

**CIRCULAR NO: 5/93**

Sub:- Forest Department -- Conduct of cases (O:Ps: O S  
M. F. As etc.) -- Instructions Issued -- Reg.

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It has come to the notice of the undersigned that some of the Divisional Officers are not conducting the cases pending in various courts properly and hence most of such cases are disposed of against the interest of the Government. Similarly the directions of the courts in the disposed cases are also not being followed strictly. In order to face the situation, Government has issued Circular No: 2984 Adm. I (1)/93/ Law with a guideline - Copy is also enclosed as in the appendix. In such circumstances, the following further instructions are issued in regard to conduct of O.Ps., M. F . As., O.S. and all other Suits filed before the various courts, including Forest Tribunals and A.C . Ts ., in which Range Officers, Assistant Conservators of Forests, Divisional Forest Officers, Deputy Conservators of Forests, Working Plan Officers, Wild Life Wardens, Silviculture Research Officers, Wild Life Preservation Officers, Principal of Forest Schools, Conservators of Forests, Chief Conservators of Forests and Principal Chief Conservator of Forest are imp leaded as respondents or defendants and State is also made a Proforma respondent. the Assistant Conservators of Forests, Divisional Forest Officers, Working Plan Officers, Wild Life Wardens, silviculture search Officers, Deputy Conservators of Forests, Wild life reservation Officer, Principals of Forest Schools and Conservator of Forests will strictly follow these instruction and seek clarifications, if necessary, in the implementation of these instruction:-

1.As soon as a petition in any suit O. F. P. F. A etc. with notice for appearance is received by the Assistant Conservators of Forests/Divisional Forest officers/Deputy Conservators of Forests wild Life preservation officers wild Life Warden/silviculture Research officer/working plan officer 'Conservator of Forests/principal of Forest school, he shall give necessary intimation to the Law officer concerned viz., the Government pleader/Additional Advocate General, regarding the suit 'O.F.P.F.A etc. and promise detailed report and instructions within the date fixed for appearance in the notice. If in any case, the case cannot be properly presented within the date fixed for first appearance. the Law Officer say be requested to move the court for an adjournment.

2. The Divisional Forest Officer 'Deputy Conservator of Forests 'Wild Life Preservation Officer/Wild Life Warden Silviculture Research Officer/Working plan Officer Assistant Conservator of Forests/Conservator of Forests' principals of Forest School shall cause a detailed study to be conducted on the facts, averments and allegation contained in the petition and prepare a statement of facts answering all allegations and averments in the petition Para-wise. The grounds in the petition should also be answered Para-wise. Such statement of facts should be accompanied by a brief history of case explaining the circumstances leading to the filing of the petition, including the action taken in the previous representation, if any, submitted by the petitioner and the nature of the disposal. Details regarding the facts and figures required to elucidate any statement in the statement of facts any also be appended to the statement of Facts.

3. The statement of facts as finalized by the Assistant Conservator of Forests/Divisional Forest Officer/Deputy Conservator of Forests/Wild Life preservation Officer/Wild Life Warden/Silviculture Research Officer/Working plan Officer/Principal of Forest School will be forwarded to the concerned Conservator of Forests in triplicate with connected records who shall with modifications if any, and his approval forward the same to the Chief Conservator of Forests concerned in the Forest Headquarters. The Divisional Forest Officer/Assistant Conservator of Forests/Deputy Conservator of Forests/Wild Life Preservation Officer/Wild Life Warden/Silviculture Research Officer/Working Plan Officer/Principal of Forest School/ will see that the statement of facts in every case is furnished to the Conservator of Forests

within 15 days from the date of receipt of the petition, suit etc., and the conservator of Forests will forward the same with his modifications, if any, to the Chief Conservator of Forests concerned in the Headquarters, within a week, positively. Similar is the case of suit notice also. If the statement of facts could not be furnished within the time limit, interim report shall be furnished indicating the reasons for the delay and the dates within which it could be furnished.

4. All Divisional Forest Officers/Deputy Conservators of Forests/Assistant Conservators of Forests/Wild Life Warden/Working Plan Officer/Silviculture Research Officers Wild Life Preservation Officer/Principals of Forest Schools/Conservators of Forests will send monthly progress report of all pending cases in their Division Circle by noting the details and action taken during each month with date of action etc. to the Joint Secretary, Law Department Wing, Forest Headquarters.

5. The records and case files forwarded along with the statement of facts should contain the file leading to the Exhibits relied on by the petitioner and Exhibits proposed to be produced from the respondent's side. Original of the documents like agreements, Sale Condition as signed by the Contractor etc. shall be made available along with the documents.

