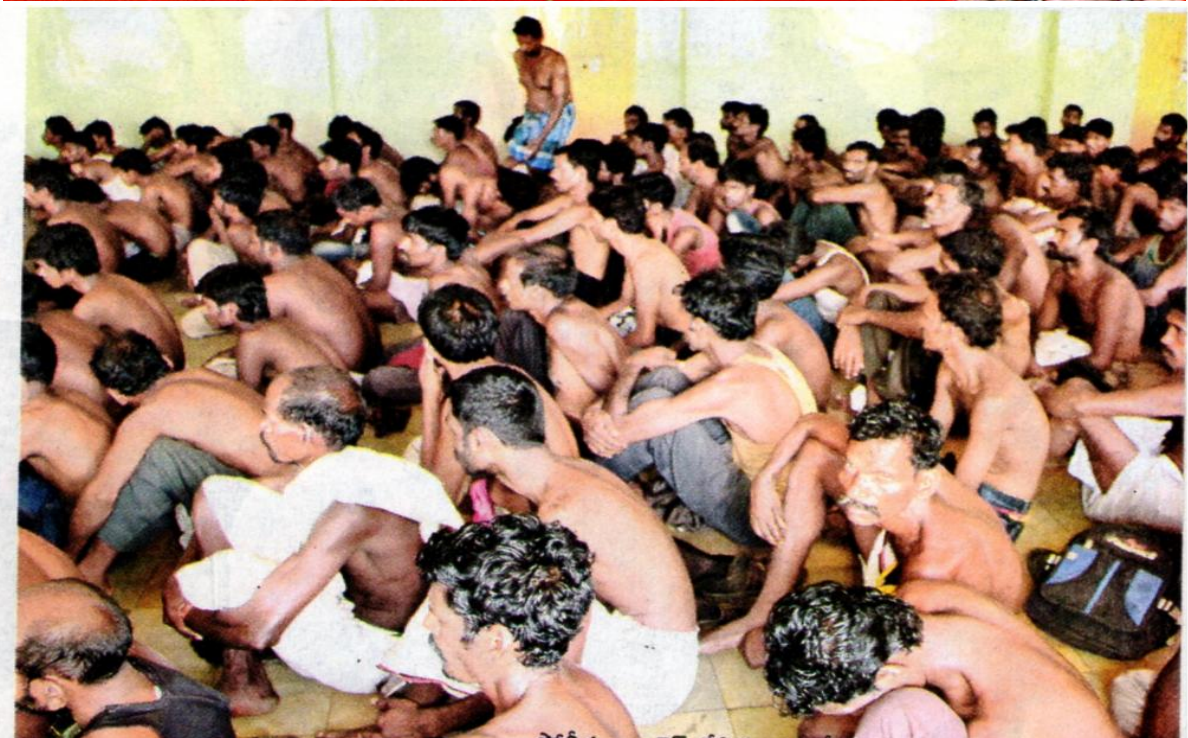


## Fact finding Report

Killing of 7 and detention of 2000 by branding as Red sanders smugglers



**National Campaign for DNT Human Rights (NCDNTHR)**

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## Fact Finding Team Members



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### Persons Contacted

SN	Name	Organisation	Contact Mode
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2	Yallanki Venkateswarlu	Civil Liberties Committee, Nellore	In Person
3	N.Seenaiah Sagar	Advocate & Uppara Sangham, Nellore	In Person
4	M.Subba Rao, Advocate	Retired Jailor, Nellore	In Person
5.	Maniyaram Nagaraja	Journalist, Tirupathi	In Person
6	Kranti Kumar	Civil Liberties Committee, Chittoor	In Person
7	Chinnam Penchalaiah	CPI, Tirupathi	In Person
8	Chandra Sekhar Reddy	RTC employees Union, Kadapa	In Person
9	P. Siva Reddy	CHRD, Kadapa	In Person
10	Phani Raju	Retired Jailor, Kadapa	In Person
11	Parthiban, Advocate	Arani, Tamil Nadu	Over Mobile
12	V. Sreedhar	Columnist, India Today (telugu), Chennai	Over Mobile
13	G.Rama Chandra reddy	Hyderabad	Over Mobile

### Methodology followed

The Committee as a group and individually met and talked with various stake holders, along with visiting Daniar Attamoor village and Javadi hills, in view of eliciting first hand information, discussed with the kin of the killed in the 'encounter' along with the relatives of the jailed in mates in Andhra Pradesh. The information in the current media and related information in the digital format also closely perused in preparation of this report.

## Facts



**Veeramani's body near the Railway Kodur in the forests of Balapalli Range**



**Bloated and un-clad bodies of the three DNTs killed near Tirupathi, before postmortum**

③ Three Denotified Tribe (DNT) Youth of the Vanniyar community, all below 30 years were killed after arresting and torturing and later stage managing the show of 'encounter', by throwing the bodies on the rocks located in the forests and by placing the kit bags and weapons. All three are from the Daniyar Attamoor a village located at the bottom of Javadi hills, Porur Tq, Tiruvannamalai dist. 29-5-2014 is the date of death given by the police.

