

COURSE GUIDE

Training of In- Service ACFs and ROs on

**"Forestry related Central Legislations" for the
Union Territory of Jammu and Kashmir**

17-22 August, 2020



**Central Academy for State Forest Service
Dehradun**



CASFOS

Dehradun



Established in 1981, Central Academy for State Forest Service (CASFOS), Dehradun is a premier Institute under the aegis of Directorate of Forest Education, Ministry of Environment, Forest & Climate Change, Government of India, with a mandate of imparting training on forestry, wildlife and environment.

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Developed by



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Introduction

Forest and Wildlife of Jammu & Kashmir were managed under specific State legislations which were quite similar to the central statutes in spirit yet had different provisions. However, in the light of J&K Reorganization Act, 2019, most of the central laws have been made applicable in J&K w.e.f. 31-10-2019. Additionally, certain amendments and additions or deletions have also been incorporated creating new offences, providing different penalties and also inserting new set of procedures. It is therefore pertinent to impart training to the forest officers of J&K Forest Department under the new legal paradigm on central laws governing the subjects of forests and the wildlife.

Aim

- To provide knowledge to forest officers of the UT of J&K about Acts, Rules, Notifications and Court Orders governing Forests and Wildlife.
- To enhance interpretation skills to enable them to follow the correct legal procedures.

Designed for

Forest Officers of J&K as 'regulation' is one of their basic function, irrespective of their place of posting.

Facilitators

Both, in-house and guest faculty, who have specialization and experience in the topics concerned.

Course Style

- Six-half day workshop
- Trainee-centered
- Experience-sharing and problem-solving
- Emphasis on application of laws
- Peer-learning
- Supported/ Supplemented by – Training Kit (Compendia, text books including important bare acts, CDs, etc.)
- Case Studies & Case Laws

Objectives

1. Indian Penal Code (IPC), 1860, Indian Evidence Act, 1872, & Code of Criminal Procedure (CrPC), 1973

At the end of the Session, participants will be able to –

- Describe the ‘Legal Principles’ of punishment
- Explain the ‘power of arrest’
- Describe the steps involved in holding of inquiry
- List & describe the Sections of IPC as applicable to Forest Laws
- List & describe the Sections of CrPC as applicable to Forest Laws
- Describe the procedure of ‘receiving’, ‘recording’ and ‘producing’ evidence

2. Indian Forest Act (IFA), 1927 and J&K amendments

At the end of the Session, participants will be able to –

- Describe the Penal Provisions under IFA, 1927 related to RF & PF
- State the measures for prevention of Forest Offences
- List the powers of Forest Officers under IFA, 1927
- Describe the provisions relating to ‘compounding’

- New provisions in J&K amendments
- Carry out a comparative analysis of IFA, 1927 and State Forest Act.

3. Wildlife (Protection) Act (WPA), 1972

At the end of the Session, participants will be able to –

- Explain the relevant Section of WPA
- List the penal provisions of WPA
- Identify the latest amendments to WPA
- Wildlife Crime Scenario and investigation under Wildlife (Protection) Act, 1972

4. Forest (Conservation) Act, 1980

At the end of the Session, participants will be able to –

- Describe the scope of FCA, 1980 in the light of latest cases
- Explain the orders of Hon'ble Supreme Court in “Godavarman case vis- a-vis FCA”
- Differentiate FCA vis-a-vis FRA, 2006
- Describe the procedure for violations of FCA & penalties thereof
- Judgments related to Forest & Environment

5. National Green Tribunal Act, 2010

At the end of the Session, participants will be able to –

- State the provisions of ‘Green Tribunal Act’
- Provide the ‘current status’
- Describe the mode of the functioning of the ‘Green Tribunal Act’

6. Biological Diversity Act, 2002

At the end of the Session, participants will be able to –

- State the relevant provisions of Biological Diversity Act, 2002
- Describe the structure, composition and functions of ‘authorities’ notified under the Biological Diversity Act, 2002
- Explain the ‘mode of operation’
- Explain the ‘implementation status’

