

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 368

Dated 10th June



[Despatch Abstract.]

Agreeing with the Board of Revenue in considering that the rules now obtaining in this Presidency sufficiently safeguard the proper exercise of the to compound - Forest ^{Officers} ~~Officers~~, and that the introduction of further precautionary rules is not called for

6.2.23 //

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BACK PAPERS.

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

FURTHER PAPERS.

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

MM 8/5/99
8/5/99

Revenue (1899) Department.

CURRENT No. 3058

Read again (C.O. 2564 vis 8/17.6.98
" also B P (7) 327 vis 8/3.5.99
(C.O. 3058/99).

From
The Board of Revenue
(Land Revenue.)

Order Pres on 3689
11/11/99
15-8

The Government agrees with
the Board of Revenue in considering that
the rules now obtaining in this Presidency
sufficiently safeguard the proper exercise
of the power to compound forest offences
and that the introduction of further
precautionary rules is not called for.

FOREST No. 327 Misc.

Dated 3rd May 1899.
Received 8th do -
Registered do -
Enclosures 3.
Spare copies.

11/11/99
29/10/99

To the Board: CR. 30-6-99.
with the Conservator's
letter (3) 11/11/99
C.O. 3058/99

Copy to the Govt. of India R. and A. Dept.
note for orders as to whether a copy may
go to the Govt. of India with reference to circular
of 9.5.98 in fo 2564 vis 8/17.6.98. (Slip. W)
copy might be as well to send
copy 29/10/99

SUBJECT.
Submitting to Govt. that the Board
concurs in the Conservators' unani-
mous conclusion that the rule
regarding the compounding of
forest offences which are at
in force meet the requirements
the case and that the Board
could not be conveniently
this Presidency.

BACK PAPERS.

G.O.	No.	Department.	Date.
	2564 Misc. 273/98 P. 569/97 P. 31/95. 626/94. 1277/92.		17-6-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.



Proceedings of the Board of Revenue (Land Revenue).

Forest No 327 Misc., dated 3rd May 1899.

Read Government Order, Revenue Department, No. 2564 Misc., dated 17th June 1898 and Reference to the Conservators of Forests, Forest No. 286, dated 9th July 1898.

Also letter from E. D. Mc. Hooper Esq., ag. Conservator of Forests, Northern Circle, dated 30th July 1898, No. 117.

Also letter from H. A. Gans Esq., ag. Conservator of Forests, Southern Circle, dated 1st September 1898, Dir. No. 157.

And also letter from J. W. Cherry Esq., ag. Conservator of Forests, Central Circle, dated 17th March 1899, No. 1081.

Resolution:-

In its order No. 2564 Misc. dated 17th June 1898, the Government Communicated for information Copy of a circular from the Government of India giving Cover to certain Resolutions in by the Government of Burma on the subject the Compounding of forest offences. The Government at the same time called on the Board to report whether in view to safeguard the exercise of this power any further precautions

rules besides those already laid down in the marginally-noted Orders should be introduced into this Presidency.

Vide G.O. No 1277 dated 20-12-1897
" " 696 " 26-9-1897
" " 31 " 22-1-1898
" " 569 " 13-7-1897
" " 273 " 16-5-1898

2. The Board has consulted the Conservators on the subject and finds that they are unanimous in considering that the rules already in force meet the requirements of the case and that the Burma rules could not be applied in this Presidency without considerable inconvenience and risk of unduly restricting the exercise of the power to compound offences. The Board has devoted careful consideration to the matter and concurs in the Conservators' conclusions.

(True Extract)

James Davidson
Ag. Secretary.

To
The Secretary to Govt. R.D.
with Conservators' letters
in original to be returned?

P.O. $\frac{2564 \text{ mis}}{17.6.98}$
W

Revenue Dept.

Read again P.O. 2564 mis of 17.6.98

" also B.P. (Forest) No. 327 mis of 3.5.99

(Cus 3058999)

To Under Secretary.

In May 1898 the Government of India forwarded this resolution issued by the Government of Burma on the subject of the Compounding of forest offences, the papers were forwarded to the Board of Revenue for information and for report as to whether any further precautionary rules besides those already laid down (from time to time in revising the Forest Administration Reports) should be introduced into this Presidency in order to safeguard the exercise of the power of Compounding forest offences. In reply to this reference the Board of Revenue forwards the letters of the Conservators of the three circles and also states its own opinion on the point under reference.

