

# WILDLIFE (CONSERVATION AND SECURITY) ACT, 2012

(ACT NO. XXX OF 2012)

[10 July, 2012/26 Ashar,1419]

## **An Act to provide for the conservation and safety of biodiversity, forest and wildlife of the country by repealing the existing law relating to conservation and management of wildlife of Bangladesh**

WHEREAS the provision for the conservation and safety of biodiversity, forest and wildlife by the state has been inserted in article 18A of the Constitution of the People's Republic of Bangladesh; and

WHEREAS it is expedient and necessary to provide for the conservation and safety of biodiversity, forest and wildlife of the country by repealing the existing law relating to conservation and management of wildlife of Bangladesh;

It is hereby enacted as follows:

### CHAPTER I

#### PRELIMINARY

**1. Short title and commencement .**—(1) This Act may be called the Wildlife (Conservation and Security) Act, 2012.

(2) It shall come into force at once.

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

- (1) “sanctuary” means an area where capturing, killing, shooting or trapping of wildlife is prohibited and managed for the conservation of all natural resources such as vegetation, soil and water mainly for undisturbed breeding of wildlife and which is declared as such by notification in the official Gazette under section 13 of this Act;
- (2) “uncured trophy” means the whole or any part of any dead or captive wildlife which has not been cured or processed and there is an apprehension of destroying;
- (3) “captive animal” means any animal which breeds in captivity or in confined or captured circumstances ;
- (4) “ecopark” means an area of natural ecological habitat of flora and fauna with outstanding scenery which is managed for providing recreational facilities for visitors and which is declared as such by notification in the official Gazette under section 19 of this Act;
- (5) “ecotourism or nature tourism” means any travel to natural areas without damaging the nature which conserves and develops the environment of natural and cultural heritage site and improves the social and economic well-being of local people;
- (6) “botanical garden” means an area where different native and exotic plant species are conserved or managed for education, research and conservation and improvement of source of gene pool introducing from another habitat and which is declared as such by notification in the official Gazette under section 19 of this Act;

- (7) “community conservation area” means any area which is a private or community or government khas land under management for protection of the plant and wildlife and which is conserved as a site of traditional or cultural heritage and declared as such by notification in the official Gazette under section 18 of this Act;
- (8) “convention on biological diversity” means an international treaty (1992) for conservation of plant and animal diversity of the world the main objective of which is conservation of biodiversity, sustainable use of its components and ensuring appropriate and equal utilization of resources derived from it;
- (9) “officer” means any officer appointed in this behalf to carry out all or any of the purposes of this Act or rules made thereunder and includes a forest-officer as defined in Gi section 2(2) of the Forest Act, 1927 (Act No.XVI of 1927);
- (10) “corridor” means a passage or area in the margin of a protected area through which wild animal can move from one forest or area to another forest or area and which is declared as corridor by notification in the official Gazette under section 20 of this Act;
- (11) “kunjaban” means an specified area enriched with different species of trees, herbs and shrubs, which is rich in biodiversity and bears cultural, social and traditional values to local community and which is declared as kunjaban by notification in the official Gazette under section 23 of this Act;
- (12) “core zone” means the most important existing forest area within a protected area, which is rich in biodiversity and where extraction of all kinds of forest product are prohibited for safe reproduction of wildlife and which is managed for regulating the entry of visitors and declared as such by notification in the official Gazette under section 20 of this Act;
- (13) “wetland” means an area of low marsh water merged stagnant peat land, or natural or artificial water reservoir with fresh or salt water, which is generally static and such areas where depth of water falls below 6 meters;
- (14) “national park” means comparatively large area of outstanding scenic and natural beauty with the primary object of providing education, research and recreation to the public and managed for conservation of natural environment of plants and wild animals and outstanding charming scenery, and declared as such by notification in the official gazette under section 17 of this Act;
- (15) “biodiversity” means genetic and species diversity of all species or sub-species of flora and fauna living in aquatic, terrestrial and marine ecosystems or diversity of their ecosystems;
- (16) “trophy” means the whole or any part of any dead or captive wild animal which is kept naturally by curing and processing and includes -
- (a) skins, rugs and animals mounted in whole or in part or part of taxidermy; and
  - (b) antler and bone of deer, carapace of tortoise, shell of snail and mollusk, tusk, honeycomb, fur, feather, nail, tooth, hoof and eggs;
- (17) “schedule” means a schedule appended to this Act;
- (18) “specimen” means —
- (a) any plant or animal, whether alive or dead; or
  - (b) any wild animal or part of any animal which is easily recognizable or derivative thereof; or
  - (c) any plant or any part of it or derivative thereof mentioned in Schedule IV;
- (19) “prescribed” means prescribed by rules made under this Act;

