

Before the Kerala State Human Rights Commission
Sitting at Kozhikode

Present : Shri. K.E. Gangadharan
Hon'ble Member

HRMP No: 4837/09, 4262/09 & 712/09

Petitioner : Joby G.Mathew & four others.

Respondents :

Order dated 27th October, 2009

The grievance of the petitioners are the following.

The petitioners are the farmers belonging to the Valanthode area of Akambadom village of Malappuram District. The land in which the petitioners are cultivating different crops lies on the northern side of the Nilamboor forest. In the year 2009, there has been a severe attack by wild elephants and other wild animals that caused wide spread damages and destruction of crops of the petitioners and caused heavy loss to them. The petitioners also added that the wild animals caused damages to nearly about 20 acres of his cultivation. According to them there is threat to their life also.

On receiving the petition the commission called for a report from the District Collector Malappuram and Divisional Forest Officer Malappuram. Ext. C1 is the report received from the District Collector Malappuram and Ext. C2 is the report of District Forest Officer, Malappuram.

In Ext C1 report the District Collector Malappuram stated that he had conducted a site inspection on 18/02/09 along with Forest Officer Nilamboor North Division, Asst. Forest Conservator, Range Officer Edavanna and the Ward Member Chaliyar Panchayath. In his report it is stated that there was no such damages to the cultivation of the petitioners as alleged in the petition. The report also reveals that necessary direction were given to the Range Officer to submit

an estimate for erecting Solar Fencing in this area to avoid the attacks of wild animals in future and the person's who suffered loss due to the attacks of wild animals in this area has to submit necessary application in the prescribed form for getting compensation before the Divisional Forest Officer Nilamboor North Division.

Ext.C2 is the report filed by the Divisional Forest Officer, Nilamboor North. In the Ext. C2 report the DFO stated that on his enquiry and the site inspection he had noted only one nut tree and one coconut tree were damaged due to the attack of the wild animals in this area. The report also reveals that the petitioners were not properly shown this survey mark of boundary of their property. The petitioners has not produced adequate details regarding the extent of damages caused to their crops. The Ext. C2 report it is seen that the amount of damages shown by the petitioners were only on imagination. The grievances of the petitioners can be considered only if they had submitted an application before the Govt. showing their last three years income of the property.

The Commission issued notices to the petitioners and they were present. The petitioners produced a series of document before the Commission. All these documents were the copy of complaints sent by them before the various authorities and officers. They had stated before the commission that due to attacks of wild animals in the Valanthod area of Akambadom village, they had suffered huge loss since 1984, when they purchased the property. In the year 2009 also they had witnessed an attack from wild elephants in this area and caused huge damages to their cultivation.

On going through the petition and Ext.C1 and C2 report the Commission found that the forest department had erected fencing in that forest area to prevent the attack from wild animals by crossing the river. But the fencing has not been extended to the Valanthod area where the petitioners are

cultivating. This commission also feels that there is recurrent attack of wild animals in this area and causing damages to the crops. The loss caused to the petitioners were not seen adequately compensated by the Government.

It is seen as per GO (Rt) No. 283/2009 F and WLD dated 16/06/2009 that the compensation for the loss on damage to property such as houses, huts, cattle etc. shall be limited to 75% of the loss, subject to the maximum of Rs. 50,000/-. But in that order it is seen that " this will take effect from the date of this order". As the petitioners are concerned, they were not adequately compensated for the loss till this date. So the benefit of the G.O. may be given to the petitioners also.

Hence it is directed that damages caused to the petitioners may be calculated a fresh in accordance with the G.O.(Rt) No. 283/2009 dated 16/06/2009 of the F and WLD.

Directions may also be given to extend solar fencing till valanthode area where the petitioners are cultivating.

Petitioners are entitle for the benefit of G.O. (Rt) No. 283/2009/F&WLD dated 16/06/2009.

**Sd/-
K.E. Gangadharan
Member**

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