Mr Hooper (Conservator, North Circle) thinks that it would not be to take away the power of enquiry from junior officers in charge of the

(viz Rangers on less than Rs 100 per month)
and that provided the District Forest
officer prevents delay in the reporting
and following up of forest offences, there
is little danger of extortion in the name
of the Government; Mr Hooper is therefore
of opinion that it is unnecessary to
introduce additional precautionary rules.
Mr Cherry (Conservator, Central Circle)
goes into an examination of the Burma
rules with remarks showing that the
rules ^{already} obtain here effect in some cases
the objects aimed at by the Burma
rules and that in other ^{cases} the latter rules
cannot well be introduced owing to the
small number of Rangers on higher pay
and the heavy ~~promotions~~ work of the officers
empowered to accept compensation; the
conclusion of Mr Cherry on the main point
however the same viz that the present
rules sufficiently safeguard the exercise
of the power of Compounding forest
offences and that if properly carried
out there would be little opportunity
for malpractices among the subordinates.
Mr Conservator, Southern Circle (Mr
A. Gass) also shows that the first
rules of the Burma ^{rules} are unnecessary
as the object aimed at in them are

practically secured by the procedure
^{now} followed in this Presidency and that
the remaining two Rules are unsuited
owing to the small number of officers
on higher pay. He is therefore of opinion
that the Burma rules generally are
~~not~~ unsuited to this Circle ~~and~~ that any
further safeguards are not called for
at present and that the ^{introduction} of such rules
might ~~only~~ lead to the power of Compounding
being left unemployed.

2. It will thus be seen that
the Conservators are all unanimously
of opinion that further precautionary
rules are not called for. In this opinion
the Board of Revenue also concurs.
Submitted that the Government may
agree with the Board in its opinion.

A draft order is submitted on the
docket of the B.P. (Current)

26.5.99

28/11

I approve the
Office of the
Sd/-

It is to be best simply
to "record" the B.P.

28/11

To ~~London~~ Secretary

It is presumed that a copy of the order is to be communicated to the Govt. of India for information. Please see the draft endorsement now added below the draft order.

Pk
10.6.99.

Government (1899) of Madras.
REVENUE.

Recd.

Regd.

1899.

Enclosures

Spare copies

G.O., No. 368, 10th June 1899.

JUNE.

Forest Offences.

Agreeing with the Board of Revenue in considering that the rules now obtaining in this Presidency sufficiently safeguard the proper exercise of the power to compound —, and that the introduction of further precautionary rules is not called for.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

Read—again the following G.O., Mis. No. 2564, Revenue, dated 17th June 1898:—

Read—the following letter from E. MACONOCHE, Esq., I.C.S., Under Secretary to the Government of India (Department of Revenue and Agriculture—Forests), to the Secretary to the Government of Madras, Revenue Department, dated Simla, the 9th May 1898, Circular No. 4—108-1-F. :—

I am directed to forward, for information, a copy of two Resolutions* which have been issued by the Government of

- * (i) No. 1-M.-12, dated 5th April 1897. Burma on the subject of the compounding
- (ii) No. 1-M.-12, dated 2nd November 1897. of forest offences.

ENCLOSURES.

EXTRACT from the Proceedings of the Chief Commissioner of Burma, in the Forest Department, dated the 5th April 1897, No. I-M.-12.

Read again—

Resolution No. 2R.—5, dated the 22nd January 1897, on the Forest Administration Reports of Burma for the year 1895-96.

Read also—

Letter No. 1099-14-F., dated the 6th March 1896, from the Commissioner of the Southern Division, with enclosures.

In paragraph 10 of the Resolution above cited attention was drawn to the necessity for the careful supervision of proposals of forest subordinates for compounding forest offences. It was then pointed out that—

“Unless careful supervision is exercised, the compounding provisions of the forest law may undoubtedly afford opportunities of extortion to unscrupulous subordinates; the publicity and formalities of a trial before a Magistrate are a safeguard against such malpractices. It is the duty of superior forest officers to examine carefully proposals of their subordinates for compounding cases. Unusual activity in this direction on the part of any such officer should always be viewed with suspicion. So long as superior officers discharge their duties properly in these matters, the Chief Commissioner believes that the advantages of the compounding system, namely, the saving of time and trouble to villagers, outweigh its disadvantages, namely, the opportunities of extortion which it affords.”