- (20) “perishable forest product” means any dead wild animal or its part (except bone, tooth, nail and horn) untreated timber, bamboo, cane, fuel wood or its part or any materials made of plants which are perishable by natural;
- (21) “sacred tree” means any tree recognized by any religious community or caste as religious sacred plant;
- (22) “migratory species” means those wild animals which visit across one or more geographical boundaries in a particular season of the year;
- (23) “Chief Warden”, “Additional Chief Warden”, “Warden” means an officer authorized respectively as the Chief Warden, Additional Chief Warden and Warden under section 5 of this Act;
- (24) “forest product” means the forest products included in sub-section (4) of section 2 of the Forest Act, 1927;
- (25) “wild animals” means different types and species of animals or different stages of their life cycle, the source of which is considered as wild;
- (26) “wild animal breeding centre” means a center approved by the Government where rare, vulnerable or critically endangered species of wild animals are rehabilitated after collection or capture for breeding;
- (27) “buffer zone” means any forest lying in the margin of protected area or degraded forest area adjoining human habitation, except core zone, where local community people are inclined to harvest forest product and where there is scope for short rotation participatory forestry in harmony with plant species of the protected area and development of which ensures conservation of biodiversity and which is declared as such by notification in the official Gazette under section 20 of this Act;
- (28) “rules” means rules made under this Act;
- (29) “endangered species” means any species of wild animal or plant considered as critically endangered, vulnerable or rare and which is at risk of extinction;
- (30) “vulnerable species” means a species of wild animal or plant which is not critically endangered at present but facing risk of extinction in near future;
- (31) “Board” means the Wildlife Advisory Board constituted under section 3 ;
- (32) “Scientific Committee” means the Scientific Committee constituted under section 4 ;
- (33) “vermin” means the animals which are harmful for agriculture mentioned in schedule III;
- (34) “critically endangered species” means any species of wild animals or plants which are at high risk in the nature and there is possibility to extinction in near future;
- (35) “licence” means a licence issued under section 24;
- (36) "landscape zone" means a public or private area outside the boundaries of designated sanctuary, national park and ecopark that regulates the biodiversity of the protected area and which is managed to maintain similar landscape of the protected area for deterring degradation of the protected area and where safe movement of wild animals is ensured and which is declared as landscape zone under section 20;
- (37) “hunting” means-
- (a) killing, capturing, poisoning of any wild animal or any attempt to do so; or
  - (b) driving any wildlife for the purpose of sub-clause (a); or
  - (c) injuring or damaging and taking any part of the body of a wild animal or collecting or destroying of nests or eggs of wild birds or reptiles;

- (38) “co-management” means, in case of management of natural resources in an area, to ensure active participation of all the parties for the purpose of management and maintenance of such resources through participation on the basis of consensus amongst all concerned parties and is a co-management system mentioned in section 21;
- (39) “safari park” means an area where native-exotic wild animals are protected in an approximation of a natural environment for breeding and grazing openly and which is declared as such by notification in the official Gazette under section 19 ;
- (40) “CITES” means Convention on International Trade in Endangered Species of Wild Fauna and Flora ;
- (41) “memorial tree” means such heritage trees with social, cultural and traditional values or old aged native plants or century old trees;
- (42) “protected plants” means plants mentioned in schedule IV;
- (43) “protected area” means all sanctuaries, national parks, community conservation areas, safari parks, ecoparks, botanical gardens declared by the Government under sections 13, 17, 18 and 19 of Chapter IV and special biodiversity conservation area established under section 22 of Chapter V and national heritage and kunjaban declared under section 23;
- (44) “protected wild animal” means the wild animals mentioned in schedules I and II;
- (45) “small ethnic-community” means small ethnic-community as defined in section 2(2) of the Small Ethnic-Community Cultural Institute Act, 2010 (Act No. XXIII of 2010).

## **CHAPTER II**

### **ADVISORY BOARD, SCIENTIFIC COMMITTEE AND AUTHORISED OFFICERS**

**3. Wildlife Advisory Board, etc.**— (1) As soon as may be, after the commencement of this Act, Government shall, by notification in the official Gazette, constitute a Board to be called the Wildlife Advisory Board consisting of a Chairman and necessary number of members from among the persons with expertise in conservation of biodiversity, forests and wildlife.

(2) The duties and functions of the Board constituted under sub-section (1) shall be as follows, namely:—

- (a) to review and provide directives in the matter of conservation, development and management of biodiversity, wildlife and forests;
- (b) to review the activities on conservation, development and management of biodiversity, wildlife and forests under different development project, and to provide necessary directives;
- (c) to prepare incentive scheme for increasing awareness among people for the conservation of biodiversity, wildlife and forests, and to give advice for implementation thereof;
- (d) to approve any proposal submitted to the Government by the Chief Warden for constitution of technical committee, sub-committee or any other committee, for carrying out the purposes of this Act;
- (e) to approve the annual report with recommendations submitted to the Government by the Chief Warden;
- (f) to perform such other duties as the Government may assign to it from time to time.

(3) The Advisory Board shall determine the procedure of its meeting.