③ Fourth person killed in the Kadapa district is A.Veeramani, 35years, from the Vinayakapuram South, Hamlet of Attimala pattu, Vannurpuram Post, Arani Tq, Tiruvannamalai district in the Tamil Nadu, 21-6-2014 is the date of death given by the police.

③ In 2011 a person called 'Vaaraadi' from Tamil Nadu was killed at the Mittaplaem village, in Chandragiri Mandal, Chittoor district, by the forest and Reserve police personnel.

③ 'Murugan' a person from Tamil Nadu was killed by the police on the December 2012, in the Karivepakula kona, chamala forest.



**Body of Sambarian Mani**

③ On January 29, 2014, a person called 'Sambariyan Mani' was killed near the police camp located at the Kalyani dam at a place called 'Bombaadi'. Village details of the above three persons are not available.

A sample of 11 inmates in the Kadapa jail also reveals that, arrested are from the Polur & Chengam tq, in the **Tiruvannamalai dist**; Apur Tq, **Salem district**; Arur Tq, in **Dharmapuri dist.**; Chinna Selam Tq in the **Viluppuram dist**, hence it could be concluded that the arrested are from the above four districts. Field level information reveals involvement of people from 30 villages among the four districts shown above.



Yercaud is a hill station in Salem District, in Tamil Nadu, India. It is located in the Shevaroy's range of hills in the Eastern Ghats; the hill area is near to the Vellore. As per the 2001 statistics, the total population of the constituency has been put at 2,96,171. This included 54,246 (18.32 per cent) from Scheduled Tribes (ST) and 64,276 persons (21.70 per cent) from Scheduled Caste (SC) communities. With the Vanniyars' strength being put at anywhere between 41 per cent and 46 per cent, they are almost evenly placed in strength and make a sizeable vote-bank.



As per P. John Breto, Organiser, Tamil Nadu Human Rights Forum, Yercaud Region, the tree cutters are in the grip of red sanders smugglers in the 16 villages of Maramangalam Panchayat. Some of the villages are Koothamedu, Sonapadi, Kootumuthal, Arangam, and Vaazhavandi. Every month scores of tree cutters, head for the Tirupathi Jungles, some return with money, but many end up in the Kadapa Jail.

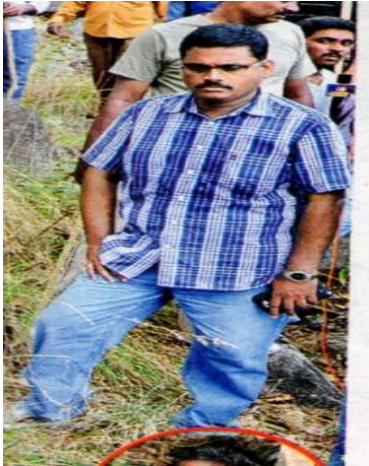


K. Subramani (32) of Sattukadu village has not returned home for the last six months (till June), in spite of his three little children desperately waiting at home. "He is in Kadapa prison; we are trying for bail for him" says father Kuppusamy. V. Rama Chandran, of Kootumuthal Village is also a remand prisoner in Kadapa jail; he could not perform the last rites of his father, died recently.



As per John Breto, Tamil Nadu Human Rights Forum, tree cutters of Yercaud are one of the fastest tree cutters in Tamil Nadu, they have uncanny knack of felling the trees and shaving off their bark. They are also swift trekkers, who can walk through the jungles with heavy head loads of wood. Over several decades, these were engaged by the coffee plantation owners to cut down silver oaks that dot their estates. However, red sanders smuggling gang have lured the tree cutters with huge advance. These cutters would get Rs.20 or 30 per sq.ft in yercaud, they are being offered 500 per kilo of red sanders by the smugglers. ***"The agents or touts of the red sanders smuggling gang offer huge advance to these tree cutters and take them to Tirupati. They should be arrested first,"***

## The 'Encounters'



Superintendent of Police Sri SVRaja Sekhar babu says that, the encounters were took place, for self protection, since smugglers were attacking with weapons. Some of the media reports say, the smugglers are being killed to take revenge for the killings of two forest officials.

But two forest officials David and Sridhar rao were killed on December13, 2013, and the three were killed for attacking STF personnel in 2014. Except the version of police and forest officials, version of the accused not known, Since Sridhar Rao garu is being hailed as sincere officer, there is a possibility of getting killed by the STF and armed forest officials, on the basis of the orders of the higher-ups or from the persons in power or by the key players in smuggling.

Of the layers in poaching of redwood, cutters, carriers and loaders are the primary layer, headed by group Maestris. Transporters are the second layer consisting vehicle drivers and pilots, exporters are the third layer, all the operations are coordinated by the fourth layer, with investment and protection, usually a political kingpin, who usually operate through a second line of loyalists consisting labour recruiting agents and field operators to manage safe transport and negotiate with the men in uniform.

