

The M.P. National Parks Act, 1955

MADHYA PRADESH

India

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Act 7 of 1955

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The M.P. National Parks Act, 1955(M.P. Act No. 7 of 1955)[Dated 31st March 1955]Received the assent of the Governor on the 31st March, 1955; assent first published in the Madhya Pradesh Gazette Extraordinary on the 9th April, 1955.An Act to provide for the constitution, presentation and maintenance of National Parks and for matters ancillary thereto.Preamble. - Whereas it is expedient to provide for the constitution, preservation and maintenance of National Parks and for matters ancillary thereto;It is hereby enacted in the Sixth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be cited as the Madhya Pradesh National Parks Act, 1955.(2)[It extends to and shall be in force in the whole of Madhya Pradesh] [Substituted by M.P. Act No 23 of 1958.],(3)[xxx]
[Omitted by M.P. Act No. 23 of 1958.]

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(1)"Board" means the State Wild Life Board constituted under Section 6;(2)"Forest Officer" means any person appointed as a Forest Officer under Section 2 of the Indian Forest Act, 1927 (XVI of 1927), and includes any person appointed under Section 5 for carrying out the provisions of this Act;(3)"National Park" means a National Park constituted under this Act;(4)"Prescribed" means prescribed by rules made under this Act;(5)"Trap" includes any contrivance or device by means of which any animal can be captured or killed;(6)"Weapon" includes any fire-arm or ammunition therefor, bow, arrow, spear or any other instrument capable of being used in such a manner that any animal can be killed or injured thereby;(7)"Wild life" means-(a)all undomesticated vertebrate animals including mammals;(b)birds;(c)fish;(d)reptiles; and(e)flora;(8)Any expression used but not herein defined shall have the same meaning as assigned to it in the Indian Forest Act, 1927.

3. Constitution of National Parks.

(1)The areas defined in the Schedule are hereby constituted National Parks for the propagation and preservation therein of wild life or other objects of floral, scenic or scientific interest.(2)The State Government may, by notification, add to the Schedule any reserved forest area not being an area lying within one mile of any village recognised or declared as such under the Revenue Law and thereupon any area so added shall be deemed to be constituted a National Park under this Act.(3)A notification issued under sub-section (2) shall define the boundaries of the National Park as so constituted.

4. Saving of rights in National Parks.

- No right within a National Park which has been admitted and recorded by a Forest Settlement Officer under the Indian Forest Act, 1927 or which has been granted before the commencement of this Act shall be altered or interfered with except with the consent of the right-holder or grantee affected thereby.

5. Control of National Parks and functions and duties of controlling authorities.

(1)Subject to the control of the State Government the Chief Conservator of Forests shall be the authority to control, manage and maintain any National Park constituted under this Act, and, for the purpose, within such National Park-(a)may construct such roads, bridges, buildings, fences and such other works therein as may be considered necessary for the purposes of such Park; and(b)shall take such measures as may be necessary to preserve the wild life and scenic beauty of such Park and other objects of educational and scientific importance therein and for the purpose of promoting their enjoyment by the public.(2)The Chief Conservator of Forests may appoint any person for the purpose of carrying out the objects of this Act as he may consider necessary.

6. Constitution of State Wild Life Board.

(1)The State Government may, by notification, constitute a Board to be called the "State Wild Life Board" consisting of the following members :-Official Members(1)Minister in charge of the Forest Department.(2)Chief Conservator of Forests, Madhya Pradesh.(3)Conservator of Forests, [nominated by the State Government.] [Substituted by M.P. A.L.O. 1956.](4)Inspector-General of Police, Madhya Pradesh.(5)Sub-Area Commandant, Jabalpur.Nun-Official MembersFive members to be nominated by the State Government.(2)The Minister in charge of the Forest Department shall be the Chairman of the Board and the Conservator of Forests, [nominated by the State Government] [Substituted by M.P. A L O. 1956.] shall act as Secretary thereof.

7. Term (if office of non-official members and filling of vacancy.

(1)A non-official member shall hold office for a period of three years from the date of his appointment, but shall be eligible for reappointment.(2)A non-official member may, at any time, resign his office by submitting his resignation to the State Government. No such resignation shall take effect until it is accepted.(3)In the event of any vacancy in the office of a non-official member by reason of death, resignation or otherwise, such vacancy shall be filled in by-nomination of a non-official by the State Government.(4)The non-official members shall be entitled to receive such allowances as may be prescribed.

8. Procedure of Hoard.

(1)The Board shall meet at least twice a year.(2)The Board may frame regulations for the conduct of its business.

