Revenue (1897) Department.

PRESS SERIES.

G.O., No. 981

DATED 23rd November

[Despatch Abstract.]

Ordering the publication in the Fort St George
& all Dt Gazettes of a notification issued by Government
& Extra Asstt. Conservators of Forests with certain powers
under section 59 Clause (b) and (c) of the Madras
Forest Act (V of 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.

2,000
16-8-97.

Revenue (1897) Department.

CURRENT No.

Print regd
180
23-XI-97

Action in G. Govt

From

The Board of Revenue, Land Revenue
Madras

For *Orders.*

Please see the printed copy of G.O. No 7412 dated 6th Sept 1897 at the end of the file. (Put up).

In preparing the revised notification in the Spin, the words of Clause (c) of section 59 of the Forest Act seem to have been inadvertently omitted out. Suspect that the error escaped my notice. Submit that the Board's views as to the undesirability of investing Forest Officers

Forest No. 1118 Misc

Dated 29th October 1897

Received 2-11-97

Registered 2-11-97.

Enclosures 2.

Spare copies

SUBJECT.

Requesting Government to issue a revised notification in modification of that previously issued investing Asstt. and Extra Asstt Consrs of Forests with power to issue search warrants.

It was intended to [illegible]

Submitted for approval

Forest No 221.

G.O. No 987 Dated 23rd Nov: 1897.

The Govt accepts the recommendation of the Board's The following notification will be published in the Fort St George Gazette, and District Gazette,

18.11.97

19.11.97

Notification

In supersession of the notification No 421 published [in ~~accordance with the terms of G.O. No 742 Dated 2 Sept 1897~~] - 1134-1135 - on pages of the Fort St George Gazette, Dated 7th Sept 1897 Govt is pleased hereby that, under section 59 of the Madras Forest Act V of 1882, all Assistant Conservators & Extra-Asst Conservators of Forests Madras are hereby invested with the following powers specified in clauses (a) to (c) [illegible] forest offence, and the arrest of such persons to record evidence.

Provided that no person shall exercise the said powers unless he has passed the Vernacular Test prescribed for this appointment

18.11.97

BACK PAPERS.

G.O.	No.	Department.	Date.
			20/11/97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2,000
16-8-97.

REVENUE BOARD OFFICE. MADRAS.

Proceedings of the Board of Revenue

(Land Revenue).

Forest No 1118 Misc, dated 29th October 1897

Read letter from the Conservator of Forests Northern Circle, dated 12th October 1897, R.C. No 627, requesting the Board to move Government to declare whether the power to issue search warrants has already been granted to the District Forest Officer, or if not to grant the power.

Read also letter from the Conservator of Forests Central - Circle, dated 18th October 1897, No. 755 forwarding to the Board - Conservator's opinion in the matter of investing Assistant Conservators and Extra Assistant Conservators with power to issue search warrants.

Resolution.

In G.O No 742 Revenue, dated 2nd September 1897, Assistant and Extra Assistant Conservators of Forests were invested ~~xxxx~~ under Sec: 59 (c) of the Madras Forest Act with the power to issue search warrants. This power is not possessed by District Forest Officers at present, and the letters read above, received from the Conservators, Northern and Central Circles on the subject, will be submitted to Government.

2 In G.O No 970, dated 27th August 1884, all District Forest - Officers were invested with powers under clauses (a) to (c) of sec: 59 of the Forest Act, but in the description of the nature of the powers conferred, the power to issue search warrants was not included. The Conservator, Northern Circle brings to notice that the Collector resumes that the -

A = Abstract only.
B = [illegible]
P = [illegible] only.
Q = Print heading only.

is unwarranted,Government may be moved to grant the power to District Forest Officers on the analogy that a Conservator can exercise all of any of the powers conferred on his subordinates.Mr.Peet adds that in his opinion,District Forest Officers should have this power and that it is not likely to be abused.

3 The Conservator,Central Circle on the other hand is not in favor of investing Forest Officers with the power to issue search warrants.He adds that since his appointment to the Circle he has known of no case in which Government has suffered loss because this power had not been ~~estimated~~ entrusted to Forest Officers and that any delay which may occur in obtaining a warrant from a Magistrate in special cases is preferable to the danger arising from the injudicious exercise of the power.

