

CHAPTER: 6

**EMPIRICAL STUDY RELATED TO TIMBER TRADE IN
KERALA, WEST- BENGAL, ASSAM, MIZORAM AND
TRIPURA**

THE FRAME

This chapter is based on empirical work. Although the focus of the theses is on the State of Tripura, but in order to draw a comparison and to understand the modalities of implementation of laws relating to timber trade in respective States, the researcher has done a comparative field study in States of Kerala, West-Bengal, Assam, and Mizoram also. It must be recalled that in addition to the central legislation, under the Constitution each State can formulate their own laws with respect to forest maintenance and management. This comparative study of the modalities of forest management and maintenance actually helped the researcher to understand the situation in the State of Tripura. The five States were chosen as they shared a similar forest type called the Tropical Moist Deciduous Forest and enjoyed cultural similarity.

THE FOCUS

This chapter focuses on the implementation of the laws relating to timber trade at the ground level in five states of India.

THE OBJECTIVE

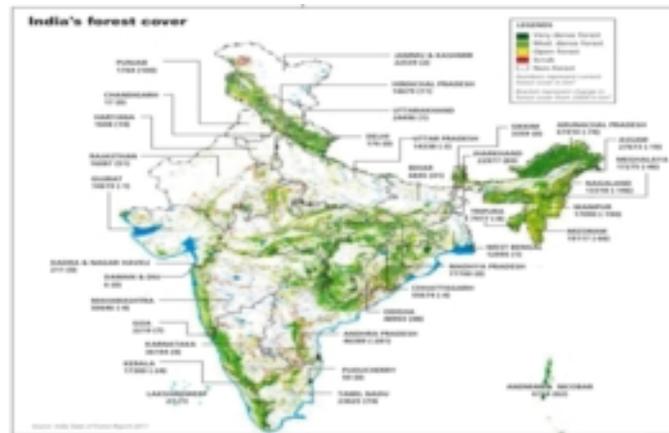
The objective of this chapter is to study the implementation of laws in the above mentioned states in addition to the central laws. It may be recalled that matters relating to forest and forest produce figures in item no.17A, 33(a) in List III [Concurrent List] & Item 18, 27, 45 of List II [State List] in schedule VII of the Constitution of India. Therefore each state in addition to the central laws has customized its own laws for the protection of the forest and forest produce within their territory.

During the empirical study the researcher had apprehended a certain degree of fear and resistance from the respondents. This apprehension proved to be true at the operational level. In order to reassure them each respondent had been given an undertaking from the researcher stating that the researcher is a registered Ph.D. scholar in the University of North Bengal and the information given to the researcher shall remain strictly confidential and shall be used solely for the purpose of writing the thesis. The names and/or identities of the respondent shall not be revealed to the public under any circumstances. The researcher further gave a copy of the filled in questioner to the respondents for the purpose of cross checking the authenticity of his presentation by the respondents if they so desired. Despite such assurances and genuine efforts of the researcher the respondents were not willing to be interviewed. So in order to reach them the researcher met some knowledgeable and influential persons in research organizations such as various forest research institutes like Kerala Forest Research Institutes (KFRI), Assam Forest Research Institute (AFRI) and Local MLAs, Union Leaders, Secretaries of Timber Associations and through them he approached the respondents to obtain authentic responses free from fear etc.

INDIA'S FOREST COVER: GENERAL OBSERVATIONS

India was once covered by dense forest but now the state of India's forest is fast declining. As of 2002, the Food and Agriculture Organization of the United Nations estimates shows India's forest cover to be about 64 million hectares, or 19.5% of the country's total geographic area should desirably be at least 33%. In terms of availability of forest land per person in India, the rate is one of the lowest in the world at 0.08 hectares, against an average of 0.5 hectares for developing countries and 0.64 hectares for the world. Forest degradation is

a matter of serious concern. India's wood-based and wood processing industries consumed about 30 million cubic meters of industrial wood in 2002⁵³⁷. An additional 270 million cubic meters of small timber and fuel-wood was consumed in India during the same period. An important cause for excessive wood use is its relatively low price because of subsidies on wood raw materials and free fuel-wood supply. India produces a range of processed forest (wood and non-wood) products ranging from wood panel products and wood pulp to make bronze, and resin. India's paper industry produces over 3,000 metric tons of paper annually from more than 400 mills⁵³⁸. The furniture and craft industry is another consumer of wood. A 1999 publication claimed that protected forest areas in several parts of India, such as Jammu and Kashmir, Himachal Pradesh, Karnataka and Jharkhand, were vulnerable to illegal logging by timber mafias like Veerappan that have co-opted or intimidated forestry officials, local politicians, businesses and citizenry. Clear-cutting is sometimes covered-up by conniving officials who report fictitious forest fires.⁵³⁹



Map No. 1. Showing forest cover of India

FOREST TYPES IN INDIA

The forest type chosen for the field work was **Tropical Moist Deciduous** Forest. The five States chosen for study were selected due to this reason and the fact that they enjoyed a cultural similarity and also because these five States were accessible to the researcher.

⁵³⁷ "Forests and the forestry sector: India", Food and Agriculture Organisation of the United Nations, 2002

⁵³⁸ Ibid

⁵³⁹ Ajay Singh Rawat, "Forest Management in Kumaon Himalaya: Struggle of the Marginalised People", Indus Publishing, 1999, [ISBN 81-7387-101-9](#). ... *within 5 years in the Western Circle, 13 forest officials have been murdered and 39 fatally wounded in their bid to prevent illicit timber trade ... Politicians are wary of getting on the wrong side of the timber mafia, who have proved to be extremely generous during election time ...* see also H.C. Upadhyay, "Status of Scheduled Tribes in India", Anmol Publications Private Limited, 2004, [ISBN 81-261-0367-1](#). ... *The timber mafia in collusion with concerned forest officials are reported to resort to the so-called accidental forest fire to hide their illegal plundering ...*

S.NO.	FOREST TYPE	AREA IN Sq.Km	%	OCCURRENCE
1	Tropical Wet Evergreen Forest	51,249	8.0	Arunachal Pradesh, Assam, Karnataka, Kerala, Manipur, Nagaland, Tamil-Nadu, Andaman & Nicobar Islands, and Goa
2	Tropical West Semi-Evergreen Forest	26,424	4.1	Assam, Karnataka, Kerala, Nagaland, Tamil- Nadu, Orissa, Gujarat, Maharashtra, Andaman & Nicobar Islands, and Goa
3	Tropical Moist Deciduous Forest	236,794	37.0	Assam , Andhra Pradesh, Mizoram, Tripura , Meghalaya, Madhya Pradesh, Karnataka, Kerala , Nagaland, Tamil-Nadu, Orissa, Gujarat, Maharashtra, West Bengal , Bihar, Uttar Pradesh, Andaman & Nicobar Islands, Goa, and Dadra and Nagar Haveli
4	Littoral & Swamp Forest	4,046	0.6	Andhra Pradesh, Gujarat, Maharashtra, Tamil- Nadu, Orissa, West Bengal and Andaman & Nicobar Islands
5	Tropical Dry Deciduous Forest	186,620	28.6	Andhra Pradesh, Gujarat, Maharashtra, Bihar, Himachal Pradesh, Haryana, Rajasthan, Jammu

				& Kashmir, Punjab, Tamil-Nadu, Orissa, West Bengal, Kerala, Uttar Pradesh, Karnataka, Madhya Pradesh
6	Tropical Thorn Forest	16,491	2.6	Andhra Pradesh, Gujarat, Maharashtra, Himachal Pradesh, Haryana, Uttar Pradesh, Tamil Nadu, Rajasthan, Madhya Pradesh, Karnataka, and Punjab
7	Tropical Dry Evergreen Forest	1,404	0.2	Andhra Pradesh & Tamil Nadu
8	Sub-Tropical Broad Leaved Forest	2,781	0.4	Tamil Nadu, Assam, Meghalaya, West Bengal, Maharashtra and Kerala
9	Sub-Tropical Pine Forest	42,377	6.6	Arunachal Pradesh, Sikkim, Nagaland, Meghalaya, Uttar Pradesh, Jammu & Kashmir, Manipur and Himachal Pradesh
10	Sub-Tropical Dry Evergreen Forest	12,538	2.5	Himachal Pradesh, Jammu & Kashmir, Mizoram
11	Montane Wet Temperate Forest	23,365	3.6	Arunachal Pradesh, Karnataka, Manipur, Nagaland, Tamil- Nadu, Sikkim
12	Himalayan Moist Temperate Forest	22,012	3.4	Jammu & Kashmir, Himachal Pradesh, Uttar Pradesh
13	Himalayan Dry Temperate Forest	312		Jammu & Kashmir, Himachal Pradesh,
14	Sub-Alpine and Alpine	18,628	2.9	Jammu & Kashmir, Uttar

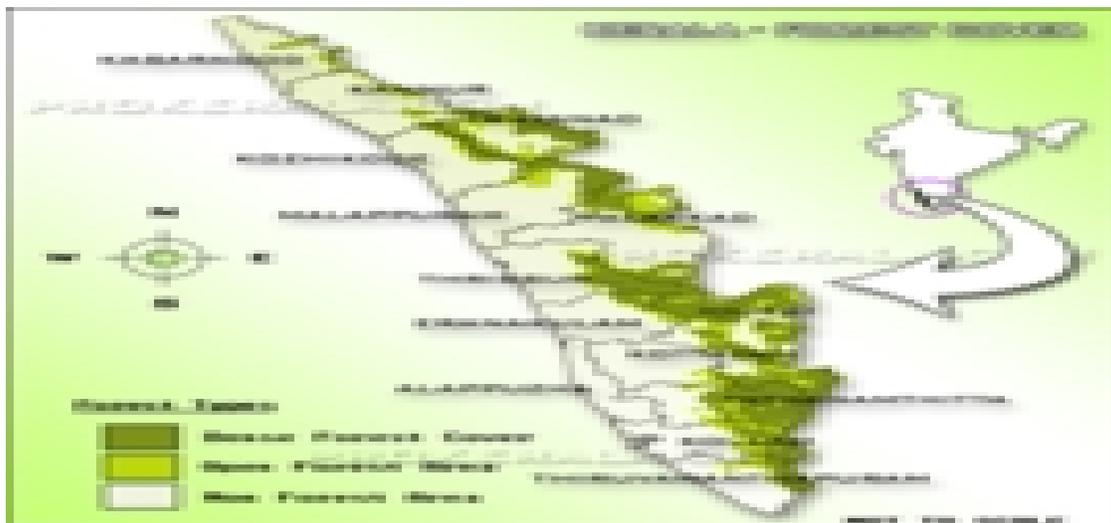
	Forest			Pradesh, Sikkim, Nagaland and Arunachal Pradesh
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Table No. 1: Showing the forest types and area in India

REPORT OF THE FIELD SURVEY

❖ KERALA STATE

The researcher visited Kerala in January 2013 and visited the Districts namely, Palakkad, Thrissur, and kottayam and Thiruvananthapuram. The reason for choosing Kerala for the purpose of study was that Kerala enjoys the similar climate and vegetation like that of Tripura and only Kerala and Karnataka in the Western Ghats has the similarity with Tripura. In order to get a similar ambiance with that of Tripura the state of Kerala was chosen for the purpose of the study where the researcher for the field survey took the interview of some forest officials and some of the timber traders. Besides the forest officials and the timber traders in Kerala, Senior Advocate A. P. Chandrasekharan, an expert on Forest Laws and Counsel In Godavarman Tirumulkpad Case and Dr. Easa who is a Senior Scientist of Kerala Forest Research Institute in Peechi, Thrissur have also been interviewed in this regard.



