

Copy of letter No.14453/FG3/82/AD dt.16-9-82 from the Special Secretary to Govt. Agriculture (Forest-General) Dept. Trivandrum to the C.C.F., Trivandrum.

Sub:- Seizure of Rose wood for violation of Kerala Restriction on cutting and Destruction of valuable trees Act 1974 – Disposal of thondy – Clarification issued – reg.

Ref:- 1. Govt. letter No.16549/F2/80/AD dated 26-4-'79.
2. Your letter No.4-31734/80 dt.21-2-'81.

I am to invite your attention to the letters cited and to inform you as follows.

Section 56 of the Kerala Forests Act, 1961 provides for the disposal of any timber or other forest produce in respect of which the trial of any forest offence committed under this Act is concluded. "Forest Offence" has been defined in clause © of Section 2 of the Kerala Forest Act as meaning an offence punishable under that Act or say rule made there under. The scope of the Kerala Restriction on Cutting and Destruction of valuable Trees Act, 1974 is to restrict the cutting and destruction of certain valuable trees in private lands to the state of Kerala. An offence committed under this Act cannot therefore, be considered as a "Forest Offence" within the meaning of the Kerala Forest Act, 1961 and the procedure laid down in section 56 of the 1961 Act cannot mutate mutandis be followed, unless there is enabling provision for such a purpose in the Act itself. In the case of an offence committed under the Kerala Restriction on cutting and Destruction of valuable trees Act, 1974 the timber that is seized and produced before the Court is private property and so the original court should have given a direction as to how it should have been disposed of instead of simply saying that it will be disposed" of according to law and the rules laid down by the Govt." The Second Class Judicial Magistrate, Kuthuparambu may therefore be moved to give a direction, as to how the private property seized in this case, should be disposed of. The previous instructions issued by Govt. in this behalf in the letter first cited may be treated as Modified to the above extent.

(Sd) C.K. Krishnan Nair,

Under Secretary,
for Special Secretary to Government.

Endt.on C4-31734/80 dt.5-11-82.

Copy forwarded to the Conservator of Forests, V.F. Kozhikode for information and attention. He is requested to move the Court to give a direction date how the private property seized in this case, should be disposed of. (Ref: A3-5915/81).

c.c. CF, Trichur etc. for information attention.

Sd/- For Chief Conservator of Forests.

Endt. on C1-6632/80 dt. 1.1.'83.

Copy to all Divl. Forest Officers for information and attention.

" Sections TR/CH/VC/H1/CF for information and guidance
" Stock file