

[AS PASSED BY THE NATIONAL ASSEMBLY]

A
BILL

to provide for the protection, preservation, conservation, and management of Nature in the Islamabad Capital Territory

WHEREAS humanity exists within nature and all life depends on the integrity of the biosphere and the interdependence of ecological systems and there is therefore a close relationship between human rights and nature conservation and protection, and there is a fundamental importance of ecological integrity;

AND WHEREAS the Federal Government recognises the contribution of nature conservation law principles to conservation and sustainability, and supports the evolution of such principles;

AND WHEREAS the Federal Government recognises the existing gaps and shortcomings that prevent nature conservation and wildlife management law from achieving adequate nature conservation and protection;

AND WHEREAS it is expedient to provide for the protection, preservation, conservation and management of Nature in the Islamabad Capital Territory;

It is hereby enacted as follows:

PART I
PRELIMINARY

1. **Short Title, Extent and Commencement.** – (1) This Act shall be called the Islamabad Nature Conservation and Wildlife Management Act, 2023.

(2) It shall extend to the whole of Islamabad Capital Territory.

(3) It shall come into force at once.

2. **Definitions.** – In this Act, unless there is anything repugnant in the subject or context:—

- (a) **“Animals”** means mammals, birds, reptiles, amphibians, fish, insects, or arachnids, their young and also in the cases of amphibians, reptiles and birds, their eggs excluding livestock and poultry;
- (b) **“Authorised officer”** means any officer authorised by the Board to carry out functions under this Act;

- (c) **"Board"** means the Nature Conservation and Wildlife Management Board constituted under section 3;
- (d) **"Board Member"** means a Member of the Board appointed under section 3;
- (e) **"Capture"** means the taking alive of any wild animal;
- (f) **"Court"** means Court established under section 34;
- (g) **"Exotic Species"** means species, both flora and fauna, which does not occur in an area naturally and it is introduced or intended to be introduced from outside of its natural occurrence;
- (h) **"Fund"** means the Conservation of Nature Fund constituted under section 11;
- (i) **"Habitat"** means natural environment, including biotic and a-biotic factors essential for free survival of an animal, plants or any other living organism;
- (j) **"Hunting"** means any act directed to the killing or capturing of a wild animal, and includes but is not limited to fishing, angling, netting, the taking of nests or eggs of such animals and their parts, products or derivatives thereof;
- (k) **"Humus"** means the layer of dead organic matter below the fallen leaves, where the phenomenon of degradation by the soil biodiversity takes place;
- (l) **"Indigenous"** means an animal species native to a specified area, a country or a region;
- (m) **"Invasive species"** means invasive alien species introduced in a habitat where they outgrow the native species and may reach a level where they could become a weed or a pest;
- (n) **"ICT"** means the Islamabad Capital Territory;
- (o) **"National Park"** means an area declared as such under section 12;
- (p) **"Nature"** means the phenomena of the physical world collectively, including plants, animals, the landscape, and other features and products of the earth, as opposed to humans or human creations;
- (q) **"Plant"** means a living organism of the kind exemplified by trees, shrubs, herbs, grasses, ferns and mosses, typically growing in a permanent site, absorbing water and inorganic substances through its roots, and synthesising nutrients in its leaves by photosynthesis using the green pigment chlorophyll;
- (r) **"Protected Animal"** means a wild animal included in Schedule- I whose hunting, killing, trapping, capturing, possession or trade is not allowed;
- (s) **"Protected Area"** means an area declared as under Part V of this Act;
- (t) **"Trophy"** means the dead body of a wild animal or any horn, antler, tooth, tusk, bone, claw, hoof, skin, hair, feather, egg, shell or other durable part of any wild animal, whether or not included in a manufactured or processed article;
- (u) **"Wild Animal"** means an animal which is usually found in a natural wild environment and is not predisposed to be domesticated or tamed. Such animals shall also include any animal which has been declared a protected animal in Schedule I or notified by Ministry of Climate Change and Environmental Coordination as protected or wild animal; and
- (v) **"Wildlife"** means the natural flora and fauna and their habitat including organic soil with humus and natural water bodies.

PART II THE BOARD

3. **Constitution of the Board.** – (1) The Federal Government may constitute a Board for Nature Conservation and Wildlife Management consisting of nine Board Members of which five shall be ex-officio and four non ex-officio Members, including a chairperson, as it may appoint.

(2) Five ex-officio Board Members shall be:

- (a) An officer not below the rank of BS – 20 of the Administrative Division, as nominated by the Secretary of the said Division;
- (b) Joint Secretary of the Ministry of Climate Change and Environmental Coordination;
- (c) Member Environment of the Capital Development Authority;
- (d) An officer not below the rank of BS-20 appointed by Mayor of Islamabad/Head of Municipal Corporation of ICT;
- (e) Deputy Commissioner of ICT.