Primary layer is supported by the local villagers around the forests, to show the way, in supplying food material, water etc., along with hiding the logs till they were lifted and transported. Second line loyalists and vehicle pilots are supported by the corrupt in the police and forest departments. Every time, of the two vehicles with one ton caught on the main roads, 8 vehicles with a load of 10 tonnes will reach the destination safely, through the agreement between the department and smugglers.

In the markets of India, red sanders wood costs Rs 2,000-5,000 a kg, and the price goes up to Rs 1 lakh in China, according to traders involved in this business. "A tonne of red sanders fetches up to Rs 20 lakh in India but its international price is above Rs 50-80 lakh," a forest officer from the Vellore range said. "It is smuggled out in ship containers or as air cargo. Sometimes air passengers carry them as luggage from Chennai to Kuala Lumpur or from Delhi to Beijing." Sources say villagers hired to cut the trees and lug them out are paid Rs 3,000 for a six-foot log. Agents make Rs 75,000-100,000 a week as commission. The lion share of the smuggling money goes to the 4<sup>th</sup> layer, while lowest amount Rs.500 per kg will be received by the primary layer. Red sander is not known to have much use in India, but it is a rare and valued item used in traditional

medicines and woodcraft across China, Myanmar, Japan and East Asia. It is also used in the shipbuilding industry and it known to reduce the radiation of Nuclear reactors. In China it would cost Rs 1 lakh a kg.

Of the seven persons killed in the "encounters" three of them were killed during the regime of Kiran kumar reddy and majority of them are Denotified Tribes of Tamil Nadu, who doesn't have any political clout. It's a wonder, even in the dark; police killed the above only, while there are many other personnel were present in the scene of offence.

### **Story of the Sanders link with politics**

Red sanders are available in the Sessa chalam hill range of Nellore, Kadapa, kurnool and Chittoor districts. While 90% available in Kadapa and Chittoor districts, 10% available in the Kurnool and Nellore districts

A group of persons from the upper caste Reddi and Kamma communities of Chittoor district started as civil contractors, due to their political clout and graduated as liquor contractors and real estate tycoons with their muscle power and money. Smuggling started around ten years on a small scale and took off after the over-exploited tree was put on the endangered list in the year 2000. Endangered status has increased control and decreased supply from the forests, farmers couldn't sell the redwood available in their farms, due to the permit regime vested with forest department and heavy corruption involved. The conditions have given way to the underground production, transport and supply of red sanders taken over by mafia. Reforms regime of the World Bank and IMF along with the global financial crisis turned the real estate ventures unviable and by the year 2000 majority of the powerful among the upper castes in the Chittoor district entered in to the smuggling of red sanders and occupied key positions in the mafia.

Two prominent political parties, TDP and Congress have given membership to the kingpins of smuggling for their money and muscle power. Slowly political empires were spread in to the parts of Kadapa, Chittoor, Nellore and adjacent Vellore district of Tamil Nadu; all the prominent political parties of the region have smugglers and their henchmen (in the second line) as members. Smuggling money entered in to the elections, so that the prominent among the smugglers become MLAs, Zilla Parishads and Village Panchayaths presidents and virtually controlling the political situation. Red sanders money has flown freely in three districts of Andhra and two in Tamil Nadu. One constituency of the Nellore near the hills, along with Piler, Bhakarapet, Railway kodur, and Tirupathi along with two constituencies of Tamil nadu having elected representatives at all levels, either involved in smuggling or supported by men and money from the smuggling.

**An item in the Railway Kodur edition of the Andhra Jyothi daily dtd: 30-6-14** The politics of Kodur dictated by red sander smugglers, red money flow like water in the general elections, followed by MPTC and Panchayat (local bodies) elections, those involved in red sanders smuggling over the years have become so powerful, to run politics at their command. Those struggling once for meeting the bare daily food needs are maintaining posh cars today. Kodur politics revolve around Tirupathi (Nodal point of smuggling, from where the kingpins operate-sic) second line smugglers use to distribute money among the personnel in the police and forest department. Politics are being

controlled by Smugglers from the year 2004, persons going for MNREGA works are today maintaining gangs consisting hundreds of members. Each smuggler spent lakhs of rupees for the win of their candidates in the MPTC, ZPTC and Panchayat elections and crores in the general elections so that the kingpins could be elected as MLAs and MPs. Analyzers of the politics feel those smugglers could control the politics locally. As per the media, there are hundreds of second liners to Gangireddy in the pullampeta, Railway kodur, sundupalle and Raychoti Mandals and these are responsible for recruiting tree cutters from Tamil Nadu, while Gnagireddy is supporter of YSRCP. Same thing may applicable to other second liners in the TDP and the kingpins. Similarly arrestes are being made from Yarravariplaem and Chinagottigallu Mandals, in the Chittoor districts. However their party affiliations are not known.

