

**AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR, LAW
AND PARLIMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD.**

Dated the December 30, 1975.

No, 4019/ SL/ 75 The following Act of the Legislative Assembly received the assent of the President on the 30th day of December, 1975, and is hereby published for general information:-

(ACT XXIII OF 1975)

AN ACT to amend and consolidate the law relating to preservation, conservation and management of wildlife in Azad Kashmir;

Preamble:

WHEREAS it is expedient to amend and consolidate the laws relating to preservation, conservation and management of wildlife in Azad Jammu and Kashmir, for the purposes hereinafter appearing;

It is hereby enacted:-

1. **Short title, Commencement and extent:**(1)This Act may be called the Azad Jammu and Kashmir WildLife Act, 1975.

(2) It extends to the whole of Azad Jammu and Kashmir territory.

(3) It shall come in to force at once.
2. **Definitions:**In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-
 - (a) "Officer" means Chief Wild life Warden, Wild Life Warden Wild Life Ranger, Wild Life Deputy Ranger, Game Jamadars, Wild Life Scout, Game Watcher or any Forest Officer as defined in the Forest Act, (II of 1987 B) or any other officer empowered by the Government in this behalf, may from time to time, appoint by name or as holding an Office, to carry out all or any of the Purposes of this Act, or to do anything required by this Act or any rule made under this Act;
 - (b) "Government" means the Azad Government of the State of Jammu and Kashmir;
 - (c) "License" Special License "Permit" and "Special Permit" means respectively, a license a special license a permit, or a special permit granted or issued under this Act or the rules.

- (d) “Wild Animal” means any vertebrate creature other than human beings, animals of usually domesticated species of fish and includes the eggs of birds and reptiles. The term including wild animal kept or born in captivity;
- (e) “Meat” means the fat, blood, flesh or any edible part of an animal, whether fresh or preserved;
- (f) “Trophy” means any dead animal or any born antler tooth, tusk, bone, claw, hoof, skin, hair, feather, egg shell or other durable part of any animal when here or not included in a manufactured or processed article;
- (g) “Dealer” when used in relation to animals, trophies or meat shall mean any person who in the course of trade or business carried on by him whether on his own behalf or on behalf of any other person;
 - (i) Sell, Purchases or barter, preserves, Cleans, mounts or otherwise prepares any animal trophy or meat;
 - (ii) Cuts, carves, polishes, preserves, cleans, mounts or otherwise prepares any animal trophy or meat;
 - (iii) Manufactures an article from trophies or meat;
- (h) “Offence” means an offence punishable under this Act or under any rule made there under;
- (i) “Wildlife Sanctuary” means an area closed to hunting, shooting or trapping of animals and birds set aside as undisturbed breeding ground primarily for the protection of wild life, all organic resources such as animals, birds vegetation, soil and water. Public access is banned except as provided in the rules and no exploitation of forest is allowed except for reducing fire hazards, epidemic insect attacks or such other natural calamity in the area.
- (j) “National Park” means comparatively large area of outstanding science merit and natural interest with the primary object of protection and preservation of scenery flora and fauna in the natural state to which access for public recreation, education and search may be allowed, No hunting or shooting or trapping or killing in any form or injuring of animals and birds is permitted. Management of the forest and range lands, for a sustained yield of forest produce may be allowed provided that the National Park values are not

jeopardized. Construction of access roads and building of rest houses or hostels and provision of amenities for the Public shall be carefully planned so as not to impair the primary object of the establishment of National Parks.

- (k) "Game Reserve" means area where wildlife is protected for increase in population of the important species, Capturing of animals and birds is prohibited, Hunting and shooting are allowed with special permits in forms prescribed by Government with such restrictions as to the maximum number of animals and birds that can be killed and the area and duration of which such permits are valid.
- (l) "Private Game Reserve" means an area of private land set aside by the owner for the same purposes as a Game Reserve and recognized as such by being declared as a Private Game reserve in accordance with Section 32 of the Act;
- (m) "Game Animal" means a wild animal specified in the First Schedule"
- (n) "Prescribed" means prescribed by rules;
- (o) "Protected Animal" means a Wild animal specified in the third Schedule;
- (p) "Wild Life" including organic resources, animal birds, reptiles vegetating, soil and water.

3. Appointment of Officer:The Government may for the Purposes of this Act appoint:-

- (a) any officer to carry out the provisions of this Act;
- (b) any person to be a honorary Officer under the Act to assist in carrying out the provisions of this Act or may cancel such an appointment.
- (c) Except as may otherwise be prescribed, an honorary officer shall have all the powers conferred by this Act and shall hold office for a period of three year, unless the appointment is revoked earlier.

4. Formation of Azad Jammu and Kashmir Wildlife Board:

- (a) As soon as possible after the coming into force this Act the Government shall constitute a Board hereinafter called, the 'Azad Jammu and Kashmir Wildlife Board' consisting of the members as the Government may deem fit.
- (b) After the constitution of the Azad Jammu and

Kashmir Wildlife Board” the Government be notification in the official Gazette shall specify the members and functions of the Board.

5. **Wild Animals which shall not be killed or captured:**The wild animals specified in the First Schedule shall be known as Game Animals and those specified in Third Schedule as protected animals, these animals shall not be hunted, killed, or captured except as provided in the Act.
6. **Snare, Trap, Net and Cruel methods shall not be employed:**No person shall:-
- (i) Hunt any wild animal by means of a set gun, drop spear dead fall or gun trap;
 - (ii) Hunt any wild animal by means of an explosive projectile, bomb or grenade;
 - (iii) Hunt any wild animal by means of a baited hook or any other trap, whatsoever;
 - (iv) Hunt any game animal by means of an automatic weapon or a weapon of caliber used by the Army or Police Force.
 - (v) Hunt any game animal other than birds or hares with a shot gun or with a non-magnum rifle of 22 Caliber or less;
 - (vi) Hunt any game animal by means of a projectile containing any drug or chemical substance having the property of anesthetizing paralyzing stupefying or rendering animal incapable, whether partly or totally;
 - (vii) Use or have in his possession any poison or like injurious substance for the purposes of hunting a game animal;
 - (viii) Use any motor vehicle, motor driven vessel, or aircraft to pursue any game animal or to drive or stampede game animals for any purpose whatsoever;
 - (ix) Shoot any game animal from any aircraft, motor vehicle rail trolley, cart, boats or from within 200 yards of any aircraft motor vehicle, rail trolley, cart or other conveyance.
 - (x) Hunt with help of live decoys or call birds;
 - (xi) Construct or use or have in his possession for the purposes of hunting any game animal any pitfall game pit trench or similar excavation, any fence or enclosure, or use bhagwa or any contravene.

