The Conservator of Forests is empowered to exercise all or any of the powers conferred in the Schedule sanctioned by the Government.

2. The Conservator of Forests is empowered under Section 25 of the Rajasthan Forest Act, 1953 (Rajasthan Act III of 1953), with the previous concurrence of the Commissioner of the division to top public or private ways and water-courses in Reserved Forests subject to the provisions of that section.

All Revenue Officers below the rank of Tehsildar, all Police Officers up to and including Inspectors and Inspectors of Excise and all officials in the Forest Department below the rank of Sub-Divisional Forest Officers and as well as persons not in the public service, are eligible for rewards the grant of which shall be governed by rules 2 to 6.

2. On conviction of an offender, the Magistrate by whom the case has been decided, is authorised to grant a reward not exceeding the estimated value of the timber or other forest produce or other articles confiscated plus the amount of any fine imposed (and not exceeding Rs. 100) in such proportions as may think fit, to any person or person or persons who may have contributed to the seizure of the property confiscated or the conviction of the offender.

3. If in any case the Magistrate considers that more than Rs. 100/- should be distributed as rewards, he shall submit his recommendation for a larger reward, through the Conservator of Forests, for the orders of the Rajasthan Government giving his reasons for the same.

4. If in any case the fine cannot be immediately realised, the Magistrate deciding the case shall at once pay such a reward as he is empowered to pay under rule 2 from such funds as may be at his disposal.
5. If after the payment of the reward, the conviction is reversed in appeal, the amount paid in reward shall not be recovered from the persons to whom it has been paid unless it shall appear that they have acted fraudulently in the case.

6. In cases where compensation has been accepted under Section 68 of the Rajasthan Forest Act, the Conservator of Forests may authorise the payment of a reward under these rules not exceeding the amount of the compensation accepted. Divisional Forest Officers are empowered to pay such rewards subject to a limit of Rs. 10/- in each case or the amount of compensation accepted whichever is less.

7. Money accepted by way of compensation under Section 68 of the Rajasthan Forest Act is Forest Revenue and must be credited in full into the treasury.

Rewards payable under these rules are Revenue Expenditure and debitable to if paid to Government servants or if paid to private person

For purposes of control the following details will be given in the classified abstract of expenditure (Forest Account Rules, Form) for rewards paid under Rule 8:

(1) Serial Number of Cases Compounded
(2) Total Amount of Compensation Accepted
(3) Amount of Award
(4) Number and date of Conservator's sanction (if reward is in excess of Rs. 10/-).

Rules Under Section 76 (d)

(1) No enquiry into a forest offence shall be made by an officer below the rank of a Range Officer or of an attached Ranger or Ranger Assistant to the Range Officer, Forester or Nakedar.

(2) After an enquiry has been completed no further enquiry shall be made by any officer, except with the previous sanction of the Divisional Forest Officer and such further enquiry shall
not be entrusted to an officer below the rank of Ranger or if no Ranger be available, of Range Officer, provided that where the alleged offence was committed three months or more before the date of the report, such enquiry shall be made by the Divisional Forest Officer himself.

(3) A Forest Guard discovering the commission of an offence must, within 48 hours of such discovery, report it to the nearest Assistant to the Range Officer or Range Officer, authorised under Rule 1 to hold an inquiry in such cases.

(4) The Range Officer or Assistant to the Range Officer must, as speedily as possible, and furthest, if he is a Range Officer, within one month of the date of report, and if he is an Assistant to the Range Officer within 15 days of that date, hold in inquiry into the case at the place where the offence was committed or detected or at a convenient place adjacent there to and, if necessary, may make investigations at other places, provided that the accused is not required to attend. His enquiry should not, as a rule, last longer three days, but it will remain within the discretion of the Divisional Forest Officer to allow an extension of this period on good cause being shown for the same. On the expiry of the period allowed for the enquiry he will submit his proceedings under Rule 7 or Rule 8 following.

(5) Every officer making an enquiry under these rules shall day by day enter his proceedings in a diary-book setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained during his enquiry. He shall also record the statements of all persons summoned as witnesses and he must record separately the statement of accused as to whether he is willing to compound or not, and he must make the signature of the accused to this statement. Save as is provided in Rule 6 no person attending the enquiry shall be detained after its completion.

(6) No person shall ordinarily be arrested under the powers granted by Section 64 of the Forest Act unless he has no fixed
abode or likely to abscond. Any person who has been arrested must be brought before a Magistrate or handed over to the Police without unnecessary delay.

