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TOP SECRET

The Teak Crush

Why is the Chhattisgarh government not taking any action against top bureaucrats and politicians indicted in the biggest environmental corruption case of the country?

Keya Acharya

Bastar

Nearly half a century ago, in 1955, Devinder Nath, an idealistic young ias officer, nervous at his first appointment as district collector (dc), found himself in a remote village called Bhanupratappur, in what is now Chhattisgarh's Bastar district. The villages, inhabited predominantly by adivasis, were known for their magnificent teak and hardwood trees.

Earlier, local zamindars needing handy labour encouraged tribals to live inside forests but without access to its trees. After 1949, changed land laws allowed tribals right to forest lands, the latter on a government-fixed fee. Those holding tree rights thus became Malik Makbujas, currently an infamous phrase.

In Bhanupratappur, Nath found timber merchants duping Malik Makbujas tribals into bogus contracts surrendering their rights. In one case, a man gave up his trees in exchange for his young daughter and him to be taken to the cinema in town. In another, a tribal resisting a contractor was arrested by the local police for criminal intimidation. Nath described the robbing spree as the teak rush, "an exploitation, the likes of which, has rarely been seen anywhere in the country".

With integrity and courage, there being no laws prohibiting these contracts, Nath curtailed the transportation of timber under the flimsy motor vehicle violation laws and got the chief minister's unstinted support to see the mp Protection of Scheduled Tribes (Interest in Trees) Act, 1956, passed within six months.

The new law empowered only Malik Makbujas to seek permission from the collector to sell a fixed amount of their timber annually. These could be sold only through the forest department which fixed the rate, the idea being to give a fair price to the tribals. Nath, in his naivety and idealism, thought the collector as government administrator would ensure justice to the tribals. Fifty years later, a Bastar Commissioner, Narayan Singh, currently a member of the Chhattisgarh Land Revenue Board at Bilaspur, along with four additional collectors, all still serving, have been indicted in the country's biggest environmental corruption case unearthed so far, now known as the Malik Makbuja scandal.

Tribals, tricked into thinking they were selling the trees, have through signed powers of attorney, lost their lands. They have been handed a pittance for their trees. The fraud has also involved redesigning government maps to show reserved forests as private lands.

Out of the Rs 12.14 crore that the forest department is recorded to have paid to the power of attorney holders for the timber (several cases have no records of money paid by the forest department), Malik Makbujas received approximately Rs 13.80 lakh.



Missing The Woods: this is what remains of the thick forest cover in Bastar photos keya acharya

