



Timber lobby trying to hack open the Trees Act

By Praveen Bhargav

In the face of mounting public pressure, the proposed amendments to the Karnataka Preservation of Trees Act, 1976, (KPTA) has been put on hold. It has been reported that the proposals will be reviewed before a final decision is taken. To many, this appears to be another attempt to dismantle controls to facilitate tree cutting in Bangalore and elsewhere.

In reality, the actual reasons are very different and more sinister. Elements within the government — including a few forest officers — have apparently colluded with the powerful timber lobby and have been persistently pushing hard for these amendments. So what exactly is this proposal, and why is it dangerous?

Preservation (and not destruction) of trees is the main object of the KPTA. While other statutes like the Indian Forest Act, Forest Conservation Act and Wildlife Protection Act prohibit and regulate indiscriminate cutting of trees on forest land, the KPTA was enacted primarily to protect

trees on private lands. The existing provision under Section 8(7) allows for cutting of 13 species of trees including casuarina, silver oak, eucalyptus, rubber, coconut, etc without any restrictions.

Now, the plan is to expand this exemption list to include 41 species of trees with an overarching description such as ficus, jack fruit, mango... And herein lies the problem. For, scattered in the ecologically sensitive landscape of the Western Ghats are pristine forested enclosures which are under private ownership.

Capricious timber contractors have already obtained GPAs from many owners and are attempting to cut thousands of trees. Many species of the ficus family — including ficus racemosa, ficus tinctoria, ficus nervosa — are found in such areas. Also in the exemption list is the jack fruit tree — Artocarpus species which is widely found in the Western Ghats. By simply getting them out of the purview of law, timber merchants hope to have a free run.

But why this urgency and desperation? A major timber scam has again been detected



in Kodagu. This forested district had witnessed massive timber felling during 1993-94. After considerable damage and public outcry, a high-level enquiry was ordered but not even a single offender or indicted forest officer was punished.

On Dec 12, 1996, the supreme court passed a landmark order stopping the felling of trees in all forests. Not only that, the court redefined the meaning of forests and directed that the term forest land also includes forests as understood in the dictionary sense irrespective of ownership.

Every state government came under orders to identify such forests and sawmills operating near forests. Of even greater significance was the direction that the court's order would prevail notwithstanding any order at variance made or which may be made by any government, authority, tribunal or court including high courts.

The emergency brakes applied by the apex court sent the timber lobby into a major skid. Electric and chain saws fell silent and massive felling that was taking place across the country came to a stop. Tree felling in forests can now be carried out only on the basis of a working plan with prior approval of the ministry of environment and forests (MoEF).

Violation

The timber lobby, after realising that the apex court was in no mood to budge used other time-tested tricks to overcome the directives. In 1999 it got the Karnataka government to issue a circular permitting tree felling in evergreen and semi-evergreen areas. This order is completely at variance

to the supreme court order and is thus ultra vires.

Senior forest officers — including two principal chief conservators — have issued memorandums pointing out how the SC order will prevail over all other orders. Reports have also been sent to the government with a strong advice to withdraw the offending order. Not surprisingly, they have been completely ignored and the reports are gathering dust.

In 2006 some timber merchants who had masterminded the 1993 scam swiftly moved in when a forest officer with a dubious record got posted to Kodagu. Using the 1999 circular, he permitted felling of over 3,500 trees under the KPTA in blatant violation of SC orders.

When some senior officers intervened to stop the felling, they were transferred post haste. It was then that a local NGO petitioned the Karnataka high court, which not only stayed all felling permissions but also sought to know what action the government proposed to initiate against the forest officer. Finally, in February 2009 the officer

was removed. But even after one year, deterrent disciplinary action is yet to be initiated.

Hit by the high court order, timber merchants again got desperate and began lobbying to get around the HC order. The genesis of the present proposal to remove restrictions on 41 tree species can thus be traced back to this tree felling scam.

Therefore, the proposed amendments to the KPTA must be seen in this larger context. Instead of withdrawing the 1999 circular and removing loopholes in the Act, the government is attempting to weaken it. The potential danger is not just to trees in Bangalore but to thousands of trees in the forested enclosures under private ownership in the Western Ghats that are far away from public glare.

Considering the un-inspiring record of the government, and the presence of a few powerful forest officers close to the present power centres, the larger interests of the state would be better served if this disastrous proposal is prevented from reaching anywhere near the legislature. *(The writer is a trustee, Wildlife First)*