

CHAPTER 2 STATEMENT OF PRINCIPLES

1. **Biological diversity** is the central tenet of nature, one of its key defining features. Evolution has produced an amazing variety of plants, animals, and micro-organisms, and the ecosystems of which they are a part, all intricately linked. Humans are one amongst these millions of species. The survival of human societies and cultures is dependent on biological diversity. It provides the essential **ecosystem services** including hydrological and geochemical cycles and climatic regulation that form the basis for human survival. It also meets the myriad survival and **livelihood** needs of fisherfolk, farmers, forest-dwellers, pastoralists, craftspersons, and others. This wonderful diversity and each of its components are worthy of highest **respect** and conservation in their own right. Most importantly biodiversity is the basis for the continuous **evolution** of species and ecosystems.
2. Given the above, the two bottom lines that are considered pre-requisites in this action plan, are: **Ecological Security** of the country or of any region within it, and **Livelihood Security** of those most critically dependent on biodiversity and its components:
 - **Ecological security** refers to the maintenance of: the diversity of ecosystems and habitats; the diversity of species, subspecies/varieties, populations and communities; the interactions between species, populations, communities and their habitats and ecosystem; their integrity including biological productivity of ecosystems and taxa; the evolutionary potential of natural and agricultural systems; and critical ecosystem services. This refers to both wild and domesticated biodiversity.
 - **Livelihood security** refers to the security of human communities and individuals critically dependent on biological resources, including guaranteed access to, and control over, such biological resources and related knowledge.
3. Both ecological and livelihood security have been severely eroded, and continue to be threatened. Therefore there is a need to take urgent and comprehensive measures to reverse this trend.
4. Three basic goals need to be achieved to reverse this trend:
 - **Conservation** of biodiversity, including the integrity and diversity of genes, species and ecosystems and their evolutionary potential;
 - **Sustainable use** of biological resources, referring to the use of components of biological diversity in such a manner and at such rates that does not lead to the long-term decline of the biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations;
 - **Equity** in conservation and use, including equitable access to and decision-making control over biodiversity as well as equitable distribution of costs and benefits associated with conservation and sustainable use. In particular, it includes creating democratic spaces for the voices of disprivileged women and men in defining conservation and use priorities.
5. Meeting these basic goals requires the following measures:
 - Reorientation of the development process, ensuring that ecological and livelihood security become central concerns
 - Community tenurial rights, ensuring rights of women, children and other disprivileged sections within them.
 - Recognition and integration of the full range of intrinsic as well as direct values of biodiversity into human activities
 - Recognition, respect, and revitalisation of gender differentiated indigenous and community knowledge systems relating to biodiversity, and synergising these with mainstream knowledge systems
 - Development of alternative (including community) intellectual rights systems appropriate for indigenous knowledge, which respect that life forms should not be subjected to private and monopolistic IPR regimes
 - Balancing of local, national, and international interests related to biodiversity, on the basis of principles of ecological sustainability and social equity; within these principles, local interests to get priority over national, and national over international
 - Respect for cultural diversity, and the diversity of governance systems, customary practices and laws, and other aspects of human society, in so far as these are in consonance with the basic principles of ecological sustainability and social equity
 - Elimination of absolute poverty and preventing deprivation of indigenous people from the natural resources necessary for them to maintain an acceptable living standard

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- (iv) any Institute incorporated by the (59 of 1961) Institutes of Technology Act, 1961.
 - (v) any Board or Trustees constituted under (30 of 1963) the major Port Trust Act, 1963.
 - (vi) the Bhakra Management Board constituted under section 79 of the Punjab (31 of 1966) Re-organization Act, 1966 and that Board as and when renamed as the Bhakra-Beas Management Board under sub-section(6) of section 80 of that Act, and.
- (2) in relation to the Union Territory of Delhi;
- (i) any premises belonging to the Municipal Corporation of Delhi, or any municipal committee or notified area committee, and
 - (ii) any premises belonging to the Delhi Development Authority, whether such premises are in the possession of, or leased out by the said Authority.
 - (f) "rent" in relation to any public premises means the consideration payable periodically for the authorized occupation of the said includes :-
 - (i) any charge for electricity, water or any other service in connection with the occupation of the premises.
 - (ii) any tax (by whatever name called) payable in respect of the premises where such charge or tax is payable by the Central Govt. or the corporate authority.
 - (a) "statutory authority" in relation to the public premises referred to in clause (e) of this section, means :
 - i) in respect of the public premises placed under the control of the secretariat of either House of Parliament.
 - ii) in respect of the public premises referred to in item (i) of sub-clause (2) of the company or subsidiary company, as the case may be, referred to therein.
 - iii) in respect of the public premises referred to in items (ii) of sub-clause (2) of that clause, the corporation referred to therein.
 - iv) in respect of the public premises referred to respectively in item (iii), (iv), (v) and (vi) of sub-clause (2) of that clause, the University, Institute or Board, as the case may be, referred to therein, and
 - v) in respect of the public premises referred to in sub-clause (3) of that clause, the corporation, committee or authority, as the case may be referred to in that sub-clause.
 - (g) "unauthorized occupation" in relation to any public premises, means the occupation by any person of the public premises without authority for such occupation of any, person of the public premises after the authority (whether by way of grant or any other mode of transfer) under which he was allowed to occupy the premises has expired or has been determined for any reason whatsoever.

