

Forest Law, Legislation and Policy

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Lecture:-1

Introduction

The objectives of forest policies

The purpose of a society in establishing policies about what its members do is to try to assure that their actions will contribute as much as possible toward some ends which the society deems desirable. A policy is this means to some end and its effectiveness on only budgeted in forme of those ends. However many of the ends towards which policies are aimed are desirable only because they in turn become means towards the achievement of other ends.

For example a society may have on objective of adequate wood supplies for all consumer needs. It is there fore establishes a policy of increasing the growth of timber in its forest. one way and doing this is to reduce the occurrence and severity of wild forest fire. A second objective thus arises of keeping forest fire damage to a minimum.

There will be a hierarchy of policies as a result of the chair ends and means. In order to measure the value or effectiveness of any given policy, it my be necessary to look beyond its own immediate ends. The objectives of forest policies are often not clearly stated and probably in many cases are not even clearly known. Confusion about objectives leads to many difficulties, and it is desirable that the objectives of forest policies and of other policies which affect or conflict with them may be made as explicit as possible.

The most obvious objective of any society with forest resources is to obtain the benefits that it might from them. These potential benefits cover a wide range including wood products, other vegetative products, animal products, water, recreation sites, flood reduction, soil stabilization, modification of climatic conditions, and environmental amenity. Not all forests are potentially capable of producing all the benefits.

Eg: A river – bottom swamp forest cannot do any thing to reduce floods.

A forest cannot be preserved indefinitely in the same condition, even it is protected well. Some of the potential benefits of the forest cannot be obtained without disturbing the natural conditions.

Eg: In order to obtain the benefits of wood products, one must cut the trees and remove usable portion from the forest. In this process one will make drastic changes in the vegetative cover on the area and perhaps also in soil conditions.

The magnitude of the adverse effects may be controlled to some extent, and this is the function of forest management. Manipulating the condition of the vegetation and site, man can change the output of most benefits in the direction, that he desires. Although a forest may simultaneously produce various benefits such as water, game and wood, an attempt to increase the yield of all these products will usually lead to serious conflicts.

Foresters usually have conceived of multiple use as a process applied to forest properties. Multiple is not a system of management but is a concept of management. Multiple use is not a rational objective for forest policy unless it is accompanied by some recognition of the impossibility of obtaining a maximum of yield of every one of the potential forest benefits. Since it is not possible to obtain the maximum amount of every one of the potential forest benefits, society is forced to assign some sort of priorities to them.

The positive efforts of the late 19th century to conserve the remaining forest and to augment them through tree planting were largely motivated. Even though the forests were producing or were capable of producing other benefits, the primary objective in setting aside the forest reserves and in developing public forestry programs was to ensure a future supply of wood, fodder, fuel. Animal products were also recognized early as an important benefit of the forests; grazing was one of the principal uses of the public domain. The concepts of Biodiversity, ecological balance, environmental stability have been receiving much more attention in recent years with growing concentration of population in urban areas. The most fundamental objective of our society is probably survival.

A very basic goal of our society is "security and national welfare. Another fundamental objective of our society is the "health and welfare of the people. Outdoor recreation activities are generally considered as conducive to health. They also are assumed to add to the participants welfare through the measure obtained and favourable environment in which they are practiced. Thus recreation becomes a means to the end of health and welfare.

Economic development is an objective which has received a great attention in recent years. Forests may occupy an important place in the development of countries. The conflict between society's multitudinous objectives are inevitable and part of the problem in policy formation is to resolve them satisfactorily.

Lecture:- 2 & 3

NATIONAL FOREST POLICY - 1952 12th May,

Introduction

No. 13-1/52-F-In their Resolution No. 22-F., dated the 19th October, 1894, the Government of India in the late Department of Revenue and Agriculture enunciated in broad outlines the general policy to be followed in the management of State forests in the country. During the interval that has since elapsed, developments of far reaching importance have taken place in the economic and political fields. The part played by forests in maintaining the physical conditions in the country has come to be better understood. The country has passed through two world wars which disclosed unsuspected dependence of defence on forests. The reconstruction schemes, such as river-valley projects, development of industries and communications, lean heavily on the produce of forests.

2. While the fundamental concepts underlying the existing forest policy still hold good, the Government of India, consider that the need has now arisen for a re-orientation of the forest policy in the light of the changes which have taken place since it was enunciated.

3. Vital national needs-The National Forest Policy of India is formulated on the basis of six

paramount needs of the country, namely:-

(1) the need for evolving a system of balanced and complementary land-use, under which each type of land is allotted to that form of use under which it would produce most and deteriorate least;

(2) the need for checking-

(a) denudation in mountainous regions, on which depends the perennial water supply of the river system whose basins constitute the fertile core of the country;

(b) the erosion progressing space along the treeless banks of the great rivers leading to ravine formation, and on vast stretches of undulating wastelands depriving the adjoining fields of their fertility;

(c) the invasion of sea-sands on coastal tracts, and the shifting of sand dunes, more particularly in the Rajputana desert; .

- (3) the need for establishing treelands, wherever possible, for the amelioration of physical and climatic conditions promoting the general well being of the people;
- (4) the need for ensuring progressively increasing supplies. of grazing, small wood for agricultural implements, and in particular of firewood to release the cattle dung for manure to step up food production; -
- (5) the need for sustained supply of timber and other forest produce required for defence, communications and industry;
- (6.) the need for the realisation of the maximum annual revenue in perpetuity consistent with the fulfilment of the needs enumerated above.

These vital needs indicate the functions forests are to fulfil, and 'provide the fundamental basis of the policy governing their future.

4. Functional classification of forests-Having regard to the functions afore-stated, the forests of India, whether State or privately owned, may be 'conveniently Classified as follows:-

- (A) *Protection forests*, i.e., those forests which must be preserved or created for physical and climatic considerations;
- (B) *National forests*,. i.e., those which have to be maintained and managed to meet the needs of defence, communications, industry, and other general purposes of public importance;
- (C) *Village forests*, i.e., those which have to be -maintained to provide firewood to release cow-dung for manure, and to yield small timber for agricultural implements and other forest produce for local requirements, and to provide grazing for cattle;
- (D)*Tree-lands*, i.e., those areas which though outside the scope of the ordinary forest management are essential for the amelioration of the physical conditions of the country.

This classification is merely illustrative and is by no means mutually exclusive. In fact every forest performs more than one function, and has, therefore, to be so managed as to achieve the highest efficiency in respect of the chief functions assigned to it. This functional classification has also no bearing on the classification of forests distinguished in the Indian Forest Act XVI of 1927. which is based on the degree of control exercisable in them.

5. Necessity of classification This board's functional classification of forests is necessary to focus attention on the kind and object of management necessary in each case. Every sizeable forest, whatever its composition, location, or category, serves both a protective and a productive purpose, and in its utility may be of local, regional, or national significance. The fact, however, must be realised that the country as a whole has a vast stake in the conservation of all forests, irrespective of their functions and ownership, and, therefore, all of them should be administered from the point of view of national well-being.

6. Two possible considerations-Two considerations, plausible, no doubt, at first sight, if given undue weight to, destructive of national well being in the long run, should be combated. They are:

(1) Neighbouring areas are entitled to a prior claim over a forest :and its produce.

(2) Agricultural requirement has a preferential claim over forest lands.

7. Claims of neighboring Communities -Village communities in the neighborhood of a forest will naturally make greater use of its products for the satisfaction of their domestic and agricultural needs. Such use, however, should in no event be permitted at the cost of, national interests. the accident of village being situated close to a forest does not prejudice the right of the country as a whole to receive the benefits of a national asset. The scientific conservation of a forest inevitably involves the regulation of rights and the restriction of the privileges of user depending upon the value and importance of the forest, however, irksome such restraint may be to the neighboring areas. The Himalayan forests, for, instance, are the greatest of national assets; to them we owe the richness of the country. The denudation and under-development of the Himalayan slopes leads to greater intensity and frequency of floods, recurrent erosion, and to coarse detritus being deposited on the fertile submountane tracts. This process inflicts immeasurable loss and misery on the unsuspecting millions in the Indo-Gangetic Plain, and brings about a progressive and permanent of soil fertility, and a cumulative reduction in the agricultural potential of the whole land. While, therefore, the needs of the local population must be met to a reasonable extent, national interests should not be sacrificed because they are not directly discernible, nor should the rights and interests of future generations be subordinated to the improvidence of the present generation.

8. Relinquishment of forest land for agricultural purposes-The indiscriminate extension of agriculture and consequent destruction of forests have not only deprived the local population of fuel and timber, but have also stripped the land of its natural defences against dust-storms, hot desiccating winds, and

erosion. The old policy, which envisaged the relinquishment, subject to certain safeguards honoured only in their breach, of even valuable forest land for permanent cultivation, has resulted in general deterioration of physical conditions to the detriment of national interests, and must, therefore, be given up. In the abstract, the claims of agriculture undoubtedly appear stronger than those of forestry. The notion widely entertained that forestry, as such, has no intrinsic right to land but may be permitted on sufferance on residual land not required for any other purpose, has to be combated. The role of forests in the national economy, both protective and produce, entitles forests to lay claim to an adequate share of land. The importance of tree lands in the rural economy of this region where agriculture constitutes the main-stay of the vast bulk of population can scarcely be overemphasized.

9. Land use-The correct solution of the land problem is -to evolve a system of balanced and complementary land use, under which each type of land is allotted to that' form of use under which it would produce most and deteriorate least. A detailed survey .of lands with a view to their proper utilisation is, therefore, highly desirable.

10. Protection forests- Protection forests' de note forests found, or required, on hill slopes, river banks, sea-shores, or other erodable localities. In such sites the need for forest cover is dictated by purely protective physical considerations, such as prevention of erosion, conservation of moisture, and control of rushing torrents and floods. The role of such forests in saving the soil from being washed away, and when maintained in catchment areas, in the prevention of floods and maintenance of stream-flow, cannot be over emphasised. On flat country with loose sandy soil, especially under' dry conditions, forests, whether natural or artificial, perform an essential function in minimising wind erosion, fixing the soil and preventing the formation of sand dunes, and. mitigating the desiccation of agricultural crops leeward of the tree cover. The National Forest Policy requires, therefore) an immediate and speedy programme for the reconditioning of the mountainous regions, river valleys, and coastal lands by establishing protective forests over larger areas, and preserving the existing ones. The primary object of management of such forests should be to utilise in full their protective influence on the soil, the water regime. and the physical and climatic factors of the locality; and the interests to be thus protected should far outweigh those which It may be necessary to restrict. The scientific management of such 'protection forests', wherever possible, should include the production and exploitation of timber within the limits of safety.

11. Reconditioning of hills and dales-The progressive denudation of hill sides with serious repercussions on the fertility of the land, and the growing erosion along the banks of rivers, of which

the Yamuna, the Chambal, the Mahi, the Narnada, the Kosi, and the Damodar are notorious examples, constitute the major considerations demanding immediate attention,

12. The immobilization of the desert of Rajputana-Attention also needs to be drawn here to the Rajputana desert, more particularly to -the fixation of the shifting sand dunes. Strong winds that develop .in this region during the summer, transport vast quantities of sand and salt from the sea and Runn of Cutch, whipping the desert into terrific dust storms, the fury of which is felt throughout the north-western India. The desert has spread through the ages causing the 'westering' of the Indus and the 'northering' of the Sutlej, meeting an obstruction of sorts only along its eastern confines in the Aravallis. The immobilization of the desert and protection of the remaining fertile belts inside it constitutes one of the planks of the National Forest Policy.

13. National forests- 'National forests' constitute the basis of India's strength and wealth; for they comprise valuable timber bearing regions the produce of which is indispensable for defence, communications and vital industries. They have to be managed chiefly in the interest of the nation as a whole, and their organization and development is one of the most important functions of the States: Their management on scientific and business lines is essential for maintaining a sustained supply of wood for industry and of large timbers for defence, communications and other national purposes. The basic policy, so far as such forests are concerned, must be to attain national self-sufficiency in these vital supplies. Future development should, therefore, be directed to that end. Cultivation should not be permitted to encroach upon these valuable timber bearing tracts, The solution of the food problem of an ever increasing population must be sought primarily in intensive cultivation and not in weakening the very basis of national existence by encroaching upon such forests.

14. Village forests- 'Village forests' popularly termed fuel forests, are intended; in the main, to serve the needs of the surrounding villages in respect of small timber for housing and agricultural implements, fire-wood, leaves for manure and fodder, fencing thorns, grazing and edible forest products. The supply for such requirements should be made available at non-competitive rates, provided they are utilised by the villagers themselves and not traded in. The management of such village forests should aim at meeting the present as well as the future needs of the local population. Removal of the produce in excess of its annual growth should not, therefore, be permitted. Restrictions should be - imposed in the interests not only of the existing generation but also of posterity. These considerations render the entrusting of the management of village forests to *panchayats*, without appropriate safeguards, a hazardous undertaking as has been demonstrated in.

some of the States, The co-operation of *panchayats* should be enlisted in the protection and creation of village forests, and in the distribution of forest produce assigned to meet the needs of the local population, but not at the cost of economy and efficiency. While the profit motive in the management of these forests should be relegated to the background; there is no justification for allowing them to become a burden on the general tax-payer: the expenses for development and maintenance of such forests must come from their own income.

15. Treelands- Although 'treelands' are not part of regular forests, in a country like India where their increase, management, and development are vital to the needs of the people, they cannot well be left out of any well-considered policy. The Land Transformation Programme of the Government of India envisages the planting of 30 crores of trees in ten years; but this number is very far from about 2,000 crores of trees, which would be necessary to restore the hydrological nutritional balance of the country. The creation of forests by State Forest Departments on such an elaborate, scale is ruled out at present by lack of funds and trained personnel. The only way in which some progress can be achieved is by making the whole nation 'tree conscious'. Such consciousness will stimulate private efforts at tree planting as has been demonstrated by the success-of the *National Vana Mahotsava* movement. It will also arrest the vandalism which feels no scruples in cutting down valuable trees, and create among the populace an urge to secure the protection of trees-a virtue as much to be desired as it is rare.

