



## The Jammu and Kashmir Wild Life Protection Act, 1978

Act 8 of 1978

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**THE JAMMU AND KASHMIR WILD LIFE (PROTECTION) ACT, 1978**

(Act No. VIII of 1978)

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**THE JAMMU AND KASHMIR WILD LIFE (PROTECTION)  
ACT, 1978**

(Act No. VIII of 1978)

*[Received the assent of the Governor on 9th May, 1978 and is published for general information].*

**An Act to provide for the protection of wild animals and for matters connected therewith or ancillary or incidental thereto.**

Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-ninth Year of the Republic of India as follows :--

1. *Short title, extent and commencement.*--(1) This Act may be called the Jammu and Kashmir Wild Life (Protection) Act, 1978.

(2) It extends to the whole of the State.

[(3) It shall come into force on such date] as the Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

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

(1) "animal" includes--

- (a) all forms of animal life from the protozoans to the most evolved ;
- (b) amphibians, birds, mammals and reptiles and their youngs ; and
- (c) in the cases of amphibians, birds and reptiles, their eggs ;

(2) "animal article" means an article made from any captive animal or wild animal, other than vermin and includes an article or object in which the whole or any part of such animal has been used ;

(3) "big game" means any animal specified in Schedule III ;

(4) "board" means Wild Life Advisory Board constituted under sub-section (1) of section 5 ;

(5) "captive animal" means any animal specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity ;

- (6) "cattle" includes buffaloes, bulls, bullocks, camels, cows, domestic elephants, donkeys, goats, horses, mules, pigs and sheep and also includes their youngs ;
- (7) "Chief Wild Life Warden" means the person appointed as such under clause (a) of sub-section (1) of section 3 ;
- (8) "closed area" means the area which is declared under sub-section (1) of section 37 to be closed to hunting ;
- (9) "Collector" means the collector as defined in the Land Revenue Act, Svt. 1996 ;
- (10) "dealer" means any person who carries on the business of buying and selling any captive animal, animal article, trophy, uncurred trophy or meat under a licence ;
- (11) "game reserve" means an area declared under section 36 to a game reserve ;
- (12) "Government property" means any property in respect of which an offence is committed under the provisions of the Act or rules made thereunder ;
- (13) "habitat" includes land, water or vegetation which is the natural home of any wild animal ;
- (14) "hunting" with its grammatical variations and cognate expressions, includes ;
  - (a) capturing, killing, poisoning, snaring and trapping of any wild animal and every attempt to do so ;
  - (b) driving any wild animal for any of the purposes specified in sub-clause (a) ;
  - (c) injuring or destroying or taking any part of the body of any such animal or, in the case of wild birds or reptiles, damaging the eggs of such birds or disturbing the eggs or nests of such birds or reptiles ;
- (15) "land" includes canals, creeks and other water channels, reservoirs, rivers, streams and lakes whether artificial or natural, and also includes boulders and rocks ;
- (16) "licence" means a licence granted under this Act ;

- (17) "manufacturer" means a manufacturer of animal articles ;
- (18) "meat" includes blood, bones, sinew, eggs, fat and flesh whether raw or cooked, of any wild animal other than vermin ;
- (19) "National Park" means an area declared under section 35 as a National Park ;
- (20) "permit" means a permit granted under this Act or any rule made thereunder ;
- (21) "person" includes a firm ;
- (22) "prescribed" means prescribed by rules made under this Act ;
- (23) "royalty" means charges to be paid by the licensee for wild animal hunting ;
- (24) "sanctuary" means an area declared under section 17 as a Wild Life Sanctuary ;
- (25) "small game" means any animal specified in Schedule IV ;
- (26) "special game" means any animal specified in Schedule II ;
- (27) "taxidermy" with its grammatical variation and cognate expressions, means the curing, preparation or preservation of trophies ;
- (28) "transporter" includes a person, a private agency, a Government Department, Corporation or any other agency engaged in the transport of goods whether on his own behalf or on behalf of any other person ;
- (29) "trophy" means the whole or any part of any captive animal or wild animal other than vermin, which has been kept or preserved by any means whether artificial or natural, and includes--
  - (a) rugs, skins and specimens of such animals mounted in whole or in part through a process of taxidermy ; and
  - (b) antler horn, rhinoceros horn, hair, feather, nail, tooth, musk eggs and nests ;
- (30) "uncurred trophy" means the whole or any part of any captive animal or wild animal, other than vermin, which has not undergone a process of taxidermy and includes a freshly killed wild animal ;

- (31) "vehicle" means any conveyance used for movement on land, water or air and includes buffalo, bull, bullock, camel, donkey, elephant, horse and mule ;
- (32) "vermin" means any wild animal specified in Schedule V ;
- (33) "weapon" includes ammunition, bows and arrows, explosives, fire-arms, hooks, knives, nets, poison, snares and traps and any instrument or apparatus capable of anaesthetizing, decaying, destroying, injuring or killing an animal ;
- (34) "wild animal" means animal, found wild in nature and includes any animal specified in Schedule I, Schedule II, Schedule III or Schedule IV wherever found ;
- (35) "wild life" means the entire native uncultivated flora and fauna ;
- (36) "Wild Life Warden" means the person appointed as such under clause (b) of sub-section (1) of section 3.

## CHAPTER II.

### **Authorities to be Appointed or Constituted under the Act.**

3. *Appointment of Chief Wild Life Warden and other officers.*—(1) The Government may, for the purposes of this Act, appoint—

- (a) a Chief Wild Life Warden ;
- (b) Wild Life Wardens ; and
- (c) such other officers and employees as may be necessary including persons in honorary capacity.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Chief Wild Life Warden shall be subject to such general or special directions, as the Government may, from time to time, give.

(3) The Wild Life Warden and other officers and employees appointed under this section shall be subordinate to the Chief Wild Life Warden.

4. *Power to delegate.*—(1) The Chief Wild Life Warden may with the previous approval of the Government, by order in writing, delegate all or any of his powers and duties under this Act, except those under clause (a) of sub-section (1) of section 10 to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.



(2) Subject to any general or special direction given or condition imposed by the Chief Wild Life Warden, any person, authorised by the Chief Wild Life Warden to exercise any powers, may exercise those powers in the same manner and to the same effect as if they had been conferred on that person directly by this Act and not by way of delegation.

5. *Constitution of Wild Life Preservation Advisory Board.*—(1) The Government shall, as soon as may be, after the commencement of this Act, constitute a Wild Life Advisory Board consisting of the following members, namely :—

- (a) The Minister Incharge of Forest/Wild Life in the State who shall be the Chairman ;
- (b) Two members of the State Legislature ;
- (c) Secretary to Government Incharge of Forest/Wild Life ;
- (d) An officer to be nominated by the Director of Wild Life Preservation, Government of India ;
- (e) Chief Conservator of Forests, ex-officio ;
- (f) Chief Wild Life Warden, ex-officio ;
- (g) Such other officers and non-officials, not exceeding fifteen, who, in the opinion of the Government are interested in the protection of Wild Life.

(2) Report made by this Board will be placed on the Table of the House.

(3) The Government shall appoint Chief Conservator of Forests or Chief Wild Life Warden or any other member of the Board as the Secretary of the Board.

(4) The term of office of the members of the Board referred to in clause (f) of sub-section (1) and the manner of filling vacancies among them shall be such as may be prescribed.

(5) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the Government may prescribe.

6. *Procedure to be followed by the Board.*—(1) The Board shall meet at least twice a year at such place as the Government may direct.

(2) The Board shall regulate its own procedure (including the quorum).

(3) No act, proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of Board not affecting the merits of the case.

7. *Duties of Wild Life Advisory Board.*--It shall be the duty of the Wild Life Advisory Board to advise the Government---

- (a) in the selection of areas to be declared as sanctuaries, National Parks, game reserves and closed areas and the administration thereof ;
- (b) in formulation of the policy in granting licences and permits under this Act ;
- (c) in any matter relating to the amendment of any Schedule ; and
- (d) in any other matter connected with the protection of wild life which may be referred to it by the Government.

### CHAPTER III.

#### Hunting of Wild Animals.

8. *Hunting of Wild Animals.*--(1) No person shall hunt any wild animal specified in Schedule I.

(2) No person shall hunt wild animal specified in Schedule II, Schedule III or Schedule IV, except under, and in accordance with the conditions, specified in a licence granted under sub-section (5).

(3) Any person desiring to obtain a licence referred to in sub-section (2) shall apply, in such form, and on payment of such fee, as may be prescribed, to the Chief Wild Life Warden or any other officer authorised by the Government in this behalf (hereinafter referred to as the authorised officer).

(4) An application under sub-section (3) may be made for all or any of the following kinds of licences, namely :--

- (a) Special game hunting licence,
- (b) Be valid for such period as may be specified therein ;
- (c) Small game hunting licence,

## (d) Wild animal trapping licence :

Provided that any such licence may be restricted to the hunting or trapping of such animal as may be specified therein.

(5) On receipt of an application under sub-section (3), the Chief Wild Life Warden or the authorised officer may, after making such inquiry as he may think fit with regard to the fitness or otherwise of the applicant to receive the licence, grant on payment of fee or refuse to grant such licence after recording in writing his reasons for such grant or refusal ; and when the grant of a licence is refused, the fee paid therefor shall be refunded to the applicant

(6) A licence granted under this section shall--

- (a) be in such form as may be prescribed ;
- (b) be valid for such period as may be specified therein ;
- (c) be subject to such terms, conditions and restrictions including payment of royalty as may be prescribed ;
- (d) not be transferable.

9. *Maintenance of records of wild animals killed or captured.*---(1) The holder of every licence shall maintain a record containing such particulars as may be prescribed of the wild animals other than vermin, killed or captured by him during the currency of licence.

(2) When any animal specified in Schedule II, Schedule III or Schedule IV is killed, wounded, or captured by the holder of a licence, he shall not later than fifteen days from the date of such killing, wounding or capture, or before leaving the area specified in the licence, whichever is earlier, intimate in writing to the Chief Wild Life Warden or the authorised officer, the prescribed particulars of such animal killed, wounded or captured by him.

(3) The holder of every licence shall, not later than fifteen days from the date of expiry of such licence, surrender the records maintained by him under sub-section (1) and the licence to the Chief Wild Life Warden or the authorised officer, and shall sign a declaration, in the prescribed form certifying the records maintained by him under sub-section (1).

10. *Hunting of wild animals to be permitted in certain cases.*---(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV--

- (a) the Chief Wild Life Warden may if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life

or is so disabled or diseased as to be beyond recovery by order in writing and stating the reasons therefor permit any person to hunt such animal or cause such animal to be hunted ;

- (b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV, has become dangerous to human life or property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted.

(2) The killing or wounding in good faith of any wild animal in defence of oneself or one's property or of any other person or his property shall not be an offence :

Provided that nothing in this sub-section shall exonerate any person, who when such defence becomes necessary was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person or his property shall be Government property.

11. *Grant of permit for special purposes.*--Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden to grant, with the previous permission of the Government, a permit, by an order in writing, stating the reasons therefor, to any person on payment of such fee as may be prescribed which shall entitle the holder of such permit, to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of--

- (a) education ;
- (b) scientific research ; or
- (c) collection of specimens for zoological gardens, museums and similar institutions.

12. *Suspension or cancellation of licence.*--The Chief Wild Life Warden or the authorised officer may, subject to any general or special orders of the Government, for good and sufficient reasons, to be recorded in writing, suspend or cancel any licence granted under this Chapter.

13. *Appeals.*--(1) An appeal from an order refusing to grant licence under section 8 or an order suspending or cancelling a licence under section 12 shall lie--

- (a) if the order is made by the authorised officer, to the Chief Wild Life Warden ; or
- (b) if the order is made by the Chief Wild Life Warden to the Government.

(2) In case of an order passed in appeal by the Chief Wild Life Warden under sub-section (1) a second appeal shall lie to the Government.

(3) Subject as aforesaid every order passed in appeal under this section shall be final.

(4) No appeal shall be entertained unless it is preferred within fifteen days from the date of the communication to the applicant of the order appealed against :

Provided that the appellate authority may admit any appeal after the expiry of the period aforesaid, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

14. *Hunting of young and female of wild animals.*--No person shall, unless specifically authorised by a licence, hunt the young of any wild animal, other than vermin, or any female of such animal, or any deer with antlers in velvet.

15. *Declaration of closed time.*--(1) The Government may, by notification, declare the whole year or any part thereof, to be closed time throughout the State, or any part thereof for such wild animal as may be specified in the notification and no hunting of such animal shall be permitted, during the said period, in the area specified in the notification.

(2) The provisions of sub-section (1) shall not apply to vermin unless otherwise specified by the Government in this behalf.

16. *Restrictions on hunting.*--(1) No person shall--

- (a) hunt any wild animal, from or by means of a wheeled or a mechanically propelled vehicle on water or land, or by aircraft ;
- (b) use an aircraft, motor vehicle or launch for the purpose of driving or stampeding any wild animal ;
- (c) hunt any wild animal with chemicals, explosives, nets, pitfalls, poisons, poisoned weapons, snares or traps, except in so far as they

relate to the capture of wild animals under Wild Animal Trapping Licence ;

- (d) hunt any special game or big game other than with a rifle, unless specially authorised by the licence to hunt with a shot gun using single slug bullets ;
  - (e) for the purpose of hunting, set fire to any vegetation ;
  - (f) use any artificial light for the purpose of hunting, except, when specially authorised to do so under a licence in the case of carnivora over a kill ;
  - (g) hunt any wild animal during the hours of night that is to say, between sun-set and sub-rise, except when specially authorised to do so under a licence ;
  - (h) hunt any wild animal on a salt lick or water hole or other drinking place or on path or approach to the same, except sandgrouse and water birds ;
  - (i) hunt any wild animal on any land not owned by Government, without the consent of the owner or his agent or the lawful occupier of such land ;
  - (j) notwithstanding that he holds a licence for the purpose, hunt any wild animal during the closed time referred to in section 15 ;
  - (k) hunt, with the help of dogs, any wild animal except water bird, jungle fowl, chakor, partridge or quail.
- (2) The provisions of sub-section (1), shall not apply to vermin and to wild animals referred to in clause (a) of sub-section (1) of section 10.

#### CHAPTER IV.

##### Sanctuaries, National Parks, Game Reserves and Closed Areas.

###### *Sanctuaries.*

17. *Declaration of sanctuary.*--(1) The Government may, by notification, declare any area to be a sanctuary if it considers that such area is of adequate ecological, faunal, floral or geomorphological significance, for the purpose of protecting, propagating or developing wild life or its environment.

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

*Explanation.*--For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

18. *Collector to determine rights.*--Whenever any area is declared to be sanctuary, the Collector shall inquire into and determine, the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

19. *Bar of accrual of rights.*--After the issue of a notification under section 17, no right shall be acquired in, on or over land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

20. *Proclamation by Collector.*--When a notification has been issued under section 17, the Collector shall publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation--

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary ; and
- (b) requiring any person, claiming any right mentioned in section 18 to prefer before the Collector, within two months from the date of such proclamation, written claim in the prescribed form, specifying the nature and extent of such right with necessary details and the amount and particulars of compensation if any claimed in respect thereof.

21. *Inquiry by Collector.*--The Collector shall, after issue of proclamation expeditiously inquire into--

- (a) the claim preferred before him under clause (b) of section 20, and
- (b) the existence of any right mentioned in section 18 and not claimed under clause (b) of section 20,

so far as the same may be ascertainable from the records of the State Government and the evidence of any person acquainted with the same.

22. *Powers of Collector.*--For the purpose of such inquiry, the Collector may exercise the following powers, namely :--

- (a) the power to enter in or upon any land and to survey, demarcate and make a map of the same or to authorise any other official to do so ;

(b) the same powers as are vested in a Civil Court for the trial of suits.

23. *Acquisition of rights.*--(1) In the case of a claim to a right in or over any land referred to in section 18, the Collector shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part the Collector may either--

- (a) exclude such land from the limits of proposed sanctuary, or
- (b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or holder of rights and the Government, the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land and on payment of such compensation, as is provided in the Land Acquisition Act, Svt. 1990.

24. *Acquisition proceedings.*--(1) For the purpose of acquiring such land, or rights in or over such land--

- (a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, Svt. 1990 ;
  - (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;
  - (c) the provisions of the sections, preceding section 9 of that Act, shall be deemed to have been complied with ;
  - (d) where the claimant does not accept the award made in his favour in the matter of compensation he shall be deemed, within the meaning of section 18 of that Act, to be person interested who has not accepted the award and shall be entitled to proceed to claim relief against the award under the provisions of Part III of that Act ;
  - (e) the Collector, with the consent of the claimant, or the Court, with the consent of both the parties may award compensation in land or money or partly in land and partly in money ; and
  - (f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the Government, provide for an alternative public way or common pasture, as far as may be practicable or convenient.
- (2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.



25. *Delegation of Collector's powers.*--The Government may, by general or special order, direct that the powers exercisable or the function to be performed by the Collector under sections 18 to 24 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

26. *Restriction on entry in sanctuary.*--No person other than,--

- (a) a public servant on duty ;
- (b) a person who has been permitted by the Chief Wild Life Warden or the authorised officer to reside within the limits of the sanctuary ;
- (c) a person who has any right over immovable property within the limits of the sanctuary ;
- (d) a person passing through the sanctuary along a public highway ; and
- (e) the dependants of the person referred to in clause (a), clause (b) or clause (c) ;

shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 27.

27. *Prevention of offences in sanctuary.*--(1) Every person shall, so long as he resides in the sanctuary be bound--

- (a) to prevent the commission in the sanctuary, of an offence against this Act ;
- (b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender ;
- (c) to report the death of any wild animal and to safeguard its remains until the Chief Wild Life Warden or the authorised officer takes charge thereof ;
- (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading by any lawful means in his power, any fire, within the vicinity of such sanctuary of which he has knowledge or information ; and
- (e) to assist any Forest Officer, Chief Wild Life Warden Wild Life Warden or Police Officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

(2) Every person residing in, or within ten kilometres of, any area declared as sanctuary under section 17, shall within three months from such declaration, get the cattle in his possession vaccinated.

(3) Any person who is convicted under any of the provisions of this Act, shall be evicted from the sanctuary or land in relation to which he has committed the offence.

28. *Grant of permit.*—(1) The Chief Wild Life Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely :—

- (a) investigation or study of wild life and purposes ancillary or incidental thereto ;
- (b) photography ;
- (c) scientific research ;
- (d) recreation and trekking ;
- (e) transaction of lawful business with any person residing in the sanctuary.

(2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

29. *Hunting in sanctuary without permit prohibited.*—(1) Notwithstanding anything contained elsewhere in this Act, no person shall hunt any wild animal in a sanctuary or remove therefrom any wild animal, whether alive or dead, or any trophy, uncured trophy or meat derived from such animal :

Provided that if the Chief Wild Life Warden is satisfied that it is necessary that any wild animal in a sanctuary should be hunted or removed—

- (a) for the better protection of wild life ; or
- (b) for any other good and sufficient reason ;

he may, with the previous approval of the Government grant a permit authorising any person to hunt or remove such wild animal under the direction of an officer authorised by him or cause it to be hunted or removed.

