

MODEL ANSWER

AR-7277

M. Sc. (Second Semester) Examination 2013

FORESTRY

Paper - First

(Forest Policy and Laws and International Conventions)

Answer 1. (Section - A)

1. Fill in the blanks:

(i) Regulation prohibiting the felling of teak trees of girth less than

Ans. 21 inches

(ii) Bare Act enacted by Parliament in ... of the Republic of India

Ans. Thirty First year

(iii) was appointed as the Superintendent of forests.

Ans. Dr McClelland

Multiple choice

(iv) Government owned forests have been classified:

- (a) on climatic ground
- (b) Minor forest
- (c) Pasture land
- (d) All the above

Ans. (d) All the above

(v) Indian Forest Act, 1927 divided into:

- (a) 13 chapters and 86 sections
- (b) 86 sections
- (c) 13 chapters and 88 sections
- (d) None of the above

Ans. 13 chapters and 86 sections.

Define the term:

(vi) Protected Forest - ^{seen describe} The provision of declaring protected forests ~~is~~ in Indian Forest Act 1927 under chapter ~~II~~ of section 29.

(i) The State Govt. may, by notification in the official Gazette, declare the provisions

of this chapter applicable to any forest land or waste land which is not included in a reserved forest, but which is the property of Govt., or over which the Govt. has proprietary rights, or to whole or any part of the forest-produce of which the Govt. is entitled.

(2) The forest land and waste lands comprised in any such notification shall be called a 'protected forest'.

(viii) Vermin - means any wild animal specified in Schedule I of wildlife Protection Act 1972, cover Section, 2, 8, 61 and 62. The animal listed in Schedule I are.

- (1) common crow
- (2) common fox
- (3) fowls bats
- (4) Jackal
- (5) mice
- (6) Rats
- (7) voles

(viii) Crime - As per Indian Penal code and criminal procedure code, crime is defined as. This is an act of commission or omission that is harmful to society. It is punishable by a criminal law, mainly the Indian Penal code.

(ix) Habitat - includes land, water or vegetation which is the natural home of any wild animal.

(x) Antler - Antlers are unique to cervids and found mainly in males of deer family. Antlers are usually large branching bony appendages on the heads of males of most deer species. Velvet covers a growing antlers provides it with blood supplying and oxygen.

-3-
(Section-B)

Ans 2. Contribution of forest officers during British regime, are as describe below.

The year 1864 is regarded as the beginning of forest administration in India, as in that year Brandis was appointed as the first Inspector General of Forests. The mandate of the first IGF was to advise them (the Govt.) on all questions connected with forest administration and generally to introduce a thorough system of management and conservation throughout all forests in the territories under the Govt. of India.

The foundation of present day forestry administration in India were laid by Brandis and during his fruitful tenure, he was able to organize forestry administration in most parts of the country.

Captain Watson of the police was appointed as the first conservator of forest in India in 1866 (in Madras) within a few years, Watson succeeded in establishing a timber monopoly throughout Malabar, Travancor and practically extinguished private rights in the forests by assuming their non existence. During the tenure of Watson and that of his immediate successors, the Govt had a easy and cheap supply and this matters were allowed to drift. Between 1866 and 1893 though nothing was done for regeneration of forests in Malabar region.

C O'Nally. During this period, C O'Nally was the collector of Malabar. He put forward his views on the importance of Forestry again and again and succeeded in establishing a small local forest department. Simple local rules framed by him in 1842, in order to provide timber for his district, when he realised that the forests were rapidly depleting, he did laid the foundation of the now famous and valuable Nilambur teak plantations.

Gibson and Cleghorn. Though the necessity of scientific forestry was being more constantly urged, it was not till 1847, that the Bombay Govt. appointed Gibson as conservator of Forests, after he had served as interim conser-

4.

- vator for some years in addition to his duties with the botanical garden.

In 1856, the government of Madras appointed Cleghorn as conservator of forests for the presidency. Both these officers made positive contribution to the development of a scientific policy for forest management in British India.

Gibson showed that the large scale destruction of forests which had taken place the past few years due to over felling and shifting cultivation, had led to the silting up of reservoirs, which three decades previously had been known to be free of silt. Both these officers strongly advocated that the government should claim and exercise proprietary rights over all such forests which could not clearly prove to be private property. Stricter control and conservation measures were required and an immediate stop to shifting cultivation needed to be placed in the hills.

Answer. 3. Applicability of IPC in forest laws / offences.

The Indian Forest Act and wildlife protection acts are fairly comprehensive and cover most types of offences in connection with forests and wildlife, the IPC is also applicable both directly and indirectly to forest offences / laws and forest administration.