3. Appointment of estate officer

The Central Govt. may, by notification in the Official Gazette:

- a) Appoint such persons, being Gazetted officers of the Govt. or officer of equivalent of the statutory authority (*2) as it thinks fit to be estate officers for the purpose of this act (*3)
 Provided that no officer of the Secretariat of the Rajya Sabha shall be so appointed except after consultation with the Chairman of then Rajya Sabha and nor officer of the secretariat of the Lok Sabha shall be so appointed except after consultation with the Speaker of the Lok Sabha.
 Provided further that an officer of a statutory authority shall only be appointed as an estate officer in respect of the public premises controlled by that authority; and (*4)
- b) define the local limits within which, or the categories of public premises in respect of which, the estate officer shall exercise the powers conferred and perform the duties imposed, on estate officers by or under this Act.

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7. The Chief Commissioner may, by notification, prohibit any person other than a member of an aboriginal tribe or any class of persons other than members of an aboriginal tribe from entering a reserved area except on the authority and subject to the observance of the conditions and restrictions of a pass granted by the Deputy Commissioner or by such other officer as the Deputy Commissioner may authorise in writing in this behalf.

Entry into
reserved area

8. (1) Whoever in contravention of the provisions of section 6, acquires any interest in or in any product of or crop raised on, any land, or carries on any trade or business in a reserved area, shall be punishable with imprisonment which may extend to one year, or with fine which extend to one thousand rupees, or with both; and the interest so acquired shall be disposed of in such manner as the Chief Commissioner may, after taking into consideration the circumstances of the case, direct

Penalties.

(2) Whoever, in contravention of a notification issued under section 7, enters a reserved area shall be punishable with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever, does anything in contravention of any of the conditions or restrictions subject to which a pass has been granted to him under section 7, shall be punishable with imprisonment which may extent to one year, or with fine which may extend to one thousand rupees, or with both

9. (1) The Chief Commissioner, or any person authorised by him in this behalf, may arrest without a warrant any person who has committed, or is suspected of having committed, any offence punishable under this Regulation.

Procedure

(2) Every person arrested under sub-section (1) shall be produced before the nearest magistrate within twenty four hours of such arrest excluding the time necessary for the the journey from the place of arrest.

10. (1) The Chief Commissioner may, by notification make rules to carry out the purposes of this Regulation.

Power to
make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for the form in which, the conditions and restrictions subject to which, and the fee not exceeding rupees fifty on payment of which, a pass under section 7 shall be granted.

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Regulation
to override
other laws

11. The provisions of this Regulation and of any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, or in any usage or agreement, or in any decree or order of any court or other authority.

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RAJENDRA PRASAD,
President.
K. Y. BHANDARKAR,
Secy. to the Govt. of India.

By order,
RAM SARAN DAS,
*Asst. Secretary (Judicial) to the Chief Commissioner
A & N Islands.*

OFFICE OF THE CHIEF COMMISSIONER,
ANDAMAN AND NICOBAR ISLANDS

NOTIFICATION

Port Blair, the 19th June 1956.

No. ANPATR/1(3)/1. - In exercise of the powers conferred by sub section (3) of section 1 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (No. 3 of 1956), the Chief Commissioner, Andaman and Nicobar Islands, is pleased to appoint the first day of July 1956 to be the date from which the said Regulation shall come into force.