2. The attention of the Chief Commissioner has now again been drawn to the subject and the following extract from a letter which has been recently submitted illustrates the abuses which are liable to occur in the working of the compounding sections of the Forest Act and Regulation :—

“Cases are for the most part of a petty nature and it is quite impossible for the Deputy Conservator of Forests to enquire into even a very small portion of them personally. The result is that *tawgaungs* and *tawöks* extort money, and my inquiries have shown that the Forest Department are in the end the losers to a great extent. I give an instance of the way villagers are bullied; the evidence in this case was recorded on oath and was brought to my notice by the Sub-divisional officer. Four men were reported by the *tawgaung* for destroying teak trees in their *yas*. The Deputy Conservator of Forests issued orders showing what sum he would accept as compensation. The *tawgaung* instead of telling them anything about compensation, said they had been fined. They refused to pay and were ordered by the *tawgaung* to attend on him first at one place and then another. In one case they were ordered to go some 50 miles, as the *tawök* wanted to examine them. Another order was issued to a *séaung gaung* that he was personally to bring them to the *tawgaung's* house. The orders filed in the inquiry very clearly show that the *tawgaung* made it appear that they had no option but to pay the *fine* (as it was called). Eventually the case came up for trial,

some three months after. The witnesses, who were apparently followers of the *tawgaung* and not *lugyis*, were not to be found. This is one of the many similar cases I have heard of. The result is that villagers, rather than be worried by being ordered about all over the place, subscribe village by village to subsidize *tawgaungs* to leave them alone. They say it is a very heavy tax. It is necessary that *tawgrungs* should make some show, so they report that a man has destroyed certain trees; he is fined; and the fine is paid by the *tawgaung* out of his own pocket. This he can well afford to do out of the money he has levied on the village. Another case came before me in which a ranger reported to the Magistrate that he had discovered damage to certain catch trees on the 5th October 1895. His application for summons was dated the 5th October 1896, exactly a year afterwards.”

From the remarks which have been made from time to time by district officials in annual reports and from cases which have come under his notice, the Chief Commissioner fears that the cases reported above are not isolated instances of oppression. If malpractices of the kind are common, it is obvious that the compounding sections are being abused and that some remedy must be applied.

3. Wherever such malpractices exist, it will probably be found that they are due mainly to the Deputy Conservator acting on the report of a subordinate without further inquiry. Under the existing law* no officer may be empowered to accept compensation unless he is a Forest Officer of rank not inferior to a ranger and unless he is in receipt of a salary of not less than Rs. 100, and hitherto, in practice no officer of lower rank than an Assistant or Extra Assistant Conservator of Forests in charge of a sub-division, who has passed in Burmese by the higher standard and in Land Revenue and Law has been so empowered.† If, however, an officer who has been so empowered, on receiving from a subordinate a report of a forest offence, makes it his usual practice to put the compounding sections in force through that subordinate, without further inquiry, it is evident that the subordinate is the real authority and the limitation above referred to is practically a dead letter. The Chief Commissioner therefore desires Conservators of Forests to report, in the first place, what is the actual practice in their divisions, in other words, what is the procedure ordinarily adopted by officers empowered to compound forest offences when they receive from a subordinate a report of a forest offence. It should be stated in particular whether it is the custom for such officers to accept the subordinate's report as an accurate statement of facts, or whether any further enquiry is ordinarily made for the purpose of verifying the report.

4. The Chief Commissioner desires, further, to receive the opinions of Commissioners, Deputy Commissioners and Forest Officers as to whether it is expedient to lay down rules regulating the procedure to be adopted in putting the compounding sections in force. Officers who consider the issue of such orders necessary should give reasons for their opinions, and if any cases of abuse of the sections have come to their notice they should mention them.

5. Finally, the Chief Commissioner desires that officers will advise what rules, if any, should be issued to regulate proceedings under the compounding sections in future. The following are among the suggestions which have been made for the issue of rules :—

(a) That no action should be taken under the compounding sections in respect of an offence alleged to have been committed more than three months previous to the report of the offence.

(b) That a forest subordinate should be bound to submit his report regarding an offence within one week from the date of the discovery of the offence; that Divisional officers should be prohibited from taking action on cases reported after a longer interval; and that subordinates should be required, when forwarding reports of offences, to forward also the statements of the accused and the witnesses. The object of these suggestions is to prevent subordinates from delaying reports of offences in order to extort blackmail.

