

# Rules for Composition of Forest Grazing Offences

TAMILNADU

India

## Rules for Composition of Forest Grazing Offences

### Rule

## **RULES-FOR-COMPOSITION-OF-FOREST-GRAZING-OFFENCES of 1910**

- Published on 13 June 1910
- Commenced on 13 June 1910
- [This is the version of this document from 13 June 1910.]
- [Note: The original publication document is not available and this content could not be verified.]

Rules for Composition of Forest Grazing Offences Published vide Notification No. G. O. Ms. Nos. 1990, Revenue, dated 13th June 1910, and 3958, dated 14th the December 1910; G. O. Ms. No. 3389, Revenue dated 11th November 1912; G. O. No. 3020, Revenue, dated 13th October 1913; G. O. Ms. No. 1622, Revenue (Special), dated 26th August 1919; G. O. Ms. No. 3656, Food and Agriculture, dated 4th November 1958

### **1.**

In offering to compound any charge of illicit grazing, the District Forest Officer shall not fix a fee which exceeds 10 times the grazing fee in the case of offences relating to forest areas which are open to grazing and 30 times the grazing fee in the case of offences relating to forest areas which are closed to grazing.

### **2.**

The Collector of the district may, with the concurrence of the Chief Conservator of Forests, in any individual case, sanction a compounding fee in excess of the maximum scale laid down in rule 1, but he shall only do so on a full report of the circumstances and on special ground which shall be recorded in writing. If the Collector and Chief Conservator disagree, the Collector should submit the case for orders of Government through the Chief Conservator.

### **3.**

Only simple and clearly proved cases should ordinarily be compounded; complicated or doubtful cases and those which involve large sums of money or indicate a clear intent to do damage, should

be prosecuted.

#### 4.

Subject to the maxima laid down in rule 1, it is open to District Forest Officers to regulate the compounding fee according to the season of the year, the previous conduct of the offender, and the other circumstances of the case. The maximum compounding fees laid down in rule 1 are to be regarded as maxima, and are not to be applied mechanically or without regard to the circumstances of each case, which must be dealt with on its merits.

#### 5.

In no case shall the maximum compounding fee levied exceed Rs. 500 for each case irrespective of the number or class of the animals concerned and that all cases in which a severe punishment than a fine of Rs. 500 is necessary, should be prosecuted before a Magistrate.

#### 6.

There shall not be any maximum limit at all in regard to goats. It is open to the District Forest Officer to prosecute all cases of goat browsing when he think that compounding fee will not meet the case. In offering to compound any charge of goat browsing, the District Forest Officer may not fix a fee less than Rs. 15 per goat. (G. O. Ms. No. 752 Forest and Fisheries, dated the 23rd June 1981) (H4/111895/82) General Instructions for the Guidance of Forest Subordinates in the Prosecution of Forest Offences (G.O. No. 3700, Revenue, dated the 21st November 1917; G.O. No. 1662, Revenue (Special), dated the 26th August 1919; G.O. No. 261, Development, dated the 15th February 1921; G.O. Ms. No. 1077, Development, dated the 30th July 1923; G.O. Mis. No. 1373, Development, dated the 6th August 1924; C. C. P. Mis. No. 319, dated the 12th November 1924; G.O. No. 967, Law (General), dated the 18th March 1933; G.O. Ms. No. 1262, Development, dated the 14th October 1933; G.O. No. 697, Development dated the 13th May 1935; and G.O. No. 2521, Development, dated the 12th November 1937) The following instruction are laid down for the guidance of forest subordinates in the prosecution of forest offences. The Magistrates empowered to take cognizance of such cases should also follow these instructions so far as they are applicable to them:-

**1. Submission of occurrence reports. - When a forest subordinate below the rank of Range Officer detects the commission of a forest offence, he should, within 24 hours, submit an occurrence report of the case with full particulars to the Range Officer. If any animals have been impounded, the pound receipt should be sent along with that report. If any property has been seized and if the offender is known, a report of the seizure should be made in Form H to the Magistrate having jurisdiction in the case as laid down in section 41 of the Forest Act. In such cases, the property seized should be handed over to**