Map No. 2. Showing location of Kerala (Inset) & forest distribution in Kerala

Kerala is a small state which represents just 1.18 percent of the land mass (38863 Km²) of India and is called “Gods own country” and “spice garden of India”. It is a very beautiful state with excellent landscape, sparkling oceans, lovely beaches, thick jungles, plantations, hills and enthralling rivers and lakes. Kerala has a dual characteristic of being agriculturally and industrially advanced. This provides a better quality of life to the people. Kerala because of its uniqueness attracts both National and International attention.

Kerala has roughly 30% (29.81) of its land mass under forest canopy. There are 41 west flowing rivers and 3 east flowing rivers in this small state. The highest mountain pick is called Anamudi is about 2694 meters high. The forest in Kerala is graded as reserve forest (9107.2066 Km²), Proposed Reserve Forest (364.4731 Km²), Vested Forest and Ecologically Fragile Lands (1837.7957 Km²). There are five National Parks, seventeen Wild Life sanctuaries, two Biosphere Reserves and one Community Reserve. Idukki district has the highest reserved forest area and Alappuzha has no reserve forest.

The empirical study in Kerala was undertaken in four parts as mentioned below:

- A. Interview with the forest officials in Kerala.
- B. Interview with the timber traders in Kerala.
- C. Interview with Advocate A.P. Chandrasekharan an expert on Forest Laws and Counsel in Godavarman Tirumulkpad Case in Kerala.
- D. Interview with Dr. Easa a senior Scientist of Kerala Forest Research Institute in Peechi, Thrissur (Kerala).

The researcher interviewed Chief Conservator of Forest (CCF) & Custodian of Vested Forest of Eastern Circle Olavakkode in Dist- Palakkad, Chief Conservator of Forest (CCF) of Central Circle Thrissur and Deputy Conservator of Forest in the Central Circle of Thrissur in Kerala.

There are five forest circles in the state. Each circle has minimum of one and half districts and a maximum of four and half districts. The circles are divided into North, South, Central, East and High Range. The distributions of districts are as follows:

North	South	Central	East	High Range
Kannur	Alapuzha	Ernakulam (part)	Kozhikode (part)	Ernakulam (part)
Kasargod	Kollam	Thrissur	Palakkad	Idukki
Kozhikode (part)	Pathanamthitta			Kottayam
Wayanad	Tiruvananthapuram			

Table No.2. Showing the circle wise distribution of districts

The researcher found that Kerala meticulously adheres to the working plan that comes from the centre for thinning management and is highly systematic in executing the thinning plan. The corruption level is very low here and the transparency level is very high. There are separate wings for working plan and research and 24 working plan divisions are there. All the management plans in Kerala are under this wing. Illegal felling in Kerala is almost nonexistent. Keralites do not find illegal felling to be profitable. A high risk factor is associated with illegal felling. The reason behind this that the youth in Kerala are highly ambitious and they do not want to jeopardize their career ambitions. Moreover the minimum wage rates in Kerala are very high compared to other States is about Rs. 500/- per day for unskilled workers, the minimum wage for the skilled workers is still higher. There is a high rate of land holding in the State. The climate remains almost the same throughout the State so the expenditure on climate suitable clothes, food and illness is also less. The level of environment consciousness is very high in Kerala. Under these conducive circumstances there is little inclination towards illegal felling.

Adafic soil and altitude conditions etc. affect forest growth beneficially. The mountain height on the average is 0ft - 2000 ft, so it is a steep recline. This recline is beneficial for forest growth. Average breadth of the State is 50 km. Average length of the State is 600 km. There is a forest code which enumerates the responsibilities of forest officers.

A. Interview With The Forest Officials In Kerala

- i. Interview of the Chief Conservator of Forest and Custodian of Vested Forest at Palakkad (Eastern Circle):

The researcher had to follow up for appointment several times. After several calls the researcher was told to mail the questionnaire and it would be returned after it was duly filled up. When repeated requests and persuasions did not work the researcher approached Dr. Easa of KFRI to convince the PCCF to meet the researcher.

The following is the text of the responses.

There are six divisions in the Eastern Circle comprising of a forest area of 1737.5937 sq.km.

The six divisions are:

Territorial	Working plan and Research
Vigilance	Wild life
Social Forestry	Timber Sale.

Table No. 3. Showing six divisions in the eastern circle (Kerala)

The Eastern Circle has only reserve forest under it comprising of Mannaarkkad, Palakkad, Nemmara, Nilamboor North and Nilamboor South⁵⁴⁰. The CCF stated that in the last decade there has not been any depletion of forest. Approved timber felling in the area under him were as follows:

Palakkad	3817.11 m ³ per year
Nilamboor North	2167.657 m ³ per year
Nilamboor South	5165.369 m ³ per year

Table No. 4. Showing the permitted level of timber felling per year under Eastern Sector (Kerala)

⁵⁴⁰ The famous Godavarman case originated in Nilamboor.

The CCF stated that illicit timber felling in Kerala is almost nonexistent. However he gave the researcher an estimate of possible illegal felling in Eastern Circle.

Palakkad	6.06 m ³	0.16% of legal felling
Nilamboor North	14.279 m ³	0.68% of legal felling
Nilamboor South	3.53 m ³	0.068% of legal felling
Mannarkkad	10.567 m ³	Statistics for legal felling were not made available
Nemmara	19.0983 m ³	Statistics for legal felling were not made available

Table No.5 showing the estimated & possible illicit timber felling in Eastern Circle (Kerala)

Thus the volume of illegal felling in percentage in Palakkad, Nilamboor north and Nilamboor south is about 1% [0.908%] only.

The researcher asked the CCF whether there were timber mafias in the state. The CCF stated that as such there are no timber mafias in Kerala but some criminals indulging in criminal activities in forest and forest produce may be there in the Attappady region. When asked what were the reasons behind near nonexistent illegal timber trade in Kerala the CCF stated that Kerala has a high standard of living and almost all keralites have some property. The young generation aspires to go abroad. Any court case or trouble with the law will destroy their chances of going abroad. The lure of the gulf money and the American dollar is higher than the temptation for illegality. The young generation understands that in the long run illegality will not pay. More over in Kerala the public opinion about these things are very high and the people are sensitive about environment.

The CCF was further questioned whether timber trade affects the forest adversely he answered that in Kerala no timber is taken from the natural forest. The forest department specially cultivates timber producing trees that are felled according to a pre planned felling programme. This activity is undertaken under the Kerala Promotion of Tree Growth in Non Forest Areas Act 2005 and the trading is monitored under the Kerala Forest Produce, Timber Transit Rules 1975. A VAT of 13.55% has to be paid on the bid amount. The Forest

Development Tax (FDT) is 5% of the bid amount and 2.5% of the bid amount is Income Tax. The CCF maintained that the Transit Rules and marking of the timber are strictly done but such strict implementation does not wipe off illegal trading in timber completely. The CCF was asked whether the forest regenerates itself in the same rate as it is denuded, in other words is there sustainability? After the coming into force of Conservation of Forest Act, 1980, from 1984 onwards in Kerala trees are not felled from natural forest or reserved forest. A separate timber cultivation takes place for the purpose of trading. So much so that even the wind felled trees are not removed and the carcass of the dead animals are not removed in the interest of preserving the biodiversity. If the wind felled trees are to be removed, roads etc will have to be made so the transportation becomes too expensive and the forest becomes accessible to the miscreants. Moreover the biodiversity will be adversely affected. So after 1984, timber cultivation is done separately so that the forest is not disturbed. In that sense forest sustainability is maintained.

But in case of timber plantation the story of sustainability is quite different. A teak wood tree takes at least sixty years to reach its optimal maturity. Thereafter the older the tree the more matured it is. However under the thinning management programme, the thinning cycles are 5 Years, 10 Years, 15 Years, and 20 Years. The total time allotted for maturity of a Teak timber tree is therefore reduced to 50 years instead of the required 60 years. In this fifty years cycle financial viability is looked at and not sustainability. This is a source of revenue generation for the forest department and the State of Kerala.

The only menace regarding the sustainability of the teak plantation is the wild undergrowth. Earlier there was the menace of Eupatorium and lantana. That was overcome. Now the threat is from the Mimosa Invasia and the Michenia which are climber parasites. They overtake the teak plant and prevent a sustainable growth. Rs 10/- lakhs per annum is allocated for regeneration of decayed forest and Rs 126/- lakhs per annum is allocated for regeneration of teak forest and Rs 10/- lakhs per annum is allocated for proposed reserved forest.

The CCF felt that the laws were fairly good. He gave the researcher the additional information that there were three auction depots under his circle where auction takes place every month. Nearing year ending sometimes two auctions a month is also held. These auctions generate revenue for the forest department. However, no timber is sold interstate or inter-country. People from neighboring states like Karnataka, Tamilnadu, come for the bidding as Kerala teak is one of the best teak, in the world, it gains a golden hue on polish

and hence known as golden teak. The CCF was also asked whether sawn timber is to be accounted for and the stocks maintained. It was informed to the researcher that there are about 1400 wood work industries and sawmills in the eastern circle. They are required to maintain stock register, conversion register and disposal register. They also have to submit monthly returns to the department. The forest department undertakes random checking of these sawmills and wood based industries. When questioned about forest land reclamation and forest regeneration the CCF narrated the Nilamboor and Nellimpathy cases.

Nellimpathy: The British had taken some land from the king of Kochi for cultivation of cardamom and coffee which can be grown as an under crop and did not require the forest to be felled. The king gave the land on condition that only cardamom and coffee would be grown and the forest land would not be alienated. The British adhered to this directive but when they left they gave the land to Indian Christians. The Indian Christians felled the trees and started cultivating rubber. The lease was for a minimum period of 90 years. As the lease got completed it was found that over the years, the land was partitioned, willed, sold, mortgaged and fragmented in many ways. Some had obtained bank loan. The Bank had given loan knowing full well that the land was a leased forest land. The loanee deliberately did not repay the loan and in some cases the Bank sold the land. Some land has been pledged and the pledge was not honoured. The matter went up before the court and the court ordered that the land be sold again knowing that the forest land cannot be sold. Many heavy weights are involved like advocates, judges, and nationalized banks like State Bank of India, state Bank of Baroda, land Reforms officials, Tehsildars, Ministers so and so forth. The list is unending. Now the matter may be handed over to the CBI. Some criminal cases are also pending against these people.

Nilamboor Case: This case involves 30,000 acres of forest land. These are dense impenetrable forest. Kerala land reforms allow 15 acres of land holding per family unit as ceiling area. There are 113 family units who are the owners of the kovilagam and claim that they are cultivating the land. The forest department wanted to reclaim this land. The kovilagam people did not object. But there are some timber mafias in this area they instigated the owners to seek restoration of 1695 acres of land as ceiling land and financed the litigation also. The Kerala High court upheld the claim of the owners and directed the forest department to return the land to the owners. The matter went up to the Supreme Court and the Supreme Court also upheld the claim of the owners. But for reasons known only to them [apparently there was some family dispute] the owners failed to take over the land and the

disputed 1695 acres of land lay just like that. In the mean time the Kerala Forest Management of Eco-Fragile Land Act, 2005 was passed under which the entire area including the 1695 acres was declared an eco-fragile land. Kerala Forest Management of Eco-Fragile Land Act, 2005 is based on the principles of Public Trust Doctrine and Eminent domain. In the mean time this 1695 acres of land was pledged to some Tamil Nadu concern but the pledge money was not paid. So the concern filed a suit before the Kerala High Court and the kerala High Court ordered that the land be sold. The sale advertisement said that “forest” land under dispute was to be sold. Kerala has a high literacy rate and public opinion is very strong. There was a State wide hue and cry against this. Forest Department also took cognisance of the matter; some public spirited citizens filed a PIL. There is a demand to prosecute the judge because he has written “forest” land in his order knowing full well that “forest” land cannot be sold. The hearing is coming up next week.

