

FIFTEENTH KERALA LEGISLATIVE ASSEMBLY

**COMMITTEE
ON
PUBLIC ACCOUNTS
(2023-2026)**

SIXTY FIFTH REPORT

(Presented on 8th October, 2024)



**SECRETARIAT OF THE KERALA LEGISLATURE
THIRUVANANTHAPURAM
2024**

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On

**Paragraphs relating to Forest and Wild Life Department contained in the
Report of the Comptroller and Auditor General of India for the year ended
31st March, 2017**

(Economic Sector)

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COMMITTEE ON PUBLIC ACCOUNTS

(2023-2026)

COMPOSITION

Chairperson :

Shri Sunny Joseph.

Members :

Shri Manjalamkuzhi Ali

Shri M. V. Govindan Master

DR. K. T. Jaleel

Shri C. H. Kunhambu

Shri Mathew T. Thomas

Shri M. Rajagopalan

Shri P. S. Supal

Shri Thomas K. Thomas

Shri K. N. Unnikrishnan

Shri M. Vincent

Legislature Secretariat :

DR. N. Krishna Kumar, Secretary.

Shri Selvarajan P. S., Joint Secretary

Shri Jomy K. Joseph, Deputy Secretary

Smt. Beena O. M., Under Secretary.

INTRODUCTION

I, the Chairperson, Committee on Public Accounts, having been authorised by the Committee to present this Report, on their behalf present the Sixty Fifth Report on paragraphs relating to Forest and Wild Life Department contained in the Report of the Comptroller and Auditor General of India for the year ended 31st March, 2017 (Economic Sector).

The Report of the Comptroller and Auditor General of India for the years ended 31st March, 2017 (Economic Sector) was laid on the Table of the House on 30th November, 2018.

The Committee considered and finalised this Report at the meeting held on 4th September, 2024.

The Committee place on records our appreciation of the assistance rendered to us by the Accountant General in the examination of the Audit Report.

Thiruvananthapuram,
8th October, 2024.

SUNNY JOSEPH,
Chairperson,
Committee on Public Accounts.

REPORT

FOREST DEPARTMENT

2. Implementation of the Wildlife (Protection) Act, 1972 in the State.

2.1 Introduction

The Wildlife (Protection) Act, 1972 (the Act), a Central Act, was enacted for the protection of wild animals, birds and plants and connected matters with a view to ensure the ecological and environmental security of the country. It was enforced in Kerala with effect from 1 June, 1973.

The Wildlife wing of the Forests and Wildlife department (Department) came into existence from 1 March, 1985 on the direction of the Government of India (GoI) to constitute a separate Wildlife wing to strengthen the wildlife protection and conservation programmes in the State in tune with the first National Wildlife Action Plan of 1983. All Wildlife Sanctuaries (WLS) and National Parks (NP) were brought under the control of the Wildlife wing and separate Wildlife Divisions (WLD) were formed to manage them. There are six NPs, 17 WLS and one Community Reserve in Kerala. The total geographical area of Kerala State is 38,863 sq. (km), of which forest land constituted 11,309 sq. (km) (29.10 per cent). The extent of Protected Areas (PAs)¹ as on 31st March 2017, as claimed by the Department was 3,213 sq. (km), which constituted 8.27 per cent of the total geographical area of the State. PAs consist of the areas notified under the Act as Sanctuaries, NPs, Conservation Reserves and Community Reserves. The PAs notified in the State are as shown in Appendix-III(1).

2.2 Organisational set-up

The Department is headed by an Additional Chief Secretary to the Government. The organisational set up of the Wildlife wing of the Department is given in Appendix-III(2).

1 'Protected Area' means a National Park, a sanctuary, a conservation reserve or a community reserve notified under Sections 18, 35, 36A and 36C of the Act.

2.3 Audit Objectives

The Performance Audit seeks to assess:

- (a) whether there was proper and adequate planning for the conservation and protection of wildlife in the State; and
- (b) whether implementation and enforcement measures for wildlife protection were taken in accordance with the Act.

2.4 Audit criteria.

Audit findings are based on criteria derived from:

- Wildlife (Protection) Act, 1972 (as amended from time to time) and Rules framed thereunder.
- Forest Act, 1961 and Rules framed thereunder.
- Management Plans/Conservation Plans/Working Plans of the Division Offices.
- Government Orders, Notifications, Guidelines, etc.

2.5 Audit scope and methodology.

The Performance Audit was conducted from May 2017 to October 2017 covering the period 2012-2017. Audit test checked the records of four WLDs² out of 10 and six Territorial Divisions³ out of 25, selected on the basis of Probability Proportional to Size Without Replacement sampling method. In addition to the samples selected, Audit also scrutinised the records of Silent Valley Wildlife Division, Mannarkkad and Social Forestry Division, Thrissur. An entry conference was conducted on 5th July, 2017 attended by the Principal Chief Conservator of Forests & Chief Wildlife Warden (PCCF & CWW) and the exit conference held on 20th February, 2018.

2 Periyar East, Periyar West, Wayanad & Idukki.

3 Konni, Ranni, Vazhachal, Malayattoor, Munnar and Kothamangalam.

2.6 Audit findings.

2.6.1 Planning for conservation and protection of wildlife in the State.

2.6.1.1 Functioning of the State Board for Wildlife.

According to Section 6 (as amended in 2002) of the Act, the State Government shall constitute a State Board for Wildlife (the Board) consisting of 31 members with the Chief Minister as the Chairperson, which shall advise the State Government on various matters related to protection and conservation of wildlife. In terms of Section 7 of the Act, the Board is required to meet at least twice a year.

The Government of Kerala (Government) constituted the Board as required, but the Board did not hold meetings as specified in the Act. Audit observed that during the period 2012-13 to 2016-17, against the requirement of at least 10 meetings only five were held, with no meeting during 2015-16. Non-conduct of meetings by the Board delayed decisions on agenda items based on which the Board was to advise the Government on issues/matters concerning the protection and conservation of wildlife and its habitat.

The Government replied (March, 2018) that the delay in convening meetings of the Board was not intentional and that the audit findings are taken note of and corrective action would be taken in future.

[Audit paragraphs 2, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.6.1 and 2.6.1.1 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Notes submitted by the Government on the above audit paragraphs are included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

1. While considering the above audit paragraphs, the Committee inquired whether the State Wildlife Board met regularly at present. The Principal Chief Conservator of Forests & Chief Wildlife Warden informed that the board meetings were being held regularly in the current year and had already met in the month of January. He added that a file had been submitted to the Hon'ble Chief Minister to decide the date of the next board meeting.

Conclusions/ Recommendations

2. No Comments.

2.6.1.2 Non-constitution of Advisory Committee

Section 33B⁴ of the Act provides for constitution of an Advisory Committee for rendering advice on the measures to be taken for better conservation and management of each sanctuary including participation of the people living within and around the sanctuary. This is not constituted till date (December, 2017). Hence, the Government failed to ensure better conservation and management of the sanctuaries through local participation.

The Government replied (March, 2018) that the process of formation of an Advisory Committee for each sanctuary was in progress and this would be finalised within a short period.

[Audit paragraph 2.6.1.2 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraphs is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

3. Regarding the above audit para, the Deputy Chief Conservator of Forests informed that a proposal to establish an Advisory Committee was submitted to the Government in the current year. The Committee observed that the proposal for the constitution of the Advisory Committee was submitted only in 2023, after a period of fifty years from the enactment of the Act.

4. The Committee expressed its displeasure over the inordinate delay on the matter and directed the Department to constitute an Advisory Committee as soon as possible and inform the Committee.

4 The State Government shall constitute an Advisory Committee consisting of the Chief Wildlife Warden or his nominee not below the rank of Conservator of Forests as its head and shall include a member of the State Legislature within whose constituency the sanctuary is situated, three representatives of Panchayati Raj Institutions, two representatives of non-governmental organisations and three individuals active in the field of wildlife conservation, one representative each from departments dealing with Home and Veterinary matters, Honorary Wildlife Warden, if any, and the officer-in-charge of the sanctuary as Member-Secretary.

Conclusions/ Recommendations

5. The Committee notes that it took nearly fifty years for submission of proposal for constitution of the Advisory Committee after the enactment of the Act. Therefore, the Committee directs the Department to take prompt measures to establish an Advisory Committee as early as possible and to furnish a report thereon to the Committee urgently.

2.6.1.3 Notification of Sanctuaries/National Parks

The State is empowered by the Act to declare its intention to constitute a WLS or NP through a notification under Section 18 and Section 35 respectively. This is to be followed by appointment of a Collector who will determine the rights or claim of persons over the land and finalise the acquisition within a period of two years. After completion of this procedure, a final notification as per Section 26A⁵ or 35(4) is to be issued declaring the area as a WLS or NP by specifying the limits and the date of effect, which cannot be altered by the State Government without recommendation of the National Board for Wildlife.

Since 1991, the Government issued intention notifications in respect of three NPs and four Sanctuaries as given in Table-2.1.

Table 2.1: Details of Sanctuaries and National Parks notified since 1991

Sl. No.	Name of the Sanctuary/ National Park	Extent (sq.km)	Intention notification issued under section	Date of Notification	Status of land before notification
(1)	(2)	(3)	(4)	(5)	(6)
1	Mangalavanam Bird Sanctuary	0.0270	18(1)	31-8-2004	Purambokke
2	Kurinjimala Sanctuary	32.000	18(1)	6-10-2006	Revenue

⁵ Section 26A was inserted in the Act through amendment Act in 1991

(1)	(2)	(3)	(4)	(5)	(6)
3	Choolannur Peafowl Sanctuary	3.420	18(1)	15-5-2007	Vested
4	Malabar Wildlife Sanctuary	74.215	18(1)	5-6-2009	Reserve/ vested
5	Pambadum Shola National Park	1.318	35(1)	23-12-2003	Reserve
6	Anamudi Shola National Park	7.500	35(1)	14-12-2003	Reserve
7	Mathikettan mala National Park	12.817	35(1)	10-10-2003	Cardamom Hill Reserve

Source: Notifications issued by the Government

It was observed in the above-mentioned cases that though eight to 14 years had lapsed since the intention notifications, the final notification under Sections 26A (1)/35(4) was not issued till date (February, 2018). As the specific limit and situation of the sanctuary is defined and notified only with the final notification, delay in issue of the final notification may lead to alienation of land from the initially notified area as observed in the case of Kurinjimala⁶ Sanctuary.

The Government replied (March, 2018) that the delay in final notification was due to resistance from the public and the long process involved in convincing them. Further, it was stated that in the case of two NPs (Pambadum Shola and Anamudi Shola), the area fell within reserve forests and therefore, the intention notification itself could be considered as the final notification.