(4) All meetings of the Advisory Board shall be held at such place and time as the Chairman may determine.

(5) The presence of at least one-third members shall be required to constitute a quorum in the meeting of the Advisory Board.

**4. Scientific committee.** — The Government shall, by notification in the official Gazette, constitute a Scientific Committee consisting of not more than 7 (seven) members from among the eminent and famous experts in wild animals and plants working in any institution, government or non-government organization and may specify the jurisdiction of the committee in such official Gazette.

**5. Delegation of duties.** — (1) The overall duties of conservation, development of safety measures and management of biodiversity, forests and wildlife of the country shall be delegated to the following officers, namely:—

- (a) Chief Warden;
- (b) Additional Chief Warden;
- (c) Warden.

(2) The Chief Conservator of Forests of the Forest Department, the Conservator of Forests in charge of the Wildlife and Nature Conservation Circle and Divisional Forest Officer in charge of Wildlife and Nature Conservation Circle shall, ex-officio, perform duties as the Chief Warden, Additional Chief Warden and Warden respectively.

(3) The duties and functions of the Chief Warden, Additional Chief Warden and Warden shall be prescribed by rules and they shall perform their duties as directed by the Government or the Board, as the case may be.

## **CHAPTER III**

### **PROTECTION OF WILD ANIMALS AND PLANTS**

**6. Prohibition related to wild animals and plants.** — (1) No person shall hunt any wild animal without a license or, as the case may be, obtaining a permit under this Act, or wilfully pick, uproot, destroy or collect any plant mentioned in Schedule IV.

(2) The Government may, by notification in the official Gazette, prohibit hunting of any specified or all wild animals in a specific forest area or throughout Bangladesh for a specific period.

**7. Determination of vulnerable, endangered and critically endangered species.** — The Chief Warden shall determine which species or sub-species of wild animals mentioned in schedule I, II and III and plants mentioned in schedule IV are vulnerable, endangered or critically endangered according to scientific data and internationally acceptable provisions or customs in consultation with the scientific committee.

**8. Removal of wild animals, etc.** — (1) Unless there is anything contrary to any other law, if any wild animal is-

- (a) threat to human life and property (domestic animals and crops) ; or
- (b) physically disable or suffering from contagious disease; or
- (c) threat to natural equilibrium of any area,

the Chief Warden or Additional Chief Warden or Warden, stating the reasons, shall take effective measures for removal, killing or, as the case may be, rehabilitation of such wild animals and submit the matter to the Advisory Board and the Scientific Committee in the form of a report.

(2) This section shall not be applicable in case of removal of any wild animal for ensuring the safety of aeroplanes in any air field or aerodrome.

**9. Release of wild animal.** — Unless there is anything contrary to any other law, necessary measures shall be taken to release any caught, rescued or seized wild animal in suitable natural habitat, when its life is at risk to keep in cage or enclosure.

**10. Grant of permit.** — (1) The Chief Warden may, in such manner as may be prescribed by rules and on payment of fee, grant a permit to collect any part of body of any wild animal, meat, trophy or uncured trophy and to collect, possess plants mentioned in schedule IV or transport the derivatives thereof from forest or any place in the country, for the following purposes, namely, —

- (a) education ;
- (b) scientific research ;
- (c) scientific management;
- (d) collection, preservation and display of specimen for any botanical garden, safari park, recognized zoo, museum, herbarium or any other similar institutions;
- (e) collection and preservation of plants or snake venom for manufacturing life saving drug; and
- (f) Reproduction by any person or institution approved by the Government.

**Explanation:** In this section, “scientific management” means –

- (i) translocation of any wild animal to an alternative suitable habitat ;
- (ii) management of any wild animal or specified plant species for control of breeding without killing or poisoning or destroying; and
- (iii) culling in scientific manner :

Provided that culled animal shall be buried for destroying.

**11. Registration of wild animals and plants and issue of registration certificate.** — (1) Every warden shall register the wild animal or part of wild animals, trophy, uncured trophy or any specified plant mentioned in schedule IV or part or derivatives thereof in the custody or possession of any person in his jurisdiction within 180 (one hundred and eighty) days from the date of commencement of this Act and put appropriate registration mark and intimate the Chief Warden in detail mentioning the number and location of such stock in the form of a report :

Provided that the provisions of this section shall not apply to any person traditionally possessing any trophy or memorial of wild animal from the past:

provided further that such person shall declare his possession of any trophy or memorial of wild animal to the Chief Warden or Warden or Upazila Forest Officer.

(2) The officer, upon fixing registration mark under sub-section (1), as a proof of lawful possession of such wild animal, meat, trophy or, as the case may be, plants shall issue the registration certificate according to the manner prescribed by rules:

Provided that prior to issue a registration certificate for the wild animal suitable for rearing, it is to be ensured that the applicant is financially solvent and, as the case may be, necessary place, water reservoir, environment, feeding spot and maintenance staff, knowledge and facilities for rearing of such wild animals are available.

