

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)  
IN  
ORIGINAL APPLICATION NO. 29 OF 2020 (SZ)**

**REPORT SUBMITTED BY PRINCIPAL CHIEF CONSERVATOR OF  
FOREST & HEAD OF FOREST FORCE/3<sup>RD</sup> RESPONDENT**

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Dated at Chennai on this the 12<sup>th</sup> day of April, 2022.

**M/s. E.K.KUMARESAN**

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

**Report submitted before the Hon'ble National Green Tribunal,  
Southern Zone, Chennai by PCCF & HoFF, Kerala, the 3<sup>rd</sup>  
Respondent in OA No.29 of 2020 (SZ)**

On 22.03.2022, the Hon'ble National Green Tribunal, Southern Zone, Chennai in IA No.60 of 2022 in OA No.29 of 2020 (SZ) had ordered that "the 3<sup>rd</sup> Respondent / Principal Chief Conservator of Forests (HoFF) (Wildlife) is directed to file a further report or remarks on the report said to have been forwarded by the Additional and Principal Chief Forest Conservator (Vigilance & Forest Intelligence) dated 07.03.2020 regarding this aspect". It was also ordered that this report should be filed on or before 13.04.2022. Accordingly, the following is submitted;

1. On 23.01.2020, Secretary (Forests) forwarded to the office of PCCF & HoFF the grievance bearing No.P200100136 filed by Shri. Sajimon Salim in the Hon'ble Chief Minister's Grievance Portal (marked as **Exhibit – 1**). On the same day it was forwarded to APCCF (V&FI) for report. The APCCF (V&FI) forwarded his report to my office on 07.03.2020 after getting the report from CF (I&E), Kottayam.
2. On 24.01.2020, Secretary, Forests & Wildlife had forwarded to my office another grievance bearing No.G200102397 submitted in the Hon'ble Chief Minister's Grievance Portal by Shri.Sajimon Salim (marked as **Exhibit-2**). The same was forwarded to the APCCF (V&FI) on 28.01.2020. The report submitted by the APCCF (V&FI) on 07.03.2020 was common for both these grievances.
3. On 07.04.2020, the PCCF & HoFF submitted his remarks on the above grievances to the Additional Chief Secretary, Forests & Wildlife, Thiruvananthapuram (marked as **Exhibit – 3**).
4. Shri. Sajimon Salim had filed another grievance bearing No.P200600235 on 18.06.2020, which was received in the office of PCCF & HoFF on 18.06.2020 (marked as **Exhibit-4**). Since this grievance was in



continuation of the other two grievances filed earlier on the same subject, a reply was sent to the Government on 30.07.2020 (marked as **Exhibit – 5**).

5. All these grievances relate to one and the same issue, which in brief is stated in the grievance No.G200102397 which is as follows;

“During 2019 December, 26, 27, 28, Periyar Tiger Reserve East Division organized a football tournament near Vanchivayal Tirbal Colony, which falls within core area of Periyar Tiger Reserve, East Division, Vallakkadavu Range and which lies in the Critical Tiger Habitat and Core area as per Periyar Tiger Conservation Plan. For conducting this tournament, PTR management have done massive earthworks and land grading to reconfigure the topography of the site, to stabilize slopes. They used heavy earthwork machines like Hitachi & JCB to remove hills in this site. The restrictions put on construction activities in Periyar Tiger Reserve is violated and it would adversely affect the Biodiversity of the area. The recent floods have taught us too many lessons due to the man-made earth excavations. Aforesaid illegal actions violated all the conservation principals. The relevant documents are attached for ready reference. Hence I once again request you to initiate action against the management authorities of Periyar Tiger Reserve”.

6. It is also seen that one Shri.James Mathew has filed a grievance before the MoEF& CC on 28.01.2020 on the same issue (marked as **Exhibit – 6**), for which the Chief Wildlife Warden has given his remarks to the MoEF & CC on 27.02.2020. Copy of this report is given to PCCF & HoFF also (marked as **Exhibit – 7 & 8**).
7. The report of APCCF (V&FI) dated 07.03.2020 was examined in this office.It was seen that this report was entirely based on the report of CF (I&E), Kottayam. The report has made a finding that existing ground (which is in the core area) but near the tribal colony (which is a buffer area) was developed as a football ground without securing appropriate approvals, the necessary procedures were not complied with and also that



the above work has affected the environment and the wildlife. The report also makes the finding that the Deputy Director, PTR (E) Smt.Silpa V Kumar, Range Forest Officer Shri.C.Ajayan and the Assistant Field Director, Shri.Vipin Das have failed in their duties in this regard, while Shri.K.R.Anoop, Field Director, Kottayam has attempted to justify the above illegal action and therefore disciplinary action has to be taken against all these officers.

8. The report of Chief Wildlife Warden dated 27.02.2020 (**Exhibit –7**) makes the detailed analysis of the case and makes the findings that the playground existed in the area long since, it is in the buffer zone and within the Vanchivayal Tribal Hamlet which consist of 3 smaller units. It also says that the Field Director, Project Tiger has given the following clarifications.

*“C. In response to Chief Wildlife Warden’s queries seeking clarifications in the matter, the Field Director vide reference 4<sup>th</sup> (marked as **Exhibit – 9**) above has further clarified as follows:*

- 1. The site of the playground is a part of the Vanchivayal tribal colony.*
- 2. In response to the query about taking up of the leveling work by Eco Development Committee and failure of the Range Forest Officer to stop the work in time, without getting sanction of the appropriate authority under Forest Rights Act, the Field Director has remarked that “it is only reasonable to presume that the Eco Development Committee has done the restoration of the maidanam that was customarily by them in good faith and there are no reason / evidences to believe any malafide intension in the actions of the Eco Development Committee members in carrying out the repair works and the process of diversion for non forestry use was under Forest Rights Act”.*
- 3. He further cites Section 10 (1) of the Forest Rights Act “No suit, prosecution or other legal proceeding shall lie against any*



*officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act. (2). No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act. (3). No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act”.*

9. The Chief Wildlife Warden further endorsed the observations of the Field Director and added the following;

*D. “The above observations of Field Director, Project Tiger appears to be a factual narration of the entire issue. There is no doubt that the user agency (Eco Development Committee, Vanchivayal), Range Forest Officer and Deputy Director, Periyar Tiger Reserve East Division have acted over zealously without completing the entire procedure of diversion of forest land under Forest Rights Act, 2006. The Vanchivayal is one of the best tribal settlements of Kerala in terms of social welfare, involvement of tribal community in forest protection and community empowerment. They have received recognition from State Government, when they were awarded 2nd best prize tribal colony for best Organic Farming in State Agricultural Award during 2017. The element of good faith on the part of Eco Development Committee, Range Officer and Deputy Director, Periyar Tiger Reserve in completing the work without following procedures is a matter of subjectivity and opinion. But by seeing the track record of Vanchivayal tribal colony, the Range*



*Officer and Deputy Director, the undersigned tends to believe that they can be given benefit of doubt of “acting in good faith”.*

*The undersigned also does not support the idea of holding foot ball tournaments inviting participants from outside. The local community resource has to be used only for the benefit of the local inhabitants”.*

10. In the meanwhile, Shri.Sajimon Salim had approached the Hon’ble National Green Tribunal and order was issued on 07.02.2020 constituting Joint Committee to inspect the area in question and for filing report.
11. The Report of APCCF (V&FI) dated 07.03.2020 was examined after taking note of the above report of the Chief Wildlife Warden and the orders of the Hon’ble Tribunal. Accordingly, report was submitted to ACS (Forests) on 07.04.2020 (**Exhibit – 3**) with the following remarks;

*On enquiry it is found that the ground mentioned by the petitioner is located contiguous to the Vanchivayal Tribal Settlement in Vallakkadavu Range of Periyar Tiger Reserve, East Division. It is an existing ground used by the tribal communities of Vanchivayal Tribal Settlement. Floods of 2018 and 2019 brought in significant accumulation of debris which was removed and the ground was renovated by the Vanchivayal Tribal Eco Development Committee themselves. Following this, a football tournament involving teams from outside was also held here.*

*The legalities involved in the matter and the application of the Forest (Conservation) Act, 1980, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 and the Wildlife (Protection) Act, 1972 are under consideration before the National Green Tribunal, Chennai in an OA No.29/2020 filed by the same petitioner. In view of what is stated above and in view of the fact that, the matter is pending before the National Green Tribunal, no further action is pending at this point and the grievance may be disposed of accordingly.*



