

ASSAM ACT IX OF 1969

(Received the assent of the President on the 29th April 1969)

THE ASSAM NATIONAL PARKS ACT, 1968

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**Preamble.** 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 :—

**Short title, extent and commencement.** 1. (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.

**Definitions.** 2. 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 ;

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- (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.

Declaration  
of intention  
to constitute  
National  
Parks.

3. (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 or importance, that it is desirable to take measures for preserving, protecting and enhancing the natural beauty and/or importance of the area and for providing facilities for the 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.

(2) The notification shall—

- (a) specify, as nearly as possible, the situation and limits of the area ; and
- (b) direct the competent authority to inquire into and determine the existence, nature and extent of any rights alleged to have existed in favour of any person in or over any land comprised within such limits and to deal with the same as provided in this Act.

*Explanation.*—For the purposes of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well-known or readily intelligible boundaries.

Bar to  
accrual of  
rights in  
area noti-  
fied under  
section 3.

4. 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.

Proclamation  
by the  
competent  
authority.

5. 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).

Inquiry by competent authority.

6. 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.

Power of competent authority.

7. (1) For the purpose of such inquiry, the competent authority may exercise the following powers, that is to say—

- (a) power to enter, by himself or any officer authorised by him for the purpose upon any land, and to survey, demarcate and make a map of the same; and
- (b) the powers of a Civil Court in the trial of suits.

(2) In the case of a claim to a right in or over any land, the competent authority shall submit a report to the State Government with his opinion as to whether the claim should be admitted or rejected in whole or in part and if such claim is admitted in whole or in part by the State Government it shall—

- (a) exclude such land from the limits of the proposed National Park, or
- (b) direct the competent authority to come to an agreement with the owner thereof for the surrender of his rights; or
- (c) proceed to acquire such land under the Land Acquisition Act, 1894 paying reasonable compensation assessed as per provision contained in the said Act, and rules made thereunder. 1 of 1894

(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.

Notification  
constituting  
National  
Park.

8. (1) When the following events have occurred, namely:—

(a) the period fixed under section 5 for preferring claims has elapsed, and all claims, if any, made under that section have been disposed of by the State Government ;

(b) or all lands (if any) to be included in the proposed National Park which the State Government has under section 7 elected to acquire under the Land Acquisition Act, 1894, have become vested in the Government under that Act. I of 1894

The State Government shall publish a notification in the official Gazette specifying definitely the limits of the area which is to be the National Park and declare the same to be the National Park from a date specified in the notification.

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

Power  
to revise  
limit of the  
National  
Park.

9. 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.

Constitu-  
tion of Ad-  
visory  
Committee.

10. (1) The State Government may, by notification in the official Gazette, constitute an Advisory Committee for every National Park consisting of—

(a) the Chief Conservator ;

(b) one of the Conservators of Forest who shall also be the *Ex-Officio* Director of Wild Life Management ;

(c) three members of the State Legislature ;

(d) the Director of Animal Husbandry and Veterinary, Assam ;

- (e) two persons possessing special knowledge of or interest in Wild Life Conservation, natural sciences, other scientific cultural interests ;
- (f) one member to represent such other interest as the State Government may deem fit ;
- (g) the Superintendent.

(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.

(3) Each of the members referred to in clauses (c), (e) and (f) of sub-section(1) shall serve for a term of three years :

Provided that the State Government may extend the term, for sufficient reasons, by a period not exceeding one year.

Duty of  
Advisory  
Committee.

11. 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.

Conduct of  
business of  
Advisory  
Committee.

12. (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.

Control of  
National  
Park and  
duties and  
powers of  
Director of  
Wild Life.

13. (1) Subject to the control of the State Government and the supervision of the Chief Conservator of Forests and the advice of the Advisory Committee, the Director of Wild Life shall be the authority to control, manage and maintain the National Park and for that purpose—

(a) shall take such steps as will ensure the security of animal life in the Park and preservation of the park and the animals therein in a natural state;

(b) may construct such roads, bridges, buildings, fences and barrier gates and carry out such other works as may be considered necessary;

(c) may permit the erection of buildings for the accommodation of visitors or of shops or other undertakings; provided that agreements are made for their proper regulation and control.

(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.

**Honorary  
Wild Life  
Wardens.**

14. The State Government may on the recommendation of the Chief Conservator of Forests, appoint any persons as 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

**Entry or re-  
sidence in  
National  
Park to be  
subject to  
rules.**

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

**Prohibition  
of certain  
acts in  
National  
Park.**

16. 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, explosives, 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.

Penalties. 17. 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, and any weapon, trap, net, boat, vehicle, animal or other equipment used in committing any such offence, shall be confiscated.

Offences under the Act cognizable. 18. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act and the rules made thereunder shall be cognizable. V of 1898.

Powers of entry, search and seizure. 19. 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 information given by any person and taken down in 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.

**Power to invest officers of Forest Department with powers of officer in charge of a Police Station.** 20. The State Government may invest any officer not below the rank of Deputy Ranger of the Forest Department with 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.

**Officers and persons acting under this Act to be public servants.** 21. 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.

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

**Power to make rules.** 23. (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—

(a) the powers and duties of the Chief Conservator, the Director of Wild Life, the Superintendent and other officers and servants of the Park and of Forest Department in respect of the matters dealt with by this Act ;

(b) the conditions subject to which a person may enter into or reside within the Park and the periods during which the Park or any portion thereof shall be open to be public;



- (c) the conditions under which the services or attendance of officers and servants of the Park may be obtained by any person entering, passing through or sojourning within the Park and the fees to be paid in respect of such services or attendance ;
- (d) the fees (if any) to be paid for permission to enter into or reside within the Park, for the admission of animals or motor-cars or other vehicles, or for the taking of photographs within the National Park or for any other purpose connected with the use and enjoyment of the National Park ;
- (e) the protection, control and management of the Park and the preservation of the flora and fauna and the property therein ;
- (f) the regulation of traffic and carriage of passengers in the Park, the places through which persons, animals and vehicles may enter or leave the Park and the routes by which they may pass through the Park ;
- (g) the protection from defacement by writing or otherwise, of any tree, bridge, rocks, fence, seat or other object in the Park ;
- (h) the delegation by the Chief Conservator of his powers and duties under this Act ;
- (i) the protection of animals, the disposal of noxious, predatory or superabundant animals and the taking of animals for scientific and propagating purposes ;
- (j) the preservation of public health and the abatement and prevention of nuisances within the Park ;
- (k) the prevention of unauthorised exhibition, fixing creation or retention of any advertisement, board, hoarding or structure in the Park and the removal of such advertisement, board, hoarding or structure.

(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.

**Savings.**

24. (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 Forests ;

(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 archeological sites and remains, declared by Law in Parliament to be of national importance.