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THE PUNJAB PROTECTED AREAS ACT 2020

(XXIII of 2020)

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TEXT

'THE PUNJAB PROTECTED AREAS ACT 2020
(XXIII of 2020)

[10th September, 2020]

An
Act

*to provide for the protection, preservation, conservation and management of
ecologically important areas.*

It is necessary to make provisions for protection, preservation, conservation and management of ecologically important areas; and for the ancillary matters.

Be it enacted by Provincial Assembly of the Punjab as follows:

Chapter I
Preliminary

1. Short title, extent and commencement.— (1) This Act may be cited as the Punjab Protected Areas Act 2020.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— (1) In this Act:

(a) “Administrative Department” means Forestry, Wildlife and Fisheries Department of the Government;

(b) “biodiversity” means flora, fauna and organic resources;

(c) “Board” means the Management Board constituted under section 4 of this Act;

(d) “buffer zone” means an area declared as a buffer zone by the Government under this Act;

(e) “Government” means Government of the Punjab;

(f) “habitat” in relation to a species means a place or type of site where such species naturally found;

(g) “honorary warden” means an honorary warden appointed under section 30 of this Act;

(h) “hunt” includes killing, capturing or taking the nest or egg of a species of a wild animal;

(i) “management authority” means an authority notified under section 14 of this Act;

¹This Act was passed by the Provincial Assembly of the Punjab on 02 September 2020; assented to by the Governor of the Punjab on 08 September 2020; and, was published in the Punjab Gazette (Extraordinary), dated: 10 September 2020, pp. 1057-1066.

- (j) “management plan” means a document for improvement and propagation of wildlife resources;
- (k) “organization” means an entity or organization registered under any law for the time being in force;
- (l) “prescribed” means prescribed by the rules or the regulations;
- (m) “protected area” means the area notified as a protected area under section 3 of this Act;
- (n) “regulations” means the regulations framed under this Act;
- (o) “rules” means the rules made under this Act;
- (p) “species” means a kind of animal, plant or other organism including any subspecies, cultivar, variety, geographic race, strain, hybrid or geographically separate population;
- (q) “wetland” means a distinct ecosystem that is inundated by water either permanently or seasonally with significant value for resident or migratory fauna and flora;
- (r) “wildlife” includes organic resources, animals, birds, reptiles, vegetation, soil and water;
- (s) “wild animal” means wild animals, birds, reptiles and invertebrates under this Act;
- (t) “wilderness area” means a large unmodified or slightly modified area, retaining its natural character and influence without permanent or significant human habitation, which is protected and managed to preserve it in natural condition;
- (u) “wildlife reserve” means an area declared as wildlife reserve to conserve ecosystems and habitats together with associated cultural values and traditional natural resource management systems; and
- (v) “wildlife sanctuary” means the area declared as a wildlife sanctuary to protect particular species or habitats and to address the requirements of particular species or to maintain habitats.

Chapter II

Protected Areas

3. Protected areas.– (1) The Government may, by notification in the official Gazette, declare an area to be called a protected area, with a specific name from any of the following categories:

- (a) a national park;
- (b) a nature reserve;
- (c) a wildlife sanctuary;
- (d) a wilderness area;
- (e) a buffer zone;
- (f) a wildlife reserve; and

- (g) a wetland.
- (2) Purposes of notifying a protected area may be to:
 - (a) protect biological diversity, its natural landscapes and waterscapes;
 - (b) preserve ecological integrity and conserve biodiversity;
 - (d) protect ecosystem, habitats and species naturally occurring;
 - (e) protect threatened or rare species;
 - (f) protect an area which is vulnerable or ecologically sensitive;
 - (g) ensure sustainable use of natural and biological reserves;
 - (h) promote nature-based tourism;
 - (i) manage the relationship between a buffer zone and other protected areas;
 - (j) rehabilitate and restore degraded ecosystems and promote the recovery of endangered and vulnerable species; and
 - (k) promote research on biological diversity conservation.
- (3) A notification under this section shall not be issued in respect of an area unless such area:
 - (a) possesses significant genetic, biological or ecological resources; or
 - (b) constitutes the habitat of native species of wild fauna and flora of unique provincial, national or international importance; or
 - (c) requires special measures to be taken to conserve the same.