(2) A permit granted under sub-section (1) shall specify the kind and number of wild animals that may be hunted or removed by the holder of such permit.

(3) The Chief Wild Life Warden may, for good and sufficient reasons, to be recorded in writing, cancel any permit granted under section 28 or under this section :

Provided that no such cancellation shall be made except after giving the holder of the permit a reasonable opportunity of being heard.

(4) Any person aggrieved by the cancellation of a permit under subsection (3) may, within fifteen days from the date of such cancellation, appeal to the Government, whose decision shall be final :

Provided that the Government may admit any appeal preferred after the expiry or the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

30. *Causing fire prohibited.*--No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning in a sanctuary in such manner as to endanger such sanctuary.

31. *Prohibition of entry into sanctuary with weapon.*--No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

32. *Ban on use of injurious substances.*--No person shall use or carry in a sanctuary, chemicals, explosives or any other substances which may cause injury to or endanger any wild life in such sanctuary except and in accordance with a permit granted by the Chief Wild Life Warden or any officer authorised by him in this behalf.

33. *Control of sanctuaries.*--The Chief Wild Life Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose within the limits of any sanctuary--

- (a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary ;
- (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals therein ;
- (c) may take such measures, in the interest of wild life, as he may consider necessary for the improvement of any habitat ;
- (d) may regulate, control or prohibit, in keeping with the interests of wild life, the grazing or movement of cattle ;
- (e) may regulate, control or prohibit, any fishing.

34. *Registration of certain persons in possession of arms.*--(1) Within three months from the declaration of any area as a sanctuary every person residing in or within seven kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959, for the possession of arms or exempted from the provisions of that Act and possessing arms or acquiring such arms subsequently shall apply in such form on payment of such fee and within such time as may be prescribed, to the Chief Wild Life Warden or the authorised officer, for the registration of his name.

(2) On receipt of an application under sub-section (1) the Chief Wild Life Warden or the authorised officer shall, register the name of the applicant in such manner as may be prescribed.

#### *National Parks.*

35. *Declaration of National Parks.*--(1) Whenever it appears to the Government that an area whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological association or importance needed to be constituted as a National Park for the purpose of protecting, propagating or developing wild life therein or its environment, it may by notification declare its intention to constitute such area as a National Park.

(2) The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.

(3) Where any area is intended to be declared as a National Park, the provisions of sections 18 to 25 (both inclusive) shall, as far as may be, apply to the investigation, and determination of claims, and extinguishment of rights in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely--

- (a) the period of preferring claims has elapsed and all claims if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the Government, and
- (b) all rights in respect of lands proposed to be included in the National Park have become vested in the Government,

the Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall destroy, exploit or remove any wild life from a National Park or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such National Park except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the Government being satisfied that such destruction, exploitation or removal of wild life from the National Park is necessary for the improvement and better management of wild life therein authorises the issue of such permit.

(7) No grazing of any cattle shall be permitted in National Park and no cattle shall be allowed to enter therein except where such cattle is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of sections 26, 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of section 33, and section 34 shall as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.

#### *Game Reserve.*

36. *Declaration of game reserve.*--(1) The Government may, by notification, declare any area to be a game reserve.

(2) No hunting of any wild animals, grazing, cultivation, or cutting of any vegetation including trees, bushes and grass shall be permitted in such reserve except under and in accordance with a licence issued under this section by the Chief Wild Life Warden or the authorised officer.

(3) No person shall carry any weapon in a game reserve without the written permission of the Chief Wild Life Warden or any officer authorised by him in this behalf.

#### *Closed Area.*

37. *Declaration of closed area.*--(1) The Government may by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in a closed area during the period specified in the notification referred to in sub-section (1).

(3) No person shall carry any weapon in a closed area without the written permission of the Chief Wild Life Warden or any officer authorised by him in this behalf.

## CHAPTER V

**Trade or Commerce in Wild Animals, Animal Articles and Trophies.**

38. *Wild animals etc. to be Government property.*--(1) Every--

- (a) wild animal other than vermin, which is hunted under section 10 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or bred in captivity in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed without a licence or by mistake, and
- (b) animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed,

shall be the property of the Government, and where such animal is hunted in a sanctuary or National Park, declared by the Government, such animal or any animal article, trophy, uncured trophy or meat derived from such animal, shall be the property of the Government.

(2) Any person who obtains, by any means, the possession of government property, shall within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or the authorised officer and shall, if so required, hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer--

- (a) acquire or keep in his possession, custody or control, or
- (b) transfer to any person whether by way of gift, sale or otherwise, or
- (c) destroy or damage,

such Government property.

39. *Declaration.*--(1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II or any uncured trophy derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorised officer the number and description of the animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or otherwise

transfer or transport any animal specified in Schedule I or Part II of Schedule II or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

(3) Nothing in sub-section (1) shall apply to a public museum or zoo, or a museum of an educational institution.

(4) The Government may, by notification, require any person to declare to the Chief Wild Life Warden or the authorised officer any animal or trophy (other than a musk of a musk deer or horn of a rhinoceros) or salted or dried skin derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession in such form in such manner, and within such time, as may be prescribed.

40. *Inquiry and preparation of inventories.*--(1) On receipt of a declaration made under section 39, the Chief Wild Life Warden or the authorised officer may after such notice, in such manner and at such time, as may be prescribed,--

- (a) enter upon the premises of a person referred to in section 39 ;
- (b) make inquiries and prepare inventories of animal articles, trophies, uncured trophies, salted and dried skins and captive animals specified in Schedule I and Part II of Schedule II and found thereon ; and
- (c) affix upon the animal articles, trophies or uncured trophies identification marks in such manner as may be prescribed.

(2) No person shall obliterate or counterfeit any identification mark referred to in this chapter.

41. *Certificate of ownership.*--The Chief Wild Life Warden may for the purpose of section 39 issue a certificate of ownership in such form, as may be prescribed, to any person who, in his opinion is in lawful possession of any wild animal or any animal article, trophy, uncured trophy and may, where possible, mark, in the prescribed manner, such animal article, trophy or uncured trophy for purposes of identification.

42. *Regulation of transfer of animal etc.*--(1) Subject to the provisions of sub-section (2), sub-section (3) and sub-section (4) a person (other than a dealer) who does not possess a certificate of ownership shall not--

- (a) sell or offer for sale or transfer whether by way of sale, gift or otherwise any wild animal specified in Schedule I or Part II of

Schedule II or any captive animal belonging to that category or any animal article, trophy, uncured trophy or meat derived therefrom ;

- (b) make animal articles containing part or whole of such animal ;
- (c) put under a process of taxidermy, an uncured trophy of such animal ;

except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

(2) Where a person transfers or acquires by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub-section (1) in respect of which he has a certificate of ownership, shall, within thirty days of the transfer, report the transfer to the Chief Wild Life Warden or the authorised officer.

(3) No person who does not possess a certificate of ownership shall acquire by transfer from outside the State any such animal, animal article, trophy or uncured trophy as is referred to in sub-section (1) except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

(4) Before granting any permission under sub-section (1) or sub-section (3) the Chief Wild Life Warden or the authorised officer shall satisfy himself that the animal or article referred to therein has been lawfully acquired.

(5) While permitting the transfer of any animal, animal article, trophy or uncured trophy, as is referred to in sub-section (1) the Chief Wild Life Warden or the authorised officer--

- (a) shall issue a certificate of ownership after such inquiry as he may deem fit ;
- (b) shall, where the certificate of ownership existed in the name of the previous owner, issue a fresh certificate of ownership in the name of the person to whom the transfer has been effected ;
- (c) may affix an identification mark on any, such animal, animal article, trophy or uncured trophy.

(6) Nothing in this section shall apply--

- (a) to animal article or trophies made out of feathers of peacocks ;



- (b) to any transaction entered into by a public museum or zoo with any other public museum or zoo.

43. *Dealings in trophy and animal articles without licence prohibited.*--(1) Except under, and in accordance with, a licence granted under sub-section (4) no person shall--

- (a) commence or carry on the business as--
- (i) a manufacturer of or dealer in, any animal article ; or
  - (ii) a taxidermist ; or
  - (iii) a dealer in trophy or uncured trophy ; or
  - (iv) a dealer in captive animals ; or
  - (v) a dealer in meat ; or
  - (vi) an exhibition of captive animals specified in Schedules I and II ; or
- (b) cook or serve meat in any eating house ; or
- (c) carry on a business of circus or exhibition of captive animals for the purpose of performance :

Provided that nothing in this sub-section shall prevent a person, who immediately before the commencement of this Act was carrying on the business or occupation specified in this sub-section from carrying on such business or occupation for a period of thirty days from such commencement, or where he has made an application within that period for the grant of a licence to him until the licence is granted to him or he is informed in writing that a licence cannot be granted to him :

Provided further that nothing in this sub-section shall apply to manufacturers of and dealers in, articles made of ivory and feathers of peacocks.

*Explanation.*--For the purpose of this section, "eating-house" includes a hotel, restaurant, house-boat or any other place where any eatable is served on payment, whether or not such payment is separately made for such eatable or is included in the amount charged for board and lodging.

(2) Every manufacturer of, or dealer in, animal article, or every dealer in captive animals, trophies or uncured trophies or every taxidermist shall,

within forty-five days from the commencement of this Act, declare to the Chief Wild Life Warden his stocks of animal articles, captive animals, trophies and uncured trophies, as the case may be, as on the date of such declaration and the Chief Wild Life Warden or the authorised officer may place an identification mark on every animal article, captive animal, trophy or uncured trophy, as the case may be.

(3) Every person referred to in sub-section (1) who intends to obtain a licence, shall, within forty-five days from the commencement of this Act, make an application to the Chief Wild Life Warden or the authorised officer for the grant of a licence.

(4) (a) Every application referred to in sub-section (3) shall be made, in such form and on payment of such fee as may be prescribed, to the Chief Wild Life Warden or the authorised officer.

(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden, or the authorised officer having regard to such matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted.

(5) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

(6) Every licence granted under this section shall--

(a) be valid for one year from the date of its grant ;

(b) not be transferable ; and

(c) be renewable for a period not exceeding one year at a time.

(7) No application for the renewal of a licence shall be rejected unless the holder of such licence has been given a reasonable opportunity of presenting his case and unless the Chief Wild Life Warden or the authorised officer is satisfied that--

(i) the application for such renewal has been made after the expiry of the period specified therefor ; or

(ii) any statement made by the applicant at the time of the grant or renewal of the licence was incorrect or false in material particulars ; or

(iii) the applicant has contravened any term or condition of the licence or any provision of this Act or any rule made there-under ; or

(iv) the applicant does not fulfil the prescribed conditions.

(8) Every order granting or rejecting an application for the grant of renewal of a licence shall be made and reasons therefor recorded in writing.

(9) Nothing in the foregoing sub-sections shall apply in relation to vermin.

44. *Suspension or cancellation of licences.*--Subject to any general or special order of the Government, Chief Wild Life Warden or the authorised officer may, for reasons to be recorded by him in writing suspend or cancel any licence granted or renewed under section 43 :

Provided that no such suspension or cancellation shall be made except after giving the holder of the licence a reasonable opportunity of being heard.

45. *Appeal.*--(1) An appeal from an order refusing to grant or renew a licence under section 43 or an order suspending or cancelling a licence under section 44 shall lie--

(a) if the order is made by the authorised officer, to the Chief Wild Life Warden ; or

(b) if the order is made by the Chief Wild Life Warden, to the Government.

(2) In the case of an order passed in appeal by the Chief Wild Life Warden under clause (a) of sub-section (1) a second appeal shall lie to the Government.

(3) Subject as aforesaid, every order passed in appeal under this section shall be final.

(4) An appeal under this section shall be preferred within thirty days from the date of the communication, to the applicant, of the order appealed against :

Provided that the appellate authority may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

46. *Maintenance of records.*--A licensee under this Chapter shall--

- (a) keep records, and submit such returns of his dealings as may be prescribed to the Chief Wild Life Warden or the authorised officer ; and
- (b) make such records available on demand for inspection by such officers.

47. *Purchase of animal etc. by licensee.*--No licensee under this Chapter shall--

- (a) keep in his control, custody or possession--
  - (i) any animal, animal article, trophy or uncured trophy in respect of which a declaration under the provisions of sub-section (2) of section 43 has to be made but has not been made ;
  - (ii) any animal or animal article, trophy, or meat which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder ;
- (b) (i) capture any wild animal ; or
  - (ii) acquire, receive, keep in his control, custody or possession or sell, offer for sale or transport, any captive animal or animal article, trophy, uncured trophy or meat derived therefrom or serve such meat, or put under a process of taxidermy or make animal article containing part or whole of such animal ;

except in accordance with such rules as may be made under this Act :

Provided that where the acquisition or, possession, control or custody of such animal or animal article, trophy or uncured trophy entails the transfer or transport from outside State no such transfer or transport shall be effected except with the previous permission in writing of the Chief Wild Life Warden or any other officer authorised by him in this behalf :

Provided further that no such permission under the foregoing proviso shall be granted unless the Chief Wild Life Warden or the officer authorised by him is satisfied that the animal or article aforesaid has been lawfully acquired.

48. *Transport of captive animals prohibited.*--No transporter shall accept from any person captive animal, wild animal, animal article, meat, trophy or uncured trophy for transport by land, air or sea unless a certificate

of ownership and permission for transport has been issued by the Chief Wild Life Warden or by an officer authorised by him in this behalf.

49. *Purchase of captive animal, etc. by a person other than a licensee.*-- No person shall purchase, receive or acquire any captive animal, wild animal other than vermin, or any animal article, trophy, uncured trophy or meat derived therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act :

Provided that nothing in this section shall apply to any transaction entered into by a public museum or zoo with any other public museum or zoo.

## CHAPTER VI.

### Prevention and Detention of Offences.

50. *Power of entry, search, arrest and detention.*--(1) Notwithstanding anything contained in any other law for the time being in force, the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of Sub-Inspector or any officer of the Tourism Department not below the rank of a Tourist Officer may, if he has reasonable grounds for believing that any person has committed an offence against this Act--

- (a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, trophy or uncured trophy in his control, custody or possession or any licence, permit or other document granted to him or require to be kept by him under the provision of this Act ;
- (b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person and open or search any baggage or other things in his possession, and may break open any outer or inner door, window of any premises or places in order to conduct search or liberate himself or any person lawfully authorised for the purpose of making search or seizure ;
- (c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy in the possession of any person and appearing to him to be Government property together with any trap, tool, vehicle, vessel or weapon used for committing any such offence, and any licence, permit or other document granted or required to be kept by him or having any relevancy with the offence committed by him and unless he is satisfied that such person will appear and

- answer any charge which may be preferred against him, arrest him without warrant and detain him.
- (d) hold an inquiry into the offence under the Act, and during the course of the inquiry to receive and record evidence and compel attendance of witnesses and production of documents and material objects, evidence so recorded shall be produced in any subsequent trial before a Magistrate.
- (2) Any officer who, has seized any trap, tool, vehicle, vessel or weapon under clause (c) or sub-section (1) may release the same, on the execution by the owner thereof of a bond for the production of the property so released if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.
- (3) It shall be lawful for any of the officers referred to in sub-section (1) to stop and detain any person, whom he sees doing any act for which a licence or permit is required under the provision of this Act, for the purposes of requiring such person to produce the licence or permit and if such person fails to produce the licence or permit, as the case may be, he may be arrested without warrant, unless he furnishes his name and address and otherwise satisfies the officer arresting him that he will duly answer any summons or other proceedings which may be taken against him.
- (4) Any person detained or things seized under the foregoing power, shall forthwith be taken before a Judicial Magistrate to be dealt with according to law.
- (5) Any person who, without reasonable cause, fails to produce anything, which he is required to produce under the section, shall be guilty of an offence against this Act.
- (6) (a) Where any meat or uncured trophy is seized under the provisions of this section the Chief Wild Life Warden or the authorised officer may arrange for the sale of the same and deal with the proceeds of such sale in such manner as may be prescribed.
- (b) Where it is proved that the meat or uncured trophy seized under the provisions of this section is not government property, the proceeds of the sale shall be returned to the owner.
- (7) Whenever any person is approached by any of the officers referred to in sub-section (1) for assistance in the prevention or detention of an offence against this Act, or in apprehending persons charged with the violation of this Act, or for seizure in accordance with clause (c) of

sub-section (1), it shall be the duty of such person to render such assistance.

51. *Penalties.*—(1) Any person who contravenes any provision of this Act or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall on conviction be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both :

Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal or where the offence relates to hunting in a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than six months but may extend to six years and also with fine which shall not be less than five hundred rupees :

Provided further that in the case of a second or subsequent offence of the nature mentioned in the foregoing proviso, the term of imprisonment shall not be less than one year and the amount of the fine shall not be less than one thousand rupees.

(2) When any person is convicted of an offence against this Act, the Court trying the offence, may order that any captive animal, wild animal, animal article, trophy, uncured trophy or meat in respect of which the offence has been committed, and any trap, tool, vehicle, vessel or weapon, used in the commission of the said offence be forfeited to the Government and that any licence or permit, held by such person under the provisions of this Act, be cancelled.

(3) Such cancellation of licence or permit, or such forfeiture shall be in addition to any other punishment that may be awarded for such offence.

(4) Where any person is convicted of an offence against this Act, the Court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1959) for possession of any arms with which an offence against this Act has been committed, shall be cancelled and that such person shall not be eligible for a licence under the Arms Act, 1959 for a period of five years from the date of conviction.

52. *Penalty for Shikari taking up service without permit.*—Whoever, being a Shikari, takes up service with a sportsman without obtaining permit from the Chief Wild Life Warden shall be punished as if he had committed an offence, under section 51 of this Act.

53. *Penalty for altering, removing, destroying or defacing boundary mark.*—Whoever, with intent to cause damage or injury to the public, or to any person or to cause wrongful gain as defined in the Ranbir Penal Code, alters, removes, destroys or defaces any boundary mark of a sanctuary, national park, game reserves or a closed area shall be punishable with imprisonment of either description for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

54. *Attempts and abetment.*—Whoever attempts to contravene, or abets, the contravention of any of the provisions of this Act or of any rule or order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

55. *Punishment for wrongful seizure.*—If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in section 50 he shall, on conviction be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

56. *Power to compound offences.*—(1) The Government may, by notification empower the Chief Wild Life Warden or any officer of a rank not inferior to that of an Assistant Conservator of Forests—

(a) to accept, from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed ; and

(b) when any property has been seized as liable to be forfeited to release the same, on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value, or both as the case may be to such officer the suspected person if in custody, shall be discharged and the property other than Government property, if any, seized, shall be released and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act, to the offender, or if not empowered to do so may approach an officer so empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under clause (a) of sub-section (1) shall, in no case, exceed the sum of three thousand rupees :

Provided that no offence, for which a minimum period of imprisonment has been prescribed in sub-section (1) of section 51 shall be compounded.



