

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 52/64

DATED 8 Oct 97.

[Despatch Abstract.]

Recording with remarks Board's Progs. Com.
to Collectors and Conservators of A. Rev. Dept.
investing Assistant and Extra Assistant
Conservators of Forests, Madras, with
certain powers under section 59 clauses
(b) and (c) of the Madras Forest Act V
1882.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1897) Department.

CURRENT No. 864

From The Secretary to the
Commissioners of
Land Revenue.

List
Order misc No 526. dy 8 oct 97

Recorded with the
remark that the Board's
presumption in para 2 is
correct.

No. 409

Dated 23 September 1897

Received 6.10.97

Registered 7.10.97

Enclosures

Spare copies

SUBJECT.

Coming to Colles. and
Conservators G.O. Rev. Sept
investing assistant and
extra assistant Conser-
vators of Forests. Madras
with certain powers
under Section 59, clause
(b) & (c) of the Madras
Forest Act, II of 1882

To

The Board of Rev. & P.
Sep. 13-10-97

Librarian to note

7.10.97

The checking of his manual
should expedite
G.O. 51

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERES.

G.O.	No.	Department.	Date.

REVENUE DEPARTMENT.

1897.

Board of Revenue

(Land Revenue),

MADRAS.

Printed October th.

Proceedings, Forest No. 409, 23rd September 1897.

SEPTEMBER.

Communicating to all Collectors and Conservators of Forests Government Order ordering the publication in the Fort St. George and all District Gazettes of a notification for investing Assistant and Extra Assistant Conservators of Forests, Madras, with certain powers under section 59, clauses (b) and (c) of the Madras Forest Act V of 1882.

PROCEEDINGS OF THE BOARD OF REVENUE
(LAND REVENUE).

Read—the following Government Order, No. 742, Revenue, dated 2nd September 1897:—

Read—the following Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 809, dated 14th August 1897:—

Read—letter from the Conservator of Forests, Northern Circle, dated 16th June 1897, R. C. No. 2450, and Reference thereon, dated 15th July 1897.

Read—letter from the Conservator of Forests, Central Circle, dated 21st July 1897, No. 172.

Read—also letter from the Conservator of Forests, Southern Circle, dated 26th July 1897, No. 350.

Resolution—Forest Mis. No. 809, dated 14th August 1897.

In his letter of the 16th June last, the Conservator, Northern Circle, stated that considerable inconvenience was felt owing to Assistant Conservators and Sub-Divisional officers not being empowered to issue summons and to receive and record evidence. Mr. Peet accordingly suggested that the officers in question including Extra Assistant Conservators might be vested with the necessary powers under section 59 of the Forest Act.

2. The other Conservators were consulted and have now reported that they agree with Mr. Peet generally. Mr. Popert urges that great difficulty is now being experienced in successfully prosecuting forest cases as witnesses refuse to appear when required or retract in court the statements made before a Forest official. Mr. Popert thinks it may be found advisable later on to extend the powers wholly or partially to Rangers. Mr. Hooper on the other hand would restrict the delegation of the powers to Assistant Conservators, who have passed the Vernacular test.

3. District Forest-officers have already been authorised to exercise the said powers (*vide* notification in Government Order, No. 970, dated 27th August 1884, on the recommendation of the former Conservators—Colonel I. Campbell-Walker and Mr. J. S. Gamble. Both these officers considered this delegation to be sufficient for the time being though Colonel Walker stated that the powers might be granted to others in exceptional cases. The Board considers that the time has now arrived when it is desirable to extend the powers to officers other than District Forest-officers. It accordingly resolves to request Government that Assistant Conservators, Extra Assistant Conservators and Sub-Divisional officers may be invested with the powers in question, it being understood that the passing of the necessary Vernacular tests must in all cases be a preliminary to the assumption of the said powers. A draft notification is herewith submitted for approval and publication in the *Fort St. George Gazette*.

(True Extract.)

(Signed) R. C. C. CARR,
Secretary.

To the Secretary to Government, Revenue Department,
with letters in original, to be returned,
and with draft notification.

Order—No. 742, Revenue, dated 2nd September 1897.

Forest No. 160.

The Government considers that, in the present case, as no rules are proposed to be promulgated, the notification should be issued under section 59 instead of section 63 (a) of the Madras Forest Act, V of 1882. The Government is also of opinion that as the powers are to be conferred on both Assistant and Extra Assistant Conservators of Forests, who will ordinarily be the officers in charge of sub-divisions, there is no object in including in the notification "Sub-Divisional officers" and that in any case it is not advisable to confer the powers in question on officers of the Forest Department below the rank of Extra Assistant Conservator. It is further observed that section 59 of itself does not vest any powers in "Forest-officers" as such and that the clause of the section are wrongly quoted in the last column of the schedule attached to the Board's draft notification.

2. A revised notification has accordingly been drawn up and is appended to the present Proceedings. It will be published in the *Fort St. George* and all District Gazettes.

(True Extract.)

(Signed) F. J. WILSON,
for Ag. Secretary to Government.

To the Board of Revenue (Land Revenue),
with letters and draft notification returned.
" Superintendent, Government Press.

APPENDIX.

Notification.

Under section 59 of the Madras Forest Act, V of 1882, His Excellency the Governor in Council is pleased to invest all Assistant Conservators and Extra Assistant Conservators of Forests, Madras, with the following powers specified in clauses (b) and (c) of the said section, that is to say—

"(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(c) power to hold enquiries into forest offences, and in the course of such enquiries to receive and record evidence, and to issue search warrants which may be executed in the manner provided by the Code of Criminal Procedure."

Provided that no such officer shall exercise the said powers unless and until he has passed the Vernacular tests prescribed for his appointment.

RESOLUTION—Forest No. 409, dated 23rd September 1897.

Communicated to all Collectors and Conservators of Forests.

2. The Board presumes that the necessary addition will be made in the Government office in paragraph 1 of the rules published at page 35 of the draft Forest Manual now before Government.

(True Copy and Extract.)

Secretary.

To all Collectors (except Madras).
" all Conservators of Forests.
" the Secretary to Government, Revenue Department.
Ed. P. Soetharam.