**12. Transfer.** — (1) No person shall transfer any wild animal, meat, trophy or uncured trophy, part of wild animal (except vermin) or any plant or part or derivative thereof mentioned in schedule IV by means of gift, sale or transfer without a registration certificate.

(2) Any person having registration certificate may, with prior approval of the Chief Warden or, as the case may be, Warden, transfer, handover or transport such wild animal or part thereof, trophy, uncured trophy, or any plant mentioned in schedule IV or any part or derivative thereof in his possession or control or custody to any person or institution or others.

(3) The provisions of this section shall not be applicable to exchange of captive animal of zoo.

## **CHAPTER IV PROTECTED AREAS**

**13. Declaration of sanctuary.** — (1) The Government may, by notification in the official Gazette, in the light of national forest policy and forest master plan, and considering natural, geomorphological features, biodiversity and environmental significance, declare any Government forests or part of such forests or any Government land or wetland or any specified area as sanctuary, specifying the demarcation, for the conservation of forest and habitat of wildlife.

(2) The sanctuary declared under sub-section (1) may be called as wildlife sanctuary, bird sanctuary, elephant sanctuary or wetland dependent animal sanctuary or, as the case may be, marine protected area.

(3) When a wetland is declared as sanctuary, measures shall be taken to protect the occupational, traditional or the right of livelihood of local community of the area such as – fishermen, boatmen, etc.

**14. Prohibitions related to sanctuary.** – (1) In a sanctuary no person shall –

- (a) cultivate any land;
- (b) establish or undertake any industrial operation;
- (c) harvest, destroy or collect any plant;
- (d) set any kind of fire;
- (e) enter into a sanctuary with any weapon without the permission of the Chief Warden or the officer authorised by him in this behalf;
- (f) disturb or threat any wildlife, or use chemicals, explosives or any other weapon or substances which may destroy wildlife habitat;
- (g) introduce any exotic animal or plant;
- (h) introduce any domestic animal or allow any domestic animal to stray;
- (i) dump any materials detrimental to wildlife;
- (j) explore or dig for extraction of minerals;
- (k) fell any plant or part thereof except silvicultural operations required for natural regeneration of plants;
- (l) divert, stop or pollute watercourse; or

(m) introduce any alien and invasive plant species.

(2). Notwithstanding anything contained in sub-section (1), after the commencement of this Act, no person, institution or company shall establish or operate any industrial factory or brick-field within 2 (two) kilometers from the boundary of a sanctuary.

**15. Entry in sanctuary, etc.** — (1) No person shall enter or reside in a sanctuary, except the following persons, namely:—

- (a) an officer on duty under this Act or rules made thereunder;
- (b) a person permitted by the Chief Warden or an officer authorized by him in this behalf ;
- (c) a person nominated by the Forest Department for conservation- work;
- (d) a person passing through highway, road and waterway constructed in the sanctuary; and
- (e) a person necessary for the purpose of management or conservation of, who is permitted by the Chief Warden or an officer authorized by him in this behalf.

(2) Notwithstanding anything contained in sub-section (1), the Chief Warden or an officer authorized by him in this behalf, following the prescribed manner and, as the case may be, subject to payment of entry fees, may permit to enter in sanctuary for the following purposes, namely:—

- (a) study or investigation on relevant and helpful subject on wildlife;
- (b) photography;
- (c) research; and
- (d) ecotourism.

**16. Management of sanctuary.** — (1) The Government may, for each sanctuary, prepare a management plan in accordance with the manner prescribed by rules.

(2) The Chief Warden, shall bear all responsibilities of implementation and management of management plan and may for this purpose, in limited scale, inside the sanctuary —

- (a) allow the operation of tourism shop for any commercial purpose, construction of road, bridge, building, boundary or controlled barrier entrance and demarcation or such other work, except construction of tourism shop, cottage or hotel, which is essential for the management of sanctuary;
- (b) undertake necessary steps for ensuring the safety of wildlife and its habitat;
- (c) improve habitat, protect breeding ground, prevent disturbance during breeding for the protection of wildlife, and raise plantation suitable for wildlife in limited scale for ensuring food security;
- (d) take necessary steps, in consultation with the co-management committee, for the protection of fresh water or salt water aquatic animals such as tortoise, crocodile, dolphin, whale, porpoise, etc. through control or prohibition of fishing activities or movement of watercrafts; or
- (e) prohibit, after identifying the activities detrimental to environment within 2 (two) kilometres from the border of sanctuary area.

**17. Declaration of national park.** — (1) The Government may, by notification in the official Gazette, declare any Government forests or part of such forests or any Government land with natural



scenic beauty as national park, specifying the boundary for the conservation of wildlife and their habitat or environmental development.

(2) In case of declaration of national park under sub-section (1), the following matters may be followed or, as the case may be, considered, namely:—

- (a) national policy or master plan for management of forests and wildlife;
- (b) geomorphological features; significance ;
- (c) ecology;
- (d) environment.

