

National Parks and Wildlife Conservation Act, 2029 (1973)

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Amendment Act

1. National Parks and Wildlife Conservation (first Amendment) Act, 2031(1975)”. 2. National Parks and Wildlife Conservation (Second Amendment) Act, 2039(1982)”. 3. National Parks and Wildlife Conservation (Third Amendment) Act, 2046 (1989)”. 4. Administration of Justice Act, 2048 (1991) 5. National Parks and Wildlife Conservation (Fourth Amendment) Act, 2049 (1992)”. 2031/6/20 2039/9/8. 2046/6/11 2048/2/16 2050/2/27
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Preamble: Whereas it is expedient to make arrangement for the management of national parks, conservation of wildlife and their habitat, regulate hunting and to conserve, promote, develop, and make appropriate arrangements for and the use of places which are of special importance from the point of view of natural beauty and to maintain good manners and welfare of the general public,

His Majesty King Birendra Bir Bikram Shah Dev enacted this Act on the advice and consent of the National Panchayat.

1. **Short title, extent and commencement** : (1) This Act may be called “National Parks and Wildlife Conservation Act, (2029)”.

(2) This Act shall be applicable throughout Nepal.

(3) This Act shall come into force on such a date as prescribed by Government of Nepal publishing a notice in the Nepal Gazette.♥

2. **Definitions**: Unless the subject or context requires, in this Act:

a. “National Park” means an area set aside for the conservation, management and utilization of *flora, fauna* and scenery along with the natural environment.

b. “Strict Nature Reserve” means an area of ecological importance or

♥ This Act came into force on 2030/6/4(1973) after publishing a notice in the Nepal Gazette.

important otherwise and set aside for scientific studies.

- c. “Wildlife Reserve” means an area set aside for the conservation and management of wildlife resources and their habitats.
- d. “Hunting Reserve” means an area set aside for the management of wildlife for allowing hunters to hunt them.
- e. “Reserve” means.....[∞] Strict nature reserve, wildlife reserve and hunting reserve.
- [‡](e1) “Conservation Area” means an area to be managed according to an integrated plan for the conservation of natural environment and balanced utilization of natural resources.
- ^{*}(e2) “Buffer Zone” means a peripheral area of a national park or reserve prescribed under the Section 3a in order to provide facilities to use forest resources on a regular and beneficial basis for the local people.
- ^{*}f. “Wildlife” means mammals, birds, reptiles, pieces, amphibians and insects of any kind other than domesticated and this term also includes the eggs of Oviparous creatures.
- (g) “Arms” means any type of gun, pistol or similar other firearms, bow, arrow, spear, trap, snare, booby-trap, catapult or any other weapons that may cause injury.
- (h) “Hunting” means the act of chasing, capturing, torturing or killing of any wildlife by any means or attempting to do so or extracting any part of its body or eliminating it or taking out or destroying its eggs or taking out, destroying or disturbing its nest.
- (i) “Trophy” means the living or dead body of any wildlife or any such part thereof, which can be identified.
- (j) “Authorized Officer” means an officer prescribed by Government of Nepal by publishing a notice in the Nepal Gazette.

[∞] Deleted by second Amendment.

[‡] Inserted by third Amendment.

^{*} Inserted by fourth Amendment.

^{*} Amended by second Amendment.

* (j1) “Warden” means a person appointed by Government of Nepal for the conservation and management of national park, reserve, conservation area or buffer zone.

(k) “Prescribed” or “as prescribed” means prescribed or in the manner prescribed

[∇]3. **Government of Nepal may declare national park, reserves or conservation**

area: (1) Government of Nepal may, if it deems necessary, declare an area as a national park or reserve or conservation area by publishing a notice in the Nepal Gazette and indicating the boundary thereof.

(2) Government of Nepal may abandon or transfer the ownership or alter the boundaries of an area, which has once been declared as a national park, reserve or conservation area by publishing a notification in the Nepal Gazette.

*3a. **Buffer zone may be declared** : (1) Government of Nepal may declare any peripheral area of a national park or reserve as a buffer zone by publishing notification in the Nepal Gazette and indicating the boundaries thereof.

(2) Government of Nepal may, abandon or transfer the ownership, or alter the boundaries of the buffer zone prescribed under the Sub-Section (1) by publishing notification in the Nepal Gazette.

*3b. **Management and conservation of the buffer zone** : The Warden shall carry out works relating to the management and conservation of the buffer Zone.

Provided that ownership of the land of the local People shall not be affected while managing and conserving the area.

