

Government of Andhra Pradesh
Forest Department

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Dt. 4.11.1985

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

Sri T.Krishna Murthy, IFS.,
Prl.Chief Conservator of Forests.

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CIRCULAR NO. - 23/85-P5

Sub: Forest Offence - Confiscation of Forest Produce together with vehicles involving patta produce without valid permit and also involvement of forest produce like R.S. and S.W., - Certain instructions issued - reg.

- Ref: 1. This office Lr No.78104/77.F2, dt.30.7.77
2. -do- 23481/79-F3,dt.9.7.79
3. -do- 13902/79-F3,dt.14.2.79
4. -do- 74337/79-F3,dt.3.12.79
5. -do- 39451/79-F3,dt.7.12.79
6. -do- 11675/82-P4,dt.21.12.82
7. -do- 55765/82-P4,dt.13.6.83

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Consequent to the amendment of the Andhra Pradesh Forest Act 1967 (Act 1/1967) by the Amending Act 17/1976 several instructions and guidelines have been issued from time to time for the guidance of the Forest Officers in the State vide references cited above.

Of late, certain instances/cases have come to the notice of the Prl.Chief Conservator of Forests wherein some of the Conservators of Forests who are appellate authorities reduced the compounding fee levied by the Divisional Forest Officers (as authorised officer) for the offences involving transportation of patta produce without permits. Such reductions in the penalty will generally lead to increase in the incidence of offences. It is emphasised that a penalty should be severe enough to serve the purpose of reducing the incidence. On the their hand levying light punishment or reducing the penalty too generously will not help in achieving the objective. However, it is not the intention as prevent the Conservator of Forests from exercising their legitimate powers as appellate authorities. The guide-lines issued from time to time for confiscation of vehicles etc., are mainly to make the offenders feel the pinch for having committed an illicit activity.

In the course of implementation of the provisions of the Act, the following instructions are reiterated. In Chief Conservator of Forests Rc.No.78104/77-F2 dt.30.7.77 (para-3) comprehensive guide-lines were issued with regards to patta produce. Where patta produce is involved, vehicles may be released basing on the merits of the case after collecting compounding fee. Even in patta case another aspect that has to be kept in view is the Forest Conservation Act.

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In respect of all other cases, ie., in cases where forest produce belonging to Government is sought to be removed illicitly by fast moving vehicles and cases involving Red Sanders, Sandal Wood, Gum etc. it was specifically directed that the produce together with vehicles etc., must be confiscated to the state. In this connection specific attention is drawn to Chief Conservator of Forest's Ref.No.11675/82-P4, dt.21.12.82 and the enclosed opinion 32/82 of Advocate General of A.P. dt.10.9.1982 wherein it was clearly informed that the compounding powers of the Forest Officers under rule of the compounding rules are quite discretionary. But while refusing to compound the offence all officers must justify their action so that courts can also appreciate why a severe penalty is imposed.

Further, all the Asst.Conservator of Foresters, Dy.Conservator of Foresters and Conservator of Foresters, of the Department are hereby directed to note that in all cases wherein Red Sanders, Sandal wood, timber and all other forest produce belonging to Government forests including unreserved forests is removed and transported illicitly by lorries or any other fast moving vehicles, the forest officers must invariably confiscate the vehicles alongwith the forest produce involved in the offence case after following the prescribed procedure.

All the Conservator of Forests are therefore once again advised to go through this office references 1st to 7th cited above carefully and bring them to the notice of the Divisional Officers for taking necessary action to confiscate vehicles and forest produce following the provisions made under the Forest Act and guidelines issued from time to time, apart from keeping a constant watch on their performance. The guiding fact or must be that the punishment should be defferent enough to dissuade the offender from repeating it.

The receipt of the circular should be acknowledged by return of post.

Sd/- T.Krishna Murthy,
Prl.Chief Conservator of Forests.

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