



## The Bengal Public Parks Act, 1904

Act 2 of 1904

**Keyword(s):**

**Park, Superintendent, Park Durwan**

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## Bengal Act II of 1904

(The Bengal Public Parks Act, 1904.)<sup>1</sup>

AMENDED	...	...	West Ben. Act VI of 1959.
			(a) The Government of India (Adaptation of Indian Laws) Order, 1937. (b) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. (c) The Adaptation of Laws Order, 1950.
ADAPTED	...	...	

(9th March, 1904.)

### *An Act for the regulaion of Public Parks in Bengal.*

WHEREAS it is expedient to protect public parks and gardens in Bengal from injury, and to secure the public from molestation and annoyance while resorting to such parks and gardens ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Bengal Public Parks Act, 1904.

(2) It applies to the public parks and gardens mentioned in the Schedule, and may be applied to any other public park or garden in <sup>2</sup>[West Bengal, Bihar or that part of Orissa which on the ninth day of March, 1904 was included in Bengal] by order of the <sup>3</sup>[State Government] published in the <sup>4</sup>[*Official Gazette*].

Short title  
and applica-  
tion.

<sup>1</sup>LEGISLATIVE PAPERS.—For Statement of Object and Reasons, see the *Calcutta Gazette* of 1903, Pt. IV. Page 62; for Report of Select Committee. see *ibid.* 1904, Pt. IV. Page 22; and for Proceedings in Council, see *ibid.* 1903, Pt. IVA, page 218, 224 and *ibid.* 1904, Pt. IVA, pages 2 and 14.

LOCAL EXTENT.—This Act applies to the public parks and gardens mentioned in the Schedule, and may be applied to others by order—see sec. 1(2).

<sup>2</sup>These words were substituted for the word "Bengal" by paragraph (1) of Article 3 of, and the Schedule to, the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

<sup>3</sup>The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

<sup>4</sup>These words were substituted for the words "*Calcutta Gazette*", by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

## (Sections 2—4.)

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

- (a) "Park" means any public park or garden to which this Act applies by virtue of section 1, sub-section (2), or any order published thereunder ;
- (b) "Superintendent" means the person in executive charge of a park ; and for the purposes of section 6, sub-section (2), includes also—
  - (i) an assistant superintendent of a park, and
  - (ii) any member of the Managing Committee (if any) of a park ; and
- (c) "park durwan" means any person appointed by the superintendent, or by the authority to whom the superintendent is subordinate, to act as a durwan of the park.

3. The <sup>1</sup>[State Government] may, by notification in the <sup>2</sup>[*Official Gazette*] declare that any specified land, bridge or pontoon shall, for the purposes of this Act, be deemed to be included in any park.

Power to extend boundaries of park.

4. (1) The <sup>1</sup>[State Government] may make rules for the management, and preservation of any park, and for regulating the use thereof by the public.

Power to make rules.

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

- (a) regulate the admission of persons, horses and ponies, and carriages, palanquins and other conveyances, into the park, and prescribe fees to be paid therefor ;
- (b) prohibit or regulate the bringing of dogs, motor-cars, bicycles or tricycles into the park ;
- (c) prohibit the doing of all or any of the following things, by persons other than employees of the park, that is to say, plucking or gathering anything growing in the park, breaking trees, branches or plants, cutting names or marks on trees, disfiguring buildings, furniture or monuments, removing or disfiguring labels or marks attached to trees or plants ;
- (d) prohibit the purchase of any produce of the park otherwise than from the superintendent or some other authorised person ;
- (e) prohibit shooting, bird-nesting, the catching of butterflies, or any act of cruelty ;

<sup>1</sup>See foot-note 3 on page 201, *ante*.

<sup>2</sup>See foot-note 4 on pag 201, *ante*.

of 1904.]

(Sections 5, 6.)

- (f) prohibit or regulate fishing or boating and prescribe fees to be paid by persons obtaining permission to fish or to use boats ;
- (g) prohibit bathing, or the pollution of water by any other means ;
- (h) prohibit the grazing of horses or ponies ;
- (j) prohibit the teasing or annoying of animals or birds kept in the park ;
- (k) prohibit the commission of any nuisance, or the molestation or annoyance of any person resorting to the park.

(3) In making any rule under this section, the<sup>1</sup>[State Government] may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

(4) The power to make rules under this section is subject to the condition that they shall be made after previous publication.

(5) All rules made under this section shall be published in the<sup>2</sup>[Official Gazette].

5. One or more copies in English and in one or more vernacular languages, of every notification published under section 3, and of all rules made under section 4 for observance by persons resorting to a park, and for the time being in force, shall be put up in the park in such conspicuous manner as the superintendent may deem best calculated to give information to such persons.

Exhibition of copies of notifications and rules in park.

6. (1) If any person who, in the presence of a park durwan in uniform, has committed or has been accused of committing a breach of any rule made under section 4, and who is unknown to such durwan, refuses, on demand of such durwan, to give his name and residence, or gives a name or residence which such durwan has reason to believe to be false, such person may be detained by such durwan in order that his name or residence may be ascertained.

Refusal of offender to give name and residence.

(2) When any person is detained under sub-section (1), he shall forthwith be taken to the superintendent, or, if the superintendent be not present in the park or its immediate precincts, such person shall be taken to the nearest police-station, or if he so requests, to the nearest Magistrate having jurisdiction to try him.

(3) If the true name and residence of any person so taken to the superintendent be not ascertained within a reasonable time, the superintendent shall forthwith send for an officer of police, and shall detain the offender until the arrival of such an officer, and shall then deliver

<sup>1</sup>See foot-note 3 on page 201, ante.

<sup>2</sup>See foot-note 4 on page 201, ante.

(Sections 8, 9 and the Schedule.)

him into the custody of such officer, to be taken to the nearest police-station.

(4) If the true name and residence of any person taken to a police-station under this section be not ascertained within a reasonable time, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction to try him.

(5) When the true name and residence of any person detained under this section have been ascertained he shall be allowed to depart.

(6) No person shall be detained under this section for a longer period than twelve hours.

7. Every superintendent and park durwan shall, for the purposes of the Indian Penal Code, be deemed to be a public servant.

Act XLV of 1860.

Superintendent and park durwan deemed "public servants". General powers, duties, etc., of park durwan.

8. Every park durwan shall, in addition to any powers and immunities specially conferred on him by this Act or by rules made hereunder, have, within the limits of the park to which he is appointed, all such powers, privileges and immunities, and shall, within the said limits, be liable to all such duties and responsibilities, as a police-constable has and is liable to within the limits of the police-station in which such park is comprised :

Provided that every park durwan shall be subordinate to superintendent.

9. Every police-constable employed within the limits of a police-station shall have, within any park comprised in such limits, the powers, privileges, and immunities conferred on a park durwan by this Act and any rules made hereunder.

General powers, etc., of police-constables.

THE SCHEDULE.

PUBLIC PARKS AND GARDENS TO WHICH THIS ACT APPLIES IN THE FIRST INSTANCE.

[See section 1, sub-section (2).]

<sup>1</sup>[The Indian Botanic Garden, Sibpur].

The Zoological Garden, Alipur.

The Eden Gardens, Calcutta.

The Lloyd Botanical Garden, Darjeeling.

The Victoria Pleasance, Darjeeling.

<sup>1</sup>Substituted for the words "The Royal Botanic Garden, Sibpur" by s. 2 of the Bengal Public Parks (Amendment) Act, 1959 (West Ben. Act V of 1959).