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Leopard (*Panthera pardus*)

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

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EDITORIAL

World Cancer Day: World Cancer Day is observed Each year on 4 February internationally to raise awareness of cancer and to encourage its prevention, detection, and treatment and to significantly reduce illness and death caused by cancer and is an opportunity to rally the international community to end the injustice of preventable suffering from cancer. World Cancer Day was founded by the Union for International Cancer Control (UICC) to support the goals of the World Cancer Declaration, written in 2008. Every year a theme will be selected and observed. The theme for 2019 is "I am and I will" Cancer is a general term for a large group of diseases, whose causes, characteristics and occurrence can vary greatly. There is no completely clear-cut definition of cancer. Cancer is a deadly disease which is caused due to uncontrolled growth of the cells and forms from the extra mass tissue known as tumor. Cancer cells do not always form a compact tumor. Leukemia, for example, is a cancer in the blood-forming tissue where cancer cells circulate in the body and behave to some extent like healthy cells. Human body contains millions of cells; it grows divides and dies in conventional manner. Sometimes the system goes wrong and uncontrolled number of cells grow, which leads to cancer. Normal/healthy cell controls their growth and when they become unhealthy, destroys by themselves. The specific cause for cancer is not known. Cancer is a disease which

spreads through the blood stream in the human body. It is believed that cigarette smoking, tobacco intake, alcohol intake, poor diet and exposure to UV rays are some of the reasons for cancer. One who works in the nuclear reactors, chemical factories, drainage system and mining are most prone to cancer. Recently National Cancer Institute showed that the person who expose to solvent, grease and oils, those who work in textile and plastic industries have high risk of cancer. Different organs can be affected by cancer cells like lungs, eyes, heart, kidneys, brain etc. Cancer cells also spread in blood stream and causes blood cancer. Some cancers cause early symptoms, but others do not exhibit symptoms until they are more advanced. Only a small portion of cancers are due to an inherited condition. If cancer is common in family, it's possible that mutations are being passed from one generation to the next. Please note that having an inherited genetic mutation doesn't necessarily mean one will get cancer. The environment around one may contain harmful chemicals that can increase risk of cancer. Even if one don't smoke, he might inhale secondhand smoke if goes where people are smoking or if he lives with someone who smokes (passive smoking). Chemicals in once home or workplace, such as asbestos and benzene, also are associated with an increased risk of cancer. There are three major types of cancer, such as: Carcinomas, Lymphomas, and Sarcomas.

Cancer can take decades to develop. That's why most people diagnosed with cancer are 65 or older. While it's more common in older adults, cancer isn't exclusively an adult disease — cancer can be diagnosed at any age. Only a small portion of cancers are due to an inherited condition. If cancer is common in the family, it's possible that mutation is being passed from one generation to the next.

Every family in the world is touched by cancer, which is now responsible for almost one in six deaths globally. Cancer is the second-leading cause of death in the world. But survival rates are improving for many types of cancer, thanks to improvements in cancer screening and cancer treatment. On World Cancer Day World Health Organization highlights that cancer no longer needs to be a death sentence, as the capacity exists to reduce its burden and improve the survival and quality of life of people living with the disease.

Daily exercise for at least 30 minutes a day will greatly reduce the occurrences of risk of cancer. Exercise like yoga, aerobics, walking and running is great activities to lower cancer risk factor. Not only is physical activity important to preventing other diseases, it reduces the chances of becoming obese. Obesity is a major cause for many cancers. Exercising on a regular basis can prevent prostate, colon, breast, endometrial and lung cancer. Genetics is one of the key factor, it plays major role in cancer development.

The treatment for all type of cancer is same. The treatment includes surgery, chemotherapy and

radiation therapy. The scope for recovery depends on many things, such as the type of cancer and the tumor distribution. Tumors are usually divided into benign and malignant. A benign tumor is localized, develops slowly and does not usually result in the patient's death. Malignant or cancerous tumors develop more rapidly. They are not localized and are often fatal for the patient. Many patients who cannot make a permanent recovery are able to live long lives due to developments in cancer treatment. Though there are treatments for cancer but also some side effect is there due to these treatments. Sometimes after the Chemotherapy or surgery, again cancer returns back in some other part of the body. Using high dose of anticancer drugs in chemotherapy treatment may cure initially but there will be high risk of cancer again. Governments are enacting evidence-based risk-reducing strategies such as imposing higher taxes on tobacco and alcohol, promoting healthy diets and physical activity, and advocating for access to HPV (Human papilloma virus) vaccination. Human papilloma virus (HPV) vaccines are vaccines that prevent infection by certain types of human papilloma virus. Approximately 30% to 50% of cancers can be prevented if these policies are maximally implemented. Cancer and its treatment can cause several complications which cannot be avoided such as pain, nausea, fatigue, diarrhea, weight loss, hair fall and poor immune system and person with low immune system is prone to many other diseases.

Vana Premi wishes that none in this planet should suffer from cancer or any other deadly diseases and remain healthy to enjoy the life. **QMK**

LETTERS TO EDITOR

Dear Editor,

'Happy *Makara-Sankranthi* to your good-self and all the esteemed readers!'

Responding to your e-mail (to contribute articles for VP) and realizing suddenly that none of them remain in balance with you from my end, I had chosen to scribble one [about '.... Urdu, which language flourished during the times of Asifjah the VI ('Saadas') & the VII ('Saabay') in the erstwhile Dominion of Hyderabad] based on local experiences of living and studying during my student-days (and a period of working in Hyderabad-Karnatak-Region, for about two decades succeeding thereto) — got woven comparatively easily on the loom of English language, as 'Vana Premi' is committed to adopt it that way! Your Editorial on National Voters' Day (Jan., '19 issue of VP, brought-out beautifully at the commencement of Vol.20) is timely and very well composed, as usual. In addition to it, other contents (from Syts J V Sharma, V S Babu, M P Reddy, K B R Reddy, et al) too add to the stature of the Journal. Hearty congratulations! Wishing you the very best during the year ahead, I remain, sincerely,

Dr. Ragotham Rao Desai

Sir,

I understand your difficulties in carrying the burden of editing and publishing the magazine, Vana Premi and admire the effort you are making in bringing it out regularly. I have gone through some of the articles which are eminently readable.

J.V. Sharma as usual has written a lengthy article on 'another bout of assault on forests'. Padmanabha Reddy has done well in exposing to the public the difficult situation the foresters are facing when they are let down by unjust orders by the authorities. It is unfortunate that the Forest Minister of Telangana directed the forest officials not to take action against encroachers on forest lands. This way it would be difficult to imagine if the forests and wildlife would ever survive for the present and future generations.

Santhaseela Babu gratefully expressed his sentiments on his association with the late Rajasekhar. He remembers him deservingly as "A Legend in A.P. Forest Department".

On the whole, the magazine is well brought out for which you deserve appreciation from all its readers.

K.B.R. Reddy

Sir,

Apropos your Editorial published in 'Vana Premi' January 2019 issue, I congratulate you for having dealt the subject of exercising the 'Franchise' elaborately on the eve of National Voters Day falling on 25th January. You have chosen a right time to bring the contents to the notice of all readers by analyzing the polling percentage achieved in the recent elections held in Telengana State.

As observed in the Press and Media, we find large number of crowds of people attending the Election meetings whereas their participation in exercising their Franchise is meager. This is

because of so many reasons. As you rightly pointed out, the contention that higher the literacy percentage the higher is the voting is totally wrong and it is other way round. The literate lot of the public generally is complacent when the question of exercising their Franchise comes to them. Out of one lakh of voters generally about 60 to 70 thousand people go for the Polling Booths for exercising their right to Vote. The candidate who polls majority among these 60 to 70 thousand Votes gets elected. So finally if there are only two candidates, the candidate who polls little over 30 to 35 thousand people alone out of one lakh population wins the election with the support of this fraction of $1/3^{\text{rd}}$ of the total population. If more number of candidates are there the number goes down further. This practice has to cease and there should be 100% of participation by the Electorate and then only the true support enjoyed by the candidates could be reflected.

As you said rightly the eligible voters should vote in all the Elections. Otherwise the exercising of Franchise must be made compulsory in our country and that may be the only remedy for this.

V.SANTHASEELA BABU

Dear Editor,

I had a wonderful opportunity of reading an excellent and an exhaustive article on Late Sri K. Rajasekhara Reddy, CCF (Retd) by another eminent and stalwart officer, Sri V. Santhaseela Babu describing vividly the numerous extraordinary activities, of Sri K. Rajasekhara Reddy depicting him as a legend in A.P. Forest Department in Vana Premi, January 2019 issue. I fully endorse the views expressed by Sri. V. Santhaseela Babu and they are hundred percent correct as illustrated by him in a kaleidoscopic way. I profoundly thank Sri V. Santhaseela Babu for his efforts in depicting the details of a legend which are so realistic.

I also had a great opportunity of working together with Sri. K. Rajasekhara Reddy when he was DFO, Flying Squad Division, Tirupati while I was working as Forest Range Officer, Rapur Range of Nellore South Division during 1966-67 when he organized mass raids on Goat Browsing and set a record in those days by collecting a Compounding Fee of about Rs. 10,000/- in one day. These types of raids were organized by him on 3 occasions. This exhilarating performance was mainly due to the meticulous and systematic planning and organization by Sri K. Rajasekhara Reddy.

In addition, I had another opportunity of working together with him while I was working as D.F.O, Rajampet Division, Cuddapah District when I was entrusted by the Department with the task of supplying of "A" Class Redsanders wood to Sri Naka Nishi the Japanese trader. During that time I followed the classification of grading formulated by Sri. K. Rajasekhara Reddy and was seeking his advice whenever required.

He had also drafted an excellent Plan for Departmental extraction of Redsanders wood in Rajampet Division which was implemented by me and my successors. He was an excellent officer and really a legend who was an Icon for Forestry. His death is an irreparable loss to Forestry.

I pray the Almighty to rest his noble soul in Peace in his Eternal Abode.

C. RAMAKRISHNA REDDY, D.F.O (Retd)

BAMBOO-NOT A TIMBER: IMPLICATIONS AND CONCERNS

By

Dr ARVIND KUMAR JHA

INTRODUCTION: Bamboo, by virtue of The Indian Forest (Amendment) Ordinance gazetted on 23-11-2017 by the Ministry of Law and Justice (Government of India) lost its legal status as 'tree'; its felled form lost the 'timber-hood' and consequently its definition as a 'forest produce' 'whether found in, or brought from, a forest or not, got removed from the section 2(4)(a) of the Indian Forest Act 1927 (hereinafter referred to as IFA). Although the ordinance does not mention any rationale behind the amendment and just states 'Whereas the parliament is not in session and President is satisfied that circumstances exist which render it necessary for him to take immediate action', the amendment has been seen and widely publicized as a long pending positive step to help improve the economy of bamboo growers in private areas and also of bamboo artisans by saving them from the hassle of taking forest transit passes under IFA. Accosted with the question of its impact on effectiveness of protection and conservation of bamboos occurring inside the forest areas, some forestry experts argue that bamboo gets now automatically covered under 2(4)(b)(ii) of IFA as a forest produce 'when found in or brought from forest'. This section covers the category of 'forest produce' defined as 'plants not being trees

(including grass, creepers, reeds and moss), and all parts or produce of such plants'. All, including common masses, should take bamboo, in legal parlance, now as a 'plant not being tree' and because it belongs to the family Poecae (gramineae) that encompasses grasses too, it should be considered within grass, a term already mentioned in the above mentioned sub-section. In the eyes of IFA, 'bamboo felling, is equivalent to 'grass cutting'.

Considering botanical definitions, Trees differ from plants mainly because of their trunk. Plants typically have multiple soft or moderately woody stems. Trees generally possess one hard, woody and tall trunk and on the lower section there are few branches or leaves. Plants generally live for shorter periods than trees. In short, while all trees are plants, not all plants can be called trees. The IFA also mentions in the section 2(4) (b) (ii) about plants not being trees and includes grass in the 'inclusive' category. Bamboo does have a stem which is called a culm and a common man will find it hard to consider and recognize full grown Bamboo just as a plant not being tree or identify it as a grass. IFA, however, now has a different perspective.

Historically bamboo has been called poor-

man's timber considering the versatility of its use in various forms and structures. The necessity of protecting and conserving it in all areas (forest as well as non-forest) was objectified through its inclusion in the definition of 'tree' in the Indian Forest Act 1927 wherein using an inclusive definition it was placed under the definition of Tree along with Palms, Cane, brushwood, and stumps in the section 2 (7) of IFA and consequently the felled bamboo duly defined as 'timber' got positioned as a forest produce in the section 2 (4) (a). The Manual of Forest Jurisprudence for Forest Officers by B. H. Baden Powell (1882) provided justification for including Bamboo as tree in the IFA.

In jurisprudence one resorts to the use of 'inclusive definitions' when it is felt essential, from the point of view of meeting the objectives of a particular Act, to include in any term's definition certain items that, by a common man, are normally not seen as belonging to that category. The Indian Forest Act also has a number of inclusive definitions and the definition of Tree was also one of them duly constructed to suit the objectives of the Act. At this stage it may be worthwhile to quote from the abovementioned book by Baden Powell: 'If some persons could under any pretence, or color of legal exception, get some defined class of forest produce exempted from the control imposed by the Act, it would be like a small hole in a large cistern, which would effectually prevent its retaining any water whatsoever. The Government Forest would

be gradually robbed, and the stolen produce will be safely passed out, under the pretence that the loads were not liable to stoppage since there is not (as a rule) any external or immediately recognizable indication that timber or other material has come from one forest or another. In the same way, owners of forest produce would get it stolen and safely conveyed away without any risk of detection, if only a loop hole for escape were provided on the ground that the Act did not apply to them.'

Duly positioning the above quoted cautionary statement of Baden Powell in the current context, this article attempts to analyze and understand as to what would ultimately happen to bamboo in its new incarnation or '*avtar*' as a forest produce presumably under Section 2(4)(b) and what may happen to Bamboo forests when the enforcement agencies or even communities and institutions that may have been allowed 'community forest rights' attempt to protect and conserve Bamboo in the forests in the new legal scenario.

