

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 742

DATED 2nd September 1897

[Despatch Abstract.]

Assistant Conservator and Extra Asst. Conservator of Forests, Madras.

Ordering the publication in the Fort St. George and all District Gazettes of a notice for investing with certain powers under section 59, clause (b) and c of the Madras Forest Act, V. of 1882.

1027
Col. I. Campbell Walker and Mr. J. S. Gamble. Both these officers -
considered this delegation to be sufficient for the time being
though Col. 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, ~~and~~
~~Sub-Divisional Officers~~ 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 Port Saint George Gazette.

(Name Extract)

Receiv

Secretary

To the Secretary to Government, R.D. with Letters in original to
be returned and with draft notification.

Revised Jan 11/1897

Return to the Hon. Secy.



To the Govt Solicitor
with all papers &
copy of 970. 970
27-8-84

Read

Order

referred

General

char. etc.

formed

etc. fac.

etc. mo.

of 1882

of rules,

work.

Board

note

It ma

previous

issued und

act beca

were also p

same time

63. In the Board's draft
will further be seen that the
term "subdivisional officers"
not sufficiently explicit. It
be altered if necessary
when the Act returns the
papers.

¹⁰⁰
11/1/97
Submits that, if the proposal
give the powers in question to
the Extra Asst Conserv &
Sub Divl Officer to approve,
the form of notification
proposed by the Board is
correct & convenient. Under
Section 59, Govt comes
(As per the notification)
under Asst & Extra Asst
Conserv with the powers
in question. For Sub Divl
Officer is a term not
mentioned as included
in "Forest Officer" as defined
by the Act. It is a class
of Forest Officer which
under Sec 63(a). Similarly
the proviso about passing
the remainder left should
be made under 63(a).

Noted in the Hon: Mr. J. R. C. L.

P. S.
2/8/97

1/9/97

Sum. 1/9/97

Sec 59 of itself does not
vest any powers in "Fore-
Officers" as such and that

30
Read No. 7183 of 97 A

P.S. Order No. 742 of 2nd Sept. 1897

The Govt considered
that, in the present case, as
no rules are proposed to be
enacted, the notification
should properly be issued under
Sec 59 instead of Sec 63 (a) of
the Madras Forest Act of 1882.
The Govt is also of opinion that
as the powers are to be conferred
on both Assistant and Extra
Asst Conservators of Forests, who
will ordinarily be the Officers
in charge of subdivisions, there
is no objection in including in
the notification "Subdivisional
Officers" and that in any
case it is not advisable to
confer the powers in question
on Officers of the Forest Dept
below the rank of Extra Asst
Conservator. It is ^{further} observed
that the clauses of the Section
are wrongly quoted in the last
column of the Schedule attached
to the Board's draft notification.

2. A revised notification

is accordingly been drawn
up and is appended to the present
draft. It will be published in
the Fort St George and all
District Gazettes

Wille
26-8-97

20

The Board of Rev. L.B. with the

.. Engr, Govt Press

Appo.

Notification

Under Sec 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
evidence, and to

and to issue search warrant
which may be executed in the
manner provided by the Code
of Criminal Procedure.

Provided that no such Officer
shall exercise the said power
unless and until he has
passed the vernacular tests
prescribed for his appointment.

Wille
26-8-97

Agst.

Note

The revised draft above
has been prepared in accordance
with the orders personally ^{received} given
^{from} by the Secy. Both Messrs Hooper
and Peet, it will be seen are not
for giving the powers to Rangers
and the point in including
"Subdivisional Officers" in the pro-
posed list in addition to Asst
and Extra Asst Conservators is
not, it is submitted, seen.

Wille
26-8-97 I look the Hon to recommend.

(1) that all Dist & Sub-Div Conserv
should be empowered

the Act Conserv or Ranger
should be empowered.

It Sub-Dir. again are
not to be empowered as such.
Then Sec 59 certainly would
the most suitable section

11/11
26. 897

I think it is very undesirable to
empower Sub-Dir. Officers as such.
The whole object of the Act is
to give these powers to certain
persons or classes of persons who
are prima facie ^{or} fit for this being
in this class fit to use them. But
no such presumption arises when
a Ranger is temporarily put in
charge of a Sub-Dir.?

11/11
27/897

Government (1897) of Madras.
REVENUE.

Recd.

Regd.

1897.

Enclosures

Spare copies

G.O., No. 742, 2nd September 1897.

SEPTEMBER.

Assistant Conservators and Extra Assistant Conservators of Forests,
Madras.

Ordering the publication in the Fort St. George and all District Gazettes of a notifica-
tion for investing — with certain powers under section 59, clauses (b) and (c) of the Madras
Forest Act, V of 1882.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

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 G.O., 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 clauses 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) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue),
with letters and draft notification returned.
„ the 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.

Exd. A. F. Eccleston.

40 Copies.

RECORD OF COPIES
MAKING

Letter complete
Letter only
Order complete with Letter

Specimen in front

Specimen No. 120

Specimen No. 120

Specimen to C. No.

Specimen of Government

Specimen of Government

Specimen with ditto

Specimen of Government of United States for dispatch
in original

N.B.

- A = Print in full.
- B = Not to be printed.
- P = Print abstract only.
- Q = Print heading only.