

VANA PREMI

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**Vana Premi wishes very Happy Independence Day
and Vinayaka Chaturthi.**



**"Resolve to be tender with the young, compassionate with the aged,
sympathetic with the striving, and tolerant with the weak and the
wrong. Sometime in your life you will have been all of these."**

- (Dr. Robert H. Goddard)

JOURNAL OF THE ASSOCIATION OF RETIRED FOREST OFFICERS TELANGANA & ANDHRA PRADESH

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EDITORIAL

International Senior Citizens Day: International Senior Citizens Day is observed on August 21st every year throughout the globe. This is a day to recognize the contribution older people have made and continue to make to our society. August 21st is observed as Senior Citizens day since 1988. Prior to 1988 this was observed on 14th August, as on this day the 32nd President of USA Franklin Roosevelt signed the Social Security Act 1935. The day is celebrated by giving thanks and possibly providing support to older people in our communities as well as to advocate the rights of older people throughout the world. Senior Citizens Day, is an opportunity to, celebrate the wisdom and achievements senior citizens have made. Senior Citizens should not feel insecure and it is the duty of Government and society to treat them with high respect.

According to an Indian law, [section 2 (h)] of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 a "senior citizen" is one who is a citizen of India, and has attained the age of sixty years or above, but this seems relatively young in today's society! Super Senior Citizens are those who are 80 years of age and above. According to the 2011 census the percentage of senior citizens i.e. people who are 60 years and above is 8.57% and their total population was 10.384 crore. Their population might have increased by now. A report released by the United Nations Population Fund and HelpAge India suggests that the number of elderly persons is expected to grow to 173 million by 2026 which will be

12.4 percent of total population. Most common disability as per Census 2011 among the Senior Citizens is movement and visual disability. The percent of literates among Senior Citizens increased from 27% in 1991 to 44% in 2011. The literacy rates among elderly females which is 28% is less than the literacy rate among elderly males which is 59% according to 2011 census.

State-wise data on Senior Citizens shows that Kerala has the maximum proportion of Senior Citizens in its population i.e. 12.6 per cent followed by Goa 11.2 per cent and Tamil Nadu 10.4 per cent as per the Population Census of 2011. The least proportion is in Dadra & Nagar Haveli i.e. 4.0 per cent followed by Arunachal Pradesh 4.6 per cent and Daman & Diu and Meghalaya both 4.7 per cent. In the united Andhra Pradesh the percentage of Senior Citizens according to the 2011 census was 8.8 percent which is almost equal to national figure. The Social Defense Division of the Ministry of Social Justice and Empowerment mainly caters to the needs and requirements of Senior Citizens. The Ministry develops and implements Acts, Policies and Programmes for welfare of Senior Citizens in collaboration with State Governments, and Union Territory Administrations to ensure that Senior Citizens lead a secured, dignified and productive life. In India rural Senior Citizens are more neglected than the urban Senior Citizens due to lack of awareness, illiteracy and poverty.

The year 1999 was celebrated as the International Year for Older Persons to promote the theme of working to create "a society for all ages." In 2002 the United Nations adopted an International Plan of Action on Aging in which all governments pledged to work for the security of Senior Citizens, as well as to empower them so that they can "participate fully in the economic, political and social lives of their societies."

Various events and activities are organized on Senior Citizens Day to raise awareness of supporting older people and recognizing their achievements. Some people raise awareness through social media and news stories, while others organize special community gatherings inviting senior citizens, their families, friends and volunteers. Some businesses give special discounts or deals to senior citizens on or around Senior Citizens Day. On Senior Citizens Day, some people spend time with the Senior Citizens to encourage and entertain them. Let them know that they are appreciated and loved and feel that they are not isolated. It may also be a good day to volunteer at a retirement home (*Aram Ghar*) and share our smile with those who may not otherwise get a visitor.

Concessions and Acts for senior citizens in India. In India, senior citizens can avail some benefits that add to their convenience and ease their financial burden but they are meagre when compared to most of the developed countries. Senior Citizens get concessions on income tax, professional tax, higher rate of interest on deposits in banks, concessions in Air travel,

Railway travel, Bus travel, reservation of lower berths in rail travel and they also get concessions and facilities in telephone services, preferential hearing of their cases in courts, preferential issue of Passports, separate Qs in banks, hospitals ticket reservation counters and concession in parking fee. An insurance plan known as *Varishtha Pension Bima Yojana 2017* which will provide an assured pension to senior citizens based on a guaranteed rate of return of 8 per cent for 10 years. Maximum 7.5 Lac can be invested in this scheme and one can get pension on monthly, quarterly, half-yearly or yearly basis. This scheme is offered by LIC. Last but not the least is "*Rashtriya Swasthya Bima Yojna (RSBY)*" for Senior Citizens belonging to the BPL category and unorganized workers.

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 is a legislation enacted in 2007, initiated by Ministry of Social Justice and Empowerment Government of India, to provide more effective provision for maintenance and welfare of parents and senior citizens. This Act makes it a legal obligation for children and heirs to provide maintenance to senior citizens and parents, by way of a monthly allowance. This Act also provides simple, speedy and inexpensive mechanism for the protection of life and property of the Senior Citizens.

The recent example of Senior Citizens of Sainikpuri and other adjoining areas who repaired 100 feet wide road stretching from Harmony Chowk to AOC cross road in our City,

Is highly appreciable which turned into a nightmare for commuters as pot holes dotted the entire stretch leading to accidents and massive traffic jams. This road is known as Gough road which is neglected by Government and Secunderabad cantonment Board. The initiative was taken by a Senior Citizen Sri Gulshan Bomboat and he saw that other 70 people come forward to repair the road. (News item in Deccan Chronicle dated 24-7-2017)

“Senior Citizens are the jewels, gems and pearls of the nation. They have achieved many successes in their life for themselves, for their families and for the Nation and they are at the fog end of their life after achieving many goals. It was once said by Hubert Humphrey who was an American politician and who served as the 38th Vice President of the United States, that “the moral test of a government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy and the handicapped”. This shows that it is obligatory on the part of Governments to look after their Senior Citizens.

Our society, Central and State Governments should give more concessions to the senior citizens on par with developed countries as their

income is limited and expenditure towards treatment of geriatric diseases is very high and frequent. They should be given concessions like free special homes for senior citizens (*Aram Ghar*), in every district for those who are BPL, establishment of a geriatric ward in district head quarter Hospitals and free treatment and free ambulance services throughout the country. Treatment of super Senior Citizens at their residences, raising of old age pension to Rs 2500/- for senior citizen, and Rs 3500/- to Super Senior Citizens, as cost of living has increased many folds should also be considered. Parks may be developed at every Mandal Hqrts so that Senior Citizens can come for morning walk every day and spend time discussing various issues among themselves to keep up their health. Income Tax exemption up to a limit of Rs. 6.00 lacs per annum, for senior citizens and 8.00 lacs for Super Senior Citizens which is at present Rs. 3.00 lacs and Rs. 5.00 lac respectively.

Vana Premi wishes that the Central and the State Governments consider the above proposals to make the life of every Senior Citizen free from worries and less burdensome. They had their share of challenges and struggle in their youth. So let there be light, peace, happiness, and tranquility in the twilight of their lives. **QMK**

It is a mistake to regard age as a downhill grade toward dissolution. The reverse is true. As one grows older, one climbs with surprising strides.

—(George Sand)

EVOLUTION, ROLE AND RESPONSIBILITY OF NATIONAL GREEN TRIBUNAL

By
J. V. Sharma

Good Morning to you all,

At the very beginning I must confess that I am no good speaker. Besides, the age-related infirmities can only make it worse. These problems make me lean heavily on the script and I request you to bear with me. National Green Tribunal Act and Rules are in public domain and you may have already known them. The only advantage I have is 'age'. I would like to share with you the experience I gained with age. Being a forester, my experience could mostly be forest related and my endeavour would be to look at the legislation for its scope and relevance in the said field.

Evolution of NGT: Good environment is a must for healthy life of mankind. In other words the human life is inextricably linked to the need to preserve and maintain proper environment. When protection to life is a Fundamental Right under Part III of the Constitution, creation and maintenance of proper environment to ensure such protection, becomes essential under law. Article 21 of the Constitution says that "No person shall be deprived of his life or personal liberty except according to procedure established by law." Though unrestricted and absolute guarantee of protection to life is not available, the rider provides abundant caution imposing restriction on the power of Executive. It is open to the judiciary to see whether the procedural requirements of the law are followed or not.

Jurists say that the Preamble is the soul of Legislation. Whenever there are doubts in respect interpretation of the individual provisions of the Act, jurists fall back to Preamble and Statement of Objective and Reasons for clarity. In the instant case, the Preamble spells out the objective as the "Act to provide for establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto." It is unambiguous that the legislation is meant for;

- a) Establishment of NGT,
- b) Agenda for NGT is expeditious disposal of cases filed,
- c) The disposal will also be effective,

- d) NGT is bound to protect environment and forests and also ensure their conservation, and
- e) Award compensation for damages to persons or property.

It is clear that the legislation is meant to be a proactive tool to protect environment, forests and other natural resources. It implies that the balance of justice can be expected to be in favour of natural resources.

In this context, I may be permitted to relate my own experience which is very relevant to the objective of this legislation. This experience will explain better how the NGT is important and relevant. Though I dabble too often in all matters concerning 'environment', I have spent more time in understanding the Forest Conservation Act and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act, 2006 shortly called Forest Rights Act (FRA). As a matter of fact, I am the first person in the country to take the Forest Rights Act for judicial scrutiny in the High Court at Hyderabad way back in 2007 even before the Rules under the said legislation were framed. Like minded friends from some other States were also persuaded to file similar petitions in their respective High Courts.

After the Petition was admitted, the Rules were notified and the legislation was operationalized from New Year Day in 2008. As all of you know the FRA provides for recognising all occupations over forest land by the STs and Other Traditional Forest Dwellers as on 13th December 2005 and to vest ownership rights over the said land up to four hectares per nuclear family. It also provides for granting Community Forest Rights without any limit. I apprehended that the political executive would try to capitalise on this legislation for electoral gains in General Elections scheduled just a year away. I approached the High Court in a Miscellaneous Petition and obtained a restrictive order which permitted the process of verification of claims with a rider that certificates of title could be issued only after obtaining permission from the Hon Court. Irked by this order, the State Govt. approached the Court for permission to issue title deeds on the ground that the process of verification of claims has been completed in many cases. Despite stiff opposition from my side, the Hon Bench acceded to their request. This set back forced me to go to Supreme Court in a Special Leave Petition. It was summer time and the Learned Vacation Bench of the Supreme Court did not hear anything I wanted to say commenting that the matter be heard with main petition. My plea among other things that the High Court Order would render the pending original Writ Petition infructuous was also unheeded. Consequently, AP State lost 10% of its forest land.

But I am still of the strong opinion and many experienced legal brains concurred with me that the High Court order permitting the issue of title deeds deserved review by the Apex Court. Apart from my main plea that the FRA was unconstitutional, I tried to convince the Court that the forest

land in question is very much under the effective possession, control and enjoyment of the claimant and that there is no interference, whatsoever, by any agency including Forest Department to dispossess him. I had also pleaded that Section 4 (5) of FRA puts an embargo on eviction of such occupants until the process under the Act is completed. It was also explained that the claimant by virtue being in possession of the occupied land has already acquired *de facto* position and grant of title deeds would regularise his illegal possession according *de jure* validity defeating the very purpose of the litigation.

Though the story of FRA is different, the point relevant to our context is the Vacation Bench of the Supreme Court was evidently seized with hundreds of other matters on the day and it is not easy to prioritise the issues. It requires time even to read and understand. Courts in India are known for piles of pending cases. Time is the biggest constraint as far as disposal is concerned. Had only the Hon Court gone through the petition and spared a couple of minutes to hear my plea, the result would have been different. When the High Court in its restrictive order stipulated a condition that prior permission should be obtained before the titles are issued, it is obvious that the State will have to place credible evidence of process of verification to the satisfaction of the Court. No further material to warrant lifting of the restrictive order was before the Court. I could not get justice because the Court did not hear the case at all. There is no other avenue to pursue the matter further and the State lost 10% of its forest land even before the final word is said in the case. Many said it was miscarriage of justice but I thought it was forced abortion.

It is not my case to blame the Courts for not issuing the order I sought. Still the Courts are the best bet for citizens in India. In any litigation one party has to lose. It can't be a win-win situation for all parties. What failed me in this incident is the 'time factor'. The Bench did not have time. More importantly, the Courts are faced with unenviable task of dealing with cases of innumerable variety. In such situations, it is difficult to ensure equal focus on each and every type of cases. To ensure focus, Special Courts are constituted for special and speedy disposal of particular variety of cases. Creation of National Green Tribunal is one such step and an institution of this type is long overdue in environmental matters.

Reasons for creation of NGT are also equally important and expedient. They are detailed in the Preamble of the Act. They are:

- 1) India is a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm I June 1972, in which India participated, calling upon the States to take appropriate steps for the protection and improvement of the human environment.

- 2) Decisions were taken at United Nations Conference on Environment and Development at Rio de Janeiro in June 1992, in which India participated, calling upon the States to provide effective access to judicial and administrative proceedings including redress and remedy and to develop national laws regarding liability and compensation for victims of pollution and other environmental damage.
- 3) In the judicial pronouncement in India, the right to healthy environment has been construed as part of the right to life under article 21 of the Constitution.
- 4) It is considered expedient to implement the decisions taken at the aforesaid conferences and to have a National Green Tribunal in view of the involvement of multidisciplinary issues relating to the environment.

Some measure of explanation needs to be offered in respect of the reasons enshrined in the Preamble. UN Conference on Human Environment is a path breaking global initiative for the health and wellbeing of human population. Till then, it was totally State specific issue. A beginning is made at this conference to think of proactive initiative on global scale for protection and improvement of human environment. It was agreed that environment is of global concern and cannot be deemed to be an internal issue of any one country. India was one of the countries to take this concept seriously. Environment and forests in particular did not get prominent place in our Constitution and the credit should go to Prime Minister Indira Gandhi for the Constitutional Amendments she brought in 1976 bringing in 'Forests' on to Concurrent List of Seventh Schedule under Article 246 and incorporating Articles 48-A and 51-A (g). With these Amendments, the Central and State Governments have to work in tandem and the Government as well as the Citizen are obliged to protect, preserve and improve environment. It is for the first time the environment found place in the Constitution.