BAMBOO IN RESERVE FORESTS:

Reserve Forests are considered as forests having the best level of statutory protection under IFA. Felling of Bamboo in reserved forests, after the current amendment, however, does not attract the provisions of sections 26(1) (e) and 26(1) (f) of IFA anymore. Thus, a person cannot be held guilty under IFA if he causes any damage to the forest by negligence in felling bamboo or cutting or dragging felled bamboo. Further, he

cannot be proceeded against under IFA if he just fells, girdles, lops, or taps bamboo or strips off the bark or leaves from, or otherwise damages, the same. He cannot be charged unless he is caught 'removing' Bamboo which is now, as opined by the foresters, a 'forest produce under 2 (4) (b) (ii) and removal of such bamboo becomes an offence by virtue of provision of section 26 (1) (g). The effectiveness of this, however, for protection and conservation of bamboos is extremely doubtful in view of the fact that post Forest Rights Act 2006 (FRA), many areas of Reserve Forests are burdened with variety of forest rights including rights on Minor Forest Produce (MFP) which includes bamboo also. Although the FRA has given the mandate of recognition of forest rights both in terms of nature and extent, hardly any District level Committee in any state has fixed the extent or quantum of forest rights while finalizing the claims. Sky, thus, is the limit for the forest right holders. The forest right to MFP as per FRA includes access, to collect, use, and dispose of minor forest produce. Further the definition of "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 has been expanded in 2012 through amendment to the Forest Rights Rules to include right to transportation within and outside forest area through appropriate means of transport. Needless to say, in the above situation coupled with total absence of any systematization of or control on the exercise of forest rights, the

differentiation between genuine and illegal removals is an impossibility. Permanent hole in Baden Powel's cistern has been created.

The legal position today is that if some miscreants choose to damage bamboo crop or forests just by felling bamboos and leave them there, they do not become liable under IFA for this action. They can at best be prosecuted for trespassing under the provision of 26 (1) (d) provided they are apprehended. Considering, however, the ever increasing pro-active move of the Government towards opening up of forests for participatory management coupled with the grant and recognition of various forest rights and concessions through a variety of instruments and legislations like Joint Forest Management, Eco development, Management of Village Forests, PESA, Forest Rights Act etc., one can easily imagine the level of improbability of detection as well as successful prosecution of any case of trespass under IFA. Not only this, the erstwhile possibility of prosecution of such offenders under IPC for 'criminal trespass' associated with 'forest offence' also becomes non-existent today because of the non-applicability of sections 26 (1) (e) and 26 (1) (f) to bamboo felling. Only an over-enthusiastic forester in the field with considerable amount of resolve, time and tenacity may perhaps think of applying IPC for damage to 'public property' in such case, lodge the case in the police station and wait for the final outcome! Any practical forester who has

worked in the field can easily visualize the final outcome of such an action in the overall atmosphere created by the high-tide of democratization of forest protection and management in the country. The sum and substance is: Now, just the illicit felling of Bamboo in a Reserve Forest cannot be recorded as a forest offence by forest officers under IFA.

BAMBOO IN PROTECTED FORESTS:

The situation in case of application of IFA provisions to the protection and conservation of Bamboos in Protected Forests in the new scenario needs to be considered in detail. Any forest land or waste land which is not include in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest produce of which the Government is entitled can be notified as a Protected Forest. Protected Forests have traditionally been burdened with rights. As per section 30 (a), however, the State Government may, by notification in the Official Gazette, declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification. This was done considering the necessity for conservation of such species and apparently also to ensure that the rights and entitlements of Government on the land, which more often than not, relate to the interest of the general public are not compromised or disproportionately subjugated to those assigned to few persons or communities. Now, Bamboo as a specie cannot

be dealt with under this section at all because it is no more a tree. Further, all existing tree reservation notifications by various State Governments in regard to Bamboo become infructuous and need to be withdrawn with immediate effect. The State Government is precluded from notifying bamboo under 30 (a) and therefore in the absence of any notification regarding reservation, if one just fells or damages bamboo and escapes, no cognizance can be taken about the felling under section 30 of IFA read with section 33 as of now. The Governments can, at best resort to section 30 (c) and specifically prohibit, from a date so fixed, removal of bamboo (which is forest produce under 2 (4) (b) (ii) under the currently publicized interpretation) in any such forest to prevent it from being transported out. The effectiveness of this step here also, just as in Reserve Forest, is doubtful in view of the fact that Protected Forests are further burdened with variety of forest rights including rights on Minor Forest Produce (MFP) which includes bamboo. The forest right to MFP as per FRA includes access to collect, use, and dispose of minor forest produce. Further, as already explained, the definition of "disposal of minor forest produce" under clause (c) of sub-section (1) of Section 3 has been expanded in 2012 through amendment to the Forest Rights Rules to include right to transportation within and outside forest area through appropriate means of transport. In a situation where currently there

is total absence of any control or monitoring of exercise of forest rights, the differentiation between genuine and illegal removals under the garb of forest rights in the Protected Forests also gets totally blurred. It needs to be understood and appreciated that section 33 was designed to be operated to protect by penalties the rights of Government which are truly those of the masses and catering to public good as against the rights of individuals or certain communities. In the current scenario, this basic objective of this section of the Act so far as it relates to bamboo has suffered perhaps the most serious blow to the gross detriment of public good.

In case of Protected Forest also the forest officer or the institutions saddled with the authority to protect such forests shall have to depend on the police department and IPC for appropriate cognizance of illicit felling of Bamboo and refer to the provisions covering damage to public property. Such cases may succeed only in a situation where before the notification of Protected Forest the 'nature and extent of the rights of Government and of private persons in or over the forest-land or wasteland comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the State Government thinks sufficient' and the person caught felling bamboo doesn't have a right over the same. In case, however, the Government had chosen to take action of notifying Protected Forest using the Para 2 of section 29 (3) i.e. 'in the case of any forest land or

waste land, the State Government thinks that such inquiry and record are necessary but that they will occupy such length of time as in the mean time to endanger the rights of Government, the State Government may, pending such inquiry and record, declare, such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities', and complete enquiry and recording has not been done, the situation becomes truly precarious. In such cases, 'until the rights have been enquired into and recorded, it is almost impossible to say what act or order may not abridge or affect them (*the pre-existing rights of Government on behalf of masses*) (*phrase in italics added*), and if a forest officer or the institution given the responsibility to protect such forests prosecutes a private person and such person asserts that the act complained of was done in the exercise of a right which he claims, but which has not been enquired into, settled and recorded, it is hardly to be expected that the Criminal Courts will convict'. Rather, the prosecuting officer/institution can be charged with misuse of authority.

Considering simultaneously the sections 30, 32 and 33 of IFA and also the fact that in case of most of the protected forests the record of rights is not available in its complete form, the porosity of such forests and difficulty of protecting or conserving them can simply be imagined. To quote, for example, the actions (to

the detriment of bamboo protection) considered erstwhile offences under Section 33 (1) (a) and 33 (1) (g) are no more offences in case of bamboo. Post the amendment regarding definition of tree, the damage by cattle to bamboo plantation or bamboo stand in a portion of Protected Forest is also not an offence any more. At best an offence for cattle trespass can be booked by the forester or the implementing agency. The future of bamboos in Protected Forests in the above situation can be well imagined.

BAMBOO IN AREAS COVERED BY CHAPTER V OF THE IFA AND OTHER ACTS:

Worth consideration is the fate of bamboo occurring in the areas covered by chapter V of the IFA where the State Governments have, post the amendment under consideration, lost the authority to make rules for bamboo protection and conservation that was possible in the past under section 35 (1) (d), (e) and (f). This chapter provides the Governments the power for protection and regeneration of forests and lands not being the property of Government for special purposes like conservation of trees and forests; preservation and improvement of soil; prevention of landslips and ravine formation; improvement of grazing; maintenance of water supply in spring, tanks, and rivers; improvement in fodder supply; maintenance of reservoirs, irrigation structures; protection against storms, winds, rolling stone, floods and draught etc., each of which is a public purpose and deserves to be

given importance considering the frequency of natural disasters and climate change that stare at our face.

In addition, though bamboo is a very important and favored species for tackling the issues mentioned in the Para supra, its exclusion from the definition of tree in reference to public lands which are not 'forest' further exposes it to all kinds of vagaries so far as its protection, regeneration and conservation is concerned. Not only this, the Land Revenue Acts of almost all States prescribe regulations for felling of trees where the definition of 'tree' is drawn from the IFA. In Maharashtra, for example, felling of trees within thirty meters of the extreme edge of the bank, or any water course, spring or tank requires the permission of the collector under the Maharashtra Land Revenue Code. Now, however, bamboo goes out of the purview of such requirement and there is every likely hood that bamboo crops in such critical areas will suffer illicit felling and removal. Again, the requirement of planting required number of trees as per prescribed standards on any land as per section 3 A of Maharashtra Felling of Trees Act 1964 cannot be met by planting bamboos as it is no more a tree. People will have to shift to planting of species other than bamboo for complying with the above provision.

BAMBOO AND TRANSIT/ CONVERSION/ SALVING PROVISIONS UNDER IFA:

Section 41 gives power to the State Governments to make rules to regulate transit

of forest-produce including timber. Section 41 (3) also gives authority to the State Government to direct that any rule made under this section shall not apply to any specified class of timber. The amendment under question makes the regulatory clause 41 (2) (h) in fructuous in regard to bamboo which can be converted/ processed anywhere without violating any law. The history of offences related to bamboo in Vidarbha area of Maharashtra indicates that this option provides for the easy option of smuggling of bamboo available inside the forest by either transporting it in converted form (done in-situ) or by mixing it with that grown outside. Maharashtra, unfortunately, has not been an exception so far as such illegal activity is concerned.

Section 45 provides that all timber found adrift, beached, stranded or sunk, and all unmarked wood and timber shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto. Post the amendment under question, this section will not apply to bamboo which could be found adrift, beached, stranded or sunk.

Many States have amended IFA as applicable in their States to empower forest officer (notified as Authorized Officer) to confiscate tools, boats, vehicles and cattle used in committing an offence in respect of timber, sandalwood, firewood, charcoal or any other notified forest-produce which is the property of the State Government. In Maharashtra, for example

sections 61A to 61G deal with such cases. The award of any confiscation under section 61A or section 61C or section 61D does not prevent the infliction of any punishment to which the person affected thereby is liable under IFA or any other law for the time being in force. Further, section 61G imposes bar of jurisdiction in regard to cases involving timber. As has been the experience, these provisions have proved as a strong deterrent to forest offenders connected with illicit felling of trees, related offences, and use of fast vehicles. With the recent amendment, however, offence cases related to bamboo completely escape the coverage of these sections, something that will definitely and seriously jeopardize the protection as well as conservation of bamboos. Additionally, one can notice that Sections 63(a) and (b) also become inconsequential in respect of bamboo after its removal from the definition of tree under IFA.

BAMBOO AND RULES RELATED TO SILVICULTURE AND REGENERATION:

The forest rules enacted by different states also derive the definitions of various terms from the IFA while they touch upon not just the regulatory aspects but management aspects too. Taking example of Maharashtra again, rules with regard to cutting of trees in Reserve Forests prescribe that no tree shall be girdled or pollarded, no trees of any size growing on slopes of more than 25° (degrees) shall be cut and also that no trees of any size growing within 10

meters of either side of a road or 20 meters of either edge of bank of any water course shall be cut. Similarly in Protected Forests, the rule provides that no trees in a protected forest of any size growing within 10 meters of either side of a road or 20 meters of either edge of bank of any water course therein shall be cut, no tree of any size growing on slopes of more than 20° (degrees) therein shall be cut and no tree shall be girdled or pollarded. These rules are of no consequence today so far as felling of bamboo at any of such important and disaster prone areas is concerned. Similar or even more serious situations may be there in many other states all over the country where tree is defined as 'Tree as defined in IFA' in various enactments and policy documents.

BAMBOO IN FORESTS: FUTURE IN THE WILD:

Since quite some time there had been demands to exempt from the forest transit rules the transportation of bamboos that grew in private lands. It is interesting to note that the transit rules in many States already made under IFA exempted bamboos grown in non-forest areas from transit rules and also provided for delegation of authority to issue transit passes to non-foresters and even to private individuals in respect of forest produce owned by them (Maharashtra is one such example). Guideline by Government of India for operationalization of such specific provisions for bamboos grown outside forests could have perhaps been a better

way of addressing the issue with lesser hazards to which bamboos in particular and forests in general have got exposed today due to removal of bamboo from the definition of tree. The Government of India in its own wisdom, however, did not wish to use this option.

It is felt that the problem faced by the bamboo dependent communities and business should have been tackled while securing simultaneously the protection and conservation regime of bamboos occurring inside forests. The States which have been identified, under restructured National Bamboo Mission approved in the cabinet decision in April 2018, as having social, commercial and economical advantage due to bamboo could have been asked to authorize local public institution to implement transit rules under IFA for bamboo found outside forests. This was very much possible under the existing Act and Rules. Any objective person would agree that opening flood gates of relaxation in the name of ease of business in bamboo grown outside forests can neither promote bamboo planting outside forest areas nor support sustenance of bamboo based enterprise in the long term unless the bamboo business is supported by a regulatory 'mechanism that effectively prevents the flow of illegally obtained cheaper bamboos from forest areas into the business domain.

The amendment, as a special case, also provides

a serious food of thought for all the professional foresters. In the recent times democratization of forestry is on the anvil and different institutions and departments have started legislating on forestry related issues which have fundamentally been the domain of the Ministry of Environment and Forests & Climate Change. One very glaring example is legislation in 2012 by the Ministry of Tribal Affairs on transit of minor forest produce under the FRA. Another example is the notification about transit of Minor Forest Produce in scheduled areas and amendment to the Indian Forest Act done by Hon. Governor of Maharashtra in 2014. Yet another example is sacrifice of landscape based forest management at the altar of community rights under Forest Rights Act 2006 in villages which could be as small as hamlets as defined under section 2(p) of the Act. And yet another example is found in PESA Rules 2014 in Maharashtra State wherein the technical advice of forester on management practices related to MFP is made optional and solely dependent on its acceptance by the Gram Sabha. Additionally, multiplicity of local level institutions and systems created through different legal instruments focusing on forestry resources is creating contentious issues so far as authority, responsibility, professional issues, and jurisdictional matters are concerned. Sudden

amendments like the one under discussion are apparently a reflection of the turbulence which forestry as a profession is passing through today. Present as well as future generations need to survive the ill-effects of ever increasing dreadful and alarming pace of natural resource degradation, over-draftings on forest ecosystems due to ever increasing needs of growing populations, forest depredation on account of the compulsive trap of so called development, and to top it all the acute environmental problems and impending dangers of climate change. With this as the core requirement, It is important for the decision makers to consciously decide whether the rules, regulations and institutions responsible for forest and natural resource conservation are to be relaxed and weakened in the name of democratization or whether it is more desirable to take stricter action including creation of stronger legal instruments and foolproof systems for ensuring sustainability of forests and natural resources. Can anyone deny the fact that the whole humanity as also forest rights and forest based economies would survive only so long as the forests survive? (The author is *Principal Chief Conservator of Forests Maharashtra (Retd) and his Mobile no. is (91) 9822601595*)

Sometimes you win, sometimes you learn.

Melghat Tiger Reserve Staff Assaulted:

On 14th January 2019 around 300- 500 residents of rehabilitated villages of Akot division instigated by some local leaders and miscreants had entered the Melghat Tiger Reserve and occupied the meadows illegally.

