintain facilities for ex-situ conservation and conduct research on wild animals and plants of conservation concern;
- c) adopt measures for the recovery and rehabilitation of threatened species and for their re-introduction into their natural habitats under appropriate conditions;
- d) regulate and manage collection of biological resources from natural habitats for ex-situ conservation purposes in a manner that does not threaten ecosystems and in-situ populations of species; and
- e) provide financial and other support to the appropriate agencies for ex-situ conservation as prescribed;

(iv) Sustainable Use of Components of Biological Diversity

- a) integrate consideration of the conservation and sustainable use of biological resources into national decision-making;
- b) adopt measures relating to the use of biological resources to avoid or minimize adverse impact on biological diversity;
- c) protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- d) support local populations to develop and implement remedial action in degraded areas where biological diversity has been depleted or reduced; and
- e) encourage co-ordination and cooperation among its governmental authorities, NGOs and the private sector in developing methods for sustainable use of biological resources;

(v) Incentive Measures

- a) adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

6. Appointment of Honorary Officers

- (1). The Government may appoint any person as an Honorary Officer, under such terms and conditions as prescribed, to assist in carrying out the provisions of this Act.
- (2). An Honorary Officer will hold office for a maximum period of three years in a term, unless the appointment is revoked earlier, and for a maximum of two continuous terms.
- (3). An Honorary Officer will exercise the powers as conferred by the Government.

7. Sindh Wildlife Management Board

- (1) The Government shall establish Sindh Wildlife Management Board, (hereinafter called the Board).
- (2) The Board shall consist of the following :
 - a) *Chief Minister* (Chairman)
 - b) *Minister of Wildlife* (Vice Chairman)
 - c) *Chairperson of the Standing Committee of the Sindh Provincial Assembly on Forests, Wildlife and Environment* (Member)
 - d) *Two Members of the Sindh Provincial Assembly* (Members)
(One male and one female who possess relevant knowledge and are interested in protection, conservation and sustainable use of wildlife, biodiversity and forests)
 - e) *Chief Secretary* (Member)
 - f) *Additional Chief Secretary, Planning and Development Department* (Member)
 - g) *Secretary, Forest and Wildlife Department* (Member)
 - h) *One representative each of two international conservation organisations, such as IUCN and WWF-P, and one representative of provincial level civil society organisation of Sindh who has the relevant knowledge and is involved in protection, conservation and sustainable use of wildlife, biodiversity, protected* (Members)

areas or forests)

- i) *Chief Conservator of Forests* (Member)
- j) *Two knowledgeable and reputable individuals (one from upper Sindh and the other from Lower Sindh)* (Member)
- k) *Conservator of Wildlife* Member/Secretary

(3) Any ex-officio member shall, unless resigns or is removed by the Board, will hold office for a term of two years.

(4) The Board shall meet at least once every six months in accordance with such procedure and Rules of Business of the Board as may be prescribed.

8. Functions of the Board

(1) The Board shall perform the following functions:

- (i) advise the Government proactively on policy, legal, institutional, technical and all other strategic matters related and incidental to protection, preservation, conservation, management and sustainable use of wildlife and biodiversity, and establishment and management of Protected Areas in the Province inclusive of plans, programmes and projects;
- (ii) suggest measures and actions for improvement, if needed;
- (iii) review the effectiveness of this Act and its enforcement and compliance by the Department. In this regard, the Department shall produce and submit annual reports regularly during the month of March for the previous year, which shall be reviewed by the Board and forwarded with its comments, views, observations and suggestions to the Provincial Cabinet for its consideration and decisions; and
- (iv) promote cooperation, coordination and collaboration among stakeholders of wildlife, biodiversity and Protected Areas including the Department, other relevant Government departments and Federal agencies, NGOs, civil society organizations, the private sector, academia and media.

(2) The Government may assign any other function to the Board at any time.

Chapter II: PROTECTION OF WILD ANIMALS

9. Protected Animals

- (1). The wild animals included in Schedule-I shall be protected. These wild animals shall not be hunted, killed, trapped, captured, traded, possessed or kept as pets except as provided specifically otherwise.

10. Game Animals Protected in Certain Protected Areas

The hunting, trapping and capturing of game animals in a Strict Nature Reserve, Wildlife Sanctuary, National Park, Natural Heritage Site and the core zone of a Biosphere Reserve are prohibited.

11. Alien and Invasive Species

- (1). The Government shall:
 - (i) prevent the introduction of, control or eradicate the alien and invasive species of flora and fauna that threaten ecosystems, habitats or species;
 - (ii) prohibit or regulate entry into the Province and release in the wild of any exotic, alien or invasive species of fauna and flora and living genetically modified organisms (GMOs);
 - (iii) develop and maintain means to regulate, manage or control the risks associated with the use and release of living GMOs resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health; and
 - (iv) prevent, reduce or control, to the extent feasible and appropriate, factors that are endangering or are likely to further endanger the resident and migratory species, including strictly controlling the introduction of, or controlling or eliminating the already introduced alien or invasive species.
- (2). No person shall carry to or release into wild in the Province any exotic, alien, invasive species of flora and fauna or living GMO specimens, unless permitted in writing by the Government, keeping in view the bio-safety requirements and in a manner as deemed appropriate by an officer authorized in this behalf.

12. Cruelty to the Wild Animals

- (1). No person shall:
 - (i) possess and use any wild animal for fighting or baiting with other wild animal of the same or other species or with any other kind of animal;
 - (ii) put, keep or carry in a cage or enclosure any wild animal which is not big enough for its movement and comfortable living, transport or handling;
 - (iii) starve or provide less food or water than needed for good health of the wild animal;
 - (iv) injure any wild animal through negligence or with an ulterior motive; and
 - (v) sedate any wild animal regularly or for long periods for reasons other than treatment.
- (2). Any officer of the Department appointed under Section 4(2) or any Honorary Officer appointed under Section 6 on whom powers are conferred or delegated under Sections 73, 75, 76, 77, 78, 79, 80, 81 and 82 is also empowered to exercise the powers of an officer under "The Prevention of Cruelty to Animals Act, 1890 (Act No. XI of 1890)" in so far as it relates to wild animals.

13. Killing in Defence

- (1) Notwithstanding any other provision of this Act, it shall not be an offence if any person kills a leopard, wolf, Sindh bear, Himalayan black bear, Marsh crocodile or shark in the immediate defence of his own life or that of any other person.
- (2) The killing of a wild animal under the provisions of (1) above shall be reported to the nearest office of the Department without unreasonable delay.
- (3) The meat or trophy of any wild animal killed under (1) above shall be the property of Government and shall be disposed off as directed by the officer authorized in this behalf.
- (4) The Government may compensate for the loss of life or injury to any person in the Province by any wild animal that is protected under this Act, in a manner as may be prescribed.

Chapter III: HUNTING OF GAME ANIMALS

14. Hunting of Game Animals

- (1). A game animal may be hunted ,with a valid license or permit, as the case may be in accordance with Section 17 and subject to restrictions contained in Sections 16 and 21 and the Rules, Regulations, byelaws, guidelines or code of conduct, in the outer countryside or buffer zone of a Protected Area where provided or transition zone of a Biosphere Reserve as in Section 44 or in a Game Reserve, Forest Reserve, Private Game Reserve, Community Game Reserve or a Conservancy as provided in Sections 45, 46, 47, 48, and 49 respectively;
- (2). No person shall hunt any Game Animal in the privately owned areas or in the areas in de-jure or de-facto ownership of communities without their consent and without observing the Rules, Regulations, byelaws, guidelines or code of conduct as may be prescribed.

15. Prohibition of Killing, Trapping and Capturing

- (1). The killing, trapping and capturing of game animals for commercial purpose is prohibited with the exceptions as appearing in (2) and (3) below.
- (2). The Government may allow trapping of limited number of Saker Falcons for trade as in Part F of Schedule II under such permit, conditions and fees as it may prescribe.
- (3). The trapping of a limited number of young ones of small game animals included in Part-E of Schedule-II may be allowed on the conditions and with restrictions given in column 4 and 5 of the Schedule.
- (4). No person shall trap or capture any game animal other than that included in Part-E and Part-F of Schedule-II, and subject to the restrictions and conditions specified against the entry in Schedule-II and in Sections 16 and 21.

16. Restrictions on Hunting and Trapping

No person shall:

- (i) hunt, kill, capture or trap any protected animal;
- (ii) hunt, kill, capture or trap any game animal in a Strict Nature Reserve, Wildlife Sanctuary, National Park, Natural Heritage Site and Core Zone of a Biosphere Reserve;
- (iii) hunt any game animal included in Parts A, B, C and D of Schedule- II or trap a bird included in Parts E and F of Schedule- II without a valid hunting or trapping license or permit as the case may be;
- (iv) hunt any game animal in the non-hunting period as prescribed;

- (v) proceed in search of or hunt any game animal except under a valid license, permit, special permit, private permit and in accordance with the terms and conditions of the license, permit, special permit, special private permit as prescribed;
- (vi) hunt any wild animal by means of a 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 Army or Police Force or by means of a projectile containing any drug or chemical substance, likely to anaesthetize, paralyze, stupefy or render incapable a game animal whether partly or fully;
- (vii) hunt any game animal other than birds or hares with a shotgun or with non-magnum rifle of 0.22 calibre or less;
- (viii) use, carry or possess any net, snare, *bhagwa*, hook or like devices for the purpose of hunting or trapping a game animal;
- (ix) use, carry or possess any device capable of electrocuting any wild animal or electrifying any part of its habitat, including water bodies, and roosting and nesting places;
- (x) use, carry or possess any poison or explosive for killing any wild animal or for poisoning its food and water or destroying part or whole of its terrestrial or aquatic habitat;
- (xi) use vehicle of any type to chase any wild animal, or to drive or stampede any wild animal for any purpose whatsoever;
- (xii) shoot any game animal from a vehicle or any other motorized conveyance from a distance less than two hundred meters;
- (xiii) hunt with the help of decoys or call birds;
- (xiv) hunt with the help of playback recorded calls;
- (xv) construct or use, for the purpose of hunting any game animal, any pitfall, game pit, trench or similar excavation, any fence or enclosure, or use any other similar contrivance;
- (xvi) hunt by hiding near a water hole except in the case of waterfowl included in Part-A of Schedule-II;
- (xvii) hunt near a salt lick; and
- (xviii) hunt after sunset or before sunrise.