Unfortunately our judges are not very sensitised and very often do not know the ground reality. For instance these 1695 acres of land is dense forest and no cultivation is there. It is actually a hillock having timber but no one has seen or verified. Despite requests so far there has not been any inspection by the court.

ii. Interview of the Chief Conservator of Forest and Dy. Chief Conservator of Forest at Thrissur (Central Circle):

The researcher interviewed the above two forest personnel in the central circle. Central sector comprises of 1609.4764 km² of forest area. Under this circle there are 4 divisions comprising of 2 districts. The various gradations of forest in this circle are:

Reserve Forest	9107.2066 km ²
Proposed Reserve Forest	364.4731 km ²
Vested Forest and Ecologically Fragile Land [protected Forest]	1837.7957 km ²
Others	274.5220 km ²
Groves	Privately owned
Community Forest	Community forest- There are no formal gradation called community forest, but the forest area contiguous to the village is taken care of by Vana Samrakshana Samity (VSS), i.e. the joint forest

	management. This may be an equivalent of community forest- There are no VSS maintained forest under this circle
Total	11583.9974 km ²

Table No. 6. Showing the various gradations of forest in Central Circle (Kerala)

On the issue of growth or depletion of forest in the last decade, hereto, it was stated that statuesque is being maintained. According to the Forest Survey of India the forest canopy has increased during the year 2011-2012⁵⁴¹. The reason why the survey shows increase in forest coverage is due to the reason that the survey is made during different seasons of the year and covers all kinds of foliage. The researcher was informed that official timber felling takes place in areas where timber is cultivated for training. There is a definite pattern and programme for such timber felling which is known as ‘thinning’. The ‘thinning’ programme is approved by the Central Government’s Ministry of Environment and Forest (MoEF). The volume of timber that is felled in one year is as under.

Chalakydy	4630m ³
Vazhachal ⁵⁴²	1431m ³

Table No .7: Showing the volume of timber felled in one year in Central Circle (Kerala)

The CCF informed the researcher that there is official timber felling by them in areas that are cultivated for timber by the forest department. This is called ‘Thinning’ programme. This programme has to be approved by the central government ministry of Environment and Forest [MoEF]. No timber felling takes place in the reserved forest or protected forest. The interesting fact is the CCF in the central circle stated there were no timber mafias in the state and there was no illegal timber felling. According to him the reason for this is Kerala has a high standard of living and almost all keralites have some property. Even the unskilled migrant worker earns a daily minimum wage of Rs. 500/- per day and the rate goes up for the

⁵⁴¹ This interview was being taken in January 2012.

⁵⁴² Vazhachal is also declared as eco-sensitive zone. The researcher visited Vazhachal and found that the area was completely protected from excessive noise. Veichele were not allows to use horn, visitors were not allowed to talk loudly, no music was allowed, no taking of food or throwing of plastic was allowed. And all these were followed very strictly. To reach Vazhachal point one was required to walk a considerably long distance.

skilled workers. As against this the legal complications and punitive process of law is very high, risky and painful. It is much safer and comfortable to obey the law. Therefore corruption illegal trades etc. are bad investment and non-profitable business. Moreover there is a high degree of religious influence regarding sin and benevolence and honesty. This social climate operates against illegal timber trade and corruption in Kerala. According to him timber trade in Kerala does not affect the forest in Kerala adversely because there is a judicious management through thinning programme and moreover there is a separate cultivation for timber that does not affect the forest. He stated that in Kerala, Kerala Promotion of Tree Growth in Non Forest Areas Act, 2005, Kerala Forest (Establishment and Regulation of Sawmills and Wood Based Industrial Units) Rules 2012, vesting and Assignment Act 1970 and Fragile Ecological Land Act 2002 were very strictly implemented. Moreover, Kerala Forest Produce Transit Rules 1975, Kerala Forest Regulation of Timber Transit (by Water Ways) Rules 1965 were implemented strictly to control and regulate timber trade¹. When asked whether there were difficulties in implementing the laws or whether there was inter enactment conflicts the CCF stated that there are no major conflicts or difficulties except for some small operational anomalies.

There are some encroachments of forest land. The trees grown on that forest land belongs to the Forest Department as immovable property but not the land on which it is grown. This affects forest regeneration and social forestry. This is governed by:

1. The Kerala Forest (Preservation, Production and Disposal of Trees and Timber Belonging to Government but Grown on Land in the Occupation of Private Persons) Rules 1975
2. Kerala Forest (Prohibition of felling of Trees Standing on Land Temporarily or Permanently Assigned) Rules 1995.
3. Kerala Preservation of Trees Act, 1986

Earlier lease was allowed for construction of dams and to the Kerala State Electricity Board for their projects on condition or restoration of forest. Now that too is almost stopped except under very special circumstances. The researcher also enquired whether there were customary laws and practices that regulate timber trade and it were informed that there were some religious practices in the state and a strong Vana Samrakshana Samity (VSS) which help to protect the forest. The researcher also enquired whether the forest regenerated itself at the same rate as it was felt and he was told that a teak wood tree takes at least sixty years to reach

its optimal maturity. Thereafter the older the tree the more matured it is. However under the thinning management programme, the thinning cycles are 5 Years, 10 Years, 15 Years, and 20 Years. The total time allotted for maturity of a teak timber tree is therefore reduced to 50 years instead of the required 60 years. This affects sustainability. The forest land reclamation takes place in following manner.

1. There is timber wood cultivation by the forest Department on forest land as a regeneration method thinning management is resorted to.
2. There are lands that were leased to common people about 100-150 years ago. On the expiry of such lease, the Forest Department wants to reclaim the forest land back. The tribal are now demanding that the land belongs to them and they are the rightful owners of the land. So there is a conflict as the lessee wants to renew the lease, Forest Department wants to reclaim the land and the Tribal people want to own the land. So there are litigations and mediations. Nelliampathy is a typical example.

B. Interview With The Timber Traders In Kerala

Timber traders were interviewed belonging to four districts of Kerala. The details of which are as follows:

Circle	District	Name	Duration of business	Annual Volume of timber dealt cubic metre.
Central Circle	Thrissur	St. Antony's Timber Depot	13 years	3000m ³ (80% imported+20% local)
High Range	Kottayam	Timberland	10 years	200m ³ (100% local)
High Range	Kottayam	P.J.Timber and Sawmill	5 years	300m ³ (90% imported+10% local)
High Range	Kottayam	Alif Timber and Sawmill	45 years	300m ³ (100% imported)
East Circle	Palakkad	Uma Timber	22 years	200m ³ (100% imported)

Table No. 8. Showing the timber traders interviewed in Kerala

The data collected from all the five timber traders are more or less uniform. All of them imported timber from Malaysia⁵⁴³. Only a minor percentage of timber supply is from local forest. All of them stated that the control of timber trade through license, transit rules etc, are very strict. All of them did sawing for timber grown on private land. The tariff and tags stated by the forest officials tallied with those stated by the traders. All of them complain that forest auctions were few and far between and there was a vacuum vis-vis local timber. They complained that those timbers that were auctioned after thinning were immature and were not in much demand in local markets. But a full grown timber especially teak were in high demand. Timber procured from the forest has a hammer mark and timber from private property or imported sale purchase had a different and separate property mark. All of them agreed that the forest laws were very stringently implemented in Kerala but they stated that so long as imported timber continued to pour in they were able to meet the market demand. St. Antony's timber depot expressed a concern that there was a talk that Malaysia and Burma would stop exporting round timber. If that were to be the case timber market in Kerala would suffer a major setback.

Almost all the traders stated that they faced the following difficulties

1. Under the law round timber must fit the length of the lorry. Any length in excess of the length of the lorry has to be sawn off but they must pay for the excess length.
2. The custom creates problem. According to the traders 50cft makes 1ton but the custom people do not accept this. They insist that every time the length cum tonnage has to be reconciled.
3. There are certain minimum floor rates. Even when the quantity of timber is less they have to pay the minimum floor rate fix.
4. They were not allowed to export timber but they could export finished products under special permission of the government.

⁵⁴³ At the time of writing this thesis it has been reported that Malaysia has stopped exporting timber. However the researcher could not verify the authenticity of this report .

All the traders felt that their trade did not affect the forest adversely because there was plenty of imported timber available so they could remain within the framework of law where local forest produce was concern. All of them said that they had to maintain the stock and the paper work strictly and regularly.

In Uma Timber the researcher received startling information. He was told that in Warangal Andhra Pradesh, in the midst of the forest there are sawmills of the Maoists. They hook the machine from the 440 Volt overhead electric lines and convert it into 220 volts and saw timber and/or fell trees. When we procure sawn timber from them they accompany us to the Tamil Nadu Border where legitimate permit for the timber is obtained making it legal. Exchange of money takes place at the Tamil Nadu border through mutually trusted agents. The Timber is then brought in to Kerala.

In West Bengal illegally felled timber is driven across the border to Assam where it is sawn and sized. At the Assam Bengal border permit is given. The timber becomes legal and is brought into the State.

C. Interview With Advocate A.P. Chandrashekhara - An Expert On Forest Laws And Counsel In Godavarman Tirumulkpad Case In Kerala.

Nalliampathy has a total of 150 acres of cardamom plantation in the land area that is under reclamation by the forest department. Under Kerala Private Forest (Vesting and Assignment) Act, 1971, the government nationalised all private forest in Kerala within its purview. On 10 May, 1971, all private forests in Kerala vested in the Kerala State Government except those forests that were within the ceiling area allowable/applicable to the owners.

Nilamboor Kovil, the disputed land in the Godavarman Tirumulkpad case (Godavarman Tirumulkpad is the government receiver), out of 30,000 acres of forest in Kerala belonging to the kovilagam, the Supreme Court has held that 1160 acres of those forest, are within the ceiling area of the 112 owners of the kovilagam and hence not vested. But in 2005, under the Kerala Fragile land Act, under Section 3 (1), all the aforesaid unvested forests have been vested in government.

This is a fraud on legislation. Under Article 31 A proviso 2 of the Constitution of India, lands within the ceiling area permissible to the owners cannot be taken by the State Government without paying compensation. According to him there are illegal timber trade in Kerala in a very insignificant magnitude.

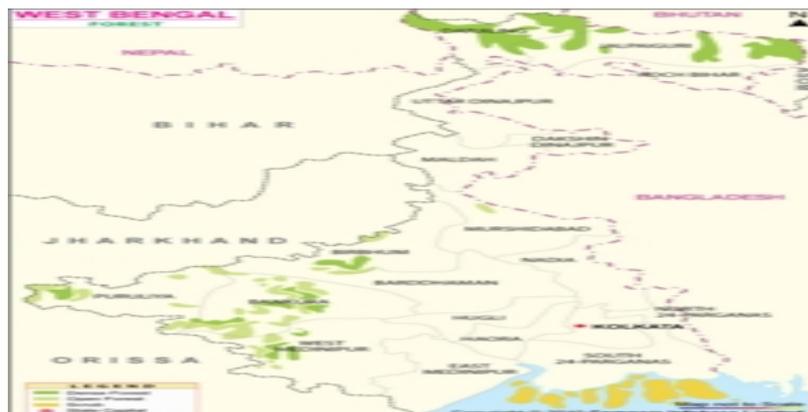
D. Interview with Dr. Easa a Scientist of Kerala Forest Research Institute in Peechi, Thrissur (Kerala).