12. This office came to the above conclusion on the basis of the following;
- (a) No corruption of any kind was either alleged in the complaint or found in the enquiry.
  - (b) The report of APCCF (V&FI) was entirely based on the report of CF (I&E), Kottayam.
  - (c) The report of the CF (I&E) (as referred in the report of APCCF (V&FI)) has the finding that the Google Earth Map of the area showed the existence of the ground since long.
  - (d) The finding in the report that the football ground was in the core area of the Tiger Reserve was different from the report of the Chief Wildlife Warden dated 27.02.2020 to the effect that it is part of the tribal colony and in the buffer zone.
  - (e) The recommendation in the report of APCCF (V&FI) was hugely disproportionate to the alleged failure and was not found worth pursuing further.
  - (f) The allegation is primarily against the interpretation of the interplay between the conservation requirements and the developmental rights of the forest dependent tribals and the stand taken by the forest officers was not influenced by any extraneous consideration.
  - (g) Well before this report of APCCF (V&FI), Shri.Sajimon Salim had approached the Hon'ble NGT and the Hon'ble Tribunal had already issued orders constituting Committee for site inspection and filing report.
13. Subsequently, on 09.12.2020 Smt. Silpa V. Kumar IFS, former Deputy Director, Periyar Tiger Reserve has addressed this office (marked as **Exhibit-10**) requesting to initiate departmental enquiry against Shri. Madhusoodanan IFS (Rtd.) who was the CF (I&E), Kottayam who enquired into the grievance raised by Shri. Sajimon Salim. Along with the



letter she also had enclosed copy of the proceedings dated 23.06.2020 of the State Information Commission, Thiruvananthapuram. The complaint was filed by Smt. SilpaV. Kumar stating that the report of CF (I&E), Kottayam submitted to APCCF (V&FI) was found widely published in the News Papers, TV channel and Social Media on 13.02.2020 and her enquiries revealed that the same was obtained by somebody under RTI Act and made available to the media. She also alleged over enthusiasm on the part of CF (I&E) who was the first Appellate Authority as he himself provided the copy of the report to the applicant bypassing the State Public Information Officer. In para 5 of the proceedings, the State Information Commission has made the following findings;

*“On scrutinizing the Complaint Petition and connected documents, the Commission finds that the information sought by the applicant regarding the aforesaid enquiry was furnished by the 1st Appellate Authority in the office of the Conservator of Forests (I&E), Kottayam, though the Senior Superintendent of that office as designated as the State Public Information Officer. It is also seen that the above enquiry report had not reached its finality and Conservator of Forests (I&E) had only conducted the enquiry and furnished the report to the Additional Chief Conservator of Forests (Vigilance & Forest Intelligence), Thiruvananthapuram. Final decision on the above enquiry report was pending with the Additional Chief Conservator of Forests. As such, the information sought by the applicant under the RTI Act was covered under Section 8 (1) (h) of the RTI Act. The Commission finds that the 1st Appellate Authority dealt with the application under the RTI Act taking upon himself the role of the SPIO for reasons best known to him. It is not the case that the 1st Appellate Authority had taken upon himself the responsibility of furnishing the information sought by the applicant as the time frame prescribed under the Act for furnishing information was pending. In view of the above facts, the Commission can only conclude that the action on the part of the Conservator of Forests (I&E) in releasing the above information was rather extraordinary. Nevertheless,*



*the RTI Act does not provide for any action against such aberrations. The Complaint Petitioner can approach her Departmental authorities for conducting a detailed enquiry into the matter and taking appropriate action”.*

Further action in this regard is being pursued in this office.

This report is submitted before the Hon'ble Tribunal in compliance of the orders dated 22.03.2022.



*[Handwritten Signature]*  
08/04/22

Principal Chief Conservator of Forests &  
Head of Forest Force, Kerala

P. K. KESAVAN, IFS  
Principal Chief Conservator of Forests &  
Head of Forest Force  
Forest Headquarters, Vazhuthacaud  
Thiruvananthapuram - 14, Kerala

Solemnly affirm and signed before me by the deponent who is personally known to me on the 08<sup>th</sup> day of April 2022 at the office of the Chief Wildlife Warden.



*[Handwritten Signature]*

VINAYAN .R  
Deputy Conservator of Forests (Project Elephant)  
Office of PCCF (WL) & Chief Wildlife Warden  
II Floor, Vanalakshmi, Forest Headquarters  
Vazhuthacaud, Trivandrum-695014

**Grievance History - P200100136****Forwarded**

From : Office of the Chief Minister  
To : Secretary- Forest and Wild Life Department  
Date: 14-01-2020 12:45:27

**Remarks:**

Forwarded

**Forwarded**

From : Secretary- Forest and Wild Life Department  
To : Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
Date: 23-01-2020 17:22:58

**Remarks:**

Requested to conduct enquiry and report

**Forwarded**

From : SHRI. P.K.KESAVAN IFS Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
To : SHRI. V.V. SHAJIMON IFS Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence  
Date: 23-01-2020 18:13:14

**Remarks:**

Forwarded

**Forwarded**

From : Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence  
 To : Divisional Forest Officer (DFO) Flying Squad Division Idukki  
 Date: 24-01-2020 13:01:54

**Remarks:**

For inquiry and report

**Status Report**

From : Divisional Forest Officer (DFO) Flying Squad Division Idukki  
 To : Conservator of Forest (Inspection & Evaluation) Kottayam  
 Date: 03-02-2020 14:14:21

**Remarks:**

ടി പരാതിയുടെ അന്വേഷണം അഞ്ച് നേരിട്ട് നടത്തിയിട്ടുള്ളതിനാൽ പരാതിയുടെ അന്വേഷണ റിപ്പോർട്ട് മേലധികാരത്തിലേക്കു സമർപ്പിക്കുന്നതിനായി അപേക്ഷിച്ചുകൊണ്ട് ടി പരാതി അങ്ങയുടെ ഓഫീസിലേക്ക് കൈമാറുന്നു

**Status Report**

From : Conservator of Forest (Inspection & Evaluation) Kottayam  
 To : Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence  
 Date: 06-02-2020 14:01:08

**Remarks:**

Sir, Please find attached the enquiry report

**Status Report**

From : Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence

To : Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)

Date: 07-03-2020 12:02:41

**Remarks:**

Status Report submitted for further action

**Forwarded**

From : SHRI. P.K.KESAVAN IFS Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)

To : DR:ASHA THOMAS IAS Secretary- Forest and Wild Life Department

Date: 30-06-2020 13:29:18

**Remarks:**

Forwarded

**Transferred To Eoffice**

From : Secretary- Forest and Wild Life Department

Date: 03-07-2020 14:39:27

**Close**

By : Secretary- Forest and Wild Life Department

Date: 28-07-2021 10:44:38

**Remarks:**

A reply has been given to the petitioner in the matter.

From  
SAJIMON SALIM  
S/O. SALIM  
KINATTINKARAYIL HOUSE  
KUMILY, IDUKKI, KERALA-685509

14.01.2020

To  
1. Chief Minister of Kerala  
Thiruvananthapuram

Sir,

**Sub: Periyar Tiger Reserve- Violation of Tiger conservation plan reg**

**Ref:**

1. News of 24 News channel (Malayalam visual media) on 09.01.2020. <https://youtu.be/IyioMQxj02k>
2. Madhyamam Daily 13-01-2020
3. Hon. Supreme court Judgment in, Interlocutory Application No.90182 OF 2019 T.N. GODAVARMAN THIRUMULPAD vs UNION OF INDIA- Uttarakhand to stop construction in tiger reserves.

I Sajimon Salim, Son of Salim, aged 39 years, residing at the above mentioned address, being an environmentalist, concerned in protection of the ecology want your good self to take immediate action against the managers of the Periyar tiger reserve violated the management plan and conservation laws by executing non-forestry activity in the core zone of the Periyar Tiger Reserve.

During 2019 December 26,27,28, Periyar tiger reserve east division organized a football tournament near Vanchivayal Tribal colony, which falls within core are of Periyar tiger reserve East Division,

Vallakkadavu Range and which lies in the Critical Tiger Habitat and Core area as per Periyar tiger conservation plan. For Conducting this tournament, PTR management have done Massive earthworks and land grading to reconfigure the topography of the site, to stabilize slopes. They used heavy earthwork machines like Hitachi & JCB to remove hills in the site. The restrictions put on construction activities in Periyar tiger reserve is violated and it would adversely affect the Biodiversity of the area. The recent floods have taught us too many lessons due to the man-made earth excavations. Aforesaid illegal actions violated all the conservation principals. The relevant documents are attached for ready reference. Hence I once again request you to initiate action against the management authorities of Periyar tiger reserve.