17. Game Hunting Licenses and Permits

- (1). The game hunting licenses and permits shall be of the following kinds:-
 - (i) a Small Game Hunting License which shall, subject to the provisions of this Act, entitle the holder to hunt the wild animal specified in column 2 of Part-A, Part-B and Part-D of Schedule-II, up to the numbers specified and subject to the limitations of time and season specified in column 5 and 6;
 - (ii) a Big Game Hunting Permit or a Trophy Hunting Permit, shall, subject to the provisions of this Act, entitle the holder to hunt a single big game animal or a trophy size big game animal specified in column 2 of Part-C of Schedule-II of the kind endorsed on that permit, subject to the limitations of season, locality and other conditions specified in column 5 of Schedule-II;
 - (iii) A Trophy Hunting Permit for the wild animals listed in the Appendices of CITES, shall, subject to the provisions of this Act, Rules and Regulations, entitle the holder to hunt a single big game animal of trophy size as specified in column 1 of Part-C of Schedule-II of the kind endorsed on that license, subject to the limitations of season, locality and other conditions specified in column 5 of Schedule II.
- (2). The fees chargeable in respect of such licenses and permits and the number and size of each species of big wild animal shall be specified and notified in official Gazette by the Government whenever amended.
- (3). The Chief Conservator of Forests or the Conservator of Wildlife of the Government may grant to any person, who has applied for a big game hunting license or may refuse it without assigning any reason. Before granting such license, he may require the applicant to furnish him with proof that:-
 - (i) he is conversant with the provisions of this Act;
 - (ii) he has access to and is entitled to carry a fire arm of a type suitable for use in hunting the wild animals for which the license is required; and
 - (iii) he has adequate skill in the use of fire arm.
- (4). Any person who has been granted a game hunting license or permit of any kind shall:
 - (i) carry it on his person when hunting;
 - (ii) maintain a register in the prescribed form;
 - (iii) enter particulars of any wild animal hunted or wounded in the register within 72 hours of its being hunted or wounded;

- (iv) produce his license or register for inspection at any reasonable time on being called upon to do so; and
- (v) present his register and return the game shooting license or permit to the issuing authority on the expiry of that license or on his leaving the country, whichever is earlier:

Provided that a big game hunting license may be retained, as proof of lawful possession of trophy, skin or meat of a wild animal hunted with the license or permit until such time a certificate of lawful possession is issued by the authorized officer on surrendering the licence or permit.

- (5). No person shall hold more than one valid small game hunting licence at any time.
- (6). Licenses and permits issued under this Act and Rules shall be non-transferable and non-shareable.

18. Game capture license

An authorised officer may grant a Pet Bird Capture Licence to any person, other than a dealer or agent or employee of a dealer, for capturing of a limited number of birds included in Part-E of Schedule-II for personal use on the conditions and with restrictions as specified in column 5 of Schedule-II.

19. Grant of Exemption of Trapping, Capturing and Killing for Scientific Purposes

- (1). Notwithstanding anything contained in this Act, the Government may, upon receipt of an application from the head of a reputed public sector organization, private sector institution or civil society organization containing full information and justification, allow for scientific purposes, by notification in the official Gazette, trapping, capturing and killing limited number of any wild animal in such places, by such means, on such conditions and with such restrictions as may be specified in the notification:

Provided that capturing of any protected animal that is included in Appendix-I and Appendix-II of CITES shall be subject to prior consent of the CITES Management Authority if the captured or killed animal is to be exported. Further, this would be subject to:

- (i) adequate experience in the capture and care of wild animals;
 - (ii) the proposed method of capture being suitable; and
 - (iii) appropriate crating and transport facilities.
- (2). The license issued for scientific purpose shall be valid for a specified period. The species and number of wild animals, locality and capturing method and the name of the person involved in capturing shall be specified. Any person who has been granted such license shall:-

- (i) carry it on his person when trapping, capturing, killing and transporting;
 - (ii) maintain record within six days of capturing or killing on a prescribed form, including the names of species and number of wild animals captured, with or without injury or killed and lost during capturing and subsequently with date of death;
 - (iii) return the aforesaid licence and the filled in form to the issuing authority within ten days of completion of the capturing or killing operation or the expiry of the period of permission or on his leaving the country, whichever is earlier.
- (3). The license issued for scientific purposes shall be non-transferable and non-shareable.

20. Counting of hunted or captured wild animals

Any wild animal which is hunted, captured, killed, wounded or lost during hunting or capturing, in whatsoever circumstances, by the holder of any kind of license or permit or capture permission letter shall be counted against such license or permit or capture permission letter.

21. Employing Hawks and Dogs

No person shall possess or use falcon, shikra or hawk for falconry or hawking or use dog for coursing, pointing and retrieving the game animals except under a falconry, hawking or coursing license respectively as prescribed.

Chapter IV: POSSESSION OF WILD ANIMALS

22. Possession of Wild Animals

- (1). The possession of wild animals included in Schedule-I and Schedule-II and the Schedules of Protected Wild Animals, of other provinces and territories (for which the Government of Pakistan is responsible for their administrative and international affairs), and their parts, products and derivatives is prohibited except the:
 - (i) small game animals included in Part-E of Schedule-II on obtaining a Certificate of Lawful Possession by an authorized officer on production of proof of having acquired lawfully;
 - (ii) pets covered with valid possession certificate at the time of coming into force of this Act shall be treated as lawfully kept on renewal of possession certificate within three months of coming into force of this Act. However, their replenishment is prohibited;
 - (iii) wild animals acquired from outside the Province or Pakistan and a Certificate of Lawful Possession granted by an authorized officer on production of proof of having acquired or imported lawfully;
 - (iv) wild animals kept in a captive breeding facility, zoo and the zoo like facility registered with the Government and/or CITES Management Authority for breeding on the conditions and restrictions as may be specified;
 - (v) wild animals, their parts, products and derivatives in possession of a registered dealer, having a valid Dealer's licence, for trade.
- (2). A certificate of lawful possession shall be for each individual wild animal, part, product or derivative.

23. Certificate of Lawful Possession

- (1) No person shall be in possession of any wild animal, dead or alive, its parts including trophy or meat, products and derivatives unless the person is in possession of a valid Certificate of Lawful Possession granted in respect thereof by the authorized officer.
- (2) An officer specifically authorized in this behalf may issue, in his discretion, a certificate of lawful possession under this Section for an unlawfully acquired wild animal or part, product and derivative after realizing the value of property and penalty as prescribed in Schedule-IV.

- (3) Every person in possession of a wild animal shall produce Certificate of Lawful Possession on demand made by any officer or any other person authorized by the Government in this behalf.
- (4) Any person wanting to acquire for possession any wild animal, part, product or derivative from outside the Province or Pakistan shall apply to the authorized officer for a license or permit under this Act and shall do so in accordance with the terms and conditions of the license or permit granted in this regard. If such acquiring requires import into Pakistan and the wild animal involved is included in the Appendices of CITES, then a permit of import shall also be obtained from the CITES Management Authority.
- (5) The acquiring of any such wild animal from outside the province or outside Pakistan shall be reported within thirty days from the date of acquiring or importing of the wild animal, part, product or derivative.
- (6) The officer authorized in this behalf may mark or ring and register the wild animal, part, product or derivative in respect of which a certificate of Lawful Possession is issued, in the prescribed manner. Alternatively, he may seize, pending taking of legal action under this Act, any such wild animal, part, product or derivative which, in his opinion, has not been lawfully acquired or imported.
- (7) An unlawfully possessed, acquired or imported wild animal shall be confiscated and legal action taken.
- (8) No person shall counterfeit, change or in any way interfere with any mark, ring or registration of wild animal, part, product or derivative for which a Certificate of Lawful Possession is issued or alter or in any way change the Certificate of Lawful Possession.

24. Transfer of Wild Animals held in Lawful Possession

- (1) No person shall transfer by gift, sale or otherwise to any other person any wild animal, part, product or derivative of a kind specified in Schedule-III unless the transfer or transaction is endorsed by the officer authorised in this behalf and a valid Certificate of Lawful Possession in respect thereof is issued in favour of the transferee by him.
- (2) No person shall receive by gift, purchase or otherwise any wild animal, part, product or derivative of a kind specified in Schedule-III unless the transfer or transaction is endorsed by the officer authorised in this behalf and a valid Certificate of Lawful Possession in respect thereto is issued in name by him.

25. Taxidermy

No person shall undertake taxidermy as profession without obtaining a Taxidermy License from the authorized officer, on payment of such fee and on such terms and conditions as may be prescribed.

26. Wild Animals Found Dead or Hunted Unlawfully

- (1) Any wild animal which is found dead or dying or which has been killed, caught or acquired other than in accordance with the provisions of this Act and any meat or part of it shall be deemed to be the property of the Government.
- (2) Any person in possession of such property shall handover its possession to the authorized officer.

27. Seizure and Confiscation of Wild Animals in Unlawful Possession

The authorized officer shall seize and confiscate any wild animal including the wild, captive bred, pet or tamed, its parts, products and derivatives if found in un-lawful possession of any person and shall make such arrangement to dispose-off the same as considered appropriate.

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Chapter V: WILDLIFE TRADE AND TRAFFIC

28. Dealing in Wild Animals

- (1) The dealing or internal trade in the protected animals in the province, in other provinces of Pakistan, Islamabad Capital Territory, Northern Areas, Federally Administered Tribal Areas and Azad Jammu and Kashmir and those included in the Appendices of CITES and CMS, and their parts, products and derivatives is prohibited.
- (2) The dealing in game animals, their parts, products and derivatives may be allowed by the Government subject to such conditions and restrictions as may be prescribed.
- (3) No person shall, as a profession, trade or business buy, sell or otherwise deal in wild animals, trophies, other parts, products and derivatives of the game animals allowed in (2) above or process or make products or derivatives thereof unless the person is in possession of a valid dealer's license as provided for in (4) below and unless the purchase is covered with a. Certificate of Lawful Possession held by the seller, which shall be handed over by the seller to the dealer.
- (4) The Government may, on receiving an application with full details to its satisfaction and realization of prescribed fee, may grant a dealer's license of the appropriate kind; or refuse it by assigning the reasons there-for. The kind of wild animals and their maximum numbers that can be traded or processed in a month or a year may be fixed by the issuing authority.
- (5) The aggrieved person, in case of refusal of a dealer's license may file a revision application to the Government against the refusal orders within 30 days from receipt of such orders.
- (6) The revision application shall be decided within 60 days of its receipt and decision on it shall be final.
- (7) There will be different categories of dealers for the kind of businesses and different fees may be prescribed for each category.
- (8) All transactions of trade shall be against printed and numbered receipts and all payments above an amount of Rupees 10,000 shall be through crossed cheques.
- (9) Nothing in this Section shall be construed to absolve the holder of a dealer's license from dealing in the wild animals obtained against the provisions of Sections 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 28, 31, 32, 34, 35 and 36.

29. Maintenance of Records of Trade

The holder of a dealer's license shall maintain such register or species wise record of his transactions of purchase, sale or processing and in such manner as may be prescribed, including the following information:

- (i) the names and addresses of suppliers and purchasers, and dealers' license numbers if purchased from or sold to dealers;
- (ii) the names of wild animals and types of specimens i.e. live, part, product or derivative with details such as origin, source, numbers or quantities;
- (iii) the size and sex of the wild animals, where applicable;
- (iv) the number and type of permits and certificates to support purchase or any other kind of dealing or processing; and
- (v) specimens, if included in Appendices of CITES or CMS.