As a follow up of Stockholm, Rio Conference called for providing effective access to judicial and administrative proceedings and to develop national laws regarding liability resolution of pollution and other environmental damage. It is pertinent to mention in this context that Article 51 (3) makes it mandatory for the Government to foster respect for international law and treaty obligations in the dealings of organised people with one another.

While the international obligations mentioned in the preceding para call for an effective mechanism to be put in place, there cropped up a situation of urgency within the country when the Supreme Court ruled that the right to healthy environment has to be construed as a part of Fundamental Right under Article 21 of the Constitution. Awareness of environment gave rise to a plethora of cases which the existing legal framework was unable to cope with. Further, as said earlier, expeditious disposal of cases was not possible because of heavy pendency and absence of

focus on environment. Case in point is my own case which could not receive the attention it deserved in the Courts. Had there been an expert on environment on the Bench, course of events would have been different. As against the situation faced by me, a Tribunal can spare its time and expertise exclusively for the benefit of a chosen subject. Question could also arise why it should be a Tribunal and why not a Special Civil Court? The Supreme Court has answered this question by holding that "Every Court may be a tribunal but every tribunal necessarily may not be a court". A High Court for instance, where a PIL would be filed, may have wide ranging powers covering all enacted laws (including the power of contempt) but the NGT has only been vested with powers under the seven laws related to the environment.

Role & Responsibility of NGT: Broadly speaking, the NGT is required to play its role strictly according to the letter and spirit of the National Green Tribunal Act, 2010. The objective is laid clearly in the Preamble which is discussed in detail in the above paras. Many feel that the role of NGT will be confined to effective and expeditious disposal of the cases relating to environment but a careful look at the legislation conveys a message that the Tribunal has a wider scope of operation to ensure good and healthy environment. As a matter of fact, the field of operation of NGT is designed to look at violations of only the following legislations listed in Schedule I of the Act:

- 1 The Water (Prevention and Control of Pollution) Act, 1974
- 2 The Water (Prevention and Control of Pollution) Act , 1977
- 3 The Forest (Conservation) Act, 1980;
- 4 The Air (Prevention and Control of Pollution) Act, 1981
- 5 The Environment (Protection) Act, 1986;
- 6 The Public Liability Insurance Act, 1991;
- 7 The Biological Diversity Act, 2002.

It may be seen that the above seven legislations cover almost the entire gamut of environment and should provide legal access to secure relief against any violation of environmental norms. Additionally, the Apex Court's ruling that healthy environment is a part of Fundamental Right provides enough handle to take care of grey areas, if any.

Salient features of the NGT Act:

1. NGT provides room for expertise in environmental matters in adjudication with an Expert Member also hearing the cases along with the Chairperson and Judicial Member.
2. As NGT deals exclusively with environment, focus on the subject is ensured. It will help speedy disposal of the cases and prompt action where it is needed.
3. The NGT was established on October 18, 2010 under the National Green Tribunal Act 2010, passed by the Parliament.

4. The Principal Bench of the NGT has been established in the National Capital – New Delhi, with Regional Benches in Pune (Western Zone Bench), Bhopal (Central Zone Bench), Chennai (Southern Bench) and Kolkata (Eastern Bench). Each Bench has a specified geographical jurisdiction covering several States in a region. There is also a mechanism for circuit benches. For example, the Southern Zone Bench, which is based in Chennai, can decide to have sittings in other places like Bangalore or Hyderabad.
5. The Central Government is empowered to make rules regulating the practices and procedures in consultation with the Chairperson.
6. The Tribunal will have jurisdiction over all civil cases where a substantial question relating to environment is involved in respect of seven legislations listed in Schedule I.
7. The Tribunal is empowered to provide relief and compensation to the victims of pollution and other environmental damage. It has also powers to provide retribution of property damaged and restitution of environment suffered.
8. The Tribunal has Appellate jurisdiction over the orders passed by authorities in respect of the seven legislations listed.
9. NGT is not bound by the procedure laid down by the Code of Civil Procedure. It shall have power to regulate its own procedure. The NGT is not bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.
10. Very significantly, the Tribunal is also not bound by the rules of evidence contained in the Indian Evidence Act. This provision provides greater degree of freedom in thought and action to NGT.
11. The Tribunal shall have all powers of a Civil Court to summon, enforce attendance, requiring the discovery and production of documents, receiving evidence, issuing commissions for examination of witnesses and documents, reviewing its decision, dismissing the application for default or deciding it *ex parte*, pass interim order and pass an order requiring to cease and desist from committing any violation of the listed enactments.
12. All proceedings before the Tribunal shall be deemed to be judicial proceedings.
13. The Tribunal shall apply the principles of sustainable development and the polluter pays principle.
14. Appeal against the order of the Tribunal lies only with the Supreme Court. It should be filed within thirty days.
15. The Award or Order passed by Tribunal is executable as decree of a Civil Court.
16. Whoever fails to comply with the Award or Order of the Tribunal is liable for punishment with imprisonment for a term of three years or with fine up to ten crore rupees.

17. Government Departments and officers shall also be deemed to be guilty for failure to comply NGT orders and will be held liable and proceeded against for having committed offence under this Act.
18. No Civil Court shall have jurisdiction to entertain any appeal in respect of any matter which the Tribunal is empowered to determine in appellate jurisdiction.
19. No Civil Court shall have jurisdiction to entertain any claim for relief which may be adjudicated by the Tribunal.
20. No Court shall take cognizance of any offence under this Act except on a complaint made by Central Government or an officer authorized or a person who had given sixty days notice.
21. The Chairperson, Members, officers of NGT and staff are all deemed to be public servants.
22. Protection is available for NGT functionaries against action taken in good faith.
23. This Act has overriding effect against any other legal provision in force.

Concerns of the forest sector: Though the institution of NGT is very likely to address the concerns of the environment sector to a large extent, the forest sector has reason to be disappointed that the Forest Act and Wildlife (Protection) Act have not been brought within the scope of NGT. Though the protection and conservation of forests is cited in the Preamble as an objective of the legislation, the same forests did not get to be included in the scheme of NGT. Environment is not complete without forests and forests are not complete without wildlife. It is difficult to see them separately. It would be in the interests of forests to undertake an in-depth debate over the issue.

It is in public knowledge that 43 lakh hectares of forest land was diverted by the States in first thirty years of the Republic from 1950 to 1980 at an average 1.43 lakh hectares per annum. It is believed that roughly half of these diversions were made for projects, industries, mining and agriculture. Encroachments took heavy toll of forests accounting for the loss of about 70,000 hectares per annum. This irresponsible forest management prompted inclusion of subject 'Forests' in the Concurrent List of Schedule VII of the Constitution and a little later, the enactment of Forest Conservation Act in 1980. FCA arrested the momentum of forest loss considerably to 40,000 hectares per annum between 1980 and 2004. UPA rule proved literally disastrous for forests as the forest-loss more than doubled to 82,000 hectares per year in the decade they were in power from 2004 to 2014.

Even in the face of these frightening figures of forest diversion, an impression is made to gain ground throughout the country that Forest Conservation Act is the single most significantly identified impediment for development and that hundreds and thousands of project proposals are gathering dust in MoEF and other forest offices for forest clearances. It has been the shrill chorus at its crescendo by investor lobby, supported and sustained by lobbyists, vested interests, politicians of both the hues in power and out of power, self-styled intellectuals and even some

bureaucrats. Only 331 projects were rejected against 10,294 projects received under the UPA regime. Most of the projects obtained clearances in UPA regime and the rejections worked out to less than to 0.032% and the rejected area accounted to a mere 2.5% of the area diverted. Such large scale diversions could not have been possible without cooperation from the forest departments and the FAC. This may not be related to NGT *per se* now but unjustifiable diversions would have been taken to NGT for redress, if only the facility was available.

Case in point is the National Green Tribunal has cancelled the clearance given by the then Union Environment and Forests Minister, Jairam Ramesh, to the Parsa East and Kante-Basan captive coal blocks in the Hasdeo-Arand forests of Chhattisgarh, overruling the statutory Forest Advisory Committee. The Minister accorded clearance overriding the advice of the Ministry's expert panel on the two blocks for mining by a joint venture between Adani and Rajasthan RajyaVidyutUtpadan Nigam Limited. The blocks requiring 1,989 hectares of forestland fell in an area that the government had initially barred as it was considered a patch of valuable forest and demarcated as a 'no-go' area.

It has also to be conceded that breach of environmental laws take place not only by non-governmental agencies but also by government authorities. It has become customary to dismiss them as acting in good faith. Violation of environmental law is professionally and technically identifiable lapse. It is difficult to digest that such lapses can be committed by professionals in good faith. It may have to be treated as abetment under Criminal Law or probe it whether it constitutes criminal conspiracy under 120-B of IPC. It would be in fitness of things if NGT legislation took care of this aspect of accountability too for adjudication.

Cases decided by NGT (Examples):

1. NGT said that the health of Yamuna River will be effected by the proposed recreational facilities on the river and recommended to the Government to declare a stretch of 52 km of the river in Delhi and Uttar Pradesh as a conservation zone.
2. NGT cancelled the Coal Block Clearances accorded by Minister, MoEF in Chattisgarh State. Example cited above.
3. NGT ordered a ban on plying decade old diesel vehicles in National Capital Region of Delhi as an attempt minimize air pollution.
4. NGT imposed a hefty fine of Rs five crores on Sri Sri Guru Ravi Shankarji and organizers of an International Event on Art of Living for causing damage to the venue site in Yamuna River bed.

THANK YOU.

Prepared for a lecture at Training Programme for IFS Officers conducted at Environmental Protection Training and Research Centre (EPTRI), Hyderabad on 20th July 2017.

GENESIS OF *CHIPKO* ANDOLAN (MOVEMENT)

By
R.S.BHADAURIA

This is the factual background of *Chipko* movement, written by R.S.Bhadauria former Principal Chief Conservator of Forests, U.P. –the state under which the forest division where this movement took roots existed and Bhadauria was then Divisional Forest Officer of that forest division.

Chipko Andolan (synonym- Green Movement) that shook the age -old forestry practices in U.P. Himalayas during early seventies (1970-75), has a very interesting history behind it. During (1970-71), I was the Divisional Forest Officer (DFO) of Kedarnath Forest Division (then known as Class-1 Forest Division), with H.Qrs at Gopeshwar in Chamoli District of Garhwal region. Because of my working as per the rule book of the department, an extraordinary situation arose which led me to become the prime mover, causing this movement to originate.

The place where this movement surfaced, & thrived, is interior part of Himalayas in District Chamoli, a newly carved out district then, having no big city or any industry. As a result, there was no local market demand of timber except for agricultural tools and house building/ repairs of local people, for which provision existed in Forest Department rules to meet individual's bona fide demand by granting standing trees as *Petty Demand* (PD), at a nominal fixed price. But such timber granted under PD had to be

used by the grantee only, and could neither be sold nor given to others. This scenario of demand and supply of timber in U.P. hills prevailed ever since the British started forest management in U.P. hills.

Under such a situation, all the timber harvested after auction by the Forest Department, used to be brought down by contractors to the markets in the plains region. But during early seventies, new district township at Gopeshwar was being built, as such some local demand for timber including that of Public Works Department (PWD), had arisen. Consequently, market forces gave rise to pilferage of PD timber, in to the local market. This illegal channel of timber supply was facilitated through a saw mill, set up in Gopeshwar by a local NGO known as *Dasoli Gram Swaraj Sangh* (DGSS). Timber from trees granted to local villagers, under P.D system. found way to local market, after having been purchased and sawn at this saw mill, with the result bogus demand for trees under P.D, grew manifold and a clandestine trade of timber developed around Gopeshwar town in Chamoli district.

P.D. rules, though required spot verification, of the genuineness of applicant's demand, first by local Forest Guard and then by Range Officer or his authorized subordinate officer before recommending it to the DFO for sanction, but visiting each and every applicant's house on foot

in hills was arduous task. Therefore due to practical difficulty and in good faith, many demands used to be recommended routinely without spot verification, trusting the applicant, as in olden days there was no scope for pilferage of PD timber. But because of saw milling facility having come up at Gopeshwar and the increasing local demand for timber in this new township, the situation had changed. Initially I also followed the footsteps of my predecessors in granting PD based on the recommendations of Range Officers. But one evening at the local Officers' Club in Gopeshwar, the Executive Engineer PWD, Mr. Goel while chatting casually remarked that formerly for Government works, he had to buy and bring sawn timber from Haridwar or Rishikesh markets for building construction but of late the timber became available from the local saw mill at Gopeshwar. He was rather happy at this development but this news jolted me to suspect some kind of theft from the forest.

Next day I called the local Range Officer Mr. Khanduri to enquire about the saw mill and the source of supply of logs to this saw mill. On my insistence he admitted that perhaps the PD grants were the source of supply of logs to the saw mill. He also confessed that it was impossible for him to verify personally each and every Petty Demand (PD) application on the spot due to inaccessibility of areas which could be reached only on foot. I discussed this matter with Assistant Conservator of Forests Mr. N.K. Joshi and he also suspected that PD was being misused due to facility of saw milling at Gopeshwar. I therefore decided to stop this pilferage by ordering strict spot verification of each

application for PD and even follow up verification, until end use of granted timber.

Proper verification of PD applications and my adherence to rules in granting sanction resulted in weaning out bogus and false demands, thereby reducing the supply of timber logs to the saw mill at Gopeshwar. Soon after, the saw mill faced virtual closure affecting adversely the main source of income for Dasoli Gram Swaraj Sangh (DGSS). The whole chain of middle men who were generating false demand for PD and supplying such timber to saw mill were also affected adversely. This drastic step of mine naturally angered all those affected by my lawful action and naturally, I became an eye-sore for all such persons.