9. Duties of Hoard.

- It shall be the duty of the Board to advise the State Government-(a)in its selection of areas to be constituted National Parks;(b)in formulating the policy for administration and management of National Parks;(c)in formulating the policy in respect of wild life preservation vis-a-vis agriculture;(d)in the matter of selection of areas for protection of certain species of wild life, reintroduction of extinct species and stricter conservation of diminishing species;(e)in the matter of establishment and management of zoological gardens and parks;(f)in the matter of framing rules under Section 15;(g)in any other matter connected with the purposes of the Act which may be referred to it by the State Government for advice.

10. Entry or residence in National Park to be regulated by rules.

- No person other than an officer in the execution of his duties shall enter or reside in a National Park, except in accordance with the rules made by the State Government in this behalf.

11. Prohibition of certain acts in National Parks.

- No person, other than an officer in the execution of duties shall-(a)convey into a National Park or be in possession therein of any explosive, trap, position or any weapon except with the written permission of the Chief Conservator of Forests or any Forest Officer authorised by him to grant such permission;(b)kill, injure or capture or disturb any wild life or their nest, dens, habitats in a National Park except with the written permission of the Chief Conservator of Forests for purpose of scientific study or protection of human life and property :Provided that any dangerous animal may be killed or injured in defence of human life;(c)cause damage wilfully or negligently by fire or otherwise to a National Park or any object therein;(d)introduce any animal or permit wilfully any domestic animal to enter into a National Park except with the written permission of the Chief Conservator of Forests or any Forest Officer authorised by him in this behalf;(e)remove from a

National Park any wild life whether alive or dead or any part of wild life except with the written permission of the Chief Conservator of Forests or any Forest Officer authorised by him in this behalf.

12. Penalty.

- Whoever does any act in contravention of any of the provisions of this Act or of any rules made thereunder, shall be punishable with imprisonment for a term which may extend to six months or with a fine which may extend to one thousand rupees or with both.(2)Any wild life or part thereof or any other object of a National Park or part thereof in respect of which an offence has been committed under this Act and any weapon or trap used in committing any such offence shall be liable to confiscation. Such confiscation may be in addition to any other punishment prescribed for such offence.

13. Powers to search and arrest without warrant.

(1)Any Forest Officer or Police Officer may, without a warrant, search within a National Park any person, place, building, tent, sheds, vehicle or receptacle reasonably suspected to contain anything liable to confiscation under sub-section (2) of Section 12, and may seize and retain any such thing wherever found.(2)(a)Any Forest Officer or Police Officer may, without orders from a Magistrate or without a warrant, arrest any person reasonably suspected of committing an offence under this Act, and suspected of giving his or her name and residence which there is reason to believe to be false, or if there is reason to believe that the person will abscond.(b)Every officer making an arrest under this section shall, within 24 hours excluding the time spent in journey, produce the person arrested before a Magistrate having jurisdiction in the case.(3)The provisions in Sections 64 to 6cS of the Indian Forest Act, 1927, shall apply in respect of an offence punishable under Section 12 as they apply to a forest offence punishable under the Indian Forest Act, 1927.

14. Indemnity for acts done in good faith.

- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

15. Power to make rules.

(1)The State Government may make rules for the purpose of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the matters, namely :-(a)the conditions subject to which any person may enter or reside in a National Park and the period during which such park or any portion thereof shall be open to the public;(b)purposes for which a National Park may be used;(c)the regulation of traffic and carriage of passengers in a National Park;(d)the fees, if any, to be paid for entry into or residing in and for any other purpose connected with the use of a National Park or any portion thereof;(e)the powers and duties of officers and employees of Forest Department in regard to

maintenance and management of a National Park;(f)the preservation, control and management of a National Park;(g)the protection of the flora and fauna of a National Park;(h)the protection from defacement by writing or otherwise of any tree, bridge, rock, fence, seat, road and other signs or any other objects in a National Park;(i)protection of wild life, the disposal of noxious, predatory or super-abundant animals and the taking of animals for scientific and propagating purposes;(j)prevention of any unauthorised exhibition, fixing, erection or retaining of any advertisement, board, hoarding or structure in a National Park and removal of such advertisement, board, hoarding or structure;(k)the power to compound offences;(l)the delegation of his powers by the Chief Conservator of Forests;(m)allowances of non-official members of the Board.(3)All rules made under this Act shall, as soon as may be, be laid on the table of the Legislative Assembly and shall be subject to such modifications as the Legislative Assembly may make therein.

16. Saving.

- Nothing in this Act shall affect or limit the operation of the provisions of the Indian Forest Act, 1927, in respect of any area constituted a National Park under this Act.