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Forest Department

Ref.No.8825/82-G1
Dated: 17-11-1982:

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

Sri A.K.Mathur, I. F. S.,
Chief Conservator of Forests.

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CIRCULAR NO. 25/82

Sub:- ACTS & RULES - Definition of Forest Produce and its validity - Forest Produce Transit Rules - Powers of Government to control and regulate transit of forest produce - Governor's order applying Forest Act with modifications to Scheduled Areas - Validity of chapter-III-A judgement of High Court-communicated.

Ref:- CCF's Ref.No.61962/79-Fl dt:6.11.1979 (Cir.No.39/79)

In the reference cited above, a copy of Judgement of the Hon'ble High Court of Andhra Pradesh W.P.No.5686/79 was communicated to all officers to distribution list 'A'. In that Judgement, the Hon'ble High Court has examined the constitutional validity of the definition of "Forest Produce" made in the A.P. Forest Act, 1967 and held that the definition is validly made.

In W.P.No.989 of 1982, a similar question was raised. The Hon'ble High Court while relying upon the decision of the Bench held that the definition has been couched so as to prevent pilferage and smuggling of forest produce. It has been held that the Forest Act and the Transit rules made there-under are also applicable to private lands. The High Court has observed that the rule made by the Government including its amendments, providing for exemption from the purview of the transit rule for timber of certain species is valid. The petitioner's contention that Sections 28-A and Section 28-B of the Forest Act are unconstitutional has also been rejected by the learned judge. The Judgement is reported in the A.I.R. A copy of the Judgement as published is forwarded herewith for information and guidance of the Forest officers in the State. They are requested to go through the judgement and understand its implications.

Sl -T.Krishna Murthy,
ADDL. CHIEF CONSERVATOR OF FORESTS (WL & A)

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