Situation is not much different in the Tamil Nadu, police arrested 60-year-old folk dancer Mohanambal at Vellore for her links to red sanders smuggling. The police said Rs 4.4 crore and 72 gold sovereigns were recovered from her house. After absconding for nearly two weeks, Mohanambal and her sister surrendered in the Vellore court and were taken into custody. She has bought over 30 houses in Tamil Nadu and Andhra Pradesh. Rs. 32 lakhs seized by the Yercaud police during the last Loksabha elections is suspected from the Red sanders smuggling- as per the English media.

#### **Link with the encounters**



Peddireddy Ramachandra reddy was a contractor who began with irrigation projects and diversified into construction, real estate and mining. He also happens to be the state minister for forest, environment, science and technology from 2009-2012. He is a self-made politician. Hailing from Rayalaseema's Chittoor district, he was able to make his mark despite being a Reddy in an area dominated by the Baliija community (as Kapus are called in Rayalaseema). While a student of biology, he was an arch-rival of TDP president N Chandrababu Naidu during their college days in Sri Venkateswara University in Tirupati and had got the better of Naidu during the college elections in the early seventies.



According to sources, his association with Sanjeeva Reddy firmed his hold in the state politics. When Sanjeeva Reddy was the President of India, Ramachandra Reddy used to be a frequent visitor to Rashtrapati Bhavan, and this in turn enhanced his clout in the state government led by chief minister T Anjaiah. Overnight, he became a contractor. Beginning with irrigation contracts during the Anjaiah regime, he slowly diversified into construction, real estate and mining. A company spawned by him PLR Projects now has an annual turnover of Rs 1,600 crore.

He got elected on the Congress ticket in 2004; he was not close to Y S Rajasekhara Reddy and hence did not make it to the cabinet. But by 2009, the proximity of Ramachandra Reddy's son while working with YSR's son Jaganmohan Reddy brought the two fathers together. As a result, Ramachandra Reddy became a minister for the first time in 2009.

Raja Sekhar reddy, died on September 2, 2009 and N. Kiran kumarreddy, has taken over as chief minister of Andhra Pradesh on November 24, 2010. Locals of Kadapa and Tirupathi say that, N. Kishore kumar reddy, brother of Kiran Kumar reddy couldn't tolerate the supremacy of Rama Chandra reddy in the red sanders smuggling, since he carved a niche by being forest minister. Hence Rama Chandra reddy was forced to resign by the Kiran kumar reddy government as MLA and minister on Nov 30, 2102. Subsequently he joined Jaganmohanreddy and his YSRCP. In fact, a day after YSR's death was confirmed, Ramachandra Reddy was the first person to declare that no state government would be allowed to perform unless it was headed by Jagan mohan Reddy.

Local people believe that 'Vaaraadi' got killed In 2011 in Chandragiri Mandal, Chittoor district to teach a lesson to the ranks and files working for Kishore kumar reddy (brother of then-CM) 'Murugan' and Sambarian Mani got killed on December 2012, on the insistence of then Chief Minister Kiran kumar reddy, so that to stop the flock migrating towards Rama chandra reddy. Probably these three dead persons were recruited by the agents of these two rival groups separately.

Sri. Chandra Babu Naidu started singing Kollam Gnagireddy song, immediately after the confirmation of his party coming to power. Even before taking oath as C.M, he convened a meeting with the police bosses and ordered for stopping smuggling within ten days, to arrest all the smugglers, to complete operation and assured his protection for the personnel in the uniform. Naidu also given instructions for removing persons, with (opposite) party affiliations in the Tirupathi based Special Task Force (STF) and subsequently two Circle inspectors with YSRCP affiliations were transferred. Present SP Ramakrishna has taken up 2<sup>nd</sup> stage of Operation Seshachalam, without the involvement of the forest department from the May20th, 2014. In this background, four Tamilians were killed by the trigger happy boys in the STF.

Human rights groups or Journalists were not allowed to visit the scene of offence; they were given photographs and given the police version of killings. Civil liberties Committee alleged that these are killings by the state and 'encounters' were stage managed. Bullet wounds on the bodies indicate that the firing taken place from a close range and with a confirmed aiming. There are loop holes in the 'stories' of the police. "On information about a band of smugglers cutting red sanders in the forests 300 armed personal were combing the forests over the last three days. On 28<sup>th</sup> May night, on hearing the sound of cutting trees, armed force personnel informed urban SP and he sent 25 armed personnel, who reached the place by mid night. while all 325 armed police (50 as per the

English media) tried to capture the band of smugglers at 12 'o' clock in the mid night, they attacked the police with arrows and stones, in a bid of self protection police fired and smugglers fled and police found three smugglers were dead". Almost similar 'story' with an addition of axes while attacking the police, is being told in the 'encounter' of Veeramani in the Balapalli range forests, Kadapa district. STF have killed only Tamil people even in the darkness of the forests at midnight, none of the Telugu speaking local people died, none of the killed are from the politically sensitive sections like dalits or tribes, all of them are the DNTs without any political clout, small farmers or land less labourers involved in the sugarcane farming.

