

Copy of the Govt. letter No.72933/F2/77/AD dated 23-10-78 from the Additional Secretary to Government to the Accountant General, Kerala, Trivandrum.

Sub:- Release of confiscated properties without realizing estimated value
– Loss Caused – reg.

Ref:- D.O. Lr. No.SRA(R)/LP.1721/75-76/462 dt. 28-11-75 from
Sri. M.R. Nagarajan, Sr. Dy. Accountant General (RA).

I am directed to inform you that the matter has been exercised by Government in consultation with their Law Officers and as a result the following conclusions have been arrived at:

The seizure of the articles is under section 52 (1) of the Kerala Forest Act and when here is reason to believe that a Forest Offences has been committed in respect of any timber of other forest produce, the forest officer or the police officer has got a power to seize not only such timber etc. but also the tools, vehicles etc. used for commission of such offences. The provision to compound the offence is contained in section 68(1) of the Kerala Forest Act, where the Forest Officer has got the discretion to accept from the suspected offender a sum of money by way of compensation for the offence and in case of seizure of property it is liable for confiscation and the release of such property seized is controlled by the stipulation in the provision that the value thereof shall be paid. Therefore, it is clear that in compounding the offence and discharging the ac caused from the liability to be proceeded against and the release of the property seized, it is incumbent upon the Forest Officer to receive such amounts as are determined by him by way of compensation for the offences and also be way of recovering the value of all the property which are seized and which are liable for confiscation. Under provisions of the Act, vehicles and other implements, used for the commission of the offence are liable to be confiscated and hence in case of seizure of vehicles or other implements which are suspected to have been used for the commission of the offence, they can be released only after recovering the compensation thereof.

I am to add that as the correct position has been settled only now, no malafides could be attributed to the forest officers for the loss said to have been incurred due to the practices followed by them hitherto. However, the chief conservator of Forests has been apprised of the correct position and has been directed to issue necessary clarification to his subordinates in this regard for their guidance.

Sd/- for Addl. Secretary to Govt.

C.C. The CCV., TVM.

Endt. on C4-53335/76 dt. 2-11-78

Copy to all Conservator of Forests & DFOs. They are requested to act according to the clarification given by the Law Dept:

Sd/- for Chief Conservator of Forests.

Endt. on F.Dis(C3)18498/73 dt. 27-12-78/27-3-79

Copy to GI Section for information.

Copy to TR/ML/KT/CH & MR Sections for information

Copy to Conservator of Forests

Copy to Stock file

For Conservator of Forests, Trichur