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Karnataka forest department has filed just 130 chargesheets on forest encroachment since 1980:

An inquiry reveals that 204,229 acres were lost to encroachment while another 104,065 acres of land were granted by the state of Karnataka

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By Himanshu Nitnaware (<https://www.downtoearth.org.in/author/himanshu-nitnaware-169360>)
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Cloud forests in Karnataka. Photo: iStock

Thousands of acres of forest have been lost to encroachments in Karnataka in the past 43 years, with no appropriate action taken by government officials, a Public Interest Litigation (PIL) filed on June 26, 2023, claimed.

The petition, filed with the Karnataka High Court, is supported by information from a Right To Information (RTI) query to back the claim.

The RTI was filed by Gireesh Achar. It queried about the number of cases disposed and action taken on forest encroachments since 1980 under the relevant sections of the Karnataka Forest Act 1963.

The RTI query also asked about the number of First Information Reports (FIR) and chargesheets filed in the 29 ranges under jurisdiction against the encroachment of forests. The query evoked responses from only 12 Range Forest Officers (RFO) revealing 2,212 FIRs and 130 chargesheets had been filed so far.

Also, an area of 204,229.762 acres of forest was lost to encroachment while another 104,065.96 acres of land were illegally granted by the state of Karnataka, the answers to the query revealed.

Achar, who filed the RTI, said 308,295 acres of the 892,618 acres of forest land notified by the government had been lost.

Virendra Patil, the petitioner's lawyer, said forest encroachment is a non-cognizable offence and forest officers have the authority to take appropriate action in accordance with sections of the Karnataka Forest Act.

Patil said no record of the Non-Cognisable Report (NCR) has been maintained by the forest department. "Since 1980, only five per cent of chargesheets have been filed by all RFOs in their tenure who also permitted the use of forest land for non-forest purpose," he said.

The petition appeals that all RFOs of the state be directed to file chargesheets within the prescribed period. It also requests concerned officers to take disciplinary action against the forest officials who failed to discharge their duties by not filing chargesheets within the prescribed period fixed by law.

It also requests to upload FIRs online according to the directives of the Supreme Court from 2016, register cases for violations against the spirit of the Forest Conservation Act, 1980 and ensure survival of existing saplings planted before more plantation is taken up to save taxpayers' money.

Pape Gowda, an activist who has also sent a written requisition to the chief minister and other concerned ministers of the state on June 30, 2023, said action has been demanded in the backdrop of the notification issued by the Government of India on June 3, 2023.

"The Ministry of Environment, Forest and Climate Change, in its gazette, notified the central government-authorized Deputy Conservator of Forest and relevant officers to file complaints against such persons or organisations who are found guilty of violating the law to remove any ambiguities in legal proceedings in the implementation of the Forest Conservation Act," he said.

Gowda said the notification further called for communicating complaints to the central government via relevant channels and present them within 45 days before the courts.

He added that all tree cover in forest areas must be protected from encroachers. "Big trees offer plenty of ecosystem services such as sequestering carbon and suitable habitat for animals. They also have commercial value due to the use of biomass," he said.

The activist said immediate action should be taken by the state and forest department authorities to protect forests and prevent further damage.

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 Forest guide Sandeep Kumar at the restored area (Photo by Deepanwita Gita Niyogi)