

GOVERNMENT OF KERALA
ABSTRACT

Encroachments – (Kottayam) - Cardamom Hills Reserves.

Revenue Department (A) Section

G.O.Rt.No.1496

Trivandrum, Dated, 6-11-1958.

Read:- 1. G.O.(MS)80a4/Rev. dated 9-8-1958

2. From the Chief Conservator of Forests letter No. B4-6559/58 dated 6-10-58

3. From the Collector, Kottayam letter No. B5-15919/58 dated 6-10-58

4. From the Revenue Divisional Officer, Devicolam Letter No.B2-2715/58 dated 15-10-58.

ORDER

In the G.O.MS.804/Rev. dated 9-8-1958, Government issued orders defining their policy as regards lease of lands in the Cardamom Hills Reserve in the Kottayam District. Since then, there had been attempts at large scale encroachments in the Reserve and Government have received reports to this effect, both from the Chief Conservator of Forests, the Collector of Kottayam and the Revenue Divisional Officer, Devicolam, According to the Chief Conservator of Forests an area of about 2000 people were involved in the encroachment in Kalkunthal village, Udumbanchola Taluk. The Revenue Divisional Officer has stated that about 2000 people were involved in the encroachment in Kalkunthal village and that in Thattahikudy some 263 Ex-servicemen occupied over 1000 acres of land. The Collector has however stated that all fresh encroachments in the Reserve have been removed and that the Revenue Divisional Officer, Deviculam was assisted by the Deputy Superintendent of Police, Meenachil and some sections of the Armed Reserve in removing the encroachments in certain areas.

2. The Collector has pointed out that the detection and removal of the encroachments will be considerably hampered by the dual control envisaged in the G.O. referred to above, under which the Forest Department is to retain control of the tree growth in the entire area while the control over the lands, together with the responsibility for detection and disposal of encroachments, will vest with the Revenue Department. The Collector has accordingly expressed the view that the orders should be suitably amended so as to make the Forest Department responsible for the detection and disposal of all encroachments in the reserve. He has also raised a doubt whether the responsibility cast on the Forest Officers under the Forest Act can be taken away or restricted by executive orders. Governments have examined the points raised by the Collector. They consider that there are no grounds for any apprehension in the matter. Originally the Cardamom Hill Reserve was under the dual control of the Revenue and Forest Departments, the Revenue Department having control of the lands assigned on registry and the Forest Department having control of the trees on the lands so assigned and also of the land and

trees in areas not given registry. In 1950 , the control over the entire lands (both registered and others) was vested in the Revenue Department, the Forest department exercising control over the tree growth only in the entire area. This system was however abolished in 1952, when the Forest Department was placed in sole charge of the land in the entire Reserve that were not assigned and also of the tree growth on lands that were already assigned. Under this arrangement, the revenue department could assign land in the Reserve only with the concurrence of the Forest department and all fresh encroachments were to be dealt with by the Forest Department. However, experience has shown that the Forest Department could not do so far anything substantial in the matter of disposal of encroachments. It was for this reason that the Government in the G.O. read above, ordered that the Revenue Department should control the entire land in the Cardamom Hill Reserve and be responsible for the disposal of encroachments and that the Forest Department should retain control only in respect of the tree growth in the Reserve. The intention behind this order is that the Revenue Department Officers should take prompt measure for evicting all fresh encroachments and that, to enable them to do so, the Forest Department Officers should give all facilities and assistance . This arrangement cannot result in legal difficulty as eviction proceedings derive their validity from the Land Conservancy Act and not from the Forest Act. The Collector is therefore requested to see that prompt effective action is taken against all fresh encroachments in the Reserve. The Chief Conservator of Forests should issue immediate instructions to his subordinates to extend their full and unstinted co-operation to the Revenue Department in this work.

3. Another difficulty pointed out by the Collector is that action in accordance with the dilatory procedure prescribed in the Land Conservancy Act in respect of fresh encroachments, may lead to further encroachments. To avoid such a contingency the Collector is informed that he may taken action to evict the encroachers summarily with police assistance, whenever necessary. The Inspector General of Police is requested to alert the Police Officers in the area and to instruct them to assist the Revenue and Forest Departments in the work and also to post Police patrols, if and when necessary, in consultation with the Collector or the Revenue Divisional Officer.

4. The Collector has reported that he has issued instructions to the Divisional Forest Officer to book a few typical cases and prosecute the offenders under the Forest Act. The District Collector and Chief Conservator of Forests are requested to see that such action is taken in future also whenever necessary.

(By Order of the Governor)

Sd/-

Deputy Secretary

(True Copy)

Divisional Forest Officer