Provided that:

- (a) It shall not be an offence to use a motor vehicle or aircraft to drive any wild animal away from an aerodrome or airstrip when such action is necessary to ensure the safety of aircraft using that aerodrome;
- (b) The officer authorize in this behalf may, at his discretion, grant capture licence and employment of one or more of the methods of hunting specified in the sub-paragraphs of this section;
- (xii) For the purpose of hunting or assisting in hunting any animal any fire or drive or sunset any animal by fire;
- (xiii) Drive any game animal water for the purposes of incapacitating and killing.
- (xiv) Hunt any game animal during the hours of darkness, which for the purposes of this paragraph shall means the period commencing half an hour after sunset and ending half an hours before sunrise either with or without the aid of a torch or other artificial light.

7. Game shooting licence:Game shooting licence shall be of the following kinds:-

- (i) A small game shooting licence which shall subject to the provision of this Act, entitle the holder to hunt and kill the animal specified in column 1 of Part 1 of the First Schedule, up to the number specified in column II. Subject to the limitations of time and season specified in Column IV.
- (ii) A big game shooting licence which shall subject to the provisions of this Act, entitle the holder to hunt and kill a single individual of the animals specified in column 1 of part II of the First Schedule of the kind endorsed on that licence, subject to the limitations of season and locality specified in column IV and V.
- (iii) The fees chargeable in respect of such licence and the number and limitation of size of each species of game animals specified for each of them shall be fixed by Government or by the Chief Wild Life warden from time to time and notified in Government Gazette.

8. Issue of Game shooting licence:The Chief Wild Life Warden/Wildlife Warden may grant to any person, or may refuse without assigning any reason, game shooting licence of a kind specified and before granting such a licence he may require the applicant to furnish him with

proof that;

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

9. Obligation to maintain a Register and return Licence: Any Person who has been granted a game shooting licence shall:-

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

Provided that a big game shooting licence may be remain as proof of lawful possession of the tropic licence meat of an animal killed under the licence under such time as if has been exchanged for a certificate of lawful possession.

10. Hawks and Dogs shall not be possessed or used or killing wild birds or animals without a special licence: No person shall possess or use Hawks for hawking the wild birds or dogs for coursing wild animals, specified in the Schedule I except under a special licence issued under the Act.

11. Animals found dead or killed or caught unlawfully: Any protected or game animal or the meat and trophy of any game or protected animal that is found dead or dying or which he been killed or caught otherwise than in accordance with the provisions of this Act shall be the property of the Government.

12. Restrictions on number and use of Game, shooting licence: (1) No person shall hold more than one valid small game shooting licence at any time.

(2) Licence issued under this Act in the form prescribed shall be non-transferable and non-shareable.

13. Prohibition against killing or shooting without licence: It shall not be lawful for any person to kill game

except by shooting under a licence or to proceed in search of or shoot or capture game, except under and in accordance with the terms and conditions of his licence.

- 14. Prohibitions against shooting or capturing in close season:**It shall not be lawful to shoot, kill or capture game in the close season.
- 15. Game capture licence:**(1)The Chief Wildlife Warden and Wildlife Warden may grant to any person, or may refuse without assigning any reason for his refusal, a game capture licence and before granting such a licence he may require the applicant to furnish him with proof that:-
- (i) He has adequate experience of the capture and care of wildlife animals,
 - (ii) The capture animal is required for a reputable purpose;
 - (iii) The purposed method of capture is suitable;
 - (iv) He has adequate crating and transport facilities at his disposal.
- (2) A game capture licence shall be valid for a specified period from the date of its issue and shall entitle the holder to hunt and capture the kind and number of game animals endorsed therein in such locality and by such means and for such purposes as may be specified.
- 16. Obligation to maintain Register and return Licence:**Any person who has been granted a game capture licence shall:-
- (i) Carry it on his person when hunting;
 - (ii) Maintain a register in the prescribed form;
 - (iii) Enter any animal caught, or accidentally killed or wounded and lost, in that register within 24 hours of its being caught, or killed or wounded and lost and enter the date of death of any animal that dies subsequent to being captured;
- 17. Restriction on transfer of Game Capture licence:**Game capture licence shall be non-transferable and non-shareable.
- 18. Animal to count against Game shooting Licence and Games Capture Licence:**(1) Any animal which is killed or wounded and lost, in any circumstance whatsoever, by the holder of a game shooting licence or a game capture licence which entitle the holder to kill or capture and animal of that kind shall count against that licence.
- (2) Any animal that is caught by the holder of game capture licence which entitle the holder to capture and

animal of that kind and which subsequently dies, shall count against that licence.

- 19. Certificate of Lawful possession:-**(1)The officer authorized in this behalf may issue certificate of Lawful possession to any person who is in the lawful possession of any animal, trophy or meat.

(2) No person shall be in possession of any animal, trophy or meat of a kind specified in the Second Schedule, of this Act, Unless he is in possession of a Certification of lawful possession in respect thereof:

Provided that any person importing an animal, trophy or meat in accordance with this Act, or acquiring an animal, trophy or meat in accordance with the terms of licence or permit issued under this Act, shall be allowed 30 days from the date of importing or acquiring the animal trophy or meat to apply for a certificate of lawful possession.