16. Scope for increasing treelands-State Government have a vast scope for an all-round 'increase in the area under treelands. Defence, Railways, Public Works Departments, Universities and Colleges, Boards, Municipalities and other local authorities, associations and institutions can lend helping hand by converting the lands at their disposal into treelands. The new Forests Policy, therefore, envisages a concerted and supreme effort on the part of various Governments and other agencies towards planned afforestation with a view to the enlargement of treelands. The exploration of the possibilities of such a development by the Central State is clearly indicated. A systematic programme of extending existing treelands and establishing new ones should be framed by the Governments concerned. Under the new Policy, it should be the duty of the Forest Departments concerned

(a) to awaken the interest' of the authorities within their region in" the development extension's and establishment of tree lands;

(b) to draw up plans for such purposes bearing in mind' the need for species of commercial importance:

- (c) to establish nurseries and seed stores in each area for the supply of saplings, plants and seeds:
- (d) to supervise the planting of trees, and render such technical assistance as may be necessary for the development treelands; and
- (e) to arouse tree consciousness among the people by publicity, by celebrating the *Vana Mahotsava*, and by encouraging the *Vana Premi Sangh*.

17. Treelands in agricultural areas-The importance of treelands in the rural economy of the regions where agriculture constitutes the mainstay of the vast bulk of the population cannot be over-emphasized. Experience gained during the first two *Vana Mahotsavas* indicated a very considerable response in the countryside, where Government officers had prepared the, ground and created the necessary enthusiasm among the people. A campaign inducing villagers to plant trees in village commons and along roadsides, on the condition that they would enjoy the benefit of the fruits, timber, and other produce of trees planted by them has yielded excellent results and is well worth an extended trial. The essence of success in such ventures lies in invoking the willing co-operation of the local villagers, the necessary technical guidance and help being furnished by the Forest and other Departments. In most localities, a cultivator has no land to utilize for raising trees; there is, however, nothing to prevent him from growing at least a few trees per acre on his own field. Much useful work in this direction has been done in the western district of Uttar Pradesh where cultivators have raised a fair amount of babul (*Acacia arabica*) in their fields. Other species may prove to be of equal utility in other regions.

18. Control of private forests-The ownership of private forests in States where they still exist vests in individuals. Such ownership must however, be regulated in the national interests so that the indiscriminate exercise of individual rights may not prejudice or endanger, general welfare regulation and control of private forests by the State on physical climatic and economic grounds is, therefore, imperative. Recent legislation in various States has assumed the following pattern:-

- (1) Owners of private forests should, in the first instance, be given an opportunity to manage their forests in accordance with an approved working plan.
- (2) In the case only of recalcitrant owners, who are tempted to sacrifice their capital for immediate gain, should the management of their forests be made to vest in Government by the process of law.

- (3) The ownership of such 'vested forests' should remain, however, unaffected; and the transfer should relate only to management, the net profits arising therefrom, if any, accruing to the owner.

The object of the legislative measures outlined above stand in grove risk of being defeated by the tendency discernible owners of private forest to cash in their assets by excessive exploitation of forests for personal ends. In order to arrest such destruction of forests, the National Forest Policy requires that their control and management should be strictly regulated, and where that cannot be done, they should be taken over by the State Governments by effective legislation.

19. Proportion of forest areas-The proportion of land to be kept permanently under forests would naturally vary in different regions. Practical consideration suggests, however, that India, as a whole, should aim at maintaining one-third of its total land area under forests. As an insurance against denudation a much larger percentage of the land, about 60 per cent should be kept under forests for their protective functions in the Himalayas, the Deccan, and other mountainous tracts liable to erosion. In the plains, where the ground is flat and erosion is normally not a serious factor, the proportion to be attained should be placed at 20 per cent; and in view of the pressure of agriculture effort at the extension of treelands should be concentrated on river banks and other convenient places not suitable for agriculture. At the same time it must be realised that even distribution of forests in all physical regions is as important as its over-all proportion. In certain localities deficient in forests, therefore, afforestation of marginal lands, and eroded river and village waste-lands, should be undertaken. Forest area in excess of the indicated proportion, if any, should however, not be sacrificed. To maintain an over-all average, it is essential that States better suited for the growth of trees should help to make good the deficiency in those parts where climatic and edaphic factors militate against tree-growth.

20. Wild Life-The National Forest Policy emphasizes the need for affording protection to the animal kingdom and particularly to rare species such as the lion and the great one-horned rhinoceros, which are fast disappearing. While the damage caused by such predators as wild pigs, game and porcupine cannot be denied, the elimination of their natural enemies tends to multiply them. It is necessary, therefore, that bird and animal life should be controlled by special laws and rare fauna preserved by setting up sanctuaries and large-scale national parks. For this purpose, a Central Board for Wild life has been constituted by the Government of India in the Ministry of Food and Agriculture Resolution No. 7-110/51-F., dated 4th April, 1952.

21. Grazing-The controversial question of grazing in State forests calls for a clear definition of policy. Speaking generally, all grazing in forests, particularly unlimited or uncontrolled grazing, is incompatible with scientific forestry. At the same time, grazing does take place in forests and must be accepted as a hard fact. There are indeed circumstances in many regions where a moderate amount of grazing does little direct harm, and may even do a great deal of indirect good in reducing the risk of fire and in suspending regression at a desirable stage. But efficient forests management requires that grazing should be regulated as regards the time and place, as also the number of cattle admitted. The formulation of the grazing policy should be based on the following cardinal principles:-

- (a) Continuous grazing on the same area by larger herds is destructive of the better strains of grasses and leads to a deterioration of the grass complex. Wherever it is permitted and is in great demand, efforts should be made to introduce rotational grazing, the benefits of which should be explained and demonstrated to the villagers.
- (b) Cheap forest grazing has a demoralizing effect and leads to the vicious spiral of reckless increase in the number of cattle, inadequate forest grazing, reduced quality of the herds and further increase in the numbers to offset the fall in quality. Free and indiscriminate forest grazing is, therefore, a serious disservice to cattle breeding. The notion that a farmer's wealth must be reckoned in terms of the number of cattle he owns, regardless of quality is one of the causes of India's- uneconomical cattle wealth and must be combated.
- (c) Grazing should not be looked upon primarily as a source of revenue. But the simple and obvious way of regulating and controlling grazing as also improving the quality both of grazing and cattle themselves, is to institute a reasonable fee for the privilege of grazing.
- (d) Grazing must not be allowed in regeneration areas and young plantations during such periods as the seedlings require for establishment; otherwise they stand in danger of being browsed or trampled upon.
- (e) Grazing incidence should be kept at a minimum in 'Protection Forests'.

22. Sheep and goats- Experience gained in India and elsewhere points to the imposition of restrictions on sheep grazing in forests, and the total exclusion of goats, therefrom. The damage to young plants caused by the browsing of these animals is often irreparable, and their admission into the forest is incompatible with the aims and objects of forest management. The creation of special fodder reserves under strict- rotational control is indicated for the purpose.

23. Shifting cultivation-The damage caused to forests by shifting cultivation in certain areas must be guarded against. To wean the aborigines, who eke out a precarious living from axe-cultivation moving from area to area, away from their age-old and wasteful practices, requires persuasion, not coercion; a missionary, not an authoritarian, approach. Possibilities of regulating shifting cultivation by combining it with forests regeneration (*Taungya*) to the benefit of both should be fully explored, Success in this direction largely depends on -enlisting the co-operation of the cultivators and gaining their confidence and, in showing consideration to their needs and wishes.

24. Sustained yields-With a view to conserving forest resources in perpetuity, the new forest policy requires scrupulous regard for sustained yield in the management of .all classes of forests. The fluctuations in the annual out turn of forests upset State budgets, industries" and other national enterprises; all working plans, therefore, should aim at -confining them, within the .narrowest limits. This aspect assumes even greater significance in case where private owners manage their own forests. The compilation of an sound working plans, therefore, requires

- (a) the calculation of increment so that what is annually put on is annually _cut, leav ing the original assets intact or improved;
- (b) the preparation of the pams, and investigations on the propagation and tending of various species, their increment, the optimum conditions of their growth and the regulation of yield;
- (c) carefully planned afforestation schemes to replace inferior tree, growth by valuable species of commercial importance.

Each State, therefore, should set up a permanent organisation to deal with working plans their compilation, and revision and deviations from them, research and statistics, as well as to conduct detailed surveys of available forest resources which are a sine qua non for a sound forest management.

25. Forest administration-The efficiency of forest administration depends directly on the adequacy of the forest laws, the training and calibre of the professional forest services, and the progress of research on both the biological and the utilisation aspects of forestry.

26. Forest legislation-So far as forests under the control of the Central Government and of Part A States are concerned, adequate forest legislation exists in the Indian Forests Act and the Madras Forest Act. In some of the Part B States, there are forests regulations having the force of law. But there are some Part B States where forests laws do not exist. It is necessary,

therefore, that States without a proper forest Act should enact legislation at an early date on the lines of the Indian Forest Act, or validate that Act for their territory. Several States have already enacted legislation for the control of private forests; it is desirable that States which have no such laws should enact them early. While framing legislation for private - forests, States should not overlook the need for providing adequate staff for enforcing its provisions.

27. Forest education-Forestry courses are at present conducted for Forest Rangers and Superior Officers at the Forest Research. Institute and Colleges. The States would, be well advised to continue taking advantage .of the facilities provided by the Central Government at Dehra Dun, associated with the well-equipped Forest' Research Institute, which enjoy n world-wide reputation. A" common forest education is a very effective means of inculcating an esprit de corps among officers; of developing a common, outlook in. forestry matters; and of ensuring concerted- and integrated .policies throughout the country. Openings .in the profession of forestry being limited- the decentralization of forest education will militate against economy, and efficiency, encourage fissiparous tendencies, create unemployment, and render planned development of forest resources difficult.

28. Training of field staff-Attention has also to be directed to the proper training of lower executive staff on whose technical skill ultimately depends the proper execution of forest schemes and their extension. The tendency to start schools which are not properly equipped should be discouraged. It is necessary that contiguous States, should combine and - co-operate in establishing well-equipped and up-to-date training schools for the purpose of meeting their needs in the most economical manner.

29. Services--The idea held in some quarters that since forests grow by themselves, they need no technical management is based on ignorance. Inadequacy of technical personnel, and weakening of the professional standards of the men called upon to manage forests, would be followed not only by a loss of revenue but also by a general degradation of the forests, resulting in reduced output of forests produce and in deterioration of physical conditions.

30. Forest Research-Investigations in the biological aspects of forestry, among others Silviculture, Bontany and Entomology, have naturally leaned heavily upon the co-operation of Forest Departments of various States, most of which have an organisation of their own for the purpose. The maintenance of a research organisation in each State commensurate with its resources and requirements is in the interests of efficient forest management of the country as a whole. Research in the utilization of forest products has, on the other hand, always been initiated and conducted at the Forest Research Institute where special equipment for the purpose exists. This balanced arrangement ensures both efficiency and economy. The Institute also is naturally the centre for specialized education in forest industries; and special technical courses in paper and plywood technology, wood preservation, timber seasoning and other cognate subjects have been organised to meet the demands of industry for technicians.

31. Liaison with industry-There is also considerable scope for improvement in securing the utilization of the results of research on forest products by commercial and industrial interests. For ensuring closer contact between the Forest Research Institute and the interests utilizing timber and forest products, liaison and publicity arrangements at the Institute need to be strengthened.

32. Popular goodwill, co-operatives and forest workers-While forest legislation, forest education, and forest research constitute the basis for sound forest management, the welfare and goodwill of the people in the neighborhood of forests provide the firm ground on which it stands. No forest policy, however well intentioned and meticulously drawn up, has the slightest chance of success without the willing support and co-operation of the people. The recognition of their rights to forest produce at concessional rates, or, free of royalty, is not by itself enough. What is necessary is to instill in the people a direct interest in the utilization of forests. Intermediaries who exploit both the forests and local labour for their own benefit may with advantage be supplanted gradually by forest labour co-operative societies which may be formed to suit local conditions. Once the local population learns to look upon the forest as a means of its livelihood, a great step forward will have been taken.

33. Forest budgets-Forestry is a long range enterprise and it becomes incumbent upon State Governments to secure for it freedom from the vagaries of the annual budget. A steady flow of funds is indispensable for sustained forest operations such as replacement of what is removed annually, improvement of remaining crops, development of communications for opening up remote areas, and protective measures; they have to be based on phased schemes which should not be set aside lightly. Budget cuts made from year to year: to meet the exigencies of State finances can only be made at the expense of continuity in forest management- 'apart from other benefits and at the sacrifice of forest

revenue and other benefits in the coming year. The creation of a sinking fund, therefore, by investing a portion of the revenue in Government securities, more particularly during boom years, would not only ensure availability of funds for replacement and development costs, but may also be made to act as an equalizing fund to be drawn upon in lean years to prevent a fall in revenue. The immediate profit motive should be rigidly ruled out; for, this urge may endanger the supply of large and special timber for defence and industry and lead to a disturbance of climatic conditions seriously affecting agriculture. The adoption of rotations to produce large-sized timber is often of greater importance to the general economy of the country than that of rotations which yield the maximum rate of interests in forest investments.

34. Policy-an Enunciation of General Principles -While the discretion of State Government to regulate the details of forest administration in their respective territories is left unfettered, the general principles of the above forest policy should, in paramount national interests, be observed by them in framing their policies and legislation for the conservation of their forest resources. The forest policy of every State should be so framed as not to impinge adversely upon the general economy and physical balance of an adjoining State. It should be in consonance with the general principles underlying the Forest Policy laid down by the Centre for the preservation and development of the nation's forest resources which are so vital to its general well-being.

Lecture:-4

NATIONAL FOREST POLICY -1988

GOVERNMENT OF INDIA MINISTRY OF ENVIRONMENT AND FORESTS NEW DELHI

No. 3-1/86-FP

Ministry of Environment and Forests

(Department of Environment, Forests & Wildlife)

Paryavaran Bhavan, CGO Complex,

Lodi Road, New Delhi - 110003.

Dated the 7th December, 1988.

RESOLUTION

1. PREAMBLE

1.1. In Resolution No.13/52/F, dated the 12th May, 1952, the Government of India in the erstwhile Ministry of Food and Agriculture enunciated a Forest Policy to be followed in the management of State Forests in the country. However, over the years,* forests in the country have suffered serious depletion. This is attributable to relentless pressures arising from ever-increasing demand for fuel-wood, fodder and timber; inadequacy of protection measures; diversion of forest lands to non-forest uses without ensuring compensatory afforestation and essential environmental safeguards; and the tendency to look upon forests as revenue earning resource. The need to review the situation and to evolve, for the future, a new strategy of forest conservation has become imperative. Conservation includes preservation, maintenance, sustainable utilisation, restoration, and enhancement of the natural environment. It has thus become necessary to review and revise the National Forest Policy.