*3c. **Compensation to be given** : In case any house or land of a local resident located inside a buffer zone falls within the existing natural boundary of a national park

* Inserted by fourth Amendment.

[∇] Amended by third Amendment.

* Inserted by fourth Amendment.

* Inserted by fourth Amendment.

* Inserted by fourth Amendment.

or reserve as a result of flood or landslide, and if such inhabitant's house is destroyed, the concerned national park or reserve, on the recommendation of the user committee formed under Section 16c, shall pay a reasonable compensation to him\her from the amount allocated for community development under Section 25a.

4. **Restriction on entry into national park:** (1) No person shall be allowed to enter *into a national park or reserve without obtaining an entry permit as prescribed or a written permission from the authorized official.

Provided that, this Sub-Section shall not be applied to government employees who are on deputation or to persons who have the privilege of right-of-way *into the national park or reserve.

(2) The design, type, fee and other conditions of the entry permit mentioned in the Sub-Section (1) shall be as prescribed.

5. **Prohibited actions within national park or reserve:** No person shall carry out the following actions *within national park or reserve without obtaining a written permission from the authorized official:

- a. To hunt wildlife,
- b. To construct or possess house, hut, shelter, or any other structures of any material,
- c. To occupy, clear, reclaim or cultivate any part or grow or harvest any crop,
- d. To graze any domestic animal or bird, or feed water to it,
- e. To cut, clear, fell, remove or block trees, plants, bushes or any other forest resources, or do anything to cause any forest resources dry, or set it on fire, or otherwise harm or damage it,
- f. To dig mines, stones or remove any mineral, stone, boulder, earth or any other similar material,

* Amended by second Amendment.

* Amended by second Amendment.

* Amended by second Amendment.

- g. To cause damage to forest resources or wildlife or birds or any land,
- h. To carry arms, ammunition or poison, or use them,
- i. To take any domestic or any other kind of animal or trophy by persons other than government employees on deputation or visitors of the public paths *within the national park or reserve, and
- j. To block, divert any river or stream flowing through national park or reserve, or any other source of water, or use any harmful or explosive materials therein.

6. ***Operation of services within national park or reserve** : (1) Government of Nepal may, in the utmost interest of ♦the national park, reserve or conservation area, make arrangements for operating hotels, lodges, public transport services or similar other services or facilities by itself or through other parties by entering into a contract by following the prescribed procedure.

(2) No person shall operate services or facilities of any kind ♦within the national park, reserve or conservation area without entering into a contract under the Sub-Section (1).

7.[∞]

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9. **Personal liability to enter into national park or reserve** : (1) Entering into a national park or reserve shall be one's own Responsibility.

(2) In case any person dies or sustains any injury, loss or damage within the national park or reserve, Government of Nepal shall not be liable to pay any compensation for such death, injury, loss or damage.

10. **Protected wildlife** : The wildlife mentioned in Schedule-1 of this Act shall be considered as the protected wildlife and their hunting is prohibited.

*Provided that:

* Amended by second Amendment.

* Amended by second Amendment.

♦ Amended by fourth Amendment.

♦ Amended by fourth Amendment.

∞ Deleted by second Amendment.

- a. A rogue wild elephant, a man-eater tiger and wildlife that suffers from disease or have become disabled and may not survive, shall be killed or captured on the order of the prescribed officer.
- b. In case it is deemed necessary to kill wildlife, which come out of the forested area and cause considerable loss to human beings or to domestic birds and animals, they may be killed, captured or chased on the order of the prescribed officer.

11. **Prohibition to hunt without a license** : ^{*}(1) No person shall be permitted to hunt wildlife without obtaining a license.

Provided that there is no need to obtain license for hunting the prescribed wildlife.

(2) Any person who is interested to obtain a license under the Sub-Section (1) shall submit an application to the prescribed officer as prescribed and, if such an application is received, the prescribed officer shall, after collecting the prescribed fees, issue a license in the prescribed format and type to hunt ^{*}wildlife.

(3) The person who obtains license under Sub-Section (2) shall hunt in accordance with the prescribed terms and conditions.

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

12. **Fixation of annual quota for hunting** : The prescribed officer shall determine the annual quota of wildlife that may be hunted inside the hunting reserve in a year on the basis of wildlife censuses conducted from time to time.

13. **Government of Nepal may cancel license** : Government of Nepal may, if it deems necessary, cancel the license issued under Section 11 at any time with or without giving any reason.

14. **Prohibited period for hunting**: Government of Nepal may prescribe hunting prohibited

[∞] Deleted by second Amendment.

^{*} Amended by second Amendment.

^{*} Amended by second Amendment.