As a consequence of this development, a complaint was sent to U.P. Govt. against me alleging that I was too strict in sanctioning PD, branding me as unsympathetic to public and ignorant of the local conditions. To inquire into this complaint, the then Hon'ble Minister of State for Forests U.P. Govt. Mr. Dungar Singh, arrived one evening at Nand Prayag Forest Rest House. When I met him at the rest house; he showed me the complaint and wanted my reply. I narrated the whole background behind this complaint and the Minister hailing from Kumaon hills, could better realize that such complaints often arose if officers followed rules strictly in sanctioning P.D. He therefore wanted to close the matter at this stage. Nevertheless I requested him to enquire about the allegations by calling a public meeting at Gopeshwar by informing the complainants to be present in the meeting. I also suggested that the complainants should bring with them all such

applicants whose genuine demands for PD were rejected by me. He agreed and a public meeting in the like manner was called at Gopeshwar by informing all concerned to assemble at a fixed time and date.

In the meantime I prepared the list of applicants whose demands were rejected and also of those whom I had sanctioned PD on the recommendations of the Range Officers and Assistant Conservator of Forests – Mr N.K.Joshi. The public meeting took place on appointed date and time at Gopeshwar with sizeable attendance. First I let the people speak about their grievances. It was here that I saw a man who stood up introducing himself as Chandi Prasad Bhatt, President of Dasoli Gram Swaraj Sangh (DGSS) and spoke on behalf of complainants about the right of PD being denied to genuine applicants. One or two more persons spoke in similar tones.

After this I got up to answer the allegations. First I spoke at length about the purpose of PD, and rules for sanctioning it. Then I exposed in detail the modus operandi of running the saw mill at Gopeshwar misusing timber of PD grantees, and selling sawn timber to local PWD and other consumers which were nothing but a kind of theft of forest produce. I, as part of my duty had to curb this wrong practice to save forests and to allow PD only to genuine applicants for their bona fide use. Thereafter I asked the audience, if there was anybody present in the meeting whose genuine demand for PD was rejected but none responded. Then, I challenged the complainants to produce any applicant any time even after the meeting to prove the wrong and unjustified rejection of his application. I was

naturally hurt by wrong allegations, fabricated and concocted due to other reasons. I was also emotionally surcharged and in the same vein I declared that if any rejection was proved wrong, first, after verification, I would suspend the staff who recommended rejection and then I would also resign from the service owning my fault. Hearing this, the Minister was taken aback at my daring the public but finding no takers from the opposite side, he appreciated my courage of conviction when he rose to address the meeting. It is worth mentioning here that in those days there was no Act or Rule to regulate saw milling activity and anybody could install a saw mill anywhere and this is how the saw mill of DGSS had come up at Gopeshwar.

The Minister was thoroughly satisfied that I was right in taking corrective measures to curb misuse of P.D and complaint was nothing but a retaliatory action of wrong doers. Before closing the meeting the Minister mildly reprimanded the complainants while supporting and appreciating my action, sense of duty and commitment to save the forests. I was happy that my stand on PD issue was vindicated.

After few days a small group of people gathered below my office campus, and started beating drums ostensibly to attract my attention. I along with entire office staff came out to know what it was about. On enquiry it was revealed that representatives of Dasoli Gram Swaraj Sangh, wanted to meet me to discuss timber supply problem in and around Gopeshwar town. I agreed for the meeting and Shri. Chandi Prasad Bhatt along with some others was ushered into my office. Mr. Bhatt a very polite, courteous and well-mannered man, first apologized for the

past happenings and then put up his view point regarding timber harvesting policy of Forest Department .which ignored interest of locals. Briefly stated, according to Govt. policy the forest areas due for harvesting as per written forest working plans, were marked every year for felling, divided into felling lots and auctioned in annual open auction held at Dehradun in the month of July. Harvesting of trees in hills particularly in Higher Himalayas, bringing the converted timber down to the markets in the plains was not only an uphill task but also time consuming and capital intensive in terms of investment. Therefore only those timber contractors who had enough finances to invest and experience of harvesting in mountains, used to bid in the auctions. Since timber markets were all situated in plains, and there being no road network in hills, the sleepers sawn out of logs in the forest, were first carried manually to nearby river banks and then floated down through rivers to plains. Shri Bhatt's grouse was mainly on two grounds, first the system did not cater to the needs of local people as all the timber was floated down to the plains, the second, no financial benefit accrued to the local people as all the benefits went to the contractors who were from the plains region. On my asking him to suggest remedial measures he suggested that one or two timber lots should be excluded from auction and be allotted at fixed price to local organizations like his Sangh for local sale to consumers. Since allotment of tree lots at a fixed price without auction was not within my powers, I agreed to forward his proposal to U.P. Govt., which alone could take decision in the matter.

As promised, I recommended his proposal to U.P. Govt. stating reasons of local demand which had arisen of late due to developmental activities having started in hills. The govt. turned down my proposal and we were back to square one. Faced with this situation, an alternative proposal was put up to me by DGSS to make some smaller lots for auction, which would be within financial reach of local bidders. As it was within my power, I made two smaller lots besides the usual big ones and included them in the sale list for the ensuing annual auction of 1970. On the appointed date for the auction at Dehradun the DGSS group and some other local bidders participated in the auction at Dehradun. When these small lots were put up for auction, the big contractors also jumped into the fray and out-bid the local bidders by huge margins, ostensibly with the purpose of not letting them buy the lots. Since it was an open auction nobody could be stopped from bidding and the lots went to highest bidders, rendering the local bidders out of race. Thus, even this attempt of locals for getting the timber lots failed.

After this incident, the chasm between the locals and big contractors operating in that area widened further. *The feeling of frustration and rather unspoken humiliation at the hands of big contractors in the auction changed the course of events which laid the foundation of struggle culminating slowly in to Chipko Movement.*

Annual auctions were over in July 1970 and by the time approval of sale obtained from higher authorities,, was communicated to the purchasers the winter had set in Himalayas. Therefore it was usual practice in higher hills to

start work of harvesting after the winters. Accordingly the contractors made preparations to start work in those lots since April 1971 onwards.

In the meantime Dasoli *Gram Swaraj Sangh*, under the leadership of Shri Chandi Prasad Bhatt, planned to block the harvesting of trees, in auctioned lots, as a retaliatory measure to end the monopoly of big contractors. For this blockade to succeed, they planned to keep the women folk in the forefront for obvious reasons. Women folk were persuaded and motivated to oppose cutting of trees. The strategy planned was that women supported by men would embrace the trees when contractor's lumbermen would approach the trees to cut them. In order to thwart any possible attempt by contractors or the Forest dept. to take any pre-emptive remedial measure, this strategy was kept a closely guarded secret until actual felling operations were to commence in April 1971. This is why throughout winters there was no overt or covert protest or any activity to suggest that they would create any problem in harvesting of auctioned trees.

Before the harvesting commenced, I was transferred in March 1971, as Director of a new Zoological Park to be built at Kanpur and I handed over charge to Shri N.S Negi at the end of the month. Later, as I learnt from my successor- Shri Negi that protests were planned to disrupt harvesting of those lots which the local bidders could not purchase in the auctions, but somehow Shri Negi succeeded in persuading protestors. not to resort to this kind of illegal action.

Therefore nothing untoward happened in that

harvesting season, but the big contractors had by then sensed the impending trouble which they would eventually face in future. Consequently a truce like situation emerged which enabled the locals to buy smaller lots in the next year's auction of 1972. However despite this success, the Sangh (DGSS) kept on pressing for allotment of Ash trees, locally used in making agricultural tools But the Govt. turned down their demand, while at the same time, Allahabad based Simon Co –a Sports Goods Manufacturing Co., was allotted Ash trees by the Govt. at fixed price, for manufacturing sports goods. This discrimination further fuelled the smouldering fire and the DGSS supported by local villagers forced the loggers of the Simon Co, to stop cutting of allotted Ash trees during 1973 season. This situation further worsened and ultimately culminated in to blocking of harvesting in a Deodar timber lot in Reni village near Joshimath in adjoining Badrinath Forest Division in Chamoli district, where womenfolk of that village, on March 26, 1974, led by one Smt. Gaura Devi and supported by DGSS., embraced the trees and the lumbermen had to retreat facing stiff resistance. The blockade plan had succeeded.

The news of success of such a blockade spread to other areas in Tehri- Garhwal region and another activist Shri Sunder Lal Bahuguna took up the reins of this movement in Tehri region, In due course, the basis of blockade metamorphosed in to a more meaningful form & shape and it's cause changed from opposition of big contractors to ecological considerations.. The media sprang in to action and soon the movement spread in entire U.P. Himalayas.

As regards the nomenclature of this movement as CHIPKO ANDOLAN, I feel that it was re-discovered from the annals of History by some knowledgeable man – may be somebody from media, because a similar movement known by the same name had occurred in feudal state of Jodhpur (Rajasthan) during British period, when Maharaja Jodhpur, to fill his coffers, sold Khejri Trees - life line of farmers, standing in farmers' fields. The farmers opposed cutting of trees by embracing the trees. Someone knowing this historical fact, drawing parallel between the two events, named this movement in Himalayas also as CHIPKO ANDOLAN

After the passage of Wild Life Protection Act of 1972, by Parliament, during early seventies, pace of conservation of forests and wild life had picked up. The wind of change started blowing discarding the age-old perception of treating forests and wild life as harvestable and renewable resource only. In this background, the simple blockade against cutting the trees for the reasons narrated heretofore, metamorphosed in to a conservation movement, imbibing ecological exigencies and conservation philosophy. The initial motive, though was different yet the planners of movement soon adopted more appealing ground, echoing the voice of conservation and thus, movement started attracting national and international appreciation and support through media. This resulted in to making Shri Bhatt a father figure of the movement and later he was awarded Magsaysay Award for this endeavour.

When I reminisce the sequence of events leading to *Chipko Andolan*, it gives me immense pleasure and satisfaction that my adherence to rules in granting concession timber (P.D.) to villagers, gave birth to a conservation movement, which otherwise would not have arisen and the country would have missed an opportunity to have a Magsaysay Awardee for this cause. But the way Shri Bhatt, lead and shaped the entire movement with exemplary perseverance, fortitude, zeal, and steady approach, he did deserve this honour. *I on my part, feel rewarded and proud of my contribution and role as a trigger to ignite the fire of protest which driven by force of circumstances proved a salvo, and got transformed in to a wide spread, Chipko Andolan-a sort of Green movement, which changed the direction of Forest Management from commercial cum conservation approach to primarily conservation goal. Emanating from U.P. Himalayas, this movement eventually covered the whole country. Initially, though my action of tightening the P.D .system was criticized and resisted, yet I stuck to my guns, but at the same time listening sympathetically to Shri Bhatt and his companions, and cooperating to help meet their demands within the framework of forest laws & rules. This approach of mine, definitely encouraged and emboldened them to move ahead step by step to achieve resounding success, the genesis of which I can proudly share and cherish.*

VIVA LONDON AND ITS WAY OF LIFE, PRESENT & IN THE PAST

By

Dr. B Raghotham Rao Desai

A.As at present:

Will a day ever come when a man gets tired of London even if he decides to walk down every street?

We criss-crossed the city for a week by a number of means of transport as well (during April-May, 2016) which included the tube also where the unspoken rule was to never make any eye contact—and if you did even by mistake, the Londoner always looks away, horrified! And we became so familiar with ‘Mind the Gap’ announcement which made us wait by the door and step out!!

We were taken by surprise with the instrumental music of “*Ami Chini Go ChiniTomare*” in a Bangla restaurant in Marylebone which we selected at random among a large number of cafes or historic pubs! Any of the streets the city has, there is a story to tell.

We remember the hours spent at book stores and also eavesdropping we did on random conversations sitting on a park bench at Paddington Garden on a typical working day where a group of office girls sat, one of them complaining, ‘I have only 25 pounds in my bank account, you know....’ In an Eastern European

accent——afraid if Britain exits from European Union and whether there would be jobs left in the city thereafter!

We hear quite so often a Londoner saying “to be honest....” as he converses, out of sheer force of habit! We wonder seeing a woman in a green trench coat concentrating on her book while people were jostling around on the tube during rush hour, while we ourselves rush down a flight of stairs to figure out earlier if the tube is to be taken Westbound or Eastbound, reading out the names of stations on the Tube app——Queensway, Marble Arch, Tottenham Court Road, Oxford Circus, Hyde Park, Charing Cross, Piccadilly Circus, Soho and so on. In retrospect we wonder how all these words rolled off our tongues so easily when we were there and how distant yet close to us they were when we came back to our place! Surely we also visited first the places of immense tourist-attraction such as Buckingham Palace & witnessed “Changing the Guard”, (to be able to say later sometime: “I had been to London to see the Queen!”) Big Ben, Houses of Parliament, Globe Theatre, London Eye, Madame Tussauds, Tower of London, the Thames Waterfront, Trafalgar Square, Downing Street, the Royal Albert Hall, Fleet Street,

Westminster Abbey, etc., but keenly observed the goings on of the great city as above.

Further, we did not miss the famed English countryside with the rolling meadows, the picture postcard pastoral serenity with the cows grazing away in all their bovine calmness, the cosy cottages tucked away into 'leafy bowers' where William Wordsworth, Alfred Tennyson, Arthur Conan Doyle, Charles Dickens wrote their immortal words of exquisite beauty!

B. During the times of yore:

Shakespeare of Stratford, the Back Story:

Pome-water, Crab, Bitter Sweating, Pippin, Leather coat: Shakespeare knew his English apples better than any other dramatist. His language is scattered with flowers that are described with both botanical exactitude and folk knowledge. Musk and dog-rose; the 'pale' primrose that is 'first-born child of spring'; daffodils 'that come before the swallow dares'; 'hot' lavenders; the 'luscious woodbine' and its 'sweet honeysuckle' flower; the eglantine or sweet-briar; 'long purples'; an orchid with roots that Gertrude in Hamlet says maids call 'dead men's fingers' but 'liberal shepherds give a grosser name'—the list could extend for pages, as could an account of Shakespeare's technical knowledge of country pursuits such as falconry—which was one of his distinctive metaphors for relations between the sexes, as when Juliet longs for a falconer's voice to call

back her 'tassel-gentle' Romeo or more darkly, when Othello makes an extended comparison of Desdemona to a 'haggard', the term for a wild or unbroken hawk! One of the ways in which he made the imaginary worlds of his plays seem real was through an art of exactitude. This required greater truth to nature than to history. Shakespeare enjoyed feigning rustic simplicity. He fooled his more urbane rivals by hiding his sophistication behind the pose of the 'natural'. We will never know what drove his ambition, but his father's ill-fortune may have been part of the story. The human lifecycle in early modern times was such that a man often fathered children around the time his own father died. However, the fact that William was sent to the local grammar school by the time he was seven, which provided a through grounding in Latin—
—a scene in *The Merry Wives of Windsor* featuring a clever schoolboy called William being drilled in his grammar has the smack of a personal memory being turned to comic account: first the eight parts of speech, then the 'concords of grammar and Latin speech to know the agreement of parts amongst themselves'. Shakespeare imbibed his dialogic way of thinking unconsciously through the daily grind of his exercises in the Stratford-upon-Avon classroom.