⁶ In the case of Kurinjimala sanctuary, the area notified as per initial notification issued in 2006 was 3200 hectares. In 2009, the Collector (appointed under the provisions of the Act) in order to determine the rights issued a notification excluding an area of 672 hectares (possibly due to encroachments) from the proposed sanctuary without assigning any reason.

The reply is not acceptable as Audit observed that even where the land was under the full control of the Department (Mangalavanam Bird Sanctuary), the final notification was pending. In the case of the two NPs, the Government should have directly notified⁷ the area as NPs instead of issuing intention notification under Section 35 (1) of the Act.

[Audit paragraph 2.6.1.3 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

6. While considering the above audit paragraph, the Committee brought to the notice of the Department that even after 15 years of appointment of the ‘Collector’ to settle the rights within the sanctuary, there was a delay in issuing the final notification regarding the Chulannur Peafowl Sanctuary. Additionally, the farmers’ organisations had raised concerns that the notification related to ESZ was not in accordance with the law. The Committee inquired about the reason for the delay in issuing the final notification, including that of Aralam Wildlife Sanctuary.

7. The Deputy Chief Conservator of Forests informed that as amended by the Wildlife Protection Act of 2003, the land notified after 1-4-2003, including earlier reserved forests, did not require a final notification. Therefore, final notification was not required for the three National Parks Pambadum Shola, Anamudi Shola and Mathikettan Mala. He added that ‘Collectors’ had been appointed to settle the rights at Chulannur Peafowl Sanctuary, Mangalavanam Bird Sanctuary, Kurinjimala Sanctuary and Malabar Wildlife Sanctuary. The final notification had not yet been issued due to delay in settling the rights, and it would be issued as soon as the rights are settled. The final notification regarding Aralam Wildlife Sanctuary had not yet been issued, he added.

⁷ Explanation (under section 35 of the Act) - For the purposes of this section, in case of an area, whether within a sanctuary or not, where the rights have been extinguished and the land has become vested in the State Government under any Act or otherwise, such area may be notified by it, by a notification, as a National Park and the proceedings under sections 19 to 26 (both inclusive) and the provisions of sub-sections (3) and (4) of this section shall not apply.

8. The Committee assessed that it was the fault of the Department that the rights were not settled even after so much of delay. To further queries of the Committee, the Deputy Chief Conservator of Forests informed that the Forest Department had no direct role in settling the rights and the responsibility was vested with the Collectors to receive and settle the claims for rights. The Committee suggested that the 'Collectors' be summoned and inquired into the details. The Committee also enquired whether the Government was taking any action in that regard.

9. The Additional Secretary, Forest and Wildlife Department informed that necessary follow-up action would be taken at the earliest. In response to a query of the Committee, he informed that the 'Collectors' were appointed through Government notification.

10. The Deputy Chief Conservator of Forests informed that the 'Collectors' were appointed for Chulannur Peafowl Sanctuary and Malabar Wildlife Sanctuary in 2007 and 2009 respectively and the change in revenue division also caused delay in that regard, but follow-up actions are going on properly at present.

11. The Committee opined that an inordinate delay had occurred on the part of the Department and voiced its profound displeasure with the response provided by the Forest Department. The Deputy Chief Conservator of Forests further clarified that the delay had occurred on the part of the Revenue Department. He added that revenue officials like Sub-Collectors of the respective areas were being nominated as 'Collectors' as it was a land - related issue. He assured the Committee that necessary instructions would be given to the Wildlife Warden and 'Collectors' under the respective sanctuaries for expediting the process.

12. When the Committee inquired about the reason for the absence of the Additional Chief Secretary of the Forest and Wildlife Department in the Committee meeting, the Additional Secretary of the Forest and Wildlife Department replied that the ACS could not attend that meeting as he had to attend another meeting. The Committee expressed strong displeasure over the absence of the departmental Secretary in attending the meeting and the failure of the Department officials in furnishing relevant replies during witness examination.

13. The Principal Chief Conservator of Forests & Chief Wildlife Warden admitted the delay and informed that they had reviewed it several times. He added that if more steps were taken on the matter earlier, it could have been completed by now. He assured that if some more time was allowed, most of the problems would be solved and urgent measures were currently being taken and a meeting would soon be held with the Collectors as well.

14. To the Committee's query as to how long it would take to complete the process, the Principal Chief Conservator of Forests & Chief Wildlife Warden informed that it would take at least six months and a meeting was held with the concerned Collectors to discuss the matters including setting up of an Advisory Committee and that the Department had done everything possible at their level. He also added that two or three meetings had been scheduled at Government level in that regard to speed up the process and discussions were held twice regarding Kurinjimala Wildlife Sanctuary. The land of some private individuals had been acquired by paying the price of the land in connection with Choolannur Peafowl Sanctuary and the delay in issuing the notification was due to some land related disputes and issues in survey number. He assured the Committee that the report would be submitted within six months after resolving all the irregularities. The Committee accepted the reply furnished by the department.

Conclusions/ Recommendations

15. The Committee observes that even after 15 years of appointment of the Collectors to settle the rights within the sanctuary, the final notification has not yet been issued. The Committee opines that the inordinate delay in issuing the final notification was due to some issues in resolving land related irregularities and also expresses its displeasure with the response provided by the Department officials. Hence, the Committee directs the Department that joint meetings of Collectors and Wildlife Wardens of respective Sanctuaries/ National Parks should be convened urgently and also urges to provide necessary instructions to them to expedite the process of issuing final notification.

2.6.1.4 Strengthening and enhancing the protected area network.

National Wildlife Action Plan 2002-2016 focused on strengthening and enhancing the PA network in the country by creation of new legal PA categories like Conservation Reserves⁸ and Community Reserves⁹. Through these categorisations and by including suitable adjacent habitats and corridors with existing PAs, the National Wildlife Action Plan aimed at bringing 10 per cent of India's land mass under the PA network and urged the States to establish new PAs including the proposed Conservation Reserves and Community Reserves, etc.

- The Department reportedly brought 8.27 per cent of the land mass under PA network.
- However, Audit observed that the figures reported by the Department included core area of 293.76 sq. (km) added to Periyar (148 sq. (km)) and Parambikulam (145.76 sq. (km) Tiger reserves; and buffer area of 360.90 sq. (km) added to Parambikulam tiger reserve (212.90 sq. (km.)) and Silent Valley National Park (148 sq. (km)), though the same were yet to be notified as sanctuaries. Therefore, an area of 654.66 sq. (km). out of 3,213 sq. (km.) claimed by the Department was yet to be notified, reducing the area under PA to 6.58 per cent.

Audit also observed that the forest cover of the state was 11,309 sq. (km), of which only 2,558 sq. (km) were under the PA network. The Department did not initiate any action to achieve the PA network target by notifying the forest area, which was already under its control. Even the proposal in the Working Plan of Vazhachal Territorial Division to declare certain forest areas as sanctuaries did not progress further. Therefore, there was scope for improvement in achieving the target PA network area envisaged in the National Wildlife Action Plan 2002-2016.

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- 8 Areas adjacent to National Parks and sanctuaries and those areas which link one protected area with another, declared as a Conservation Reserve for protecting landscapes, seascapes, flora and fauna and their habitat.
- 9 Where a community or an individual has volunteered to conserve wildlife and its habitat in private or community land, the State Government may declare such land as a Community Reserve, for protecting fauna, flora and traditional or cultural conservation values and practices.

The Government replied (March, 2018) that the audit finding was taken note of and efforts in this direction would be expedited.

[Audit paragraph 2.6.1.4 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

16. While considering the above audit para, the Deputy Chief Conservator of Forests submitted that as amended by the Wildlife (Protection) Act, 1972 Section 38V(2) thereof in 2012, even if an area is a core or critical tiger area, the tiger reserve will enjoy the same protection as a sanctuary and therefore, the annexed area need not be declared as a sanctuary. A proposal had been submitted to the State Wildlife Board to notify the buffer zone area of Silent Valley National Park as Bhavani Wildlife Sanctuary and also to set up a new sanctuary named Sankhili Wildlife Sanctuary, he added.

17. An official from AG added to the discussion that the State Wildlife Board, in its meeting held in November, 2010 had recommended that the aforementioned regions be designated as sanctuaries, and in that case, the said places could have been notified prior to the amendment.

18. The Deputy Chief Conservator of Forests informed that the amendment came into effect in 2012, following the recommendations of the State Wildlife Board with the purpose of providing sanctuary protection to those areas. However, such a declaration was unnecessary since the tiger reserves already offered more protection to these areas than the sanctuaries.

19. An official from AG brought to the notice of the Committee that it was stated in Section 38 V(2) that, 'The provisions of sub-section (2) of section 18, sub-sections (2), (3) and (4) of section 27, section 30, section 32 and clauses (b) and (c) of section 33 of this Act shall, as far as may be, apply in relation to a tiger reserve as they apply in relation to a sanctuary' and requested for a clarification

regarding the definition of section 38V (2) of Wildlife Protection Act, 1972 mentioned in the reply submitted by the department.

20. The Deputy Chief Conservator of Forests informed that Section 18 which dealt with the final notification of the sanctuary could be applied here i.e., the annexed area would become part of the Tiger Reserve and the protection of the sanctuary under Section 38 V would invoke all the provisions of the Act.

21. An official from AG stated that since sub-section 2 of Section 38 V specifies the situation and limits of such areas, confirmation would be required in that regard.

22. The Deputy Chief Conservator of Forests informed that the situation and limits were said in cases where there had been a delay in the final notification. When the first notification is released, only an approximate estimate of the limit would be specified and the Collectors would be appointed to make the final decision in that regard. He added that the demarcation could be finalized only after settling the claims regarding the rights of the people within the limits. Since these areas were uninhabited, there were no real claimants and there was no need for declaration after the amendment.

Conclusions/ Recommendations

23. No comments.

2.6.1.5 Administrative control of new area added to Tiger Reserve

The Government notified (December, 2009) an extent of 390.89 sq km as core and 252.77 sq km as buffer area of Parambikulam Tiger Reserve, which were inclusive of 145.76 sq km and 212.90 sq km respectively of the adjoining Territorial Divisions¹⁰.

The first Tiger Conservation Plan (TCP) of Parambikulam Tiger Reserve was prepared for the period 2011-21. As stipulated in the TCP, the Field Director (Project Tiger) was to take over the 145.76 sq km area of forest land from the above three Divisions and manage the area as one unit under the administrative control of Deputy Director, Parambikulam Tiger Reserve.

¹⁰ Nenmara, Chalakkudi and Vazhachal.

It was observed that:

➤ The administrative control of the territorial forest area included in the core area was not handed over to the Parambikulam Tiger Reserve. Hence, the management prescriptions¹¹ provided with regard to protection and conservation of wildlife were limited to the existing forest area of the four¹² ranges of the Parambikulam Tiger Reserve only. There were no specific management prescriptions in respect of weed eradication/Vayal¹³ maintenance, construction of new waterholes, deepening of existing waterholes, construction/maintenance of anti-poaching camps etc in the newly added area which negated the very purpose of their being brought under the tiger reserve.