57. *Rewards.*—(1) any person or persons giving such bonafide information as shall lead to conviction under this Act or the rules made thereunder shall be entitled to reward which may, at the discretion of the Magistrate trying the case extend to the full amount of the fine inflicted.

(2) A reward shall also be payable to a person even if the offence results in composition under this Act ; provided that in the case of composition the amount of reward shall not exceed half of the sum accepted by way of composition.

58. *Cognizance of offences.*—No Court shall take cognizance of any offence against this Act except on the complaint of the Chief Wild Life Warden or such other officer as the Government may authorise in this behalf.

59. *Operation of other laws not barred.*—Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any Act, or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act :

Provided that no person shall be punished twice for the same offence.

60. *Presumption to be made in certain cases.*—Where in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, trophy or uncured trophy it shall be presumed, until the contrary is proved the burden of proving which shall lie on the accused that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, trophy or uncured trophy.

61. *Offences by companies.*—(1) Where an offence against this Act has been committed by a company, every person who at the time the offence was committed, was incharge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in such-section (1) where an offence against this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Manager, Secretary

or other officer of the Company, such Director, Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*--For the purpose of this section--

- (a) "Company" means anybody corporate and includes a firm or other association of individuals ; and
- (b) "Director" in relation to a firm, means a partner in the firm.

## CHAPTER VII.

### Miscellaneous.

62. *Officers to be public servants.*--Every officer referred to in Chapter II and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code, Svt. 1989.

63. *Protection of action taken in good faith.*--(1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceedings shall lie against the Government or any of its officers or other employee for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.

64. *Power to exempt.*--The Government may, subject to such conditions and restrictions, if any, as may be imposed, by order exempt any person from payment of any fee under this Act or the rules made thereunder.

65. *Power to alter entries in Schedules.*--(1) The Government may if it is of opinion that it is expedient so to do by notification transfer an entry from Schedule II, Schedule III, Schedule IV or Schedule V to Schedule I and may also transfer any entry from Schedule III, or Schedule IV or Schedule V to any other Schedule or transfer any entry from one part of a Schedule to another part of the same Schedule or from one Schedule to another.

(2) On the issue of a notification under sub-section (1) the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

66. *Declaration of certain wild animals to be vermin.*--Subject to the provisions of section 65, the Government may by notification declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

67. *Powers of Government to make rules.*--(1) The Government may by notification make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :--

- (a) the form in which declaration shall be made under sub-section (2) of section 43 ;
- (b) the terms and conditions which shall govern transactions referred to in clause (b) of section 47 ;
- (c) the terms of office of the members of the Board referred to in clause (g) of sub-section (1) of section 5 and the manner of filling vacancies among them ;
- (d) allowances referred to in sub-section (4) of section 5 ;
- (e) the forms to be used for any application, certificates, claim, declaration, licence, permit, registration, return or other document made, granted, or submitted under the provisions of this Act and the fees, if any, therefor ;
- (f) the conditions subject to which any licence or permit may be granted or refused under this Act ;
- (g) the particulars of the record of wild animals (captured or killed) to be kept and submitted by the licensee ;
- (h) regulation of the possession, transfer and the sale of captive animals, meat, animal article, trophies and uncured trophies ;
- (i) regulation of taxidermy ;
- (j) any other matter which has to be or may be, prescribed under this Act ;

- (k) regulation of payment of awards to informers or those who produce a carcass or dead body of wild animals other than vermins.

68. *Repeal and savings*—(1) As from the commencement of this Act, the Jammu and Kashmir Game Preservation Act, Svt. 1998 relating to any matter contained in this Act shall, to the extent to which that Act or any provision contained therein corresponds, or is repugnant to this Act or any provision contained in this Act, stand repealed :

Provided that such repeal shall not,—

- (i) affect the previous operation of the Act so repealed or anything duly done or suffered thereunder ;
- (ii) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ;
- (iii) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed ; or
- (iv) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture and punishment may be imposed as if the aforesaid Act had not been repealed.

(2) Notwithstanding such repeal—

- (a) anything done or any action taken under the Act so repealed (including any notification, order, certificate, notice or receipt issued application made or permit granted) which is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act were in force at the time such thing was done or action was taken and shall continue to be in force, unless and until superseded by anything done or any action taken under this Act ;
- (b) every licence granted under the Act so repealed and in force immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall subject to the provisions of this Act, continue to be

in force for the unexpired portion of the period for which such licence had been granted.

(3) For the removal of doubts, it is hereby declared that any game sanctuary or game reserve declared by the Government under the Act repealed under sub-section (1) shall be deemed to be a game sanctuary or game reserve, as the case may be, declared by the Government under this Act and where any right in or over any land in any such game sanctuary or game reserve which had not been extinguished under the said Act, at or before the commencement of this Act, the extinguishment of such right shall be made in accordance with the provisions of this Act.

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**SCHEDULE I**

(See sections 2, 7, 8, 10, 39, 40, 42, 47, 51, 65 and 66)

**Part I—Mammals.**

1. Binturong (*Arctictis Binturong*).
2. Black Buck (*Antelope cervicapra*).
3. Brow Entlered Deer or Thamin (*Devus Eldi*).
4. Caracal (*Felis Caracel*).
5. Cheetah (*Acinonyx Jubatus*).
6. Clouded Leopard (*Neofelis Neoulosa*).
7. Dugong (*Dugond Dugon*).
8. Fishing Cat (*Felis Viverrina*).
9. Golden Cat (*Felis Temmineki*).
10. Golden Langur (*Presbytis Geei*).
11. Hispid Hare (*Caprolagus Hispidus*).
12. Ho Lock (*Hylobates Hoolick*).
13. Indian Lion (*Panthera Leo Persica*).
14. Indian Wild Ass (*Fquus Hemionus Khur*).
15. Indian Wolf (*Canis Lupus*).
16. Kashmir Stag (*Cervus Elaphus Hangul*).
17. Leopard Cat (*Felis Bengalensis*).
18. Lesser or Red Panda (*Ailurus Fulgens*).
19. Lion Tailed Macaque (*Macaca Silenus*).
20. Loris (*Loris Tardigradus*).
21. Lynx (*Felis Lynx Isabelinus*).
22. Malabar Civet (*Viverra Megaspila*).
23. Marbled Cat (*Felis Marmorata*).
24. Markhor (*Capra Falconeri*).
25. Musk Deer (*Moschus Moschiferus*).

26. Ovis Ammon or Nyan (*Ovis Ammon Hodgsoni*).
27. Pallass Cat (*Felis Manul*).
28. Pangolin (*Manis Crassicaudata*).
29. Pygmy Hog (*Sus Salvanius*).
30. Rhinoceros (*Rhinoceros Unicornis*).
31. Rusty Spotted Cat (*Felis Rubiginosa*).
32. Slow Loris (*Nycticebus Coucang*).
33. Snow Leopard (*Panthera Unica*).
34. Spotted Linsang (*Prionodon Pardicolor*).
35. Swamp Deer (all suo species of *Cervus Duvauceli*).
36. Takin or Mishmi Takin (*Budorcas Taxicolor*).
37. Tibetan Gazelle (*Procapra Picticaudata*).
38. Tibetan Wild Ass (*Equus Hemionus Kiang*).
39. Tiger (*Panthera Tigris*).
40. Urial or Shapu (*Ovis Vignei*).
41. Wild Buffalo (*Bubalus Bubalis*).

#### Part II--Amphibians and Reptiles.

1. Crocodiles (including the Esturane or salt water crocodile). (*Crocodilus Porosus* and *Crocodilus Palustris*).
2. Gharial (*Gavialis Gangeticus*).

#### Part III--Birds.

1. Bazaz (*Aviceda Jeordoni* and *Aviceda Leiphotes*).
2. Cheer Pheasant (*Catreus Wallichii*).
3. Great Indian Bustard (*Choriotis Nigriseps*).
4. Great Indian Hornbill (*Buceros Bicornis*).
5. Jerdon's courser (*Cursorius Bitorguatus*).
6. Lammergeier (*Gypaetus Barbatus*).
7. Large Falcons *Falco Peregrinus*, *Falco Biarmicus* and *Falco Chicquera*.

8. Mountain Quail (*Obhrysia Superciliosa*).
9. Narcondom Hornbill (*Rhyticeros Undulatus*) Narconiami.
10. Nicobar Megapose (*Megapodious Freycinet*).
11. Peafowl (*Pavocristatus*).
12. Pinkh aded duck (*Rhodonessa Caryophyllacea*).
13. Sclter's Monal (*Lophophorus Sclateri*).
14. Siberian White Crane (*Crus Leucogeranus*).
15. Tragopan Pheasants (*Tragopen Melonocephalus*, *Tragopan Blythii*,  
*Tragopan Satya*, *Tragopan Temmincki*).
16. White Bellied Sea Eagle (*Haliaetus Leucogaster*).
17. White-Eared Pheasant (*Crossoptilon Crossoptilon*).
18. White-winged Wood Duck (*Cai ina Scutulata*).

## SCHEDULE II

(See sections 2, 7, 8, 9, 10, 39, 40, 42, 47, 51, 65 and 66).

### Special Game.

#### Part I.

1. Agra Monitor Lizard *Varanus Griseus* (Daudin).
2. Bengal Porcupine (*Atherurus Macrourus Aasamensis*).
3. Bifon or Gaur (*Bos Gaurus*).
4. Capped Langur (*Presbytis Pileatus*).
5. Crab-eating Macaque (*Macaca Irus umbrosa*).
6. Dolphins (*Dolphinus Delphis Platanista Gangetica*).
7. Fe Ret Badgers (*Melogate Moschata* and *Melesole Personata*).
8. Flying Squirrels (All species of the genus *Hylotetes*, *Petaurista*, *Belomys* and *Eupetaurus*).
9. Giant Squirrels (*Ratufa Macroura*, *Rafuta Indica* and *Ratuf Bicolor*).
10. Himalayan Brown Bear (*Ursus Arctos*).
11. Himalayan Crestless Porupine (*Hystrix Hedgsoni*).
12. Hog Badger (*Arctonyx Collaris*).



13. India Elephant (*Elephas Maximus*).
14. Leat Monkey (*Presbytis Phavrei*).
15. Mala or Sun Bear (*Helarctos Malayanus*).
16. Pig Tailed Macaque (*Macaca Nemes Trina*).
17. Pythons (Genus *Python*).
18. Serow (*Caporicorms Sumatraensis*).
19. Stump Tailed Macaque (*Macaca Speciosa*).
20. Tibetan Antelope or Chlu (*Panthelops Hodgsoni*).
21. Water Lizard (*Varanus Salvator*).
22. Wild Dog or Dhole (*Cuon Alpinus*).
23. Wild Yak (*Bos Grunniens*).

## Part II

1. Leopard or Panther (*Panthera Pardus*).
2. Nilgiri Langur (*Presbytis Johni*).
3. Nilgiri Thar (*Hemitragus Hylocrius*).

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## SCHEDULE III

(See sections 2, 7, 8, 9, 10 and 65).

1. Andaman Wild Pig Sus (*Andamanensis*).
2. Barking Deer or Muntjac (*Muntiacus Muntijak*).
3. Bharal (*Ovis Nahura*).
4. Chinkara or India Gazelle (*Gazella Gazella Bannetti*).
5. Chital (*Axis Axis*).
6. Four-horned Antelope (*Tetraceros Quadricornis*).
7. Gorals (*Nemorhaedus Goral, Nemorhaedus Hodgsoni*).
8. Himalayan Black Bear (*Selenarctos Thibetanus*).
9. Himalayan Ibex (*Capra Ibex*).

10. Himalayan Thar (*Hemittagus Jemlahicus*).
11. Hog Deer (*Axi Porcinus*).
12. Hyaena (*Hyaena Hyacina*).
13. Mouse Deer (*Trogulus Meminna*).
14. Nilgai (*Boselaphus Tragocamelus*).
15. Ratel (*Mellivora Capensis*).
16. Sambar (*Cervus Unicolor*).
17. Sloth Bear (*Melursus Ursinus*).
18. Tibetan Wolf (*Canis lupus*).
19. Wild Pig (*Sus Scrofa*).

#### SCHEDULE IV.

*(See sections 2, 7, 8, 10 and 65)*

#### Small Game.

1. Desert Cat (*Felis Libyca*).
2. Desert Fox (*Vulpes Bucopus*).
3. Ermine (*Mustela Erminea*).
4. Hares (Black Naped, Common Indian Desert, Himalayan Mousehare).
5. Marmots (*Marmota Bobak Himalayana*, *Marmota Caudata*).
6. Martens (*Martes Foina Intermedia*, *Martes Flavigula Martes Gwathkinsii*).
7. Otters *Lutra*, *Lutra*, *Lutra*, (*Perspicillata*, *Aonyx Cinerea*).
8. Red Fox (*Vulpes Vulpes*).
9. Tibetan Fox (*Vulpes Ferrilatus*).
10. Weasels (*Mustela Sibirica*, *Mustela Kathiah* and *Mustella Altaice*).

11. Birds (other than those sub-species and species mentioned in Part III of Schedule I or in Schedule V, and belonging to the families listed below :--

- (i) Bsbets (Capitonidae).
- (ii) Barn Owls (Tytoninae).
- (iii) Blue-birds (Irenidac).
- (iv) Bustards-Quail (Otididae).
- (v) Bustard (Turnicidae).
- (vi) Chaffinches (Fringillianac).
- (vii) Cranes (Guridae).
- (viii) Ducks (Anatidae).
- (ix) Emerald Dove (Columbidae).
- (x) Flacons (Falconidae).
- (xi) Finches (Fringillidae).
- (xii) Flamingoes (Phoenicopteridae).
- (xiii) Flycatchers (Muscicapidae).
- (xiv) Geese (Anatidae).
- (xv) Goldfinches and allies (Carduelinae).
- (xvi) Grouse (Pteroclididae).
- (xvii) Hawks (Accipitridae).
- (xviii) Hornbills (Bucerotidae).
- (xix) Ioras (Irenidac).
- (xx) Jungle and Spur fowls (Phasianidae).
- (xxi) Megapodes (Megapodiidae).
- (xxii) Minivets (Campephagidae).
- (xxiii) Orioles (Oriolidae).
- (xxiv) Owls (Stringidae).
- (xxv) Oystercatchers (Haematopodidae).
- (xxvi) Partridges (Phasianidae).

- (xxvii) Pelicans (Pelecanidae).
- (xxviii) Pheasants (Phasianidae).
- (xxix) Pigeons (except Blue Rock Pigeon) (Columidae).
- (xxx) Pittas (Pittidae).
- (xxxi) Quail (Phasianidae).
- (xxxii) Spine (Charadriidae).
- (xxxiii) Sunbirds (Nectarinidae).
- (xxxiv) Swans (Anatidae).
- (xxxv) Trushes (Muscicapidae).
- (xxxvi) Trogons (Trogonidae).

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#### SCHEDULE V.

*(See Sections 2, 7, 65 and 66)*

#### Vermin

1. Common Crow.
  2. Common Fox.
  3. Fruit Bats.
  4. Jackal.
  5. Mice.
  6. Rats.
  7. Voles.
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**THE JAMMU AND KASHMIR WILDLIFE (PROTECTION)  
(AMENDMENT) ACT, 2002.**

**Act No. XXXIV of 2002.**

[Received the assent of the Governor on 21st April, 2002 and published in the Government Gazette dated 6th May, 2002].

An Act to amend the Jammu and Kashmir Wildlife (Protection) Act, 1978.

Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-third Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002.

(2) It shall come into force from the date of its publication in the Government Gazette.

2. *Amendment of Preamble of Act VIII of 1978.*—In the preamble of the Jammu and Kashmir Wildlife (Protection) Act, 1978 (hereinafter referred to as “the principal Act”),—

(a) for the words “wild animals”, the words “wild animals, birds and plants” shall be substituted ; and

(b) after the long title the word and figure “CHAPTER I” shall be inserted ; and just below the word and figure “CHAPTER I” as so inserted, the word “PRELIMINARY” shall be inserted as the heading of Chapter I.

3. *Amendment of section 2, Act VIII of 1978.*—In section 2 of the principal Act,—

(I) for clause (I), the following clause shall be substituted, namely :—

“(I) “animal” includes all forms of life such as mammals, birds, reptiles, amphibians, fish and invertebrates

and also includes in the case of birds and reptiles, their eggs ;”;

- (II) at the end of clause (2), the words “and ivory and an article made there from ;” shall be added ;
- (III) clause (3) shall be omitted ;
- (IV) in clause (4), for the words “Wildlife Advisory Board” the words “the State Board for Wildlife” shall be substituted ;
- (V) in clause (5), for the words and letters “specified in Schedule I, Schedule II, Schedule III or Schedule IV, which is captured or kept or bred in captivity”, the words and letters “which is kept or bred in captivity including those animals specified in Schedule I, Schedule II, Schedule III and Schedule IV but does not include livestock” shall be substituted ;
- (VI) clause (6) shall be omitted ;
- (VII) clause (8) shall be omitted ;
- (VIII) in clause (9), after the words and figures “Land Revenue Act, Samvat 1996”, the words “or any Officer not below the rank of Assistant Commissioner or Assistant Conservator of Forests appointed by the Government to carry out any of the functions under this Act” shall be inserted ;
- (IX) after clause (9), the following clauses shall be inserted, namely :—
  - “(9A) “composition” means the value of the forest produce together with the compensation imposed under the provisions of this Act ;”;
  - (9B) “conservation reserve” means any area declared as such under section 36A of this Act ;”;

- (X) in clause (10), for the words "carries on the business of buying and selling any captive animal, animal article, trophy, uncured trophy or meat under a license", the words "buys or sells or carries on the business of buying and selling any captive animal, animal articles, trophy, uncured trophy, meat or specified plant and includes a person engaged even in a single transaction" shall be substituted ;
- (XI) for clause (11), the following clauses shall be substituted, namely :—
- "(11) "demarcated forest" means and includes the demarcated forest as defined under clause (c) of section 2 of the Jammu and Kashmir Forest Act, Samvat 1987 ;
- (11A) "forest based industry" means and includes forest based industry as defined under clause (d) of section 2 of the Jammu and Kashmir Forest Act, Samvat 1987 ;
- (11B) "Forest Officer" means and includes the Forest Officer as defined under clause (f) of section 2 of the Jammu and Kashmir Forest Act, Samvat 1987 ;
- (11C) "forest produce" means and includes the forest produce as defined under clause (g) of section 2 of the Jammu and Kashmir Forest Act, Samvat 1987 ;";
- (XII) in clause (13), for the words "which is the natural habitat of any wild animal" the words "which is natural habitat of any wild animal or specified plant" shall be substituted ;
- (XIII) in clause (14),—
- (i) in sub-clause (a), for the word "capturing" the words "capturing, coursing" shall be substituted ; and

(ii) in sub-clause (d), for the words "Driving or" the words "Driving or baiting" shall be substituted ;