B. RAMACHANDRAN,
Chief Commissioner, A & N Islands
[F. 1-89(1)/54-56] No. 77/56

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OFFICE OF THE CHIEF COMMISSIONER
ANDAMAN AND NICOBAR ISLANDS

NOTIFICATION

Port Blair, the 21st April 1957

No. AN/PATR/10/1.- In exercise of the powers conferred by section 10 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956 (Regulation No.3 of 1956), the Chief Commissioner, Andaman and Nicobar Islands, is pleased to make the following rules to carry out the purposes of the said Regulation, namely:

THE ANDAMAN AND NICOBAR ISLANDS
(PROTECTION OF ABORIGINAL TRIBES)
RULES, 1957.

CHAPTER I.

PRELIMINARY

1. SHORT TITLE AND COMMENCEMENT- (1) These rules may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Rules -1957.

(2) They shall come into force at once.

2. DEFINITIONS.- In these Rules, unless the context otherwise requires, -

- (a) "Deputy Commissioner" except in sub-rule (2) of rule 13 includes an officer authorised by him under section 7 to grant passes;
- (b) "Form" means a Form prescribed in the Schedule appended to these rules;
- (c) "license" means a license granted by the Chief Commissioner under sub-section (1) of section 6 to carry on any trade or business in any reserved area;
- (d) "licensee" means a person, or a body of individuals including a member or members of an aboriginal tribe, to whom a license has been granted
- (e) "person" does not include a member of an aboriginal tribe;
- (f) "prescribed fee" in respect of any document or not means the fee payable thereon or therefor under rule 11.
- (g) "Regulation" means the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956;
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CHAPTER II.
PASSES

3. PERIOD FOR WHICH PASS MAY BE GRANTED OR RENEWED - A pass under section 7 may be granted for a period of one year or a part thereof and may subject to the provisions of these rules, be renewed for a further period not exceeding one year.

4. APPLICATION FOR PASS - An application for the grant of a pass shall be made in Form 'A'.

5. GRANT AND RENEWAL OF PASS - (1) On an application filed under rule 4, if the Deputy Commissioner, after such enquiry as he may deem fit to make, does not reject the application, he may, subject to the provisions of these rules, grant a pass to the applicant in Form 'B' for any period expiring on a date within the current financial year

(2) A pass granted under sub-rule (1), may, on an application being made in Form 'D' to the Deputy Commissioner, be renewed by him for a period permitted under rule 3.

6. REGISTER OF PASSES - A register of passes granted or renewed under rule 5, shall be maintained by the Deputy Commissioner in Form 'C' and an extract therefrom containing the details of passes so granted or renewed during a calendar month shall, after the close of such month, be sent by him to the Chief Commissioner.

CHAPTER III.

LICENCES FOR TRADE OR BUSINESS

7. APPLICATION FOR LICENCE - Every application for grant of a license shall be in Form 'E'.

8. GRANT OF LICENSE - On an application filed under rule 7, if the Chief Commissioner, after such enquiry as he may deem fit to make, does not reject the application, he may, subject to the provisions of these rules, grant a license for a period not exceeding one year.

9. FORM OF LICENSE - Every license granted under rule 8 shall be in Form 'F'.

10. REGISTER OF LICENSE - A register of licenses granted under rule 8 shall be caused to be maintained by the Chief Commissioner in Form 'G'.

CHAPTER IV.

MISCELLANEOUS

11. FEES FOR PASSES AND LICENSES - No pass or license shall be granted unless the fee in respect thereof as indicated below has been paid to Government, namely:

DETAILS OF PASS, ETC.	RATE OF FEE
(i) Pass to be granted to a Government servant while on duty.	Nil
(ii) Subject to item (i) above, a pass to be granted for a period not exceeding one month	Re.1/-
(iii) A pass other than a pass specified at item (i) or item (ii) above.	Rs.5/-
(iv) Renewal of a pass.	The same fee as for the original grant of a pass.
(v) A license	Rs.500/-

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- 7.2.2.1 Cultivating Landscapes: The International Focus
- 7.2.2.2 Uncultivated Plants for Food Security and Livelihoods
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- 7.2.2.4 Agricultural Diversification = Increasing Crop Diversity?
- 7.2.2.5 Bringing Back Agrobiodiversity to Green Revolution Areas
- 7.2.4.1 Restructuring the PDS: the Way to Sustainable Agriculture and Livelihoods
- 7.2.4.2 A Local PDS Scenario: Medak District of Andhra Pradesh
- 7.2.4.3 Linking Nutrition and Biodiversity
- 7.2.4.4 To *Jhum* or Not to *Jhum*?
- 7.2.4.5 Manure is Gold
- 7.2.5.1 Equity Aspects in the Agriculture Policy
- 7.2.9.1 Financial Schemes in Agriculture: Need to Simplify
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- 7.3.1 Role of the State Towards Public Lands/Waters: From Eminent Domain to Public Trust
- 7.3.2 The Ecosystem Approach in the Convention on Biological Diversity
- 7.3.3 Ecoregional Authorities
- 7.3.4 The Ecosystem Approach in the Gangetic Plains and Western Himalaya
- 7.3.5 Regional Planning for Conservation and Development: Recommendations from a National Workshop
- 7.3.6 Right and Responsibilities Regarding Decision-making: Moving Towards Participatory Democracy
- 7.3.7 Urban and Rural Natural Resource Governance: The Role of the 74th Amendment
- 7.3.8 Autonomous District Councils

