

National Parks and Wild Life Protection Act

History

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| March 11, 1973 | | First promulgated. Nepal Rajapatra, Vol. 22, No. 55 (Extraordinary), Falgun 28, 2029. (March 11, 1973) |
| October 6, 1974 | | First amendment, Nepal Rajapatra, Vol. 24, No. 28 (Extraordinary), Aswin 20, 2031 (October 6, 1974). |
| December 23, 1982 | | Second amendment. Nepal Rajapatra, Vol. 32, No. 41 (Extraordinary), Poush 8, 2039 (December 23, 1982). |

Consolidated Text

Preamble:

Whereas it is expedient to make arrangements for national parks, protect wild life and their habitat, regulate hunting, protect, conserve, develop, and make proper arrangements for and use places which are of special importance from the viewpoint of natural beauty in order to maintain the etiquette and welfare of the public,

Now therefore, His Majesty King Birendra Bir Bikram Shah Dev has enacted this law on the advice and with the approval of the National Panchayat.

1. Short Title, Extent, and Commencement

- (1) This law may be called the National Parks and Wild Life (Conservation) Act, 1973
- (2) It shall be applicable throughout the Kingdom of Nepal.
- (3) It shall come into force on such date as may be prescribed by His Majesty's Government by notification in the Nepal Rajapatra.

2. Definitions

Unless otherwise meant with reference to the subject or context, in this law:

- (a) National Park means an area reserved for the protection, management, and use of wild life, vegetation, and landscape, along with the natural environment.
- (b) Regulated Natural Reserve means an area which is of importance from the circumstantial viewpoint or otherwise, and is reserved for scientific studies.

- (c) Wild Life Sanctuary means an area reserved for the protection and management of wild animals and birds and their habitat.
- (d) Hunting Preserve means an area reserved for the management of wild animals and birds for the purpose of allowing hunters to hunt them.
- (e) Reserve means a regulated natural reserve, wild life sanctuary and hunting preserve.
- (f) Wild Life means mammals, birds (aves), reptiles, pisces, amphibians, and insects of any kind other than domestic ones; the term includes the eggs of oviparous creatures.
- (g) Arms means any type of gun, pistol, or similar other firearms, as well as bow and arrow, spear, trap, snare, booby trap, catapult, or any other weapon that causes injury.
- (h) Hunting means the act of chasing, capturing, torturing or killing any wild animal or bird by any means or of attempting to do so, or of extracting any part of its body or of exterminating it or of taking out, or destroying its eggs, or of taking out, destroying, or disturbing its nest.
- (i) Trophy means the living or dead body of any wild animal or bird, or any such part thereof as can be identified.
- (j) Appropriate Officer means an officer designated by His Majesty's Government by notification in the Nepal Rajapatra.
- (k) Prescribed or as prescribed means prescribed or in the manner prescribed in the rules framed under this act.

3. Power of His Majesty's Government to Declare Any Area as a National Park or Preserve

- (1) His Majesty's Government may, if it so deems necessary, declare any area as a national park or reserve by notification in the Nepal Rajapatra indicating the boundaries thereof.
- (2) His Majesty's Government may, by notification in the Nepal Rajapatra, alienate or transfer the ownership, or alter the boundaries of any area which has been declared a national park or reserve.

4. Restrictions on Entry into National Parks or Reserves

- (1) No person shall be allowed to enter into a national park or reserve without obtaining an admission card in the prescribed form, or the written permission of the appropriate officer.

(2) Provided that:

This Sub-Section shall not apply to government employees who are on deputation, or to persons who have obtained entry permits from the concerned national park or reserve.

(3) The form and design of the admission cards mentioned in Sub-Section (1), fees payable for them, and other conditions shall be as prescribed.

5. Actions Prohibited Within National Parks or Reserves

No person shall take the following actions within a national park or reserve without the written permission of the appropriate officer:-

- (a) Hunt wild life;
- (b) Construct or possess houses, shelters, or any other structures with any material;
- (c) Occupy, clear, reclaim or cultivate any part, or grow or harvest any crop;
- (d) Graze any domesticated animal or bird, or feed water to it;
- (e) Clear, fell, remove or block trees, plants, bushes or any other forest product, or do anything to render any forest product dry, or set it on fire, or otherwise harm or damage it;
- (f) Dig out mines, stones or remove any mineral, stone, boulder, earth or any other similar material;
- (g) Cause loss or damage to forest products or wild life or to any (forest) land;
- (h) Carry arms, ammunition or poison personally, or use the same;
- (i) Persons other than government employees on deputation, or visitors using public paths within the national park or reserve shall not take with them any domesticated or any other kind of animal or trophy;
- (j) Block or divert any river or stream flowing through national park or reserve or any other source of water contained therein, or use any harmful or explosive materials therein.