Warm Regards,



Sajimon Salim

Kumily

14-01-2020

## Grievance History - G200102397

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### Forwarded

From : Office of the Chief Minister  
 To : Secretary- Forest and Wild Life Department  
 Date: 18-01-2020 15:46:26

#### Remarks:

ആവശ്യമായ നടപടി സ്വീകരിക്കുക

### Forwarded

From : Secretary- Forest and Wild Life Department  
 To : Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
 Date: 24-01-2020 10:23:29

#### Remarks:

Requested to conduct enquiry and to furnish the report

### Forwarded

From : SHRI. P.K.KESAVAN IFS Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
 To : SHRI. V.V. SHAJIMON IFS Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence  
 Date: 28-01-2020 13:09:53

#### Remarks:

Forwarded

**Forwarded**

From : Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence  
 To : Divisional Forest Officer (DFO) Flying Squad Division Idukki  
 Date: 30-01-2020 12:46:18

**Remarks:**

For inquiry and report

**Status Report**

From : Divisional Forest Officer (DFO) Flying Squad Division Idukki  
 To : Conservator of Forest (Inspection & Evaluation) Kottayam  
 Date: 03-02-2020 14:13:08

**Remarks:**

ടി പരാതിയുടെ അന്വേഷണം അഞ്ച് നേരിട്ട് നടത്തിയിട്ടുള്ളതിനാൽ പരാതിയുടെ അന്വേഷണ റിപ്പോർട്ട് മേലധികാരത്തിലേക്ക് സമർപ്പിക്കുന്നതിനായി അപേക്ഷിച്ചുകൊണ്ട് ടി പരാതി അങ്ങയുടെ ഓഫീസിലേക്ക് കൈമാറുന്നു

**Status Report**

From : Conservator of Forest (Inspection & Evaluation) Kottayam  
 To : Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence  
 Date: 06-02-2020 13:58:25

**Remarks:**

Sir, Please find attached the enquiry report.

**Status Report**

From : Additional Principal Chief Conservator of Forest (APCCF) Vigilance & Forest Intelligence  
To : Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
Date: 07-03-2020 12:04:47

**Remarks:**

Status Report submitted

**Forwarded**

From : SHRI. P.K.KESAVAN IFS Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
To : DR:ASHA THOMAS IAS Secretary- Forest and Wild Life Department  
Date: 30-06-2020 13:29:54

**Remarks:**

Forwarded

**Forwarded**

From : Secretary- Forest and Wild Life Department  
To : Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
Date: 01-08-2020 11:38:51

**Remarks:**

Forwarded

**Revert**

From : SHRI. P.K.KESAVAN IFS Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
To : Asharaf A Secretary- Forest and Wild Life Department  
Date: 03-08-2020 11:22:45

**Remarks:**

Report dated 07/04/2020 is submitted for further action.

**Transferred To Eoffice**

From : Secretary- Forest and Wild Life Department  
Date: 03-08-2020 17:01:54

**Close**

By : Secretary- Forest and Wild Life Department  
Date: 28-07-2021 12:30:25

**Remarks:**

close

Email

61060109397



**RIYAR TIGER RESERVE-VIOLATION OF TIGER CONSERVATION PLAN Reg**

**From :** sajimon in <sajimon\_in@hotmail.com>

Tue, Jan 14, 2020 12:35 PM

**Subject :** PERIYAR TIGER RESERVE-VIOLATION OF TIGER CONSERVATION PLAN Reg

17 attachments

**To :** Chief Minister, Government of Kerala <chiefminister@kerala.gov.in>



Sir,

ശ്രീ. പി. മധുസൂദനൻ,  
അംഗവ്യഞ്ജിനി വകുപ്പ്

please find the attachment.

Best Regards

ആവശ്യമായ നടപടിക്ക്  
  
പിണറായി വിജയൻ  
മുഖ്യമന്ത്രി

14.01.2020

From:  
SAJIMON SAJIM  
S/O SAJIM  
KINATTINKARAYIL HOUSE  
KUMILY, IDUKKI, KERALA-685509

To:  
1. Chief Minister of Kerala  
Thiruvananthapuram

Sir,

**Sub: Periyar Tiger Reserve- Violation of Tiger conservation plan reg**  
**Ref:**

1. News of 24 News channel (Malayalam visual media) on 09.01.2020. <https://youtu.be/IyioMQxj02k>

മണ്ണിടപ്പ് നിലവിലുള്ളതിനെക്കുറിച്ചുള്ള  
മുൻകരുതലില്ലായ്മ | 24 EXCLUSIVE

- 2.

3. Madhyamam Daily 13-01-2020
4. Hon. Supreme court Judgment in, Interlocutory Application No.90182 OF 2019 T.N. GODAVARMAN THIRUMULPAD vs UNION OF INDIA- Uttarakhand to stop construction in tiger reserves.

I Sajimon Salim, Son of Salim, aged 39 years, residing at the above mentioned address, being an environmentalist, concerned in protection of the ecology want your good self to take immediate action against the managers of the Periyar tiger reserve violated the management plan and conservation laws by executing non-forestry activity in the core zone of the Periyar Tiger Reserve.

During 2019 December 26,27,28, Periyar tiger reserve east division organized a football tournament near Vanchivayal Tribal colony, which falls within core are of Periyar tiger reserve East Division, Vallakkadavu Range and which lies in the Critical Tiger Habitat and Core area as per Periyar tiger conservation plan. For Conducting this tournament, PTR management have done Massive earthworks and land grading to reconfigure the topography of the site, to stabilize slopes. They used heavy earthwork machines like Hitachi & JCB to remove hills in the site. The restrictions put on construction activities in Periyar tiger reserve is violated and it would adversely affect the Biodiversity of the area. The recent floods have taught us too many lessons due to the man-made earth excavations. Aforesaid illegal actions violated all the conservation principals. The relevant documents are attached for ready reference. Hence I once again request you to initiate action against the management authorities of Periyar tiger reserve.

Warm Regards,



Sajimon Salim

Kumily

14-01-2020

Exhibit-3

321

**P.K.KESAVAN**  
**HEAD OF FOREST FORCE, KERALA**



Forest Headquarters, 'Vanalakshmi'  
 Thiruvananthapuram-55014  
 ☎: 0471 - 2339593, Fax: 0471 - 2338808  
 Mob: 9447979002,  
 e-mail: pccf\_for@kerala.gov.in

No. VE3-259/2020

Date: 07.04.2020

To

The Additional Chief Secretary  
 Forests & Wildlife Department  
 Government of Kerala  
 Thiruvananthapuram

Madam,

Sub: Complaint filed by Shri.Sajimon Salim in CMO Portal - Periyar Tiger Reserve – Violation of Tiger Conservation Plan - regarding

Ref: CMO Portal Complaint No.G200102397 & P200100136

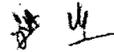
Kind attention is invited to the subject mentioned above. Shri. Sajimon Salim, Kinattinkarayil House, Kumily, Kerala has filed these petition in the CM's Grievance Cell alleging violation of the Tiger Conservation Plan in Periyar Tiger Reserve. The petitioner alleges that a foot ball tournament was conducted inside the Tiger Reserve by constructing a football ground that this has caused ecological imbalance in the area.

On enquiry it is found that the ground mentioned by the petitioner is located contiguous to the Vanchivayal Tribal Settlement in Vallakkadavu Range of Periyar Tiger Reserve, (East) Division. It is an existing ground used by the tribal communities of Vanchivayal Tribal Settlement. Floods of 2018 and 2019 brought in significant accumulation of debris which was removed and the ground was renovated by the Vanchivayal Tribal Eco development Committee themselves. Following this, a football tournament involving teams from outside was also held here.

322

The legalities involved in the matter and the application of the Forest (Conservation) Act, 1980, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Wildlife (Protection) Act, 1972 are under consideration before the National Green Tribunal, Chennai in an OA No.29/2020 filed by the same Petitioner. In view of what is stated above and in view of the fact that, the matter is pending before the National Green Tribunal, no further action is pending at this point and the grievance may be disposed of accordingly.

Yours faithfully,

**Head of Forest Force, Kerala**

Exibbit - 4

**Grievance History - P200600235****Forwarded**

From : Office of the Chief Minister  
To : Secretary- Forest and Wild Life Department  
Date: 09-06-2020 16:00:46

**Remarks:**

Forwarded

**Forwarded**

From : Secretary- Forest and Wild Life Department  
To : Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
Date: 18-06-2020 11:26:03

**Remarks:**

Forwarded

**Forwarded**

From : SHRI. P.K.KESAVAN IFS Principal Chief Conservator of Forests & Head of Forest Force (PCCF & HoFF)  
To : DR:ASHA THOMAS IAS Secretary- Forest and Wild Life Department  
Date: 10-08-2020 16:28:58

**Remarks:**

Report submitted (WL5-225/2020 dated 30/07/2020)

**Transferred To Eoffice**

From : Secretary- Forest and Wild Life Department

Date: 20-08-2020 16:05:30

**Return From Eoffice**

From : Secretary- Forest and Wild Life Department

Date: 03-02-2021 20:00:08

Remarks:

E-Office Closed Remarks:closed

**Close**

By : Secretary- Forest and Wild Life Department

Date: 17-03-2021 16:05:59

Remarks:

closed

From,

SAJIMON SALIM

KINATTINKARAYIL HOUSE

KUMILY P.O, IDUKKI-685509

Ph.: 9895690266

TO

THE HONOURABLE CHIEF MINISTER

STATE OF KERALA

Trivandrum-1

**SUBJECT:** Complaint filed by Sajimon Salim in CMO portal- CMO portal complaint number 200102397 and P200100136 Reg.

Kind attention is invited to the subject and reference mentioned above.

The aforesaid complaint related to the construction of football ground inside the core forest of Periyar Tiger reserve by misusing the powers of public office, has been instructed by the government to the KFD (Kerala Forest Department) to investigate into.