4. Board.— (1) As soon as may be but not later than thirty days of the commencement of this Act, the Government shall constitute a Board to be called the Management Board.

- (2) The Board shall consist of:
 - (a) Secretary to the Government, Forestry, Wildlife and Fisheries Department; Chairperson
 - (b) Secretary to the Government, Finance Department; member
 - (c) Secretary to the Government, Irrigation Department; member
 - (d) Secretary to the Government, Environment Protection Department; member
 - (e) Director General, Wildlife and Parks, Punjab; member/Secretary
 - (f) four non-official members from whom at least one shall be a wildlife expert and one shall be an environmental expert;
 - (g) two persons interested in wildlife and nature; members
 - (h) one representative of a renowned wildlife conservation or management organization; member and

(i) one representative of an international organization; member.

(3) A non-official member shall hold office for a term of three years, and may be removed by the Government without assigning any reason or he may resign by writing under his hand addressed to the Chairperson.

(4) A non-official member shall be appointed on such terms and conditions as may be prescribed.

(5) The Board shall conduct its business in such manner as may be prescribed, and until so prescribed as may be determined by the Government.

(6) An ex-officio member may be represented in a meeting of the Board by an officer nominated by such ex-officio member.

5. Functions of Management Board.— The Board shall:

- (a) advise the Government on any policy matter relating to this Act;
- (b) advise on carrying out, implementation and monitoring of the provisions of this Act;
- (c) approve, monitor and review, as the case may be, the management plan or any other plan or program relating to implementation of this Act for management of a protected area, in such manner as may be prescribed; and
- (d) perform any other function as may be assigned to it by the Government.

6. Standards.— (1) The Government shall, not later than one year from the commencement of this Act, by notification in the official Gazette, lay down standards for management and development of a protected area, and for the indicators to measure the compliance thereof.

7. National parks.— (1) The Government may, by notification in the official Gazette, declare a land owned by the Government as a national park.

(2) A notification issued under subsection (1) may only be altered or revoked by a resolution in this behalf passed by Provincial Assembly of the Punjab.

(3) The purpose of notifying a national park may be to protect an area of national or international biodiversity importance, or which contains viable samples of natural systems and scenic areas, or which is required to be protected due to the ecological integrity of one or more ecosystems.

(4) A national park shall be accessible to public for recreation, education and research subject to such restrictions as the Board may impose.

(5) The provision for access roads to and construction of rest houses, hostels, hotels and other buildings in the national park along with amenities for public may be so made and the forest therein shall be so managed, and forest produce so obtained so as not to impair the object of the establishment of the national park.

(6) The following acts shall be prohibited in a national park:

- (a) hunting of any wild animal;

- (b) firing any firearm or doing any other act which may disturb any wildlife or doing any act which interferes with the breeding places;
- (c) felling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree therefrom;
- (d) clearing or breaking up any land for cultivation, mining or for any other purpose; and
- (e) polluting water flowing in and through the national park.

provided that the Government may, for specific purposes, relating to wildlife protection, authorize the doing of the acts mentioned above except clause (e).

8. Nature reserves.– (1) The Government may by notification in the official Gazette declare a nature reserve with a specific name on a land owned by the Government, or subject to a management agreement, on a land owned by a private person.