30. Submission of Reports by the Dealers

- (1). Every dealer shall prepare periodic reports as prescribed and shall submit to the Department.
- (2). The authorized officer shall examine the report and take notice of violations, wrong reporting or not submitting complete report, if so and shall pass an order in this regard accepting the report or asking for resubmission; or imposing fine for minor violations or recommending cancellation of the dealer's licence to the Government for major violation, after providing the opportunity of explaining and personal hearing
- (3). The aggrieved person may appeal against the order of the authorized officer regarding fine to the next higher authority and file a revision application to the Government against cancellation of Dealer's Licence within 30 days from the receipt of such orders.
- (4). The appellate authority or the Government, as the case may be, shall decide the appeal or the revision application within 60 days of its receipt and the decision shall be final.
- (5). The dealer shall inform the Department about all cases of illegal hunting, killing, trapping or dealing coming to his or his employees' notice.

31. Transport and Holding of Wild Animals

- (1) The Government shall regulate transport and holding of wild animals and their trophies, meat, skin, other parts, products and derivatives as may be prescribed.

- (2) The Government may allow the transit within and into the Province from other parts of Pakistan or overseas including import, export and re-export of the specimens of wild animals listed in (1) above, if accompanied by valid documents; and notify routes, roads, highways, airports, sea ports, harbours or other posts of entry or exit.

32. Inter-Provincial Transport

No person shall bring into or take outside or attempt to bring into or take outside the Province any wild animal of a native or exotic species from or to any other part of Pakistan respectively, except under a valid transport license issued by the Head of the Department or a valid Transport License issued by the Head of a Forest and/or Wildlife Department of another province of Pakistan, Islamabad Capital Territory (ICT), Northern Areas, Federally Administered Tribal Areas (FATA) or Azad Jammu and Kashmir (AJK).

33. Wildlife Check-Posts

- (1) The Government or an officer authorized in this behalf may allow and notify setting up of a wildlife check post and erection of barrier at any place as deemed appropriate for checking as to whether the provisions of this Act have been or being complied with, wild animals listed in Schedule-I, Schedule-II and Schedule-III.
- (2) The staff posted at or assigned duty at a check post by an officer authorised in this regard is authorised to check any person, vehicle or any other means of transport or driver of a vehicle whether or not an offence under this Act has been committed.

Provided that the staff of the check post shall ensure that un-necessary inconvenience or delay is not caused to the transporters due to checking.

- (3) Every person crossing a wildlife check post whether on foot or in a vehicle or by any other means of transport or driver of a vehicle shall stop at the check post and offer himself and his belongings and transport for checking by the staff of any check post to their satisfaction before crossing the barrier of the check post.

34. Import and Export of Wild Animals

- (1) The export of any wild animal included in Schedule-I of Protected Animals from the Province, and export of wild animals protected in other provinces, Islamabad Capital Territory (ICT), Northern Areas, Federally Administered Tribal Areas (FATA) and Azad Jammu and Kashmir(AJK) and export and import of wild animals listed in Appendices I, II and III of CITES through the Province shall be subject to strict control and regulation in order not to

endanger further the conservation status of the species due to international trade

- (2) No person shall import into the Province any wild animal of a native or exotic species except under a valid license issued by the Head of the Department and an import permit issued by the National Council for Conservation of Wild Life, if the specimen being imported is included in the Appendices of CITES and except through a customs post of import, quarantine control and subject to any other national and/or international law and regulations relating to control on regulation of import for the time being in force
- (3) No person shall export or attempt to export from the Province any specimen of a wild animal of a native or exotic species except under an export license granted by the Head of the Department under this Act and an export permit granted by the National Council for Conservation of Wildlife, if the specimen being exported is included in the Appendices of CITES and except through a customs post of exit, quarantine control and subject to any other national and/or international law and regulations relating to control on export of specimens of wild animals for the time being in force
- (4) Nothing in this Section shall apply to any specimen of wild animal in transit through the Province if such specimen is:
 - (i) accompanied by necessary transit customs documents and a valid quarantine certificate;
 - (ii) entered through a customs post of entry and is scheduled to leave through a customs post of exit; and
 - (iii) not unloaded from the conveyance on which it is being carried or, in the case of rail or air transport, it does not leave the precincts of the sea port, railway station or airport at which it is landed or trans-shipped or does not remain there for more than forty-eight hours.

35. Trade in CITES Specimens

The Government may take strict action to control or regulate the import, export, possession of, and internal trade in the specimens of wild fauna and flora, their parts, products and derivatives listed in the Appendices of CITES, and in compliance of any other Convention, Treaty or Protocol to which Pakistan is a Party.

36. Wild Animal and Plant Quarantine

The Department shall ensure that the specimens of wild animals and plants destined to enter into or leave from the Province through import and export respectively are checked and cleared by the Quarantine Department of the Government of Pakistan at the ports or posts of entry or exit, as the case may be.

37. Seizure and Confiscation of Specimens in Unlawful Trade

- (1) The specimens of wild animals in unlawful or likely to be in unlawful holding or transit for transfer, internal trade, import, export or any other purpose shall be seized forthwith pending the decision of the case and confiscated in case of conviction.
- (2) Where a living specimen is seized, it shall be entrusted to a rescue centre or any other appropriate facility in the absence of the former, for temporary custody and maintenance at the expense of the unlawful transferor, importer or exporter or smuggler.

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Chapter VI: PROTECTED AREAS

38. Designation, Planning and Management of Protected Areas

- (1) The Government may designate any suitable area, by notification in the official Gazette, in any of the management categories of Protected Areas listed hereafter with clear objectives and clear boundaries, after consultation with local communities and other stakeholders, especially those who are likely to be impacted adversely.
- (2) The Government shall designate one or more clearly identified “Buffer Zone” of specific size surrounding or adjoining each Strict Nature Reserve, Wildlife Sanctuary, National Park, Natural Heritage Site and Ramsar Site.
- (3) The Government shall make and notify the Rules and Regulations regarding the management of buffer zone in the aforesaid protected areas and the activities and acts allowed and prohibited therein.
- (4) In a Buffer Zone:
 - (i) The Government may regulate exploitation of natural resources including hunting, fishing, felling of trees or removal of vegetation, and activities including ecotourism and all types of developments;
 - (ii) Activities compatible with sound ecological practices shall be undertaken by the land owners, and users of other resources, which may contain a variety of agricultural activities, fisheries, hunting tourism,
 - (iii) The traditional uses of the privately or communally owned lands will be allowed to continue in the buffer zone subject to such restrictions and guidelines as may be prescribed. However, change in land use shall not be allowed except where the change is likely to enhance the conservation value of such protected areas in terms of biodiversity, wildlife and cultural elements.
- (5) The Department shall
 - (i) demarcate boundaries of the Protected Area and Buffer Zone clearly in such a manner as appropriate;
 - (ii) maintain an updated map with clear boundaries in the office of the Manager of a Protected Area;
 - (iii) develop, update and implement a management plan of each Protected Area, including Buffer Zone where applicable, through participatory planning and management, especially involving local communities;
 - (iv) manage all Protected Areas in the Province, with the exception of Private Game Reserve, Community Game Reserve and such areas in Conservancies;

Provided that the Department may seek participation or collaboration of local communities in management of any Protected Area.

The designation of a Protected Area is for long term. However, a Protected Area may be re-designated in another management category purely in the interest of enhanced conservation.

- (6) A Protected Area shall be managed for its objectives in accordance with a scientifically sound management plan.
- (7) The provision for access roads, construction of any building or developing any infrastructure and provision of any facilities and amenities for the local communities and visitors within or near a Protected Area may be so made, as not to impair its conservation value or management objectives. In this regard, development of any infrastructure, facility or amenity shall be subject to Initial Environmental Examination (IEE) or Environmental Impact Assessment (EIA), as the case may be, to safeguard against any adverse impact.
- (8) In all Protected Areas, no person shall:
 - (i) introduce any exotic, invasive or alien species of flora or fauna or GMO provided that the owner of a Private Game Reserve may keep suitable exotic species of game animals with permission from the authorised officer and under such conditions as may be prescribed ;
 - (ii) re-introduce any wild animal or plant species without a credible feasibility study and approval of the Department;
 - (iii) pollute and poison water or divert it for cultivation or any other use;
 - (iv) cause fire;
 - (v) encroach any land or remove, deface or shift any boundary marks;
 - (vi) litter or burn waste;
 - (vii) damage, vandalize, alter, counterfeit, deface or displace boundary marks, enclosures, transects, infrastructure, visitor facilities, water points or any such other structure or facility found or created in a Protected Area;
 - (viii) store or dump agricultural chemicals; solid, industrial and hospital waste; and explosives and hazardous substances;
 - (ix) let the domestic sewerage or industrial effluents into;
 - (x) quarry stones; explore and exploit oil and gas, mine; undertake blasting or any other development work that is not compatible with the management objectives of a Protected Area and is prohibited therein;

- (xi) do writing, inscription, carving, disfiguring, defacing, painting, chalking, advertising on trees, buildings, rocks and other natural surfaces;
 - (xii) undertake vehicle racing and other sports that are likely to have adverse effect and use transport, roads and routes in the sensitive areas, which are closed to visitors and/or local people;
 - (xiii) play musical records, instruments and radio or make loud noise;
 - (xiv) enter in the Core Zone and sensitive areas, which are closed to visitors, notwithstanding whether the same are signposted or not.
 - (xv) do any other act that the Government may decide to prohibit in any management category of or in any individual Protected Area at any time and notify the same in the official Gazette.
- (9) No person shall do any act that is prohibited in the specific management category of Protected Areas as contained in Sections 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49,50 and 51.

39. Strict Nature Reserve

- (1) The Government may designate a strict nature reserve on:
- (i) any state owned area of land, wetland, coast and/or sea possessing some outstanding or representative ecosystems, geological or physiological features and/or species with the objective of managing mainly for scientific research, environmental monitoring and/or wilderness protection;
 - (ii) a large unmodified or slightly modified state owned area of land and/or sea, retaining its natural characteristics and influence and without permanent or significant habitation, for protection and managing to preserve its natural condition;
 - (iii) any small state or privately owned area of land, having special scientific importance with the objective of protecting species of flora and fauna or habitat or landscape and prohibit therein every act deemed against the scientific interest of the site.

Provided that a privately owned strict nature reserve may be managed by the Department or by its owner, subject to compensation, in accordance with the terms and conditions of formal agreement between the owner and the Government.

- (2) A strict nature reserve shall not be accessible to public; change in land use shall not be allowed; and exploitation of all natural resources and human occupation shall be prohibited. However, education and research shall be allowed subject to such restrictions and conditions as the Government may prescribe for any individual strict nature reserve.

- (3) The following acts are prohibited in a Strict Nature Reserve:
- (i) hunting, shooting, trapping, killing or capturing of, and injury to any wild animal therein;
 - (ii) fishing with methods such as angling rod or net, or using explosives, electric current, smoking or other devices for fishing;
 - (iii) logging and felling trees; Cutting or burning or in any way damaging or destroying vegetation; and taking, collecting or removing any plant or tree or parts thereof;
 - (iv) grazing or herding livestock; introducing any domestic animal or allowing it to stray;
 - (v) carrying trained or pet falcon, hawk or shikra or pet animal therein or leaving a dog or a cat therein or allowing them to stray;
 - (vi) blowing pressure horn therein within half kilometre radius of boundary and blowing of any kind of horn within the Core Zone or sensitive areas, which are sign posted;
 - (vii) residing unlawfully;
 - (viii) carrying or firing any gun or other fire-arm in or within one kilometre of the boundaries;
 - (ix) mining, stone quarrying or blasting, stone-crushing, exploration and exploitation of oil and gas;
 - (x) constructing or erecting any temporary or permanent structure;
 - (xi) doing any other act, which may disturb any wild animal or plant or damage any feeding and breeding places of a wild animal; and
 - (xii) introducing or reintroducing any wild animal or plant species.
- (4) In a Strict Nature Reserve, no person shall do any act which is prohibited in (3) above and in Section 38(7).