He gave eight researched report on teak/ timber development, sources and pricing along with its future. According to him the people of Kerala are highly sensitive to environmental issues and there have been instances when the regular thinning has been stayed by the public spirited people because the land was contiguous to reserve forest and as such fragile in nature. Once a person gets involved in any kind of irregularity, there is a lot at stake. The Press makes a field day of it, neighbors and friends shun you, and job opportunities are lost so there is minimal corruption in any form in Kerala.

The land prices are very high in Kerala and commercialization and urbanisation is so much that now there are no villages in Kerala. There was a policy decision that all land encroached up to 1977 was to be reclaimed. This has been a failure because on those encroached land cultivation has taken place and people are still Encroaching forest land knowing full well that it is a forest land and they cannot occupy it and they will have to return the land to the forest. There is no way to prove that the land was initially a forest land. Since nothing can be done forest land encroachment still goes on. It would have been better if the government had written off the land encroached prior to 1977 and made clear boundaries and had prevented fresh encroachment.

He also informed us that a couple of decades ago, teak logs would be floated on sea and guided to Burma. The Chinese would pick up these logs from Burma and put their mark on it making the timber legitimately theirs and then export it to India.

❖ STATE OF WEST BENGAL



Map No. 3: showing forest cover in West Bengal

The researcher visited West Bengal in August 2013 and visited in the Districts namely, Darjeeling, Dakshin Dinajpur and Jalpaiguri. The experience of the researcher with the forest officials in West Bengal was not pleasant. After visiting the office for weeks together, making innumerable phone calls and sending a number of emails also the forest officials did not meet the researcher even after giving appointment. Only in Dakshin Dinajpur and in Siliguri the researcher could meet only two officials of the forest department. In these districts of West Bengal has the vegetation like the state of Tripura. In these districts of West Bengal researcher for the field survey took the interview of two forest officials and some of the timber traders. Moreover, the researcher took the interview of some local people in those districts of West Bengal to understand the factual situation related to timber trade.

1. Interview of forest officials in West Bengal

The researcher met one Mr. Abdur Razak, Ranger of Raiganj Division at Balurghat in West Bengal. He informed the researcher that the classification of forest in West Bengal is slightly different from other States. One sub-division of forest comprises of 4 blocks. One block comprises of 10 to 15 compartments. Each compartment consists of one or more mouza. A number of blocks comprise a sub-division and one or more sub-division makes a range and one or more range make a division. The four blocks that were under the ranger comprised of 20 mouza namely Saupara, Gogacchi, Kashiya, Danga, Bado Kashipuri, Aisuo, Shoolpanipur, Gofanagar, Maheshpur, Gorahar, Shibpur, Abhirampur, Tarajpur, Gurail, Arenda, Dubahar, Ghatul, Neempur, Chokh, Gangaprasad West Bengal also has the general classification of protected forest and reserved forest. According to the ranger wild life sanctuaries and reserved forests were controlled by the British Government and was incorporated under Indian forest Act, 1927.

Protected forests were under the Zamindars. After the abolition of Zamindari system and passing of the Land Acquisition Act, 1956 all such forests were declared protected forest.

The researcher was further informed that there was Forest Protection Committee for protected forests and un-classed forests. Un-classed forests (UCF) are land acquired by administration from various sources and given to the forest department for cultivation of forest. The Government is yet to classified or categories it. Eco-development committee's are constituted

for wild life sanctuary and protection. The Joint Forest Management Committee (JFM) which was a collaborative committee with forest fringe dwellers did not exist in Balurghat. They were only available in Midnapore and Sunderbans etc. In those regions 25% of the sale proceeds from fuel wood and timber wood sale are given to the villagers. Tube wells are provided in those areas where the villagers can use the water for themselves and also for watering the cultivated trees. Free grazing of cattle is aloud in certain specific areas of the forest. Poultry and piggery is facilitated. Houses and community halls are built for them. In addition to this there is a root developing committee which does the pruning and nurturing of trees.

The researcher was informed that in the past decade the core forest area such as reserved forest, protected forest, or wild life sanctuary has not increased. Cultivation of timber and felling of timber is being done in the un-classed forest. The reason for non-growth status is because the growth of the tree and felling of the timber are not synchronized. On one hand there are trees falling due to natural reasons like death, storm, landslide etc, which alone are auctioned and on the other side there is an excessive demand from the wood based industries. The forest department does not fell trees. Timber felling takes place in forest grown on private land or on the un-classed forest. In both cases permission is required for felling trees which is given after ascertaining the necessity. This process is regulated by the West Bengal Trees Preservation and Conservation in Non-Forest Area Act, 2006. There is negligible amount of timber felling in Dakshin Dinajpur. Timber is largely felled in Terai and Dooars areas. Generally the growth cycles for thinning are, 3, 7 or 25 to 30 years. This is not sufficient for maturity of trees.

Since the forest departments has completely stopped the felling of trees and auctions only naturally fallen timber, there is a crises generated in the market for timber supply. Since this demand cannot be met legally, incidents of illegal timber felling occur. However, in Dakshin Dinajpur illegal felling does take place. It mostly occurs in Terai and Dooars region. Most of the fringe dwellers are aware of the utility of the forest. Economic condition of the people here are better. One of the main illegal activities of this area is to push cattle across the border. When due to strict vigil that activity is restricted illegal felling takes place. However that is very low in percentage. Illegal felling is there in Midnapore, Jhargram, Siliguri have the problem of illegal felling not Dakshin Dinajpur.

License for timber trade is given under the West Bengal Forest produce transit pass rules 1959. Sawmills are being issued secondary license now. This means they can install only table sawing machine but cannot install trolley sawing machine. The latter is under Primary license. The Secondary license holders are not allowed to saw round timber. They can only re saw after the primary sawing is done by the primary license holder.

Under the law there should be night and day patrolling. But there are hardly any staffs and there are no vehicles. A person who sells or buys timber must apply under West Bengal Trees Preservation and Conservation in Non Forest Area Act, 2006 for transit pass showing the need or necessity for cutting the tree. If the timber ultimate destination is some other place then a transit pass is issued for carrying the timber till the saw mill and an in lieu transit pass is issued for the carriage between the Sawmill and the final destination. When questioned whether the transit rules are followed very strictly, the researcher was informed that they were followed not very strictly because there were only 15 staffs in 4 Blocks and there were no vehicles.

The other forest official interviewed by the researcher was the officer in charge of Government Sawmill at Siliguri, Mr. T.T. Bhutia which will be discussed at an appropriate place.

2. Interview with the timber traders in West Bengal

The saw mills visited across the districts in West Bengal are discussed in a cluster in the following paragraphs. The details of the saw mills are described below:

District	Name	Duration of business	Annual Volume of timber dealt cubic metre.
Dakshin Dinajpur	Amin Brothers Sawmill	29 years	500-700 cft
	Azad Sawmill	35 years	Does not procure. Only saws for others
	Dey Sawmill	2 years	Does not procure. Only saws for others
	RadhaKrishna	15 Years	Does not procure. Only saws

	sawmill		for others
	Rahaman Brothers Sawmill	20 Years	Does not procure. Only saws for others
Darjeeling	Government Sawmill	87 Years	Found it difficult to say
	Mahamaya Saw Industries	20 years	Cannot say, it varies
	Santosh Wood Industry	22 years	80 to 100 cm ³
Jalpaiguri	Krishna Dutta Roy	42 years	Does not procure. Only saws for others
	S. K. Pattadar	30 years	Does not procure. Only saws for others

Table No.9: Showing Cluster of saw mills visited in West Bengal

The researcher interviewed about five saw mills owner in the district Dakshin Dinajpur. Only in one saw mill namely Amin Brothers, timber was purchased in auction from the forest department. The other four saw mills reported that they only sawed timbers which were received from local customers and private land (forest) owners. There is no interstate or inter country business. Imported timber did not reach Balurghat except in one saw mill namely Ramakrishna Saw Mill. The researcher could not interview the owner of the saw mill, Sri. Harbola Saha, as he had just expired. Other than this saw mill no other sawmill was dealing in imported timber or undertake interstate business. The researcher further came to know that in North Bengal there is no notified timber loading station and therefore timber movement took place by road. It was informed to the researcher that primary license which involves trolley sawing has been stopped, secondary license which involves table sawing and permits only re-sawing was being given between 2008-2010' and is likely to commence again in the near future.

For renewal of license one has to submit an application accompanied with valid papers of land, No objection from Panchayat, Panchayat Samity, Zilla Parishad, Neighbors, and Pollution control Board. Verification takes place. Only after satisfaction the license is issued.

Meticulous records have to be maintained with respect to the timber that passes through the saw mill for sawing. Even though forest timber auctions are few and far between the shortage of timber is made up from local private sources. Fortunately the people of Dakshin Dinajpur in general and Mohipal in particular are very enthusiastic about planting trees for business purposes as asset. People plant timber on privately owned land. So there is a good supply of local timber here. There is increased competition, secondary license holders are indulging in round timber sawing. Nature of market has changed. There is more emphasis on glass and aluminum.

The inspection process is not so regular or strict. Although the saw mills like to keep their transaction records up to date. The forest department is supposed to have a mobile team who have to conduct but the forest department in four blocks under Balurghat range has only 15 staff and no vehicle. In many cases timber comes to the market bypassing the forest department. In such cases the transit passes are either forged or the transit pass rules are ignored.

Most of the timber traders complain that the timber received from the forest or private suppliers are not matured. There can be many reasons:

1. Immature trees may fall due to natural reasons of storm, landslide etc.
2. A tree may be cut immaturity for emergent personal reason such as weeding, health care, hose building etc.

The researcher did not see any notified industrial area wherein all the saw mills are to be located. This appears to be in gross violation of the Supreme Court directive in Godavarman case.

The saw mill owners pointed out that some difficulties in law which are as follows:

- a. Where secondary licence is given, the licence holder is not supposed to saw round timber. They are supposed to re-saw the timber that is already sawn by the primary licence holder. But that is not happening. The secondary licence holders are also sawing round timber. But since they are not supposed to saw round timber they do not have to maintain stock. So the round timber they saw are out of the control and regulation of the Forest Department and hence illegal. There is no monitoring of this by the Forest Department even after they have been informed, they look the other way.

- b. Law requires that a private owner if he wants to cut a timber grown and owned privately by him he should take permission from the Forest Department. But to obtain such permission he must show necessity such as daughter's marriage, health or construction of one's own house. The forest harass him so much that to avoid such harassment the owner clandestinely cuts the tree and circumvents the law, thus indulging in illegal timber trade.
- c. Shortage of staff has led to multi-tasking by them. There is no bit officer in Kushumandi-I. No range officer in Buniadpur. The Asst. Range Officer looks after Kushumandi I bit, works as range officer for Buniadpur and also works in Raiganj Division office. A person who needs to cut a tree in Mohipal does not find him in office. He then he goes to Raiganj or Buniadpur to meet him, the officer asks the person to meet him in Mohipal. By the time the person in emergency gets permission he loses a lot of money trying to get permission and by the time he gets permission it becomes futile. So people evade the law and indulge in illegal trading. They indulge in bribery.
- d. A huge quantity of illegal trade is there due to the indiscriminate issue of secondary licence and non regulation and control of this secondary licence holder. When a merchant buys timber or standing trees from government auction he pays some money for enabling cultivation of new trees in that area. Neither receipt is issued for it, nor is there any evidence of new tree being planted in that area.
When timber is auctioned the contractors purchase them and sell it to the furniture merchants who get it sawn by the secondary license holding saw mills. So this is an illegality encouraged by the law.
- e. There were 50 secondary licenses given in 2011. If one can count the number of licenses given in 2011 and the number of sawmills that came up during and after 2011, a clear picture of the number of illegal sawmills in operation will emerge. The Forest Department can easily take step but they do not.