➤ Similarly, administrative control of the buffer area transferred was not handed over to the Field Director (Project Tiger) even though more than eight years had lapsed since the notification.

The Government replied (March, 2018) that the core area of Vazhachal (60.53 sq km) and Chalakkudy (42.24 sq km) was already handed over to Parambikulam Tiger Reserve and that of Nenmara Division (42.99 sq km) was in progress. Further, the area was managed as a tiger reserve as per the prescriptions in the TCP and wildlife management is being carried out in these areas.

The reply is to be viewed against the fact that handing over of the entire core area, which is under the sole control of the Department and where no third party is involved is not yet complete despite more than eight years of the notification. Moreover, the TCP (2011-21) of Parambikulam Tiger Reserve does not include management prescriptions for these areas.

2.6.1.6 Delay in notification of areas as Sanctuary

The Government added areas of the adjoining Territorial Forest Divisions to the existing sanctuaries and tiger reserves through notifications as either buffer or core area. These areas were, however, not notified as PAs.

11 The Department used the word 'prescription' in the Management, Conservation, Working Plans to denote stipulations for future action.

12 Sugam, Karimala, Parambikulam and Orukomban.

13 Vayals are low altitude marshy grass lands with perennial availability of water and grass.

An extent of 148 sq km of Ranni Territorial Division was added as core area to the Periyar Tiger Reserve (PTR) during the year 2007. Similarly, an extent of 145.76 sq km¹⁴ of adjoining territorial division was added to the core area of the Parambikulam Tiger Reserve during the year 2009. Further, an extent of 148 sq km was added (June, 2007) to the Silent Valley National Park as buffer. Though the State Board in its meeting held on 30th November, 2010 recommended declaring the above areas as WLS, the same did not materialise.

The Working Plan¹⁵ of each Division, prepared for a period of 10 years, is approved by the Ministry of Environment, Forest and Climate Change (MoEF & CC). It was proposed in the Working Plan (2002-12) of the Vazhachal Division to declare the entire forests of the Division, excluding Athirappilly Range, as a Sanctuary so that the whole area becomes a conservation unit. Out of the total Divisional forest area of 413.94 sq km, 318.84 sq km was proposed to be declared as Sanctuary. Though an extent of 215.75 sq km¹⁶ of this was added to Parambikulam Tiger Reserve, the Department did not take action to declare the remaining area of 103.09 sq km as Sanctuary. This weakened enforcement of penal provisions against violation of prohibited/ restricted activities like restricting entry to the sanctuary, prohibition of entry with weapon, etc.

The Government replied (March, 2018) that the process of issuing final notification of the area handed over to the PA network was in progress.

[Audit paragraphs 2.6.1.5 and 2.6.1.6 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Notes submitted by the Government on the above audit paragraphs are included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

14 Nenmara Territorial Division 42.99 sq km, Chalakkudi Territorial Division 42.24 sq km and Vazhachal Territorial Division 60.53 sq km.

15 Working plan is a written scheme of management aiming at continuity of policy controlling the systematic treatment of a forest prepared for each territorial division.

16 60.53 sq km core and 155.22 sq km as buffer.

24. While considering the above paras, the Deputy Chief Conservator of Forests informed that it was only after the aforementioned amendment, the Tiger Conservation Plan (TCP) came into effect, which included a buffer plan and a core plan. He added that people should not enter the core area even though that area belongs to the Territorial Forest Division. When the TCP came, the buffer plan was also included in the plan of Parambikulam Tiger Reserve. So, the administrative jurisdiction of Parambikulam Tiger Reserve vests with itself, and the conservation and other matters are being done accordingly.

Conclusions/ Recommendations

25. No comments

2.6.1.7 Deficiencies in planning

In forest areas, other than the PAs and Tiger Reserves, management of wildlife and animal habitats are included in the Working Plan of the respective Forest Division. In respect of PAs and Tiger Reserves, separate plans are prepared by respective Divisions for management of wildlife and habitats and approved by PCCF&CWW¹⁷/National Tiger Conservation Authority (NTCA)¹⁸. As per the National Forest Policy, 1988, no forest should be permitted to be worked without an approved working plan by the competent authority and the National Working Plan Code, 2014 requires the working plans to be revised every 10 years.

The Divisional Forest Officers (DFOs)¹⁹ as the Wildlife Wardens are responsible for the protection and conservation of wildlife and habitats in their respective jurisdictional area and are required to manage them through approved working plans of the Division.

Audit observed that in Vazhachal, Ranni, Malayattoor, Konni and Kothamangalam Divisions, there was no working plan during the period 2012-17, 2012-14, 2012-15, 2011-15 and 2011-16 respectively. In the absence of a 10 year working plan, these Divisions followed short term interim management plans.

17 PCCF&CWW approves the management plan of PAs.

18 NTCA approves the Tiger Conservation Plan.

19 The DFOs are responsible for management of their respective territorial divisions, whereas wildlife wardens are responsible for management of wildlife divisions which comprise PAs.

Short term plans were prepared without detailed planning inputs, or any prescription for management of wildlife and habitats. Implementation of short term plans without inclusion of area specific measures for conservation and protection of wildlife negatively impacts scientific management of forest.

The Government accepted (March, 2018) the audit observation and stated that the lack of continuous approved working plan was due to the long process to be followed in the preparation and approval of the working plans. But currently all divisions except Vazhachal had got approved working plans prepared as per the new working plan code, which included adequate management measures for protection and conservation for wildlife.

2.6.1.8 Shrinkage of elephant habitat in Munnar Division and its impact

Catchment area of Anayirangal Reservoir²⁰ in Munnar Division was a hub of wild animals especially elephants due to the availability of water and fodder. During the year 2002, the State Government rehabilitated landless tribes in Pandhadikkalam, 301 Colony²¹ and 80 Acre area adjacent to Anayirangal. There were 15 settlements surrounding the reservoir, of which five were new tribal settlements, which came up after land assignment in 2002. With the establishment of new settlements, the available habitat of elephants in this area shrank, which resulted in intense human-elephant conflicts in this area. To counter animal attacks, damage of crops, etc. solar fences were built along the private land boundaries blocking the natural path of elephants, which made them more aggressive.

Many incidents of death, damage to crops/building, injuries etc. due to animal attacks, disturbances to wildlife due to tourism activities were reported in Chinnakanal and Anayirangal area of Devikulam Range. Many of the inhabitants rehabilitated abandoned the area due to frequent elephant attacks.

The situation was further aggravated by the use of boats by Kerala State Electricity Board Limited for tourism activities in the reservoir. The elephants, which get disturbed by the boating activity do not have an escape route as all other sides are surrounded by private properties secured by fences. Thus, due to the actions of the Government neither the purpose of tribal welfare nor wildlife conservation is served.

20 Reservoir area of Anayirangal Dam is controlled by Kerala State Electricity Board Ltd.

21 Around 301 families settled down at Anayirangal area between 2001 and 2005, hence the name 301 Colony.

The approved Working Plan of the Division (period 2010-20) emphasised keeping the corridors to Mathikettan side and Kannan Devan Hill side, free from activities impeding elephant movements. The Working Plan recommended protecting the entire valley by declaring it as an Ecologically Sensitive and Protected Area and to confine the human settlements by re-locating them to areas less frequented by elephants.

The Act empowers the State Government to declare an area as PA if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wildlife or its environment. The area was frequented by elephants and the Department objected to the rehabilitation, but the Government ignored this and rehabilitated landless tribals in this area.

Audit observed that the Department did not submit any proposal to the Board for declaring the area as PA. The Division requested the District Collector, Idukki only in May, 2017 to submit a proposal to the Government for relocating the remaining people of the 301 Colony elsewhere.

Non-declaration of the area as PA is causing continued human-wild animal conflicts.

The Government stated (March, 2018) that the area as pointed out fell under Anamudi Elephant Reserve managed as per the prescriptions in the approved Elephant Reserve Management Plan. So it may not be required to declare the said area as a PA as mentioned in the audit observation.

The reply is not acceptable as in the working plans proposed by the Department and approved by MoEF & CC, the area should have been declared as PA for elephant corridor and the tribals should not have been rehabilitated in this area.

Recommendation No.1: The Government may initiate steps to expedite final notification for declaration of the Sanctuaries/National Parks.

Recommendation No.2: The Government may take measures to ensure continuity of working plans.

[Audit paragraphs 2.6.1.7 and 2.6.1.8 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Notes submitted by the Government on the above audit paragraphs are included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

26. While considering the above audit paras, the Committee inquired about the measures that had been taken by the Expert Committee constituted under the direction of Honourable High Court to formulate short/long term measures to prevent human-wildlife conflicts and crop damages.

27. The Deputy Chief Conservator of Forests informed that in the first meeting of the Expert Committee held in Munnar, the problems related to boating in the reservoir were solved and certain problems existing in Munnar had been solved to some extent. The Expert Committee meetings were being held regularly in other areas as well, and measures were being taken. As a long-term strategy, proposals for installing fencing - like measures in many divisions across Kerala with the help of NABARD had been approved and were being implemented and further suggestions were being expected from the Expert Committee, he added.

28. In response to a query from the Committee, the Principal Chief Conservator of Forests & Chief Wildlife Warden informed that the Expert Committee was established as per the instructions of the High Court and the members include Adv. D. Ramesh Babu, Amicus Curiae, Shri.O.P. Kaler, former Additional Principal Chief Conservator of Forests, Shri. Pramod G. Krishnan, Additional Principal Chief Conservator of Forests (Vigilance and Forest Intelligence) and other officials. He also added that the Committee was preparing a report on short/long term measures and a project of ₹620 crore had been prepared for submission before the Central Government. After the submission of the said project, it has been decided to formulate preventive measures through three or four projects. He added that NABARD had already sanctioned a project at the State level for setting up about 600 km of hanging solar fencing, ordinary solar fencing, trenches etc. and the tender process was ongoing. At present, only the work of

hanging solar fencing and a project costing ₹40 crore which had been sanctioned only for Wayanad region including Aralam area were in progress. It was decided to construct 800 kilometres of fencing using funds from various heads of accounts. There would be no financial constraints, as NABARD would provide the necessary funds for that.

29. The Committee also pointed out certain regional issues reported in Kasaragod District and opined that the Forest Department had not taken any action in those issues. The Deputy Chief Conservator of Forests replied that the panchayats in Kasaragod District were handling the preventive measures more effectively than the Forest Department, and fencing had been done for 25–30 kms.

30. The Committee evaluated that as there were no other options, the public was taking up the work that should have been done by the Forest Department and was adopting preventive measures at their own cost.