On 22nd January 2019 at 3:00pm around hundred police staff and equal number of forest staff approached the villagers who were sitting at Kelpani to talk with them and forward their issues to the higher authorities. The local authorities had taken busses to coax the villagers, who were 200-300 in numbers. During the talks the villagers became violent and started pelting stones at the police and forest staff. Many of them came rushing at the forest staff with axe, slings, sticks, chilli powder and stones. In the ensuing melee over 50 forest staff and 15 police staff was seriously injured. Some of the staff received serious laceration injuries to their bodies, backs, arms and heads. RFO of Dhargad Mr. Sunil Wakode was also seriously injured with the villagers using an axe to attack him and his forester Mr. Ingole. The seriously injured forest staff was sent to hospitals in Akola and Amravati for treatment.

In the attack by villagers over 15 vehicles of the government including that of DCF Akot Mrs. T. Beula, Police Inspector Akot, etc. were damaged. The attackers ran away from the spot after this deadly attack and the forest and police staff could nab 3 accused persons. While running away the villagers set fire to the entire meadows of that division. It is learnt that a huge area of Melghat Tiger Reserve which is core and prime habitat of tiger has been burnt down by these miscreants and villagers. No local villager was injured in this attack. Police fired tear gas shells to disperse the attacking mob. Section 144 was imposed on this area.



949615/IT SEC-RSS
 ప్రజల్లో ముందు



రైతు సంక్షేమమే ఈ ప్రభుత్వ లక్ష్యం

- ◆ ఇప్పటి వరకు ఇచ్చిన ఋణ ఉపశమనం రూ. 14,710 కోట్లు (3వ విడతతో కలిపి).
- ◆ లబ్ధి పొందిన పంట ఋణము ఖాతాల సంఖ్య 57.57 లక్షలు.
- ◆ ఉద్యాన పంటల ఋణ ఉపశమనం రూ. 384.47 కోట్లు.
- ◆ రూ. 4495 కోట్లతో, రూ. 50 వేల లోపు ఋణాలు తీసుకున్న 23.45 లక్షల రైతు ఖాతాలకు ఒకేసారి ఋణ ఉపశమనం
- ◆ ఋణ ఉపశమనంలో కౌలు రైతులకు ప్రాధాన్యత ఇవ్వబడినది.
- ◆ మరణించిన రైతుల ఖాతాలకు కూడా రూ. 51.54 కోట్ల పూర్తి ఋణ ఉపశమనం కల్పించబడినది.
- ◆ ధ్రువీకరణ పత్రాలు ఇవ్వక అర్హత కోల్పోయిన రైతులకు అవకాశము కల్పించి ఇప్పటికీ కూడా పూర్తి పారదర్శకతతో ఋణ ఉపశమనంకు చేయూత.



రైతు సాధికార సంస్థ, ఆంధ్ర ప్రభుత్వం

దేశ చరిత్రలోనే 24 వేల కోట్ల రూపాయల రైతు ఋణ ఉపశమనం చేస్తున్న ఏకైక ప్రభుత్వం
 ఋణ ఉపశమన పథకము 3వ విడత రూ. 3600 కోట్లు విడుదల, రెండు సంవత్సరాలకు వార్షిక 10% వడ్డీతో



LAND COMMITTEE RECOMMENDATIONS IN ANDHRAPRADESH - 2006

By
J V Sharma

INTRODUCTION: The Land Committee was constituted by Government of Andhra Pradesh in December 2004, under the chairmanship of Sri Koneru Ranga Rao, Hon'ble Minister for Municipal Administration & Urban Development to assess the overall implementation of land distribution programmes of the Government and suggest for their effective implementation including the measures to be taken to achieve the objective. The Committee, besides the Chairman, comprised of Sri Redya Naik, Hon'ble Minister for Social Welfare & Tribal Welfare, Sri T. Gopal Rao, IAS (Retd.), Sri Potturi Venkateswara Rao, a well-known Journalist, Sri T. Purushottama Rao, a senior Congress Leader and also included Sri A. Raghothama Rao, IAS, Chief Commissioner of Land Administration, Sri V. Nagi Reddy, IAS, Secretary, Tribal Welfare and Sri K. Raju, IAS, Principal Secretary, Rural Development as Members. The report was submitted to Govt. sometime in late 2006. There has been persistent pressure from various political parties particularly the left to make the report public and the Government has since released the recommendations. The Committee is said to have gone into various aspects of land problem like management of Govt. lands, record of rights, tenancy, land reforms, homesteads, land records, endowment lands, unsettled *inams*, tribal land issues, land litigations and capacity building measures for reinforcing pro-poor perspective. The agenda before us today is to go over the recommendations of the Committee in so far as they relate to the forest lands. The Committee has dealt this issue under the topic 'Tribal Land Issues' in Chapter 9 of the report. Though our concern is more about the forest lands, it is perhaps better or even necessary to gain some insight into the entire land problem in the State to have a correct assessment of the situation and the trends thereof which would logically influence the decisions on forest lands. In this context, it needs to be kept in view that while senior officers having experience in revenue administration and even an officer dealing with 'Tribal Welfare' are involved in the exercise, the absence of a professional forester or a bureaucrat dealing with environment & forests is too conspicuous to ignore.

TRIBAL LAND ISSUES: The Committee dealt at length the issues concerning tribals like Agency Laws and the factors that contributed to the plight of tribals and identified some major issues in tribal land administration. As for the interface between forests and tribals, the Committee zeroed on one single item of 'the land rights' of tribals and identified three major issues to find solution of the same.

1. The pre-1980 Settlement of Tribals,
2. Land under Preliminary Notification of Reserve Forest and
3. Revenue and Forest Boundary disputes.

MAJOR ISSUES IN TRIBAL LAND ADMINISTRATION: The Committee identified the following as major issues in tribal land administration:

1. An inefficient field machinery with no adequate staff, unfilled vacancies, quick turnover of personnel, unwillingness of officials at all levels to work in Agency areas and lack of monitoring and review,
2. Survey not being taken up since a long time,
3. Lack of detection of cases for the last 20 years
4. Lack of investigation into occupation of non-tribals without the verification of the bases of such occupation and assuming all these are old *pattas*.
5. Non-disposal of pending LTR cases for years.
6. Non-restoration of land taken over under LTR years ago.
7. Illegal assignment of Government land to non-tribals interpreting that LTR is not applicable to Government lands and appalling protection of an invalid G.O. No.41 of 1972 though it was struck down by the Hon.ble High Court.
8. Lack of action to evict non-tribals even from encroachments on Government land.
9. No settlement of forest areas by Forest Settlement Officers for years together making the tribal cultivators highly vulnerable to the threats from forest authorities.
10. Growing urbanization in Schedule V areas pushing out tribals paving way for non-agricultural use of their lands.
11. Making things worse, more advanced tribals from other Districts or from other States are coming into the areas occupied by Preliminary Tribal Groups.
12. Aggravating the grim situation, the tribals find that the watchdogs were quite accommodative, if not warm, to the wolves. And oblivious of the deplorable plight of tribals.
13. Whatever little land was brought under LTR has been frozen under Court Orders.

RECOMMENDATIONS: The Land Committee, in pursuit of assignment given to it, has made, in all, 104 recommendations in respect of various issues connected with land distribution. In respect of Tribal Land Issues, the Committee made 41 recommendations under Chapter 9 and only 3 recommendations i.e.) Recommendations No. 9.32 to 9.34, relate to the three identified issues mentioned in the above para relating to forest lands. While the issues and the recommendations thereon need to be discussed and analyzed on the basis of facts and past experience to evaluate their merits, it becomes absolutely necessary to go through the entire gamut of land distribution

in terms of challenges it poses like the magnitude of problem, resources available and operational dynamics. The recommendations made in Chapter 12 provide some valuable information, though not in full, which can be taken as a bench mark for any action on land distribution in future. The Committee is of the opinion that within the existing policy framework, there is opportunity to ensure at least one acre of land to every poor person in Andhra Pradesh. But, curiously, the report does not provide the very basic information of the number of poor people who are the target group of beneficiaries in the State. Yet, the following information (from the report) should be of great interest:

- a. The Government has already assigned 42, 45,607 acres of Govt. land to 29, 23,953 beneficiaries.
- b. A total of 1, 95, 509 acres of land was received under *Bhoodan* Movement of which 1, 12,600 acres was distributed among 42,199 beneficiaries. Of the balance area, 72,827 acres are uncultivable waste and 10,081 acres are yet to be distributed.
- c. The story of land reforms and the area available as surplus makes an interesting reading. An area of 16.63 lakh acres was declared as surplus initially. Later, the area came down to 8.01 lakh acres. An area of 5.71 lakh acres has been taken possession by Government and 2.29 lakh acres are yet to be taken over. According to another set of figures given, out of 7,89,911 acres declared as surplus, 5,82,374 acres are said to have been distributed to the poor and 2,07,537 acres are not distributed for various reasons like litigation in Courts, land being unfit for cultivation, land being set apart for public purpose etc. Surprisingly, the number of beneficiaries is not provided.
- d. A total of 3, 76,346 acres Endowment Land is identified in Andhra Pradesh. It includes 94,136 acres of wetland and 3, 48,138 acres of dry land, the rest being forest, gardens, vacant sites etc. An area of 1, 73,808 acres of endowment land is said to be under lease. Endowment lands are the lands donated by individuals to Hindu Temples, Mutts and religious institutions. The Committee sees an opportunity to make this land available to the poor.
- e. Wakf land is the land donated / given to Muslim religious institutions. The Land Committee hints at the possibility of considering this land for potential arrangements designed to benefit poor Muslim households. Interestingly, the Committee did not furnish the extent of Wakf Land except saying that thousands of acres are available and the reasons for not specifying the extent are not given.
- f. The Committee said that 3, 41,338 beneficiaries were granted pattas over 9, 08,575 acres of Inam Land. They said it is an unfinished agenda.
- g. The Committee expressed great deal of displeasure in respect of detection and disposal of cases under LTR (Land Transfer Regulation). In all, 72,001 cases involving an area of 3, 21,683 acres were booked under LTR and of them 70,183 cases with an extent of 3, 15,132 acres

have been disposed. Majority of the decided cases i.e. 33,319 cases of an area of 1, 62,989 acres went in favor of non-tribals- a clear case of miscarriage of justice.

h. The resource pool identified by the Land Committee includes many Public Sector Unit lands, vacant project lands, Canal embankments, "Found Lands" (*Ghat* Numbers), Joint Farming Societies, Lands bought through 'Saada Bainama' (plain paper) transactions, Tribal Lands (Discussed in detail below) and lands available for sale.

THE COMMITTEE ON STEPS TAKEN IN THE PAST: It is better to know the views of the Committee in their own words:-

1. 'Land still the single most emotive issue in rural areas'.
2. 'Poor have little control over the resources of land'.
3. 'Land ownership in any substantive terms eludes the Scheduled Castes and Scheduled Tribes'.
4. The SC population which was 49, 73,000 in 1961 have grown more than 10000000 by 1991. Land Owners/Cultivators who were 7, 59,000 forming 23% of the able workers in 1961 have come down to 51, 71,900 constituting 12% of the able workers. Agricultural laborers who were 17, 56,908 forming 57% of SC population in 1961, increased to 37, 26,590 accounting for 72% of 1961 figure.
5. 'About One lakh people belonging to SCs lost land ownership.
6. 'Of the people who are able to work, only 12% are holding lands. It has decreased from 23% in 1961'.
7. "The % of agricultural laborers (among SCs) has increased from 57% in 1961 to 72% in 1991'.
8. "Average Holding has decreased". Average holding of SCs which was 1.19 hectare in 1975-76 has progressively decreased to 1.06 ha. by 1980-81, 0.9 ha. by 1986-87, 0.91 ha. by 1990-91 (not a decrease), and 0.83 ha. by 1995-96. Corresponding figure for STs is the average holding which was 2.33 ha. in 1961 has come down to 1.44 hectare.
9. In AP context, the SCs, 16% of State's population, control only 7.5 % of the operated area. And, 'Out of 43, 21,576.37 acres of Government land distributed so far, 9,78,315.91 acres were distributed to SCs i.e. only 22% of the total land distributed'.
10. "From the above, it is clear that despite 50 years of efforts of Government and numerous legislations on land reforms access of land to the socially excluded has not improved".
11. "The Land Committee notes with regret that the land administration over the last decade has gradually weakened to a virtual state of paralysis today".

The issues made out and conclusions drawn by the Committee are certainly not the complements to gloat over. The Land Committee notes that despite a plethora of protective regulations, land alienation is on the increase and that there is no systematic effort to check the land transfers to non-tribals. They also caution that if the present rate of transfer into the hands of non-tribals is not

checked, then sooner than later, this process will be irreversible. Though the Committee did not name any governmental agency for the deplorable state of affairs in land administration and tribal land administration, it is more than evident that the agencies responsible for revenue and tribal welfare stand indicted.

FOCUS ON FOREST RELATED RECOMMENDATIONS:

A. The Pre-1980 Settlements of Tribals:

1. The Land Committee finds fault with the State Government for not taking action to resolve the issue of encroachments of forest lands in the light of guidelines issued by the GOI from time to time. The guidelines related to pre-1980 encroachments and some eligibility criteria were laid. In fact, the Committee also noted that the Central Government, in pursuance of Honorable Supreme Court order dated 23.11.2001, had instructed all State/UT Governments on 3.5.2002 to evict all ineligible and all post-1980 encroachers from forest lands in a time bound manner. The Committee, in its Recommendation 9.32 of Chapter 9, has been rather harsh to observe that "It is a matter of shame that despite a clear provision in law and repeated reiterations from Government of India no action has been taken on the pre-1980 Settlements". The Committee recommended for survey of all such encroachments by special teams, formation of high power committee, and appointment of Forest Settlement Officers etc. As of now, this issue as well as the recommendation, is of no significance in the light of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 which provides for regularization of all encroachments of forest land as on 13.12.2005 up to a limit of 4 hectares in each case.

2. It has however to be said in this connection that the National Forest Policy 1988 and the Forest (conservation) Act 1980 expressly prohibit diversion of forest land for any non-forestry use. The story of forest encroachments is an indelible blot in the history of Environment in India. It can be better stated in the words of GOI itself vide No. 13-1/90-FP dated 18.09.1990 as "*Encroachment of forest land for cultivation and other purposes continues to be the most pernicious practice endangering forest resources throughout the country. Statistical information compiled by Ministry of Agriculture during early 1980s revealed that nearly 7 lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularized such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it for agriculture. The decisions of the State Governments to regularize encroachments from time to time seem to have acted as strong inducement for further encroachments in forest areas and problem remained as elusive as ever for want of effective and concerted drive against this evil practice.*" It further said "*The National Forest Policy, 1988 has also observed the increasing trend in encroachments on forest land and stated*

that these should not be regularized.” After laying down eligibility criteria for regularization of pre-1980 encroachments, the Central Government makes it emphatically clear that “In no case encroachments which have taken place after 24.10.1980 should be regularized. Immediate action should be taken to evict the encroachers”.