(3) The provisions of sections 14, 15 and 16 shall also be applicable to national parks.

**18. Declaration of community conservation area.** — (1) Any person or community being owner of such land or wetland not included in landscape zone may, for protection of traditional or cultural value or use of any animal or plant and for sustainable development of such land or wetland and for the management of wildlife, apply to the Government for declaration as community conservation area.

(2) When application under sub-section (1) is made, the Government may, by notification in the official Gazette, declare the land or wetland mentioned in the application as community conservation area.

(3) co-management may be initiated in the area declared under sub-section (2), and the concerned warden shall take necessary steps for the implementation of decision taken by co-management committee.

(4) The Government may, where applicable, provide compensation for the affected owner of the area declared under sub-section (2).

**19. Declaration of safari park, ecopark, botanical garden and wild animal breeding center.** — (1) The Government may, by notification in the official Gazette, declare or establish any government owned forest area as safari park, ecopark or botanical garden or, as the case may be, wild animal breeding centre for the purpose of in-situ or ex-situ conservation of wild animals or for promotion of opportunities for research, public recreation or education.

(2) The provisions of sections 14, 15 and 16 shall also apply to any safari park, ecopark, botanical garden or wild animal breeding center :

Provided that the exotic species of animals may be displayed in the safari park for recreation.

**20. Declaration of landscape zone or corridor, buffer zone and core zone.** — (1) The Government may, after receiving consensus of local community, by notification in the official Gazette, declare any public or private area outside the boundaries of protected or reserved forests but adjacent to any declared area as a landscape zone or corridor for the movement of wild animals or for the purpose of special development or abate or control any sorts of damage of such area.

(2) The Government may, by notification in the official Gazette, declare degraded forests area inside or in marginal area of the protected area, except core zone, as a buffer zone for the conservation of biodiversity of protected forest or core zone, reduction of pressure for extraction of forest product and ensuring the participation of the local people in the management of the protected forest.

(3) The Government may, by notification in the official Gazette, declare the most significant natural forests or long rotation plantations at the centre place of the protected area as core zone to regulate the entrance of public or stop or control of extraction of forest product for ensuring safe breeding of biodiversity enriched with wild animals.

**21. Co-management system.** — (1) The Government may introduce co-management system for proper utilization, conservation and management of natural resources of the sanctuary involving forest department, minor ethnic-community living in the forests or local community on participatory basis to ensure active participation of all the parties therein.

(2) The Government may, for the purpose of sub-section (1), constitute a committee to be called co-management committee and may also specify the jurisdiction of such committee.

**22. Declaration of special biodiversity conservation area.** — (1) The Government may, in its own initiative or on application of any person, by notification in the official Gazette, declare any government land, land or trees under private ownership or reserved forest, khas land, wetland, river, sea, canal, dighi or pond used for special purpose as special biodiversity conservation area subject to conservation of traditional or cultural values and norms of the area.

(2) The provisions of sections 14, 15 and 16 shall also be applicable to special biodiversity conservation area.

**23. Declaration of national heritage, memorial tree, sacred tree and kunjaban.** — (1) The Government may, on application of any owner of land, organisation or person, by notification in the official Gazette, declare any tree or kunjaban standing at any government forest, any land under any organisation, khas land or land owned by any community which is recognized and used as cultural, traditional, religious or memorial purpose and which is known as habitat for wildlife in such area, as national heritage, memorial tree, sacred tree or, as the case may be, kunjaban :

Provided that in case of community or individual, their traditional or cultural values and norms shall be protected.

(2) The provisions of sections 14, 15 and 16 shall also be applicable, in so far as possible, to the national heritage, memorial tree, sacred tree or kunjaban.

## CHAPTER VI

### LICENCE FOR CAPTIVE ANIMALS, WILD ANIMALS, TROPHIES ETC.

**24. Licence.** — (1) If any person desires to cultivate, extract, manufacture, rear, export or import any wild animal or part of its body, meat, trophy, uncured trophy or any plant mentioned in schedule IV, or hunt any wild animal, he shall obtain licence from the Chief Warden or any officer authorized by him in this behalf according to the manner prescribed by rules and subject to realization of fees.

(2) Before the commencement of this Act, if any person stocks any wild animal or any part thereof, meat, trophy or uncured trophy or any plant mentioned in schedule IV, after production for commercial purpose, he shall obtain licence under the provision of sub-section (1) within 60 (sixty) days from the date of commencement of this Act.

(3) on applicable under sub-section (2), if the Chief Warden or any officer authorized by him in this behalf is satisfied after proper inspection and examination, he shall put an identification mark on the stocked wild animals or part thereof, meat, trophy or uncured trophy or any plant mentioned in schedule IV and shall issue a licence according to the manner prescribed by rules.

(4) The licence shall remain valid for 1 (one) year from the date of issue.

