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GOVERNMENT OF KERALA

Agriculture (Forest-Special) Department

NOTIFICATION

No. 73131/FS2/80/AD.

Dated, Trivandrum, 19th November, 1980.

S.R.O.No1133/80- In exercise of the powers conferred by sub-section(5) of section 7 and section 17 of the Kerala Private Forests (Vesting and Assignment). Act, 1971 (26 of 1971), the Government of Kerala hereby make the following rules further to amend the Kerala Private Forests (Tribunal) Rules, 1972, namely:-

RULES

1. (1) These rules may be called the Kerala Private forests (Tribunal) Amendment Rules, 1980.
(2) They shall come into force at once.
2. In the Kerala private Forest (Tribunal) Rules, 1972,-
 - (1) rule 3 shall be re-numbered, as sub-rule (1) of that rule and,-
 - (a) In sub-rule (1) as so re-numbered, after the words “ and shall be presented to the Tribunal” the words “ with such number of additional copies of the application, as are necessary , to be served on the respondents” shall be inserted;
 - (b) After sub-rule (1) as so renumbered, the following sub-rules shall be inserted, namely:-

“(2) The application shall, along with the application, file documents, if any, relied on by him in support of his application, with sufficient number of true copies of the same, as are necessary, to be served on the respondents.”

- (2) in rule 3 A, after the words and letter “in Form D “ the words “ with a copy each of the application and the documents produced under rules 3” shall be inserted.
- (3) In clause (b) of sub-rule (2), of rule 10, the words – “and also to the officer who forwards to the Tribunal the statement under sub-rule (1) of rules 8” shall be added at the end.
- (4) In form A, for item (g), the following shall be substituted, namely:-
“(g) Details of the documents produced in support of the application”,
- (5) In Form D, for the words “copy of the application is enclosed”, the words, “A copy each of the application and the documents, produced by the applicant are enclosed” shall be substituted.

By order of the Governor,

K.V.VIDYADHARAN,
Special Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport).

Rule 4 A of the Kerala Private Forests (Tribunal) Rules, 1972, provides that the Government and the custodian shall be made respondents. Clause (b) of sub-rules (2) of Rules 10 of the said rules provides that the Tribunal shall send a copy of the orders on each of the applications, including interlocutory application disposed by it to the

Government. There is no provision, in the rules for sending the copy of the order to the officer who forwards to the Tribunal the statement under sub-rule (1) of the rule 8 of the said rules. Therefore clause (b) of sub-rules (2) of rules 10 has to be amended to enable the Tribunal to send a copy of the decision/ order to the said officers also.

Rule 3 of the said rules specifies the manner in which the application is to be presented to the Tribunal. But it does not provide for the presentation of additional copies of the application to be served on the respondents. This rule is also silent as to whether documents relied on by the applicant in support of his claims should be filed along with his application. The statement under sub-rule (1) of rule 8 is being prepared without knowing the details of the documents so relied on by the applicant. The said documents are generally produced only at the time of the hearing of the application. Therefore the custodian or the Divisional Forest Officer never gets an opportunity to verify provision has to be included in rules 3 for that purpose. This notification is intended to achieve the above object.