8.1 NBSAP and the Biological Diversity Act: Supporting Each Other in Implementation

List of Maps (Only the first map is included in this draft, remaining Maps will be included in the final document)

- 1) NBSAP Sites
- 2) Ecosystems of India
- 3) Biogeographic Classification of India: Zones
- 4) Agro-ecological Zones of India (Agro-biodiversity Hotspots)
- 5) Political Map of India
- 6) Physiographic Regions of India
- 7) Soils of India
- 8) Geological Map of India
- 9) Population and Population Density Map of India
- 10) Map of Tribal Areas in India
- 11) Forest (Types) Map of India
- 12) Forest Cover Map of India
- 13) Critical Areas of Endemicity
- 14) Bioclimatic Map of India
- 15) Wetlands Map
- 16) Maps of mining and industry/urban growth areas overlaid on biodiversity areas

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12. PURCHASE OF LOCAL PRODUCE IN RESERVED AREAS BY LICENSEE- (1) A licensee shall be authorised to purchase the various items of local produce from the aboriginal tribes of the reserved area for which he holds a license.

(2) The extent to which, and the minimum rates at which, the various items of such produce may be purchased by a licensee shall be fixed by the Chief Commissioner from time to time.

13. ROYALTY PAYABLE TO GOVERNMENT ON LOCAL PRODUCE EXPORTED FROM RESERVED AREAS- (1) On all local produce purchased under rule 12 and exported from a reserved area, a royalty at such rate or rates as may be fixed by the Chief Commissioner from time to time shall be levied.

(2) The royalty levied under sub-rule (1) above shall be paid by the licensee to the Deputy Commissioner or to such other officer as may be appointed by the Deputy Commissioner in this behalf and shall be credited to Government.

14. RESIDUAL MATTERS - Such matters as are not specifically provided for or are insufficiently provided for in these rules shall be regulated in such manner as may be directed by the Chief Commissioner.

T. G. N. AYYAR
Chief Commissioner
A & N Islands
F.1 - 89 (1)/56 - G
GP. 53/57

Figures

Figure 4.1: Marin Fish Production in India

Figure 4.2: Maximum Sustainable Yield of Fish

Figure 6.1: Central Govt. Aggregate Budget Allocation on Env. And Forest (MOEF)

Figure 6.2: Central Govt. Budget Allocation on Forestry and Wildlife

Figure 6.3: Central Govt. Budget Allocation on Ecology and Environment

ANDAMAN AND NICOBAR ADMINISTRATION
Chief Commissioner's Secretariat

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Port Blair dated 23rd January 1966

NOTIFICATION

No. 9/66/Tim/18 - A. Vol. I (J). In exercise of the powers conferred by sub-section (a) of section 30 of the Indian Forest Act, 1927 (16 of 1927) read with the Notification of Govt. of India in the Ministry of Home Affairs No. 69/49/50-AN dated the 7th November 1951, the Chief Commissioner, Andaman & Nicobar Islands has been pleased to declare the following classes of trees in the Protected Forests of Andaman & Nicobar Islands to reserved with immediate effect namely:

1. Padauk (*Pterocarpus dalbergioides*)
2. Marble Wood (*Diospyros marmorata*)
3. Chooi (*Sageraea elliptica*)
4. Teak (*Tectona grandis*)
5. Satin Wood (*Murraya exotica*)
6. Koko (*Albizzia lebbek*)
7. Titmin (*Podocarpus nerifolia*)

By Order

Sd/-

B. C. Achari

Asst. Commissioner to the Chief Commissioner

CREDITS AND ACKNOWLEDGEMENTS*

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Subthematic reviewers: (see Annexure 1)

Other contributions, and comments, received from: (see Annexure 2)

The MoEF commissioned *Biological Diversity in India: A Status Report*, prepared in 1996 at Indian Institute of Public Administration, Delhi, was used substantially in the preparation of this draft. The team members who worked on this report were Ashish Kothari, Jaya Menon, Miriam Paul, Sapna Ramachandran and Shekhar Singh.