According to the sawmill owners of Dakshin Dinajpur there are some unlicensed saw mills in kaliaganj, in Kushumandi area. Some of the sawmill owners in Dakshin Dinajpur are now cultivating their own private forest.

Mr. Abul Kalam Azad of Azad Sawmill told the researcher that:

- i. Illegal trading takes place because of vote politics. The high court directives were implemented for few days and then ignored with the help of officials.
- ii. For every carnival or mela the permission should only be given subject to condition that the organizers plant at least 25 trees on the government vest land or on the road side and the local police station should monitor it. Forest department need to get involved only if the timber is moving outside its jurisdiction.
- iii. For every burial at least ten trees should be planted. Since the women cannot enter and clean the Muslim graveyard, tamarind tree can be planted.
- iv. Trees planted by the local people should be exclusively managed by women's group. They will maintain the trees and sell matured trees and plant new trees. This will increase eco-feminism.
- v. Kadam trees, Shimul trees and Mango trees do not last long and decays fast. Now the government cuts, carries and keeps at its own cost and the wood gets decayed. This is a total exchequer loss for the government. If the government calls tender then the saw mill owners will cut the trees at their own cost, carry on their own cost and then sell the wood to recover cost. This will benefit the government. Crores of rupees are lost in this manner.

Sri Manoranjan Chaki of Rahaman Sawmill stated that there is no sale of saw dust and there is no permission from Pollution Control Board regarding its disposal. Hammer mark is put only on expensive timbers otherwise the local timber that is brought for sawing are unmarked. In case of renewal of license forest department is not honest.

Santosh Wood Industry in district Darjeeling does not have license yet during checking this fact is ignored and they are allowed to run the saw-mill without license. They say that they are in queue and will get the license soon. As they have already applied for renewal and their papers are in order, they are allowed to carry on the business.

According to Kali Gopal Ghosh the supply of timber is less because we depend on the local community for sawing. The demand for timber in the market is very high but the supply is less. Moreover due to indiscriminate felling the length of the logs is reduced because of this their marketability is also reduced. The timbers cut by the forest are not mature at all. Actually immature trees are felled by timber smugglers. The main part of the tree and other

secondary parts are smuggled away. The remaining part of seized goods is auctioned by the forest department. There is a high demand for timber in the market. Earlier there used to be Clear Felling Cycles (CFC). It was easy to respond to market demands in terms of quality and size. Legally procured and processed timber is very expensive. So illegal felling occurs. The smugglers reach the timber to the houses at half the price and without any harassment of proceedings. Even where thinning takes place the trees are not allowed to reach its full growth. So we don't get mature timber. The loophole is not in the law but with the people. The rules of implementation have made the laws cumbersome. The Government doesn't have the staff and the means. Legally processed wood is so very expensive so people look for cheap wood and not legally procure wood. There are about three to four sawmills in Matigara, Baikunthapore Division, that are being run illegally. The authorities aware of this fact but no action are being taken. The researcher visited these sawmills but was turned away from the gate itself. In one sawmill they even threatened to hand over the researcher to the police.

More than changes in the law there is a need to strengthen the infrastructure. Baikunthapore Division of the forest lacks staff and vehicles. In Taaipu Division there is one Ranger, one Bit Officer and two forest guards. What should they do? Handle the elephant problem? Or tackle the smugglers?

This part of the interview was given off the record under assurance that the person will not be harmed in anyway and this information will not be revealed to the mafias.

- i. There are timber mafias but who can talk about them? We will either be killed or lose our business if we even talk about it. There is a nexus between smugglers, leaders, officials and ministers. The system is that in a given forest range illegal felling is allowed say for five years. Everybody gets a share. At the end of five years a person is arrested for committing a bail able forest offence. The accused is rarely convicted for want of evidence etc. The punishment under the forest laws is minimal. The Ministers and the officers get a credit for catching a smuggler, the officer gets promoted and the illegal business flourishes as before and the flow of money never stops. Who can interfere and talk about this powerful arrangement? You have chosen a risky topic for your research. If you delve deeply in this you might even be killed.
- ii. The officers themselves are corrupt. If you bribe them they will look the other way when you disregard the law. For every small thing we have to bribe the officials.

In Jalpaiguri district, the researcher visited two sawmills. He was informed by Sri Krishna Dutta Roy there are no trees in the forest. Whatever was there has been, they felled and smuggled. There are some trees at the fringe but inside it is all clear. The clear felling cycle is stopped. What is auctioned is the third rate left over of the thieves and smugglers and a few naturally fallen trees. Private timber is also very few and restricted⁵⁴⁴. Earlier after purchase of timber in forest auction, one did not have to apply for permission to saw the timber and no money was to be paid. Now one has to apply for permission to saw within three days with requisite fees. This is the first point of corruption. If the purchased timber cannot be sawn then how can one do business? One is forced to pay the money.

Earlier transit passes were issued from the range office. One has to apply for transit pass at the range office now, the application is then forwarded to the D. F. O. office, after necessary action it is again sent back to the Range Office and the pass is issued. At every point there is some illegal monetary demands. If there is a further need for in lieu Transit Pass then the money game begins all over again. Since this is business, these are added costs to the timber pricing and the price of legal timber shoots up. This is the reason for flourishing illegal timber trade.

Day after day the trees are felled illegally. The trees at the fringes are shown as forest, inside there are no trees. In deep forest the trees are cut with hand saws then they are made into suitable pieces, loaded on rickshaw vans and brought out. One may not get exact size of timber but the illegal traders reach the timber to the doorstep of the customer at a much lesser price. What more does the consumer want? The consumer naturally opts for this and the legal timber business suffers. So we are reduced to sawing the mango, jack timbers in small scale and illegal timber is flourishing.

⁵⁴⁴ ফরেস্ট থেকে মাল কিনলে আগে কেনার পর মাল কাটার জন্য কোনো অনুমতি লাগত না , এখন তিন দিন এর মধ্যে মাল কাটার অনুমতি চেয়ে দরখাস্ত করতে হয় , এখানেই প্রথম অসত ভাবে টাকা খাওয়ার বেবসা I যদি মাল কেনার পরে কাটার অনুমতি না দেয় বা দিতে দেয় তাহলে তো বেবসা হয় না তাই বাধ্য হয়ে টাকা দিতে হয় I আগে ট্রানসিট পাস শুধু রেঞ্জ অফিস থেকে দিয়ে দিত I এখন রেঞ্জ অফিস এ দরখাস্ত করতে হয় সেটা ডি .এফ . ও . অফিস এ যায় সেখান থেকে আবার রেঞ্জ অফিস এ আসে I দেরির সাথে সাথে প্রত্যেক জায়গায় টাকা দিতে হয় I তার ওপর আবার যদি ইন লিউ টি . পি . লাগে তার জন্যে আবার ভেরিফিকেশন দরকার হয় আবার পৈসা খাওয়াতে হয় I এই সব কারণে বৈধ কাঠের দাম বেড়ে যায় আর অবৈধ কাঠ বেবসা রমরমিয়ে ওঠে I

দিনের পর দিন কত কাঠ চুরি হচ্ছে , বাইরে থেকে গাছ দেখিয়ে বলে জঙ্গল আছে ভেতরে সব ফাঁকা I গভীর জঙ্গলে গিয়ে প্রথমে হাথ করাতে দিয়ে গাছ কাটা হয় তার পর সুবিধা মতন টুকরো করে রিক্সা বা ভ্যান এ করে তা বাইরে আনা হয় I এতে মাপ মতন কাঠ পাওয়া যায় না আর অবৈধ বেবসা বাড়ে I ফলে সম্ভব কাঠ বাড়ি পর্যন্ত পৌঁছে দেয় I মানুষ তো এই সুবিধাই চায় ফলে বৈধ বেবসা মার খায় I এতে সবাই জড়িত , ওপর থেকে নিচ পর্যন্ত টাকার খেলা চলে তাহলে বৈধ বেবসা হবে কি করে? আমরা ইন্দিরা বিকাশ যোজনা তে গরিব মানুষ আম কাঠাল ইত্যাদি যে কাঠ আনে বেশির ভাগ তাই কাটি তাতেই লাভ , বৈধ কাঠের বেবসায় এখন আর লাভ নেই I

Interview of Sri Gourdas Chakraborty, Assistant Secretary, Timber Merchant's Association, Alipore Dooars, District Jalpaiguri:

The researcher met with Sri Gourdas Chakraborty Asst. Secretary, Timber Merchant's Association at Alipore Duar and interviewed him. According to him the earlier system of clear felling cycle was a better practice. In that system one could seize the timber according to one's need but now that the forest auction and the system of clear felling system are stopped, illegal timber trade flourishes. In illegal timber trade there is no option for cutting the timber to the required size. Moreover there is no re-cultivation happening even though the Forest Department charges fees for re-cultivation on every transaction. A major difficulty is that the Forest Department is very under staffed. They are not able perform their regular duties of monitoring, inspecting and implementing. Moreover, the consumer has to suffer a lot of harassment in their hands. In an emergence there is bribery, lack of paper movement and red tapism. Now there is a system of open tender through email which the timber merchants are not happy about because they feel that impartiality and transparency will not be maintained. Issue of secondary license is another point of corruption. There are timber mafias in the State who have connections at the high echelon of the Government.

❖ STATE OF ASSAM



Map no.4 showing forest cover of Assam

The forest in Assam is categorized as follows:

Unit in Numbers	Territorial	Wildlife	Social Forestry	Research, Education and Working Plan	Total
Circle	7	2	3	1	13
Division	31	8	14	6	59
Range	150	18	53	11	232
Beat	264	20	54	2	340

Table no. 10 showing Administrative Units under Forest Department

The forest division in the State is as follows:

DIVISION				
Territorial		Wild Life	Research, Education & Working Plan	Social Forestry Division
Kamrup East	Jorhat	Tinsukia	Genetic	Gauhati
Kamrup West	Sivsagar	Eastern	Silviculture	Silchar
Kamrup North	Dibrugarh	Western	Forest Scholl	Karimganj
Goalpara	Dhoomdooma	Mangaldoi	TT& Seasoning Plant	Nalbari
Cachar	Digboi	Nagaon	WPO UAC Jorhat	Nagaon
Hailakandi	Kochgaon	State Zoo	WPO UAC Guwahati	Sivsagar
Karimganj	Haltu Gaon	Gauhati	WPO Kokrajhar	Biswanath
Dhubri	Chirang	Manas	FRS Division	Golaghat

Aie Valley	Parbatjhora	Kokrajhar	Silviculture, Hills	Dibrugarh
Sonitpur West	Dhansiri		FRS Hill Division	Lakhimpur
Sonitpur East	Baska			
Lakhimpur	N. C, Hills			
Dhemaji	Karbi Anglon East			
Nagaon	Karbi Anglon West			
Nagaon South	Hamren			
Golaghat				

Table No.11 Showing Forest Divisions in Assam

A. Interview of Forest Officials in Assam

The researcher had visited the forest officers in Assam with structured questionnaire but they were comfortable speaking extempore. All questions were asked and answered, but not in accordance with the questionnaire.