3. In the context of Andhra Pradesh, all pre-1964 encroachments of forest lands were regularized and the gesture gave rise to more and more encroachments. The Government was fully aware of the large scale encroachments of forest lands. There were innumerable reports from the Department to the Government. I am in know of at least two occasions where the Government obtained reports from very senior officers specially entrusted for the purpose. Sri S. Raghavan, an Addl. Chief Conservator of Forests had submitted a special report to Govt. in early 1981. The Government directed Sri H K Desai, Additional Chief Conservator of forests to visit the affected areas in Adilabad District and submit a special report. After an elaborate painstaking study, he gave a very exhaustive and factual account of the situation obtaining in the sensitive forest areas. Though the situation presented a grim picture to warrant prompt and effective steps to stem the rot, the Government, after obtaining all the necessary information, has preferred to look the other way. Forest Personnel keen on effective steps were cold-shouldered. Needless to say that populism and political considerations prevailed over ‘Governance and Duty’. And if the Land Committee said that it is a matter of shame, the cap rests comfortably on the Government’s head for lacking the requisite political will. The Governmental indifference served as passive encouragement and has accelerated the process of encroachment of forest lands.

A. Lands under Preliminary Notification of Reserve Forest:

1. The Land Committee took notice of 9,93,551 hectares of forest land which is under the process of reservation and said that more than 75% of such land continues to be so for the last 2 decades and that significant chunk of these lands are under occupation of the tribals. The Committee, while agreeing that there have been not many claims of occupations, think that the occupations could be prior to Notification. The Committee, in its Recommendation 9.33 under Chapter 9 calls for putting in place committees to go into such disputed claims in terms of GOI Clarification 13-1 / 90-FP(1) dated 18th. September 1990 issued by Ministry of Environment, Forests and Wildlife.

2. In this context, it would perhaps be better to state the law relating to settlement of forests and go over the procedure stipulated for Reservation of forests as provided in Chapter II of Andhra Pradesh Forest Act 1967. Section 3 of the Act confers the right on the Government to reserve land for forests. Government Issues a Notification proposing to constitute any land as Reserve Forest under S-4 and appoints a Forest Settlement Officer (FSO) who is necessarily a Revenue Officer not below the rank of RDO. There is a bar on suits during the pendency of reservation. Then the FSO

issues a Proclamation inviting claims and no fresh rights can accrue after S-4 Notification and clearings are prohibited. Section 8 to 12 deal with inquiry by FSO. S-13 provides for appeal to District Court against the order of FSO. The law also permits appointment of a pleader by any claimant. It is only after this entire process and appeal time, a Notification under S-15 is issued declaring the area as Reserve Forest. All the rights not claimed, become extinct thereafter. The FSO acts as a Civil Court for the purposes of inquiry entrusted to him.

3. The areas proposed to be constituted as reserve forest are surveyed on the ground by the forest staff and an inventory of survey numbers included in the proposed forest block is made in the form of an area statement and adjoining survey numbers are also indicated on a map. The area statement and the map of the proposed block so prepared are invariably verified with revenue records and revenue concurrence is obtained. Rule 7 of the A.P. Forest Settlement Rules, 1969 says "At the time of settlement, the FSO shall verify the *gairan* land available in the village limits for the use of community and if it is not equal to the minimum area required for reservation for communal purposes in respect of the said village, he shall provide for the same in consultation with the District Collector by deleting a portion of the proposed forest block from the periphery. He shall intimate the revenue authorities particularly, the Collector and the Tahsildar as to the purpose for which the area is so left out and inform them to enter it in the prohibitory order book so as to make them unassignable for any other purpose."

4. It can thus be seen that the forest settlement process takes abundant care of the interests of not only affected persons but also of the village community. The Forest Department does not have a free run in the matter as alleged often. The FSO, who is not a forest officer settles the claims and takes decisions which are subject to judicial review. Though there is some force in the argument that the rural poor particularly the tribals are illiterate and therefore could not assert their land rights in the past, it can be emphatically stated that they did not suffer any disadvantage on this count as they were never uprooted from their traditional and rightful holdings. The pressure on forest land and consequent encroachments are the result of increase in population, migration and influx of outsiders into the forest tracts, loss of tribal land to non-tribals, exploitation of tribals and Government's failure to protect the tribal interests.

5. The position can be better understood in the words of famous anthropologist, Prof. Christoph von Furer-Haimendorf who spent several years in the midst of tribals of Adilabad District. "Despite all such obstacles, the allocation of land to tribals of Adilabad which began in 1944 made good progress. By 1945, a total of 45,417 acres of land had been granted to 3,144 tribals, and by 1949 the amount of land assigned on patta to tribals had risen to 1,60,000 acres and the number of beneficiaries to 11,198. The work continued until about 85% of the tribal householders of Adilabad District were in possession

of adequate holdings of cultivable land." In 1960, he says "There appears to be at present no acute land problem, and as far as I could see there has been no serious encroachment on the tribals' land. The position will have to be watched, however, when the road-link Utnur-Kerimeri-Asifabad is completed, for the most isolated part of the highlands will then become more easily accessible to outsiders." He, later, recorded "The last sentence of this comment proved prophetic, for since this motor able road was constructed, a great wave of non-tribal immigrants has swept over the highlands, and many of the Gonds and Kolams who had been settled and provided with patta in 1940s were once again deprived of their land. When in 1976 I began an intensive restudy of the Gonds of Utnur, I found a scene completely transformed by the presence of innumerable settlers, most of them emigrants from Maharashtra. There were Marathas, Hatkars, Mahars, members of various merchant castes, and many Muslims, mainly from the districts of Nanded, Osmanabad, and Parbhani, as well as newly arrived Banjaras from Berar. It is not quite clear what triggered this invasion, but local Gonds as well as officials tell of the long columns of bullock carts on which immigrants carried household goods and grain stores and of the herds of cattle which they brought with them. It seems that this movement of non-tribals into the tribal area of Utnur reached its climax between 1965 and 1975, but even at the time of writing i.e. 1980, it has not completely stopped. It coincided with widespread illegal felling of forest, which resulted in the almost complete deforestation of the most of the land along the road between Gudi Hatnur and Utnur. "Prof. Haimendorf also speaks of demographic changes in tribal area in the words: "Visual impressions of the process of ethnic and cultural change are supported by demographic figures. While in 1951 the population of Utnur taluk was only 34,404, the majority of whom were tribals by 1961 it had risen to 55,099 and by 1971 to 93,823. No official census figures are available for later years, but according to a Malaria survey of 1977 the population of the Taluk had then reached a total of 1, 12,000. This phenomenal increase is clearly due to immigration and all the newcomers are non-tribals. The change in the composition of population is reflected in the figures for tribals in individual circles. Thus in Marlavai Circle, which in 1941 was almost totally tribal, the percentage of tribals in 1861 was still 90.38 percent, but by 1971 it had dropped to 65.52 percent, a figure which undoubtedly has diminished since then." This should, by far, the most authentic account of events in a typical tribal area which can hold good for any tribal tract, may be, with minor variations. The tribal land problem which was not an issue up to 1960 has since snowballed into a big challenge to warrant legislation in the form of the ST and Other traditional Forest Dwellers (Recognition of Forest Rights) Act 2006. The genuineness of the land rights has to come in for close scrutiny and the fate of those vast chunks of *gairan* land left for community use at the time of forest settlement needs to be ascertained. There has been mismanagement and misuse of land and it is not difficult to identify the agencies responsible. All said and done, it is not fair to make the 'forests' pay for the

sins of others. The Land Committee was evidently disadvantaged in not having the benefit of inputs which could have been otherwise available from a member of forest background.

B. Revenue and Forest Boundary Disputes:

1. The Committee felt that there are thousands of acres of forest land which are shown as Government lands in revenue records. Many of such lands were assigned on pattas and are under the occupation of the poor who are said to be under pressure from Forest Department to vacate the lands. The Committee recommended for joint survey by the forest and revenue department for settling such boundary disputes.

2. Such boundary dispute cases can only be rare and few. In many cases, it can be a communication gap or incorrect appreciation of a fact. As already stated, the process of forest settlement cannot be finalized without active participation of revenue department and its officials. The FSO who is a revenue officer himself, verifies the area statement containing the details of all lands included in the proposed forest block, village wise, with reference to revenue records and maps of the village and finalizes the settlement only after he is satisfied that all the area figures, their location and shape & size agree with each other in every respect. Notification is published in A.P. Gazette and also the District Gazette. There is no scope for any agency, revenue authorities in particular, to be unaware of lands declared as forests. Besides, there is a practice by which all the lands included in forest are entered in a book and the same is furnished to the revenue authorities under acknowledgement to guard against any assignment of such lands. There is a possibility that revenue records are not updated with reference to details supplied by Forest Department and the Gazette Notifications issued.

3. All land, surveyed or un-surveyed, vests with the Government until any rights are created / granted by the Government. Wherever the land rights are admitted, the land is identified by a number and its shape and size determined and shown in the village map. All un-encumbered Government lands of a village are called *porambokes*. Forest Blocks are constituted of mainly these un-assigned Government *Porambokes*. It is likely that corresponding entries are not made in revenue records and the land in question continued to be treated as Government land under the control of Revenue Department.

CONCLUSIONS: In all fairness, it must be conceded that the Land Committee has gone into the issue of land distribution as objectively as possible, barring the forest related issues where the perceptions are at variance with facts which could be mainly due to lack of appreciation of the other side story. The help of a professional forester could have provided the needed balance.

Vital aspects very central to the issue of land distribution like reliable data on the lands in general and the land use, ownership, the number of poor beneficiaries, their eligibility, aptitude, intent and

capacity to utilize the land, viabilities of such fragmented holdings, fertility and productivity parameters, dependability of land identified, checks against any misuse of assigned land, monitoring mechanism of the land use, providing necessary inputs in the form of credit, seed, fertilizers, insecticides, storage and marketing facilities etc. have not been addressed in full. It is a well known fact that identification of the beneficiaries is the weakest link in our planning process. Bulk of any welfare package is always hijacked by people who do not deserve. The poorest of the poor and the most deserving that have no influence or political patronage continues to be poor. There is no fool proof mechanism in place to guard against such miscarriage of natural justice. It is difficult to comprehend as to how the Committee feels confident to provide at least one acre to each landless poor with so many loose ends in the system.

Another aspect the Land Committee totally ignored is 'environment'. Environment was not an issue when most of the land laws were made. Now, the times have changed and we are in the new millennium with a totally new agenda of priorities. It is necessary to ensure that our programmes are environment friendly. It is not to say that farming is incompatible with environment. The point is the Committee could have recommended some studies on land use and cropping regimes and to spare land for tree planting.

The recommendations made are an open expression of displeasure over administration of land in the State and of the agencies responsible for the same. Implied in them is an inventory of failures and a catalogue of inaction. The Government and the Agencies responsible for implementation of land distribution programmes lacked commitment and have quite often acted counter to the very spirit Governance and good administration.

Truth is like light. As populism could create a temporary phase of darkness overshadowing the truth, truth remains unseen only till the euphoria of populism prevails. Though populism brings instant rich dividends, Truth is bound to emerge after the clouds of euphoria are gone. Need of the hour is to have a vision for good and welfare of coming generations instead of adopting a myopic stance of populism.

The following two quotations also taken note by the Committee should make us think in the right direction:

**"Earth provides enough to satisfy every man's need, but not every man's greed" —
Gandhiji**

**"We did not inherit the land from our fathers. We are borrowing it from our children" —
Amish Proverb**

*We need to stand as a nation, a state, a community to protect
wildlife and wild places for our children. (Terri Irwin)*

STATE OF INDIAN ECONOMY IS PATHETIC

By
Dr. UMA SHANKER SINGH

I always think that why our economy is not picking up, why there is no job in the market and why are we not growing despite world economy grows comfortably in 2018? The economists see problems in the overall global economy in 2019 as they expect global economic growth to slow to 2.9% in 2019 from an estimated 3.3% in 2018. This is below consensus (3.1%) and largely reflects pessimistic view on the US. People see US GDP growth at 2.4% in 2019, as the trade war with China is felt. The government of India could not do well at a time when the global economy was relatively conducive then how can we expect to perform well when going gets tough. There are many reasons but one of the reasons that hit me is the leadership and his ability to steer forward the country in a difficult time like this. There have always been roughly 7-8 top economists of the world reputed working along with the finance ministry or PMO but today we have none and this has resulted in a kind of policy paralysis at the top level. I will like to dwell upon this in ensuing paragraph with the help of some of the recently published reports and statistics released by government of India. A new year

effectively began on January 15 and I have a hunch that the year will mark a turning point for the polity and the economy of the country. Four months from today, a new government will be in office (according to the people's verdict). In the next session of parliament beginning with the 30th January the NDA government will present the vote on account and presumably there will be no change in the state of economy till the new government takes office therefore, this would be proper if we take stock of the economy.

WIDENING FISCAL DEFICIT: The two most commonly used indicators namely, fiscal deficit and current account deficit, are worrisome. Simply Current Account Deficit is the difference between the Country's Imports and Exports. It is also called trade deficit. Fiscal deficit is the difference in the income and expenditure of the govt. Therefore, fiscal Deficit is a broader term in its content as compared to CAD/ trade deficit. The government did not meet the targeted fiscal deficit (FD) last year and is unlikely to meet the target of 3.3 per cent in 2018-19. It is apparently falling short on net direct tax collection and the Centre's share of

GST. It hopes to garner some money by dipping into the GST compensation reserve, by faux-disinvestment and by 'persuading' the governor of the RBI to part with Rs 23,000 crores as interim dividend. Finance minister Arun Jaitley in his last full budget revised his fiscal deficit target for 2018-19 to 3.3% of the gross domestic product (GDP) against the earlier target of 3%, after breaching the deficit target for 2017-18. With this, Jaitley has revised the fiscal consolidation glide path for three successive years. While the budget estimate of fiscal deficit for 2017-18 was 3.2% of the GDP, the revised estimate is now 3.5% of the GDP, the same as 2016-17. The current account deficit (CAD) is a lost battle. As against a CAD of 1.9 per cent of GDP in 2017-18, it will certainly be between 2.5 and 3.0 per cent in 2018-19. Merchandise exports in December grew by only 0.34 per cent, imports declined by 2.44 per cent, yet the trade deficit was USD 13.08 billion. The next fiscal year will start with more debt and less foreign exchange reserves.

LOW GROWTH RATE: Demonetization was on November 8, 2016, in the third quarter of 2016-17. In the eleven quarters ending December 2016, the rate of growth of GDP had been 7.7 per cent. The rate of growth in the subsequent seven quarters ending September 2018 declined to 6.8 per cent. In the first half of 2018-19, the rate was 7.6 per cent but the CSO has

estimated that in the second half it will decline to 7 per cent. The low growth rate is because of the low investment rate, especially by the private sector. In the last three years, the rate of Gross Fixed Capital Formation has been stagnant at 28.5 per cent, and it will be about the same in 2018-19. The low growth rate is the main cause of lack of new jobs. If we believe the CMIE numbers, there is not only growing joblessness, 11 million jobs were lost in 2018. The current unemployment rate is 7.3 per cent.