Special acknowledgements:

Workshops for planning and writing the national plan were organised with the help of:

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Members of Kalpavriksh, and the staff of BCIL, were most helpful through the entire NBSAP process.

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Ministry of Environment and Forests and Kalpavriksh. 2003. *National Biodiversity Strategy and Action Plan. Second draft*. Ministry of Environment and Forests. Government of India and Kalpavriksh, New Delhi.

* Many people have contributed to this draft, and it does not necessarily reflect the opinions of all contributors.

SOUTH:

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From Pillar 'C' the boundary follows an imaginary line at a bearing of 210° over Macpherson strait and meets the pillar 'D' in the northern coast of Rutland Island and then follows the western direction forming 100 mtrs. belt over high level water mark along the northern coast and thence the belt runs over west coast of the island till it reaches the pillar 'E' located in Potatang of Rutland Island. Then from pillar 'E' at a bearing of $276^{\circ}30'$ the boundary runs over the sea water of the Bay of Bengal up to a distance of about 6.276 km.

WEST:

An imaginary straight line joins the west ends of both the North and South boundary lines.

By Order,

Sd/-

Deputy Secretary,
Department of Environment & Forests
Andaman and Nicobar Administration

KEY TERMS USED

(Note: Some of the definitions below are taken from the Biological Diversity Act, and adapted to suit the NBSAP. Italicised terms are those that are used within the definition of another term, but are given their own separate definitions below).

Alien invasives: species or varieties of plants, animals, or micro-organisms, that are introduced into an ecosystem to which they do not originally belong, and which proliferate to the detriment of indigenous/local species or varieties. These could be introduced accidentally or deliberately. The species/variety need not necessarily be alien to India, but could be alien to a particular ecosystem, e.g. Spotted deer that are native to mainland India, but alien invasives in Andaman Islands. Genetically modified organisms would also constitute alien invasives.

Biological diversity or biodiversity: the variability among living organisms from all sources and the ecological complexes of which they are part. It includes:

- (i) diversity within species or between species (including populations) and diversity of ecosystems;
- (ii) wild and domesticated plants and animals, and micro-organisms

Biological resources or bio-resources: plants, animals and micro-organisms (individual components of biodiversity) or parts thereof, their genetic material and by-products excluding value added products with actual or potential use or value.

Criteria and indicators of sustainability: parameters to assess if ongoing resource harvest methods and other factors are hampering future yields, or adversely affecting the long-term sustainability of the ecosystem in which the resource exists (see *sustainable use*).

Ecological security: the maintenance of the diversity of ecosystems and habitats, the diversity of species and populations, the integrity including biological productivity of ecosystems and taxa, the evolutionary potential of nature, and critical ecosystem services.

Ecotourism/Sensitive Tourism and Pilgrimage: tourist and pilgrimage activities that are respectful of the ecological, social, cultural, and other attributes of the ecosystems and communities being visited, do not degrade these attributes, affirm the rights of communities, and contribute positively to their livelihood security. Any form of tourism that takes place in ecologically interesting areas is therefore not automatically ecotourism; conversely, ecotourism could be practiced anywhere that tourists go if it confirms to the above principles.

Equity in conservation and use, including equitable access to and decision making control over biodiversity as well as equitable distribution of costs and benefits associated with conservation and sustainable use. In particular, it includes creating democratic spaces for the voices of disprivileged women and men in defining conservation and use priorities. **Equitable benefit-sharing** is the distribution of benefits in accordance with this definition of equity.

Livelihood security: the security of communities and individuals critically dependent on biological resources, including guaranteed access to, and control over, such biological resources and related knowledge.

Local community (or 'community'): a socially and geographically defined group of people living near, and/or dependent on, biodiversity or biological resources. This term does not imply that the group is internally homogenous. It includes panchayats, gram sabhas, tribal village councils, and so on, but more often than not denotes the gram sabha or equivalent village assembly consisting of all adults.

Sustainable use means the use of components of biological diversity in such manner and at such rate that does not lead to the long-term decline of the biological diversity thereby maintaining its potential to meet the needs and aspirations of present and future generations. In practical terms, this denotes restraints on levels of yield, methods of harvest/use, and other such considerations while using a resource.