^{*} Amended by second Amendment.

period and the area by publishing a notice in the Nepal Gazette.

15. **Obtaining license for the collection of specimen:** (1) No person shall be allowed to collect any specimen from *national park, reserve or any other wildlife habitat for scientific research without obtaining a license.

(2) Any person who is interested to obtain a license under Sub-Section (1) shall have to submit an application to the prescribed officer in a prescribed form.

(3) If an application is received in accordance with the Sub-Section (2), the prescribed officer may issue a license to the applicant by collecting the prescribed fee, to hunt any wildlife 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 Park and Reserve:** The prescribed officer may, if he\she deems necessary for the proper management of a national park or reserve, hunt, remove any natural resources or perform any other necessary activities inside the national park or reserve.

- †16a. **Forest products and other services could be provided :** The prescribed officer may provide prescribed forest products or other services by collecting prescribed fees inside a national park or reserve.

- †16b. **Management of conservation area :** Government of Nepal may, by publishing a notification in the Nepal Gazette, entrust the management of any conservation area declared under the Sub-Section (1) of the Section 3 to any institution established with the objective of conserving nature and natural resources for the period prescribed in such notification.

- †16c. **Users committee :** (1) The warden, in co-ordination with local authorities, may form a users committee for the management of fallen trees, dry wood, firewood and grass in a national park, reserve, conservation area or buffer zone.

(2) Other rights, duties and responsibilities of the users committee formed

* Amended by second Amendment.

† Inserted by second Amendment.

‡ Inserted by third Amendment.

§ Inserted by fourth Amendment.

under Sub-Section (1) shall be as prescribed.

17. **Trophy will have to be produced before the licensing authority** : (1) Any person who secures a trophy under the license obtained by him\her shall have to produce it before the licensing authority or the officer designated by him\her within 24 hours excluding the time required for journey.

(2) The licensing authority shall maintain records of the trophies produced before him\her under sub-Section (1) and hand over the whole body or part of such wildlife to the person who has submitted it before him\her along with a certificate in the prescribed form if the authority is satisfied that the trophy has been secured in accordance with the license.

Provided that, if the license has been issued on the condition that the whole body or part of the wildlife that was to be hunted should be owned by Government of Nepal, the condition shall apply accordingly.

18. **Prohibition to possess trophy without a certificate** : (1) Any person, who has secured trophy prior to the implementation of this Act, shall produce such trophy before the prescribed officer [‡]within the prescribed time limit and obtain a certificate in the prescribed form.

(2) Government of Nepal may seize any trophy that is possessed without obtaining a certificate under the Sub-Section (1) or the Sub-Section (2) of the Section 17.

- *19. **Prohibition to sell, supply or conduct trade in trophy without license**: (1) No person shall be permitted to sell or supply trophy, or hand over his\her title in any manner or conduct trade in trophy 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 pursuant to Section (1) shall register such trophy with the prescribed authority within the prescribed time limit and obtain a certificate of ownership of the trophy.

[‡] Amendment by first Amendment.

* Amended by second Amendment.

20. **Recommendation to be obtained for export or import of a trophy** : Any person interested to export any trophy from Nepal or import in accordance with the prevailing Nepalese law shall obtain a written recommendation of Government of Nepal, *Ministry of Forests and Soil Conservation for such export or import.
21. **Necessary action can be taken for self-defense** : (1) To save one's own life or any other person's life or domestic animal from the actual and sudden attack of any wildlife, and when one is left with no option but to use arms or take any other measures against such wildlife, he\she may act accordingly. If any wildlife is killed or wounded in such action, it shall not be considered a crime committed under this Act.
- (2) In case any wildlife is killed or wounded as mentioned in Sub-Section (1), a notice shall have to be given to the prescribed officer within 24 hours of such action excluding the time required for journey.
- (3) The privilege mentioned in the Sub-Section (1) shall not be available to the persons, who has been acting in contravention of this Act or the Rules framed under the act.
22. **Prohibition to damage boundary markers** : No person shall destroy, dismantle, disfigure, remove or otherwise obstruct the boundaries, enclosure, wall, signboards or notices of a ♦national park, reserve, conservation area or buffer zone.
23. **Power to inspect and search** : The prescribed officer may, after securing a warrant from the prescribed officer, enter into and search the house, compound, land or all types of vehicle belonging to a person at any time or to arrest him\her if there is a reasonable ground to believe that the person has done any act in contravention of this Act, and it becomes necessary to collect the evidence or proof of such action.
- Provided that, there is a possibility that it may take some time to obtain a warrant to enter into and search any house, compound, land or vehicle and that the

* Amended by second Amendment.