Inquiry conducted by the Conservator of Forest (I and E Kottayam) revealed and reported that serious violation of the Forest laws of the nation and that of the objectives of the NTCA (National Tiger Conservation Authority) approved Tiger conservation Plan has taken place. The report identified FILED DIRECTOR KOTTAYAM, DEPUTY DIRECTOR PERIYAR EAST, ASSISTANT FILED DIRECTOR PERIYAR and RFO VALLAKKADAVU as the culprits and was subsequently endorsed by the Additional Principal Chief Conservator of Forest (Vigilance) vide letter number **V-259/2020 07-03-2020** This report was referred to the Head of Forest Force recommending legal action against the culprits.

However, HOFF vide letter number VE3/259/2020 dated 07-04-2020, without mention to any inquiry or investigation has in a layman's language and tone reported to the government that the aforesaid case is a mere event of natural occurrence associated with the flood situations. Not even a single word from the report of the vigilance wing of his own department headed by an officer of his same rank is mentioned. This officer has misrepresented the facts to the government and has committed a corruption much bigger than what has happened in Periyar Tiger Reserve. As a public and the complainant, I have lost my faith in the integrity of this officer by Name PK KESAVAN IFS who has visibly joined hands with the culprits and has misused his office and the necessary duty he is responsible for.

Request is placed before the honourable Chief Minister to take note of the background corruption to protect the culprits is being taking place and to transfer the case to suitable investigating agency outside Kerala forest department for the prevalence of justice.

YOURS FAITH FULLY



SAJIMON SALIM

KUMILY

09-06-2020

CC TO,

1. THE CHIEF SECRETARY  
GOVERNMENT OF KERALA
  
2. THE ADDITIONAL CHIEF SECRETARY  
FOREST- GOVERNMENT OF KERALA
  
3. THE PERSONAL SECRETARY TO CHIEF MINISTER OF KERALA

Exhibit - 5

**P.K. KESAVAN IFS**  
**PRINCIPAL CHIEF CONSERVATOR OF FORESTS &**  
**HEAD OF FOREST FORCE**



Forest Headquarters,  
 Vanalakshmi, Thiruvananthapuram-695 014,  
 Kerala, India.  
 ☎: 0471 - 2339593 ; Mob: 9447979002  
 E.mail: pccf.for@kerala.gov.in

**No.WL5-225/2020**

**Dated : 30.07.2020**

To

The Additional Chief Secretary  
 Forests & Wildlife Department  
 Government of Kerala.

Madam,

Sub: KF&WLD - Complaint filed by Sajimon Salim in CMO Portal  
 - Reg:

Ref: Complaint No. P 200600235 dated 18.06.2020

Kind attention is invited to the subject mentioned above. In the case related to the construction of football ground within the Periyar Tiger Reserve, Shri.Sajimon Salim had earlier filed a complaint (No. P200100136) in CMO Portal, for which the reply was already uploaded in the portal. Now the same complainant has filed this petition in CMO Portal alleging that the findings from the report of Vigilance Wing is not mentioned in the report sent from this office to the Government. Further, it is alleged that this office has misinterpreted the facts to the Government and has committed a corruption much bigger than what had happened in Periyar Tiger Reserve.

In relation to the above issue, Additional Principal Chief Conservator of Forests (Vigilance) had submitted the report to Principal Chief Conservator of Forests & Head of Forest Force, who is the controlling officer. The report submitted by the Additional Principal Chief Conservator of Forests (Vigilance) was analyzed and it is found that the case involves careful and sensitive interpretation of Forest (Conservation) Act, 1980, the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006 and the Wildlife (Protection) Act, 1972. In the meantime, this issue came before the National Green Tribunal, South Zone, Chennai in O.A. No. 29/2020 filed by the same petitioner.

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The Tribunal in its interim order has formed a Committee consisting of Inspector General of Forests, National Tiger Conservation Authority, South Zone, Chief Wildlife Warden, Kerala, District Collector, Idukki and a representative of State Pollution Control Board, Kerala to look into the allegations made against the officers concerned. The Committee has conducted enquiry to this matter and is yet to submit the report to National Green Tribunal.

It is reiterated that there is no allegation of corruption of any <sup>kind</sup> ~~kind~~ in the matter. What is alleged is a liberal interpretation of the provisions of the Forest Rights Act, which cannot be taken on face value as it overlaps with the participatory mode of forest management which was piloted in the Periyar Tiger Reserve and now adopted across the Country. This issue is currently under the active consideration of the National Green Tribunal and the final decision in it can be taken only after the decisions taken by the National Green Tribunal.

Yours faithfully,



Principal Chief Conservator of Forests &  
Head of Forest Force

## Details for registration number : MOEAF/E/2020/00136

<b>Name</b>	JAMES MATHEW
<b>Date of receipt</b>	28/01/2020
<b>Address</b>	KALANJOOR PATHANAMTHITTA
<b>District name</b>	Pathanamthitta
<b>State name</b>	Kerala
<b>Mobile no</b>	8547790247
<b>Email Id</b>	jamesdfo9@gmail.com

### Grievance description

Kerala State - Periyar Tiger Reserve, Vallakkadavu Range - Constructed a play ground using machinery outside Vanchivayal Tribal Colony in the Critical Wildlife Habitat area violating the provisions of Kerala Forest Act, FC Act, Wildlife Act and Tribal Act. When complaint came about the illegal construction, Officials are trying to regularize under Developmental Rights in Tribal Act. Violation of Act and Rules is so common in Kerala Forest Department and nobody is to take care of the issues. Kindly conduct a fair enquiry and ensure the punishment of Officers who permitted the illegal construction. Chief Wildlife Warden who is supposed to ensure the protection is running busy to save the Field Director and Deputy Director as PTR is the main source of his personal benefits. Expecting an immediate action, Kindly don't push me to appear Court of law.

<b>Name of organisation(s) where grievance is pending</b>	1. FC Section 2. Ministry of Environment, Forest and Climate Change
<b>Type of receipt</b>	Takenup

 Print

 Close

F. No. 11-04/2018-FC  
 Government of India  
 Ministry of Environment, Forests & Climate Change  
 (Forest Conservation Division)

Indira Paryavaran Bhawan,  
 Jorbagh Road, Aliganj,  
 New Delhi-110003  
 Dated: 3<sup>rd</sup> February, 2020

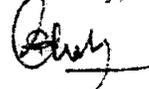
To

1. The Principal Secretary, Forest Department, Government of Kerala, Thiruvananthapuram.	2. The Deputy Director General (Central), Ministry of Environment, Forest and Climate Change, Regional Office, Bangalore.
--	---

Sub: Redressal of grievances of Shri James Mathew – regarding.

Kindly find enclosed herewith a copy of public grievances dated 28/01/2020 (Reg. No. MOEAF/E/2020/00136) received from Shri James Mathew, Kerala. In this regard, you are requested to redress the grievances submitted by Shri James Mathew and inform him accordingly under the intimation to this Ministry.

Yours faithfully,



(Charan Jeet Singh)  
 Scientist -C

Encl: As above.

Copy to:

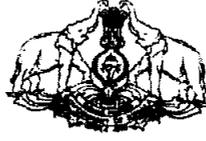
1. The PCCF (HoFF), Department of Forests, Government of Kerala, Thiruvananthapuram.
2. The Nodal Officer (FCA), Department of Forests Government of Kerala, Thiruvananthapuram.
3. Shri James Mathew, Kalanjoor, Pathanamthitta, Kerala.
4. Guard File.

*Handwritten notes:*  
 25/2  
 AEF  
 pls transfer the petition to wildlife wing

Exhibit - 7

**SURENDRA KUMAR IFS**

PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) &  
CHIEF WILDLIFE WARDEN  
KERALA.



FOREST HEADQUARTERS,  
"VANALAKSHMI"  
Vazhuthacaud  
Thiruvananthapuram-695 014.  
☎ (Off): 0471 – 2321610  
Fax: 0471 – 2320554  
Mobile: 9447979009  
E.mail:cww.for@kerala.gov.in

No.WL5-225/2020

Dated 27.02.2020

To

Shri. Nishant Verma  
Deputy Inspector General of Forests (NTCA)  
MoEF & CC, Government of India  
New Delhi. (e.mail:dig2-ntca@nic.in)

Sir,

- Sub : KF&WLD – Periyar Tiger Reserve – Alteration of Core Area using heavy machines for foot ball tournament - Reg
- Ref : 1. Letter F.No. 1-10/93-PT dated 14.01.2020 & 27.01.2020 of MoEF & CC, Govt. of India  
2. Letter No. A2-228/2020 dated 18.01.2020 of Field Director (PT), Kottayam  
3. Letter No. A2-228/2020 dated 31.01.2020 of Field Director (PT), Kottayam  
4. Letter No. A2-228/2020 dated 22.02.2020 of Field Director (PT), Kottayam.

At the behest of the Chief Wildlife Warden, an enquiry was conducted in the matter through Field Director (Project Tiger), Kottayam, who has submitted the report vide reference 2, 3 & 4 above.