Traditional community: a *local community*, which has practices, beliefs, kinship systems, and other cultural and economic attributes passed down through generations, in the same or modified forms.

THE ANDAMAN AND NICOBAR GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY
NO. 4, PORT BLAIR, SATURDAY, JUNE 30, 1956.

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OFFICE OF THE CHIEF COMMISSIONER,
ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATION

Port Blair, the 18th June 1956.

No.76/56. — The following Regulation Promulgated by the President under clause (2) of article 243 of the Constitution and published in the Gazette of India, Extraordinary, Part II, Section I dated the 11th May 1956, is hereby re-published for general information:

THE ANDAMAN AND NICOBAR ISLANDS
(PROTECTION OF ABORIGINAL TRIBES)
REGULATION, 1956

No. 3 of 1956

Promulgated by the President in the Seventh Year of the Republic of India

A. Regulation to provide for the protection of the Interests of socially and economically backward aboriginal tribes in the Andaman and Nicobar Islands.

In exercise of the powers conferred by clause (2) of article 243 of the Constitution, the President is pleased to promulgate the following Regulation made by him:

1. (1) This Regulation may be called the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation, 1956.

Short title,
extent and
commence-
ment

(2) It extends to the whole of the Andaman and Nicobar Islands.

(3) It shall come into force on such date as the Chief Commissioner may, by notification, appoint.

2. In this Regulation, unless the context otherwise requires:

(a) "aboriginal tribe" means any of the following tribes or tribal communities in the Andaman and Nicobar Islands, and includes parts of, or groups within such tribes or tribal communities, namely:
Andamanese, Jarawas, Onges, Sentinelese, Nicobarese and Shompens;

(b) "Chief Commissioner" means the Chief Commissioner

Traditional (or indigenous) knowledge/practices: *Local community* knowledge/practices that have been inherited, or built on knowledge/practices that are inherited, through generations. This would include recent and continuing innovations that *community* members make, based on or linked to such knowledge/practices.

(add other terms???: agricultural ecosystem, biogeography, conservation, domesticated biodiversity, wild biodiversity, ecosystem, natural ecosystem, climate change, genetic diversity and resources, customary rights, customary law, access and benefit-sharing, indigenous, biopiracy, prior informed consent, IPRs, biotechnology, GMOs, biosafety, in situ conservation, ex situ conservation, protected areas, community conserved areas, statutory law, multilateral env. agreements, monitoring and evaluation)

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of the Andaman and Nicobar Islands;
(c) "Deputy Commissioner" means the Deputy Commissioner of the Andaman and Nicobar Islands;
(d) "notification" means a notification published in the Official Gazette;
"pass" means a pass granted under section 7; and
(e) "reserved area" means an area which the Chief Commissioner has, by notification under section 3, Declared to be a reserved area.

Declaration of reserved area

3. (1) The Chief Commissioner may, by notification, declare any area which is predominantly inhabited by aboriginal tribes to be a reserved area and specify the limits of such area; and may, from time to time, in like manner, alter such limits.

(2) If any question arises whether any area falls within or without a reserved area, it shall be decided by the Chief Commissioner and his decision shall be final

Allotment of Land for agricultural purposes.

4. No waste or unoccupied land at the disposal of the Government in a reserved area shall be allotted for agricultural purposes to any person other than a member of an aboriginal tribe:

Provided that the Chief Commissioner may allot any such land to any person other than a member of an aboriginal tribe –

- (a) if the Chief Commissioner is satisfied that such land is not required by any such member; or
- (b) if in his opinion the allotment of land to a person other than a member of an aboriginal tribe is necessary for the purpose of consolidation of land or is otherwise in the public interest.

Transfer and attachment of land to be void in certain cases

5. (1) No member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, transfer by way of sale, exchange, mortgage, lease or otherwise any land to any person other than a member of an aboriginal tribe.

(2) No land held or occupied by a member of an aboriginal tribe shall be liable to attachment or sale in execution of any decree or order of a civil or revenue court

(3) Any transfer, attachment or sale of any land made in contravention of this section shall be void.

