

CHAPTER IV

Sanctuaries, National Park, ¹[****] and Closed Areas

Sanctuaries

18. Declaration of Sanctuary.— [(1) The State Government may, by notification, declare its intention to constitute any area other than area comprised with any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural. or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment. ²]

(2) The notification referred to in sub-section (1) shall specify, as nearly as possible, the situation and limits of such area.

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

19. Collector to determine rights.— [³When a notification has been issued under Sec.18,] the collector shall inquire into, and determine the existence, nature and extent of the rights of any person in or over the land comprised within the limits of the sanctuary.

20. Bar of accrual of rights.— After the issue of a notification under Sec.”18, no right shall be acquired in, or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

21. Proclamation by Collector. – When a notification has been issued under Sec.18 the Collector shall publish in the regional language in every town and village in or in the neighborhood of the area comprised therein, a progamation:

- (a) specifying, as nearly as possible, the situation and the limits of the sanctuary; and
- (b) requiring any person, claiming any right mentioned in Sec. 19, to prefer before the collector” within two months from the date of such proclamation, a written claim in the prescribed form specifying the nature and extent of such right, with necessary details and the amount and particulars of the compensation, if any, claimed in respect thereof.

22. Inquiry by Collector. – The Collector shall, after service of the prescribed notice upon the claimant, expeditiously inquire into

- (a) the claim preferred before him under Cl. (b) of Sec.21, and
- (b) the existence of any right mentioned in Sec.19 and not claimed under Cl.(b) of Sec.21,

so far as the same may be ascertainable from the records of the State Goven-iments and the evidence of any person acquainted with the same.

23. Powers of Collector. – For the purpose of such inquiry, the Collector may exercise the following powers, namely

- (a) the power to enter in or upon any land and to survey, demarcate, and make a map of the same or to authorise any other officer to do so;
- (b) the same powers as are vested in a civil court for the trial of suits.

24. Acquisition of rights. – (1) In the case of a claim to a right in or over any land referred to in Sec.19, the Collector shall pass an order admitting or rejecting the same in whole or in part.

- (2) If such claim is admitted in whole or in part, the Collector may either
 - (a) exclude such land from the limits of the proposed sanctuary, or
 - (b) proceed to acquire such land or rights, except where by an agreement between the owner of such land or the holder of rights and the Government the owner or holder of such rights has agreed to surrender his rights to the Government, in or over such land, and payment of such compensation, as is provided in the Land Acquisition Act, 1894 (1 of 1894)
- [⁴(c) allow, in consultation with the Chief Wildlife Warden, the continuance of any right of any person in, or over any land within the limits of the sanctuary.]

25. Acquisition proceedings. – (1) For the purpose of acquiring such land, or rights in or over such land,

- (a) the Collector shall be deemed to be a Collector, proceeding under the Land Acquisition Act, 1894 (1 to 1894):
- (b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under sec.9 of that Act.
- (c) the provisions of the sections preceding Sec.9 of that Act shall be deemed to have been complied with;
- (d) where the claimant does not accept the award made in his favour in the matter of compensation, he shall be deemed, within the meaning of Sec.18 of that Act, to be a person interested who has not accepted the award, and shall be entitled to proceed to claim relief, against the award – under the provision of Part III of that Act;
- (e) the Collector, with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or money or partly in land and partly in money, and
- (f) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government provide for an alternative public way or common pasture, as far as may be practicable or convenient.

(2) The acquisition under this Act of any land or interest therein shall be deemed to be acquisition for a public purpose.

26. Delegation of Collector's powers. – The State Government may, by general or special order, direct that the powers exercisable or the functions to be performed by the Collector

under Sec. 19 to 25 (both inclusive) may be exercised and performed by such other officer as may be specified in the order.

[⁵(26A) **Declaration of area as Sanctuary.** –(1) When –

- (a) a notification has been issued under sec.18 and the period for preferring claim has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or
- (b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological, faunal, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wildlife or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be sanctuary on and from such date as may be specified in the notification.