2. BASIC OBJECTIVES

2.1 The basic objectives that should govern the National Forest Policy - are the following:

- Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country.

- Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the country.
- Checking soil erosion and denudation in the catchment areas of rivers, lakes, reservoirs in the "interest of soil and water conservation, for mitigating floods and droughts and for the retardation of siltation of reservoirs.
- Checking the extension of sand-dunes in the desert areas of Rajasthan and along the coastal tracts.
- Increasing substantially the forest/tree cover in the country through massive
- afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.
- Meeting the requirements of fuel-wood, fodder, minor forest produce and small timber of the rural and tribal populations.
- Increasing the productivity of forests to meet essential national needs.
- Encouraging efficient utilisation of forest produce and maximising substitution of wood.
- Creating a massive people's movement with the involvement of women, for achieving these objectives and to minimise pressure on existing forests.

2.2 The principal aim of Forest Policy must be to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all lifeforms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim.

3. ESSENTIALS OF FOREST MANAGEMENT

3.1 Existing forests and forest lands should be fully protected and -their productivity improved. Forest and vegetal cover should be increased rapidly on hill slopes, in catchment areas of rivers, lakes and reservoirs and ocean shores and, on semi-arid, and desert tracts.

3.2 Diversion of good and productive agricultural lands to forestry should be discouraged in view of the need for increased food production.

3.3 For the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other protected areas should be strengthened and extended adequately.

3.4 Provision of sufficient fodder, fuel and pasture, specially in areas adjoining forest, is necessary in order to prevent depletion of forests beyond the sustainable limit. Since fuelwood continues to be the predominant source of energy in rural areas, the programme of afforestation should be intensified with special emphasis on augmenting fuelwood production to meet the requirement of the rural people.

3.5 Minor forest produce provides sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income.

4. STRATEGY

4.1 Area under Forests

The national goal should be to have a minimum of one-third of the total land area of the country under forest or tree cover. In the hills and in mountainous regions, the aim should be to maintain two-third of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.

4.2 Afforestation, Social Forestry & Farm Forestry

4.2.1 A massive need-based and time bound programme of afforestation and tree planting, with particular emphasis on fuelwood and fodder development, on all degraded and denuded lands in the country, whether forest or non-forest land, is a national imperative.

4.2.2 It is necessary to encourage the planting of trees alongside of roads, railway lines, rivers and streams and canals, and on other unutilised lands under State/corporate, institutional_ or private ownership. Green belts should be raised in urban/industrial areas as well as in arid tracts. Such a programme will help to check erosion and desertification as well as improve the microclimate.

4.2.3 Village and community lands, including those on foreshores and environs of tanks, not required for other productive uses, should be taken up for the development of tree crops and fodder resources. Technical assistance and other inputs necessary for initiating such programmes should be provided by the Government. The revenues generated through such programmes should belong to the panchayats where the lands are vested in them; in all other cases, such revenues should be shared with the local communities in order to provide an incentive to them. The vesting, in individuals, particularly from the weaker sections (such as landless labour, small and marginal farmers, scheduled castes, tribals, women) of certain ownership rights over trees, could be considered, subject to appropriate regulations; beneficiaries would be entitled to usufruct and would in turn be responsible for their security and maintenance.

4.2.4 Land laws should be so modified wherever necessary so as to facilitate and motivate individuals and institutions to undertake tree-farming and grow fodder plants, grasses and legumes on their own land. Wherever degraded lands should be made available for this purpose either on lease or on the basis of a tree-patta scheme. Such leasing of the land should be subject to the land grant rules and land ceiling laws. Steps necessary to encourage them to do so must be taken. Appropriate regulations should govern the felling of trees on private holding.

4.3 Management of State Forests

4.3.1 Schemes and projects which interfere with forests that clothe steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive areas should be severely restricted. Tropical rain/moist forests, particularly in areas like Arunachal Pradesh, Kerala, Andaman & Nicobar Islands, should be totally safeguarded.

4.3.2 No forest should be permitted to be worked without - the Government having approved the management plan, which should be in a prescribed format and in keeping with the National Forest Policy. The Central Government should issue necessary guidelines to the State Governments in this regard and monitor compliance.

4.3.3 In order to meet the growing needs for essential goods and services which the forests provide, it is necessary to enhance forest cover and productivity of the forests through the application of scientific and technical inputs. Production forestry programmes, while aiming at enhancing the forest cover in the country, and meeting national needs, should also be oriented to narrowing, by the turn of the century, the increasing gap between demand and supply of fuelwood. No such programme, however, should entail clear-felling of adequately stocked natural forests. Nor should exotic species be introduced, through public or private sources, unless long-term scientific trials undertaken by specialists in ecology, forestry and agriculture have established that they are suitable and have no adverse impact on native vegetation and environment.

4.3.4 Rights and Concessions

4.3.4.1 The rights and concessions, including grazing, should always remain related to the carrying capacity of forests. The capacity itself should be optimised by increased investment, silvicultural research and development of the area. Stall-feeding of cattle should be encouraged'. The requirements of the community, which cannot be met by the rights and concessions so determined, should be met by development of social forestry outside the reserved forests.

4.3.4.2 The holders of customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests from which they derive benefits. The rights and concessions from forests should primarily be for the bonafide use of the communities living within and around forest areas, specially the tribals.

4.3.4.3 The life of tribals and other poor living within and near forests revolves around forests. The rights and concessions enjoyed by them should be fully protected. Their domestic requirements of fuelwood, fodder, minor forest produce and construction timber should be the first charge on forest produce. These and substitute materials should be made available through conveniently located depots at reasonable prices.

4.3.4.4 Similar consideration should be given to scheduled castes and other poor living near forests. However, the area, which such consideration should cover, would be determined by the carrying capacity of the forests.

4.3.5 Wood is in short supply. The long-term solution for meeting the existing gap lies in increasing the productivity of forests, but to relieve the existing pressure on forests for the demands of railway sleepers, construction industry (particularly in the public-sector), furniture and panelling, mine-pit props, paper and paper board etc. substitution of wood needs to be taken recourse to. Similarly, on the front of domestic energy, fuelwood needs to be substituted as far as practicable with alternate sources like bio-gas, LPG and solar energy. Fuel-efficient "Chulhas" as a measure of conservation of fuelwood need to be popularised in rural areas.

4.4 Diversion of Forest Lands for Non-forest purposes

4.4.1 Forest land or land with tree cover should not be -treated merely as a resource readily available to be utilised for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. Diversion of forest land for any non-forest purpose should be subject to the most careful examinations by specialists from the standpoint of social and environmental costs and benefits. Construction of dams and reservoirs, mining and industrial development and expansion of agriculture should be consistent with the needs for conservation of trees and forests. Projects which involve such diversion should at least provide in their investment budget, funds for regeneration/compensatory afforestation.

4.4.2 Beneficiaries who are allowed mining and quarrying in forest land and in land covered by trees should' be required to repair and re-vegetate the area in accordance with established forestry practices. No mining lease should be granted to any party, private or public, without a proper mine management plan appraised from the environmental angle and enforced by adequate machinery.

4.5 Wildlife Conservation

Forest Management should take special care of the needs of wildlife conservation, and forest management plans should include prescriptions for this purpose. It is specially essential to provide for "corridors" linking the protected areas in order to maintain genetic continuity between artificially separated sub-sections of migrant wildlife.

4.6 Tribal People and Forests

Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest. While safeguarding

the customary rights and interests of such people, forestry programmes should pay special attention to the following:

- One of the major causes for degradation of forest is illegal cutting and removal by contractors and their labour. In order to put, an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, government corporations, etc. as early as possible;
- Protection, regeneration and optimum collection of minor forest produce along with institutional arrangements for the marketing of such produce;
- Development of forest villages on par with revenue villages;
- Family oriented schemes for improving the status of the tribal beneficiaries; and Undertaking integrated are a development programmes to meet the needs of the tribal, economy in and around the forest areas, including the provision of alternative sources of domestic energy on a subsidized basis, to reduce pressure on the existing forest areas.

4.7 Shifting Cultivation

Shifting cultivation is affecting the environment and productivity of land adversely. Alternative avenues of income, suitably harmonised with the right land use practices, should be devised to discourage shifting cultivation. Efforts should be made to contain such cultivation within the area already affected, by propagating improved agricultural practices. Area already damaged by such cultivation should be rehabilitated through social forestry and energy plantations.

4.8 Damage to Forests from Encroachments, Fires and Grazing

4.8.1 Encroachment on forest lands has been on the increase. This trend has to be arrested and effective action taken to prevent its continuance. There, should be no regularisation of existing encroachments.

4.8.2 The incidence of forest fires in the country is high. Standing trees and fodder are destroyed on a large scale and natural regeneration annihilated by such fires. Special precautions should be taken during the fire season. Improved and modern management practices should be adopted to deal with forest fires.

4.8.3 Grazing in forest areas should be regulated with the involvement of the community. Special conservation areas, young plantations and regeneration areas should be fully protected. Grazing and browsing in forest areas need to be controlled. Adequate grazing fees should be levied to discourage people in forest areas from maintaining large herds of non-essential livestock.

4.9 Forest-based Industries

The main considerations governing the establishment of forest-based industries and supply of raw material to them should be as follows:

- As far as possible, a forest-based industry should raise the raw material needed for meeting its own requirements, preferably by establishment of a direct relationship between the factory and the individuals who can grow the raw material by supporting the individuals with inputs including credit, constant technical advice and finally harvesting and transport services.
- No forest-based enterprise, except that at the village or cottage level, should be permitted in the future unless it has been first cleared after a careful scrutiny with regard to assured availability of raw material. In any case, the fuel, fodder and timber requirements of the local population should not be sacrificed for this purpose.
- Forest-based industries must not only provide employment to local people on priority but also involve them fully in raising trees and raw-material.
- Natural forests serve as a gene pool resource and help to maintain ecological balance. Such forests will not, therefore, be made available to industries for 'undertaking plantation and for any other activities.
- Farmers, particularly small and marginal farmers, would be encouraged to grow, on marginal/degraded lands available with them, wood species required for industries. These may also be grown along with fuel and fodder species on community lands not required for pasture purposes, and by Forest department/corporations on degraded forests, not earmarked for natural regeneration.
- The practice of supply of forest produce to industry at concessional. Prices should cease. Industry should be encouraged to use alternative raw materials. Import of wood and wood products should be liberalised.
- The above considerations will, however, be subject to the current policy relating to land ceiling and land-laws.

4.10 Forest Extension

Forest conservation programme cannot succeed without the willing support and cooperation of the people. It is essential, therefore, to inculcate in the people, a direct interest in forests, their development and conservation, and to make them conscious of the value of trees, wildlife and nature in general. This can be achieved through the involvement of educational institutions, right from the primary stage. Farmers and interested people should be provided opportunities through institutions like Krishi Vigyan Kendras, Trainers' Training Centres to learn agrisilvicultural and silvicultural techniques to ensure optimum use of their land and water resources. Short term extension courses and

lectures should be organised in order to educate farmers. For this purpose, it is essential that suitable programmes are propagated through mass media, audio -visual aids and the extension machinery.

4.11 Forestry Education

Forestry should be recognised both as a scientific discipline as well as a profession. Agriculture universities and institutions, dedicated to the development of forestry education should formulate curricula and courses for imparting academic education and promoting postgraduate research and professional excellence, keeping in view the manpower needs of the country. Academic and professional qualifications – in forestry should be kept in view for recruitment to the Indian Forest Service and the State Forest Service. Specialised and orientation courses for developing better management skills by inservice training need to be encouraged, taking into account the latest development in forestry and related disciplines.

4.12 Forestry Research

With the increasing recognition of the importance of forests for environmental health, energy and employment, emphasis must be laid on scientific forestry research, necessitating adequate strengthening of the research base as well as new priorities for action. Some broad priority areas of research and development needing special attention are:

- Increasing the productivity of wood and other forest produce per unit of area per unit time by the application of modern scientific and technological methods.
- Revegetation of barren/marginal/waste/mined lands and watershed areas.
- Effective conservation and management of existing forest resources (mainly natural forest ecosystems).
- Research related to social forestry for rural/ tribal development.
- Development of substitutes to replace wood and wood products.
- Research related to wildlife and management of national parks and sanctuaries.

4.13 Personnel Management

Government policies in personnel management for professional foresters and forest scientists should aim at enhancing their professional competence and status and attracting and retaining qualified - and motivated personnel, keeping in view particularly -the Arduous nature of duties they have to perform, often in remote and inhospitable places.

4.14 Forest Survey and Data Base

Inadequacy of data regarding forest resources is a matter of concern because this creates a false sense of complacency. Priority needs to be accorded to completing the survey of forest resources in the country on scientific lines and to updating information. For this purpose, periodical collection,

collation and publication of reliable data on relevant aspects of forest management needs to be improved with recourse to modern technology and equipment.

4.15 Legal Support and Infrastructure Development

Appropriate legislation should be undertaken, supported by adequate infrastructure, at the Centre and State levels in order to implement the Policy effectively.

4.16 Financial Support for Forestry

The objectives of this revised Policy cannot be achieved without the investment of financial and other resources on a substantial scale. Such investment is indeed fully justified considering the contribution of forests in maintaining essential ecological processes and life support systems and in preserving genetic diversity. Forests should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well-being of the people and the Nation.

(K.P.Geethakrishnan)

Secretary to the Government of India

Lecture:-5, 6 and 7

Forest Law

Introduction

LAW

- Every society has a system of rules promulgated by the ruling groups for regulating the behaviour of its member.
- The right way of doing things are termed as "Norms" by sociologists.
- Individuals who conform to norms are rewarded and those who deviate are punished.
- Social norms become legal norms through enactment and enforcement.
- To define law is more difficult task due to various reasons. Various schools of law have defined law from different angles on the basis of nature source and some on the effect on society.

Hooker

Law is kind of rule or canon which by actions are framed.

Austin

Law is command of the sovereign.

Maciver & Page

Law is the body of rules which are recognized, interpreted, and applied to particular situations by the courts of the state.

It is clear that law is a rule of conduct. Law lays down, rights, obligation (or) duties, as well as punishment for violations.

