

Rc. No. 5452/63 D3.

Dated : 29-1-1965.

**Circular No. 1/65**

**Sub: Solvency Certificate—Production of Solvency Certificates in sales of departmentally collected timber and other produce and arrested timber and other forest produce regarding.**

According to existing orders of Government prospective bidders are required to produce solvency certificates in the prescribed form dated not more than 6 months prior to the date of sale besides making necessary initial deposit prescribed in the sale notice before they are allowed to participate in sales. Where a bidder is unable to produce a solvency certificate he can be permitted to participate in the sales on payment of cash in lieu of solvency certificate.

Now a question has arisen as to whether production of solvency certificates is to be insisted upon in the case of sales of departmentally collected timber and other produce or seized forest produce.

It is considered that in the case of sale of felled timber and other produce either collected departmentally or seized in forest offences, on solvency certificate or cash solvency need be insisted upon as generally the bidders are asked to pay off the full sale amount together with Sales Tax etc., on the date of sale and allowed to remove the produce immediately. In no case without payment of full sale amount should the parties be allowed to remove the produce. In all cases where instalments are fixed for the payment of sale amounts, solvency certificate may be obtained.

The receipt of this circular should be acknowledged.

Rc. No. 34502/63 D- 2.

Dated : 31-1-1965.

**Circular No. 2/65.**

**Sub:—Permits—issue of permits for removal of produce from Patta Lands—regarding.**

A copy of G. M. No. 2346 For III/63-15 is communicated.

2. It is noticed that there are delays in issuing permits to ryots for removal of timber and firewood from their patta lands with the result that the later are put to much hardship. The Conservators of Forests are requested to issue strict instructions to the District Forest Officers that they should issue permits within 15 days from the date of receipt of applications from the ryots for removing casuaina, timber and firewood from private plantations or lands ; for sale or domestic and agriculture use.



3. Any lapse on the part of the District Forest Officers and Range Officers in this regard should be seriously viewed by the Conservators of Forests and, if necessary, disciplinary action should be taken for violation of these Circular instructions.

4. The receipt of this Circular should be acknowledged.

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Copy of G. M. No. 2346 For III/63-15 F & A dt. 8-12-1964.

**Sub:—Foret leases—request of ryots for revoking permit system and for free transport of firewood—regarding orders issued.**

Ref:—From Sri V. Srinivasa Reddy and others petition dt. 20-5-63. From the CCF Lr. 34502/63 D-2 dt. 26-11-1964.

In the circumstances reported by the Chief Conservator of Forests in his letter 2nd cited, further action on the representation of the petitioners is dropped.

2. The Government however consider that some time limit should be fixed for the issue of permits by the officials of Forest Department whenever the ryots apply for transport of forest produce from their Patta lands. The Government accordingly direct that permits should be issued by the Forest Officers within 15 days from the date of receipt of applications.

3. The Chief Conservator of Forests is requested to take necessary further action accordingly.

Sd/- Syed Ghulam Rasool,  
Deputy Secretary to Government.

Ref. No. 3862/65 K-2.  
Dt. 11-2-1965.

**Circular No. 3/65.**

**Sub:—Acts & Rules — The Andhra Pradesh Forest Laws — (Amendment) Act II of 1963 — Further instructions—preparation of charge sheet etc.**

Ref:—C.C.F.'s Circular Nos. 43/63 dated 7-11-65, 10,64 dated 4-4-1964 and 24-64 dt. 16-6-1964.

The attention of all the District Forest Officers is invited to the circulars cited and they are informed that inspite of the instructions the District Forest Officers are committing mistakes in the prosecution of Forest Offence cases and as a result most of the cases are ending in acquittal of the accused and release of the seizures.

Whenever an offence case of illicit transportation of Forest Produce without permit is booked under the provisions of Forest Act as amended upto date and when such case is prosecuted full details of the case should be given in the charge sheet filed in the court.

The Public Prosecutor, High Court has observed (copy enclosed), that in most of the cases prosecuted, the concerned Forest officials who booked the cases do not state in their



evidence as to where exactly the Forest produce is seized—either in a Forest area or within a radius of five miles as contemplated by the Act and Rules. As a result of these minor faults the case is lost in the court.

The District Forest Officers are therefore requested to issue detailed instructions to all the subordinates to note down clearly as to where the offence is booked whether in a Forest area or within a radius of five miles with relevant names and location of the area.

It is also necessary to produce documentary evidence before the Court proving the location of the offence quoting the relevant notifications in the gazette.

The receipt of this circular should be acknowledged.

Copy of Dis. No. 164, Dt. 15-1-1965 from O. Chinnappa Reddy, M.A., B.L., Public Prosecutor (Andhra Pradesh) High Court.

In a number of cases, I find where persons are prosecuted for possession or transport of forest produce, the concerned forest Officials do not state in their evidence that the place where the forest produce is seized is either in a forest area or within a radius of five miles as contemplated by the Act and Rules. This is probably because of inexperience in the matter of giving evidence in Court and their taking for granted that all the persons concerned know that the place is in a forest area or within a radius of five miles. However, it is necessary that forest officials while giving evidence should make it a point to state that the place where the forest produce is seized is within such and such forest area or within a radius of five miles. It is also necessary to produce or atleast to give a reference in their evidence to the relevant notifications in the gazette declaring the area as a forest area. Suitable instructions may be issued to all District Forest Offices.

Sd/- C. Chinnappa Reddy,  
Public Prosecutor (A.P.),  
High Court, Hyderabad.

Copy of Ref No. 10164/65 A-3.

Dated : 19-2-1965.

#### **Circular No. 4/65.**

**Sub :- Gazetted Officers—Forest Department—visiting Hyderabad—calling on C.C.F.—instructions—issued.**

In Chief Conservator's circular 6/64 dated 25-2-1964 instructions were issued to obtain prior permission of Chief Conservator of Forests whenever any Gazetted Officer of Forest Department wants to go over to Hyderabad on official duty and in respect of officers in Hyderabad circle the conservator of Forests, Hyderabad is competent to give such permission. In this connection, the attention of all Officers is invited to para 12 of appendix 4 of Forest Department code, according to which the officers of Forest service visiting the capital on leave or otherwise should make a report to Chief Conservator of Forests. In spite of the above provisions in Forest Department Code, many of the Gazetted Officers come to Hyderabad on Official duty often



either for work in the offices of Conservator of Forests, Hyderabad, State Silviculturist, Forest Utilisation Officer, Forest Settlement Officer, Courts, P.P., or C.S.P.D. etc., Sometimes, it is observed that some officers do not make a visit to Chief Conservator of Forests. The Chief Conservator of Forests observed that meeting the officers especially when they come all the way to Hyderabad *on duty*, will afford an opportunity to discuss departmental problems, and exchange views.

It is therefore hereby ordered that whenever any Gazetted Officer of Forest Department comes to Hyderabad on *Official duty* for work connected in the Offices of Conservator of Forests Hyderabad, State Silviculturist, Forest Utilisation Officer, Forest Settlement Officer, Central Stores Purchase Department, Public Prosecutor, High Court or Chief Conservator's Office or in any office at Hyderabad, they should see the Chief Conservator of Forests Office without fail.

3. The receipt of the circular should be acknowledged.

Ref. No. 55060/63-K2.

Dated : 19-2-1965

**Circular No. 5/65.**

**Sub :— Forests Offences—Delay in Settlement of forest offences  
Empowering permanent Foresters to collect compounding  
fees—Orders—Passed.**

Ref :— G. O. Ms. No. 260 Food and Agriculture Department dated 9-2-1965.

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A copy of G. O. Ms. No. 2178 Food and Agriculture Department dated 28-8-1964 is communicated for necessary action.

All the District Forest Officers are requested to exercise sufficient check over the Range Officers so that the powers now delegated to the Range Officers are not misused. For this purpose a schedule of rates showing the value of different kinds of forest produce duly approved by the Conservator of Forests should be communicated to all the Range Officers as already instructed in C. C. F's Ref. No. 59407/64 K-2 dt. 11-10-64 with the instructions that their rates in the schedule should strictly be followed while assessing the value of the damage. Any deviation from the schedule of rates will entail disciplinary action.

As regards the power to collect 'C' fees the District Forest Officers should see that the Deputy Range Officers and Foresters should maintain the accounts correctly and remit the collections without accumulation.

Receipt of this reference should be acknowledged at once.



Copy of :

G. O. Ms. No. 260.

Dated : 9-2-1965.

**Sub :— Forests— Offence—Delay in Settlement of forest offences—  
Empowering Range Officers to compound offences and em-  
powering permanent Foresters to collect compounding fees—  
Orders Passed.**

Read:—1. G. O. Ms. No. 1944 Food and Agriculture, dt. 5-9-63.

2. G. O. Ms. No. 2176 Food and Agriculture, dt. 28-8-63.

3. From the Chief Conservator of Forests, Lr. No. 55060, 63 K-2 dt. 7-12-1965

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Order:—

In the G. O. first read above orders were issued empowering Forest Rangers in selected districts to compound forest offences involving property valued upto Rs. 10/- in each case. In the G. Os. first and second read above all permanent Foresters and all permanent Deputy Rangers and officiating Deputy Rangers holding lein in the posts of Foresters in the state, were authorised to collect compounding fees in Forest offences upto Rs. 300/- and issue C.F. 140 receipts to the parties subject to the condition that the collections should be remitted into the nearest treasury or to the Range Officer as early as possible atleast once in a week and that on no one day they should possess more than Rs. 300/- in cash.

2. In his letter third read above, the Chief Conservator of Forests has reported that the present powers delegated to the selected Rangers, Deputy Rangers and Foresters resulted in achieving good results reducing long pending cases and that if the powers of compounding forest offences involving property valued upto Rs. 10/- now delegated to select Rangers are extended to all the Range Officers in the State most of the petty cases can be disposed of by the Range Officers themselves and the compounding fees realised by the Deputy Range Officers and the Foresters. The Chief Conservator of Forests accordingly requested the Government.

- (i) to empower all the Range Officers in the State to compound forest offences involving property valued upto Rs. 10/- and
- (ii) to authorise all the permanent Foresters and also Deputy Range Officers who hold their lein in the posts of Foresters, in the State to collect compounding fees upto a limit of Rs. 300/- at a time for one year from the date of sanction.

The Chief conservator of forests has also requested the Government to ratify his action in having instructed the Divisional Forest Officers to continue the Range Officers, Deputy Range Officers and Foresters to exercise the existing powers in anticipation of orders from the Government.

2. The Government after careful examination accept the above proposals of the Chief Conservator of Forests and direct that all Range Officers in the State be empowered to compound Forest offences involving property valued upto Rs. 10/- (rupees ten only) in each case.

3. The Government also direct that all permanent foresters and Deputy Range Officers who hold their lein in the posts of Forester in the State be empowered to collect compounding



fee in forest offences upto Rs. 300/- (Rupees three hundred only) and to issue C.F. 140 receipts to the parties subject to the condition that the collections should be remitted by the Forsters and Deputy Range Officers into the nearest Treasury or to the Range Officers as early as possible at least once in a week and that on no day the Forester or Deputy Range Officer should possess more than Rs. 300/- in cash.

4. The Government also ratify the action of the Chief Conservator of Forests in having directed all the Divisional Forest Officers to continue the existing powers in anticipation of Government orders.

5. The Chief Conservator of Forests is requested to watch the working of the delegations granted in para 3 and 4 above for a period of one year and submit a report to Government on the need for the continuance or otherwise of the above orders of delegation.

6. The Director of Government Printing is requested to publish the appended notification in the Andhra Pradesh Gazette.

7. This orders issues with the concurrence of the Finance Department-vide their U. O. No. 7698-F.A. (2&1)/65 dt. 30-12-1964.

(By order and in the name of the Governor Andhra Pradesh).

Sd/- Syed Gulam Rasool,  
Deputy Secretary to Government.

#### NOTIFICATION I.

In exercise of the powers conferred by section 50(d) of the Andhra Pradesh (Andhra area) Forest Act, 1882 (Act V of 1962) and in supersession of the previous notification on the subject the Governor of Andhra Pradesh hereby invests all Forest Rangers with powers under section 55 of the said Act to accept compensation for forest offences suspected to have been committed, if the value of the property involved does not exceed ten rupees in each case.

#### NOTIFICATION II.

In exercise of the powers conferred by section 71 (1) of the Andhra Pradesh (Telangana area) Forest Act, 1355 F. (Act II of 1355 F.) and in supersession of the previous notification on the subject the Governor of Andhra Pradesh hereby invest all Forest Rangers with the powers to accept compensation for forest offences suspected to have been committed if the value of the property involved does not exceed ten rupees in each case.

Sd/- Syed Gulam Rasool,  
Deputy Secretary to Government.



Copy of : -

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

**Sub :— Forests—Offences—Delay in settlement of forest offences—  
Empowering Rangers to compound offences and empowering  
permanent Foresters to collect compounding fees—Orders—  
Issued.**

G.O.Ms. No 2178

Dated : 28-8-1964.

Read the following :—

1. G.O.Ms. No. 1944 Food and Agriculture date 5-9-1963.
2. From the Chief Conservator of Forests Lr. No. 8654/63-D-3 dated 9-2-1963.
3. From the Chief Conservator of Forests Lr. No. Rc. 55060/63-D-3 dated 15-1-1964.

ORDER :—

In the G.O. first read above orders were issued empowering certain Range Officers in nine selected Forest Divisions to compound forests offences involving property valued upto Rs. 10/- in each case and also empowering all permanent foresters in the state to collect compounding fees in forest offences upto Rs. 300/-. In this connection, the Chief Conservator of Forests in his letters read above has raised the following points for consideration and orders:—

i. To clarify whether the value of the bill hooks, axes etc., seized should also be taken into consideration while assessing the total value of seizures for purposes of compounding offences

ii. To clarify whether the Range Officers can compound simple grazing cases involving not more than 10 animals and Rs. 30/- in each case.

iii. To issue ammendment to the notification issued in the G.O. first read above submitting Baptla for Repalli since the name of the Range Repalli has since been changed to Baptla, and

iv. To authorise the Dy. Rangers also to collect compounding fees in forest offences upto Rs. 300/- at a time as they are higher in rank to the Foresters.

2. The Government have examined the matter in detail and issue the following clarifications and orders: —

*Item one above:—* Whether the value of bill hooks, axes etc. seized should also be taken into consideration while assessing total value of seizures for purposes of compounding offences.

According to section 41 of A.P. (Andhra Area) Forest Act and Section 51 (1) of Andhra Pradesh (Telangana area) Forest Act, Property liable to confiscation include timber or Forest produce in respect of which a forest offence is suspected to have been committed together with all tools, ropes, chains, vehicles, cattle etc., used in committing any such offence. According



to section 55 of the Andhra Pradesh (Andhra Area) Forest act and Section 71 of the Andhra Pradesh (Telangana Area) Forest act computation of compensation in a Forest offences has to be made only with reference to the value of the timber or forest produce in respect of which an offence has been suspected to have been committed but not include the total value of seizures made viz., the tools, ropes, bill hooks, axes etc. used in the commission of a Forest offence or 'Seized' as liable to confiscation. Confiscation is not synonymous with forfeiture in these cases. The seized property be released on payment of value thereof as estimated by the forest Officer. The confiscation in the case of Forest offence is only an appropriation by Government as an act of state, of the property of public economy. Thus the tools are not forfeited but are only appropriated and are liable to be released on payment of value thereof as estimated by the Forest Officers. Thus for purposes of release of property on payment of its value the Forest Officers can compute the value of the total seizure viz. value of Forest produce as well as the tools etc., seized. The Chief Conservator of Forests is requested to take action accordingly.

Item ii above:—Whether the Range Officer can compound simple grazing cases involving not more than 10 animals and upto 30 in each case.

According to Section 55 of the Andhra Pradesh (Andhra Area) Forest act, all Forest offences other than the offences under Section 50 and 52 are compoundable. Similarly according to Section 71 of the Andhra Pradesh (Andhra Area) Forest Act all Forest offences other than offences under Section 65 or 66 are compoundable. It will thus be clear that Forest Range Officers empowered in G.O.Ms No. 1944 Food and Agriculture dt. 5-9-63 can compound grazing offences also provided the value of the property (Forest produce) involved is left to the discretion of Officer empowered to compound offence whereas under Section 71 (3) of the Andhra Pradesh (Telangana Area) Forest Act, the compensation levied should under no circumstances exceed twice the value of property (Forest produce) involved. The Chief Conservator of Forests is requested to take action accordingly.

Item iii above :—Issue of amendment to the notification substituting Bapatla for Repalli

The Chief Conservator of Forests is informed that it is not necessary to issue any amendment to the notification No 1 issued in the G.O. first read above as suggested by him merely because the name of the Range Repalli has been changed to Bapatla since the Range Officer will have the same old jurisdiction of Repalli and Bapatla areas.

Item iv above :—Authorising the Dy. Rangers to collect compounding in Forest offences upto Rs. 300/- a time.

The Government authorise all permanent and officiating Dy. Rangers in the State, provided the officiating Dy. Rangers hold a lein in the posts of Foresters to collect compounding fees in forest offences up to Rs. 300/- (Rupees three hundred) and to issue C.F. 140 receipts to the parties subject to the condition that the collection should be remitted into the nearest treasury as early as possible at least once in a week.

This order issues with the concurrence of Finance Department vide their U. O. No. 4623/F, A (F & A)/64-1 dt. 7-7-1964.

(By order and in the name of the Governor of Andhra Pradesh).

Sd/ Syed Gulam Rasool,  
Deputy Secretary to Government.



Dated: 19-2-1965.

**Circular No. 6/65.**

**Sub :—Transfer of land under the control of the Forest Department to other Departments or institutions etc., instructions issued.**

It is noticed that in one case, the Dist. Forest Officer, Anantapur initiated proceeding on his own accord, for the transfer of the land of 0-72 Acres belonging to the Forest Department adjacent to the Government Hospital building, Kadiri, to the Medical Department in exchange and he thus entered into correspondence with the Collector, Anantapur and District Medical Officer, Anantapur. Consequently the Government issued orders accordingly in G. O. Ms. No. 2360 Rev. Department dated 28-12-1961, Marking a copy to the Chief Conservator of Forests. This was done without intimation to the higher authorities viz., Conservator of Forests and Chief Conservator of Forests.

As a matter of fact, the officer concerned should have brought the question of exchanging areas to the notice of his superiors and obtained prior permission. But contrary to this, the entire matter was kept in drak till the receipt Government orders in the matter. This act of the D.F.O. concerned is viewed with displeasure.

In view of the above, it is considered desirable to issue the following instructions to all the Officers of the Forest Department for necessary action. Until and unless the Chief Conservator of Forests orders specifically, no transaction in record to exchange of areas, payment of compensation, estimation and reporting values and transfer or disposal of property etc, should take place.

The receipt of the Circular Memo should be acknowledged.

No. 30492/69/J2/62

Dated : 13-3-1965.

