

The U.P. National Parks Act, 1935

UTTAR PRADESH

India

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Act 1 of 1935

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The U.P. National Parks Act, 1935(U.P. Act No. 1 of 1935)Vide Notification No. 542-I/14-235 (1)-1933, dated 6th August, 1936 (w.e.f. 8-8-1936)An Act to provide for the establishment of national parks and the preservation of wild animal life or other objects of interest therein, and for incidental matters.Whereas it is expedient to make provision for the establishment of national parks, and whereas the previous sanction of the Governor-General has been obtained under sub-section (3) of Section 80-A of the Government of India Act, 1935, it is hereby enacted as follows :

1. Short title and extent.

(1)This Act shall be called the Uttar Pradesh National Parks Act, 1935.(2)It shall come into force on such date as the State Government may, by notification in the Gazette, appoint in this behalf.

2. Definitions.

- In this Act in rules made under this Act, unless inconsistent with the context-(1)"Animal" means any mammal, reptile (excluding snakes other than the python) or bird;(2)"Forest Officer" means a Forest Officer as defined in Section 2 of the Indian Forest Act, 1927, and includes any person appointed for carrying out the purpose of this Act;(3)"Park" means a national park constituted under this Act;(4)"Trap" includes any contrivance or device by means of which an animal can be captured;(5)"weapon" includes any firearm or ammunition therefor, or any other instrument capable of propelling a projectile or capable of being propelled or used in such a manner that any animal can be killed or injured thereby.

3. Constitution of a national park.

- The area defined in the Schedule to this Act is hereby constituted a national park or the propagation and preservation therein of wild animal life or other objects is scientific interest,

4. Constitution of other national parks.

- The State Government may, by notification in the official Gazette constitute any other Government forest area a national park for the purpose of this Act, and any park so constituted shall be deemed to be constituted under this Act; provided that no such notification shall be made, except on the recommendation of a resolution passed by both Houses of the State Legislature.

5. Boundaries of parks.

- The boundaries of any park shall not be altered, and no portion of such park shall be capable of alienation, except on the recommendation of a resolution passed by both Houses of the State Legislature.

6. Control of parks and functions and duties of controlling authority.

(1) Subject to the control of the State Government, the Chief Conservator of Forest shall be the authority to control, manage and maintain any park constituted under this Act, and for that purpose within a park-(a) may construct such road, bridges, buildings and fences and carry out such other works as he may consider necessary for the purposes of such park; and (b) shall take such steps as will ensure the security of animal life in such park and the preservation of such park and the animals therein in a natural state; and (c) may permit the erection of buildings for the accommodation of visitors, or of shops or other undertakings, provided that arrangements are made for the proper control of any such undertaking by the Chief Conservator of Forests. (2) The Chief Conservator of Forests may appoint or utilize from time to time such officers and servants of the Forest Department as may be necessary for the carrying out of the objects of this Act.

7. Saving of rights in a park.

- No right within a national park which has been admitted and recorded by a Forest Settlement Officer under the Indian Arms Act, 1878, or under the Indian Forest Act, 1927, or which has been granted before the passing of this Act, shall be altered or interfered with, except by the consent of the right holder or grantee affected thereby.

8. Purpose for which a park may be entered.

- (1) No person shall enter or reside in a park otherwise than in accordance with rules made by the State Government. (2) No person shall enter or reside in a park except for the purposes of-(a) health, study or recreation, or matters incidental thereto; (b) travel or transport along such routes as may be defined by rules, and (c) transaction, if any, lawful within a park.

9. Prohibitions of certain acts in a park.

- Subject to the exemptions provided below, it shall not be lawful for any person other than an officer or servant of the Forest Department-(a)to convey into a park, or within the confines thereof to be in possession of any explosive, trap or poison except with the permission of the Chief Conservator of Forests or of any officer of the Forest Department authorised by him to grant such permission and subject to the provisions of this Act and of the rules made under this Act: provided that any person entitled under the Indian Arms Act, 1878 or any rule made thereunder to carry or possess arms of any kind to the area in which a park is situated may, after giving due notice to the Chief Conservator of Forests, or such officer aforesaid, convey into or possess within a park such arms and ammunition therefor;(b)within a park to kill, injure, capture, or disturb any animal or to take or destroy any egg or nest of any bird; provided that any dangerous animal may be killed in defence of human life; and provided also that, with the permission of the Chief Conservator of Forests any animal may be killed to prevent injury to life or property;(c)wilfully or negligently to cause damage by fire or otherwise to the park or an object therein;(d)except with the permission of the Chief Conservator of Forest to introduce any animal or wilfully to permit any domestic animal to enter into a park;(e)to remove from a park any animal, whether alive or dead other than an animal lawfully introduced into such park, or any part of an animal :Provided that clauses (a), (d) and (e) shall not apply to any person in the service of the Government entering the park on duty, and that the clauses (d) and (e) shall not apply to holders of rights and concessions to the extent permitted under a Forest Settlement.