6. All O.F.Os./A.C.Fs./D.O.Fs./L.P.O/w.l.s/A.p.Os./S.R.Os/Principals of Forest Schools/C.Fs/., are directed not to file statement of facts without the prior approval of the C.O.F concerned/P.C.C.P.(G/Government. If in any case, statement is failed in view of the urgency, to safeguard the interest of the Government, such action should be got ratified by the C.C.F. concerned or the P.C.C.F.(G/ copy of statement so filed should be submitted to the concerned C.C.F. or P.C.C.F. (G, while seeking ratification.

7. In the case where the petition in O.P/M.F.A/O.S. etc., is accompanied by an interim petition for injunction, stay etc., the D.F.O/D.C.F./A.C.F/D.O.Fs/L.P.O/A.P.O/S.R.O./Principal of Forest School/C.F shall take expeditious action to object that petition and defend the case. Counter statement filed against such interim petition need not have the prior approval of the C.C.F. concerned in the headquarters or P.C.C.F. (G, if the statement cannot wait for such approval. But while filing the counter statement against the interim petition, the F.O/D.C.F./C.F/L.P.O./A.P.O./S.R.O./Principal of Forest School/G.F. should ensure that the Law Officer (Government Pleader, etc. is promptly instructed with relevant details to oppose the petition and, in case there is likelihood of the interim petition being allowed in part or as a whole, instructions may be given to the Law Officer to file an appeal to set aside the interim directions.

8. Register of suit Notices suits shall be maintained in the proforma prescribed by the Government in their Circular dated 2.3.1993 as appendix to this Circular, by the D.F.Os./C.Fs./A.P.O/V.L.Vs./I.P.Os./S.R.O/Principals of Forest Schools/C.Fs. The afore-said officers including the ministerial head of their offices such as, junior Superintendents/Senior Superintendents/Administrative Assistance, etc. shall be responsible for the proper maintenance and custody of the register with proper and up-to-date entries in it. The entries will start, as soon as a suit notice is received, and when a suit is instituted, it will be verified whether a suit notice under section 60 I.P.C. had been served in respect of the suit or claim. In respect of O.Ps. and suits where the requirement of 'Suit Notice' had been dispensed with by the court, the details regarding suit notice will also be disposed with. The suit register will be inspected by the concerned Divisional Forest Officer/Deputy Conservator of Forests/Assistant Conservator of Forests/Assistant Conservator of Forests/Wild life Wardens/Working Plan Officers/Silviculture Research Officers/Wildlife Preservation officer/Principal of Forest School during the first week of every month, to watch the progress in the conduct of cases and to give timely instructions. The fact of such inspection will be recorded in the register with date of inspection.

9. The suit register shall also be made available for inspection and verification by the Joint-Secretary to Government, Law Department wing, Forest Headquarters, Thiruvananthapuram, once in every three months or other officers attached to the Forest Headquarters during the inspection of case filed in division offices. Doubts, if any, in maintaining the register will be explained by the Joint Secretary, during such inspection.

10. As soon as the court or the tribunal pronounces a judgment, the Divisional Forest Officers/Deputy Conservator of Forests/Asst. Conservator of Forests/Wildlife Wardens/Working plan officers/Silviculture Research Officers/Wildlife Preservation Officers/Principal of Forest School, will collect the copy of the Judgment as early as possible and send it to the Forest Headquarters/Joint Secretary. Joint Secretary .....

Law Department .....setting timely advice as to whether appeared in a preferred and also in which appear the Judgment has to be implemented.

11. The above guidelines are in addition to the existing Instructions and precedents which are not inconsistent with the above instructions.

12. The above instructions shall be strictly adhered to in the conduct of cases and non-compliance will be viewed very seriously. The receipt of circular should be acknowledged.

PRINCIPAL CHIEF CONSERVATOR OF FORESTS (O)

To

All Conservations of Forests Divisional Forest Officers/ Assistant Conservation of Forests / Wild Life Preservation Officer / Wild Life gardens / deputy Conservator of Forests/ Silviculture Research Officers/ Working Plan Officers/ Principals of Forest Schools/Principal Chief Conservator of Forests/ Social Forestry Projects.

Copy to

Personal Assistant to the Principal Chief Conservator of Forests and Confidential Assistants to the Chief Conservators of Forests. Assistant Chief Conservators of forests Senior Administrative Officer.  
Stock file.