6. (1) No person other than a member of an aboriginal tribe shall, except with the previous sanction of the Chief Commissioner, acquire any interest in any land situated in a reserved area or in any product of, or crop raised on, such land, or shall, except under and in accordance with the terms and conditions of a license granted by the Chief Commissioner, carry on any trade or business in any

Acquisition of interest in land etc. and carrying on of trade

Some Explanatory Notes for the Second Draft of the NAP

1. **Basis of 2nd draft:** This second draft is revised on the basis of the comments received from various people on the first draft, notes from the Final National Workshop, TPCG's own further research, further excerpts from various BSAPs, and other sources.
2. **Status of changes:** All major changes made have been made in Track Changes mode, for ease of reference. However, the hard copy being sent to you is only the 'cleaned' up version. Both are being put into the CD accompanying the hard copy of the second draft.
3. **Cross-referencing of boxes and tables:** A number of box and table numbers have changed in the second draft, but a full cross-referencing check has not been done to ensure that the necessary changes have been in the text. For ease of reference, therefore, we are including the former box/table number in brackets after the new number, as also including a table of old and new numbers with the Table of Contents.
4. **Remaining incomplete matter:** There still remain some queries/doubts, or a few points to be elaborated; these are marked with a triple question mark (???) and/or highlighted in yellow.
5. **Incorporation and identification of commentors:** In the case of comments received from outside, the name of the person commenting has been added in curly brackets {} with the addition/change, except in the case of routine language/style changes. While most comments have been considered and where relevant incorporated, a very small number still to be incorporated, either because they came too late or because they require more work than the current time schedule permitted.
6. **Executive summary:** The second draft does not contain a revised Summary of the NAP, this will be added to the final draft.
7. **Annexures and maps:** Most annexures and maps (listed in the Table of Contents) are also not added here, but will be added to the final draft.
8. **Prioritisation of strategies:** While a Priority list of strategies has been included in this draft, it needs to be modified/refined after TPCG and MoEF discussions; also, prioritisation of actions still needs to be done.
9. **Points of Commonality:** We are enclosing once again, the Points of Commonality Charts, which were circulated prior to and during the Final National Workshop. Please do send in your comments on these.

N.T.F.P OVERLAPPING WORKING CIRCLE

34.	General:	The Working Circle overlaps E.R. working circle	315
		Special objective of management	316
35.	Analysis of NTFP:	The main N.T.F.P available in forests are Bamboo, Thatching leaves, Dhup resin And gums and medicinal plants.	317
36.	Methods of Treatment:	ii) Bamboo: raising bamboo under planting in moist deciduous forests to the extent of 50ha/year has been prescribed. Planting techniques described The method of collection also described.	318
37.	Annual Yield	Prescribed at 888100 Nos.	322
38.	Regeneration technique	Prescribed	323
39.	Miscellaneous Regulation	Area to be fire protected	328

MANGROVE & LITTORAL SWAMP COASTAL BELT CONSERVATION WORKING CIRCLE

40.	Gen. Constitution:	This Working Circle partly overlaps the Wildlife Protection Working Circle and include all the mangrove areas of the division. Occurs in the protected muddy shelter belts	331
41.	Area Statement:	The island wise total mangrove area given.	334
42.	Analysis of flora & fauna:	The analysis, zonation etc. of mangrove vegetation done and described. The mangrove fauna enlisted.	335
43.	Special objectives of management:	The special objectives of management enumerated and measures to achieve the objectives prescribed	347
44.	The methods of treatment:	Methods and technique to regenerate degraded mangrove areas described	348
45.	Conservation	Measures to conserve mangrove forest described	356

WILDLIFE PROTECTION WORKING CIRCLE

46.	General constitution:	This working circle comprises areas of ecological, zoological, faunal, floral, and geo-morphological association and importance, protected for the purpose of propagating & developing wildlife & envt.	359
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List of maps for NBSAP

- NBSAP Sites
- Biogeographic Classification of India: Zones (incl. international hotspots)
- Agro-ecological Zones of India
- Political Map of India
- Physiographic Regions of India
- Soils of India
- Geological Map of India
- Population and Population Density Map of India
- Map of Tribal Areas in India (and nomadic communities?)
- Forest (Types) Map of India
- Forest Cover Map of India
- Bioclimatic Map of India??? (or only climatic?)
- Wetlands Map of India
- Critical Areas of Endemicity???
- Maps of mining and industry/urban growth areas

CHANGE OF TABLE AND BOX NUMBERS BETWEEN FIRST AND SECOND DRAFTS

(Note: Due to revisions in the chapters, the number of tables and boxes in the first draft have in many cases been changed. However, these changes may not necessarily have been made in the text where the tables and boxes are cross-referred to, due to shortage of time. Readers may therefore find the following lists useful; they indicate the original (1st draft) number, and the corresponding new (2nd draft) number of the respective table or box.