(3) Four non ex-officio members shall be appointed by the Federal Government, each of whom shall be well known for his integrity having expertise and experience in the sphere of biodiversity or wildlife management or any other ancillary field.

(4) The Federal Government shall ensure the appointment of non ex-officio members of the Board within one hundred and twenty days from the date a vacancy arises on the Board.

(5) The Federal Government may alter the composition of the Board as provided in this section on need basis.

(6) The Chair of the Board shall be appointed by the Federal Government from amongst the Board Members.

(7) Non ex-officio Board Members shall hold office for a term of three years and may be eligible for re-appointment for one further three-year term subject to Federal Government's approval, on such terms and conditions, including remuneration and allowances, as may be prescribed by rules made under this Act:

Provided further that no person shall be appointed or remain a non ex-officio Board Member:

- a) if he is convicted of a criminal offence involving fraud, dishonesty, corruption or violence;
- b) is or becomes bankrupt or suspends payment or compounds with his creditors; or
- c) is absent from three consecutive meetings without leave of the Board.

4. **Procedure of the Board.** – (1) Subject to the provisions of this Act, the procedure and conduct of business of the Board shall be regulated by regulations made by the Board.

(2) The Board shall meet as often as may be necessary for the performance of its functions not less than once in a quarter year.

(3) The quorum for a meeting of the Board shall be four Board Members, including the Chair.

(4) If the Chair is unable to attend a meeting of the Board, the Board Members may elect one of the Members present to chair meeting of the Board.

(5) The Board may invite any person not a member of the Board to attend its meetings or deliberations including meetings or deliberations of its Committees in an exclusively advisory capacity.

5. **Committees of the Board.** – (1) The Board may constitute such number of its committees as it considers necessary or expedient to advise it in the performance of its functions under this Act.

(2) A committee constituted under this section shall act in accordance with the regulations made by the Board.

(3) The meetings of a committee shall be held at such times and places as the chair of the committee may determine.

(4) The Board Members and any other person invited to attend any meeting of the Board or a committee shall be entitled to such compensation and reimbursement of expenses as the Board may from time to time determine by regulations.

6. **Powers and Functions of the Board.** – (1) Subject to other provisions of this Act, rules and regulations made hereunder, the Board may take such measures and exercise such powers as may be necessary for carrying out the purposes of this Act.

(2) Without prejudice to the generality of powers conferred by sub-section (1), the Board may perform the following functions:

- (a) administer and implement the provisions of this Act, rules, regulations, policies, guidelines and directives issued thereunder;
- (b) make policies, draw plans, including management plans and programmes for protection, promotion, preservation, conservation and management of nature in Protected Areas;
- (c) implement policies, plans, including management plans and programmes for protection, promotion, preservation, conservation and management of nature in Protected Areas;

- (d) prepare, submit, promote, implement or execute projects for the protection, conservation, rehabilitation and improvement of wildlife in Protected Areas;
- (e) implement all directions with respect to development and maintenance of areas designated by the Federal Government as protected areas;
- (f) every three years prepare and publish a report on the state of nature in Protected Areas;
- (g) propose to the Administrative Division suitable projects for submission to international and local institutions for funding;
- (h) prepare policy papers and concept notes and provide technical input for formulating national policy positions for international conferences or negotiations;
- (i) work in collaboration with relevant Government Agencies, non-governmental organisations and other stakeholders, and after conducting relevant research and studies set targets and coordinate actions with respect to the objectives of this Act;
- (j) request Auditor General of Pakistan to audit the accounts of the Board; and
- (k) to make regulations, subject to approval of the Federal Government, for carrying out the purposes of this Act.

PART III

CONFLICT OF INTEREST, DISQUALIFICATION, REMOVAL, RESIGNATION AND VACANCIES

7. **Application of this Part.** – This part shall have application to Board Members other than ex-officio Board Members.

8. **Disclosure of Conflict of Interest by non ex-officio Board Member.** – (1) For the purpose of this section, a person shall be deemed to have conflict of interest in a matter if he has any interest, pecuniary or otherwise, in such matter which could reasonably be regarded as giving rise to a conflict between his duty to honestly perform his functions under this Act and such interest, so that his ability to consider and decide any question impartially or to give any advice without bias, may reasonably be regarded as impaired.

(2) A Board Member having conflict of interest in any matter to be discussed or decided by the Board or a committee shall upon becoming aware of the conflict of interest disclose his interest and the nature thereof in writing to the Board or committee, as the case may be.

(3) Upon disclosure of conflict of interest, the Board Member shall:

- (a) not take part nor be present in any deliberation or decision of the Board or a committee on any matter in which he has a conflict of interest; and

- (b) be disregarded for the purpose of constitution of a quorum of the Board or a committee in any meeting on any matter in which he has a conflict of interest.

