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GOVERNMENT OF KERALA  
Abstract.

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Forests - Trial of cases under the Forest Act - Amendment to Section 27 of the Act - direction issued

Agriculture & Rural Development Department  
(Agriculture - Forest)

G.O.No.848/64/Agri. Trivandrum, dated 14-12-1964.

Re:- Correspondence relating with letter No. GJ-37270/63 dated 25-10-1963 from the Chief Conservator of Forests.

ORDER.

The Chief Conservator of Forests has proposed that the necessary orders may be passed to get the Magistrate at Uthanchola vested with powers to try forest cases under the Forest Act for the reason that the II Class Magistrate has no jurisdiction to try forest cases which prescribes 3 years' imprisonment with fine which may extend to Rs.1000/- etc. The Chief Conservator of Forests is informed that the problem is not confined to Uthanchola alone but is State-wide and that the suggestion put forward by the Chief Conservator of Forests could be directly opposed to the policy decision taken by Government in the matter of re-organisation of Courts, since it would mean that in all areas where there are forest offences, Sub-Magistrates will have to be upgraded as Additional First Class Magistrates. Incidentally, that could mean that all appeals, not merely appeals in forest cases areas would have to go to the Sessions Court. In the circumstances Government consider that there is no reason why a maximum sentence of two years should not suffice for forest offences. The deterrent effect of a sentence lies in its being theoretically possible, and it is the prompt and proper investigation and prosecution of cases to a successful conclusion rather than the existence of a heavy sentence in the statute book that checks offences. As it is, it is very rarely if ever, that even a sentence exceeding 6 months' imprisonment is imposed, and if more than two years is to be awarded, the case will have to go to Sessions. And Government do not contemplate forest cases being committed to Sessions.

If the maximum sentence is reduced to two years, forest cases can ordinarily be laid before a Sub Magistrate. The more serious cases deserving a sentence of more than six months may be laid before a First Class Magistrate, so that no conviction, an adequate sentence may be imposed.

In the circumstances the Chief Conservator of Forests is requested to send up necessary draft amendment to Section 27 of the Kerala Forest Act.

By order of the Governor,  
F.R. Sukumaran Nair,  
Joint Secretary.

To

The Chief Conservator of Forests.

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Inet. on 01-44372/64 dated 4-1-1965.

Copy to Special Officer, Code Revision for necessary attention.

Copy to B3 Section 37270/63 and copy to G1-B 701/64.

Copy communicated to the Conservator of Forests, Chelakudy for information. The draft amendment to Section 27 has already been submitted to Government from this office.

Office of the Chief Conservator of Forests, Trivandrum. For Chief Conservator of Forests.

Inet. on 7.11a. (01) 19985/63 dated 20-3-1965.

Copy to all Divisional Forest Officers, Stock file, Circular file and Contract Sections.

Copy to G1 Section file.

*Ambar Anwar*

Office of the Conservator of Forests, Chelakudy. For Conservator of Forests.

RV/26/3/-

*M.L.*