

GOVERNMENT OF KERALA
ABSTRACT

Forests – Recommendations of the Sub Committee appointed by the Consultative Committee of Parliament on Kerala Legislation – eviction of encroachers from Government Forest Lands – orders issued.

Agriculture (Forest Estt.) Department

G.O.(P)289/68/Agri.

Dated, Trivandrum, 7th June, 1968.

Read :_ 1. G.O.(P)98/63/Agri.dt.30-1-1963.
2. Report of the sub committee appointed by the Consultative Committee of Parliament on Kerala Legislation.

ORDER

The Government have considered the recommendations of the consultative committee of Parliament on Kerala Legislation on the report of the sub committee (The Maniyangadan Committee) on the question of eviction of encroachers etc. from Government forest lands and are pleased to issue the following orders:-

1. The sub committees has recommended that the number of families to be evicted should be reduced to the utmost minimum by limiting such eviction to areas which are absolutely essential for projects and that those evicted should be paid adequate compensation and provided with rehabilitation facilities.

The Government accepts the recommendation in principle but consider that it should also cover a few areas which are indispensable for forest conservation. In fact the evictions should be only from areas essential for project purposes and from a very few areas which are indispensable for forest conservation, limiting the number of families to be evicted to the minimum possible.

2(a) The Sub Committees had recommended that any attempt to draw a distinction between the encroachers and losses on the one hand and encroachers before and after a particular dated (i.e. 1-1-1960) will only lead to further confusion.

The Government agrees that the occupation as listed in the recent survey and enumeration work of such area be accepted as the basis except that the date 1.1.1960 will be changed to 1st January 1968.

2(b) The Sub-committee has recommended that all resident cultivators should be treated on the same footing irrespective of the time or manner, they came into possession.

2(c) The Sub.-Committee has recommended the list of families of resident cultivators should be prepared and identify cards issued and that after this work is finished persons without identity cards should be summarily evicted.

The recommendation of the sub-committee is accepted subject to the change that the relevant date should be 1st January, 1968.

2(d) The Sub-Committee has recommended that there is no reason to differentiate between persons occupying the areas to be preserved as forests and those in the areas not needed for forest preservation.

The Sub-committee's recommendation is accepted subject to the modification that the area which are indispensable for forest conservation should also come within the scope of the evictions which however should be limited to the minimum possible.

2(e) The sub-committee has recommended that each evicted family should be given alternative land suitable for habitation and cultivation equal to the area in possession subject to a maximum of five acres and a minimum of one acre.

The Sub-Committee's recommendation is accepted but the maximum should be reduced from five to three acres.

2(f) The sub-committee has recommended that for all the improvements compensation as per the land acquisition act less 15 % solarium or the compensation as per the tenants improvements Act should be paid to the all persons who are evicted, As regard the paddy lands, the cost of converting the land into paddy land should be paid.

The sub-committee's recommendations are accepted.

2(g) The sub-committee has recommended that a commission with a judicial officer of the status of a District Munsiff be constituted to assess the value of improvements in a manner convicting to the occupants. For expeditious completion of the work more than one commission may be appointed if found necessary.

The Government considers that even in cases of acquisition of lands as per the Land Acquisition Act, value of improvements is assessed only by the Revenue Officer. The same agency can very well attend to this work in respect of occupied forest areas with the added help of the forest officers as is being done now, the assessment of improvements, being done by the Deputy Collectors. The present arrangement will therefore continue.

2(h) The Sub committee has recommended that such of the families who do not get substantial compensation should get a special and sympathetic consideration. Such families should be given some amount as rehabilitation grantor subsidy.

The sub committee's recommendation is accepted. Where however the compensation payable is less than Rs.250/- (Rupees Two hundred and fifty hundred and fifty).

2(i) The Sub-Committee has recommended that sufficient area of private forest may be purchased by the Government at negotiated price for the resettlement of evicted persons.

This recommendation is not accepted.

2(j) The sub-committee has recommended that a regular colonization scheme on a planned basis may be drawn up. Eviction should take place only after the areas purchased in cleared surveyed and divided into blocks to the price of the land may be realized from those resettled therein easy instalments beginning after a period of ten years.

The Government order that eviction should be carried out only after the land is cleared surveyed and allotted.

3(a) The Sub Committee has recommended that Government should look into the question whether eviction from that ten chain belt of projects could be prevented by accepting effective soil conservation measures.

The Government has considered this question and order that evictions should be carried out in the ten chain belt area of projects. Exceptional cases may however be reported to Government for orders.

3(b) The Sub-committee has recommended that the area within the Upputhara Panchayat may be exempted from eviction but if he may be paid land value and the value of improvements just as on acquisition of registered holdings.

The Government order that the eviction from the Upputhara Panchyat should be restricted to the minimum Land value need be given only to the registered holders.