6. Maintenance of Services Within National Parks or Reserves

- (1) His Majesty's Government may, in the supreme interests of the national parks or reserve, make arrangements for operating hotels, lodges, public transport services or similar other services or facilities directly, or else grant contracts thereof on the basis of the prescribed procedure.

- (2) No person shall be entitled to operate services or facilities of any kind within the national park or reserve unless he has concluded a contract under Sub-Section (1).

7. (Repealed)

8. (Repealed)

9. Personal Liability for Entry into National Park or Reserve

- (1) Any person may enter into any national park or reserve under his own liability.
- (2) In case any person dies or sustains any loss, damage, or injury within a national park or reserve, His Majesty's Government shall not be liable to pay any compensation in consideration of such death, loss, damage, or injury.

10. Protected Wild Life

Wild life mentioned in Schedule 1 of this act shall be deemed to be protected wildlife whose hunting has been prohibited.

Provided that:

- (a) Mad wild elephants, man-eating tigers, and wild animals which suffer from diseases or have become disabled so that they cannot survive, may be killed or captured on the orders of the prescribed officer.
- (b) In case it is deemed necessary to kill wild animals which come out of forest area and cause considerable loss to human beings or to domestic birds and animals, they may be killed, captured or chased on the orders of the prescribed officer.

11. Prohibition to Hunt without License

- (1) No person shall be permitted to hunt wild life without obtaining a license.

Provided that no license need be obtained for hunting prescribed wild animals and birds.

- (2) Any person desirous of obtaining a license as mentioned in Sub-Section (1) shall submit an application in the prescribed form to the prescribed officer. On receipt of such application, the prescribed officer shall issue a license in the prescribed form permitting him to hunt wild life on payment of the prescribed fees.
- (3) The person obtaining license under Sub-Section (2) shall be permitted to hunt subject to the prescribed conditions and procedure.

- (4) The prescribed officer may refuse to issue a license under Sub-Section (2) with or without assigning any reason.

12. Fixation of Annual Quota for Hunting

The prescribed officer shall determine the annual quota of wild life which may be hunted inside a hunting reserve during a year, on the basis of wild life censuses conducted from time to time.

13. Power of His Majesty's Government to Revoke Licenses

His Majesty's Government may, if it so deems necessary, revoke licenses issued under Section 11 at any time with or without assigning any reason.

14. Period During Which Hunting May Be Prohibited

His Majesty's Government may, by notification in the Nepal Rajapetra, prescribe the time during which hunting will be prohibited in the prescribed area for the period prescribed in such notification.

15. License for Collection of Samples

- (1) No person shall be allowed to collect samples inside any national park, reserve or any other habitant of wild life for the purpose of scientific research without obtaining a license.
- (2) Any person desirous of obtaining a license under Sub-Section (1) shall submit an application in the prescribed form to the prescribed officer.
- (3) On receipt of the application submitted under Sub-Section (2), the prescribed officer may issue a license to the applicant on payment of the prescribed fee permitting him to hunt any wild animal or bird other than those mentioned in Schedule 1, or collect any insect, bacteria, fish or any natural product subject to the fulfillment of the prescribed conditions.

16. Management of National Parks or Reserves

The prescribed officer may, if he so deems necessary for the proper management of a national park or reserve, hunt, remove any natural product, or perform any other necessary function inside the national park or reserve.

16A. Forest Products or other Services may be made Available

The prescribed officer may make available prescribed forest products or other services on payment of the prescribed fees inside national parks or reserves.

17. Trophy to be Produced Before Licensing Authority

- (1) Any person who secures a trophy under a license obtained by him shall produce it before the licensing authority, or the person designated by him, within 24 hours, excluding the time required for the journey.
- (2) The licensing authority shall maintain records of the trophies produced before him under Sub-Section (1) and hand over the whole body or part of such wild life animal or bird to the person who has produced it before him along with a certificate in the prescribed form, in case he is satisfied that the trophy has been secured according to license.

Provided that:

In case the license has been issued on the condition that the whole body or part of the wild animal or bird which has been hunted shall accrue to His Majesty's Government, action shall be taken accordingly.

18. Prohibition to Possess Trophies without Certificate

- (1) Any person who has secured trophies prior to the enforcement of this act shall produce such trophies before the prescribed officer within the prescribed time limit and obtain a certificate in the prescribed form.
- (2) His Majesty's Government may confiscate any trophy which is possessed without obtaining a certificate under Sub-Section (1) or Sub-Section (2) of Section 17.

19. Prohibition to Sell, Supply or Deal in Trophies without License

- (1) No person shall be permitted to sell or supply trophies, or relinquish his title thereto or deal in trophies in any manner without obtaining a license from the prescribed authority.
- (2) Any person who has acquired title to any trophy through purchase or transfer from a person who has obtained a license according to Sub-Section (1) shall register such trophy with the prescribed authority within the prescribed time limit and obtain certificate of ownership thereof.