Purpose of law

- To maintain law and order
- To maintain status in society
- To enable individual to have maximum freedom
- To give maximum satisfaction of the needs of the people

Bill - Type

Act

Act is a law made by legislative body. It originates from the form of bills. – passed by both of houses – sent for presidential assent, when assented – it becomes an act.

Ordinance

Legislative power of governor / president

- can be issued when state assembly is not in session
- To meet urgent matter
- Cease to operate at the expiry of six weeks from the date of reassembly of state legislative.

Order

Relates to executive or enforcement of rule previously made.

- Specific and limited operation
- Legislative
- Executive
- Judicial

i) Basis of law

Whatever relationship that is envisaged by the sovereign authority between person and things on the one hand and persons and persons on the other hand forms the basis of law.

ii) The concept of law

Dr. Sethna defines law as follows: "Civil law may be defined as all that body of statutes or ordinances, rules made by the Government by virtue of powers given to it by the legislature and judicial decisions based on positive morality, public opinions, customs and conventions, enforced through the machinery of judicial process and meant for regulating the rights and duties of citizens inter se and the state and citizens – so as to secure the greatest good of the greatest number".

iii) The evolution of law

Law is evolved from precedent, custom, statute and these the courts apply to the exclusion of their private judgements.

iv) The characteristics of law

- a) Law is a command set by a sovereign authority, backed by requisite force so as to claim habitual obedience from the bulk of the community.
- b) Law is not justice in itself but is an instrument for achieving justice

- c) Law is uniform and is applicable to all without any distinction
- d) Law is administered by courts functioning as a limb of the state

v) Forest protection and law

The legal concept of a forest does not take the nature of vegetational growth into account. Even an area devoid of any vegetation can be a forest in a legal sense, if such an area has been decaled as one or the other category of forests according to prescribed procedure. In case of dispute, courts rely on dictionary for enlightenment.

a) The value of forest

There are three important roles played by forests; they are protective, productive and accessory. Protective means the conservation of soil and water, the production of wood and other forest produce refer to productive function, recreation, improvement of environment contribute towards aesthetic role.

b) Abuses against which forests need protection

For the protection of valuable renewable resources like forest, the aid of law is necessary.

vi) The scope of forest law

In order to secure effective protection of the forests, the law has to

- a) Define the limits of forest property
- b) Classify them into different categories, requiring different degrees of protection
- c) Provide for the regulation and settlement of rights of regular users
- d) Incorporate suitable provisions for preventing the commission of forest offences and punishing the offenders when they are actually committed
- e) Invest public authorities with necessary powers to enforce the above provisions
- f) To prescribe such other measures as would be necessary for the protection of forest generally

The servitude

Right residing on one person over the property of another person may exist without any way touching the ownership

- No share in the property
- No corwner of the property

- However extensive, long period enjoyed.
- Never claims to ownership in the estate

Right extinguished

- By compensation
- Death of a person up to the end of whose life it was granted.
- By voluntary abandonment as and when the holder allows a total alteration in the nature of "servient estate".
- By information of the holder allow any person absent for 12 months without raising any objection will lapse.
- By information of light has been interposed for 2 years before suit.
- By destruction of dominant estate and servient estate.

Ownership

- to use according to his will
- Pre-emptive access to the fruit in the whole of the products
- The right entirely to destroy, change it
- The right of transforming and alienating at pleasure

By prescription

Porty, fairly and peacefully, origin is not traceable

By transfer

- some rights cannot be transferred. Eg. Personal right.

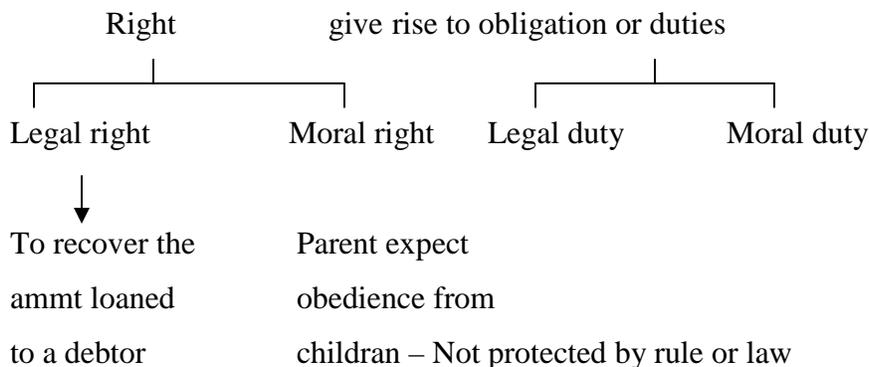
Right

As an interest recognized and protected by a rule of law

(or)

the liberty to do or possess a thing consistent with the law.

Rights and obligations



No right without corresponding duty or obligation

↓
A to recover the loan

↓
to pay the same

Characteristics of legal right

1. A right is always rested in a person who may be distinguished as the owner of the right (person entitled).
2. It avail against a person on whom lies the correlative duty (the person obliged).
3. Every legal right has a title. A purchase a house bon 'B' A is titled – A found right to the house avails against whole world.
Rest of the world in also B become the person obligate

Immovable property

1. Land
2. Benefits arising out of land
3. things attached to earth eg. Standing trees, houses, boundary pillars.
4. Things permanently fixed to the things attached to each eg. Stones, timber built in the wall of a house.

Movable property

All property which is not included under immovable property

II Ancestral property —————> Handed over bonfather to son

Acquired property —————> A man himself acquired and produced

III Corporal

↓
Consist of thing which can be
Touched or moved
Eg. House, a field, a chair

Incorporal

↓
cannot be touched or moved
eg. Right to recieve a sum on certain date.

Property can be acquired

By transfer	By making new species	By accretion	By appropriation	By prescription
Sole, gift exchange etc.	a piece of cloth from cotton, biber from tree.	Natural addition to a thing already Existed fruit gum retin.	of nobody's property - Fishing nia river, Untilaquired nobody prop - waif wood proted spl law	- acquired in an informal way - Title cannot be found - Present holder has had undisturbed possession for certain number of year. - originally and occupary given right by common law

Adverse possession

- Person has held open peaceful possession
- Not maintained by force or violence
- Intend to hold the property against all comers
- Continued for certain length of time
- Title is obtained by prescription

Eg. - Right of way – possession maintained without interruption

- after 20 years becomes prescriptive right.

Adverse possession – 12 year conform title to it

Such right cannot be acquired in RF by virtue of special provision under sec 23 I.F. Act 1927.

Section 23 : No right of any description shall be acquired in or over a R.F except by succession or under grant or contract in writing made by or on behalf of government.

Ownership

A full owner of a property means

- use according to will
- prl access to the fruit
- right entirely to destroy or change
- right to transfer, and alternating at pleasure

Right affects the enjoyment of the property. Thus government a owner of a forest but there may exist rights of grazing in favour of vituse.

Right of way in of walier course pasture.

Resent of forest produce

Government owner of forest. represented by forest officer. Never lcase whole forest at a time NOR PLANT it up. Nor lease or cut the grass

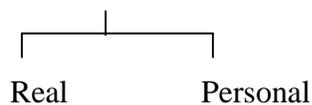
Lass enjoyment of owner still owner

Perfect ownership is detected and vested will in other persons.

Reason

- Held for public purpose
- Manased in such a way ensurce greatest benefits to the public and revenue to government.
- Not to enriched a particular category of person to the detriment of other citizens.

SERVITUDE



Acquired

By grant to his desecondants

By prescription

(or)

By transfer – house, property

- A right
- A person, community, property may have
- Such a way to dionirish the full entoyment of that property of another
- To serve for his or its over benefit.

Real servitude

Wood culty, leaf removal

- Exist in connection with some property.
- Right way
- Not an individual but owner of the field – it is attached to the field
- No matter who owner it
- The property it self = Dominant estate
- One on which right exists – servient estate.

Personal servitude

Exist in favour of individual in a community.

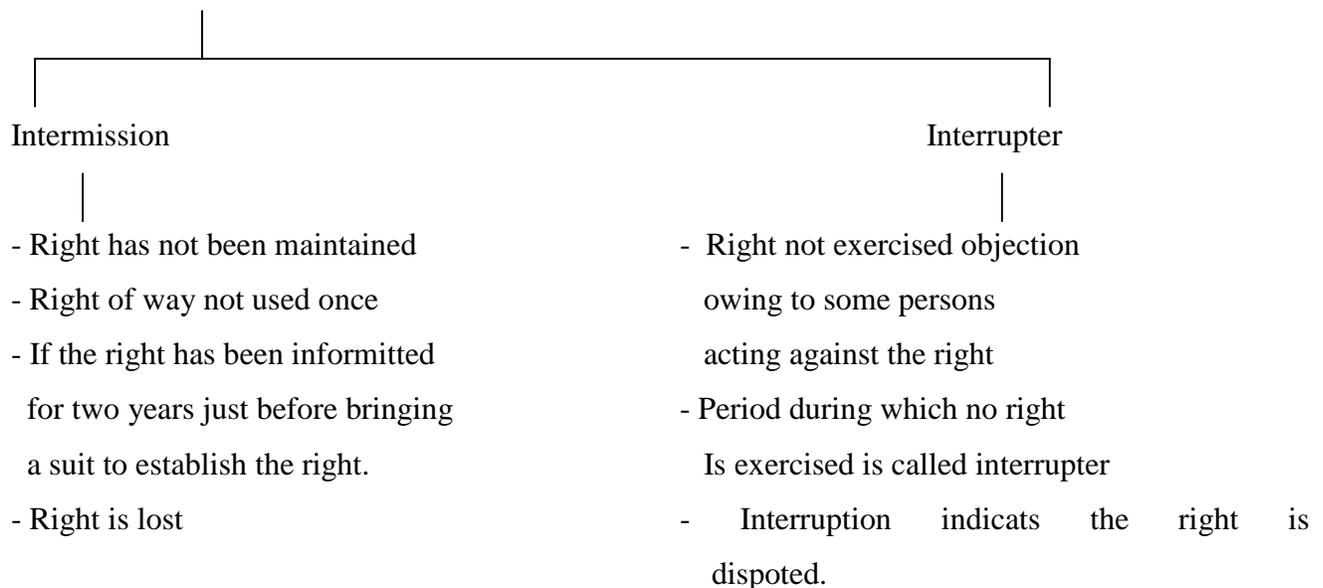
A man, village community right to graze. Not because he is owner of the cattle but because the right is in himself.

- Cannot be transferred
- Not tranforable
- Right holder cannot self the produce any for own use
- If he does not personally require he out not to collect it

Forest rights usually real

Rights

Discontinuous rights Not exercised constantly
and continuously



- Interruption is a great or suffered to during whole year the right is lost

Uninterrupted exercise of 20 years gives a right a person wholes exercise

Rights any he extinguished

- By compensation when the law permits
- By death of the person upto end of whose life it has granted
- By cession of a service during the rendering of which the right was granted
- By voluntary a abandonment
- By destruction of dominant (or) Servient estate
- By interrimion
-
- By inferruption
- As a settlement IF settlement
-

S.No	Right	Privilege
1.	Is alwap meant legal rights which has a remedy. It is not a gift nor the result of charity.	It is concession orlicence granted with a view to remove certain hardships cannot be on forced in a court of law.
2.	Permanent in nature	Lasts for any limited period. Require to be reserved at the end of such period.
3.	Does not entail any payment.	Nominal payment of a small sum is instituted to show that it is only a privilege and not right.
4.	It is irrevocable	Can revolve, or alter its form or terms at its pleaser
5.	Incuse of right in a RF thy are admitted in the course of forest settlement.	May be granted at any time by competent authority by means of a written statement.

Lecture:-8

IPC

Necessity of a special forest law

Necessity of a special forest law; inadequacy of the existing law of the land as applied to forests; peculiarities of forest property warranting a separate treatment.

1. Examples of general law: The Indian penal code, the criminal procedure code, the transfer of property act and the Indian contract Act. They apply to the whole of India uniformly and regulate the conduct of the general public in their day today life. People are aware that thefts, assaults, murders, etc. are forbidden by law and constitute offences.
2. a) Special laws are so special and exceptional that they are treated separately. **Examples:** Opium Act, The Salt Act, The Prohibition Act or Forest Act. They hold good for a special locality. The Tamil Nadu Forest Act. They are also called local laws. Conventional Law, Menial Law, International Law are the other special law.
- b) Special laws create fresh offences, making punishable certain things which are not already punishable under the Indian Penal Code. S.40 and S.41 of IPC indicate so, example: Cattle Trespass Act
- c) Courts will take judicial notice whenever there is occasion for their application in case of general laws. The courts will not recognize and apply as a matter of course unless brought to their notice by the parties interested therein, in case of special law.

Necessity for special law relating to forests

3. The general laws of the country are applicable to forests as well as to any kind of property. But provisions in general law are inadequate to deal with special problems of forest protection, because forest as a piece of property has certain peculiarities which are listed below and which need to be taken note of and dealt with in a special manner in a separate enactment.
 - a) Popular misconception about forests due to their natural origin. It becomes necessary to make it clear to one and all in set terms what all acts are prohibited in a forest and what the penalty will be if these prohibitions are violated. Special law is necessary for doing this.
 - b) Forests are burdened with rights of user. As the rights in question are legal rights, settlement and regulation have to be done according to prescribed legal procedure which can only form part of special law.

Forests occur over vast areas

- c) Even trespass is made an offence in the case of reserved forest. It is difficult to include all these provisions in general law and hence they have to become the subject matter of special law only.
- d) Forests subject to variety of injuries. It will be much simpler to specify such offences in special forest legislation rather than allow them to be brought under the general terms of the ordinary law by long explanation and highly technical arguments.
- e) **Control in transit:** This is done by controlling the forest produce in transit by suitable legal provisions which have to form part of special law only.
- f) Petty nature of offences and the need for simple procedure for their disposal. We do not need a steam hammer to crack a nut.
- g) Vulnerability to damage due to natural factors. Measures to prevent fire, extinguish them when they break out. Prohibition of lighting fire in fire season and the requisition for help of right users and losses call for a separate forest law. Forbidding the import of infected seeds also require special measures. The need for regulation of the working of private forests. Soil erosion, floods, landslips, drying up of springs due to mismanagement of private forests, have to be stopped. Hence special law.
- h) **Empowering of forest officers:** To deal with offenders, forest produce under theft and demand help from certain categories of individuals special provision is required and hence special law
- i) **Machinery for collection of revenue:** The aid of special law is necessary to enable prompt realization of dues to Government without recourse to civil suit with all the delay it entails.
- j) **Protection of wildlife:** Suitable legal measures have to be devised to protect them from the usual dangers and hence special legislation.
- k) **Consensus of opinion based on past experience:** Practical experiences of all civilized countries towards and separate forest law.