(5) The licence shall be renewed according to the manner prescribed by rules and subject to realization of fees.

**25. Suspension or cancellation of licence.** — When a licence holder contravenes any provisions of this Act or rules or condition of the licence, the Chief Warden or any officer authorized by him, after giving the licence holder a reasonable opportunity of being heard, may suspend or cancel the licence.

**26. Appeal.** – (1) If any person is aggrieved by an order passed under sections 24 and 25, he may prefer an appeal to the Government within 30 (thirty) days from the date of such order.

(2) An appeal preferred under sub-section (1) shall be disposed of within 30 (thirty) days, and the order passed in appeal shall be final.

**27. Maintenance of records.** — All licence holders shall keep all records related to licence in prescribed form or register and such form or register shall be produced on demand during inspection.

## CHAPTER VII

### IMPORT, EXPORT AND RE-EXPORT OF WILD ANIMALS AND PLANTS

**28. Import.** — (1) No person shall import —

- (a) through any other route except customs port of entry;
- (b) without CITES certificate, where applicable; and
- (c) without licence;

any wild animal or parts thereof, trophy, uncured trophy, or plants mentioned in schedule IV or its part or derivative thereof.

(2) The Quarantine certificate issued by the appropriate authority of the country of import, shall be produced for each imported wild animal or plants mentioned in schedule IV or derivative thereof, upon arrival at customs port of entry.

**29. Export.** — No person shall export or re-export—

- (a) through any other route except custom port of exit;
- (b) without CITES certificate, where applicable; and
- (c) without licence;

any wild animal or parts thereof, trophy, uncured trophy, or plants mentioned in schedule IV or parts or derivatives thereof.

**30. Wildlife Rescue Center.** —The Government may, to provide medical service, food, shelter and safety of any injured, seized, confiscated, abandoned or donated wildlife, establish wildlife Rescue Center and also make guidelines for the disposition of wildlife from the Rescue Center to nature.

**31. Constitution of wildlife crime control unit.** — (1) The Government may, to ensure strict compliance and effective implementation of wildlife related international convention, protocol, treaty

etc. establish wildlife crime control unit comprising custom officers, members of law and order enforcing agency at any place in Bangladesh including strategic air, land and seaports.

(2) The Government may, by rules, specify the constitution, powers and function of wildlife crime control unit under sub-section (1).

## **CHAPTER VIII**

### **INVESTIGATION, SEIZURE ETC.**

**32. Seizure.** — (1) Any Officer, for taking measures under this Act, may seize the following articles or goods, namely: —

- (a) hunted, acquired or captured wild animals without licence or animals reproduced from it during captivity;
- (b) dead or dying wild animals on account of accident;
- (c) such wild animals or parts thereof, trophy or uncured trophy, meat, part of body or any plant mentioned in schedule IV or parts or derivatives thereof, not registered under this Act or for which no licence has been received;
- (d) weapons, articles or tools used in committing an offence;
- (e) such wild animals or parts thereof, trophy, uncured trophy, meat, part of body or any plant mentioned in schedule IV or parts or derivatives thereof not imported or exported under sections 28 and 29 :

Provided that the provisions of this sub-section shall not be applicable in case of trophy of wild animal or memorials used as tradition, heritage or part of daily life of small ethnic-community.

(2) All articles or goods seized under sub-section (1) shall be liable to confiscation in favour of Government.

(3) The seizing officer may take measure to dispose of the articles or goods seized under sub-section (1), which is quickly and naturally perishable, by sale, damage, removal or any other means according to the manner prescribed by rules.

**33. Powers of entry, etc.** — (1) The Chief Warden or any other officer authorized by him in this behalf may, enter any place at any time to substantiate appropriate compliance of provisions of this Act or rules, search or seize any item or collect specimen of any item, examine or inspect any place.

(2) The Code of Criminal Procedure, 1898 (Act V of 1898) shall, subject to not inconsistent with the provisions of this Act, apply in case of search, seizure or inspection under this Act.

(3) All purchasers of forest-product, persons involved with co-management system, members of law enforcement agency, persons working in Public Works Department and Department of Agricultural Extension, chowkidar, dafadar, member of village defense party, village headman, chairman and members of union parishad, kanungo and union land assistant officer shall bound to render full cooperation to the authorized person to perform duties under this Act or rules.

## CHAPTER IX

### OFFENCE AND PENALTY

**34. Penalties for certain offences.** —If any person —

- (a) forges, exchanges or interferes with any other means or alters registered mark and fixed registered mark under section 11; or
- (b) purchases, sells, imports or exports any wild animal or parts thereof, meat, trophy or any derivative thereof or forest product or any plant mentioned in schedule IV or derivatives thereof, from any other person without having licence or permit —

he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 1 (one) year or with a fine of Taka not exceeding 50 (fifty) thousand or with both and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 3 (three) years or with a fine of Taka not exceeding 2 (two) lac or with both.

