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FOREST DEPARTMENT

Ref.No. 74337/79/F3  
Dated: 3-12-1979.

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

Sri A.Ramakrishna , I.F.S.,  
I/c. Chief Conservator of Forests.

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CIRCULAR NO. 33/79

Sub:- Forest offences- Confiscation of Forest produce together with vehicles, tools, etc., used in the Commission of Forest Offence under Forest Act as amended-Smuggling of Gum from Andhra Pradesh State Instructions-Regarding.

Ref:- Chief Conservator's ref: No. 73104/77-Fc,  
dt. 30-7-1977.

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In the Chief Conservator of Forest's reference cited, all the officers of the Department were informed of the Andhra Pradesh Forest (Amendment) Ordinance 1975 and its replacement by the Andhra Pradesh Forest (Amendment) Act No. 17 of 1976, the authorisation of Sub Divisional Forest Officers and Divisional Forest Officers to perform the functions of "authorised officers" to confiscate properties involved in forest offences (vide G.O.Ms.No.32 F&RD (Mr.III) Dept. dated 21.1.1976) and empowering all the Conservators of Forests in the State to perform the functions of revisional authorities under sub-Section (2-D) of section 44 of Andhra Pradesh Forest Act as amended. In spite of the specific instructions given in the reference cited to confiscate vehicles and forest produce involved in the smuggling of Forest produce in deserving cases, where there are grounds compelling for such action, it is seen that some of the Divisional Forest Officers are not confiscating the vehicles involved in the smuggling of gum which is one of the important items of forest produce, but they are compounding the cases and releasing the vehicles which is against the spirit of law and the directions given by Chief Conservator of Forests. The officers must realise that gum has gained a very lucrative market and is one of the important items of export. Since gum has developed a good market in foreign countries, unsocial elements are resorting to its smuggling because they find easy money in it.

To arrest the large scale smuggling of gum, it is essential that forest officers go through the instructions given in this office reference cited above and carry out objectively its intentions. To be more precise in all cases where Timber or other forest produce including Gum belonging to Government is involved, the authorised officers must confiscate such vehicles together with the forest produce in respect of which the offence is committed. The Act contemplates certain procedure to be followed before an order of confiscation is passed by the authorised officer. In the letter cited instructions to that effect have been issued clearly.

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Copy of the orders passed by the authorised officer should invariably be submitted to the Conservator of Forests concerned and a copy should also be submitted with a covering letter to the Chief Conservator of Forests.

The officers are particularly warned not to make any reference to these instructions in their proceedings nor should these instructions form a basis for their orders. It should be noted that the authorised officers have to use their own discretion and judgement keeping all the above instructions as guidance. They should note that these instructions are purely advisory and are issued for their guidance. For any statutory obligation they should refer to authorities that are contained in the Forest Act and the Rules made or orders passed there under.

The model forms appended to the appendix I and II of Chief Conservator's Ref: No. 78104/77-P2, dt. 30-7-1977 may be altered to suit the conditions of each case separately.

It is observed that since Gum units are leased to Girijan Cooperative Corporation the forest subordinates are not evincing due interest to the protection of Gum yielding trees and they are not taking interest even in detecting and reporting offence cases. It is all the more necessary that, Forest Department should extend its cooperation to Girijan Cooperative Cooperation officials and arrest this smuggling of gum.

The receipt of this circular may please be acknowledged in the form enclosed.

Sd/- A.K. Mathur,  
Addl. Chief Conservator of Forests (Wild Life)