4 It will be observed that in the original ~~six~~ draft rules under sec.63 (a) referred ~~to~~ in B.F No.1061 dated 22nd March 1884 (para 2) for Conservators' remarks,the power to issue search warrants was included.A draft notification submitted by Mr.Gamble after consultation with Col:Campbell Walker in a revised form was finally adopted,and this did not include the power to issue search warrants.It is evident that the notification was carefully drawn up,and the exclusion of the power in question must have been intentional.Again in 1893 a proposal was made to grant the power to District Forest Officers but was negatived by the Board on the ground that no case had been made out for any extension and that ample powers were available under sec:41 of the Forest Act.

5 In the draft notification submitted with B.F.Mis.No 809,dated 14th August 1897 the proposal was merely to extend to Assistant and Extra Assistant Conservators the powers previously granted to District Forest Officers,and as the latter were not invested with the power to issue search warrants under the notification of 1884,the Board considers that it is inexpedient to invest the former with the power in question.The Board accordingly requests that Government may be pleased to issue a revised notification in modification of the one now under discussion.

(True Extract)

Secretary

with letters in origin

DRAFT No. F.

INDIAN TELEGRAPHS

To (Office)	Telegraphoffice	From (Office)	Head Office
Words.	Day. 17	Hour. 12	Minute. 7-

To (Name) Secy- Rev-Dept.

From (Person) Secy Bd-L.R

When may orders be expected on Board's Proceedings No. 1118 Forest-Dy 24th October 97.

17-11-97

64 Word Form. F.C.2.

Reply

The paper has not yet been submitted for orders ~~shortly~~ Please say whether you want orders urgently.

P. by the Commissioner
17/11/97
Secretary

Note

There are a lot of urgent and very urgent

Recd. from 18/11/97 LN. | Sent to LN.

At Hrs. Mts. by | At Hrs. Mts. by

Telegraph Master.

G. G. P.—No 22c T—18-9-94—30,00,000.

Revenue Board Office,
(Land Revenue)

is unwarranted, Government may be moved to grant the power to District Forest Officers on the analogy that a Conservator ...

urgent papers on hand. A note thereto be submitted as soon as these papers are disposed of.

17.XI.97

For C. No. 9426 of 97

MEMORANDUM.

Requested for reference the under-mentioned papers:—

DRAFT NOTIFICATION

Under Section 65 (1) (h) of Act V of 1882 (The Madras Forest Act), His Excellency the Governor-in-Council is pleased to direct that the Officers of the Forest Department in Madras, ... schedule, shall ... e Section of the ... the same Provided ... lless and until ... his appointment ...

Brief description of nature of powers conferred
(1) (a) Powers of a Civil Court to compel the attendance of witnesses, etc,
(b) power to hold enquiries into forest offences and receive and record evidence.

Secretary

Revenue Board Office,
(Land Revenue)

Secretary

with letters in origin...

P = Print abstract only.
C = Print the docs only.

is unwarranted, Government may be moved to grant the power to District Forest Officers on the analogy that a Conservator can exercise all of

urgent papers on hand. A note Circle be submitted as soon as

9 17.XI.97

Furnished.

Reeves

Secretary

Rec: 18th Dec
Forest Branch
Calcutta
November 1897

To. The Under Secy. to Govt. Revenue Dept. with enclosures.

Secretary

with letters in origin

DRAFT NOTIFICATION

Under Section 62 (1) (a) of Act V of 1882 (The Indian Forest Act), His Excellency the Governor-in-Council is pleased to direct that the Officers of the Forest Department in Madras, mentioned in the 1st column of the following schedule, shall exercise the powers of "Forest Officers" under the Section of the Forest Act mentioned in the second column of the same. Provided that no officer shall exercise these powers unless and until he has passed the vernacular tests prescribed for his appointment.

Class of Officers empowered.	Section of the Act under which powers are given	Brief description of nature of powers conferred
All Assistant Conservators, Extra Assistant Conservators and Sub-Divisional Officers.	59	(a) Powers of a Civil Court to compel the attendance of witnesses etc, (b) power to hold enquiries into forest offences and receive and record evidence.

Reeves

Secretary

Revenue Board Office,
(Land Revenue)

P =
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G = Print heading only.

Government {1897} of Madras.

REVENUE.