Why didn't then he go to University? At that point of time, John Shakespeare had over-

extended himself. He and Mary Shakespeare were struggling to maintain their young family and hence William had to spend his late teens as his father's apprentice in the leather business. Meanwhile at the age of eighteen he befriended Anne (otherwise known as Agnes) Hathaway, a woman eight or nine years elder and impregnated her, necessitating issue of a special licence allowing them to be married without the usual three prior readings of the banns, providing a bond as surety against any legal irregularity since William was a minor. The marriage took place in 1582 in a village outside Stratford. These circumstances suggest a degree of haste and concealment: John Shakespeare's financial problems may have been a factor (one only has to imagine a twist upon *Much Ado about Nothing* to visualise the potential embarrassment of the groom's father being arrested for debt during the wedding ceremony).

The capacity to turn things inside out in an instant—whether through verbal pyrotechnics, twists of plot, turns of character or intellectual reverses—is Shakespeare's hallmark. He made his living from his wit where his father had made his from his gloves.

The "Upstart Crow!"

William Shakespeare was an extraordinarily intelligent man who was born and had died in an ordinary market-town in the English Midlands.

He lived an uneventful life in an eventful age.

Like many clever country- boys, he moved to the city in order to make his way in the world. Like many creative people, he found a career in the entertainment business.

At the royal court, meanwhile, there was a new demand for sophisticated entertainment. A few years before Shakespeare's birth, Queen Elizabeth I had inherited an England that had oscillated between extremes of Protestantism and Roman Catholicism. Through a delicate balancing act, the young queen kept in play opposing religious faiths, rival countries and multiple diplomatic liaisons. By refusing to submit to any potential husband, she claimed to be married to her people.

Shakespeare was an actor before he was a writer. Hence it was galling for 'established writers' to see their works being 'corrected' by a 'mere actor'. In the early years of his career, he seems to have been a hired man, a jack of all trades: the bit-part actor who had found a niche for himself as a 'reformer of old plays' was now contributing distinctive scenes to new ones. **His stylistic fingerprints have been tentatively identified in a range of plays.**

However, with the need to earn money for his family more pressing than ever and his writing gifts established, Shakespeare responded to the closure of the theatres during 1592-94 by a government order (during the period following a public disturbance and for almost one year due to increase in prevailing plague) by writing

non-dramatic verse targeting the third Earl of Southampton, the ward to a most powerful man in England (Lord Burghley) in the hope of gaining patronage, since that was a common strategy at the time: publication of a poem with a flattering dedication to a wealthy aristocrat could potentially yield three forms of income—a small cash payment from the publisher, a gift from the patron as thanks for the dedication and, if one was very lucky, some form of secretarial or other employment in his Lordship's household. Clever, sexy, intuitively responsive to the classics without being academically stifled by them, **Venus and Adonis** struck an instant chord with educated, fashion-conscious young male readers in London and the two Universities at Oxford and Cambridge. They constituted the principal market for artful poetry. **Venus and Adonis** became the best-selling long-poem of the age. It established Shakespeare's reputation as the absolute master of witty words. Furthermore from this point onwards, the financial fortunes of the great poet's family greatly improved. The image of the 'upstart crow' and the conceit of 'Shake-scene in a country', the latter word perhaps calculated to suggest the opposite of 'city' sophistication, suggests that the author had in his sights not only Shakespeare's lack of a University Degree but also his rural simplicity. Regional dialects were strongly divergent at the time when Shakespeare came to London, both his accents and his speech-idioms would have

seemed provincial. **Shakespeare came straight to London from the Forest of Arden—if there is a self-portrait in his place, it is probably to be found in a parodic representation of his own much-mocked origins.** But one of his hallmarks was the pervasive dramatic pattern of a movement between court and country, city and forest, sophistication and the simple life, a movement that reflected his own double life as 'London theatrical entrepreneur' and provincial 'Warwickshire property speculator' with pretensions of gentility.

Provided their parents could afford it, the most intellectually gifted pupils went on to Oxford or Cambridge University and thence to a career in the Church or the Law. This was the road that Shakespeare did not take, and the reason he was regarded by the University-educated writers as an 'upstart crow'.

The Perennial Contemporary!

Shakespeare recognised that human affairs always embody a combination of permanent truths and historical contingencies of 'nature' and 'custom': in the terms of his times. At one level he is 'not of an age, but for all time, as he dramatizes the competing demands of the living and the dead, the old and the young, men and women, self and society, integrity and role-play, insiders and outsiders. **He grasps the structural conflicts shared by all societies: religious against**

secular vision, country against the city, birth against education, strong leadership against the people's voice, the code of honour against the energies of erotic desire.

But he also addresses the conflicts of his own historical moment: the transition from Catholicism to Protestantism and feudalism to modernity, the formation of national identity, trade and immigration, the encounter with new worlds overseas, the shadow of foreign powers. He was restricted by the customs of his age, notably when it came to the subordination of women, but **at the same time he was prophetic of future ages. Despite the inferior position of most women in his society** and the fact that the conversation of his theatre meant that female parts were played by young men, **he gave a remarkable degree of freedom and mental agility to his women.**

Shakespeare endures because with each new turn of history, a new dimension of his work opens up before us. For example when George III of the House of Hanover, predecessor to the present House of Windsor (1738-1820, who succeeded George II in 1760) went mad, King Lear was kept off the stage—it being just too close to the truth. But during the Cold War, Lear again became the hottest play: its combination of starkness and absurdity answering to the mood of the age! And again the drama of inter-racial marriage (Othello) has been made to address pressing contemporary concerns of

ethnic, cultural and religious difference. In the early twenty-first century, the Islamic connotation of 'the Moor of Venice: a general in the military service' became as significant as his colour!!

Theatre-writing offers a unique combination of 'presence' and 'absence'. The 'audience' is present in the same room as 'performers', awaiting the tintinnabulation to commence the play. This is what makes the ancient and primal art of theatre different from such modern media as radio, film, television, DVD and webcast. Indeed, the audience's response helps to shape the performance, which will be subtly different on every occasion——there is always a sense of risk: an actor might forget his lines!

Incidentally, the capacity of the Globe Theatre was said to be enormous, perhaps in excess of three thousand —— it was conjectured that about eight hundred people may have stood in the yard, with two thousand or more in the three layers of covered galleries.

In his world, character is not predetermined: people become themselves through action, dialogue, the process of thinking. Drama is a basic tool for discovery of the self, achieved through exile, disguise, soliloquy and scenic counterpoint. For Shakespeare, value is not absolute: it depends upon reflection, as when a person's **'virtues shining upon others| Heat them and they retort that heat again/ To the first giver'** (Troilus and Cressida) Shakespeare's

theory of human relativity is made possible by his dramatic medium, by double plots, contradictions between word and action, and the constant presence of a questioning audience.

“Lord Chamberlain’s” to “King’s”, an unprecedented journey:

It was the last decade of 16th Century and Shakespeare was in his early thirties when he polished off his witty and erotic *Venus and Adonis*, a brilliantly inventive imitation of Ovid, and persuaded his Stratford friend Richard Field. Held to print it, complete with a fulsome dedication to the Earl of Southampton, the most powerful man in England who was to come into his majority shortly and—it was hoped——acquire a considerable fortune. Two companies established at that point of time, in an effective duopoly, one of which under the patronage of the Lord Chamberlain. Considering it to be the best way of ensuring that royal commands for court-performances could always be met at short notice, the prospect of result assured that Queen Elizabeth was satisfied with the plays written or revised by Shakespeare at the core of their repertoire **he had by then become the pre-eminent writer for the public-stage, when he also invented a new role for himself: that of in-house company dramatist.**

The “Lord Chamberlain’s Men” was constituted

as a joint stock-company. Shakespeare acted himself, and his name used to appear in the cast-lists of the place of his own collected works—but his principal duty was to write two or three plays a year for the company. By holding shares, he was effectively earning himself a royalty on his work, a unique feat almost without a precedent in English-literary-history!

On Queen Elizabeth’s death in 1603, the new King, James-I immediately took the “Lord Chamberlain’s Men” under his direct patronage, which meant they would henceforth be the “King’s Men”, and for the rest of Shakespeare’s career they were favoured with far more court performances than any of their rivals.

Shakespeare died on 23rd April, 1616, which may have been his fifty-second birthday. Two days later he was buried. As a tithe-owner, he was entitled to a place in the chancel of the parish church. As per local tradition, some doggerel upon the stone (that covers the grave) has been assigned to his own pen: **‘Good friend, for Jesus’ sake forbear/To dig the dust enclosed here. Blessed be the man that spares these stones, / And cursed be he that move my bones’.** The sentiments are strictly conventional and the lines could have been written by anybody.

Aging is not “lost youth” but a new stage of opportunity and strength. (Betty Friedan)

SCENARIO IN IMPLEMENTATION OF VARIOUS ENVIRONMENTAL LAWS IN INDIA

By

Dr.Akula Kishan

The laws on Natural Resources are being implemented in India in different patterns. The implementation is dependent on awareness, infrastructure, legal support and deterrent punishment.

1.1. Awareness; The awareness of a particular enactment and intricacies therein are not understood by the target group of persons or Institutions as well as the persons who are to enforce it. The Forest and Wild life Laws are known to many due to their individual interaction with authorities when compared to Environment and Biodiversity laws. Due to the lack of awareness the object of enacting this lost as the remedy is not widely known.

1.1.1. Environmental movements in India;

A. Chipko movement ;It was started by noted environmentalist Sunderlal Bahuguna in 1970 to safe guard the rich forest of western Himalaya Range. This movement was basically a people movement to resist the cutting of trees. There were frequent floods in the Alkananda River catchment area due to cutting trees for developmental works like the construction of roads, river dam project etc. The people of village Gopeshwar formed an association called *Dasholi Gram Swaraj Mandal* in 1970 mainly to provide relief to flood affected people in that area. Then they diverted their attention to the

importance of forest cover and under the leadership of Bahuguna made a movement to protect environment and ecology and the movement draws the attention of the Govt. and World Bank.

B. Silent Valley Movement; An NGO of Kerala called *Kerala Sastraiya Sahitya Parishad* (KSSP) raised their voice to stop the silent valley Hydel Project in 1978. Silent valley is rich in tropical forest with enormous bio-reserve. The state Govt. of Kerala wanted a hydroelectric project for the power hungry state inside a deep tropical forest in silent valley. This tropical forest was the only remaining one in the country. The environmentalist objected to the project and filed a case in High court, which they lost, project was cancelled by the help of Mrs. Indira Gandhi.

C. Appiko Movement:It was started in 1983 by the people of village Balegadde district Uttara Kannada of Karnataka state. This district is a part of rich forest of Western Ghats. The people of this village protested the cutting of teak trees by *Chipko* way of embracing the trees. The activists spread the movement throughout the region by *padayatras*, meetings, folk dance etc. The movement mainly focused on to conserve to grow trees. This movement has played the most crucial role to preserve the environment and ecosystem of Western Ghats.

D. Narmada Bachao Andolan: In the state Madhya Pradesh and Gujarat, it was started to protest the construction of dam around thirty in numbers on the river Narmada to produce hydroelectricity and irrigation facility to the drought prone area of Kutch: Gujarat social activist Baba Amte and Environmentalist. Madha Patekar are the two leaders to fight against the Govt. and judiciary for the benefits of tribal of that affected region. Noted writer Arundhati Ray also joined the movement. It was estimated that two big dams construction on the river Narmada costs Rs. 30,923 cores and Rs. 8190 cores by way of environmental loss. Besides this the project will submerge about 130482 Hectors of which 55681 hectors are prime agricultural land and 56066 hectors are forests. The two dams namely Sardar Sarovar Project and Narmada Sagar Project have enormous utilities to the people for supply of electricity and irrigation but the estimated environmental cost is too much to ignore according to the report by environment scientist

1.2 Infrastructure; In respect of Forest and Wild Life laws there is well defined hierarchy of staff up to the ground level, whereas for other laws there is no such well-defined network. Lack of enforcing machinery is one of the main reasons for tardy implementation of Environment and Biodiversity laws. It is time to have proper network of field staff or the work may also be entrusted to Forest Department by providing manpower and logistics.

1.3. Legal support; The implementing agencies do not have the guidance from qualified legal

practitioners, and as a result though they detect the violations of law they cannot present in proper formats and the required evidence is not presented in Court of Law giving advantage to the offender to escape for want of proper evidence. The procedures in Magistrate Courts, District Court, High Court and Supreme Court differ and the implementing agency will not be aware of the same. The evidence as required to establish the occurrence of violation and the liability of the accused is recorded at trial court and the same evidence is examined in Superior Courts. Hence the legal backup to the authorities is essential to bring the offenders to book.

1.4 Deterrent punishment; Due to wide publicity given in respect of Wild life laws due to involvement of certain well known personalities understanding in general public is evident in that any matter dealing with Wild Animals is to be dealt carefully. In many other laws the punishment is not deterrent or when such deterrent punishment is prescribed the same is not awarded due to insufficient evidence or other technical reason.

1.5. Data base; The implementing agencies lack coordination and there is no reliable data base created to know the filing and disposal of cases and the important judgments on the subject. Due to lack of data base the agencies in different locations work on the same issue like re-inventing the wheel. The experience in a particular area if available through a data base can act as guide for others to avoid common mistakes in filing and pursuing the cases.