♦ Amended by fourth Amendment.

offender is likely to abscond or suppress evidence of his\her offense during the time, the prescribed officer may enter into and search such house, compound, land or vehicle at any time after duly preparing written records of such matters.

Explanation: Officers below the rank as specified in Section 30 shall not enter into and search any house, compound, land or vehicle without a warrant under this Section. In the circumstances when the offender is not arrested or evidence is not recovered in the course of such entry or search without a warrant, the officer making such 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 and search, indicting the reasons for doing so.

24. **Power to arrest without warrant:** (1) In case there are reasonable grounds to believe that the offender under this Act is likely to escape, the authorized officer may arrest him\her without a warrant. The arrested person shall be produced before the adjudicating authority for legal action within 24 hours excluding the time required for journey.

(2) In case any offender, or any of his\her accomplices resort to violence in an attempt to free him\her or resist his\her arrest or struggles after his\her arrest by the authorized officer under the Sub-Section (1), or if a circumstance arises when the offender tries to escape or his accomplices tries to free him\her 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\she may open fire aiming, as far as possible, below the knee, and if the offender or the accompanies dies as a result of such firing, it shall not be deemed to be an offense.

- *25. **Reward may be given :** ♦(1) Any person who furnishes information that leads to the arrest of a poacher who has killed or injured rhinoceros, tiger, elephant, musk deer, clouded leopard, snow leopard or bison, may be rewarded with an amount of up to fifty thousand rupees. Any person who furnishes information about a poacher who

* Amended by second Amendment.

has killed or injured any other protected animals, other than the wildlife mentioned above, and leads to his arrest may be rewarded with an amount of up to twenty five thousand rupees.

(2) Any person who furnishes information about a person, who is in unlawful possession of trophies and if the information leads to the arrest of the illegal possessor, or who captures such person may be rewarded fifty percent of the amount collected from the auction of the trophies if such trophies are auctioned. In case the trophies cannot be sold by auction from the point of view of wildlife conservation, an amount of up to ten thousand rupees could be rewarded, considering the condition, importance and quantity of such trophies.

(3) Any person who furnishes information about an offense under this Act other than those mentioned in Sub-Section (1) and (2), which leads to the arrest of the accused may be rewarded with up to one thousand rupees.

‡25a. **May be expended for the community development** : Up to thirty to fifty percent of the amounts earned by a national park, reserve or conservation area may be expended, in co-ordination with the local authorities for community development of local people.

*26. **Punishment:** ♦(1) Any person who illegally kills or injures, sells, purchases or transfers or obtains rhinoceros, tiger, elephant, musk deer, clouded leopard, snow leopard or bison, or keeps, purchases or sells rhinoceros horn or musk-pods or the fur of snow leopard as well as trophies of any other protected wildlife, shall be punished with a fine ranging from fifty to one hundred thousand rupees or an imprisonment ranging from five years to fifteen years or both.

♦(2) Any person who kills or injures any other protected wildlife other than those mentioned in Sub-Section (1) shall be punished with a fine ranging from forty

♦ Amended by fourth Amendment.

‡ Inserted by fourth Amendment.

* Amended by second Amendment.

♦ Amended by fourth Amendment.

♦ Amended by fourth Amendment.

to seventy five thousand rupees, or face an imprisonment ranging from one year to ten years or both.

(3) Any person who hunts and kills or injures wildlife other than birds and fish inside a national park, strict nature reserve or wildlife reserve without obtaining a license shall be punished with a fine ranging from one thousand rupees and ten thousand rupees or face imprisonment ranging from six months to two years or both.

(4) Any person who hunts and kills or injures protected birds shall be punished with a fine ranging from five hundred rupees and ten thousand rupees or face imprisonment ranging from three months and two years or both.

(5) Any person who hunts and kills or injures birds other than protected birds inside a national park, strict nature reserve or wildlife reserve without obtaining a license shall be punished with a fine ranging from two hundred rupees and ten thousand rupees, or face imprisonment ranging between three months and two years or both.

(6) Any person who commits an offense other than those mentioned in Sub-Section (1), (2), (3), (4) and (5), in contravention of this Act or the Rules framed under the Act shall be punished with a fine up to ten thousand rupees or two years imprisonment or both depending on the nature of the case.

27. **Punishment for accomplices:** In case any person who knowingly helps any person in committing any offense punishable under this Act, such accomplice shall be punished with half the punishment to be given to the principal offender.