(4) Non-disclosure of conflict of interest as required under this section may be a ground for removal from the Board if it is established that such non-disclosure was willful and deliberate.

(5) A person who has any conflict of interest in any matter shall not take part, or continue to take part, in any matter with respect to which the conflict of interest has arisen.

9. **Removal and Resignation.** – (1) The Chairperson or a Board Member may by writing under his hand resign from office.

(2) The Chairperson or a Board Member may be removed by the Federal Government, from office if on inquiry he is found incapable of performing functions of his office by reason of mental incapacity or has been found guilty of misconduct or fails to disclose conflict of interest as provided for under this Act.

(3) The inquiry under sub-section (2) shall be conducted in accordance with the Efficiency and Discipline Rules as applicable to Civil Servants by a committee constituted by the Minister-in-Charge to which the subject of the Board is assigned.

(4) The accused shall be given a reasonable opportunity to be heard by the inquiry committee and shall only be found guilty if majority members of the inquiry committee come to that conclusion.

PART IV FINANCE

10. **Conservation of Nature Fund.** – (1) The Administrative Division may, by notification in the Official Gazette, constitute a fund to be called the Conservation of Nature and Management of Wildlife Fund which shall vest in the Board and shall be utilised by the Board for conservation of nature, management of wildlife and expenses of the Board for performance of functions under this Act.

(2) The Fund shall comprise of:

- (a) grants made by the Federal Government;
- (b) loans obtained from the Federal Government;
- (c) grants made by local bodies;
- (d) donations and funds raised from national and international organisations;
- (e) donations from philanthropists, conservationists and civil society;
- (f) receipts from visitors including but not limited to fee for entry of a person or a vehicle into a national park or a wildlife sanctuary, and/or parking fees;

- (g) fees for certificates and licenses issued by the Board under this Act, rules and regulations made thereunder; and
- (h) any other sources notified by the Federal Government.

(3) In addition to the provisions of sub-section (1) above, the Fund shall be utilised for:

- (a) conservation, restoration and rehabilitation of nature and protected areas, located in the ICT and other various facilities and areas managed by the Board under this Act;
- (b) conservation education and awareness about Nature;
- (c) research in the field of wildlife;
- (d) meeting of exigencies like forest fires, calamities, depredation losses etc;
- (e) capacity building of the Board and communities in management of wildlife and biodiversity;
- (f) payment of salaries and other remuneration to the officers, staff, experts and consultants of the Board;
- (g) incentives or rewards for the staff of the Board and communities for outstanding contribution to conservation of Nature;
- (h) running any project or activity for the promotion of Biodiversity including flora and fauna in the areas managed by the Board under this Act;
- (i) any other activity as may be approved by the Federal Government.

11. **Management of the Fund.** – The Board shall manage the Fund in accordance with rules prescribing the procedure and criteria for management of the Fund.

PART V PROTECTED AREAS

12. **National Park.** – (1) With a view to conserving, protecting, and preserving nature, the Federal Government may by notification in the Official Gazette declare any area to be a national park and may demarcate it in such a manner as may be prescribed by rules.

(2) The national parks mentioned in sub-section (1) above shall be accessible to the public for recreation, education, and research subject to such restrictions and conditions as the Board may specify through regulations.

(3) Provision for access to roads, construction of rest houses, hotels and other buildings in the national park along with amenities for the public may be so made, the forest therein shall be so managed, and forest produce so obtained, subject to approval of the Board upon satisfaction that such activities will not adversely impact the conservation, protection and preservation of nature in the National Park.

(4) Except as otherwise provided by this Act, rules and regulations made hereunder, the following acts shall be prohibited in a national park, namely:

- (a) hunting, shooting, trapping, killing, or capturing of any wild animal within a radius of two kilometers of its boundaries;
- (b) felling, tapping, damaging or destroying of, or taking, collecting or removing therefrom, any plant, or causing any damage by negligence in felling any tree or cutting or dragging any timber, stripping off the bark or leaves from, or otherwise damaging the same;
- (c) introducing any exotic, alien or invasive species of wildlife;
- (d) firing any firearm or doing any other act which may disturb any wild animal or interfere with its breeding place;
- (e) clearing or breaking up of any land for cultivation, mining, residential, commercial or any other purpose;
- (f) constructing any walls, structures, or buildings for residential, commercial, or any other purpose or residing in any such wall, structure or building;
- (g) polluting water flowing in or through it;
- (h) polluting or contaminating soil and groundwater in it;
- (i) littering and dumping of waste;
- (j) trespassing or pasturing cattle, or permitting cattle to trespass;
- (k) writing, inscribing, carving, disfiguring, defacing, painting, chalking or advertising;
- (l) use of vehicular transport, except on recognized roads and routes;
- (m) blowing of pressure horns within half kilometre of the park boundary;
- (n) play back music using mobile phones, audio players or any other audio-video equipment or making noise;
- (o) bringing in pets;
- (p) carrying any firearms;
- (q) carrying any incendiary material that can be used to light a fire;
- (r) kindling any fire or leaving any fire burning, in such manner as to endanger nature;
- (s) feeding any wild animals;
- (t) removal of dead leaves, humus and soil; and
- (u) quarrying stone or collecting any forest produce.