(3) The Officer authorized in this behalf may mark or register and animal, trophy or meat in respect of which a certificate of Law full possession is issued, in any manner he deems fit, or he may seize, pending the taking of legal action under this Act, any animal, trophy or meat which he is not satisfied has been legally imported or acquired.

(4) Any person who:-

- (i) Fails to apply for a Certificate of Lawful possession for any animal, trophy or meat for the possession of which a certificate of Lawful possession is required;
- (ii) Counterfeits, exchanges or in any way interferes with any mark or registration put on any animal, trophy or meat for which a Certificate of Lawful possession has been issued, or alters or in any way changes a certificate of lawful possession, shall be guilty of an offence.

- 20. Restriction on transfer of animals, trophies or meat:-**(1)No person shall transfer by gift, sale or otherwise to any other person any animal, trophy or meat of a kind specified in the Second Schedule to this Act unless he be in possession of a Certificate of Lawful possession in respect thereof, and that kind such Certificate be endorsed with details of the transaction and given to transferee at the time of the transfer.

- 21. Restriction on import of animals and trophies:-**(1)No person shall import, or attempt to import into Azad Kashmir any live wild animal of an endemic or exotic species, or any trophy or meat of a kind specified in the Second Schedule to this Act except.-

- i) through a customs post of entry;
- ii) he produces to the Customs Officer satisfactory proof that such animal, trophy or meat has been lawfully exported from the country of export;
- iii) he produces an import Permit issued under this Act.

(2) It shall be the duty of a Custom Officer to detain any live wild animal, or any trophy or meat of a kind specified in the Second Schedule until the documents required by paras (ii) and (iii), of subsection (1) of this section have been surrendered to him, and if those documents are not surrendered within a reasonable time the animal trophy or meat, shall be forfeited and disposed according to the instruction of the Officer authorized in the behalf.

22. Restriction on Export of Animals, Trophies and Meat:(1)No person shall of export or attempt to export any animal trophy or meat specified in the Second Schedule to this Act except.

- (i) Through a custom post exit;
- (ii) He produces to the customs officer an export permit issued under this Act.

(2) The Officer authorized in this behalf may issue, or refuse to issue without assigning any reason an Export Permit to the lawful possessor of any animal, trophy or meat of a kind specified in the second Schedule to this Act and on receiving Export Permit the owner of the Animal, trophy or meat shall immediately surrender the Certificate of lawful possession relating thereto.

23. Animals, Trophies and Meat in transit through Azad Kashmir:(1)Nothing in this part of this Act shall apply to any animal trophy or meat in transit through Azad Kashmir, provided that the animal, trophy or meat.

- (i) Is accompanied by any necessary transit customs documents;
- (ii) Is entered through a custom post of entry;
- (iii) Is not unloaded from the ship or motor vehicle on which it is being carried or, in the case of rail or air transport, provided that it does not leave the precincts of the railway station or rail-post at which it is landed or trans shipped or remains there for more than 48 hours other than in a customs warehouse.

24. Restriction on dealing in Animals, Trophies or Meat:(1)No person shall as a profession, trade or business

buy, sell or otherwise deal in animals trophies or meat, or processes or manufacture goods on articles form trophies or meat, unless he be in possession of a valid permit to do so, issued by the Officer authorized in this behalf thereinafter called a Dealer's Permit.

(2) The Officer authorized in this behalf may grant, or may refuse without assigned any reason a Dealer's Permit to any person, which shall entitle that person to deal in any animal trophy or meat, or any class of animals, trophies or meat specified in that permit.

(3) A Dealer's Permit shall be valid for a period of one year from the date of issue and shall be subject to the fee specified For the purposes assessing fees dealers may be divided into different classes and a different fee may prescribed of reach class.

(4) The holder, of a Dealer's Permit shall maintain such register or records of his dealings as the Officer authorized in this behalf may require and shall produce them for inspection at any reasonable time when called upon to do so.

(5) Nothing in this section shall be constructed to absolve the holder of a Dealer's Permit from complying with the provisions of Section 11, 9, 20, 21 and 22.

- 25. Power to search without Warrant:**Any Officer or any other person authorized by Government in this behalf, may search any person, vessel vehicle, animal, package, receptacle or any suspected place so as to satisfy himself as to whether or not offence under this Act, has been committed.
- 26. Powers of seizure:**Any Officer or any person authorized by the Government in this behalf, may seize any wild animal together with any fire-arm net trap, snare, bow arrow or any vehicle or vessel or anything whatsoever used or suspected to have been used in the commission of an offence under this Act.
- 27. Duty to produce Permit on demand made by any Officer or person authorized in this behalf:**Every person in possession of any wild animal specified in the Second Schedule shall produce his certificate of lawful possession on a demand made by any officer or any other person authorized by Government in this behalf.
- 28. Duty of Coupe purchaser, Chowkidar, defender, Village Watchman etc:**Every coupe purchaser of forest produce, lambardar, Chowkidar, police man, village headman, chairman and member of Union Council and all Government servant shall be bound in the absence of reasonable excuse, to give to any officer or any person

authorized in this behalf by Government information in respect of any snaring, trapping netting unauthorized killing or any other offense under this Act committed within the limits of his jurisdiction, as soon as the commission of such offence comes to his knowledge.

29. Procedure as to perishable property seized under Section 26:Notwithstanding anything contained in this Act the Officer or any other person authorized in the behalf may, sell any property seized under section 26 and subject to speedy and natural decay, and may deal with proceeds as he would have dealt with such property if it had not been sold.

30. Killing or Capturing in self-defense:(1)Notwithstanding any other provisions of this Act, it shall not be an offence.

- (a) For any person to kill any bird or animal by any means in the immediate defense of his own life or that of any other person.
- (b) For the owner of standing crops or his employee to kill any bird or animal that is doing material damage to those crops by any means within the bounds of those crops.
- (c) For the owner of livestock or his employee to kill any animal that is doing damage to the livestock by any means within a reasonable distance of where that livestock is grazing or where it is enclosed for the night.

Provided that paragraph (b) and (c) of sub-section 1 of this section shall not apply to any unlawful cultivation in a National Park, Wildlife sanctuary Reserved and protected Force or any livestock illegally grazing or herded therein.