SITTING PRETTY? (CEC Report in IA No. 60, part of the 'Forest Case' WP 202/95, Supreme Court of India)			
Name & designation of officer	Status as mentioned in affidavit by MP Chief Secretary in 1997	Present status	Remarks
Narayan Singh, IAS, Commissioner Bastar division	Transferred out of Bastar. Departmental enquiry initiated in March 97.	*Chargesheet filed by CBI in Raipur on 26.12.2001. Pending. *Department Enquiry Pending (Chhattisgarh).	Case delayed over 6 years; CEC remarks delay has defeated the basic purpose of initiating a cation. The Lokayukta made serious comments against him. *FIR filed on 27.1.1998.
PC Maena, IAS, Collector, Bastar	Explanation called for.	*Currently Member, Revenue Board, Bilaspur. State govt decided to take no disciplinary action as sufficient grounds are not found.	The Lokayukta made a severe comments against him (LR Pg. 49-50). *Name included by CEC in IA No. 60 of WP 202/95.
NS Pathara, IAS, Addl Collector	Explanation called for.	*Current status; Joint Secretary, Department of Education	MP govt did not institute a departmental enquiry against him initially, in spite of serious comments against him in the Lokayukta report. Was indicted only after CBI final report. IR filed on 27.1.98. *CBI final report recommends major penalty. *CE pending.
MR Sarathi, IAS, Addl Collector, Dantewada	Explanation called for.	*Currently Special Secretary, Department of Tribal Welfare, Chhattisgarh. *Recommended for major penalty in CBI final report. *Enquiry pending. *Arrested, then released on bail on 24.10.04, on charge of raping a tribal woman in Jashpur in 2001. *Ajit Jogi govt refused to charge him, in spite of a police FIR by the woman in October 2001. Instead, was rewarded by being appointed Collector, Jangir Champa district. *FIR filed by BJP govt. in May 2004. *To avoid suspension, has reportedly applied for VRS on 24.02.04. Has not attended office since 25.10.04.	*Proceedings delayed over 5 years on flimsy grounds. *Serious comments against him in the Lokayukta report. *In spite of serious lapses, not recommended for prosecution by CBI on the grounds that the permissions given by him for felling of trees was in quasi-judicial capacity.
Chideta, IAS, Addl Collector	Explanation called for.	*Current designation: Commissioner, Public Information, Chhattisgarh. *On sabbatical in Birmingham, UK *No disciplinary action by state govt on grounds that CBI in its preliminary report had not recommended any action.	*Serious comments against him in Lokayukta report (LR Pg. 49) that he allowed felling of 300 trees at a time for which he had no explanation. *CEC includes his name in IA No. 60 of WP 202/95.
Manoj Goyal, IAS, Addl Collector, Jagdalpur	Not covered in the affidavit	*MP cadre. *Currently Commissioner, Banagari Project, Rewa.	*Indicated for major penalty in CBI final report. *State govt intends taking action by 2005. *Name included in CEC's IA No. 60 in WP 202/95.
Ranjay Raag, IAS, Addl Collector, Jagdalpur	Not covered in the affidavit	*Current status: MP cadre of IAS when Chhattisgarh was formed. Currently in charge of MP's Mid Day Meal Scheme. *Records received from CBI only on 22.12.2003 by the state government intends taking action within one year.	*Recommended for major penalty by CBI. *Name included in CEC's IA No. 60 of WP 202/95.
PC Shukla, Tehsildar, Dantewada	DE initiated vide Commissioner Bastar's orders 3.97.	DE completed: found not guilty	*CBI recommended major penalty. *Serious comments by Lokayukta against his certifying wrong demarcation of govt land. CBI has recommended his prosecution in the final report.
Dharamraj Sahu, Patwari VIC Srivastav, Patwari, Ram S. Netam Patwari, Laxmikanth Raj, Patwari Darsmand, Patwari SS Raj, Patwari YS Thakur, Patwari DR Netam, Patwari L. Yadav, Patwari Prakash Netam, Patwari Jagdish Bhargava, Patwari IS Thakur, Patwari	Prime & de responsible for demarcation of government land and illegal felling of trees. Suspended. DE ordered. Prime & de responsible for demarcation of government land and illegal felling of trees. Suspended. DE ordered.	DE completed. Punishment-minor penalty awarded. DE closed and suspension revoked as charges could not be proved.	The DE is not complete though more than 20 years have passed. CBI in its final report has also recommended DE for major punishment.
V. Rama Rao, DFO	Prime & de responsible for demarcation of government land and illegal felling of trees. Suspended. DE ordered. 1. Show cause notice issued on 7.8.96 for irregularities and illegalities.	Present status: not initiated.	Was found to be involved in maximum number of cases, i.e., 20 cases. Matter pending with the state government for more than six years. CBI has recommended his prosecution in the final report (Pg. 9 Para No. 5.14.2).
OP Pathore, ACF	1. Chargesheet issued for irregularities and illegalities.	DE under consideration since 26.12.97. *Continues in the ID Chhattisgarh. Due for retirement: 2008. DE completed. Charges not proved.	

On an average, a tribal received Rs 2,000 for a tree worth Rs 25,000. For the approximately 282 acres of land (many again have no records) handed over by tribals assuming only trees were being sold, they received Rs 12.37 lakh on paper. In reality, the amount was far less.

Ironically enough, Nath's case study — Of Logs And Men — is being used studiously every year to train ias cadres in Mussourie. Not all ias officers in Bastar have been corrupt. In December 1996, Collector B. Rajagopala Naidu exposed Singh by writing about his involvement in the Malik Makbuja fraud to Lakshmi Narain, principal secretary in the mp revenue department.

"During the three-year tenure of Narayan Singh, the district has witnessed unprecedented and illegal felling. The commissioner himself has given a corrupt orientation to the entire revenue department in Bastar... and aided and abetted the cutting of trees," he wrote. By 1997, the forest cover had decreased drastically from 55 percent to 30 percent. There are no studies to date on the negative impact this huge desecration of national wealth has had on the environment.

Instead of a departmental inquiry which Naidu requested, this time to mp Chief Secretary sc Behar in January 1997, he found himself abruptly transferred in February 1997, along with Singh.

