

## **ASSAM NATIONAL PARKS ACT, 1968**

**9 of 1969**

**[12th May, 1969]**

### CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Declaration of intention to constitute National Parks
4. Bar to accrual of rights in area notified under Section 3
5. Proclamation by the competent not authority
6. Inquiry by competent authority
7. Power of competent authority
8. Notification constituting National Park
9. Power to revise limit of the National Park
10. Constitution of Advisory Committee
11. Duty of Advisory Committee
12. Conduct of business of Advisory Committee
13. Control of National Park and duties and powers of Director Wild Life
14. Honorary Wild Life Wardens
15. Entry or residence in National Park to be subject to rules
16. Prohibition of certain acts in National Park
17. Penalties
18. Offences under the Act cognizable
19. Powers of entry, search and seizure
20. Power to invest officers of Forest Department with powers officer in charge of Police Station
21. Officer and persons acting under this Act to be public servants
22. Protection of action taken in good faith
23. Power to make rules
24. Savings

## **ASSAM NATIONAL PARKS ACT, 1968**

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Whereas it is expedient to provide by law for the constitution and management of National Parks, the preservation of fauna and flora therein and other incidental matters; It is hereby enacted in the Nineteenth Year of the Republic of India as follows:

### **1. Short title, extent and commencement :-**

- (1) This Act may be called the Assam National Parks Act, 1968.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

### **2. Definitions :-**

In this Act, unless the context otherwise requires;

- (1)'Advisory Committee' means the Committee constituted under Section 10,
- (2)'animal' includes any variety of mammal, bird, reptile, amphibian, fish, insect or other invertebrates;
- (3)'Chief Conservator' means the head of the Forest Department of the State;
- (4)'Competent authority' means any person or authority authorised by the State Government by notification in the Official Gazette to perform the functions of the competent authority under this Act;
- (5)'Superintendent' means the officer-in-charge of the National Park;
- (6)'Prescribed' means prescribed by rules made under this Act;
- (7)'National Park' means any area declared to be a National Park under the provisions of Section 8.
- (8)'Trap' means any contrivance or device which is used or intended to be used for capturing animals;
- (9)'Weapon' includes firearms, ammunition or any instrument or apparatus capable of propelling a projectile or capable of being so propelled or used that any animal can be killed or injured thereby.

### **3. Declaration of intention to constitute National Parks :-**

- (1)Where it appears to the State Government in respect of an area to be defined under the provisions of Section 8 by reason of its floral, faunal, scenic or other interest or its natural beauty or its educational, scientific, archaeological, zoological or historical association for preserving, protecting and enhancing the natural beauty and/ or importance of the area and for providing for the facilities enjoyment thereof by persons resorting to it, the State Government may declare., by notification in the Official Gazette,

their intention to constitute the area as a National Park.

**4. Bar to accrual of rights in area notified under Section 3 :-**

During the interval between the publication of a notification under Section 3 and the date specified in the notification under sub-Section (1) of Section 8, no right shall be acquired in or over any part of the area comprised in the notification under Section 3 except by succession.

**5. Proclamation by the competent authority :-**

As soon as may be, after the publication of a notification under Section 3, the competent authority shall publish in the local language in every town and village in the neighbourhood of the area comprised in the notification, a proclamation

(a) specifying, as nearly as possible, the situation and limits of the proposed National Park;

(b) explaining the consequences which, as hereinafter provided, will ensue on the constitution of the National Park; and

(c) fixing a period of not less than two months from the date of such proclamation, and requiring every person claiming any right mentioned in Section 3 or Section 4 within such period either to present to the competent authority a written notice specifying, or to appear before him and state the nature of such right and the amount and particulars of the compensation (If any claimed in respect thereof).

**6. Inquiry by competent authority :-**

The competent authority shall take down in writing all statements made under Section 5, and shall at some convenient place inquire into all claims duly preferred under that Section.

**7. Power of competent authority :-**

(3) In the case of a claim to right of pasture or forest produce, the competent authority shall submit a report to the State Government as to whether or to what extent such right should be admitted, and the State Government may either in whole or in part reject or admit such right. In case such right is admitted the State Government may nevertheless terminate such right at any time afterwards, by issue of 3 (three) months' notice and after giving an opportunity of hearing.

**8. Notification constituting National Park :-**

(2) The State Government shall, before the date specified in such notification, caused a gist thereof, to be published in every town and village in the neighbourhood of the area in the local language.

**9. Power to revise limit of the National Park :-**

The boundaries of the Park as constituted under Section 8 shall not be altered and no portion of the Park shall be capable of addition, alteration or reduction except on the recommendation of a resolution passed by the State Legislative Assembly.

**10. Constitution of Advisory Committee :-**

(2) The State Government shall appoint the members and also nominate one of the members to be the Chairman of the Committee and the Superintendent to be its Secretary.