(2) The killing of wild animal specified in the First and Third Schedule under Sub-section 1 of section 30 shall be reported to the nearest competent authority with the least possible delay.

(3) The meat or trophy or any protected or game animal killed under section 30 of this Act shall be property of the Government and shall be disposed of as directed by the officer authorized in this behalf.

31. Owns of Proof:When in any proceedings taken under this Act or in consequence of any things done under this Act, a question arises as to whether any wild animal, trophy or meat is the property of the Government such wild animal shall be presumed to be the property of the Government until the contrary is proved.

32. Powers to Declares any area to be a Wildlife sanctuary,

a National Park or a Game Reserve for wild Animals.(1)The Government may be notification declare any area to be a Wildlife sanctuary.

- (2) No personal shall:-
- (i) Enter or reside any Wildlife Sanctuary;
 - (ii) Cultivate any land in Wildlife Sanctuary;
 - (iii) Damage or destroy any Vegetation in Wildlife Sanctuary;
 - (iv) Hunt, kill or capture any wild animal or carry any fir-arm in Wildlife Sanctuary or within 3 miles from the boundaries of a Wildlife Sanctuary;
 - (v) Introduce any exotic species of animal plant into the Wildlife Sanctuary;
 - (vi) Introduce any domestic animal or allow any domestic animal to starry into a Wildlife Sanctuary;
 - (vii) Cause any fire;
 - (viii) Pollute water flowing in and thought the wildlife Sanctuary;

Provided thatGovernment may for scientific purposes or for any esthetic enjoyment or betterment of scenery Authorize the doing or the afore-mentioned prohibited act.

(3) The Government may declare any area to be a National Park, where the following Acts shall not be allowed.

- (i) Hunt, kill or capture any wild animal in a national Park or within 3 miles radius of its boundary;
- (ii) Fire any gun or do any other act which may disturb and wild animal or do any act which integers with the breeding place of any wild animal;
- (iii) Fell, tap burn or in any way damage or destroy, take, collect or remove any plant or tree there from;
- (iv) Clear or break up any land for cultivation, mining or for any other purpose;
- (v) Pollute water flowing in and through the National Park;

Provided thatthe Government may for scientific purpose or betterment of the National Park Authorize the doing of any the above-mentioned prohibited acts.

(4) The Government may declare any area to be a

Game Reserve where hunting and shooting of wild animals shall not be allowed, except under a special permit.

(5) Alteration in boundaries may be allowed by the authorities competent to constitute the National Park, wildlife sanctuary and Game Reserve.

(6) Whoever with intent to cause damage or injury to the public, or to any person, or to cause wrongful gain as defined in Azad Penal Code, or local and special law, alters, removes destroys or Defense any boundary mark or Game Sanctuary or of a Game Reserve or of a reserved area, or National Park shall be punished with imprisonment of either description for a term which may extend to one year or with fine not exceeding one thousand rupees or with both.

- 33. Rewards:**Any person persons giving such bonafide information as shall lead to conviction under this act or the rules made there under 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.

Explanation:Government employees who give such information shall not be debarred form receiving the above reward.

- 34. Private Wildlife Reserve:**(1)Where the Government is satisfied that an area of private land has been dedicated by its owner to the same purposes as a game Reserve, the Government may, on the application of the owner declare that area of land to be private wildlife reserve by Gazette Notification.

(2) The Government may at any time by notice in the Gazette, declare that any private Wildlife Reserve shall cease to be private Wildlife Reserve.

(3) The owner of such a private Game Reserve shall exercise the powers of an officer under the Act within its boundary.

- 35. Abetment of an offence:**An abetment of any offence under this Act shall be punishable as the main offence.

- 36. Interference in duty:**Interference, by any one in due discharge of duties of the Government employees appointed under this Act shall be unlawful.

- 37. Penalties:**(1)Whoever;

(i) Contravenes or attempts to contravene the provisions of sections 5,8,19,20,21,23,24 and 32 of this Act, shall be punished with imprisonment which may extend to one year or with fine which shall extend to one thousand rupees, or both alongwith the cancellation of hi licence under the

Act for a specified period;

- (ii) Contravenes or all attempts to contravene provisions of section 6 and 36 with imprisonment which may extend to two year or with fine which may extend to Rupees 1000/- or with both;
- (iii) Contravenes or attempts to contravene the provisions of sections 10, 27, 30, (2) and 36 of this Act shall be punished with a fine which may extend to five hundred rupees.
- (iv) Any Government employee who fails to report any infringement of the provisions of this Act or of any rule made there under on its being brought to his notice shall be liable to the punishment laid down in sub-section (iii)

(2) Any person contravening any provision of this Act or any rule made there under for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or both.

(3) Whoever, having already been convicted of an offence under Subsection 1 (I) of this section, is again convicted there under shall, on every subsequent conviction be punishable with imprisonment for a term of minimum of twelve months or with fine which shall extend to a minimum of one thousand rupees or with both and his fire arm, vehicle appliance or anything used in this commission of the offence shall be confiscated and his hunting licence cancelled for a period of 10 year.

- 38. Persons who may lodge complaints:**No court shall take cognizance of any offence under this Act except on the complaint of an officer or of any person appointed under this Act and authorized by the Government in this behalf.
- 39. Prosecution of 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 commission which constitutes an offence under this Act or from being liable under any law to any higher punishment or penalty than that provided by this Act.
- 40. Procedure when offender not known or cannot be found:**When the offender is not known or cannot be found any officer authorized in this behalf may, if he, finds that an offence has been committed, confiscate the property used in the commission of the offence.
- 41. Court:**No Court inferior to that of a Magistrate 1st Class or special Magistrate for trying the cases committed under this Act may set up mobile court and when necessary.