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government.

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial water shall not be affected by the notification issued under sub-section (1).

(3) No alteration of the boundaries of a sanctuary shall be made except on a resolution passed by the Legislation of the State.]

27. Restriction on entry in sanctuary. – (1) No person other than,

- (a) a public servant on duty;
- (b) a person who has been permitted by the Chief Wildlife Warden or the authorised officer to reside within the limits of the sanctuary;
- (c) a person who has any right over immovable property within the limits of the sanctuary;
- (d) a person passing through the sanctuary along a public highway, and
- (e) the dependents of the person referred to in CI. (a), (b) or (c).

shall enter or reside in the sanctuary, except under and in accordance with the conditions of a permit granted under section 28.

(2) Every person shall, so long as he resides in the sanctuary, be bound

- (a) to prevent the commission, in the sanctuary, or an offence against this Act;
- (b) where there is reason to believe that any such offence against this Act has been committed in such sanctuary, to help in discovering and arresting the offender;
- (c) to report the death of any wild animal and to safeguard its remains until the Chief Wildlife Warden or the authorised officer takes charge thereof;
- (d) to extinguish any fire in such sanctuary of which he has knowledge or information and to prevent from spreading by any lawful means in his power , any fire within the vicinity of such sanctuary of which he has knowledge or information; and
- (e) to assist any forest officer, Chief Wildlife Warden, Wildlife Warden or police officer demanding his aid for preventing the commission of any offence against this Act or in the investigation of any such offence.

[⁶(3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause any wrongful gain as defined in the Indian Penal Code (45 of 1860), alter, destroy, move, or deface such boundary-mark.]

[⁷(4) No person shall tease or molest any wild animal or litter the grounds or sanctuary.]

28. Grant of permit. – (1) The Chief Wildlife Warden may, on application, grant to any person a permit to enter or reside in a sanctuary for all or any of the following purposes, namely:

- (a) investigation or study of wildlife and purposes ancillary or incidental thereto;
- (b) photography;
- (c) scientific research;
- (d) tourism;
- (e) transaction of lawful business with any person residing in the sanctuary.

(2) A permit to enter or reside in a sanctuary shall be issued subject to such conditions and on payment of such fee as may be prescribed.

[⁸(29) **Destruction, etc., in a sanctuary prohibited without a permit.** – No person shall destroy, exploit or remove any wildlife from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal or its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government being satisfied that such destruction, exploitation or removal of wildlife from the sanctuary is necessary for the improvement and better management of wildlife therein authorises the issue of such permit.

Explanation: For the purposes of this section, grazing or movement of livestock permitted under clause (d) of Sec.33 shall not be deemed to be an act prohibited under this section.]

30. Causing fire prohibited. – No person shall set fire to a sanctuary, or kindle any fire, or leave any fire burning, in a sanctuary, in such manner as to endanger such sanctuary.

31 Prohibition of entry into sanctuary with weapon. – No person shall enter a sanctuary with any weapon except with the previous permission in writing of the Chief Wildlife Warden or the authorised officer.

32. Ban on use of injurious substances. – No person shall use in a sanctuary, chemicals, explosives or any other substances which may cause injury to, or endanger, any wildlife in such sanctuary.

33. Control of sanctuaries. – The Chief Wildlife Warden shall be the authority who shall control, manage and maintain all sanctuaries and for that purpose, within the limits of any sanctuary,

- (a) may construct such roads, bridges, buildings, fences or barrier gates, and carry out such other works as he may consider necessary for the purposes of such sanctuary;
- (b) shall take such steps as will ensure the security of wild animals in the sanctuary and the preservation of the sanctuary and wild animals, therein;
- (c) may take such measures, in the interests of wildlife, as he may consider necessary for the improvement of any habitat.
- (d) may regulate, control or prohibit, in keeping with the interests of wildlife, the grazing or movement of [livestock].
- (e) [omitted 19911

[⁹33A. Immunisation of livestock. –(41) The Chief Wildlife Warden shall take such measures in such manner as may be prescribed, for immunisation against communicable diseases of the livestock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or graze, any livestock in a sanctuary without getting it immunised.]