- (2) The purposes of notifying a nature reserve shall be to:
 - (a) protect sensitive ecosystems, species or geological or physical features in the area; and
 - (b) provide special opportunities for study or research.
- (3) The following acts shall be prohibited in a nature reserve:
 - (a) hunting of any wild animal;
 - (b) felling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree therefrom;
 - (c) driving or parking a vehicle in such a manner that constitutes a nuisance, disturbance, inconvenience or danger to any other person;
 - (d) clearing or breaking up any land for cultivation, mining or for any other purpose;
 - (e) polluting water flowing in and through the nature reserves; and
 - (f) interfering with, misusing, damaging or using a building, signage, shelter, facility or infrastructure in violation of directions of the management authority.

provided that the Government may, for specific purposes relating to wildlife protection, authorize the doing of the acts mentioned above except clause (e).

9. Wildlife sanctuaries.– (1) The Administrative Department may by notification in the official Gazette:

- (a) declare an area specified in the notification as wildlife sanctuary by assigning a name thereof; and
- (b) declare a part of a nature reserve specified in the notification as a wildlife sanctuary.

- (2) The purposes of notifying a wildlife sanctuary shall be to:
- (a) protect the breeding of one or more species;
 - (b) make the area available for environmental monitoring and enforcement;
 - (c) set aside the wildlife sanctuary as undisturbed breeding ground for the protection of wildlife;
 - (d) control access of public to the area; and
 - (e) protect the forest or vegetation cover in the area.
- (3) The following acts shall be prohibited in a wildlife sanctuary:
- (a) residence;
 - (b) cultivation of any land;
 - (c) damage or destruction of any vegetation;
 - (d) hunting of any wild animal;
 - (e) using any firearm;
 - (f) introducing any exotic species of animal or plant;
 - (g) introducing any domestic animal or allow it to stray; and
 - (i) polluting any water;

provided that the Government may, for specific purposes relating to wildlife protection, authorize the doing of the prohibited acts listed in clauses (b), (c), (d), (e), (f) and (g) above.

provided further that the Director General of Wildlife may authorize residence on the wildlife sanctuary in such manner as may be prescribed.

10. Wilderness areas.– (1) The Government may by notification in the official Gazette declare a part of a nature reserve or national park specified in the notification as a wilderness area with a specific name.

(2) Before notifying a part of a nature reserve or national park as a wilderness area, the Government may consult the concerned management authority.

- (3) Purposes of notifying a wilderness area shall be to:
- (a) protect and maintain the natural character of the ecological zone, biodiversity and associated natural resources;
 - (b) provide outstanding opportunities for solitude; and
 - (c) control access which if allowed may only be by non-mechanized means.

(4) The provision for access roads to and construction of rest houses, hostels, hotels and other buildings in the national park along with amenities for public may be so made and the forest therein shall be so managed, and forest produce so obtained as not to impair the object of the establishment of the wilderness area.

- (5) The following acts shall be prohibited in a wilderness area:
- (a) hunting of any wild animal;

- (b) firing any firearm or doing any other act which may disturb any wildlife or doing any act which interferes with the breeding places;
- (c) felling, tapping, burning or in any way damaging or destroying, taking, collecting or removing any plant or tree therefrom;
- (d) clearing or breaking up any land for cultivation, mining or for any other purpose; and
- (e) polluting water flowing in and through the wilderness areas:

provided that the Government may, for specific purposes relating to wildlife protection, authorize the doing of prohibited acts listed in clauses (a), (b) and (c) above, and clearing of the land for ecological purposes.

11. Buffer zone.– (1) The Government may by notification in the official Gazette declare an area adjacent to a protected area mentioned in clauses (a), (b), (c) and (g) of section 3 as a buffer zone with a specific name.

- (2) The purposes of notifying a buffer zone shall be to:
 - (a) regulate an area as a buffer zone for conservation and protection of a protected area;
 - (b) regulate development and economic activities in the area;
 - (c) protect a specific ecosystem outside of a protected area;
 - (d) control change in land use in the area;
 - (e) control access to the protected area; and
 - (f) prepare an area for inclusion in a national park, wilderness area or any other protected area.
- (3) The buffer zone shall be:
 - (a) assessable to the public for watching biodiversity;
 - (b) available for research and training;
 - (c) available for eco-tourism; and
 - (d) subject to co-management.
- (4) The following acts shall be prohibited in a buffer zone:
 - (a) hunting of any wild animal
 - (b) using any firearm;
 - (c) introducing any exotic species of animal or plant; and
 - (d) polluting any water.

