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12.10 hrs.

Title: Shri Vinay Kumar Sorake called the attention of the Minister of Environment and Forests regarding drive to dispossess land-holdings of poor and tribal people settled in forest areas of Karnataka.

SHRI VINAY KUMAR SORAKE (UDUPI): Sir, I call the attention of the Minister of Environment and Forest to the following matter of urgent public importance and request that he may make a statement thereon

"The situation arising out of drive to dispossess the land holdings of the poor and the tribal people settled in forest areas of Karnataka and the steps taken by the Government in regard thereto."

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): Sir, at the outset, I would like to bring to the kind attention of this august House about the healthy tradition of living in harmony with nature, that is inherent part of our culture. The close relationship between the long-term survival of mankind specially the tribals and maintenance of natural forests has always been appreciated by our society. However, after Independence, the pressure of development led to massive diversion of forest lands for various non-forestry purposes, including agriculture.

Encroachment of forest land for cultivation and other purposes, which is an offence under the Indian Forest Act, 1927, continues to be the most pernicious practice endangering forest resources throughout the country. Information compiled by the Ministry of Agriculture during early 1980s revealed that nearly seven lakh hectares of forest land was under encroachment in the country about a decade back. This is despite the fact that prior to 1980, a number of States had regularised such encroachments periodically and approximately 43 lakh hectares of forest land was diverted for various purposes between 1951 and 1980, more than half of it is for agricultural purposes. The decisions of the State Government to regularise encroachments from time to time seem to have induced further encroachments in forest areas and the problem remained as elusive as ever for want of effective and concerted drive against this practice.

The National Forest Policy, 1988 has also observed the increasing trend in encroachments on forest land and states that these should not be regularised. Implementation of this pronouncement were examined by this Ministry keeping in view the constraints of various State Governments some of whom expressed that they stand committed to regularise encroachments of eligible encroachers of a period prior to 1980. The issue figured prominently in the Conference of the Forest Ministers held in May 1989 and was later examined by an inter-Ministerial Committee, set up by this Ministry in consultation with the representatives of some of the States. Keeping in view the recommendations of the Forest Ministers' Conference and the committee referred to above, the Ministry issued policy guidelines on 18.9.1990 regarding regularisation of encroachments on forest land. The policy while laying down the parameters for regularisation of pre-1980 "eligible" encroachments *inter alia* also included eviction of pre-1980 "ineligible" encroachments as well as post-1980 encroachments.

The Ministry has also clarified that the provisions of Forest (Conservation) Act, 1980 do not interfere with or restrict in any manner the rights, concessions and privileges of the tribal people. The Ministry is committed for settlement of pre-1980 disputed settlement claims of the tribal people arising out of faulty forest settlement process. If the State Governments submit such proposals with relevant records, the issue of rights of tribals on forest land can be settled. In this regard, the Ministry has asked all the States through its letter on 30.10.2002 to send proposals in a time bound manner.

I would like to inform the hon. Members that till date, encroachments over 2.60 lakh hectare forest land have already been regularised by the Central Government including 14848.83 hectares in Karnataka. Similarly, the Ministry

has also recently approved conversion of forest villages into revenue villages in four districts of Madhya Pradesh involving 10028 hectares of forest land one district in Maharashtra involving 4074 hectares of forest land. The Ministry is committed to settle these kinds of issues, provided the States submit their proposals on time.

SHRI VINAY KUMAR SORAKE : Mr. Speaker Sir, there has been an eviction drive all over the country by Forest Department officials uprooting settlements of tribals and poor marginal farmers settled for generations.

In Karnataka, there are more than 1,25,000 families holding a total of 94,000 acres of such land, with each family holding less than one acre of land. The settlers have toiled hard to develop the land and made it more productive by planting crops such as arecanut, rubber and other vegetation without causing damage to ecology. Being poor and illiterate, they do not have the Title Deed to prove them right. Some of the affected settlers in Karnataka were

in possession of Revenue Land which was covered in the Forest Land.