All this facts forces us to believe that, these killings are not random, but carefully picked up. Probably these 4 were recruited by the agents of YSRCP. By killing these innocent people, ranks and files of the YSRCP in the smuggling could be terrorised along with the ex-CM and his brother Kishore kumar reddy. secondly a potential partner like Punganur MLA Peddireddi Ramchandrareddy along with his second line, could be warned that, they are not safe in the YSRCP, Rama Chandra reddy with his money and muscle power could influence constituencies at least in three districts would be an added advantage to the TDP and rival YSRCP would lose a potential ally who helps in capturing power.

And survival instincts of Ramchandra reddy immediately came with an announcement "If Women Self Help Groups (SHGs) loans waived, Chandra Babu Naidu will be the Chief Minister for the next ten years." Second, statement came from Mr. Peddi reddy on July 2014, stating that, YS Jagan mohan reddy couldn't become C M due to the false propaganda of his own TV channel and Daily Paper 'Sakshi' which created over confidence.

Hence we believe these encounters were orchestrated by the party chief in the ruling party and these are the state sponsored murders, in the name of red sanders protection making innocent labourers as scapegoats. While News paper reports say that, TDP personnel in the Kadapa district ordering the police not arrest smugglers affiliated to their party and police is in dilemma regarding the arrests.

### **The custodial detention**

There are about 2000 persons slogging in the jails over the last six months, majority of them were arrested from the Trains, buses , bus stands and railway stations, rather than from the scene of offence. They slog in the district and sub- jails located in Nellore and Chittoor districts. Four of the arrested are juveniles and one of the arrested dead in Nellore jail.

**Details of the Cases filed as a group on the detained in the Nellore & Kadapa Prisons (sample):** As per the information from the Nellore district Jail, there about 440 detainees booked under the Red sanders case, of which 236 were booked on the charges of murder and the remaining were booked under attempted murder. Cases on Kadapa Jail detainess - FIR No. 179/213, Renigunta Urban police station, Date: 18-12-2013 & FIR No. 175/213 Veeraballi Police Station, Date: 29-12-2013. Cases on the Nellore Jail Detainees: In the Court of 5<sup>th</sup> Additional Junior Civil Judge, Tirupathi, PRC No: 7/2014; Crime No. 179/2013, Renigunta Urban Police station. Sections: 147; 148; 341; 302; 307; 396; 397; 120 B, R-W 34 IPC & 20 (1) (2) (3) (4) (5); Section: 29 (2) b of A P Forest Act 1967 & A P Red sanders & Sandalwood Transit rule 3 of A P Forest Act.

As per the information available majority in the jails are Tamilians, while followers of the smugglers in the third line around the forest villages and crucial in the smuggling, were not arrested or detained in the jails.

These sections will receive tree cutters, taken in to the forests, supply food material, and arrange shelters or dens in the event of combing. There are incidents, those in the third line threaten or kill locals in case of their non cooperation or leaking information out. Smugglers recruit tree cutters from Velur and Salem surroundings through agents. These tree cutters have to enter in to the forests through Srivarimettu, Bakarapeta villages in the Chandragiri Mandal. Hence Tamilians will reach Panapakam, Mungali pattu, Nadimpalli, Aithepalli villages in Chandragiri Mandal. Police and Forest department have the details of those help the tree cutters, but none of them were arrested or killed in the encounter. It was estimated that there are about 100 persons in the third line, along with their helpers in the Chandragiri Mandal and these were untouched by the men in the uniform from the police and forest departments due to the money involved and political clout. Red sanders are like cottage industry in these villages, third level persons in smuggling were given shelter in the SC, ST Colonies as relatives on the insistence of agents. In case of factions, cases filed on each other about involvement of their rival groups in smuggling and police never filed case or took action. When ever, higher ups insist there will be some movement as eye wash and then life will be as usual in the villages. Arrests will be shown always on the Tamil labourers, but local smugglers with the blessings of the Khadi and favourable to the Khaki will be untouched. Mobile numbers of the key players in the first and second levels could be traced from the arrested labourers and their mobiles, but forest officials or police would never do that, in most cases they show the arrest of the labourers and announce that the 'remaining' have escaped and fled away. Curbing of the smuggling is possible with the detention and interrogation of the locals, giving shelter and supplying essentials to the Tamilians.

Narayan swami a retired DSP opines that, "There is no coordination between the forest and police. On confiscating one ton of redwood, forest department estimate the value as Rs. 20-50 lakhs as per the international market, while the police announce the value as Rs. 7-12 thousands. Smugglers are arrested after confiscating the logs; they would be remanded by the magistrate, released on bail and come again to the forests. Details of the smugglers were not computerised or they were not watched closely."

There are Forest Range offices among the Eastern part of Chittoor district in the Puttur, Satyavedu, Nagari, SriKalahasti and Tirupathi. Offices of DFO and Striking Force also located in Tirupathi, there are about 10 Forest Check posts along the Tirupati and Renigunta; Vadamalapeta, puttur, Nagari, Ngagalapuram etc., In spite of all these arrangements, smugglers along with the drivers are running away by leaving the red sanders vehicles and the records of the vehicles were never used to trace the owners or smugglers, due to the collusion of the smugglers with forest and police.