1. Interview with A. C. F. Mr. M. Barua, Assam Forest Department

The Godavarman case banned logging throughout the North East and once the blanket ban was implemented; there is tremendous market demand for timber. This has encouraged illegal timber felling especially in Assam. The forest department which has a limited number of staff, they could not control illegal logging. Earlier Assam suffered from insurgency problem, illegal emigrants from Bangladesh, ethnic problems and the insurgents have vandalized the forest and the wild life and the Forest Department was not able to meet the challenge due to lack of infrastructure. So Assam forest is a victim of rampant abuse. The Baripara Reserved Forest was one of the most beautiful reserved forest is now like a paddy field due to illegal felling and encroachment. The forest Department made a sincere effort at re-cultivation and aforestation but the pressure is so high that it is hardly successful. That is why Assam is a lot different from Arunachal Pradesh, Meghalaya etc.

The other problem is the Forest Dwellers Act. In States like Assam, Mizoram, Arunachal Pradesh, Manipur, Nagaland most of the people dwell in and around forest. Without going through the ground realities in these States the law has been enacted and almost overnight they lost their right over the forest land on which their livelihood depended. Forest officers have a little role to play. There is the politics of vote bank here and the district authorities and the village authorities certify that these people are legitimate forest dwellers. As a result people who, basically, are not forest dwellers have also entered the forest and encroached upon the forest land. Once they are inside they go on encroaching. The forest officials are helpless spectators. This has led to further depletion of forest in Assam. If you tally the forest map of the relevant period and investigate the location of these people during this period, you can see that they were not forest dwellers at all but this deception goes on.

The map of the Forest Survey of India is also very deceptive. It shows an increase in forest cover but actually it takes into account all plantations, privately owned forest, vineyards and orchards. It is not an accurate representation of India's forest cover even though it is done scientifically.

After the Godavarman case all sawmills are required to be located in notified industrial estates and Assam too has such notified areas. Unfortunately most of the saw mills are now closed due to non supply of raw materials.

The post Godavarman scene is encouraging in the sense that since the felling of trees are fully stopped; the regeneration of trees and afforestation is taking place profusely. Now we hope to maintain the forest area to get a good quality forest. But if you are not allowed to thin the forest some saplings will not survive. After all it is the survival of the fittest. For this we need to have a good and viable thinning plan approved by the Ministry of Environment and Forest. Forest regeneration has helped the wild life also though we still have a huge challenge of poaching. But there are contradictions of human survival or animal survival. There is also the challenge of sustainability.

2. Interview with A. C. F. Mr. Ranjit Konwar, Assam Forest Department

Mr. Ranjit Konwar explained the classification of forest in Assam and the hierarchy of officers. He said that the nomenclature is changed they were the Forest Force similar to Police Force. There were two territorial zones in Assam, the Upper Assam Zone and the Lower Assam Zone and three district council viz. karbi Anglong, Boroland and Dimahansao.

“Territorial” wing dealt with forest and timber matters. The territorial wing of the forest works closely with social forestry and the Research, Education and Plan wing. There are circles, divisions, Rang and Beats.

When asked by the researcher whether illegal timber trading takes place in Assam he did not hesitate in admitting that illegal timber trading takes place in Assam and stated that it was the necessity of the time. There was a blanket ban on felling trees. There is very little timber to auction. The forest department, therefore, could not auction timber. Assam is a very densely populated State and people do not have land to cultivate private forest. That does not stop the market demand which not only becomes pressing day by day but also offers an opportunity for making quick money through illegal timber trade. More over wood is required as fuel, for house building and day to day requirements. So, illegal trade flourishes. The Forest Department does its best to control and regulate the illegal activity but it has its own limitations. The department is much stressed. There may not be timber mafia in Assam but there are well connected timber criminals who have strong connection in the corridors of power.

There is a wood based industries rule and they are very strict about issuing of license, transit pass etc. they are strict about issuing license and periodic surprise checks are also done but there is hardly any raw material. There is no FTL license in Assam. Some timber comes from Meghalaya etc. A lot of wood based industries have closed down.

The Godavarman case is a boon and it is a huge legal support for protection of forest in Assam. There are regulations about timber transport which must be only through railways only and from notified loading stations alone. And the limit of the load is specifically prescribed and the yearly number of wagon that can be loaded from a loading station is also specified. Though timber cannot be transported by road, the land locked States of the North East are allowed to move timber by road to the nearest timber loading railway station. Earlier timber was transported by any means, road, water and it was almost impossible to monitor but now, with the Godavarman regulations and guidelines and the strict monitoring of the High Powered Committee the Forest Department is able to function more efficiently.

The insurgent activities in Assam do not affect the forest these days because of the difficulty of removing the timber and getting caught in the process. Now the insurgents concentrate on poaching because the articles are easier to smuggle and it fetches a lot of money. Moreover bartering for arms takes place with animal carcass.

B. Interview of Timber Traders In Assam

The distribution of saw mills in Assam is as follows:

<u>Sl</u>	Name of Division	No.	<u>Sl</u>	Name of Division	No.
1	Dhoomdooma	4	17	Aie Valley	1
2	Digboi	11	18	Dhubri	5
3	Dibrugarh	14	19	Cachar	14
4	Sivsagar	2	20	Karimganj	12
5	Golaghat	7	21	Hailakandi	0
6	Dhemaji	5	22	Karbi Anglon East	3
7	Lakhimpur	2	23	Karbi Anglon West	1
8	Sonitpur West	5	24	Hamren	0
9	Sonitpur East	9	25	Dhansiri	6
10	Nagaon	18	26	Baska	2
11	Nagaon South	12	27	Chirang	2
12	Kamrup East	29	28	Haltugaon	1
13	Kamrup West	1	29	Kachulgaon	1
15	Kamrup North	4	30	Parbotijhora	0
16	Goalpara	2	31	North Cachar Hills	16
Total 191					

Table no.12 showing Division wise Sawmills [Wood Based Industries] in Assam

Most of the saw mills in Assam have closed down. The researcher visited Kamrup West Division and interviewed the single timber trader. The researcher was advised not to travel to interiors as there was ethnic violence going on in the interior Assam.

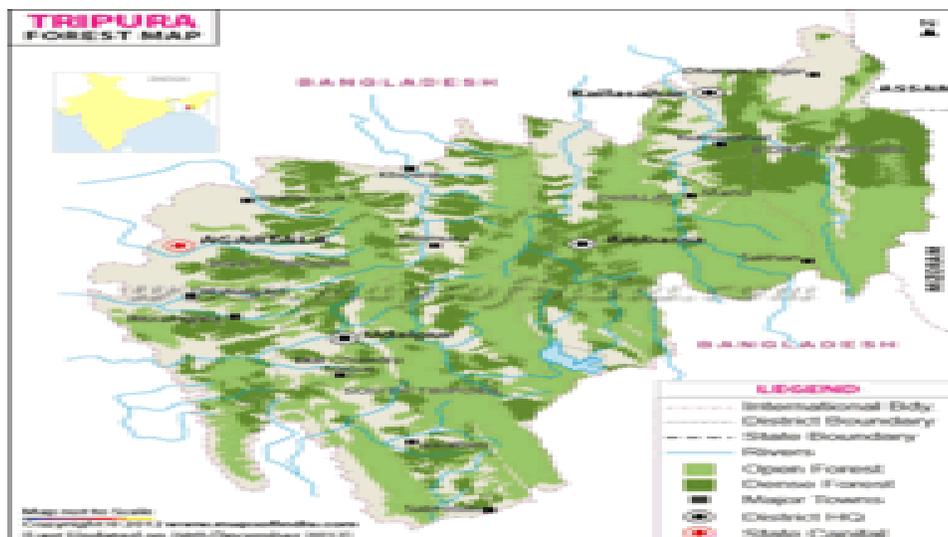
The single sawmill in the Kamrup West is Sanjay Sawmill. The saw mill has been working since 1981 i.e. about 31 years. The proprietor Sri Jugal Kishore Jain informed the researcher that they get negligible amount of timber from forest auction, but after the Godavarman case there is hardly any regular auction so they have to make do with local market supply. Though there is opportunity for interstate business there is hardly any timber left for it after meeting the local market demands and supply coming from Meghalaya and other North Eastern States. Local timber is also very less because private land holding for cultivating forest is very less in Assam. The annual amount of timber that they deal in is about 32 mts³. On one hand procuring timber is increasingly becoming a challenge and on the other hand the market is looking at aluminum and ply wood as a substitute for wood so timber business is going downhill.

On timber procured from auction there are proper hammer mark. The transit rule, stock maintenance rules are all very strict.

Mr. Jain said he was aware of only those rules which directly impacted upon his business such as the license rules, transit rules, maintenance of stock rules etc. He was also aware of the Supreme Court judgment that banned logging and thought very poorly of it.

According to him this judgment paved the way for illegal timber trading. There is no future in timber trade in Assam. Forest department charges fees for re-cultivation but hardly cultivates. Where cultivation is done they are not maintained or nurtured. The thinning is also done well so the forest is affected adversely. Legal timber business is becoming extinct and illegal business is flourishing.

❖ STATE OF TRIPURA



Map no. 5 showing the forest cover of Tripura

Forest Cover of Tripura

Forest and tree cover in the State	8244 km ² [78.58% of geographical area-10,491.69 Km ²]
Recorded forest land	6294 Km ² [60 of geographical area]
Wide range of biodiversity	<ul style="list-style-type: none"> a. About 13% of plant species of India b. Out of the 31 medicinal plants species of country for the commercial plantation, 15 identified in the State

Table no. 13 showing the forest cover of Tripura

Tripura is rich in fauna due to its unique bio-geographical location and zoo-geographical position. 90 species and sub-species of mammalian fauna found in the State.

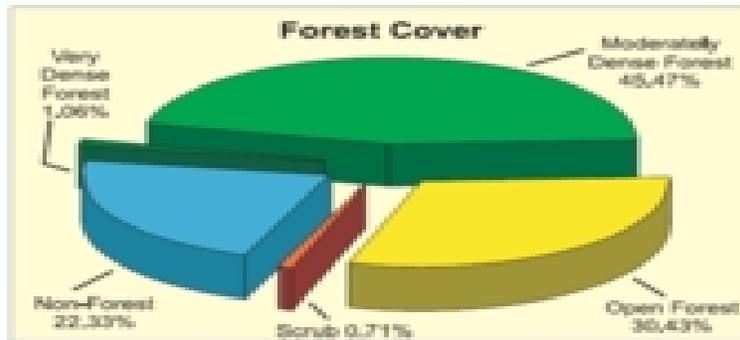


Diagram no.2 showing the classification and percentage of distribution of forest cover in Tripura

Departmental Profile

District forest offices	4
Territorial Divisions	9
Functional Divisions [Research Training and plan]	4
National Parks	2 a. Clouded leopard national park Sepahijala b. Bison National Park, Trishna
Wild life sanctuaries	4 + 1 Zoo

Table no.14 showing the departmental profile in Tripura

THRUST AREAS OF ACTIVITIES

The forest Department has decided to focus on yearly plantation of about 20,000 Hectares in degraded areas with special thrust to bamboo plantation and creation of bamboo and other nurseries like Decentralized Peoples Nursery (DPN) to cater the needs of quality planting materials. Construction of water harvesting structure for soil & moisture conservation and income generation is another area of focus.