Conclusions/ Recommendations

31. The Committee evaluates that the repeated recent incidents of human-wild animal conflicts that have resulted in loss of life and extensive damage to agricultural crops are of serious concern. The Committee notices that the delay in taking action by the Forest and Wildlife Department has further worsened the issue. So, the Committee directs that sufficient and adequate measures with the assistance of NABARD should be taken to prevent such incidents in future.

2.6.2 Implementation of conservation, protection and enforcement measures

2.6.2.1 Population of umbrella species

Tigers and elephants serve as umbrella species²² for the conservation of all biota represented by the ecosystems. The status of their population indicates the well-being of the ecosystem.

22 Umbrella species are those species selected for making conservation related decisions as protecting those species indirectly protects many other species that make up the ecological community of its habitat.

According to the censuses and as reported by the Wildlife Institute of India, Dehradun the population of tigers in Kerala increased from 46 in 2006 to 136 in 2014. Similarly, as per the report of elephant population census August, 2017, estimated elephant population in Kerala increased from 2,735 in 2012 to 3,054. This indicates that the protection and conservation measures implemented by the Department is yielding results.

2.6.2.2 Ineffective surveillance

➤ The Act prohibits hunting of wild animals. The Plans of the Divisions prescribe construction of camp sheds at vulnerable and strategic locations with constant presence of forest officials/protection watchers to strengthen anti-poaching initiatives.

Audit observed that out of 60 anti-poaching camps prescribed for construction in eight²³ Divisions test checked, only eleven were constructed.

➤ In terms of the Forest Code, Beat Forest Officer (BFO)²⁴ is to perambulate the area under his beat in such a way that the entire beat area is covered in every seven days. It is the duty of the BFO to prevent forest offences and to collect and communicate to senior officers all information regarding the forest offences committed or attempted, to make private enquiries on suspicious characters frequenting the forest and find them, etc.

Audit observed that 12 offences of elephant killings in Malayattoor Division committed between June 2014 and January 2015 and four elephant killings in Vazhachal Division in June 2015 were detected by the Divisions only after several months of the incidents, that too on the offender confessing to the crime.

This was indicative of inadequate surveillance by the Divisions.

The Government replied (March, 2018) that a detailed protection plan was prepared for each division identifying the vulnerable areas and that interior camping and perambulation routes were identified in the plan. The protection was strengthened through revamping the wireless network, GPS tracking, Personal Digital Assistant devices, installing camera traps, etc.

23 Konni, Periyar West, Ranni, Malayattoor, Munnar, Vazhachal, Silent Valley and Idukki Divisions.

24 Earlier termed as Forest Guard.

2.6.2.3 Issues relating to wildlife offences

➤ Ineffective handling of wildlife offences

Hunting (poaching) of wild animals, trespassing into the WLS, NP, Reserve Forest, etc. are offences punishable under the Act. According to the Forest Code, when a forest officer below the rank of Range Officer (RO) detects commission of a forest offence, he shall submit to the (RO) within 24 hours, an occurrence report of the case in the form of Mahassar setting forth all the details of the offence committed. On receipt of the report, (RO) after proper enquiry should submit a report in Form B²⁵ to the DFO.

Audit observed that in the 10 Divisions test checked, 630 wildlife offences were registered since 2000, of which, 165 offences were booked by (RO) but not charged in court for want of submission of Form B report as shown in Appendix III(3).

The average rate of conviction in the wildlife offences disposed off by the Courts in respect of the test checked Divisions was 22 per cent. Some of the reasons for low rate of convictions in the Court were due to the inability of the investigating officers to gather and produce proper and sufficient evidences to establish the crime, failure in producing the articles seized at the crime spot, and procedural lapses.

Offences committed in the Sanctuary are to be charged under the provisions of the Act; instead, it was observed that some cases²⁶ were booked by the Wayanad Wildlife Division under the Kerala Forest Act, 1961, reducing the gravity of such offences.

The Government replied (March, 2018) that regular refresher courses were being conducted by the State Forest Institutes regarding wildlife crime investigation and the trend was changing and many of the wildlife offenders were convicted.

25 The report furnished by a Range Forest Officer to the Divisional Forest Officer after investigating a forest offence.

26 Out of 180 cases, six cases of illegal constructions, one case of illicit felling of sandal woods, two cases of setting forest fire and one case of destruction of junda (cain).

➤ **Permitting declaration of animal articles without issue of notification**

According to Section 40 (1) of the Act, every person having captive wild animals, specified animal articles, etc. is liable to declare particulars of such captive wild animals or specified animal articles to the Chief Wildlife Warden (CWW) or the authorised officer within thirty days from commencement of the Act. The CWW on receipt of the declaration would issue a certificate of ownership, under Section 42 of the Act. As per Section 40(2B), every person inheriting any captive animal, animal article, trophy or uncured trophy was required to make a declaration to the CWW or the authorised officer within ninety days of such inheritance.

Under Section 40(4) of the Act, the State Government may, through a notification published in the official gazette, require any person to declare to the CWW or the authorised officer any animal article or trophy (other than musk of a musk deer or horn of a rhinoceros) or salted or dried skins derived from an animal specified in Schedule I or Part II of Schedule II in his control, custody or possession in such form, in such manner, and within such time, as may be prescribed. Three opportunities were given to the public, first in 1972, then from 1978 to 1991 and finally in 2003 to declare possession of animals and animal articles. During the period 2012-17, there were two declarations of possession of animal articles under section 40(4) of the Act by a prominent film actor, consequent to detection (21 December, 2011) of four elephant tusks by forest authorities at his house. The Department registered (2012) an offence²⁷ against the actor. The Government granted (16 December, 2015) him permission under Section 40(4) of the Act to declare possession of the four articles by issuing an order specifically for the actor. Thereupon, he requested (3 February, 2016) for permission to further declare 13 artefacts made of ivory, stated to be family heirlooms. The Government granted (17 February, 2016) permission for this also and he declared (24 February, 2016) possession of the artefacts to the CWW.

Audit observed that issue of a specific order to benefit an individual, instead of issuing a notification published in the official gazette was a violation of Section 40(4) of the Act.

27 OR No.14.2012 of Mekkappala Forest Station of Malayattoor Division.

The Government replied (March, 2018) that on 15 December 2015, the CWW submitted to the Government a draft notification for providing one time opportunity to individuals for declaration of elephant tusks and ivory artefacts.

However, in the same reply, Audit observed that, the Government instead of providing opportunity to individuals, issued an order permitting only the actor to declare animal articles in his possession. Further, Audit observed that the order was not as per the provisions of the Act, which required the Government to issue a notification published in the official gazette and that similar offences²⁸ booked by the Divisions did not receive such favourable treatment but were either under investigation or under trial in Courts.

[Audit paragraphs 2.6.2, 2.6.2.1, 2.6.2.2 and 2.6.2.3 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Notes submitted by the Government on the above audit paragraphs are included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

32. While considering the audit paragraph regarding the ineffective handling of wildlife offences, the Committee inquired about the current status of the rate of conviction in wildlife offences and also about the steps taken to improve the falling conviction rates as pointed out by Audit.

33. The Deputy Secretary, Legislature Secretariat pointed out that out of the 630 cases registered in the 10 divisions test checked by audit, only 165 cases were booked by the Range Officer. The Deputy Chief Conservator of Forests informed that an accurate data would be submitted after checking the rate of conviction. He added that certain lapses had occurred in the investigation after booking of the first case but at present, proper follow up actions and gathering more evidences are taken up when such cases are booked. In recent cases reported, the investigation was being conducted effectively to prove the conviction.

28 For instance OR No.24.2008 (illicit storage of wildlife trophy), OR No. 18.2009 (illicit custody of stuffed head of tiger and leopard), OR No.10.2015 (illicit possession of elephant tusk and teeth), etc registered in Devikulam Range.

34. To a query of the Committee whether there were any long pending cases where charges had not been issued, the Deputy Chief Conservator of Forests informed that cases under the Wildlife Protection Act were usually given more priority and hence the rate of prosecution of such offenses was very high.

35. While considering the audit observation regarding “permitting declaration of animal articles without issue of notification”, the Committee enquired whether the ivory was kept with the Devaswom or handed over to the Forest Department in the event of death of an elephant under the ownership of Devaswoms. The Principal Chief Conservator of Forests & Chief Wildlife Warden informed that in such cases, usually applications were immediately submitted to the Department for keeping the ivory. But recently, the tusks were collected directly by the Forest Department.

36. To a further query of the Committee, the Principal Chief Conservator of Forests & Chief Wildlife Warden informed that earlier there was a Government directive to destroy those items but the Forest Department was keeping them as doing so would not benefit anyone. When the Committee wanted to know whether they could be sold as per the provisions of the Act, the Principal Chief Conservator of Forests and Chief Wild Life Warden replied in the negative.

Conclusions/ Recommendations

37. The Committee directs the Department to furnish the current status of rate of conviction in wildlife offences.

2.6.2.4 Degradation of forest ecology due to encroachments

The Act envisages ecological and environmental security of the country through protection of wild animals, birds and plants. Any encroachment of forest land (wildlife habitat) and destruction of plants by humans for cultivation of crops is a serious threat to the ‘natural home of wild animals’.

The Act does not contain provision to book the encroachments in areas other than PAs as an offence. Hence, the encroachments are to be evicted using powers contained in Section 66 of the Kerala Forest Act, 1961 or provisions of other applicable statute. The Government notified the Kerala Land Assignment

(Regularisation of Occupations of Forest Lands Prior to 1 January, 1977) Special Rules, 1993 through which an extent of 28,588 hectares (ha) of forest land admittedly encroached in the State prior to 1 January, 1977 were regularised. Thereafter, no fresh encroachment was to be allowed and any attempt at encroachment from any quarter was to be dealt with firmly and new encroachments after 1 January, 1977 were to be evicted.

Audit observed that 11,917.8952 ha of forest land was encroached²⁹ in the State after 1 January, 1977, of which, only 4,628.5555 ha was evicted. The balance 7,289.3397 ha included areas coming under Territorial Divisions Munnar, Kothamangalam and Konni³⁰ test checked in audit. An extent of 310.632 ha which was not a part of the 7,289.3397 ha was also encroached in the Kaliyar Range of Kothamangalam Division.

The Department failed to prevent encroachments made after the regularisation of occupation of forest land as on 1 January, 1977 in spite of being empowered under Section 66 of the Forest Act, 1961.

According to Rule 26 of the Forest Settlement Rules, 1965 when a forest land is notified as reserve forest under Section 19 of the Forest Act, 1961, the Chief Conservator of Forest should immediately take necessary steps to demarcate the boundaries of the land by construction of permanent cairns. Non-demarcation of forest boundaries with cairns facilitated encroachments.

Even though 31 years elapsed since the last reserve forest was notified, Audit observed that as of March, 2017, construction of a total of 41,880 Cairns were pending.