(XIV) in clause (15), for the words "whether artificial or natural" the words "whether artificial or natural, marshes and wetlands" shall be substituted ;

(XV) after clause (16), the following clauses shall be inserted, namely :—

"(16A) "lives ock" means farm animals and includes buffaloes, bulls, bullocks, camels, cats, dogs, cows, donkeys, goats, sheep, horses, mules, pigs, yak, zhoes, zhomoes, ducks, geese, poultry and also includes their youngs but does not include an animal specified in the Schedules of this Act";

(XVI) in clause (17), for the words "manufacturer of animal articles" the words and figures "manufacturer of articles made from any animal or plant specified in the Schedules of this Act" shall be substituted ;

(XVII) clause (18) shall be substituted by the following, namely :—

"(18) "meat" includes blood, bones, sinew, eggs, shell or carapace, fat and flesh with or without skin whether raw or cooked, of any animal, captive or wild other than vermin ;";

(XVIII) in clause (19) for the words and figures "an area declared under section 35" the words and figures "an area declared as such under section 35 of this Act" ; shall be substituted ;

(XIX) after clause (19) the following clause shall be inserted, namely :—

"(19A) "notification" means a notification published in the Government Gazette" ;



(XX) in clause (21), for the words "includes a firm" the words "means and includes a person or a firm or a company or a corporation or an agency or an organisation or an association of other individuals" shall be substituted ;

(XXI) after clause (22), the following clauses shall be inserted, namely :—

"(22A) "protected area" means a National Park or a Sanctuary or a Conservation Reserve declared as such under this Act ;

(22B) "recognized zoo" means a zoo recognised under section 37C of this Act" ;

(XXII) for clause (23) the following clause shall be substituted, namely :—

"(23) "royalty" means fee chargeable from a licensee or a permit holder" ;

(XXIII) in clause (24), for the words and figures "declared under section 17 as a Wildlife Sanctuary" the words and figures "declared as such under section 17 or section 25A of this Act" shall be substituted ;

(XXIV) clause (25) shall be omitted ;

(XXV) for clause (26), the following clauses shall be substituted, namely :—

"(26) "saw mill" means and includes saw mill as defined under clause (i) of section 2 of the Jammu and Kashmir Forest Act, Samvat 1987 ;

(26A) "Schedule" means the Schedule of this Act ;

(26B) "Scheduled animal" means an animal specified in any of the Schedules of this Act ;

(26C) "specified plant" means any plant specified in Schedule VI of this Act ;

(26D) "specified scheduled animal" means an animal specified in Schedule I or Part II of Schedule II of this Act ;

(26E) "specified scheduled animal article" means an article made from any specified scheduled animal and includes an article or object in which the whole or any part of such animal has been used but does not include tail-feather of peacock, an article or trophy made therefrom and snake venom or its derivative" ;

(XXVI) in clause (27), after the words "preparation or preservation or" the words "mounting of animal" shall be inserted ;

(XXVII) in clause (29), for sub-clause (b) the following sub-clause shall be substituted, namely :—

"(b) antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs and nests" ;

(XXVIII) in clause (30), for the words "freshly killed wild animal" the words "freshly killed wild animals, musk and other animal products" shall be substituted ;

(XXIX) after clause (30), the following clause shall be inserted, namely :—

"(30A) "undemarcated forest" means and includes undemarcated forest as defined under clause (m) of section 2 of the Jammu and Kashmir Forest Act, Samvat 1987".

(XXX) in clause (33), for the words "anaesthetising, decaying, destroying" the words "anaesthetising, decaying, destroying" shall be substituted ;

(XXXI) in clause (34), for the word and figure "Schedule IV", the words and figures "Schedule IV or Schedule V" shall be substituted ;

(XXXII) in clause (35), after the words "uncultivated flora and fauna" the words "and includes any animal and aquatic or land vegetation, which form part of any habitat" shall be inserted ;

(XXXIII) in clause (36), for the words, brackets and figures "under clause (b) of sub-section (1) of section 3" the words, brackets and figures "under clauses (a), (b) and (c) of sub-section (1) of section 3 of this Act and includes any Forest Officer" shall be inserted ; and

(XXXIV) after clause (36), the following clause shall be inserted, namely :—

"(36A) "zoo" means any establishment, where captive animals are kept for exhibition to the public but does not include an establishment of a licensed dealer in captive animals".

4. *Amendment of section 3, Act VIII of 1978.*—In section 3 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1)The Government may, for the purposes of this Act, appoint—

(a) a Chief Wildlife Warden ;

(b) Regional Wildlife Wardens ;

(c) Wildlife Wardens ;

(d) Assistant Wildlife Wardens ;

(e) One Honorary Wildlife Warden in each District ; and

(f) such other officers and employees as may be necessary". ;

(b) in sub-section (2),—

(i) after the words "as the Government may" the word "give" shall be inserted ; and

(ii) after the words "from time to time" the word "give" shall be deleted ; and

(c) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) The Regional Wildlife Wardens, the Wildlife Wardens, Assistant Wildlife Wardens and the Honorary Wildlife Wardens and other officers and employees appointed under this section shall be subordinate to the Chief Wildlife Wardens."

5. *Amendment of section 5, Act VIII of 1978.*—In section 5 of the principal Act,—

(a) for the heading "5. Constitution of Wildlife Preservation Advisory Board" the heading "5. Constitution of State Board for Wildlife" shall be substituted and for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Government shall, within six months of the commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002 constitute a State Board for Wildlife consisting of the following members, namely :—

(a) The Chief Minister —Chairperson ;

(b) Minister incharge of Forests and Wildlife —Vice Chairman ;

- (bb) Two members from Legislative Assembly and one member from Legislative Council, to be nominated by the Government ;
- (c) Chief Secretary to Govt. —Member ;
- (d) three representatives of NGO's nominated by the Government ;
- (e) five non-officials to be nominated by the Government from amongst eminent conservationists, ecologists and environmentalists, including at least two representatives of the Scheduled Tribes ;
- (f) Secretary to Government, Department of Forests ;
- (g) Principal Chief Conservator of Forests ;
- (h) Secretary to Government, Department of Social Welfare ;
- (i) Secretary to Government, Tourism Department ;
- (j) Director General of Police or his representative not below the rank of Inspector General of Police ;
- (k) General Officer Commanding, Northern Command, or his representative, not below the rank of Brigadier ;
- (l) Secretary to Government, Animal Husbandry Department ;
- (m) Head of the Fisheries Department ;
- (n) Additional Director General of Forests, (Wildlife), Government of India, New Delhi or his representative not below the rank of DIG Forests (Wildlife) ;
- (o) Director, Wildlife Institute of India, Dehradun or his representative ;

- (p) Director, Botanical Survey of India or his representative ;
- (q) Director, Zoological Survey of India or his representative ; and
- (r) Chief Wildlife Warden, also shall be the *ex-officio* Member-Secretary” ;

(b) sub-section (3) shall be omitted ;

(c) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) The terms of office of the non-official members of the Board referred in clauses (d) and (e) shall be three years and they shall be appointed in such manner as may be prescribed.” and

(d) at the end of sub-section (5), for the words “the Government may prescribe” the words “is admissible to a Class I Officer of the Government” shall be substituted.

6. *Amendment of section 6, Act VIII of 1978.*—In section 6 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) The Board shall regulate its own procedure. The quorum for the meeting of the Board shall not be complete unless atleast four non-official members are present.” ;

(b) in sub-section (3), for the words “No act”, the words “No act or” shall be substituted ; and

(c) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) The Board shall appoint a standing committee to—

- (a) watch the implementation of the recommendations of the Board and to aid and advise the Government on any matter arising therefrom ;

- (b) carry out all such functions of the Board as the Board may, from time to time, delegate to it, as well, to take action on behalf of the Board while it is not in session ; and
- (c) constitute specialized committees, sub-committees and study groups, as may be necessary, from time to time, for the proper discharge of the functions of the Board.”.

7. *Substitution of section 7, Act VIII of 1978.*—For section 7 of the principal Act, the following section shall be substituted, namely :—

“(7) *Duties of the Board.*—It shall be the duty of the Board to—

- (a) advise the Government—
  - (i) in the selection and management of the areas to be declared as protected areas ;
  - (ii) in formulation of the policy for the protection and conservation of wildlife and specified plants and for effectively controlling poaching of wildlife ;
  - (iii) in any matter relating to any Schedule ;
  - (iv) in relation to the measures to be taken for harmonizing the needs of the tribals and other dwellers of the forest with the protection and conservation of wildlife ; and
  - (v) in any matter that may be referred to it by the Government ;
- (b) carry out or cause to be carried out, impact assessment of various developmental projects on wildlife or its habitat ;
- (c) review, from time to time, the progress in the field of wildlife conservation in the State and suggest measures for its

improvement and cause to be published the Wildlife Report of the State at least once in every three years ; and

- (d) perform such other functions as are germane to the purposes for which the Board is constituted.”.

8. *Substitution of section 8, Act VIII of 1978.*—For section 8 of the principal Act, the following section shall be substituted, namely :—

“(8) *Prohibition of Hunting.*—No person shall hunt any wild animal specified in Schedule I, Schedule II, Schedule III and Schedule IV except as provided under section 10 and section 11 of this Act.”.

9. *Omission of section 9, Act VIII of 1978.*—Section 9 of the principal Act shall be omitted.

10. *Amendment of section 10, Act VIII of 1978.*—In section 10 of the principal Act,—

(a) in sub-section (1),—

- (i) after clause (a), the following proviso shall be added, namely :—

“Provided that no such order for killing of any confirmed human killer be passed unless the Chief Wildlife Warden is satisfied that such animal can not be tranquilized, captured or translocated.” ;

- (ii) after clause (b), the following clauses shall be added, namely:—

“(c) any order for capture and translocation passed under clause (a) or clause (b) shall specify the area of release of such captured animal and the time within which such release must be carried out to reduce to the minimum the trauma caused to the animal.

- (d) no animal captured under this section shall be kept in captivity unless the Chief Wildlife Warden is satisfied for reasons, to



be recorded in writing, that such animal cannot be rehabilitated in the wild."

- (b) in sub-section (2) for the words "in defense of oneself or one's property" and "any other person or his property" the words "in defence of oneself" and "any other person" shall respectively be substituted ; and
- (c) in sub-section (3) for the words "any person or his property" the words "any person" shall be substituted.

11. *Amendment of section 11, Act VIII of 1978.*—In section 11 of the principal Act,—

- (a) for the words "to grant with the previous permission of the Government" and "to hunt" the words "to grant" and "to hunt, tranquilize or capture" shall respectively be substituted ;
- (b) in clause (b), the semi-colon and word "or" shall be substituted by colon and thereafter the following proviso shall be inserted, namely :—

"Provided that where the permission is refused in part or in whole, the reasons shall be recorded and communicated to the applicant who may appeal against the refusal to the Government" ;

- (c) after clause (b), the following clause shall be inserted, namely :—

"(bb) scientific management ;

*Explanation* :—for the purpose of clause (bb), the expression, "scientific management" means—

- (i) translocation of any wild animal to an alternative suitable habitat ; or
- (ii) population management of wildlife, without killing, poisoning or destroying any wild animal";

(d) in clause (c),—

(i) for the words “Zoological Gardens” the words “recognized zoos” shall be substituted ;

(ii) the following provisos shall be added at its end, namely :—

“Provided that the permit issued under clause (c) shall specify that only one specimen per institution shall be allowed to be collected except in the case of plants where upto two specimens per institution may be allowed :

Provided further that the Chief Wildlife Warden shall not permit for such collection from the wild unless he is satisfied that the specimens required are not available in any zoo or herbarium or in any other institution, or” ; and

(e) after clause (c), the following clause shall be added, namely :—

“(d) derivation, collection or preparation of snake venom for the manufacture of life saving drugs.”

12. *Substitution of section 12, Act VIII of 1978.*—For section 12 of the principal Act, the following section shall be substituted, namely :—

“12. *Suspension or cancellation of permit.*—The Chief Wildlife Warden may, subject to any general or special order of the Government, for good and sufficient reasons, to be recorded in writing, suspend or cancel any permit granted under this Chapter :

Provided that no such suspension or cancellation shall be made except after giving the holder of the permit a reasonable opportunity of being heard.”

13. *Omission of section 13, 14, 15, and 16 Act VIII of 1978.*—Section 13, section 14, section 15 and section 16 of the principal Act shall be omitted.

14. *Insertion of new Chapter IIIA in Act VIII of 1978.*—After section 16 of the principal Act, the following Chapter shall be inserted, namely :—

**“CHAPTER IIIA**

**Protection of specified plants**

16A. *Prohibition of picking, uprooting, etc. of specified plants.*—Save as otherwise provided in this Chapter, no person shall—

- (a) willfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land, protected area and any other area specified, by notification, by the Government ;
- (b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof :

Provided that nothing in this section shall prevent a member of a Scheduled Tribe, subject to the provisions of Chapter IV, from picking, collecting or processing in the district he resides any specified plant or part or derivative thereof for his bonafide personal use.

16B. *Grant of permit for special purposes.*—The Principal Chief Conservator of Forests, or the Chief Wildlife Warden, as the case may be, may with the previous permission of the Government, grant to any person a permit to pick, uproot, acquire or collect or transport from a forest land, protected area or the area specified under section 16A or Transport, subject to such conditions as may be specified therein, any specified plant for the purpose of—

- (a) education ;
- (b) scientific research ;

- (c) collection, preservation and display in a herbarium of any scientific institutions ; or
- (d) propagation by a person or an institution approved by the Government in this regard.

**16C. Cultivation of specified plants without licence prohibited.**—(1) No person shall cultivate a specified plant except under, and in accordance with a licence granted by the Principal Chief Conservator of Forests or the Chief Wildlife Warden or any other officer authorized by the Government in this behalf :

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002 was cultivating a specified plant, from carrying on such cultivation for a period of forty-five days from such commencement, or where he has made an application within that period for the grant of a licence to him, until, the licence is granted to him, or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

**16D. Dealing in specified plants without licence prohibited.**—(1) No person shall, except under and in accordance with a licence granted by the Principal Chief Conservator of Forests or the Chief Wildlife Warden or any other officer authorized by the Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof :

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002, was carrying on such business or occupation, from carrying on such business or occupation for a period of forty-

five days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which, the period for which and the conditions, if any, subject to which the licensee shall carry on his business.

**16E. Declaration of stock.**—(1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days, from the date of commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002, declare to the Principal Chief Conservator of Forests or the Chief Wildlife Warden or any other officer authorized by the Government in this behalf, his stocks of such plants or part or derivative thereof, as the case may be, on the date of such commencement.

(2) The provisions of sub-section (3) to sub-section (8) (both inclusive) of section 43, section 44, section 45 and section 46 shall, as far as may be, apply in relation to an application and a licence referred to in section 16C and section 16D as they apply in relation to the licence or business in animals or animal articles.

**16F. Possession, etc., of plants by licensee.**—No licensee under this Chapter shall—

- (a) keep in his control, custody or possession,—
  - (i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 16E has to be made, but has not been made ;
  - (ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule, or order made thereunder ;
- (b) pick, uproot, collect or acquire any specified plant, or

- (c) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof,

except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

16G. *Purchase, etc. of specified plants.*—No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer.

16H. *Plants to be Government property.*—(1) Every specified plant or part or derivative thereof, in respect of which any offence under this Act or any rule or order made thereunder has been committed, shall be the property of the Government.

(2) The provisions of sub-sections (2) and (3) of section 38 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof as they apply in relation to wild animals and articles referred to in sub-section (1) of that section."

15. *Amendment of the heading of Chapter IV, Act VIII of 1978.*—In the heading of Chapter IV, for the words "GAME RESERVES AND CLOSED AREAS" the words "AND CONSERVATION RESERVES" shall be substituted.

16. *Substitution of section 17, Act VIII of 1978.*—For section 17 of the principal Act, the following section shall be substituted, namely :—

"17. *Declaration of a Sanctuary.*—(1) The Government may, by notification, declare its intention to constitute any area comprised within or outside any demarcated or undemarcated forest as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological or natural significance, for the purpose of protecting, propagating or developing wildlife or its environment, including areas adjacent to National Parks and those which link one protected area with another.

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

(3) Where any proceeding under any of the provisions of sections 17 to 24 (both inclusive) is pending on the date of commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002 with regard to any demarcated or undemarcated forests declared under sub-section (1) to be a sanctuary, it shall be deemed to be a sanctuary declared under this Act and the rights, if any, recorded at the time of declaration of the demarcated or undemarcated forests, subject to the provision of section 24A, shall continue :

Provided that when the Government issues or has issued a notification under this Act declaring its intention to constitute any area, not comprised within any demarcated or undemarcated forest as a Sanctuary, the provisions of sections 26 to 34C (both inclusive) shall come into effect forthwith :

Provided further that the Government shall make alternative arrangements for supplying fuel, fodder and other forest produce recorded as a right in Government records, or give interim compensation in lieu thereof as may be prescribed, till such time such rights have been finally settled.

*Explanation.*—For purposes of this section, it shall be sufficient to describe the area by road, rivers, ridges or other well known or readily intelligible boundaries.”.

17. *Insertion of section 17A, Act VIII of 1978.*—After section 17 of the principal Act, the following section shall be inserted, namely :—

“17A. *Appointment of Collector.*—Within 180 days of coming into force of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002, or within ninety days of the issue of notification under section 17, the Government shall appoint an officer not below the rank of an Assistant Commissioner or Assistant Conservator of Forests as Collector to inquire into and determine the existence, nature and extent of rights of any

person in or over the land comprised within the limits of the sanctuary.”.

18. *Amendment of section 18, Act VIII of 1978.*—In section 18 of the principal Act, for the words “Whenever any area is declared to be Sanctuary” in the opening paragraph, the words “When a notification has been issued under section 17” shall be substituted.

19. *Amendment of section 23, Act VIII of 1978.*—In subsection (2) of section 23 of the principal Act, after clause (b), the following clause shall be inserted, namely :—

“(c) allow, with the prior approval of the Chief Wildlife Warden, the continuance of any right of any person in or over any land within the limits of the sanctuary.”

20. *Insertion of section 24A, in Act VIII of 1978.*—After section 24 of the principal Act, the following section shall be inserted, namely :—

“24A. *Period for completion of acquisition proceedings.*—The Collector shall complete the proceedings as contemplated under section 20, section 21, section 22 and section 23 within a period of two years from the date of the notification issued under section 17 and the lapse of the period of two years prescribed shall not be construed as the lapse of the notification issued under section 17.”.

21. *Amendment of section 25, Act VIII of 1978.*—In section 25 of the principal Act, for the words and figures “sections 18 to 24” the words and figures “sections 17 to 24A” shall be substituted.

22. *Insertion of section 25A, Act VIII of 1978.*—After section 25 of the principal Act, the following section shall be inserted, namely :—

“25A. *Declaration of area as Sanctuary.*—(1) When—

(a) a notification has been issued under section 17 and the period



of preferring claim has lapsed, and the claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed off by the Government ; or

- (b) any area comprised within any demarcated or undemarcated forest, which is considered by the Government to be of adequate ecological, faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wildlife or its environment, is to be included in a sanctuary,

the Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be Sanctuary on and from such date as may be specified in the notification.