**Circular No. 7/65.**

**Sub:— Survey of Beroon lands in Adilabad District.**

Ref :— CCF's Circular No. 11/62 dated 2-6-1962, issued in CCP.R.T No. 660/62.

Attention of all Conservatos, District Forest Officers, Working Plan Officers is invited to the reference cited. As per instructions communicated in the above circular, it is requested that a copy of the original field book in respect of blocks surveyed should be submitted to the concerened Conservator as and when the survey is completed so that it may be permanently maintained in the circle Office.

2. The Conservators are requested to obtain a copy of the original field book of surveyed blocks which are in the process of reservation and keep them in their offices safely in the record room so that the same may be referred in future when ever needed.



**Circular No. 8/65.**

**Sub:— Representations— regarding promotions- transfers—seniority, arrears of pay and other service matters—Instructions issued.**

It is noticed that several advance copies of representations from subordinates relating to service matters are being received by the Chief Conservator of Forests. Generally the advance copies will be lodged and it is observed that the subordinate officers also do not submit the petitions sent through proper channel, unless their remarks are called by the Chief Conservator of Forests. Thus no action is being taken by anybody and the subordinates are frustrated that the representations are not received with due attention, they deserve. It is very important that in order to keep the service contented, the matters relating to the personal claims and representations about transfers and promotions etc., of subordinates should be replied to within a reasonable time after taking necessary action.

2. The following instructions are therefore issued for dealing with the representations from subordinates.

- (i) In respect of all representations addressed to *Chief Conservator of Forests*, an endorsement should be given on every representation. With this idea, it is hereby ordered that whenever any representation is submitted by any subordinate, the immediate superior officer (D.F.O.) should send it to the next superior Officer (Conservator) within 10 days of receipt of the representation with his *specific comments* on the representation as such. As far as possible, one must avoid an entry reading "submitted for consideration." It is essential that a specific recommendation of the Officer is given.
- (ii) Whenever the advance copy is received by the Chief Conservator of Forests it is now made clear that within (30) days, the Chief Conservator of Forests expects that the copy sent through proper channel will be received by him with specific comments or the opinion of the Officers at various levels.
- (iii) The connected records generally service registers, personal files etc. necessary to decide the representation should also be submitted along with their *parawise* remarks. This will facilitate prompt disposal of petitions by the Chief Conservator of Forests.
- (iv) If the copy sent through proper channel is not received within (30) days, then only reminders from Chief Conservator of Forest's office will be issued. It is therefore hereby ordered that all Officers should adhere to these instructions and send the representations sent through proper channel to reach the Chief Conservator of Forests within 30 days, if such representations are addressed to the Chief Conservator of Forests and are to be dealt with only by the Chief Conservator of Forests.
- (v) If such representation can be disposed of as they fall within the competency of the Officer at the lower levels, it may be done so and an endorsement given to the party concerned and the fact reported to Chief Conservator of Forests.



The above instructions will also apply to the representations addressed to Government and Conservators of Forests.

The receipt of the circular should be acknowledged in the enclosed form.

Ref. No. 14842/65 K-2.

Dated : 9-4-1965.

**Circular No. 9/65.**

**Sub:— Forests—Quarries—situated in Reserve Forest—Demand from Highways, P. W. D.—grant of permits on seigniorage—fees—instructions—issued.**

It is noticed that there is heavy demand from the Highways Department and P.W.D. for the minor minerals in the Reserve Forests for their developmental works such as formation of Roads, Bridges etc.

2. The Chief Engineer, Highways and other Departments have reported that they are feeling it very difficult to take up the works as they are not able to procure the metal from forest areas.

3. A meeting of the officials of the Highways Department and this Department was held to remove the bottle-necks with regards to removal of the minor minerals by the indenting Departments.

4. According to Rule (iii) framed under section 63 (a) of the Andhra Pradesh (Andhra Area) Forest Act 1882, (printed at page 81-62 of M.F.M. Vol. (1) the Forest Departments may allow other Department of Government and local bodies for obtaining the necessary permits to quarry and charge for the material quarried. The seigniorage fee has to be collected from the Government Departments, for the material to be quarried.

5. Besides, in G.O.Ms. No. 790 Development Department of Madras dated 5-4-1930 (copy enclosed) it has been laid down that all transactions relating to removal of minor mineral from Reserve Forests for use of the other Departments should be conducted by the District Forest Officer with the Executive Engineer of other Department or local body concerned and not with the contractors direct. Indenting Officers should be requested to specify the quantity of material required and the locality from which it is required. The amount will be paid by the indenting Department based upon the quantity of material indented for and permits will be issued to the indenting Department only.

6. The District Forest Officers in Andhra Region are therefore requested to take necessary action as per the rule position indicated above. Applications from the contractors of the Highways Department, Public Works Department or any other Department for the grant of quarry lease need not be entertained. These contractors may be advised to approach the Department concerned, who may addresses Forest Department for permits.

7. The District Forest Officers are requested to take necessary action without giving any room for further complaint from the other departments that their development works could not be implemented for want of materials from Reserve Forests.



**8. Receipt of this circular should be acknowledged.**

Copy of G. O. Ms. No. 780 Development Department, Government of Madras, dated 5-4-1930.

Forest-Quarrying in reserved forests-Local Boards and Departments of Government to be charged-orders issued.

Read the following papers :—

G.O Ms. No. 428, Development dated 28th March 1927.

G.O.Ms. No. 1951 Revenue dated 23rd September 1929.

G.O Ms. No. 5090, Law. dated 9th November 1929.

Proceedings of the Chief Conservator of Forests, Ms. No. 31st, dated 12th August 1920

R. D. Richmond Esq, I.F.S.,

Chief Conservator of Forests.

Forest-Produce-Minerals-Charging royalty to other departmental-Reference Chief Conservator's proceedings Ms. No. 113, dated 20th March, 1929.

Read the following papers :—

The following tentative instructions are issued for the evidence of Forest Officers with reference to the orders issued in G O. Ms. No. 428, dated 28th March 1927, regarding the extraction of mineral products from forest lands at the disposal of Government.

- (i) With effect from 1st April 1935 removal of minerals by Government departments or local bodies should not be allowed pending examination of the whole question in detail. The rates to be charged will be these given in the seigniorage lists for the various districts in the Forest Manual.
- (ii) All transactions relating to the removal of minerals from reserved forests should be conducted by the District Forest Officer with the executive engineer of the Government department or Local body concerned and not with their contractors direct. Indenting Officers should be requested to specify each case the quantity of material required and the locality from which it is required
- (iii) Again, pending further examination of the whole matter, the amount to be paid will be based upon the quantity of material indented for.

2. With a view to issuing permanent standing orders, if such prove necessary, conservators are requested to offer their remarks on these instructions with special reference to.

(a) the rates of seigniorage to be levied, and

(b) the conditions under which removals of minerals may be allowed.

Proceedings-Ms. No. 319 dated 12th August, 1929.

Copy forwarded to all Collectors for information.

3. They are requested to communicate the Chief Conservator's instructions to the presidents of Districts Boards and Chairmen of Municipal Councils and to the other departments of Government in the District.



Dated : 15-4-1965.

**Circular No. 10/65.**

**Sub :- Tours—Chief Conservators of Forests—Instructions—Issued.**

The Government in their reference G M. No. 856/Spl. B/65 dated 10-3-1965 have advised the Heads of the Departments to tour more intensively in order to see that the various schemes are executed in the field expeditiously and successfully.

2. In this context, the Chief Conservator of Forests and Deputy Chief Conservator of Forests will be touring more frequently.

3. These tours may be taken advantage by the Field Officers to settle their problems and doubts. The Conservators of Forests and the District Forest Officers are also requested to keep ready with them references which have been referred to the Chief Conservator of Forests for clarification or orders and give such lists to the Chief Conservator of Forests or the Deputy Chief Conservator of Forests. so that the required orders can be expedited on such references.

4. Similarly the Conservators of Forests and Districts Forests Officers are requested to give top priority to the lists of references communicated to them for giving replies in camp to the Chief Conservator of Forests or to the Deputy Chief Conservator of Forests. They should try to give final replies for all such references in camp.

By such vital and regular contact with the Field Officers, it is hoped that administrative efficiency and field work will improve and desired results will be achieved.

Ref No. 7058/65/F4.

Dated : 18-4-1965.

**Circular No. 11/65.**

**Sub :- Working Plans—Deviations in areas—sanction by Divisional Forest Officers, Conservators of Forests ect.—Uniformity of percentage—Instructions issued.**

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As per the existing practice prevalent in Telangana and Andhra regions of the state, the deviations in areas of coupes are sanctioned by the officers upto limits noted against them.

Telangana Region.

(1)

1. Divisional Forest Officers  
upto 10%

Andhra Region.

(2)

- upto 10% in Made coupes.  
upto 15% in other coupes



- (1)
2. Conservator of Forests.  
above 10% and upto 20%
  3. Chief Conservator of Forests  
above 20%

(2)

Nil  
above 15%

In order to avoid delay in correspondence and to expedite the work and also to have a uniform procedure throughout the state, it is hereby ordered that the limits mentioned in column (1) above for Telangana region will apply hereafter to Andhra region also in supersession of the limits in column (2) above. Hence all the forest officers should see that deviation in areas are approved by the Divisional Forest Officers or Conservators of Forests upto 10% and 20% respectively and that cases of above 20% only submitted to Chief Conservator of Forests for sanction.

The above instructions should be followed with immediate effect.

Ref. No. 24288/Plan/65/J4

Dated : 9-4-1965.

### **Circular No. 12/65**

#### **Sub:—Completion Reports for works sanctioned by Government - Chief Conservator of Forests and Conservator of Forests— prompt and timely submission—Instructions—issued.**

During the I, II and III Five Year Plan a large number of estimates on several items of works have been sanctioned and executed many of which were sanctioned by the Chief Conservator of Forests or Government. As per section 127 of the Forest Department Code the District Forest Officers have to submit completion reports to the Conservator of Forests in the manner prescribed therein in respect of all sanctioned works. These completion reports are to be accompanied by Deviation statements wherever necessary.

2. Expenditure incurred by the District Forest Officers on sanctioned works has to be verified by the Accountant General with reference to the Audit registers maintained in his office. In order to facilitate verification by the Accountant General the District Forest Officers have to enclose to the Completion Reports deviation statements if any and a list of the Divisional voucherwise payments of expenditure. Each C R. with the enclosures is to be submitted by the District Forest Officer on the completion of the work.

3. There should not be any delay in the submission of the Completion Reports. A reasonable period of one month from the date of completion of work may be taken as the time limit within which the Completion Reports should be submitted to the next higher authority.

4. In spite of the above rules position it is noticed that in the past several years the District Forest Officers have been delaying submission of the Completion Reports for months and even years. This enormous delay is on no account permissible.



5. Apart from the above the purpose and the need for verification of expenditure by the Accountant General is nullified if delays the submission of the C. Rs. are perpetuated. The connected records in the Accountant General's Office are destroyed after a prescribed period and the C. Rs. received too late by the Accountant General could not be verified by him. Number of such delayed Completion Reports are being returned by the Accountant General without being verified and the Accountant General called for justification for the delay in sending up the Completion Reports. This is a serious irregularity which cannot be allowed to continue.

6. The District Forest Officers and Conservator of Forests are primarily responsible for the incurring of expenditure. It is therefore essential, in their own interest, that all Completion Reports due to be sent to the Accountant General are submitted to the Chief Conservator of Forests within one month from the date of completion of the work so that all defects may be set right in time. Till the Completion Reports are finally verified by the Accountant General and received back from him the responsibility for the expenditure will remain with the District Forest Officers and the Conservators of Forests concerned. The District Forest Officers and Conservators of Forests are therefore informed that if, in any case, unauthorised or irregular expenditure cannot be recovered from the persons primarily responsible due to delayed submission on the C. Rs. the District Forest Officers and Conservators of Forests will be held responsible. They are therefore requested to ensure that Completion Reports with all enclosures are submitted within one month of completion of the works.

7. The District Forest Officers and Conservators of Forests are also requested to ensure that Completion Reports to the works sanctioned by Chief Conservator of Forests or Government upto the end of 1963-64 are submitted to this office *forthwith* with necessary enclosures. Completion Reports for works sanctioned by the Conservators of Forests should be sent to the Accountant General direct by the Conservators of Forests themselves as prescribed in section 127 of the Forest Department Code under intimation to this office.

8. As regards submission of Completion Reports in respect of works for any year the District Forest Officers and Conservator of Forests need not wait for the closure of the year. The C. Rs. shall be submitted to the authorities concerned within one month of completion of the work.

9. The Conservators of Forests are requested to submit their acknowledgements for the receipt of this circular. Similar acknowledgements may be obtained by them from their subordinate officers and filed in the Circle offices without fail.

Ref No. 60936 61-D1.

Dated : 22-4-1965.

### **Circular No. 13/65.**

**Sub: - Leases—adjustment of resale proceeds towards the dues in some other lease unit—regarding.**

According to para 4 of G.O.Ms.No. 2191 F&A dt 17-10-1963 communicated in CC's Rc. 51828 62 D-1 dt. 27-11-1963 and subsequent Government clarifications on the subject the amount realised at resale of a balance coupe irrespective of whether such resale materialised



after the expiry of the original lease period or within lease period it has to be set off against the dues of the original contractor towards instalments, sales tax, interest, fines etc. The balance if any in excess need not be refunded to the Party.

Now a certain District Forest Officer has issued proceedings adjusting the excess (fetched at a resale) for a particular lease unit towards the same contractor's dues for another coupe. Such adjustment are not contemplated in the G.O.Ms. No. 2191 F&A dated 17-10-1965 or subsequent clarifications issued by Government. It is hereby clarified for the information of all District Forest Officers that the excess fetched at resales of balance coupes should not be adjusted towards the dues for any other lease unit or units even if the same person happens to be the contractor for both nor should it be refunded.

The receipt of this circular should be acknowledged.

Ref. No. 72368/64 E-2.

Dated : 22-4-1965.

Vaisakha 2, 1887.

### **Circular No. 14/65.**

#### **Sub:—FORESTS—Plantations—Poor results in plantations—instructions for better protection and maintenance.**

On a review made by the Government regarding the success and survival percentage of cashew plantations raised in the State they observed that 50% of the total area planted is not successful. Whatever may be the reasons for the low success it requires very careful attention by all the concerned.

The District/Divisional Forests Officers and Conservators of Forests are requested to use their good offices for better attention in the plantation works and also for their protection. For this purpose they should periodically inspect the plantations not only cashew but all plantations and advise and issue instructions to all the concerned officers both orally and in writing about the betterment of the plantations and their protection work.

The receipt of this circular should be acknowledged.

Rc. No. 24482/64 D-2.

Dated : 24-4-1965.

### **Circular No. 15/65.**

#### **Sub :— Sales - delays in issue of confirmation orders to be avoided regarding.**

In para 1 of item III (Confirmation, Agreements & payment of instalments) of C.C.F's Circular No. 32/63 detailed instructions were issued as to how expeditious action should be taken in the matter of confirmation of sales and execution of agreements.



Subsequent to the issue of Circular No. 32/63 a certain District Forest Officer issued a sale notice with a condition that confirmation orders would be issued within 15 days of date of sale. But actually he issued confirmation orders more than 2 months after the date of sale. Another important factor worth noting is that the lease period was due to expire within 1 month and 20 days after confirmation. The highest bidder refused to work the coupe and applied for refund of his money. When the matter went to the notice of Government they held the action of the contractor in refusing to work the coupe at that stage reasonable and ordered the refund of the E.M.D. to the highest bidder. In another case a Munsiff Magistrate has observed that the highest bidder is entitled to withdraw his offer before the issue of confirmation orders.

If sales or not confirmed within the time fixed in the sale notices, naturally the highest bidders who invest money for doing business lose interest and like to withdraw from the transaction. This is particularly so, when he has offered a high bid due to competition or for any other reason. A resale if held after the efflux of considerable portion of lease period may not fetch an equally good price with the result Government will be put to loss. To avoid such a contingency, the District Forest Officers should act promptly in getting the formalities completed and in issuing confirmation orders. As a rule confirmation orders should be issued within 15 days if not earlier after the date of sale, survey, demarcation, marking of trees to be felled or retained, fixation of lease period and instalments etc., should be completed before sale. These instructions should be followed strictly and any violation of this Circular will be viewed seriously.

With greater delegation of powers for confirmation as per G.O.Ms. No. 1000 F & A dt. 7-4-1965, communicated in CC's Rc. No. 6219/65 dt. 14-4-1965, there should be no cause for any delay.

The receipt of this Circular should be acknowledged.

Ref. No. 38959/63 A2

Dated : 22-4-1965.

### **Circular No. 16/65.**

#### **Sub :— Appeals & Memorials - Furnishing of information - Instructions - Issued.**

An instances has come to the notice of the Chief Conservator of Forests where in two foresters have committed offences of similar nature in one and the same case but one Forester who was appointed after 1956 was awarded punishment of stoppage of increment for a period of one year by the District Officer where as another Forester who was appointed prior to 1956 was dismissed from service by the Conservator of Forests according to their competency. Justice and equity demands that there should not be such glaring disparity in the punishments for the same type of offence committed, by the Government servants of the same rank in one and the same case. In order to check the recurrence of such cases in future it is considered necessary to have some kind of supervision. The Conservator of Foresters, are therefore requested that they should check such cases during the Office inspection of the District Offices.



It is also hereby instructed that whenever remarks are offered on memorials, appeals and while submitting findings in the cases of Deputy Range Officers, Range Officers, District Forest Officers to the Chief Conservator of Forests the District Forest Officers and Conservators of Forests should invariably state clearly by adding a para about the other subordinates involved in the same cases if any, the stages at which the disciplinary cases are pending against them, punishments awarded or proposed to be awarded, for checking such cases at the level of Chief Conservator of Forests as well.

The receipt of this circular should be acknowledged.

Ref. No. 6866/63 N2.

Dated : 1—5—1965

**Circular No. 17/65.**

**Sub:—Forest Department—Consolidated pay Bills—C.T. Rs. and cheque returns to Accountant-General—Instructions issued.**

Many instances of delays in submission of the consolidated pay bills by most of the Divisional Forest Officers have been noticed. This may be due to several reasons. To avoid delays it was suggested to Accountant-General to accept the individual range bills instead of consolidated pay bills. The Accountant-General has accepted the procedure in principle and suggested to amend section 137 of the Forest Code. Draft amendment has been submitted to Government on 11th January, 1965 for approval. A copy of the proposed amendment is enclosed. All the Officers are requested to follow the new procedure from April 1965.

2. It was explained to Accountant-General that there are difficulties involved in submission of C. T. Rs. and cheque returns duly verified along with monthly accounts on 8th of each month. It was suggested to him that these documents would be sent separately to reach the Office of the Accountant-General by 15th. The Accountant-General has agreed to this suggestion subject to the condition that these returns also sent with Treasury Officer's Certificate along with Cash accounts. The Procedure accepted by Accountant-General may be followed wherever necessary.