Now, the Centre has approved the conversion of Forest Villages into Revenue Villages in four districts in Madhya Pradesh. Similarly steps for reconversion of Forest Villages into Revenue Villages in Karnataka should be taken in the interest of equitable justice.

MR. SPEAKER: Shri Sorake, you are supposed to ask only questions and that too very brief questions.

SHRI VINAY KUMAR SORAKE : Sir, I would like to know whether the Centre would initiate action to amend laws pertaining to transfer lands to existing bonafide settlers to enable it to approach the Supreme Court for revision of its directive order. I would also like to know whether till such time, the statutory amendments are enacted, the Government would suspend eviction operations on humanitarian and compassionate grounds.

SHRI MADHUSUDAN MISTRY (SABARKANTHA): Sir, we should also be allowed to take part in this because this is a very serious issue. I have just given a notice. Sir, a number of States are affected, so it requires half-an-hour discussion...(Interruptions)

SHRI H.D. DEVE GOWDA (KANAKPURA): Sir, as a Member I am presenting to the House.

MR. SPEAKER: You have given a notice, that is why I have allowed you to speak.

SHRI H.D. DEVE GOWDA : I would like to draw your attention to this issue. I am sorry I do not want to give my opinion, I had come to you and gave a notice under Rule 193 on 11.2.2003. Only for this purpose I came from Bangalore. I gave a notice to have a special discussion under Rule 193, but ultimately it has come to the stage of Calling Attention. It is all right.

I do not want to go into those details now because we are not the members in the Business Advisory Committee. This is not important. I know that.

Mr. Minister, your goodself has said that so far as Karnataka is concerned, 14,848 hectares of land have been approved. The Government of Karnataka had passed an Order in 1995 based on the clearance given by the Ministry of Environment, Government of India. Based on the Order of the Union Government, the Government of Karnataka issued a Government Order in 1997. I do not want to quote the Order No. because I have already sent a copy of it to you. A copy of this Order was marked to the Secretary to the Ministry of Environment and Forests, Government of India, CGO Complex, Lodhi Road, New Delhi. Sir, this Order, which was issued by the Government of Karnataka, was about the land encroached by the encroachers who belong to Scheduled Castes, landless labour and insufficient holders. That was the classification, which had already been given in the Government Order.

I would like to know whether that Order has been implemented and also whether the forest people have given land to the revenue authorities and the revenue authorities have issued the *patta*. I would like to have clarifications on these aspects from the hon. Minister.

I am not going into other aspects. The Forest Act had come into being after the Bill had been passed in this very House. I know that the Act has to be amended. That is a separate issue. Your goodself have said, when Shri Bangarappa raised this issue last time, that if the Act is going to be amended, then the question of conferment of encroachment would arise. Out of these 14,848 hectares of land, about 36,000 acres of land were to be conferred to those people who have encroached the land prior to 1978. I would like to know whether the land has been conferred to them. The State Government of Karnataka has not taken action because they are scared of the Supreme Court's decision. I have got a copy of the Supreme Court's decision. I also enclosed it for your kind consideration. It does not mention about the earlier Order of 1978. Why should anybody be scared? The State Government of Karnataka went to the extent of passing a Resolution in the Legislature. What for? A copy of the Order had also been sent to your Ministry. Will you kindly direct one of your Officers to see that 14,848 hectares of land are conferred in their names and *pattas* are issued by the revenue authorities? That is all I want. They are poor people. They are crying. I do not know what the State Government is doing.

Shri Sorake, please tell your Minister that there is an Advocate General, there is a Law Secretary and Law Department. This Government Order was issued in 1995. When I was there, I took the clearance. When Shri Narasimha Rao was there as the Prime Minister, at that time I approached him and I did everything possible to see that this land is conferred in their names. It is categorically mentioned here, which says:

"Since the location has been jointly inspected and surveyed by the officers of both the Central Government and the State Government, the Government consider it not necessary to further examine individual cases through any official machinery or through any Committees."

