

**BEFORE THE HON'BLE CENTRAL EMPOWERED COMMITTEE**

**CONSTITUTED BY THE HON'BLE SUPREME COURT**

**IN W.P 202 of 1995**

**IN THE MATTER OF:**

Adivasi Kranti Sangathan

Through it's Coordinator & Member

Mr. Akshaya Kumar Pany

Mr. Ramachandra Murmu

**VERSUS**

1. State Of Orissa  
Through the Chief Secretary  
State Secretariat  
Bhubaneswar
  
2. Principal Chief Conservator of Forest  
Forest Department  
Government of Orissa  
Bhubaneswar
  
3. Ministry Of Environment and Forests  
Through the Secretary  
Government of India  
CGO complex, New Delhi

It is most respectfully showed by the applicant above named

1. That the Applicant, **Adivasi Kranti Sangathan (AKS)** is a People's Organization committed for the protection of natural forests in Dhenkanal District, Orissa, is a registered body under Societies Act XXI of 1860, bearing Registration No. DKL 5676/2 of 2006 – 2007 dated 29<sup>th</sup> April 2006. Adivasi Kranti Sangathan constituted of mostly tribal, landless and daily wage earners. **AKS** is an organization having a mandate for taking up issues of tribal land rights, rights of livelihood, protection and conservation of forest and environment. **AKS** is active and is working to protect the rights of the poor tribals, Forest and Environment in Dhenkanal district of Orissa for last 10 years. After

working for 10 years with people, AKS felt the necessity of its own legal identity and get it registered under Society Registration Act 1860. (**Annexure-I**).

2. That there are instances of indiscriminate cutting of trees in the name of Coupe Operation under taken in eighties that resulted in a massive forest depletion. For that reason Orissa government was banned from timber operation since 1992 till 2005. But in the year 2005, referring to the Orissa State Government's letter No. 10F(TR)-26/2003 12069/F&E dated 12.7.2005 and 12057/F&E to the Ministry of Environment & Forest, Govt of India requesting permission for timber operations as per the approved working plans. The proposals of the State Government have been examined by the Core Group in the Ministry and were granted permission (**Annexure-II**). In October 2005 an order issued by the Orissa government lifted the ban on felling of trees in 11 of its 50 forest divisions in September with an approved working plan. Many forest protecting communities, federation and other groups who were working for conservation and environment have strongly opposed this move. Because their past experience says that there have been cases of conflicts leading to bloodshed when outsiders have tried to cut trees and it would add to the serious environmental problem of the State also. "Withdrawal of the decision of Govt. of Orissa on green felling in the larger interest of the environment and forest dependent poor of the state" has been a topic of debate and demand since long. *Mr Bhagirathi Behera, director (operation), Orissa Forest Development Corporation (OFDC) says "the working plans for 11 divisions have been approved by the Union Ministry of environment and forest. According to him only a restricted number of trees will be cut, especially old and mature trees, which will otherwise rot and lose their timber value. (This was published in magazine **Down To Earth**', Article name – **The axe effect, November, 2005 issue) (Annex - IV)***. This question was also raised in the assembly on 29<sup>th</sup> October 2005 by Member of Legislative Assembly from Banki (Cuttack District, Orissa) to the Chief Minister, Govt of Orissa. *He raised several questions pertaining to green felling in Reserve Forest and the implementation of working plans for forest management. The Supreme Court has laid down a rule that all forests are to be managed with a working plan and regeneration of the forest is to be carried out in a silvicultural process. Accordingly, the 12th Finance Commission has provided grants for 5 years for implementation of the working plans towards scientific management of the forest.*

This is one of the few cases that came to light where the authorized conservators of forest are cutting down more trees than prescribed in the name of coupe operation .So this is a serious where there is a gross violation of working plan guide lines.

3. That the felling started in Compartment No. 21, 22 and 23 of Coup No. II and III under Anantpur Reserve Forest, Orissa Forest Department (OFD) along with Orissa Forest Development Corporation (OFDC) during October to December, 2006 which was totally

against the prescription of existing revised Working Plan of the reserved forests of Dhenkanal Division, for the period 2004-2005 to 2013-2014. Till now, more than 650 good and healthy trees were felled down by OFD with support of OFDC against the prescribed working plan. The geographical position of the felling site is having locations  $21^{\circ} 03' .79$  N,  $085^{\circ} 26' .10$  E and  $21^{\circ} 03' .77$  N,  $085^{\circ} 26' .09$  E. The following points emerged after assessment and analysis of ground realities with existing Revised Working Plan of the reserved forests of Dhenkanal Division, Govt of Orissa for the period 2004-2005 to 2013-2014. **(Annexure No-III)**