AREA OF CONCERN

Moderately Dense Forests and Open Forests are continuously subjected to serious degradation due to Jhuming (shifting cultivation); About 30,000 hardcore jhumias practicing jhuming over 1 ha area per year. Another major concern is the requirement of catchment area stabilization of 7 major Rivers Howrah, Gumti, Manu, Juri etc.



Rejuvenation of degraded areas of Sal & Teak by coppice system and gap planting by bamboo species is another thrust area for the Department.



Participatory Natural Resource Management programme in Tripura is unique and has the following features:

- Sustainable utilization Patta land: first such Project.
- Addressing hardcore *Jhumias* who are about 90% of total beneficiaries.
- Compulsory contributions from the beneficiaries towards development of ownership.
- Empowering village Institutions as project implementing agencies.
- Involvement of democratically elected bodies (3-tier Panchayat System) at the Block, District and State level.
- Convergence of existing State & Central Schemes to ensure holistic development of Project villages for long-term sustainability.
- Effective, transparent and participatory planning for Village Development Plans built upon existing Block Level Plans and departmental Perspective Plans.

A. Interview with forest officials in Tripura

There was the usual and by now the expected weariness about a structured questionnaire. All the officers answered all the questions that were put to them, but extempore. The researcher was treated cordially and each one responded as per their expertise.

Four Forest officials were interviewed in Tripura which is as follows:

i. Interview of Sri Balbir Singh, CCF, Department of Forest, Tripura

Indian Forest Act 1927 is the main Act that is followed in Tripura but there are Tripura amendments to the Act to suit the requirement of the State. There are some State amendments relating transit rules and sawmill establishment rule. In 1996 wide 202/1996 the case of T. N. Godavarman case required clusterisation of sawmills in one place. So WBIE [Wood Based Industrial Estate] was created. The felling is of following types;

1. Felling from forest land which is again of two type
 - a. Timber From forest owned land. Timber from forest land is ordinarily not felled. It is felled or removed under two circumstances.
 - i. Trees when they dry up or fall naturally are removed.
 - ii. When developmental work takes place like roadways, railways, Offices Schools/Universities etc. require that trees be felled.
 - b. Timber from government owned non forest land called “Khas” land. Khas land is owned and managed by the Revenue Department. The forest/timber on the khas land is owned by the Forest Department but the title of the land remains with the revenue department.
2. Felling from cultivated forest land. It is done according to what is known as “Working Plan”. First the land has to be identified. Timber has to be identified registered and marked. The working plan has to be approved by the Ministry of Environment and Forest.

Extracted timber from the Forest land or Khas land is always sold through auction. Timber extracted from private land is not auctioned; they are sold to timber merchants.

Laws are very stringently followed in Tripura. In fact enforcement in Tripura is actually top in the country. But that has not stopped illegal felling. Corruption is rampant. There have been cases when rangers were beaten, tortured, kidnapped and killed.

ii. Interview of Sri Prabir Bhattacharya, CCF, Department of Forest, Tripura

According to Sri Bhattacharya there are some timber mafias in Tripura and there are some well connected timber criminals. But not like Assam, West Bengal, Karnataka and Andhra

Pradesh. Adducing evidence in an offence is very difficult and mostly the case, after a long drawn process ends in acquittal. In his opinion compounding is essential. Often the offence is not committed intentionally. In those cases leniency can be shown to avoid cost and time. The punishment can be enhanced.

Godavarman case has a positive impact. The forest field functionaries have become more aware of its applicability. It has brought a system and a methodology of forest governance. The laws have acquired teeth. The general public no longer feels that the laws are toothless. The judgment made the government agencies aware of the importance of forest land and forest laws. Disposal of timber is always through auction but for government requirement like construction of educational institutions, railways stations, and other government projects, the wood is sold to them. Final felling is done through working plan. Thinning is done when the forest becomes too thick the immature trees are removed. 30% timber cultivated is of commercial nature.

Staff strength in the last 30 years has not increased significantly to meet the challenge of illegal timber trade. Weapons that are being used by the forest forces vis a vis the weapons used by the smugglers are old fashioned, back dated and obsolete. The forest forces are not adequately equipped to face the offenders. So it is difficult to prevent and resist illegal felling and smuggling. It is important to train and equip the forest force.

Percentage of illegal business is about 30% if not more. Smuggling across the Bangladesh border takes place. It was in peak in the 1970-1980. Now after the fencing on the border of Bangladesh and India smuggling is reduced.

There are 946 Joint Forest Management Committees in Tripura. There is 50% sharing of cost in case of sale of major forest produce like timber. For sale of minor forest produce 100% share of the cost goes to the beneficiaries. Joint Forest Management Committees are dynamic. Joint Forest Management Committees are uniformly distributed across the state. Creation of plantation is on the rise. Schemes of medicinal plant, bee nurturing, lac etc are given to Joint Forest Management Committees.

Joint Forest Management Committees are in Tripura from 1995 onwards. At that time the project area was 100 hectares, and involved one family. Now the number of families involved is 220, Project area is increased to 260210.62 hectares, Afforested area is about 82200.39

hectares, Number of beneficiary families are 95048 out of which S.T. families are 39931, S. C. families 20205, OBC families are 15540, and families in the general category are 19372.

iii. Interview of Sri Rajat Das, DFO, Department of Forest, Tripura

According to Sri Das forest canopy is good over Tripura. Satellite imagery report shows 59.8% geographical area of Tripura is covered by forest. This includes rubber estates, tea estates and cultivated timber land.

The Forest Dwellers Rights Act requires that those families who had encroached upon forest land before December 2005 is given forest land up to 10 acre [ceiling] area. As per that requirement 11 lakh 21 thousands families were given beneficiary rights by Forest Department of Tripura (forest dwellers, before 12 December, 2005). Occupancy after 2005 is treated as encroachment. Yet there are huge encroachments. Once inside the forest the encroachment goes on. Many come up with certification from the SDO and other authorities claiming to be forest dweller prior to 12 December, 2005. The Forest Department is reduced to helpless spectator.

Occupancy of forest has reduced in situ animal dwelling into pockets. The corridor for animal movement is blocked. Much difficulty is there for animals due to faulty planning and faulty laws.

This gives opportunity for corrupt and illegal practices.

iv. Interview of Sri S. Talukdar, CCF, Department of Forest, Tripura

Sri Talukdar informed the researcher that in Tripura Sal Teak etc. is grown. Each of these trees takes 60 years to mature. So final felling takes place after 60 years. In between, for the purpose of thinning and based on market demand trees are cut. There are transit rules and sawmill owners rules specially designed for Tripura.

There are incidents of illegal felling. If such illegal felling is detected they are booked under the Indian Forest Act. The laws are not adequate and there are many loop holes. There are flaws in Judiciary too. One can easily get away after committing any crime. The main problem is the burden of proof lies with the authorities. The cases rarely lead to conviction. This encourages smuggling and violation of laws. There has been rampant smuggling of timber along Bangladesh border. Along the border there are large number of sawmills but there are no forests there. The question is how they flourish. People's perception and overall

economic condition of the people are very important and relevant factors. Forest around the south Tripura border is almost denuded. There is also rampant corruption to facilitate smuggling.

Godavarman judgment is of no use. It encourages corruption. They have enlarged the list of corruption to include people in Delhi. Unless bribe is paid, no work gets done.

The problem is rise in population and there is rapid urbanization. In addition the ozone layer is also depleting. So there is climate change. This cannot be stopped. Density of forest is less.

JFM does not work well.

B. Interview with saw mill owners (timber traders) in Tripura

There are four districts in Tripura. Maximum number of sawmills are concentrated in Dharmanagar, North Tripura District and Dharmanagar is the only timber loading railway station in Tripura. Due to these reasons the researcher interviewed the sawmill owners in Dharmanagar.

There are eight sawmills in one place at Dewanpasa. In no other place sawmills are there in Dharmanagar district. Approximately 6, 00,000 cubic feet [cft] timber including sawn and round timber is transacted from these eight sawmills cumulatively.

According to Forest Special Investigation Team Rules only 9 cubic meter [cmt] timber can be sawn per day.

- 1) 1 cmt = 35.315 cft, So 9 cmt = 35.315x9=317.835 cft
- 2) If on a given day more timber is sawn, it is adjusted against a day in which less timber is sawn.
- 3) The minimum cost of sawing is fixed by the Timber Merchant's Association @ Rs. 60 per cft. A timber merchant may charge more than this from the customer but cannot charge less.

District	Name	Duration of business	Annual Volume of timber dealt
Dharmanagar North Tripura District	Sreema Sawmill	1979 October onwards	During the year 2012- 2013 86 486 cft round log received and Sawn 82235 cft of timber

			approx.
	Timber Agency and Products	In timber business since 1962-63 onwards. The present sawmill started 1982 onwards.	During the year 2012- 2013 Round Timber 70615.65 cft Sawn Timber 61145.59 cft approx
	Ram Krishna Timber	1990 onwards	During the year 2012- 2013 59329 cft rounded to 59500 cft approx
	Birendra Sawmill	2003 onwards	During the year 2012- 2013 60 to 70 thousand cft. approx
	Dharmanagar Sawmill	22 years. From 2007 in Dharmanagar	During the year 2012- 2013 Round 55952.27 cft Sawn 40767.95 cft approx

Table no 15. showing the volume of timber dealt in year in Dharmanagar district (Tripura)

The source of timber for these sawmill owners is the local private estates. The information regarding availability is obtained through middle men. There is no provision for auction in private estate. Auction is only from the Forest Department but that is rare.

Sawn timber from most of the saw mills are supplied to Delhi, Punjab Rajasthan. Round timber is either procured from forest auctions or purchased from the private forest owners. One has to obtain a Forest Trade License [FTL] to be able to deal in forest produce. There after license is given for sawing & sale. License for new sawmill is not being given at the moment in Tripura. In order to get a license application is made to the ranger who forwards to the DFO. DFO process it and then either issues a license or renews it.

According to the mill owners there is sufficient supply of timber in Tripura. Only rarely scarcity occurs. There is no imported timber, but North Eastern States like Mizoram sends log. There is sufficient timber in this place. So it is easily available.

Almost all the sawmill owners reported that these days there are no matured timber available. What is purchased from the timber growers are not fully matured timber. Matured trees have been exhausted in Tripura. Estate owners sell immature timber for quick money.

Timber marking by the Forest Department, according to them is followed very strictly. Even where the logs are from private farm the government marks the logs.

The SIT guideline says that within 90 days of timber registration, permit for cutting & transit pass has to be given. But this never happens due to this delay and harassment illegal felling increases. If more permit is given and within a short span of time without harassment then illegal felling will go down. Department is indifferent to illegal felling. Illegal timbers apprehended by the authorities are destroyed without routing it to the market. If the authorities make the illegal timber available to the market then demand will be satisfied and illegal felling will be reduced.

Departmental Forest supervision is top in Tripura. Record maintenance procedure is very strict in Tripura. Any piece of timber that has to be sent out of State has to be pre scheduled and every piece is to be accounted for to the extent of stating the number of the log and the number of the piece obtained from that log. This rigidity took place from 1996 after the Supreme Court verdict. Earlier there was no restriction and uncontrolled felling took place during that period. Supreme Court took the lead in controlling illegal timber felling and constituted a high power Special Investigation Team for controlling illegal felling. In these parts the Committee is known as SIT. SIT has the same power as that of the Supreme Court. Now we follow the guidelines given by this committee. But there are hindrances in maximum utilisation of resources. We maintain a conversion register where the following is recorded:

1 Tree: say the number is 0218

It may produce 5 pieces, so each log will be 0218/1. 0218/2 till 0218/5

Length = 1.90 mts,

Girth= 0.61 mts

Volume =0.044 mt³.

