

Human Rights Defenders Alert - India

National Coordination Office

No.6, Vallabhai Road, Chokkikulam, Madurai 625 002, Tamil Nadu, INDIA

Tel: +91-452-2539520 Cell Phone: +91-9994368540 Email: hrda.india@gmail.com

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Special Rapporteur on the situation of human rights defenders,
Mrs. Margaret Sekaggya
c/o Office of the High Commissioner for Human Rights – Palais Wilson
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland
Email: urgent-action@ohchr.org

Dear Ma'am,

Sub: HRD Alert - India - Urgent Appeal for Action – Karnataka: Arrest of activists peacefully protesting illegal tree felling in Sankey Road - Reg

Greetings from Human Rights Defenders Alert - India!

HRD Alert - India is a Forum of Human Rights Defenders for Human Rights Defenders. It endeavours to initiate actions on behalf of Human Rights Defenders under threat or with security concerns.

We are now writing to express our grave concern regarding suspension of Mr. Puttaswamy, IFS, Deputy Conservator of Forests (BBMP) for illegally felling trees in front of the headquarters of the Karnataka State Forest Department without any auction as required per law and applicable procedure

Incident

Name of the perpetrator: Mr. Puttaswamy, IFS, Deputy Conservator of Forests (BBMP), Karnataka State Forest Department.

Place of incident: - At the headquarters of the Karnataka State Forest Department, Sankey Road in Bangalore, Karnataka.

Date of incident: On July 1, 2011

According to the information received activists Mr. Vinay Sreenivasa and four others have just been arrested by the police/forest department on the false Charge of assault on a public servant discharging his duty (Sec 353 of IPC) and kept in Vyalikaval Police Station. Suresh Heblkar, Meenakshi Bharat and 9 others (mainly women) have been taken into preventive custody and kept in High Grounds police station. There may be more arrests, and we are yet to ascertain the details. All of them were protesting against the illegal felling of trees on Sankey Road.

There has been widespread public disapproval of the proposed widening of the Sankey Road and its extensions by Bruhat Bengaluru Mahanagara Palike as it has not been based on any rationale exercise that justifies the enormous public expenditure, and also the potential felling of trees all along the road – that constitute an heritage of Bangalore. Further, many private properties are involved in the widening, and none have received any notice of acquisition thus far. Therefore, any action taken as part of widening of this road is against public sentiment and public policy.

In addition, such efforts to widen the road without strictly conforming to the provisions of the Karnataka Town and Country Planning Act and Karnataka Tree Preservation Act, amongst other applicable laws, are grossly illegal. Such actions are also in absolute contempt of the directions of the Hon'ble High Court of Karnataka in WP No. 817/2008 (Environment Support Group and ors. vs. State of Karnataka) and WP 13241/2009 (Environment Support Group and ors. vs. Bangalore Metro Rail Corporation Ltd. and ors.). Expanding on the importance of strict compliance with these legislations governing development of urban infrastructure, the Hon'ble Court warned in the latter order that “needless to mention, that in case of violation of direction issued by this Court, based on statement made to this Court, the concerned officer/official shall be held responsible, for his having disobeyed the order passed by this Court, as also, the prescribed mandate of law”

The facts of the case are as follows:

On 29 June 2009, Mr. Puttaswamy attempted to auction trees on Sankey Road with the intent of felling them as part of the said widening of Sankey Road. Due to widespread public presence and protests against the felling of these trees, the auction was called off, and the Demand Drafts deposited by the bidders were returned in public. This fact has also been widely reported in all major newspapers and electronic channels. In addition, Vinay Sreenivasa, volunteer of Hasiru Usiru has also appealed to the Tree Authority on 29 June 2011 against the permission given for felling. When this appeal is still pending, it was illegal for the DCF to initiate the auction, complete the auction (again illegally) and also fell the trees.

On the evening of 30 June 2009, some of the undersigned received information that Mr. Puttaswamy was likely to initiated tree felling in the night. Immediately Mr. Vinay Sreenivasa, volunteer of *Hasiru Usiru* contacted Mr. Puttaswamy on the latter's cell (9480684641) to enquire if this rumour was true. Mr. Puttaswamy confirmed that he had indeed auctioned the trees, but refused to clarify how he undertook an exercise that had been abandoned the previous day.