The Government replied (March, 2018) that following High Court orders, the Department handed over a list of encroachers to the concerned District Collectors for eviction, and an extent of 866.8997 ha was cleared of encroachment so far. Further, against the construction of 41,880 cairns pending as of March, 2017, 12,258 were constructed upto February, 2018.

29 As per a counter affidavit filed by the State before the High Court in September 2015.

30 Measuring 1,099.6528 Ha, 147.5961 ha and 11.41 ha respectively.

[Audit paragraph 2.6.2.4 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

38. While considering the above audit para, the Deputy Chief Conservator of Forests informed that due to non-consolidation of the boundaries, there had been many encroachments and more than fifty thousand jundas had been constructed to demarcate the boundaries, after the last audit period. The consolidation of the boundaries would resolve all those issues, he added.

Conclusion/ Recommendation

39. The Committee observes that non-demarcation of forest boundaries with cairns has facilitated encroachments. So, the Committee directs the Department to take necessary steps to demarcate the boundaries of forest land by constructing permanent cairns.

2.6.2.5 Constructions in Wayanad Wildlife Sanctuary in violation of the provisions of the Act

During the period prior to 1950, cultivable lands within the Reserve Forest of Wayanad Plateau were leased out on an annual basis under Section 21 of the Madras Forest Act, 1882, for cultivation of annual crops. In 1973, an extent of 344.40 sq km of the reserve forest including leased out lands was notified as Wayanad Wildlife Sanctuary (WWS) under the Wayanad Wildlife Sanctuary Rules, 1973. Section 33 of the Wildlife (Protection) Act, 1972 does not permit construction of permanent buildings within the sanctuary area other than for sanctuary purpose.

Audit observed that though the lease agreements were not renewed since 2004, the possession of the leased-out land was not taken by the Department. The present occupiers of the erstwhile leased out land were not the original lessees. The Assistant Wildlife Warden in his field inspection report (December, 2012) stated

that 13 residential buildings and 19 commercial buildings, three to forty years old were illegally built on the land included in lease nos. 3 and 4 near Muthanga check post. No action was taken by the Department to remove these unauthorised structures despite being empowered to do so under Section 34A of the Act.



Pic 1&2 – Buildings illegally constructed in the erstwhile leased land near Muthanga checkpost in the Wayanad Wildlife Sanctuary. (Both pictures taken on 09 March, 2018)

The Government replied (March, 2018) that eviction process was difficult, and it would create law and order issues. Further, most of the people living in the leased-out land were landless farmers and were forest dependent and that they could not be treated as illegal encroachers and summarily dealt with.

[Audit paragraph 2.6.2.5 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

40. Regarding the above audit para, the Deputy Chief Conservator of Forests, informed that certain encroachments had been noticed in the Wayanad Wildlife Sanctuary and steps were being taken to vacate them.

41. The Principal Chief Conservator of Forests & Chief Wildlife Warden informed that in 1940, as part of the 'Grow More Food' programme, some parts of the sanctuary were leased out for agricultural purposes. But certain illegal buildings were constructed by the lease holders and steps were being taken to remove those illegal constructions and to continue the lease agreement for agricultural purposes only. He added that if the eviction processes were carried out forcefully, it would create a social problem. So meetings were being held to sensitize them.

Conclusions/ Recommendations

42. No comments.

2.6.2.6 Un-regulated tourism activities in Periyar Tiger Reserve

The Department leased out 946.91 ha³¹ of forest land in Goodrical Range of Ranni Division for cardamom plantation to Kerala Forest Development Corporation Limited (KFDC), which handed over (1979) 34 ha of it to the Kerala State Electricity Board Limited (KSEB) to construct a dam at Gavi. During 1998, the KFDC started eco-tourism activity near the Gavi Dam and used the surrounding lease area for eco-tourism. During the year 2007, Government added an extent of 148 sq km (14800 ha) of reserve forest of Goodrical Range encompassing the Gavi eco-tourism area to the core area of PTR.

Tourist vehicles entering the core area unaccompanied by forest staff/ authorised guides often went close to wild animals leading to confrontation. The tourists were also involved in unauthorised trekking, setting of fire and littering. Hence, traffic through the core area of PTR was considered in the TCP as a prioritised threat to the Tiger Reserve.

NTCA brought out (October, 2012) Normative Standards for regulating tourism activities and Project Tiger under Section 38-O(1)(c) of the Act. The Standards stipulate that the CWW should ensure preparation of a tourism plan by each tiger reserve as part of the Tiger Conservation to include identification of corridor connectivity and important wildlife habitats and mechanisms to secure them along with fixing of a ceiling on the number of visitors, this was not complied

31 146 ha in 1977 and 800.91 ha in 1981.

with. Other stipulations such as constitution of a Local Advisory Committee (LAC), establishment of an advance booking system to control tourists and number of vehicles, etc. were also not complied with. Though tourism activities in Tiger Reserves are to be under the overall guidance of the respective Tiger Conservation Foundations and the LACs, Gavi tourism area was managed by KFDC alone. These non-compliances were also against the direction (16 October, 2012) of the Honourable Supreme Court to follow the guidelines issued by NTCA in respect of tourism activities in and around Tiger Reserves.

The Government replied (March, 2018) that the tourism activities were regulated inside the Park as per the instructions and guidelines issued by NTCA in this regard. The tourism management in PTR was carried out as per the prescriptions approved in the TCP and that restrictions were placed on the number of vehicles permitted to enter the PTR.

However, it is observed that the regulations imposed are not as per the normative standards for tourism activities inside tiger reserves issued (October, 2012) by NTCA.

[Audit paragraph 2.6.2.6 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraphs is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

43. While considering the above audit para, the Deputy Chief Conservator of Forests informed that the audit observation was related to the vehicular movement inside Periyar Tiger Reserve. The road from Vandiperiyar to Angamoozhi having transport bus service passes through the Periyar Tiger Reserve and currently the regulations under the Tiger Reservation Plan were being strictly enforced there.

44. To a query of an official from AG whether a Local Advisory Committee had been constituted as per the guidelines of the National Tiger Conservation Authority, the Principal Chief Conservator of Forests & Chief Wildlife Warden informed that on the basis of the proposal to form an advisory committee for all sanctuaries, steps would be taken to constitute the Committee there as well.

Conclusions/ Recommendations

45. No comments.

2.6.2.7 Non-clearance of undergrowth below power lines

Four high tension power (HT) lines³² passes through the core of PTR. Maintenance of the HT lines and timely clearance of the undergrowth beneath them is the duty of KSEB. The TCP requires the Division to conduct periodical joint inspection of power lines with KSEB during the period April to September every year, which was not complied with. The Department did not take any follow up action with KSEB on this matter. Five out of the 15 fire incidents reported since January 2013 to June 2017 in the Periyar East Division were due to sparks from the HT lines. Audit further observed that, in November, 2016, one leopard and a Nilgiri Langur were electrocuted from an 11 KV line.

Though the risk of fire from HT lines were identified in the Plan, the Department failed to follow up the matter with KSEB, which led to repeated fire incidents damaging the forest ecology.

The Government in its reply (March, 2018) accepted the audit findings and stated that steps would be taken in future to enforce KSEB officials to take necessary preventive measures.

[Audit paragraph 2.6.2.7 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

46. While considering the above audit para, the Deputy Chief Conservator of Forests, Forest and Wildlife Department informed that earlier, there were incidents of non-removal of plants etc. under the high tension lines of KSEB. However, there had been no such incidents since 2017.

32 Lower Camp-Sabarigiri, Sabarigiri-Nattakom and Moozhiyar-Sabarigiri (2 parallel lines).

Conclusions/ Recommendations

47. No comments.

2.6.2.8 Human habitation inside Wayanad Wildlife Sanctuary

The Act as well as the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, require that forest rights of the forest dwelling Scheduled Tribes and other traditional forest dwellers recognised in forest areas within the core and critical wildlife habitats of PAs may be modified and resettled for providing inviolate areas for wildlife conservation. The people were to be relocated paying compensation in accordance with National Rehabilitation and Resettlement Policy, 2007. The total cost projected for the relocation was ₹80 crore in 2009.

The WWS covers an area of 344.40 sq km. According to a report prepared (December, 2009) by Kerala Forest Research Institute, Peechi (KFRI) there were 110 settlements in WWS area, consisting of 2613 families. Out of this, 2485 eligible families³³ were willing to relocate from the sanctuary.

Audit observed that of the 2485 eligible families who opted for relocation, the Department was able to relocate only 192 eligible families from seven settlements so far. The delay in relocation would lead to increase in the number of eligible families over a period of time, which in turn would lead to cost overrun requiring additional funds and further delay in relocation.

Further, human habitation inside the sanctuary could lead to frequent human-wild animal conflicts resulting in loss/injury to humans as well as wild animals.

The Government replied (March, 2018) that the Department was pursuing the initiatives to complete the relocation package in a time bound manner.

[Audit paragraph 2.6.2.8 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

³³ Major son/unmarried daughter/sister, widow, woman divorcee, mentally and physically challenged persons and minor orphan counted as separate families.

Excerpts from the discussion of Committee with officials concerned

48. While considering the above audit para, the Deputy Chief Conservator of Forests informed that to avoid human habitation inside the Wayanad Wildlife Sanctuary, programmes like IDWH (Integrated Development of Wildlife Habitats) Relocation and RKDP (Rebuild Kerala Development Programme) Navakiranam had been implemented and 147 families had been relocated to 8 settlements accordingly.

49. The Committee brought to the notice of the Department officials that the norms that were not satisfactory and that the same amount was being paid to those who had 3 acres and 5 acres of land for relocation.

50. The Principal Chief Conservator of Forests & Chief Wildlife Warden informed that lesser amount of compensation had been paid in the IDWH Relocation Programme. However, the norms had been amended and after discussion with the Central Government, the balance amount was released to the four settlements. The relocation could be completed if proportionate State share was received, he added.

51. The Deputy Secretary, Legislature Secretariat added to the discussion that out of the total Central allocation of ₹22.14 crore, only ₹5.53 crore had been released. The Principal Chief Conservator of Forests & Chief Wildlife Warden informed that only after releasing the proportionate amount of State share, the Central government would release its next instalment. The Deputy Chief Conservator of Forests supplemented that non-receipt of State share was a common issue.

52. In response to a query of the Committee regarding the State share, the Deputy Chief Conservator of Forests replied that the State share was 40 per cent and the Central share was 60 per cent. Even when the Central government releases 60 per cent of its share, the State share was not being released. The Wayanad Wildlife Sanctuary had not even received the funds of the last financial year. Since they did not receive the State share, the amount was released through the local FDA (Forest Development Agency) and once the State share is received, the amount could be released to the remaining settlements and relocation could be completed as early as possible.