This includes the following offences where the provisions of the IPC are attracted.

1. Theft of timber from government sale depots outside the limits of a forest.
2. Receiving stolen timber
3. Thefts of property of forest department other than forest produce.
4. Criminal breach of trust.

5. A assault on the staff of the forest department.
6. Unlawful assembly
7. Omitting to give information about a forest offences.
8. Giving false evidence
9. Using false property marks
10. Counterfeiting property marks
11. Marking or possession of instruments for counterfeiting property marks.
12. Tampering property marks.

The penalties for various offences have been enhanced appropriately. It has also been provided that operation of Section 360 of Cr. P. and Probation of offenders Act 1958, should be excluded from cases of serious nature, particularly, those relating to hunting in a Sanctuary or a national park or illegal trade in Scheduled animal products. It has also been provided in the Act that vehicles, weapons, traps and tools used for committing an offence shall be the property of the state and these shall not be returned to the offenders. Prior to 1991 amendment, only the officials of the state Govt. empowered to file cases in the court. Now this powers has been given to the officers of the central Govt. also.

Answer 4 Write notes on the following

(1) National Park :-

(1) The State Government may constitute an area into a national park for protecting, propagation or developing

Wildlife there in or its environment, whenever it appears to it that an area, whether within a Sanctuary or not, is by reason of its ecological, faunal, floral or geomorphological association or importance is required to be accorded the status of a national park.

2. National Park means an area declared, whether under Section 35 or Section 38, or under sub-section (3) of Section 66, to be declared, as national park.

3. There is provision for enquiry and settlement of claims of rights.

4. No alteration of the boundaries of a national park shall be made except on a resolution passed by the Legislature of the State.

5. No person shall destroy, exploit or remove any wildlife from national park or destroy or damage the Habitat.

6. No grazing of any cattle shall be permitted in a National Park.

7. No trespass of human being is allowed in the National Park.

8. National Park has core and buffer zone. Only buffer zone is allowed for tourism and other developmental activities.

(11) Amendments in Forest Conservation Act 1980

Various amendments were made in this Act in 1988. Restrictions have been placed on the State Govt.

The amendments / addition / rules made under this Act are listed below:

- a - A penalty has been prescribed for violation of the provisions of this Act.
- b - Detailed guidelines have been laid down for the diversion of forest land for non forestry purposes.
- c - Rules have been made for compensatory afforestation in protection to the areas being diverted.

Mechanism:

The central Govt has devised a mechanism for processing the matters with regard to the diversion of forest land for non forestry purposes as may be applied by the State Govt. This is summarised below:

1. The Ministry of Environment and Forests deals with such matters.
2. There are regional central chief conservator of Forest in different regions / zones through whom the applications are processed.
3. All applications are in prescribed format and the staff of the central Govt may make field inspections.

-8-

(4) There is a provision for compensatory afforestation in lieu of the forest land which is diverted for non forestry purposes.

Prior approval is required for all non forestry uses of forest land. This includes the following:

- a- Mining
- b- Raising commercial crops like tea, coffee, and cardamom.
- c- Transmission lines
- d- Hydro-electric projects
- e- Irrigation schemes
- f- Roads and railway line
- g- Pipes for drinking water supply
- h- Exploratory drillings

The provisions of the Act are attracted even if felling of trees is not involved in forest land.

Answer 5. Name the ⁹ chapters and its title given in Indian Forest Act 1927.

The Indian Forest Act 1927 comprises 13 chapters and 26 sections. It was later amended in 1948 and is the main legislation dealing with forests in India today.

Chapter I - (Preliminary)

Section - 1 - 2

Chapter II - of Reserve forests

Section 3 - 27

Chapter - III - of village forest

Section - 28

Chapter IV - of protected forests

Section - 29 - 34

Chapter V - of the control over forests and lands not being the property of Government.

Section - 35 - 39

Chapter - VI - of the duty on timber and other forest produce.

Section - 40 - ~~41~~ 41

Chapter VII - of the control of timber and other forest produce in Transit

Section - 41 - 44

Chapter - VIII - of the collection of drift and stranded timber

Section - 45 - 51

Chapter IX - Penalties and procedures

Section - 52 - 69

Chapter X - ⁷⁰ Cattle Trespass
Section - 70-71

Chapter XI - Of forest officers
Section - 72-75

Chapter XII - Subsidiary rules
Section 76-78

Chapter XIII - Miscellaneous
Section 79-86

The Indian Forest Act 1927

Specify the definition, declaration of Reserve forest, village forest, Protected forest, Duty on forest produce, control on forest produce in transit, collection of drift and stranded timber, penalties and procedure, cattle trespass, forest officers and other provision are being discussed separately. As per the provisions made in this Act the forest management activities are in practice.

