

ANDHRA PRADESH FOREST OFFENCES (COMPOUNDING AND PROSECUTION) RULES, 1969

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ANDHRA PRADESH FOREST OFFENCES (COMPOUNDING AND PROSECUTION) RULES, 1969

In exercise of the powers conferred by section 68 of the Andhra Pradesh Forest Act, 1967 (Act No.1 of 1967), and all other powers hereunto enabling the Governor of Andhra Pradesh hereby makes the following rules

1. . :-

These rules may be called the Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969.

2. . :-

In these rules unless the context otherwise requires:

(a) 'accused' means any person who committed or in respect of whom it may be reasonably inferred that he has committed a forest offence;

(b) 'form' means a form appended to these rules.

3. . :-

(1) When a forest offence is booked in Form-A it shall be dealt with

in the manner hereinafter provided.

(2) The forest produce seized may be kept in the safe custody of the Forest guard or Forest Watcher and a certificate to that effect shall be obtained in Form-C

(3) The report of seizure of the forest produce shall be submitted immediately to the next superior officer as well as Divisional Forest Officer as prescribed in Form-B

4. . :-

An enquiry into a forest Offence shall be held by an Officer not below the rank of a Deputy Range Officer or Forester. xxx

5. . :-

Every accused who expresses his willingness to have the offence compounded as provided in rule 4 shall forthwith give a written undertaking in that regard in Form D

6. . :-

If, immediately after the offence is detected or at the time of enquiry, the accused is willing to pay in advance any amount towards compensation to be fixed under section 59 of the Act, any Forest Officer not below the rank of a Forester, may accept such amount and shall issue a receipt duly signed by him for the amount so received.

Provided that the acceptance of any amount as aforesaid shall be without prejudice to any decision that may be taken by the competent authority under these rules in regard to the quantum of compensation or the necessity or otherwise to compound the offence.

7. . :-

Any property seized from an accused shall not be released immediately on receipt of the amount of advance compensation paid by him under rule 6 but shall be retained with the forest officer concerned until an order in this behalf issued by the competent authority under rule 8, is received by him.

8. Where the accused gives an undertaking as specified in rule 5, in the case of :-

(i) all the forest offences, the Divisional Forest Officer or the Sub-Divisional Forest Officer:

(ii) all the forest offences where the value of the forest produce involved does not exceed Rs.50,000, the Ranger shall be competent to compound the offence under Section 59 by passing an order in this behalf. Every order so passed shall be in Form-E and shall be communicated to the accused immediately on such passing.

(iii) However, Forest Range Officers shall not compound any offence involving fast moving motorised vehicles, sandlewood and red sanders.

9. . :-

Every Officer competent to compound the offence may refuse to compound an offence in any particular case without assigning any reasons.

Provided that where the competent officer refuses to compound an offence, the amount that has been received towards advance compensation from the accused under rule 6 shall be arranged to be refunded to him by such officer by passing a suitable order in this behalf.

10. . :-

(1) Any person aggrieved by an order passed by an officer under rule 8 may prefer an appeal, within fifteen days from the date of receipt of such order, to the Sub-Divisional Forest Officer and where there is no such Sub-Divisional Forest Officer, to the Divisional Forest Officer, in case such order is passed by a Ranger and to the Conservator, in case such order is passed by Sub-Divisional Forest Officer or Divisional Forest Officer, and the order passed thereon by the appellate authority shall be final.

(2) The appellate authority referred to in sub-rule (1) may, where no appeal is preferred within the period specified in that sub-rule against any order passed under rule 8, call for and examine the record of such order so as to satisfy itself as to the legality, propriety and regularity of such order and may pass such order in relation thereto as it may deem fit:

Provided that the appellate authority shall not enhance the amount of compensation payable by the accused unless an opportunity of making his representation against such enhancement is given to him.

11. . :-

(1) The amount of compensation fixed under rule 8 shall be paid by the person concerned within one month from the date of receipt by him of the order compounding the offence.

(2) In case the amount of compensation so fixed is not paid in full within the period aforesaid, action to recover the same may be taken as provided under Section 70 of the Act.

12. . :-

In case the value of forest produce, seized is less than Rs.50,000 Rupees fifty thousand and where the accused does not opt for compounding the offence or the competent authority does not choose to compound the offence, the Forest Range Officer may order the prosecution of the accused. In all other cases, where the accused does not opt for compounding the offence or the competent authority does not choose to compound the offence, the Sub-Divisional Forest Officer, Managers of primary marketing societies under the administrative control of Girijan Co-operative Corporation Ltd., or the Divisional Forest Officer may order the prosecution of the accused.

13. . :-

Where an order of prosecution is passed under rule 12, a Forest Officer not below the rank of a Forester authorised in this behalf or the Manager of a Primary Marketing Society, under the administrative control of the Girijan Co-operative Ltd., the officer so authorised or such Manager of the Primary Marketing Society, under the administrative control of the Girijan Co-operative Corporation Ltd., as the case may be shall file a charge sheet in Form-F before the Magistrate having jurisdiction or before the Authorised Officer