The receipt of this Circular should be acknowledged.

Copy of :

Rc. No. 77024/64 A6

Dated: 8—5—1965.

**Circular No. 18/65.**

**Sub:—Establishment—Forest—Department—Fixation of seniority of Foresters—transferred from Ministerial establishment—Instructions Issued.**

On a representation from a forester to count his service as Lower Division Clerk in the category of forester as the pay scales of Lower Division Clerks and foresters were identical,



orders were issued in Chief Conservator's No. 51609/62-A1 dated 18-9-62 to count the service of Foresters transferred from Ministerial establishment from 1-11-58 towards the seniority of foresters under Rule 33 (c) of general Rule for State and subordinate Services as the pay scales of foresters and Lower Division Clerks were identical with effect from 1-11-1958.

The Conservator of Forests, Kakinada has requested the Chief Conservator of Forests to issue similar orders in respect of another forester, whose case is of similar type. On a clarification sought for by the Chief Conservator of Forests the Government in their Government Memo No. 1227/For. 11/65-1 dated 30-5-1965 issued orders that General Rule 33(c) is applicable only to the cases of transfer of a person from one class or category of service to another class or category of the same service. This Rule is not applicable to the cases of transfer from one service to another as from Ministerial service to forest subordinate service.

In view of the above clarification, the orders issued in Chief Conservator's Ref. No. 51609/62-A1 dated 18-9-62 are hereby cancelled.

Representations are being received from persons requesting to count service of L.D.Cs. in the category Foresters also and fix their seniority under Rule 33 (c) of General Rules for Andhra Pradesh State and Subordinate services. All the Conservators of Forests are requested to inform such foresters about the position of Rules, so that they may not resort to representations to higher authorities.

The receipt of this circular may please be acknowledged.

Ref. No. 30938/65/E2

Dated: 14-5-1965.

### **Circular No. 19/65**

#### **Sub :— Raising of Shramadan nursery beds.**

During 1962 Shramadan nursery beds were raised all over the State which came in handy for the bamboo plantations and also for distribution to ryots for planting in their home steads as bamboo is a species which is of universal importance. Similarly during 1963 Sissoo beds were raised free of cost by subordinate Officers particularly in Divisions like Chittoor East which also came in handy for the plantations in subsequent year. But during 1964 and 1965 no such thing was done in any of the divisions probably because there was no directive from the Chief Conservator of Forests.

Raising of Shramadan beds should become a normal feature in all the divisions and no special instructions need be issued by the Chief Conservator of Forests every year on the subject. The choice of species is left to the Conservators and District Forest Officers. They may choose the species depending upon the plantation programmes of the particular division and the requirements of the locality. These beds are intended not only to meet the requirements of the Department but also other departments and the general public. It is therefore, ordered that from 1965 onwards every division should have Shramadan beds raised every year by the subordinate Officers free of cost at suitable places with suitable species. The receipt of the circular should be acknowledged in the enclosed form.



Ref. No. 31237/65/E2.

Dated : 3—5—1965.

Vaisakha 13, 1887.

### **Circular No. 20/65.**

#### **Sub:— Planting Season— Surprise visits by Officers.**

It was in this season last year that through a series of "Forest Calendars" issued every month, I exhorted you to rise upto the occasion, bestow constant attention and make the Plantation Programmes a success. As already stated it is now well known that the only manure which will produce successful plantations is the "manure of master's drive". Though we may allot thousands of rupees for plantations they will not carry us far in the absence of atleast an ounce of determination to succeed. Successful plantations only will insure the survival of our Department. Therefore, I have coined the following dictum for our Department "E. S. P." E. S. P. means "Let us solemnly pledge to establish successful plantations". This should be the mode of salutations of Forest Officers the usual conventional way of salutation. I have no two opinions in my mind that our survival and entity as a separate department depends on our capacity to establish successful plantations.

Therefore, from this year (1965) onwards during the planting season, I want that every body should be right on the job in the field organizing and supervising the plantation work personally by hopping from place to place on surprise. During the planting season, no fixed tour programme need be given by the District Divisional Forest Officers or the Conservators of Forests to the Subordinate Officers. It is enough if the D. F. O. submits a copy of his programme to the Conservator of Forests only in a confidential cover and the Conservator of Forests to Chief Conservator of Forests only. I want the officers to impart an element of surprise into their tours and visit the plantation areas straight away to see whether every one is on the job in the plantation. The tours may be made in a simple and unostentatious way disturbing as few subordinates as possible. More accent and importance may be given to visiting the work spot straightaway.

Remember that "success through successful plantations" should be the aim of every Forester.

The receipt of this Circular should be acknowledged.

Rc. No. 30939/65 G2.

Dated : 14—5—1965.

### **Circular No. 21/65.**

#### **Sub : Establishment of seed Banks in the divisions.**

It is noticed that often indents for seeds are received very late from one division to another outside circle or even in the same circle, with the result that the seeds indigenously available are not collected in proper time, provision is not made in time and even if it is made collections are not properly organised with the result that seeds have to be obtained from far of places at the last minute at huge cost.



Therefore during the discussions of plan of operations itself, the issue of collection of seeds in each division must be finalised. Provision must be made for collecting the seeds locally available in time so that indents for seeds can be met in proper time. Even if there are no indents, the seeds can be distributed as an extension programme to the ryots for sowing in their fields as part of Farm Forestry programme.

The receipt of this circular may please be acknowledged.

Ref. No. 33188/65-E3,

Dated : 31—5—1965.

Jyeshtha 10, 1887.

#### **Circular No. 22/65.**

##### **Sub :—Utilisation of Non-teak treated timbers for Departmental building works instructions - Issued.**

It is noticed that the Divisional Forest Officers, while executing the departmental building works, are purchasing the required timber locally, thereby incurring much expenditure when the timber, with an advantage, be secured from the department's timber depots, and can at the same time add to the revenues of the government.

The Integrated Saw Mill is functioning at Rajahmundry where sawn timbers of different species are available for supply to public and also to Government departments. There is also a mobile treatment plant to treat timbers, at the Saw Mill, Rajahmundry and there is no need to mention that the Saw Mill and treatment plant should be put to increased use by the Department to fulfil the purpose for which it is established.

All the District Forest Officers of Soil Conservation Circle, Visakhapatnam should hereafter meet their requirements for the department works by placing indents on the Saw Mill, Rajahmundry and not purchase timbers from private parties or in open market. Further they should use only non-teak treated timber, and teak as far as possible should be avoided.

The receipt of the Circular is should be acknowledged.

Rc. No. 28489/65/D-2.

Dated : 1—5—1965.

#### **Circular No. 23/65**

##### **Sub :— Dead wood—removal of Dead wood from Reserved Forests illicitly—prevention of regarding.**

The Collection of "Dead Wood" from areas outside the limits of the coupes is resorted to by some contractors and is going unchecked. To prevent this illicit removal of Dead wood the following instructions are given :—

1. Before preparing the upset price statements the Range Officers should assess the quantity of dead wood available in each timber and firewood coupe and include quantity of dead wood available in the coupe in the upset price statements.



2. It should be included in the sale notices and announced at the sales that separate permits will be issued to the contractors for the dead wood available in each coupe to the extent announced and that the contractors will have to remove the dead wood within specified time after taking charge of each strip on separate permits.

3. The District Forest Officers should direct the Range Officers to issue separate Form for any other permits in vogue in the division with rubber stamp at the top indicating that the permit is for removal of wood only.

4. The number of permits issued should be limited to the quantity available in each strip.

5. Time of one month or less as fixed by District Forest Officer from date of taking charge of each strip for removal of dead wood should be adhered to strictly.

6. The contractors should be forewarned that issue of any other permit for dead wood; or transporting dead wood mixed up with green wood or transporting dead wood after the time given expired will be a breach of sale notice and agreement conditions and will entail in levying of heavy penalties.

The receipt of this Circular should be acknowledged.

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Ref. No. 35924/65/H4.

Dated : 8—6—1965

### **Circular No. 24/65**

#### **Sub :— Implementation of the instructions in the Field Inspection Notes—Instructions—Issued.**

I find that most of the Field Inspection Notes of the Conservators are lying with the District Forest Officers without any concrete action. In many cases, the Field Inspection Notes were lodged without any action, and wherever, they are kept alive, correspondence is still going on between the Conservators and the District Forest Officers in a routine manner. Years are rolling by with out any concrete result. There is no use of doing Field Inspections, if the instructions contained there in are not implemented immediately unless there are extraordinary reasons for not implementing the same

In order to see that the instructions contained in Field Inspection Notes are properly implemented by the sub-officers, it is hereby ordered that in future the Conservators and the District Forest Officers should carry always with them to the camps, the Field Inspection Notes and see that the instructions contained in the Field Inspection Notes are implemented and reports obtained on the spot in camps itself.

I hope the above instructions will be followed in letter and spirit.

The receipt of the circular may please be acknowledged.



Copy of :—

Ref. No. 39261/65-A6.

Dated : 8-6-1965.

**Circular No. 25/65.**

**Sub :— Establishment—Forest Department—disbursement of salaries of subordinates by money orders—instructions issued.**

It has been brought to the notice of the Chief Conservator of Forests during his camps that the salaries of subordinates are not being disbursed in time and in some cases, even poor bungalow watches are being asked to go over to range head-quarters for disbursing the salary. The subordinates are spending more money towards expenses on to and fro journeys to range head quarters to get their salaries than what they would have lost, if the pay had been disbursed by M. O.

2. In this connection, the attention of all officers is invited to G. O. Ms. No. 1922 Food and Agriculture dt. 25-7-1965 in which the Government have approved the following suggestions of Chief Conservator of Forests and requested to give suitable instructions to the subordinates.

- (a) to disburse the salaries to those subordinates who have given their consent in writing to send their salaries through postal M.O. after deducting M.O. commission;
- (b) in case of others to disburse the salaries before a witness and to take the signature of the witness on acquittance rolls.

In Chief Conservator's No. 64580/62-B2 dated 6-8-64 while communicating the above Government orders, it was ordered that the District Forest Officer should check up the acquittance rolls at the time of annual office inspection and see whether these orders are implemented properly are not. If these orders are not implemented by any officer at any time, suitable disciplinary action should be taken against him. In this connection, attention is also invited to the provisions in para 9 section 3 part V of Range Administration Manual.

3. In spite of the above specific orders, complaints are being received that the subordinates are asked to go over to range head quarters to receive their salaries. This is unsatisfactory. It is therefore hereby ordered that the subordinate should not be called on to Range Head Quarters to receive pay due under any circumstances. If any Range Officer violates this order, disciplinary action should be taken on him invariably. The pay may be sent by postal M. O. after deducting the M. O. commission, taking the consent of subordinates in writing to send the salaries by M. O. In that case, the punctual receipt of M. O. acknowledgement should be watched and posted to the original pay roll in proof of disbursement.

4. The above instructions should be followed strictly and any complaint in this respect will be taken serious notice of. The District Forest Officers should ensure that these orders are implemented, by Range Officers by equiring the subordinates during their camps and also by verifying the acquittance rolls submitted by the Range Officers along with cash accounts and issue suitable instructions whenever necessary. The District Forest Officers should personally obtain the letters of consent from the subordinates in camp or by correspondence and make an effort to disburse to as many subordinates as possible by M. O. only.

The receipt of this circular should be acknowledged.



Ref. No. 39292/65: E2.

Dated : 12-6-1965.

### **Circular No. 26/65.**

#### **Sub :- Plantation sites—Selection and Sale.**

In supersession of the instructions issued in Circular 8/63 dated 16-4-1963 and Amendment in Ref. 21797/63/E2, dated 22-6-1963 the following instructions are issued for immediate compliance. These orders will take effect from 1-7-1965.

Every District Forest Officer before selling a plantation site must prepare a treatment map of the said site and send the treatment map with a certificate in the following form to the Conservator of Forests.

"It is to certify that I have inspected the site selected for raising ( ) plantation of ( ) acres of ( ) species in ( ) block (R.F.) Range and after ascertaining soil and rainfall requirements, I am satisfied that the site selected is fit for raising plantation of ( ) species, I also certify that the area can be sold for the clearance of growth.

"District Forest Officer"

Unless the approval of the Conservator of Forests is there no site should be sold for raising plantations. Conservator of Forests should give the approval only after obtaining the certificate and map mentioned above, and only after inspecting the plantation site.

The receipt of this circular may be acknowledged.

Ref. No. 43880/65 A1.

Dated : 24-11-1965.

### **Circular No. 27/65.**

#### **Sub :- Establishment—Forest Department—promotions from one category to another—specific remarks—called for.**

It is observed that whenever proposals for promotion of Foresters as Dy. Range Officers or Dy. Range Officers to Range Officers etc. are called for, the Divisional Forest Officers and Conservators of Forests are not offering specific remarks regarding the suitability of the subordinate concerned. This has resulted in unnecessary correspondence in calling for specific remarks of the officer before a decision is taken by the Chief Conservator of Forests regarding the fitness of the subordinate for promotion. Generally the Officers give vague remarks such as 'I have not seen his work' or 'No remarks'.

It is impressed on all the officers that it is not possible to see the work of every subordinate on the file by every Divisional Forest Officer and Conservator of Forests and that is why that personal files are maintained. The suitability of a subordinate can very well be judged from the personal file, which reflects the work and conduct of an Officer if honestly maintained, punishments if any, in the past and the charges pending and nature of charges etc.



3. The Divisional Forest Officers and Conservator of Forests are therefore requested in future to offer specific remarks regarding suitability of a subordinates for promotion so that the Chief Conservator of Forests can take a decision without entering into correspondence.

The receipt of the circular may please be acknowledged.

Copy of:—

Ref. No. 35984/64-G2.

Dated : 10—7—1965.

**Circular No. 28/65.**

**Sub :— Delegation of powers to the Divisional Forest Officers—For clearance of tree growth in R.Fs. coming in the way of erection of Electricity K.V. lines and post and Telegraphic lines – by the Electricity Department and Postal and Telegraph Department—respectively—instructions—issued.**

1. Attention is invited to the Chief Conservator of Forests reference No. 9861/60-F1, dated 16-6-61, where in powers to sanction clearance of jungle growth for E. T. lines and P. T. lines, were delegated to the Conservators of Forests to facilitate the work of the concerned Departments as this does not involve or imply disreservation of the area so cleared. Accordingly permission to clear tree growth is being accorded to the Electricity Department and Postal and Telegraphs Department subject to the following conditions.

1. The tree growth along with the length and breadth of the K. V. Lines and Postal and Telegraphic lines will be marked by the Forest Department and the marking book may be furnished to the Electricity department and postal and Telegraphs Department. The Electricity Department and Postal and Telegraphs Department shall fell the tree growth as per the marking book and the felled produce will be stocked and handed over to the Forest Department (as per marking book).

2. The Forest Department will take charge of felled material as per marking book, brought to timber accounts and dispose it off in open auction and credit the sale proceeds to the relevant head of account of the Forest Department.

3. Further the Electricity Department/Postal and Telegraphs Department will have no right over the land or future growth but will be permitted on prior application to the Divisional Forest Officer and Conservator of Forests to carry out repairs; maintenance etc. to K. V. Lines and P.T. lines passing through R.F. from time to time without damage to tree growth.

4. "The Electricity/Postal and Telegraphs Department will carry out on prior application reclearance along K.V. Lines"/P.T. lines respectively from time to time and hand over the produce to the Forest Department who will auction the same and the Electricity Department/Postal and Telegraphs Department will have no claim over the produce. This will also be done by the Electricity Department/Postal and Telegraphs Department respectively on prior application to the Divisional Forest Officer and Conservators of Forests.



5. The Labourers or the contractors engaged in this work, should not misuse the permission and should not indulge in illicit fellings. Failing which they shall be dealt with suitably under the relevant provisions of the Forest Act.

II. Of late, it is noticed that requisitions from the Electricity Department/Postal and Telegraphs Department are on the increase due to their expansion programme undertaken during the III Five Year Plan, in laying E.T. and P.T. lines through R.Fs. It is also noticed that several complaints are being received about non-accounting of the produce, improper sales without proper sale notices.

III. In order to facilitate the work, without undue delay, connected with the laying of P.T. lines and E.T. lines passing through R.Fs. it is desirable that the above powers delegated to the Conservators of Forests in this office reference No. 9861/60-FI, dt. 16-6-61; should be delegated to the Divisional Forest Officers with the following instructions to accord permission to the E.T. and P.T. Departments to clear the tree growth coming in the way of E.T. lines and P.T. lines passing through R.Fs subject to the conditions mentioned in para (1) above. *The Divisional Forest Officers shall intimate to the Conservator of Forests and Chief Conservator of Forests on the same day permission is given.*

4. *Instructions to the Divisional Forest Officer :—* The Divisional Forest Officers are requested to ensure while exercising the above powers that only saws should be used, by the Electricity Department/Postal and Telegraphs Department for sawing flush with the ground level so that good timber trees will get maximum timber yield. In respect of timber trees, ring marking should be done with red paint, while fuel trees, should be felled with axe and stocked. They will also see that one special duty Forester should be with the felling party always to guide them, while the section Forester should take delivery of the felled produce and account for in Form 3, 4 and 5, 8 and 9 timber accounts and not the special duty Forester. After properly accounting for the felled produce, *it should be sold within one month of felling* of the material, duly giving wide publicity. The Divisional Forest Officers will take personal interest in this regard, contact concerned authorities and insist on quick handing over the same after promoting conversion and they shall even demonstrate personally to the Officers of the Department as to how the whole thing should be done to avoid loss of produce later on, in the presence of the special duty Forester put on the job. There should be no delay in the sale of the resultant produce and no excuse that the produce was not properly handed over etc, will be accepted. The Divisional Forest Officers will please note that it is their personal responsibility if any thing goes wrong in this regard. The Divisional Forest Officers will submit their comprehensive reports to the Chief Conservator of Forests through the Conservators of Forests concerned expeditiously.

B. *Instructions to the Conservators of Forests:—*The Conservators of Forests will please check up in these malpractices enumerated earlier, during their field inspections and by making surprise inspections. They will also ensure that wide publicity should be given to such sales of the resultant produce out of E. T. and P. T. lines, as per general sale notice and they will please attend the auction sales of such produce by fixing a date suitable to Conservator of Forests and this can easily be done by the Divisional Forest Officers in consultation with the Conservator of Forests. The Conservator of Forests will obtain and submit the reports of the Divisional Forest Officers concerned to the Chief Conservator of Forests as expeditiously as possible with their remarks.

The receipt of this circular should be acknowledged



**Circular No. 29/65.**

**Sub:—Forest—Unauthorised cultivation in Reserved Forests—eradication of—Instructions—Issued.**

1. It is brought to notice of the Chief Conservator of Forests that considerable Forest area in Telangana region are reported to be under illicit cultivation as detailed below.