- 42. Power to arrest:**(1)Any officer or any other person authorized in this behalf may, without order from a Magistrate and without warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any offence under this Act.
- (2) Every officer making an arrest under this section shall without unnecessary delay and subject to the provisions of this Act as to release on bond, take or send the person arrested before the Magistrate having jurisdiction in the case or the officer in charge of the nearest police station.
- 43. Power to release on Bond of a person arrested:**Any officer not below the rank of Wildlife Ranger or equivalent rank who has arrested any person under the provisions of section 37 may release such person on his executing a bond to appear, if and such person on his executing a bond to appear, if and when so returned, before the Magistrate having jurisdiction in the case or before the officer in charge of the nearest police station.
- 44. Power to prevent Commission of Offence:**Every Officer or any other person authorized in this behalf shall prevent and may interfere for the purpose of preventing the commission of any offence.
- 45. Power to try offence summarily.-** (1)The Government may, by notification in the official Gazette, empower and officer-
- (a) To accept from any person against whom a reasonable suspicion exists that he has committed any offence, a sum of money by way of compensation for the offence which such person is suspected to have committed, and
- (b) When any property has been seized as liable to confiscation to replace the same on payment of the value thereof as estimated by such officer.
- (2) On the 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, the property, if any, seized shall be released, and no further proceedings shall be taken against person or property.
- (3) The sum of money excepted as Compensation under clause;
- (a) Of sub-section (1) shall in no case exceed the sum of five hundred rupees.
- (4) No officer shall have power to compound a second and subsequent offence under this Act.
- 46. Power to compound offence.-**(1)The Government may, by

notification in the official Gazette, empower an officer--

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

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

(2) On the 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, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

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

(4) No officer shall have power to compound a second and subsequently offence under this Act.

47. Government may invest officers with certain powers:The Government may invest any officer or any other person authorized in this behalf with all or any of the following powers, that is;

(a) The powers of a civil court to compete the attendance of witness and the production of documents and material objects;

(b) Power to issue a search warrant under the Code of Criminal Procedure, 1898.

(c) Power to hold an inquiry into offence under this Act and in the course inquiry to receive and record evidence; and

(d) Power to prosecute a case before a Magistrate.

48. Officer under this Act deemed Public Servants:All officers under this Act shall be deemed to be public servants within the meaning of Azad Penal Code.

49. Protection of action taken under this Act:No suit, prosecution or other legal proceedings shall lie against any officer for anything in good faith done or intended to be done pursuance of any provisions of this Act or the rules made there under.

50. Duty of Police Officer:All police officer shall upon request made by any person employed under this Act, assist him in the discharge of his duties under this Act.

- 51. Delegation of powers by the Government:**The Government may, by notification in the official Gazette delegate all or any of the powers conferred upon it under the provision of this Act to any officer subordinate to it.
- 52. Rules when to have force of Law:**All rules made by the Government under this Act shall be published in the official Gazette, and shall there upon so far as they are consistent with this Act, have effect as if enacted therein.
- 53. Power to Grant Exemption:**Notwithstanding anything contained in this Act Government may, in the interest of scientific or any public purpose, allowance by notification in the official gazette killing and capturing of such wild animal in any specified place by any specified means.
- 54. Power to add or exclude form Schedule:**Government may by notification, in respect to any specified area—
- (i) Add to or exclude from the Schedule any wild bird or animal, subject to such conditions as it may impose in each case.
 - (ii) Alter the period during which any wild bird or animal specified in the First Schedule may be killed.
- 55. Power to make Rules:**(1)The Government may, make rules for the purposes of carrying into effect the provision of this Act.
- (2) In particular and without prejudice to the generality of the forging power, such rules, may prescribe—
- (a) The powers and duties of the officers and other person authorized in this behalf;
 - (b) The form in which, and the terms and conditions on which, a licence or an permit or a special licence or a special permit may be granted;
 - (c) The fees to be charged for any licence or permit or a special licence or special permit.
 - (d) In the case of any species of wild animal the number and the sex that may be killed under a licence.
 - (e) Rewards to person who render help in detection of offences under this Act;
 - (f) The authorities by whom, and the condition on, and the manner in which, licence may be issued or obtained, as the case may be;
 - (g) For the management and creation of wild life sanctuaries, National Parks an Game Reserve.

(h) The sale of arms and ammunition.

56. Repeal an savings:(1) The Jammu and Kashmir Game preservation Act of 1998 Bikermi is hereby repealed.

(2) Notwithstanding the repeal of the enactment, emoted on sub-section (1), everything done, action taken, obliging, liability, penalty or punishment, incurred, inquiry or proceeding commenced, officer appointed or person authored, jurisdiction or power conferred, rules made and licence or order issued under the provision of the said enactment or rule made there under shall continue enforce and, so far as may be, deemed to have been respectively done, taken incurred, commenced appointed, authorized, conferred, made or issued under this Act and any enactment or document referring to any of the said provision shall, as far as may be constructed to refer to this Act to the corresponding provision thereof.

SD/ (Mohammad Akram Shah)

Deputy Secretary Law and

Parliamentary Affairs Secretariat

Azad Government of the State of

Jammu and Kashmir

FIRST SCHEDULE

Game Animals, i.e. Animals which may only be Hunted. Killed or captured by the Holder of License Part I (Animals which may be Hunted on an Ordinary Game Hunting License)

Column I		Column II	Column III	
Name of Animal		Number Allowed	Time and season when Hunting permitted.	
Scientific	English	Local		
Anatidae, Ducks Dendrocygna Javanica Dendrocygna bicolor Tadorna feruginea Tadorna tadorna Anas acuta Anas Crecca. Anas Formosa Anas platyrhynchos Anas Strepera	Lesser Whistling Teal Large whistling Teal Ruddy Sheld Duck or Brahmin y Duck. Common Sheld Duck Pintail Common Teal Dikal Teal Mallard Gadwall	Silahi Barna Silabi, Chuka Surkhab, Chuka, Lal Surkha Safro Chakwa sfed surkhab, Sanh, Sikhpar, Digosh, Kerraputa ri, Sucjuruka Huraro Keraputar i, Suchu, uka Burkani Chaka, Nilsir, Nilrugi. Mila, Bhur, Hurwa	Unlimited but not more than eight ducks of all species comvined may be killed in any one day.	1 st October to 1 st March