40. Wildlife Sanctuary

- (1) The Government may designate any state owned area of land, wetland, coast and/or sea as a Wildlife Sanctuary to:
- (i) provide for safety, undisturbed breeding, feeding, staging and wintering of all resident or migratory species of wild animals therein, and meeting other requirements during critical stages in life cycle for maintaining their optimal populations through minimal intervention; or

- (ii) manage mainly for conservation through active intervention so as to ensure the maintenance of habitats to meet the requirements of specific species.
- (3) In a Wildlife Sanctuary, no person shall do any act prohibited in Section 38 (7) and Section 39(3).

Provided that the Government, for scientific purposes, improvement of habitat, enhancing the populations of native wild animal or plant species or accommodating traditional uses by local communities that are compatible with the objectives of setting up a Wildlife Sanctuary, may:

- (i) undertake measures to reduce fire-hazard, epidemic or insect attack or other natural calamities;
- (ii) undertake management interventions actively in a Wildlife Sanctuary that is established for specific species to improve the habitat and provide better conditions for safety, undisturbed breeding, feeding, staging and wintering to the wild animals therein;
- (iii) authorize doing of any of the prohibited acts, if un-harmful to a Wildlife Sanctuary and the wild animals therein, on specific recommendation of the Board endorsing the explicit written request made by the Head of the Department justifying the need for such action and certifying that it will not impair the management objectives, and that it is in accordance with the Rules; and
- (iv) allow traditional uses, if un-harmful to Wildlife Sanctuary or wild animals therein, or readjust the rights of the local people, if any, in such a manner as appropriate but shall not allow perpetuation of rights or concessions.

41. National Park

- (1) The Government may designate, in consultation with the Government of Pakistan, local communities and other stakeholders, any state owned area of land, wetland, coast and/or sea as a National Park for managing mainly for ecosystem protection and recreation for the present and future generations.
- (2) A National Park shall:
 - (i) protect the ecological integrity of one or more ecosystems including biological diversity, landscape, geological features in the natural state;
 - (ii) provide a foundation for spiritual, scientific, educational, recreational and visitor opportunities, all of which must be environmentally and culturally compatible; and
 - (iii) exclude exploitation or occupation inimical to the purposes of designation of the area as a National Park.

- (3) A National Park shall be accessible to public for recreation; education and research, subject to general and specific restrictions for each individual National Park as the Government may prescribe.
- (4) The traditional uses of the privately or communally owned lands within the outer boundary of National Park will be allowed to continue subject to such restrictions and guidelines as may be prescribed. However, change in land use shall not be allowed except, with prior permission of the Government, where the change is likely to enhance the conservation value of the National Park in terms of biodiversity and other elements of nature.
- (5) For continuation of traditional land uses by local communities, the Government may undertake zoning or make readjustment in land uses or provide alternatives to communities, with consent, as considered appropriate:
provided that the local communities will use the rights and concessions, including controlled hunting in buffer zone as conservation incentive, prudently and the government shall not allow perpetuation of the same.
- (6) In a National Park, no person shall do any act which is prohibited in Section 38(7) and Section 39(3):
provided that the Government , for scientific or cultural purposes or improvement of a National Park or providing incentives and concessions to the local communities living within and near the boundary of a National Park or for promoting participatory management may:
 - (i) undertake measures to reduce fire-hazard, epidemic or insect attack or other natural calamities;
 - (ii) authorize the doing of the aforesaid acts, if un-harmful, on the specific recommendation of the Board endorsing the explicit written request of the Head of the Department justifying the need for such an action and certifying that it will not impair the management objectives and conservation value of the National Park; and
 - (iii) allow the traditional uses, if un-harmful, with such conditions and restrictions as may be prescribed or readjust the rights of the local communities , with their consent, in such a manner as appropriate, but shall not allow perpetuation of rights or concessions.

42. Natural Heritage Site

- (1) The Government may designate any state owned natural site or precisely delineated natural area of outstanding provincial, national or universal value from the point of view of science, conservation or natural beauty as Natural Heritage Site with a view to protect it; and shall be managed to achieve the objectives of such designation.

- (2) A Natural Heritage Site may comprise of:
 - (i) area containing specific natural or natural/cultural feature(s) of outstanding or unique value because of their inherent rarity, representativeness or aesthetic qualities or cultural significance;
 - (ii) geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of wild animals and plants of outstanding provincial, national or universal value from the point of view of science or conservation; and
 - (iii) natural features consisting of physical and biological formations or groups of such formations, which are of outstanding provincial, national or universal value from the aesthetic or scientific point of view;
- (3) A Natural Heritage Site fulfilling the criteria of a World Heritage Site shall be nominated, through the Government of Pakistan, for designation as such and as provided in the World Heritage Convention, Guidelines and Nomination Form, and shall be managed to achieve the objectives of such designation.
- (4) A Natural Heritage Site shall be accessible to public for recreation, education and research subject to such restrictions as the Government may prescribe.
- (5) Traditional uses of the privately or communally owned land in a Natural Heritage Site will be allowed to continue subject to such restrictions and guidelines for wise and sustainable use as may be prescribed. However, change in land use shall not be allowed except, with prior permission of the Government, where the proposed land use is likely to enhance the ecological value of the Natural Heritage Site.
- (6) The following acts shall be prohibited in a Natural Heritage Site:
 - (i) hunting, shooting, trapping, killing or capturing of or injury to any wild animal;
 - (ii) damaging or destroying habitat of wild animals, landscape, geological features or the properties and other elements of cultural heritage;
 - (iii) doing any act which may affect the serenity, tranquillity and any conservation value of Natural Heritage Site;
 - (iv) commercial logging, felling or burning of trees and other vegetation;
 - (v) grazing of livestock unlawfully;
 - (vi) fishing unlawfully;
 - (vii) clearing or breaking any land for cultivation; mining, stone quarrying, exploration and exploitation of oil and gas, or any other development

work that is not in conformity with the management objectives of a Natural Heritage Site;

(viii) Any other act prohibited under Section 38(7).

(7) In a Natural Heritage Site, no person shall do any act that is prohibited in (6) above:

provided that the Government, for scientific or cultural purposes, improvement of Natural Heritage Site, promoting participatory management or providing incentives and concessions to the local communities living within and near the boundary of Natural Heritage Site may:

- (i) undertake measures to reduce fire-hazard, epidemic or insect attack or other natural calamities;
- (ii) authorize the doing of the aforementioned acts, if un-harmful and in accordance with the rules, on specific recommendation of the Board endorsing the explicit written request of the Head of the Department justifying the need for such an action and certifying that it will not impair the management objectives of the Natural Heritage Site;
- (iii) allow the traditional uses, if un-harmful, or readjust the rights of the local communities, with consent in such manner as considered appropriate, but shall not allow perpetuation of the existing rights or concessions.

43. Ramsar Site

(1) The Government may:

- (i) designate, through the Government of Pakistan, any wetland or complex of wetlands in the Province, which fulfils one or more criteria as a Ramsar Site under the Convention on Wetlands of International Importance, Especially as Habitats of Migratory Waterfowl (hereinafter called the Ramsar Convention), to which the Government of Pakistan is a Party for inclusion in a List of Wetlands of International Importance, (hereinafter referred as the List) which may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat on account of their international significance in terms of ecology, botany, zoology, limnology, hydrology or importance to waterfowl in any season;
- (ii) precisely describe each Ramsar Site and also delimit it on a map;
- (iii) manage and wisely use the resources in the existing Ramsar Sites to maintain their ecological character;

- (iv) extend or readjust the boundaries of the Ramsar Sites in the Province for enhancing their significance;
 - (v) fulfil its responsibilities for the conservation, management and wise use of migratory stocks of waterfowl;
 - (vi) regulate or exclude exploitation of biological resources of Ramsar Site for sustainability;
 - (vii) formulate and implement its planning so as to promote the conservation of wetlands included in the List, and as far as possible the wise use of all other wetlands in the Province;
 - (viii) promote the conservation of wetlands and waterfowl by establishing protected areas on wetlands, whether they are included in the List or not, and provide adequately for their wardening;
 - (ix) report to the Ramsar Bureau, through the Government of Pakistan, if the ecological character of any wetland in its territory has changed, is changing or is likely to change as a result of technological developments, pollution or other human interference;
 - (x) compensate, as far as possible, for any loss of wetland resources, where in its urgent provincial or national interest, the Government deletes a Ramsar Site or restricts its boundaries and in particular it shall designate additional wetlands for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat;
 - (xi) endeavour through management to increase waterfowl populations on appropriate wetlands;
 - (xii) promote the training of personnel involved in wetland planning, management, wardening and research;
 - (xiii) encourage research and the exchange of data and publications nationally and globally regarding wetlands and their flora and fauna; and
 - (xiv) consult and collaborate with the neighbouring provinces and countries, with the prior approval of the Government of Pakistan, in the context of planning and management of Ramsar Sites as national and regional network and the migratory waterfowl, and training of wetland managers.
- (2) A Ramsar Site shall be accessible to public for recreation and education and research subject to such restrictions as the Government may prescribe.
- (3) The traditional uses of the privately or communally owned lands, as included in the Ramsar Site, will be allowed to continue subject to such restrictions

and guidelines as may be prescribed to maintain the ecological character of the Ramsar Site. However, change in land use shall not be allowed.

- (4) The following acts shall be prohibited in a Ramsar Site:
- (i) draining water, polluting or poisoning water from any source or diverting water or using it for cultivation or any other purpose:
provided that a Ramsar Site is not a reservoir of a small or medium or large dam, created for a specific purpose viz a viz irrigation, power or drinking water, in which case the primary objective(s) will have precedence with as much consideration for the objectives of a Ramsar Site as possible;
 - (ii) trapping and capturing of any wild animal and carrying of nets and other devices for the purpose;
 - (iii) mining, oil and gas exploration and exploitation, stone quarrying, blasting or doing any other development work that is not environment friendly or in conformity with the management objectives of Ramsar Site;
 - (iv) any act prohibited under Section 38(7).
- (5) The Government, for scientific or cultural purposes or improvement of the site or promoting participatory management or providing incentives and concessions to the local communities living within or near the boundary of the site may:
- (i) undertake measures to reduce fire-hazard, epidemic or insect or pathogen attack control of vegetation due to eutrophication, control of invasive species or other disasters;
 - (ii) authorize the doing of the aforementioned acts, if un-harmful and in accordance with the Rules, on specific recommendation of the Board endorsing the explicit written request of the Head of Department justifying the need for such an action and certifying that it will not impair the management objectives of the Ramsar Site;
 - (iii) allow the traditional uses, if un-harmful, or adjust the rights of the local communities, with consent and in such a manner as appropriate but shall not allow, multiplication or perpetuation of rights or concessions;
 - (iv) allow collecting and removing dead and fallen branches of trees/bushes;
 - (v) allow grazing of livestock according to carrying capacity levels;
 - (vi) allow angling according to carrying capacity levels; and
 - (vii) allow or prohibit any other act that is considered useful or harmful respectively by the Government and is notified in the official Gazette.