STRESSED FARM SECTOR: Every indicator of the agriculture sector underlines the distress faced by farmers. The sectoral growth rate in the four NDA years has been -0.2, 0.6, 6.3 and 3.4 per cent. The economic survey 2017-18 admitted that, after four years, 'the level of real agricultural GDP and real agricultural incomes has remained constant'. *Bima Fasal Yojna* has been a failure and this has been found that most of the private insurer has been benefitted rather than the target groups. The anguished cry of the farmers reflects the reality in almost every food items which are being sold below the MSP. MGNREGA is no longer demand-driven and is underfunded; gross capital formation in agriculture was -14.6 per cent in 2015-16 and rose by 14.0 per cent in 2016-17, meaning that it remained at the level of 2014-15; mounting debt has crippled farmers and the average

monthly income of a farmer household of Rs 8,931 captures their poverty.

FARM SECTOR ALONE CAN NOT LIFT PEOPLE

FROM POVERTY: The agriculture can never sustain 45 per cent of the work force; nor can it be the main source of livelihood for 60 per cent of the population of the country unless we step in more investment in manufacturing sector and both the sectors go hand in hand. The way to become a middle-income developed country is through industrialization. It is industry and exports that will create jobs. Both are languishing today. The Index of Industrial Production has remained between 122.6 in April 2018 and 126.4 in November 2018. Approximately 927 projects are stalled, of which 674 are in the private sector. According to the CMIE, investment intentions have declined from Rs 25,32,177 crores in 2010-11 to Rs 10,80,974 crores in 2017-18. It seems that as far as the industry sector is concerned, banks are unwilling to lend and promoters are unwilling to borrow. Since

April-June 2016, credit growth to industry has been appallingly low. It was negative in four successive quarters and crossed 2 per cent only in two of the ten quarters.

EXPORT IS NOT GROWING: The performance of exports is worse. Merchandise exports have not crossed USD 311 billion in any of the NDA's four years. Relative to the peak of USD 315 billion in 2013-14, the growth rate has been negative. Among the worst hit during this period are the two job-creating sectors of 'textiles & allied products' and 'gems & jewelry'.

THE WORLD IS WATCHING US WITH

AMUSEMENT: The world has recognized India's potential but is dismayed by the current state of the economy. In 2018-19, up to January, FPI and FII have pulled out Rs 94,259 crores, divided almost equally between equity and debt. The sovereign bond rate on December 31, 2018, was 7.3 per cent. Evidently, the Jumla of 'fastest growing economy' has few takers in the rest of the world.

I want my children and my grandchildren to live in a world with clean air, pure drinking water, and an abundance of wildlife, so I've chosen to dedicate my life to wildlife conservation so I can make the world just a little bit better. (Bindi Irwin)

TRAVAILS OF THE EDITOR

By
K.B.R. Reddy

The Association of The Retired Forest Officers of Telangana and Andhra Pradesh had its 60th General Body Meeting in the Aranya Bhavan at Hyderabad on December 30, 2018. After the discussion of the items of Agenda, the Editor of Vana Premi, Sri Qamar Mohamad Khan took permission of the President and poured his tale of woes. He said: for running the magazine of the magnitude of Vana Premi, three essentials - money, men and matters - are needed.

There is no dearth of money, thanks to the efforts of the Editor and the Associate Editor. There is no paucity of matters. But there are not many men to contribute articles to the magazine except a few regular contributors whom, the editor termed as "*Aasthanava Kavulu*" (Poet Laureates). The Editor, therefore, made an appeal to the members, who have gained unmistakably rich experience in Forestry to contribute articles to the magazine. The 'matters' the editor is referring to are manifold. This reminds me in this context the popular Telugu couplet by the famous Telugu poet, Sri Sri (pen name of the Srirangam Srinivasa Rao), which reads as follows:

Kavitwaani ki aidi laidu anarham;
Kukka pilla, sabbu billa, talupu gollem,
gurrapu kallem;
Kavitwaani ki kaavlasindi aavesham.

There is no dearth of 'material' for writing poetry; Puppy, Soap Cake, Latch of a Door, Rein of a Horse;

To write poetry what is needed is will and inspiration.

Similarly for a Forester to write an article, as the poet said, the area is wide: a tree, plants and plantations, a hill, a river, a bird and an animal including their habits and habitat, tribes living in forest, a fight to protect a forest, discipline of personnel, fight a litigation in courts, criminal assaults on staff, good response from public on forestry, achievements in *Haritha Haaram* etc. etc.

The appeal of the Editor should not fall on deaf ears or go as *Aranya Rodanam* (A cry in wilderness). The valuable advice of the President of the Association in this regard should not be thrown to winds. I understand and believe the same to be true that many of the members and other subscribers are reading the magazine. They must start writing; because reading is good and writing is better. The citizens across the world look to the New Year with new hopes and new resolutions; let us resolve that Vana Premi will not be allowed to starve and die. Many stalwarts gave their blessings for its long life. Let not the stalwarts turn over in their grave. Speak well, read up and write something down useful. Thanks.

MAPS & MAP MAKING

By

V.SANTHASEELA BABU

In Forestry we all know how important the Maps are in our day to day official life. Without a Map we cannot proceed with our Administration. In visualizing the tract, terrain, topography, forests, non-forest areas, water bodies, location of villages etc; and for everything located on this globe, maps play a pivotal role and we plan our forestry activities basing on the contents depicted in a Map. But majority of us may not be knowing about the history of the Maps as to how they have been evolved, improved and brought to the present stage of precisely pin pointing every item present not only on the Earth but also in the Universe.

Taking a spherical globe and stretching it flat on a table is almost the same as we take an orange peel the outer layer and stretch it plainly on a table. We can imagine how difficult it is. Cartography is the science or practice of drawing Maps. Pioneering work in map making dates back to the early to middle Bronze age in 3rd millennium BC from Babylonia and Egypt who had the bureaucracy with the technology of mathematics and drafting. However the scientific foundation of western map making was laid by the Greeks. The properties, town plans and the roads were mapped by the Romans. The Art and Verbal narrative was incorporated by the Chinese in their maps besides military planning and state security. Arabs developed classical

intellectual traditions and developed their own Islamic mapmaking traditions. The revival in scientific mapmaking in Western Europe was sparked by the invention of printing press and the Ptolemy's Guide to Geography. This has picked up speed by the voyages made by the Spanish, and Portuguese to Africa, Americas and the Spice Islands. The French became the first to conduct an official national land survey and producing 182 map sheets by 1787. These French techniques were adopted by British and the Great Trigonometrical Survey of India was produced in the early part of 19th century.

By around 500 B.C., most ancient Greeks believed that Earth was round, not flat. But they had no idea how big the planet is until about 240 B.C., when Eratosthenes, the early geographer, devised a clever method of estimating its circumference. Eratosthenes was an Ancient Greek scientist born in the town of Cyrene in about 276 BC. Cyrene, then a Greek city, is now the town of Shahhat in Libya. Eratosthenes was educated in philosophy and mathematics in Athens. Around 240 B.C., King Ptolemy III of Alexandria appointed him chief librarian of the library of Alexandria. Eratosthenes' most famous accomplishment is his measurement of the circumference of Earth. He created the maps of the known world, from the British Isles to Sri Lanka and from the Caspian

Sea to Ethiopia. He devised a mapping system using meridians and parallels and thus presaged the latitudes and longitudes which was conceived a century later.

Eratosthenes calculated the circumference of the Earth to be fewer than 4,000 miles off from the actual measurement of 24,840 miles. He noted the position of the Sun at the summer solstice at two different locations and assuming that the Earth was a sphere, multiplied the distance between the two by the portion of a circle represented by that distance. Minor errors, compounded contributed to his over estimation. (A **solstice** is an event occurring when the Sun appears to reach its most northerly or southerly excursion relative to the celestial equator on the celestial sphere. Two solstices occur annually, around June 21 and December 21. The seasons of the year are determined by reference to both the solstices and the equinoxes.) Greek astronomer Hipparchus (ca190-126 BC) contributed significantly to the science of mapmaking as well. After plotting the position of bright stars using latitude and longitude Hipparchus developed a measurement system using 360° as a base line from which to plot positions on Earth's surface.

The following are the histories of Early Mapmaking:

1. Circa- 2300 B.C: Earliest known Map created in Iraq.
2. 1500B.C to A.D. 1000: Polynesians navigate Pacific Ocean.
3. A.D. 1136: Map of China with grid system

engraved on stone.

4. 1420-146 : Prince Henry the Navigator of Portugal advances Navigational Science.

5. 1540-1552: Sebastian Munster (1488-1552) maps Continents.

6. 1569: Mercator introduces world projection.

7. 1570: Ortelius makes portable Atlas. (Atlas is a collection of maps or charts, usually bound together, often containing pictures, tabular data, facts about areas, and indexes of place-names keyed to coordinates of latitude and longitude or to a locational grid with numbers and letters along the sides of the maps).

Abraham Ortelius (1527-1598), a Flemish scholar and geographer has revolutionized the Renaissance world with the publication of *Theatrum Orbis Terrarum* (Theatre of the World) which is considered to be the first true modern atlas. About 7,300 copies were printed in 31 editions in seven languages. Gerardus Mercator, a friend of Ortelius, published his projection in 1569 designing all lines of latitude and longitude depicted as straight lines which aided the navigation and the mariners could more easily pilot a course over long distances. For all purposes Ortelius and Mercator can be said as pioneering mapmakers.

Cartography (Mapmaking) is done with accurate measurements. Nowadays each and every part of the earth is mapped precisely. Even the oceans and the sea floors also have been mapped. The celestial bodies have been estimated with their locations and distances.

The instruments utilized in the mapping were Magnetic Compasses, Theodolites, Tellurometers, Altimeters, Telescopes, Astrolabes. Sextants etc. However these traditional instruments have now been replaced with the GPS, DGPS and other electronic equipments.

The method of surveying and mapping scientifically expanded in the 17th, 18th and 19th centuries. Of course surveying involves the remote sensing, gathering information about an object or an area from a distance. Viewing a particular area from the top of a high rise building or a hill is a method of remote sensing. Sophisticated methods are used to obtain good results. Aerial photography is also a remote sensing method in mapmaking. This has eliminated the costly and time consuming ground surveys. It has also facilitated the precise surveying of even the inaccessible places. Measurements were taken directly from the photographs.

The mapping of oceans is done with Sonar by taking measurements on the depth and form of features in the sea bed. Sonar is based on the principle of echo. The sound waves are bounced to the ocean bottom and back with the distance determined by the time this process takes. The sound waves emanate from the ship, bounce off the ocean floor and are picked up on their return by a receiver in the ship. In multi beam sonar, the sound source and receiver are built in to the hull of the ship and the sonar system scans a wide

area as the ship moves along.

Cartographers need lines of references to locate places on maps. Their reference system, originated from Greeks, uses a grid of lines known as Latitudes (Parallels) and Longitudes (Meridians) and the distances between them are measured in degrees of a circle. The Latitude measures angular distance north and south of the Equator. The Equator is assigned 0° Latitude. All lines of latitude are parallel to the Equator. Latitude divides the Earth in to the Northern and Southern Hemispheres. The Longitude measures angular distance east and west of Prime Meridian which is assigned 0° Longitude. The 1884 International Agreement set the Prime Meridian in Greenwich in England. All the lines of Longitude converge at the North and South Poles.

The measure of a degree of latitude or longitude varies according to the distance from the Equator. At the Equator a degree of latitude is equal to 68.708 miles and a degree of longitude equals to 69.171 miles. There are other types of dividing lines in the Maps and Globes of the world. The world is divided politically into independent countries, delineated by boundary lines. These lines on Maps and Globes can describe many other features such as roads, rail road tracks, ferry lines, rivers, wet lands, cliffs, hills, mountains, valleys and so on.

A degree is a fraction of a circle, and there are 360 degrees in each of the imaginary circles

that describe the surface of the Earth. The number 360 in this context usually is attributed to the Babylonians, who devised a base-60 number system. (Our modern system is base 10). They probably were the first to divide a circle into 360 degrees (6 x 60). Some historians think that the base-60 system derives from the approximate length in days of a calendar year, but others claim that the Babylonians probably chose 60 because it is divisible by so many other numbers. Hipparchus, who invented the formal system of latitude and longitude, divided each Earth circle into 360 degrees, each degree having 60 minutes and each minute having 60 seconds. Latest inventions in mapmaking have totally transformed the basics in Cartography. GPS (Global Positioning System) equipment, remote sensing satellites and the internet have altered the ways the map data are collected, manipulated, shared and utilized. The Cartographic applications of remote sensing are nearly limitless. With mapping and charting from space using satellites, space telescopes, and spacecraft in combination with many-layered software such as Geographic Information Systems (GIS) and numerous databases, the surface of Earth is now pictured daily by numerous remote sensing satellites, producing vast archives of mappable data that are received, analyzed, and maintained by Cartographers, Scientists, and Technicians around the world. Today most natural processes and the effects of many human activities can be rendered into map

form as well, revealing Earth's secrets and giving a good picture of where the planet has been and where it is headed. The space agency's located in different countries are launching number of satellites to explore the secrets of earth and other planets. As such the human being is trying to take over the control over the Galaxies located in the Universe.

All these Landsats are collecting data and are transmitting to the Earth so that a precise mapping of the entire world and Universe is coming handy to the humans. Landsat is a series of unmanned scientific satellites equipped with cameras. With a primary mission of collecting information about Earth's natural resources and monitoring atmospheric and oceanic conditions, Landsat collects surface images in bands of 115 miles square and has the capability to re-photograph each area every 18 days. Overall, the Landsat system provides low and medium resolution mapping. Newer Landsat satellites have more data-gathering equipment, including a thematic mapper with resolution in seven spectral bands, or wavelengths of light.

India is proud of ISRO (Indian Space Research Organization) located at Sriharikota in Andhra Pradesh from where number of Satellites right from 'Aryabhata' in 1970, Bhaskara Seg-1 in 1979 with Soviet Assistance and independently from Rohini RS-1 (Rohini-1B) in 1980 to GSAT-7A in 2018 have been launched. All these satellites were launched in to the space to

obtain greater and finer details about the Earth where we are living and the Galaxy surrounding us. Different Data pertaining to Earth Sciences, Astronomy, Communications, Space Physics, Engineering, Planetary Sciences, Technology Applications, Solar Physics, Navigation, Global Positioning etc; are collected and analyzed minutely.