1.6. Expenditure; The presentation of a case in competent Court of law involves expenditure in the shape of copying charges, filing charges and in case the offender is arrested, the authorities have to incur expenditure on the food and transportation of the accused. Many a times the concerned authority is not provided the needed funds to carry out the assignment as a result the inadequate preparation and persuasion of cases leading to the failure of the cases filed. The implementing agency should be entrusted with detection of offences and presentation of basic evidence to establish the offence and later on the competent legal back up team should take over to complete the legal formalities and successful prosecution.

1.7. External factors; Whenever the implementing agency detects a violation the offender tries to take shelter under political patronage or the instructions of superiors to the person who detects the offence. Such relaxation takes away the enthusiasm in the enforcing authority to detect and prosecute the case and there is no appreciation of his work on many occasions. There are situations where the discretion of the enforcing agency is involved in fixing penalties and to favour the offender the penal amount is reduced from the normal and appropriate amount to that of nominal amount and such favour is suitably rewarded by corrupt practices.

2.0. Law Commission of India Report on Constitution of Environmental Courts; Pursuant to the observations of the Supreme Court of India in four judgments, namely, *M.C.*

Mehta vs. Union of India, 1986 (2) SCC176; *Indian Council for Environmental-Legal Action Vs Union of India*: 1996(3) SCC 212; *A.P. Pollution Control Board Vs M.V. Nayudu*: 1999(2) SCC 718 and *A.P. Pollution Control Board Vs M.V. Nayudu II*: 2001(2)SCC62, the Law Commission has undertaken a detailed study of the subject of "Environmental Courts." In the 3rd of the above judgments, reference was made to the idea of a "multi-faceted" Environmental Court with judicial and technical/scientific inputs as formulated by Lord Woolf in England and Environmental Court legislations as they exist in Australia, New Zealand and other countries. Having regard to the complex issues of fact of science and technology which arise in environmental litigation and in particular in the elimination of pollution in air and water, it is now recognized in several countries that the Courts must not only consist of Judicial Members but must also have a statutory panel of members comprising Technical or Scientific experts.

With Judicial and Technical inputs on the Bench, the Environmental Courts in Australia and New Zealand function as appellate Courts against orders passed under the corresponding Water Acts, Air Acts and Noise Acts and various Environment related Acts and also have original jurisdiction. They have all the powers of a Civil Court. Some have even powers of a Criminal Court.

The Law Commission of India prepared its 186th Report and reviewed the existing legal platforms and suggested the model of

establishing Environmental Courts in India.

The Environmental Court at State level was suggested to be a Court of original jurisdiction on all environmental issues and also an appellate authority under all the three Acts, viz., Water Act, Air Act and Environment (Protection) Act, 1986 which will reduce the burden of High Courts/Supreme Court.

The Law Commission kept in view many observations of Supreme Court of India on Environmental matters and quoted extensively the case laws of important cases. They have also examined the existing set up environmental courts in various countries and they have also reviewed the exiting legal remedies available in India under various enactments.

The Law Commission observed that whether the matter is one of civil nature or criminal nature, once it is taken cognizance by any Court subordinate to the High Court, it will be dealt with by the said civil or criminal court along with the other cases before it and environmental cases are not normally given any priority in the matter of disposal. Of course, if the issue comes before the High Court or the Supreme Court under writ jurisdiction whether the matter is one brought by the affected party or parties or in a Public Interest litigation, these Courts take up these matters faster but the cases are not taken up day by day as may be done by an Environmental Court dealing exclusively with such cases.

The Law Commission felt that none of the above Courts are courts having exclusive jurisdiction as regards environmental issues and the result

is that there is delay in their disposal as compared to the time within which any special Environmental Court dealing only with issues relating to environment could have taken. It cannot be disputed that environmental matters have to be taken up early, monitored from time to time and be finally disposed of by a procedure quicker than that obtaining now. Further, the Courts today lack independent expert advice on environmental matters by a statutory panel attached to the Court and depend mostly on the expert evidence that may be adduced by the parties therefore, there is a need for experts in environment to be associated with the Courts dealing with these cases.

It is noticed that several of the special statutes e.g. Environment (Protection) Act, 1986, Water (P&CP) Act, 1974, Air (P&CP) Act, 1981, delegate power to the State Governments/Union Government to designate appellate authorities. The appeals lie generally, to various officers of Government or Departments of Government. Except in one or two cases, the appeals do not lie to a judicial body comprising a judicial officer. In no case does the appellate authority have the assistance of experts in the field of environment.

The Law Commission recommended that the following principles should form part of the Statute which is to be made for setting up Environment Court in India:

1. *Polluter pays principle*; this principle was also adverted to in *Indian Council for Enviro-legal Action vs. Union of India* (1996(3) SCC212). It was

stated; (p 246 at para 65), "...we are of the opinion that any principle evolved in this behalf should be simple, practical and suited to the conditions obtaining in this country..... Once the activity carried on is hazardous or inherently dangerous, the person carrying on such activity is liable to make good the loss caused to any other person by his activity irrespective of the fact whether he took reasonable care while carrying on his activity".

In *Vellore Citizens' Welfare Forum vs. Union of India*: (1996(5) SCC 647), Kuldip Singh J stated:

The 'Polluter Pays Principle' as interpreted by this Court means that the absolute liability for harm to the environment extends not only to compensate the victims of the pollution but also the cost of restoring the environmental degradation. Remediation of the damaged environment is part of the process of 'Sustainable Development' and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology."

2. Precautionary principle; The Supreme Court of India, in the case of *Vellore Citizens' Welfare Forum vs. Union of India* (1996(5) SCC 647) referred to the precautionary principle and declared it to be part of the customary law in our count

3. The Principle of Prevention; The Prevention Principle takes care of reckless polluters who would continue polluting the environment in as much as paying for pollution is a small fraction of the benefits they earn from their harmful acts or omissions. Prevention of pollution must therefore take priority over compelling the polluter to pay for the damages later on.

4. Principle of New Burden of Proof: In the *Vellore Case* (1996(5) SC 647), Kuldip Singh J observed as follows:

"(iii) The 'onus of proof' is on the actor or the developer/industrialist to show that his action is environmentally benign."

In *A.P. Pollution Control Board case*: (1999 (2) SCC 718) was explained that the 'precautionary principle' has led to the new 'burden of proof' principle. In environmental cases where proof of absence of injurious effect of the action is in question, the burden lies on those who want to change the status quo. This is often termed as a reversal of the burden of proof, because otherwise, in environmental cases, those opposing the change could be compelled to shoulder the evidentiary burden, a procedure which is not fair. Therefore, it is necessary that the party attempting to preserve the status quo by maintaining a less polluted state should not carry the burden and the party, who wants to alter it, must bear this burden.

5. Sustainable Development: Development of the countries and eradication of poverty must be balanced against conservation of environment. Principle 3 of the Earth Summit Declaration (1992) at Rio states that the 'right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations'. Principle 4 states that in order 'to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation of it'. Principle

5 states that all 'States and all people shall cooperate in the essential tasks of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better the needs of the majority of the people of the world'. Principle 6 requires that the special situation and needs of developing countries shall be given priority. Principle 7 requires that developed countries acknowledge the responsibility they bear in the international pursuit of sustainable development. Principle 8 requires that in order to achieve sustainable development and a higher quality of life for all people, States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies. Principle 9 requires improvement in capacity building for sustainable development. Principle 27 requires States and people to cooperate for the purpose of sustainable development.

In *Narmada Bachao Andolan vs. Union of India* (2000(10) SCC 664), it was pointed out that when the effect of a project is known, then the principle of sustainable development would come into play which will ensure that mitigated steps are and can be taken to preserve the ecological balance. "Sustainable development means what type or extent of development can take place which can be sustained by nature/ecology with or without mitigation."

6. *Public trust doctrine*: The 'public trust' doctrine was referred to by the Supreme Court in *M.C. Mehta vs. Kamal Nath*: 1997 (1) SCC 388. The

doctrine extends to natural resources such as rivers, forests, sea shores, air etc., for the purpose of protecting the eco-system. The State is holding the natural resources as a trustee and cannot commit breach of trust. In the above case, the State's order for grant of a lease to a motel located on the bank of the river Beas which resulted in the Motel interfering with the natural flow of the water, was quashed and the public company which got the lease was directed to compensate the cost of restitution of environment and ecology in the area.

7. *Inter-generational equity*: Principles 1 and 2 of the 1972 Stockholm Declaration refer to this concept. Principle 1 states that Man bears solemn responsibility to protect and improve the environment for the present and future generations. Principle 2 states that the national resources of the Earth must be safeguarded for the 'benefit of the present and future generations through careful planning or management, as appropriate'. Principle 3 of the Rio Declaration, 1992 also states that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generations.

The Law Commission made the following recommendations:

1. In view of the involvement of complex scientific and specialized issues relating to environment, there is a need to have separate 'Environment Courts' manned only by the persons having judicial or legal experience and assisted by persons having scientific

qualification and experience in the field of environment.

2. In order to achieve the objectives of accessible, quick and speedy justice, these 'Environment Courts' should be established and constituted by the Union Government in each State. However, in case of smaller States and Union Territories, one court for more than one State or Union Territory may serve the purpose.

3.(a) In view of the provisions contained in Art. 253 read with Entry 13 of List I of VII Schedule to the Constitution of India, Parliament is having exclusive jurisdiction to enact a law for the purpose of establishment of Environment Courts, because various decisions relating to protection and improvement of environment and preservation of natural resources of earth, were taken in International Conferences held at Stockholm in 1972 and at Rio-de-Janeiro in 1992, in which India also participated.

(b) The following words in Art. 253, "Notwithstanding anything in the foregoing provisions of this Chapter", enable the Parliament to enact a law even on subjects falling in State List. Art. 253 is having overriding effect over Arts. 245 to 252.

(c) In view of the non-obstante clause in Art. 253 Parliament while enacting, a law exercising power under Art. 253 may touch or enter into an enactment made under Art. 252(1) without following the procedure prescribed in Art. 252 (2). Therefore, the provisions of the Water (Prevention and Control of Pollution) Act, 1974, which was enacted by the Parliament, under Art. 252(1) can be altered by a subsequent law made

by the Parliament under Art. 253 without following the procedure laid under Art. 252 (2).

4. (a) The proposed Environment Court shall consist of a Chairperson and at least two other members. Chairman and other members should either be a retired Judge of Supreme Court or High Court, or having at least 20 years' experience of practicing as an advocate in any High Court. The term of the Chairperson and members shall be 5 years.

(b) Each Environment Court shall be assisted by at least three scientific or technical experts known as Commissioners. However, their role will be advisory only.

5. (a) The proposed Environment Court shall have original jurisdiction in the civil cases where a substantial question relating to 'environment' including enforcement of any legal or constitutional right relating to environment is involved.

(b) The jurisdiction of civil courts is not ousted.

(c) The proposed Environment Court shall also have appellate jurisdiction in respect of appeals under:

(i) The Environment (Protection) Act, 1986 and rules made thereunder;

(ii) The Water (Prevention and Control of Pollution) Act, 1974 and rules made there under;

(iii) The Air (Prevention and Control of Pollution) Act, 1981 and rules made there under;

(iv) The Public Liability Insurance Act, 1991.

The Central and State Governments may also notify that appeal under any other environment related enactment or rules made thereunder, may also lie to the proposed Environment

Court.

6. (a) The proposed Court shall not be bound to follow the procedure prescribed under the Code of Civil Procedure, 1908, but will be guided by the principles of natural justice. The Court shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.

(b) The proposed Court shall have all powers of civil court including power to punish for contempt.

(c) The minimum quorum for hearing a case shall be two members including the Chairperson. At least one Commissioner should also remain present during the hearing of a case.

The proposed Court can pass all kinds of orders, final or interlocutory. It can also award damages, compensation and can also grant injunctions (permanent, temporary and mandatory).

(d) The proposed Environment Court shall follow the principle of strict liability in case of hazardous substance; polluter pays principle, precautionary principle, preventive principle, doctrine of public trust, Intergenerational equity and sustainable development.

(e) The *locusstandi* before the proposed Environment Court in original jurisdiction shall be as wide as it is today before High Court/ Supreme Court in the writ jurisdiction in environmental matters.

(f) The proposed Environment Court shall also have power to frame schemes relating to environmental issues, monitor them and modify the schemes.

7. The proposed enactment for establishment of these Environment Courts should also contain

other ancillary and miscellaneous provisions which are necessary, for example provisions regarding other staff, funds, place of sitting etc.

8(a) In view of the appellate powers of the proposed Environment Court, provisions relating to appeals contained in:

(i) Environment (Protection) Act, 1986 and rules made thereunder;

(ii) The Air (Protection and Control of Pollution) Act, 1981 and rules made thereunder;

(iii) The Public Liability Insurance Act, 1991 are required to be suitably amended.

(b) The proposed enactment should also contain a provision, namely,

“Notwithstanding anything contained in sec. 28 of the Water (Prevention and Control of Pollution) Act, 1974, any person aggrieved by the order passed by the State Board under sec. 25, 26 or 27 may prefer appeal to the Environment Court”.

9. The National Environment Tribunal Act, 1995 and The National Environmental Appellate Authority Act, 1997 may be repealed and Provisions regarding functions and powers of the Tribunal and the Appellate Authority contained in those Acts be suitably transferred in the proposed enactment for establishment of the Environment Court.

10. Appeal against the orders of the proposed Environment Court, shall lie before the Supreme Court on the question of facts and law.

11. The powers of High Courts under Arts. 226, 227 of the Constitution of India, and of the Supreme Court under Art. 32 of the Constitution of India shall not be ousted.

3. National Green Tribunal; In pursuance of the recommendations of the Law Commission of India, the National Green Tribunal has been established on 18.10.2010 under the National Green Tribunal Act 2010 for effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. It is a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. The Tribunal shall not be bound by the procedure laid down under the Code of Civil Procedure, 1908, but shall be guided by principles of natural justice.