From the above at the saw mill two pieces of the same size logs [as described below] may be procured:

Length = 1.88 mts,

Width= 13 centimetre

Thickness=0.10mts

Volume =0.016/0.017 each

Total sawn volume being 0.033

So the wastage from a log is about 25%. Since the record cannot be changed, the logs cannot be customized as per customer demand and have to be sold. Transit pass is issued as per the record detailed above. Therefore there is no provision for further conversion or customization. The wasted amount can yield a number of pieces which can be utilized as bits, wooden floor and wall tiles after proper processing [as is done in Malaysia] but this is not done in India. At present the waste wood is mostly sold as fire wood which is a major wastage. Even as fire wood the waste wood pieces and saw dust can be processed into bricket having the same calorific value of charcoal but even that is not being done. Behind each wasted piece there is a cost in terms of man days, man power and wages etc. The other wastage is sawdust which is dumped here and there. It causes fire. Even saw dust can be processed into furniture making, curios making, press board making by densification but all that is wasted.

As per the verdict of the Supreme Court in the total North East region there is illegal timber trade in large quantity. Local use comprises more of illegal timber than legal timber. Illegal timber is largely grown in private land due to the practicability of the present SIT rules. The Rules for Guidelines for Extraction of Timber from Non Forest Land requires obtaining of permission for felling of timber from private land. The permission takes ages to come. Sometimes the applicant grows old and even dies but the permission does not come. The reason for such a sorry state of affairs is the delay in official processing and its complication. Local forest authorities should be empowered to process and facilitate issue of license. In illegal sowing the sawing is done manually resulting in very high percentage of wastage. The dilatory process of permit issuance discourages new plantation. The forest department does not cultivate timber for supply. The ceased timber is supplied through auction. Where due to major projects such as road ways, railway tracks, dams etc., forest timber is to be cut; they are given out for cutting after floating tenders for the same.

Even ready furniture is difficult for transportation in Tripura. Even for that detailed history of the wood and relevant transit papers, procurement papers etc. have to be submitted. This makes the transportation almost impossible. So illegality is encouraged. Wooden windows

frames, door frames furniture, etc are transported without papers with the help of high corrupt practices such as, bribery etc.

Heavy tree felling and destruction of forest has led to a noticeable climate change. Tripura is warmer now with less rainfall resulting in drying up of surface water. The sawmill owners do not believe that wood business is detrimental to forest if it is done legally. However excessive strictness in implementation of rules and lack of incentives for trading in other forest produce has led to corruption. The laws should be moderately strict and able to cater to demands of the time and circumstances. For this JFM committees, JFMC, have to be strengthened and forest- people- forest official relationship should be more intimate, complimentary and mutually beneficial.

The researcher also interviewed a private forest owner by name Abdur Jabbar.

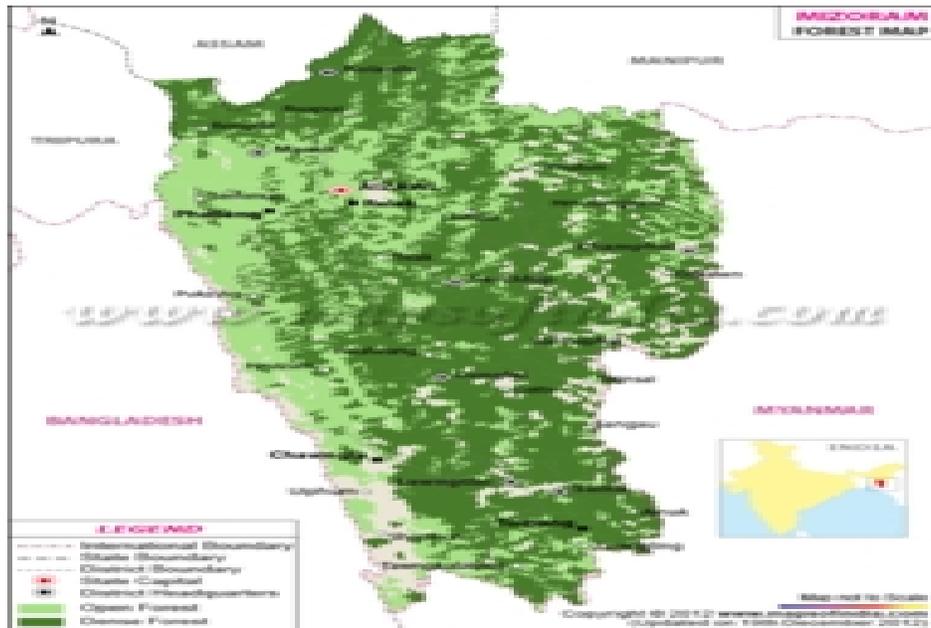
He has his own land and purchases from other people's estate also and supplies timber to the saw mills. He is both owner and a middle man and also a Government enlisted contractor. 13.5% vat has to be paid on round timber sale from the private estates.

There are no plantation rules or Plantation act applicable to timber estates. In order to cut the timber trees from the estate one has to submit land purchase deed to the forest department along with a statement of number of trees on the land have to be submitted to the Range officer. The Range officer sends the papers to the DFO. DFO sends the papers to the SDM for inspection and verification of statement. The SDM inspects the property along with the Tahsildar. For every 2.5 acres of land one day's salary of the SDM has to be deposited as fees. The Inspection report is then sent back to the DFO through the SDM. If the DFO is satisfied he allows felling of thirty trees at a time. If he is not satisfied he issues a working plan and a fresh inspection. The entire process takes a very long time, sometimes the life time of a person. So if everything has to be timely at every stage one has to pay money as bribery. In his case it took three years. He had to pay huge money as bribery and all the three years he remained unemployed yet the illegal and corrupt demands of the forest officials had to be satisfied. Due to the latter reason he incurred heavy debts and went almost bankrupt.

More and more people are now shifting to rubber plantation. It is supervised by the rubber Board and is easy money.

According to him people sitting in A. C. rooms and making laws are alienated from the common man; they are not acquainted by the ground reality. Such laws are useless and non beneficial. This is deliberately done to encourage corruption.

❖ STATE OF MEZORAM



Map no.6 showing the forest cover of Mizoram

The researcher was told that it would be better if he went to Mizoram by air as the roads were almost nonexistent, tedious, and took about eight to ten hours. The researcher gave the proposal a considerable thought. He realised that he needed someone who could talk Mizo language and was familiar with the State. So he needed to form a team and travel. That made flying very expensive. The researcher and his team set out on road that ran through very dense forest.

The roads were almost nonexistent and very dangerous. The terrain was mesmerizingly beautiful but the journey was extremely tedious and time consuming. The teams were virtually on a dangerous and alien terra firma. The path way that was an apology for a road traversed through very dense forest punctuated by little hamlet villages concealed within the folds of the forest.

The village houses that the team passed had huge quantity of cut logs stacked in front for being used as fuel wood. Almost all of these were from illegally felled trees. Another

interesting feature of these village houses was that they had no locking system on their doors. Most of the houses were partially wooden structures. Almost all villages had electricity. The team was not allowed to take photographs. The interpreter and guide told that taking photographs may set out violent protest from the village community. It was also observed that logs were stacked at the side of the road. None of the logs had any marking. Not from the forest department and also not from the private estate owners. Almost all the logs were immature and did not have much girth. The researcher was informed that in Mizoram no sawmill license was being given. Only hand sawing was permitted. This meant that not only illegal sawing could take place but there would be much wastage also.

Mamit district of Mizoram is notorious. It is also the largest and the poorest district of Mizoram. Any one venturing from mainstream India is often harassed or kidnapped. The Guide cum interpreter relegated the team with many such kidnap stories. Most of the timber felling was observed in the district. Because of the fear of the local people, very few forest officials were visible and also the roads were left almost nonexistent. Though it was told that crime in Mizoram is nonexistent and the researcher found the accompanying team very fearful and they were recounting many stories of kidnapping etc. The researcher was warned that Mizos were of volatile temperament and if provoked things could go terribly wrong. Bribery, it was informed, was unknown in Mizoram. At the same time the researcher also informed that it would be a different matter if you forced some money on to someone for getting something done or gave some money in appreciation of something that has been done, it would not be considered as bribe in Mizoram. Clearly a definition of “legality” and “illegality” was different in Mizoram; each had a different yardstick here.

The researcher met a person who was the owner a couple of elephants. The researcher was told that his elephants were hired for moving huge logs in deep forest areas. Such logs were not accessible in the open market.

It took almost nine hours to reach Aizawl across a very rough and dangerous terrain running through very dense forest. In Aizawl it was noticed that the cars were left in the parking lots with keys hanging in the ignition. The researcher found the local people were friendly, amicable and easy to mix with.

Though the researcher was told not to take any photograph, he still managed to get some photographs. Each time he took a snap, the guide and interpreter became nervous warning him of serious retaliation. One particular photograph he took was that of people cutting a tree.

The moment they saw the researcher, the people wanted to run away. The interpreter and guide were extremely upset because he felt that those people could have attacked on retaliation. However, he gave the researcher to understand that he was saved because those people thought that he was a forest official.

The researcher witnessed the tail end of a fight between people of two timber merchants over three truck loads of timber. The fight was over the ownership of the truck load of timber. Apparently the violent fight was settled with the exchange of some money. One of the timber merchants interviewed disclosed to the researcher in confidence that he also had a sawing machine which he did not disclose to the forest officials. On being challenged on the illegality of keeping the same he said that there was a mutual understanding with the forest officials that his timber trade was “minor cottage industry”.



©Captured by Ripon Bhattacharjee: Picture showing illegal felling of trees in Mizoram

Despite best efforts, no forest officials were available for interview. Mizoram being very expensive and their being difficulty of boarding and lodging. It was not possible to stay for an indefinite period and pursue the forest officials. In view of this the researcher could not interview any forest officials in Mizoram.

The researcher was able to interview two saw mill owners:

District	Name	Duration of	Annual Volume of timber dealt
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		business	cubic metre.
Lumoi	Zodningthari Mill	29 years	10,000 cft
Khawnmun	Khawnmun Mill	6 years	Round timber: 44000 cft. Sawn Timber: 24000 cft

Table no. 16 showing the interview of sawmill owners in Mizoram

Both Zodningthari Mill and Khawnmun Mill dealt with timber procured from North eastern states and local private estates and they did interstate business. There being no timber loading railway station notified in Mizoram the timber had to be moved by road to the nearest timber loading station namely, Dharmanagar in Tripura.

The experience of the empirical study was very educative. More than the interviews the travel and the hands on experience benefitted the researcher more.

Across India there is the problem of illegal timber trade. Kerala appears to have controlled illegal timber trade very effectively due to its educational and economic climate. The majority of the forest personnel and some informed sawmill owners have deeply appreciated the Supreme Court's mandate in the Godavarman case. Corruption too is admitted directly, indirectly and openly. The North Eastern states seem to have benefitted because after 1996, there appears to be more systematic and scientific forest management. This has also helped in implementation of the laws. As in every case even post Godavarman there have been some operational difficulties in most of the States but overall the picture is positive. Tripura is a special point in reference and according to the researcher despite illegal logging, the situation has improved and the laws are stringently implemented.