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Principal Chief Conservator of Forests.

CIRCULAR NO. 10/2002/X.2

Sub: Forest Offences - Offences involving fast moving vehicles -Necessity for taking up detailed investigation into the case - Making case studies - for better protection of forests - Certain Guidelines - Issued – Regarding.

The most important duty of a Forest Officer is to protect and develop the forests. In spite of several odds the forest officials have been performing the herculean task of protecting the forests admirably - sometimes even at the cost of their lives.

Although we have lost precious forests in many areas due to illegal removal of trees for different reasons, what still remains is invaluable. We must use our time, energy and all innovative ideas to protect and further develop this invaluable wealth.

2. The incidents of vehicles involved in the offence cases by forest officials are quite common and in this regard our officials have been doing their job quite satisfactorily. In many cases, the vehicles involved in the offence cases are being confiscated by the Government and crores of rupees worth timber are being seized from the smugglers.

The department is also in a position to realize penalties in the form of Compounding Fees to a tune of Rs.7.00 to Rs.8.00 crores per annum from the offenders involved in the commission of forest offences. The Government have recently agreed to allow the Forest Department to utilize this amount as "User Charges" for the sake of better protection of forests.

3. Connivance of the staff at any level in smuggling of forests is ruled out, although few instances have come to our knowledge where the involvement/negligence of the staff could not be totally ruled out. This may be considered rather an exception to the general situation.

4. All the forest staff - territorial, flying squad and vigilance - are engaged in protection of the forests. It is also felt that more valuable the forest is, more vulnerable it is to the pressure of smuggling. It is therefore not uncommon that a vehicle carrying illegal teak timber detected in Guntur, Vijayawada or even in Nellore has the origin in Adilabad district as this district has still the rich teak forests.

5. In our State almost 17.00 lakh hectares of forest area are under the protection of VSS members and there are more than 10 lakh VSS members involved in the community participation for protection and development of forests. The VSSs have become a great source of strength and information to the Forest Department which should be utilized very effectively for the protection / development of the forests.

6. The smuggling of forest wealth by lorries / vehicles occurs in a complicated

way where many of the key figures in the act of smuggling may be quite far off from the spot of forest destruction. It has been our experience that an important person in the society living in a big town/city plays behind the scenes the role of the main smuggler by engaging a few agents who in turn finance the ordinary illiterate persons for smuggling by head loads/cycles. The main smugglers, his agents and the ordinary people may be described as primary, secondary and tertiary smugglers respectively. It may help the department if the list of such agents can be made available confidentially in the local police station.

7. In view of this situation it has become quite imperative to understand the complex process of smuggling by making a few detailed case studies on the forest offence cases involving vehicles. The typical cases should only be picked up. A few important cases of the past may also be compiled. The case studies will be published. This will not only give us better insight about the complicated process of smuggling but it will also help us to take up many corrective measures for better protection of forests.

8. Since the case study may require the movement of staff from one circle to the other and considerable expenditure, it is advised that the Principal Chief Conservator of Forests is kept informed of this from the beginning so that the official who takes up the case study is offered adequate cooperation from all concerned. The case study should in brief, bring out the details of the prevailing situation where the smuggling has taken place, the modus-operandi of the smugglers, failure/negligence of the forest department staff, the role of VSSs, the socio-economic condition of the people etc. A few photographs of the important links of the entire chain will be useful for illustration. If necessary, the cooperation of the experts in the field from the University or NGOs may be sought in this regard.

As mentioned already, only a few cases should be taken up for detailed case studies. However, for all offence cases, involving vehicles, a check list should be maintained which is enclosed with this Circular as Annexure.

9. The Conservators of Forests / Divisional Forest Officers are requested to go through this Circular carefully, devote considerable time and energy to bring out the case studies successfully with all the important details so that the forest wealth could be better protected.

Sd/- (S. K. DAS)
Principal Chief Conservator of Forests

ANNEXURE

Check Slip information for the Circular No. 10/2002/X2-Dated: 30.11.2002

1. Vehicle type and number.
2. P.O.R. number and date.
3. Vehicle (Offence) detected by whom (Name & Designation).
4. Produce involved in the offence and its quantity.
5. Value of the produce.
6. Place where the produce got loaded.
7. Route followed by the vehicle.
8. Name of the check post crossed
9. Whether the permit is checked at the previous check posts.
10. Name of the forest area from where the material was felled.
11. Whether the field staff have detected the fellings and registered a case for the destruction?
12. Whether there is any involvement of the staff in the fellings and smuggling has come out in the investigation?
13. The names of the VSSs located around the areas of destruction.
14. Whether VSSs members have any knowledge about smuggling / smugglers?
15. Do they contemplate to take action to stop smuggling?
16. Destination where the smuggled material is heading.
17. Name and address of the persons who have organized the smuggling.
18. Is there any mafia or smuggling gang involved in the smuggling?
19. Whether this vehicle was involved in any forest offences in the past?
20. Whether the accused in the offence is habitual offender?
21. Whether any saw mill is involved in the case and if so what is the action taken on the saw mill?
22. Whether the said saw mill had previously indulged in any forest offence.
23. Further investigation details, if any and remarks.