13. **Wildlife Sanctuary.** - (1) With a view to securing undisturbed breeding of wildlife, the Federal Government may, by notification in the official Gazette, declare any area in ICT to be a wildlife sanctuary.

(2) Subject to rules, the wildlife sanctuary shall be closed to the public, and no person shall enter the wildlife sanctuary except for reducing fire hazards, epidemic or insect attacks or other natural calamities.

(3) No person shall reside, cultivate any land, damage, or destroy any vegetation, construct any structures or building for any purpose, introduce species of any animal or plant, introduce any domestic animal or allow it to stray, cause any fire, or pollute water, in a wildlife sanctuary, or hunt, kill or capture any wild animal or fire any gun or other firearm within two kilometers of the boundaries thereof.

(4) The Board shall ensure the installation of sufficient signboards or fences or any other visible feature which clearly identifies the boundaries of the wildlife sanctuary and gives warning to the general public about the consequences of entering a wildlife sanctuary without legal justification.

14. **Buffer Zones Around Protected Areas.** – (1) An area falling within 100 meters outside the boundary of a national park or a wildlife sanctuary will be considered a protected area buffer zone provided it is a state land or acquired for this purpose.

(2) The developments in the buffer zones including structures, roads and buildings or any other infrastructure or facility will be designed and operated in such a manner that the disturbance to wildlife in the national park is minimised.

(3) No development shall take place in a buffer zone unless a No Objection Certificate is taken from the Board prior to the start of development.

15. **Alteration of Boundaries of Protected Areas.** - The Federal Government may, by notification in the official Gazette, declare any alteration in the boundaries of a protected area.

PART VI PROTECTION OF WILDLIFE

16. **Prohibitions.** – (1) Save as otherwise provided in this Act or the rules or regulations made hereunder, no person shall:

- (a) injure, hunt, kill or capture wild animals;
- (b) keep wild animals in captivity;
- (c) use hawks for hawking or dogs for coursing wild animals.

(2) The Board may for public safety or protection of nature, by notification in the official Gazette, permit the killing and capturing of any wild animal by such person, at such place, and by such means as may be specified in the notification.

(3) A person who, on the coming into force of this Act, is in possession of a wild animal with or without permission shall surrender the same to the Board within three months of commencement of this Act, thereafter the Board shall forcefully seize the same.

17. **Licenses.** – (1) No person shall undertake the following activities without obtaining a license from the Board in the form and manner specified by regulations, namely;

- (a) the establishment and operation of a public sector facility for breeding of wild animals, including exotic animals;
- (b) the establishment of a public sector animal rescue and rehabilitation facility for rescue and rehabilitation of wild animals;

- (c) use of certain species for research and development by licensed facilities;
- (d) engage in any trade or business, or otherwise deal in, any trophy or meat, or, in the course of such trade or business carried on by him on his own behalf or on behalf of any other person, shall sell, purchase, barter, cut, carve, polish, preserve, clean or mount any wild animal, trophy or meat, or manufacture any article thereof;

(2) Provided no breeding facility or a rescue and rehabilitation facility for wild animals shall be established in the private sector.

(3) A license may be issued by the Board on such terms and conditions and payment of such fees as may be prescribed by regulations.

(4) The Board shall specify guidelines for the manner in which a licensed activity is undertaken by the holder of a license issued under sub-section (1).

(5) Every operator of an existing facility or permission referred to in sub-section (1), shall obtain a license under this Act within three months of coming into force of this Act, and till such time that their application for license has been decided upon by the Board, the facility or permission will be deemed to be validly existing.

18. Certificate of Lawful Possession. – (1) No person shall be in possession of any trophy or meat except under a certificate of lawful possession in respect thereof issued by the Board on such terms and conditions upon payment of such fees as may be prescribed by the regulations.

(2) The form and manner of obtaining a certificate of lawful possession shall be specified by regulations:

Provided that a person who, on the coming into force of this Act, is in possession of, or at any time thereafter, imports or acquires, any such trophy or meat shall, within three months of the coming into effect of this Act, apply to the Board for a certificate of lawful possession.

(3) The Board shall mark the trophy or meat in respect of which a certificate of lawful possession is issued and make entries in respect thereof in the prescribed register.