**the custody of the village headman or in his absence to the karnam and a duplicate copy of the entries made in Form I Register obtained thereby. In the absence of both, it may be made over to a respectable inhabitant of the village nearest to the scene of the offence, but in such cases the custody should be transferred to village officers as early as possible. The receipt obtained from the village officer or the inhabitant, as the case may be, as well as a copy of the H Form report should be sent to the Range Officer, together with the occurrence report and any other records pertaining to the case. The Range Officer will be responsible for seeing that there is no delay on the part of his subordinates in the submission of the occurrence and H Form reports. He should likewise bring to the notice of the Revenue Divisional Officer through the District Forest Officer, any delay on the part of village officers either in granting the pound receipt or in granting the receipt for the property seized and made over to them for safe custody.**

**2. The Collector of the district may, with the concurrence of the Chief Conservator of Forests in any individual case, sanction a compounding fee in excess of the maximum scale laid down in rule 1 of the rules for the composition of forest grazing offence, but he shall only do so on a full report of the circumstances and on special ground which shall be recorded in writing. If the Collector and the Chief Conservator disagree the Collector should submit the case for the orders of Government through the chief conservator.**

**3. Action to be taken by departmental officers on receipt of the A Form Report. - (1) Within 10 days of receipt of the A Form report and the connected records, the District Forest Officer will decide whether the case should be prosecuted or compounded or withdrawn and will communicate his decision to the Range Officer in Form C.**

(2) If the orders are to prosecute, the Range Officer will forward the triplicate copy of Form C together with a copy of Form A to the Magistrate. (3) If the order is to compound, the C Form communication to the Range Officer should be accompanied by notices in duplicate in Form G. The Range Officer will then take steps to serve the G Form notice on the accused. If the compounding fees are paid within thirty days from the date of service by all the accused, the Range Officer will return the duplicate of Form C to the District Forest Officer with his endorsement on the back of it. He should retain the triplicate of Form C except in cases in which a report in Form FI has been submitted in the first instance. In such cases, he will forward to the Magistrate the triplicate copy of Form C after noting on it the fact of payment of the compounding fees and the number and date of

that corresponding report in Form H submitted in the first instance. If compounding fees are not paid within the period of thirty days, the Range Officer, besides returning the duplicate copy of Form C with his endorsement to the District Forest Officer, will forward to the Magistrate Form A together with the triplicate of Form C after noting on the latter that compounding fees have not been paid within the time allowed or in cases where there are several accused persons which of them have paid and which have not. (4) If the orders are to withdraw, no report to the Magistrate is necessary, except in cases in which a report in Form H has been submitted in the first instance. In such cases, the triplicate of Form C should be sent to the Magistrate after noting on it the number and date of the corresponding report in Form H which was sent in the first instance. The amount of compounding fee fixed by the District Forest Officer should be communicated to the Magistrate in the triplicate copy of Form C. In cases in which a high compounding fee has been fixed, the District Forest Officer should briefly record his reasons for it. When a prosecution is ordered or a trial by a Magistrate is necessitated, by the failure of an offender to pay the compounding fees, the Range Officer should arrange to cause the summons received from the Magistrate to be served on the parties concerned and conduct the case himself, if it is an important one; in other cases, he will instruct the Section Officer or other officer not below the rank of a Forester to do so.

**1. Action to be taken by the Magistrate on receipt of the A Form report. - In cases in which the offender is to be prosecuted, the Magistrate will take cognizance as soon as he received the A Form report and the triplicate of Form C just as he would do with a Police charge sheet. He will give a calendar number to the case, fix a date of trial, issue processes and proceed with the trial in the manner prescribed by law.**