(2) No alternation of the boundaries of a Sanctuary shall be made except on the recommendation of the Board and a resolution to this effect passed by both Houses of the State Legislature.”

23. *Amendment of section 26, Act VIII of 1978.*—In clause (a) of sub-section (1) of section 26 of the principal Act, after the words “a public servant on duty” the words “within the limits of Sanctuary” shall be inserted, and at the end of the section, for the words and figures “granted under section 27” the words and figures “granted under section 28” shall be substituted.

24. *Amendment of section 27, Act VIII of 1978.*—In section 27 of the principal Act, after sub-section (3), the following sub-sections shall be inserted, namely :—

“(4) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause any wrongful gain as defined in the Ranbir Penal Code, Samvat 1989, alter, destroy, remove, or deface such boundary-mark.

(5) No person shall tease or molest any wild animal or litter the grounds of sanctuary.”

25. *Amendment of section 28, Act VIII of 1978.*—In sub-section (2) of section 28 of the principal Act, for the words “or reside in a sanctuary” the words “or stay temporarily in a sanctuary” shall be substituted.

26. *Substitution of section 29, Act VIII of 1978.*—For section 29 of the principal Act, the following section shall be substituted, namely :—

“29. *Destruction, etc., in a sanctuary prohibited without a permit.*—No person shall destroy, exploit or remove wildlife or forest produce from a sanctuary or damage or divert the habitat of any wild animal or divert, stop or enhance the flow of water into or outside the Sanctuary, except in accordance with a permit granted by the Chief Wildlife Warden, and no such permit shall be granted unless the Board, being satisfied that such destruction, exploitation or removal of wildlife or forest produce from the sanctuary or the change in the flow of water into or outside the Sanctuary is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit :

Provided that any minor forest produce so removed for the betterment of the sanctuary may be used for meeting the personal bonafide needs of the people living in and around the sanctuary and shall not be used for commercial purposes, either by the Government or the recipient local people.”

27. *Amendment of section 32, Act VIII of 1978.*—In section 32 of the principal Act, the words “except and in accordance with a permit granted by the Chief Wildlife Warden or any officer authorised by him in this behalf” shall be deleted.

28. *Amendment of section 33, Act VIII of 1978.*—In section 33 of the principal Act, at the end of clause (d), for the word “cattle” the word “livestock” shall be substituted.

29. *Insertion of sections 33-A and 33-B in Act VIII of 1978.*—After section 33 of the principal Act, the following sections shall be inserted, namely :—

“33-A. *Immunization of livestock.*—(1) The Chief Wildlife Warden shall take such measures and in such manner

as may be prescribed, for immunization against communicable diseases of the livestock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or graze, any livestock in a sanctuary without getting it immunized.

*33-B. Constitution of Advisory Committee for Sanctuary.*—(1) The Government shall constitute an Advisory Committee for each sanctuary, to be chaired by the Chief Wildlife Warden which shall consist of member of the Legislative Assembly within whose constituency the sanctuary is situated, three representatives of Panchayat, two representatives of Non-Government Organisation active in the area, three individuals active in the field of Wildlife Conservation, two representatives of the related department, Honorary Wildlife Warden, if any, and the officer incharge of the sanctuary as Member-Secretary.

(2) The committee shall render advice on measures to be taken for the better conservation and management of the sanctuary including participation of the people living within and around the sanctuary.

(3) The committee shall regulate its own procedure including quorum.”.

*30. Amendment of section 34, Act VIII of 1978.*—In section 34 of the principal Act, in sub-section (1), for the words “seven kilometres” the words “ten kilometres” shall be substituted.

*31. Amendment of section 35, Act VIII of 1978.*—In section 35 of the principal Act,

(a) in sub-section (1),—

(i) for the words “Geomorphological Association or importance” the words “Geomorphological or natural significance of zoological association” shall be substituted ;

- (ii) the full stop as its end be substituted by a colon and thereafter the following proviso shall be inserted, namely :

“Provided that in area where all the rights have been extinguished and the land has become vested in the Government under any law, the area can be notified as National Park and the provisions of sub-section (3) and sub-section (4) of this section shall not apply.”.

- (b) in sub-section (3), for the figures, brackets and words “sections 18 to 25 (both inclusive)” the figures, letters, brackets and words “section 17 to section 25-A except clause (c) of sub-section (2) of section 23” shall be substituted ;
- (c) the full stop at the end of sub-section (4) shall be substituted by a colon and thereafter the following proviso shall be inserted, namely :

“Provided that in area intended to be National Park and where all rights have been extinguished and the land has become vested in the Government under any law for the time being in force the proceedings under sections 17 to 25A shall not apply and the area shall be deemed to be a National Park forthwith.”.

- (d) for sub-sections (5) and (6), the following sub-sections shall be substituted, namely :—

“(5) No alteration of the boundaries of a National Park shall be made except on the recommendation of the Board and a resolution to this effect passed by both Houses of the State Legislature.

(6) No person shall, destroy, exploit or remove any wildlife or forest produce from a National Park or destroy or damage or divert the habitat of any wild animal or divert, stop or ~~change~~ the flow of water into or outside the National Park except in accordance with a permit, granted by the Chief Wildlife Warden, and no such permit shall be granted unless the Board being

satisfied that such destruction, exploitation, or removal of wildlife or forest produce, from the National Park or the change in flow of water into or outside the National Park is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit ; National Park and shall not be used for commercial purposes, either by the Government or the recipient local people.”;

- (e) in sub-section (7), for the word “cattle”, wherever occurring, the word “livestock” shall be substituted ; and
- (f) for sub-section (8), the following sub-section shall be substituted, namely :—

“(8) The provisions of section 26, section 27, section 28, section 30 to section 32 (both inclusive), and clause, (a), clause (b) and clause (c) of section 33, section 33A, section 33B and section 34 shall as far as may be, apply in relation to a National Park as they apply in relation to a Sanctuary.”.

32. *Substitution of section 36, Act VIII of 1978.*—Section 36 of the principal Act and sub-heading thereof shall be substituted by the following section and sub-heading, namely :—

### “CONSERVATION RESERVE

36. *Declaration of Conservation Reserve.*—(1) The Government may, by notification, declare, any area other than an area comprised within a National Park or a Sanctuary, as a Conservation Reserve, for protecting flora and fauna and its habitat, specially area adjacent to National Parks and Sanctuaries and those which link one Protected Area with another, with the participation of the local people, within substantially human inhabited areas :

Provided that from the commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002, Game Reserves or Wetland Reserves or Chakore Reserves or Closed Areas, heretofore declared as such from time to time under this Act, shall be deemed to have been declared as Conservation Reserves under this section.

(2) No person shall destroy, exploit or remove wildlife or forest produce from a conservation reserve or destroy or damage or divert the habitat of any wild animal or enhance the flow of water into or outside the conservation reserve, except in accordance with a permit to be granted by the Chief Wildlife Warden, after being satisfied that such destruction, exploitation or removal of wild life or forest produce from the conservation reserve or the change in the flow of water into or outside the conservation reserve is necessary for the improvement and better management of wildlife therein :

Provided that any minor forest produce so removed for the betterment of the conservation reserve, may be used for meeting the personal bonafide needs of the people living in and around the sanctuary and shall not be used for commercial purposes, either by the Government or the recipient local people.

- (3) The provisions of sub-section (2) of section 17, section 26, sub-section (4) and sub-section (5) of section 27, section 28, section 30, section 32, section 33, section 34A and section 34 shall, as far as may be, apply in relation to a conservation reserve as they apply in relation to a sanctuary.
- (4) The Government shall constitute a Conservation Reserve Management Committee, which shall advise the Chief Wildlife Warden to conserve, maintain and manage the Conservation Reserve. The Committee shall comprise of the representatives of the Forest Department, Wildlife Department, one representative of each Village Panchayat in whose jurisdiction the reserve is located, three representatives of non-governmental organisation active in the area and representatives of other related departments not exceeding two. The representative of the Wildlife Department shall be its Secretary.
- (5) The Committee shall regulate its own procedure including quorum"

33. *Omission of section 37 and sub-heading thereof in Act VIII of 1978.*—Section 37 of the principal Act and sub-heading thereof shall be omitted.

34. *Insertion of new Chapter IVA in Act VIII of 1978.*— After Chapter IV of the principal Act, the following Chapter shall be inserted, namely :—

"CHAPTER IVA

MANAGEMENT AND RECOGNITION OF ZOOS AND DEER PARKS.

37A. *Chief Wildlife Warden to manage and control the zoos and deer parks in the State.*—(1) Notwithstanding anything contained in any other law for the time being in force, the Chief Wildlife Warden shall be responsible for the management and control of zoos and deer parks in the State.

37B. *Functions of the Chief Wildlife Warden with respect to the management and control of zoos and deer parks.*—The Chief Wildlife Warden shall, with respect to the management and control of zoos and deer parks, perform the following functions, namely :—

- (a) specify the minimum standards for housing, upkeep and veterinary care of the animals kept in a zoo or a deer park ;
- (b) evaluate and assess the functioning of zoos and deer parks with respect to the standards or the norms as may be prescribed ;
- (c) recognize or derecognize zoos and deer parks ;
- (d) identify endangered species of wild animals for the purposes of captive breeding and assigning responsibility in this regard to the zoo(s) ;
- (e) co-ordinate the acquisition, exchange and loaning of animals for breeding purpose ;
- (f) ensure maintenance of stud-books of endangered species of wild animals bred in captivity :

- (g) identify priorities and themes with regard to display of captive animals in a zoo or a deer park ;
- (h) co-ordinate training of zoo personnel in and outside State ;
- (i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos ;
- (j) provide technical and other assistance to zoos for their proper management and development on scientific lines ;
- (k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos and deer parks.

37C. *Recognition of zoos and deer parks.*—(1) No zoos or deer parks shall be operated without being recognized by the Chief Wildlife Warden and no recognition shall be granted without the proper approval of the Board.

Provided that a zoo or a deer park being operated immediately before the date of commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2001, may continue to operate without being recognized for a period of six months from the date of such commencement and if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for further period of six months from the date of such refusal.

(2) Every application for recognition of a zoo or a deer park shall be made to the Chief Wildlife Warden in such form and on payment of such fee as may be prescribed.

(3) Every recognition shall specify the conditions if any, subject to which the applicant shall operate the zoo.

(4) No recognition to a zoo or a deer park shall be granted unless the Board, having due regard to the interests of protection and conservation of wildlife, and such standards, norms and



other matters as may be prescribed, that recognition should be granted.

(5) No application for recognition of a zoo or a deer park shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

(6) The Chief Wildlife Warden may, for reasons to be recorded by him, suspend or cancel any recognition granted under sub-section (4) :

Provided that no such suspension or cancellation shall be made except after giving the persons operating the zoo or deer park reasonable opportunity of being heard.

(7) An appeal from an order refusing to recognize a zoo or a deer park under sub-section (5), or an order suspending or cancelling a recognition under sub-section (6) shall lie to the Government.

(8) An appeal under sub-section (7) shall be preferred within thirty days from the date of communication to the applicant, of the order appealed against ;

Provided that the Government may admit any appeal preferred after the expiry of the period aforesaid, if it is satisfied that the appellants had sufficient cause for not preferring the appeal.

**37D. Acquisition of animals by owner of a zoo or a deer park.**—Subject to the other provisions of this Act, no owner of zoo or deer park shall acquire or transfer any wild animal specified in Schedule I or Schedule II except with the previous permission of the Chief Wildlife Warden.

**37E. Prohibition to teasing etc. in zoo or a deer park.**—No person shall tease, molest, injure or feed any animal; or cause disturbance to the animals by noise or otherwise, or litter the grounds in zoo or deer park."

35. *Amendment of section 38, Act VIII of 1978.*—In sub-section (1) of section 38 of the principal Act :—

(a) clause (a) shall be substituted by the following, namely :—

"(a) Wild animal other than vermin, which is hunted under section 10 or section 29 or sub-section (6) of section 35 or kept or bred in captivity or hunted in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed by mistake ; and

(b) after clause (b), the following clauses shall be inserted, namely :—

"(c) ivory and an article made from such ivory in respect of which an offence against this Act or any rule or order made thereunder has been committed ;

(d) timber or forest produce in respect of which an offence has been committed in a Conservation Reserve or a Sanctuary or a National Park declared by the Government ; and

(e) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act" ; and

(c) in the last paragraph, after the words "meat derived from such animal" the words "or any vehicle, vessel, weapon, trap or tool used in such hunting" shall be inserted.

36. *Amendment of section 39, Act VIII of 1978.*—In section 39 of the principal Act.—

(a) in sub-section (1), for the words "the horn of rhinoceros", the words "the horn of rhinoceros tusk" shall be substituted ;

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognized zoo or deer park, subject to the provisions of section 37D or to a public museum." ; and

- (c) in sub-section (4), for the words and brackets "any animal or trophy (other than a musk of a deer or horn of arhinoceros)" the words "any animal or animal article" shall be substituted.

37. *Amendment of section 42, Act VIII of 1978.*—In section 42 of the principal Act,

- (a) in sub-section (2), after the words "where a person transfers", the words "or transports from this State to another State" shall be inserted and at the end a comma followed by the words "within whose jurisdiction the transfer or transport is effected" shall be added ;
- (b) in sub-section (6), for clauses (a) and (b), the following clauses shall be substituted, namely :—

“(a) to tail feather of peacock and articles or trophies made therefrom ;

(b) to any transaction entered into by a recognized zoo subject to the provisions of section 37-D or with any other recognised zoo or public museum.”.

38. *Amendment of section 43, Act VIII of 1978.*—In section 43 of the principal Act,—

- (a) in sub-section (1),—

(i) in clause (a), sub-clause (vi) shall be omitted ; and

(ii) after clause (c), the following new clause shall be inserted, namely :—

“(d) derive, collect, prepare, or deal in snake venom ;”

(iii) for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufacturers of such articles.”

- (b) in clause (b) of sub-section (4) for the words "the authorised officer having regard to such matters as may be prescribed in this behalf" the words "the authorised officer having regard to the antecedents and previous experience of the applicant, the implications which the grant of such licence would have on the status of wildlife and to such other matters as may be prescribed in this behalf" shall be substituted.

39. *Amendment of section 44, Act VIII of 1978.*—In section 44 of the principal Act, after the words "special order of the Government", the word "the" shall be inserted.

40. *Amendment of section 47, Act VIII of 1978.*—In section 47 of the principal Act,—

- (a) in clause (a), in sub-clause (ii), after the words "animal article, trophy", the words "uncured trophy" shall be inserted ;
- (b) in clause (b), in sub-clause (ii), for the words "any captive animal article" the words and figures "any captive animal specified in Schedule I or Part II of Schedule II or any animal" shall be substituted ;

41. *Substitution of section 48, Act VIII of 1978.*—For section 48 of the principal Act, the following section shall be substituted, namely :—

"48. *Restriction on transportation of wildlife.*—No person shall accept any wild animal (other than vermin) or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wild' Warden or any other officer authorised by the Government in this behalf has been obtained for such transportation."

42. *Amendment of section 49, Act VIII of 1978.*—Proviso to section 49 of the principal Act shall be substituted by the following, namely :—

"Provided that nothing in this section shall apply to a recognized zoo subject to the provisions of section 37D or to a public museum."

43. *Insertion of New Chapter VA in Act VIII of 1978.*—After Chapter V of the principal Act, the following Chapter shall be inserted, namely :—

“CHAPTER VA

PROHIBITION OF TRADE OR COMMERCE IN TROPHIES  
ANIMAL ARTICLES ETC. DERIVED FROM CERTAIN  
SPECIFIED ANIMALS

49. *Prohibition of dealing in trophies, animal articles etc. derived from specified scheduled animals.*—(1) Subject to the other provisions of this section and after sixty days from the commencement of the Jammu and Kashmir Wildlife Protection (Amendment) Act, 2002, no person shall—

- (a) commence or carry on the business as -
  - (i) a manufacturer of, or dealer in, specified scheduled animal articles ; or
  - (ii) a dealer in ivory articles made therefrom or a manufacturer of such articles ; or
  - (iii) a taxidermist with respect to any specified schedule animal or any part of such animal ; or
  - (iv) a dealer in trophy or uncured trophy derived from any specified scheduled animal ; or
  - (v) a dealer in any captive animal being specified scheduled animal ; or
  - (vi) a dealer in meat derived from any specified scheduled animal ; or
- (b) cook or serve meat derived from any specified scheduled animal in any eating-house.

*Explanation.*—for the purpose of this sub-section “eating-house” has the same meaning as in the Explanation below sub-section (1) of section 43.

(2) Subject to the other provisions of this section, the licence granted or renewed under section 43 before the commencement of the Jammu and

Kashmir Wildlife (Protection) (Amendment) Act, 2002 shall not entitle the holder thereof or any other person to commence or carry on the business referred to in clause (a) of sub-section (1) of this section or the occupation referred to in clause (b) of that sub-section after the commencement of the said Amendment Act.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), where the Government is satisfied that it is necessary or expedient to do so in the public interest, it may, by general or special order published in the Government Gazette, exempt, for purposes of export, any corporation owned or controlled wholly or substantially financed by the Government from the provisions of sub-section (1) and sub-section (2).

(4) Notwithstanding any thing contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under section 43 to carry on the business as a taxidermist may put under a process of taxidermy any specified scheduled animal or any part thereof,—

- (a) for or on behalf of the Government or any corporation exempted under sub-section (3) ; or
- (b) with the previous authorization in writing of the Chief Wildlife Warden, for and on behalf of any person for educational or scientific purposes.

**49B. Declaration by dealer.—**(1) Every person carrying on the business or occupation referred to in sub-section (1) of section 49A shall, within sixty days after the commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2001, declare to the Chief Wildlife Warden or the authorised officer,—

- (a) his stock, if any, of—
  - (i) specified scheduled animal articles ;
  - (ii) specified scheduled animals and parts thereof ;
  - (iii) trophies and uncured trophies derived from specified scheduled animals,
  - (iv) captive animals being specified scheduled animals ; and

(v) ivory or article made therefrom :

Provided that such declaration, in respect of any wild animal, added or transferred to Schedule I or Part II of Schedule II at any time after the commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002, shall be made within sixty days after such addition or transfer :

- (b) the place or places at which the stocks mentioned in the declaration are kept ; and
- (c) the description of such items, if any, of the stocks mentioned in the declaration which he desires, to retain with himself for his bona fide personal use.

(2) On receipt of a declaration under sub-section (1), the Chief Wildlife Warden or the authorised officer may take all or any of the measures specified in section 40 and for this purpose, the provisions of section 40 shall, so far as may be, apply.