SR Hiremath, co-ordinator of a Karnataka-based ngo — National Committee for the Protection of Natural Resources — collaborated with local ngo Ekta Parishad to file a pil in the Supreme Court (sc) in February 1997.

The sc ordered a Lokayukta inquiry which led to a cbi inquiry resulting in 101 criminal cases against 83 government officers. Also indicted were the then Bastar mp, Mahendra Karma, the then Bastar mla, Rajaram Todem, and Virendra Netam, brother of Arvind and Shiv Netam, the former a Union minister and the latter a forest minister in mp.

Hiremath's petition has since been taken up by the sc into the fold of the 'Forest Case' (wp 202/95) which orders six Indian states, including Chhattisgarh and mp, to revert all forests, whether in revenue or private hands, to the forest department and evict encroachers on them.

Singh was indicted in the Lokayukta report for comprehensive connivance in at least one case and responsible as district commissioner for violations under his jurisdiction. Curiously enough, his involvement did not surface in the subsequent cbi inquiry. Sources say Singh's political influence inhibited even the cbi. After repeated orders by the sc, the cbi finally in 2003 submitted a confidential 'sp's report' wherein a copy of the cbi's fir against Singh in January 1998 was enclosed. Singh now heads the list of officers facing major penalty, prepared by the Central Empowered Committee (ces) of the sc under the 'forest case'.

Singh, as commissioner of Bastar in 1991, was responsible for upholding, on very flimsy grounds, the illegal sale of nearly 81.5 acres of tribal lands from 26 villagers to Srichand Lunia, a local merchant of Jagdalpur. The additional collector (ac) had cancelled 16 of these illegal transactions, upon which the Lunias went directly to Singh. Singh is reported to have declared that the responsibility of protecting the environment did not rest on Bastar alone. The revenue board then upheld the ac's cancellation, but the Lunias promptly got a stay order from the high court. The case is still pending.

Additional Collector MR Sarathi gave 237 permits to fell 2,111 trees; in some cases he issued double permits for felling the same trees. Sarathi has claimed legal immunity saying as ac he was functioning "under quasi-judicial capacity". Collaborating with Sarathi was District Forest Officer V. Rama Rao, actively incriminated in 20 cases for failing to note the legally required valuation of trees to be felled.

One example of Rama Rao's complicity is in the Rajkumar Mandavi case. Mandavi bought three tribal plots and sold the trees to the forest department for approximately Rs 25.5 lakh. The cbi then discovered he was the tribal 'front man' of one Balaram Nagavanshi. Mandavi received Rs 2 lakh, while Bhumi Munia, the poor tribal who sold the land in the first instance, received Rs 20,000 and 2 bags of rice for trees that fetched Rs 25.5 lakh, rightfully his.

Apart from Singh, other high-profile officers whose names figure in the sc panel report are: PC Meena, MS Paikara, CK Khaitan, Manoj Goyal and Pankaj Raag. The government decided not to take action against Meena, even though the Lokayukta made adverse remarks against him. In Paikara's case too, despite the Lokayukta's report, the government did not institute a Departmental Enquiry (de) against him. Action was taken after the cbi recommended penalty in its final report.

Similarly, in Khetan's case, no disciplinary action was taken on the pretext that the cbi, in its preliminary report, did not recommend any action. In Goyal's and Khetan's case, for whom the cbi has recommended penalty, the government intends to take action in a year's time.

The reaction of the then MP government of Digvijay Singh, was as shocking as the offences committed. Legal proceedings have been dragging since 1997, with inquiries initiated against just a handful of the 83 officers indicted by the cbi. One single case has been completed against a junior officer. His penalty: withholding of one salary increment.

In 1998, MP government deposed before the sc in Hiremath's case, saying "because of certain constraints, it has not been possible for the state government to do all that is necessary" with regard to the Lokayukta's criminal indictment of Narayan Singh, Mahendra Karma, Virendra Netam, Rajaram Todem, among others. Digvijay Singh is reported to have admitted to the press that he was 'sometimes amenable to political pressures'.



Price Of Innocence: tribals were fooled into selling teak trees

An officer gave 237 permits to fell 2,111 trees; in some cases he issued two permits for felling the same trees

Ekta Parishad's Ratneshwar Nath says, "Numerous tribals and non-tribals are losing their livelihoods and homes through evictions under this very same forest case."
The Amicus Curiae (a person appointed by the court to oversee a case) in the sc case, former Solicitor General HN Salve, is now arguing that both land and money be returned to the tribals.

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