

FOREST DEPARTMENT

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Office of the Chief Conservator
of Forests, A.P. Hyderabad.

Sri A.K.Mathur, I.F.S.,
Chief Conservator of Forests.

C I R C U L A R NO. 10/83

Sub:- WILL LIFE- Wild Life (Protection) Act, 1972-
Violation by poachers traders and adventures-
detection of offences and implementation of
Laws- instructions-Regarding.

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Due to rapid decline of India's Wild animals and birds and owing to inadequate and out-moded laws existing in different parts of the country, the parliament with the necessary authority from the Legislatures of the States has enacted the Wild Life (P) Act, 1972, (Act No. 53 of 1972). The Act not only provides for control of hunting and punishments commensurate with the offence and financial benefits which accrue from poaching and trade Wild life produce, but also while emphasising other factors, regulates other acts like possessing wild animals, trophies, wild life products etc., and trade in those animals and products. Realising the Prime reasons for the decline of Wild Life, and having considered the inadequacy of the existing provisions, the comprehensive legislation has been enacted. A copy of the statement of objects and reasons "annexed to the Wild Life(P) Bill is furnished as Annexure-I. The laws on Wild Life that are in force at present are as follows:

- 1) The Wild Life (Protection) Act, 1972 .
- 2) The Wild Life(Stock Declaration)Rules,1973.
- 3) The Wild Life(Transaction and Taxidermy)Rules,1973 .
- 4) The Wild Life(Protection)(Andhra Pradesh)Rules,1974.

2. Forest Officers in the State have been armed with sufficient powers to deal with any infractions against the above laws. The violations may be of varied forms, they may relate to direct acts of poaching or indirect acts like trading or transfer and acquisition of wild animals and their products. The forest officers must therefore carefully study these provisions and endeavour to enforce them. A list of offences punishable under the Wild Life (Protection) Act is furnished in the Annexure II.

3. It is seen that some persons in the name of adventure or display of skill, illegally keep in possession wild animals including specified animals and indulge in acts that are prohibited by law and thereby render themselves for punishment . Snake show (Sarpa Yagna), Mobile Zoo. Maintaining Wild Animals of Schedule I, Schedule II,

Schedule.III or Schedule.IV as captive animals are some instances of breach of Wild Life(P) Act and the following offences are committed in the course of transacting the illegal business:

- 1) Hunting Wild animals of Schedule.I or Pt.II of Schedule.II in contravention of S.9 (1);
- 2) Hunting other Wild animals without licence in contravention of S.9 (2).
- 3) Acquisition of Government property without permission of the Chief Wild Life Warden in Contravention of S.39(3)
- 4) Non declaration of having captive animals of specified species in contravention of S.40 (1).
- 5) Acquisition of specified animals in contravention of S.40 (2).
- 6) Acquisition of captive animal, Wild animal otherwise than from a licenced dealer or authorised person in contravention of S.49.

4. The Divisional Forest Officers, who are also designated as Wild Life Wardens, must not grant permissions for display of any game or "Yagna" involving wild animals and should act according to the rules on the subject. They are requested to see that violations are promptly detected, and properly dealt with according to law.

The officers are requested to acknowledge the receipt of this circular.

Sd/- A.K.Mathur,
CHIEF WILD LIFE WARDEN AND
CHIEF CONSERVATOR OF FORESTS :A.P.HYDERABAD.

A N N E X U R E - I

STATEMENT OF OBJECTS AND REASONS

The rapid decline of India's wild animals and birds one of the richest and most varied in the world, has been a cause of grave concern. Some wild animals and birds have already become extinct in this country and others are in the danger of being so. Areas which were once teeming with Wild Life have become devoid of it and even in Sanctuaries and National Parks the protection afforded to Wild Life needs to be improved. The Wild Birds and Animals Protection Act, 1912 (8 of 1912), has become completely outmoded. The existing State laws are not only out-dated but provide punishment which are not commensurate with the offence and the financial benefits which are accrued from poaching and trade in Wild Life Produce. Further, such laws mainly relate to control of hunting and do not emphasise the other factors which are also prime reasons for the decline of India's Wild Life, namely, taxidermy and trade in Wild Life and products derived therefrom.