(3) Where, in a declaration made under sub-section (1) the persons making the declaration expresses his desire to retain with himself any of the items of the stocks specified in the declaration for his bona fide personal use, the Chief Wildlife Warden, with the prior approval of the Government, may, if he is satisfied that the person is in lawful possession of such items, issue certificate of ownership in favour of such person with respect to all, or as the case may be, such of the items as in the opinion of the Chief Wildlife Warden are required for the bona fide personal use of such persons and affix upon such items identification marks in such manner as may be prescribed :

Provided that no such item should be kept in any commercial premises.

(4) No person shall obliterate or counterfeit any identification mark referred to in sub-section (3).

(5) Any appeal shall lie against any refusal to grant certificate of ownership under sub-section (3) and the provisions of sub-section (2), sub-section (3) and sub-section (4) of section 45 shall, so far as may be, apply in relation to appeals under this sub-section.

(6) Where a person who has been issued a certificate of ownership under sub-section (3) in respect of any item.—

(a) transfers such item to any person, whether by way of gift, sale or otherwise ; or

(b) transfers or transports from or to the State any such item, he shall, within thirty days of such transfer or transport, report the transfer or transport to the Chief Wildlife Warden or the authorised officer.

(7) No person, other than a person who has been issued a certificate of ownership under sub-section (3) shall, after 60 days from the commencement of the Jammu and Kashmir Wildlife (Protection) (Amendment) Act, 2002 date, keep under his control, sell or offer for sale or transfer to any person any specified scheduled animal or specified schedule animal article or any kind of ivory or any article made therefrom.”

44. *Amendment of section 50, Act VIII of 1978.*—In section 50 of the principal Act,—

(a) in sub-section (1),

(i) the words “or any officer of the Tourism Department not below the rank of Tourist Officer” shall be deleted ;

(ii) in clause (a), for the words “trophy or uncured trophy” the words “trophy, uncured trophy or forest produce or specified plant or part or derivative thereof” shall be substituted ;

(iii) for clause (c), the following clauses shall be substituted, namely :—

“(c) seize—

(i) any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any forest produce or any specified plant or part or derivative thereof in respect of which an offence against this Act appears to have



been committed, in the possession of any person together with all traps, tools, vehicles, vessels, or weapons, boats, carts, equipments, ropes, chains machines, cattle, or any other article used for committing any such offence and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him, without warrant and detain him ;

(ii) any trap, tool, vessel, or weapon intended to be used for committing an offence under this Act and any person who is found to be in possession of any trap or weapon in any Protected Area, shall be deemed to be intending to use them for the purpose of committing an offence under this Act unless proved otherwise ;

(iii) any timber or any other forest produce in possession of any person, in respect of which an offence has been committed in a Conservation Reserve or National Park declared by the Government together with all tools, arms, weapons, vessels, equipments, ropes, chains, machines, vehicle, cattle or any other article used in committing such offence, and unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him, without warrant and detain him.

(cc) any officer seizing any property under this section shall place on such property a mark indicating the same has been so seized, and shall as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which such seizure has been made under intimation to the Chief Wildlife Warden.” ;

(b) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Any officer of and above the rank of an Assistant Wildlife Warden or Assistant Conservator of Forests, who or

whose subordinate, has seized any captive animal or wild animals or any animal article, or specified plant or part or derivative thereof, or any forest produce or any vessels, vehicles, tools, arms, weapons, machines, equipments, implements, chains, ropes or cattle or any other articles used in committing any offence under this Act may keep the same on "Sapurdnama" of a respectable person on the execution of a bond thereof, by such person, for the production of the property so kept on "Sapurdnama", if and when so required, before the Magistrate having jurisdiction to try the offence, on account of which the seizure has been made." ;

(c) for sub-section (6), the following sub-section shall be substituted, namely :—

"(6) Where any meat or uncured trophy, specified plant or part or derivative thereof is seized under this section, the Chief Wildlife Warden or the authorised officer may arrange for the destruction of the same in such manner as may be prescribed." ;

(d) after sub-section (7), the following sub-sections shall be added, namely :—

"(8) Notwithstanding anything contained in any other law for the time being in force, any officer of the Wildlife Department not below the rank of Assistant Wildlife Warden or Assistant Conservator of Forests, shall have the powers, for the purpose of making investigation into any offence against any provision of this Act,—

- (a) to issue a search warrant ;
- (b) to enforce the attendance of witness ;
- (c) to compel the discovery and production of documents and material objects , and ;
- (d) to receive and record evidence.

(9) Any evidence recorded under clause (d) of sub-section (8), shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in presence of the accused person.”

45. *Insertion of section 50-A in Act VIII of 1978.*—After section 50, of the principal Act, the following section shall be inserted, namely :—

“50-A. *Requisition for Police Assistance.*— Any Wildlife Warden or Forest Officer may requisition the services of any Police Officer having jurisdiction in the area to assist him for any of the purposes of this Act and it shall be the duty of every such officer to comply with such requisition.”

46. *Amendment of section 51, Act VIII of 1978.*—In section 51 of the principal Act,—

(a) in sub-section (1),

(i) in the opening paragraph after the words “any provision of this Act” the words, letters and figures “except Chapter VA and section 37E and section 42” shall be inserted ; and for the words “two years, or with fine which may extend to two thousand rupees or with both” the words “three years and fine which may extend to twenty-five thousand rupees but shall not be less than ten thousand rupees” shall be substituted ;

(ii) in the first proviso, after the words “where the offence relates to hunting in,” the words “conservation reserve,” shall be inserted ; and for the words “six months” and “five hundred rupees”, the words “two years” and “twenty-five thousand rupees” shall respectively be substituted ;

(iii) in the second proviso, for the words "one year" and "one thousand rupees" the words "two years" and "ten thousand" shall respectively be substituted ;

(b) after sub-section (1), the following sub-sections shall be inserted, namely :—

"(1A) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and also with fine which may extend to twenty thousand rupees but shall not be less than five thousand rupees.

(1B) Any person who contravenes the provisions of section 37D and section 42 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both.

Provided that in case of second or subsequent offence the term of imprisonment may extend to two years or the fine may extend to twenty-five thousand rupees." ;

(c) in sub-section (2), after the words "uncured trophy, meat" the words "ivory and articles made from such ivory, any forest produce, specified plant or part or derivative thereof" shall be inserted ;

(d) after sub-section (4), the following sub-section shall be inserted, namely :—

"(5) Nothing contained in section 562 of the Code of Criminal Procedure, Samvat 1989 or in the Jammu and Kashmir Probation of Offenders Act, 1966 shall apply to a person convicted of an offence with respect to hunting in a Conservation Reserve or a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age."

47. *Insertion of section 51A in Act VIII of 1978.*— After section 51 of the principal Act, the following section shall be inserted, namely :—

*“51A. Penalty for endangering protected area or polluting the environment.*—Any person who—

- (a) sets fire to a protected area or kindles any fire or leaves any fire burning in such manner as to endanger such protected area.
- (b) attempts to clear or breaks up any land or erects a fence, enclosure or any structure for cultivation or cultivates or attempts to cultivate any land in any other manner in any protected area for any other purpose ;
- (c) installs or establishes a saw mill or forest based industry or any other industry polluting the environment within such limit outside the protected area to be prescribed by the Government from time to time,

shall be punished with imprisonment for a term which may extend to three years but shall not be less than six months and with fine which may extend to fifty thousand rupees but shall not be less than five thousand rupees.”

48. *Omission of section 52, Act VIII of 1978.*—Section 52 of the principal Act shall be omitted.

49. *Amendment of section 53, Act VIII of 1978.*—In section 53 of the principal Act, for the words “sanctuary, national park, game reserves or a closed area” and “six months, or with fine not exceeding five hundred rupees, or with both”, the words “protected area” and “three years but shall not be less than six months and with fine which may extend to twenty thousand rupees but shall not be less than ten thousand rupees”, shall respectively be substituted.

50. *Insertion of section 53A, section 53B, section 53C and section 53D in Act VIII of 1978.*—After section 53 of

the principal Act, the following sections shall be inserted, namely :—

**“53A. Power to remove encroachments.—(1)** Notwithstanding anything contained in any other law for the time being in force, any person who unauthorisedly takes or remains in possession of any land in areas declared as protected area under this Act, may without prejudice to any other provision of this Act, be summarily ejected by an order of an officer not below the rank of Deputy Conservator of Forests or Wildlife Warden not below the rank of Regional Wildlife Warden and any crop which may be standing on such land or any building or other work which he may have constructed thereon, if not removed by him within such time as Forest Officer or Wildlife Warden may fix, shall be forfeited :

Provided that no order of ejection under this section shall be passed unless the person proposed to be ejected is given reasonable opportunity of showing cause, as to why such order should not be passed.

(2) Any property so forfeited shall be disposed off in such manner as the Forest Officer or Wildlife Warden may direct and the cost of removal of any crop or building or other work and, all of all works necessary to restore the land to its original condition shall be recoverable from such person in the manner provided in section 53B.

(3) Any person aggrieved by an order of the Forest Officer or Wildlife Warden under sub-section (1) may, with in such period and in such manner as may be prescribed, appeal against such order to the Chief Wildlife Warden and the order of the Forest Officer or Wildlife Warden shall, subject to the decision of such appeal, be final.

(4) The provisions of this section shall apply notwithstanding any other penalty that may be imposed for violation of any other provision of this Act.

**“53B. Compensation for loss or damage.—**Any person who causes any loss or damage to any protected area or

encroaches upon such protected area shall be liable to compensate the Government. The remedy available under this section shall be without prejudice and in addition to any remedy that the Government may have under any law in this regard.

“53C. *Recovery of dues.*—All money payable to the Government under this Act or under any rule made thereunder, or on account of price of any forest produce or expenses incurred in the execution of this Act, in respect of such produce, shall if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land revenue.

“53D. *Offences non-bailable.*—Notwithstanding anything contained in this Act or any other law for the time being in force all offences under this Act other than those compoundable under section 56 shall be non-bailable, and nothing in section 497A of Code of Criminal Procedure, Samvat 1989 shall apply to offences under this Act.”

51. *Insertion of sections 54A and 54B in Act VIII of 1978.*—After section 54, of the principal Act, the following sections shall be inserted, namely :—

“54A. *Penalty for forcibly opposing seizure.*—Any person who opposes the seizure of tools, arms, boats, carts, equipments ropes, chains, machines, vehicles, or live-stock liable to be seized under this Act or forcibly recovers the same after seizure shall be punishable with imprisonment for a term which may extend to three years but shall not be less than six months and with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees.”

“54B. *Penalties for non-compliance.*—Any person who wilfully neglects to give information or to render assistance which he is bound to give or render under this Act shall be liable, on conviction by the Judicial Magistrate of First Class, to fine not exceeding five thousand rupees or in default of payment of such fine to simple imprisonment for a term not exceeding six months.”

**52. Amendment of section 56, Act VIII of 1978.**—In section 56 of the principal Act,—

(a) in sub-section (1),—

- (i) for the words “any officer of a rank not inferior to that of an Assistant Conservator of Forests” the words “any officer not below the rank of Assistant Wildlife Warden or Assistant Conservator of Forests” shall be substituted ; and
- (ii) in clause (b), for the words “as liable” the words “is liable” shall be substituted ;

(b) in sub-section (4), for the words “three thousand rupees” the words “fifteen thousand rupees” shall be substituted.

**53. Substitution of section 57, Act VIII of 1978.**—For section 57 of the principal Act, the following section shall be substituted, namely :—

“57. *Rewards.*—(1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may when passing judgment, order that the reward be paid to a person who rendered assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty per cent of such fine.

(2) When a case is compounded under section 56, the officer compounding may order reward to be paid to a person who rendered assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty per cent of such money.

(3) Notwithstanding anything contained in sub-section (1) and sub-section (2), the Chief Wildlife Warden may order payment of reward not exceeding rupees two thousand and five hundred to be paid to the person(s) who rendered assistance in the detection of offence leading to seizure or apprehension of an offender in such manner as may be prescribed.”.



54. *Amendment of section 58, Act VIII of 1978.*—The full-stop at the end of section 58 of the principal Act, shall be substituted by a colon and thereafter the following proviso shall be added, namely :—

“Provided that a Court may take cognizance of such any offence on the complaint of any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Government or the officer authorised as aforesaid.”.

55. *Substitution of section 60, Act VIII of 1978.*—For section 60 of the principal Act, following section shall be substituted, namely :—

“60. *Presumption to be made in certain cases.*—Where, in any prosecution for an offence under this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, trophy, uncured trophy, forest produce, specified plant, or part or derivative thereof, it shall be presumed, until the contrary is proved by the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, trophy, uncured trophy, forest produce, specified plant, or part or derivative thereof.”.

56. *Insertion of section 60A in Act VIII of 1978.*—After section 60 of the principal Act, the following section shall be inserted, namely :—

“60A. *Penalties for breach of other provisions.*—Any person breaking any provision of this Act for the breach of which no special penalty is provided, shall be punished with the imprisonment for a term which may extend to two years but shall not be less than six months and with fine which may extend to ten thousand rupees but shall not be less than five thousand rupees.”.

57. *Substitution of Schedules in Act VIII of 1978.*—For the Schedule I, Schedule II, Schedule III, Schedule IV and Schedule V

of the principal Act, the following Schedules shall be substituted, namely :—

## SCHEDULE I

### PART I

#### Mammals

1. Andaman wild pig (*Sus serofuandamanensis*)
2. Bharal (*Ovis nahura*)
3. Binturong (*Arctictis binturong*)
4. Blackbuck (*Antelope cervicapra*)
5. Brow-antlered deer or thamin (*Cervus eldi*)
6. Himalayan brown bear (*Ursus arctos*)
7. Capped langur (*Presbytis pileatus*)
8. Caracal (*Felis caracal*)
9. Catacean spp.
10. Cheetah (*Acinonyx jubatus*)
11. Chinese pangolin (*Manis pentadactyla*)
12. Chinkara or Indian gazelle (*Gazella gazella bennetti*)
13. Clouded leopard (*Neofelis nebulosa*)
14. Crab-eating macaque (*Macaca irus umbrosa*)
15. Desert cat (*Felis libyca*)
16. Desert fox (*Vulpes bucopus*)
17. Dugong (*Dugong dugon*)
18. Ermine (*Mustela erminea*)
19. Fishing cat (*Felis viverrina*)
20. Four-horned antelope (*Tetraceros quadricornis*)
21. Gangetic dolphin (*Platanista gangetica*)
22. Gaur or Indian bison (*Bos gaurus*)
23. Golden cat (*Felis temmincki*)
24. Golden langur (*Presbytis geei*)
25. Goral (*Nemorhaedus goral*)
26. Giant squirrel (*Ratufa macroura*)
27. Himalayan ibex (*Capra ibex*)
28. Himalayan tahr (*Hemitragus jemlahicus*)
29. Hispid hare (*Caprolagus hispidus*)

30. Hog badger (*Arctonyx collaris*)
31. Hoolock gibbon (*Hylobates hoolock*)
32. Indian elephant (*Elephas maximus*)
33. Indian lion (*Panthera leo persico*)
34. Indian wild ass (*Equus hemionus khur*)
35. Indian wolf (*Canis lupus pallipes*)
36. Kashmir stag (*Cervus elaphus hanglu*)
37. Leaf monkey (*Presbytis phayrei*)
38. Leopard or panther (*Panthera pardus*)
39. Leopard cat (*Felis bengalensis*)
40. Lesser or red panda (*Ailurus fulgens*)
41. Lion-tailed macaque (*Macaca silemus*)
42. Loris (*Loris tardigradus*)
43. Little Indian porpoise (*Neomeris phocaenoides*)
44. Lynx (*Felis lynx isabellinus*)
45. Malabar civet (*Viverra megaspila*)
46. Malay or sun bear (*Helarctos malayanus*)
47. Marbled cat (*Felis marmorata*)
48. Markhor (*Capra falconeri*)
49. Mouse deer (*Tragulus meminna*)
50. Musk deer (*Moschus moschiferus*)
51. Nilgiri langur (*Presbytis johni*)
52. Nilgiri tahr (*Hemitragus hylocrius*)
53. Nayan or great Tibetan sheep (*Ovis ammon hodgsoni*)
54. Pallas's cat (*Felis manul*)
55. Panghoglin (*Manis crassicaudata*)
56. Pygmy hog (*Sus salvanius*)
57. Ratel (*Mellivora capensis*)
58. Indian one-horned rhinoceros (*Rhinoceros unicornis*)
59. Rusty-spotted cat (*Felis rubiginosa*)
60. Serow (*Capricornis sumatraensis*)
61. Clawless otter (*Aonyx cinerea*)
62. Sloth bear (*Melursus ursinus*)
63. Slow loris (*Nycticebus coveang*)

64. Snow leopard (*Panthera uncia*)
65. Small Travancore flying squirrel (*Petinomys fuscopapillus*)
66. Snubfin dolphin (*Orcaella brevirostris*)
67. Spotted linsang (*Prionodon pardicolor*)
68. Swamp deer (all sub-species of *Cervus duvauceli*)
69. Takin or Mishmi takin (*Budorcas taxicolor*)
70. Tibetan antelope or chiru (*Panthelops hodgsoni*)
71. Tibetan fox (*Vulpes ferrilatus*)
72. Tibetan gazelle (*Procapra picticaudata*)
73. Tibetan wild ass (*Equus hemionus kiang*)
74. Tibetan wolf (*Canis lupus chanco*)
75. Tiger (*Panthera tigris*)
76. Urial or shapu (*Ovis vignei*)
77. Wild buffalo (*Bubalus bubalis*)
78. Wild yak (*Bos grunniens*)

## PART II

### Amphibians and Reptiles

1. Audithia turtle (*Pelochelys bibroni*)
2. Barred, oval, or yellow monitor lizard (*Varanus flavescens*)
3. Crocodiles (including the estuarine or saltwater crocodile) (*Crocodylus porosus* and *Crocodylus palustris*)
4. Terrapin (*Batagur baska*)
5. Eastern hill terrapin (*Melanochelys tricarinata*)
6. Ganges soft-shelled turtle (*Trionyx gangeticus*)
7. Gharial (*Gavialis gangeticus*)
8. Golden gecko (*Calodactylodes aureus*)
9. Green sea turtle (*Chelonia mydas*)
10. Hawksbill turtle (*Eretmochelys imbricata imbricata*)
11. Peacock-marked soft-shelled turtle (*Trionyx hurum*)
12. Pythons (*Genus Python*)
13. Sail terrapin (*Kachuga kachuga*)
14. Spotted black terrapin (*Geoclemys hamiltoni*)

