

Copy of Letter No.J2-OPN/38/77 dt. 29-6-77 from the Advocate – General, Kerala

Sub:- Vested Forests – Allotment of Vested Forest Land to the State Farming Corporation of Kerala – reg.

Ref:- Govt. letter No.25178/PS1/75/AD dated 8/10-06-1977

The opinion given by me in my letter dt. 29-08-1975 on the question of allotment of vested forest land to the state Farming Corpn. Of Kerala on the basis of the Judgement of the Supreme Court reported in AIR 1975 SC 1193 does not require reconsideration in the light of what you have stated in paragraphs (1) and (ii) of your letter. The concept of agrarian reforms the state has to think in terms of large schemes of social engineering which furthers the advance of economic activity leading to the cultural elevation of the rural committee and the participation in public life through the mechanism of democracy. Such as the large view of the agrarian reforms as the interpreted by the Supreme Court. Allotment of west forest lands to the state farming corporation. For large scale farming qualifies for a measure of agrarian reforms and in my view comes within the ambit of section 10 (1) as a purpose directed towards the promotion of agriculture and welfare of the agricultural population. The activities of the population presurably well provide rural employment with all the concomitant benefits not only to the agricultural labour employed in the corporation plantation but to the rural community is likely to develop as a consequence as a large scale farming undertaken by the corporation. The purpose directed towards the promotion to the agriculture or the welfare agriculture population or purpose ancillary thereto need not be confined to the setting up of experimental farm, etc. as mentioned in paragraph (1) of your letter. Of course considerable portions of the cultivable land will have to be distributed to the categories of persons mentioned in section 10(1) (a) to (e) to satisfy the candidate of the provision.

I agree that the Kerala Private Forest (Vesting and Assignment) Act does not provide for a vested forest fund end that this fund is a creature of the rules under the Act. Section 15 of the Kerala Private Forests (Vesting and Assignment) Act 1971 said up agriculturist welfare fund consisting of grants or loans by or from Government and

monies received by the Government by the scale of 3 standing on such a portion of the private forests as are assigned under section can to the persons covered by section 10(1) (a) to (e).

Amendments made to the Kerala Private Forests (V&A) 1971 subsequent to its inclusion in the 19th schedule will not entitled to the protection of the 19th schedule amendments well however get the protection of articles 31A and article 31C depending upon the nature of the amendments.

DECISION: The question was discussed with the Advocate-General. It was decided that 10,000 hectares already reserved for assignment should be distributed without further delay. In regard to the allow to the Kerala farming corporation, plantation corporation of Kerala and other such organization, it was decided that the undertakings may be directed to formulate schemes in consonance with section 10 of the Kerala Private Forests (Vesting and Assignment) Act.

Copy of letter No.48046/FS1/78/AD. Dt. 01-07-1978 from the Addl. Secretary to Government Agricultural (Forest Special) Department, Trivandrum to the Chief Conservator of Forests, (Development), Trivandrum.

Sub:- Vested forest - allotment of Vested Forest Land to Public Sector undertakings –
reg

Ref:- Letter No. J2/OPM/38/77 dt. 29-06-1977 from the Advocate General

I am to forward herewith a copy of the letter cited together with a copy of a decision of the Government. There to for information.

Sd/- P.Jadayudtai Mony Amal,
Under Secretary
For Additional Secretary

Endt.on VF-33851/78/L.Dis. Dt. 19-07-1978

Copy with copy of enclosure forward to the Conservator of Forests, Trichur etc. for attention.

Sd/- for Chief Conservator of Forests

Endt. On 01-12324/78/L.Dis. dt.11-08-78

Copy forward to the Divisional Forest Officers, Trichur, Kottayam, Malayattur and Munnar for information. Copy to stock file.

For Conservator of Forests,
Trichur.