(7) If the Enquiry Officer has power to compound the enquiry officer may fix and levy the amount of compensation, but he must forward his proceedings for information to the Divisional Forest Officer.

(8) If the Enquiry Officer has not power to compound or if the accused refuses to compound or refuses to appear, or the enquiry has not been completed within the term fixed by Rule 4 he shall forward his proceedings through the usual official channel to the Divisional Forest Officer for orders. On receipt of the enquiry papers, the Divisional Forest Officer shall pass such orders as may appear necessary, provided that if the enquiry be not completed and he orders further enquiry, any case in which such enquiry lasts more than a week shall be reported to the Collector.

(b) The form to be used for Case Diaries is given in Appendix XV(a).

A register of forests cases will be maintained by all officers compounding cases in the form given in Appendix XV(b).

The following para defines:

(1) the power to enter upon any land and to survey, demarcate and make a map of same;

(2) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;

(3) the power to issue a search-warrant under the Code of Criminal Procedure;

(4) the power to hold an enquiry into forest offence, and in the course of such enquiry to receive and record evidence, with which the various classes of Forest Officers have been invested.
Under Section 72

All Forest Officers holding charge of Forest Divisions in Rajasthan and all Assistant Conservators and Sub-Divisional Forest Officers who have passed the Departmental Examination in Forest Law have been invested with the powers defined in this section to be exercised within the limits of their respective charges and all Range Officers and all Assistants to Range Officers who have been empowered under the rules to enquire into forest offences, the power to issue summons for the attendance of witnesses.

Diet money of witnesses summoned to appear in case of forest offences under enquiry by Forest Officers may be paid by Divisional Forest Officers at the rates in force in the local law courts, or at such lower rates as the Collector of the district may direct.

The para given below regulate the procedure in compounding offences—

Under Section 68

The following officers have been invested with powers to compound forest offences under the aforesaid section of the Act—

(i) All Collectors, Sub-Divisional Magistrates, City Magistrates, Tehsildars.

(ii) All Conservators of Forests, Deputy Conservators of Forests, Divisional Forest Officers, Assistant Conservators of Forest, Sub-Divisional Forest Officers and Forest Rangers in receipt of pay not less than Rs. 100/- per mensem and of not less than 5 years' standing as Forest Rangers provided that—

Save where a person is arrested under Rule 6, no prosecution shall be instituted except by the order of the Divisional Forest Officer. The order for prosecution shall be addressed to the Magistrate having local jurisdiction and shall be accompanied by a challan in the prescribed form. A similar challan shall be presented when a person arrested under Rule 6 is made over to the Police and brought before a Magistrate.
Under Section 71

... not exceeding the following scale shall be levied for cattle trespassing in any Reserved Forest in Rajasthan in lieu of the fixed by Section 12 of the Cattle Trespass Act, 1871.

For each Elephant ... ... Rs. 10/-

For each Camel ... ... Rs. 2/-

For each Buffalo ... ... Rs. 1/-

For each Horse, Gelding, Pony, Colt, Filly, Mule, Bullock, Cow or Heifer. ... ... Rs. 1/-

For each Calf, Ass, Pig, Ram, Ewe, Sheep, Lamb, Goat or Kid. ... ... Rs. -/8/-

In Protected Forests the maximum fine which may be levied shall be half the scale given above.

Mamaua (Prohibited Trees).

In all forests in Rajasthan:—

(1) No trees of the species mentioned as “Mamaua” in the Forest Tariff shall be cut without sanction in writing of the Divisional Forest Officer concerned.

(2) In addition to “Mamaua” trees no trees of the species noted below shall be cut within 66 feet of the centre line of any main road or of either bank of any stream bed without the permission of the Conservator of the Circle concerned:—

1. Ber (Zizyphus jujuba)

2. Renjha, Khenjra (Acacia leucophloea)

3. Karanj (Ulmus integrifolia) (Pongamia glabra)

4. Palas (Butea frondosa)

5. Rohan, Rohia (Soymida fabrifuga)
6. Salar, Salai (Boswellia thurifera or serrata)

7. Semal (Salmalia malbarica)

8. Siris (Albizzia lebbek).

**Rules Regarding Prosecutions And Civil Suits.**

The following are the rules for the guidance of departmental officers in conducting criminal prosecutions:—

1. The officer ordering the prosecution of any person before a Magistrate is responsible for the conduct of that prosecution.

