

GOVERNMENT OF ANDHRA PRADESH  
(FOREST DEPARTMENT)

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Rc.No.69439/77/G3.  
dated: 21.12.1977.

Office of the Chief Conservator of  
Forests: Andhra Pradesh: Hyderabad.

Sri P.S. Rao, I.F.S.,  
Chief Conservator of Forests.

CIRCULAR NO.17/77.

Sub: Forests = Arrest of Legislators under Forest  
Act and/or Wild Life (Protection) Act = Inti=  
mation to Chairman of Legislative Council or  
Speaker of the Legislative Assembly = Instru=  
ctions = Regarding.

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An instance has come to the notice of the Chief Conser=  
vator of Forests wherein a Member of the Legislative Council  
was arrested and while giving intimation of the arrest to  
the Chairman of the Legislative Council, the officer con=  
cerned has signed the proforma without properly filling up  
the blanks of the prescribed form. This is undoubtedly a  
serious mistake of the officer concerned. To avoid the re=  
currence of such instances in future, the following instru=  
ctions are issued for the guidance of all the forest officers  
in the State.

2. According to the Rules of Procedure and Conduct of  
Business relating to both the Houses of Legislature, when=  
ever a Legislator is arrested, an intimation to the Chairman  
of the Legislative Council or the Speaker of the Legislative  
Assembly, as the case may be, has to be furnished without  
delay. The prescribed form in which the intimation has to  
be sent is furnished in Appendix-I. The reasons for the  
arrest, such as felling trees in reserved forest, clearing  
growth for cultivation, illegal shooting of wild animals  
abetting or aiding such crimes etc. should be clearly men=  
tioned at the end of the first paragraph of the prescribed  
form.

3. The Forest Officers in the State not below the rank of  
a Forest Guard, by virtue of provisions contained in section  
53 (1) of the Andhra Pradesh Forest Act, 1967, are empowered  
to arrest without orders from a Magistrate and without a  
warrant and detain in custody any person if he knows or  
has a reason to believe that such a person is committing or  
has committed a Forest Offence and if he refuses to give  
his name and residence or gives a name or residence which  
there is reason to believe to be false or if there is reason  
to believe that he will abscond. After arrest, the provisions  
contained in sub-section (2) of section 53 of the Forest Act  
for furnishing grounds of arrest to the person arrested and  
for producing him before a Magistrate will have to be duly  
complied with.

4. Similarly, a Forest Officer, without warrant, is empowered  
to arrest and detain under section 50(3) of the Wild Life  
(Protection) Act, 1972 any person who is suspected to have  
contravened the provisions of the said Act. After arresting  
the person, the provisions contained in sub-section (4) of  
section 50 of the said Act to produce the person arrested  
before the Magistrate will have to be duly complied with.

p.t.o.



5. In any of the arrests mentioned above, if any legislator is involved, an intimation to that effect shall have to be immediately furnished to the Chairman of the Andhra Pradesh Legislative Council, if the person arrested is a member of the Legislative Council, and to the Speaker of the Andhra Pradesh Legislative Assembly, if the person arrested is a Member of the Legislative Assembly. An extract of the relevant rules is furnished in Appendix-II.

6. It shall be the duty of the Divisional Forest Officers Sub-Divisional Forest Officers and the Range Officers to explain the implications of these instructions to all the executive subordinates of the department under their control for their compliance.

7. The receipt of the circular should be acknowledged.

Sd. P.S. Rao,  
Chief Conservator of Forests.

To

All the Officers in Distribution List-A.

2. Copies to all Range Officers in the State through their respective Divisional Forest Officers.

3. Copy to Circular stock file G1, G2, G3, and G4.

4. Copies to Asst. Chief Conservator of Forests (G)/  
F=Section with 4 spare copies for S.F.

5. Copy to Manager's stock file.

6. Spare copies=20.

7. Copy to the tables of Chief Conservator of Forests,  
Addl. Chief Conservators of Forests (DE), (DPAP), (STC)

/ t.c.b.o.

DEPARTMENTAL TEST - FOREST LAW .  
(Short Notes)

Confiscation

Forfeiture

Though confiscation and forfeiture are recognised forms of punishments awarded as sequel to conviction with regard to property that does not belong to Government

1) Can be ordered only with regard to property used in the commission of the offence.

2) The property may or may not belong to the offender.

3. The property is usually movable

1. Property ordered to be forfeited need not have been used in the commission of the offences.

2. The property invariably belongs to the offender.

3. May be with regard to movable or immovable property or both.

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'A'

(Vide Rule 175 )

Form of Communication regarding arrest and detention, as the case may be, of a Member.

Place:

Date:

To

The Chairman,  
Andhra Pradesh Legislative Council,  
Public Gardens, Hyderabad.

Sir,

I have the honour to inform you that I have found it my duty, in the exercise of my powers under (+) Section 53(1) of the Andhra Pradesh Forest Act, 1967/ 50 (3) of the Wild (Protection) Act of 1972 to direct that Sri .....  
..... Member of the Andhra Pradesh Legislative Council, be arrested/detained for (reasons for the arrest or detention as the case may be).

Sri ..... M.D.C. was accordingly arrested/  
taken into custody at ..... (time) on ..... (date) and  
is at present lodged in the Jail ..... (Place).

Yours faithfully,

Signature and Designation of  
the Forest Officer.

(+) Write whichever is applicable.

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'A'

(Vide Rule 201)

Form of Communication regarding arrest and detention as the case may be, of a Member.

Place:

Date:

To

The Speaker,  
Andhra Pradesh Legislative Assembly,  
Public Garden, Hyderabad.

Sir,

I have the honour to inform you that I have found it my duty, in the exercise of my powers under section (+) 53(1) of the Andhra Pradesh Forest Act, 1967/ 50 (3) of the Wild Life (Protection) Act of 1972 to direct that Sri .....  
..... Member of the Andhra Pradesh Legislative Assembly be arrested/detained for (reasons for the arrest or detention, as the case may be).

Sri ..... MLA, was accordingly arrested/  
taken into custody at ..... (time) on ..... (date) and  
is at present lodged in the Jail ..... (Place).

Yours faithfully,

Signature and Designation of  
the Forest Officer.

(\*) Write only whichever is applicable.



Extract of Rule 175 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Council.

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Rule=175: (Intimation to the Chairman by Magistrate of Arrest, detention etc. of a Member).

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When a Member is arrested on criminal charge or for a criminal offence or sentenced to imprisonment by a Court is detained under an executive order, the committing Judge, Magistrate or Executive authority, as the case may be, shall immediately intimate such fact to the Chairman indicating the reasons for the arrest, detention or conviction, as the case may be as also the place of detention or imprisonment of the Member.

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Extract of Rule 201 of the Rules of Procedure and Conduct of Business in the Andhra Pradesh Legislative Assembly.

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Rule=20: Intimation to Speaker by Magistrate of arrest detention etc. of a Member.

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When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under an executive order, the committing judge, Magistrate or executive authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the First Schedule.

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DEPARTMENTAL TEST- FOREST LAW  
( Short Notes)

Falsification of Accounts:

Whoever, being an Officer, clerk, or acting in the capacity of a clerk, Officer, , willfully and with intent to defraud destroys, alters, mutilates or falsified any book paper, writing, valuable security or account, which belongs to or is in the possession of his employer and with intent to defraud , makes or abets the making of any false entry shall be classified as falsification of account and such acts are punishable with imprisonment for a term which may extend to seven years, or with fine or with both.

( Section 477-A of the Indian Penal Code )

*Completed 1977 END*