2. Having considered the relevant local provisions existing in the States, the Government came to the conclusion that these are neither adequate nor satisfactory. There is, therefore, an urgent need for introducing a comprehensive legislation, which would provide for the protection of Wild Animals and birds

3. Legislation in respect of the aforesaid subject matter is relatable to entry 20 of the State List in the Seventh Schedule to the Constitution, namely, protection of Wild animals and birds and Parliament has no power to make a law in this regard applicable to the State (apart from the provisions of Articles 249 and 250 of the Constitution) unless the Legislatures of two or more States pass a resolution in pursuance of Article 252 of the Constitution empowering Parliament to pass the necessary legislation on the subject. The Legislatures of the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Manipur, Punjab, Rajasthan, Uttar Pradesh and West Bengal have passed such resolutions.

4. The bill seeks to-

- a) Constitute a Wild Life Advisory Board for each State;
- b) regulate hunting of wild animals and birds,
- c) lay down the procedure for declaring areas as sanctuaries National Parks, etc.
- d) regulate possession, acquisition or transfer of, or trade in, wild animals, animal articles and trophies and taxidermy thereof;
- e) provide penalties for contravention of the Act

Government of Andhra Pradesh
Forest Department

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Office of the Chief Conservator
of Forests, Andhra Pradesh, Hyd

Sri A.K.Mathur,I.F.S.
Chief Conservator of Forests

Circular No.11/83

Sub. Social Forestry programmes - Nursery Raising -
Seedlings of Miscellaneous species raising of-
Regarding.

Instructions were issued in this office Circular Lr.No. 15932/82-U2, dt: 27.3.82 (Circular No.5/82) that upto 20% of the seedlings to be raised in any nursery during a year should be of miscellaneous species of fruit, fodder and other minor Forest produce yielding varieties to strike a proper balance between Eucalyptus which is fast growing fuel-wood species and other species like Su-babul, Bsmboo, Jamu, Guava, or other flowering and fruit bearing trees. During my inspection of a large number of nurseries over the last 3-4 months, I have however noticed that adequate and timely steps have not been taken in the most of these nurseries spread over a large number of Divisions for raising seedlings of various miscellaneous species as per CCF's circular instructions. In most of the nurseries seeds of miscellaneous species were sown only in March-April or even in May and most bags meant for raising seedlings for Miscellaneous species are therefore either empty or had very small sized seedlings at the time of inspection. In both the cases it is doubtful whether proper sized seedlings (about 40-45 cms tall) of these miscellaneous species would be available for distribution to the public during the next rains. Another distressing aspect noticed by me during these inspections is that there is hardly any control at Divisional Forest Officers level on the choice of the miscellaneous species to be raised or the percentage composition of the various miscellaneous species to be raised in each nursery for seedlings meant for distribution. In some nurseries I even noticed that 50% of the total I believe such state of affairs could develop only if ever thing relating to nursery development is left to. Mostly to the local Foresters and Forest Guards and atmost to the Range Officers who depending upon their fancy and for ready availability of seedlings of miscellaneous species to the extent and in such proportion they liked without any control whatsoever of the Divisional Forest Officers on such nursery development from time to time.

2. All Divisional Forest Officers, are therefore, requested to look into this aspect of nursery raising atleast from 1983 and as already instructed/issued clear written instructions to each Range Officer fixing percentage/targets for different/Miscellaneous species to be raised as bag plants in each of the nurseries under their control indicating species that should only be raised, for strict compliance by the concerned Range Officers. It is needless to say that steps should be taken at the Divisional Forest Officer/Rangers level at the appropriate time through out the year to collect the required quantity of seeds of various species which are to be raised as per the targets fixed for each nursery range-wise so that adequate

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