Conclusions/ Recommendations

53. The Committee observes that the delay in relocation would lead to increased number of eligible families over a period of time, which in turn would lead to cost overrun requiring additional funds. Further delay in relocation and the persistence of human habitation inside Wayand Wildlife Sanctuary could lead to frequent human-wildlife conflicts. The Committee understands that the slow pace of relocation may be due to the non-release of State share in proportion to the Central share. Therefore, the Committee directs the Department to take appropriate measures to ensure the prompt release of the State share in proportion to the Central share and to complete the relocation package within a specified time frame.

2.6.2.9 Violation of conditions of Master Plan for Sabarimala affecting the ecology of the Periyar Tiger Reserve

The Sabarimala Ayyappa Temple is located within the PTR area as an enclave attracting millions of devotees every year. The increasing number of pilgrims and growing demand of Travancore Devaswom Board (TDB) for additional land for infrastructure development at Sabarimala led to habitat degradation. Out of 18 major threats identified by the PTR in Tiger Conservation Plan (TCP), Sabarimala Pilgrimage ranked the first.

The Government brought out (May, 2007) a Master Plan for Sabarimala (MPS), which was to be implemented by the TDB. The TCP of the PTR, stipulated that all developments and management at Sabarimala should be in tune with the MPS and implementation of the Master Plan was to be monitored by the Deputy Director (Periyar West). The TCP emphasised solid waste management and sanitation interventions in the MPS as these were closely linked with the health of the wildlife habitat of the surrounding forests. As per Para 2.1.1 of the Infrastructure Module - solid waste management, water supply and sanitation of the MPS, the collection, transportation and disposal of waste at Pamba and Sannidhanam was the responsibility of the TDB.

A scrutiny of the relevant records revealed the following deviations/violation of the MPS.

➤ The TDB failed to set up composting facility at Pamba in line with the Solid Waste Management Guidelines of MPS. But the Department did not take any action against the non-compliance by TDB.

➤ There are two Sewerage Treatment Plants (STP) at Sabarimala, one at Pamba and the other at Sannidhanam. No drainage facility to convey waste water of the hotels to the Pamba STP was provided. Similarly, the sewage pipes from the buildings near Kumbalamthodu (stream) to the STP at Sannidhanam were left unconnected. Resultantly, the overflowing waste water got mixed up with the Kumbalamthodu, which in turn reached and polluted river Pamba frequented by wild animals.

➤ In place of underground electrical supply lines envisaged in the MPS, overhead cables without insulation were drawn.



**Pic.3: Waste water overflowing
Kumbalamthodu**



**Pic.4: Overhead lines in trek path to
Sannidhanam at Sabarimala**

(Both pictures taken on 27 July 2017)

The Government in its reply (March, 2018) accepted the audit observations and stated that utmost importance of establishing composting facility at Pamba would be brought to the attention of the high power committee and that the need for urgent measures for improvement of drainage system connected to STPs would be brought to the notice of the TDB officials at the earliest. It was also stated that matter regarding non-insulated overhead cables existing in traditional trek route was brought to the notice of KSEB.

[Audit paragraph 2.6.2.9 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

54. While considering the above audit para, the Deputy Chief Conservator of Forests informed that the sewerage at Pamba and Sannidhanam had been connected to the sewerage treatment plant to ensure that the sewage did not flow into Kumbalam Thodu. He also added that non-insulated overhead cables had been converted to insulated cables.

Conclusions/ Recommendations

55. No comments.

2.6.2.10 Inordinate delay in restoration of elephant corridors

Fragmentation of wildlife habitats is a major threat to long-term conservation of species. Large animals like elephants require extensive area for survival and are more affected by loss of habitat contiguity. Construction of roads/buildings, settlements,

cultivation, etc. obstruct the natural corridors causing some of them to disappear. Establishing biological corridors is one of the measures to ensure genetic exchanges within and between populations.

Elephant habitats at a minimum should be of several hundred sq km to ensure short term and several thousand sq km to ensure long-term viability. Protection and strengthening of existing corridors can be a solution to human-wild animal conflicts.

Referring to the four elephant corridors³⁴ mentioned in the Book ‘Right of Passage – Elephant Corridors of India’ (2004) the MoEF & CC requested (August, 2006) the Government to take action to notify and protect the identified elephant corridors in the State. The Department submitted a proposal for restoration of four corridors,³⁵ which included three corridors mentioned in the above book.

Of these, restoration of one corridor viz., Tirunelli – Kudrakote was achieved by two NGOs namely, Wildlife Trust of India and Asian Nature Conservation Foundation by purchase of private land in the corridor area and handing it over to the Government for conservation. Action taken by the Department to restore/establish the other three corridors is discussed below.

In respect of Periya-Kottiyoor corridor, the GoI accorded (November, 2008) administrative approval for acquisition of 131.50 ha³⁶ of private land in Kottiyoor and Periya for restoration of traditional elephant corridors at a total cost of ₹7.89 crore and released ₹4.50 crore³⁷ in three instalments. The area was to be acquired by negotiated purchase through the Revenue Department within two years.

34 (1) Periya-Kottiyoor (2) Tirunelli-Kudrakote (3) Periya-Pakranthalam and (4) Nilambur Kovilakam-New Amarambalam.

35 (1) Periya-Kottiyoor (2) Tirunelli-Kudrakote (3) Periya-Pakranthalam and (4) Pallivayal-Tattur.

36 95 ha (later revised to 60.4468 ha) in Revenue District Wayanad and 36.50 ha in Revenue District, Kannur.

37 First, second and third instalments of ₹1.50 crore each were released in the year 2008-09, 2009-10 and 2010-11 respectively. Of this, ₹2.50 crore and ₹2 crore respectively were allocated to Kannur and Wayanad Districts.

Nine years have since elapsed and it was observed that against 95 ha of land to be acquired in Wayanad, acquisition of 8.5676 ha at CRP Kunnu in Periya Village only was initiated. CRP Kunnu area was given priority since it was more vulnerable to animal attacks. A field visit to CRP Kunnu revealed construction of new residential buildings in the proposed corridor area.



Pic.5&6: New buildings constructed in the area proposed for restoration of Elephant Corridor at CRP Kunnu & Chapparam (Both pictures taken on 13 September, 2017)

Regarding restoration of the other two corridors, viz. Periya-Pakranthalam and Nilambur Kovilakam-New Amarambalam, Audit observed that the Department did not take any action. The delay in restoration of those corridors can obstruct the free movement of elephants leading to increased human-wild animal conflicts in the area.

The Department conceded that establishing of wildlife corridors were delayed and stated (February, 2018) that acquisition of land was an issue as multiple agencies were involved and some of the landowners were not willing to vacate the land.

The Government replied (March, 2018) that the reason for delay in starting restoration of the two corridors was because the priority was for those corridors where the elephants frequented.

The reply is not acceptable as even for the prioritised corridor (Periya-Kottiyoor), Government failed to establish inter-departmental liaisoning due to which land acquisition issues cropped up and remained unsettled even after nine years from the sanction of the project.

[Audit paragraph 2.6.2.10 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

56. While considering the above audit para, the Deputy Chief Conservator of Forests, Forest and Wildlife Department informed that the matter was related to the relocation discussed earlier and would be resolved once the relocation took place.

Conclusions/ Recommendations

57. No comments.

2.6.2.11 Non-compliance to working/management plan prescriptions

➤ Deficiencies in implementation of fire management plans

Fire lines are areas, which are cleared of vegetation in the hope of stopping or at least slowing a fire which may devastate large areas with grave ecological repercussions.

The Divisions make Fire Management Plans (FMP) in accordance with their requirements to check and mitigate the possibilities of forest fire. Audit observed that the fire protection measures in the following Divisions were not in accordance with a FMP, with shortfall in the creation of fire lines as given in Table 2.2.

Table 2.2 – Shortfall in creation of fire lines

Sl.No.	Division	Fire lines proposed in the FMP from 2012-13 to 2016-17 (in km)	Fire lines created from 2012-13 to 2016-17 (in km)	Shortfall in creation of fire lines (in km)
1	Silent Valley	1120.00	876.730	243.270
2	Wayanad	2234.00	1214.00	1020.00
3	Vazhachal ³⁸	1292.22	839.685	452.535

Source: Data furnished by divisions

No fire lines were created in the area newly added (2007) to the PTR East Division from nearby Goodrical Range. The Warden, Wayanad Division stated (October, 2017) that funds were not sufficient to create and maintain fire lines.

The Government replied (March, 2018) that the fire lines are taken based on the fund availability and subject to the priority based on fire vulnerability.

The reply is not acceptable as FMP had made the provisions prioritising the fire vulnerability in forest areas and hence, adequate funds needed to be provided in accordance with FMP.

➤ **Non-eradication of invasive weeds**

Senna, Lantana, Eupatorium, Mikania, Parthenium, etc. are the common types of invasive alien³⁹ plants identified in the State and some of these species became invasive, out-competing and preventing growth of the native species. They also increase the chances of forest fire. The Working Plans/Management Plans/Conservation Plans provide prescriptions for eradication of invasive weeds. Audit observed that, the eradication works as prescribed in the Plans were not carried out by some Divisions as shown in Appendix III(4).

³⁸ FMPs for the years 2014-15 & 2015-16 were not made available to Audit.

³⁹ International Union for Conservation of Nature and Natural Resources (IUCN) defines alien invasive species as alien species which become established in natural or semi-natural ecosystems or habitat, an agent of change, and threatens native biological diversity.

Audit also observed that WWD failed to take adequate management measures to eradicate *Senna Spectabilis* (*Senna*), planted in Wayanad district long ago under the social forestry programme of the Department and which is now spread extensively over the Sanctuary area. It has become a threat to wildlife and indigenous plants owing to its quick growth and has lowered the quality of ecosystem and reduced the food of herbivores. The Division stated that no effective method existed to eradicate the exotic weeds fully and that KFRI was directed to experiment with new methods to eradicate *Senna*.

The Department failed to recognise the seriousness of the issue and take measures to contain the invasion in time. Further, neither was the affected area surveyed nor did the problem find a mention in the management plan of the wildlife sanctuary till 2014.

The Government replied (March, 2018) that special funds were allotted for controlling the exotic weeds in WWS.

The Government initiative is, however, inadequate in addressing the issue as spread of the weed is not restricted to WWS alone.

➤ **Watershed Management**

Watershed is an area bound peripherally by water, parting and draining ultimately to a particular watercourse or body of water. Protection and conservation of watershed is necessary to minimise soil erosion, floods, silting etc. and to ensure availability of water for wildlife in natural streams, waterholes and check dams. The plans prescribed construction of small check dams across streams, at sites frequented by wild animals to secure water throughout the year.

Audit scrutiny of the watershed management activities carried out by various Divisions revealed deficiencies in the execution of plans as shown in Appendix III(5).

- A joint physical verification (August, 2017) of three check dams along with the Range Officer in the Neriya Mangalam Range (Munnar Division) revealed that the water carrying capacity of two check dams at Anachanda and Eanthanampara were severely reduced by accumulation of silt.