Provided that a person who helps in committing any offense related to rhinoceros, tiger, [‡]musk deer or elephant shall be punished with the penalty equivalent to the one awarded to the principal offender.

28. **Power to confiscate:** In case any person accused of breaking this Act or the Rules framed under this Act is convicted, the adjudicating authority may confiscate the trophies, weapons, means of transport and other materials connected with such

[‡] Inserted by second Amendment.

offense.

Provide that, the seized hunting dog may be killed on the order of adjudicating official before the case is disposed of.

29. **Government of Nepal to be the plaintiff** : Government of Nepal shall be the plaintiff in the cases under this Act.
30. **Investigation and filling of cases** : (1) All investigations of offenses under this Act shall be conducted by a Ranger or an employee up to the rank of Subedar who is connected with forest and wildlife management or by an employee at least of the rank of Non-Gazette Class First or by an employee at least with the rank of sub-inspector in the Police force. Upon the completion of such investigations, he\she shall file the case before the adjudicating officer in the name of national park office or reserve office or wildlife conservation office or forest office or any other office discharging the functions relating to forests.
 - (2) While filling a case before the Adjudicating Authority under the Sub-Section (1), the concerned officer may consult a Government Attorney.
31. **Power to hear cases** : (1) The prescribed court or Authority shall have the power to hear and dispose of cases under this Act.
 - (2) While disposing of cases under Sub-Section (1), the prescribed court or Authority shall follow the same procedure adopted by the court with original jurisdiction.
 - (3) An appeal may be filed before [□]the Appellate 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 Government of Nepal to amend in schedule** : Government of Nepal may, by publishing a notification in the Nepal Gazette make amendment in the schedules of this Act.
33. **Power to frame Rules** : Government of Nepal may frame Rules to fulfil the objectives of this Act.

[□] Amended by Administration of justice Act,2048

34. **Repeal and saving** : (1) The Wildlife Conservation Act, 2015 (1976) has been repealed.

(2) In matters written in this Act or the Rules framed hereunder, actions shall be taken accordingly, and in other matters, action shall be taken in accordance with the prevailing laws of Nepal.

schedule-1

[Relating to Section 10]

Protected Wildlife

Mammals

Assamese Monkey	- <i>Macaca assamensis</i>
Pangolin	- <i>Manis crassicaudata and Manis pentadactyla</i>
Hispid Hare	- <i>Caprolagus hispidus Gangetica</i>
Dolphin	- <i>Platanista gangetica</i>
Grey Wolf	- <i>Canis lupus</i>
Himalayan Brown Bear	- <i>Ursus arctos</i>
Red Panda	- <i>Ailurus fulgens</i>
Lingsang	- <i>Prionodon pardicolor</i>
Striped Hyena	- <i>hyaena hyaena</i>
Leopard Cat	- <i>Felis (Prionailurus) bengalensis</i>
Lynx	- <i>Lynx lynx</i>
Clouded Leopard	- <i>Neofelis nebulosa</i>
Tiger	- <i>Panthera tigris tigris</i>
Snow Leopard	- <i>Uncia uncia</i>
Wild Elephant	- <i>Elephas maximus</i>
One-horned rhinoceros	- <i>Rhinoceros unicornis</i>
Pygmy Hog	- <i>Sus salvanius</i>
Musk Deer	- <i>Moschus chrysogaster</i>
Swamp Deer	- <i>Cervus duvaucelii</i>
Gaur	- <i>Bos gaurus</i>
Wild Yak	- <i>Bos grunniens (mutus)</i>
Wild Buffalo	- <i>Bubalus arnee</i>

Great Tibetan Sheep	- <i>ammon hodgsonil</i>
Tibetan Antelope	- <i>Pantholops hodgsoni</i>
Black buck	- <i>Antilope cervicapra</i>
Four-horned Antelope	- <i>Tetracerus quadricornis</i>

Birds

Black Stork	- <i>Ciconia nigra</i>
White Stork	- <i>Ciconia ciconia</i>
Sarus Crane	- <i>Grus antigone</i>
Cheer Pheasant	- <i>Catreus wallichii</i>
Impeyon pheasant	- <i>Lophophorus impejanus</i>
Crimson-horned Pheasant	- <i>Tragopan satyra</i>
Bengal Florican	- <i>Houbaropsis bengalensis</i>
Lesser Florican	- <i>Eupodotis indica</i>
Giant Hornbill	- <i>Buceros bicomis</i>

Reptiles

Python	- <i>Python molurus Gharial</i>
Crocodile	- <i>Gavialis gangeticus</i>
Golden Monitor Lizard	- <i>Varanus flavescens</i>