The Chitvel Forest Range officer confiscated 107 red logs on September 8<sup>th</sup>, 2013. Of which 53 logs only recorded in the control of Venkatasubbaiah, FBO, Anumpalle, Chitvel Range. All the logs are marked with Numbers of Forest Department. Police confiscated lorry No. KA19-AA320, with 32 red logs at the Nandalur, being smuggled from Chitvel range office. Police are tight lipped about number of persons involved and their details and say that higher officials are enquiring.

## Current situation in the Forests



Special Task Force (STF) boys, along with lower cadre forest personnel are forced to enact the 'combing' drama, by walking in the forests aimlessly along the rocky terrain, containing shrubs and thin tree growth. Higher-ups say that they have reliable information about some more Red sanders smugglers arrived and cutting trees. Combing is done in 20 members groups while food is being supplied.



It's alarming to note that, local people also shouldn't enter the forests, as there are orders for 'shoot at sight'. Officials say that, 144 Section is in vogue in the Sesha chalam forests.

Avulakunta Venkata Subbamma and Khasim saab from Nookana pale, went in search of their 40 goats in the forests, along with other farmers. On seeing the police the villagers enquired, whether they found any goats. The police divided them one by one thrashed with sticks black and blue, accusing as smugglers. Their appeals to the police were unheard.

The district Collector Kadapa distributed 65 guns to the forest personnel; of them 12 are bore pump action guns. He also said that there 66 Andhra Pradesh Special Police (APSP) force along with the forest personnel, A R force is also ready if necessary. There 47 groups, consisting of 6 members in each, in the base camps, stationed in the forests. Another 12 strike force teams are there with 6 members in each team, along with 10 check posts.

The forests in the Nellore, Chittoor and Kadapa districts are under surveillance, like disturbed areas. The tribes and forest dwellers are harassed and not allowed to enter the forests for cattle grazing, collection of NTFP or MFP along with dry wood used as firewood. Their basic right to livelihoods is violated due to the presence of men in the uniform. They are thrashing men and women arresting the Yanadies and Chenchus accusing as smugglers. Wife of one Yandi man arrested near Chennur village in Kadapa, reportedly running pillar to post, for an amount of Rs.5000 demanded by the Advocate for securing bail. For poor tribals like Yanadies arranging surety is impossible even after securing bail, since they are asset less and as a result once arrested these innocent DNTs in the ST list will have to slog in the jails. Most of the arrested are DNTs like Vaddera and all the jails are brimming with these hapless people.

### **Role of the Advocates**

There are 10-15 advocates in Tirupathi, 3-4 from Kadapa district and 4-5 in around Vellore dealing with red sanders cases. Arrested will be produced in the court, bail will be applied by the advocates; their fees along with sureties would be arranged by the agents in the smuggling ring. But, this time it became tough to get bail, even after applying for two to three times, bail pleas are being suspended by the respective judges. On the other hand the advocates are very possessive about the information and most of them are reluctant to talk with human rights activists. On being contacted by the Fact finding team members over phone, one advocate from Arani, Tamil Nadu, discouraged our interference and he also questioned 'what is human rights violation in this? They (tree cutters) went for stealing and killed as well as arrested. We are trying for bail, and your interference is unwarranted' was his version of responding. These advocates are worried about their livelihood and afraid of stealing the sheep.

### **In the central prison**

As per the CLC activist East Godavari, there about three hundred arrested under the red sanders cases. Majority of them are with aristocratic look, wearing pony tails, with iPads, gold chains. Chevireddy Bhaskar reddy, YSRCP MLA from Chandragiri alleged that, "there are hundreds to be arrested under the allegations of red sanders smuggling in the TDP. They are openly roaming and meeting the forest minister". Hence the arrested are mostly from the upper castes, crucial in the smuggling and from the opposition YSRCP.

### **PD Act on the actual smugglers**

Chandra Babu Naidu is not the only CM talking about PD Act on the forest offenders. By having a glance of the following news item, this fact could be understood.

**PD Act against forest offenders:** [By Express News Service - HYDERABAD Published: 30th June 2013 10:22 AM, Last Updated: 30th June 2013 10:22 AM](#)

The state government is contemplating to invoke the preventive detention law against forest offenders. Proposals to this effect were sent to the Centre to bring forest offences under purview of the PD Act. The proposal was discussed at the seventh meeting of the State Board for Wild Life, held at the Secretariat on Saturday. Chief Minister N Kiran Kumar Reddy, who is also chairman of the Board, presided over the meeting.

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**Preventive detention (PD) Act** is perfectly made for harassing political rivals and could be withdrawn by the state at any point of time. Preventive detention is for the action taken beforehand to prevent possible commitment of crime. Thus is action taken on grounds of suspicion that some wrong actions may be done by the person concerned.

**Preventive detention can be made only on four grounds:** security of state, maintenance of public order, maintenance of supplies and essential services and defence, foreign affairs or security of India.