(c) That when a report has been submitted to the Deputy Conservator of Forests or other officer empowered, he should be required, if he decides to invite the alleged offender to pay compensation, to send his order to the Township officer. The Township officer would then inform the accused person that he can elect either to pay the compensation demanded by the Deputy Conservator of Forests or to stand his trial. If he elected to pay compensation, he would pay it into the Myöök's court. The object of this suggestion is not to deprive Divisional officers of the powers of control which properly belong to them, but to secure that persons whose alleged offences it is proposed to compound are given an opportunity of deciding whether they will pay compensation or will stand their trial. From facts brought to the Chief Commissioner's notice it is clear that villagers are often under the impression that an offer to accept compensation is a fine which they are bound to pay. The proposed rule would

* Section 66 of the Forest Act.
† Revenue Department Notifications No. 305, dated the 1st October 1895, and No. 386, dated the 6th December 1895.

1895.

also provide some security against blackmailing. The fact that all cases must come under cognizance of a Magistrate would probably act as a powerful check on dishonest subordinates. Under this proposal the Deputy Conservator's power of assessing compensation is not touched. The Magistrate is merely the agency through which the compensation is paid, but the power of demanding money as compensation is taken entirely out of the hands of forest subordinates. It may be argued that if compensation is not paid through subordinates, they will be less ready to report forest offences. The answer to this is that rule 4 of the ^{Burma Forest Act} ^{Upper Burma Forest Regulation} affords a means of stimulating the zeal of subordinates.

(d) That rangers and officers of lower grades should be prohibited from issuing orders requiring persons to attend them for the purpose of inquiries into alleged offences or in order to pay compensation. Such officers have no power to issue legally binding orders of this kind, but as they are said often to issue such orders, and as ignorant cultivators imagine that the orders are legally binding, it may be desirable to specifically prohibit the issue of such orders.

(e) That an officer empowered to accept compensation should not offer to accept it, except in cases which he has enquired into himself, or which have been enquired into under his orders by an officer of not lower grade than a ranger on Rs. 100 a month. Such a rule will perhaps be unnecessary if suggestion (c) is adopted; but if suggestion (c) is not adopted, it seems necessary to make a rule rendering it imperative that an alleged forest offence shall be examined by an officer of some standing before compensation is asked for.

6. The Chief Commissioner wishes for opinions from District and Forest officers on the above suggestions, and he will be glad to receive any other suggestions which may be offered for dealing with the matter. The question is one of great importance and Sir Frederic Fryer hopes that it may be possible to devise rules which will protect ignorant cultivators from oppression without hampering the work of the Forest Department or preventing harmonious relations between District and Forest officers.

EXTRACT from the Proceedings of the Lieutenant-Governor of Burma, in the Forest Department, No. 1-M-12, dated the 2nd November 1897.

Read—

Resolution No. 1-M-12, dated the 5th April 1897.
The replies thereto.

Resolution.—In the resolution cited in the preamble the question of the administration of the compounding sections of the Lower Burma Forest Act and the Upper Burma Regulation was discussed. Reports were

called for as to the manner in which the compounding sections of the Act and regulation were put in force, officers were asked to specify the particulars of any cases which had come to their notice in which oppression had been practised, proposals were made for checking the abuses rendered possible by the present practice, and officers were invited to criticise and add to those proposals.

2. From the replies received it appears that the existing practice varies considerably. In the Eastern Circle cases are generally investigated by an officer of or above the rank of Extra Assistant Conservator. Cases compounded on the report of subordinates are usually trivial cases or cases in which a quick decision is in the interest of the accused. In the Western Circle the practice of putting the compounding section in force on the bare report of a subordinate is more common than in the Eastern Circle. There has been a considerable change in the practice of the circle since 1893, when the Conservator reported that the ordinary practice was for Divisional-officers to inquire into cases at or near the villages of the accused.

Letter No. 2043-77-O., dated 6th March 1893.
In the Pegu circle cases are inquired into by Divisional-officers personally when possible. In cases not so inquired into, action is taken on the report of a ranger. In the Tenasserim circle the practice is similar, except that in two divisions the compounding section is put in force on the report of officers below the grade of ranger. The general conclusion to be drawn from the reports is that the practice depends mainly on circumstances. An officer empowered to compound usually inquires into an alleged offence himself, if he can arrange to have the parties brought before him or if he can go to the scene of the case. In other cases he acts on the report of a subordinate, preferring the report of a ranger as a general rule, but not declining on principle to act on the report of a subordinate of lower grade. The amount of investigation insisted on in such cases depends mainly on the character of the superior officer.