- (i) Illegal cultivation prior to 1949.
- (ii) Illegal cultivation after 1949.
- (iii) Irregular Patta cultivation in Reserved Forests.

Illicit cultivation in the above three categories appear to be on the increase in all most all the Divisions of Telangana Region.

II. In order to solve the problem the following measures are suggested for the eradication of evil of illicit cultivation in Reserved Forests areas in Telangana region.

(1) A special party will be formed by the Divisional Forest Officer and the entire Forest blocks in which illicit cultivation under the above mentioned categories exists, should be surveyed and the Reserved Forests boundaries verified according to the reservation records and the boundary cairns be refixed wherever missing.

(2) The information regarding to cultivation in R. F. prior to 1949 and after 1949 will have to be got from the Tahsildar's Office. A sketch may be prepared showing all the categories on the Reservation Map.

(3) It is first essential to know the legal status of each such block i. e. under which section of Hyderabad Forest Act, it has been notified and also to verify as to how the pattas have come into existence within the Forest Block, whether these pattas were in existence prior to the notification of the Block or after notification of the Block. In case the pattas have come into existence after the notification of the Block, they will be considered irregular and require to be cancelled. In case, they are old pattas, the claims of the pattedars will be decided by the Forest Settlement Officer, under section (6) of Hyderabad Forest Act, provided the block is notified under section (4) of Hyderabad Forest Act. If the block has been notified under section 19 of Hyderabad Forest Act, it will be considered that the claims of the pattedars have already been settled and compensation, if any, might have already been paid and hence the pattas, if any in pucca Reserved Forests, should be got cancelled.

(4) As regards illicit cultivation prior to 1949, a copy of the note, where in all the standing orders of the Government in respect of dealing the illicit cultivation in Reserved Forests have been brought out, is enclosed herewith. In the light of these orders, these cases of encroachments will have to be settled.

(5) As regards the encroachers who were illicitly cultivating of Reserved Forests lands after 1949, they will be straight away evicted with the help of Revenue and Police authorities.



(6) The Forest staff with the help of Police and Revenue Officers should make necessary arrangements to prevent the encroachers from cultivating the Reserved Forests.

(7) As the Madras Land Encroachment Act III of 1905, has since been extended to the Telangana region, it is desirable to address the Collectors concerned and to get these encroachers evicted from the Reserved Forests areas encroached upon.

(8) It is also desirable to address the Collectors to instruct the Tahsildars concerned for not collecting Sivaijamabandi from the encroachers in the Reserved Forests areas.

(9) It may be mentioned that necessary provision has already been made in the Integrated Forest Act empowering the Forest Officers to evict the encroachers and illicit cultivators and that provision has also been made in the Integrated Forest Act for confiscating the crop. The matter is thus under consideration of the Government separately and the orders of Government will be communicated immediately on their receipt.

(10) As and when encroachers are evicted, plantations will be taken up progressively subject to availability of funds.

(11) According to the latest orders of Government contained in G.O.Ms. No. 32 Food and Agriculture Department dt. 13-2-64, the Joint Inspection of forest blocks and examination of the proposals under section 4 of the Forest Act by the Department committee, have been dispensed with. Hence the question of referring all cases of illicit cultivations prior to 1949 to the committee does not arise. The cases of such illicit cultivation, will have to be decided based on the standing orders of Government referred to under (4) above.

(12) The work of survey and demarcation of illicit cultivation and settling of the cases is of arduous nature, which the present staff cannot possibly cope up. Hence it is desirable to consider the necessity of appointing special staff on the same analogy as that for illicit cultivation in Adilabad District. Proposals may be submitted where necessary.

III. All the officers of the Forest Department are requested to bear in mind the above measures, while dealing with the question of illicit cultivation in their divisions.

The receipt of this Circular should be acknowledged.

copy of note on :

#### **Illicit cultivation in the Forests of Adilabad District**

Unauthorised cultivation in Government Forests has become common. This illicit cultivation is rampant specially amongst the Gonds and other Forest tribes of Adilabad District. The Forest Department had made several attempts to curb this practice by launching cases against the offenders in the courts of law, compounding and recovering fines but all these appeared to have had dilatory effect on the culprits. In spite of these departmental measures, people inclined to make easy money are keen on unauthorised cultivation within the Government Forests, whenever such an opportunity offers itself.

In order to root out the evil prevalent chiefly among the Forest tribes, Government were moved to excise more than a lakh of acres in Adilabad District for rehabilitation of Tribal people. In spite of such excision of Forest area, unauthorised cultivation could not possibly be controlled till 1358 F.



The introduction of 'Grow More Food Campaign' in the years 1949 enhanced the percentage of unauthorised cultivation, as a result of which the Government was again moved and the following decision was received through Secretary Rural Reconstruction letter No. 63 of 1949.

The cultivation which has been made under Grow More Food Scheme, prior to October 1949, may be allowed and the cultivators may not be evicted. No additional area should be allowed for cultivation over and above the area cultivated prior to 1949. In case of further encroachment severe action may be taken. Cultivated area may be inspected jointly by the Revenue and Forest Officers and a report submitted along with their opinion regarding the area that may be allowed for such cultivation in the R.Fs and they could be excised.'

In accordance with the above directive, a joint inspection in collaboration with the Revenue Officials was made in Adilabad and Nirmal Divisions and report submitted to Government.

During communist menace, the villagers took a undue advantage of the situation, cleared the Forest and started cultivation even ignoring the demarcation line of Govt. Forests. No employees of the Govt. could go into the interior Forests without police help and this apparently helped the unauthorised cultivators to extend the cultivation in Forest Areas.

The task of stopping illegal cultivation did not entirely rest with the Forest Department but the Revenue Department also failed to check the activities of the villagers and on the other hand, legalised the affair by 'Amal Sivai Jamabandi.'

With the advent of Police Action and return to normal conditions, the Forest Department took action against the Forest offenders within the rules, compounded cases and evicted villagers wherever possible. Due to this methodical eviction of villagers from unauthorised cultivation, those who had a standing of 4 to 5 years, as tillers of the soil, began submitting memorandums to various Heads of Departments to grant these lands on patta. In order to meet this unprecedented situation, Government issued orders in letter No. 68 of 1949 referred above. Thus the policy of the Govt. so far as cultivation vis-a-vis in Forest lands are concerned, was clear and precise, in the erst while Hyderabad State. According to this policy there was no question of permitting cultivation after the issue of the orders i.e, after 23-10-1949.

In spite of such clear orders, the scheduled castes and tribes, staged a high agitation against the eviction of encroachers from Forest lands in Aurangabad Dist. Consequently this issue of encroachment in R.Fs. was re-examined by the Ex. Hyd. Govt. and issued detailed orders in this regard vide Ex. Secretary Rural Reconstruction No. Fst/142/8/53/13535-1 dt. 27-10-53. In view of this decided policy of Government the cases of encroachments in R.Fs. used to be decided by the Revenue and Forest Officers and reservation proceedings were being expedited.

After the formation of Andhra Pradesh, the Govt. in Agriculture Department were pleased to issued orders that the existing Policy of the Govt. laid down, in G. O. Ms No. 92 I.C. & L. dt. 17-1-1955 and former R.R's Dept. letter No. Fst./142/53/13535-1 dt. 27-10-53, need not be revised. The Govt. further ordered that the Forest Department should come up with specific proposals in respect of the eviction of encroachers in objectionable cases and for disreservation and assignment of genuine old cases where the ryots have been cultivating for a long time- Vide G.M. No. 93303/C1/58-2, dt. 6-12-1958.



Besides this, the Government in their Memo No. 127698/CI/58-1, dated 12-3-59, have ratified the action of the Chief Conservator of Forests in having issued instructions with reference to the orders of Minister Agriculture relating to the continuance of cultivations during the current year in the taken over estate Forests not yet notified under section 16 of the Madras Forest Act and the ex-panchayat Forests provided the cultivation existed in the past and permitted last year;

Further to examine the applications for lease for raising cashew etc. plantations or for disreservation and assignment of Forest lands for cultivation and other purposes and also to consider the necessity of leaving out of reservation sufficient lands for communal purposes and for cultivation, from the taken over estate or Jagir Forests, the Government have ordered for the constitution of a committee in G. O. Ms. No. 1222 Agri. dated 28-5-60.

In G. O. Ms. No. 817 Agri. dt. 21-4-63, the Government have been pleased to order that in place of the existing District committee a committee consisting of the Chairman, Zilla Parishad as Chairman, the Divisional Forest Officer, as convener and the Revenue Divisional Officer concerned as member has been constituted and the committee should inspect jointly all forest lands yet to be surveyed and notified with two of them forming a quorum and at all such joint inspections there shall be a record in writing to the effect of consulting the village elders.

It may also be mentioned here that the Madras Land Encroachment Act, III of 1965 has been extended to the Telengana region also and this Act has been communicated to sub-Officers for necessary action. According to this act, the Collector of the Dist. is competent to evict the encroachers. Consequently the Forest Officers have to approach the Collector for the eviction of encroachers from Forest land.

There is no provision in Forest Act for the eviction of encroachers from the Forest lands, and hence the Forest Officers have either to resort to the court of law or to the Collector for eviction of the encroachers. Hence provision has already been made in the Integrated Forest Act for delegating powers to Forest Officers to evict encroachers and illicit cultivators. Provision is also made in the Integrated Act to destroy crops raised in R. F. areas by the encroachers to discourage illicit cultivation.

The present policy of the Government, contained in G. O. Ms. No. 92. IC. and L. dt. 17-1-55 and reaffirmed in G. M. No. 32732(a) CI/58-1, dt. 27-3-58 and also recent Government orders in G. O. Ms. No. 424 Agri. dt. 10-3-61 is that the Forest lands are unassignable and they cannot be leased out for cultivation or other purposes.

The working plan Officer, Asifabad has brought to the notice of the Chief Conservator of Forests that illicit cultivation in Adilabad Dist. is going on since several years and the action taken against the encroachers under the Forest act is proving futile. He also stated that in spite of deterrent action taken by the Department the encroachers are persisting in illicit cultivation in R. F. areas. The C.F., W.P., Circle suggested that the encroachments prior to October, 1949 and after 1949 should be listed out separately to decide the issues whether to disreserve the areas and form enclosures or to evict the encroachers. In view of these proposals of the Conservator of Forests working Plan Circle, the Conservator of Forests, Nizamabad Circle was instructed to list out all encroachments, beat wise, date wise with the extent of encroachments



and the persons in occupation etc. It was also instructed that should see that no fresh encroachments are allowed etc. Accordingly the Conservator of Forests, issued instructions to the Divisional Forest Officers Adilabad, Nirmal, Mancherial and Asifabad to list out the encroachments on the prescribed proforma which is awaited.

(True copy)

Copy of the letter No. FSt. 142/8/13535/dt. 27th October 1953 from the Secretary to Government, Rural Reconstruction Dept. Hyderabad Dn. addressed to the Chief Conservator of Forests, Hyderabad Dn.

**Sub :— General Policy of the Forest Department with Regard to Allotment of Forest lands to Ryots for cultivation.**

Ref :—Your Urdu letter No. 2099 dated 10-9-1955.

Sir,

In connection with the recent agitation of the scheduled Castes and Tribes against the eviction of unlawful encroachers from forest lands in the Aurangabad Dist., I am directed to communicate the following decision of Government for compliance.

- (a) In respect of lands in forest areas under Taungya Plantations, all old leases may be continued for another five years. All unauthorised possessions prior to 1949 may also be regularised and the persons in possession may be treated as leasees.

Fresh agreements in the case of the former, and agreements for the first time in the case of the latter should be obtained. The agreements should continue all the conditions and terms of the lease.

Officers of the Forest Department should periodically check up these lease-holdings and prevent further encroachments and infringements of the conditions of lease. After this period of five years, these lands will be resumed finally as Forest areas.

- (b) The Forest Department should examine all the proposals under contemplation and also the areas already notified as Taungya Plantation, with a view to see whether all this really necessary and if more lands cannot be released for cultivation purposes. After a thorough examination, fresh proposals may be put up to Government so that they can determine areas, the future conditions and terms, etc. and also take decision on the policy aspect.

- (c) Isolated patches of cultivation (enclaves) in the forest areas which now exist, are mostly unauthorised and hinder the administration of forests. All these persons who are cultivating such enclaves should be given exchange lands in one block at the fringes of the forest demarcating a suitable area for the purpose, in exchange for the areas now in their possession.

Here also those who were in possession of these enclaves and started cultivating them in 1949 or prior, should be given this concession and the rest should be evicted.



The Forest Department should however collect data regarding cases of unauthorised occupation subsequent to 1949 so that it can be examined whether, and if so, how for rural Reconstruction Dept. letter No. 68 dated 28-10-1949 can be modified.

- (d) Forest areas cleared along-side the roads during communist activity days and which are now under cultivation by ryots, may be confirmed to these occupants who are land-less. If on enquiry it is found that such persons held lands already elsewhere, they should be evicted from these areas and the lands so released should be given to other landless persons.
- (e) A special Magistrate should be appointed with necessary jurisdiction to deal with cases relating to offences committed by the agitators.

The Secretaries to Government, Revenue and Home Departments, are being requested to take action immediately with regard to items (d) and (e) above.

(True copy)

Ref. No. 40466/65 D-3.

Dated : 13-7-1965.

### **Circular No. 30/65.**

**Sub :— Indian Stamp Act 1899—Inspection under Section 73 Andhra Pradesh Court Fees and Suit Valuation Act 1956 Inspection—regarding.**

Ref : CCF Rc. No. 7768/6- D-1 dt, 13-7-64 (Circular No. 32/64)

CCF Rc. No. 7768/60 D-1 dt 4-8-1964.

CCF Rc. No. 7768/60 D-3 dt. 1-6-1965.

Attention of all the Officers of Distribution list 'A' is invited to the correspondence cited above, wherein detailed instructions have been issued regarding various matters relating to Stamp Duty.

2. It is hereby informed that Government of Andhra Pradesh have authorised the Inspector General of Registration and Stamps or any person authorised by him to inspect public offices to detect leakage of stamp Revenue due to Government under the Indian Stamp Act and the Court fee to be collected under the Court fees and Suits Valuation Act. Government have also sanctioned the posts of three Regional Inspecting Officers (Stamps) to conduct the Stamp Audits. The rules regarding the audit under the Stamp Act were published at page 284 of the Rules supplement to Andhra Pradesh Gazette part II dated 4-5-1961 and the procedure regarding the audit under Court Fees Act are contained in G. O. Ms. No, 275 Home (Courts. A) dated 22-2-1964 copy enclosed for reference.

3. The Regional Inspecting Officer (Stamps) Kakinada has recently audited the records of the office of the District Forest Officer, Kakinada Division, The audit report of the Regional



Inspecting Officer (Stamps) pertaining to Kakinada Division which has since been received from the Inspector General of Registration and Stamps has revealed several irregularities as mentioned below. All the Officers of Distribution list 'A' are requested to note carefully the irregularities listed below and to see that such irregularities if any in their divisions are rectified immediately without any loss of time:—

**Irregularities Mentioned by Audit in Kakinada Division.**

- (a) Contracts are executed by the District Forest Officers on behalf of Government with the Contractors to cut and remove trees, to take away the usufructs of trees as the case may be with stipulation regarding deposit of certain amount by way of security for the due and faithful performance of the conditions to the satisfaction of the Officers of the Department. The documents are therefore classified as mortgages with possession under Section 6 of the Stamp Act. As many as 25 cases of short collection of stamp duty in respect of the documents of this category pertaining to the years 1962-63, 1963-64 and even 1964-65 have been listed out.
- (b) There are as many as 51 cases pertaining to 1962-63 and 1963-64 wherein the stamp duty leviable has not been collected at all.
- (c) There are 34 cases, wherein it has been pointed out, that though the stamp duty has been collected, the documents were not got adjudicated.
- (d) In some cases the stamp duty collected was remitted to the Head "LXX Forestes" instead of "XIV Stamps".
- (e) In a few cases of the documents relating to the powers of Attorney filed by the contractors in respect of the leases deficit of stamping has been pointed out.
- (f) one contractor 'A' put in an application on 4-4-65 to permit him to burn charcoal in patta lands belonging to another person B. In this connection A, filed a lease deed executed by B in favour of A. In the lease it was stipulated that the executant B gave the lease of land to A for a period from 1-4-65 to 31-12-65 to burn charcoal on it in consideration of a sum of Rs. 50/- paid to him by the Lessee A in advance. The document is classified as non-agricultural lease for premium requiring a stamp of Rs. 1.50. But it was written on a white paper.
- (g) The following contraventions of the Stamp Act have been pointed out:—
  - (i) In a few cases the stamp duties levied in the shape of special adhesive stamps were affixed on a separate sheet of paper which did not form part of the document.
  - (ii) In some cases stamp duty was collected in cash and remitted to the treasury. The Challans were filed instead of purchasing special adhesive stamps and affixing them to the deed before execution.
  - (iii) On 1-9-64 one contractor executed a power of attorney and filed it on 7-9-64. It was written a stamp of Rs. 11.25 consisting of three papers. The last stamp paper was worth Rs. 0.75 P. On this sheet of paper some matter pertaining to the document purported to have been written by another person on 15-7-1964 was



typed. This was corrected in the matter pertaining to the document in question. this is contraventions of section 14 and hence it should be deemed as unstamped under Section 15.

- (h) on 20-3-62 one contractor applied for extension period of lease dt. 20-3-62 for an amount of Rs. 67,465/- upto 31-3-1963. The application was not affixed with Court fee as required under Article 10 (f) (ii) of Schedule II of the Andhra Pradesh Court Fees and Suits Valuation Act 1956. The application requires Court fee of Rs. 68/-.
- (i) Similarly one contractor had on 30-4-65 put in an application to extend the period of contact from 31-3-1965 by three months. The value of the contract was Rs. 45,760/-. The application was levied with Court fee of Rs. 1/- instead of Rs. 46/-. The deficit fee is Rs. 45/- Article 10 (f) (ii) of Schedule II.
- (j) There are as many as 36 cases wherein individuals filed petitions seeking permission from the Department, eg., permission to repair cart track, permission to open depot, permission to carry the felled timber etc., and in all these cases Court fee lable of Re. 1/- was not affixed to the applications with the result there was leakage of Court fee.
- (k) Court fee lables affixed to the petitions were neither defaced nor punched as per the instructions contained in B. S. O. 83.

#### INSTRUCTIONS TO RECTIFY DEFECTS :

4. Detailed instructions have been issued from time to time on the subject. If only all these instructions were followed strictly by all the Officers, many of the irregularities of the nature mentioned above could have been avoided.

5. The cases wherein deficit stamping and other irregularities are pointed out, could have been easily avoided if the documents were sent for adjudication to the "Collectors" concerned as already instructed in CC's Circular No: 32 dated 13-7-1964.