34. Registration of certain persons in possession of arms. – (41) Within three months from the declaration of any area as a sanctuary, every person residing in or within ten kilometres of any such sanctuary and holding a licence granted under the Arms Act, 1959 (54 of 1959), for the possession of arms or exempted from the provisions of that Act and possessing arms, shall apply in such form, on payment of such fee, and within such time as may be prescribed, to the Chief Wildlife Warden or the authorised officer, for the registration of his name.

(2) On receipt of an application under sub-section (1), the Chief Wildlife Warden or the authorised officer shall register the name of the applicant in subject manner as may be prescribed.

[¹⁰3) No new licences under the Arms Act, 1959 (54 of 1959), shall be granted within a radius of ten kilometres of a sanctuary without the prior concurrence of the Chief Wildlife Warden.

National Parks

35. Declaration of National Parks. – (1) Whenever it appears to the State Government that an area, whether within a sanctuary or not, is, by reason of its ecological, faunal, floral, geomorphological, or zoological association or importance, needed to be constituted as a National

Park for the purpose of protecting and propagating or developing wildlife therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park.

[¹¹(1) Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of Sec.26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.]

(2) The notification referred to in sub-section (1) shall define the limits of the area which is intended to be declared as a National Park.

(3) Where any area is intended to be declared as a National Park, the provisions of Sec. [¹²19 to 26-A (both inclusive except clause (c) of sub-section (2) of section 24)] shall, as far as may be, apply to the investigation and determination of claims and extinguishment of rights, in relation to any land in such area as they apply to the said matters in relation to any land in a sanctuary.

(4) When the following events have occurred, namely

(a) the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a National Park, have been disposed of by the State Government, and

(b) all rights in respect of lands proposed to be included in the National Park have become vested in the State Government

the State Government shall publish a notification specifying the limits of the area which shall be comprised within the National Park and declare that the said area shall be a National Park on and from such date as may be specified in the notification.

(5) No alteration of the boundaries of a National Park shall be made except on a resolution passed by the Legislature of the State.

(6) No person shall, destroy, exploit, or remove any wildlife from a National Park or destroy or damage the habitat or any wild animal or deprive any wild animal or its habitat within such National Park except under and in accordance with a permit granted by the Chief Wildlife Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation, or removal of wildlife from the National Park is necessary for the improvement and better management of wildlife therein, authorises the issue of such permit.

(7) No grazing of any [livestock¹³] shall be permitted in a National Park and no livestock shall be allowed to enter except where such [livestock] is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of secs. 27 and 28, secs.30 to 32 (both inclusive), and CIS, (a), (b) and (c) of [Sec.33, 33A¹⁴] and sec.34 shall, as far as may be, apply in relation to a National Park as they apply in relation to a sanctuary.

36. [¹⁵Omitted 1991]

Closed Area

37. Declaration of closed area. – (1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in a closed area during the period specified in the notification referred to in sub-section(1).

Sanctuaries or National Park declared by Central Govt.

38. Power of Central Government to declare areas as Sanctuaries or National Park,

- (1) Where the State Government leases or otherwise transfers any area under its control, not being an area within a Sanctuary, to the Central Government the Central Government may, if it is satisfied that the conditions specified in sec.18 are fulfilled in relation to the area so transferred to it, declare such area, by notification, to be a sanctuary and the provisions of [sec 18 to 35 (both inclusive) ¹⁶], 54 and 55 shall apply in relation to such sanctuary as they apply in relation to a sanctuary declared by the State Government.