PART III

Birds

1. Andaman teal (*Anas gibberifrons albogularis*)
2. Assam bamboo partridge (*Bambusicola fythii*)
3. Barheaded goose (*Anser indicus*)
4. Black partridge (*Francolinus francolinus*)
5. Bazas (*Aviceda jerdoni* and *Aviceda leuphotes*)
6. Bengal florican (*Eupodotis bengalensis*)
7. Black and yellow grosbeak (*Perissospiza icteroides*)
8. Black-necked crane (*Grus nigricollis*)
9. Blood pheasants (*Ithaginis cruentus tibetanus*, *I.c.kuseri*)
10. Cheer pheasant (*Catreus wallichi*)
11. Common shelduck (*Tadorna tadorna*)
12. Common swallow (*Hirundo rustica*)
13. Cotton teal (*Nettapus coromolincus*)
14. Eastern white stork (*Ciconia ciconia boyciana*)
15. Fantail snipe (*Gallinago gallinago*)
16. Fire-capped tit warbler (*Cephalopyrus flammiceps flammiceps*)
17. Forest spotted owlet (*Athene blewitti*)
18. Frogmouths (*Genus batrachostomus*)
19. Garganey (*Anas querquedula*)
20. Gooander (*Merges merganser*)
21. Greatcrested grebe (*Podiceps cristatus cristatus*)
22. Great Indian bustard (*Choriotis nigriceps*)
23. Great Indian hornbill (*Buceros bicornis*)
24. Hawks (*fam. Accipitridae*)
25. Himalayan barred owlet (*Glaucidium cuculoides*)
26. Himalayan goldcrest (*Regulus regulus himalayensis*)
27. Himalayan golden eagle (*Aquila chrysaetos dephanea*)
28. Himalayan paradise flycatcher (*Terpsiphone paradis leucogaster*)

29. Himalayan treepie (*Dendrocitta formosa occidentalis*)
30. Hooded crane (*Grus monacha*)
31. Hornbills (*Ptiloaeus tickelli austeni*, *Aceros nipalensis*,  
*Rhyticeros undulatus ticehursti*)
32. Houbara bustard (*Chlamydotis undulata*)
33. Hume's bar-backed pheasant (*Syrnaticus humiae*)
34. Indian purple moorhen (*Porphyrio porphyrio poliocephalus*)
35. Indian sarus crane (*Grus antigone antigone*)
36. Indian sparrow hawk (*Accipiter nisusmelanoschistos*)
37. Indian pied hornbill (*Anthracoceros malabaricus*)
38. Jerdon's courser (*Cursorius bitorquatus*)
39. Lammergeier (*Gypaetus barbatus*)
40. Large falcons (*Falco peregrinus*, *F. biarmicus*, *F. chicquera*)
41. Large whistling teal (*Dendrocygna bicolor*)
42. Ladakh partridge (*Perdix hodgsoniae caraganae*)
43. Large cormorant (*Phalacrocorax carboniger*)
44. Large spotted nutcracker (*Nucifraga caryocatactes  
multipunctata*)
45. Little cormorant (*Phalacrocorax niger*)
46. Lesser florican (*Sypheotides indica*)
47. Monal pheasants (*Lophophorus impejanus*, *L. sclateri*)
48. Mountain quail (*Ophrysia superciliosa*)
49. Narcondam hornbill (*Rhyticeros (undulatus) narcondami*)
50. Nicobar megapode (*Megapodius freycinet*)
51. Nicobar pigeon (*Caloenas nicobarica pelewensis*)
52. Night heron (*Nycticorax nycticorax*)
53. Orange Bullfinch (*Pyrrhula aurantiaca*)
54. Osprey (*Pandion haliaetus*)
55. Osprey or Fish eating eagle (*Pandion haliaetus*)
56. Palla's fishing eagle (*Haliaeetus leucoratum*)
57. Peacock pheasants (*Polyplectron bicalcaratum*)
58. Peafowl (*Pavo cristatus*)

59. Pheasant-tailed jacana (*Hydrophasianus chirurgus*)
60. Pink-headed duck (*Rhodonessa caryophyllacea*)
61. Red crested pochard (*Netta rufina*)
62. Ruddy shelduck (*Tadorna ferruginea*)
63. Scalater's monal (*Lophophorus sclateri*)
64. Scaly bellied green woodpecker (*Picus squamatus*)
65. Shaheen falcon (*Falco peregrinus peregrinus*)
66. Siberian white crane (*Grus leucogeranus*)
67. Spotted fork-tail (*Enicurus maculatus*)
68. Tibetan sandgrouse (*Syrhaptes tibetanus*)
69. Tibetan snow cock (*Tetraogallus tibetanus*)
70. Tragopan pheasants (*Tragopan melanocephalus*, *T. blythii*, *T. satyra*, *T. temminckii*)
71. Yellow bellied blue magpie (*Cissa flavirostris*)
72. White-bellied sea eagle (*Haliaeetus leucogaster*)
73. Whitebreasted dipper (*Cinclus cinclus cashmeriensis*)
74. White crested Kaleej Pheasant (*Lophura leucomelana hamiltonii*)
75. White Eye (*Zosterps palpebrosa occidentis*)
76. White eyed Pochard (*Aythya nyroca*)
77. White-eared pheasant (*Crossoptilon crossoptilon*)
78. White spoonbill (*Platalea leucorodia*)
79. White-winged wood duck (*Cairina scutulata*)
80. Woodcock (*Scolopax rusticola*)

#### PART IV

#### Crustacea and Insects

##### 1. Butterflies and Moths

Family	Common English name
<i>Amathusidae</i>	
<i>Discophora deo deo</i>	Duffer, banded
<i>Discophora sandaica muscina</i>	Duffer, common
<i>Faunis faunula faunuloides</i>	Pallid funa

**Family Danaidae**

<i>Danaus gautama gautamoides</i>	Tigers
<i>Euploea crameri nicevillei</i>	Crow, spotted black
<i>Euploea midamus roepstorfti</i>	Crow, blue-spotted

**Family Lycaenidae**

<i>Allotinus drumila</i>	Darkie, crenulate/great
<i>Allotinus fabius penormis</i>	Angled darkie
<i>Amblopala avidiena</i>	Hairstreak, Chinese
<i>Amblypodia ace arata</i>	Leaf blue
<i>Amblypodia alea constanceae</i>	Rosy oakblue
<i>Amblypodia ammon ariel</i>	Malayan bush blue
<i>Amblypodia arvina ardea</i>	Purple brown tailless oakblue
<i>Amblypodia asopia</i>	Plain tailless oakblue
<i>Amblypodia comica</i>	Comic oakblue
<i>Amblypodia opalina</i>	Opal oakblue
<i>Amblypodia zeta</i>	Andaman tailless oakblue
<i>Biduanda melisa cyana</i>	Blue posy
<i>Callophrys leechii</i>	Hairstreak, ferruginous
<i>Castalius rosimon alarbus</i>	Pierrot, common
<i>Charana cepheis</i>	Mandarin blue, Cachar
<i>Chloria othona</i>	Tit, orchid
<i>Deudoryx epijarbas amatius</i>	Comelian, scarce
<i>Everes moorei</i>	Cupied, Moore's
<i>Gerydus biggsii</i>	Bigg's brownie
<i>Gerydus symethus diopetithes</i>	Great brownie
<i>Heliophorus hybrida</i>	Sapphires
<i>Horaga albimacula</i>	Onyxes
<i>Jamides ferrari</i>	Caeruleans
<i>Liphyra brassolis</i>	Butterfly, moth
<i>Listeria dudgeni</i>	Lister's hairstreak
<i>Logania watsoniana subfasciata</i>	Mottle, Watson's
<i>Lycaenopsis binghami</i>	Hedge blue
<i>Lycaenopsis haraldus ananga</i>	Hedge blue, Felder's



<i>Lycaenopsis purpa prominens</i>	Common hedge blue
<i>Lycaenopsis quadriplaga dohertyi</i>	Naga hedge blue
<i>Nacaduba noreia hampsonii</i>	Lineblue, white-tipped
<i>Polymmatas orbitulus leela</i>	Greenish mountain blue
<i>Pratapa icetas mishmia</i>	Royal, dark blue
<i>Simiskina phalena harterti</i>	Brilliant, boardlanded
<i>Sinthusia virgo</i>	Spark, pale
<i>Spindasis elwesi</i>	Silverline, Elwes's
<i>Spindasis rukmini</i>	Silverline, khaki
<i>Strymonidia mackwoodi</i>	Hairstreak, Mackwood's
<i>Tajuria ister</i>	Royal, uncertain
<i>Tajuria luculentus</i>	Royal, Chinese
<i>Tajuria yajna yajna</i>	Royal, chestnut and black
<i>Thecla ataxus zulla</i>	Wonderful hairstreak
<i>Thecla bieti menlera</i>	Indian purple hairstreak
<i>Thecla lethia</i>	Watson's hairstreak
<i>Thecla paona</i>	Paona hairstreak
<i>Thecla pavo</i>	Peacock hairstreak
<i>Virachola smilis</i>	Guava blues

#### Family Nymphalidae

<i>Apatura ulupi ulupi</i>	Emperor, tawny
<i>Argynnis hegemone</i>	Silver-washed fritillary
<i>Calinaga buddha</i>	Freak
<i>Charaxes durnfordi nicholi</i>	Rajah, chestnut
<i>Cirrochroa fasciata</i>	Yeomen
<i>Diagora nicevillei</i>	Siren, scarce
<i>Dilipa morgiana</i>	Emperor, golden
<i>Doleschallia bisaltide andamana</i>	Autumn leaf
<i>Eriboea moori sandakanus</i>	Malayan nawab
<i>Eriboea schreiberi</i>	Blue nawab
<i>Eulaceura manipurensis</i>	Emperor, Tytler's
<i>Euthalia durga splendens</i>	Barons/Counts/Duchesses
<i>Euthalia iva</i>	Duke, grand

<i>Euthalia khama curvifascia</i>	Duke, Naga
<i>Euthalia telchintia</i>	Baron, blue
<i>Helcyra hemina</i>	Emperor, white
<i>Hypolimnas missipus</i>	Eggfly, danaid
<i>Limenitis austenia purpurascens</i>	Commodore, grey
<i>Limenitis zulema</i>	Admirals
<i>Melitaea shandura</i>	Fritillaries/Silverstripes
<i>Neptis antilope</i>	Sailer, veriegated
<i>Neptis aspasia</i>	Sailer, great hockeystick
<i>Neptis columella kankena</i>	Sailer, short-banded
<i>Neptis cydippe kirbartensis</i>	Sailer, Chinese yellow
<i>Neptis ebusa</i>	Sailer, lascar
<i>Neptis jumbah binghami</i>	Sailer, chestnut streaked
<i>Neptis manasa</i>	Sailer, pale hockeystick
<i>Neptis nyctens</i>	Sailer, hockeystick
<i>Neptis poona</i>	Lascar, Tyler's
<i>Neptis sankara</i>	Sailer, broad-banded
<i>Panthoporia jina jina</i>	Bhutan sergeant
<i>Panthoporia reta moorei</i>	Malay staff sergeant
<i>Prothoe franckii regalis</i>	Begum, blue
<i>Sasakia funebris</i>	Empress
<i>Sephisa chandra</i>	Courtier, eastern
<i>Symbrenthia silana</i>	Jester, scarce
<i>Vanessa antiopa yednula</i>	Admirables

#### Family Papilionidae

<i>Chilasa clytia clytia f. commixtus</i>	Common mime
<i>Papilio elephenor</i>	Spangle, yellow-crested
<i>Papilio liomedon</i>	Swallowtail, Malabar banded
<i>Parnassius aeco geminifer</i>	Apollo
<i>Parnassius delphius</i>	Banded apollo
<i>Parnassius hannyingtoni</i>	Hannyington's apollo
<i>Parnassius imperator augustus</i>	Imperial apollo
<i>Parnassius stoliczkanus</i>	Ladakh banded apollo

<i>Polydorus coonsambilanga</i>	Common clubtail
<i>Polydorus crassipes</i>	Black windmill
<i>Polydorus hector</i>	Crimson rose
<i>Polydorus nevilli</i>	Nevill's windmill
<i>Polydorus plutonius pembertoni</i>	Chinese windmill
<i>Polydorus polla</i>	Deniceyille's windmill
<b>Family Pieridae</b>	
<i>Aporia harrietae harrietae</i>	Black veins
<i>Baltia butleri sikkima</i>	White butterfly
<i>Colias colias thrasibulus</i>	Clouded yellows
<i>Colias dubi</i>	Dwarf clouded yellow
<i>Delias sanaea</i>	Jezebel, pale
<i>Pieris krueperi devta</i>	Butterfly cabbage/White II
<b>Family Satyriidae</b>	
<i>Coelitias nothis adamsoni</i>	Cat's eye, scarce
<i>Cyllogenes janetae</i>	Evening brown, scarce
<i>Elmnia peali</i>	Palmfly, Peal's
<i>Elmnia penanga philansis</i>	Palmfly, painted
<i>Erabia annada annada</i>	Argus, ringed
<i>Erabia narasingha narasingha</i>	Argus, mottled
<i>Lethe distans</i>	Forester, scarce red
<i>Lethe dura gammiee</i>	Lilacfork, scarce
<i>Lethe europa tamuna</i>	Bamboo tree brown
<i>Lethe gemina gafuri</i>	Tytler's tree brown
<i>Lethe guluihal guluihal</i>	Forester, dull
<i>Lethe margaritae</i>	Tree brown, Bhutan
<i>Lethe ocellata lyncus</i>	Mystic, dismal
<i>Lethe ramadeva</i>	Silverstripe, single
<i>Lethe satyabati</i>	Forester, pallid
<i>Mycalesis orseis nawtilus</i>	Bush brown, purple
<i>Parargemenava maeroides</i>	Wall dark
<i>Yothima dohertyi persimilis</i>	Five ring, great
Coconut or Rubber crab ( <i>Birgus latro</i> )	
Dragonfly ( <i>Epioplebia laidlawi</i> )	

SCHEDULE II

PART I

1. Assamese macaque (*Macaca assamensis*)
2. Bengal porcupine (*Atherurus mecrourus assamensis*)
3. Bonnet macaque (*Macaca radiata*)
4. Cetatean spp. (other than those listed in Sch. I and Sch. II Part II)
5. Common langur (*Presbytis entellus*)
6. Ferret badgers (*Melogale moschata*, *M. personata*)
7. Himalayan crestless porcupine (*Hystrix hodgsoni*)
8. Himalayan newt or salamander (*Tyletrotiton verrucosus*)
9. Pig-tailed macaque (*Macaca nemestrina*)
10. Rhesus macaque (*Macaca mulatta*)
11. Stump-tailed macaque (*Macaca speciosa*)
12. Wild dog or dhole (*Cuon alpinus*)
13. Chameleon (*Chameleo calcaratus*)
14. Spiny-tailed lizard or sanda (*Uromastix hardwickii*)

PART II

1. Beetles,

Family Amathusidae

*Amathusia philippus andamanicus*

*Aemona amathusia amathusia*

*Amathusia amythaonam*

*Discophora deo deodoides*

*Discophora lepida lepida*

*Discophora timora andamanensis*

*Enispe cycnus*

*Faunis sumeus assama*

*Sticopthalma nourmahal*

*Thauria aliris plifascia*

**Family Chrysomelidae**

*Acrocrypta rotundata*

*Bimala indica*

*Clitea indica*

*Gopala pita*

*Griva cyanipennis*

*Nisotra cardoni*

*Nisotra madurensis*

*Nisotra nigripennis*

*Nisotra semicoerulea*

*Nisotra striatipennis*

*Nonarthra patkaia*

*Psylliodes plana*

*Psylliodes shira*

*Sebaethe cervina*

*Sebaethe patkaia*

*Sphaeroderma brevicorn*

**Family Cucujidae**

*Carinophloeus raffrayi*

*Cucujus bicolor*

*Cucujus grouvelle*

*Cucujus imperialis*

*Heterojinus semilactaneus*

*Laemophloeus belli*

*Laemophloeus incertus*

*Pediacus rufipes*

**Family Papilionidae**

*Bhutanitis liderdalii liderdalie*

*Chilasa epycides epycides*

*Chilasa paradoxa telearchus*

*Chilasa slateri slateri*

*Graphium aristeus anticrates*

*Graphium arycles arycles*

*Graphium eurypylus macronius*

*Graphium evemon albociliates*  
*Graphium gyas gyas*  
*Graphium megarus megarus*  
*Papilio bootes*  
*Papilio buddha*  
*Papilio fuscus andamanicus*  
*Papilio machaon verityi*  
*Papilio mayo*  
*Parnassius charltonius charltonius*  
*Parnassius epaphus hillensis*  
*Parnassius jacquemonti jacquemonti*  
*Polydorus latreillei kabrua*  
*Polydorus plutontus tyleri*  
*Teinopalpus imperialis imperialis*

**Family Pieridae**

*Aporia nabellica*  
*Appias albina darada*  
*Appias indra shiva*  
*Appias lyncida latifasciata*  
*Appias wardica*  
*Baltia butleri butleri*  
*Cepora nadian remba*  
*Cepora nerissa dapha*  
*Colias eocandica hinducucica*  
*Colias eogene*  
*Colias ladakensis*  
*Colias stoliczkana miranda*  
*Delias latvitta*  
*Dercas lycorias*  
*Euchloe charltonia lucilla*  
*Eurema andersoni ormistoni*  
*Melanitis zitanius*  
*Metaporia agathon*

*Pieris deota*

*Pontia chloridice alpina*

*Saletara panda chrysaea*

*Valeria avatar avata*

**Family Carabidae**

*Agonotrechus andrewesi*

*Amara brucei*

*Amara elegantula*

*Brachinus atripennis*

*Brososoma gracile*

*Brosopus bipillifer*

*Broter ovicollis*

*Calathus amaroides*

*Callistominus belli*

*Chalenius championi*

*Chlaenius kanarae*

*Chalenius masoni*

**Family Danaidae**

*Euploea melanoleuca*

*Euploea micrimus rogenhoferi*

**Family Erycinidae**

*Abisara kausambi*

*Dodona adonira*

*Dodona dipoea*

*Dodona egeon*

*Libythea lepita*

**Family Hesperiiidae**

*Baoris philippina*

*Bebasa sena*

*Halpe homolea*

**Family Inopeplidae**

*Inopeplus albonotalus*

**Family Lycaenidae**

*Allotinus subviolaceous manychus*

*Amblypodia aberrans*

*Amblypodia aenea*

*Amblypodia agaba aurelia*

*Amblypodia agrata*

*Amblypodia alesia*

*Amblypodia apidanus ahamus*

*Amblypodia areste areste*

*Amblypodia bazaloides*

*Amblypodia camdeo*

*Amblypodia ellisi*

*Amblypodia fulla ignara*

*Amblypodia ganesa watsoni*

*Amblypodia paraganesa zephpreeta*

*Amblypodia paralea*

*Amblypodia silhetensis*

*Amblypodia suffusa suffusa*

*Amblypodia yendava*

*Apharitis tilacinus*

*Araotes lapithis*

*Artipe eryx*

*Bindahara phocides*

*Bothrinia chennellii*

*Castalius roxus manluena*

*Catapoecilma delicatum*

*Catapoecilma elegans myositina*

*Charana jalindra*

*Cheriterlla truncipennis*

*Chliaria kina*

*Deudoryx hypargyria gaetulia*



*Enchrysops onejus*  
*Everes kalaroi*  
*Heliphorus androcles moorie*  
*Horaga onyx*  
*Horaga viola*  
*Hypolycaena nilgirica*  
*Hypolycaena thecloides nicobrica*  
*Iraota rochana boswelliana*  
*Jamides alectokandulana*  
*Jamides celeodus pura*  
*Jamides kankena*  
*Lampides boeticus*  
*Lilacea albocaerulea*  
*Lilacea atroguttata*  
*Lilacea lilacea*  
*Lilacea melaena*  
*Lilacea minimis*  
*Logania massalia*  
*Lycaenesthes lycaenina*  
*Mahathala ameria*  
*Mahathala atkinsoni*  
*Magisba malaya presbyter*  
*Nacaduba aluta coelestis*  
*Nacaduba ancyra aberrans*  
*Nacaduba dubiosa fulva*  
*Nacaduba helicon*  
*Nacaduba hermus major*  
*Nacaduba pactolus*  
*Neucheritra febronia*  
*Niphanda cymbia*  
*Orthomiella pontis*  
*Pithecops fulgens*  
*Polymmatus devanica devanica*  
*Polymmatus metallica metallica*