2. Prosecution may be effected in two ways—

   a. by the appointment of a prosecutor to conduct the case; and

   b. by sending a report to the Magistrate.

3. In any case of importance or difficulty, a prosecutor should be appointed. In petty cases a written report is sufficient. This report should explain the facts of the case and the nature of the charge laid, with the names and address of the witnesses and the facts each is expected to depose to.

4. A prosecutor should be a person of sufficient intelligence to put the case clearly before the Magistrate, and should be duly informed of the facts and of nature of the evidence and names of the witnesses. He need not be a person acquainted with the case of his own knowledge, nor, is there any restriction as to his official rank.

   a. Where the prosecution is ordered by an officer other than the District Magistrate, reference should be made to the latter officer for orders as to the Magistrate to try the case, unless he has already given general orders on the subject.

   b. Divisional Officers should, if possible, report the Conservator before commencing proceedings in any grave or unusual criminal case.
(c) Circular No. F. I (83) LR/50 dated 18.8.1951 of the Law Department lays down instructions in respect of criminal prosecutions by or against Government servants and suits against Government.

(d) Divisional Officers have the power to sanction expenditure on Pleaders' Fees, upto a limit of Rs. 50/- in each case in the prosecution of criminal offences; Conservators upto a limit of Rs. 100/-, and the Chief Conservator upto a limit of Rs. 200/-. Expenditure in excess of this amount requires the sanction of the Government.

The inspection of criminal records is regulated as follows:

1. Judicial records should not be removed from the custody of the Courts to which they pertain or the record-room in which they are kept except—

   (1) by the requisition of superior judicial authority:

   (2) on the requisition of the Government, the Commissioner of the Division, the Inspector General of Police, the Magistrate of the District or a Court, Civil or Criminal, having occasion to refer to a record in the course of a trial.

2. The District Magistrate Judicial who is also the Collector is always a superior authority in regard to record retained by a Subordinate Court or deposited in a district record-room. In his capacity as Collector, he should, however, only call for the records of criminal cases, when an examination of the original file by himself or some other gazetted officer is required for administrative purposes. If merely copies are required, the record should not be called for, but the procedure prescribed in Rule 4 should be followed.

3. Every facility should be given by every Court for inspection in its own office of any record to which a public officer not entitled to call for record may wish to refer.

4. When a public officer not entitled to call for recorded required for official purposes a copy of any portion of a record kept in an office in the same station, the copy may be made in
that office by any trustworthy person when he may depute for the purpose. When the record is not in an office in the same station, the copy will be made by the office in which it is kept and will be sent to the officer requiring it.

Orders relating to suits by or against Government and appeals, applications for revision and execution proceedings in connection with any such suit are contained in Government Circular No. F. 1 (83) IR/50 dated 19.4.1950.

(2) Instructions regarding the payment of decreetal amounts and accounting such expenditure are contained in para 32 of the Law Department Circular Number F. 1 (83) IR/50 dated 19.4.50 regarding control of Government Litigation in Civil Courts and in Finance Department Circular No. F. 14 (25) F. (B) /55 dated 30.4.1955. All amounts decreed against the Government have to be paid by the Administrative Department concerned. As a result of non-payment of decreetal amounts within the specified time, notices under Section 82 of the Civil Procedure Code are received by the Government from the courts and then the whole process has to be rushed through to avoid ugly situations regarding attachment of Government property etc. It is, therefore, necessary that all concerned should follow the orders regulating the procedure to be followed in Civil Litigation, particularly in cases of payment of decreetal amounts and execution of decrees, should in future be meticulously followed, and the notices received under Section 82 C.P.C. should be attended to promptly by the Administrative Departments.

(G. O. No. 1 (208) IR/53 dated 27.6.57)

(3) The said Circular contains orders relating to suits filed by or against Government servants generally. As soon as the Divisional Officer receives information that a suit has been filed
or likely to be filed against a Forest Officer in his division in respect of any act purporting to be done by him under the Rajasthan Forest Act, 1953, he will at once submit a report to the Conservator for transmission to the Chief Conservator and will also instruct the officer concerned to plead the protection given by Section 74 of the said Act and to request the Court to try the question as a preliminary issue in the suit. If the question is not decided in favour of the officer and the suit is not dismissed on that ground, the officer may seek the help of Government in accordance with the circular referred to above.