GPS – Global Positioning System – is a space-age version of triangulation. Originally developed for military use, GPS has three components: satellites orbiting Earth, master control stations around the world, and receivers installed in locations ranging from naval destroyers to private golf carts. In the U.S. GPS system, two dozen Navstar satellites orbit the planet every 12 hours, following six different orbits. Three additional satellites orbit as backup. The satellites contain atomic clocks that send precise times with each signal. The Control stations monitor the satellites, using remote-controlled on-board thrusters to manage their positions. When a GPS user on land or sea calls for location information, signals pass from orbiting satellites to that user's receiver. The length of time taken by the transmissions—usually a fraction of a second—helps determine distance to a point on an imaginary sphere, and the user's latitude and longitude can be calculated by using the mathematics of triangulation. Three satellites would suffice, but more provide redundancy and compensate for inaccuracies. GPS signals are broadcast on two different frequencies, one for military use and

one for civilian use. Civilian augmentation can provide precise location to within 0.4 of an inch. Differential Global Positioning Systems (DGPS) are enhancements to the Global Positioning System (GPS) which provide improved location accuracy, in the range of operations of each system, from the 15-meter nominal GPS accuracy to about 10 cm in case of the best implementations. Each DGPS uses a network of fixed ground-based reference stations to broadcast the difference between the positions indicated by the GPS satellite system and known fixed positions. These stations broadcast the difference between the measured satellite pseudo ranges and actual (internally computed) pseudo ranges, and receiver stations may correct their pseudo ranges by the same amount. The digital correction signal is typically broadcast locally over ground-based transmitters of shorter range.

Thus we have reached a stage of accurate mapping of Earth and its contents and the Universe from the stage of approximation. When we joined in service, we were completely depending upon the Survey of India Topo Sheets for our day today routine and inspections. Now that stage has transformed to locate the points to be reached by utilizing the D.G.P.S. equipment. Once the Surveying of Forest areas was being carried with Prismatic Compass and a Chain. But now it is being done with Lat Longs by taking advantage of DGPS equipment. —

Source:: National Geographic Answer Book & Internet.

FOR THE LOVE OF URDU, IMPACTED BY THE 'ALIGARH MOVEMENT'

By

Dr. B. Raghotham Rao Desai

A. For the love of Urdu....

Background: Before the States were reorganized on Linguistic Basis and Hyderabad State was trifurcated in Nov., 1956, it was under Nizam's' Rule for about two centuries. I was born in my mother's place (which is a Telugu-speaking region and presently part of Telangana State) and grew up, getting educated in Telangana Region till I was chosen for Forest Service in 1954, the year in which I completed my graduation at Osmania University, Hyderabad.

The medium of instruction in Government Schools those days being Urdu, the situation was: converse in Kannada at home (being the only family speaking Kannada in the entire village, located at the Southern end of Mahbubnagar Dt.), managing with Telugu on stepping out of the house, and dealing with Urdu on entering the thresholds of the educational institutions. English was however, taught only as a subject from 3rd Standard, while Telugu remained only as a subject for some time (till the middle-school-level), after which my choice being Higher Mathematics (which too was taught in Urdu Medium), Telugu (and other two regional languages of Marathi/Kannada in other parts of the State) being relegated to only the optional status.

Fact File: I appear to have picked up the language very fast, being of an ideal age to learn any language — my father (being from the adjacent district of Kannada region) too having had to practice as a lawyer in Urdu language and mother too being a daughter of the Dewan of Jatpole-samasthan (the Raja of which was a vassal to the Nizam's and hence all official affairs being transacted in Urdu), the atmosphere at home and outside (as also at school) having helped in no small measure to pick-up Urdu, I started conversing in it like a 'native'! Being conversant in Urdu was to be the desirable basic requirement when the applications were invited by the Government at that time (since the Urdu records had to be diligently dealt with, regarding Reservations of Forest Blocks, etc.). Later, I got enamored of that beautiful language for the next decade-and-a-half as I had to work in the erstwhile Hyderabad State Region, allocated to Karnataka. Opportunities came my way when I enrolled for post-graduation in Urdu, towards the end of my service followed by an assignment of compiling Urdu-Kannada & Kannada-Urdu Dictionaries, and still later, serving as a member of Karnataka Urdu Academy. I was incidentally admitted to PhD in Urdu at Kuvempu University (Shimoga) which

was awarded for the thesis: "Concealed Scientific Thoughts in Mythological Literature" ("Asaatheeri adab-mein Science-ke Muzmiraath"), written in Urdu script & language. In this age of rabid linguistic chauvinism and the ever-increasing attitude of other people's languages, both State Government and the Central Govt. were apparently fascinated "by my journey with consummate ease" thus far, the Centre entrusting me thereafter the prestigious job of compiling a voluminous Trilingual Dictionary (Urdu-English-Kannada, with extra-columns provided for pronunciation of Urdu-words in Roman-English and -Kannada) — a very ambitious project of unique nature (taken up for the first time as an experiment) — under the Ministry of HRD. It took ten long years for the said arduous job to be completed, when it was published in 2014 by the Ministry (through National Council for Promotion of Urdu Language).

Conclusion: Language indeed doesn't belong to any community or ethnic group — **'yours truly'** even speaks, as well as writes in addition Telugu, Hindi, English and of course Kannada, perhaps as fluently as 'natives', in those languages. Further, being resorted to write so much mostly in English as Chief Editor of the Quarterly mouthpiece of Karnataka Retired Forest Officers' Association for the last several years, while also contributing to sister-journals in the State and outside (such as 'Vana Premi,' 'My forest,' 'Bamboo News' etc.,) whereas some Urdu

publications carried quite a few Urdu articles, which is just a humble admission of facts.

Every time one learns a new language, one gets a new soul because a language widens the horizons of an individual. It also deepens one's perceptions and sensibilities. One should not develop language-stereotypes, and should not harbor flawed-ideas which will not enable them to speak alien languages! It is time we encouraged our youngsters to learn new languages and not restrict themselves to just their mother-tongue — alas, most of them don't even know to read and write their mother-tongues properly: they are often found inarticulate in all languages, which is indeed so saddening.

B. Sir Syed's 'thoughts' and Hyderabad

Background: South Indian region is endowed with so many singularities and peculiarities, an important trait of it being its equitable climate and parched weather, while lying prominently with a capacity to absorb, due to which its educated class has developed openness and magnanimity of top order. Because of such outstanding qualities, the Southerners have historically observed the movements and temptations of the Northerners and introduced choosily the suitable ones for adoption: one such acceptable movement was the **'Aligarh Movement'** which was started by Sir Syed Ahmed Khan, in the 15th annual conference (known as "Mohammedan Anglo Oriental Educational Conference") held in 1901 at

Madras (now Chennai).

Although in the South there was no opposition to learn English at that time and there was sufficient English-knowing population in the cities like Madras (Chennai), Bangalore (Bengaluru) and Hyderabad, which included businessmen and Government servants as well, but when Sir Syed's thoughts resonated after the said conference, there was great wave among the youth to enter schools and colleges all over South India as education started spreading like never before.

Policy adopted in Hyderabad State: Being the largest Princely State until 1947, ruled by the Nizams for more than two centuries, the impact of the said movement was felt way back in 1870 (during the reign of Nawab Mir Mahbub Ali Khan, the VI Asafjah: 1869-1911), although 'Nizam Medical School', 'Dar-ul-Uloom' and 'Nizam College' were commenced earlier in 1846, 1854 and 1887 respectively and were functioning smoothly. Even 'College of Law' was founded in 1899 and finally Osmania University came into existence in 1918 with the help of State's Chief Architect Nawab Sarwar Jung. Though so much of awakening had been existing to educate State's multitudes, the advantages of Sir Syed's 'Aligarh Movement' had come to be assessed, and was welcomed with open arms.

When Sir Syed visited Hyderabad (as leader of a delegation, which included his acolytes Moulana Altaf Hussain Hali and Allama Shibli Noamani) in 1891, a grand reception awaited and the

delegation had the honour of having the Nizam's audience which resulted in 'doubling of financial assistance' to Aligarh's Institutions (i.e., Rs., 2000/-, at a time when price of gold was around a Rupee a Gram). The 6th Nizam was presented with well-composed Ode/poem ('Qasidas') in Urdu (by the Moulana) and in Persian or Farsi (by the Allama).

And after Nawab Mir Osman Ali Khan assumed affairs of the State as VII Nizam, regular monthly payment of Rs., 500/- was additionally sanctioned to meet the expenses of the offices of the Muslim University and to conduct conferences in various Indian cities as part of 'Aligarh Movement' from 1916 onwards.

The said movement got a big fillip in the State when Sir Syed Ras Masood (Grandson of Sir Syed Ahmad Khan and son of Justice Syed Mahmood), was appointed on 9-9-1916 as Director of Education, Hyderabad State. Just after 8 months of his arrival, Osmania University having been established, it caused such a great revolution in the field of Education in the princely state.

Conclusion: Sir Ras Masood's importance was not because he was Sir Syed's grandson, but because he was such a great educationist whose policies laid foundation to educate the youth and the citizens, transforming the State from its backwardness to a modern/model one in the country, his services becoming unforgettable by the region.

FOREST AND REVENUE DEPARTMENTS SPAR OVER FOREST BOUNDARIES

By
J. V. Sharma

The Deccan Chronicle has reported in its 3rd January 2019 issue that about 6 lakh acres of forest land is in dispute. According to the report the land belonged to Forest Department but it is not entered in revenue records. The report provides a summary of forest land position in the State saying that forest land covers an area of 66.7 lakh acres of which 47.09 lakh acres are undisputed. According to details furnished, out of the 66.7 lakh acres of forest land, 53.77 acres area has been verified of which 47.09 lakh acres are reconciled and the balance 6.6 lakh acres are in dispute. Another 12.9 lakh acres of forest land is yet to be verified. Most of these disputed areas are said to be in Nagar Kurnool, Mahabubabad, Bhupalpally, Asifabad and Adilabad Districts. Report further states that the PCCF is seized of the matter to clear the issue pending since several years. He is said to have identified about 25 issues to be sorted out with revenue department and is preparing guidelines. The news report quoted a senior official of Forest Department saying on condition of anonymity that the issue is pending since several years and the Chief Minister is keen to develop the forests and the figure of 6.6 lakh acres under dispute may go up when all the 12.9 lakh acres area is verified. There appears to be no reason to invoke anonymity as the official did not divulge any state secret but was only saying what is already in public domain.

In fact, the news report raises more questions the mere forest land dispute. Following points should come up for consideration whenever a question arises about the status of land:

1. The forest land in the instant case is the Government forest land. It is constituted to be so under a statute according to the procedure laid down. All the forests are kept in the custody of Forest Department of the State.
2. Here, the dispute is with the Revenue Department which is in charge of land record and custodian of all government land which is not alienated to others.
3. Forests are constituted adopting the information furnished by the Revenue Department and with revenue departments' concurrence.
4. An area comprising the parcels of forest land concurred by revenue department is declared to be a 'forest' by the Government. In the worst case scenario, claims by individuals and their settlement and administrative delays hold up the process for years together rendering the resolution of

contentious issues that much more difficult. It is mostly in such cases the forests suffer a great deal as the problems multiply with time. Role of the Forest Settlement Officer and reconciliation of figures with revenue department stand out as the most important obstacle.

Even as I was busy writing this article, I suddenly remembered of my other article written more than a decade ago about Land Committee Recommendations. In all probability it may have been published in Vana Premi but I am not sure. I could however retrieve it in my computer and found it to be eminently relevant and suitable for publication even now. It was about recommendations of the Land Committee constituted by Government of Andhra Pradesh in 2004 and its contents hold good for the composite State and also the residual AP State & the new State of Telangana.

The objective of the committee was to assess the overall implementation of land distribution programmes of the Government and suggest for their effective implementation including the measures to be taken to achieve the objective. The Committee comprised of Sri Koneru Ranga Rao, Minister for Municipal Administration as Chairman and Sri Redya Naik, Minister for Social Welfare & Tribal Welfare, Sri T. Gopal Rao, IAS (Retd.), Sri Potturi Venkateswara Rao, Senior Journalist, Sri T. Purushottama Rao, a senior Congress Leader, Sri A. Raghothama Rao, IAS, Chief Commissioner of Land Administration, Sri V. Nagi Reddy, IAS, Secretary, Tribal Welfare and Sri K. Raju, IAS, Principal Secretary, Rural Development as Members. The report was submitted to Govt. sometime in late 2006. The composition of the Committee represented all shades of public opinion, particularly the deprived sections of the society. The chairman was from the SC community and the Minister for Social Welfare & Tribal Welfare was himself a tribal leader. Besides having a reputed journalist, the Committee included senior leaders in public life. Significantly, the Committee included very top level IAS officials, retired and serving. The very fact that it had the highest official of the revenue administration in the State, the Chief Commissioner of Revenue Administration (CCLA) and Secretaries to Government in charge of Tribal Welfare and Rural Development adds undeniable authenticity to the figures furnished and conclusions drawn in respective of their respective departments.

I borrowed material extensively from the Land Committee report for my article. In fact, I wondered as to how the Committee could be so critical of their own administration. I strongly commend to the readers to have a patient look of the article which is published as an addendum to this article. I particularly invite attention to sub-titles "Major issues in tribal land administration", "The Committee on steps taken in the past", "Focus on forest related recommendations" and "Conclusions" of the said article.



Sri N.Sridhar, I.A.S., C&MD, SCCL inaugurating Telanganaku Harithaharam in Singareni



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- SCCL planted 3.72 crores of saplings in 10,932 Hectars of land (up to July 2017)

Rehabilitation of RF land (Non mandated)

- SCCL honoured with "Indira Gandhi Vriksha Mitra Award - 2004", "Teri Corporate Environment Award - 2004", "Golden Peacock Environment Management Award-2005" and "Golden Peacock Innovative Product/ service award -2015" and many more for it's Eco & Environmental friendly mining.
- Sri N.Sridhar I.A.S., C&MD SCCL honoured with "Asia Pacific Enterprenuer Ship Award - 2018" and "Outstanding Leadership Award - 2018".



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The article on the Land Committee (LC) is self explanatory. The Committee dissected the land issue in some detail and did not hesitate to record even the unpleasant facts. Viewed in its totality, the Committee virtually castigated the Revenue Department in the clearest language and justified its conclusion with evidence. I cite below a few examples of the ire and anguish the Committee experienced:

- a) An inefficient field machinery with no adequate staff, unfilled vacancies, quick turnover of personnel, unwillingness of officials at all levels to work in Agency areas and lack of monitoring and review.
- b) Survey not being taken up since a long time,
- c) Lack of detection of cases for the last 20 years
- d) Lack of investigation into occupation of non-tribals without the verification of the basis of such occupation and assuming all these are old pattas.
- e) Non-disposal of pending LTR cases for years.
- f) Non-restoration of land taken over under LTR years ago.
- g) Illegal assignment of Government land to non-tribals interpreting that LTR is not applicable to Government lands and appalling protection of an invalid G.O. No.41 of 1972 though it was struck down by the Hon.ble High Court.
- h) Aggravating the grim situation, the tribals find that the watchdogs were quite accommodative, if not warm, to the wolves. And oblivious of the deplorable plight of tribals.
- i) Making things worse, more advanced tribals from other Districts or from other States are coming into the areas occupied by Preliminary Tribal Groups.
- j) The Government has already assigned 42,45,607 acres of Govt. land to 29, 23,953 beneficiaries.
- k) The story of land reforms and the area available as surplus makes an interesting reading. An area of 16.63 lakh acres was declared as surplus initially. Later, the area came down to 8.01 lakh acres. An area of 5.71 lakh acres has been taken possession by Government and 2.29 lakh acres are yet to be taken over. According to another set of figures given, out of 7,89,911 acres declared as surplus, 5,82,374 acres are said to have been distributed to the poor and 2,07,537 acres are not distributed for various reasons like litigation in Courts, land being unfit for cultivation, land being set apart for public purpose etc. Surprisingly, the number of beneficiaries is not provided.
- l) The Committee expressed great deal of displeasure in respect of detection and disposal of cases under LTR (Land Transfer Regulation). In all, 72,001 cases involving an area of 3,21,683 acres were booked under LTR and of them 70,183 cases with an extent of 3,15,132 acres have been disposed.