(2) The Central Government may, if it is satisfied that the conditions specified in sec.35 are fulfilled in relation to any area referred to in sub-section (1), whether or not such area has been declared, to be a sanctuary by the Central Government, or the State Government, declare such area, by notification, to be a National Park and the provisions of secs.35. 54 and 55 shall apply to such National Park as they apply in relation to a National Park declared by the State Government.

(3) In relation to a sanctuary or National Park declared by the Central Government, the powers and duties of the Chief Wildlife Warden under the section referred to in sub-section (1) and (2). shall be exercised and discharged by the Director or by such other officer as may be authorised by the Director in this behalf and references in the sections aforesaid to the State Government, shall be construed as reference to the Central Government and reference therein to the Legislation of the State shall be construed as a reference to Parliament.

¹ Chapter IV “Game Reserves” omitted by Act 44 of 1991, sec. 14.

² Sec 18(l) substituted by Act 44 of 199 1, sec. 15.

³ Sec. 19 “Whenever any area is declared to be a sanctuary” Substituted by Act 44 of 1991, sec. 16.

⁴ Sec.24(2)(c) Inserted by Act 44 of 1991, sec. 17

⁵ Sec.26A inserted by Act 44 of 1991, sec. 18.

⁶ Sec.27(3) Inserted by Act 44 of 1991, sec. 19.

⁷ Sec.27(4) Inserted by Act 44 of 1991, sec. 19.

⁸ Sec.29. Hunting in sanctuary without permit prohibited. (1) Notwithstanding anything contained elsewhere in this Act, no person shall hunt any wild animal in a sanctuary or remove therefrom any wild animal, whether alive or dead, or any trophy, uncured trophy, or meat derived from such animal.

Provided that if the Chief Wildlife Warden is satisfied that it is necessary that any wild animal in a sanctuary should be hunted or removed.

(a) for the better protection of wildlife, or

(b) for any other good and sufficient reason he may, with the previous approval of the State Government, grant a permit authorising any person to hunt or remove such wild animal under the direction of an office authorised by him or cause it to be hunted or removed.

(2) A permit granted under sub-section

(1) shall specify the kind and number of wild animal that may be hunted or removed by the holder of such permit.

(3) The Chief Wildlife Warden may, for good and sufficient reason, to be recorded in writing, cancel any permit granted under sec.28 or under this section.

Provided that no such cancellation shall be made except after giving the holder of the permit a reasonable opportunity of being heard.

(4) Any person aggrieved by the cancellation of a permit under sub-section (3) may, within 15 days from the date of such cancellation, appeal to the State Government, whose decision shall be final.

Provided that the State Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the applicant had sufficient cause for not preferring the appeal in time.”

Substituted by Act 44 of 1991, Sec. 20,

⁹ Sec.33A inserted by Act 44 of 1991, sec.22.

¹⁰ Sec.34(3) inserted by Act 44 of 1991, sec.22A.

¹¹ Sec.35(1) Provision added by Act 44 of 1991, sec.23

¹² Sec. 35(3) “ 19 to 26 (both inclusive)” between “the provisions of sections’ and “shall, as far as” substituted by Act 44 of 1991, sec.23.

¹³ Sec.35(7) “cattle” substituted by “livestock” by Act 44 of 1991, sec.23.

¹⁴ Sec.35(8) “section 33” after “clause (a), (b) and (c) of “substituted by Act 44 of 1991, sec.23.

¹⁵ Sec.36 Declaration of “Game Reserve”.–(1) The State Government may, by notification, declare any area closed to hunting for such period as may be specified in the notification.

(2) No hunting of any wild animal shall be permitted in such reserve except under and in accordance with a licence, issued under this section by the Chief Wildlife Warden or the authorised officer.”

omitted by Act 44 of 1991, sec. 24.

¹⁶ Sec38. “Section 19 to 35 after “provisions of” substituted by Act 44 of 1991, sec.25.