6. It is evidence from the list of the items that short collection due to District Forest Officers not being aware of the exact procedure for calculation of the stamp duty 3% intimated in CC's Reference third cited above. Another safe procedure which should have been followed by all District Forest Officers in all cases is to send the deeds for arbitration and simply follow the arbitration orders. When arbitration orders are not there the stamp duty of 3% should be calculated on the security deposit has explained below :-

#### Stamp duty to be levied.

Where the amount of security deposit does not exceed Rs. 50/-	... 1.50
Where it exceeds Rs. 50/- but does not exceed Rs. 100/-	... 3/-
Where it exceeds Rs. 200/- but does not exceed Rs. 200/-	... 6/-
Where it exceeds Rs. 200/- but does not exceed Rs. 300/-	... 9/-
Where it exceeds Rs. 300/- but does not exceed Rs. 400/-	... 12/-



Where it exceeds Rs. 400/- but does not exceed Rs. 500/-	... 15/-
Where it exceeds Rs. 500/- but does not exceed Rs. 600/-	... 18/-
Where it exceeds Rs. 600/- but does not exceed Rs. 700/-	... 21/-
Where it exceeds Rs. 700/- but does not exceed Rs. 800/-	... 24/-
Where it exceeds Rs. 800/- but does not exceed Rs. 900/-	... 27/-
Where it exceeds Rs. 900/- but does not exceed Rs. 1,000/-	... 30/-
and for every Rs. 500/- or part thereof in exceed of Rs. 1,000/-	... 15/-

7. As regards the collection of the shortage of the stamp duty, attention of all the Officers is invited to the clarification issued in item No. (ii) in the Chief Conservator's reference third cited and necessary action should be taken accordingly. It is presumed that in all cases, a condition to the effect that the contractor would pay the stamp duty payable was incorporated as per instructions issued in CCF Rc. 7768/60 D-1 dated 2-11-1962.

8. The correct Head of Account to which the amount collected towards stamp duty is to be remitted should be noted carefully. The challans, should not be simply filed. Special adhesive stamps should be purchased by producing the challans and they should be affixed on the documents before execution.

9. There are two kinds of powers of attorney viz., (1) power of attorney for a specific purpose (2) General power of attorney. In addition to these two in some cases the old power of attorney is cancelled and a new one is executed in favour of some other person or persons. The stamp duties in these three cases varies. *Therefore all such cases to avoid deficit stamping the document should be got adjudicated invariably by the concerned Collector before accepting them.*

10. As regards the leakage in Court fee there are standing instructions to the effect in the case of applications seeking permission etc, no action should be taken unless the Court fee labels of Rs 1/- was duly affixed. It is not clear how this was over looked. This should be followed invariably.

11. It is once again emphasized that obtaining adjudication of the various documents before their acceptance by all the Officers of the Forest Department is of a paramount importance and by doing so all the possible irregularities could be avoided. Therefore the various documents should invariably be got adjudicated by "Collectors" concerned.

#### GOVERNMENT OF ANDHRA PRADESH ABSTRACT

ANDHRA PRADESH COURT FEES & SUITS VALUATION ACT 1956 - collection of Proper Court Fees - Inspection of Public Offices by the Inspector General of Registration and Stamp Authorities.

#### HOME (COURTS. A) DEPARTMENT.

Dated the 22nd February, 1964.

G. O. Ms. No 275.

Read the following :

1. From the Inspector General of Registration and Stamps Lr. No. 11473/IR/59 dt. 21-5-1959.
2. From the Inspector General of Registration and Stamps Lr. No 1. 1/11473/59 dt. 18-10-1960.
3. From the Board of Revenue L. Dis. W/2006/62 dt. 25-5-1962.



**ORDER :**

The Inspector General of Registration and Stamps has requested that he may be empowered to inspect the registers, books, papers, documents and proceedings in every public office with a view to prevent leakage of Court fee revenue in relation to any fee under Schedule II to the Andhra Pradesh Court fees and suits Valuation Act 1956. Government after due consideration of the matter have decided to authorise the Inspector General of Registration and Stamps, or any person authorised by him in writing to inspect the registers, books, papers, documents and proceedings in every other public office except courts with a view to detect any omission or fraud in relation to the fee under the provision of the Act mentioned above.

2. If any omissions in relation to payment of Court fee under Schedule II to the Andhra Pradesh Court fee and Suits Valuation Act, 1956 is detected during the course of such inspections, the following procedure shall be adopted:—

(i) The Head of the Office inspected shall arrange for the collection of the fee from the concerned parties within a reasonable period (not by coercive process) purchase the Court fee labels, affix them to the applications etc., as laid down in Board's Standing Orders No. 83 and send a certificate to that effect to the Inspector General of Registration and stamps or the person authorised by him.

(ii) If the amounts are not collected within a reasonable period, the Inspector General of Registration and Stamps or the persons authorised by him shall report the matter to the Head of the Department concerned for taking such action as he deems fit against the persons adjudged as responsible for the loss.

3. The Inspector General of Registration and Stamps is empowered to write off irrecoverable arrears of deficit Court fee detected during the inspections not exceeding Rs. 100 in each case and the Board of Revenue to write off sum over and above that limit.

4. This order issues with the concurrence of Finance Department vide their U.O.No. 7296/H&L/64-1 dt. 7-2-1964

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF  
ANDHRA PRADESH)

A. R. Gopalan,  
Deputy Secretary to Government.

Ref. No. 39930/65/A2.

Dated : 18-7-1965.

**Circular No. 31/65**

**Sub :— Courts - levy of fine - more than - 'C' fees in convicted cases -  
Regarding.**

Under section 21 of Madras forest Act, it is mentioned that the punishment which may extend to (6) six months or fine of Rs. 500/- or both can be imposed in addition to such compensation for damage done to the forest as the convicting court may be directed to be paid.



2. From the above it can be seen that there should always be a compensation for damage that should be collected from the convicted besides the fine amount itself. However, this is not being done by several convicting courts in recent times.

3. In order to bring to the notice of the Courts the immense value of the property thus damaged and how it is necessary to see that atleast such fines which are not more than the compounding fees, are levied, enclosed proceedings of Additional District and sessions Judge of Chittoor and Cuddapah will be of great help.

4. The Chittoor District Judge said that "if the amount of fine that is imposed is less than the 'C' fees demanded it is obvious that the persons proceeded against would choose the alternative of coming to court with the off chances of getting acquittal and in the event of conviction being liable to pay lesser amount than he would have been compelled to pay as compounding fee". Therefore he says it is desirable if the court convicting the person imposes in variably a fine which is more than the 'C' fees.

5. He also make a case for a portion of the fine to be credited to the Forest Department to cover the damage done by the offenders. Additional session judge of Cuddapah asked the courts to bear in mind the quantum of compounding fee estimated by the Forest Officials while imposing a fee. He states that if the fine imposed is less than compounding fees it will encourage offenders to convict more offences. The Dist. Judge also says that a part of the fine amount should be credited to the Forest Department towards damage done to the Forest.

6. These proceedings coming as they do from the Additional District Judge or of substance which can be quoted by us in our efforts to convince other Dist. Judges to issue similar proceedings in the interests of preserving the forest wealth.

7. The Dist./Divisional Forest Officers are request to contact personally the Dist. Judges and try to convince about this view point of ours and persuade them to issue similar instructions to their subordinates officers. The Conservator of Forests also should make it a point to meet the Dist. Judges in their camps and see that similar instructions are issued. While prosecuting Forest cases the District Forest Officers are requested to bring the above case to the notice of courts through the Asst. Public Prosecutors concerned and see that compensations for damage done to the Forest is credited to the Forest Department or that the fines levied are not less than 'C' fee imposed. The receipt of the circular may please be acknowledged.

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Copy of the proceedings of the Additional sessions Judge of Cuddapah. Present Sri M S. Narayanacharyulu, M.A LL.B. (Circular Date 13-3-64).

1. During the inspection of Magistrates courts by the Additional session Judge, Cuddapah, for 63 it observed that punishments, especially, the imposition of fines in cases under forest Act leave much to be desired. The fine amounts imposed by most of the Magistrates are less than the compounding fees, the fine amounts are below the amount estimated towards the damage caused to the Forest. It is felt that this state of affairs is mostly due to inadequate appreciation of the factors involved in cases of this type. Most of the Forest offences coming up before courts concern felling of forest timber for purposes of fuel and grazing of



cattle in forests without permit. The purpose of growing and encouraging the growth of thick forest and jungles is well known. This is done with a view to enhancing forest wealth and preservation of wild animals in any region. It is after several years of careful tending to make easy money, thefts try to remove forest fuel without permits.

2. Hence when cases of felling of transport of timber and grazing cattle in forest, without permits are detected the Forest Officials estimate the damage caused to the forests in terms of money and call upon the accused to pay compounding fee. The purpose of the compounding fee is not only to compensate the state for the damage caused to the Forest but also to have a deterrent effect on future offenders.

3. It is only when the accused fails to pay the compounding fee the matter is brought before a court. Hence it is important that courts should be imposing fines bear in mind the quantum of compounding fee estimated by the Forest Officials. If the fine imposed by the court is far less than the compounding fee and estimated damage to the forest, it encourages offenders to commit more offences which can only result in profit to them and loss to the State. This has effect of increasing the institution of forest cases with greater loss and damage to state property.

4. It is also noticed that no compensation is being awarded to the forest Department in lieu of the damage caused to the Forest. The fine amounts imposed are being credited to Government. Though it is not mandatory, it is reasonable that compensation should be awarded to the forest department out of the fine amount imposed. The fine amount to be imposed has to include the compounding fee payable, as compensation to the forest department and the balance as fine creditable to Government.

5. The attention of all the Magistrates is invited to section 43 of the Madras forest Act as amended by Andhra Pradesh Act II of 1963 which runs as follows :—

“When a person is convicted of any forest offence, the court sentencing him shall order confiscation to the state of the timber or the forest produce in respect of which such offence was committed and also any tool, boat, cattle and vehicle and any other article used in committing such offence provided that it shall be open to such court not to order confiscation of any tool, boat, cattle or vehicle or any other article used in committing such offence when the value of the timber or forest produce in respect of which such offence was committed does not exceed Rs. 50/-

6. It is hoped that the Magistrates in the District will give careful consideration to these factors in deciding forest cases.

7. All the Magistrates are requested to acknowledge the receipt of this circular.

Sd/- M. T. Narayanacharlu,  
Asst. Session Judge,  
Cuddapah District.



Copy of :

PROCEEDINGS OF THE ADDITIONAL DISTRICT & SESSION cum ADDITIONAL  
DISTRICT MAGISTRATE, CHITTOOR.

Present : Sri C. Gurumurthi, B.A., B.L.,  
Additional Dist. and Sessions Judge,  
and Additional District Magistrate.  
No. 2206 / dated 1-7-1965.

**Sub : Office under Forest Act. Order.**

**ORDER**

Most of the cases booked under the provision of Forest Act that come before courts relate to grazing of cattle in Forests without valid permits, transport of timber after having felled the same in the forest without permit. In cases of grazing the cattle and allied offences under the Forest Act, in several cases efforts are made by Forest Dept. to compound the offences by demanding a fee calculated on the possible estimate of damage done by the offence in question. It is only when the parties thus proceed against decline to pay the compounding fee or mark a default that cases are filed before court and come up for decision.

It is found on a perusal of several instances that fine imposed on conviction aggregate to less than the compounding fee. The mischief done by such an exercise of discretion is patent. If the amount of fine that is imposed is less than the compounding fees, the man proceeded against would choose the alternative, of coming to court with the off chance of getting an acquittal and in the event of conviction being liable to pay lesser amount than he would have been compelled to pay as compounding fee. This obviously has an undesirable effect. It is therefore desirable that if the court convicts a person, the fine imposed should invariably be more than the compounding fee in each case.

It is also noted that when a fine is imposed on conviction the entire fine is being credited to the Government. It must be remembered that by the offence complained of damage is done to the Forest. It is desirable therefore that in the fine that is imposed, a portion shall be specifically provided to be credited to the Forest Department to cover the damage done by the offence which has been proved and on which the conviction has been entered.

All the Magistrates in the Dist. are requested to go through the instructions aforesaid and exercise their discretion in dealing with the Forest offences that come before them.

G. GURUMURTHI,  
Addl. District & Session Judge.  
Chittoor.



**Circular No. 32/65.**

**Sub :—Forest Offences—Prosecution of the Lorry cases—Confirmation of the Judgement of Lower Court copy of the Judgement—communicated.**

The District Forest Officer Chittoor west has prosecuted a lorry case of illicit transportation of the forest Produce. The lower Court convicted the accused and confiscated the lorry and produce to the State. The owner of the vehicle other than the accused has preferred an appeal in the sessions court for the release of the vehicle and for the acquittal of the accused.

The learned Judge has confirmed the Judgement of the lower Court regarding confiscation of the vehicle including produce and also the conviction of the accused. While confirming the learned Judge has discussed in detail and correctly the language of the amendment Act II of 1963 comparatively to the relevant cases dealt in all the Courts. A copy of the Judgement is enclosed herewith for information and guidance.

Please acknowledge receipt of the circular.

copy of Judgement :—

The appeal is directed against the order directing the confiscation of lorry No. MSY. 6989 in CCCs No. 1952/64 on the file of J.S.C M. Chittoor.

The case came to file, and the Forest Range Officer, Chittoor filed a charge sheet alleging that the two accused in the case and two others were found illicitly removing a lorry load of fire wood valued at Rs. 200/- from the Reserve land of Bandaladoddi beat in Tekukonda Block of Reserve Forest at 11 p. m. on 16-4-1965 in lorry M.S.Y 6989, an offence permissible under Rule (8) of the Rules framed under section 26 read with Section 13 of the Andhra Pradesh Forest Act.

3. P. W. 1. is the District Forest Officer, Chittoor. On 16-4-64 at about 8-30 P. M. along with his staff, he left in a Jeep on a surprise raid along palamaner Gudiyatam road. At a place between 17th and 18th mile in Thekumanda Reserve Forest area they halted the Jeep and were laying in wait. Ten to fifteen minutes later they saw a lorry Proceeding from Gudiyatam side. It entered the forest area and stopped about two furlongs ahead of them. Sometime latter, P. W. 1. heard sound of logs being loaded into the lorry. They waited for a time. When the vehicle was about to start, they rushed up in the Jeep. Some men were found running away. One person hid himself in the lorry behind the logs. The lorry was found loaded upto 3/4 of its body. They found A 2 hiding in the lorry. A. 2 was apprehended. While A-2 emerged out of the forest P. W. 2 and his driver apprehended him. P. W. 1. went with A-1 and A-2 to Kalavapalle in the Jeep, secured some elders and a driver to drive the lorry. On the ground near the lorry two tonnes of fuel was found in a heap. Two and half tonnes of fuel was found loaded in the lorry. At the scene A-1 and A 2 were questioned and their statements, Ex P. 1 and P. 2 respectivaly, were recorded. The lorry would not start. So a mechanic was fetched from Palamaner. He effected some repairs and later it was



moved. E-P.5 is the list of evidence that about 100 yards from the place where the lorry was loaded there were fresh fellings which corresponded to the fuel seized.

4. The fuel was, under orders of court, sold for Rs. 225/- and the sum credited

5. P.W.2 is Chengappa who was taken by P.W.1 and was present when A-1 and A- were questioned.

6. The appellant herein filed an application under section 517(4) Cr.P.C. claiming ownership of the lorry and pending decision in appeal the lorry was given to him on his furnishing of security for Rs. 50,000/- with securities in like sum each.

7. The accused denied the occurrence. They examined the defence with these who stated that the accused, one day in September came to his village and while waiting near a tea-stall a lorry came and at it was going towards Palamaner. This does not, in any way, through a doubt on the case for the prosecution.

8. Accepting the case for the prosecution the trial court convicted the first accused and sentenced him to pay a fine of Rs 200/- in default, to suffer R.I. for a month, A-2 was acquitted under section 245(1) Cr.P.C. on the ground that he was a cooly and so could have no knowledge that A-1 had no permit and that what was being done was an offence.

Under section 43 the Forest produce (timber) and the lorry MSY 6989 were directed to be confiscated to Government on the ground that the vehicle was used in committing the offence.

9. A-1 who has been convicted and sentenced has not come up in appeal.

10. The appeal is by the person to whom the lorry was given on furnishing security and who claimed it as his. He was not an accused in the case. Section 47 of the Act reads:—

“Any person claiming to be interested in property seized under section 41 may, within one month from the date of any order passed under section 43, 44 or 45, present appeal there from which may be disposed of in the manner provided by section 419, code of criminal procedure”.

It is under the provisions of this section that the appellant, though not an accused in the case, comes up in appeal.

11. The order of confiscation is impugned on two grounds.

- (a) The conviction in the case is illegal and so it follows that the order of confiscation is unsustainable, and
- (b) in any event, the lorry could not be confiscated as it has not been established that the appellant had the mensure. i.e., that he was aware that the lorry was being used for the purpose of transport of fuel without a permit or is there evidence that he connived at it.

12. Rule 8 of the Rules framed under section 26 of the Act runs thus.

“No person shall, fell ..... or remove any forest produce found thereon, unless such person be duly authorised in this respect”.



Ex. P. 1 is an extra judicial confessional statement admissible in evidence. The trial court accepted the evidence of P.Ws. 1 and 2 and on the basis convicted and sentenced the first accused as aforesaid. No infirmity attached to the admissibility of Ex. P. 1 it is not shown to be not voluntary or, in anyway' tainted I see no reason to hold that the conviction and sentence of A. 1 is not proper

13. It is urged that the working used in section 43 of the Act is "in committing such offence" and not for committing such offence, the lorry was found *salatie* when it was seized and so it cannot be said that there was a 'removal' within the terms of rule '8' and therefore the conviction and the order of confiscation is improper. The evidence disclosed that the lorry was loaded with fuel, it was timber felled from the reserve land about hundred yards from the place where the lorry was and the lorry was about to start when it was seized. It is clear from the facts that logs were removed from the reserve land hundred yards off and were loaded in the lorry to be removed off. The confessional statement of the first accused makes this very clear. The loading was part of the first accused makes this very clear. The removal from the reserved land and, in the facts, in is not as if the lorry with the load should to be on the move and then only will it constitute a process of removal. Such an interpretation will lead to an anomaly. If this is accepted suppose a lorry is loaded with fire-wood till the vehicle moves, it cannot be an offence. This would mean that if the forest officer, the driver or person incharge of a vehicle and the loading cooly walks off, no offence is committed, such could never have been the intended of the provision.

14. The next remarks made is this. There is no evidence that the owner of the lorry (appellant herein) had knowledge of reason to believe that the lorry would be used to transport fuel without a due licence and so even if the persons found removing or transporting are convicted, he (the owner) cannot be made to suffer as it is a general principle of original law that there must be some blame worthy condition of mind or *mens rea* before a person can be guilty of an offence against the criminal law.