12. Wildlife reserve.– (1) The Administrative Department may by notification in the official Gazette declare a wildlife reserve with a specific name on a land owned by the Government, or subject to a management agreement, on a land owned by a private person.

(2) A land owned by the Government notified as a wildlife reserve shall be called as a public wildlife reserve, and a land owned by person notified as a wildlife reserve shall be called a private wildlife reserve.

(3) A permit to hunt in a private wildlife reserve shall be issued by the owner of such private reserve for such fee and in such manner as may be prescribed.

(4) The purposes of notifying a wildlife reserve shall be to:

- (a) to regulate an area for sustainable use of wildlife resources; and
- (b) to regulate harvesting of surplus wildlife of the wildlife reserve.

(5) Hunting of wild animals shall be prohibited in a public wildlife reserve, except under a special permit issued by the Administrative Department specifying maximum number of wild animals which may be hunted in such wildlife reserve, and the duration for which such permit shall remain valid:

13. Wetlands.– (1) The Government may by notification in the official Gazette declare a wetland with a specific name on a land owned by the Government, or subject to a management agreement, on a land owned by a private person.

(2) The purposes of notifying a wetland shall be to:

- (a) conserve the biodiversity and aquatic ecosystem of the area;
- (b) meet the national and international obligations including those contained in Ramsar Convention; and
- (c) regulate the sustainable use of wildlife resources of the area.

(3) No activities shall be allowed in a wetland except the following:

- (a) construction of watch towers and check posts;
- (b) recreation, research and training;
- (c) angling, netting or auction of fisheries;
- (d) removal of vegetation as per management plan of Irrigation Department of the Government;
- (e) provision for means of subsistence for local communities; and
- (f) construction of irrigation infrastructure:

provided that the Government may for specific purposes, authorize the doing of any other activity.

Chapter 3 Management Authorities

14. Management Authorities.– (1) The management of a protected area shall be performed by the Administrative Department or such entity of the Government as the Government may by notification in the official Gazette specify.

(2) Notwithstanding anything contained in subsection (1), the Government may assign the management of a protected area to an organization which fulfills such requirements as may be prescribed.

(3) The Administrative Department or entity of the Government or the organization to whom management of a protected area has been assigned under the preceding subsections shall be the management authority of that protected area.

(4) A management authority to whom management of a protected area has been assigned under subsection (2) shall be a body corporate, having perpetual succession and a common seal with powers, subject to the provisions of this Act, to acquire, hold and transfer property both movable and immovable, and may, by its name sue or be sued.

(5) An organization that has direct or indirect conflict of interest with the business of Management Authority under this Act shall not be assigned the management of a protected area.

15. Management plan.– (1) Every management authority shall, within one year of the commencement of this Act, prepare a management plan for the protected area concerned, and submit it to the Chief Minister for approval.

(2) When preparing a management plan for a protected area, the management authority shall consult relevant stakeholders including local communities and all affected parties which have an interest in the area, and shall also take into account any applicable aspects of a development plan in which the protected area is situated.

(3) The management authority shall manage the area exclusively for the purpose of which it is declared in accordance with the management plan, under this Act.

(4) A management plan for protected areas, except for a wildlife reserve and sanctuary, shall contain:

- (a) the terms and conditions of any biodiversity management plan;
- (b) a coordinated policy, enforcement and regulatory framework;
- (c) such planning measures, controls and performance criteria as may be prescribed;
- (d) a time bound and costed program for the implementation of the plan and its costing;
- (e) procedures for public participation, including participation by the owner, if applicable;
- (f) where appropriate implementation of community based natural resources management;
- (g) a zoning of the areas indicating what activities may take place in different parts of the area and the conservation objectives of such parts;
- (h) development of economic opportunities within and adjacent to the protected areas in terms of the integrated development plan framework; and
- (i) development of local management capacity and knowledge exchange.