**35. Penalties for contravention of the provisions of section 14.** — If any person does any act prohibited under section 14, he shall be deemed to have committed an offence and shall be non-bailable for such offence and be punished with imprisonment for a term not exceeding 2 (two) years or with a fine of Taka not exceeding 1 (one) lac or with both, and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 5 (five) years or with a fine of Taka not exceeding 4 (four) lac or with both.

**36. Penalties for killing tiger, elephant, etc.** — (1) If any person kills any tiger or elephant mentioned in schedule I without obtaining any licence under section 24, he shall be deemed to have committed an offence and shall be non-bailable for such offence and, be punished with imprisonment for a term not less than 2 (two) years and not exceeding 7 (seven) years and also with a fine of Taka not less than 1 (one) lac and not exceeding Taka 10 (ten) lac and, in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 12 (twelve) years and with a fine of Taka not exceeding 15 (fifteen) lac:

Provided that the provisions of this section shall not apply, when a person is attacked by a tiger or elephant causing threat to life of such person and such tiger or elephant is killed for saving life of such person:

provided further that when questions of filing a case in this respect arise, the station officer may, in consultation with the warden, file a case.

(2) If any person collects, acquires or purchases or sells any trophy, uncured trophy, meat, parts of body of any tiger or elephant mentioned in schedule 1 without obtaining a permit under section 10, he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 3 (three) years or with a fine of Taka not exceeding 3 (three) lac or with both and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 5 (five) years or with a fine of Taka not exceeding 5 (five) lac or with both.

**37. Penalties for killing cheetah, lam cheetah, hoolock, sambar deer, crocodile, gharial, whale or dolphin, etc.** —(1) If any person kills any cheetah, lam cheetah, hoolock, sambar deer, crocodile, gharial, whale or dolphin mentioned in schedule I, he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 3 (three) years or with a fine of Taka not exceeding 3 (three) lac or with both, and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 5 (five) years or with a fine of Taka not exceeding 5 (five) lac or with both:

Provided that the provisions of this section shall not apply, if a person is attacked by a cheetah or crocodile causing threat to life of such person and the cheetah or crocodile is killed for saving life of such person:

Provided further that when questions of filing a case in this respect arise, the station officer may, in consultation with the warden, file a case.

(2) If any person collects, acquires or purchases or sells or transports any trophy, uncured trophy, meat, parts of body of cheetah, lam cheetah, hoolock, sambar deer, crocodile, gharial, whale or dolphin mentioned in schedule I, he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 2 (two) years or with a fine of Taka not exceeding 1 (one) lac or with both, and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 4 (four) years or with a fine of Taka not exceeding 2 (two) lac or with both.

**38. Penalties for killing birds or migratory birds, etc.** — (1) If any person kills any birds or migratory birds mentioned in schedule I and II, he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 1 (one) year or with a fine of Taka not exceeding 1 (one) lac or with both, and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with a fine of Taka not exceeding 2 (two) lac or with both.

(2) If any person collects, acquires or purchases or sells or transports any trophy, uncured trophy, meat, parts of body of birds or migratory birds mentioned in schedule I and II, he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 6 (six) months or with a fine of Taka not exceeding 30 (thirty) thousand or with both, and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 1 (one) year or with a fine of Taka not exceeding 50 (fifty) thousand or with both.

**39. Penalties for contravention of the provisions of sections 6, 10, 11 and 12.** — If any person contravenes the provisions of section 6, 10, 11 or 12, he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 1 (one) year or with a fine of Taka not exceeding 50 (fifty) thousand or with both, and in case of his repetition of the same offence, he shall be punished with imprisonment for a term not exceeding 2 (two) years or with a fine of Taka not exceeding 1 (one) lac or with both.

**40. Penalties for contravention of the provisions of sections 24 and 27.** — If any person contravenes the provisions of section 24 or 27, he shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 1 (one) year or with a fine of Taka not exceeding 50 (fifty) thousand or with both, and in case of his repetition of the same offence, shall be punished with imprisonment for a term not exceeding 2 (two) years or with a fine of Taka not exceeding 1 (one) lac or with both.

**41. Penalties for abetment, instigation, etc.** — If any person abets, directly or indirectly, to commit an offence, or instigates to commit an offence under this Act, and if the act abetted or instigated is committed in consequence thereof, he shall be punished with the penalty provided for that offence.

**42. Penalties for filing a case of false or harassment or wrongful seizure.** — (1) If any officer, authorized under this Act by contravening any provision under this Act seizes any article or material or harasses any person, he shall be deemed to have committed an offence, and for such offence, be punished with imprisonment for a term not exceeding 6 (six) months or with a fine of Taka not exceeding 50 (fifty) thousand.