Column I		Column II	Column III
Anas Penelope	Wigeon	Peaan, partarui, Lal Sir	
Anas falcate	Falcated	Chotiya, Wano Hurwa.	
Anas querquedula	Teal	Chai putari.	
Anas Clypeata	Gargany	Tidari, Punan, Trakwala,	
Netta rufina	Shoveller	Ghira	
Aythya forina	Red	Lalsir,	
Aythya ayroca	crested	Burana, Thurhandao.	
	pochard	Karachiya, Burar Mada,	
	Common	Lalbigri Budha.	
	pochard		
Aythya baeri	White eyed		
Aythya fuligula	Pochard	Dubara, Abtak Bohwara.	
Aythya marila	Beer's		
Clangula	pochard		
Byemalis	Tufied		
	Duck		
	Scaup		
	Old squaw,		
	longrial		
	Duck		

Column I		Column II	Column III	
Bucephalus clangula	Goldeneye Duck	Kumbara Dayali Jhalli		
Mer uas abellus	Smew			
Mergus merganser	Goosander Red-breasted			
Mergus serrator	Merganser			
Phasianidae	Dheasants, Partridges, Quails, Spurfowls, Peafowls and Junglefowls	Titu, Bhedu, Parahut Kakki, Chauklau,	Unlimited but not more than 5 per day. -do-	1 st Nov. to 1 st March. 1 st Nov. to 1 st March. 1 st Nov. to 1 st March
Lerwa Lerwa				
Amoperdax	Snow Partidge	Siali		
Griseogularis	Seesee partridge	Golind, Lip	Not more than 5 per year.	1 st March
Tetregallus Himalayensis	Snow cook	Lipva Chukor Chukro,		Wednesday, Sunday and Gazetted Holidays from 1 st Nov to 1 st March. -do-
Loctoris graeca				
Francloinus Francolius	Chukor	Khank, Charu, Zarkar.	Unlimited but not more than 6 per. -do-	
Francolinus				
Pondicerianus Francolius Gularis	Black Partridge	Kala Titar, Taru, Karo Titar, Kodd Tatar. Titar, Kyah, Khyar..	-do- -do- -do-	-do- -do- -do-
	Grey partridge		-do-	
	Swamp partridge	Kajjah, Bhuri Titar. Gul Titar, Bicel Titar.		

Column I		Column II	Column III	
Coturnix	Common Qyall	Batter, Kurrai Bhatri,	Unlimited by not more than 12 of all species, of quail combined in any one day.	1 st Nov. to 1 st March
Coturnix coromandelica	Rain quail	Baster Curru		
Coturnix Chinesis	Blue-breasted Quail	Lowwa		
Perdicula argoonda	Rock Bush Quail	Lowwa	Unlimited but not more than 5 per day.	
Perdicular Asiatica	Jungle Bush Quail	Badkhi, Chota Bater	-do-	
Turnix Syivatica	Little Bustard	Bater, Lowwa	None in West Pakistan,	
Turn x Tank	Quail	Gulu		
Turnix	Button Quail			
Suscitator				
Arborophila Rufogularis	Common Bustard			Wednesday Sundays and Gazetted holidays from 1 st Nov. to 1 st March
Arborophila Vafogularis	Quail	Dau Bui.	Unlimited, but not more than 3 per day in	
Gullus	Rufous-throated Hill Partridge	Pura, San Batai	-do-	-do-
	White-checked Hill partridge.	Junghi Karghi	None in West Pakistan, Unlimited, but not more than 3 per day in	Wednesday Sunday and Gazetted holidays from 1 st Nov. to 1 st March.
	Red Jaungle fowl			

Column I		Column II	Column III	
Otidiae; Bustards	Houbara	Tilor, Khermor, Kar Wanak	Unlimited but note more than 2 per day	-do-
Almdotis Undulate				
Charadriidae Plovers Sandpipers, Saipe and other waders	White-tailed		Unlimited by not more than 8 Lapwing of plovers of all species combined in any one day.	1 st Nov. to 1 st March
Vanellus leucoris	Lapwing Grey-headed Red Wattled	Lapwing Rodhur, Sabaz Titti		
Venellus vanellus	Super- winged Lapwing.	Lapwing Papwing Tata, Titeri, Tachar		
Venellus! Cineieus	Yellow- wattled			
Vanellus Indicus	Lapwing Golden plover			
Vanellus spinosus	Esern Golver Ploven Whimberal	Zirdi, Jithri Chota Batan Sona Batan		
Vanellus Malabaricus		Chota Goumgh, Chota Golind	Unlimited but not more than 2 per day.	1 st Nov to 1 st March.
Pluvialis apricaria				
Pluvialis dominica				
Numenius Phaeopus				

Column I		Column II	Column III	
Numenius arquata	Cuilew	Goar, Goungh, Choppa	-do-	-do-
Capella nemoricola	Wood Snipe	Sada, Kastachura Chaha, Sumkiri Julkiri	Unlimited not more than twelve snipe of all species combined in anyone day.	-do-
Capella gallinago	Fanail Snipe	Pakhi, Jalakri		
Capella solita ia	Solitary Snipe	Ban Chaha		
Capella stonara	Pintail Snipe	Pakhi, Jaakri, Kadakoe		
Capella minima	Jack Snipe	Chota Chaba, Asraf Oak		
Capella modia	Great Snipe	Dum Pakhi		
Rostratula	Painted Snipe	Rajchaha Baggergi		1 st Nov. to 1 st March
Benghalensis		Lambi, Karakwanak, Basirl.		
Burhinidae; Store Curlews or stone			Unlimited but not more than 2 per day.	-do-
Piovers			-do-	
Brhinus	Stone Cu lew			
Oedienemus				
Esacus magnirostris	Great Stone plover			
Ptoriclidiae				
Sandgrouse				
Syrraptes tibetanus	Tibetan Sandrouse	Nok, Kaling, Kung, Bhattar	Unlimited but not more than twelve sandrouse of all, species combined in anyone day.	1 st Nov. to 1 st March
Ptreocles exustus	Indian Sandgrouse			
Pto ocles	Spotted Sandgrouse			
Senegalius				