(5) The Chief Minister may, on the recommendation of the Board, cancel the management plan and issue direction for submission of a revised and viable management plan.

(6) A management plan for a wildlife reserve and sanctuary shall contain such terms and conditions and measures as may be prescribed.

16. Co-Management.– (1) The management authority may enter into a management agreement, not inconsistent with the provisions of this Act, with the Administrative Department, a local community, or any other party for:

- (a) co-management of the area by the parties; or
- (b) regulation of human activities that affect the environment in the area.

(2) The co-management under subsection (1) shall not lead to fragmentation or duplication of management functions.

(3) A co-management agreement may provide for:

- (a) delegation of powers by the management authority to the other party of the agreement;
- (b) apportionment of any income generated from the management of the protected area or any other form of benefit sharing between the parties;
- (c) use of biological resources in the area;
- (d) access to the area;
- (e) occupation of the protected area or portions thereof;
- (f) development of economic opportunities within and adjacent to the protected area;
- (g) financial support to ensure effective administration and implementation of the co-management agreement; and
- (h) any other relevant matter ancillary to the above.

17. Performance indicators.– (1) The Administrative Department shall establish indicators, based on the standards laid down under section 6 of this Act, to monitor the performance of management authorities of the protected areas and for conservation of biodiversity in the protected areas.

(2) The management authority of a protected area shall:

- (a) monitor the area against the indicators set in terms of subsection (1); and
- (b) annually report its finding to the Government.

18. Termination of management.– (1) If the management authority of a specific protected area is not performing its duties in terms of the management plan for the area or is underperforming with regard to the management of the area or the biodiversity of the area, the Administrative Department shall:

- (a) notify the management authority in writing of its failure to perform its duties or of the underperformance; and
- (b) direct the management authority to take such corrective steps as may be required within a specified time.

(2) If the management authority fails to take the corrective steps under subsection (1), the Administrative Department may terminate such management authority.

19. Management Fund.— (1) Every management authority which is assigned management of a protected area under subsection (2) of section 14 of this Act shall have a fund to be known as the 'management Fund' which shall vest in such management authority, and shall be utilized by the management authority in connection with its functions under this Act.

(2) The management fund shall consist of:

- (a) all moneys received from Government;
- (b) all moneys received from any agency or body by way of grants, loans, advances or otherwise;
- (c) all fees, charges, donations, endowments, or grants in the form of contributions and charges received by the management authority under this Act; and
- (d) all other sums receivable by the management authority.

(3) Proceeds of the management Fund shall be used for management, operation or performance of the functions relating to the protected area.

(4) The management Fund shall be audited in the prescribed manner.

20. Register of protected areas.— (1) The Government shall maintain a register to be called the register of protected areas.

(2) The register shall contain:

- (a) a list of all protected areas;
- (b) information about kinds of protected areas;
- (c) data on status of the management plan for each protected area;
- (d) data of protected areas with years of establishment;
- (e) key conservation targets including the species, habitat type and link to international treaties or conventions;
- (f) data on level of protection of each protected area; and
- (g) such other ancillary information as may be prescribed.

21. Restriction on prospecting and mining.— Notwithstanding anything contained the Mines Act, 1923 (IV of 1923), no person shall conduct prospecting, mining, exploration, production or related activities in a national park, nature reserve, sanctuary and buffer zone without written permission of the Government on recommendation of the Board.

22. Restriction on dredging and extraction.– Notwithstanding anything contained in any law for the time being in force or any right that a person may have in this regard, no person shall undertake any dredging, or extraction of sand, rock or gravel or other minor minerals in a national park, nature reserve, sanctuary, and buffer zone without written permission of the Government on recommendation of the Board

23. General Prohibitions.– The following acts shall be prohibited in every protected area:

- (a) inflicting injury which cripples and/or impairs the reproductive system of wildlife species;
- (b) dumping of waste products detrimental to wildlife;
- (c) squatting or otherwise illegally occupying any portion of a protected area;
- (d) gathering or destroying of active nests, nest trees, or host plants;
- (e) maltreating or inflicting other injuries not covered by the preceding paragraph; and
- (f) transportation of wildlife.