(4) The holder of a certificate of lawful possession shall produce the certificate to the Board when asked by him to do so.

(5) No person shall counterfoil, change, or in any way interfere with, any mark put on a trophy or meat under sub-section (3) or alter or in any way change a certificate of lawful possession.

19. Restriction on Transfer of Trophy or Meat. – (1) No person who is not in possession of a certificate of lawful possession in respect of a trophy or meat shall transfer such trophy or meat to any other person by way of gift, sale or otherwise.

(2) No person shall receive by gift, purchase or otherwise any trophy or meat unless he is at the same time given the certificate of lawful possession clearly mentioning thereon the nature of the transfer and the name of the person to whom the trophy or meat is transferred.

(3) The person to whom a trophy or meat is transferred shall submit the certificate of lawful possession given to him by the transferor to the Board who shall endorse it in favour of the transferee and make necessary amendments in the prescribed register.

20. Restriction on import of wild animals, trophies etc. – (1) No person shall import, or attempt to import, into ICT any live wild animal or exotic species or alien species thereof, or any trophy or meat, or derivatives thereof except through a customs-port of entry, and any person, importing such animal or exotic species or alien species, trophy or meat, or derivatives thereof, shall produce to the officer of customs:

- (a) proof to his satisfaction that it has been lawfully exported from the country or region of export;
- (b) in addition to all other requisite permissions under any other applicable laws, an import permit issued by the Board on such terms and conditions as deemed appropriate by the Board.

(2) The officer of customs may detain any live wild animal or exotic species or alien species, trophy or meat, which has been imported until such time as the proof of its lawful export from the country or region of export is given and the import permit is surrendered to him, and if the proof is not given or the import permit is not surrendered within a reasonable time, the wild animal or exotic species or the alien species, trophy or meat, or derivatives thereof shall be handed over to the Board to be dealt with in accordance with law.

21. Restriction on export of wild animals, trophies, etc. – No person shall export, or attempt to export, any wild animal, trophy, or meat except without first obtaining an export permit from the Board on such terms and conditions as deemed appropriate by the Board.

22. Animals, trophies, etc., in transit. - Nothing in this Part shall apply to live wild animals, or exotic species or alien species, thereof or any trophy or meat in transit through ICT if the animal, exotic species or alien species or trophy or meat:

- (a) is accompanied by transit documents;
- (b) enters through a customs port of entry; and
- (c) is not unloaded from the ship or vehicle on which it is being carried, or, in case of rail or air transport, does not leave the precinct of the railway station or the airport at which it is landed or transhipped or does not remain at such precincts, except in a customs warehouse, for more than 48 hours.

23. Animals found Dead, etc. to be Property of the Federal Government. – (1) Any wild animal found dead or dying or which has been killed or caught otherwise than in accordance with the provisions of this Act, rules or regulations and any trophy or meat thereof,

shall be the property of the Federal Government and be held by the Board for the Federal Government.

(2) When in any proceeding under this Act a question arises as to whether a wild animal, trophy or meat is the property of the Federal Government such wild animal, trophy, or meat shall be presumed to be the property of the Federal Government until the contrary is proven.

PART VII PROTECTION OF FLORA AND FAUNA

24. **Protection of Flora and Fauna.** – The Board shall make regulations for protection of flora and fauna on matters including but not limited to control, entry and release of alien, invasive, exotic and diseased species in ICT.

PART VIII OFFENCES, PENALTIES AND ENFORCEMENT

25. **Penalties.** – (1) Any person who contravenes or attempts to contravene or abets in the contravention of, section 12,13,14, shall be punishable with fine in accordance with Schedule II.

(2) Any person who, in violation of section 16, kills, hunts or captures, or abets in the killing, hunting or capturing of a wild animal otherwise than in accordance with the provisions of this Act, rules and regulations shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both.

(3) Any person who, in violation of section 16, through wilful, negligent, or reckless behaviour injures, or attempts to injure, or abets in the injury of a wild animal otherwise than in accordance with the provisions of this Act, rules and regulations shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both.

(4) Any person who, in violation of section 16, keeps, attempts to keep or abets in keeping a wild animal in captivity otherwise than in accordance with the provisions of this Act, rules and regulations shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both.

(5) Any person who, in violation of section 16, uses, attempts to use or abets in using hawks for hawking or dogs for coursing wild animals shall be punishable with imprisonment for a term which may extend up to six months, or with fine in accordance with Schedule II, or both;

(6) Any person who contravenes or attempts to contravene or abets in the contravention of, section 17, 18, 19, 20, 21 shall be punishable with imprisonment for a term which may extend up to one year, or with fine in accordance with Schedule II, or both;

(7) Where no specific penalty is provided under this Act for contravention of any of the provisions of this Act, rules and regulations such contravention shall be punishable with a fine which may extend up to one hundred thousand rupees.