- (6) In a Ramsar Site, no person shall do any act which is prohibited in (4) above and under Section 38(7).

44. Biosphere Reserve

- (1) The Government may designate:
- (i) any area of terrestrial and coastal/marine ecosystems or a combination thereof as Biosphere Reserve for environmental education, recreation, ecotourism, applied and basic research, and managing and sustainably developing the area resources;
 - (ii) any state owned area of land, with coast or sea as appropriate, where the interaction of people and nature over time has produced an area of distinct character with significant aesthetic, ecological and/or cultural value, and often with high biological diversity for managing mainly for landscape/seascape conservation or recreation. Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.
- (2) Physically, a Biosphere Reserve will comprise of the following three zones, which may be implemented in different ways in order to meet local needs and conditions:
- (i) one or more core areas, which are securely protected sites for conserving biological diversity, monitoring minimally disturbed ecosystems, and undertaking non-destructive research and other low-impact uses, such as education;
 - (ii) a clearly identified buffer zone, which usually surrounds or adjoins the core areas, and is used for cooperative activities compatible with sound ecological practices, including environmental education, recreation, ecotourism, and applied and basic research; and
 - (iii) a flexible transition area, or area of co-operation, which may contain a variety of agricultural activities, settlements and other uses and in which local communities, management agencies, scientists, non-governmental organizations, cultural groups, economic interests and other stakeholders work together to manage and sustainably develop the resources of the area.
- (3) A Biosphere Reserve may be nominated for international recognition within the framework of UNESCO's Programme on Man and the Biosphere (MAB)' (Statutory Framework of the World Network of Biosphere Reserves).
- (4) In a Biosphere Reserve, the Government shall:
- (i) exclude exploitation in the core zone and allow monitoring, research and education having low-impact on conservation;

- (ii) regulate exploitation of natural resources from the buffer zone, recreation and allow educational and research activities in it; and
 - (iii) manage and develop the transition zone in collaboration with aforesaid stakeholders.
- (5) The traditional uses of the privately or communally owned lands will be allowed to continue in the buffer zone and transition zone subject to such restrictions and guidelines as may be prescribed. However, change in land use shall not be allowed except where the change is likely to enhance the conservation value of the Biosphere Reserve in terms of biodiversity and other elements.
- (6) All acts prohibited in a Strict Nature Reserve under Section 39(3) read with Section 38(7) shall be prohibited in the core zone of a Biosphere Reserve.
- (7) The Government shall make and notify the Rules and Regulations regarding the management of buffer zone and transition zone in a Biosphere Reserve, and the activities and acts allowed and prohibited therein.
- (8) In a Biosphere reserve, no person shall do any act which is prohibited under (6) and (7) above.

45. Game Reserve

- (1) The Government may designate and manage any state owned area of land inhabited by game animals as Game Reserve for sustainable use, where hunting of game animals may be allowed only under a special permit to be granted by an authorized officer on receipt of such sum of money as prescribed, and subject to hunting restrictions contained in Section 16, conditions of employment of hawks and dogs contained in Section 21, counting method contained in Section 20 and other conditions that the Department may specify in the special permit:
- provided that no special permit shall be granted to any person beyond the limit of sustainable use of the species of any game animal in a Game Reserve, based on proper periodic counts of the game animals.
- (2) A special permit shall specify the kind and number of game animals that can be hunted, hunting area, method of hunting, and the period for which the special permit is valid.
- (3) The officer authorized in this behalf shall take measures for management, maintenance and improvement of habitat and building up populations of harvestable sized game animals in a Game Reserve.
- (4) The Government may allow the traditional uses, if un-harmful, or readjust the rights of the local communities, with consent in such a manner as

appropriate but shall not allow multiplication and perpetuation of rights or concessions.

- (5) The following acts shall be prohibited in a Game Reserve:
- (i) trapping or capturing of any game animal;
 - (ii) hunting of any game animal other than that specified on the special license or permit;
 - (iii) hunting of any game animal without a valid hunting permit as prescribed;
 - (iv) residing without authorisation;
 - (v) undertake without authorisation mining, stone quarrying, blasting, stone crushing and oil and gas exploration and exploitation;
 - (vi) picnicking and leaving food or other solid waste.
- (6) In a Game Reserve, no person shall do any act which is prohibited in (5) above, Section 16, Section 21 and Section 38(7).

46. Forest Reserve

- (1) Any forest designated under the Sindh Forest Regulation, 1890 or Pakistan Forest Act, 1927 or any succeeding law, unless otherwise declared as a Protected Area in any other category under this Act, shall be deemed to be a Forest Reserve under this Act; and shall be managed for in-situ conservation of biological resources.
- (2) All provisions contained in Section 45 relating to game animals in a Game Reserve shall apply to a Forest Reserve mutatis mutandis.

47. Private Game Reserve

- (1) Where the Government is satisfied that an area of land in private ownership supports sizable population of game animals or has the potential of increasing the number of game animals to harvestable level, designate it as a Private Game Reserve, on receipt of a formal request from a single owner or 80 percent of the owners of any jointly owned area, for managing and using it sustainably for hunting of game animals found or re-introduced therein
- (2) The owner shall manage and use the Private Game Reserve sustainably in accordance with a management plan prepared by him or on his behalf and endorsed by the authorized officer.
- (3) The Department shall support the owner technically in managing the Private Game Reserve on sound scientific basis.

- (4) Appropriate powers shall be vested in the owner to facilitate management and wardening of the Private Game Reserve.
- (5) Hunting of wild animals, in a Private Game Reserve, shall not be allowed except under a Private Permit, issued by the owner or owners with intimation to the authorized officer in this regard and in accordance with the Rules. The number of such permits for any game species in the Private Game Reserve for a season shall be mutually decided by the owner and the authorized officer
- (6) The fee for a Private Permit charged by the owner of a Private Game Reserve for any game animal shall in no case be less than the amount fixed by the Government for hunting of animal of the same species in a Game Reserve.
- (7) The owner shall be entitled to 80 percent of income derived from hunting fee from a Private Game Reserve and 20 percent shall be shared with the Government:
provided that at least 20% of the income received by the owner shall be spent on the improvement and development of the Private Game Reserve.
- (8) Audit of the accounts of the income of the Private Game Reserve from hunting fee will be undertaken by the Department, in accordance with the plan of operations endorsed by the authorized officer.
- (9) All other provisions contained in Section 38(7) and Section 45 relating to Protected Areas and game animals in a Game Reserve respectively shall apply to a Private Game Reserve mutatis mutandis.
- (10) The Government may at any time, by notification in the official Gazette, de-notify a Private Game Reserve, after seeking explanation in writing if:
 - (i) the Private Game Reserve has degraded to a stage that it is not likely to recover for achieving the objectives of its establishment;
 - (ii) the owner has violated grossly the provisions of (2), (5), (6), (7) and (9) above.

48. Community Game Reserve

- (1) Where the Government is satisfied that an area of land owned de-jure or de-facto by a local community supports sizable population of game animals or has the potential of increasing the number of game animals with management to harvestable level, may designate it as a Community Game Reserve, on receipt of formal request signed and submitted by at least 80 percent of the households of that community for managing and using it sustainably for hunting of game animals found therein.

- (2) The owner or the user community of the Community Game Reserve shall manage and use it sustainably through a village conservation committee or a similar structure in accordance with a plan of operations endorsed by the authorized officer.
- (3) The Department shall support the community technically in managing the Community Game Reserve on sound scientific basis in such a manner as deemed fit.
- (4) The Department shall delegate appropriate powers to the representatives of the community, nominated by the village conservation committee or a similar structure, to facilitate management of the Community Game Reserve.
- (5) The owner or the user community of the Community Game Reserve shall be entitled to 80 percent of income derived from hunting fee and 20 percent shall be shared with the Government:
provided that at least 20% of the income received by the owner or the user community from a Community Game Reserve shall be spent on the improvement and development of the Community Game Reserve.
- (6) The owner or user community of a Community Game Reserve shall be entitled to use up to 60 percent of net income from the Community Game Reserve, derived after deducting the management related expenses, for its collective needs.
- (7) Audit of the accounts of income from the hunting in Community Game Reserve may be undertaken by the Department, in accordance with the plan of operations endorsed by the authorized officer.
- (8) All other provisions contained in Section 38(7) and Section 45 relating to Protected Areas and game animals in a Game Reserve respectively shall apply to a Community Game Reserve mutatis mutandis.
- (9) The Government may at any time, by notification in the official Gazette, de-notify a Community Game Reserve, after seeking explanation in writing if:
 - (i) the Community Game Reserve has degraded to a stage that it is not likely to recover for meeting the objectives of its establishment;
 - (ii) the community has grossly violated the provisions of (2), (5), (6) and (8) above.

49. Conservancy

- (1) The Government may designate any landscape over large areas as a Conservancy, notwithstanding ownership of land, where traditional land uses by the local community are prevalent and which support or have the potential to support significant biodiversity and other natural resources for multiple and

sustainable use, primarily for maintaining biodiversity and meeting the needs of communities.

(2) A Conservancy may include:

- (i) area containing predominantly unmodified natural systems, managed to ensure long-term protection and maintenance of biological diversity, while also providing a sustainable flow of natural products and services to meet community needs;
- (ii) one or more Protected Areas inclusive of Forest Reserve, Private Game Reserve, Community Game Reserve; and accommodating and promoting all such land uses, practices and cultural elements that maintain or enhance biodiversity and improve sustainable livelihoods including eco-tourism and biological sources related small and medium enterprises.

(3) The Government may prescribe guidelines to plan, regulate and control land uses and practices to conserve and sustainably use biodiversity for the present and future generations.

(4) The Government shall recognize a Conservancy Management Authority (CMA) as a local authority for all matters related to a Conservancy and ancillary thereto for sustainable and multiple uses of biological resources in the Conservancy.

(5) A Conservancy Management Authority (CMA) shall comprise of the representatives of the organized communities, select civil society organizations and relevant Government Departments, and shall perform such roles, functions and shall adopt such financial management as may be prescribed.

(6) A Conservancy Management Authority shall:

- (i) manage the use of biological resources in the Conservancy including, appropriate land uses;
- (ii) take measures for rehabilitation and sustainable use;
- (iii) seek compliance of, enforce customary laws that are not incompatible with the statutory laws, give awards, impose and collect fines for violation of rules or the code of conduct or doing the prohibited acts, receive compensation for unauthorized use of resources on such terms and conditions as prescribed ; and
- (iv) appoint employees and workers, for carrying out the aforesaid functions, on such terms and conditions and invest them with such powers as may be prescribed.