Acute scarcity of water could lead to migration of animals to other areas, which may result in crop raids, damage to human life, etc.

The Government replied (March, 2018) that construction of check dams, desilting the ponds and check dams, maintenance of check dams, gully plugging are carried out as soil and moisture conservation techniques.

The reply does not address to the audit observations adequately.

[Audit paragraph 2.6.2.11 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

58. While considering the deficiencies in implementation of fire management plans, the Deputy Chief Conservator of Forests informed that fire incidents in wildlife area were very low compared to other areas and there had been no fire incident in the Periyar Tiger Reserve for the last two years. The forest fire usually starts from grass and hence the dried grass is removed as early as possible.

59. Regarding the non-eradication of invasive weeds, the Deputy Chief Conservator of Forests informed that it was a specific issue related to Wayanad Wildlife Division and steps have already been taken to eradicate the alien species called Senna, which had spread around 100 metres, in a phased manner.

60. The Principal Chief Conservator of Forests & Chief Wildlife Warden informed that work was underway to eliminate Senna as ₹6 crore was allotted from NABARD and funds from KIIFB were also available. So it was expected that Senna could be removed very quickly.

Conclusions/ Recommendations

61. No comments.

2.6.2.12 Non-compliance with the requirements of Kerala Captive Elephant (Management and Maintenance) Rules, 2012

➤ Non-providing of stables for elephants

There are 599 captive elephants in the State. The Government, in exercise of powers under Section 64(2) of the Act, notified⁴⁰ the Kerala Captive Elephants (Management and Maintenance) Rules, 2012 to address the problem of ill-treatment of captive elephants and to ensure their proper upkeep and management. Rule 3 provided for proper housing of the elephants.

Site visit to the elephant camp (Aanakkotta) of Guruvayoor Devaswom revealed the following:

- The 'Aanakkotta', having 51 captive elephants had only 15 stables, each capable of accommodating one elephant. It was observed that the balance 36 elephants were kept in the open yard. Though the Additional Chief Secretary (Forests & Wildlife) directed (21 July, 2016) the Guruvayoor Devaswom to construct shelters for all elephants within a month, only 10 sheds were constructed even after a year.

Thus, the directives under Rule 3 regarding proper housing of the captive elephants are not adhered to by the Guruvayoor Devaswom.

The Government replied (March, 2018) that frequent inspections were being carried out to ensure compliance of the Kerala Captive Elephants (Management and Maintenance) Rules, 2012.

40 Superseding the Kerala Captive Elephants (Management and Maintenance) Rules, 2003.

[Audit paragraph 2.6.2.12 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

62. While considering the above audit para, the Deputy Chief Conservator of Forests informed that according to the Kerala Captive Elephants (Management and Maintenance) Rules, 2012, proper shelter is to be provided for elephants. Accordingly, progress had been made in that regard by constructing around 30 shelters.

Conclusions/ Recommendations

63. No comments.

2.6.2.13 Deficiencies in conservation of captive animals in Zoo

The GoI framed Recognition of Zoo Rules, 2009 under section 63(1) of the Act according to which every zoo should endeavour to establish and sustain population of physically, genetically and behaviourally healthy animals for furthering the cause of wildlife conservation and communicating credible conservation message to the visitors through display of healthy animals in naturalistic settings.

➤ There are two medium, one small and two mini zoos in Kerala. As per Para 3 of Schedule to Rule 10 of the Recognition of Zoo Rules, 2009, every zoo is to prepare a master plan and get it approved by the Central Zoo Authority (CZA). According to the information furnished by the CWW, only the two⁴¹ medium zoos prepared master plans for development and planning.

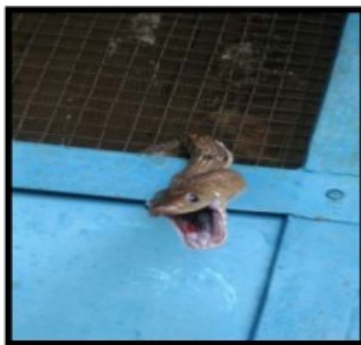
➤ A visit to the State Museum and Zoo at Thrissur (a medium zoo) by Audit revealed that the CZA renewed (April, 2017) recognition of the zoo upto January 2018 subject to compliance of 27 conditions some of which were to be complied

41 State Museum and Zoo, Thrissur and Zoological Garden, Thiruvananthapuram.

with immediately while others were to be met within a period of six months. The CZA also requested (April, 2017) the PCCF & CWW to implement the conditions. It was seen that against the 27 conditions stipulated by the CZA, 11 conditions [Appendix III (6)] were not complied with/implemented in the Zoo (October, 2017).



Pic.7: Temporary measure to cover damaged enclosure (Picture taken on 28 September 2017)



Pic.8: Snake stuck in rusted wire mesh (Picture shared by the Curator, Thrissur Zoo on 28 September 2017)

Similar lapses/deficiencies pointed out by the CZA while granting recognition in earlier years also were ignored. Many enclosures of animals were in dilapidated condition for want of periodical maintenance work.

Non-compliance with the directions prescribed by the CZA and inadequate maintenance of cages/enclosures negates the very purpose of having captive wild animals.

The Government replied (March, 2018) that the audit findings were taken note of for future compliance.

Recommendation No.3: The Department may take necessary steps for establishing sufficient anti-poaching camps, ensuring effective perambulation etc.

Recommendation No.4: The Department may evolve an effective mechanism to deal with the backlog in investigation of wildlife offences and in improving the conviction rate.

Recommendation No.5: The Department should evolve an action plan for eviction of all encroachments by invoking the legal powers available.

Recommendation No.6: The Government may ensure compliance with the Normative Standards for tourism activities in Tiger Reserves issued by NTCA.

Recommendation No.7: The Department may take measures to expedite the relocation of settlements inside the sanctuary.

Recommendation No.8: The Department, by proper monitoring and co-ordination with the TDB may ensure that the infrastructure development activities carried out in the land transferred to the TDB do not lead to habitat/ecology degradation.

Recommendation No.9: The Department may accelerate its efforts towards restoring elephant corridors.

2.7 Conclusion

- Advice of the State Board for Wildlife to declare the core and buffer areas added to Periyar, Parambikkulam Tiger Reserves and Silent Valley National Park as wildlife sanctuaries was not implemented. Even after eight to fourteen years of initial notification, the legal process to notify the four Wildlife Sanctuaries and three National Parks was not completed.

- There was absence of planning in respect of new core areas added to Tiger Reserves and lack of continuity of working plans and measures for conservation of wildlife and its habitat in territorial divisions.

- Unregulated tourism activities in a Tiger Reserve adversely affected the conservation of wildlife and habitat.

- Against the four identified elephant corridors in the State, the Department is yet to restore/ legalise three corridors.

- The surveillance measures in the Divisions were poor. Inadequate handling of wildlife offences resulted in low rate of conviction and large number of cases pending investigation.

[Audit paragraph 2.6.2.13 and 2.7 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

64. While considering the above audit para, the Deputy Chief Conservator of Forests informed that the functioning of Puthoor Zoological Park had commenced and all such problems would be resolved when standard animals and birds were shifted to the new facility.

65. The Principal Chief Conservator of Forests & Chief Wildlife Warden added that steps had been taken to relocate the animals in the Zoological Park at Puthoor and it would be fully operational by the month of March.

66. When the Committee inquired whether the birds and animals kept in the Zoological Park would be released after a period of time, the Principal Chief Conservator of Forests & Chief Wildlife Warden replied in the negative. Then the Committee raised its concern that, in that situation, they were locked up until the end of their lives and opined that steps should be taken to release them after a certain period of time.

67. To the Committee's concern, the Deputy Chief Conservator of Forests informed that, at present, they were kept in vast areas as in forest and not in small cages. The guidelines of Central Zoo Authority is very strict and they conduct frequent inspections, and as per the guidelines of CZA, open enclosures and a forest-like habitat are required for the upkeep of animals kept in zoos.

Conclusions/ Recommendations

68. No comments.

4.1 Irregularities in procurement of boats for tourism activities by Forests and Wildlife Department.

Lapses in adhering to the tender and agreement conditions, selection of incompetent suppliers, non-observance to provisions of Stores Purchase Manual and poor contract management resulted in non-delivery of two boats intended for tourism activities despite paying ₹68.34 lakh.

The Forests and Wildlife Department (the Department) placed supply orders for procurement of two boats, with seating capacity of 25 and 15 from M/s Nautical Lines, Thiruvananthapuram and the Kerala Small Industries Development Corporation Limited (SIDCO)⁴² respectively. Audit noticed several irregularities/deviations from tender/agreement conditions and provisions of Stores Purchase Manual 2013 in the purchase as discussed below.

1. Purchase of 25 seater Fibre Reinforced Plastic Boat for Neyyar Wildlife sanctuary

Wildlife Warden, Thiruvananthapuram (WLW) invited (December, 2011) tenders under two-cover system for fabrication and supply of a 25 seater Fibre-Reinforced Plastic (FRP) boat for water safari programme in Neyyar Wildlife Sanctuary.

According to the tender notification, the vessel was to be designed and built under class of Indian Register of Shipping (IRS)⁴³. The tenderer was to have five years of experience in manufacturing/fabrication and supply of FRP boat and was required to have manufactured and supplied more than three FRP boats to various Government Departments (State and Central)/Public Sector Undertakings. The tender was cancelled as there was only one response to it.

⁴² A Government of Kerala owned Company.

⁴³ Indian Register of Shipping is an internationally recognised independent ship classification society in India and a member of the International Association of Classification Societies.

The WLW retendered (January, 2012) the work. Out of the three bids received, the Technical Evaluation Committee (TEC) disqualified one bidder on the ground that the dimensions were not compatible with the drawings provided. The work was awarded (June, 2012) to M/s Nautical Lines, (the Supplier), being the lowest bidder, at their quoted rate of ₹62.50 lakh and the agreement was executed (June, 2012). The boat, which was to be delivered within eight months from the date of agreement, was not delivered so far (November, 2017).

Audit observed that the Department made the following significant deviations from the tender and agreement conditions:

- The Supplier firm was registered as a manufacturer (a micro unit) only in 2011 and so, did not qualify the tender conditions regarding five years experience in manufacturing/fabrication and supply of FRP boats. The tender documents furnished by the supplier also did not show any previous experience. The TEC technically qualified the Supplier overlooking these facts.

- As per Clause 3 of the agreement, the article supplied should be as per the supply order attached to the agreement. But the Department did not issue any supply order specifying the item to be supplied, its price, etc.

- The Supplier requested (October, 2014) the Department for an amendment in the agreement condition regarding 'IRS approval' to 'IRS or any International Association of Classification Societies member approval' eighteen months after the due date of supply, stating that the delay in supply was due to delay in getting IRS approval. The Department acceded to the request and extended the time of supply up to 10th September, 2015 by executing (10th June, 2015) a codicil (i.e. supplemental) agreement. The Supplier was aware of the requirement of IRS approval while agreeing to the original date of supply. Hence, the extension of time of supply by 31 months was unwarranted.