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Answer - 6 Define the following

(1) Village Forest - The description of village forest is given in Indian Forest Act 1927 under section 28 of Chapter III.

(1) The State Government may assign to any village community the rights of Govt. to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village forests.

(2) The State Govt. may make rules for regulating the Management of village forests, prescribing the conditions under which the community to which any such assignment is made, ^{may} be provided with timber or other forest produce or pasture, and their duties for the protection and improvement of such forests.

(3) All the provisions of this Act relating to reserved forests shall apply to village forests.

(4) Providing pasture for cattle.

(11) Functional classification of Forests:

Having regard to functions of forested, the forests of India, whether State or privately owned, may be conveniently classified as follows:

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

This broad classification of forests is necessary to focus attention on the kinds 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 of local, regional or national importance.

Answer 7. Salient features and objectives of National Forest Policy 1952.

After independence in 1947, it was considered essential to re-formulate the forest policy that would be followed in the years to come. The concept and needs of forest management had changed over the years, particularly in the following respects;

- There had been a tremendous increase in the human and animal population and thus the need for forest products and land for growing food.
- Many industries utilizing forest products had come up.
- New uses had been found for forest raw material.
- The policy of 1894 was applicable to only forests under the management of the forest department, while other government owned lands were not covered. There were no provisions with regards to the management of private forests.
- It was considered desirable to combat the problems of shifting cultivation.
- It became necessary to lay down detailed guidelines for the management of wild animals.
- The principle of sustained yield, ^{had} become important for the management of forests and this needed to be reflected in the forest Policy of independent India.

As per the changed conditions and needs ^{of the country} the National Forest Policy 1952 re-orient the policy with following objectives

1. The need for evolving a system of balanced-

and complementary land use, under which each type of land is ~~also~~ allotted to that form of use under which it would produce most and deteriorate least.

2. The need for checking
 - (a) Demarcation in mountainous region, on which depends the perennial supply of river system.
 - (b) To check the erosion progress in space along the treeless banks of rivers leading to ravine formation
 - (c) Invasions of sea-sands on coastal tracts.
3. The need for establishing tree lands, where ever possible for the amelioration of physical and climatic conditions promoting the general well being of the people.
ensuring
4. The need for 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.
7. Scope for increasing tree lands. State Govt have a vast scope for an all-round increase in the area under tree land, example Defence, railways, Public Boards, municipalities etc.
8. The National Forest Policy emphasises the need for affording protection to the animal kingdom and particularly to rare species.
9. In the independence national forest policy the research & education have been considered.

-15-

Answer 8 write notes on the following:

(i) State Wildlife Advisory Board -

1- The State Government constitutes a wildlife advisory board comprising of the following members:-

- a- The minister in charge of forests in the State who is the chairman of this board.
- b- Two members of the State Legislature.
- c- Secretary to the State Government in charge of forests.
- d- Chief conservator of forests
- e- An officer nominated by the ~~Chief~~ Director.
- f- Chief wildlife warden
- g- Such other officers and non-official not exceeding fifteen who are interested in the protection of wildlife.

2- It has been provided that the board shall meet at least twice a year.

3- The duty of the wildlife advisory board is to advise the State Govt. in the following manner:-

- a- Selection and administration of areas to be declared as National Parks, Sanctuaries, game reserves and closed areas
- b- Formulation of policy in granting licences and permits under this Act.
- c- In any matter related to the amendment of any schedule.
- d- In any other matter connected with protection of wildlife which may be referred to it by the State Government.

(ii) Outline of a permanent forest policy -

In 1855, the Government of India laid down for the first time the outline of a permanent policy for forestry in the country. It came in response to the report submitted by McClelland.

This was a great step for laying the foundations of Indian forestry. The man who was able to carry out this policy in the wake of strenuous opposition was Brandis, who was appointed as the Superintendent of forests in Pegu in 1856. The dawn of scientific forestry began with this appointment. Later on he was appointed as the first Inspector General of forests to the Government of India, a post held by him for a long and fruitful tenure.

From the very beginning, Brandis introduced principles of enumeration and organization of working plans, which still form the basis of working plans in most parts of the country today. As a matter of fact Brandis was able to create a practical mechanism for managing our forests.

Brandis also introduced measures for the protection and improvement of the forests and correctly foresaw that if the people could be brought to plant teak under shifting cultivation, this was likely to become the most efficient mode of artificial regeneration of the species.

While Brandis was rendering pioneering services in Myanmar, the condition of forests in many parts of India continued to deteriorate except perhaps in Punjab, where under Richard Temple, the forest rules of 1855 and subsequent years were promulgated.