10. Power to make Rules.

- The State Government may make rules for the purpose of carrying into effect provisions of the Act, and in particulars as to all or any of the following matters-(a)the powers and duties of officers and servants of the Forest Department in regard to-(i)the exclusion of members of the public from any area or areas within a park;(ii)the killing, capturing or impounding of any animal within a park; and the disposal of such animal;(iii)the disposal of any animal, vegetable or mineral or other product of a park;(b)the conditions subject to which a person may enter or reside in a park under Section 8 and the periods of time during which a park or any portion thereof shall be open to the public;(c)the conditions under which the services or attendance of officers or servants of the Forest Department may be obtained by any person entering, passing through or so journeying within a park and the fees to be paid in respect of such services or attendance;(d)the fees (if any) to be paid for permission under Section 8 to enter or reside in a park, for the admission of animals, or of motor cars or other vehicle; for the taking of photographs within a park or for any other purpose connected with the use and enjoyment of a park;(e)the protection and preservation of a park and of the animals and the property therein;(f)the regulation of traffic and carriage of passengers in a park the points by which persons may enter and the routes by which they may pass through a park;(g)the protection from defacement by writing or otherwise of any tree, bridge, rock, fence, seat or other object in a park;(h)the power to compound offences;(i)the delegation of his powers by the Chief Conservator of Forests.

11. Penalties.

(1)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 one month, or fine which may extend to five hundred rupees or both.(2)Any animal 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.

12. Power to arrest without warrant and power of search.

(1)In respect of an offence punishable under Section 11 of this Act such of the provisions of Sections 64 to 68, Indian Forest Act, 1927, as are applicable shall apply as if such offence were a forest offence punishable under the Indian Forest Act, 1927.(2)Any forest officer or police officer may, without a warrant, search within a park any place, building, tent, vehicle or receptacle reasonably suspected to contain anything liable to confiscation under sub-section (2) of Section 11 and may seize and retain any such thing wherever found.

13. 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 park under this Act.

Schedule

Description of boundaries of the National Park referred to in Section 3Northern boundary. - From the junction of the Ramnagar-Ranikhet Public Works Department Road with the Dhangarhi Sot up the left bank of the Dhangarhi Sot to its junction with the Gajar Sot, thence up the left bank of the Gajar Sot for a short distance to its junction with the Sultan-Dhangarhi Cart Road; thence up that cart road to its junction with Sultan-Dhikala Motor Road about 100 yards west of Sultan rest-house, thence along a cut line northwards to one of the branches of the Sanguri Sot; thence down the centre of this branch of the Sanguri Sot of its junction with the main Sanguri Sot; thence down the main Sanguri Sot to its junction with the Ram Ganga River near Gairal rest-house. Thence along the left edge of the water of the main stream of Ram Ganga River (or, there is more than one stream of approximately the same size, along the left edge of the water of the left or southerly main branch of the Ram Ganga River) to a point due east of Rohini Parao thence due west in a straight line to Rohini Parao, thence along the main Patil Dun Cart Road to its junction with the motor road at Pucheri Chaor. Thence west-wards along the motor road to its junction with Boxar Tumeria Motor Road, thence from this motor road junction in a straight line (demarcated on the ground) running S.S.E. to the Idpani Sot Bridge on the Dhikala-Boxar Cart-Road thence in other straight line (demarcated on the ground) running S.S.W. to a point (demarcated on the ground) at the foot of the right high bank of the Jara Sot thence down the right banks of this Sot to its junction with the Ram Ganga River near Boxar.Western boundary.-Thence along the left edge of the water of the main

stream of the Ramganga River to the point at Lakharghat where the hills cease; thence along a cut line along the foot of the hills in a S. E., direction to Lakharghat forest guard's chowki, thence in a straight line demarcated on the ground to external divisional boundary pillar No. 827. Southern boundary.-Thence eastwards along the reserved forest boundary to reserved forest boundary pillar No. 975 where it meets the boundary of rights area No. 4 of the Kalagarh reserve; thence along the boundary of right area No. 4 to its junction with the Koti Rau. Thence up the left bank of the Koti Rau to its junction with the Jamangwar-Malani Road. Thence eastwards along this road, which forms the northern boundary of the Laldhang and Dhela Forest Blocks, to its junction with the Malani Sot. Thence eastwards along the Malani-Bijrani Cart-road which forms the northern boundary of Dhela Forest Block compartment 9, and of Sawaldeh Forest Block, to its junction with the Bijrani Sot. Eastern boundary.-Thence in a northerly direction along a cut line up the left bank of the Bijrani Sot and the left of Rattapani Rau, to its head on the Akhiri Danda Ridge. Thence in a straight line to the Rattapani Peak. Thence down the right bank of the Bara Panod to its junction with the Ramnagar-Ranikhet Public Works Department Road. Thence along this Road to its junction with the Dhangarhi Sot.