26. **Suspension and Revocation.** – (1) Notwithstanding anything contained in section 27, the Board may, in public interest, or where there is a consistent contravention of this Act, the rules, regulations or conditions of a license or certificate of lawful possession issued under this Act, suspend or revoke such license or certificate of lawful possession:

Provided that before taking action under this section, the Board shall issue a notice to show cause and may provide an opportunity to rectify the contravention on such conditions as the Board may specify.

(2) Where the Board revokes or suspends a license or certificate of lawful possession, it may undertake all or any of the following actions for continuance of the facilities, namely:

- (a) permit the holder of the license or certificate of lawful possession to continue operations on such terms and conditions as the Board may impose; and
- (b) in case of a license:
 - (i) contract with another person to immediately take over the operation of the facilities being operated under license; or
 - (ii) appoint an administrator to take over the operation of such facilities.

(3) The actions specified in clause (b) of sub-section (2) may continue until a successor takes over charge of the facilities on such terms and conditions as the Board may determine, including payment of compensation for the equipment and materials being used at such facility.

27. Power of Seizure.-(1) The Board may seize any wild animal which is in the possession of a person who is not authorized to possess it under this Act or any rules or regulations made hereunder, together with any firearm, net, trap, snare, bow, arrow, vehicle, boat or anything whatsoever used or suspected to have been used in contravention of any provision of this Act or the rules and regulations made hereunder.

(2) The property seized under sub-section (1) shall be dealt with in accordance with the orders of the Court:

Provided that, if the property is subject to natural decay, it may at any time be sold with the permission of the Court and the proceeds shall be dealt with in accordance with the orders of the Court.

28. Killing or Capturing in Self Defence. - Notwithstanding anything contained in this Act, it shall not be an offence for any person to kill or capture any wild animal by any means in the defence of his own life or property or the life and property of any other person. Such killing or capturing of any wild animal shall, as soon as may be, be reported to the Board. The trophy or meat of any wild animal so killed shall be the property of the Board and shall be disposed of in such manner as the Board may direct.

29. Power to Search without Warrant. - Any authorized officer, if he has reason to believe that any person has in his possession or control any wild animal or exotic species or trophy or meat in an unauthorized manner or has committed an offence under this Act or rules and regulations, may search any person place, vessel, vehicle, animal, package, receptacle or covering without warrant.

30. **Power to Prevent Commission of Offences.** – Every officer of the Board and any authorized officer in this behalf shall be competent to take all lawful means to prevent the commission of any offence under this Act, and may, in this regard seek assistance of any law enforcement agency whose jurisdiction extends to ICT, including the police or the Federal Investigation Agency, and such law enforcement agency shall have a duty to provide the assistance requested under this section.

31. **Prosecution for Offence under any other Law.** – Nothing contained in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Act or from being liable under any other law to any higher punishment or penalty than that provided by this Act.

PART IX COURT

32. **Appointment of Magistrates etc.** – (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), Area Magistrate of the First Class within the meaning of the said Code shall try offences under this Act.

(2) No Court other than a Magistrate authorized under sub-section (1) shall try any offence under this Act.

(3) A Magistrate of the first class competent to try offences under this Act, may, if he thinks fit, try in a summary way all or any of the offences.

33. **Appeals from Orders of the Magistrate.** – Any person aggrieved by any final order or by any sentence of the Magistrate passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the Court of Session.

PART X GENERAL

34. **Wildlife Check post.** – (1) The Board, may notify the establishment of a wildlife check post and erection of a barrier at any place as deemed appropriate so as to determine whether or not an offence under this Act has been committed.

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

35. **Indemnity and Bar of Jurisdiction.** – (1) No suit, prosecution or other legal proceeding shall lie against the Federal Government, the Board or any other person for anything done or intended to be done in good faith under this Act, the rules, or the regulations.

(2) No court shall call in question, or permit to be called in question, anything done or any action taken under this Act.

36. **Act to Override Other Laws.** - The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

37. **Power to Make Rules.** - The Federal Government may, by notification in the official Gazette make rules for matters required to be prescribed under this Act or for any other matter required to give effect to the provisions of this Act.

38. **Power to Make Regulations.** - The Board may make regulations with approval of the Federal Government for the purposes of this Act.

39. **Power to Issue Directives, Circulars, Guidelines, etc.** - The Board shall have the power to issue such directives, codes, guidelines, circulars or notifications as are necessary to carry out the purposes of this Act or the rules and regulations made hereunder, not inconsistent with the provisions of this Act or the rules and regulations made hereunder.

40. **Sums payable to the Board to be recoverable as land revenue.** - All sums payable to the Board in accordance with the provisions of this Act and the rules, including penalties imposed by the Board, shall be recoverable as arrears of land revenue.