3(c) The sub committee has recommended that no eviction is necessary in Kallarkutty area.

The orders on paragraph 3 (b) above will apply in this case also.

3(d) The sub committee has recommended that the people in Perinjankutty Project area may be paid compensation for their improvements and resettled in some other place as early as possible.

The sub committee recommendations are accepted.

3(e) The sub committee has recommended that the lands in Neyyar dam (in Trivandrum District) area should be given to the occupations on permanent registry and that there should be no eviction before that.

This recommendation is not accepted. The secretary Board of revenue will report to Government immediately on the extent of eviction required in this area.

3(f) The sub committee has recommended that no eviction should be done from the area between Periyar –Chinnar and Kalayana Parathandu either for forest conservation or for future projects and that the whole area should be assigned on registry to the occupation and that if the Government of Kerala state Electricity Board required the land at a later date the same may be acquired then.

The Chief Engineer (Irrigation) and the Secretary, Kerala State Electricity Board are requested to report about the possible new projects of extension of projects in these areas before further action is taken on this recommendation.

3(g) The Sub committee has recommended that the area called Pampa Valley food production area “Lying on both sides of the river Pampa need not be included in the same Sanctuary and its occupants need not be evicted.

The recommendation of the sub committee is accepted but strict measures should be accepted to see that there is no further encroachment.

3(h) The sub committee has stated that Kerala has one of the best game sanctuaries in Peermade and as such the state need not have the luxury of another game sanctuary in Peechi.

The Eviction proposed from this area is not for the wild life sanctuary. The proposed eviction is primarily for protection of the Peechi Irrigation Project and to clear a very small number of pocket occupations in the reserved forests which clearance is absolutely essential for forest conservation. Action will be taken accordingly.

3(i) The sub committee has recommended that the boundary demarcated in Trichur District should coincide as far as possible with the boundary demarcated by the popular range committee. Occupations outside the line demarcated by the popular Range Committee should be excluded from the forest area.

The sub committee’s recommendation is accepted.

3(j) The sub committee has recommended that the number of families to be evicted from Thoppipala should be reduced from 139 to 37 and that the boundary fixed along the road from Kattppana to Idukki should be changed and fixed along the top of Kalayana Parathandu ridge.

The sub committee’s recommendation is accepted.

3(k) The sub committee has recommended that alienation of land made by the allottees should be recognized and the land registered in the names of the parties to the land was sold or otherwise disposal of by the original allottees

The Government orders that the police regarding this matter will be in accordance with the land assignment rules of the state Government.

3(1) The sub committee has recommended that the eviction of non hill men occupying hill men settlements should be dropped and the land should be assigned to actual occupants

The Government cannot accept this recommendation. If this is accepted to due course the entire hill men settlements would be in the hand of non-hill men and this will be against the fundamental principles of protecting the interests on scheduled castes and hill tribes. Action will be taken accordingly.

3(m) The sub-committee has recommended that the present occupants of Kollamala 9 and 10 colonies should not be evicted.

There is no proposal for eviction of any of the occupants at present but the disposal of the land will be decided after the question of liquidation of the co-operative societies of the colonies is settled.

3(n) The sub committee has recommended that the plantation corporation should be asked to pay adequate compensation to the families evicted from Kodumon reserve.

The Government considers that this question has been settled and no further action is necessary.

3(o) The Sub Committee has recommended that the cardamom plantations outside the reservoir areas may be permitted to continue and that if there are cardamom plantations in reservoir areas, yield from such areas may be allowed to be taken until projects are commissioned.

The sub committee's recommendation is accepted.

4(a) The subcommittee has recommended that the Government of India should come to the aid of the state Government by providing funds for the implementation of the recommendations of the sub committees.

No, action is necessary.

4(b) The sub committee has recommended that the demarcation of forest boundaries should be completed expeditiously and no further encroachments should be permitted. The Government have already accepted this recommendation and issued necessary instructions., The Chief Conservator of Forests will report urgently the sanction taken and

submit further proposals if necessary to ensure that the Government's interest are fully protected.

4(c) The sub committee has recommended that the trees standing on lands proposed to assignment should be removed by the forest Department or sold to the occupants as these are likely to be destroyed, if not removed soon,

This recommendation is accepted.

The Secretary, Board of Revenue and the Chief Conservator of Forest will take necessary action for the implementation of the above orders.

By Order of the Governor

K.K.Ramankutty
Secretary to Government.

To

The Secretary, Board of Revenue
The Chief Conservator of Forests
All District Collectors
The Chief Engineer (Irrigation)
The Chairman, Kerala State Electricity Board
The Accountant General. etc. etc.
This is the document referred to in the original as exhibits

P-3

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Sd/-
Advocate.