The NGT has the power to hear all civil cases relating to environmental issues and questions that are linked to the implementation of laws listed in Schedule I of the NGT Act. These include the following:

1. The Water (Prevention and Control of Pollution) Act, 1974;
2. The Water (Prevention and Control of Pollution) Cess Act, 1977;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1986;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002.

This means that any violations pertaining only

to these laws, or any order / decision taken by the Government under these laws can be challenged before the NGT. Importantly, the NGT has not been vested with powers to hear any matter relating to the Wildlife (Protection) Act, 1972, the Indian Forest Act, 1927 and various laws enacted by States relating to forests, tree preservation etc. Therefore, specific and substantial issues related to these laws cannot be raised before the NGT. One has to approach the State High Court or the Supreme Court through a Writ Petition (PIL) or file an Original Suit before an appropriate Civil Judge of the area where the project that one intends to challenge is located.

With the advent of Public Interest litigation rules in High Court and Supreme Court, the PIL concept may gradually fade, as the Courts are, in a way, discouraging filing of PILs, by elaborate scrutiny which is not even present when normal writ filing is done.

Conclusion; The existence of various Environmental Laws without proper support from the field staff is of not much use. And plethora of laws on Environment in the shape of Water, Air Acts and rules and guidelines there under, and the Forest (Conservation) Act and rules followed by voluminous guidelines are beyond comprehension of lay man. Therefore, the environmental laws need to be amalgamated into a simple Act and rules so that implementation can be easy and there should be sufficient field staff support and implement the legal enactments.

Birthday Greetings

We wish the following born on the dates mentioned
"A very Happy Birth Day"

S.No.	Name of the member	D.O.B.		
	Sarva Sri		10. A.Narsimha Reddy	08-08-1983
			11. T.Venu Babu	09-08-1969
1.	P.Rajendranath	10-08-1953	12. k.Mahender Raju	10-08-1959
2.	M.Mohan Rao	12-08-1952	13. A.Rama Murthy	10-08-1969
3.	L.R.Sekhar	13-08-1953	14. S.Venkatesh	15-08-1977
4.	M.Kamal Naidu	21-08-1939	15. Smt.P.Sunitha	15-08-1980
5.	M.Pradyumna Reddy	23-08-1955	16. M.Venu Madhav Rao	16-08-1967
6.	N.V. Jayanti Babu	23-08-1953	17. M. Yogaiah	16-08-1956
7.	A.Sudhakar	24-08-1948	18. Ch.Sivaiah	20-08-1967
8.	P.Vishweshwaraiah	27-08-1951	19. S.Rajasekhar	20-08-1970
9.	C.Muralidhar Rao	28-08-1941	20. I. Kasi Viswanadha Raju	20-08-1967
10.	P.Ranga Raju	30-08-1952	21. S.M.Hussainy	20-08-1961
11.	T.V.Ranga Rajan	31-08-1935	22. Ms.E.Harika	24-08-1984
12.	M.Narasimha Reddy	03-09-1954	23. P.Anil Kumar	30-08-1965
S.No.	Name of Serving Officers	D.O.B.		
			24. K.Ashok Kumar	31-08-1976
1.	Smt.M.Revathi	09-08-1970	25. M.Ravi Prasad	04-09-1966
2.	P.S.Srinivasa Sastry	14-08-1962		
3.	A.Bharath Kumar	15-08-1959		
4.	Sunil Kumar Gupta	19-08-1958		
5.	Dr.Bhaskara Ramana Murthy	24-08-1961		
6.	Smt.Sunita Mahesh Bhagwat	26-08-1970		
7.	Srikanthanatha Reddy	25-08-1974		
8.	B.Srinivas	02-09-1962		
9.	V.Ram Mohan	06-08-1967		

Secretary



WILDLIFE POACHING: POISONING AS A TOOL

By
Dr. G V Rao

Controlling Wildlife poaching is an ever challenging task for Forest and Wildlife Authorities. Every Country, whether rich or poor is continuously being responsible for conserving Wildlife. As per the latest statistics made available by World Wildlife Fund, from around the World, shows alarming results;

Animal Species Extinction Statistics	Number of Species
Number of Animal species that have gone extinct	801
Number of Animals that are extinct in the wild	64
Number of Animals that are critically endangered	3,879
Number of Animals that are endangered	5,689
Number of Animals that are vulnerable	10,002
Number of Animals that are near threatened	4,389
Number of Animals that are least concern	27,124

It has been noticed that political upheavals in Countries have led to weak enforcement of Wildlife Laws. This leads to poaching of Wild animals as effective laws are not implemented. However, in India, we have seen that even in peaceful times, poaching of Tiger has been going on even with best efforts of Forest Departments putting all their machinery in force. Since the early 1970s our Government has allocated a considerable amount of money and human resources for the protection of the Tiger.

The Indian Government did take effective initiatives to conserve wildlife in the country, and amongst it, most commendable initiatives is the Wildlife Protection Act of 1972, which prohibits trade of rare and endangered species. Few of the milestone initiatives taken by the Government of India for protection of tigers in the country are;

1. Amendment of the Wild Life (Protection) Act, 1972 in 2006 to constitute the National Tiger Conservation Authority and the Tiger and Other Endangered Species Crime Control Bureau.
2. Enhancement of punishment for offence in relation to hunting in the tiger reserves or altering

the boundaries of tiger reserves, etc.

3. Strengthening of anti-poaching activities, including special strategy for monsoon patrolling, for deployment of anti-poaching squads and strengthening of communication and wireless facilities.

4. Constitution of the National Tiger Conservation Authority with effect from the 4th September, 2006, for strengthening tiger conservation.

5. Constitution of a multidisciplinary Tiger and Other Endangered Species Crime Control Bureau (Wildlife Crime Control Bureau) to effectively control illegal trade in wildlife.

6. The in-principle approval has been accorded by the National Tiger Conservation Authority for creation of two new tiger reserves, and the sites are: Ratapani (Madhya Pradesh) and Sunabeda (Odisha).

7. A scientific methodology for estimating tiger has been evolved and mainstreamed.

8. Financial and technical help is provided to the State Governments under various Centrally Sponsored Schemes, such as Project Tiger and Integrated Development of Wildlife Habitats for enhancing the capacity and infrastructure of the State Governments for providing effective protection to wild animals etc.

Thanks to such initiatives, India has seen significant success in increase in the population of the tigers in the reserve areas, from a scanty

268 in 9 reserves in 1972 to above 1000 in 28 reserves in 2006 to 2000+ tigers in 2016.

In India we are faced with the poaching of tigers for their bones, foot nails and skin, as they hold immense market value either for alleged medicinal properties or for religious purposes. The tiger bones are usually sent via Tibet to China, where there is a major traditional medicine market for them, mostly for remedies to relieve rheumatic pain. Earlier years on, poachers used weapons or traps to poach animals which were mostly successful in poaching but the possibility of such methods being noticed by forest dwellers or the Wildlife Officers could not be ruled out. A trend developed where poachers started using poison as a method to poach tigers.

They were as many as 13 tigers which died during 2015-16 due to poisoning and electrocution, in two national parks of Madhya Pradesh.

However as Crime does think ahead of Crime controllers, the poaching by poisoning Tigers is hard to detect beforehand. It has observed that certain blame for deaths of Tigers also has to be shared by Forest Department too, due to publicity given to Tiger sightings on social media like Facebook, WhatsApp, and Twitter etc. Historically villagers have killed tigers on the edge of the park because of livestock losses. Carcasses of cattle or water buffalo killed by

tigers were laced with poison so that when the tiger returned to feed it was poisoned. In India, there are several reports involving poisoning of wildlife with other OPC compounds like Phosphamidon, Malathion and Monocrotophos. It was reported in 2008 that Carbofuran was used as a poison for poisoning of a tiger by lacing a cattle carcass with it.

Secondary poisoning is also adopted by such poachers who bait wild boars with bananas laced with poison, which when preyed by Tigers, the poisoned boars potentially act as a source of secondary poisoning to the Tigers as was seen in two incidents.

In another reported incident during May 2017, four persons have been arrested for allegedly poisoning to death a wild bison and using it as a bait to kill a tiger in Sathyamangalam Tiger Reserve in the district. The Forest officials recovered the carcass of a bison in Thalamalai forest range and conducted an autopsy, which revealed that it had died due to poisoning. Subsequently, during interrogation the accused confessed to having poisoned the bison, which was later consumed by the 8-year-old male tiger and after the tiger's death the gang harvested canine and claws.

So then the moot question arises is what can be done to control this 'poison poaching'.

A simple step would be to re-establish the intelligence-gathering network by allocating

large funds to pay informants for reliable information about poachers and traders. For example in Nepal in 1973, when rhino poaching was serious the Flora & Fauna Preservation Society (FFPS) donated £250 to anti-poaching work. This relatively small amount of money was responsible, in 3 months, for the apprehension of 17 illegal hunters and the end of the problem at the time.

Further again in January 1991, in order to help combat the increase in tiger poaching, the UK-based International Trust for Nature Conservation gave the equivalent of \$US67 to pay four local men to collect information on suspects. That same month evidence from these informants led to the arrest of the five poachers. These examples go to prove as to the excellent results which can be achieved at a relatively low cost.

Another step which can give effective results are few amendments in Law pertaining to fines and prison sentences for poaching offences, which has to be increased significantly and maximum publicity should be given to poaching-related convictions to deter other would-be poachers.

Mere lip service to save Biodiversity and endangered species would not suffice. The Government has to increase funding to upto 400% of present budget allocation for improving patrolling and modern equipment,

vehicles and trained elephants, particularly in the monsoon period when the majority of crimes happen. More emphasis need to be laid on the training for the staff for advanced training with a revision of curriculum in the Training Schools, Institutes or Academies with practical training on modern weapons.

The negative attitude of people living on Park borders needs to be tackled. The thousands of villagers living near the parks receive very little economic benefit from the Forest, as they are prevented from grazing their livestock there. The few benefits, villagers do receive is the right to cut as much grass and reeds as they wish.

The Ministry of Environment and Forests needs to urgently increase the education programmes to promote awareness of the value of Tigers to the local community and to the Country as a whole.

To conclude, if Tigers have to be saved from poison poaching, the local villagers must be given a share in the economic benefits from the

parks. Further the Government should endeavour to develop policies that protect India's wildlife and simultaneously improve the wellbeing of the human population that surrounds the park. Without improved co-operation between the authorities and villagers, poaching will inevitably continue to threaten India's most endangered species.

About the Author:

Dr G V Rao was a former Chief Staff Scientist (Laboratory of DNA Testing) at Centre for DNA Fingerprinting and Diagnostics, Hyderabad. Dr Rao developed DNA based methods for Wild and domestic animals including tigers, wild boars, black buck, bulls of Ongole variety, chicken, etc. Such projects have served as a model for developing similar tests for other animal and avian species as well as wild ones. Dr Rao is a material witness in the ongoing BLACK BUCK poaching case of Jodhpur. Presently he is pursuing Legal Profession as an Advocate. His e mail ID is **drgvrao@hotmail.com**

Before you contradict an old man, my fair friend, you should endeavor to understand him.— George Santayana

I live in that solitude which is painful in youth, but delicious in the years of maturity. (Albert Einstein)

DO WE NEED A CORPORATION FOR FOREST DEVELOPMENT?

By

M. Padmanabha Reddy

Main functions of a forest officer are to protect and develop the forests, to collect revenue through various leases and to implement forest Act. During the British regime management of forest, mainly consisted of extraction of forest produce especially timber in sustainable manner. Working plans were prepared with elaborate field study and management systems were prescribed for working the forests. The flora in Indian forests was so diversified the British never thought of introducing exotics. If at all any plantations were raised they were mostly of local species. Teak plantations in Lambasingi and Mr. Dost Ali Khan plantations in Indanpally of Jannaram are few examples.

After independence large chunks of forest areas were brought under cultivation, added to it, for local needs lot of trees were cut thus the forests suffered both quantitatively and qualitatively. For want of budget, afforestation works were few and far apart. Forest department being a government department it was difficult to go for institutional finances for afforestation. Long gestation period of native species is a limiting factor to raise plantations with institutional finances.

In early 70's lot of discussions were taking place in the country to form independent corporations with authority to draw loans and develop

degraded forest areas to supply industrial cellulose to wood based industries. Many states in India constituted Forest Development Corporations with an aim of developing the degraded forests to cater to the needs of wood based industries. In erstwhile A.P. Forest Development Corporation was established in the year 1975 as a fully owned company registered under Indian Companies Act with an authorized share capital of Rs.25 crores. Officers from the department were deputed to corporation for taking up plantations. In a decade the APFDC spread to major forest areas of the state and was functioning like a parallel department.

For raising plantations, Forest department has to allot degraded forest lands so that the area is made productive by the planting activity of the Corporation. To make the corporation financially viable, excellent hard wood timber forest areas along Godavari River in Warangal, Khammam, East and West Godavari districts were allotted to the Corporation. In Eturunagaram area of Warangal district Teak and Hard wood bearing forests of All India Quality III were allotted to Corporation. The Corporation felled the existing tree growth, uprooted stumps, burnt the area ploughed and

planted Eucalyptus to supply raw material to nearby A.P. Rayon industry. Likewise in Godavari districts hard wood and bamboo forests were allotted to corporation for raising plantations to supply raw material to nearby wood based industry. The corporation got lot of revenue by felling the virgin forests. Allotting virgin Teak bearing forests for raising Eucalyptus plantations was a monumental blunder which cannot be justified. Subsequently degraded forests in Medak, Ranga Reddy, Nellore and Rajahmundry areas were taken up for plantation by the corporation.

The so called degraded forests in Medak and Ranga Reddy were having excellent biodiversity and providing fodder, fuel-wood small timber, N.T.F.P. like, bidi leaves, Sithapal, Mahuwa flower etc. to the local people. These areas once allotted to corporation the standing growth was cut, burnt, stumps uprooted and after deep plough the area was planted with Eucalyptus. In the bargain local people lost their requirement of fodder, fuel-wood, small timber and N.T.F.P. They and their cattle were prohibited from entering these forest areas which right they were enjoying for centuries. One of the objectives of APFDC is raising plantations to make them ecologically sustainable, socially acceptable and commercially viable with a long term goal to improve the site quality of plantation area. Except commercial viability the rest of the stated objectives are debatable.

