

No.JS.9848/98

Office of the Conservator of
Forests & Custodian of vested forests,
Olavakkot circle,
Palakkad-2
Dated: 29.10.98.

CIRCULAR NO.1/98.

Sub:- Forest Dept- conduct of cases- instructions issued-reg.
Ref:- 1.G.O(MS) no.28/90/F&WLD dated 26.3.90.

1. It has been noticed that a large no. of OS cases outside the jurisdiction of vested forests, olavakkot circle are being received in the office of the Custodian of vested forests, palakkad. In the OS cases received so, the claims are not always related to vested forest matters or the Custodian of vested forests is a respondent or defendant also. Attending to all the above cases is indeed a time consuming endeavor in this office.

2. The issues in such cases have been examined. as per the Govt. order read above, all the vested forest cases in the state will be looked after by the custodian and conservator of forests, Olavakkot circle. There was no decision that custodian will attend to all OS cases irrespective of whether they are related to vested forest or not.

3. In view of the above, it has been clarified that the concerned Divl. Forest officers/conservator of forests or any authority who is directly in charge and is responsible for the conduct of the OS cases shall deal with such cases by themselves. Since custodian is bound to look after vested forest cases only, such OS cases wherein custodian of vested forests is a respondent/defendant or where the matter is related to vested forest shall alone be referred to this office for approval of statement of facts etc.

N.V.Trivedi Babu, IFS.
Custodian of vested forests &
Conservator of forests,
Olavakkot circle, Palakkad-2.

To

Copy committed to the conservator of forests, central Circle, Trichur for
informations.

By of letter dated: 21.5.99 from Sri. S. James Vincent, special Government pleader (Forest). Advocate General's Office, Ernakulam addressed to the Secretary to Government, Forest and wildlife Department, Secretariat, Thiruvananthapuram and copied to the Honourable Minister for Forests, Transport and Devaswom, Secretariat, Thiruvananthapuram.

Sub: Issuance of general instructions for the proper conduct of forest cases.

It has been the perennial experience of this office that many of the forest officials do not have adequate awareness of the court procedures, which is necessary for the proper conduct of cases. Therefore, it would be generally useful if the Government issue a circular containing guidelines, the most important of which are the following:-

- 1) Immediately after the conclusion of a case in the Forest Tribunal, Judgment Should be applied for and obtained.
- 2) Immediately thereafter, the concerned forest Officer shall obtain the file from the office of the concerned Government Pleader (Forest).
- 3) This file shall be forwarded to office of the Accountant General when an appeal is to be filed against the judgment of the Tribunal.
- 4) In most of the cases the copies of the Exhibits, depositions of witnesses, Commission Reports, objections to the Commission Report etc., in the original applications, as well as in the review applications, are not seen. Instructions may kindly be issued to the concerned officials to take copies of these, or, alternatively, instruct the concerned Government Pleader to take copies of these documents and keep them in his office files, so that they will form part of the record when they are transmitted to this office for the purpose of filing an appeal.
- 5) The negligence/ collusion that usually occurs at the office of the Government Pleaders can be avoided if the concerned forest officials make constant verification as to whether application for copy of the judgment has been duly given or not.
- 6) In many appeals in the High Court, it has been found that the original applicant is dead. But the fact of death, the date of death, names and address of the legal representatives etc. are not brought to the attention of this office immediately, resulting in abatement of the appeal. Therefore, please issue instructions that as soon as the original applicant/his LR is dead, the fact of death, the date of death and the names and address of LR s be brought to the attention of this office immediately by the concerned forest officials. These instructions will make forest officials aware of court proceedings; avoid delay and the damage to the interest of Forest Department and the Government.

Copy of Govt. letter No. 7958/E1/99/F&WLD, dated: 15-7-1999 from the Principal Secretary to Government, Forest & Wildlife (E) Department, Thiruvananthapuram addressed to the Principal Chief Conservator of Forests (General), Thiruvananthapuram.

Sub: Issuance of general instructions for the proper conduct of Forest cases.

Ref: Letter dated 21-5-1999 from Sri. S. James Vincent, Special Government Pleader (Forest), Office of the Advocate General, Ernakulam.

In forwarding herewith a copy of letter cited, I am directed to request you to issue necessary instructions to the officers concerned in this matter.

K. Rajasekharan Nair,
Deputy Secretary to Government
For Principal Secretary to Government

Endorsement on B6-27322/99

Forest Head Quarters,
Thiruvananthapuram,
Dated: 3-8-1999

Copy with copy of enclosure forwarded to all sub officers for information and attention.

For Chief Conservator of Forests,
(Protection)
O/o the Conservator of Forests,
Central Circle, Thrissur-20

Endt. on. G1-6470/99(L.Dis)

Copy forwarded to sections A1, E1, E2, and G3 for information.

Copy to C.F's table.

Copy to stock file.

Sd/-
Conservator of Forests

Approved for issue

Superintendent