

# STOP REGRESSIVE AMENDMENTS TO THE KARNATAKA TREE PRESERVATION ACT

Submitted to District Forest Offices in Kolar, Mysore, Belgaum, Hubli-Dharwad and Gulbarga  
and

Headquarters of Karnataka Forest Department, Aranya Bhavan, Bangalore  
as part of State wide protest on Friday, 21 May 2010

Acknowledging that "trees which provide shade, mitigate the extremes of climate, render aesthetic beauty, purify the polluted atmosphere, mute the noise, have been one of the first casualties of pressure on space in our cities and towns", and also admitting that "we have reached the stage when it is incumbent to legislate to restrict and regulate the felling of trees and prescribe growing of a minimum number where none exists", Government of Karnataka enacted the Karnataka Preservation of Trees Act, 1976 ("Trees Act" hereinafter).

According to the Trees Act, trees may only be felled with prior permission of the Forest Department which has the duty and liability to preserve and protect trees. Chapter V of the Trees Act exempts 11 species of trees from this restriction and these are: Casuarina, Coconut, Erythrina, Eucalyptus, Glyrecidia, *Hopea wightiana*, Prosopis, Rubber, Sesbania, Silver Oak and Subabul. Any person (including a public official of a municipal corporation or government department in his official capacity) who fells a tree that is not in the exemption list without prior official permission of the Tree Officer is liable for criminal prosecution according to the Trees Act. This requirement of official permission has prevented large scale felling of trees, and has also restrained people and officials from unnecessarily felling trees owing to fear of criminal prosecution.

Recently, however, the Addl. Principal Chief Conservator of Forests (Hq and Coordination) of the Karnataka State Forest Department has promoted a Draft Amendment to the Trees Act expanding the numbers of tree species that may be felled without prior permission to 41 (including the 11 in the existing list). Almost all the species now included for exemption constitute the major tree wealth of both rural and urban Karnataka. (Copy of the proposed amendment is enclosed.)

Unbelievably the list includes Aala (*Ficus benghalensis*, National Tree of India), Arali (*Ficus religiosa*, Sacred tree), Goni (*Ficus mysorensis*), Atthi (*Ficus racemosa*, Queen of Trees) and three types of basari. All these Ficus species are home to millions of birds and small mammals which not only feast on the figs but also act as insect controlling agents. Easing the removal of Ficus trees, for instance, will devastate bird life and thus aid spread of pests. The exemption list also includes many major fruit trees such as Mango, Jack, Sapota, Lime, Tamarind, etc. and Neem, Honge (*Pongamia pinnata*), Dalbergia Sissoo amongst others. Shivni (*Gmelina arborea*), an excellent timber tree known as white teak, is also listed for exemption.

It is incomprehensible that the Forest Department appointed as official and public protector of trees is actually making it more easy for anybody and everybody to fell trees at will. Besides the fact that the exemption of these trees erodes the admittedly small revenue to the State, it frighteningly encourages reckless tree felling that could soon result in the loss of trees at a regional or even state level. No tree planting programme can ever compensate the loss of existing large and old trees. Livelihoods of thousands of families that subsist on gathering the seeds, fruits and flowers of these trees will be severely compromised due to the removal of these trees in large numbers. While this move to expand the exemption list could amount to dereliction of duty by the Forest Department at the general cost of the State and the environment, it is also a move that belies rationale and gives rise to a range of suspicions about the motives involved.

Today as our State is losing its tree cover and the effects of climate change connected with decimation of tree cover are becoming apparent, there is need to place more restrictions on tree felling rather than expand the exemption list of trees that may be freely felled. That such a proposal is made in the International Year of Biodiversity, an effort to heighten concern amongst the peoples and Governments of the world to prevent loss of biodiversity, is truly shocking and condemnable.

On the eve of the International Biodiversity Day, we strongly urge Government of Karnataka to withdraw this proposed draft amendment to the Trees Act. Instead we demand that the Government engage in a dialogue with local governments, local communities, and environmental and civil society groups to strengthen the Tree Act and help protect the Tree Wealth of Karnataka.

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