APFDC no doubt raised successful plantations mostly Eucalyptus using clones of Eucalyptus.

They could get a yield of 70-80 Mts. /ha. of pulp wood in high rainfall areas and 40-50 Mts./ha. in low rainfall areas, in Telangana area about 33743 ha. of plantations were raised out of which 25000 ha. is Eucalyptus.

With the bifurcation of the state, Telangana State Forest Development Corporation Ltd. is incorporated on 14-5-2015 under the companies Act and also Trust under the Indian Income tax Act. The stated objectives of TSFDC are,

- i) Improving the quality and productivity of the degraded forests and plantations
- ii) Adoption of Water shed approach
- iii) Adoption of latest gains in Bio-technology for improved productivity
- iv) To provide gainful employment to local people
- v) Capacity building
- vi) Implementation of Eco-tourism projects.

For decades forest department was selling Bidi leaves. Certain physical area was delimited as unit for lease and auctioned. The contractor used to collect the leaf in leased area by engaging local labour during April and May. In early 70's country was in the mood of nationalizing everything replacing the contractors. Bidi leaf sale was nationalized in the year 1970. But the department was entrusted with the same work of collection and sale. It was a routine work for the department and after a decade, government have appointed the corporation as their Agent (to get loan from banks) while the department at field level doing the total work. This looks as

if to provide some work to corporation the government have appointed the F.D.C. as their Agent in the trade and TSFDC is claiming as a social welfare activity of F.D.C

Implementation of Eco-tourism projects is one of the flag ship programmes of TSFDC Hyderabad Botanical garden near Hi-tech city Madhapoor, Mahavir, Eco-tourism centre, Vanasthalipuram and Shameerpet Deer Park are the ongoing projects.

Kothapet R.F. block with an area of 275 Ac. located near Hi-tech city of Hyderabad was a lung space for local people. The tree growth offered a good walking space and outing for local residents where entry was free. In the year 2001 the area was handed over to F.D.C. for Eco-tourism. Botanical garden over an area of 100 Ac. Night Safari Park over an area of 100 Ac and Bird Park in 75 Ac was proposed. But the project landed in controversy and shelved. Today what is remaining is a garden with lawns and a water body, entry fee is charged for people going round the area. Under any stretch of imagination it cannot be called an Eco-tourism project. Mahaveer Eco-tourism centre and Shameerpet deer park were established by forest department about 50 years back and subsequently handed over to corporation for management and they are not the creation of F.D.C.

F.D.C. has risen about 8000ha. of bamboo plantations in Adilabad, Khammam and Warangal, when the plantations are harvested,

bamboo brought to corporation sale depots and auctioned. The local agriculturists and the bamboo dependent artisans have no access to the material. If anybody wants bamboo they have to go to sale depot of corporation located at far off places and purchase in open sale. Lot of Su-babul and Eucalyptus plantations have come up in private lands, In some areas wood based industries have tie up arrangements with farmers. The industries are providing improved planting material and other inputs. If support price for Su-babul is assured people will go in a big way for Su-babul plantations in their marginal agricultural lands. In such situation why allot forest areas though degraded to corporations to take up mono culture of Eucalyptus. Sunder Lal Bahuguna of Chipko movement said that "Forests are like mother providing basic amenities to people and let us not look at the mother from commercial angle". In the final analysis the aims and objectives with which the F.D.C. was created has achieved partially i.e. raising Eucalyptus and bamboo plantations for supply to wood based industries and in some areas cashew, coffee etc. were also raised. No doubt they have raised excellent plantations, but this is a routine work of department and if funds are provided the department can also deliver good result. There comes the basic question **"Do we need a separate Corporation for Forest Development and how much is the development content in their working."**

PEARLS OF LIFE

By
V. S. Joshi

Being at the threshold of ripen age of eight decades, as I was once pondering over the significance of birth and death into life of living beings, certain thoughts rushed into my mind and craved for finding expression into words as follows.

Evening shadows lengthen
As twilight lingers on
There's curiosity about
Life before birth, about
Life after death
Soul is common thread in
Pearls of life sliding down
There's contentment for
Life's mission fulfilled
There's excitement for
Life beaconing beyond
Time is forever
Time is destroyer
Time moves on
Pearls of life slide down

Vana Premi wishes you

***Tum Salâmat Raho Hazâr Baras
Har Baras Ke Hoñ Din Pachâs Hazâr
Tum Jiyo Hazaaron Saal
Saal Ke Din Hon Pachaas Hazaar***

FELICITATION SPEECH

By

Sardar Navratan Singh

Devio aur Sajjano,

"Hamen shawl mein lapeta gaya, guldaste se sammanit kiya gaya, aur yeh mike thamaya gaya."

We are being wrapped in a shawl, given a bouquet and handed over a mike to speak. As your wish is my command, I will obey it. Thy will be done

I will first talk about this instrument. This mike is a divisive force. The people, who come on this side of this gadget, tend to believe that they are much wiser than the people on the other side. They go on and on spreading their wisdom pearls. So I am requesting the Secretary Saheb, to put to vote this amendment to the rules of our meetings. There should be no long lectures without a statutory warning, to the members at large. That the lecture is going to be long. The members may put their mobiles on music mode and plug in their ears, go out for conveniences, have a gulp of fresh air or a fag, have a pinch of *Pan Masala* or just be themselves. They can have a hearty chat with their friends of either gender, to the merry exclusion of their spouses trapped here and held in captivity.

The only reason for these felicitations is our resilience and continuous refusal to kick the bucket, against all odds, for so long. So the most important entity for such occasions is the Yamraj, Malikulmaut. He has been glorified in our legends and poetry. 200 years back Nazeer Akbarabadi wrote 'Banjaranama' referring to him as a nomad who strikes here

today or there tomorrow. The poem has a sobering effect. I will give a few of its verses
Tuk hirs o hawas ko chod miyan math des bides phire maara

(Leave your greed, man don't wander here and there to fulfil your avarice)

Qazzaq ajalka loote hai din raat bajakar naqqara
(The pirate of death robs you day and night with a loud beat of drum)

Sab thaat pada rahejavega jab laadh chalega banjara

(All your pomp and show will go down the drain when the Banjara hauls you away.)

Now, one thing is for sure. We cannot hoodwink this entity. If we do that we will get a miserable passage. However, I can have a rough guess whether or not he will take me this week. I invite him, repeatedly and frequently, to make it a smooth job. If he refuses, I guess, I have another week to live.

If a mango is reachable from the ground and another hanging on the edge of a high branch, if I go up pluck it and come back in one piece. If I bend over the balcony and touch the floor on the outer side and I am still on my feet. I may assume that he is not interested in me. I have started cycling on the streets of Hyderabad which is a sure invitation for him.

Now his refusal to haul us away, clean this world and pollute the other one, creates certain situations.

We find everyone in harness I mean working, is about 15 to 25 years younger to us. We feel we

are from some other Planet. Even the Pension payment Officer gives us a weird look as if to say, 'hey! You are still breathing, increasing my work and loss to the treasury'.

In an average Indian dwelling there is always shortage of cots. Now the young couples watch in disgust a, grunting and snorting, snoring, sneering, farting and even bed wetting old hog on the cot. They believe that they can put the cot to a much better use. They So the saying goes '*Na Buddha mare, na manji chhode*'. Manji means the cot.

In the neighbouring house there is another young bride and her groom equipped with a cot and eager to improve upon their relationship. But the bride halts her hubby telling him '*Na baba na baba pichwade Buddha khansta*.' Not now my darling, the Oldie is coughing again"

Now I would delve up on my illustrious career. My guiding principle was "while working for making a living, why kill you". As a result I had no problem in my service. I WAS THE PROBLEM. Whenever I was tossed away from one Circle to the other, the aggrieved DFO would run to the Conservator and plead, " *Sir, main ne aapka kya bigada thaa*. Why did you unleash this greyhound on me?" The hapless Conservator would say '*main majboor hoon. Yeh aisa kaanta hai jo na nigle jai na ugle jai*.' I am helpless he is a thorn in the gullet, Can't swallow can't spit out".

The vagaries of life, its ups and downs, the cuts, bruises, hurts and injuries and their scars we get in the fights of survival, and a perpetual state of crises management also induces a sense of humour. In me it is a queer, cryptic and pungent

one. In the most grim and sordid situations I would blurt out a one liner from some humourist. Attending a funeral at the cremation place I would say "this place is so beautiful that people are dying to come here"

I have two daughters. Who are disappointed when they watch me paint their aluminium school boxes red cut a slot on its side and make it a post box. They are disgusted when I pack the used Cycle tyres with their rags and make it a swing for their kids. They tell me '*Baapu, tum itne kanjoos kyun ho*'. I tell them 'Children You are lucky. Misers make great ancestors. '*Naseebon walon ke Purkhe Makkhi choos hote hain*

In the end I request our Hon Secretary to put on vote another motion of amendment and leave it to the Ayes and Nos of the members. Imagine a scenario, we are on the road and an old buddy overtakes us. He hails "hi where to." By the time we tell to Association of retired forest officers of Telangana and Andhra Pradesh" he will be a mile away. Following Shakespeare's hints that, 'Brevity is the Soul of Wit'; I submit that it needs a nickname. Now, we are old men, we are retired, we meet regularly. One of the important agenda of our meetings is eating. We always ensure that someone foots its bill in our next meet. I propose a nickname. ROMEOS i.e. retired old men eating out.

I would also stand evidence to the proceedings that transpired on the recorded day of my birth. As an eye witness this nine month old toddler assures that nothing happened on that fateful day.

HOW I SPOTTED 38 BUSTARDS IN ONE GO

By

Dasu kesava rao

Jerdon's courser and Great Indian Bustard are two bird species, much written about, but hardly seen. They are subject of intense debate and high-profile publicity due to the grave threats to their existence. International Union for Conservation of Nature (IUCN) classified them as critically endangered in its Red list of species. As a journalist, I had my share of the noise and dust that was raised in the media when Jerdon's Courser, widely believed to be extinct, was spotted in 1986 after nearly a century, in Kadapa district of Andhra Pradesh. The little bird derives its name from a renowned ornithologist of the same name. It has also come to be known as 'Andhra Courser' as it is endemic to Kadapa and contiguous areas and nowhere else in the world. Salim Ali, doyen of Indian ornithologists, had rushed excitedly to Hyderabad on hearing about the discovery, but was disappointed to know that it died while being brought to Hyderabad by an untrained hand. He got the dead bird stuffed and preserved in the Bombay Natural History Society's museum. The Courser population saw modest increase after an exclusive separate sanctuary was set up in Lankamalleswaram, but the last decade has not been very encouraging for its proliferation. It has not been sighted for many years now.

However, I am fortunate to see the Great Indian Bustard which roams the vast grassy plains of Rollapadu sanctuary in Kurnool district of Andhra

Pradesh. *BattaMeka Pitta*, as the locals call it, is not everybody's idea of bird – sending out warbling notes from amid tree branches or lined up on telegraph lines along the railway track. It is more like an ostrich than a bird, ground-based and rarely flying. What makes it privileged is its position in the IUCN Red list.

One metre tall and weighing 15 kg., the bustard inhabits arid and semi-arid grasslands on flat or rolling open country. The habitat is similar to that of the black buck. It feeds on grasshoppers, insects, locusts, centipedes, lizards etc. which is why farmers consider it their friend. It breeds in summer, laying only one egg in the season, which is one major factor for its low population growth. The egg is laid in a circular trough on the ground, making it vulnerable to being trampled upon by cattle or eaten by other birds or animals. The male woos the female during courtship by inflating the gular sac below its neck into a balloon-like hanging pouch. The male is a male, say bustard behaviour scientists. He cannot brook a rival in the fray, but has no objection to any number of females joining his harem! During courtship, the male emits a booming moan which is said to be heard as far away as half a kilometre.

Once said to be found in many parts of the State, including the Godavari and Pennar valley, the bustard has almost vanished over time. A few

sightings reported near Medak and PeddaThumbalam in Kurnool district in the Seventies revived hopes. The Forest department took up an awareness poster campaign to scout for the elusive bird. A big problem was how to identify it, because few knew how it looked like. A line sketch in the divisional forest office at Atmakur came in handy. The untiring efforts of the department and others paid off when three of the species were found in Rollapadu in August 1982 allaying fears that the species might have become extinct. The tribe increased gradually. On a routine visit to the Nehru zoological park in July 1984, I came across a member of the BNHS. He had spotted more than a dozen of them at Rollapadu. I briefed Pushp Kumar, then chief wildlife warden, of the development. He had decided then and there to proceed to Rollapadu and wondered if we could join. We jumped at the offer. The bustard expedition comprised Pushp Kumar, Kamal Naidu, me, The Hindu photographer, S. Kodandaraman, and another senior official of the forest department. Shadows were lengthening over the plains of Rollapadu when we arrived. We had hardly taken a few steps when a forest watcher gestured us to be still and quiet. Look, sir, he said in hushed tones, pointing to a flock of bustards. We gaped in wonder at the spectacle. Oh. Not one, not two or three, but no fewer than 38 of them feeding! We took count. As we drew closer, they took to wings. Kodandaraman made most of the few seconds available to catch the fleeing fleet. We

were all excited beyond words. The euphoria was comparable to that generated by India winning World Cup cricket or Pussarla Sindhu or Saina Nehwal winning Olympic medal. The Hindu featured the report as front page top box in all its editions, including the weekly international edition. N. Ram, Associate Editor, telephoned to congratulate me. It was a proud moment. Other newspapers followed suit with stories on the endangered bird.

There was a comical fall-out to The Hindu report and a documentary produced by Doordarshan, Hyderabad, which caught the eye of Prime Minister Rajiv Gandhi, a wildlife buff. On a visit to the Ranathambore tiger sanctuary in Rajasthan, he was informed that the State boasted of highest bustard population. 'What? Are you trying to fool me? I know Andhra Pradesh is number one' he flared up. The officers were dumb-struck. True, Rajasthan certainly had higher bustard population than AP. Boss is always right, they admitted.