20. Recommendation to be Obtained for Export or Import of Trophies

Any person desirous of exporting any trophy from the Kingdom of Nepal or importing it in accordance with current Nepal law shall obtain the written recommendation of the Ministry of Forests and Soil Conservation of His Majesty's Government (for such export or import).

21. Right to take Necessary Action in Self-Defense

- (1) In case any person is left with no alternative but to use arms or take any other measures against the actual and sudden attack of any wild animal to save his life or that of any other person or domesticated animal, he may do so, and in case any wild animal is killed or wounded in the process, he shall not be deemed to have committed any offense punishable under this act.
- (2) In case any wild animal is killed or wounded in circumstances mentioned in Sub-Section (1), the prescribed officer shall be notified accordingly within 24 hours after such event, excluding the time required for the journey.
- (3) The privilege mentioned in Sub-Section (1) shall not be granted to persons who are found to be acting in contravention of this act or the rules framed hereunder.

22. Prohibition To Damage Boundary Markers

No person shall destroy, damage, disfigure, remove or otherwise harm boundaries, enclosures, walls, sign boards or notices inside any national park or reserve.

23. Power to Inspect and Search

In case there is reason to believe that any person has taken any action in contravention of the act, and in case it becomes necessary to procure evidence or proof of such action, or to arrest him, the prescribed officer may, after securing a warrant from the prescribed authority, enter into and search at any time the house, compound, land or vehicle of any type belonging to such person.

Provided that:

In case the prescribed officer feels that it may take some time to obtain a warrant for entering into and searching any house, compound, land or vehicle and that the offender is likely to abscond or suppress evidence of his offense during such time, he may, after preparing written records accordingly, enter into and search such house, compound, land or vehicle at any time.

Explanation:

Officers below the rank specified in section 30 shall not be empowered to enter into any house, compound, land or vehicle without warrant under this act. In circumstances in which the offender is not arrested, or evidence of his offense is not recovered in the course of such entry or search without warrant, the officer making entry or conducting search shall issue a certificate of such entry or search to the concerned person, and also forward a written notice to the prescribed officer within 15 days of such entry or search indicating the reasons for doing so.

24. Power to Arrest Without Warrant

- (1) In case there is reason to believe that any person who has committed offenses punishable under this act is likely to abscond, the empowered officer may arrest him without warrant. The person arrested in this manner shall be produced for legal action before the authority hearing cases within 24 hours, excluding the time required for the journey.
- (2) In case any offender, or any of his accomplices resorts to violence in an attempt to free him or prevent his arrest, or in case he escapes while being arrested, or after he is arrested by the appropriate officer under Sub-Section (1), or in case the life of the person making the arrest appears to be in danger, or in case he has no alternative but to resort to the use of arms, he may open fire, aiming as far as possible below the knee, and if any person dies as a result of such firing, it shall not be deemed to be an offense .

25. Reward

- (1) Any person who furnishes information about a poacher who kills or injures rhinoceros, tiger, or musk-deer leading to his arrest may be rewarded with a sum not exceeding Rs. 5,000 .
- (2) Any person who furnishes information about a person who is in unlawful possession of trophies leading to his arrest, or who arrests such person, may be granted a reward of 50 percent of the proceeds of the auction sale of the trophies thus recovered, or, in case the trophies cannot be sold by auction from the viewpoint of wild life conservation, a sum of not more than Rs. 10,000 with due consideration to the condition, importance, and quantity of such trophies.
- (3) Any person, who furnishes information about an offence under this act, other than those mentioned in Sub-Section (1) and Sub-Section (2), which leads to the arrest of the accused, may be granted a reward amounting to not more than Rs. 1,000.

26. Penalties

- (1) Any person who keeps rhinoceros horn or musk-pods in his possession in an unlawful manner with the intention of selling them, or sells, purchases, transfers, or acquires rhinoceros horn or musk-pods, shall be punished with a fine ranging between Rs. 5,000 and Rs. 25,000, or with imprisonment for a term ranging between one year and five years or with both, according to the quantity thereof.