41. **Repeal & Savings.** - (1) The Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance (LXX of 1979), is hereby repealed.

(2) Notwithstanding the repeal of the Islamabad Wildlife (Protection, Preservation, Conservation and Management) Ordinance (LXX of 1979), or anything contrary contained herein, all rules, regulations, regulatory requirements, procedures, notifications issued, or made, decisions, disciplinary action taken by the Board, or any other Committee of the Islamabad Wildlife Board shall be deemed to have been validly made under the provisions of this Act until altered, repealed or modified by the new Board constituted under this Act shall continue in force until repealed or altered by rules or regulations made under this Act.

SCHEDULE I
Under Section 2 u

The following wildlife species are declared as protected until otherwise as per provisions of this Act; shall not be hunted, killed, trapped, captured or traded.

- (i) All game animals when immature.
- (ii) All females of game animals when:
 - (a) pregnant;
 - (b) suckling or feeding young ones; and
 - (c) accompanied with immature offspring.
- (iii). All species, including native & exotic, listed on Appendix-I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), except if specified otherwise.
- (iv). All species, including native & exotic, listed on Appendix-I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), except if specified otherwise.

(v). Ungulate mammals;

1	Ibex	<i>All species</i>	Sindhi Jungli Bakra/ Ter, Pashin, Pachin, Sarah
2	Urial	<i>All species</i>	Urial / Hurian, Shah Kohi, Koch, Garand, Gad
3	Markhor	<i>All species</i>	Markhor
4	Blue Sheep or Bharal	<i>Pseudois nayaur</i>	
5	Gray goral	<i>Naemorhedus goral</i>	Goral
6	Indian Gazella or Chinkara	<i>Gazella gazelle</i>	Hiran, Chinkara
7	Goitred of Parsian Gazella	<i>Gazella subgutterosa</i>	Pharal Ghazal
8	Hog Deer	<i>Axis porcinus.</i>	Para,
9	Barking deer	<i>Muntiacus muntjak</i>	Muntjak, Kakar, Maya
10	Wild Ass	<i>Equus hemionus khur</i>	Gor khar, Jangli gadha
11	Blue Bull	<i>Boselaphus tragocamelus</i>	Nil Gai
12	Black Buck	<i>Antelope cervicapara</i>	Kala hiran,
13	Kashmir Stag	<i>Cervus elaphus</i>	Barasingha, Hangal, Honglu.

(vi) Carnivore mammals;

- 1 All big cats including native and exotic species.
- 2
- 3 Grey Wolf *Canis lupus* Bharria, Baghar

4	Lynx	<i>Felis Lynx</i>	patسالان, Phiauku
5	Caracal	<i>Felis caracal</i>	Siah-gosh, Ech, Harwullo
6	Leopard Cat	<i>Felis Bengalensis</i>	Chite Billi, Ban Bilar
7	Sand Cat	<i>Felis margarita</i>	
8	Desert Cat	<i>Felis silvestris /Fellis libyca</i>	Sahrai billi, Rann billo
9	Fishing Cat	<i>Prionailurus vaverrinus</i>	Machhli khore billi, Fehai billo
10	Jungle Cat	<i>Felis chaus</i>	Jungli billi, Jhangrar billo
13	Civet	<i>All species</i>	Phawwi Khastoori billo
14	Marten	<i>All species</i>	
15	Striped Hyena	<i>Hyaena hyaena</i>	Lagar Bagar, Charakh
16	Honey Badger / Ratel	<i>Mellivora capensis</i>	Bijoo, Gorpat
17	Scaly-anteater, Indian Pangolin	<i>Manis crassicaudata</i>	Salla
18	Hedgehogs	<i>All species</i>	Jaho chuha, Jaho
19	Fox	<i>All species</i>	Lal Loamri, Lomer, Lokar
20	Common Otter or Ludher	<i>Lutra lutra</i>	Ludher, Ud-bilaw, Pani Kutta, Sagi Ab
21	Otters	<i>All species</i>	Ludher, Ludra Udni, Ludhrhoo
25	Mongoose	<i>All species</i>	Neaola, Nore

(vii) Primate mammals

1	Rhesus monkey	<i>Macaca mulatta</i>	bandar,
2	Gray Langur	<i>Semnopithecus entellus</i>	Bandar, langur
3	Brown bear	<i>Ursus arctos</i>	Safed Bhalu, bhoora reech,
4	Black Bear	<i>Ursus thibetanus</i>	Kala Reech, Bhalu,

(viii) All aquatic mammals such as Dolphins, Whales, and Dugong whether found in fresh waters or marine waters.

