M.R.O. 14—13,000—57-9-24

MADRAS RECORD OFFICE.

Government of Madras

Revenue **DEPARTMENT.**

G.O. No. 3420 Press Mis

315.326

Dated 19 — 12 — 1866.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 19th December 1866.

No. 325. Read the following Circular from the Government of India, Public Works Department, (Revenue—Forests,) dated Simla, 26th October 1866, No. 14 :—

Disposal of fines and confiscations for breach of Forest Laws.

Read the following papers :—

From the Secretary to Chief Commissioner of Central Provinces, in the Public Works Department, to the Secretary to Government of India, Public Works Department, dated 2nd July 1866, No. 2,114-163.

1. I am directed to refer, for the orders of the Government of India, two points raised by the Conservator of Forests, Central Provinces, regarding the administration of the Forest Laws, as follows :—

First.—Whether fines inflicted for breach of Forest Laws should be credited to the Forest Revenue, or the General Revenue ; and,

Second.—Whether any portion of the fine inflicted by a Magistrate can, up to half the amount of the fine, be paid to informers.

2. I am directed to state that the Chief Commissioner, after consulting the Judicial Commissioner on the subject, feels doubt as to whether both the questions should not be answered in the negative.

3. I am directed to state that, in all other departments under Government, fines levied are carried to the credit of the General Revenues ; but as the Forest Department is a new one, Mr. Temple desires to refer the question for the orders of Government.

4. With regard to the second point, the Chief Commissioner apprehends that a special Act of the legislature will be necessary to legalize the award of a portion of fines to informers.

From the Secretary to Government of India, Public Works Department, to Chief Commissioner of the Central Provinces, dated 27th July 1866, No. 290 F.

1. In reply to your Secretary's letter No. 2,114-163, dated 2nd current, submitting, for the orders of Government, the question whether fines inflicted for breach of Forest Laws should be credited to the Forest or the General Revenue, and whether informers should receive any portion of such fines, I am directed to communicate the following decision.

2. In the case of fines and confiscations, the Governor General in Council considers that, under the Forest Act, all monies so obtained clearly belong to the Government, and should be credited accordingly to the Forest Revenue.

3. In regard to the second point under reference, it is not considered competent to a Magistrate, acting judicially, to pay to informers any portion of the fines levied for breach of Forest Rules ; but there is no objection to the Local Administration, whenever it may be thought expedient, specially authorizing the disposal in that way of a part of the fines recovered from offenders.

4. In illustration of this point, it may be observed that, in the Coorg Forest Rules, confirmed under the Act (see Notification, 9th September 1865, paragraph 6), twenty-five per cent. of the value of wood confiscated and sold is given to the informer, whether he is in the Department or not.

From the Advocate General, to the Secretary to Government of India, Public Works Department, dated 15th October 1866.

1. I have the honor to acknowledge your letter No. 340 F of the 11th ultimo, enclosing papers relative to a proposed addition to the Forest Rules for the Central Provinces.

2. There can be no doubt that all fines and confiscations under the Forest Act form part of the revenues of the State, and that the Local Governments may, with the sanction of the Supreme Government, direct any part of the fine, &c., to be paid over to the informer. The Government of the Central Provinces received sufficient sanction in this behalf by the letter of the Government of India, No. 290 F of 27th July, and that sanction is, I think, all that is necessary. The Forest Act does not (as, indeed, it was wholly unnecessary) empower the Local Government to make rules for the disposal of fines, &c., and, therefore, the notification of a rule would give no legal validity to the proposed practice beyond that which it would otherwise have.

3. All that is necessary is to issue an instruction to the Magistrate and other Officers authorized to impose fines and confiscation under the Act that, wherever they think the case one in which the informer or informers ought to be rewarded out of the proceeds, they should report to that effect, and in the meantime hold the amount levied subject to the orders of Government.

ORDER.—Ordered, that these papers be circulated to the Governments and Administrations marginally noted, for information and guidance, and to the Governments of Madras and Bombay for information.

Governments of Bengal, North-Western Provinces, and Punjab.
Chief Commissioners of Oudh, Central Provinces, and British Burmah.
Commissioners of Mysore and Coorg.
Resident at Hyderabad.

Ordered also, that a copy be forwarded to the Home Department, in view to consideration of the propriety of issuing the papers in the Judicial Department.

(Signed) C. H. DICKENS, Lieut.-Colonel, R. A.,
Secretary to the Government of India.

No. 326. ORDER THEREON, 19th December 1866, No. 3,420.

Forests, No. 9.

Communicated to the Officiating Conservator of Forests for his information.

(True Extract.)

(Signed) J. GROSE,
Under Secretary to Government.