Certain decisions were cited in support.

15. The first is that reported in Bawnji alias Abdul Mohammed V. King 1949 N.W.N. Cr. 165. It was a case which arose under essential supplies temporary powers Act (VI of 1945) sec. 7 G O. 2660-A/45 dt. 4-9-1945, prohibiting transport of paddy. It was held that the person who actually transports the paddy would be liable but the person who delivers the goods to the person engaged to transport will be liable for ... if it is proved that directed the transport. On the facts, found in the case it was held that the carts transporting the paddy had still a long distance to cover before they crossed the boundry of the district end it could be that they might change their wind. That besides, it was held that facts, disclosed that there was not even an attempt to commit the crime. The case has no what I have to deal here.

16. The second is the decision reported in *Srinivasa ... Vs. Emoprner* 1947 MIK N. Cr. page 125.

The facts were these, the first appellant was acting as a sales agent for part of a district and the second appeal left was employed by him and entrusted with the duty of allotting appropriate quantity of salt to each retail dealer. The power to control price at which salt could be sold was regulated. The case was that the second appellant, with the knowledge and approval of the first appellant demanded and recovered from retail dealers an additional sum of rupees



over the maximum price, an offence under section 81 (2), (4), 119 (1), and 130 (1) Defence of India rules 1939. It was held that the first appellant had not been proved to have known of the unlawful notes of the second appellant and so he could not be liable for the offence. It is laid down that unless the statute either clearly or by necessary implication rules out mens rea as a constituent part of a crime, a person should not be found guilty of an offence against criminal law.

17. The third case is that reported in *Hariprasad Rao v The state* A. I. R. 1962 S. C, page 204. This case arose out of the provisions of the Motor spirit ration order (1941) clause (22) (liability of the master for acts of servant.) The question is, was the master liable for supplying of motor spirit by the servant contravention of the rules. It was held that the language of clause (22) does not lend support to the contention that even an innocent master will be criminally liable for the act of his servant.

Reliance on these authorities is for the contention that the general rule is that there must be blame worthy contention of mind or mens rea before a person can be held to be guilty of a crime, that there is no evidence that appellant had any knowledge or reason to believe that the lorry was going to be used for any unlawful purpose and so the lorry could not have been confiscated. In the decision reported in *Hariprasada Rao, V. The State* A. I. R. 1962 S. C. page 204, the observation in *Brend v Wood* (1946) 110 J.P. 317 at page 318 (175 L. T. 306),

"It is in my opinion that the utmost importance for the protection of the liberty of the subject that a court should always bear in mind unless the statute either clearly or by necessary implication rules out mens rea as a constituent part of a crime, a defendant should not be found guilty of an offence against criminal law unless he has got a guilty mind." are cited with approval.

So before deciding the question as to how far mens rea is material to confiscate the lorry in the present case, it is necessary to refer to the relevant provisions of the Andhra Pradesh Forest Act. The question is if the provisions of the Andhra Pradesh Forest Act (here in after called the Act) either clearly or by necessary implication rule on mens rea as a necessary constituent of the crime. The test is to look at the object or the Act, to see how far knowledge is of the essence of the offence, created. In arriving at the decision it is material to enquire (a) whether there is anything in the working or by necessary implication; (B) whether the object of the statute will be frustrated if proof of such knowledge is necessary.

Section 43 of the Act as it stood before it was amended by the Andhra Pradesh forest laws (amendment) Act 1963 (Act 4 II of 1963) runs thus :—

"When any person, is convicted of a forest offence, all timber or forest produce in respect of which such offence has been committed, and all tools, ropes chains, boats, vehicles and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation."

Such confiscation may be in addition to any other punishment prescribed for such offence.

After the Amendment, the section runs thus :—



"Where a person is convicted of any forest offence, the court sentencing him shall order confiscation to the Government of the timber or the forest produce in respect of which such offence, was committed, and also any tool, boat, cattle and vehicle and any other article used in committing such offences".

"Provided that it shall be open to such Court not to order confiscation of any tool, boat, cattle, vehicle or any other article used in committing such offence when the value of the timber or the Forest produce in respect of which such offence was committed does not exceed fifty rupees."

Under the old section the provision relating to confiscation was "shall be liable, by order of the convicting Magistrate to confiscation, the penalty of confiscation was made optional. The further wording is *may in addition to any other punishment, prescribed for such offence.* In the marginal note the wording was also *whether liable to be confiscated.* In the section, as amended confiscation is made compulsory on conviction. The discretion not to confiscate is granted to be convicting Magistrate by the proviso added to the section. It provided that the option not to confiscate is limited to classes where the value of forest product involved is of a value less than Rs. 50/-. What is the important is the difference in the expressions '*shall be liable to be confiscated*' in the section, as amended in which confiscation is made compulsory on conviction. These words which are found in the provisions of Madras prohibition Act (X of 1937), have been the subject of interpretation in *Karri Annadamma V. The State of Andhra* 1954 MIJ (2) Cr. (Andhra page 19). (This decision was not cited before me). The case came up for decision under the provisions of Madras Prohibition Act (X of 1937). The facts, in brief, were these; the revision petitioner was the owner of a cycle rickshaw. It appears on 7-1-1964 at about 5-50 P. M. a man called Somayya was found riding the cycle-rickshaw concealing two black motor tubes containing two and half gallons of arrack inside the seat hole of the rickshaw covered with the cushion seat. He was found guilty of his own admission and sentenced. The cycle-rickshaw was ordered to be confiscated. Claiming to be the owner of the rickshaw, which was hired by the accused in the case, and alleging that she had no knowledge of the purpose for which the rickshaw was going to be put when it was hired out, the owner filed a petition before the Magistrate for return of it. The petition was dismissed. On appeal the order was confirmed by the District Magistrate. The appellate Magistrate thought that section 13 of the Act was mandatory and did not give any discretion to the Magistrate concerned in the matter of confiscation and that it did not require the Magistrate to satisfy himself whether the owner knew or had reason to believe that the vehicle was likely to be used for carrying arrack.

Aggrieved, the owner (petitioner) went up in revision to High Court.

The relevant provisions of the Act that were considered were section 13 and 14 (1) They are as follows :—

"15. In any case, in which an offence has been committed against this Act, the liquor, drug materials, utensils, implements, or apparatus in respect of or by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same".



"14. (1) When the offender is convicted or when the person charged with the offence against this act is acquitted but the court decides that anything is liable to confiscation, such confiscation may be ordered by the court".

His lordship laid down the interpretation to be levied on the expression "*shall be liable to confiscation*".

"The expression "*shall be liable to confiscation*" in section 13 only means is liable to be confiscated. Under section 14 the Magistrate has to consider whether confiscation should be ordered or not. Under that section it is only when it is established that the owner of the vehicle had knowledge or had reason to believe that it was going to be used for the purpose of committing an offence, the Magistrate could direct it to be confiscated. It is a different matter if the person committing an offence against the Act is the owner of the vehicle in which case no question of knowledge arises. The situation is not the same if the offender is not the owner of the vehicle. It would not be proper to pass an order of confiscation in such circumstances without proof that the owner had knowledge or had reason to believe that the vehicle was going to be put to such a use.

Interpreting an analogue provision of law, that is section 11 of the opium Act (Act x of 1878) Mr. Justice Horwill laid down in *Chakrapani Chetty and sons V. Emperor* (1942) (2) M.L.J. 550) that before an order of confiscation could be passed the court has to satisfy itself that the owner of the vehicle who had not committed the offence, knew or had reason to believe that this vehicle was likely to be used for such a purpose. To the same effect is the decision of Mr. Justice Somasundaram in Crl. M.P.No. 2286 of 1949 in which the question arose whether an order confiscating the vehicle under Section 14 of the Madras Prohibition Act could be passed without proof of requisite knowledge on the part of the owner.

18. If the wording and phraseology in Section 43 in the Andhra Pradesh Forest Act was retained as it stood before Amendment, the wording in this behalf precisely the same as in Section 13 of the Madras Prohibition Act. On authority it should be held that before a confiscation can be ordered it should be established that the owner had the guilty knowledge. But in the Section as amended words 'liable to' are deleted and shall order are substituted. The intention is that confiscation is a must. It is mandatory. It therefore, follows that consideration of 'mens rea' do not need to be considered. This intention is made, further clear by the added proviso.

"Provided that it shall be open to such court not to order confiscation of any tool ..... used in committing such offence when the value of timber of the forest produce in respect of which such offence is committed does not exceed fifty rupees".

It means that a Magistrate can consider and has discretion to confiscate or not only when the subject matter of the offence does not exceed fifty rupees. The outside limit for exercise of the choice is fixed.

It is well settled that the effect of a qualifying proviso is to qualify something enacted there in which, but for the choice is fixed.

It is well settled that the effect of a qualifying proviso is to qualify something enacted therein which, but for the provision would be within it.



19. On the discussion, I hold that the wording of the section by necessary implication excludes 'knowledge' as an ingredient of the offence committed.

20. The amending Act, II of 1963 by which the aforesaid changes in Section 43 of Act, and other alterations in the provision of the Act, were made was printed by Bill No. 5 of 1963 dated 27-3-1963. The act was Published in A.P. Gazette on 2-5-1963 having received the assent of the Governor on 30-4-1963.

It is seen from the object and reasons set out in the preamble to the Bill that one of the reasons set but for the amendment is that the penalty of confiscation as it contained in the Act, in force was left to the discretion of the convicting Magistrate, that it was noted that valuable timber was being carried away and profits made by such theiving were enormous and bore no proportion whatever to the penalty imposed on detection and with a view to safe guard the forest timber it was desirable to make punishment deterrent and severe and for this and in view it was necessary that the provisions as to confiscation enjoyed in the section should be made compulsory. This is clear from the deletion of the word 'be liable' after the word small in the section. It is made further clear by the qualifying provision to the section. This is not even grammatically. In the phrase shall be liable the word 'shall' is used as an auxiliary verb helping another verb to future tense while the word 'shall' in shall order confiscation expresses a meaning of its own namely, that of the mandatory intention. It appears from all the foregoing that it was intended to impose a public duty binding on the person claiming a tool, boat, cattle or vehicle used in the commission of the offence a part from the question of any knowledge on his part.

21. To conclude, I held that the order of confiscation of the lorry is correct. I confirm the order. The appeal is therefore dismissed.

Typed in dictation, and pronounced in open court this the 10th day of May, 1965.

Sd/- x x x  
Additional Sessions Judge.

Ref. No. 48653. C3 65

Dated : 25-7-1965.

### Circular No. 33/65.

**Sub :— Accounts - Monthly accounts Reconciliation of Departmental figures with those of the Accountant General under the various heads operated upon by the Forest Department - instructions issued.**

From a perusal of the reconciliation certificates issued by the Conservators of Forests to the Accountant General it can be said that there are no differences between the departmental figures and the Accountant General's figures for the particular month. After issue of the reconciliation certificates by all the subordinate controlling officers and the Chief Conservator of Forests for all the twelve months there should not be any difference between the departmental figures and the Accountant General's figures. But on receipt of Accountant General's actuals and the departmental figures from all the Conservators of Forests and Director Zoo in



this office it is seen that there were large variations between the two figures with the result that the Chief Conservator of Forests has to explain before the Public Accounts Committee of all such large variations after two years.

2. Mere submission of reconciliation certificates without the reconciled figures does not appear to be of any use at all and huge differences remain unreconciled even after issue of the reconciliation certificates.

3. With a view to overcome this difficulty and to reduce the volume of work at a later stage the following further instructions are issued for the guidance of the Conservators.

- (a) Reconciliation work should be attended to periodically and promptly
- (b) A senior Clerk or the Accountant of the Conservator of Forests office should be deputed to the Accountant General's office as per schedule and the departmental figures got reconciled with those of the Accountant General.
- (c) After the figures for a month are finally reconciled, the reconciliation certificate should be issued to the Accountant General with a statement of reconciled expenditure figures for that particular month and a copy of it with enclosures sent to the Chief Conservator of Forests simultaneously.
- (d) Any differences, noticed after the reconciliation work is completed and finally reconciled figures arrived at for a particular month, should be explained in detail
- (e) Difficulties experienced in getting the summaries of Revenue and expenditure etc., should be brought to the notice of the Chief Conservator of Forests with specific suggestion to overcome them.

4. The receipt of this circular may be acknowledged.

R. No. 50453 CI/65-1.

Dated: 27-7-1965.

#### **Circular No. 34/65.**

#### **Sub :— Appropriation Accounts—Explanation for variations between the final grant and the actuals—submission of accurate replies - Regarding.**

From the explanations for the variations between the final grant and actuals received every year from the Conservators of Forests, Director Zoo, State Silviculturist, Forest Utilization Officer and Forest Settlement Officer it is found that the replies were incomplete and did not contain the required details to answer the queries raised by the Public Accounts Committee.

With a view to have full details of the variations and reasons for these variations the following instructions are issued for the guidance of the Conservators, Director Zoo, State Silviculturist, Forest Utilization Officer and Forest Settlement Officer.

- (a) Reconciliation of departmental figures with those of Accountant Generals audited actuals should be completed as early as possible by the Conservators and Director Zoo by making special arrangements by the end of May every year and reconciled figures should be furnished to the extent possible.



(b) Full details for the variations should be furnished as detailed below.

(1) The name or names of Divisions to which the difference pertains indicating the amount against each,

(2) Reasons for the difference under each detailed head

(3) In the case of savings under purchase of materials etc.,

(i) date of Indent

(ii) date of receipt of materials.

(iii) District Forest Officers, Conservator of Forests and Chief Conservator of Forests file Nos. with dates of references.

(iv) C.S.P.D. file No. if any with date of reference.

(4) In case the difference is due to negligence on the part of any subordinate.

(i) Name and designation of the subordinate.

(ii) action taken against him.

(iii) file Nos. of District Forest Officer Conservator of Forests and Chief Conservator of Forests with dates of references issued.

(5) In case the difference is due to not taking up of any works for want of sanction or late receipt of sanction.

(i) date of submission of estimate or proposals  
(Ref. No. and date)

(ii) date of receipt of orders  
(Ref. No. and date)

(iii) details of works indicating the amounts against each.

(iv) Reasons for not taking up the works indicating the names of the those responsible.

(v) Whether the works were carried out in the subsequent year if so to indicate the amount spent on each of them.

(6) Any other particulars worth mentioning in this regard.

3. The Conservator of Forests are requested to discuss the items with their District Forest Officers, working Plan Officers and Asst. Conservator of Forests at the time of plan of operations or at any other meeting personally and satisfy themselves with the explanations given before they are actually submitted to the Chief Conservator of Forests.

4. The Conservators of Forests, Director Zoo, State Silviculturist, Forest Utilization Officer and Forest Settlement Officer are also informed that any files required in this connection may be required in this office at any time after they submit the variation statement with explanations. Hence they are requested to be in readiness to send the files within three days of receipt of a reference from this office.

5. The receipt of this circular should be acknowledged.



### **Circular No. 35/65**

#### **Sub :— Establishment Forest Department period of handing over and taking over charge of beat by Forest Guards instructions issued.**

It is observed that there are no specific instructions to allow any period for the Forest Guards in taking over and handing over charge of the beat. Unlike other subordinates, the Forest Guard has to perambulate the area of the beat and satisfy that there are no illicit felling un-booked; otherwise, he is made responsible for the destruction of forests. Under (1) of Fundamental Rule 107 it has been decided by the Government that the relieving Government servant should be treated as on 'duty' if the period spent in carrying out these inspections is not considered excessive by the Head of the Department. The relieving officer will draw pay and allowances mentioned therein. In view of the peculiar nature of taking charge by the Forest Guards it is considered reasonable that he should be allowed atleast (3) days time to hand over charge of the beat. This will allow a reasonable time and an opportunity to (relieving and relieved) Forest Guards to inspect the forests and bring any destruction to the notice of the superior authorities.

2 It is the responsibility of the Range officers as well as Divisional Forest officers concerned to see that the transfer of charge certificates of Forest Guards are scrutinised thoroughly and the delinquent Forest Guards are punished adequately and promptly by initiating disciplinary action whenever in TCR, felling that are not covered by offences are reported. The Chief Conservator of Forests feels that if action on transfer of certificates of charge of Forest Guards is taken promptly at the Divisional level, much of the present destruction of forests, will come to light and also can be stopped by organising special parties or other arrangements necessary. The relieved and relieving Forest Guards should be informed specifically in Telugu or Urdu as the case may be, that if they fail to bring the destruction during their transfer of charge certificate to light both the Forest Guards especially the relieving Forest Guard will be made responsible destruction. It is also hereby ordered that the Conservator of for the Forests should make it a point to see whether the Divisional Forest officer had taken prompt action on the transfer of charge certificates of the Forest guards during their tours and at the time of Divisional Forest office inspections.

3 All the officers are requested to acknowledge the receipt of the circular.

### **Circular No. 36/65.**

#### **Sub :— Bamboo curbing to be dispensed within Teak Nurseries.**

At present bamboo curbing is done for teak nurseries which involves enormous cost particularly in places where bamboo is to be transported over a long distance. There is no reason why curbing at all should be done for bamboo nursery beds. It is possible to give a



gentle slope to the beds on the four sides of the beds without resorting to extensive curbing. This method has already been adopted in some divisions without detriment to the success of the nursery. All Conservators of Forests are requested to see that in future teak nursery beds are formed without side curbing with bamboo as far as possible. However curbing done if it is found essential due to heavy rain fall or nature of soil or any other reason based upon their experience they are requested to instruct their D. F. Os. accordingly. The receipt of this reference may please be acknowledged.

Ref. No. 51621/65/J4.

Dated : 30-7-1965

### **Circular No. 37/65.**

#### **Sub :— Works—Execution of works without sanction excess expenditure over the sanctioned amounts—Instructions issued.**

It is observed that the District Forest Officers are taking up the Conservancy works in anticipation of sanction of the estimate from the competent authority, or without even submitting the estimates at all, on the plea, that necessary amounts were provided either in the plan of operations or in the budget or included in a scheme submitted by them. Further, the Conservator of Forests are also accepting these reports and are submitting the estimates to this office, very late and even during the last week of March, allowing the District Forest Officers to go ahead with the work in anticipation of sanction, to avoid lapse of funds provided for a particular work, in a financial year. The instructions issued in C.C.F's No. 31154/62-C1 dated 24-4-62, in which this practice was strongly deprecated, are completely ignored, while submitting the estimates to this office.

(2) While executing the works, higher rates than those sanctioned are being paid, on the plea, that the sanctioned rates are not workable. It is also noticed, that even though the rates as proposed by the District Forest Officers and by Conservator of Forests are generally being sanctioned, the same plea is being put forth and excess rates are being paid. As a result, excess expenditures over and above the sanctioned amounts are being incurred. The Accountant General is taking strong objections in all such cases. The follow up correspondence for the regularisation or otherwise of these excess or unauthorised expenditures, has become unavoidable, for years together. If the District Forest Officer, who was incharge of the Division at the time of execution of the work is transferred the matter becomes still worse and the succeeding officers are not in a position to offer any remarks in such cases.