*Polymmatius orbitulus jaloka*  
*Polymmatius yeonghusbandi*  
*Poritia erycinoides elisei*  
*Poritia hewitsoni*  
*Poritia plusrata geta*  
*Pratapa bhotas*  
*Pratapa blanka*  
*Pratapa deva*  
*Pratapa icetas*  
*Rapala buxaria*  
*Rapala chandrana chandrana*  
*Rapala nasala*  
*Rapala refulgens*  
*Rapala rubida*  
*Rapala scintilla*  
*Rapala ophinx ophinx*  
*Rapala varuna*  
*Spindasis elima elima*  
*Spindasis lohita*  
*Spindasis nipalicus*  
*Suasa lisides*  
*Surendra todara*  
*Tajuria albiplaga*  
*Tajuria cippus cippus*  
*Tajuria culta*  
*Tajuria diaeus*  
*Tajuria illurgo*  
*Tajuria illurgis*  
*Tajuria jangala andamanica*  
*Tajuria melastigma*  
*Tajuria sebonga*  
*Tajuria thydia*  
*Tajuria yajna istroides*  
*Tarucus callinara*

*Tarucus dharta*

*Thaduka multicaudata kanara*

*Thecla ataxus ataxus*

*Thecla bitei*

*Thecla icana*

*Thecla jakamensis*

*Thecla kabrea*

*Thecla khasia*

*Thecla kirbariensis*

*Thecla suroia*

*Thecla syla assamica*

*Thecla vittata*

*Thecla ziba*

*Thecla zoa*

*Una usta*

*Yasoda tripunctata*

**Family Nymphalidae**

*Adolias cyanipardus*

*Adolias dirtea*

*Adolias khasiana*

*Apatura chevana*

*Apatura parvata*

*Apatura sordida*

*Apatura ulupi florenciae*

*Argynnis adippe pallida*

*Argynnis altissima*

*Argynnis clara clara*

*Argynnis pales horla*

*Atella lscippe*

*Calinaga buddha brahaman*

*Charaxes aristogiton*

*Charaxes fabius sulphureus*

*Charaxes nabruba*

*Charaxes marmax*

*Charaxes polyxena heman*  
*Chersonesia rahria arahri*  
*Cyrestis cocles*  
*Diagora persimilis*  
*Doleschallia bisaltide ma labarica*  
*Eriboea athamas andamanic*  
*Eriboea delphis*  
*Eriboea dolon*  
*Eriboea harcoca lissainet*  
*Euripus constimilis*  
*Euripus halitherses*  
*Euthalia anosia*  
*Euthalia cocytus*  
*Euthalia duda*  
*Euthalia durga durga*  
*Euthalia evalina landabilis*  
*Euthalia franciae*  
*Euthalia gauda acontius*  
*Euthalia lepidea*  
*Euthalia merta eriphylea*  
*Euthalia nara nara*  
*Euthalia patala taoana*  
*Euthalia teuta*  
*Heronia marathus andamana*  
*Hypolimnas missipus*  
*Hypolimnas polynice birmana*  
*Kallima albofasciata*  
*Kallima alompora*  
*Kallima philarchus horsfieldii*  
*Limenitis austenia austenia*  
*Limenitis damava*  
*Limenitis dudu*  
*Melitaea robertsi lutko*  
*Neptis ananta*

*Neptis anjana nashona*  
*Neptis aurelia*  
*Neptis magadha khasiana*  
*Neptis nandina hamsoni*  
*Neptis narayana*  
*Neptis radha radha*  
*Neptis soma*  
*Neptis zaida*  
*Neurosigma doubledayi doubledayi*  
*Pantoporia asura asura*  
*Pantoporia kanwa phorkys*  
*Pantoporia larymna siamensis*  
*Pantoporia pravara acutipennis*  
*Pantopora ranga*  
*Parthenos sylvia*  
*Penthema lisarda*  
*Symbrenthia niphanda*  
*Vanesa egea agnicula*  
*Vanesa egea ahmcula*  
*Vanesa lalburn*  
*Vanesa polychloros fervida*  
*Vanesa prarsoides dohertyi*  
*Vanesa urticae rizama*  
**Family Satyridae**  
*Aulocera brahminus*  
*Cyllogenes suradeva*  
*Elymnias melilas milamba*  
*Elymnias vasudeva*  
*Erebia annada suroia*  
*Erebia hydriva*  
*Erebia kalinda kalinda*  
*Erebia manii manii*  
*Erebia seanda opima*  
*Erebia falcipennis*  
*Hipparchis heydenreichi shandura*

- Lethe atkinsoni*  
*Lethe baladeva*  
*Lethe brisanda*  
*Lethe golapara goalpara*  
*Lethe insana insana*  
*Lethe jalaurida*  
*Lethe latiaris latiaris*  
*Lethe moelleri molleri*  
*Lethe naga naga*  
*Lethe nicetella*  
*Lethe pulaha*  
*Lethe scanda*  
*Lethe serbonis*  
*Lethe siderea*  
*Lethe sinorix*  
*Lethe tristigmata*  
*Lethe violaceodicta kanjupkula*  
*Lethe visrava*  
*Lethe yama*  
*Maniola davendra davendra*  
*Melanitis zitanus*  
*Mycalesis adamsoni*  
*Mycalesis anaxias*  
*Mycalesis botama chamba*  
*Mycalesis heri*  
*Mycalesis lepcha bethami*  
*Mycalesis malsarida*  
*Mycalesis misenus*  
*Mycalesis mestra*  
*Mycalesis mystes*  
*Mycalesis suavolens*  
*Neorina hilda*  
*Neorina patria westwoodii*  
*Oeneis buddha gurhwalica*

*Parantirrhoea marshali*  
*Parage maerula maefula*  
*Ragadia crisilda crito*  
*Rhapticera sttricus kabrua*  
*Ypthima bolanica*  
*Ypthima lycus lycus*  
*Ypthima mathora mathora*  
*Ypthima similis affectata*  
*Zipotis saitis*

2. Civets (all species of Viverridae except Malabar civet)]
3. Giant squirrels (*Ratufa indica*, and *R.bicolor*)]
4. Himalayan black bear (*Selenarctos thibetanus*)]
5. Jackal (*Canis aureus*)]
6. Jungle cat (*Felis chaus*)]
7. Marmots (*Marmota bobak himalayana*, *M.caudata*)]
8. Martens (*Martes foina intermedia*, *M.flavigula*, *M. watkinsii*)]
9. Otters (*Lutra*, *L. perspicillata*)
10. Pole cats (*Vermela peregusna*, *M.putorius*)
11. Red fox (*Vulpes vulpes*, *V.montana*, *V.griffithi*,)
12. Sloth bear (*Melursus ursinus*)]
13. Sperm whale (*Physter macrocephalus*)]
14. Weasels (*Mustela sibirica*, *M.kathian*, *M.altaica*)]
15. Checkered keelback snake (*Xeno chrophis piscator*)
16. Dhaman or rat snake (*Ptyas mucosus*)
17. Dog-faced water snake (*Cerberus rhynchopi*)
18. Indian cobras (all sub-species of the genus *Naja*)
19. King cobra (*Ophiophagus hannah*)
20. Oliveaceous keelback snake (*Artretium schistosum*)
21. Russel's viper (*Vipera ruselli*)
22. Varanus species (excluding yellow monitor lizard)

**SCHEDULE III**

1. Barking deer or muntjac (*Muntiacus muntjak*)
2. Chital or spotted deer (*Axis axis*)
3. Gorals (*Nemorhaedus goral*, *N. hodgsoni*)
4. Hog deer (*Axis porcinus*)
5. Hyaena (*Hyaena hyaena*)
6. Nilgai (*Boselaphus tragocamelus*)
7. Sambar (*Cervus unicolor*)
8. Wild pig (*Sus scrofa*)

**SCHEDULE IV**

1. Five-striped palm squirrel (*Funambulus pennanti*)
2. Hares (Black Naped, Common Indian, Desert, Himalayan mouse hare)
3. Hedgehog (*Hemiechinus auritus*)]
4. Indian porcupine (*Hystrix indica*)]
5. Mongooses (all species of genus *Herpestes*)]
6. Polecats (*Vormela peregusna*, *Mustela putorius*)]
7. **Birds 2[(other than those which appear in other Schedules)]:**
  1. Avadavat (Estrildinae)
  2. Avocet (Recurvirostridae)
  3. Babblers (Timaliinae)
  4. Barbets (Capitonidae)
  5. Barnowls (Tytoninae)
  6. Bitterns (Ardeidae)
  7. Brown-headed gull (*Larus brunnicephalus*)
  8. Bulbuls (Pycnonotidae)
  9. Buntings (Emberizidae)
  10. Bustards (Otididae)
  11. Bustard-quails (Turnicidae)
  12. Chloropsis (Irenidae)
  13. Comb duck (*Sarkidiornis melanotos*)
  14. Coots (Rallidae)



15. Cormorants (Phalacrocoracidae)
16. Cranes (Gruidae)
17. Cuckoos (Cuculidae)
18. Curlews (Scolopacinae)
19. Darters (Phalacrocoracidae)
20. Doves including the Emerald dove (Columbidae)
21. Drongos (Dicruridae)
22. Ducks (Anatidae)
23. Egrets (Ardeidae)
24. Fairy bluebirds (Irenidae)
25. Falcons (Falconidae), except the shaheen and peregrine falcons (*Falco peregrinus*), the saker and laggar falcons (*F. biarmicus*), and the redheaded merlin (*F. chicquera*)
26. Finches including the chaffinch (Fringillidae)
27. Flamingos (Phoenicopteridae)
28. Flowerpeckers (Dicaeidae)
29. Flycatchers (Muscicapidae)
30. Geese (Anatidae)
31. Goldfinches and allies (Carduelinae)
32. Grebes (Podicipitidae)
33. Herons (Ardeidae)
34. Ibises (Threskiornithidae)
35. Ioras (Irenidae)
36. Jays (Corvidae)
37. Jacanas (Jacanidae)
38. Junglefowl (Phasianidae)
39. Kingfishers (Alcedinidae)
40. Larks (Alaudidae)
41. Lorikeets (Psittacidae)
42. Magpies including the Hunting magpie (Corvidae)
43. Mannikins (Estrildinae)
44. Megapodes (Megapodidae)
45. Minivets (Campephagidae)
46. Munias (Estrildinae)

47. Mynas (Sturnidae)
48. Nightjars (Caprimulgidae)
49. Orioles (Oriolidae)
50. Owls (Strigidae)
51. Oystercatchers (Haematopodidae)
52. Parakeets (Psittacidae)
53. Partridges (Phasianidae)
54. Pelicans (Pelecanidae)
55. Pheasants (Phasianidae)
56. Pigeons (Columbidae) except the Blue rock pigeon  
(*Columba livia*)
57. Pipits (Motacillidae)
58. Pittas (Pittidae)
59. Plovers (Charadriinae)
60. Quails (Phasianidae)
61. Rails (Rallidae)
62. Rollers or Blue jays (Coraciidae)
63. Sandgrouses (Pteroclididae)
64. Sandpipers (Scolopacinae)
65. Snipes (Scolopacinae)
66. Spurfowls (Phasianidae)
67. Starlings (Sturnidae)
68. Stone curlews (Burhinidae)
69. Storks (Ciconiidae)
70. Stilts (Recurvirostridae)
71. Sunbirds (Nectariniidae)
72. Swans (sic) (Anatidae)
73. Teals (Anatidae)
74. Thrushes (Turdinae)
75. Tits (Paridae)
76. Tree pies (Corvidae)
77. Trogons (Trogonidae)
78. Vultures (Accipitridae)
79. Waxbills (Estrildinae)

80. Weaver birds or bayas (Ploceidae)
  81. White-eyes (Zosteropidae)
  82. Woodpeckers (Picidae)
  83. Wrens (Troglodytidae)
8. Snakes 2[other than those species listed in Sch. I, Part II ; and Sch.II, Pt.II]:

- (i) Amblycayhalidae
  - (ii) Amilidae
  - (iii) Boidae
  - (iv) Colubridae
  - (v) Dasypeptidae
  - (vi) *Elapidae* (cobras, kraits, and coral snakes)
  - (vii) Glauconidae
  - (viii) Hydrophidae (freshwater and sea snakes)
  - (ix) Ilysidae
  - (x) Leptotyphlopidae
  - (xi) Typhlopidae
  - (xii) Uropeltidae
  - (xiii) Viperidae
  - (xiv) Xenopeltidae]
9. Freshwater frogs (*Rana* spp.)
  10. Three-keeled turtle (*Geomyda tricarinata*)
  11. Tortoises (Testudinidae, Tryonichidae).
  12. *Viviparous toads Nectophrynoidea spp.*)
  13. *Voles.*
  14. Butterflies and moths:

**Family Danaidae**

*Euploea core simulatrix*

*Euploea crassa*

*Euploea dioeletianus ramsahai*

*Euploea mulciber*

**Family HesperIIDae**

*Baoris farri*

*Hasora vitta*

*Hyarotis adrastus*

*Oriens concinna*

*Pelopidas assamensis*

*Pelopidas sinensis*

*Polytrema discreta*

*Polytrema rubricans*

*Thoressa horiorei*

**Family Lycaenidae**

*Tarucus ananda*

**Family Nymphalidae**

*Eiuthalia lubentina*

**Family Pigeridae**

*Appias agathon ariaca*

*Appians libythea*

*Appias nero galba*

*Prioneris sita]*

**SCHEDULE V**

**Vermin**

1. Common crow
2. Fruit bats
3. Mice
4. Rats

**SCHEDULE VI**

1. *Aconitum deinorrhizum*
2. *Aconitum heterophyllum* (Patis)
3. *Aconitum kashmiricum*
4. *Allium auriculatum*
5. *Allium loratum*
6. *Allium roylei*

7. *Alysicarpus meeboldii*
8. *Amphicarpaea anomalus*
9. *Androsace aizoon*
10. *Angiopteris evecta*
11. *Androsace mucronifolia*
12. *Arabis tenuirostris*
13. *Artemisia dolichocephala*
14. *Artemisia maritima* (Morin)
15. *Arnebia benthamii*
16. *Artemesia absinthium*
17. *Artemesia maritima*
18. *Astragalus anomalus*
19. *Astragalus bakeri*
20. *Atropa accuminata* (Jalla Kaffal)
21. *Atropa belladonna* (Belladonna)
22. *Berberis huegeliana*
23. *Berberis kashmiriana*
24. *Berberis lycium*
25. *Bergenia ligulata*
26. *Carex anulata*
27. *Carex atrata ssp. pullata*
28. *Carex borii*
29. *Carex kashmeriansis*
30. *Calamagrostis decora*
31. *Calamagrostis garhwalensis*
32. *Calamagrostis stoliczkai*
33. *Catabrosa aquatica var. angustata*
34. *Catabrosella himalaica*
35. *Cerastium thomsonii*
36. *Chondrilla setulosa*
37. *Colchicum luteum* (corms) (Surajan Talakh)
38. *Corallorhiza trifida*
39. *Cotoneaster cashmeriansis*
40. *Cousinia falconeri*

41. *Cycas beddoei* (Beddomes cycad)
42. *Cymbidium macrorhizon*
43. *Cymbopogon ramnagarensis*
44. *Cypripedium cordigerum*
45. *Datura stramonium*
46. *Delphinium uncinatum*
47. *Deyeuxia kashmeriana*
48. *Dianthus cachmiricus*
49. *Dianthus minimus*
50. *Dioscorea deltoidea* (Krench, Lobidwala)
51. *Draba dasyastra*
52. *Elscholtzia desa*
53. *Ephedra gerardiana*
54. *Epilobium glaciale*
55. *Equisetum arvense*
56. *Erophila tenerrimma*
57. *Eremurus himalaicus*
58. *Eulophia hormusji*
59. *Festuca lucida*
60. *Fritillaria roylei*
61. *Gastroidia orobhanchoides*
62. *Geranium tuberaria*
63. *Hedysarum astragaloides*
64. *Hedysarum cachmerianum*
65. *Hedysarum microcalyx*
66. *Heracleum candicans*
67. *Herminium duthei*
68. *Hyoscyamus niger* (Bazar bang)
69. *Impatiens meeboldii*
70. *Impatiens pahalgamensis*
71. *Indigofera cedrorum*
72. *Inula racemosa* (Poshkar)
73. *Iris milesii*
74. *Lavetra kashmiriana* (Resha khatmi)

75. *Lactuca benthamii*
76. *Lactuca undulata*
77. *Lespedeza elegans*
78. *Lilium polyphyllum*
79. *Lophocloa clarkeana*
80. *Meconopsis latifolia*
81. *Nardostachys grandiflora*
82. *Nepenthes khasiana* (Pitcher plant)
83. *Orinus thoroldii*
84. *Paphiopedilium Spp* (Ladies slipper orchid)
85. *Papaver himaliacum*
86. *Physiochlaina praelata*
87. *Picrorhiza kurrooa*
88. *Picrorhiza kurrooa*
89. *Puccinellia kashmeriana*
90. *Puccinellia thomsonii*
91. *Podophyllum emodi* (Bankakri)
92. *Podophyllum hexandrum*
93. *Potentilla kashmirica*
94. *Primula clarkei*
95. *Rauvofia serpentina*
96. *Renanthera imschootiana* (Red vanda)
97. *Rheum emodi*
98. *Rhamnella gilgitica*
99. *Rhus punjabensis*
100. *Saussurea atkinsoni*
101. *Saussurea bracteata*
102. *Saussurea clarkei*
103. *Saussurea costus*
104. *Saussurea lappa* (Kuth)
105. *Saussurea roylei*
106. *Schizachryium impressum*
107. *Selaginella adunca*
108. *Silene kunawarensis*

- 109. *Stellaria depressa*
  - 110. *Stipa chitralensis*
  - 111. *Taxus wallichiana*
  - 112. *Thermopsis inflata*
  - 113. *Tribulus terrestris*
  - 114. *Valeriana wallichii*
  - 115. *Vanda coerulea* (Blue vanda)
  - 116. *Vicia benthamiana*
  - 117. *Viola himalayensis*
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