(7) The traditional uses of the privately or communally owned lands included in the conservancy will continue subject to such restrictions and guidelines as are

necessary for conservation and sustainable use of biological resources. However, land use change may not be allowed except where the change is likely to enhance the conservation value of the Conservancy.

- (8) No person shall do any act in a Conservancy which is prohibited in this Act as prescribed.

50. Protected Areas in a Conservancy

All provisions relating to the Protected Areas in the various management categories as contained in Sections 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 shall apply to the respective Protected Areas in a Conservancy mutatis mutandis.

51. Ecotourism in Protected Areas

- (1). The countryside recreation and ecotourism shall be allowed in all National Parks, Natural Heritage Sites, Ramsar Sites, Biosphere Reserves, Game Reserves, Forest Reserves, Private Game Reserves, Community Game Reserves, and Conservancies but shall not be allowed in any Strict Nature Reserve and Wildlife Sanctuary.
- (2). For the countryside recreation and ecotourism, the Department shall:
- (i) identify the existing and potential countryside recreation and ecotourism resources and activities;
 - (ii) plan infrastructure and visitor facilities and amenities, using the mechanism of environmental assessment ;
 - (iii) interpret the countryside recreation and ecotourism resources and elaborate and design activities;
 - (iv) develop the ecotourism products;
 - (v) develop promotional materials;
 - (vi) develop the code of conduct for the visitors, local communities and park management;
 - (vii) develop and implement a marketing strategy;
 - (viii) launch the communication, promotion and marketing campaigns;
 - (ix) develop and implement a mechanism and facilities for collection and safe disposal of solid waste and sewage;
 - (x) make arrangements for safety and security of visitors;
 - (xi) identify needs and develop capacity of tour guides, cooks, porters, other service providers, communities, park staff, private sector partners and other stakeholders;

- (xii) conserve and develop natural heritage and the associated cultural heritage; and
 - (xiii) encourage public-private partnership.
- (3). The Government shall catalyse, promote and support environment friendly, sustainable and community based countryside recreation, and domestic and foreign eco-tourism in collaboration with relevant government agencies, private sector and other partners.
 - (4). The Department shall develop, implement and coordinate implementation of the countryside and eco-tourism policy.
 - (5). No visitor, local community or service provider or park staff shall violate the Rules, guidelines and code of conduct as may be prescribed.
 - (6). No visitor or service provider, tourism development agency shall do any act in any Protected Area, which is prohibited under Sections 38(7), 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49 in the respective Protected Areas, if established in a Conservancy.

52. De-notification of Protected Area or Alteration of Boundaries

The Government may, by notification in the official Gazette, de-notify a Protected Area or declare any alteration in the boundaries of a Protected Area on receiving an explicit written request from the Head of the Department or the Head of a Conservancy Management Authority, as the case may be, justifying such action and endorsement by the Board in writing on such a request.

53. Conservation of Habitats in the Outer Countryside

The Government shall endeavour to conserve the habitats of resident and migratory species of wild animals in the outer countryside and where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction in partnership with the owners, communities or custodian agencies by:

- (i) preventing, removing, compensating for or minimizing, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species of wild animals;
- (ii) identifying the sites, creating awareness, and motivating and encouraging the owners, communities or custodian agencies, as the case may be;
- (iii) building capacities; and
- (iv) providing them economic incentives.

Chapter VII: EX-SITU CONSERVATION

54. Captive Breeding

- (1). The Government may allow captive breeding of native or exotic species of wild animals for re-introduction, keeping pets, internal trade or export under such restrictions and conditions as may be prescribed.
- (2). The captive breeding and introduction of invasive and alien species of wild animals or propagation and introduction of invasive and alien species of wild plants as well as GMOs shall not be allowed.
- (3). The Government shall take measures and comply with all requirements and procedures and Resolutions established by CITES Conference of Parties, Secretariat and the CITES Management Authority and Scientific Authority regarding captive breeding of wild animals and artificial propagation of wild plants listed in the Appendices of CITES.
- (4). The escape of the exotic species into the wild shall be controlled.
- (5). The parent stock for captive breeding will not be allowed to be collected from the wild in the Province or the country.
- (6). The Government, or any officer authorized in this behalf may regulate release in the wild or harvest and use thereafter of captive-bred animals of wild origin as may be prescribed.

55. Captive Breeding Facilities

- (1). Any person or organization in the public sector, private sector or civil society organization desirous of captive breeding of wild animals in accordance with Section 54(1) shall apply to the Government in writing, with all details including the objectives, plan, activities, facilities and the sources of parent stock, for registration of a captive breeding facility.
- (2). The Government shall examine the request and may register the facility on its satisfaction or refuse registration stating the reasons therefor.
- (3). The aggrieved person or organization may file a revision application to the Government, whose decision on such application shall be final.
- (4). If the captive breeding facility involves import and export of wild animals then the registration of the facility or otherwise shall also require the approval of the National Council for Conservation of Wildlife, with or without consultation with the CITES Secretariat, as the case may be.
- (5). The management of any registered captive breeding facility shall maintain all details in the specified registers and shall submit periodic reports to the

Department and/or National Council for Conservation of Wildlife as may be required.

- (6). The registration of a captive breeding facility shall be withdrawn in case of non-compliance of conditions of registration or violation of Rules.
- (7). No person shall undertake captive breeding of any wild animal without registration of a captive breeding facility.
- (8). No person shall violate the conditions, restrictions and procedures of a captive breeding facility, if registered.

56. Wildlife Park and Aviary

- (1). A public sector organization or a private sector company may establish a Wildlife Park or an Aviary for multiplication and/or display of wild animal species under natural or semi-natural conditions for conservation, awareness, education, recreation and research subject to its registration by the Government and management under such conditions and restrictions as may be prescribed.
- (2). The organization or company desirous of setting up a Wildlife Park or Aviary shall apply to the Government in writing, with all details including the objectives, plan, activities, facilities and the sources of parent stock for its registration.
- (3). The Government shall examine the request and may register the Wildlife Park or Aviary on its satisfaction or refuse registration stating the reasons therefor.
- (4). The aggrieved organization or company may file a revision application to the Government, whose decision on such application shall be final.
- (5). If the Wildlife Park or Aviary involves import and export of wild animals then the registration of the Wildlife Park or Aviary or otherwise, shall also require the approval of the National Council for Conservation of Wildlife, with or without consultation with the CITES Secretariat , as the case may be.
- (6). any registered Wildlife Park or Aviary shall maintain registers and submit periodic reports to the Department and/or National Council for Conservation of Wildlife as may be prescribed.
- (7). The registration of a Wildlife Park or Aviary shall be withdrawn in case of non-compliance of conditions of registration and/or violation of the Rules.
- (8). No person shall establish or maintain a Wildlife Park or Aviary involving wild animals without registration.
- (9). No person shall violate the conditions, restrictions and procedures of establishing and maintaining a Wildlife Park or Aviary.

57. Zoo

- (1) The Government may register and regulate the establishment and operation of a zoo, zoological garden or zoo-cum botanic garden in the public or private sector or in public-private partnership on the conditions and restrictions as may be prescribed.
- (2) Any owner/operator of an existing facility, mentioned in (1) above, shall get the facility registered within six months of the coming into force of this Act.
- (3) The Government or an officer, authorized in this behalf, may regulate transport and trade between various zoos and the zoo like facilities on the one hand, and captive breeding facilities as provided in Section 55 and a Wildlife Park or Aviary as provided in Section 56.
- (4) The registration of a zoo, zoological garden or zoo-cum botanic garden shall be withdrawn in case of non-compliance of conditions of registration and/or violation of the Rules.
- (5) No person shall establish or maintain a zoo or zoo like facility without registration.
- (6) Surplus zoo animals may be exchanged with or donated to other zoos or Wildlife Parks for specific purposes with the permission the Government.
- (7) No person shall violate the conditions, restrictions and procedures of establishing and maintaining a zoo or zoo like facility, if registered.

Chapter VIII: MULTILATERAL ENVIRONMENTAL AGREEMENTS (MEAs)

58. Convention on Biological Diversity (CBD)

The Government, as far as possible and as appropriate in accordance with its particular conditions and capabilities, shall:

- (i) implement the Convention on Biological Diversity (CBD), inclusive of its Articles, Protocols and Resolutions in pursuing the objectives of the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of benefits arising out of the utilization of genetic resources;
- (ii) take general measures including the implementation of the National Biodiversity Action Plan, as it relates to the Province and the Sindh Conservation Strategy as updated from time to time and specific measures as contained in Section 5(2).

59. Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

(1) The Government shall:

- (i) implement in the Province CITES, inclusive of its Articles and Appendices as amended by the Conference of Parties in their meetings and on which Pakistan has not filed its reservation;
- (ii) not allow internal trade in the Province in specimens of species included in Appendix- I; and
- (iii) regulate or control internal trade in specimens of species included in Appendices II and III by taking stricter measures, if required to improve the conservation status of a species of wild animal or plant being traded:

provided that the Government may provide exemption in limited number of cases that are recommended by the Government of Pakistan and are endorsed by the Board.

- (2) The import and export of specimens of species included in Appendices I, II and III shall be in accordance with the provisions of the Convention and the laws, Rules and procedures established by the Government of Pakistan and the CITES Management Authority.
- (3) The Government shall take appropriate measures in respect of the CITES specimens and to prohibit trade in specimens in violation thereof by:

- (i) penalizing trade in, or possession of such specimens or both;
- (ii) confiscating or returning to the State of export or origin of such specimens, as advised by the CITES Management Authority;
- (iii) ensuring, as far as possible, that specimens shall pass through any formalities required for trade with a minimum of delay;
- (iv) requiring for presentation for clearance at ports of exit and entry designated by the Government of Pakistan;
- (v) monitoring that all living specimens, during any period of transit, holding or shipment through the province, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

60. Convention on Migratory Species of Wild Animals (CMS)

1. The Government shall take migratory species related actions including by:

- (i) paying whenever possible and appropriate, special attention to migratory species the conservation status of which is unfavourable and taking individually or in co-operation with other provinces, Islamabad Capital Territory, Northern Areas, AJ&K and FATA appropriate and necessary steps to conserve such species and their habitats;
- (ii) avoiding any migratory species becoming endangered;
- (iii) co-operating in and supporting research relating to migratory species;
- (iv) providing immediate protection for migratory species included in Appendix-I of CMS; and
- (v) concluding Memoranda of Understanding with other provincial governments, Islamabad Capital Territory, Northern Areas, AJ&K and FATA Administration in Pakistan to restore the migratory species included in Appendix-II to a favourable conservation status or to maintain it in such a status, and to cover all conservation and management aspects. Where appropriate and feasible, each MoU should provide for, but not be limited to:
 - a) the factors which may be harmful to that status,
 - b) coordinated conservation and management plans,
 - c) research into the ecology and population dynamics of the migratory species concerned, with special regard to migration,
 - d) the exchange of information on the migratory species concerned, special regard being paid to the exchange of results of research and of relevant statistics,
 - e) exchange of information on substantial threats to the migratory species;

- f) conservation and, where required and feasible, restoration of the habitats of importance in maintaining a favourable conservation status, and protection of such habitats from disturbances, including strict control of the introduction of, or control of already introduced exotic species detrimental to the migratory species,
- g) maintenance of a network of suitable habitats appropriately disposed in relation to the migration routes,
- h) where it appears desirable, the provision of new habitats favourable to the migratory species or reintroduction of the migratory species into favourable habitats,
- i) prevention, reduction, elimination of, to the maximum extent possible, or compensation for activities and obstacles which hinder or impede migration; or control of the release into the habitat of the migratory species of substances harmful to that migratory species,
- j) measures based on sound ecological principles to control and manage the taking of the migratory species,
- k) procedures for coordinated action to suppress illegal taking,
- l) emergency procedures whereby conservation action will be considerably and rapidly strengthened when the conservation status of the migratory species is seriously affected.