(A) The gist of finding of the enquiry by Field Director in the reference 2<sup>nd</sup> above is as follows:

1. In Periyar Tiger Reserve, an area of 0.37 hectares was found to have been freshly leveled in the Vanchivayal tribal settlement (measured using GPS). The work was carried out by Eco Development Committee, Vanchivayal during last fortnight of December, 2019.
2. During the process, no trees have been cut and the leveling has been carried out using earth movers machine.

3. In the social resources land use map of the village micro plan prepared on 17.03.2006, this location (where the earth work has been done) is shown as 'Maidanam' (Playground).
4. The historical Google earth maps from 2007 onwards show the site as devoid of tree cover.
5. Grama Sabha (Orukootam) in its meeting dated 25.04.2017, has recorded in the minutes "it has been decided to undertake the maintenance of the play ground, which is presently used by the children of (Vanchivayal) colony".
6. The district working group held under the chairmanship of District Collector, Idukki has mentioned in its minutes dated 07.09.2018 that "ITDP officer has submitted the proposal for preparation of play ground for Vanchivayal colony and the working group has decided to recommend to the State Level Working Group".
7. The General Body of Vanchivayal Eco Development Committee in its meeting dated 14.11.2019, attended by 61 of the 76 members, demanded that the leveling of the existing play ground and the Deputy Director of Periyar Tiger Reserve East Division has agreed to their demand.
8. Later on the Eco Development Committee of Vanchivayal tribal colony submitted an application in Form A under Section 3 (2) of Forest Rights Act, 2006 on 14.01.2020.
9. The Range Forest Officer, Vallakkadavu processed the application and reported that scheduled tribes of Vanchivayal colony have been demanding repair and maintenance of play ground and common gathering place of the settlement for a long time. In the General Body meeting of the Eco Development Committee held on 14.11.2019, it was decided to repair the gathering place by removing the mud accumulated during the flood and leveling without cutting trees. The Range Officer in his report dated 14.01.2020 also reported that the said repair works have already been executed by the Eco Development Committee.
10. The Deputy Director, Periyar Tiger Reserve East Division issued a Proceeding letter dated 14.01.2020 allowing the demand of the Eco Development Committee under Section 3 (2) of Forest Rights Act, 2006 after placing on record following facts:

*Individual rights under FRA has been given to the Vanchivayal tribal settlement. The common properties / places available in the settlement are a Temple, Anganvady and a play ground. The play ground is being traditional used by the tribes for public gatherings, festivals and for playing. It has been a long pending demand of the tribals to do the repair and maintenance of the ground.*

*Presently, there are 127 youths and children in the settlement. Due to the location of the village deep inside the forests, the absence of proper entertainment and physical activities, the chances of the tribal youth falling for illegal activities is very high. There is a public outrage against the Government for not appending to the demands of tribal people".*

(B) Vide reference 3<sup>rd</sup> above, Field Director, Project Tiger, Kottayam further reported that:

1. Section 4 (1) of Forest Rights Act, 2006 gives the legal provisions of Forest Rights Act an overriding effect over all other legislations.
2. Deputy Director, PTR East has followed all the procedures laid out in the Ministry of Tribal Affairs, Government of India Circular dated 18.05.2008 for seeking prior approval for diversion of forest land for non forestry purposes for facilities managed by the Government under Section 3 (2) of Forest Rights Act, 2006. This includes recommendation of the proposal by Grama Sabha, submission of proposal by the User Agency to the Range Forest Officer, site inspection by the Range Officer and report in Form B and final approval of the proposal by the concerned Divisional Forest Officer.
3. The Eco Development Committee has submitted the application to the Range Forest Officer in the prescribed format only after the completion of the work. This is a deviation from the laid out procedure. However, since the Grama Sabha has already approved and recommended the said repair and maintenance of the gathering space cum playground on 25.04.2017, the work done by the Eco Development Committee can be viewed as an action

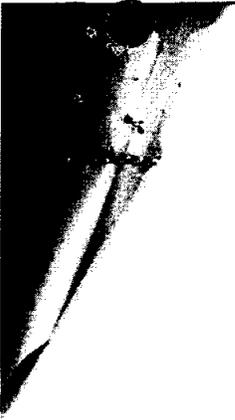
taken in good faith as provided under Section 10 (3) of Forest Rights Act, 2006.

(C) In response to Chief Wildlife Warden's queries seeking clarifications in the matter, the Field Director vide reference 4<sup>th</sup> above has further clarified as follows:

1. The site of the play ground is a part of the Vanchivayal tribal colony.
2. In response to the query about taking up of the leveling work by Eco Development Committee and failure of the Range Forest Officer to stop the work in time, without getting sanction of the appropriate authority under Forest Rights Act, the Field Director has remarked that *"it is only reasonable to presume that the Eco Development Committee has done the restoration of the maidanam that was customarily by them in good faith and there are no reason / evidences to believe any malafide intension in the actions of the Eco Development Committee members in carrying out the repair works and the process of diversion for non forestry use was under Forest Rights Act"*.

He further cites Section 10 (1) of the Forest Rights Act *"No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act. (2). No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act. (3). No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act"*.

(D). The above observations of Field Director, Project Tiger appears to be a factual narration of the entire issue. There is no doubt that the user agency (Eco Development Committee, Vanchivayal), Range Forest Officer and Deputy Director, Periyar Tiger Reserve East Division have acted over zealously without completing the entire procedure of diversion of forest land under Forest Rights Act, 2006. The Vanchivayal



is one of the best tribal settlements of Kerala in terms of social welfare, involvement of tribal community in forest protection and community empowerment. They have received recognition from State Government, when they were awarded 2<sup>nd</sup> best prize tribal colony for best Organic Farming in State Agricultural Award during 2017. The element of good faith on the part of Eco Development Committee, Range Officer and Deputy Director, Periyar Tiger Reserve in completing the work without following procedures is a matter of subjectivity and opinion. But by seeing the track record of Vanchivayal tribal colony, the Range Officer and Deputy Director, the undersigned tends to believe that they can be given benefit of doubt of "acting in good faith".

The undersigned also does not support the idea of holding foot ball tournaments inviting participants from outside. The local community resource has to be used only for the benefit of the local inhabitants.

- (E). However, the matter is under consideration of National Green Tribunal in O.A. No. 29/2020, in which the National Green Tribunal has issued an interim order forming a Committee of Inspector General of Forests, National Tiger Conservation Authority, Chief Wildlife Warden, Kerala, District Collector, Idukki and a representative of State Pollution Control Board of Kerala to look into all the irregularities committed in the issue. The time given by the National Green Tribunal is two months since the date of order (07.02.2020).

The Vigilance Wing of Forest Department is also enquiring this case and Conservator of Forests (Inspection & Evaluation), Kottayam has submitted its report to Additional Principal Chief Conservator of Forests (Vigilance).

As the two agencies, National Green Tribunal and Forest Vigilance are yet to submit their reports, the undersigned opines that final actions should be initiated in this regard only after receipt of both reports and the view taken by the National Green Tribunal.

Yours faithfully,

Principal Chief Conservator of Forests (Wildlife) &  
Chief Wildlife Warden

Exibbit - 8

**SURENDRA KUMAR IFS**  
 PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) &  
 CHIEF WILDLIFE WARDEN  
 KERALA.



FOREST HEADQUARTERS  
 "VANALAKSHMI"  
 Vachuthacaud  
 Thiruvananthapuram-595 014  
 ☎ (Off) : 0471 - 2321610  
 Fax: 0471 - 2320554  
 Mobile: 9447979009  
 Email: owa\_for@kerala.gov.in

No. WL5-225/2020

Dated 27.02.2020

To

The Principal Chief Conservator of Forests &  
 Head of Forest Force,  
 Forest Headquarters,  
 Thiruvananthapuram.

Sir,

- Sub : KF&WLD - Alteration of Core Area using heavy machines for foot ball tournament in PTR - Reg
- Ref : 1. Letter No. A2-228/2020 dated 18.01.2020 of Field Director (PT), Kottayam  
 2. Letter No. A2-228/2020 dated 31.01.2020 of Field Director (PT), Kottayam  
 3. Letter No. A2-228/2020 dated 22.02.2020 of Field Director (PT), Kottayam.

At the behest of the Chief Wildlife Warden, an enquiry was conducted in the matter through Field Director (Project Tiger), Kottayam, who has submitted the report vide reference 2, 3 & 4 above.

- (A) The gist of finding of the enquiry by Field Director in the reference 2<sup>nd</sup> above is as follows:
1. In Periyar Tiger Reserve, an area of 0.37 hectares was found to have been freshly leveled in the Vanchivayal tribal settlement (measured using GPS). The work was carried out by Eco Development Committee, Vanchivayal during last fortnight of December, 2019.
  2. During the process, no trees have been cut and the leveling has been carried out using earth movers machine.
  3. In the social resources land use map of the village micro plan prepared on 17.03.2006, this location (where the earth work has been done) is shown as 'Maidanam' (Playground).