**11. Duty of Advisory Committee :-**

It shall be the duty of the Advisory Committee to advise the State Government in regard to

(i) the policy to be followed in the administration of the National Park;

(ii) the making of rules under this Act;

(iii) any other matter connected with the National Park which may be referred to the Committee by the State Government.

**12. Conduct of business of Advisory Committee :-**

(1) The Advisory Committee shall meet at such time, date and place as it thinks fit for the transaction of its business; provided that it shall meet at least twice a year.

(2) The Advisory Committee shall follow such procedure as it may determine by bye-laws made by it for the purpose.

**13. Control of National Park and duties and powers of Director Wild Life :-**

(2) The Director of Wild Life, may, in addition to the Superintendent and the regular staff of the National Park or in lieu of them utilise from time to time with the approval of the Chief Conservator of Forests such officers of the Forest Department as he may find necessary for carrying out the objects of this Act.

**14. Honorary Wild Life Wardens :-**

The State Government may on the recommendation of the Chief

Conservator of Forests, appoint any persons a Honorary Wild Life Wardens to help the superintendent in the proper maintenance of the National Park. Such persons will be selected for their interest in knowledge of or aptitude for Wild Life Preservation and management.

**15. Entry or residence in National Park to be subject to rules :-**

No person shall enter into or reside within the Park otherwise than in accordance with such rules as may be made in this behalf.

**16. Prohibition of certain acts in National Park :-**

No person shall

(a) convey or carry into the Park, or within the confines thereof be in possession of, any weapon explosive, trap, net or poison, except with the permission of the Chief Conservator or any officer authorised by him in this behalf.

(b) within the Park, kill, injure, capture or disturb any animal, or take or destroy any egg or nest of any bird, provided that the Chief Conservator may permit the destruction of any animal to prevent injury to life or property;

(c) wilfully or negligently cause damage by fire or otherwise to the Park or any object therein;

(d) except with the permission of the Chief Conservator or any officer authorised by him in this behalf, introduce any animal or wilfully permit any domestic animal to enter into the Park;

(e) except with the permission of Government or any officer authorised by the Government in this behalf remove from the Park any animal or any part thereof, whether alive or dead;

(f) fell any trees within the Park or remove any plants therefrom;

Provided that nothing in Clauses (a), (d), (e) or (f) shall apply to any officer of Government entering the Park on duty;

Provided further that nothing in Clauses (d), (e) or (f) shall apply to the holders of rights and Concessions to the extent admitted in any order passed under Section 7:

Provided further that if any person is found to be in possession of any weapon, explosive, traps, net or poison unauthorisedly, inside the park, any officer of the Forest Department or of National Parks

on duty may use such force as is necessary to apprehend him and dispossess him of the weapon, explosives, traps, nets and poison.

**17. Penalties :-**

Whoever contravenes any of the provisions of this Act. or any rules made thereunder shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees; and any Court trying such contravention may, in addition to any sentence which it may impose for such contravention, direct that any animal or product or part thereof, in respect of which the contravention has taken place, any weapon, trap, net, boat, vehicle, animal or other equipment used in committing any such offence shall be confiscated.

**18. Offences under the Act cognizable :-**

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 ( Now II of 1974), all offences under this Act and the rules made thereunder shall be cognizable.

**19. Powers of entry, search and seizure :-**

Any officer including an Honorary Wild Life Warden authorised in this behalf by the State Government by general or special order who has reason to believe from personal knowledge or from writing that anything in respect of which an offence punishable under this Act or any rule made thereunder is kept or concealed in any place, house, building, tent, boat or vehicle may

(a) enter at any time by day or by night into any such place, house, building, tent, boat or vehicle;

(b) in case of resistance, break open any door and remove any obstacle to such entry, and

(c) search for, seize and retain any such thing.

**20. Power to invest officers of Forest Department with powers officer in charge of Police Station :-**

The State Government may invest any officer not below the rank of Deputy Ranger of the Forest Department to the powers of an officer-in-charge of a Police Station for arrest of person and the investigation of offences under this Act and the rules made thereunder.

**21. Officer and persons acting under this Act to be public servants :-**

All officers and persons empowered to exercise any powers or to perform any duties under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

**22. Protection of action taken in good faith :-**

No suit, prosecution or other legal proceedings shall lie against any officer or person empowered to exercise powers or to perform duties under this Act for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**23. Power to make rules :-**

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(3) Every rule made under this Section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in Session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is also laid or the sessions immediately following the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**24. Savings :-**

(1) The provisions of this Act shall be in addition to and not in derogation of, the provisions of any enactment for the time being in force in the State relating to Forest.

(2) Nothing in this Act shall be deemed to effect any enactment for the time being in force in the State relating to ancient and historical monuments and records and archaeological sites and remains, declared by Law in Parliament to be of national importance.