Recd.	1897.	*Enclosures*
Regd.		*Spare copies*

d Novr 1897

NOVEMBER.

Assistant and Extra Assistant Conservators of Forests.

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

A = [illegible]
B = Not to be printed.
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with letters in

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—the following Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 1118, dated 29th October 1897 :—

Read—letter from the Conservator of Forests, Northern Circle, dated 12th October 1897, R.C. No. 627.

Abstract.—Requesting the Board to move Government to declare whether the power to issue search warrants has already been granted to the District Forest-officers or, if not, to grant the power.

Read—letter from the Conservator of Forests, Central Circle, dated 18th October 1897, No. 755.

Abstract.—Forwarding to the Board Conservator's opinio[n] [on] the matter of investing Assistant District Forest-officers and Extra Assistant Conservators, Northern and Assistant Circles on the subject, with the search Government.

2. In G.O., No. 970, dated 27th August 1884, all District Forest-offi[cers] invested with powers under clauses (*a*) to (*c*) of section 59 of the Forest Act, but in the description of the nature of the powers conferred, the power to issue search warrants was not included. The Conservator, Northern Circle, brings to notice that the Collector of Kurnool presumes that the power is included in the power to hold inquiries into forest offiences and requests that if this inference is unwarranted, Government may be moved to grant the power to District Forest-officers on the analogy that a Conservator can exercise all or any of the powers conferred on his subordinates. Mr. Peet adds that in his opinion, District Forest-officers should have this power and that it is not likely to be abused.

3. The Conservator, Central Circle, on the other hand, is not in favour of investing forest officers with the power to issue search warrants. He adds that since his appointment to the circle he has known of no case in which Government has suffered loss because this power had not been entrusted to forest officers and that any delay which may occur in obtaining a warrant from a Magistrate in special cases is preferable to the danger arising from the injudicious exercise of the power.

4. It will be observed that in the original draft rules under section 63 (*a*) referred in Board's Proceedings, No. 1061, dated 22nd March 1884 (paragraph 2)

Number of copies { Original complete. Letter only. Original sent to [illegible] Letter

for Conservators' remarks, the power to issue search warrants was [illegible] draft notification submitted by Mr. Gamble * after consultation with Colonel Campbell Walker in a revised form was finally adopted * and this did not include the power to issue search warrants. It is evident that the notification was carefully drawn up, and the exclusion of the power in question must have been intentional. Again, in 1893 a proposal was made to grant the power to District Forest-officers, but was negatived by the Board on the ground that no case had been made out for any extension and that ample powers were available under section 41 of the Forest Act.

* Board's Proceedings, No. 1864, dated 3rd June 1884, Forest No. 135, in G.O., No. 970, dated 27th August 1884.

5. In the draft notification submitted with Board's Proceedings, Forest Mis. No. 809, dated 14th August 1897, the proposal was merely to extend to Assistant and Extra Assistant Conservators the powers previously granted to District Forest-officers, and as the latter were not invested with the power to issue search warrants under the notification of 1884, the Board consi[der] that it is inexpedient to invest the former with the power in question. The Boa[rd] accordingly requests that Government may be pleased to issue a revised notificat[ion] in modification of the one now under discussion.

(True Extract.)

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

To the Secretary to Government, Revenue Department,
with letters in original (to be returned).

Order—No. 981, Revenue, dated 23rd November 1897.

Forest No. 221.

The Government accepts the Board's recommendation. The following notification will be published in the Fort St. George and all District Gazettes :—

NOTIFICATION.

In supersession of notification No. 421 published on pages 1134–1135 of the *Fort St. George Gazette*, Part I, dated 7th September 1897, His Excellency the Governor in Council is pleased to notify that, under section 59 of the Madras Forest Act (V of 1882), all Assistant Conservators and Extra Assistant Conservators of Forests Madras, are hereby invested with the following powers specified in clauses (*b*) and (*c*) of the said sections, that is to say—

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

(*c*) powers to hold enquiries into forest offences, and in the course of such enquiries to receive and record evidence.

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

(True Extract.)

(Signed) G. STOKES,
Secretary to Government.

To the Board of Revenue (Land Revenue),
with two enclosures.
,, the Superintendent, Government Press.

Exd. Shaik Karim.

30 Copies.

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