- The agreement conditions provided for a down payment of 30 per cent, 30 per cent on completion of hull, 20 per cent on engine installation and balance 20 per cent on delivery and acceptance of the boat. The down payment of ₹18.75 lakh was released in June, 2013. Inspection was conducted (November, 2013) and it was certified that only 30 per cent of the hull was constructed. Despite this, the

Department released subsequent instalment of ₹18.75 lakh in November, 2013, which was an undue favour to the Supplier.

- The Department was yet (November, 2017) to recover the amount of ₹ 37.50 lakh paid to the Supplier even after a lapse of more than 26 months from the expiry of the extended (September, 2015) date of supply.

The WLW stated (November, 2017) that a complaint against M/s Nautical Lines for cheating the Government was filed with the City Police Commissioner.

2. Purchase of 15 seater boat for Shendurney Eco Tourism Project

According to the Government of Kerala (Government), Stores Purchase Manual 2013 (SPM), all purchases exceeding ₹10 lakh must be made through open tender. The period of delivery of the ordered stores is to be properly specified in the contract with definite dates. Payments for supplies made should be released only after the supplies are made. Advance payments to firms are admissible only in the cases of maintenance contracts, fabrication contracts or turn-key contracts, when demanded by the firms, after obtaining adequate safeguards in the form of bank guarantee (BG), etc. from the supplier. Such advance should not exceed 40 per cent of the contract value if the supplier is a State or Public Sector Undertaking.

The Government accorded (31 March, 2015) Administrative Sanction (AS) for the purchase of a 15 seater Double Hull⁴⁴ boat with double engine at a cost not exceeding ₹38 lakh for Shendurney Eco Tourism Project. Principal Chief Conservator of Forests & Chief Wildlife Warden (PCCF&CWW) sanctioned (31 March, 2015) an estimate of ₹38.25 lakh for the purchase. The Wildlife Warden, Shendurney Wildlife Division (Division) without inviting open tenders, issued (31 March, 2015) two supply orders to SIDCO, one for the supply of a 15 seater boat and the second for supply of two 40 HP Engines for the 15 seater boat. The Department executed separate agreements for the supplies and paid an advance of ₹30.84 lakh to SIDCO. No date of delivery was mentioned

44 Double hull is a ship hull design and construction method where the bottom and sides of the ship have two complete layers of watertight hull surface: one outer layer forming the normal hull of the ship, and a second inner hull which is some distance inboard, typically by a few feet, which forms a redundant barrier to water in case the outer hull is damaged and leaks.

either in the supply orders or agreements. But the Department unilaterally fixed (December, 2015) the dates of delivery retrospectively as 23rd May, 2015 which was not confirmed by SIDCO. Audit noticed significant deviations from provisions of SPM and agreement conditions as below:

- There was undue haste in placing supply orders as could be seen from the fact that obtaining of AS, approval of estimate by PCCF&CWW, issue of supply orders, execution of agreement and release of advance payments were done on 31st March, 2015 itself. Further, the supply orders, which were referred to in the agreements for detailed information on the supplies, did not contain essential details like the description/ specification of the items, price, date of delivery and the terms of payment, necessary to safeguard the financial interest of the Government.

- According to para 7.20 of the SPM, purchase by obtaining quotation by issuing single tender is to be resorted to only in unavoidable situations such as when articles required are manufactured by only one manufacturer; when it can achieve substantial economy; in the case of emergency and for standardisation of machineries to be compatible with existing sets. This purchase of boats for eco-tourism project did not qualify any of the above conditions. Hence, placing of supply order worth ₹37.79 lakh with SIDCO without inviting open tenders lacked transparency and was not in the best financial interest of the Government.

- Para 12.17 of the SPM stipulated that while making advance payment, adequate safeguards in the form of BG, etc. should be obtained from the supplier. Further, such advance payments should be generally interest bearing. The agreements for supply of the boat provided for payments in three instalments of 40, 40 and 20 per cent of the cost on completion of various stages. Contrary to this, the Department released 71 per cent (₹16.87 lakh) of the total cost of the boat in advance along with the supply order itself. Similarly, in the case of the engines, the agreement stipulated 40 per cent advance payment but the Department paid the total cost (₹13.97 lakh) in advance. Both the payments were made without obtaining security in the form of BG. The action lacked financial propriety since the Department interests were not safe guarded.

- Further, SIDCO sub-contracted the work to a private contractor, M/s Nautical Lines, Thiruvananthapuram even though Clause 9 of the Agreement prohibited underletting or subletting the execution of the contract or any part thereof without the consent of the Government.

- Although due date of delivery was 23rd May, 2015, the boat remains undelivered even after a lapse of 30 months (November, 2017) despite incurring ₹30.84 lakh.

The Department stated that a challan was issued to SIDCO for return of the paid amount with 18 per cent interest as penal interest.

Non-adherence to the tender and agreement conditions, lapses in selection of competent suppliers, non-observance to provisions of SPM and poor contract management resulted in non-delivery of two boats intended for tourism activities despite paying ₹68.34 lakh⁴⁵.

The matter was referred to the Government in February, 2018. The Government is yet to reply to the audit observations.

[Audit paragraph 4.1 contained in the Report of the Comptroller and Auditor General of India on Economic Sector for the year ended 31st March, 2017]

[Note submitted by the Government on the above audit paragraph is included as Appendix II]

Excerpts from the discussion of Committee with officials concerned

69. While considering the above audit para, the Deputy Chief Conservator of Forests informed that the audit observation was about the lapses occurred in connection with the purchase of two boats each for Neyyar Wildlife Sanctuary and Shendurney Eco Tourism Project. A criminal case was pending against the tenderer for the non-supply of boats at Neyyar Wildlife Sanctuary and in the second case departmental action and revenue recovery proceedings had been initiated against the officials concerned.

45 ₹37.50 lakh for Neyyar + ₹30.84 lakh for Shendurney.

70. The Committee inquired whether there was any Vigilance case regarding this and what steps had been taken for initiating revenue recovery. The Deputy Chief Conservator of Forests informed that a vigilance case had been registered under IPC Sections 406 and 420 and the investigation was underway. The Deputy Collector had issued an RR in 2018 and follow up on this is being done.

71. To the Committee's query whether action was not completed against the RR issued in 2018, the Deputy Chief Conservator of Forests informed that it would be intimated after checking the current status.

72. When the Committee inquired about the reason for placing an order by violating tender conditions, the Deputy Chief Conservator of Forests informed that as per the agreement, the contractor had to submit the drawing for IRS (Indian Register of Shipping) approval within 45 days from the date of the agreement. An official from AG pointed out that the tender was awarded to a firm that did not comply with the tender conditions.

73. The Committee opined that the Technical Committee was also responsible for issuing the clearance certificate in the absence of IRS approval and inquired whether any action had been taken against the officials concerned. The Principal Chief Conservator of Forests & Chief Wildlife Warden informed that a case had been registered against Smt.R. Lakshmi, Sri. Saji Basheer, Shri. Arun. S.K., Shri. Shaji. B.L, Shri. Sarath Kumar and Shri. Krishna Kumar regarding the irregularities in connection with the purchase of boat for Shendurney Eco tourism.

74. The Deputy Chief Conservator of Forests further clarified that disciplinary action had been taken against the officials regarding the irregularities in purchase of a boat for the Shendurney Wildlife Sanctuary and no action had been taken against the officials regarding the irregularities related to Neyyar Wildlife Sanctuary. He assured the Committee that action would be taken against the delinquent officers after verifying the details.

75. To a query of the Committee, the Deputy Chief Conservator of Forests informed that a police investigation was underway.

Conclusions/ Recommendations

76. The Committee directs the Department to furnish a comprehensive report on the current status of revenue recovery proceedings initiated in connection with the purchase of boats for Neyyar Wildlife Sanctuary and Shendurney Eco Tourism Project. The Committee also urges the Department to submit the details regarding the action taken against those officials who were responsible for the irregularities in connection with the procurement.

Thiruvananthapuram,
8th October, 2024.

SUNNY JOSEPH,
Chairperson,
Committee on Public Accounts.

APPENDIX I**SUMMARY OF MAIN CONCLUSION/ RECOMMENDATION**

Sl. No.	Para No.	Department Concerned	Conclusion/ Recommendation
1	5	Forest & Wildlife	The Committee notes that it took nearly fifty years for submission of proposal for constitution of the Advisory Committee after enactment of the Act. Therefore, the Committee directs the Department to take prompt measures to establish an Advisory Committee as early as possible and to furnish a report thereon to the Committee urgently.
2	15	Forest & Wildlife	The Committee observes that even after 15 years of appointment of the Collectors to settle the rights within the sanctuary, the final notification has not yet been issued. The Committee opines that the inordinate delay in issuing the final notification was due to some issues in resolving land related irregularities and also expresses its displeasure with the response provided by the Department officials. Hence, the Committee directs the Department that joint meetings of Collectors and Wildlife Wardens of respective Sanctuaries/National Parks should be convened urgently and also urges to provide necessary instructions to them to expedite the process of issuing final notification.

3	31	Forest & Wildlife	The Committee evaluates that the repeated recent incidents of human-wild animal conflicts that have resulted in loss of life and extensive damage to agricultural crops are of serious concern. The Committee notices that the delay in taking action by the Forest and Wildlife Department has further worsened the issue. So, the Committee directs that sufficient and adequate measures with the assistance of NABARD should be taken to prevent such incidents in future.
4	37	Forest & Wildlife	The Committee directs the Department to furnish the current status of rate of conviction in wildlife offences.
5	39	Forest & Wildlife	The Committee observes that non-demarcation of forest boundaries with cairns has facilitated encroachments. So, the Committee directs the Department to take necessary steps to demarcate the boundaries of forest land by constructing permanent cairns.
6	53	Forest & Wildlife	The Committee observes that the delay in relocation would lead to increased number of eligible families over a period of time, which in turn would lead to cost-overrun requiring additional funds. Further delay in relocation and the persistence of human habitation inside Wayanad Wildlife Sanctuary could lead to frequent human-wildlife conflicts. The Committee understands that the slow pace of relocation may

			be due to the non-release of State share in proportion to the Central share. Therefore, the Committee directs the Department to take appropriate measures to ensure the prompt release of the State share in proportion to the Central share and to complete the relocation package within a specified time frame.
7	76	Forest & Wildlife	The Committee directs the Department to furnish a comprehensive report on the current status of revenue recovery proceedings initiated in connection with the purchase of boats for Neyyar Wildlife Sanctuary and Shendurney Eco Tourism Project. The Committee also urges the Department to submit the details regarding the action taken against those officials who were responsible for the irregularities in connection with the procurement.

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