3. The second point dealt with in the Resolution of April was the frequency of the occurrence of cases of oppression and blackmail in connection with inquiries under the compounding section. On this point the Lieutenant Governor has pleasure in recording that the particular cases of oppression reported are not numerous. Only four specific cases are reported,

while several Deputy Commissioners state explicitly that they are unable to mention any cases. These facts are creditable to the Forest Department. Blackmailing no doubt occurs in the Forest as in other Departments, but facts have not been adduced to prove the assertion which is sometimes made that corruption and blackmailing are commoner among forest subordinates than among subordinates in other Government Departments. It is, however, certain that the compounding section is a powerful weapon in the hands of an unscrupulous official, and the facts reported and views expressed in the correspondence before him confirm the Lieutenant-Governor in the opinion that it is expedient to issue general instructions for the guidance of Forest officers in putting the section in force.

4. It remains to consider what rules should be issued. On this point officers consulted generally approve wholly, or in part of the suggestions made in paragraph 5 of the Resolution of 5th April. The Lieutenant-Governor now proceeds to specify the rules which he has decided to lay down and the reasons for them.

5. Suggestion (a).—This is generally approved, but several officers object on the ground that the limitation will often secure impunity to offenders who deserve punishment. The object of the proposed rule is to prevent subordinates from blackmailing by reporting or threatening to report imaginary offences alleged to have occurred long before. The Lieutenant-Governor considers that this object will be sufficiently attained by the following rule:—

RULE I.

No offence alleged to have been committed three months before the date of the first report regarding it may be compounded, except after a personal investigation by an officer empowered by law to compound.

The effect of this rule will be that in old cases, which are *prima facie* suspicious cases, either a regular prosecution must be instituted, or an investigation must be held by a responsible officer. In either case the object of the rule, namely, a *bona fide* investigation in which the accused has an opportunity of defence, is secured.

6. Suggestion (b).—This suggestion contains three separate parts:—

- (i) that subordinates should be required to submit reports of offences within a week of the date on which they come to their notice;
- (ii) that action should not be taken on cases reported after a longer interval;
- (iii) that subordinates making reports should be required to forward statements of witnesses.

Several Forest officers object to (i) as impracticable. It would be impracticable if by "report" were meant "final report." It is not impracticable if it is understood to mean "preliminary report." The Lieutenant-Governor accordingly lays down the following rule:—

RULE II.

A Forest subordinate reporting an offence is bound to submit a preliminary report within one week of the date on which the facts come to his notice, and if further information is afterwards elicited, a subsequent report as soon as he has ascertained all the facts of the case.

7. The second part of suggestion (b) is also objected to as impracticable. After considering the objections raised, the Lieutenant-Governor is of opinion that it will be sufficient in cases in which there is delay in submitting a report are inquired into by an officer empowered to compound or are sent to trial. He accordingly lays down the following rule:—

RULE III.

Cases in which a considerable time elapses between a first and a final report of an offence by a subordinate are *prima facie* suspicious. Officers empowered to compound offences should investigate such cases themselves or send them for trial. It is not possible to lay down absolutely the length of time between a preliminary and a final report which should be held to bring a case within the scope of this instruction. The point depends on the locality in which the case occurs. A delay which would be suspicious in Tharravaddy might be in the ordinary course of things in the Upper Chinlwin. Divisional Officers must deal with cases on a consideration of the facts of each case.

8. The Lieutenant-Governor is inclined to think that the third clause of suggestion (b), that subordinates should be required to furnish statements of accused, &c., is unnecessary. Compounding officers would naturally insist on evidence being furnished. The suggestion is also open to the objection that by requiring subordinates to submit statements of accused and witnesses it gives them an excuse for harrying the people. For these reasons the Lieutenant-Governor decides not to take action on this clause.

9. Suggestion (c).—This is objected to by a number of officers, both Civil and Forest. The objections are—

- (1) that it will increase the work of Township officers;
- (2) that it will lead to greater harassment of the people than the present system.

The first objection, though not without weight, is not of great importance. The second objection has great weight and is urged by officers to whose opinions on such a subject the Lieutenant-Governor attaches much value. They point out that extortion is not unknown among the hangers-on of Township officers; that the intervention of the Township officer may mean that the accused is more harassed than under the present system; and that, consequently, the introduction of the proposed rule may do more harm than good. The Lieutenant-Governor admits the force of these objections and has decided to take no action on suggestion (c).