- a. **As per the Revised Working Plan of the reserved forests of Dhenkanal Division, for the period 2004-2005 to 2013-2014, Govt of Orissa, Chapter 11.12.1 (iii) Prescribes, “ The other portions of coupe line shall be laid down by clearance of 1.5 mt width along with stone Cairns (white painted) at visible distance. Clearance shall be restricted for the purpose of identification and visibility. No felling of any kind shall be done on the strip. Double coal tar rings shall be given”. However in practice, no clear demarcation with Stone cairns (White painted) was done between coups no. II and III. Only double white line on breast height of Trees were seen which indicate demarcation of Compartment 21 and 22 which is a violation of this guideline.**
- b. **Chapter 11.12.1 (v) Prescribes, “Coupes shall be indicated by signboards at corners or at point of intersection with roads, inspection paths, boundary lines of reserved forests. The signboards should contain the name of the felling series, the number of the coupe, its area, year of working and number of the compartment”. However in reality there are no signboards at point of intersection of roads, inspection paths or boundary of Reserve Forest indicating name of felling series, the no. of coupe, year of working and number of compartments which is a violation of this guideline.**
- c. **Chapter 11.12.2 (ii) Prescribes, “All dead, dying, seriously diseased, uprooted and fallen trees shall be marked for felling. A tree whose top one third is already dead shall be treated as a dying tree. Marking of unsound trees shall be preferred over sound trees in annual coupes”. However in practice site not all dead and decaying trees are marked for felling while good and immature trees are marked and felled which is a violation of this guideline.**
- d. **Chapter 11.12.2 (iii) prescribes, “All trees above the exploitable girth class shall be marked. Out of the exploitable girth trees available, only two Sal and two Non-Sal trees per hectare shall be marked for felling. The list of trees above exploitable girth class retained in annual coupes shall be prepared by the D.F.O and supplied to the Working Plans officer concerned ”. However in practice, many trees having less girth size than exploitable girth size are marked and felled. This was verified by**

measuring girth size of stumps and wood lot scattered in the forest, over which departmental seal and numbers are present. This is violation of the guideline.

- e. **Chapter 11.12.2 (vi) Prescribes**, “If a tree is marked for felling the other tree should not be marked for felling within the radius of 15meters”. **However in practice site none of the case where distance between two adjoining trees felled is 15 meter or near to that. In most liberal measuring it is 10 meter. In many case it is less then half of the distance prescribed in working plan, which is Violation of the guideline.**
- f. **Chapter 11.12.2 (ix) Prescribes**, “The total number of trees marked for felling shall be limited to 4 per ha except Kandhara felling series. The number of trees to be marked is given coupe wise and this should be followed”. **However in practice site at Geo locations 21° 03 79 N, 085° 26 10 E and 21° 03 77 N, 085° 26 09 E, more then 4 trees within one hectare were marked and felled. This was verified with departmental seal and numbers.**
- g. **Chapter 11.10.5 (ix) Prescribes**, “ The value of class II and class I for all the tree felling series and consequent yield is as per table 11.2, 11.3, 11.4. The final yield will be regulated as per table 11.5. The average percentage of removal of Sal will be 22%, which is equal to 2 trees per ha and that of others will be 25%, which is equal to 2 trees per ha. An additional 25% trees would be retained as a safeguard measure against biotic pressure and for conservation purpose. After retaining 25% the total number of trees available for marking will be limited to 4 trees per ha. Further, total No. of trees allowed to be felled according to Existing working Plan is 4 per hectare. During our visit and interaction with local suggest that more then 650 trees including sal (*Shorea robusta*) are felled in horizontal distance of 2.5 kms. In Anantpur reserve forest only three Sal (*Shorea robusta*) trees are allowed to fell.

S.No.	Felling series	No. of Coups	Area of FS	Allowed % removal		Tree limit per ha.		Total Tree limit per ha
				Sal	Others	Sal	Others	
1	Ranjagarh	10	11956.43	13	21	2.4	2.7	53.1
2	Anantpur	10	11089.17	30	26	3.2	3.6	6.8
3	Kandhara	10	5815.44	NA	27	0	3.0	3.3
	Total	30	28861.04	43	74	5.6	9.3	15.2
	Average	10	9620.347	22	25	2.8	3.1	5.07
	Reduction by 25 % to compensate the biotic pressure and conservation measures					0.7	0.775	1.268
	Trees available for marking per ha					<b>2.1 or 2</b>	<b>2.325 or 2</b>	<b>4.427 or 4</b>

\* Abstract of Table 11.5 of Working Plan of Dhenkanal Forest division (Page No. 228)

**But at both sites more then prescribed limit trees are marked and felled. In one case it is as high as 8 is a violation of the guideline.**

- h. **Chapter 11.12.2 (xii) Prescribes**, “The fruit trees such as Mahula, Mango, Tamarind, Amla, Chara, Kendu, Bahada, Harida and Bela etc. shall not be marked for felling”. **However in practice site it is found that an immature kendu and**

mahul trees are felled which is Violation of the guideline. The photograph is annexed .

