

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Friday 10th February, 2006

No. 34

GOVERNMENT OF SIKKIM
Forest, Environment and Wildlife Management Department
SIKKIM WILDLIFE (REGULATION OF TREKKING) RULES, 2005

No:887/FEWMD

Dated:10.2.06.

In exercise of the powers conferred by sub-section (1) and clause (h) of sub-section (2) of section 64, of the Wildlife (Protection) Act, 1972 (Act No. 53 of 1972), the State Government hereby makes the following rules, namely:-

1) Short title, extent and commencement

- (1) These rules may be called the Sikkim Wildlife (Regulation of Trekking) Rules, 2005.
- (2) They extend to the whole of the Sikkim.
- (3) They shall come into force on the date of publication in the official gazette.

2) Definitions

- (1) (a) "**Acts**" means the Wildlife (Protection) Act, 1972.
- (b) "**biodegradable material**" includes all those materials that decompose naturally in nature, but excludes all paper products;
- (c) "**compounding officer**" means the person appointed by the State Government under section 54 of this Act;
- (d) "**environment**" includes water, air and land and the inter-relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property;
- (e) "**environmental pollutant**" means any solid, liquid or gaseous substance in such concentrations as may be, or tend to be injurious to environment;
- (f) "**environmental pollution**" means the presence in the environment of any environmental pollutant;
- (g) "**wildlife area**" for the purpose of these rules means area notified as Sanctuary, National Park, Biosphere Reserve or Conservation Reserve;
- (h) "**government**" means the Government of Sikkim;
- (i) "**non-biodegradable material**" includes all those materials that are not biodegradable materials;
- (j) "**State**" means State of Sikkim.
- (k) "**trekking service provider**" includes porters, pack animal operators, cooks, guides, their assistants and all other support staff;
- (l) "**trekking company**" means the person who at the time the offence or contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company that had organized the trekking;
- (m) "**trek manager**" means the trekking company that has organized the trek, or in its absence the group leader of the trekking party or in the absence of both of these, the trekker himself;
- (n) "**water body**" includes lakes, ponds, rivers, streams and glaciers.

(2) Words and expressions used herein but not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3) Actions prohibited in wildlife area

- (1) Within a wildlife area a trekker, trekking service provider or trekking company shall not:
 - (a) use firewood;
 - (b) damage or cut shrubs or thickets;
 - (c) dispose non-biodegradable material within wildlife area;
 - (d) pollute water body;
 - (e) collect plants or their parts;
 - (f) be accompanied by stray dogs or pet animals;
 - (g) feed, shout, tease, chase, disturb or molest wild animals;
 - (h) play loud music or use loud speakers;
 - (i) deface or damage rocks, tree trunks or government infrastructure or facilities;
 - (j) camp outside designated campsites;
 - (k) trek outside designated nature trails;
 - (l) defecate within 100 meters of any water body;
 - (m) camp within 500 meters of the periphery of any lake;
 - (n) cause environmental pollution;
 - (o) defile sites of religious and cultural significance such as sacred mountains, lakes, rocks, caves and shrines or
 - (p) commit any other act that may be injurious to forests, water bodies, plants, animals or disturb the natural tranquility of such sites or become a nuisance to fellow trekkers.
- (2) A trek manager shall:
 - (a) engage trekking service providers who are genuine Sikkim subjects and possess the Certificate of Identification.
 - (b) engage pack animals owned by genuine Sikkim subjects who possess the Certificate of Identification
 - (c) provide adequate cooked food for the trekking service providers while in a wildlife area and ensure that they do not use firewood;
 - (d) obtain a permit and pay prescribed fees before entering a wildlife area;
 - (e) register at the forest/wildlife checkpost before entering a wildlife area;
 - (f) bury the biodegradable materials responsibly in designated sites while in a wildlife area;
 - (g) arrange to carry sufficient kerosene and LPG for heating and cooking purposes
- (3) A trekker, trekking service provider or the trek manager shall not leave any non-biodegradable material in wildlife area during a trek, and such materials shall be declared at the forest/wildlife checkpost both before and after the trek.
- (4) The pack animal operator shall arrange for fodder for the pack animals and ensure that they do not graze freely in wildlife areas.
- (5) No person shall sell liquor, drugs or other intoxicants within a wildlife area.
- (6) No person shall carry out any research or study within a wildlife area without the prior permission of the Government.

4) Penalties

- (1) Whenever a trekker or a trekking service provider or a trekking company contravenes or attempts to contravene or abets the contravention of sub-rules 1 or 2 of Rule 3, an offence would be deemed to have been committed and the concerned trek manager shall be punishable with a fine which shall not be less than five thousand rupees but may extend to ten thousand rupees apart from the compensation for the damage caused.

(2) Whenever a trekker or a trekking service provider or a trekking company contravenes sub-rule 3 of Rule 3, an offence would be deemed to have been committed and the concerned trek manager shall be punishable with fine which shall not be less than one thousand rupees but may extend to fifteen thousand rupees and the fine so collected shall be used to restore the wildlife area to its original state.

Provided that in case of a subsequent offence the fine shall not be less than ten thousand rupees and may extend to twenty-five thousand rupees and the concerned trekker or trekking service provider or trekking company shall be banned from trekking or organizing trekking in the wildlife areas of the State for a period of five years.

(3) Whenever any pack animal operator contravenes sub-rule 4 of Rule 3, an offence would be deemed to have been committed and the concerned pack animal operator shall be punishable with a fine which shall not be less than five thousand rupees but may extend to ten thousand rupees apart from the compensation for the damage caused.

Provided that in case of a subsequent offence the fine shall not be less than ten thousand rupees and may extend to twenty five thousand rupees apart from the compensation for the damage caused and the pack animal operator and his pack animals shall be banned from entering the wildlife areas of the State for a period of five years.

(4) Whenever any person contravenes sub-rule 5 of Rule 3, an offence would be deemed to have been committed and the person shall be punishable with a fine which shall not be less than five thousand rupees but may extend to ten thousand rupees.

(5) Whenever any person contravenes sub-rule 6 of Rule 3, an offence would be deemed to have been committed and the person shall be punishable with a fine which shall not be less than ten thousand rupees but may extend to twenty thousand rupees and the person shall be henceforth banned from entering the wildlife areas of the state.

5) Detection of such offences

(1) Other than forest officers, the Ecodevelopment Committees (EDC), Joint Forest Management Committees (JFMC) shall be authorized to detect offences under these rules and arrest the offender if there is reason to believe that he will abscond.

(2) Any person arrested under sub-rule (1) shall be handed over forthwith to the nearest forest/wildlife office.

(3) Registered Non Governmental Organizations (NGOs) and the trekking service providers shall be authorized to detect offences and inform the nearest forest/wildlife office.

6) Reward

(1) The compounding officer may order reward to be paid to a person who renders assistance in the detection of the offence or apprehending the offender out of the sum of money accepted as fine not exceeding twenty percent of such money.

(2) The compounding officer may meet up the expenditure incurred for detecting the offence and apprehending the offender out of the sum of money accepted as fine not exceeding twenty percent of such money.

7) Rules to apply in addition to other laws

These rules shall apply in addition to the laws relating to forests, environment, wildlife and biodiversity.

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Government of Sikkim
File No: 250/WLC/F/05