10. *Suggestion (d).*—Nearly all Civil officers and a number of Forest officers approve this suggestion, and the Lieutenant-Governor considers that there are good grounds for adopting it. He accordingly prescribes the following rule:—

RULE IV.

No officer of a lower grade than Ranger on Rs. 100 a month may issue notices inviting persons to attend for the purpose of inquiries into alleged offences or in order to pay compensation.

In explanation of this rule it is to be observed that no Forest officer as such has power to summon persons to appear before him. It is, of course, often necessary for superior Forest officers to summon persons before them in connection with forest offences, and the Lieutenant-Governor has no wish to prohibit them from doing so. In the case of inferior officers, however, the same necessity does not exist. If such an officer is ordered by his superior to take any action in connection with the compounding of an offence, it is his duty to go to the parties concerned and not to summon them to him.

11. *Suggestion (e).*—In the opinions recorded on this suggestion the discussion turns on the question whether it is practicable. Most officers think that it is and approve it. On the other hand, the Conservator of Forests, Western Circle, thinks that its adoption would "lead to the inquiry being a dead-letter." The Deputy Commissioner of Thayetmyo says that it "would mean that 95 out of 100 cases would have to be sent for trial" in his district. The Commissioner of Tenasserim considers that it is "impracticable owing to the paucity of officers of the grade referred to." In spite of these objections the Lieutenant-Governor doubts whether the proposed rule is generally impracticable. Two Conservators and several other Forest officers cordially approve it. In the Lieutenant-Governor's opinion it is as efficient a security against abuse as can be devised, because it ensures that offences shall not be compounded till they have been inquired into by an officer who will, with very few exceptions, be competent to hold a proper inquiry. In view of these considerations the Lieutenant-Governor lays down the following rule:—

RULE V.

An officer empowered to accept compensation shall not offer to accept it except in cases which he has inquired into himself, or which have been inquired into under his orders by an officer of not lower grade than a Ranger on a salary of Rs. 100 a month.

While prescribing this rule for general adoption, the Lieutenant-Governor is prepared to consider proposals for suspending its operation in special cases. It is open to Conservators to submit proposals for relaxing it in particular divisions in which it is considered unsuitable, and for suggesting in its place some other procedure which, while enabling superior Forest officers to compound on reports of officers below the grade of ranger on Rs. 100, will secure that cases are properly inquired into.

12. Some special suggestions are made in the correspondence which call for notice.

13. The Financial Commissioner suggests the adoption, in the case of forest offences, of a rule corresponding with section 57 of the Excise Act. The Lieutenant-Governor doubts whether this is practicable. Serious offences, such as unlicensed felling of teak, might go on for some time by the connivance of dishonest subordinates, as happened in Toungoo early in the seventies, and the punishment of the offenders might ultimately be prevented by such a clause.

14. The Conservator of Forests, Eastern Circle, suggests that the guard-book form of receipt for compensation (^{Forest} ~~Miscellaneous~~) should be revised by the entry of words stating that the payment of compensation is not compulsory. The Lieutenant-Governor approves this suggestion and requests the Conservator to draft a revised form in the terms which he considers suitable.

15. The Commissioner, Mandalay Division, proposes that the compounding of forest offences in Kachin areas without the Deputy Commissioner's permission should be prohibited. He points out that, under section 30 of the Kachin Hill Tribes Regulation, prosecutions may not be instituted against members of hill tribes without the consent of the Deputy Commissioner. The section makes no mention of compounding offences, but, as the Commissioner points out the spirit of the law requires that the Deputy Commissioner's sanction should be obtained to proceeding in this manner as well as to proceeding by prosecution. The Lieutenant-Governor accordingly directs that in areas to which the Kachin Hill Tribes Regulation

extends no action shall be taken to compound a forest offence alleged to have been committed by a member of a hill tribe without the previous consent in writing of the Deputy Commissioner.

Order—Mis. No. 2564, Revenue, dated 17th June 1898.

The papers read above will be communicated to the Board of Revenue for information and for report as to whether any further precautionary rules besides those already laid down should be introduced into this Presidency in order to safeguard the exercise of the power of compounding forest offences.

*Vide G.Os. No. 1277, dated 20th December 1892; No. 696, dated 26th September 1894; No. 31, dated 22nd January 1895; No. 569, dated 13th July 1897; and No. 273, dated 16th May 1898.