- i. **Chapter 11.12.2 (v)** Prescribes, “All trees to be marked for felling shall be given two blazes approximately of size 15 cm \* 15 cm, one at the breast height and the other as close to ground as possible and marked with a departmental hammer and numbered serially”. However in practice site the trees to be marked for felling is given only one blaze at breast height and no blaze mark is found at the base level.
- j. **Chapter 11.12.2 (xi)** Prescribes, “Marking should be done only on those trees whose removal will not create a permanent gap in the canopy and will not affect regeneration and the fauna”. However in practice, at Geo location 21° 03 79 N, 85° 26 10 E, the whole area is cleared and there is a visible gap in the canopy.
- k. **Chapter 11.12.3** Prescribes, “The marking shall be done by an officer of at least the rank of Range Officer, which should be checked as per provisions of the Orissa Forest Department Code, 1979, as modified by Government from time to time”. The verbal discussion with residents of Khajurinalli hamlet gives an impression that marking were not done in presence of Range Officer as prescribed in working plan but by Forester of Mahavirihudu ..
- l. The sequence of felling is shown in management map and is as follows (table no. 11.6)

<b>Table: 11.6 SEQUENCE FOR COUPE WISE FELLING</b>				
Name of the felling series	Year of felling	Coupe No	Comp. No.	Area in ha
<b>Anantapur Felling Series</b>	2004-05	I	24, 25, 28 (p)	1110.97
	2005-06	II	22, 23, 21 (p)	1135.67
	2006-07	III	21 (p), 19, 20	1135.50
	2007-08	IV	14, 17, 18	1169.99
	2008-09	V	15, 16	1051.00
	2009-10	VI	13, 7	977.76
	2010-11	VII	4, 5, 8 (p)	1151.33
	2011-12	VIII	8 (p), 9, 11	1143.32
	2012-13	IX	26,12	1152.18
	2013-14	X	28 (p), 29, 30	1061.45
<b>Total Coupe Area</b>				<b>11089.17</b>

The felling series in compartment no. 22 and 23 of Anantpur reserve Forest is in 2005-06 but not 2006-07. However, felling is made in both the years in these compartments.

4. That adjacent to the said area there are two poor **Tribal habitations** in hamlets ‘Khajurinalli’ and ‘Chauliajharan’ of Patharagarh revenue village, Gram Panchayat - Bam, Block – Kankadahad, PS- Parjang in Dhenkanal district. In both the hamlets nearly 48 families are residing and they have been protecting the said forest for last thirty years. The magnitude of their effort in protecting the forest can be measured by comparing with the forest patch near Gomadiha and Tamapei. Tampei and Gomadiha have degraded and

the hill top has become bald whereas the forest which is protected by 'Khajurinali' and 'Chauliajharan' is dense and filled with Sal trees (Shorea robusta) and Asana (Terminalia tomentosa).

5. That the localities have a sacred grove in the same forest area. Cutting the trees in the "Scared grove" is a blow to the religious sentiment of the community. From the point of conservation value, the sacred grove plays a vital role. So their religious sentiment should also be given due recognition.
6. That the guidelines to be followed for felling of the trees are mentioned in the Revised Working Plan of the reserved forests of Dhenkanal Division, for the period 2004-2005 to 2013-2014, Govt of Orissa. The same is prepared by Forest Department, Govt of Orissa. **(Annexure No - III )**
7. That the illegal green felling is being protested by the local people and the same issue is being highlighted by different print and electronic Medias such as the Hindu & NDTV and also regional oriya newspaper Dharitri. **(Annexure No - V)**. Because of the strong protest by the local forest protecting community, the felled tree logs are still remaining in the forest.
8. That regarding this issue, a memorandum is also given to the Chief Minister of Orissa for proper inquiry into the matter. **(Annexure No - VI)**
9. That the Forest Department has clearly violated the mentioned norms and guidelines (for method of execution of felling) as prescribed in the working plan.

The above facts clearly speaks that an organized racket is working to clear up the forest in the name of Timber operation.

### **Prayer**

1. We appeal you to look into the matter and initiate enquiry in this green felling issue so that more undiscovered truths can come out.
2. Pass any order which you find fit and is appropriate in considering the facts and circumstances of the case.

**Adivasi Kranti Sanghatan**

**On behalf of Villagers Khajurinali and Chawalijharan**