Column I		Column II	Column III	
Pterocles orientalis	Imperial Sandgrouse	Bhattitar Gero Bakh, Bakh	Unlimited, but not more than 20 birds of all species in any one day.	1 st Nov. to 1 st March
Pterocles corenantus	Cor netted Sandgrouse	Bhatta, Bal Harisia, Sina		
Pterocles indious	Close-barred or Painted Sangrouse	Dukru		
Columbidae; Pigeons, Green Pigeons and Doves All species of Pigeons, Green Pigeons and Doves, other than members of the genus	White-brested	Dawak, Pampaira,	Unlimited but not more than 10 coots and Moorchens of all species combined in anyone day.	-do-
Ducula (Imperial Pigeons) which are protected	Moorhen	Kuraki		-do-
Rallidae: Coots and Moorhens	Moorhen Jal Murghi	Dakadpairs		
Amaurornis	Purple Moorchen,	Kulang, Gajro		
Phoenicurus	Kaim	Khushkal,		

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Gallinura chloropus	Coot	Dasari, Kanrambad		All year.
Porphyrio Porphyrio	CapeHare Indian Hare	Khargosh Khargosh	Unlimited, but not more than round 5 hares of a 1 species combined in anyone day.	
Fulicula atarta	Arabian Here	Khargosh		
Lepus; Hares, Lepus capensis				
Lepus nigricollis				
Lepus arabis				

Column I		Column II	Column III	
Name of Animal		Number Allowed	Time and season when Hunting permitted.	
Scientific	English	Local		
Martes foian	Beech or Store Marten		1 st Nov. to 1 st March	Wherever found except in National parks, wild life
Selenarctos Thibetanus	Black Bear (all races except S.T. gedrosanus		1 st July to 1 st December	Sanctuaries or game reserves.
Felis lybica	Which is protected, and those occurring in East Pakistan)	Rich, Bhalu	1 st Nov. to 1 st March	In areas to the north and east of the KabilRiver that the Chief wildlife warden may from time to time specify.
Felis chaus		Jhang Nemo	-do-	Wherever found except in National parks, Wildlife
Nemorhaedus	Desert cat.		-do-	sanctuaries or Game Reserve.
Goral	Jungle cat	Ban Bilar, Khats		-do-
Capra ibex	Goral	Pij, Pijur, Bai, Bom	-do-	In such area as the Chief Wildlife Warden may from time to time specify.
Capra hircus			-do-	-do-
	Ibex	Sair, Sarah, Phasin or Born Kuhi	-do-	-do-
	Sind Wild Goard			-do-

THIRD SCHEDULE

Protected Animals; i.e. Animals which shall not be Hunted, Killed or captured.

1. All Games animals when immature or not fully grown.
2. All female game animals when:
 - a. Pregnant;
 - b. In a condition that indicates they are suckling or feeding young;
 - c. Accompanied by their immature offspring.
3. All females of the following species:-

Nemorhaedus goral. Goral or Piji, Ban-bakri, Gurrur, Gudh, Sar, Pijur, Rai, Rom.

Capra hircus. Sind wild goat or Ter, Sara, Pashin, Pachin.

Capra falconer. (all races) Marrkhor or Rawachi.

Capra ibex. Ibex or Trangol, Khail, Dabmo.

Ovis orientalis. (all races) Urial or Shapu, Hurian, Shah Kohi, Koch, Gad, Garand.

All individuals of the following species, genera, families or groups of birds:

All members of the family ARDEIDAE: i.e. all Herons, Night Herons, Paddy Birds, Egrets or Bitterns,

All members of the family PELECANIDAE: i.e. all Pelicans.

All members of the family CICONIDAE i.e. all storks.

All members of the family THRESKIORNIDAE; i.e. all Ibis;s and Spoonbills.

All members of the family PHOENICOPTERIDAE ; i.e. all Greese, including the Bars headed Goos.

All members of the genus Cygnus; i.e. all swans.

The following species of Ducks:-

Anas angustirostris. Marbled Teal or Choi, Lanjho, Dudjalri.

Anas Poecilorhyncha. Spot – bill Duck, or Garmpai, Gugral, Hamjer.

Nettapus Coromandelicus. Cotton Teal or Giri, Girria.

Oxyura leucocephala. White-headed Duck or Stiff-tailed Duck, Ud-balau

Cairinascutulata. White-winged Wool Duck.

Sarkidiornis melanotus. Comb Duck or Nukhta.

Rhouonessa Caryphylacea. Pind headed Duck.

All members of the family ACCIPTRIDAE; i.e. all hawks, Vultures, Kites, Buzzards, Hawk-Eagles, Harriers and Ospreys.

All members of the family FALCONDAE ; i.e. all Falooms, Kestrels, hobbies.

All members of the family PHASIANIDAE ; i.e. all pheasants, partridges quails, spurfowls, Junglefowls and peafowls other than those species in the First Schedule.

All members of the family GRUIDAE ; i.e. all Cranes.

All members of the genus Heliopais ; i.e. all Bustards other than the one species specified in the First Schedule.

Secolopex rusticola. Woodcock or Simkukri, Jalalkari, Julkari,, Wilaiti Chaha, Bumpal, Dhabba.

Pterocles alchata. Large Pin-Tailed Sandgrouse.

All members of the genus Ducula ; i.e. all imperial pigeons.

5. All individuals of the following races, species, genera or groups of mammals:-

Nycticebus coucang. Slow Loris or Sharmindi Billi, Lajja, Lajjawoti, Babar.

Mucaca Mulatta villosa. Himalian Rhesus Monkey (i.e. all Rhesus Monkeys found in West Pakistan) Bandar, Punj, Markat.

Macaca assamenis. Assames Macaque a Bandar.

Macaca irus. Crab-eating Macaque.

Macaca speciosa. Stump-tailed Macaque.