(True Extract.)

(Signed) G. S. FORBES,
Secretary to Government.

To the Board of Revenue (Land Revenue).

Read—also the following Proceedings of the Board of Revenue (Land Revenue), Forest Mis. No. 327, dated 3rd May 1899:—

Read—G.O., Mis. No. 2564, Revenue, dated 17th June 1898; and reference to the Conservators of Forests, Forest No. 286, dated 9th July 1898.

Read—the following letter from E. D. M. HOOPER, Esq., Acting Conservator of Forests, Northern Circle, to the Secretary to the Commissioners of Land Revenue, dated Yellamanchili, 30th July 1898, No. 117:—

Replying to Board's Reference, Forest No. 286, dated 9th July 1898, inquiring what additional precautions seem advisable in the procedure of compounding forest offences by the light of the inquiries reported from Burma, I have the honour to say that I have none to propose. It would not be a good thing to remove power of inquiry from junior officers in charge of ranges and if the District Forest-officer prevent delay in the reporting and following up of forest offence there is small danger of extortion in the name of Government and not more than forest guards would otherwise practise. I make it a rule to secure the village munsifs' presence and attesting signature to the record of the recovery of the compounding fee and make it payable within fifteen days of accused receiving orders of the District Forest-officer.

Read—the following letter from H. A. GASS, Esq., Acting Conservator of Forests, Southern Circle, to the Secretary to the Commissioners of Land Revenue, dated Coimbatore, 1st September 1898, Dis. No. 157 of 1898-99:—

[Reference.—Board's Proceedings, Ref. Forest No. 286, dated 9th July 1898.]
I have the honour to inform you that I have consulted the marginally-noted District Forest-officers, and, in the following remarks, I add my own experience to theirs.

North Coimbatore. | Madura.
South " | Tinnevely.

RULE I.

No offence alleged to have been committed three months before the date of the first report regarding it may be compounded, except after a personal investigation by an officer empowered by law to compound.

This would be an unusual state of affairs in this circle. Unless a case were of a very grave nature, it would not even be prosecuted, but withdrawn after such a delay. If it were a serious case which had only come to light after so long a period, the District Forest-officer would himself investigate it before taking action.

RULE II.

A forest subordinate reporting an offence is bound to submit a preliminary report within one week of the date on which the facts come to his notice and if further information is afterwards elicited, a subsequent report, as soon as he has ascertained all the facts of the case.

RULE III.

Cases in which a considerable time elapses between a first and a final report of an offence by a subordinate are *prima facie* suspicious. Officers empowered to compound offences should investigate such cases themselves or send them for trial. It is not possible to lay down absolutely the length of time between a preliminary and a final report which should be held to bring a case within the scope of this instruction. The point depends on the locality in which the case occurs. A delay which would be suspicious in Tharrawaddy might be in the ordinary course of things in the Upper Chindvin. Divisional officers must deal with cases on a consideration of the facts of each case.

RULE IV.

No officer of a lower grade than ranger on Rs. 100 a month may issue notices inviting persons to attend for the purpose of inquiries into alleged offences or in order to pay compensation.

RULE V.

An officer empowered to accept compensation shall not offer to accept it except in cases which he has inquired into himself or which have been inquired into under his orders by an officer of not lower grade than a ranger on a salary of Rs. 100 a month.

The rules generally are unsuited to this circle, and I do not consider that any further safeguards are called for at present.

The procedure is simple and straightforward.

The offer to compound emanates from, and is written by, the District Forest-officer himself, and it is not made unless he is satisfied that the case is a good one, and the evidence sufficient to secure a conviction. If accepted the amount fixed has to be paid to the range officer himself who has to grant a receipt for it, and the most necessary

As a general rule, the forest guard has to report a case the day it occurs, and within a week the range officer has to submit his full report with statements of the witnesses entered in the offence report in support of the case.

The remarks made against preceding rule, apply here. A range officer is invariably called upon to explain any unusual delay in the submission of a report, and it must be left to the discretion of the compounding officer to decide upon the merits of the explanation.

A hard and fast rule would complicate matters.

This is quite unsuited to this circle; and it would only tend to deprive accused of all chance of compounding offences. There are very few rangers drawing Rs. 100 a month, and, in any case they could not be expected to go to the scene of every petty offence to make inquiries.

