



KEMENTERIAN TENAGA DAN SUMBER ASLI

KERATAN SURAT KHABAR

SURAT KHABAR	:	NST - Opinion			
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BETTER LATE THAN NEVER

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Time to stop all illegal cultivation on reserve land



SALLEH
BUANG

A RETIRED district officer texted me on Wednesday evening, sharing his views on the issue of durian farms in Raub, Pahang. He said "Section 425 of the National Land Code is so clear. There is nothing to dispute".

He is absolutely correct. Section 425, which prescribes the offence of unlawful occupation of State land, had increased the penalty for the offence to a fine of RM500,000 or a prison term of five years or both (effect of a recent amendment under Act A1516).

A town planner, having noted that the activities of these durian farmers had been going on for some time, asked: "Why was enforcement action not taken earlier? Why now?"

To which I immediately replied: "If not now, when? Must we wait another 20 years?"

I added that whatever the reasons may be for the delay, an offence is still an offence. There is no time limit for the authorities to carry out enforcement, investigation and prosecution of any criminal offence. Let the Malaysian Anti-Corruption Commission investigate if there have been corrupt practices involving any quarters.

I reminded my town planner friend that the offence in this case is the illegal occupation of a forest reserve, punishable under Section 81 of the National Forestry Act 1984 (a fine of not more than RM10,000 or a prison term of three years or both).

On July 6, this newspaper reported that enforcement officers

entering the forest reserve encountered "hurdles" in carrying out their task. To add to their problems, video clips on social media showed "provocative conduct" by some of these durian farmers against them.

A Malay language daily on Thursday quoted Datuk Abdul Wahab Mohamed Ali, the press secretary to Pahang menteri besar, as saying that the Batu Talam permanent forest reserve, where the enforcement action was being carried out, is "*kawasan terpencil yang sukar dikesan sebelum ini*" (an isolated area that was difficult to be detected by the authorities).

On the statements by some quarters that the enforcement action is in contempt of an order issued by the Court of Appeal on Jan 5, Wahab said they were incorrect.

He explained that the enforcement action was being carried out in an area outside the area mentioned in that order, which has been leased to Royal Pahang Durian Resources PKPP Sdn Bhd.

He also said advice had been sought from the state legal adviser, who had referred the matter to the Court of Appeal. He countered an earlier statement by Save Musang King Alliance chairman Wilson Chang, who said the Court of Appeal had, on Jan 5, issued an interim injunction to protect the 111 durian farmers in Raub.

Meanwhile, Pahang Forestry Department director Datuk Dr Mohd Hizamri Mohd Yasin told the media that the enforcement operation (the cutting of durian trees and clearing of forest area) would continue as scheduled. To date, 16.4ha out of 101ha had been cleared in the forest reserve.

To ensure the safety of enforcement officers, the entire area is being guarded by a team of 60 armed officers from the General Operations Force Tenggara Brigade.

Pahang police chief Datuk Ramli Mohamed Yoosuf has said the unit standing guard at the forest reserve was sufficient to

maintain law and order. However, if it is found to be inadequate, more personnel will be deployed.

On July 5, the Raub magistrate's court remanded 18 durian farmers for two days to assist with investigations. They were arrested on July 4, but have since been released on bail.

Under different circumstances, we can understand if people sympathised with the plight of these durian farmers. The fact remains that these farmers had illegally cultivated a forest reserve for a long time and derived substantial benefit from their crime.

Some of them said brazenly they "had paid money" for such liberties; ergo, they should be allowed to continue to do so as long as they like. Now is the time to put an end to all this.

The writer was a federal counsel at the Attorney-General's Chambers and visiting professor at Universiti Teknologi Malaysia, Skudai. He is now a full-time consultant, trainer and author