(2) If the accused is acquitted by a court at the end of hearing and trial of any case filed under this Act and the court mentions it clearly in the judgement that the complaints brought against the accused is false, groundless and harassing, the complainant shall be deemed to have committed an offence and for such offence, be punished with imprisonment for a term not exceeding 1 (one) year or with a fine of Taka not exceeding 1 (one) lac or with both.

**43. Cognizability, non-cognizability, bailability, non-bailability and compoundability of offences.** — Offences committed under section 36 shall be cognizable and non-bailable and the offences committed under other sections, except the section, shall be non-cognizable, bailable and compoundable subject to compensation.

**44. Cognizance and trial of offences.** — (1) No court shall take cognizance of any offence committed under this Act without a written complaint by any officer authorized under this Act or any person affected, subject to the provisions of section 43.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) or any other law, offences committed under this Act shall be triable by a Judicial Magistrate of the first class or, as the case may be, a Metropolitan Magistrate:

Provided that for carrying out the purposes of this Act, offences committed under this Act shall be triable by any Special Magistrate or any Special Metropolitan Magistrate, as the case may be, authorized under section 12 of the Code of Criminal Procedure, 1898.

(3) Notwithstanding anything contained in sub-section (2) and in the Code of Criminal Procedure, 1898, offences under section 36 shall be triable by the Court of Sessions.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any Judicial Magistrate of the first class, or a Metropolitan Magistrate may impose any fine provided for the offences in this Act upon the persons convicted.

**45. Application of Code of Criminal Procedure.** — The provisions of the Code of Criminal Procedure shall, subject to not inconsistent with the provisions of this Act, be applicable to investigation, trial and appeal of any offence and other related matters under this Act.

**46. Offences committed by Companies, etc.** — If a company commits an offence under this Act, each director, manager, secretary, partner, officer and staff involved directly with committing such offence, shall be deemed to have committed such offence, unless he can prove that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Explanation. —In this section,—

- (a) "company" means any commercial firm, partnership business, society, association and includes any organization; and
- (b) "director", means any partner in the commercial firm or includes any member of the managing board.

## **CHAPTER X**

### **MISCELLANEOUS**

**47. Annual reports.**—The Chief Warden shall, submit to the Board an annual report, after stating the natural state or status and conservation trends of wildlife in the protected areas and, upon approval by the Board, publish it in printed form and on-line.

**48. Scientific research.** — Any person, organization or institution, desiring to conduct research on any wildlife or habitat of wildlife shall obtain permission from the Chief Warden or any officer authorized by him in this behalf.

**49. Prohibition relating to airgun.** — The Government may, by notification in the official Gazette, prohibit import, sale, use or carrying of airgun for the interest of conservation of wild animal:

Provided that in such notification prohibition shall exclude shooting club registered by the National Shooting Federation and community living adjacent to forests for their safety, daily need and social customs.

**50. Protection of action taken in good faith.**— No civil suit or criminal case or any other legal measure shall lie against any officer for incurring loss or likely to incur loss to a person in consequence of anything done by such officer in good faith under this Act or rules.

**51. Powers to amend schedules.** — The Government may, by notification in the official Gazette, amend the schedules.

**52. Powers to make rules.** — (1) For carrying out the purposes of this Act, The Government may, by notification in the official Gazette, make rules.

(2) Without prejudice to the generality of the powers conferred in sub-section (1), rules may be made to provide for all or any of the following matters, namely :—

- (a) application form, terms and conditions, fees etc. for licence or permit ;
- (b) constitution, powers, functions and tenure of co-management committee ;
- (c) management of sanctuary, national park, buffer zone, core zone, landscape zone or corridor, community conservation area, marine protected area, national heritage, memorial, sacred tree, kunjaban, ecopark, safari park, marine park, wild animal breeding centre, botanical garden, private recreational park, zoo, pet birds, etc.
- (d) control of private captive animal breeding farms ;
- (e) declaration of prize or medal for special contribution in wildlife conservation, wildlife related research, education and creating public awareness ;
- (f) declaration of prize or medal for informant forest officers and staffs who render help in detection of offences under this Act ;
- (g) establishment of private wild animal farms and rescue centres ;
- (h) compensation for life and wealth attacked by wild animals;
- (i) constitution, powers and functions of Wildlife Crime Control Unit, ;
- (j) disposal of seized articles or goods by sale, destroy, removal or by any other means.

**53. Publication of translated English text.** — (1) The Government shall, by notification in the official Gazette, publish an translated authentic English text of this Act;



(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

**54. Repeal and savings.** — (1) Bangladesh Wild Life (Preservation) Order, 1973 (President's Order No. 23 of 1973), hereinafter referred to as the repealed Act, is hereby repealed.

(2) Despite such repeal—

- (a) anything done or any action taken or proceeding pending under the repealed Act, shall be disposed of in such a manner under the provisions of the repealed Act as if this Act were not enacted;
- (b) all rules, orders, notifications, notices, etc. made or issued under the repealed Act shall, in so far as not inconsistent with the provisions of this Act, have effect until they have been repealed or amended.