- (2) Any person who hunts and kills, or injures any protected wild life other than birds, shall be punished with a fine ranging between Rs. 5,000 and Rs. 25,000, or with imprisonment for a term ranging between one year and five years, or with both.
- (3) Any person who hunts and kills or injures wild life other than birds and fish inside national parks, regulated natural preserves, or wild life sanctuaries without licence shall be punished with a fine ranging between Rs. 1,000 and Rs. 10,000, or with imprisonment for a term ranging between six months and two years, or with both.
- (4) Any person who hunts and kills or injures protected birds shall be punished with a fine ranging between Rs. 500 and Rs. 10,000, or with imprisonment for a term ranging between three months and two years or with both.
- (5) Any person who hunts and kills or injures birds other than protected birds inside national parks, regulated natural reserves, or wild life sanctuaries without licence shall be punished with a fine ranging between Rs. 200 and Rs. 10,000, or with imprisonment for a term ranging between three months and two years, or with both.
- (6) In cases other than those mentioned in Sub-Section (1), (2), (3), (4), and (5), any person who commits an offense in contravention of this act or the rules framed hereunder shall be punished with a fine not exceeding Rs. 10,000, or with imprisonment for a term not exceeding two years, or with both.

27. Penalties for Accomplices

In case anybody wilfully helps any person in committing any offense punishable under this act, such accomplice shall be liable to half of the punishment due to the actual offender.

Provided that:

A person who helps in committing any offense affecting rhinoceros, tiger, musk-deer and elephant shall be awarded the same punishment as is due to the offender.

28. Power to Confiscate

In case any person accused of contravening this act or the rules framed hereunder is convicted, the adjudicating authority may confiscate the trophies, weapons, means of transport, and other materials connected with such offense.

Provided that a hunting dog which is seized may be killed on the order of the adjudicating authority before the case is disposed of.

29. His Majesty's Government to be Plaintiff

All cases filed under this act shall be prosecuted with His Majesty's Government as plaintiff.

30. Investigation And Filing of Cases

- (1) All investigations into offenses punishable under this act shall be conducted by a ranger or an employee up to the rank of Subedar who is connected with forest and wild life management or by an employee at least of the rank of Non-Gazetted Class I or by an employee at least of the rank of Inspector in the Police Force. On completion of such investigations, such employee shall file a case before the appropriate authority in the name of the National Park Office, or the Preserve Office or the Wild Life Protection Office, or the Forest Office or any other office discharging functions relating to forests, as the case may be.
- (2) While filing a case before the authority competent to hear cases under Sub-Section (1), the appropriate officer may consult a government lawyer.

31. Power To Hear Cases

- (1) The power to hear and dispose of cases under this act shall be vested in the prescribed court or authority.
- (2) While disposing of cases under Sub-Section (1), the prescribed court or authority shall follow the same procedure as is adopted by a court with original jurisdiction.
- (3) An appeal may be filed before the Zonal Court against the decision made or order issued by the court or authority prescribed under Sub-Section (1) within 35 days after such decision is made or order issued.

32. Power of His Majesty's Government to Amend Schedules

His Majesty's Government may, by notification in the Nepal Rajapatra, make amendments in the Schedules to this act.

33. Power to Frame Rules

His Majesty's Government may frame rules for the purpose of implementing the objectives of this act.

34. Repeal and Saving

- (1) The 1976 Wild Life Conservation Act has been repealed.
- (2) In matters provided for in this act or the rules framed hereunder, action shall be taken accordingly, and in other matters, action shall be taken in accordance with the current Nepal law.

Schedule 1

(Pertaining to Rule 10)

Protected Wild LifeMammals

Assamese red monkey

Macaca assamensis

Pangolin (Scaly anteater)

Manis crassidata and
Manis PetadactylaHispid hare

Caprolagus hispidus

Sons

Platanista Gangetica

Wolf

Canis lupus

Himalayan brown bear

Ursus arctos

Red Panda

Ailurus fulgens

Lingsang

Praonodon Pardicler

Stripped hyena

Hyanena hyanena

Leopard Cat

Felis bengalensis

Lynx

Felis lynx

Clouded leopard

Neofelis nebulosa

Tiger

Panthera tigris

Snow leopard

Panthera uncia

Wild Elephant

Elephas maximus

Mammals

Rhinoceros

Rhinoceros Unicornis

Small boar

Sus Salmanus

Musk-deer

Moschus moschiferus

Swamp deer

Cervus duvauceli

Bison

Bos garus

Yak, nak

Bos grunniens

Wild buffalo

Bubalus bubales

Mammals

Nayan

Chiru

Black buck

Four-horned antelope (Chauka)

Ovis ammon

Pantholops Hodgsoni

Antilope cervicapra

Tetracerus quadricornis

Birds

Black stork

White stork

Sarus crane

Chir Pheasant

Impeyan Pheasant (damphe)

Crimson-horned pheasant (monal)

Peafowl (Kharmajur)

Small do.

Grey horn bill (Thulo Dhanesh)

Ciconia nigra

Ciconia ciconia

Grus grus

Catreus wallichii

Lophophorus impeyanus

Tragopan satyra

Thapodotis bengalensis

Ciphi Otides indica

Buserus wicarnis

Reptiles

Python (Ajingar)

Bhariyal gohi

Sungohoro

Python Species

Gavialis gangeticus

Varanus flamesens