Tables

Chapter 3

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Chapter 6

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6.2	6.4
6.3	6.5
6.4	Annexure
6.5	Annexure
6.6	Annexure
6.7	Annexure
6.8	6.6

- (a) No suit or other legal proceeding shall maintained or continued in any court for refund of any rent or damages or costs recovered under the 1958 Act where such refund has been claimed merely on the ground that the said Act has been declared to be unconstitutional and void and
- (b) No court shall enforce a decree directing the refund of any rent, damages or costs recovered under the 1958 Act merely on the ground that the said Act has been declared to be unconstitutional and void.

THE PUBLIC PREMISES EVICTION OF UNAUTHORIZED OCCUPATION
ACT, 1971 (40 OF 1971)

(As modified up to the 1st February, 1982)

ERRATA

- In part II, for "Legislation" read Legislation
In Section (2)(e) for "3(e)" read "2(a)"
In foot note 2 for "Section 3" read "Section 2"
In Section 5B(1) for "such period" as may be specified in the order, not being less than seven days or work has been commenced, or it being carried on, or has been completed. Within read "work has been commence, or is being carried on, or has been completed within such period, as may be specified in the order, not being less than seven days" or
In section 5B(2), in lined 6-7 for "p-referred" read "preferred"
In section 7(2-A), in line 2 for "arrear" read "arrears".

Chapter 4

Box Number in NAP First Draft	Box Number in NAP Second Draft
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Chapter 5

Box Number in NAP First Draft	Box Number in NAP Second Draft
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Chapter 6

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**THE PUBLIC PREMISES (EVICTION OF UNAUTHORIZED OCCUPANTS)
RULES, 1971^①**

1. **Short title** -- These rules may be called the Public Premises (Eviction of Unauthorized Occupants) Rules, 1971.

2. **Definitions** -- In these rules the context otherwise requires, -

(a) "Act" means the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971);

(b) "Form" means a form appended to these rules;

(c) all other words and expressions used hereinafter but not defined herein shall have the same meaning as respectively assigned to them in the Act.

3. **Form of notices and orders.**- A notice or order under the Act shall be in one of the appropriate forms appended to these rules.

4. **Manner of service of notices and orders.**- (1) In addition to any mode of service specified in the Act, a notice issued under sub-section (1) of Section 4 ^②[or sub-section (1) of Sec. 5 or sub-section (2) of Sec. 5-A or sub-section (1) or (2) or (5) of Sec. 5] or ^③[sub-section (1) of (1-A) of Sec. 6] or sub-section (1) or (2) of Sec. 7 of sub-section (1) of Sec. 13 of the Act shall be served by delivering or tendering a copy of the notice to the person for whom it is intended or to any adult member of his family, or by sending it by registered post acknowledgement due in a letter addressed to that person at his usual or last-known place of residence or business.

(2) Where the copy of the notice under sub-rule (1) is delivered or tendered the signature of the person to whom the copy is so delivered or tendered should be obtained in token of acknowledgement of the service.

(3) In respect of a notice issued under sub-section (1) of Sec. 4 ^④[or sub-section (2) of Sec. 5-A or sub-section (5) or Sec. 5-B ^⑤[or sub-section (1) or (1-A) of Sec. 6 or sub-section (1) or 2 of Sec. 7] or sub-section (1) of Sec. 13 of the Act, where the person or the adult member of the family of such person refuses to sign the acknowledgement, or where such person cannot be found after using all due and reasonable diligence, and there is no adult member of the family of such person a copy of the notice shall be affixed on the outer door or some other conspicuous part of the ordinary residence or usual place of business of such person and the original shall be returned to the estate officer who issued the notice, with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was done so and the name [and] address of the person, if any, by whom the ordinary residence or usual place of business was identified and in whose presence the copy was affixed.

(4) (1) If a notice issued under sub-section (1) of Sec. 4 ^⑥[or sub-section (1) of Sec. 5 or sub-section (2) of Sec. (5-A) or sub-section (1) or (2) or (5) of Sec. 5-B] or sub-section (1) or (2) of Sec. 7 or sub-section (1) of Sec. 13 of the Act cannot be served in

①. Published in the Gazette of India Extraordinary, Pt.II.Sec.3 (I), dated 18th December, 1971.

②. Ins. by G.S.R. 741, Sec.2 (I), (a), dated 4th July, 1981

③. Subs. by Sec.2 (I), (b), *ibid*.

④. Ins. by *ibid*.

⑤. Subs. By Sec.2, *ibid*.

⑥. Ins. by G.S.R. 741, Sec.2. [dated 4th July, 1981.