A person may be detained without trial only on any or some of the above grounds. Firstly, a person may be taken to preventive custody only for 3 months at the first instance. If the period of detention is extended beyond 3 months, the case must be referred to an Advisory Board consisting of persons with qualifications for appointment as judges of High Courts. It is implicit, that the period of detention may be extended beyond 3 months, only on approval by the Advisory Board.

Secondly, the detainee is entitled to know the grounds of his detention. The state however may refuse to divulge the grounds of detention if it is in the public interest to do so. Needless to say, this power conferred on the state leaves scope for arbitrary action on the part of the authorities. Thirdly, detaining authorities must give the detainee earliest opportunities for making representation against the detention.

At the first instance this act may not be applicable for the red sanders smugglers in its present form, hence it needs an amendment, and amendment couldn't be done immediately due procedural delays. All the arrested are financially well off to hire efficient advocates so that to use the loop holes in the act for an earlier release from the jail.

Probably Naidu garu is confident that, personnel in the opponent parties could be straitened within three months and fit in to his party. All the loopholes in the PD Act have been already leaked through the media. Secondly, close lieutenants of his party started sending feelers. Former Nagari M L A, Muddu Krishnama Naidu along with Forest Minister, faulted the police, by charging them with punishing innocents in the name of combating red sander smuggling. He said that, some of the innocents are felling victims to over enthusiastic approach of police and forest authorities in dealing with smuggling. He was quick to add that, has no objection with the steps being adopted by both the departments for curbing the menace.

### **Impact on the Markets**

Exporting became tough after rules were tightened internationally for the endangered tree. A few farmers still sell legally, but many have stopped because of the restrictions on trade. The crackdown and resultant shortage may push prices of legally sold red sanders up to Rs 9 lakh a tonne, says a farmer who stopped felling because of the legal hurdles. The official price for red sanders is around Rs 3-5 lakh a tonne. Big buyers with the capacity to buy 300-400 tonnes at a go and collect the necessary approvals for exporting the wood are now seeing shrunken supplies. There is still scope for exporting the wood as the last date for sales of confiscated red sanders falls in the second half of the year.

### **Response of Tamil nadu**

Tamil Nadu politicians have tried to turn this into an inter-state issue by accusing the Andhra Pradesh police of targeting innocent Tamils. But the Jayalalithaa government sees it as an illegal activity that needs to be curbed. All the political parties, who

compete with each other in condemning the violence on the Tamils in Srilanka are maintaining silence on the issue, along with PMK, claims as the party of the Vanniyars. However raiding continued on the stock points and arrests are made to some extent.

Except Sun TV, no one in Tamilnadu visited the family members of the killed in the Daniyar and the fourth person killed in Railway kodur couldn't be traced by the Fact Finding Committee, since we couldn't get information, in spite of the repeated efforts.

### Still in deep shock



**Family members, Father, Mother & infant daughter of Siva**



**Wife of Siva**



**Father of Vijaya Kant**



**Mother of Venkatesh**

### Conclusion

⌘ Conservation of red sanders is an ecological issue, but it has tangled as a socio political issue after including the tree species in to the endangered list.

⌘ This is a problem of forest management, coupled with smuggling mafia taking over the supply of wood, so that, a national resource becoming a source of making billions by a few upper caste and high profile criminals, controlling the political situation.

⌘ Collusion of political parties with the smugglers for their money and muscle power, police and forest departments becoming spineless by sharing the booty

⌘ Poor and hapless Tamil DNT tree cutters becoming scapegoats in the whole process, accused as smugglers by the media, killed in fake encounters and detained in the jails over the last six months, for settling scores between the ruling and opposition.

⌘ While parties in the power using the DNT killings and arrests for terrorising the key players of smuggling in the opposition, so that they join the ruling party along with money and muscle power

⌚ Party chief in the power is talking about curbing the smuggling through killings and arrests. Forest minister is talking about auctioning of red sanders for the international market.

⌚ Police and Forest department is talking about creating some more layers with policing powers.

⌚ Media is dishing out stories about the whooping figures smugglers earn and their links within and outside the country along with their innovative modes of operation.

⌚ But all the sections are vociferously advocating protection of the national wealth called red sanders at least superficially.

⌚ While the forest and police personnel enacting combing drama in the forests, local tribes and forest dwellers are deprived of their right to livelihood.

⌚ Police also talking about counselling to the 'smugglers' (labourers hired for tree cutting) and forest department is planning awareness programs, so that the people know about the value of red sanders and protect.

#### **For the kind attention of the stake holders**

✘ **Details of the dead and arrested in connection with the red sanders case to be posted on the websites of the police and Jails departments**, since this is an inter-state issue and thousands of people involved, it becomes a laborious task to collect data, analyse or intervene.

✘ **Withdraw the Section 144 and Shoot at Sight orders slapped on the poor living around forests, on the forest dwellers and poor Tribals of Sesha chalam forests with immediate effect**, since this is a violation of Right to life and livelihood of the people depending on the forests.