(ix) Rodents mammals;

1	Squirrel	<i>All species</i>
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(x) Ducks;

1	Marbled Teal	<i>Marmaronetta angustirostris</i>
2	Ferruginous Duck	<i>Aythya nyroca</i>
3	Spot-bill Duck	<i>Anas poecilorhyncha</i>
4	Cotton Teal	<i>Nettapus coromandelicus</i>
5	Bear's pochard	<i>Aythya baeri</i>
6	Comb Duck	<i>Sarkidiornis melanotos</i>
7	White-winged Wood Duck	<i>Cairine scutulata</i>
8	White headed Duck	<i>Oxyura leucocephala</i>

(xi) All individuals of water bird species such as Herons, Egrets, Flamingos, Pelicans, Ibis, Storks, Grebes, Plovers, Lapwings, Geese, Swans and Sandpipers;

(xii) All individuals of Raptor species such as Hawks, Buzzards, Eagles, Owls, Harriers, Ospreys, Vultures, Kites, Falcons and Kestrels;

(xiii) All individuals of following other bird species:

- 1 Woodpeckers
- 2 Starlings
- 3 Plum-headed parakeet (*Psittacula cyanocephala*)
- 4 Slaty-headed parakeet (*Psittacula himalayana*)
- 5 Rose-ringed parakeet (*Psittacula krameri*)
- 6 Alexandrine Parakeet (*Psittacula eupatria*)

(xiv) The Pheasants, Chukar and Partridge of family PHASIANIDAE including the following:

- | | | |
|---|---------------------------|--------------------------------|
| 1 | Common Peafowl | <i>Pavo cristatus</i> |
| 2 | Black Francolin/Partridge | <i>Francolinus francolinus</i> |
| 3 | Chukor Partridge | <i>Electoris gracea</i> |
| 4 | Western Horned Tragopan | <i>Tragopan melanocephalus</i> |
| 5 | Kalij pheasant | <i>Lophura leucomelanos</i> |
| 6 | Himalayan monal | <i>Lophophorus impejanus</i> |
| 7 | Koklass pheasant | <i>Pucrasia macrolopha</i> |
| 8 | Cheer pheasant | <i>Catreus wallichii</i> |
| 9 | Red junglefowl | <i>Gallus gallus</i> |

(xv) All Cranes, Bustards and Pigeons

(xvi) All members of Reptile group that includes:

- (a) Crocodiles
- (b) Gharial
- (c) All Snake species
- (d) All Lizards species
- (e) All Skinks / Lacertas, and Geckos species
- (f) All Marine Turtle species
- (g) All Freshwater Turtle species
- (h) All Tortoise species

(xvii). All Corals found in the coastal belt or marine waters of Pakistan.

Schedule II
Under section 25

Sr. No.	Section	Penalty
1.	12(4)(a)	Rs 1,000,000
2.	12(4)(b)	Rs 100,000
3.	12(4)(c)	Rs 100,000
4.	12(4)(d)	Rs 100,000
5.	12(4)(e)	Rs 100,000
6.	12(4)(f)	Rs 1,000,000
7.	12(4)(g)	Rs 100,000
8.	12(4)(h)	Rs 100,000
9.	12(4)(i)	Rs 10,000
10.	12(4)(j)	Rs 10,000

11.	12(4)(k)	Rs 10,000
12.	12(4)(l)	Rs 50,000
13.	12(4)(m)	Rs 10,000
14.	12(4)(n)	Rs 5000
15.	12(4)(o)	Rs 5,000
16.	12(4)(p)	Rs 100,000
17.	12(4)(q)	Rs 10,000
18.	12(4)(r)	Rs 1,000,000
19.	12(4)(s)	Rs 10,000
20.	12(4)(t)	Rs. 10,000
21.	12(4)(u)	Rs. 1,000,000

22.	13(2)	Rs 10,000
23.	14(3)	Rs 1,000,000
24.	16	Rs 1,000,000
25.	17	Rs 1,000,000
26.	18	Rs 50,000
27.	19	Rs. 1,000,000
28.	20	Rs. 1,000,000
29.	21	Rs 1,000,000

STATEMENT OF OBJECTS AND REASONS

Ordinance No. LXX of 1979 titled Islamabad Wildlife (Protection, Preservation and Management) Ordinance was promulgated for protection, preservation, conservation, and management of wildlife and setting up of a national park in the Islamabad Capital Territory. Given that the environmental conditions have substantially changed since then it has become imperative to update the old law which can effectively preserve, conserve and manage wildlife including flora, fauna, wild animals; and their habitats.

2. Given that the rapid loss of biodiversity is a subject of compelling concerns for multiple reasons, including its effects on the changing climate and negative impact on habitats, the Bill proposes the enhanced structure of regulation for all of the above in the Islamabad Capital Territory.

3. The Bill seeks to achieve aforesaid objective.



MINISTER-IN-CHARGE
