

No.VF-49663/82

Office of the Chief Conservator of Forests,
Trivandrum, Dated:17-2-83.

CIRCULAR NO. 3/83

Sub:- Proper conduct of O.A.cases – Evidence of Respondents’ witnesses instruction –
Regarding.

Ref:- Letter No.B6-11936/81 dated 13-12-1982 from the Custodian of Vested Forests.

It has been brought to the notice of the Chief Conservator of Forests that the Forest Tribunal, Manjeri allowed O.As 60 and 61 of 1978, since the Range Officer who was examined (RWI) for the state in the case gave evidence in a allous and indifferent manner totally disregarding the stand taken in the counter affidavit filed on behalf of the state. The tribnunal has passed the following observation in its order allowing the application:-

“It is also not proper for the state to file a statement in court stating that the area is vested forest full of trees and in evidence to state that there are no trees in about 8 acres of property and 2 acres is planted.”

2. The Special Divisional Forest Officers and Range Officers and Range Officers in charge of defence of cases before the Forest Tribunals should see that such instances should not occur in future. As far as possible the Divisional Forest Officer who filed the counter affidavit or the Range Officer who prepared the statement of facts should give evidence for the state before the Tribunal at any rate the Officer giving evidence should be prepared to give evidence in conformity with the couter affidavit filed on behalf of the State. There is no use of examining somebody and that too half heartedly. Any laxity in this regard will be viewed seriously and suitable action will be taken against those responsible.

These instructions hold good for the conduct of all Forests cases.

Chief Conservator of Forests

(Development)

To

The Custodian and Conservator of Forests (Vested Forests) Kozhikode.

All Divisional Forest Officers (Special)/All Conservator of Forests and Divisional Forest Officers.

Forests and Divisional Forest Officers.

Copy to the Joint Secretary, Law Wing, Special Government Pleaders, at Palghat, Manjeri and Kozhikode.

Officers and Branch Officers in Chief Conservator of Forests Office.

Copy to Confidential Assistants of all/Conservator of Forests & additional Chief Conservator of Forest.

Chief Conservator of Forests, Trivandrum.