(3) The following instructions are therefore issued for strict compliance in future.

- (i) As already instructed, the estimates for the works to be sanctioned by the Chief Conservator of Forests should reach the Chief Conservator of Forest's office not later than 31st September of the year, to which the works relate. Estimates received after that date will not be entertained at all. Similarly, all the estimates which are within the competency of Conservator of Forests and District Forest Officers should be sanctioned by 31st May at the latest



- (ii) No work should be taken up in anticipation of sanction from the competent authority. Specific orders should be obtained to take up any work and to go ahead in anticipation of sanction from the competent authority.
  - (iii) Payments should not be made in excess of the sanctioned rates, and net items which are not provided in the sanctioned estimates should not be executed. If, for any reason the excess expenditure over and above the sanctioned amount is anticipated, the matter must be reported to the competent authority and suitable orders obtained. Without specific orders, excess expenditure should not be incurred.
  - (iv) It is responsibility of the District Forest Officer to see that no excess expenditure is incurred without specific orders from the competent authority. If the District Forest Officer is transferred and any excess or unauthorised expenditure for any work which was executed while he was incharge of the Division, is noticed, he will be held responsible, for this lapse.
- (4) All District Forest Officers and Conservators of Forests are requested to acknowledge the receipt of this circular.

Ref No. 49670/N2/65.

Dated : 9-8-1965.

### **Circular No. 38/65.**

#### **Sub :— Forests—Timber depots periodical inspection by Conservator of Forests Regarding.**

Instructions were issued to all Conservators of Forests in Chief Conservator of Forests Ref No. 41331 59 E4 Dt. 8-10-1959 to inspect the Timber Depots under their jurisdiction once in six months or if this is not possible, not exceeding a year at any rate and prepare inspection notes and if any irregularities are noticed, to bring them to the notice of the Chief Conservator of Forests. These instructions were reiterated in Chief Conservator of Forests Ref. No. 17489/60 F. Dt. 26-12-1960 and the Conservator of Forests were requested to follow them.

It is however, observed during the inspection of the Conservator of Forests offices that they are not following the above instructions and are not inspecting the Timber Depots in their Jurisdiction. The inspection notes on Timber Depots which are unsatisfactory are also not being received from them. The attention of the Conservators of Forest is once again invited to the Chief Conservator of Forests reference cited and they are requested to inspect the Timber Depots periodically once in six months or atleast annually as per the instructions issued by Chief Conservator of Forests and to submit their inspection reports of the Timber Depots to Chief Conservator of Forests. Copies of Chief Conservator of Forests reference cited above are communicated again for their reference. They are requested to follow the above instruction strictly hereafter-

The receipt of this Circular should be acknowledge.



Ref. No. 61191/65-M3.

Dated : 24-8-1965.

### **Circular No. 39/65**

**Sub :- Disciplinary cases - Suspensions of delinquent Govt. servants pending investigation or enquiry into grave charges.**

Ref : Chief Conservator's circular No. 3/16. dt. 17-10-61.

2. G. M. No. 401/65-1, GAD (Ser-C), dt. 27-2-65 communicated in Chief Conservator's endorsement No. 20819/65-M3, dt. 1-4-1965.

In view of the detailed instructions issued in the Government memorandum 2nd cited about the circumstances which a disciplinary authority may consider it appropriate to place a Government servant under suspension and in view of the provision and clarification made under rule 13 (1) of the Andhra Pradesh Civil Services (C.C.A) Rules 1963 and in para 18 (b) the Appendix VI of the said rules it is decided to withdraw the circular instructions issued on suspension for the guidance of the officers of this department in the reference 1st cited.

This office circular No. 3/61 dt. 17-10-61 is therefore hereby cancelled.

Ref. No. 23555/65-M3.

Dated : 3-9-1965.

### **Circular No. 40/65.**

**Sub :- Public Services - disciplinary cases—publication of the cases of employees dismissed from service—periodical prescribed.**

Ref : 1. G. M. No. 2539/For. II/65-2, Food and Agri. dated 8-6-65.

2. This office ref. 23556/65 M3, dt. 21-6-65.

According to the instructions issued in the Government Memorandum cited, the particulars of Government servants debarred from further employment (i. e., dismissed from service) have to be submitted to Government after the appeal against the orders of dismissal is rejected or after expiry of the time prescribed for making an appeal, in case no appeal is preferred. The Government in the General Administration Department have been publishing such cases in the Andhra Pradesh Gazette annually. Therefore an annual periodical is prescribed in the following statement.

[ Statement ].



**Statement showing the names of Government servants debarred from future employment to Government service during the year**

[illegible]



The periodical should indicate the particulars of employees dismissed from service during a calender year excluding those who have preferred appeals in the same year or till March of the succeeding year as the case may be according to the period of appeal. The cases in which appeals were preferred but rejected subsequently should be included in the return for the year in which it is rejected. As the memorials and other representations are not statutory under the provisions of C. C. A. Rules, they should not be taken into account.

At present, punishment Registers are being maintained by all authorities competent to impose penalties on their subordinates. In future, when ever any employee is dismissed from the civil service of the State, the punishment register should be posted with all the particulars required in the statement above during the issue of the proceedings and remaining columns should be filled in at appropriate time. Furnishing incorrect and incomplete particulars will be dealt with severely

The Conservator of Forests should obtain the annual periodical from all the Divisional Forest Officers, Working Plan Officers etc., under their control by 5th April of every succeeding year and submit a circle-wise consolidated return in duplicate to reach the Chief Conservator of Forests by 15th April every year. Copies of the divisional returns submitted to the Conservator of Forests should not be marked to Chief Conservator of Forests under any circumstances unless specifically called for from this office as they do not serve any purpose.

The first return for the year 1964 should be obtained, consolidated and circle-wise return submitted by all the Conservators of Forests to reach this office by 20-9-1965.

Ref. No. 63509/65-A3.

Dated : 14-9-1965.

#### **Circular No. 41/65.**

#### **Sub:— Subjects transferred to Forest Utilisation—State Silviculturist Office correspondence—regarding.**

In pursuance of the decision taken in the staff meeting held on 1-3-1965, the following subjects dealt in Chief Conservator's Office have been transferred to Forest Utilisation and State Silviculturist Offices respectively.

##### *Subjects transfered to Forest Utilisation Officer.*

1. Forest Utilisation.
2. Lac cultivation.
3. Extent and cost of raising plantations
4. Supply of timber to Govt., Depots and Govt. of India Depots.
5. Meetings of India standards institute specifications. T.D.P.H. etc., Specifications of I.S.I.

##### *Subjects transferred to State Silviculturist.*

1. Forest Research.
2. Annual quinquinial reports.
3. Forest Centenary parks
4. Experimental plots.
5. Supply of seeds.



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| 6. Supply of sealing Wax                     | 6. Forest growing species-species programme for study of field performance & timber and pulping qualities. |
| 7. Forest Statistics.                        | 7. Yield and volume tables.  |
| 8. Publicity & Propaganda.                   | 8. Research problems.  |
| 9. Films.                                    | 9. Botanical Survey enquiries.   |
| 10. Supply of timber to private parties etc. | 10. Seed supply.   |
| 11. Exhibitions.                             | 11. Vanamohotsava.   |
| 12. Purchase & sale of news papers.          | 12. Library & Books.   |
| 13. C.S P.D. Indents of Sub-Officers.        |  |

The following seats have been formed in Forest Utilisation Office and State Silviculturist Offices to deal with these subjects.

*Forest Utilisation Office.*

- (1) 'U1' Seat.
- (2) 'U2' Seat.

*State silviculturist Office*

- (3) 'S' Seat.

The Forest Utilisation Officer and State Silviculturist are dealing with the above subjects and corresponding with the Sub-offices as well so other departments on behalf of Chief Conservator of Forests. Hence all the Officers of the Forest Department are requested to address the Chief Conservator of Forests and not the Forest utilisation Officer and State Silviculturist in respect of the subjects referred above, dealt by Forest Utilisation Officer through his seats No. U1 and U2 and by State Silviculturist through his seat No. 'S'

*Instructions to Forest Utilisation Officer and State Silviculturist only.*

All the closed files pertaining to these subjects should be sent to the Record room of the Chief Conservator of Forests Office after giving L. dis. Rt., and Mis., Nos. of Chief Conservator of Forests Office, available in the of Chief Conservator of Forests Office. Further, all the fair copies addressed to sub-offices will be signed by the Head Clerk concerned and the fair copies addressed to other Departments and Government will be signed by the State Silviculturist and Forest Utilisation Officer on behalf of Chief Conservator of Forests as "for Chief Conservator of Forests."

Re. No. 40466/65 D-3.

Dated: 12-10-1965.

**Circular No. 42/65**

**Sub :— Loss of stamp duty—collection of deficit stamp duty procedure for collection of deficit stamp duty—clarified.**

- Ref :- (i) CCF. Lr. 7768/60 D-3 dt. 1-6-65  
 (ii) CCF. Lr 40466/65 D-3 dt. 13-7-65 (Crl. No. 30/65)



- (iii) From the Inspector General of Registration and stamps Lr. SA. I/15680/65 dt. 30-6-65.
- (iv) CCF. Lr. 40466/65 D-3 dt. 10-8-65 (addressed to Inspector General of Registration and stamps)
- (v) From Inspector General, Registration & Stamps Lr. No. SA. I/15680/65 dt. 1-9-65.

In continuation of this office references first and second cited, copies of the letters (iii) to (v) cited above are communicated to all the Officers of Distribution list 'A'.

In his reference fourth cited, the Inspector General of Registration and Stamps has explained the procedure for the collection of deficit stamp duty for the deficitly stamped documents accepted by the District Forest Officers previously.

The following is the procedure as clarified by the Inspector General of Registration and Stamps :—

1. The District Forest Officers have to impound such deficitly stamped documents under Section 33 of the Indian Stamp Act. By impounding it is only meant that in no case the documents should either be returned to parties or destroyed or lost. The District Forest Officers should maintain a register hereafter of all such insufficiently stamped documents and then proceed to take action to get levied the deficit stamp duty by competent authorities.
2. If the Regional Inspecting Officers (Stamps) during their audit detected such deficit, the documents should be sent to them alone for levy of deficit stamp duty and penalty. After receiving the demand from them the parties should be addressed to pay the deficit.
3. The remaining insufficiently stamped documents should be sent to the Revenue Divisional Officers, having jurisdiction over the areas in which the Forest Officers are respectively situate (vide Sec. 38 (2) of the Indian Stamp Act) for indicating levy of deficit Stamp duty and penalty. Demand notices to parties to make up the deficit can thereafter be given.
4. If the parties fail to pay the stamp duty the 'Collectors' (as defined in Stamp Act) have powers to collect it from the parties under L.R R. Act.

Under the circumstance the District Forest Officers are requested to follow the above procedure for collection of deficit stamp duty with immediate effect.

The receipt of this circular should be acknowledged.



Re. No. 27979/62 D-2.

Dated : 18-10-1965.

**Circular No. 43/65.**

**Sub :— LEASES - forfeiture of Earnest Money Deposit after execution of agreement - avoidance - instructions Issued.**

It has come to the notice of Chief Conservator of Forests that a District Forest Officer forfeited Earnest Money Deposit paid by the highest bidder after execution of the agreement and did adjustment of the amount as part of the kist amount. Further the District Forest Officer insisted that the contractor should make good the forfeited amount.

Earnest Money Deposit is a deposit collected to bind the highest bidder to the sale notice conditions. Default on his part entitles District Forest Officer to forfeit this amount. But once the highest bidder executes the contract the encumbrance on Earnest Money Deposit ceases, and its place is taken by Security Deposit, which is retained as security for due fulfilment of the contract. Conditions of sale being a part of the agreement the correct course would have been to levy and collect fine from the Security Deposit and to insist on the contractor to make good the short fall in the Security Deposit.

This irregularity is brought to the notice of all the Officers in continuation of Circular No 32 63 (embodying common irregularities in leases) with a view to forewarn against such irregularities.

They are requested to acknowledge the receipt of this Circular.

Ref. No. 30973-04/63-9

Dated : 24-10-1965.

**Circular No. 44/65.**

**Sub : Thinnings-Procedure and provision funds of Regarding.**

There were several instances where provision made for thinnings of plantations were surrendered at the last minute or were allowed to lapse. The reason usually given is that thinnings are not found necessary. If that is true, then provision ought not to have been made in first instance. Sometimes the operations are carried out so late that the material cannot be sold within the year with the result that due to deterioration, the produce did not fetch as much value as was expected. There are also instances where due to damage by fires or rains the material was damaged and full value could not be realised. Therefore the following instructions are issued on the subject.

- (i) Provision for thinnings must be included in the budget only on the strength of the prescriptions of the workingplan, or field inspection notes by the Conservator of Forests or District Forest Officer.



- (ii) Marking for thinnings must be completed by end of August. If it is not done, the funds must be surrendered in the Revised Estimates with full reasons for not carrying out the work, so that the funds can be diverted to any other work or to other divisions.
- (iii) Marking must be inspected and passed by a Gazetted Officer. Until this is done fellings should not be done.
- (iv) Fellings should be completed before the end of November.
- (v) All produce must be brought to timber accounts.
- (vi) First sale must be held before the end of December or even earlier if possible after wide publicity in news papers. The sales of thinned materials, U. D. O. R. timbers etc. are generally held in a hush-hush manner without proper and very wide publicity in news papers.
- (vii) The Conservators of Forests should invariably attend the sales of thinned materials.
- (viii) Every effort should be made to dispose off the material promptly to avoid damage and deterioration.
- (ix) All steps must be taken to prevent theft, damage and deterioration.

The receipt of this circular must be acknowledged.

Ref. No. 74968/65-F4.

Dated : 2—11—1965.

#### **Circular No 45/65.**

#### **Sub : Working Plans-inclusion of a chapter on plantations raised previously in the working plan to be prepared in future-Regarding.**

In the working plans now in force there is no clear data about the plantations of teak and other species of economic value raised in the past, in respect of espacement, technique, cost of raising per acre, thinnings carried out the interest derived till to date etc. It will be of immense use in future if a new chapter is included in all working plans under preparation and those that will be revised in future giving following details.

1. Year of Planting.
2. Extent and locality.
3. Espacement adopted.
4. Technique.
5. Cost per acre.
6. Thinning is any carried out from the date of planting to end of the previous financial year.
7. Expenditure incurred on each thinning and produce obtained.



8. What is the interest investment has yielded in respect of plantation till now.
9. What is the estimated volume of timber expected at the rotation age.
10. What will be the value of this estimated volume based on the present market rate at stumps site (Stump) site rate to be reckoned working back on the nearest market rate.)
11. Remarks.
12. Any other interesting points to make the information complete and self contained. Information on all the above points should invariably be compiled in all working plans wherever there are old teak plantations as a general rule.

The conservators of Forests are requested to see that the working plan Officers follow and act according to the above instructions.

The receipt of this circular should be acknowledged.

Re. No. 60848/65 D-1

Dated: 31-10-1965.

### **Circular No. 46/65.**

#### **Sub :— Removal of grass in plantations**

Grass comes in abundance in plantation areas. It has to be got rid of to keep plantations clean and also to save it from fire danger. Sometime grass is very much in demand and finds sale also. Very often it has to be got rid of by incurring expenditure as a measure of fire protection or weeding.

With a view to keep plantations clean of grass and save from fire hazard and also to avoid expenditure on that account it is hereby ordered that in all plantations in future grass may be allowed to be removed free by the villager provided it does not find a sale.

The Conservators of Forests are requested to see that the above instructions are followed by all the District Forest Officers

Please acknowledge the receipt of this Circular.

Ref No. 79347 C4/65.

Dated: 14-11-1965.

### **Circular No. 47/65**

#### **Sub :— Forests—loss of Timber in departmental timber depots and timber rafts on the River Godavari while in transit or in Revus - submission of preliminary and final reports - circular instruction - issued.**

Instructions were issued from time to time to the District Forest Officers Bhadrachalam, Vararamachandrapuram and saw Mill Division Rajahmundry and the Conservator of Forests,



Kakinada circle regarding the procedure to be followed in connection with reporting of loss of timber in Timber Depots and on the River Godavari while in transit or Revus and obtaining orders of the competent authority for write off the value from the accounts of the Forest Department. Despite the instructions it is observed that the reports are not being received promptly with the required information in full with the result there was much delay in issuing write off orders after obtaining further or final reports from the Conservators of Forests concerned.

2. In supersession of all the instructions issued previously on this subject the following instructions are now issued for reference of the Forest officers in dealing with timber losses.

- (a) The instructions contained in Article 294 to 300 of the Andhra Pradesh Financial Code Volume I and Appendix 23 to the Andhra Pradesh Financial Code Volume II. shall be strictly followed by the Forest Officers in reporting losses of timber.
- (b) No time limit is prescribed for submission of a preliminary report on losses. Hence the officer noticing the loss shall submit his preliminary report on the very same day in a special urgent cover giving as many details as possible to the next higher authority so as to enable the submission of a preliminary report to the Chief Conservator of Forests through proper channel.
- (c) The Range Officer or District Forest Officer should inspect the scene of accident and conduct spot enquiry within 3 days of receipt of such report.
- (d) The preliminary reports of accident should be submitted to Chief Conservator of Forests within one month of the accident.
- (e) The District Forest Officer Saw Mill Divn. Rajahmundry should make special arrangement to lift the timber from rafts and return the invoice within 3 months of receipt of raft at revu.
- (f) The District Forest Officer should reconcile the discrepancies and submit final report within 2 months from the date of receipt of invoice from Saw Mill Division.

The Conservators of Forests may make such arrangements as they think necessary to ensure prompt submission of these reports at various levels.

- (g) With a view to have a uniform procedure through out the State a questionnaire form is prepared and issued herewith for submission of preliminary reports and final reports after investigation with clear indications about the value of the produce to be taken into consideration while issuing orders for writing off the value. The final report should reach the authority competent to write off the loss within two months from the date of occurrence of loss.
- (h) The above instructions are given only to keep the Forest officers in a better position to deal with the cases of timber losses and it is the ultimate responsibility of every officer to go through the upto date financial rules. They cannot take shelter on the plea that a particular item has not been called for in Chief Conservator of Forest's circular and so on.



- (i) The Conservators of Forests are at liberty to issue such further instructions as called for in the divisions of their circles and are requested to ensure prompt submission of preliminary and final reports of timber losses to the competent authorities.

3. The receipt of this circular may be acknowledged.

**QUESTIONNAIRE FOR DEALING WITH LOSSES OF GOVERNMENT PROPERTY  
ANDHRA PRADESH FINANCIAL CODE**

**Preliminary Report of Losses :**

- (1) Has to loss or irregularity in Accounts been immediately reported to the head of the Office by the Government servant to whose notice the loss or irregularity in Accounts came- (Art. 294 (Para 1).
- (2) Has a preliminary report been sent immediately to the Accountant General by the Head of the Office and through proper channel to the Head of the Department? (Art. 294 (para 1) In the case of delay what is the explanation of the reporting officer.