Soon after, Mr. Leo Saldanha, Coordinator of Environment Support Group (who is also a co-petitioner in the aforementioned PILs) contacted Mr. Puttaswamy on his cell, and urged him to abandon the exercise of tree felling on Sankey Road as it would amount to an act not merely of violation of law and High Court directions, but also amount to corruption, as no public auction had preceded the exercise. Mr. Saldanha informed him of the fact that as a serving officer of the Karnataka State Forest Department, all his actions to order felling of trees, or auction them, were governed by the Karnataka State Forest Act, the Karnataka Forest Manual, the Karnataka Transparency Act, etc. However, Mr. Puttaswamy brushed aside all these considerations and refused to accede to this request. Thereafter, Mr. Saldanha sent the following sms to Mr. Puttaswamy: ""Mr. Puttaswamy, DCF (BBMP): You are aware that no auction/bidding can take place *in camera* per the Forest Act and other applicable laws. Any such action is corrupt per law. It is public knowledge and widely reported that the attempted auction of trees in

front of HQ of Forest Dept. as part of Sankey Road widening effort had to be abandoned because of public protests, and is also widely reported. Thus your claim now that the auction has taken place as stated to Vinay Sreenivasa, is corrupt in the eyes of law. I hope you will make the right decision and effectively issue an appropriate statement by tomorrow morning, failing which we will have to expose any such decision to auction trees secretly as corrupt per applicable law. Please feel free to contact me if you need any clarification. Regards. Leo Saldanha, Party in person in WP 7107/2008, violated in the instant case read with other applicable judgments.”

Thereafter, Mr. Saldanha contacted Mr. Siddaiah, IAS, Commissioner, BBMP and brief him of this situation.

However, at about 0130 hours of this morning, 1st July 2011, Mr. Puttaswamy hired some workers and engaged in the act of felling trees along Sankey Road abutting Sankey Tank, even as there was pouring rain all over the city. Several of us, women, children and men, who came to know of this illegal act, rushed to protest and stop the felling. But they were blocked by at least 100 police personnel who had been deployed under the supervision of DCP (Central) Ramesh, who threatened dire action. By the early hours of morning at least four fully grown trees had been felled by Mr. Puttaswamy. These trees are one *Samania samaan* (Rain Tree), two Nerale and one Honge (*Pongamia sp.*).

This action of Mr. Puttaswamy is in gross violation of the Karnataka Tree Preservation Act, Karnataka State Forest Act, applicable procedure to conduct auction and sale of trees per the Karnataka Forest Manual and constitutes a gross abuse of power per Chapter IX of the Karnataka Forest Rules, amongst others.

Clearly, if this can happen right in front of the headquarters of the Karnataka State Forest Department, no action less than suspension is sufficient to ensure that rule of law is respected.

By way of this complaint the undersigned demand that Mr. Puttaswamy, IFS, Deputy Conservator of Forests (BBMP) must be immediately suspended from his office for gross abuse of powers in ordering the illegal felling of an estimated 19 trees along Sankey Road in Bangalore, which is shockingly in and around the headquarters of the Karnataka State Forest Department.

Appeal

We, therefore, urge you to immediately take necessary steps to ensure that:

1. Mr. Puttaswamy be placed immediately under suspension, all his actions relating to ordering felling of trees without conforming to any law or procedure as laid down in the Karnataka Tree Preservation Act, the Karnataka State Forest Act, the Karnataka Forest Manual and the Karnataka State Transparency Act, in his jurisdiction are stayed, and that the entire matter is completely investigated per law.
2. Mr. Vinay Sreenivasa and other activists must be freed from all charges immediately.
3. All necessary measures are taken to guarantee the physical and psychological security and integrity of Mr. Vinay Sreenivasa and all other peaceful protestors.

Looking forward to your immediate action in this regard,

Yours sincerely,

Henri Tiphagne

National Coordinator

Human Rights Defenders Alert - India