2. The Government shall prohibit the taking of wild animals belonging to Appendix-I of CMS with exceptions if the taking is for:

- (i) scientific purposes;
- (ii) the purpose of enhancing the propagation or survival of the affected species;
- (iii) accommodating the needs of traditional subsistence users of such species; or extraordinary circumstances so require:

provided that such exceptions are precise as to the content and are limited in space and time and such taking will not operate to the disadvantage of the species.

61. Ramsar Convention

The Government shall designate suitable wetlands in the Province, through the Government of Pakistan, as Ramsar Sites under the Convention on Wetlands of International Importance, Especially as Habitats of Migratory Waterfowl, manage the same and implement all other obligations contained in Section 43, as far as possible as allowed by its resources.

62. The World Cultural And Natural Heritage Convention (WHC)

- (1). The Government shall, in implementing the Convention Concerning the Protection of the World Cultural and Natural Heritage (WHC), ensure the identification, protection, conservation, presentation and transmission to future generations of the natural heritage and associated cultural heritage situated in the Province as allowed by its resources, and, where appropriate, with any national or international assistance and co-operation, in particular, financial, scientific and technical, which it may be able to obtain.
- (2). The Government shall ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated in the Province, I endeavour, in so far as possible, and as appropriate:
 - (i) to adopt a general policy which aims to give the natural heritage and the associated cultural heritage function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
 - (ii) to strengthen the Department for the protection, conservation and presentation of the natural heritage and the associated cultural heritage with an appropriate staff and possessing the means to discharge their functions;
 - (iii) to develop scientific and technical studies and research and to work out such operating methods as will make the Province capable of counteracting the dangers that threaten its natural heritage and the associated cultural heritage;
 - (iv) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage;
 - (v) to foster the establishment or development of a provincial facility for training in the protection, conservation and presentation of the natural heritage and the associated cultural heritage and the associated cultural heritage and to encourage scientific research in this field;
 - (vi) not to take any deliberate measures that might damage directly or indirectly the natural heritage and the associated cultural heritage;
 - (vii) submit to the Government of Pakistan an inventory of property forming part of the natural heritage and the associated cultural heritage, situated in the Province and suitable for inclusion in the national list. This inventory shall include documentation about the location of the property in question and its significance;

- (viii) by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by the people of Sindh of the natural heritage and the associated cultural heritage;
- (ix) to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of the World Heritage Convention.

63. UN Framework Convention on Climate Change (UNFCCC)

The Government shall:

- (i) endeavour to promote sequestration of carbon by effective management of Protected Areas and vegetation in the outer countryside to stabilize or reduce greenhouse gas concentrations in the atmosphere and achieve a level within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner;
- (ii) promote sustainable management and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;
- (iii) prepare for adaptation to the impacts of climate change for the species, habitats and ecosystems; and
- (iv) develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in areas affected by drought and desertification, as well as torrent floods.

64. UN Framework Convention to Combat Desertification (UNFCCD)

The Government shall meet the obligations under the UN Framework Convention to Combat Desertification (UNFCCD) relating to biodiversity, especially wildlife and Protected Areas in the Province.

65. Pre-emptive Application of MEAs

- (1). Any legal aspect of MEAs, as these relate to wildlife, biodiversity and Protected Areas in the Province, shall be applicable mutatis mutandis and shall be deemed to have been covered ipso facto under this Act.
- (2). The Government may make Rules to implement the relevant aspects of MEAs in the Province.

Chapter IX: COMMUNITY PARTICIPATION

66. Participation of Local Communities

- (1) The Department, wherever possible, shall:
 - (i) involve local communities in planning, managing, protection, conservation, sustainable use, captive breeding and trade of wildlife, biodiversity and other natural resources and management of Protected Areas; and
 - (ii) promote and support formation of, register and involve organizations of local communities to manage wildlife, biodiversity, Protected Areas and eco-tourism.
- (2) The Government may support formation and participation of local community organizations at the village, watershed or wider landscape levels in protection, preservation, conservation and sustainable use of wildlife, biodiversity and other natural resources, and planning and management of Protected Areas with awareness raising, capacity building and providing economic incentives.
- (3) The Government may:
 - (i) accord recognition and legal status to the community organizations at various levels on such conditions as may be prescribed;
 - (ii) delegate power to and authorize;
 - a. any elected representative or staff of a Conservancy Management Authority established under Section 49(4),
 - b. any representative of any community organization, recognized in (i) above to exercise powers in respect of any Protected Area which is managed fully or partly by that community or is involved in its management in any way,
 - c. any representative of a Community Game Reserve established under Section 48 and the owner of a Private Game Reserve established under Section 47 to exercise powers in respect of the same.

67. Economic Incentives and Benefit Sharing

- (1) The Government will provide economic incentives to and share benefits accruing from wildlife, biodiversity and Protected Areas with the local communities involved in their management, through their organizations registered with the Government.

- (2) On recognition under Section 66(3)(i), a community organization shall be entitled to equitable share, as may be prescribed, in benefits that may accrue from sustainable management of wildlife, biodiversity and other natural resources in a Protected Area owned by the Government, if it is managed by the community wholly or partially.
- (3) Economic incentives to the owner of a Private Game Reserve and the owner or user community of a Community Game Reserve shall be provided as in Section 47 and Section 48 respectively.
- (4) The Government may make Rules to elaborate and implement the provisions of this Section in entirety.

68. Co-management of Protected Areas

- (1) The Department may enter into an agreement with another organ of state, a local community, credible NGO or any other institution for:
 - (i) co-management of a part or whole area of a Protected Area;
 - (ii) regulation of human activities that affect the biodiversity, wildlife and other natural resources adversely:provided that the co-management contemplated in (i) above may not lead to fragmentation or duplication of management functions.
- (2) A co-management agreement may provide for:
 - (i) delegation of authority by the Government to the other party to the agreement for discharging its role effectively;
 - (ii) benefit sharing between the parties including the apportionment of any income from the Protected Area;
 - (iii) the local use of natural resources of the Protected Area;
 - (iv) access to the workers of the other party to the Protected Area;
 - (v) development of economic opportunities within and in the areas adjacent to the Protected Area including the buffer zone;
 - (vi) development of local management capacity and exchange of knowledge;
 - (vii) financial and other support to the other party to the agreement to ensure effective implementation of the co-management agreement;
 - (viii) period monitoring of implementation of the agreement and its joint reporting by both parties;
 - (ix) harmonization and integration of the management of cultural heritage resources in and around the protected area;

- (x) consistency with all other provisions of this Act.
- (3) The authorized officer may terminate a co-management agreement, after giving reasonable notice to the other party, if the agreement is not effectively implemented or is inhibiting the attainment of the main management objectives of the Protected Area.

69. Commercial and community livelihood activities in Protected Areas

The Government may allow commercial or livelihood activities as prescribed for communities in the Protected Areas in which extraction of resources or countryside recreation or ecotourism is allowed under the relevant Sections subject to the conditions that:

- (a) such activities shall not negatively affect the species and habitats and shall not disrupt the integrity of the ecological systems;
- (b) the biological resources shall be used wisely and sustainably; and
- (c) the impact of activities on the biodiversity and the Protected Area will be monitored.

Chapter X: SINDH WILDLIFE DEVELOPMENT FUND

70. Establishment of Sindh Wildlife Development Fund

- (1) The Government may establish the Sindh Wildlife Development Fund as a Trust Fund, to augment the normal financing, for all kinds of activities and expenditures relating to protection, conservation and sustainable use of wildlife, biodiversity and Protected Areas and to achieve other objectives of this Act from the profit received by investing it and ensuring minimum risk and maximum profit.
- (2) The sources of the Fund, inter alia, shall include the sums of money allocated by the Government for the purpose; grants and soft loans from the multilateral and bilateral donors, international organizations, civil society organizations, the private sector and individual philanthropists; the duties and fees levied on harvesting of wildlife and other resources from the Protected Areas and outer countryside; and fines and compensation value received from the offence cases compounded by the officers authorised in this behalf or from those decided by the courts
- (3) The overall Fund may include various other funds created for specific purposes and may be managed or operated separately or jointly in their best interest.

71. Management of Sindh Wildlife Development Fund

- (1) The Fund shall be managed as a not-for-profit company incorporated with the Securities and Exchange Commission of Pakistan, as may be specified in the Memorandum of Association and Articles of Association and an Operational Manual of the Fund approved by the Board.
- (2) The Board of Directors (or Governors of the Fund) shall be chaired by the Chief Secretary of the Province and shall have equal number of members from the public sector and civil society.

Chapter XI: POWERS OF THE GOVERNMENT AND OFFICERS

72. Amendment to Schedules

- (1). The Government may, by notification in the official Gazette, amend any Schedule in respect of the following:
 - (i) addition to or deletion from or transfer to a Schedule of any species of wild animal;
 - (ii) fix or alter the period during which any game animal may be hunted;
 - (iii) open or close any geographical or administrative area in the outer country side to hunting of game animals; and
 - (iv) revise the fees for various types of licenses and permits.
- (2). The amendments in (1) above shall be subject to the following conditions:
 - (i) any addition to or deletion from or transfer to a Schedule of any species of wild animal shall be strictly for its protection and conservation or sustainable use, as the case may be, based on its conservation status and shall not be for unsustainable harvest;
 - (ii) the reasons and justifications for any addition, deletion or transfer shall be recorded in the official notification that is published in the Provincial Gazette; and
 - (iii) temporary transfer of a species from Schedule-I of Protected Animals to the Schedule-II of Game Animals shall be prohibited, if it is against the spirit of original listing and the conservation status of the species.

73. Powers to Make Rules

- (1) The 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, Regulations, Bye laws, Guidelines or Code of Conduct may provide for:
 - (i) powers and duties of the officers and other persons specially authorized to perform functions under this Act;
 - (ii) forms and terms and conditions on which a license, special license, permit, special permit or private permit may be granted;
 - (iii) fees to be charged for any license, special license, a permit, special permit or private permit;

- (iv) number and the sex of any species of game animals, that may be hunted under a license, special license, permit or special permit or private permit;
- (v) the authorities by whom, and the conditions on and the manner in which licenses or permits may be issued;
- (vi) approval and implementation of management plan of Protected Areas;
- (vii) bye laws of individual Protected Areas;
- (viii) disposal of arms; ammunition, other case property and specimens of wild animals confiscated under this Act.
- (ix) registration of community organisations; economic incentives to or benefit sharing with them;
- (x) traditional uses in the Protected Areas;
- (xi) eco-tourism;
- (xii) captive breeding facilities and parent stock therefor;
- (xiii) grant of reward to any person who renders help in prevention, detection or disposal of offences under this Act and Rules;
- (xiv) grant of reward to any officer or other authorised person for extraordinary performance in respect of any provision or objective of this Act;
- (xv) grant of award to any citizen or corporate entity for extraordinary performance or achievement in protection, conservation and sustainable use of wildlife, biodiversity and Protected Areas.