Presbytis pileatus. Capped Langur.

Presbytis entellus. Common Langur or Hanuman, Dendos.

Presbytis obscurus. Dusky leaf Monkey.

Hylobates hoolock. Hoolock or white-Browed Gibbon, Uluk, Mms Crass caudate. Pangolin or Bajra Kit, Bajra, Kapta, Suraj, Mukhli, Silu, Kishaur, Sibi, Mirun, Challa, Kat, Puhu.

Vulpes cana. Blanford's Fox.

Cuon alpinus. Wild Dog or Dhole, Ramkun, Bank Kutta.

Bhoonsa.

Melursus ursinus. Sloth Bear, of Bhalu, Rinch.

Selenarctos thibetanus, *gedrosianus*. Baluchistan Black Bear (i.e. all black Bears lound south and west of the KabulRiver) Kala Rinch, Bhalu, Haput, Mam.

Urus arctors. Brown Bear or Red Bear Barf ka Rinch, Safed Bhalu, Chilla Rinch, Drengmo, Drin, Mor.

Helarctos malayanus. Sun Bear or Honey Bear.

Martles flavigula. Yellow-throated Mart or Tutrala. Chitralla, Chitrola.

Vormela peregusna. Marbled polecat

Mellivora capensis. Ratel or Honey Badge, Beju, Gopa, Ghurna.

Lutra lutra. Common otter or Laudher, ud-bilaw, pani Kutta, Sagi Ab.

Lutra perspicillata. Smmoth Indian Otter of Ludher, Ludra.

Aonyx cinerias. Oriental Clawless otter of Ludher.

Viverra zibetha. Large Indian Civet, Kettas, Mch Bhondar, Bagdos, Pudu, Gaula

Viverra indica. Small Indian Civet or Naundero, Gandogaula, Kasturi.

Paradoxurus hermaphroditus. Common paem civet or Toddy Cat, Kakti.

Paguma larbata. Himalayan Civet of Masked Palm Civet.

Arctitis binturong. Binturong or Bear Cat.

Felis caraca. Caracal or Siya-gush, Ech.

Felis manul. Pallas's Cat.

Felis lynx. Lynx or Patsalan, Phiauku.

Felis Bengalensis. Lepard Cat or Chita Billi, ank Bilar.

Felis viverrina. Fishing Cat or Mash Billi. Mach Bagral.

Felis marmorata. Marbled.

Felis temminckii. Golden. *Neofelis nebulosa*. Clouded leopard or amchita, Kung.

Panthera Tigris. Tiger or Bagh, Sher, Char.

Panthera uncia. Snow leopard or Ounce, Barhel Ne, Lkar.

Panthera pardus. Leopard or panther, tendwa Chita, Chita Bagh,

Suh.

Acinonyx jubatus. Cheetah or Laggar.

Caprolagus hispidus. Hispid Hare or Assam Rabbit.

Callosciurus pygerthrus. Hoary-bellied Himalayan Squirrel.

Elephas maximum. Elephant or Hathi, Gaj.

Equus hemionus- Wild ass Ghor Khar, Ghuran Kiang, All members of the general Rhinoceros of Bidemoseros i.e. all Rhinoceros, Gaiinda, Gagadan.

Moschus moschiferus- Musk Deer or Kastura, Musch, Bina, Bijri, Ranwhin

Muntiacus muntjak. Barking Deer or Muutjac, Kakar Maya.

Axis porcinus. High deer of para.

Cervus unicolor. Sambar.

Cervus duvavceli. Swamp Deer or Barasingha, Maha.

Cervus elaphus. Kashmir Stag or Barasingha, Hangul, Hanglu.

Bos Ganraus. Gaur or Blsom, Solni (Including the deral hybrid B.g. frontalis or M than, Gayal).

Bos banteng. Banteng of TSaine.

Gazella gazelle. Indian Gazelle or Chinkara, Kal punch, Gora Hiran, Chitka Hiran, Chiatika, Buast, Phakela, Area, gambit, Gajar, onashkai.

Gazella subgutterosa. Goitred or Persian Gazelle, Pharal Ghazal.

Buselaphus tragocamilus. Bluobull or Nilgai, Gond, Bain, Ranjb, Roz, Rojra.

Tetracerus quadricornis. Four horned Antilpe or Chowsingha.

Capricornis sumatrensis. Serew.

Nemitragus jemlahicus. Thar or Kras, Jagla, Tehr, Jbe.

Capra falconeri jerdoni. Anief Chialtanesis, straight Horned Races, on Markhor (i.e. Markhor found to the south and West of the North. Waziristan Agency) Sarah, Pachia, Buzkhuhi.

Pseudeis nayaur. Blue Sheep or Bharal, Na, Sna, Maitu, GhardWarr.

Dvis ammon. Both the race O.a. Polii (Marco Polo's Sheep or Kichan, Roosh) and the race O.o. hodgsom (Great Tribeian Sheep or Nayan).

Ovis or-ientalis punjabiensis. Punjab Urial (i.e. all) Urial found on the West bank of the River Indus below the junction with the River Kabul) Hurian, Shah Kohli, Koch, Kargad.

Sus sylvanus. Pigmy Hog.

Platanista gangatica. Riv Dolphin or Sus, suswa, susuk, Sishuk, Baualan, Sansar.

All individuals of the following species, general of families of reptiles:-

Grocodilus palustries. Marsh Crocodile or Muggar, Magar Mach.

Cricidukys oirisys, Estuarine Crocodile or Mugger.

Gavialis Gangeticus. Gharial or Soondy Mugger, Sansar.

All snakes of the genus *Python* i.e. all phythons, Azdha or Arar.

All lizards of the genus *Waranus* i.e. all montter Lizards Goah, Bari Chapkali, Ram Gaddi, Sunna Goddi or kala Godi.

All marine turtles of the genera *Dermochelys*, *Chelona* Care and *Eretomocholys*, i.e. All Leatherback, Green or Ebibe, Hawks Bill, Loggerhead and Tortoise shall Turle.