4. The historical Google earth maps from 2007 onwards show the site as devoid of tree cover.
5. Grama Sabha (Orukootam) in its meeting dated 25.04.2017, has recorded in the minutes "it has been decided to undertake the maintenance of the play ground, which is presently used by the children of (Vanchivayal) colony".
6. The district working group held under the chairmanship of District Collector, Idukki has mentioned in its minutes dated 07.09.2018 that "ITDP officer has submitted the proposal for preparation of play ground for Vanchivayal colony and the working group has decided to recommend to the State Level Working Group".
7. The General Body of Vanchivayal Eco Development Committee in its meeting dated 14.11.2019, attended by 61 of the 76 members, demanded that the leveling of the existing play ground and the Deputy Director of Periyar Tiger Reserve East Division has agreed to their demand.
8. Later on the Eco Development Committee of Vanchivayal tribal colony submitted an application in Form A under Section 3 (2) of Forest Rights Act, 2006 on 14.01.2020.
9. The Range Forest Officer, Vallakkadavu processed the application and reported that scheduled tribes of Vanchivayal colony have been demanding repair and maintenance of play ground and common gathering place of the settlement for a long time. In the General Body meeting of the Eco Development Committee held on 14.11.2019, it was decided to repair the gathering place by removing the mud accumulated during the flood and leveling without cutting trees. The Range Officer in his report dated 14.01.2020 also reported that the said repair works have already been executed by the Eco Development Committee.
10. The Deputy Director, Periyar Tiger Reserve East Division issued a Proceeding letter dated 14.01.2020 allowing the demand of the Eco Development Committee under Section 3 (2) of Forest Rights Act, 2006 after placing on record following facts:

*Individual rights under FRA has been given to the Vanchivayal tribal settlement. The common properties / places available in the settlement are a*



*Temple, Anganvady and a play ground. The play ground is being traditionally used by the tribes for public gatherings, festivals and for playing. It has been a long pending demand of the tribals to do the repair and maintenance of the ground.*

*Presently, there are 127 youths and children in the settlement. Due to the location of the village deep inside the forests, the absence of proper entertainment and physical activities, the chances of the tribal youth falling for illegal activities is very high. There is a public outrage against the Government for not attending to the demands of tribal people".*

(B) Vide reference 3<sup>rd</sup> above, Field Director, Project Tiger, Kottayam further reported that:

1. Section 4 (1) of Forest Rights Act, 2006 gives the legal provisions of Forest Rights Act an overriding effect over all other legislations.
2. Deputy Director, PTR East has followed all the procedures laid out in the Ministry of Tribal Affairs, Government of India Circular dated 18.05.2008 for seeking prior approval for diversion of forest land for non forestry purposes for facilities managed by the Government under Section 3 (2) of Forest Rights Act, 2006. This includes recommendation of the proposal by Grama Sabha, submission of proposal by the User Agency to the Range Forest Officer, site inspection by the Range Officer and report in Form B and final approval of the proposal by the concerned Divisional Forest Officer.
3. The Eco Development Committee has submitted the application to the Range Forest Officer in the prescribed format only after the completion of the work. This is a deviation from the laid out procedure. However, since the Grama Sabha has already approved and recommended the said repair and maintenance of the gathering space cum playground on 25.04.2017, the work done by the Eco Development Committee can be viewed as an action taken in good faith as provided under Section 10 (3) of Forest Rights Act, 2006.

(C) In response to Chief Wildlife Warden's queries seeking clarifications in the matter, the Field Director vide reference 4<sup>th</sup> above has further clarified as follows:

1. The site of the play ground is a part of the Vanchivayal tribal colony.
2. In response to the query about taking up of the leveling work by Eco Development Committee and failure of the Range Forest Officer to stop the work in time, without getting sanction of the appropriate authority under Forest Rights Act, the Field Director has remarked that *"it is only reasonable to presume that the Eco Development Committee has done the restoration of the maidanam that was customarily by them in good faith and there are no reason / evidences to believe any malafide intension in the actions of the Eco Development Committee members in carrying out the repair works and the process of diversion for non forestry use was under Forest Rights Act"*.

He further cites Section 10 (1) of the Forest Rights Act *"No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act. (2). No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act. (3). No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act"*.

(D). The above observations of Field Director, Project Tiger appears to be a factual narration of the entire issue. There is no doubt that the user agency (Eco Development Committee, Vanchivayal), Range Forest Officer and Deputy Director, Periyar Tiger Reserve East Division have acted over zealously without completing the entire procedure of diversion of forest land under Forest Rights Act, 2006. The Vanchivayal is one of the best tribal settlements of Kerala in terms of social welfare, involvement of tribal community in forest protection and community empowerment. They have received recognition from State Government, when they were awarded 2<sup>nd</sup> best prize

tribal colony for best Organic Farming in State Agricultural Award during 2017. The element of good faith on the part of Eco Development Committee, Range Officer and Deputy Director, Periyar Tiger Reserve in completing the work without following procedures is a matter of subjectivity and opinion. But by seeing the track record of Vanchivayal tribal colony, the Range Officer and Deputy Director, the undersigned tends to believe that they can be given benefit of doubt of "acting in good faith".

The undersigned also does not support the idea of holding foot ball tournaments inviting participants from outside. The local community resource has to be used only for the benefit of the local inhabitants.

- (E). However, the matter is under consideration of National Green Tribunal in O.A. No. 29/2020, in which the National Green Tribunal has issued an interim order forming a Committee of Inspector General of Forests, National Tiger Conservation Authority, Chief Wildlife Warden, Kerala, District Collector, Idukki and a representative of State Pollution Control Board of Kerala to look into all the irregularities committed in the issue. The time given by the National Green Tribunal is two months since the date of order (07.02.2020).

The Vigilance Wing of Forest Department is also enquiring this case and Conservator of Forests (Inspection & Evaluation), Kottayam has submitted its report to Additional Principal Chief Conservator of Forests (Vigilance).

As the two agencies, National Green Tribunal and Forest Vigilance are yet to submit their reports, the undersigned opines that final actions should be initiated in this regard only after receipt of both reports and the view taken by the National Green Tribunal.

Yours faithfully,

  
Principal Chief Conservator of Forests (Wildlife) &  
Chief Wildlife Warden

E-132363 Exhibit-9



**Anoop K.R. IFS**  
Chief Conservator of Forests  
(Wildlife) &  
Field Director Kottayam

Aranya Bhavan Forest Complex  
S.H. Mount P.O., Kottayam -686006  
☎: 0481 - 2311740  
Email: cf-fdpt.for@kerala.gov.in

No A2 - 228/2020

Dated: 22.02.2020

To

The PCCF & Chief Wildlife Warden  
Thiruvananthapuram

Sir,

**Sub:** KF & WLD Violation of Wildlife (Protection) Act in PTR -  
Petition by Shri. Sajimon Salim Reg.  
**Ref:** A2 228/2020 dated 18.02.2020

Kind attention is invited to the subject matter and referred letter.  
The point-wise response to the clarifications sought by your good self are  
as follows:

**1. In the microplan map of 2006, the maidanam appears to be in between two bits of Vanchivayal tribal colony. It may be clarified whether maidanam can still be considered inside the tribal colony as mentioned by you.**

The Vanchivayal tribal colony consists of three bits of settlements, one temple, anganwadi, maidanam, community hall, school, library and approach road. The maidanam which is a community forest resource<sup>1</sup> is surrounded on all sides by the houses of the Vanchivayal tribal colony and is part and parcel of the Vanchivayal tribal colony (**Annexure 1**). It is due to this reason that as per the Notification of Govt. of Kerala dated 6<sup>th</sup> April 2011, the buffer area have been described in Para 4 as 'Vanchivayal tribal settlement including 3 bits of settlement'. This proves beyond doubt that the Vanchivayal tribal colony comprises of three bits

<sup>1</sup>"community forest resource" means customary common forest land within the traditional or customary boundaries of the village or seasonal use of landscape in the case of pastoral communities, including reserved forests, protected forests and protected areas such as Sanctuaries and National Parks to which the community had traditional access: (Section 2(a) of the Forest Rights Act, 2006)

of settlements and the community forest resources as mentioned above (**Annexure 2**). The explanatory notes to the above notification also clearly recognize the coexistence between wildlife and human activity in the buffer area with due recognition of livelihood, developmental, social and cultural rights of local people. From the above Notification as well as from the Section 2(a) of the Forest Rights Act, 2006, it is evident that the said maidanam is part of the Vanchivayal tribal colony.

