

FOREST DEPARTMENT

Ref.No. 61362/79-F1
Dated: 6-11-1979.

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

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

CIRCULAR NO. 30/79.

Sub:- Act and Rules- Definition of Forest produce Constitutional validity of the Andhra Pradesh Forest Produce transit rules, 1970-Ruling of the High Court in Writ Petition No. 5680/1979-Communicated.

Sri Gurram Maheswar Rao and 25 others, including a Saw Mill owner of Anakapalli Dn. Visakhapatnam District, questioned the constitutional validity of the definition of forest produce in Writ Petition No. 5686/1979 and prayed the High Court to hold that the Rule 3 of the Andhra Pradesh Forest produce transit rules of 1970 as un-constitutional and void.

2. The constitutional validity of the definition of forest produce provided in the Andhra Pradesh Forest Act 1967 as well as the Government's power to control and regulate the transit of forest produce under the Forest Act came up for consideration before their Lordships the Hon'ble Sri C. Kondaiah Chief Justice and the Hon'ble Sri Justice P.A. Choudary on 31.8.1979 and it was held that Forests are our nation's priceless wealth, their growth and preservation for the survival of man and beast is of supreme importance. A reference to Article 48-A of the Constitution of India has been made in the judgement. This article provides for protection and improvement of environment and safeguarding of forests and wild life; and it is contained in part IV of the constitution of India dealing with the "Directive Principles of State Policy". These directive principles are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws. Article 48-A reads as follows:- The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country!

3. Although it has not been mentioned in the judgement, it may be interesting to know that part IV. A of the Constitution provides for "Fundamental Duties". Article 51 (A) reads as follows:

" 51-A. It shall be the duty of every citizen of India-

- (a) -----XX-----XX-----XX-----
(b) -----XX-----XX-----XX-----
-----XX-----XX-----XX-----

Contd.....

(g) to protect and improve the natural environment including forests lakes, rivers and wild life and to have compassion for living for living creatures;

(h) -----xx-----xx-----xx-----

(j) -----xx-----xxx-----xxx-----

4. It was argued on behalf of the petitioners that the State Legislature has imposed un reasonable restrictions on the petitioners' right to property and to do business which are guaranteed under article 19 of the Constitution. After dwelling at length upon the merits and the contentions advanced on behalf of the petitioners it was held that the Legislature has not exceeded its legitimate limits of authority and did not invade the petitioners' fundamental rights in any way.

5. A copy of the judgement dated 31.8.79 made in Writ Petition No. 5686/1979 is enclosed herewith for information and guidance of the forest officers in the State. They are requested to go through the judgement and understand its implications.

The receipt of the Circular may be acknowledged in the form enclosed.

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

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DEPARTMENTAL TEST - OFFICE PROCEDURE & ACCOUNTS
(SHORT NOTES)

TIMBER ACCOUNTS:

Timber Accounts is an important subject in the Forest Department these accounts are dependent on cash accounts both for Revenue and Expenditure (on departmental operations). As soon as fellings are done, the produce should be accounted for in form No. I-A (the daily felling register). A correct monthly abstract of Form No. I-A should find place in Form No. 5 of the concerned month. All sales of Forest produce or other disposals shown in Form No. III and III-A should likewise and place in form No. 5 (Under disposal Col.)

All sales of Departmental produce or lease units will be accounted for in Form Nos 6 and 8 respectively and all outstanding items of revenue shown in these two returns will be taken to Col. 6 of Form No. 9 of the concerned month. The revenue realised under the several Budget Sub heads in Forms. 6, 8, and 9 shall exactly tally with the total revenue realised under the several Heads of Revenue.