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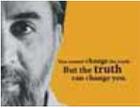
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## Top Secret

## Hanging by the Supreme Court's Tail

*Nestled in the Nilgiri hills of Tamil Nadu, pristine rosewood forests are now witness to rampant encroachments with the help of forest officials and politicians despite the apex court's order. Keya Acharya reports*

If you are ever offered a drive from Gudalur in the Nilgiri hills of Tamil Nadu, 40 km from Ooty, down to the foothill district of **Malappuram** in Kerala, take it up. The road traverses through amazing tropical rainforests like Africa's, deep, dense and surrealistically remote, considering the din of Gudalur nearby.

And, more surprises, these are 'private' forests, part of 80,087.74 acres, once thick with rosewood trees and teeming with wildlife, belonging to the rajas of Nilambur (Nilambur Kovilakam), governed by the Tamil Nadu Preservation of Private Forest Act, 1949.

These janmam lands (principality land) were then acquired by the government through the Janmam Lands (Abolition and Conversion into Ryotwari) Act, 1969.

But since the Act's implementation in 1974, these beautiful forests, sadly excluded from the protection of the UN-recognised Nilgiri biosphere, have faced nothing but a cauldron of deforestation, corruption and complicated legal tangles.

The Act prohibits pattas on forested janmam lands (Section 11), but gives ownership of lands cultivated continuously for three years prior to 1969 to jannis (original purchasers) and 99-year lessees from Nilambur Kovilakam (Section 8), in turn to their lessees (Section 9) and to anyone else falling under the 'continuous cultivation' rule (Section 10). Section 17 empowers the government to renew or terminate all pattas. The Act so far has settled 9,272.49 acres under jannis, 5,886.54 acres as 'waste lands' (Section 15) and 12,928 acres as forests (Section 53).

It is the remaining 52,000.71 acres, including 91 plantations, 11 of which are major, that has given rise to a continuing controversy. As per original leases signed with Nilambur Kovilakam, the area under plantations should be 19,644.19 acres, with a further 32,356.52 acres as 'undeveloped forest'.

The latter 32,356.52 acres together with 12,928 acres declared forests under Section 53, supposedly under government protection, are now facing rampant encroachments through fraudulent leases, illegal pattas, direct usurpation and increased plantation-acreage, all through active connivance of officials and plantation owners. No one case has been penalised so far.

In 1995, **Godavarman Thirumulpad** of Nilambur Kovilakam petitioned the Supreme Court (SC) to take the state government to task and prevent such encroachments. The court took his petition (202/95), popularly known as the Forest Case, and clubbed it with several countrywide forest cases appointing an Amicus Curiae as overseer. The SC then prohibited felling, pattas and regularisation of encroachments on janmam forests, asking Tamil Nadu to file a status report. Tamil Nadu's chief secretary reported 642 persons, including plantations, as violators and ordered contempt proceedings against them in July 2003. Nothing has come of these.

In May 2003, a five-member Central Empowered Committee (CEC) consisting of SC advocates, ministry of environment and forest (moef) officials and an ngo representative appointed by the court in the 'forest case', visited these janmam lands and reported further serious illegalities. Glenrock Tea Estate, for instance, has cardamom plantations by an encroacher, Gowrishankar, besides a road cut illegally through 3,560 acres of pristine forests to smuggle timber all the way to Kerala, under the knowledge of the Conservator of Forests (CF), Coimbatore Circle, T. Sekar. **Godavarman** has charged Sekar and the Tamil Nadu government with producing a doctored Survey of India (si) sheet showing the road's prior existence.

Over 1,000 acres of the Manjushree Plantations, leased from Nilambur Kovilakam in 1845, now with the Birla group, have been encroached by approximately six individuals who obtained pattas from the assistant settlement officer, revenue department, Pandurangan, who deliberately ignored the dfo's statement that pattas could not be granted in these forests under the Private Forests' Act. Pandurangan promptly retired thereafter. The dfo's subsequent appeal to the Survey and Settlement Director in Chennai in January 1999 cancelled these pattas, but the occupants obtained a stay and



**The Victim:** Vadelu, 65, faces eviction from Amekula village in Gudalur  
Photos: Keya Acharya

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continue to this day. So do fresh encroachments, a large number of them migrants from Kerala.

Adjacent to Manjushree Plantations, on Section 53 forests, James Jacob, an advocate from Kerala, has encroached extensively, building a huge bungalow and appropriating an entire stream by cordoning it with electrified fencing, obstructing elephants and wildlife from drinking water.

**At least 38 leaders from the ADMK, DMK and Congress are encroachers, with the CPM being the only exception**

The human rights group, Peoples' Union for Civil Liberties, says at least 38 local leaders from the admk, dmk and Congress parties are encroachers, with the cpm apparently the only exception. PR Chandramohan, booked as an encroacher of 150 acres in Devala, was appointed as government pleader for forests from 2001 to 2003. He sent several threat letters to the then dfo, Deepak Srivastava, warning him off his lands.

"In always each and different issue you hanging in the tail of the Supreme Court wp 202/95", wrote Chandramohan to Srivastava. "You are always misusing the Hon'ble SC order by way of threatening... evicted the landholder those who are already in possession and enjoyment." (SIC) Chandramohan was subsequently removed from his post in 2003.

The most prominent politician who reported complicity by the CEC to the SC, is the present Tourism Minister Andrew Millar, mla from Gudalur.

In 2001, Millar requested the chief minister to transfer three forest staff, typist Krishna Kumar, foresters Prem Sagar and Kundan and dfo Srivastava. Srivastava, then evicting encroachers under the forest case, said that Millar's request came because his father-in-law, Ponnaniyan Nadar, was prevented from encroaching 100 acres in O'Valley. Srivastava was transferred in April 2002, while Kumar was suspended on flimsy grounds. After Srivastava's transfer, encroachers moved back, while fresh encroachments continue to this day.

In fact, Tamil Nadu's official forest-related machinery has been distinctive in victimising those discharging their duties. Prem Sagar and Krishna Kumar, members of the Tamil Nadu Forest Staff Association, were transferred without designated posts in quick succession to Erode, Dindigul, Coimbatore. Kundan, president of the association, had been writing to the collector, chief secretary and others on the illegal goings-on in Gudalur forests from 2000, requesting action. Krishna Kumar was suspended when he and the others apprised the CEC in 2003 of illegal encroachments in Gudalur.

"Senior officials appear to have played an active role in victimising and harassing the staff," says the CEC, wanting a thorough probe into the conduct of CF Sekar, dfos Dinkar Kumar and AK Ulaganathan, described as "totally ineffective" and apparently aware of illegal goings-on in their district.

What is irking local communities now is that small-time livelihood encroachers are being evicted summarily by the forest department, in apparent compliance of the forest case orders, whilst nothing is being done about these 'big-timers'.

June 18, 2005

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