Majority of the decided cases i.e. 33,319 cases of an area of 1, 62,989 acres went in favour of non-tribals- a clear case of miscarriage of justice.

m) From the above, it is clear that despite 50 years of efforts of Government and numerous legislations on land reforms access of land to the socially excluded has not improved”

n) “The Land Committee notes with regret that the land administration over the last decade has gradually weakened to a virtual state of paralysis today”.

All land, surveyed or un-surveyed, vests with Government until any rights created/granted by the Government. Wherever the land rights are admitted, the said piece of land is identified by a Survey Number of that particular village and its location, size and shape are determined and marked on the village map. All un-encumbered land like *poromboke*, *gairan*, *charai* etc are also assigned Survey Nos. It is an undisputed fact that land administration is the exclusive domain of revenue department. Even in respect of alienated land or declared forest land, power to maintain the record and account vests with the said department. Revenue Department is directly managed by the bureaucrats of All India Service. Not only this; all the public welfare departments including the Tribal Welfare Department have bureaucrats at the top. The observations of the Land Committee are certainly no compliments to the administrative mechanism. The expletives used, the pun and sarcasm of the words chosen are a sad commentary on the land administration in general and a rebuke to the captains.

Forest Blocks are constituted of mainly the un-assigned Government lands. The forest settlement process has been explained in detail in the other accompanying article and therefore not discussed here to save repetition. Though the LC should be credited for being fairly objective in dealing with land issues in sectors overseen by the bureaucrats, the same degree of objectivity is missing in respect of forest related issues and the perception deficit is clearly discernible. While the Committee had the benefit of direct inputs from the bureaucrats who managed the other sectors, no such benefit was at hand in forest matters. I strongly felt that a consultation with the representative of Forest Department would have served the cause better. The track record of Revenue Department being what it has been noted by the Committee itself, it is not surprising that the said department did not update its records promptly and allowed matters linger for decades. It is likely that entries are not made in revenue records after forest settlement or did not consult the Prohibitory Order Book before taking decisions and the land in question continued to be treated as Government land under the control of Revenue Department. The LC Committee recommendations or the omissions and commissions pointed out in the report of 2006 remain

unaddressed even till today.

Inaction in maintaining the record perfectly did not limit to forest-Revenue boundaries alone. It is a common feature in Revenue Department to keep the record as confusing as possible. That we see any number of cases where Mutation Certificates are issued by the revenue officials to both the rival claimants is only possible when the records are kept in chaotic condition and it makes one to suspect whether it was deliberate. More than 90% of land disputes now pending before the judicial forums are the result of this apathy in land administration.

The Land Committee confirmed the above fact indirectly saying that despite a plethora of protective regulations, land alienation is on the increase and that there is no systematic effort to check the land transfers to non-tribals. They also caution that if the present rate of transfer into the hands of non-tribals is not checked, then sooner than later, this process will be irreversible. What holds good for goose can also hold good for gander; if the tribals had a raw deal in land administration with impunity, it can as well happen with any other person. Though the Committee did not name any governmental agency for the deplorable state of affairs in land administration and tribal land administration, it is obvious that the agencies responsible for revenue and tribal welfare stand indicted.

The so called forest-revenue boundary issue is not that intractable as to defy resolution. Surveying technique in the past was primitive and there was much scope for human error. There are advanced technological devices now to make the survey totally foolproof. Moreover, forest boundaries can be seen on the field denoted by a boundary line and pillars which can be crosschecked with a field book prepared at the time of original survey with prismatic compass and chain. Even otherwise, natural features and land marks on the ground are permanent and inalterable which can be correlated with modern survey instruments. Reputed organizations like Survey of India or Forest Survey of India can resolve the so called vexed boundary disputes. Methodology is satellite linked with inbuilt rectification technology.

It is necessary to clarify that the location of the forest area and its existence on ground is more important than whether it is correctly described in the records or not. Supreme Court has defined the 'forests' and it is the law of the land. Archaic definitions can no longer be acceptable.

It is perhaps incorrect to treat the issue as a dispute. If we call it a dispute, there should be two contending parties with conflicting claims. In the issue currently under discussion, there are indeed two parties i.e. the Forest Department and the Revenue Department, with differing perception of facts. Ironically, both these departments are the organs the same Government. One part of the

body cannot be in dispute with another part of the same body without hurting the whole body. The constituent entities of an Organization can only have differing perceptions and the Organization should have an in-house settlement mechanism. It will be silly if the Forest Department and the Revenue Department call it a dispute and approach a law court for adjudication. In such an event, the Government will become a laughing stock incapable of resolving an internal matter.

In this context, I may recall my own unpleasant experience years ago. While I was DFO, Illicit Cultivation in Adilabad District, Mr. L. Lohit Reddy was the DFO, Jannaram. Both of us inspected encroachment patches in his Division and decided to initiate some proactive action to evict the illegal settlers. Under Forest law, eviction is possible only after the accused are convicted. As the prosecution is likely to take long time, we were exploring for a quick solution. The Revenue authorities have power to evict with a much shorter time frame. We met the Tahsildar and explained the matter. We have also cautioned that lower staff of revenue department is behind the encroachers treating the area as revenue land. The encroachers were in hundreds. We did not take the revenue staff into confidence and prepared notices in thousands, got them signed by the Tahsildar. We have also taken care to ensure that all notices are served and acknowledgements obtained.

Even as we were preparing to take up a massive eviction programme, the Tahsildar informed us that he received a stay order from the High Court. The encroachers contended that they were in occupation of revenue land since decades and produced some receipts issued by the Patwari. Strangely, the respondents did not include the Forest Department which the custodian of the property under contention. We decided to implead to demolish their claim. When we explained the situation to the Govt. Pleader (Forests), he sympathized with our plight but said the Forest Department cannot arraign the sister department in a Court of Law and it is a paradox. He advised us to meet the Govt. Pleader (Revenue) and seek solution. The rest of the story was a tale of woes and in the end it was a tragedy.

The lesson to learn is that the Forest and Revenue Departments cannot treat the boundary issue as a dispute and a solution needs to be found within the governmental realm. The Land Committee very aptly quoted the following proverb. Government would do well to understand it and follow.

“We did not inherit the land from our fathers. We are borrowing it from our children” —

Amish Proverb

Note: Please also read my article on Land Committee, also published in this issue.

DEPLETION OF FOREST LAND RESOURCE -A CAUSE FOR CONCERN

By
Dr. Akula Kishan

1.0. Introduction: It was considered ideal to maintain one third of geographical area in India under Forest Cover so that the benefits from forests can be enjoyed on sustainable basis by all the stake holders. Though the Forest Policies of 1952, 1988 and the forthcoming policy have enunciated the same, the facts are different. The pressure on Forest Land is increasing and policy makers are looking at short term gains and economic considerations are kept in view while diverting the forest lands under control of Forest Department.

2.0. Sources of depletion: The following are the sources of depletion of Forest land, in general in India:

1. Forest Encroachments
2. Forest Acts
3. Recognition of Forest Rights Act, 2006
4. Forest (Conservation) Act, 1980
5. Manipulation of Land Records

2.1. Forest Encroachments

When Forest Blocks were constituted under British Rule or by local Governments there was enough area left for the use by village community for grazing and other requirements. Due to increase in population and other local factors, the buffer zone has disappeared and the village needs as well as additional land for

cultivation is being taken from the reserved forests. The area for agriculture could be for settled cultivation or shifting cultivation. The encroachments were regularized by some State Governments which gave the impression to others that, if they resort to encroachment now, they can put claim at later date and till such time enjoy the land by managing local officials or through interim orders from Courts with directions to concerned Government departments not to interfere with possession and enjoyment of the encroachers. Over the last 30 years forest land over 15,000 sq. km is lost.

2.2. Forest Laws

The Indian Forest Act, 1927 or many of the State Forest Acts have not provided deterrent punishments for forest offences, and encroachments are dealt with in a cursory manner, as the offences are bailable and the court procedures are such that the normal forest staff are not trained to deal with. As a result the encroachers are courting arrest so that they can use the copies of forest offence records or copies of Court orders as proof of their possession of forest land. Some States like Andhra Pradesh have amended the Forest Act and many of the forest offences, including offences involving land encroachment are

made non-bailable. The Central Government has no rule making power as such except issuing guidelines for any issue.

2.3. Recognition of Forest Rights Act, 2006

The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also called as Recognition of Forest Rights Act, 2006 or Forest Rights Act, 2006 was brought in by the Tribal Ministry of Government of India as it was felt that many tribals living in and dependent on forests are being harassed and they are not given due recognition of their rights and privileges. The Act has given general and sweeping power and gave title to the forest land up to an extent of four hectares per family. In the preamble of the Act it is stated that, "the rights on ancestral lands and their habitat were not adequately recognised in the consolidation of State Forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribes and other traditional forest dwellers who are integral to the very survival and sustainability of the forest eco-system". The presumption is made after about sixty years of independence, and the rights of forest dwellers were never taken away by foresters and the tribal development authorities have seen to that no injustice is caused to them. There are instances where the one Government department such as Forest department attempted to regulate the use of forest resource and in such course of action booked forest offence cases, the other

department in tribal welfare wing financed the tribals to fight the cases and paid them legal charges. The recognition of the rights could have been planned within Forest Laws, instead of promulgating an over-riding Act. In the process the role of Forester is minimal at ground level. The benefits from the regularization are misused in forest areas, as many of the beneficiaries are selling their allocated land to non-tribals and going in for fresh forest land occupation. So far about 58, 53,205 hectares or 58,532.05 sq.km of forest land is given out under Forest Rights Act.

2.4. Forest (Conservation) Act, 1980.

Many of the Government projects and some private projects are being located in forest areas and though elaborate procedure is prescribed for diverting the forest area, the quantum of diverted land is huge. The user agencies are required to provide alternate land nearer to an existing forest block, the efforts made to raise plantations are not so encouraging. About 14,000 sq.km of forest land is lost to various projects.

2.5. Manipulation of Land Records:

The Forest Departments in India are in possession of areas which are not declared as Forest Blocks under relevant Forest Acts, but they do not possess title to land they are in occupation since decades. The Revenue Department modifies the records and mutates the title based on the documentary evidence produced by the concerned, whereas in Forest

Department once the reservation of Forest Block is commenced or completed, the updating of Revenue records is generally not taken care of, as a result number of Court cases are filed against Forest Department by the occupiers, and they could provide sufficient evidence in Courts to prove their claim, the Forest officials do not have the proper records except a decades old Gazette notification or some other documents which indicate that forest department is concerned with the particular land in question. There are instances where forest land notified as Protected Forest long ago is sold by someone and purchased by a factory to be given to Forest Department as Compensatory Afforestation Area. So Forest land is sold by someone to be given back to forest!

3.0. Consequences of loss of Forest Land

3.1. Once the forest land is lost from the possession of Forest Department, it is difficult to reclaim the same. The loss of land is thus permanent and the efforts to achieve one-third geographical area under forest cover cannot be achieved.

3.2. The existing forest eco-system cannot be built artificially and the open land given under compensatory Afforestation would also be lost in addition to the land already diverted from Forest Blocks. Thus the loss is in both ways.

3.3. The loss of forest land and resultant loss of forest cover has many effects, such as change of climatic factors and the alteration of ground water Regime etc.

3.4 The loss of Forest Land and the forest cover would also lead to soil, air and water pollution

3.5. The forests are the homes of Wild Animals and of many of the plant species of economic value as well as medicinal use, and the resources are lost. The Wildlife is forced to move out of their habitat and thus enter human habitations resulting in human-animal conflict.

3.6. The Forest Land diverted under Forest (Conservation) Act, 1980 is treated as 'forest' only for technical purposes but the same cannot be reclaimed at later date.

3.7. The Forest areas given under Joint Forest Management/Community Forest Management are also, in many cases, resulting in permanent alienation of the land to the persons or beneficiaries

3.8. The loss of forest area can cause more biotic interference to the remaining forest reducing their productivity and other consequential benefits.

3.9. The habitat of Wildlife which is lost cannot be created

3.10. The Medicinal plants and other genetic material are also lost forever.

4.0. Remedies suggested

4.1. The problem of encroachments should be dealt with sternly to prevent any further loss of forest land. Legal enactments should be made to prevent Courts of law from giving interim orders on possession of land without any report from the concerned Departments. No Government schemes or benefits should be

extended to the encroachers to dissuade them and others.

4.2. The Forest Laws should be suitably amended to give deterrent punishment to forest offenders, and also stipulate that no person involved in encroachment of forest land would be eligible for any future benefits from forests or in any other Government programme.

4.3. The prevention of forest encroachment should be given as joint responsibility to Forest, Police and Revenue Departments apart from other Welfare Departments of Government. The message should be clear that in case of encroachment of Forest land, no Government department would help them.

4.4. The Forest Rights Act, 2006 should be looked into, as most of the provisions are being misused and the beneficiaries are made to suffer in many cases in the hands of intelligent land mafia. The Forest Act and the Forest Rights Act are working at cross purposes instead of supplementing one another. All claimants who have been found not eligible for title of Forest Land should be summarily evicted.

4.5. In the cases of application for diversion of forestland for non-forest purposes, the application should be examined in exceptional cases only and not as matter of routine. The Forest (Conservation) Act should not be used to encourage 'official encroachment' as the land diverted to any user agency is almost gone forever, as in the case of private person encroachments.

4.6. The land given for compensatory Afforestation is in many of the cases not suitable for regular plantations, and in many of the cases the land taken over is not being notified as protected forest or land proposed for formation of reserved forest. And after lapse of some period the matter is forgotten and land is lost. Hence the taken over land should be notified under Forest Act before the forest land is diverted to the user agency.

4.7. Maintenance of land records should be taken up on priority and old notifications which had boundary description only should be revisited by using modern technology and digital methods and the correct data should be given to Revenue department for incorporation in their records. The corrected forest and Revenue records should be put in website for the knowledge of general public and to prevent the misuse of land records.