Special law due to peculiar nature

1. Estates placed under forest management – burdened with rights adverse to larger public interest. Special provisions are needed for determining claims for compensating rights.
2. Great variety of produce soil-U. growth minerals trees injuries caused are varied. Petty theft mischief trees pass should be best treated.

3. Ignorant of people to consider forest inexhaustible resource roman's (or) everyman's property. Essential to make it clear what acts may be done prohibited.
4. Liable to accident - natural causes insect pest, carelessness of man eg. fire. Fire incidence will rain the entire forest permanently. Hence some provision in necessary to deal it strictly.
5. Special law for mountaneous region preventing private owners flanging the forest. flange to land scape land slide, drying of spring, soil erosion etc.

Objects and Reasons for enactment of special law relating of forests and its produce

The object of forest law

The protection of certain estates or properties called forests and also include protection of timber, forest trees, and natural produce generally, in lands outside the forests property to called.

In India all tracts of land are under the ordinary law by which all ordinary offenses can be punished. The Indian penal code is therefore agoplicable to forest cases through out India. It has been found better to place forests under special land due to the pecaulier nature on the following grounds.

1. Estates placed under forest management are often burdened with rights adverse to larger public interest as represented by the government which make it necessary to deal with them in a special way. Special provision are required for determining claims, for compensating rights incase they are incompatible with the existence of the forest, for regulation of the existing rights to prevent their further extensions or accrual.
2. Forest contain a great variety of produce soil under growth, gram minerals, the trees and all ports of the tree each liable to its own special injuries. Thus the acts of petty theft, tress pen, mischief etc. which constitute forest offences are very varied and as the best treated by a special land. The forest which is vast extent cannot be protected with out special land.
3. It is the habit of ignoment people to consider forest on an inexhaustible resource and as no man's or rather every man's property, owing to its natural mision. Hence it is essential to made it class to the public what acts may be done in a forest and to prohibit in set forms such acts which strictly speeding my be considered as damage or theft.
4. A Forest is peculinary liable to accidents some of which are due to natural causes eg. Pest and insect attack. Others are due to carrelessnese of man eg. Firce incidence. As these incidents may rain the forest even permananty. It is necessary to have some provisions to prevent these accidents or to punish the responsible portion in case of negligence.

5. A special law is wanted in certain cases especially in mountainous districts, to prevent even private owners from wasting and clearance their forests owner such clearance would be followed by land slip/slides drying up springs, soil erosion, or denudation of the country.

Objects and reasons for enactment of special law relating to forests and its produce

Protection of forests include protection of timber forest trees, and natural produce generally.

In India all tracts of land are under the ordinary law by which all ordinary offences can be punished. The I.P.C is ∴ applicable to forest cases throughout India. It has been found to place forests under a special land due to its.

Peculiar nature on the following ground

- b) Estates placed under forest management are offer burdened with right adverse to larger public interest as represented by the government, which make it necessary to deal with them in a special way. Special provisions are required for determining claims for compensating rights in case they are incompatible with the existence of the forest, for regulation of existing rights and to prevent their future extension (or) accrual.
- c) Forest certain a great variety of produce soil, undergrowth, grass, minerals, the trees each liable to its own special injuries. The acts of petty theft, trespass, mischief etc which constitutes "Forest offence" are very varied and are best treated by a special land. The offences against the properties in the field and garden etc are very simple and few and casily be brought under the heads of mischief and trespass in I.P.C. Moreover these properties are usually of small extent and easily protected. Where as the reverse is often the case with forests.
- d) It is the habit of ignorant people to consider forest as on unexhaustable resource and as no man's or every man's property owing to its natural origin. Hence it is essential to make it clear to the public what acts may be done in a forest and to prohibit in set terms such acts.
- e) Forest is liable for accident. Some of which are due to natural causes; others to the carelessness (or) malice of man. Eg. Invasion of caterpillars, leaf eating insects usually fire place in latter case, the fire accident will rain the forest even permanently. It is necessary to have some provisions to prevent these accidents or to punish the person responsible.
- f) In mountainous districts, to prevent even private owners from clearing their forests entirely or party which will lead to erosion, denudation, land slips, drying of springs.

- There also need a special law to protect the produce in transit. The protection afforded to produced while inside the forest must be continued when it is outside.
- Also needed for the sake of private owners or dealers, whose marks are registered to prevent for instance the steeling of floating logs under pretence that they were drift wood which had been stronded on their ground. The government has reserved for itself the ownership of waif timber.
- To have special service vested with certain powers.

Forest officers are needed not by for the sake of improving the forests, but to acts as police for their protection. Such service must be vested with certain powers, laying in view the vastness and inaccessibility of forest tracts and the conditions in which they work. Such powers include the power of arresting offender and obtaining help in case of need. Power to inter upon any land, to survey, demarcate and maliry map, the power of a civil court power under criminal procedure code for issue of search comments and power to head enquiry into forest offers, receive and record evidence.

Functions performed by forest law

The purpose served by the forest law include the fulfilling of the following six categories of legal requirement, vital to effective forest administration.

- i) Separation of forest estates from the general area, by constituting them into reserve, protected and village forests.
- ii) Separation of rights or private persons from that of the state on forest estates and making rules for regulating their exercise or for buying them out or preventing growth of new rights
- iii) Protection of forests including their wildlife content by preventing the commission of the offence and punishing of the offenders if and when the offenders are committed
- iv) Extending protection to the timber and other forest produce in transit
- v) Investing forest officers with powers to carry out the purposes of the Act and also impose certain duties
- vi) It provides for the controlling the management of privately owned forests and wastelands when such an action is justified

Legal clasification of Forests

Legal classification

1.Reserved forest (I.F. act and F. acts) = Exclusively property of government villagers have no right

*certain concession : Collection of dry and faller firewood in head loads for their domestic purpose, watering cattle.

In consideration of co-operation and assistance in protection.

2. Protected forest - Limited degree of protection

- (IFA)
- Rights villagers are settled and recorded
 - Government exercise controlling on felling transport of timber and other removal of forest produce.

3. Village forest - Assigned to a village community managed to supply of forest produce IFA to the village

4. Unclassed forests - Owned by government no constituted in to RF; PF; VF.

- Heavily burdened with rights and excessive grazing felling, burnt.

Reserved forest

One class of forest which will be completely at the disposal of the state for the benefit of the public. In some cases such forest will be found to be entirely free from adverse rights, but in a large number of cases there will be a certain rights of user or claims etc, which will require settlement and when all such rights which are not conducive for the due maintenance of the forest are extinguished, the forest bears fairly profitable to government. On the class of forests the country must mainly depend in the future for those benefits which forests offered. They are called in the act Reserved Forests (Chapter II). It is not necessary that Reserved Forests should be free of rights.

Village Forest

All the lands included in Indian forest Act section 3 need not necessarily be made in reserved forest for the benefit of the state. Some will be best made over as village forest for the benefit of villages. Where rights in them are already extensive. A village forest is practically a samid reserve for it is under the measurement of a government officer, but the surplus revenue goes to the villager community. A village forest is not the village waste grown up to the villager under a land revenue settlement, but the forest property constituted. The forest act deals with village forest in Chapter II. There are also forests in which government has a share and which may be managed by government officers.

All property constituted permanent forest estates must have the following operations.

- (i) they must be demarcated to the limits of the area within which the forest land will have effect must be determined and indicated on the ground.
- (ii) The rights and interests in forests in (or) over any portion of the estate of persons other than the state or village community as the same must be ascertained, settled and provided for activity to land.

All existing rights which have not been brought (or) cleared off the estate at the settlement must be regulated whenever necessary. So that the rights enjoyed without injuring the forests.

- (iii) Provision must be made that reserved right can grow up.

Protection of Trees and other produce on lands not being reserved forest

It may be difficult in a forest from which numerous villages have been accustomed to obtain various kinds of produce to define the rights to which they are fairly entitled and yet necessary to prevent the determination of the forest crop. Again especially in Bengal and Assam, there are extensive tracts of waste about which no determination has come to as to whether they ought to be given up for cultivation or other purposes or kept as reserves. As a preliminary measure it is desirable to enforce some rules to prevent wanton destruction of trees until the matter be settled or it may be considered unnecessary to introduce a stringent forest law for the protection of inferior forest growth, or lands not required on physical grounds.

Thus, in such forests termed by the act as 'Protected forest' the rights of government and of private persons are inquired into and recorded, though this prior inquiry may be dispensed with if it is likely to take so long the rights of government will suffer (I.F.A 26). There is no forest settlement of a permanent nature as is required in Reserved forests. For the protection of this class of forests, the state government may under section 30 I.F.A.

- a) Reserve any class of trees
- b) Close a portion of the forest for not more than 30 days
- c) Prohibit collection of forest produce and breeding up and clearing of land.
- d) And again cancel or after such declaration or prohibition.

The protected forests should be put on second basis and be reserved either as state or village forests as early as possible, if in deed they are wanted as forests for the posterity.

The control over the forests and lands not being the property of the government

There were land lords who owned large extents of forests or waste as part of their estates. Sometime this was all brought under the plousm in year went on. But in some ports it has real forest land and remind as such though not subject to any public control. In madras certain to the land lards (Zamindass polygons etc) had lanse forest more in their estates but not subject is any state control.

Even though large tracts of forests existed in the country, when the laws relating to forests were in process of evolution in India, it was though oriental not to allow any private owners to do what ever they wanted with their forests which might lead to their distraction. Porticaling when such forests ere realy required on physical ground for the preservation of soil and the ridges and slopes, and in villages of hily tracts, the prevention of land slide or the formation of ravines, protation against erosion, maintain of hydrological cyde, as these aspects seriously affect socio economic condition not of the local population but the whole society.

When the in forests of whole society over in where private right must give way. Therefore Indian forest act interferes with private forests (Chapter V I.F.A. 1927 and Chapter VI of I.F.S. 1978).

But after independence must of the state government did not take recourse to the procedure kind down in the forest act in respect of private forest and also size which had taken recourse to three provisions come out with special movement for the acquisitive of all private forests to behested with government. Indeed this lead to large seale destruction of private forests with the active involvement of owners and the offer failure of the government machinery to chade the massive *.

Eg. Private forests in W. ghats and in konkon which remained infect under the provision of forest act up to the coming into force of the maherasted private forest (Acquisition) act 1975 drorappeded completely in few year for the onvious reason that the owner could not reconcile with the fact that they had been deprived of the * of their

Lecture:-9 and 10

Indian Forest act 1927

Section 1: Applicability

Whole of India except the territories which immediately before the 1st November 1956 were comprised in part B state.

Government of any state may be by notification in the official gazette bring this act into force. In the whole or any specified part of that state.

Section 2 : Interpretation of clause

Cattle

Forest produce – soil

Forest officer

Forest officer –an offence punishable under this act

Timber – includes trees when they have fallen or have been felled and all wood whether cut up or fashioned or hollowed out for any purpose or not.

Tree – includes bamboo, stumps, brushwood.

Section 3 : Ponier to Resome forest

The state government may constitute any forest land or wasteland which is property of government.

- over which the government has proprietary right
- whole or any part of the forest produce of which the government is entitled.

Section 4 : Notification by state government

- Declaring intertion
- Specifying the situation and limits
- Apprinting an officer F.S.O.

Section 5 : Bar of accrual of forest rights

- No right shall be acquired in (or) over the land comprised in such notification.
- No fresh clearing or cultivation or any other purpose.

Section 6: proclamation by forest settlement officer

Section 7 : Inquiry by forest settlement officer

Section 8 : Process of FSO

- Power to enter
- Power of a civil court in the trade of soils.

Section 9 : Extinction of rights

- No claim has been preferred under section 6
- No knowledge has been acquired by inquiry under section 7 shall be extinguished.

Treatment of claims relating to practice of shifting cultivation

Section 10 (1) : FSO shall record a settlement

Setting forth the particulars of claims and submit statement of government with opinion to whether the practice should be allowed or prohibited – wholly or part

- Government take decision
- FSO made all measurement subject to the previous section of the government.

Power to acquire land over which rights claimed

Section 11: Right over any land

- Right over of way
- Right of water course
- Right of pasture
- Right of forest produce
- Admit or reject

For acquiry land FSO shall be deemed to be a collector under land acquisition act 1894.

Order on claims of right of pasture or to forest produce

Section 12 : Admit or rights wholly or part .

Record to be made by FSO.

Section 13 :

FSO white passing order under section 12 shall records details such as same, designation, position of area etc, biology, land etc.

Section 14 :

Record the extent of claim made – no and description of cattle – section of pasturing – the quantity of timber and other forest produce time to time authorized to take and to receive. Whether these thing sols or bartered.

Section 15 :

May pass orders as will ensure the continued exercise of the rights so admitted.

- pegment of such person sum of many in * thereof or by grant of land (or) in such other manners as be thanks fit.

Commutation of rights

Section 17 :

Appeal on the order of FSO – within 3 months revenue officer of rank no lower than that of collector – state government by notification – official gazette apprint to hear appeals from such order. (or) Forest court.

Section 18 :

Every appeal under section 17 shall be made by pettion in wirting to FSO, who shall forward it to conspector authority.

Section 19 :

The state government or any person make claim under this act can engage pleader

Section 20 : Notification declaring forest reserved

When following events occured namely

- The period fixed under section 6 for preferring claims elapsed
- All claims made under section 9 have been disposed off.
- Appeal made under 17 disposed off.
- Under section 11 aquition of land also included.

- Declaration as RF from the date fixed by notification specifying definitely the limits.

Section 21 :

Publication of translation of such notification in the energy from or village neighbourhood of forest.

Section 22 :

Power to revise arrangement made under section 15 or 18.

Section 23 : No right acquired over RF except as here purided

- By succession
- Under grant or contract in whom such right was vested when notification under section 20 was issued.

Section 24 : Rights not to be alienated lease, mortgage otherwise without sanction.