In other cases, the Magistrate need take no further action beyond filing Form C with the corresponding report in Form H. Summonses. - All summonses to the accused as well as to the witnesses should be sent for "service and return" to the Range Officer, if the service is to be carried out by the forest subordinates, or the Police Officers, if the service is to be carried out by the Police, according to the local conditions of each district. In the latter case, the Magistrate must separately intimate the date of hearing of the case to the Range Officer. The offence report number as well as the calendar case numbers should be entered in the summons, the service will be effected by tendering the original to the accused and obtaining his signature in the duplicate. If the service cannot be effected in person, it may be effected by leaving the original with some adult male members of the accused's family or by pasting it on the outer door of the place last inhabited by the accused. In the latter case, the signature of the village officers or of the adjoining house owners should be obtained on the duplicate in token of such service. Calendars. - The number of cart-loads and head-loads and the value of the produce seized should, invariably, be stated in the calendar. In grazing cases, the number of cattle and sheep or goats involved should be noted. Punishment. - In imposing punishments the Magistrates should remember that, under section 21 of the Tamil Nadu Forest Act, 1882 (Tamil Nadu Act V of 1882), they can award compensation for damage done to the forest. Communication of result to the District Forest Officer. - On the completion of the trial, the Magistrate should communicate his decision to the District Forest Officer through the Range Officer in Form E. The orders passed regarding the disposal of the property involved in the case should,

invariably, be stated in the decision. If the case ends in acquittal, a copy of the judgment should be forwarded to the District Forest Officer direct. This rule will apply also to cases where the accused is/are charged with more than one offence and a single charge-sheet is framed in respect of all of them and the accused is/are acquitted only in respect of one or more offences the remaining ending in conviction.

**5. An offender who has failed to pay the compounding fee fixed by the District Forest Officer within the prescribed period of thirty days and has in consequence been summoned to undergo prosecution at a Magistrate's Court may be permitted to pay the compounding fees already fixed by the District Forest Officer to the Magistrate before the case is called for hearing, provided that he also pays to the Magistrate at the same time such sum, as the Magistrate may prescribe as the cost of prosecution to cover the batta of prosecution witness. On receipt of the compounding fees and of the prosecution charges, the Magistrate shall intimate the fact to the Officer of the Forest Department who filed the complaint, i.e., the Range Officer and the latter shall, without loss of time, send an application for withdrawing the complaint after satisfying himself that the compounding fees and the expenses of the prosecution have been paid in full. The Magistrate may then, at his discretion, dispense with the personal-appearance of the accused persons and acquit them under section 248 of the Criminal Procedure Code.**

Note. - Where an offender has produced to the Court evidence of payment of the compounding fees already fixed to a Forest Officer, but so late that there has not been time to stop the attendance of prosecution witnesses, the Magistrate may, at his discretion, order payment of a further sum to cover the cost of batta to the prosecution witnesses and shall intimate the amount to the Forest Officer who filed the complaint as above and await his withdrawal application.

**6. Complaints against forest subordinates. - Whenever any complaint against forest subordinate is field before a magistrate either for unlawful impounding of cattle or unlawful seizure of produce of fer demanding illegal gratification in the discharge of his duty, the Magistrate should immediately give information of the fact to the District Forest Officer by sending him a copy of the complaint together with a copy of the sworn statement. The defence of forest, subordinates in counter cases will be conducted by the Range Officer.**

**7. Forms. - The forms prescribed for the disposal of forest offences are found in Appendix 12 of the Tamil Nadu Forest Department Code.**

Note. - The above instructions apply to forest offences in unreserved land also, and when they are so applied, the words, "Tahsildar" and "Revenue Divisional Officer" should be read for the word "Range Officer" and "District Forest Officer". The Tahsildar may conduct the' prosecution himself (rule 3 above) or depute the Revenue Inspector for the purpose.

Paragraph 8. - In the case of sandalwood, Scheduled timber smuggled, the concerned Forest officials should take full responsibility in making efforts to trace the origin and source of such produce illicitly transported / smuggled.

Paragraph 9. - A list containing the details of names of habitual offenders in the aforesaid forest cases, the nature of their involvement in the cases and the\* punishment imposed on them, should be maintained in the offices of the Rangers the District Forest Officers/Conservators of Forests and also in the office of the Chief Conservator of Forests, as in the case of the Police Department.

Paragraph 10. - While probing into the background of the above cases, the details of offenders contained in the list, together with the other relevant details should be furnished to the Police Department and the Commercial Taxes Department and they should be also requested to investigate into the matter.