**2. Why did the Eco Development Committee, Vanchivayal executed the work of levelling of maidanam before getting sanction of appropriate authority under Forest Rights Act following all the prescribed procedures?**

For a long time, the tribals of Vanchivayal Colony have been demanding repair and maintenance of the playground & common gathering place located inside the Tribal colony that is customarily used by them. In fact, the Gram Sabha (Oorukootam) of Vanchivayal Tribal Colony held on 25.04.2017 had decided to undertake the maintenance of the playground customarily used by them (**Annexure 3**). This has been further approved in the District Working Group held under the chairmanship of the District Collector, Idukki dated 7.9.2018 and has been recommended to the State Level Working Group (**Annexure 4**). Subsequently, in the General Body meeting of the EDC held on 14.11.2019, it was decided to repair the maidanam, the customary common gathering place of the tribal community by removing the mud and debris accumulated during the 2018 and 2019 flood and levelling without cutting of trees as the area was rendered useless and their community activities and practices were affected. The intention of the EDC appears to be the removal of the debris accumulated during the floods and restore the area without felling of trees and expansion of the area. The EDC had carried out this work when the process of getting formal orders was underway.

It appears that the Vanchivayal Tribal EDC has done this in good faith. The statement in this regard from the EDC is attached (**Annexure 5**). It may be noted that the decision to repair the maidanam was taken by the Oorukootam in 2017 itself and was also discussed in various EDC meetings. The process of applying for developmental right for the restoration of the maidanam was also under way. It was also contingent on the EDC to restore the customary common gathering place of the tribal community by removing the mud and debris accumulated during the 2018 and 2019 floods and levelling without cutting of trees as the area was rendered useless and their community activities and practices

were affected. It is only reasonable to presume that the EDC has done the restoration of the maidanam that was customarily used by them in good faith and there are no reasons/ evidences to believe any malafide intention in the actions of the EDC members in carrying out the repair works when the process was underway under the Forest Rights Act, 2006. It is pertinent to mention here that as per Section 10(1) of the Forest Rights Act,

*“No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act. (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act. (3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.”*

### **3. Why did the Range Forest Officer and his subordinates could not stop the work in view of the fact that community development rights were yet to be given?**

In view of the facts mentioned in the preceding section, it is seen that the Range Forest Officer and his subordinate staff have acted in good faith in ameliorating the difficulties faced by a tribal colony that was trying to reconstruct itself from the fury of the flood. As mentioned earlier, the tribal community of Vanchivayal colony have long been demanding their legitimate customary right to restore an area damaged in the flood and the process of formal orders for this were underway. There is no reason to suspect any malafide intentions/ slackness on the part of Range Officer and his subordinate staff on this; rather it is seen that they have acted proactively and with great sensitivity in handling an issue related to the customary right of a tribal community. This action of the Range Forest Officer and his subordinate staff comes under the provisions of the Forest Rights Act, 2006 particularly the Section 10(1) that *“No suit, prosecution or other legal proceeding shall lie against any officer or other employee of the Central Government or the State Government for anything which is in good faith done or intended to be done by or under this Act. (2) No suit or other legal proceeding shall lie against the Central Government or the State Government or any of its officers or other employees for any damage caused or likely to be caused by anything*

*which is in good faith done or intended to be done under this Act. (3) No suit or other legal proceeding shall lie against any authority as referred to in Chapter IV including its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act."*

**4. Whether the works of maintenance of maidanam is part of current Microplan of EDC, Vanchivayal?**

The current Microplan of Vanchivayal EDC was prepared in 2016 that clearly mentions about the maidanam as a community forest resource along with temple, anganwadi, community hall, school, library and approach road. The urgent necessity for repairing the maidanam was felt only after the floods of 2018 and 2019 when the maidanam was badly damaged through accumulation of mud & debris, deep-cut ravines etc. It could be due to this reason that there is no explicit mention about the repairing of the maidanam in the current Microplan that was prepared in 2016 prior to the 2018 and 2019 floods. However, this issue was discussed in several meetings of the EDCs and as per the practice of participatory forest management in the state, such emergency works can be undertaken by the EDC and the same shall be incorporated into the Microplan during its subsequent revision.

**5. It is understood that a football tournament was held in Vanchivayal maidanam inviting teams from outside. Whether holding a tournament in parts of a Tiger Reserve can be considered a community right?**

It is seen from the submissions of the tribal community (**Annexure 5**) that they have been using the maidanam as a common gathering place and playground for their and youth ever since the colony came into existence. As mentioned in response to clarification 1, the said maidanam is a community forest resource used customarily by the community. Hence this comes under Section 3(1)(l), of the Forest Rights Act, 2006 wherein, *the following rights, which secure individual or community tenure or both, shall be the forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers on all forest lands, namely: any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers, as the case may be, which are not mentioned in clauses (a) to (k) but excluding the traditional right of hunting or trapping or extracting a part of the body of any species of wild animal.*

Welfare of tribal communities is a stated objective of the government and Forest Department. Eco development Committees have been constituted in the tribal settlements of Kerala with this objective. Vanchivayal Tribal Colony is one of the best tribal settlements of Kerala in terms of social welfare, involvement of tribal communities in forest protection and community empowerment. They have been awarded for this by the State government in 2017 (**Annexure 6**) It has taken more than twenty years of proactive engagement with the tribal community of Vanchivayal to bring them from near drudgery to this stage of social development. Using the maidanam for playing is a customary practice enjoyed by the community ever since the inception of the colony and conducting football matches or tournament involving members of the colony and from the nearby forest-fringes shows the social empowerment the community has reached. Further, the Notification of Govt. of Kerala dated 6th April 2011, delineating the buffer area of Periyar Tiger Reserve clearly recognizes the coexistence between wildlife and human activity with due recognition of livelihood, developmental, social and cultural rights of local people in the buffer areas. Here, apart from being the buffer area, the said activity was carried out in an area customarily used by the tribal communities as provided in the section 3(1)(l) of the Forest Rights Act, 2006 and hence the said activity is a customary forest right as evidenced by the community in their statement.

It may be noted that the said football matches seem not to have affected the ecology of the tribal settlement and surroundings. Vanchivayal Tribal Colony is one of the most peaceful tribal areas who are law-abiding and friendly with forest department. This is evident from the absence of any nefarious social activities in the colony till now including extremist or anti-social tendencies (which is reported from many other tribal settlements in the state). Proactively heeding to the legitimate demands of local tribal communities is not a charity to be bestowed on them but a moral, social and legal obligation.

**6. What precautions were taken to prevent unauthorized entry into PTR and whether entry fee were collected from the participants who came from outside the PTR?**

From the enquiries made with the staff of Vallakkadavu Range and members of the Vanchivayal Colony, it is understood that during the conduct of football matches, the participation was limited to the kith and kin of Vanchivayal tribal colony and a few people from the fringe-villages of the PTR who are mostly members of other EDCs. Further, it is seen that this was monitored closely by the staff of Vallakkadavu Range. It is a common tradition all over the state to allow dependents and local

people to participate in the festivals, ceremonies, socio-cultural and sports events of tribal communities. As regards to the collection of entry fee, it is submitted that right from beginning of the participatory forest management programme, local people living in and around PTR were exempted from entry fee along with the pilgrims to Sabarimala and Mangaladevi shrine, workers of KFDC areas etc. I may also request your kind attention to the poignant response of the members of Vanchivayal tribal colony to this question that shows the pain inflicted on the community on this issue. **(Annexure 5)**.

Yours faithfully



**Chief Conservator of Forests (Wildlife) &  
Field Director, Kottayam**

Exhibit - 10

HFL-5123/20



Silpa V.Kumar IFS  
Deputy Conservator of Forests

Office of the Deputy Conservator of Forests,  
Research (North) Division, Thrissur  
City.P.O, Chembukavu-680 020  
Phone No: 0487 2334450  
E-mail. [dcf-res-n.for@kerala.gov.in](mailto:dcf-res-n.for@kerala.gov.in)

NE-696/2020

Dated: 09 .12.2020

*2nd copy*  
*IPS*  
*1*  
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*MoFF*

**The Principal Chief Conservator of Forests &  
The Head of Forest Force,  
Thiruvananthapuram,  
Kerala.**

**The Principal Chief Conservator of Forests &  
Chief Wildlife Warden,  
Thiruvananthapuram, Kerala.**

**The Principal Chief Conservator of Forests  
Vigilance,  
Thiruvananthapuram, Kerala.**

*5-12-20*  
*HP*

Sir,

Sub: Disclosure of enquiry report on Vanchivayal ground through RTI by  
Conservator of Forests (I&E), Kottayam - reg

Ref: 1.Letter dated 15.02.2020 no No.D.D personal 1/2019

2. Order of the State Information Commission No 110(6)/2020/SIC dated  
23/6/2020

\*\*\*\*\*

Kind attention is invited to the subject referred above. As informed in the letter referred as(1), the undersigned had filed a petition before the State Information Commission(SIC) on the disclosure of enquiry report on Vanchivayal ground through RTI by Conservator of Forests (I&E), Kottayam. The context of the grievance and the

matter in detail was brought to your kind attention as per ref (1). A detailed enquiry was conducted by the Chief Information Commissioner in which the undersigned and the SPIO of the Office of the Chief Conservator of Forest (I&E) Kottayam was given opportunity to represent the case.