- Clause (c) of sub section (2) of section 15 except right is appendant to any land (or) house
- Under section 14.

Section 25

Power to stop ways and water course in RF.

- with previous sanction of state government with substitute for way (or) water course so stopped.

Section 26

Acts are prohibited and penalties

Section 27

- (1) The state government may by notification any forest or any portion thereof reserved under this act shall cease to be a reserved forest.
- (2) Rights extinguished shall not revive

Lecture:-11

THE WILDLIFE (PROTECTION) ACT, 1972 (53 OF 1972)

90[9th September, 1972]

An Act to provide for the protection of ⁽¹⁾[wild animals, birds and plants] and for matters connected therewith or ancillary or incidental thereto

CHAPTER I

PRELIMINARY

1. SHORT TITLE, EXTENT AND COMMENCEMENT

- (1) This Act may be called the Wild Life (Protection) Act, 1972. ⁽³⁾
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force in a State or Union Territory to which it extends, ⁽⁴⁾ [***] on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act or for different States or Union territories.

2. DEFINITIONS

(1) "animal"

"animal article"

zoo" means

CHAPTER II

AUTHORITIES TO BE APPOINTED OR CONSTITUTED UNDER THE ACT

3. APPOINTMENT OF DIRECTOR AND OTHER OFFICERS. - (1) The Central Government may, for the purpose of this Act, appoint-

(a) A Director of Wild Life Preservation;

(b) Assistant Directors of Wild Life Preservation; and

(c) such other officers and employees as may be necessary.

(2) In the performance of his duties and exercise of his powers by or under this Act, the Director shall be subject to such general or special directions, as the Central Government may, from time to time, give.

(3) The Assistant Directors of Wild Life Preservation and other officers and employees appointed under this section shall be subordinate to the Director.

4. APPOINTMENT OF LIFE WARDEN AND OTHER OFFICERS –

(1) The State Government may, for the purposes of this Act, appoint-

(a) A Chief Wild Life Warden;

(b) Wild Life Wardens,.

POWER TO DELEGATE - (1) The Director may, with the previous approval of the Central Government, by order in writing, delegate all or any of his powers and duties under this Act to any officer subordinate to him subject to such conditions, if any, as may be specified in the order.

(2) The Chief Wild Life Warden may, with the previous approval of the State Government by order in writing, delegate all or any of his powers and duties under this

CONSTITUTION OF WILD LIFE ADVISORY BOARD –

The State Government, or, in the case of a Union territory, the Administrator, shall, as soon as may be after the commencement of this Act, constitute a Wild Life Advisory Board consisting of the following members, namely:

- **the Minister in charge of forests in the State or Union territory, or, if there is no such Minister, the Chief Secretary to the State Government, or, as the case may be, the Chief Secretary to the Government of the Union territory, who shall be the Chairman;**
- **two members of the State Legislature or, in the case of a Union territory having a Legislature, two members of the Legislature of the Union territory, as the case may be;**

- **Secretary to the State Government, or the Government of the Union territory, in charge of forests;**

⁽¹⁶⁾[(d)the Forest Officer in charge of the State Forest Department by whatever designation called, ex officio]

(e) an officer to be nominated by the Director;

(f) Chief Wild Life Warden, ex officio;

16[(g)officers of the State Government not exceeding five;

- **such other persons, not exceeding ten, who, in the opinion of the State Government, are interested in the protection of wild life, including the representatives of tribals not exceeding three.]**

⁽¹⁷⁾[(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1).

(2) The State Government shall appoint 16[the forest officer in charge of the State Forest Department].

(3) The term of office of the members of the Board referred to in clause (g) of sub-section and the manner of filling vacancies among them shall be such as may be prescribed.

(4) The members shall be entitled to receive such allowances in respect of expenses incurred in the performance of their duties as the State Government may prescribe.

CHAPTER III

HUNTING OF WILD ANIMALS

⁽²¹⁾[9. Prohibition of hunting. - No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.] ⁽²²⁾[***]

11. HUNTING OF WILD ANIMALS TO BE PERMITTED IN CERTAIN CASES.- (1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV, _

a) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefore, permit any person to hunt such animal or cause such animal to be hunted;

b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, Schedule III, or Schedule IV has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted.

(2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence;

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. GRANT OF PERMIT FOR SPECIAL PURPOSES. - Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant ⁽²³⁾[***] a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of,_

(a) education;⁽²⁴⁾[(b) scientific research;

(bb) scientific Management.

Explanation - For the purposes of clause (bb), the expression, "Scientific Management" means -

Translocation of any wild animal to an alternative suitable habitat; or

population management of wildlife without killing or poisoning or destroying any wild animals;

⁽²⁵⁾[(c)collection of specimens -

(i) for recognised zoos subject to the permission under section 381; or

(ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs;⁽²⁶⁾[(Provided that no such permit shall be granted -

⁽²⁸⁾**CHAPTER III A**

PROTECTION OF SPECIFIED PLANTS

17A. PROHIBITION OF PICKING, UPROOTING, ETC. OF SPECIFIED PLANT. - Save as otherwise provided in this Chapter, no person shall -

- **willfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by notification, by the Central Government.**
- **possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof:**

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his bona fide personal use.

17B. GRANTS OF PERMIT FOR SPECIAL PURPOSES. - The Chief Wild Life Warden may, with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17 A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of -

a) education;

b) scientific research;

c) collection, preservation and display in a herbarium of any scientific institution; or

- **propagation by a person or an institution approved by the Central Government in this regard.**

17C. CULTIVATION OF SPECIFIED PLANTS WITHOUT LICENCE PROHIBITED. - (1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf;

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) (Amendment) Act, 1991, was cultivating a specified plant from carrying on such cultivation for a period of six months from such commencement or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

•

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

17D. DEALING IN SPECIFIED PLANTS WITHOUT LICENCE PROHIBITED. - (1) No person shall, except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivate thereof:

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) (Amendment) Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions, if any, subject to which the licensee shall carry on his business.

17E. DECLARATION OF STOCK. - (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall, within thirty days from the date of commencement of the Wild Life (Protection) (Amendment) Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, his stocks of such plants and part or derivative thereof, as the case may be, on the date of such commencement.

(2) The provisions of sub-sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

17F. POSSESSION, ETC., OF PLANTS BY LICENSEE. - No licensee under this Chapter shall:

a) keep in his control, custody or possession-

(i) any specified plant, or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made;

(ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;

b) (i) pick, uproot, collect or acquire any specified plant, or

(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport any specified plant or part or derivative thereof,

CHAPTER IV

SANCTUARIES, NATIONAL PARKS ⁽²⁹⁾[*] AND CLOSED AREAS**

Sanctuaries

DECLARATION OF SANCTUARY. - ⁽³⁰⁾[(1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within 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 wild life or its environment.]

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

COLLECTOR TO DETERMINE RIGHTS. - ⁽³¹⁾[When a notification has been issued under section 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.

BAR OF ACCRUAL OF RIGHTS. - After the issue of a notification under section 18, no right shall be acquired in, on or over the land comprised within the limits of the area specified in such notification, except by succession, testamentary or intestate.

PROCLAMATION BY COLLECTOR. - When a notification has been issued under section 18, the Collector shall publish in the regional language in every town and village in or in the neighbourhood of the area comprised therein, a proclamation _

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 Wild Life 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 dependants of the person referred to in clause (a), clause (b) or clause (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, of 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 Wild Life Warden or the authorised officer takes charge thereof;

GRANT OF PERMIT. - (1) The Chief Wild Life 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 wild life 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.⁽³⁵⁾[29. Destruction, etc., in a sanctuary prohibited without permit. - No person shall destroy, exploit or remove any wild life from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

Explanation - For the purposes of this section, grazing or movement of live-stock permitted under clause (d) of section 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

PROHIBITION OF ENTRY INTO SANCTUARY WITH WEAPON

BAN ON USE OF INJURIOUS SUBSTANCES

CONTROL OF SANCTUARIES

REGISTRATION OF CERTAIN PERSONS IN POSSESSION OF ARMS.

(1) 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 Wild Life Warden or the authorised officer, for the registration of his name.

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, propagating or developing wild life therein or its environment, it may, by notification, declare its intention to constitute such area as a National Park

⁽⁴⁰⁾[Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 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 sections ⁽⁴¹⁾[(19 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 are to 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 the resolution passed by the Legislature of the State.

(6) No person shall destroy, exploit or remove any wild life from a National Park or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat

within such National Park except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or removal of wild life from the National Park is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

(7) No grazing of any ⁽⁴²⁾[live-stock] shall be permitted in a National Park and no 42[live-stock] shall be allowed to enter therein except where such 42[live-stock] is used as a vehicle by a person authorised to enter such National Park.

(8) The provisions of sections 27 and 28, sections 30 to 32 (both inclusive), and clauses (a), (b) and (c) of 42[section 33, section 33A] and section 34 shall, as far as may be apply in relation to a National Park as they apply in relation to a sanctuary.⁽⁴³⁾[***]

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).

⁽⁴⁵⁾**CHAPTER IV A**

CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

38A. CONSTITUTION OF CENTRAL ZOO AUTHORITY. - (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to it under this Act.

(2) The Authority shall consist of:

a) chairperson;

b) such number of members not exceeding ten; and

c) member-secretary,

to be appointed by the Central Government.

CHAPTER V

TRADE OR COMMERCE IN WILD ANIMALS, ANIMAL ARTICLES AND TROPHIES

39. WILD ANIMALS, ETC., TO BE GOVERNMENT PROPERTY. - (1) Every -

a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or kept or ⁽⁴⁷⁾red in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed by ⁽⁴⁸⁾[***]mistake; and

• **animal article, trophy or uncured trophy or meat derived from any wild animal referred to in clause (a) in respect of which any offence against this Act or any rule or order made thereunder has been committed;**

⁽⁴⁹⁾[c]ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed;

d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act,]

shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat ⁽⁵⁰⁾[derived from such animal, or any vehicle, vessel, weapon, trap or tool used in such hunting] shall be the property of the Central Government.

- **Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or the authorised officer and shall, if so required, hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be.**

- **No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer-**

a) acquire or keep in his possession, custody or control, or

b) transfer to any person, whether by way of gift, sale or otherwise, or

c) destroy or damage,

such Government property.

DEALINGS IN TROPHY AND ANIMAL ARTICLES WITHOUT LICENCE PROHIBITED. - (1) ⁽⁵³⁾[Subject to the provisions of Chapter VA, no person shall, except under, and in accordance with, licence granted under sub-section (4)]-

(a) commence or carry on the business as -

(i) a manufacturer of or dealer in, any animal article; or ⁽⁵⁴⁾[***]

(ii) a taxidermist; or

(iii) a dealer in trophy or uncured trophy; or

(iv) a dealer in captive animals; or

(v) a dealer in meat; or

(b) cook or serve meat in any eating-house;⁽⁵⁵⁾[(c)derive, collect or prepare, or deal in, snake venom:]

. Purchase of captive animal, etc, by a person other than a licensee - No person shall purchase, receive or acquire any captive animal, wild animal, other than vermin, or any animal article, trophy, uncured trophy or meat derived therefrom otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act;

⁽⁶⁰⁾[Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 381 or to public museum

⁽⁶¹⁾ **CHAPTER V A**

PROHIBITION OF TRADE OR COMMERCE IN TROPHIES, ANIMAL ARTICLES, ETC. DERIVED FROM CERTAIN ANIMALS

49A. Definitions - In this Chapter, -

(a)"scheduled animal" means an animal specified for the time being in Schedule I or Part II of Schedule II;

(b)"scheduled animal article" means an article made from any scheduled animal and includes an article or object in which the whole or any part of such animal ⁽⁶²⁾[has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative;]

(c)"specified date" means -

(i)in relation to a scheduled animal on the commencement of the Wild Life (Protection) (Amendment) Act ,1986, the date of expiry of two months from such commencement; ⁽⁶³⁾[***]

(ii)in relation to any animal added or transferred to Schedule I or Part II of Schedule II at any time after such commencement, the date of expiry of two months from such addition or transfer;

⁽⁶⁴⁾[(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of six months from the commencement of the Wild Life (Protection) (Amendment) Act, 1991.]

49B. Prohibition of dealings in trophies, animal articles, etc., derived from scheduled animals -

(1) Subject to the other provisions of this section, on and after the specified date, no person shall, -

(a) commence or carry on the business as -

(i) a manufacturer of, or dealer in scheduled animal articles; or

⁽⁶⁵⁾[(ia) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or]

(ii) a taxidermist with respect to any scheduled animals or any parts of such animals; or

(iii) a dealer in trophy or uncured trophy derived from any scheduled animal; or

(iv) a dealer in any captive animals being scheduled animals; or

(v) a dealer in meat derived from any scheduled animal; or

(b) cook or serve meat derived from any scheduled animal in eating-house.

Explanation - For the purposes of this sub-section, "eating-house" has the same meaning as the Explanation below sub-section (1) of section 44.

(2) Subject to the other provisions of this section, no licence granted or renewed under section 44 before the specified date shall entitle the holder thereof or any other person to commence or carry on the business referred to in clause (a) of sub-section (1) of this section or the occupation referred to in clause (b) of that sub-section after such date.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) where the Central Government is satisfied that it is necessary or expedient so to do in the public interest, it may, by general or special order published in the Official Gazette, exempt, for purposes of export, any corporation owned or controlled by the Central Government (including a Government company within the meaning of section 617 of the Companies Act, 1956 (1 of 1956) or any society registered under the Societies Registration Act, 1860 (21 of 1860) or any other law for the time being in force, wholly or substantially financed by the Central Government from the provisions of sub-sections (1) and (2).

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), but subject to any rules which may be made in this behalf, a person holding a licence under section

44 to carry on the business as a taxidermist may put under a process of taxidermy any scheduled animal or any part thereof, -

(a) for or on behalf of the Government or any corporation or society exempted under sub-section (3), or

(b) with the previous authorisation in writing of the Chief Wild Life Warden, for and on behalf of any person for educational or scientific purposes.