The same remarks apply here too. The accused may, and often does, offer to compound, and as there are usually no rangers drawing Rs. 100 a month, the District Forest-officer would himself have to go to the place where the offence was committed, and investigate it. The result would be that all petty cases would have to be sent up for trial, and, to avoid this inconvenience, the parties concerned would prefer to square the guards and low-paid subordinates not to report such cases at all.

point to make clear to the accused is that the District Forest-officer himself has issued the order, and that the amount fixed is compensation, and that it is optional with him to settle the charge against him in that manner. I have never heard of a case where compounding had led to blackmailing, &c. The offer to compound may be rejected by an accused, because the amount is too high, but the fixing of this must be left to the discretion of the District Forest-officer. No suggestions as to the propriety of compounding or the amount to be demanded are ever made by subordinates. If they were, it is probable such cases might be looked upon with suspicion.

No further hard and fast rules are called for, in my opinion, and their introduction might only lead to the power to compound, being left unemployed.

Read—the following letter from J. W. CHERRY, Esq., Conservator of Forests, Central Circle, to the Secretary to the Commissioners of Land Revenue, dated Madras, 17th March 1899, No. 1081:—

[Reference—Board's Reference, Forest No. 286, dated 9th July 1898.]

With reference to the above, I have the honour to inform you, that I have consulted the Collectors in my circle on the question of the rules for compounding forest offences issued by the Government of Burma, and that they generally consider that there is no necessity to introduce them into this circle.

I agree with them, and am of opinion that our present rules sufficiently safeguard the exercise of the power of compounding forest offences, and that if properly carried out there is little opportunity for malpractices among the subordinates.

Rule 1.—There would be no objection to this rule. Cases of this nature, however, are very rare, and the suspicions of a District Forest-officer would be at once raised, requiring his special attention, if it happened that so long an interval had occurred between an offence and its detection.

Rule 2.—As a rule, in this circle subordinates are required to submit an offence report to the range officer on the day on which the commission of an offence becomes known, and the range officer is required to send immediately an occurrence report to the Magistrate having jurisdiction to try the case. The latter officer enters the case in his complaint register and notifies the fact to the District Forest-officer at once.

Rule 3.—The existing rules sufficiently provide for this Range officers are, as a rule, called on to explain delay, and District Forest-officers should be left to use their discretion in dealing with each of such cases, after a consideration of facts.

Rule 4.—This rule is not necessary. We have a very few rangers on Rs. 100. Officers below the rank of Extra Assistant Conservators are not empowered to issue summons, but it is usual and necessary for range officers, in the course of their inquiries, to invite persons to attend and I do not see how this can be forbidden.

Rule 5.—For reasons explained against rule 4, the rule would be unworkable in this circle. It would be impossible for an officer, empowered to accept compensation, to inquire into all cases himself, owing to the size of his charge.

Resolution—Forest Mis. No. 327, dated 3rd May 1899.

In its order Mis. No. 2564, dated 17th June 1898, the Government communicated for information copy of a circular from the Government of India giving cover to certain resolutions issued by the Government of Burma on the subject of the compounding of forest offences. The Government at the same time called on the Board to report whether in view to safeguard the proper exercise of this power any further precautionary rules besides those already laid down in the marginally-noted orders should be introduced into this Presidency.

Vide G.O., No. 1277, dated 20th Dec. 1892.
 " " 696, " 26th Sept. 1894.
 " " 31, " 22nd Jan. 1895.
 " " 569, " 13th July 1897.
 " " 273, " 16th May 1898.

2. The Board has consulted the Conservators on the subject and finds that they are unanimous in considering that the rules already in force meet the requirements of the case and that the Burma rules could not be applied in this Presidency without considerable inconvenience and risk of unduly restricting the exercise of the power to compound offences. The Board has devoted careful consideration to the matter and concurs in the Conservators' conclusions.

(True Extract.)

(Signed)

LIONEL DAVIDSON,
Acting Secretary.

To the Secretary to Government, Revenue Department,
with Conservators' letters in original to be returned.

ORDER—No. 368, Revenue, dated 10th June 1899.

Forest No. 119.

The Government agrees with the Board of Revenue in considering that the rules now obtaining in this Presidency sufficiently safeguard the proper exercise of the power to compound forest offences, and that the introduction of further precautionary rules is not called for.

(True Extract.)

(Signed)

N. E. MARJORIBANKS,
Ag. Secretary to Government.

To the Board of Revenue (Land Revenue).

Exd. Shaik Karim.

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