✘ Tree cutters are crucial in the operation, every time they were given bail through the intervention of the smugglers. But now it's difficult to secure bail and the poor and hapless labourers slog in detention over the last six months. It's time to break the affinity and loyalty between the smugglers and tree cutters through government humanitarian gesture. We appeal to **withdraw all the cases slapped on the tree cutters of Tamilnadu unconditionally**, by taking their poverty and limited involvement in the crime in to consideration.

✘ **Constitute a legal enquiry committee to investigate in to the killings of forest officials Sri. Sridhar Rao garu and Sri. David garu**. We suspect these two officials were not killed by the tree cutters and this is a handy work of the corrupt forest and police officials, in connivance with key smugglers and political bosses, an enquiry to be conducted by other than the department personnel in to the killings.

✘ **Pay a compensation of Rs.500000 (Five lakh rupees) to the deceased** in the police or forest encounters and torture in police custody or detention.

✘ **Pay a compensation of Rs.100000 (one lakh rupees) to the wounded** in the police encounters, police custody, torture and detention.



✘ **Furnish the details of seven killed in the encounters, along with one dead** under the detention in the Nellore prison to the blood relations along with all the concerned case papers and Postmortum reports including the video recordings of postmortum.

✘ **Conduct an enquiry in to the 'encounter' killings** of the seven Tamil Nadu tree cutting labourers by an independent enquiry committee other than the departments involved.

✘ **Constitute an independent enquiry committee to investigate in to the links and affiliations of the Congress, YSR Congress and Telugu Desam party to the Red sander smuggling.** Estimate each party's share in the booty and plundered amount spent by all the party cadre in the local and general elections of 2014.

✘ It's stated that there are sticks of 11060 tonnes of redwood with the forest department. **Estimate the quality, quantity and financial value of red sanders properly** in the international markets through a committee constituted with members of all the political parties, botanists, timber exporters and retired forest officials with integrity, along with NGOs serving in the forestry sector.

✘ **Spend 80% of the money earned through international auction** for the development of villages around the Sesha chalam forests, so that they will not be lured by the smugglers, by taking their poverty as advantage.

✘ **Introduce proper red sanders management system in the wild and private lands.** It is being estimated that, Red sanders is spread at an area of 5.20 or about 0.5 million hectares. However the Forest department is helpless in manual enumeration of the trees or estimate remaining red sanders tree growth in the wild. Introduce a monitoring and enumeration system for conservation and growth, along with lopping systematically on a sustainable basis in batches. Because red sanders growth is fast and with abundant coppicing, smugglers cut and destroy the growth with unsustainable and unscientific methods. Forest department taking over the management will conserve the species.

✘ **Destroyed growth could be compensated through innovative methods like tissue culture.** Regeneration, plantation, conservation could be given to local VSS as per the CFM rules.

✘ **50% Profit sharing of sales proceedings of red wood to VSS in the protected areas,** reserve forests and sanctuaries to be applied to the red sanders and policy changes to be made to that extent, along with provision for cutting trees of full growth and the years of cutting and other specifications to be decided by a comprehensive policy, because this is the red sanders growth attracting the smugglers to the forests.

✘ **Supply of the wood by the department to the markets** will discourage smuggling operations. The money generated through this national wealth would be spent for the society at large, rather than pocketing by a few anti social elements.

✘ Forest personnel think that, forests are their private property and reluctant to share information or power with people or NGOs. **They should be reminded that they are only custodians and trustees with the power given by the laws of the land,** while forests belong to the people.

✘ **Growing of red sanders in the private lands to be encouraged and subsidised,** along with plugging the loopholes in the permit issuance system, by designing software to recognise each every tree grown and cut along with date and time.

✘ **Corruption in the uniform personnel is the major problem in the red sanders conservation,** third party monitoring of permit issuance and transportation along with **enquiry in to the offences of uniform personnel by an ombudsman system,** will go a long way. Improving the working and living conditions of the men in uniform is also looked in to through special allowances given from the money earned through international auction.

✘ **Constitute a Red sanders conservation research and export council,** to come out with innovative enumeration of the species. To find out major world markets, usage of the red wood in other countries along with possible value addition through manufacturing, production and export, so that valuable Foreign exchange earned and livelihoods of local people improved.

✘ **Tamil Nadu should break the silence and appeal to the Andhra Pradesh government for the general amnesty of 2000 detainees** slogging in various jails over the last six months in view of their poverty and limited role in the offence.

✘ **Tamilnadu to constitute a commission to enquire in to the reasons** for thousands migrating to Andhra, in spite of the arrests and killings from the 4 districts in question, let an eminent social worker with integrity lead, so that to come out with possible solutions to stop the migration in search of some additional amount.

✘ **Tamil Nadu to implement economic and social development programs** for the sections affected among the four districts, from the funds raised through the auction of red sanders.

✘ **Tamil Nadu to Demand for furnishing the details of four juveniles under detention** (in the red sanders case) so that the Tamil nadu child Rights Observation Committee (under the U N O) could deal the case under the Juvenile Justice Act.

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