24. Commercial and other activities.– (1) The Government shall not approve or grant permission for the conduct of any commercial or development activities within a protected area under any law for the time being in force, unless an express recommendation to this effect has been given by the Board in such manner as may be prescribed.

(2) In all instances, any permission granted under this Act shall be consistent with the duly approved management plan in respect of a particular area.

25. Regulation or restriction of development and other activities.– The Government shall regulate or restrict conduct of any development activity in and around the physical boundaries of any protected area, in the prescribed manner.

Chapter 4 Offences and Penalties

26. Offences and penalties.– (1) A person who contravenes any of the prohibitions provided under sections 7 to 13 of this Act respectively shall be punished with imprisonment for a term which may extend to three years or with fine which may extend to rupees one million but shall not be less than rupees one hundred thousand or with both, along with confiscation of the weapon, vehicle or any other article used in such contravention.

(2) A person who exercises the management authority in violation of the provisions of this Act or fails to exercise the management authority granted under this Act shall be punished with fine which may extend to rupees five million but shall not be less than rupees one hundred thousand.

(3) A person who hinders or interferes with the functions of a management authority shall be punished with imprisonment which may extend to one month or fine which may extend to rupees twenty five thousand or with both.

27. Cognizance.— No court shall take cognizance of an offence punishable under this Act, except on a complaint in writing by an officer authorized by the Government in this behalf.

28. Power to try offences summarily.— A Magistrate of the First Class, specially empowered in this behalf by the Government, may try any offence punishable under this Act in a summary manner, as provided in the Code of Criminal Procedure, 1898 (V of 1898):

provided that subsection (2) of section 262 of the Code of Criminal Procedure, 1898 (V of 1898) shall not apply for trial of cases under this Act.

29. Prosecution of offences under any other law.— Nothing contained in this Act shall be deemed to prevent any person from being prosecuted or being liable under any other law for any punishment or penalty higher than that provided under this Act.

30. Appointment of honorary wardens.— The Administrative Department may by notification in the official Gazette appoint honorary wardens for such areas and on such terms and conditions as may be prescribed.

Chapter 5 Miscellaneous

31. Indemnity. - No suit or other proceedings shall lie against any person for anything done in good faith under this Act, Rules or Regulations made thereunder.

32. Power to make rules.— (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Government shall, within six months of the commencement of this Act, make rules for:

- (a) payment of fees payable under this Act;
- (b) payment of any compensation payable to persons under this Act and the manner of applying for the compensation;
- (c) designation, management and enforcement of activities in a protected area;
- (d) purposes of and functions to be performed in the protected areas;
- (e) designation, protection, management and control of protected species of fauna and flora;
- (f) designation, protection, management and control of partially protected species of fauna and flora;
- (g) designation, protection, management, use and control of protected areas;

- (h) regulation of trade in and the transit, import, export or re-export of specimens of fauna and flora;
- (i) issue, grant, administration and enforcement of permits to fell, extract or remove timber or other forest produce; and
- (j) harvesting of timber or other forest produce from forested private lands outside of protected areas.

33. Power to frame regulations.— The Board, may make regulations, not inconsistent with the Act or the rules, for carrying out such purposes of the Act which are not provided in the rules.

34. Repeal and saving.— (1) Section 3 to the extent of honorary officers and sections 16, 17, 18 and 19 of the Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, 1974 (II of 1974) are hereby repealed.

(2) Notwithstanding the repeal under subsection (1), anything done or any action taken or purported to have been done or taken under the repealed sections of Act II of 1974 shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been done or taken under this Act.