The bustard boom led to setting up of a sanctuary in Rollapadu. *Achche Din* continued for the next decade or so. But developments in recent years put the clock back on conservation leading to rapid fall in population of the species in India from 1260 in 1969 to 300 in 2008. The IUCN reclassified the bird status in its Red list from 'endangered' to 'critically endangered.' The unique bird may become extinct in Andhra Pradesh unless conservation efforts are put in place on a war-footing. (eom)

NEWS AND NOTES

Which Animals Could Go Extinct From Climate Change?

Yes. All animals and plants have a temperature range within which they thrive, and outside of which they suffer.

To some extent, animals and plants can move polewards to stay in a comfortable temperature zone as temperatures rise globally. Hence, for instance, we are seeing the mosquitoes that carry malaria and dengue spreading further from the equator (Mosquito-borne diseases on the uptick thanks to global warming) and we are seeing fish moving further from their original geographic ranges (Climate change forcing fish migration).

There are limits to this, however. Many species are unable to move further north (in the northern hemisphere) or further south (in the southern hemisphere) because they encounter physical limits such as the edges of islands and continents, the ends of rivers and mountain ranges, the lack of suitable habitat in the new range, or because they run into landscapes dominated by humans and our agriculture.

In the last year, we have seen some very dramatic events associated with the sort of extreme weather conditions that are becoming more likely with climate change. In Australia, for example, we have seen a massive mangrove die-off in the Gulf of Carpentaria and two consecutive years of disastrous coral bleaching events in the Great Barrier Reef and around the world. Coral reefs grow very slowly, so the opportunity for southward migration is very limited. Still considering marine habitats, we have also seen seagrass die-offs that have been attributed to

marine heatwaves (Climate change threatens Western Australia's iconic Shark Bay). These habitats (mangroves, seagrasses and corals) themselves provide homes and food resources for many species that cannot live anywhere else.

Global climate change is not just warming, either. It is also causing changes in rainfall and evaporation, changes in ocean acidity, changes in storm frequency and fire weather, and sea level rise. All of these will also change environments, in some cases beyond the tolerable ranges of many species.

Over time, many species will gradually adapt and evolve to the new conditions or combine in new ways to create new functioning ecosystems, but many others will not be able to adapt or move fast enough. One of the reasons that climate change is such a problem is that it is happening so much faster than past temperature changes in the Earth's history.

Most of my examples have been aquatic; because that is my focus, but I am sure it will not be hard for someone else to chime in with more terrestrial examples.

Animal first: wild lioness photographed nursing leopard cub:

JOHANNESBURG (Reuters) - Scientists long assumed lions were hard-wired to kill leopards on sight, until a wild lioness was caught on camera this week nursing a leopard cub.

The startling photographs, taken in Tanzania's Ngorongoro Conservation Area, are the first evidence of such inter-species bonding

between predators that are normally mortal enemies.

"There is no other recorded case where a big cat in the wild has suckled a cub belonging to another species," Luke Hunter, president of Panthera, a wild cat conservation group, told Reuters in a telephone interview.

The lioness, known locally as "Nosikitok," is well known to scientists as she is radio-collared and monitored by KopeLion, a Tanzanian conservation NGO supported by Panthera.

The photos were taken on Tuesday and Hunter said that, as of Thursday, Nosikitok had returned to her pride some distance from where she was nursing the leopard cub, "so we are not sure what is going on now".

"It's possible the mother leopard retrieved the cub from what was a temporary lioness day care, but we just don't know," he said.

Scientists are at a loss to explain the incident; the cub's typical spots make abundantly clear it is no lion. In captivity, predators may bond with other meat-eating species, but in the wild, the gloves are always off as they compete for prey. Hunter said Nosikitok has her own litter of lion cubs about the same age as the leopard cub, estimated to be three weeks old, and this could be a reason.

"She is physiologically primed to take care of baby cats, and the little leopard fits the bill — it is almost exactly the age of her own cubs and physically very similar to them."

Selfie ban! To curb accidents, Jabalpur DM orders crackdown on clicking pictures near

water bodies: - The move comes following the death of four people, in the last 20 days, who

were trying to take selfies at dangerous spots on the bridge, they said.

In the wake of a number of accidents due to selfies, Jabalpur District Magistrate on Saturday ordered a ban on clicking selfies near water bodies, while driving and while boating. The DM issued orders under Sec 144 Cr. PC 1973. Earlier, police in Bihar's capital city Patna had decided to penalize people if they are found clicking selfies at the newly constructed Digha-Sonepur Bridge. The Patna police had imposed a penalty of Rs 600 on those found taking selfies. Another such report had come from Uttar Pradesh. The UP Police had recently launched a campaign to penalize people if they are found clicking selfies at prominent public places where there is a threat to life, as per a report by ANI. All highways, railway stations, railway tracks and multi-storey buildings are reportedly covered under this unique approach. Undoubtedly, the culture of clicking selfies continues to soar across the nation, and it is leading people to even risk their lives to get a perfect shot.

Recently, 5 people were reported dead after their boat capsized in Vena Dam waters in Nagpur while trying to take selfies. All of them were between 20-25 years of age. Earlier too, DM of Jabalpur had taken some initiatives to aware people of taking selfies in dangerous places. Last year, at least five deaths were recorded in Madhya Pradesh due to selfies. In this particular case too, the eight people who had requested boatmen Roshan Bawne, Roshan Khandare and Akshay Khandare to take the group to the dam, had created a ruckus for clicking selfies, resulting in the boatmen losing

control resulting in the boat capsizing. Nagpur rural SP ShaileshBalkawade told media that the State Disaster Response Force (SDRF) team has been roped in for rescue operations.

Indian Railways Launches First Train With Solar Power-Backed Coaches: - The railway ministry on Friday launched the country's first diesel electric multiple unit (DEMU) broad gauge train with coaches powered by solar energy. Bloomberg Quint had reported about the launch on Wednesday.

The coaches are equipped with a battery bank which will optimise solar energy to full load and provide power at night.

Railways Minister Suresh Prabhu inaugurated the train which will travel from Sarai Rohilla in Delhi to Farrukhnagar, in Gurgaon district of Haryana. *Suresh Prabhu, Railway Minister* We plan to save Rs 41,000 crore on electricity expenses by using solar energy in the next 10 years. We will generate 1,000 MW of solar power and 100 MW wind power. We will also do auditing for diesel trains to save power...We are planning to install solar panels in more trains in the future.

The train has solar panels on the roof, solar power for lights and fans. "We expect to save around 20,000 liters of diesel oil by using these solar panels in a year. Cost savings will be Rs 12 lakh per year which will give us a return of 20 percent," Ravindra Gupta, member (rolling stock), Ministry of Railways, told Bloomberg Quint.

The Indian Railways Organization for Alternative Fuels has set up the solar power panels inside the train and planning to have more such trains in future. "We have floated a tender for 250 solar

powered coaches already," said Ravinder Gupta, its chief administrative officer.

'Grand' birthday bash planned for Delhi zoo's oldest resident:

Rita, the lone chimpanzee in Delhi's National Zoological Park, has lived there since 1964. For the first time in 56 years, Rita is getting a grand party for her birthday, one that promises to be quite unlike any other celebration. However, no one knows exactly when she was born. All that is known of the origins of the Delhi zoo's oldest resident — and its only chimpanzee — is that she came to the national capital from Amsterdam in 1964. The chimp, which was born in captivity, may no longer be the crowd-puller she once was due to her advancing age, but her "human-like" characteristics have endeared her to many.

"As its oldest resident, she is a crucial part of the park. She displays many human instincts. For instance, she is keen to interact with visitors, but old age forces her to stay back," Raja Ram Singh, Joint Director, National Zoological Park, said.

It will be more than just a birthday celebration, the official said, while promising an "emotional and informative" experience for visitors.

Rita is the last of her kind in the zoo. Her mate Max was given to the Jaipur zoo as part of an exchange programme.

Singh said the chimpanzee's dietary intake has reduced due to her age. However, "she is not suffering from any ailment." Talking about the bash planned sometime later this year, the official said the objective is to make people aware of wildlife conservation.PTI

LEGAL NOTES

State of M. P. & Others Vs

Smt. Kallo Bai

This judgment of the Supreme Court in SLP No. 8861 of 2014 sets at naught the orders of criminal courts including an order of the High Court of Madhya Pradesh, by which property, a tractor and trolley, confiscated by Authorised Officer was ordered, be released in favour of the owner. Facts leading to the litigation are as follows:

Tractor bearing No MP 22 AA 0736 and Trolley bearing No MP 22 AA 0764 were found carrying illegally teak timber measuring 1.054 Cmt. from Salimara to Parapasias Road. The driver was not having any document for transport of timber. Staff of Forest Development Corporation at Dhuma seized the vehicles and the timber. The Project Range Officer registered an offence case No. 251 of 2013 under the M.P. *Van Upaj (VyparViniyam) Adhiniyam*, 1969 read with the Indian Forest Act, 1927. On a seizure report and filing charge sheet, the case was taken on file in CrI. Case No. 269 of 2013.

Simultaneously, on a report to the Authorised Officer (Sub-Divisional Officer, Lakhanadone) under Forest Division North Seoni the Authorised Officer initiated confiscation proceedings in Confiscation Case No. 9/2012 and held that the vehicle operator and another person travelling in the vehicle deliberately transported the teak wood and the owner was aware. The tractor,

trolley and the timber were confiscated. Aggrieved by the confiscation order, the owner filed an appeal before the Appellate Authority (Chief Conservator of Forests of Seoni Circle.) The CCF dismissed the appeal on 06.12.2012. Dissatisfied by the order of the appellate authority, the owner filed revision petition before the Additional District Judge, Seoni. The revision petition was allowed on 12.07.2013. The Revision Authority, while allowing the revision petition, took a view that unless guilt of the accused is proved, there cannot be confiscation. The ADJ was of the opinion that there was no justification to confiscate the vehicle and the timber. An order was passed for release of the property.

Aggrieved by the order of the ADJ, Seoni dated 18.07.2013; the State of M.P. filed a petition in the High Court under Sec. 482 of Cr.P.C. in M.CrI.C. 12750 of 2013. The petition of the State of M.P. was dismissed on 21.01.2014. Thereupon, the State filed appeal with Special Leave Petition (SLP) in the Supreme Court of India, challenging the correctness of the order of the High Court.

The matter was posted before the Bench comprising Justices N.V. Ramana and Prafulla C. Pant. Their Lordships were pleased to grant

leave in SLP No. 8861 of 2014 and heard the appeal of the State of M.P.

Justice N.V. Ramana authored the judgment. In the course of the judgment, His Lordship extracted the following note from the Madhya Pradesh Development Report, Planning Commission (2000).

"Madhya Pradesh is famous for its abundant biodiversity. The rich biodiversity generates minor forest produce such as *tendu*, *harra*, *sal* seed and gum etc." These forest produce are good source of revenue for the state and provide employment opportunities for the people. Making reference to the *Adhiniyam*, His Lordship observed: In order to facilitate development of good forest policy, the state of Madhya Pradesh enacted the *Adhiniyam* in the year 1969. This legislation was enacted with an object to regulate the trade of certain forest produce in the state. "The broad scheme of the *Adhiniyam* is to punish those who are in contravention of the law at the hand of the criminal court, the confiscation being incidental and ancillary to the conviction." The scheme of the Act as expressed in several provisions is extensively quoted in the judgment.

In the judgment of the Supreme Court, the observation of the ADJ Seoni while disposing of the revision petition of the owner, is extracted which is to the following effect:

"14. As such the order of the Authorised Officer and Sub-Divisional Officer dated 9.4.2012 and order of the Appellate Authority and Designated Conservator of Forests dated 06.12.2012 in Appeal No. 7/2012 are violation of section 55 of the Indian Forest Act, 1927 and also *Adhiniyam* of 1969. **The Sub-Divisional Officer, Lakhnadon and Appellate Authority without holding accused guilty in criminal case No. 269/2012 had no right to confiscate the vehicle and forest produce.**"

The court held: "The state of Madhya Pradesh separated the process of confiscation from the process of prosecution. The purpose of the enactment seems to be that the power of the criminal court regarding disposal of property is made subject to the jurisdiction of the Authorised Officer to that aspect; the jurisdiction of criminal court in regard to the main trial remains unaffected."

The Court followed the case-law cited below:

1. Divisional Forest Officer vs. G.V. Sudhakar Rao – (1985) 4 SCC 573
2. State of West Bengal vs. Gopal Sarkar – (2002) 1 SCC 495
3. State of M.P. vs. Sales Agencies (2004) 4 SCC 448

The Supreme Court had dealt with the question as to whether confiscation proceedings can be initiated only after launching of the criminal

proceedings or is it open to the forest authorities upon seizure of forest produce to initiate both or either.

In conclusion it was observed that the provision of confiscation confer independent power to concerned authority to confiscate the property even before the guilt is completely established. This power can be exercised if the authorized officer is satisfied that the said property is used for the commission of the offence. A protection to the owners of the vehicle or other property is provided if they are able to prove that they took all reasonable care and precautions as envisaged in the Act and the alleged offence was committed without their knowledge or connivance. It is further held as follows:

“Criminal prosecution is distinct from confiscation proceedings. The proceedings are different and parallel, each having a distinct purpose. The object of confiscation proceeding is to enable speedy and effective adjudication

with regard to confiscation of the produce and the means used for committing the offence while the object of prosecution is to punish the offender. The scheme of the *Adhiniyam* prescribes an independent procedure for confiscation. The intention of prescribing separate, proceedings to provide a deterrent, mechanism and to stop further misuse of vehicle.”

It was clarified that confiscatory proceedings are independent of the main criminal proceedings. It was finally concluded that the High Court as well as the revision court erred in coming to the conclusion that the confiscation under the law was not permissible unless the guilt of the accused is completely established. In the facts and circumstances of the case the appeal of the state is allowed on May 8, 2017 and the judgment of the High Court is set aside.

Source: Internet K.B.R

“To be happy in this world, especially when youth is past, it is necessary to feel oneself not merely an isolated individual whose day will soon be over, but part of the stream of life flowing on from the first germ to the remote and unknown future.”

(Bertrand Russell)



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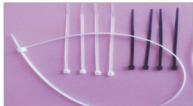
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