

Rajasthan Public Parks Act, 1956

RAJASTHAN

India

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Act 21 of 1956

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Rajasthan Public Parks Act, 1956(Act No. 21 of 1956)(Received the assent of his Highness the Rajpramukh on the 1st day of June, 1956)An Act to provide for the establishment, protection and preservation of public parks in the [State of Rajasthan] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Part 4-A, Extraordinary, dated 13.8.1957). This Act now extends to the whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas, with effect from 1.9.1957 i.e. the date of enforcement of Rajasthan Act No. 27 of 1957.] for the establishment of zoos and maintenance of animals therein, for the preservation of other objects of scientific interest therein, for securing the public from molestation and annoyance while resorting thereto and for incidental matters.Be it enacted by the Rajasthan State Legislature in the Seventh Year of the Republic of India as follows-

1. Short title, extent and commencement

(1)This Act may be called the Rajasthan Public Parks Act, 1956.(2)[It extends to the whole of the State of Rajasthan.] [Substituted vide item (43) of the Schedule, ibid.In this connection, see also the Rajasthan Act No. 40 of 1957 (Published in Rajasthan Gazette, Part 4-A, Extraordinary, dated 9.12.1957).](3)[It shall come into force on such date as the State Government may, by notification in the] [Came into force on 1.1.57, vide PWD order No. D/17703.F-4-2-P.W. 52 dated 23.11.1956 (Published in Rajasthan Gazette Part 4-C, dated 20.12.1956).] [Official Gazette] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Part 4-A, Extraordinary, dated . 13.8.1957).This Act now extends to the whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas, with effect from 1.9.1957 i.e. the date of enforcement of Rajasthan Act No. 27 of 1957.], appoint in this behalf

2. Definitions

- In this Act, unless the context otherwise requires-(1)Animal' includes any mammal, reptile or bird;(2)'Park' means any park or garden declared to be a public park under this Act as well as any

zoo within any public park so declared;(3)'Superintendent' means the person in executive charge of a park and includes any person lawfully performing the duties of a Superintendent under this Act.(4)'Trap' includes any contrivance or device by means of which an animal can be captured;(5)'Weapon' includes any fire-arm 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. Declaration of public parks

- The State Government may, by notification in the [Official Gazette] [Substituted by Section 4 of the Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette, Part 4-A, Extraordinary dated 13.8.1957).], declare any park or garden to be a public park and thereupon the provisions of this Act shall apply to such park.

4. Control of parks and functions and duties of Superintendent

(1)subject to the control of the State Government, the Superintendent of each park shall be the authority to control, manage and maintain such park, and for that purpose may with the previous sanction of the Government-(a)construct such roads, bridges, buildings and fences and carry out such other works as he may consider necessary for the purposes of such park;(b)make necessary arrangements for the preservation of scientific objects in such, park;(c)take such steps as will ensure the security of animals in such park;(d)permit the erection of buildings for the accommodation of visitors or of shops or other undertakings.(2)The State Government may, by notification in the [Official Gazette] [Substituted by Section 4 Rajasthan Act No. 27 of 1957 (Published in Rajasthan Gazette Part 4-A, Extraordinary, dated 13.8.1957).], direct that the control, management and maintenance of any park shall vest in a local authority within the jurisdiction of which such park may be situated; and in every such case the duties of a Superintendent under this Act shall in respect of such park, be exercised by such local authority and the proceeds, if any, from such park shall also vest therein.

5. Prohibition of certain acts in a park

- It shall not be lawfull for any person:-(a)to convey into a park or within the confines thereof to be in possession of any explosive trap or poison :Provided that any person entitled under the Indian Arms Act, 1878 (Act XI of 1878) or any rule made thereunder to carry or possess arms of any kind in the area in which a park is situated may convey into or possess within a park, such arms and ammunition therefor,(b)within a park or within a zoo therein to kill, injure, capture or disturb any animal, or to take or destroy any egg or nest or any bird, provided that any dangerous animal may be killed in defence of human life;(c)wilfully or negligently to cause damage by fire or otherwise to the park or any object therein; and(d)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.

6. Power to make rules

- The State Government may make rules for the purpose of carrying into effect the provisions of the Act, and in particular as to all or any of the following matters:-(a)the powers and duties of Superintendent and other officers and servants employed in a park in regard to-(i)the exclusion of members of the public from any area or areas within the park;(ii)the killing, capturing or impounding of any animal within the park, or within a zoo therein, and the disposal of such animal;(iii)the disposal of any animal, vegetable, a mineral or other product of the park;(b)the conditions subject to which a person may enter or reside in a park and the periods or times during which a park or any portion thereof shall be open to the public;(c)the protection and preservation of a park and of the animals and the property therein;(d)the regulation of traffic and carriage of passengers in a park, the points by which the persons may enter, and the routes by which they may pass through a park;(e)the protection from defacement by writing or otherwise on any tree, bridge, rock, fence, seat or other object in a park;(f)the power to compound offences;(g)the teasing or annoying of animals kept in a park;(h)the 'commission of nuisances in a park;(i)the molestation of or annoyance of any person;(j)the prohibition of bathing or the pollution of water in a park; and(k)the purchase of any produce of a park.

7. Penalties

(1)Whoever does any act in contravention of any of the provisions of this Act, or of any rules made under this Act, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees.(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.

8. Power to arrest without-warrant and power of search

(1)Any police officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any offence punishable under Section 7 of this Act.(2)Any 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 7, and may seize and retain any such thing wherever found.

9. Offences triable summarily

- Offences under this Act shall be triable summarily.

10. Superintendent, Officers and servants to be public servant

- Every Superintendent appointed for a park as well as every other officer and servant employed therein shall be deemed to be a public servant within the meaning of Section 31 of the Indian Penal Code, 1860 (Act XIV of 1860).