CHAPTER VI

PREVENTION AND DETECTION OF OFFENCES

50. POWER OF ENTRY, SEARCH, ARREST AND DETENTION. - (1) Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf or the Chief Wild Life Warden or the authorised officer or any forest officer or any police officer not below the rank of a sub-inspector, may, if he has reasonable grounds for believing that any person has committed an offence against this Act.-

a) require any such person to produce for inspection any captive animal, wild animal, animal article, meat, ⁽⁶⁸⁾[trophy, uncured trophy specified plant or part or derivative thereof] in his control, custody or possession, or any licence, permit or other document granted to him or required to be kept by him under the provisions of this Act;

b) stop any vehicle or vessel in order to conduct search or inquiry or enter upon and search any premises, land, vehicle or vessel, in the occupation of such person, and open and search any baggage or other things in his possession;

PENALTIES. - (1) Any person who ⁽⁷²⁾[contravenes any provision of this Act ⁽⁷³⁾[(except Chapter VA and section 38J)]] or any rule or order made thereunder or who commits a breach of any of the conditions of any licence or permit granted under this Act, shall be guilty of an offence against this Act, and shall, on conviction, be punishable with imprisonment for a term which may extend to 73[three years] or with fine which may extend to 73[twenty five thousand rupees] or with both:

Provided that where the offence committed is in relation to any animal specified in Schedule I or Part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from

such animal or where the offence 73[relates to hunting in, or altering the boundaries of] a sanctuary or a National Park, such offence shall be punishable with imprisonment for a term which shall not be less than 73[one year] but may extend to six years and also with fine which shall not be less than 73[five thousand rupees]:

73[Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.]

⁽⁷⁴⁾[(1A.) Any person who contravenes any provisions of Chapter VA, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years and also with fine which shall not be less than five thousand rupees.] ⁽⁷⁵⁾[(1B) Any person who contravenes the provisions of section 38J shall be punishable

. **ATTEMPTS AND ABETMENT** - Whoever attempts to contravene, or abets the contravention of, any of the provisions of this Act or of any rule or order made thereunder shall be deemed to have contravened that provision or rule or order, as the case may be.

53. PUNISHMENT FOR WRONGFUL SEIZURE - If any person, exercising powers under this Act, vexatiously and unnecessarily seizes the property of any other person on the pretence of seizing it for the reasons mentioned in section 50, he shall, on conviction, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

54. POWER TO COMPOUND OFFENCE - (1) ⁽⁷⁷⁾[The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer and the State Government] may, by notification, empower the Chief Wild Life Warden or any officer of a rank not inferior to that of a Deputy Conservator of Forests, _

a) to accept, from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of composition of the offence which such person is suspected to have committed; and

b) when any property has been seized is liable to be forfeited, to release the same on payment of the value thereof as estimated by such officer.

(2) On payment of such sum of money or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, and the property, other than Government property, if any, seized, shall be released and no further proceedings in respect of the offence shall be taken against such person.

(3) The officer compounding any offence may order the cancellation of any licence or permit granted under this Act to the offender, or if not empowered to do so, may approach an officer to empowered, for the cancellation of such licence or permit.

(4) The sum of money accepted or agreed to be accepted as composition under clause (b) of subsection (1) shall, in no case, exceed the sum of two thousand rupees:

Provided that no offence, for which a minimum period of imprisonment has been prescribed in subsection (1) of section 51, shall be compounded.⁽⁷⁸⁾[55. Cognizance of offences._ No court shall take cognizance of any offence against this Act except on the complaint of any person other than:

a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government, or

b) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government; or

c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Central Government or the State Government or the officer authorised as aforesaid.]

56. OPERATION OF OTHER LAWS NOT BARRED - Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for the time being in force, for any act or omission which constitutes an offence against this Act or from being liable under such other law to any higher punishment or penalty than that provided by this Act:

Provided that no person shall be punished twice for the same offence.

57. PRESUMPTION TO BE MADE IN CERTAIN CASES - Where, in any prosecution for an offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, ⁽⁷⁹⁾[trophy, uncured trophy, specified plant, or part or derivative thereof] it shall

be presumed, proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat 79[trophy, uncured trophy, specified plant, or part or derivative thereof.]

until the contrary is proved, the burden of

CHAPTER VII

MISCELLANEOUS

59. OFFICERS TO BE PUBLIC SERVANTS._ Every officer referred to ⁽⁸⁰⁾[in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA] and every other officer exercising any of the powers conferred by this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

60. PROTECTION OF ACTION TAKEN IN GOOD FAITH._ (1) No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.⁽⁸¹⁾

(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.] ⁽⁸²⁾

60 A. Reward to persons._ (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may, when passing judgment, order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty percent of such fine.

(2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the sum of money accepted by way of composition not exceeding twenty percent of such money.]

61. POWER TO ALTER ENTRIES IN SCHEDULES._ (1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, ⁽⁸³⁾[add or delete any entry to or from any Schedule] or

transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.⁽⁸⁴⁾[***]

(3) On the issue of a notification under sub-section (1)⁽⁸⁵⁾[***]the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.⁽⁸⁶⁾[***]

62. Declaration of certain wild animals to be vermin.⁽⁸⁷⁾[The Central Government] may, by notification, declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be deemed to have been included in Schedule V.

63. Power of Central Government to make rules.⁽⁸⁸⁾[(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:-

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;

(b) the salaries and allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of section 38B;

(c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of section 38B;

(d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38E;

RIGHTS OF SCHEDULED TRIBES TO BE PROTECTED.- Nothing in this Act shall affect the hunting rights conferred on the Scheduled Tribes of the Nicobar Islands in the Union territory of Andaman and Nicobar Islands by notification of the Andaman and Nicobar Administration No. 40/67/F, No. G635, Vol. III, dated the 28th April, 1967.

66. REPEAL AND SAVINGS. (1) As from the commencement of this Act, every other Act relating to any matter contained in this Act and in force in a State shall, to the extent to which that Act or any provision contained therein corresponds, or is repugnant, to this Act or any provision contained in this Act, stand repealed:

Provided that such repeal shall not,

- i.) affect the previous operation of the Act so repealed, or anything duly done or suffered thereunder;
- ii.) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed;
- iii.) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
- iv.) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture and punishment may be imposed, as if the aforesaid Act had not been repealed.

Lecture:-12

Forest (Conservation) Act, 1980 with Amendments Made in 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Forest (Conservation) Act, 1980.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October, 1980.

2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing-

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose;

(iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;

(iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reforestations;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

3. Constitution of Advisory Committee.

The Central Government may constitute a Committee consisting of such number of persons as h may deem fit to advise that Government with regard to-

(i) the grant of approval. under Section 2; and

(ii) any other matter connected with the conservation of forests which may be referred to h by the Central Government.

3A. Penalty for contravention of the provisions of the Act.

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days.

3B. Offences by the Authorities and Government Departments.

(1) Where any offence under this Act has been committed -

(a) by any department of Government, the head of the department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of; or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

4. Power to make rules.

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses 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.

5. Repeal and saving.

(1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Lecture:-13

Convention on Biological Diversity (CBD)

Signed: June 1993

Ratified: 2 November 1995

The aim of the CBD is to effect international cooperation in the conservation of biological diversity and to promote the sustainable use of living natural resources worldwide. It also aims to bring about the sharing of the benefits arising from the utilisation of natural resources.

4] United Nations Framework Convention on Climate Change (UNFCCC)

Signed: 15 June 1993, 27 August 1997

Ratified: 29 August 1997

The United Nations Framework Convention on Climate Change was signed by 154 governments in Rio de Janeiro during the United Nations Conference on Environment and Development (UNCED) in June 1992. The convention addresses the threat of global climate change by urging governments to reduce the sources of greenhouse gases. The ultimate objective of the convention is to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous interference with the climate system of the world.

UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

The Creation of the Convention

In 1988, the Intergovernmental Panel on Climate Change (IPCC) was created by the United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) to assess the scientific knowledge on global warming. Its first major report in 1990 showed that there was broad international consensus that climate change was human-induced.

That report led way to an international convention for climate change. This became the United Nations Framework Convention on Climate Change (UNFCCC), signed by over 150 countries at the Rio Earth Summit in 1992.

The Convention took effect in 1994. By 1995 negotiations had started on a protocol — an international agreement linked to the existing treaty, but standing on its own. This led to the Kyoto Protocol, adopted unanimously in 1997. The main purposes of this protocol was to

- Provide mandatory targets on greenhouse-gas emissions for the world's leading economies all of whom accepted it at the time;
- Provide flexibility in how countries meet their targets;
- Further recognize that commitments under the Protocol would vary from country to country.

Framework is a starting point

Convention was weakened due to US threats to not attend Rio if there were binding commitments to stabilize greenhouse gas emissions, it is still a useful framework. The Convention provides a framework to tackle a number of issues and had some objectives set, including the following:

- Recognize that a problem exists (The body of research indicates that humans are a factor in the current climate changes.)
- As a result, the ultimate objective is to achieve “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”
- Continued scientific research is encouraged because the climate is a very complex issue and patterns are likely to continue changing.
- The Convention recognizes that the current developed and industrialized nations have the largest current and historic emissions and that they should therefore take the lead and burden of helping reduce harmful effects and cut down emissions.
- The Convention also recognized that it is likely that the poorer nations will suffer the most, as there are less resources and capabilities to adapt to sudden changes of this magnitude.
- It is also recognized that a more sustainable economy is needed as current consumptive patterns could be destructive.

Major Steps

Steps Towards Action on Climate Change

Event	Date and place	Principal achievements
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Steps Towards Action on Climate Change

Event	Date and place	Principal achievements
Intergovernmental Panel on Climate Change (IPCC) - First 1990 report		Broad international scientific consensus that human actions are influencing the climate
UN Framework Convention on Climate Change	1992, Rio de Janeiro, Brazil. (Entered into force 1994)	<ul style="list-style-type: none"> Committed the global community to stabilising the level of greenhouse gases in the atmosphere Recognised the primary responsibility of industrialised countries, and the differentiated responsibilities of developing countries
IPCC - Second report	1995	<ul style="list-style-type: none"> Confirmed human influence on climate Stated that risk from climate change is severe enough to justify preventive actions (Governments which have signed the Convention have to accept the findings of the IPCC).
Conference of Parties (COP) 1	1995, Berlin, Germany	<ul style="list-style-type: none"> Established budget, secretariat and institutional mechanisms Established pilot phase of "Activities Implemented Jointly" to reduce greenhouse gas emissions Agreed timetable for setting specific reduction targets for industrialised countries
Conference of Parties (COP) 2	1996, Geneva, Switzerland	<ul style="list-style-type: none"> Endorsed IPCC2 and COP1 agreements US announced its commitment to binding targets "medium-term", with "flexibility, in implementation measures" OPEC dropped its opposition to action

Steps Towards Action on Climate Change

Event	Date and place	Principal achievements
Conference of Parties (COP) 3	1997, Kyoto, Japan	Agreed the Kyoto Protocol, with targets for industrialised country greenhouse gas reductions
Conference of Parties (COP) 4	1998, Buenos Aires, Argentina	Agreed a "Plan of Action" for following up on the Kyoto Protocol, including processes for stimulating technology transfer
Conference of Parties (COP) 5	1999, Bonn, Germany	Further progress on implementing the Kyoto Protocol
Conference of Parties (COP) 6	2000, The Hague, The Netherlands	-
IPCC – Third report	2000/2001	
“Rio plus Ten” Earth Summit	2002	Many people hope the Kyoto Protocol will be ratified and will enter into force by this the time.
Negotiations begin for a second round of emissions reductions	2005	This was the target date to start negotiations for the second period of the Kyoto Protocol
Agreed cuts in greenhouse gases	2008-2012	This is the period in which emissions cuts agreed in the Kyoto Protocol have to be achieved and measured

10] United Nations Convention to Combat Desertification in Countries Experiencing Serious Droughts and/or Desertification, Particularly in Africa

Signed: 9 January 1995

Ratified: 30 September 1997

Acceded: June 1994

Desertification is the degradation of land in arid, semi-arid and dry sub-humid areas and does not refer to the expansion of existing deserts. It is caused primarily by human activities, through over-exploitation and inappropriate land use, and by climate variations. The Department of Environmental Affairs and Tourism is responsible, with the advice from representatives from the non-governmental organisation (NGO) sector, for the coordination of the implementation of this convention in South Africa.

Lecture:-14

THE RAMSAR CONVENTION ON WETLANDS

Convention on Wetlands of International Importance especially as Waterfowl Habitat.
Ramsar, 2 February 1971.1

States	Date of deposit of instrument	Type of instrument
India	01/10/1981	Accession

This Convention entered into force on 21 December 1975. It subsequently entered into force for each State four months after the date of deposit of that State's instrument, except in cases of notifications of succession, where the entry into force occurred on the date on which the State assumed responsibility for conducting its international relations.

As of 16 December 2005, Number of Contracting Parties: 147
Number of sites designated for the List of Wetlands of International Importance: 1525
Total surface area of designated sites: 129,456,342 hectares

India:

Entry into force: 01.02.82

Ramsar sites: 19

Surface area: 648,507 hectares

Article 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.
2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

Article 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be

precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.

Article 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

Article 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.

Article 6

1. The Conference of the Contracting Parties shall be competent:
 - a. to discuss the implementation of this Convention;
 - b. to discuss additions to and changes in the List;
 - c. to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
 - d. to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
 - e. to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands;
 - f. to adopt other recommendations, or resolutions, to promote the functioning of this Convention.
2. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.
3. The Conference of the Contracting Parties shall adopt rules of procedure for each of its meetings.

4. Each Contracting Party shall contribute to the budget according to a scale of contributions adopted by unanimity of the Contracting Parties present and voting at a meeting of the ordinary Conference of the Contracting Parties.

Article 7

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.
2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple **majority of the** Contracting Parties present and voting, unless otherwise provided for in this Convention.

Article 9

1. This Convention shall remain open for signature indefinitely.

Article 10

1. This Convention shall enter into force four months after seven States have become Parties to this Convention [in accordance with paragraph 2 of Article 9.]
2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

Article 10 bis

1. This Convention may be amended at a meeting of the Contracting Parties convened for that purpose in accordance with this article.
2. Proposals for amendment may be made by any Contracting Party.

Article 11

1. This Convention shall continue in force for an indefinite period.
2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that party by giving written notice thereof to the Depositary. Denunciation shall take effect four months after the day on which notice thereof is received by the Depositary.

Article 12

1. The Depositary shall inform all States that have signed and acceded to this Convention as soon as possible of:
 - a. signatures to the Convention;
 - b. deposits of instruments of ratification of this Convention;
 - c. deposits of instruments of accession to this Convention;
 - d. the date of entry into force of this Convention;
 - e. notifications of denunciation of this Convention.