7. Forest Rights Act, 2006

At the end of the Session, participants will be able to –

- Describe the relevant Sections of the Forest Rights Act, 2006
- Explain the procedures laid down in Forest Rights Act, 2006
- State the current status of the Forest Rights Act, 2006
- State the difficulties encountered in implementation of the Forest Rights Act, 2006

8. Panchayat (Extension to Scheduled Areas) Act, 1996

At the end of the Session, participants will be able to –

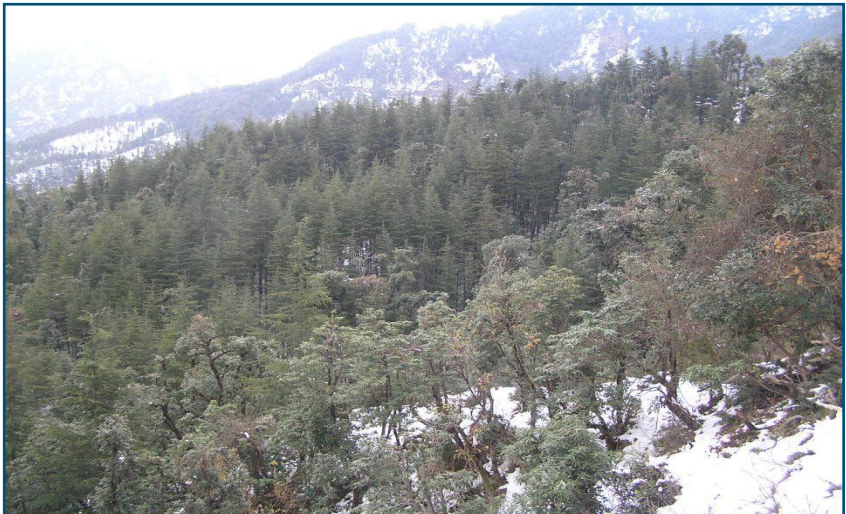
- Provisions of PESA combined with the status of local bodies in Jammu & Kashmir and Ladakh
- Role of Governor and the possibility of its application in Jammu & Kashmir at a later date.

Assessment

The priority during the Course is to help participants to develop awareness about the legal and related provisions pertaining to -

- Relevant provision of Indian Penal Code (IPC), Indian Evidence Act; Code of Criminal Procedure (CrPC);
- Indian Forest Act (IFA), 1927;
- Wildlife (Protection) Act, 1972;
- Forest (Conservation) Act, 1980;
- National Green Tribunal Act, 2010;
- Biological Diversity Act, 2002;
- Forest Rights Act, 2006
- Panchayat (Extension to Scheduled Areas) Act, 1996

Accordingly, the assessment will be with formal & informal feedback from the participants.



Time table

Given below is an indication of how the various learning activities are scheduled into six days of the Course.

Day	Session - I		Session- II	
	0930 – 1100 hrs		1130 – 1300 hrs	
17.08.2020 (Monday)	Inauguration Session (0915 – 1000 hrs)	Introduction to General Laws, CrPc, IPC & Evidence Act	Introduction to General Laws, CrPc, IPC & Evidence Act	
18.08.2020 (Tuesday)	Indian Forest Act, 1927		Indian Forest Act, 1927	
19.08.2020 (Wednesday)	Wildlife (Protection) Act, 1972		Wildlife Crime Scenario and investigation under Wildlife (Protection) Act, 1972	
20.08.2020 (Thursday)	Forest (Conservation) Act, 1980		Judgments related to Forest & Environment	
21.08.2020 (Friday)	National Green Tribunal Act. 2010: Court Order		Biological Diversity Act, 2002	
22.08.2020 (Saturday)	Forest Rights Act, 2006		Panchayat (Extension to Scheduled Areas) Act, 1996	Valedictory session (12.30 pm to 01.00 pm)

Tea break



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