

No.VE7-3699-82.

Office of the Chief Conservator of  
Forests (Vigilance), Kerala,  
Trivandrum-695014,  
Dated, August 13, 1982.

**Circular No. 1/82**

Sub:- Kerala Forest Department – Cases booked by the Flying Squads and Territorial Range Staff – Special drive for the disposal of cases pending in the Range Offices – Circular issued.

It is noticed that cases detected for forest offences by the Flying Squad parties and also by territorial staff remain inert without being further investigated and charged before the Court of Law for years together until they reach time bar. In each Range/there are several such cases which have attained time bar and further action of prosecution through a Court of Law is impossible. Random analysis of a few such cases which have reached time bar revealed that the delay was mainly due to the slackness on the part of the Range Officers and their subordinate staff who did not attach sufficient importance to the booking of cases, charging them in a Court of Law and conducting them for a successful prosecution to end in the conviction of the accused. On a casual discussion with some of the Divisional Forest Officers on this subject, it is understood that the Range Officers are obviously busy with the execution of developmental activities and do not pay sufficient attention to the process of prosecution in the Court of Law. This has resulted in the accumulation of large number of cases of forest offences remaining idle making the seriousness of the evidence very much to fade away to reach a point of no return. The thondy materials available in such cases also get lost due to long delay.

It is needless to remind the Divisional Forest Officers and other subordinate officers that the successful conduct of the prosecution against commission of forest offences entirely depend on the amount of interest shown by those responsible for conducting the prosecution. The controlling and supervisory officers also have to keep a close watch on the clearance of several pending cases accumulated for years together in the Ranges. Several directions have been issued on previous occasions to the Divisional Forest Officers and the Range Officers to bestow more interest in these matters. Yet no appreciable progress worth mentioning has been achieved in the clearance of long pending forest offences cases. Several lakhs worth of thondy materials are also lying scattered in the forest areas and the existence of several items is only in records. Most of the thondy articles are in charge of section staff and a physical verification is normally conducted during the transfer of charge of such personnel. So it will be convenient for the section staff to conduct a physical verification and submit the actual position of the existence of thondy materials available in the field.

To make a beginning in clearing the long pending cases of forest offences and disposal of thondy materials involved in such cases the exercise should begin with the complete verification of the thondy available in each Section by the Section staff. The Range Officers must verify at random the thondy materials and the connected case files

should be presented before the Divisional Forest Officer during his Range Inspection for examination. Cases which have crossed time limits should be examined and disposed of according to the merit of the cases. If there has been dereliction of duties in following the procedures for prosecution in time, the persons responsible for such omission should be suitably dealt with. In regard to the recovery of thondy articles involved in the offence, attempts should be made to trace them if possible and responsibility fixed in all missing articles.

In several cases, the accused may be absconding or even may not be known for launching prosecution. Such cases need not be kept as long as pending cases, but may be closed after disposal of the thondy materials. A special drive should be adopted to register the cases before Court of Law in all cases where the file is live and has not crossed time bar.

Although several attempts were made to clear the long pending cases a special drive was not launched exclusively for this work. This has resulted in abandoning the attempts to clear the pending cases incomplete and further accumulations of arrears have increased.

The intention of this circular is to impress on the members of the Department how the condition of the very important item of the duties and responsibilities of the field staff being jeopardised mainly due to neglect or eclipsed by other activities rated as priorities. Action on forest offences cannot be treated as secondary among the duties and responsibilities of the forest personnel. Protection of the Forest Wealth is the most important item of work and no reason or excuse will absolve the forest personnel from their primary duty.

The planting and cultural operations of this season is almost over and the field staff can definitely spare some time to devote attention in the work of clearing the long pending cases of forest offences and also for the disposal of thondy. Effort should be made to bring down the number of long pending cases as low as possible adhering strictly to the official procedures laid down in this regard. The Divisional Forest Officers are specially requested to watch the progress achieved periodically and prepare an assessment report at the end of the drive.

It is hoped that this work will be taken up right earnestly at all levels of officers of the field staff and sizeable progress achieved in two months to follow from now.

The Divisional Forest Officers are requested to acknowledge receipt of this circular.

CHIEF CONSERVATOR OF FORESTS (VIGILANCE)

To

All Divisional Forest Officers.

Copy to Conservators and Forests for information and attention.

Copy to Divisional Forest Officers, Fly Squad Divisions.

Copy (w.c.l.) to all Chief Conservators of Forests.