About the Ramsar List

Upon joining the Ramsar Convention, each Contracting Party is obliged by Article 2.4 to designate at least one wetland site for inclusion in the **List of Wetlands of International Importance**. Sites are selected by the Contracting Parties, or member states, for designation under the Convention by reference to the **Criteria for Identifying Wetlands of International Importance**. Data on designated wetlands are communicated by the Parties to the treaty secretariat by means of a **Ramsar Information Sheet (RIS)** including accurate data on various scientific and conservation parameters and a map precisely delimiting the boundaries of the site. Upon receipt of the RIS, the Secretariat ensures that the data and map meet the standards set by the Conference of the Parties and then adds the site's name and basic data to the List of Wetlands of International Importance -- it then forwards the data and map to **Wetlands International** for inclusion in the **Ramsar Sites Database**. The Secretariat formally acknowledges the status of the site as a Wetland of International Importance and sends a handsome site certificate to the Administrative Authority charged with implementation of the Convention in the country concerned. The authorities in the Contracting Party are encouraged to post signs at the site itself showing prominently the site's status as a Wetland of International Importance under the Ramsar Convention on Wetlands; **suggested wording for these signs** has been agreed by the Standing Committee.

Additions to the List. Following accession to the Convention, "each Contracting Party shall designate suitable wetlands within its territory for inclusion" in the List (Article 2.1) and may also extend the boundaries of those already included. As far as the Convention and the Secretariat are concerned, any wetland which meets at least one of the Criteria for Identifying Wetlands of International Importance and has been designated by the appropriate national authority can be added to the Ramsar List.

Deletions from the List. A Contracting Party may also, because of its urgent national interest, delete or restrict the boundaries of wetlands already included in the List (Article 2.5 of the treaty). Article 4.2 provides, however, that such deletions or restrictions should be compensated for by the creation of additional nature reserves or by the protection, either in the same area or elsewhere, of a suitable portion of the original habitat.

National Inventories. The establishment of wetland inventories, based on the best scientific information available at both national and international level, constitutes an effective basis for promoting the designation for the Ramsar List of the largest possible number of appropriate wetland sites.

The Paris Protocol to the Ramsar Convention on Wetlands, 1982

Protocol to Amend the Convention on Wetlands of International Importance especially as Waterfowl Habitat

[known as the Paris Protocol: adopted at the Extraordinary Conference of the Contracting Parties, Paris, France, 2-3 December 1982]

In this protocol articles from 1 to 7 were amended.

The "Regina Amendments" to the Convention on Wetlands, 1987

The Amendments to Articles 6 and 7 of the Convention on Wetlands, commonly called the "Regina Amendments". [28 May to 3 June 1987 Regina, Saskatchewan, Canada].

Article 6

1. The present text of paragraph 1 shall be replaced by the following wording:

"There shall be established a Conference of the Contracting Parties to review and promote the implementation of this Convention. The Bureau referred to in Article 8, paragraph 1, shall convene ordinary meetings of the Conference of the Contracting Parties at intervals of not more than three years, unless the Conference decides otherwise, and extraordinary meetings at the written request of at least one third of the Contracting Parties. Each ordinary meeting of the Conference of the Contracting Parties shall determine the time and venue of the next ordinary meeting."

2. The introductory phrase of paragraph 2 shall read as follows:

"The Conference of the Contracting Parties shall be competent:"

3. An additional item shall be included at the end of paragraph 2, as follows:

"(f) to adopt other recommendations, or resolutions, to promote the functioning of this Convention."

4. A new paragraph 4 is added which would read as follows:

"The Conference of the Contracting Parties shall adopt rules of procedure for each of its meetings.

5. New paragraphs 5 and 6 are added, which would read as follows:

Paragraph 5: "The Conference of the Contracting Parties shall establish and keep under review the financial regulations of this Convention. At each of its ordinary meetings, it shall adopt the budget for the next financial period by a two-third majority of Contracting Parties present and voting.

Paragraph 6: "Each Contracting Party shall contribute to the budget according to a scale of contributions adopted by unanimity of the Contracting Parties present and voting at a meeting of the ordinary Conference of the Contracting Parties."

Article 7

Paragraph 2 is replaced by the following wording:

"Each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple majority of the Contracting Parties present and voting, unless otherwise provided for in this Convention."

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between Governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. CITES was conceived in the spirit of such cooperation. Today, it accords varying degrees of protection to more than 30,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs.

CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union). The [text of the Convention](#) was finally agreed at a meeting of representatives of 80 countries in Washington DC., United States of America, on 3 March 1973, , and on 1 July 1975 CITES entered in force.

CITES is an international agreement to which States (countries) adhere voluntarily. States that have agreed to be bound by the Convention ('joined' CITES) are known as Parties. Although CITES is legally binding on the Parties – in other words they have to implement the Convention – it does not take the place of national laws. Rather it provides a framework to be respected by each Party, which has to adopt its own domestic legislation to ensure that CITES is implemented at the national level. Now it has 169 Parties.

The CITES Secretariat is administered by [UNEP](#) and is located at Geneva, Switzerland. It has a pivotal role, fundamental to the Convention and its functions are laid down in [Article XII](#) of the text of the Convention. They include:

- playing a coordinating, advisory and servicing role in the working of the Convention;
- assisting with communication and monitoring the implementation of the Convention to ensure that its provisions are respected;
- arranging meetings of the Conference of the Parties and of the permanent Committees at regular intervals and servicing those meetings (i.e. organizing them, preparing and circulating meeting documents, making necessary arrangements for delegates to attend the meetings, providing advice and support, etc.);
- providing assistance in the fields of legislation, enforcement, science and training;
- undertaking, under agreed programmes, occasional scientific and technical studies into issues affecting the implementation of the Convention;
- making recommendations regarding the implementation of the Convention;

- acting as the repository for the reports, sample permits and other information submitted by the Parties;
- distributing information relevant to several or all Parties, for example, proposals to amend the Appendices, sample permits, information about enforcement problems, national legislation, reference material or news of a new Party;
- issuing new editions of [Appendices I, II and III](#), whenever there is a change, as well as of the [Resolutions](#) and [Decisions](#) adopted by the Conference of the Parties at its meetings, and information to assist identification of species listed in the Appendices; and
- preparing [annual reports](#) to the Parties on its own work and on the implementation of the Convention;

How CITES works: CITES works by subjecting international trade in specimens of selected species to certain controls. All import, export, re-export and introduction from the sea of species covered by the Convention has to be authorized through a licensing system. Each Party to the Convention must designate one or more Management Authorities in charge of administering that licensing system and one or more Scientific Authorities to advise them on the effects of trade on the status of the species.

The species covered by CITES are listed in [three Appendices](#), according to the degree of protection they need.

Appendices I and II

- Appendix I includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances.
- Appendix II includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilization incompatible with their survival.

Appendix III

This Appendix contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade. Changes to Appendix III follow a distinct procedure from changes to Appendices I and II, as each Party's is entitled to make unilateral amendments to it.

The CITES species: Roughly 5,000 species of animals and 28,000 species of plants are protected by CITES against over-exploitation through international trade. They are listed in the three [CITES Appendices](#). The species are grouped in the Appendices according to how threatened they are by international trade. They include some whole groups, such as primates, cetaceans (whales, dolphins and porpoises), sea turtles, parrots, corals, cacti and orchids. But in some cases only a subspecies or geographically separate population of a species (for example the population of just one country) is listed. The table below shows the approximate numbers of species that are included in the CITES Appendices as of present.

	Appendix I	Appendix II	Appendix III
Mammals	228 spp. + 21 sspp. + 13 popns	369 spp. + 34 sspp. + 14 popns	57 spp. + 11 sspp.
Birds	146 spp. + 19 sspp. + 2 popns	1401 spp. + 8 sspp. + 1 popn	149 spp.
Reptiles	67 spp. + 3 sspp. + 4 popns	508 spp. + 3 sspp. + 4 popns	25 spp.
Amphibians	16 spp.	90 spp.	-
Fish	9 spp.	68 spp.	-
Invertebrates	63 spp. + 5 sspp.	2030 spp. + 1 ssp.	16 spp.
Plants	298 spp. + 4 sspp.	28074 spp. + 3 sspp. + 6 popns	45 spp. + 1 ssp. + 2 popns
Totals	827 spp. + 52 sspp. + 19 popns	32540 spp. + 49 sspp. + 25 popns	291 spp. + 12 sspp. + 2 popns

Cooperation with other organizations: CITES Secretariat has entered into a number of general cooperation agreements with other organizations like [Memorandum of Understanding among the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal \(SBC\)](#) and the [Secretariat of the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer \(the Ozone Secretariat\)](#) etc.

Member countries: When the government of a State decides that it will be bound to the provisions of CITES, it can 'join' the Convention by making a formal declaration to this effect in writing to the Depositary Government, which is the Government of Switzerland. Once a document containing this declaration has been received by the Depositary, through the diplomatic channel, the Convention enters into force for the State concerned 90 days later. A State for which the Convention has entered into force is called a Party to CITES. Currently there are 169 Parties. A State that is a Party to CITES may withdraw from the Convention at any time by a process of denunciation.

The process of making a declaration to be bound to the provisions of CITES is called "ratification", "acceptance", "approval" or "accession". Ratification, acceptance and approval are legally equivalent actions but are only applicable in relation to the States that signed the Convention when it was open for signature, between 3 March 1973 (when it was concluded) and 31 December 1974. (Acceptance and approval are the actions taken by certain States when, at national level, constitutional law does not require a treaty to be "ratified".) All States that had signed the Convention have now ratified it. The term "accession" is used in relation to the States that did not sign the Convention.

Lec. 16

9] World Heritage Convention - Convention Concerning the Protection of the World Cultural and Natural Heritage

Ratified: 10 July 1997

The convention aims to promote cooperation among nations to protect all forms of natural and cultural heritage that are of such outstanding universal value that their conservation is of concern to all people. UNESCO adopted the convention in 1972. At present 144 countries are parties to it.

Lecture:-15

International Tropical Timber Agreement (ITTA)

Definitions

Purposes of this Agreement:

(1) "Tropical timber" means non-coniferous tropical wood for industrial uses, which grows or is produced in the countries situated between the Tropic of Cancer and the Tropic of Capricorn. The term covers logs, sawn wood, veneer sheets and plywood. Plywood which includes in some measure conifers of tropical origin shall also be covered by this definition;

(2) "Further processing" means the transformation of logs into primary wood products, semi-finished and finished products made wholly or almost wholly of tropical timber;

(3) "Member" means a Government or an intergovernmental organization referred to in article 5 which has consented to be bound by this Agreement whether it is in force provisionally or definitively;

(4) "Producing member" means any country with tropical forest resources and/or a net exporter of tropical timber in volume terms which is listed in annex A and which becomes a party to this Agreement, or any country with tropical forest resources and/or a net exporter of tropical timber in volume terms which is not so listed and which becomes a party to this Agreement and which the Council, with the consent of that country, declares to be a producing member;

(5) "Consuming member" means any country listed in annex B which becomes a party to this Agreement, or any country not so listed which becomes a party to this Agreement and which the Council, with the consent of that country, declares to be a consuming member;

(6) "Organization" means the International Tropical Timber Organization established in accordance with article 3;

(7) "Council" means the International Tropical Timber Council established in accordance with article 6;

(8) "Special vote" means a vote requiring a least two thirds of the votes cast by producing members present and voting and at least 60 per cent of the votes cast by consuming members present and voting, counted separately, on condition that these votes are cast by at least half of the producing members present and voting and at least half of the consuming members present and voting;

(9) "Simple distributed majority vote" means a vote requiring more than half of the votes cast by producing members present and voting and more than half of the votes cast by consuming members present and voting, counted separately;

(10) "Financial year" means the period from 1 January to 31 December inclusive;

(11) "Freely usable currencies" means the deutsche mark, the French franc, the Japanese yen, the pound sterling, the United States dollar and any other currency which has been designated from time to time by a competent international monetary organization as being in fact widely used to make payments for international transactions and widely traded in the principal exchange markets.

OBJECTIVES

Recognizing the sovereignty of members over their natural resources, as defined in Principle 1 (a) of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests, the objectives of the International Tropical Timber Agreement, 1994 (hereinafter referred to as "this Agreement") are:

(a) To provide an effective framework for consultation, international cooperation and policy development among all members with regard to all relevant aspects of the world timber economy;

(b) To provide a forum for consultation to promote non-discriminatory timber trade practices;

(c) To contribute to the process of sustainable development;

(d) To enhance the capacity of members to implement a strategy for achieving exports of tropical timber and timber products from sustainably managed sources by the year 2000;

(e) To promote the expansion and diversification of international trade in tropical timber from sustainable sources by improving the structural conditions in international markets, by taking into account, on the one hand, a long term increase in consumption and continuity of supplies, and, on the other, prices which reflect the costs of sustainable forest management and which are remunerative and equitable for members, and the improvement of market access;

(f) To promote and support research and development with a view to improving forest management and efficiency of wood utilization as well as increasing the capacity to conserve and enhance other forest values in timber producing tropical forests;

(g) To develop and contribute towards mechanisms for the provision of new and additional financial resources and expertise needed to enhance the capacity of producing members to attain the objectives of this Agreement;

(h) To improve market intelligence with a view to ensuring greater transparency in the international timber market, including the gathering, compilation, and dissemination of trade related data, including data related to species being traded;

(i) To promote increased and further processing of tropical timber from sustainable sources in producing member countries with a view to promoting their industrialization and thereby increasing their employment opportunities and export earnings;

(j) To encourage members to support and develop industrial tropical timber reforestation and forest management activities as well as rehabilitation of degraded forest land, with due regard for the interests of local communities dependent on forest resources;

(k) To improve marketing and distribution of tropical timber exports from sustainably managed sources;

(l) To encourage members to develop national policies aimed at sustainable utilization and conservation of timber producing forests and their genetic resources and at maintaining the ecological balance in the regions concerned, in the context of tropical timber trade;

(m) To promote the access to, and transfer of, technologies and technical cooperation to implement the objectives of this Agreement, including on concessional and preferential terms and conditions, as mutually agreed; and

(n) To encourage information-sharing on the international timber market.

WTO (World Trade Organization)

Genesis

Aim

Rules

Principles

Predictability Promoting fair competition

Economic reform