74. Rules when to have force of Law

All Rules, Regulations, Bye laws, Guidelines or Code of Conduct made by the Government under this Act shall be published in the official Gazette, and shall there upon have effect as if enacted therein.

75. Delegation of Powers

Government may, by notification in the official Gazette, delegate all or any of the powers vested under this Act to any of its employees and to any Honorary Officer appointed under Section 6.

76. Officers invested with Certain Powers

Government may invest the following powers on any officer or any other person to carry out duties under this Act:

- (i) powers of a Civil Court to compel the attendance of witnesses and production of documents and material objects;

- (ii) power to issue a search warrant under the Code of Criminal Procedure, 1898 (Act V of 1898);
- (iii) power to hold inquiry in any offence under this Act, and in the course of such inquiry to receive and record evidence;
- (iv) power to prosecute any offender in any offence case in a relevant court;
- (v) power to try an offence summarily under the Act.

77. Prevention of Offence

Every officer or any other person authorized by Government in this behalf shall prevent by all lawful means the commission of any offence under this Act.

78. 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, wild animal package, receptacle or covering, without warrant, so as to satisfy himself whether or not an offence under this Act has been committed and arrest the offender without warrant.
- (2) Every officer or the authorized person making an arrest under (1) above shall without unnecessary delay and subject to the provisions of this Act release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case or the officer in-charge of the nearest police station.

79. Seizure of Case Property

Any officer or any other person authorized by Government in this behalf may:

- (1) seize any wild animal, dead or alive, which has been hunted, killed, captured or acquired otherwise than in accordance with the provisions of this Act.
- (2) 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;

80. Confiscation of Case Property

- (1) Any officer or any other person authorized by Government in this behalf may confiscate any wild animal, dead or alive, its part, product or derivative or fire-arm, net, trap, snare, bow, arrow or any vehicle or vessel or anything what-so-ever used in the commission of offence in accordance with the decision of the offence case by the authorised officer or the relevant court;

- (2) When the offender is not known or cannot be found, any officer authorized in this behalf may, if he finds that an offence has been committed, confiscate the property used in the commission of the offence.

81. Disposal of Case Property

- (1) The authorised officer after, consultation with the province of origin in Pakistan or the CITES Management Authority and/or CITES Scientific Authority, may return the confiscated specimen to the province of origin or the country of export or origin; or may gift or sell to any zoo or zoo like facility in the country or abroad on such conditions as deemed fit.
- (2) Not-with-standing any other provision of this Act, the officer or any other person authorized in this behalf may set free in the wild any live wild animal or sell or dispose it off and any part, product or derivative seized under Sections 27, 37 and 79; and may, subject to the determination of the rights thereto, deal with the proceeds in such a manner as deemed fit.
- (3) Not-with-standing anything contained in this Act or any other law, any person authorized in this behalf may sell any property, subject to speedy and natural decay, seized under Sections 27, 37 and 79; and may deal with the proceeds as he would have dealt with such property if it had not been sold.

82. Compounding Offence Cases

- (1) The Government shall, by notification in the official Gazette, empower an officer to:
 - (i) receive from any person against whom reasonable suspicion exists that he has committed an offence under this Act, a sum of money by way of fine and compensation value for such offence;
 - (ii) release the property, which has been seized as liable to confiscation, on receipt of fine and compensation value thereof, as prescribed,
- (2) On the receipt of compensation or such fine and value of property as prescribed or estimated by an authorized officer in case it is not prescribed, the suspected person if in custody, shall be discharged and the property seized shall be released and no further proceedings shall be taken against such person or property.
- (3) The sum of money received as compensation value and fine under clause (i) of (1) in any one case 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 value and fine under (3) above to the person who helped in detection, registration and/or disposal of offence case. Such reward shall not exceed one-fourth of the amount so realized.

Chapter XII: INDEMNITY AND REMOVAL OF DIFFICULTY

83. Interference in Duty

No person shall interfere or attempt to interfere in the performance of any function or in the discharge of any duty by any authorized person under this Act.

84. Officers to be Public Servants

Any officer or person authorized under any provision of this Act to do a certain thing or act in a certain manner shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (Act XLV of 1860).

85. 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.

86. Penalty for vexatious and un-necessary Arrest

Any officer or person authorized under any provision of this Act arrests any person or detains any person when arrested or seizes any property on pretence of seizing property liable to confiscation under this Act vexatious and un-necessarily shall be punished with fine which may extend to five thousand rupees.

87. Removal of difficulty

If any difficulty arises in giving effect to the provisions of this Act, the Government may, not inconsistent with the provisions of this Act, give such directions as it may consider necessary for the removal of such difficulty.

Chapter XIII: MISCELLANEOUS DUTIES

88. Duty to produce Permit on demand

Every person in possession of any wild animal specified in Schedule-III shall produce Certificate of Lawful Possession on demand made by any officer or any other person authorized by Government in this behalf.

89. Duty to Help in Detection and Prosecution of Offence

Any lessee, worker or a person living in a Protected Area or collecting natural resources including staff, guard, fish, wild animal, plant, mineral, water or grazing livestock, mines; police man, village headman, chairman or member of Union Council and all Government servants working in a Protected Area at any time shall be bound, in the absence of reasonable excuse, to

- (i) give to any officer or any person authorized in this behalf by Government information in respect of any snaring, killing, trapping, netting, unauthorized hunting, transport, transfer and trade of specimens of wild animals or any other offence under this Act committed within the limits of jurisdiction of such person or place of work or residence, as soon as the commission of such offence comes to his knowledge;
- (ii) help the wildlife, Protected Area or forest staff or any other authorized person in apprehending the offender, taking in possession the case property; and
- (iii) appear as witness during the trial of case by the court.

90. Duty of Staff of Security Agencies

- (1) Any police officer or staff of other law enforcing agencies including levees and coast guards shall, upon request made by any officer or person authorised under this Act, assist him in due discharge of his duties under this Act.
- (2) It shall be the duty of the Police Station House Officer, in whose jurisdiction the offence has taken place, to produce the accused in the court during the hearing of the offence case.

Chapter XIV: TRIAL OF OFFENCE CASES

91. Competent Court

No court inferior to that of a Judicial Magistrate First Class shall take cognizance of and try an offence case under this Act.

92. Lodging of Complaint

The authorized Court shall take cognizance of any offence under this Act on the complaint made by:

- (i) any officer or any other person authorized by Government in this behalf; or
- (ii) any person by whom the offence was reported to the authorized officer but no action was taken within one month of the receipt of such a report.

93. Summary Trial

Any Judicial Magistrate of the First Class having jurisdiction in this behalf may try any offence case punishable under this Act summarily under the Code of Criminal Procedure 1898.

94. Onus of Proof

- (1). When in any proceedings taken under this Act or in consequence of anything done under this Act, a question arises as to whether any specimen of wild animal is the property of the Government, such property shall be deemed to be the property of the Government, until the contrary is proved.
- (2). When any offence takes place at a time and a place that nobody could have witnessed, the onus of proof of not committing such an offence shall lie on the accused.

95. Prosecution under other Laws

Nothing contained in this Act shall prevent from prosecuting any person under any other law for any act or omission which also constitutes an offence under this Act or from being liable under any other law to any higher punishment or penalty than under this Act.

Chapter XV: PENALTIES AND PUNISHMENT

96. Penalties and Punishment

- (1) Whosoever contravenes or attempts to contravene the provisions of this Act or the Rules and Regulations made there under shall be punished as provided in Schedule-IV.
- (2) Whosoever, having been convicted already of an offence under (1) above is again convicted of an offence under the Act, shall on every subsequent conviction, be punished with imprisonment which shall not be less than three months, or with fine which shall not be less than fifteen thousand rupees in addition to the value of the wild animal, parts, products or derivatives about which an offence has been committed or both, and his fire-arm, vehicle, appliance or anything used in the commission of the offence and his license, permit or special permit issued under this Act, shall be confiscated and he shall not be eligible to such license, permit, or a special permit, as the case may be, for a period of five years.
- (3) The property confiscated as contained in Sections 27, 37 and 80; above shall become the property of the Government, and may be disposed off by the Department in a manner as may be prescribed.

97. Abetment of Offence

Abetment of any offence under this Act shall be punishable as for the offence.

98. Determination of the Value

The Government shall determine the value of wild animals and trophies, inter alia, possessed, hunted, trapped, captured, or killed in violation of any provision of this Act. The value shall be determined on annual basis and notified in the official Gazette.

99. Imprisonment for non-payment of fine or value of the wild animal

- (1) The imprisonment for the non-payment of fine or value of the wild animal or both shall run consecutively after the service of the term of imprisonment imposed.
- (2) The term of imprisonment in case of (1) above shall be calculated at the rate of one day for each Rs. 1000. In case of a fraction, the term of imprisonment shall be one full day.

Chapter XVI: REPEALS AND SAVINGS

100. Repeals

The following laws are hereby repealed:

- (i) Sindh Wildlife Protection Ordinance, 1972;
- (ii) Sindh Wildlife Protection Ordinance (Amendment) 1978;
- (iii) Sindh Wildlife Protection Ordinance (Amendment) 1990;
- (iv) Sindh Wildlife Protection Ordinance (Amendment) 1993;
- (v) Sindh Wildlife Protection (1st Amendment) Ordinance 2001;
- (vi) Sindh Wildlife Protection (2nd Amendment) Ordinance
- (vii) Sindh Wildlife Protection (3rd Amendment) Ordinance
- (viii) Sindh Wildlife Protection (4th Amendment) Ordinance
- (ix) Sindh Wildlife Protection (5th Amendment) Ordinance
- (x) Sindh Wildlife Protection (6th Amendment) Ordinance
- (xi) Sindh Wildlife Protection (7th Amendment) Ordinance
- (xii) Sindh Wildlife Protection (8th Amendment) Ordinance
- (xiii) Sindh Wildlife Protection (9th Amendment) Ordinance
- (xiv) Sindh Wildlife Protection (10th Amendment) Ordinance
- (xv) Sindh Wildlife Protection (11th Amendment) Ordinance
- (xvi) Sindh Wildlife Protection (Amendment) Act 2008 (Sindh Act No:II Of 2009);
- (xvii) The rules made thereunder.

101. Savings

Not-with-standing the repeal of the enactments mentioned in Section 100, everything done and action taken; obligation, liability, penalty or punishment incurred; inquiry or proceedings commenced; officer appointed or person authorized; jurisdiction or power conferred; Rules made; and licenses, permits or orders issued under the provisions of the aforesaid enactments or Rules made there-under shall continue in force, and so far as, may 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.

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