**Investigation into losses :**

- (3) Has the matter been enquired into without delay by the Head of the Office in accordance with Articles 300-302 ? (Article 294 - para 3). In the case of delay what is the explanation of the investigating officer.

**Final Report of losses :**

- (4) Has the Head of the Office after completion of the investigation submitted a complete and detailed final report, to the Accountant General and through the proper channel to the Head of the Department describing the nature and extend of the loss or account irregularity etc. ? (vide Art. 294 para 3) In the case of delay what is the explanation of the Head of the Office ?
- (5) What is the nature and extent of the loss or irregularity ? (Art. 294 - para 3).
- (6) What are the circumstances under which the irregularity occurred ? - was there any breach or neglect of an existing Rule ? (Art. 294 - Para 3)
- (7) Has the amount loss or value of the loss recovered from anybody ? If not is it possible to recover it in any way ? Art. 294 - Para 3).
- (8) Has any disciplinary action been taken or recommended to be taken against the Government servant responsible ? (Art. 294 - Para 3).
- (9) What steps have been taken or recommended to be taken with a view to prevent the reoccurrence of any such loss or account irregularity ? (Art. 294 - Para 3).

**General Principles of enforcing responsibility :**

- (10) Appropriate authority to investigate fully without avoidable delay. (Art. 300 - Para 1).



- (11) If necessary original vouchers to be obtained from the Accountant General (Art 300 - Para 1).
- (12) If investigation is complex Government to be addressed for the assistance of an audit officer. (Art. 300 - Para 1).
- (13) If recourse is to be had to judicial proceedings legal advice to be obtained by the Administrative authority.
- (14) If loss is due to criminal offence procedure in Art. 301-302 to be followed (Art. 300 Para 2).
- (15) If a Government servant is held responsible for loss, whether in the opinion of the competent authority whole or any part of the loss to be recovered from whole or any part of the loss to be recovered from him in money and whether any disciplinary action is to be taken. (Art. 300 para 3 (a) )
- (16) deciding the money to be recovered, have the circumstances of loss and as well as Government servants financial position been considered (Art. 300 para 3 (a) )
- (17) Is the loss due to fraud and if so what steps are taken to recover the whole loss ? [A. 300 para 3 (a) ]
- (18) Is there failure on the part of the Superior officer to exercise proper supervision and control and if so how is he proposed to be dealt with ? [Art. 300-para 3 (a) ]
- (19) Does the investigation show that any criminal offence has been committed by any Government servant and if so whether in procedure prescribed in Art. 302 has been followed ?

**Special for losses of Timber in transit in River Godavary :**

- (1) What is the exact date and time of the accident ?
- (2) When was the incident first reported by the staff incharge of the timber rafts to the R. O , or the D.F.O and when did the D.F.O., get the information ? in the case of delay what is the explanation of the reporting officer ?
- (3) What is the action taken by the R O , and the D.F.O. immediately on receipt of the first report ? Did they proceed to the spot of the accident ? If not why not ? In the case of delay what is the explanation of the R.O. and D.F.O. ?
- (4) What are the steps taken to save the Timbers ? Did the staff incharge of the Raft or the R.O., or D.FO , give a Telegraphic information to the C. Os. Polavaram and Rajahmundry about the loss of timbers and if so what are the steps taken by the C.Os polavaram and Rajahmundry to save the Timbers ?

**Note :--** Since large quantities of drift wood timbers could be salvaged even in the course of heavy floods, it should not be difficult to salvage the timbers during other seasons especially summer May and June. If such steps are not taken it will amount to negligence on the part of all concerned. According to Article 3 (b) (1) every Government servant is expected to exercise the same diligence and care in respect of all expenditure from public moneys under his control as a person of ordinary prudence would exercise in respect of the expenditure of his own money. This principle will



apply in regard to protection and detection of losses of Government property. As such it is the duty of every Government servant to spare no pains in the detection of Government losses irrespective of their Jurisdiction

- (5) Immediately after submission of the preliminary report to the Accountant General and the Head of the Department did the investigating officer inspect the accounts and registers of the despatching depot and as well as the receiving Depot at his earliest opportunity as part of his investigation with a view to detect possible fraud under the cover of losses due to accidents such inspection should form part of the investigation apart from the depot inspections to prescribe a intervals.

#### **Despatching Depot**

- (6) Have the Register in form No. 2, 3, and 4, been maintained in the Despatching depot correctly and have all the receipts and disposals been entered regularly as transactions took place.
- (7) Is a clean record of invoices received and issued, maintained in the Despatching depot.
- (8) Do the entries in form No. 3 of the stock received from other depots or from the Forests agree with the entries of the despatching depot from which timbers were received.
- (9) Does the Register in form No 3 show logwise details of receipts and disposals and do the entries in form No. 4 agree with the disposals as showing item No. 3.
- (10) Are detailed invoices issued by the despatching depot in duplicate with logwise particulars, to the Depot R O., Government timber depot, Rajahmundry as soon as each raft is ready for despatch and are the duplicate acknowledged copies promptly obtained by the Depot officer from the concerned Depot officer to whom they were sent and are they invariably filed with the concerned office copies.
- (11) Do the invoices include all timbers in the raft including clips used for tying the rafts.
- (12) Are R. T. R. permits issued regularly by the despatching depot officers to cover transport of the timber to Raj, and are intimations sent promptly to the C. O., Polavaram as soon as the raft leaves the despatching Revu Depot to enable the C.O. Polavaram to be watchful about the arrival of raft.
- (13) Do the quantities of timbers as noted in the R.T.R permit agree with the quantities as shown in the invoices of the despatching depot, if not what are the reasons for variation.
- (14) At what intervals and how many times in one year were the depot accounts inspected and by whom and with what result? Was physical verification of stock done at regular intervals and with what result.
- (15) In respect of the accidents that occurred in the river where the rafts were in transit did the subordinate incharge or the Range Officer concerned as the case may be



issued telegrams to the staff stationed down the place of accidents such as the checking officer, Polavaram and Rajahmundry etc., requesting them to make efforts to solve the timber found drifting and if so what is the action taken by the concerned staff. If no telegrams were issued what are the reasons.

#### **C.Os Polavaram and Rajahmundry**

- (16) What are the quantities as checked and passed by the C.Os. Polavaram and Rajahmundry? Is there any variation between the permit quantities and quantities as checked by C.Os Polavaram and Rajahmundry and if so what is the action taken by the C.Os ]

#### **Receiving Depot (Govt Timber Depot) Rajahmundry :**

- (17) As in the case of the despatching depots, are the registers in forms 3 and 4 correctly maintained in the Govt. Timber Depot at Rajahmundry? Do the receipts in Form No. 3 show logwise details as per the invoices received from the Forest and Revu Depots and the disposals in form No. 4 agree with those in form No. 3 and do the entries in Form No. 5 agree with the Receipts and disposals in forms 3 and 4?
- (18) Are the invoices promptly verified by the Depot R.O. with reference to the actual receipts of Timbers and are they promptly returned to the Despatching Depot duly acknowledged? In the case of delay what is the explanation of the persons responsible?
- (19) Are there avoidable delays in lifting the Timbers from the rafts near the Govt. Depot and if so what are the reasons therefor.
- (20) In how many cases was the lifting delayed beyond reasonable time say 10 days at Rajahmundry and what are the reasons.
- (21) Does each log bear distinct identification mark with reference to Col. No. 6 and 8 to 10 of form No. 3 of the Despatching Depots and as well as hammer marks of the despatching depot officer or any other officers at the source.
- (22) Are the losses determined after comparing the actual timbers lifted with the invoices of the despatching depots and if not how are they determined and what are the reasons therefor. Give a list of timber logs lost with details of identification marks. measurements etc., with reference to the depot registers and market value in respect of each log
- (23) Are the deficit timbers being shown in form No. 5 of the concerned Depot pending receipt of orders of write off, if not why not?
- (24) (a) Is the value of timbers lost arrived at as per note 2 (ii) under item 1 of Appendix 23 of the A. P. Financial Code Volume II.
- (b) whether the place of accident is inside or outside the Reserved Forest.
- (c) Whether the rates per cft. etc., adopted were the local rates at the place of accident prevailing at the time of accident, if so the basis for arriving the local prevailing rates.



- (d) In the case of Govt. sale depot rate or market rate the basis for arriving at the rate should be indicated.
- (e) In the case of the rates adopted in all accident cases the District Forest Officer should furnish a certificate to the effect that he has verified the rates and satisfied himself about the correctness.

Ref. No. 83249/65;A2

Dated : 1-12-1965.

### Circular No. 48/65.

#### **Sub :— Public Service— Discharge of a probationer or a temporary Government servant from service instructions Issued.**

While examining the appeals and memorials of Government servants, the following typical cases of discharge of temporary Government servants have been observed.

- (1) In one case, on a charge of misappropriation the DFO issued memo asking the F.G. to show cause why he should not be removed from service. He submitted his explanation and no orders were passed on it. In the meanwhile, the subordinate was ousted from service for want of vacancy. Subsequently, when the subordinate approached for posting orders the D.F.O. informed him that he was ousted from service on the ground that he was undesirable and according to the orders passed on his explanation no posting orders could be given.
- (b) In another case, the D.F.O. issued charge sheet and obtained explanation and terminated his services without issuing a show cause notice indicating the punishment as he was a Temporary Government servant.
- (c) In another typical case, the D F.O. informed the F.G. removing his name from the list of approved candidates for appointment as F. G. and ordering that he should not be entertained in future, as he was a temporary Government servant.
- (2) In all the above cases, the orders of the D.F.O. had to be quashed as proper procedure was not followed before discharging the Government servant from service. It is thus observed that some D F.Os are not following the proper procedure in discharging temporary Government servants. The Position of Temporary Government servants is explained below to avoid any irregularities in discharging temporary Government servants.

3. According to the decision of the Supreme Court (AIR 1963) "The protection under article 311 of the Constitution of India is undoubtedly to the temporary public servants as well as to public servants holding permanent employment. But the state is not prohibited by the Constitution from reserving a right by the terms of employment to terminate the services of a public servant and if in the bonafide enforcement of that right, the employment is terminated the protection of Art 311 of the Constitution will not avail him because such a termination does not amount to dismissal or removal from service. Further it cannot be assumed that an order ex-facie one of termination of employment of a temporary employee was intended to be one of dismissal. The onus to prove that such was the intention of the authority terminating the employment must lie upon the employee concerned.



4 The essential point in such cases is whether the appointing authority intended to dismiss the employee from the service or whether he intended merely to terminate the employment in terms of contract of service in exercise of the authority.

5. In the third case, referred in para 1 above the D. M. and the subordinates Judge observed that the Forest Guard was removed from service for misconduct by way of punishment. The intention of the D.F.O. to punish the Forest Guard by way of dismissal is further evident from the words "he need not be entertained the Department in future". The D.F.O. not only wanted to terminate the services of Forest Guard by removing him from service but he went even to the extent of debarring him from entering the service in the Forest Department once for all. Thus the Art. 311 of Constitution is attracted in this case.

6. In view of the above Judicial decisions issued from time to time Government have issued specific instructions in the following Government orders on the subject.

1. G. O. Ms. No. 848 GA (SA) Department dt. 11-6-60 communicated in CCP Mis. 240/60 A2 dt. 28-6-60
2. G. M. 4090/61-1 G. A. D. dt. 2-11-61 communicated in CCP Mis. 580/61 A1 dt. 16-11-61.

The discipline of the department is suffering due to reinstatement of undesirable subordinates who have been ousted, just because the instructions in the above G. O. are not being followed, to the letter by the D.F.Os.

Copies of the above G.Os are once again communicated herewith for ready reference.

7. All the officers are therefore requested to follow the above instructions which are clarified below once again.

1. When a temporary appointment is made it should be worded in Appendix to the G.M. cited mentioning the following condition "subject to the condition that his services are liable to be terminated any time without notice and without assigning any reasons".
2. When discharged, the grounds of discharge should not be specified in the order and care should be taken to see that Disc. proceedings themselves are not initiated
3. The order of discharge should be non-committal innocuous and merely direct the reversion or discharge.
4. In case of probationers, they can be appointed on probation with a condition that their services are liable to be terminated at any time before declaration with one month's salary and the discharge also should be according to these conditions

8. Consequent on reinstatement of such Temporary employees the Government have to allow pay and allowances, which is an extra expenditure on the ex-chequer of the State. In this connection the attention of all officers is invited to the instructions in G. M. 2568/63-3 dt. 27-11-63 communicated in CC's Ref. 5433/63-A2 dated 16-12-1963, according to which the loss accrued to Government due to failure to observe proper procedure and consequent



reinstatement of Government servants, is liable to be recovered from the persons responsible. It is therefore impressed, once again that the above instructions of Government should, be carefully followed, while discharging the temporary Government servants.

The receipt of this circular should be acknowledged.

Copy of :—

C.C.P. Mis 240-60-A2.

**Sub : Public Services - Discharge from service of a probationer or a temporary Government servant - Instructions - Issued.**

Ref : G.O.Ms. No. 848 General Ad. mn. Ser. A ) Depot. 11-6-1965.

**Order**

A question has arisen whether a probationer or a temporary Government servant may be discharged from service without following the elaborate procedure prescribed in the classification control and Appeal Rules. A probationer or a temporary Government servant may be discharged from service in accordance with the terms of his appointment. The cause for such discharge may be misconduct, negligence, inefficiency of the employee but so long as such cause are not mentioned as the ground for discharge in the order of discharge or termination of probation and action is taken only in pursuance of the terms of the appointment, the provisions of article 311 (2) of the Constitution or the Classification control and Appeal Rules will not be attracted. The grounds of discharge should not be specified in the order and care should also be taken to see that disciplinary proceedings themselves are not initiated. In other words, the order should be non-committal and innocuous and merely direct the reversion or discharge invoking the particular provision in the terms of appointment. The proforma appended to this order may be adopted while making the appointment of persons on a temporary basis or on probation and while discharging them.

2. The Government direct that all the appointing authorities should strictly follow the proforma with regard to the appointment and discharge of a probationer or a temporary Government servant.

(By order and in the name of the Governor of Andhra Pradesh)

**J. JAYARAMA RAO**  
*Deputy Secretary to Government.*



Copy of:—

R. E. F. CCP Ms. 580-61-A1.

**Sub :— Public Services—Discharge from services of a probationer or a temporary Government servant—proforma appended to G.O.Ms. 848 Genl. Admn. (Ser. A.) dt. 11-6-60—Modified.**

Ref : 1. G.O.Ms. 848 G.A. (Ser A) dt. 11-6-1960 [2. G.O.Ms. (Ler. A.) Dept. 1204 G.A. (Ser. D) dt. 26-9-1961. ]

Ref : Govt. Memo. 4090/61-1 dt. 21-11-1961 Genl. Admn.

Consequent on the issue of the amendments to General Rules 26 (a) and 27 (c) in the G. O. second cited to the effect that whenever discharge of a probationer is made by reverting him to his lower officiating or substantive post, the pay in lieu of one month's notice shall be limited to the difference in pay between the officiating post and that of the lower officiating or substantive post to which he is reverted. The proforma appended to the G. O. first cited need revision. They shall be as shown in the appendix to the memorandum. All the appointing authorities should strictly follow these proforma in respect of appointment and discharge of a probationer or a temporary Government servant, as the case may be.

J. Jayarama Rao  
Deputy Secretary to Department.

**APPENDIX**

**1. In case of a temporary appointment, the appointment order should as follows :**

Sri ..... is appointed to the post of ..... temporarily subject to the condition that his services are liable to be terminated at any time without notice, and without assigning any reasons.

**2. In case of probationers.**

Sri .. .... is appointed on probation, subject to the condition that his services are liable to be terminated at any time, before the declaration of his probation, under General Rule 26 (a) (ii) or general Rule 27 (c) with one month's notice or with one month's pay in lieu thereof. In case where the discharge of the probationer is made by reverting him to his lower officiating or substantive post the pay in lieu of one month's notice shall be limited to the difference in pay between the officiating post and that of the lower officiating or substantive post to which he is reverted.

**3. In case of discharge of a temporary Government servant, the order of discharge should be as follows :**

Sri .. .... who was temporarily appointed in office order No..... dated.....is ousted from service with effect.....

**4 In case of probationers.**



Sri.....is hereby informed that his probation will be terminated after the expiry of one month from the date of receipt of this order under General Rule 26 (a) (ii) or General Rule 27 (c). Or

The probation of Sri .....is terminated with effect from .....under General Rule 26 (a) (ii) or General 27 (c). He will be paid one month's salary in lieu of one month's notice. In case where the discharge of the probationer is made by reverting him to his lower officiating or substantive post, the pay in lieu of one month's notice shall be limited to the difference in between the officiating post and that of the lower officiating or substantive post to which he is reverted.

Ref. No. 18354/65-A4.

Dated : 16-12-1965.

### **Circular No. 49/65.**

#### **Sub : Public Services-C. C. A. Rules-Giving reasonable opportunity to the delinquent-further instructions.**

Of late there have been cases where Subordinate Officer involved in serious disciplinary cases some how managed to go on leave and adopt dilatory tactics by channing leave address without keeping the E. O. informed with the result the Registered covers containing memos fixing dates for regular enquiries, show cause notices etc., sent by post were received back undelivered.

In all such cases as per instructions of Government communicated in their G. M. No 2308/For. II/65-2 dated, 26-6-65 the Divisional Forest Officers should make the best efforts possible to trace the whereabouts of charged officers and serve the memo of charges and notices pertaining to enquiry on him.

If all such efforts prove futile the E. O. or the punishing authority may record his satisfaction in terms of clause (b) of provision to Art. 311 (2) of the Constitution that for some reasons to be recorded by him in writing it is not reasonably practicable to hold the enquiry. There upon the appointing authority may without complying with the requirements of Article 311 (2) or sub-rule (2) of the Rule Andhra Pradesh Civil Service (C. C. A.) Rules impose the appropriate penalty on the charged officers. These instructions should be followed scrupulously.

N.B. : Art. 311 of the Constitution is quoted below for ready reference.

311. (1) No person who is a member of a Civil Service of the Union or an all-India Service or a Civil Service of a State or holds a Civil post under the Union or State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

Provided that the Clause shall not apply :—



- (a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a Criminal charge;
- (b) where an authority empowered to remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity for showing cause; or
- (c) where the President or Governor, as the case may be is satisfied that in the interest of the security of the State it is not expedient to give to that person such opportunity.

3. If any question arise whether it is reasonably practicable to give to any person an opportunity of Showing Cause under clause (9), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank, as the case may be, shall be final.

The receipt of this circular should be acknowledged.

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