Based on the enquiry, the SIC has disposed the case giving the order cited as reference (2). The order is a speaking one, with all the details of the circumstances that led to the case. The SIC has categorically concluded that the action on the part of the Conservator of Forest (I&E) in releasing the information was rather "extraordinary". Further the Commission has given the undersigned the liberty to approach the departmental authorities for conducting a detailed enquiry into the matter and taking appropriate actions since RTI Act doesn't provide any legal remedy for such aberrations. In the light of the above order, it has become clear that the action of disclosure of Vanchivayal enquiry report by the Conservator of Forest (I&E) before it was finalized by the appropriate higher authorities is legally wrong and was done with malafide intentions. During the enquiry, the undersigned was surprised to know that the section clerk had clearly noted on the file that the information sought by the applicant may not be furnished as no final decision was taken on the enquiry. But Mr. Madhusoodanan IFS, the then Conservator of Forest (I&E) had proactively took up the role of SPIO of that office and published the information purposefully ignoring even the file notings and legal provisions of the RTI Act. The undersigned has no reason to believe that this act of Mr. Madhusoodanan was a humane error or a procedural overlook. Mr. Madhusoodanan had purposefully foregone his official position to act as per the vested interests of some people. The information published by Mr. Madhusoodanan was widely circulated in newspapers, TV channels and was even used as an exhibit for an Original Application *subjudice* in the National Green Tribunal. This act of Mr. Madhusoodanan has resulted in the defamation of the undersigned in the public.

Also, it is more disappointing to see that the same kind of disclosure of reports through RTI and to media before it getting finalized is happening even from the higher offices of Vigilance Wing. This is highly a demoralizing trend and pure disempowerment of rules and procedures, which questions the accountability & credibility of departmental officers. This matter of premature disclosure of enquiry documents (before it has come to a procedural conclusion) from the higher offices of the Vigilance Wing

through RTI and later to media will be represented to SIC and your good self as a separate case.

Hence, as per the order of SIC, I may request your good self to kindly initiate a department enquiry against Mr.Madhusoodanan IFS (Retd) at the earliest. Also, I would like to submit before your good self that the undersigned will be proceeding with other legal remedies for the personal defamation and mental agony caused out of this. A speedy action in this regard is highly solicited.

Yours faithfully,

Encl: Annexures



Deputy Conservator of Forests

Copy to Field Director, Project Tiger, Kottayam.



**STATE INFORMATION COMMISSION, KERALA**  
**PUNNEN ROAD, THIRUVANANTHAPURAM 695 001**

Tel : 0471 2561600, 2561613, 2561614, 2561615 Fax : 0471 2330920

E-mail: [sic.ker@nic.in](mailto:sic.ker@nic.in)

**Proceedings of the Complaint Petition No. 110(6)/2020/SIC**  
**(File No. 2673/SIC - G5/2020)**

**PRESENT**

**Shri. Vinson M. Paul, Chief Information Commissioner**

Smt.Silpa V Kumar IFS,  
 Deputy Director(Project Tiger),  
 O/o the Deputy Director(Project Tiger),  
 Periyar East Division, Periyar Tiger Reserve,  
 Thekkady, Idukki. } **Complaint Petitioner**

State Public Information Officer &  
 Senior Superintendent,  
 Conservator of Forest(Inspection & Evaluation)  
 Office, Kottayam. } **Respondent**

Date of application u/s 6(1)	
Date of reply furnished	
Date of 1 <sup>st</sup> appeal	
Date of decision on the 1 <sup>st</sup> appeal	
Date of filing Complaint	15/02/2020
Date of receipt of Complaint in the Commission	18/02/2020
Date of on which commission sought Report	03/03/2020
Date of Report Received	05/05/2020
Date of Hearing(Audio)	23/06/2020
Presence in the Hearing:	Complainant SPIO
	Present Present

**ORDER**

Complaint Petitioner Smt.Silpa V.Kumar stated before the Commission that as per the direction of the Additional Principal Chief Conservator of

Forests(Vigilance), an enquiry was conducted on Vanchivayal ground and the same is in progress. The Conservator of Forests(I&E), Kottayam had conducted an enquiry and he is said to have submitted a report to the Additional Chief Conservator of Forests(Vigilance). On 13/02/2020, the said report was found widely published in the news papers, TV channels and social media. It was found that copy of the enquiry report of the Conservator of Forests(I&E) was obtained by somebody under the RTI Act and made available to the media in contravention of Section 8(1)(h) of the Right to Information Act which exempts disclosure of information which would impede the process of investigation or apprehension or prosecution of offenders". She stated that the above report was purposefully disclosed by the Conservator of Forests(I&E) to impede the further process of enquiry/investigation. The above report was not yet finally approved by the Competent Authority. Disclosure of the above information which has not come to its logical end was unlawful, resulting in denial of natural justice to the Complaint Petitioner. She said that the above action had caused her defamation and mental agony. She also pointed out that State Public Information Officer in the office of the Conservator of Forests(I&E), Kottayam is the Senior Superintendent of that office and Conservator of Forests is designated as the Appellate Authority vide Order No.E5-6525/2019 dated 31/12/2019 issued by the Principal Chief Conservator of Forests and Head of the Forest Forces. The above report was proactively issued by the above Appellate Authority usurping the responsibility of the SPIO. She stated that the above authority acted prejudicially to tarnish her public image.

2. Sri.P.V.Madhusoodaran IFS, who was holding full charge of the Conservator of Forests(I&E), Kottayam, in the report submitted before the

Commission on 22/04/2020 stated that an enquiry was conducted in connection with the illegal construction activities taken up in Periyar East Division based on a petition preferred by Sri.Sajimon Salim. On completion of the enquiry report was submitted to the Additional Principal Chief Conservator of Forests(Vigilance & Forest Intelligence) on 31/01/2020.

Sri.Sajimon Salim had submitted an application under the RTI Act on 05/02/2020 for getting information regarding the above enquiry. The information requested by him was furnished on 11/02/2020 as the enquiry had been completed and final report submitted. He stated that the allegation of the Complaint Petitioner that the above information was purposefully disclosed to impede the further proceedings of the enquiry/investigation is false and against facts. He stated that his office has no responsibility in publishing the said report in newspapers, TV channels and social media. Section 8(1)(h) of the RTI Act was not applicable in the present case since the enquiry in the matter was completed and report submitted. The disclosure of the above information was made in public interest and Section 11(1) of the RTI Act was not applicable in the above case. Though the Principal Chief Conservator of Forests and HoFF had re-designated the State Public Information Officers, Assistant Public Information Officers and Appellate Authorities, no time stipulation was specified in the order and hence the information sought by the Applicant was furnished by Conservator of Forests(I&E), Kottayam as State Public Information Officer. The above decision was taken in good faith without maintaining any prejudicial notions and hidden motives.

3. The State Public Information Officer in the office of the Conservator of Forests(I&E), Kottayam who participated in the hearing stated that the application calling for information regarding the enquiry report was not seen

by him and he was on leave for two days when the application was received. However, the perusal of the file showed that the Section Clerk who had received the application had noted in the file that the information sought by the applicant may not be furnished as no final decision was taken on the enquiry report. He also stated that the above application was received and initialled by the Conservator of Forests and then marked to the section concerned.

4. The Complaint Petitioner stated that a case has been filed before the National Green Tribunal and the same was admitted by the Tribunal on 30/01/2020 and hence the contention of the Conservator of Forests that no case was pending in the matter was incorrect.

5. On Scrutinising the Complaint Petition and connected documents, the Commission finds that the information sought by the applicant regarding the aforesaid enquiry was furnished by the 1<sup>st</sup> Appellate Authority in the office of the Conservator of Forests(I&E), Kottayam, though the Senior Superintendent of that office was designated as the State Public Information Officer. It is also seen that the above enquiry report had not reached its finality and Conservator of Forests(I&E) had only conducted the enquiry and furnished the report to the Additional Chief Conservator of Forests(Vigilance & Forest Intelligence), Thiruvananthapuram. Final decision on the above enquiry report was pending with the Additional Chief Conservator of Forests. As such, the information sought by the applicant under the RTI Act was covered under Section 8(1)(h) of the RTI Act. The Commission finds that the 1<sup>st</sup> Appellate Authority dealt with the application under the RTI Act taking upon himself the role of the SPIO for reasons best known to him. It is not the case that the 1<sup>st</sup> Appellate Authority had taken upon himself the responsibility of furnishing the

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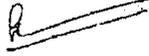
information sought by the applicant as the time frame prescribed under the Act for furnishing information was pending. In view of the above facts, the Commission can only conclude that the action on the part of the Conservator of Forests(I&E) in releasing the above information was rather extraordinary. Nevertheless, the RTI Act does not provide for any action against such aberrations. The Complaint Petitioner can approach her Departmental authorities for conducting a detailed enquiry into the matter and taking appropriate action.

6. The Commission disposes of this Complaint petition as stated above, on the 23<sup>rd</sup> day of June, 2020.

Sd/-

Vinson M. Paul  
Chief Information Commissioner

Authenticated Copy

  
Additional Secretary(Law)

bm