To the Officiating Conservator of Forests.

Exd. S. T. Augustin.

CIRCULAR No. 14 FOREST.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

Revenue—Forests.

SIMLA, OCTOBER 26, 1866.

Disposal of fines and confiscations for breach of Forest Laws.

Read the following papers:—

No. $\frac{2116}{180}$, dated 2nd July, 1866.

From—C. BERNARD, Esq., *Secy. to Chief Comr. of Central Provinces, in the P. W. Dept.*
To—Secretary to Government of India, P. W. Dept.

I am directed to refer, for the orders of the Government of India, two points raised by the Conservator of Forests, Central Provinces, regarding the administration of the Forest Laws, as follows:—

1st.—Whether fines inflicted for breach of Forest Laws should be credited to the Forest Revenue, or the General Revenue; and

2nd.—Whether any portion of the fine inflicted by a Magistrate can, up to half the amount of the fine, be paid to informers.

2. I am directed to state that the Chief Commissioner, after consulting the Judicial Commissioner on the subject, feels doubt as to whether both the questions should not be answered in the negative.

3. I am directed to state that, in all other departments under Government, all fines are carried to the credit of the General Revenues; but as the Forest Department is a new one, Mr. Temple desires to refer the question for the orders of Government.

4. With regard to the second point, the Chief Commissioner apprehends that a special Act of the legislature will be necessary to legalize the award of a portion of fines to informers.

No. 290 F, dated 27th July, 1866.

From—LIEUT.-COL. C. H. DICKENS, R. A., *Secy. to Govt. of India, P. W. Dept.,*
To—Chief Commissioner of the Central Provinces.

In reply to your Secretary's letter No. $\frac{2116}{180}$, dated 2nd current, submitting, for the orders of Government, the question whether fines inflicted for breach of Forest Laws should be credited to the Forest or the General Revenue; and whether informers should receive any portion of such fines; I am directed to communicate the following decision:—

2. In the case of fines and confiscations, the Governor General in Council considers that, under the Forest Act, all monies so obtained clearly belong to the Government, and should be credited accordingly to the Forest Revenue.

3. In regard to the second point under reference, it is not considered competent to a Magistrate, acting judicially, to pay to informers any portion of the fines levied for breach of Forest Rules; but there is no objection to the Local Administration, whenever it may be thought expedient, specially authorizing the disposal in that way of a part of the fines recovered from offenders.

To the Secy. to the Govt. of Madras,
Revenue Department.

4. In illustration of this point, it may be observed that, in the Coorg Forest Rules, confirmed under the Act (see Notification, 9th September 1865, para. 6), 25 per cent. of the value of wood confiscated and sold is given to the informer, whether he is in the Department or not.

Dated 15th October, 1866.

From—T. H. COWIE, Esq., *Advocate General,*

To—*Secretary to Government of India, P. W. Dept.*

I have the honour to acknowledge your letter No. 340 F of the 11th ultimo, enclosing papers relative to a proposed addition to the Forest Rules for the Central Provinces.

2. There can be no doubt that all fines and confiscations under the Forest Act form part of the revenues of the State, and that the Local Governments may, with the sanction of the Supreme Government, direct any part of the fine, &c., to be paid over to the informer. The Government of the Central Provinces received sufficient sanction in this behalf by the letter of the Government of India, No. 290 F of 27th July, and that sanction is, I think, all that is necessary. The Forest Act does not (as, indeed, it was wholly unnecessary) empower the Local Government to make rules for the disposal of fines, &c., and, therefore, the notification of a rule would give no legal validity to the proposed practice beyond that which it would otherwise have.

3. All that is necessary is to issue an instruction to the Magistrate and other Officers authorized to impose fines and confiscation under the Act that, wherever they think the case one in which the informer or informers ought to be rewarded out of the proceeds, they should report to that effect, and in the meantime hold the amount levied subject to the orders of Government.

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Commissioners of Mysore and Coorg.
Resident at Hyderabad.

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(Signed) C. H. DICKENS, *Lieut.-Col., R. A.,*
Secy. to Govt. of India.
William McCleary C. E.,
Offg. Asst. Secy. to Govt. of India.

A. 325 1926

Disposal of fines and confiscations for breach of Forest Laws.

CIRCULAR No. 14 FOREST.

Dated SIMLA, *October* 26, 1866.

Received 26 Nov —

To

PUBLIC WORKS DEPARTMENT.

REVENUE—FORESTS.

No. 3120.

Communicated to the GOVERNMENT OF INDIA.

Office of Conservator of Forests for information only.

4 Copies sent to Commissioner of Forests Office 29-11-26