5. Conclusion

The land is a precious resource and Forest and Wildlife wings of Government have vast areas under their control, and the resource should be protected from all possible infringements. If a forest trees are cut, they can be re-grown, but if land is lost, the consequential effects will be cascading and the climatic and edaphic factors not only affect the local residents but others in nearby regions. Apart from initiative from Government departments, the political system and judiciary should also support the efforts so that future of human beings is protected.

MINUTES OF 90TH GENERAL BODY MEETING, OF ASSOCIATION OF RETIRED FOREST OFFICERS TELANGANA AND ANDHRA PRADESH HELD ON 30TH DECEMBER 2018

1. Welcome Address by Secretary:

The Secretary Sri A.V. Govindarajulu welcomed the members to the 90th General Body Meeting of the Association and requested Sri S.K. Das President, Sri T.Narayana swamy Vice President, Sri M. Narasimha Reddy Treasurer, Sri Qammar Mohd Khan Editor and Sri Iqbal Singh Auditor to occupy their seats on the Dias. The agenda for the meeting was placed before the President with a request to preside over the meeting and conduct the proceedings. The President conducted the proceedings.

2. Shradhanjali:

The Secretary informed the members with deep sorrowness that in the interim period between last General Body Meeting and this meeting Sri. K. Rajasekhar IFS (RTD), Chief conservator of Forests in Erast while Andhra Pradesh and member of Association passed away on 21.10.2018 at Hyderabad after Brief illness at the age of 81 years. Sri. C. Laxma Reddy DFO (RTD) had also passed away at Hyderabad on 25.10.2018 at the age of 84 years after Brief illness.

The Senior Member of Association Sri K. Buchi Ram Reddy read out obituary of late K. Rajasekhar and late C. Laxma Reddy. Their services and contributions to the Forest Department and to the Association are recalled.

All the members stood in silence for two minutes as a mark of respect to the departed souls.

3. Action Taken Report of Secretary:

Action is taken as per resolutions, passed in

Executive Committee Meeting held on 18.11.2018 at Aranya Bhavan on the following matters

- i) Holding of General Body Meeting on 30th Dec 2018 at Arnya Bhavan
- ii) Sending SMS Messages and Contacting on Phone the members for attending General Body Meeting with spouse.
- iii) Informing the Members about demise of Sri. K. Rajsekar and Sri. C. Laxma Reddy, place and time of funeral.
- iv) Requesting the members to give photos and correct addresses for printing Telephone Directory.
- v) Presenting Internal Audit Report for the period from 2013-14 to 2017-18.
- vi) Member ship Drive.
- vii) Sending contributions of Members for Kerala Distress Relief Fund to Government of Kerala.
- viii) Donation of Cups, Steel Flasks with dispenser by Secretary.
- ix) Hosting of Lunch and Refreshments in General Body Meeting by Sri. C. Sammi Reddy IFS (RTD)

4. Felicitation to Veterans:

The following veteran members are to be felicitated on attaining Age noted against each

S.No.	Name	DOB	Age
1.	Sri. B. Pratap Reddy	18.07.1928	90
2.	Sri. C. Subba Rao	24.10.1943	75
3.	Sri. C. K. Prakasa Rao	29.12.1943	75

The veterans were invited for felicitations. They

could not attend the meeting due to their present stay outside Hyderabad. The felicitations will be arranged in the next General Body Meeting to be held in March 2019.

5. Printing of Telephone Directory of the Association:

The General Body resolved to go ahead with printing of Telephone Directory in Jan 2019 with available Photos and addresses and distribute in General Body Meeting in March 2019. The General Body requested Sri. QammarMohd Khan Editor vanapremi to arrange the printing of Telephone Directory.

6. Presentation of Internal Audit Report:

Sri Iqbal Singh Auditor and Sri M. Narasimha Reddy Treasurer presented the Audit report for the period from 2013-14 to 2017-18 for approval and the same is approved by General Body. The Audited report is kept in the office. Members may peruse the same if they desire.

7. Membership Drive:

The General Body approved the resolution of Executive Committee in constituting a Committee for bringing all Retired Forest Officers into the Association Fold, consisting of Sri. Shyam Prasad, Sri Santhok Singh, Sri Swami Das, Sri Tirupal Reddy and Sri Iqbal Singh who had volunteered their services. Sri Shyam Prasad had volunteered his Car services also for the purpose. The payment charges of Driver and Fuel to the Car will be paid by the Association.

8. Kerala Flood Relief Fund:

The General Body approved the Executive Committee proposal of sending Rs. 71, 000 (Seventy-one Thousand) contributed by members till date, to The Principal Secretary (Finance) and Trustee A/C Chief Ministers

Distress Relief Fund, Secretariat, Thiruvananthapuram, Kerala State.

9. Collection of Bio-data from members:

The proposal of Executive Committee to continue the efforts, for Collection of Bio-data from members under the Guidance of Sri K. Buchi Ram Reddy is approved by members of the Association.

This data is useful only to the individuals and it will be used only at the time of need. The progress will be reviewed in every meeting of the Association.

10. Death Relief, Life Time Arrears & Family Pension:

In the Executive Committee Meeting held on 18.11.2018, Sri. R.K. Rao suggested that following the death of a member, the Association may take up death relief and family pension issues and stated that the family members are finding it difficult to settle the pension issues. The matter has been discussed in the General Body meeting.

As for the death relief is concerned the State Government sanctions a month's pension while in case of all India Service Officers, the death relief is sanctioned by the collector concerned on filing a death certificate from commissioner of Births and deaths, Certificate about the quantum of pension from Pension Payment Officer, Copy of Aadhar Card etc., Discussed and resolved to request the Govt. for bringing uniformity.

Another suggestion was that of expenses by creating a special fund through contribution from members. The job could be entrusted to a volunteer who would peruse the matter with the Officers Concerned until the payment is received by the bereaved family. The proposal is

not accepted.

11. Donation to the Association by Members:

The Secretary of the Association was donated 24 Tea cups, and two vacuum insulated Beverage steel Flasks with dispenser having capacity of 2.5 and 4 litres worth Rs. 7,650/-, the Executive Committee accepted. The members appreciated the gesture.

12. Guest lecture is deferred for want of time and for want of speakers.

13. Any other items with the permission of chair

i. Contribution of Articles to Vanapremi:

Sri. QammarMohd. Khan, Editor, Vanapremi informed that since last one year there is dearth of articles for publishing in Vanapremi. There is little response from members, serving officers of Telangana and Andhra Pradesh and officers in other States in spite of posting of emails and contacting on phones requesting for contribution of Articles to Vanapremi. This situation is forcing to copy from Internet and newspapers which is unfair practice unless the article is extraordinarily good and needs publishing once again. The cooperation of members and serving officers is much needed.

ii. Regularizing the Encroachment of Forest lands

Participating in the discussions Mr. Padmanabha Reddy mentioned that in recently held elections to state Assemblies of Telangana, Madhya Pradesh and Chattisgarh, Political parties are assuring the voters that, if elected, they will regularize the encroachments in forest lands.

Providing title deeds has become a main issue in some Districts of Madhya Pradesh and Chhattisgarh states. In Telangana State also the manifesto of ruling party promised to resolve all the disputes of Forest lands. The Retired

Forest Officers Association of Telangana and Andhra Pradesh may submit a representation to Government in this regard. A few members suggested for legal action through Non-Governmental Organizations. The General Body took stock of the situation for appropriate action.

iii. Enlightening the conduct rules to Govt. Employees:

Sri C. Sammi Reddy, IFS (RTD) Commissioner of Enquiries broched the subject about conduct rules to Govt. employee and suggested for creating awareness among forest officers. He volunteered for publishing an article in Vana Premi Journal. The Members of General Body welcomed the suggestion.

14. Address by Vice-President:

Sri T. Narayana swamy talked about latest developments Pension Payments and medical re-imbusement.

15. Address by President:

Sri S.K. Das, IFS (RTD), President of the Association re called the subjects discussed in the General Body Meeting and thanked the participants in the discussion. He further thanked the General Body members for the approval of proposals.

16. Vote of Thanks:

Sri B.M. Swami Das Executive Committee Member thanked the members who attended the General Body meeting. Special thanks are extended to ladies who graced the General Body meeting with their presence. Also thanked to Sri. K. Suryanarayana who came all the way from Vishakhapatnam, A.P. for attending the General Body meeting and special thanks to Sri C. Sammi Reddy for hosting, lunch and Refreshments.

Secretary

Birth Day 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		7.	Smt.A.Soni Bala Devi	01-03-1974
			8.	Sanjay Gupta	05-03-1962
1.	B.Chandramouli	08-02-1944	9.	Smt.P.Shyamala	12-02-1980
2.	P.Bhushanam	10-02-1947	10.	P.Ramulu	14-02-1963
3.	Abdul Aleem Md	25-02-1951	11.	Ch.Suryanarayana	15-02-1966
4.	Vijay Kumar I	23-02-1954	12.	Ms.J.Vasantha	23-02-1980
5.	Mohd. Thayyab	16-02-1956	13.	V. Krishna	25-02-1966
6.	Sultan Mohiuddin	17-02-1942	14.	N.Kondala Rao	02-03-1961
7.	Sharda Prasad	20-02-1953	15.	V.Saibaba	04-03-1980
8.	A.Kishan	20-02-1952	16.	K.Vinod Kumar	05-03-1979
9.	A.V.Ramakrishna Rao	23-02-1935			
10.	P.Rajender Reddy	27-02-1956			
11.	L.Krishna Bhoopal Rao	02-03-1942			
12.	V.V.Rajam	02-03-1945			
13.	M. Anjaneyulu	01-03-1954			

Secretary

S.No.	Name of Serving Officers	D.O.B.
	Sarva Sri	
1.	A.K. Jain	05-02-1959
2.	P.K.Sarangi	06-02-1959
3.	VSNV Prasad	10-02-1979
4.	.Smt.R.Shobha	11-02-1962
5.	Chiranjeevi Chowdhary	16-02-1965
6.	Anil Kumar Mourya	21-02-1960



LEGAL NOTES

Ghatge Patil Transport Limited vs. the State of Maharashtra

A Truck belonging to the above said Transport Company having Registration No. MH-09-Q-7246 was found illegally transporting forest produce (chips of Mappia foitida also known as 'Amruta' used for preparation of medicines). The vehicle and the chips were seized by the Range Forest Officer, Kollapur (Wildlife) on 19.12.2005 and registered Cr. No. 1591/2005. Following the seizure, confiscation of the property was contemplated. The owner company felt that the vehicle was getting rusted resulting in the diminishing its value and therefore approached the Judicial Magistrate of First Class at Shirala and filed a Criminal Complaint No. 183/2006 with a request for release of the vehicle under Sec. 451 Cr. P.C. The petition was rejected on 31.10.2006. Against the order of the Magistrate, Crl. R.C. No. 46/2006 was filed in the Sessions Court and the revision petition was also dismissed on 08.05.2007 by the Addl. Sessions Judge, Islampur. Aggrieved by the two orders of the Judicial Magistrate of First Class and the Additional Sessions Judge, writ petition was filed in the High Court of Bombay and impugned the two orders; the W.P. was heard by a Bench comprising R. Khande Parkar and V. Tahilramani, JJ. and it was prayed that the Vehicle be released on surety with a condition that it will be produced before the concerned authority when ever required.

It was urged before the High Court that the Petitioners being common carriers are not expected to know the details of the contents entrusted to them for transport. The

constitutional validity of the powers of the authorized officer under the Forest Act was questioned on the ground that it is violative of the Art 19 (1) (g) as it is an unreasonable restriction of the fundamental right. It was submitted that confiscation was unreasonable even before a charge-sheet is filed and the alleged offence is established and the accused is convicted. It was submitted that there is no offence committed by the carriers as the chips are not forest produce. No notice was issued under the Wildlife Protection Act with one month time for submission of reply.

It was argued on behalf of the respondents that the chips are forest produce; the forest produce and the vehicle used for the illegal transport are liable to seizure and confiscation according to law. The Magistrate has no power to exercise his powers under Ss. 451/457 Cr. P.C. The writ petition is therefore liable to be dismissed in *limi ne*.

Their Lordships examined in detail the definitions of 'forest produce', 'timber' and 'tree' and were of the opinion that the definitions are only inclusive. The illustrations referred to in the definitions are not exhaustive. It is apparent from the definitions, timber in any form whether cut into pieces or fashioned would be a forest produce within the meaning of the expression. Human machine will certainly include involvement of modern plant and/or machine. Chips though may not be classified as a natural produce, it also cannot be held that such article prepared and known as finished goods lose

original identity on account of such processing on the natural produce. The observation was fortified by the Supreme Court ruling in *Kishanlal vs. the State of Rajasthan*; it was held therein that rice, dal are agricultural produce. Being so, it is explicit that besides the produce of forest which has a natural growth, it also includes within the definition any product manufactured out of forest produce with the aid of human skill.

Dealing with certain restrictions, the court held that fundamental rights are harmoniously construed so that they are properly promoted with minimum such implicit and necessary restrictions. Therefore, citizens cannot complain every such restriction imposed for enjoying the fundamental rights unless such restrictions are either unreasonable or unwarranted in public interest.

The provisions in the Forest Act are enacted for regulated enjoyment as the power given to the authority will ensure the compliance of the regulations unless it can be disclosed as per se arbitrary.

As regards the contention that the provision of law empowered confiscation even before the charge-sheet is filed and offence is proved, it is held that confiscation has nothing to do with criminal proceedings. The Supreme Court held among many a case law in *the State of West Bengal Vs. Gopal Sarcar; Divisional Forest officer vs. G.V. Sudhakar Rao* and *The State of Karnataka vs. K. Krishnan* held that forests are not only natural wealth of the country but also protector of human life by providing clean air and

unpolluted atmosphere. On the question of release of the vehicle seized in forest offence, the same shall not normally be returned to party till the culmination of the proceedings.

The two proceedings, one for confiscation of property; and another for punishment of the accused being distinctly different, the contention of depriving a citizen of his property in violation of Art. 300-A of the Constitution of India is without substance. Forest produce being the national wealth it is but natural that proper safeguard and control of Government is maintained in relation to movement of such produce. The dominant object of the provisions in the Forest Act is to avoid indiscriminate use and destruction of forests in the country.

The provisions relating to issue of notice for forfeiture after investigation under Se. 58-E under the Wildlife Protection Act with one month's notice is clearly explained. As regards the contention that the petitioner being common carriers is not expected to know the contents in gunny bags, it is held that the delivery chalangans issued by the petitioners disclosed the contents of the gunny bags and they were chips of *Mappia Foetida*. It is considered premature to interfere in the impugned orders without appropriate decision by the competent authority on the disposal of question of facts in appropriate adjudication proceedings for the purpose of confiscation of vehicle. The writ petition is disposed of accordingly on 29.11.2007.

SOURCE : Internet - K.B.R



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