The Government of India gave the entire clearance after the joint inspection but still it had not been confirmed. I do not want to blame your Ministry. The State Government has not taken the action. It has been categorically mentioned here, and I would like to read the particular condition.

It says,

"The Deputy Commissioner of the concerned district is authorised to issue land regularisation certificate, *patta* to the eligible encroachers keeping in view the joint inspection survey report of the Chief Conservator of Forests (Central) and made along with the local forest officers of the State."

Has the *patta* been issued? Why are you evicting those poor people who have been there for the last 40 or 50 years? It was taken up during my period as the Chief Minister and I got it cleared by the Government of India. The G.O. was issued. The copy is with you. You ask your officers to go to Karnataka. I do not want to blame using harsh words now. But for the last three-and-a-half years, this matter is there. After the Supreme Court order, they were scared. Why should they be scared? There is a Law Department. There is an Advocate-General. All these people could have examined it. I wrote a letter to the Chief Minister. I have got all the papers, including the earlier references which I have made to the Government of India. I have brought everything. I do not know why the people are damn scared. They have been evicted. The notice was served on the poor people who were having half acre of land or one acre of land or two acres of land. The condition they impose is that not more than two acres of land is to be conferred to the Scheduled Caste and the landless poor people. What is that we want? Kindly direct one of your officers, at least, to implement this order....(*Interruptions*)

MR. SPEAKER: Shri Deve Gowda, may I ask the Minister to reply?

...(*Interruptions*)

SHRI MADHUSUDAN MISTRY : Sir, this is a very serious issue which is raised by Shri Deve Gowda....(*Interruptions*)

MR. SPEAKER: Let him conclude.

SHRI H.D. DEVE GOWDA : That is why, on 11th of March, I came exclusively from Bangalore for this purpose. I approached the Speaker and gave a notice to have a special discussion in this House so that the entire House should apply its mind as to whether any amendment to the present Act should be brought or not. That is the very object of my giving notice under rule 193, but unfortunately, due constraint of time, the Business Advisory Committee is unable to spare some time for this.

MR. SPEAKER: The Business Advisory Committee did not agree to this.

SHRI H.D. DEVE GOWDA : We have taken up this issue under Calling Attention on the last day.

Kindly take action first to confer that...(*Interruptions*) Then you bring whatever amendment to the Act. So far as the other law is concerned, you bring the amendment to the existing law. That is all....(*Interruptions*)

MR. SPEAKER: Will you please tell me whether you want the 'Zero Hour' or not?

...(*Interruptions*)

MR. SPEAKER: I have to give at least half-an-hour for the 'Zero Hour'. Please sit down.

...(*Interruptions*)

SHRI NARESH PUGLIA (CHANDRAPUR): You can adjust at least four persons in the Calling Attention....(*Interruptions*)

SHRI MADHUSUDAN MISTRY : We gave it in writing at 9.30 a.m. ...(*Interruptions*)

MR. SPEAKER: If there are two Members who have given the notices, no more Members will be allowed. I am telling you the rule.

...(*Interruptions*)

SHRI MADHUSUDAN MISTRY : It was not included in that. It is a very serious issue....(*Interruptions*)

MR. SPEAKER: You should have given the notice first.

...(Interruptions)

SHRI NARESH PUGLIA : It is a very serious issue....(Interruptions)

MR. SPEAKER: Hon. Members, I do not mind giving you a special discussion. I would take it to the Business Advisory Committee once again. I think the issue is of great importance. We can take up this issue in the next half of the Session. There is no difficulty, but now I am bound by the rules. The rule clearly says that those who have given the notice only will be allowed to speak. Therefore, those two Members, Shri Vinay Kumar Sorake and Shri Deve Gowda, have spoken here. Shri Deve Gowda was trying right from the beginning to get a discussion, but because of the constraint of time, he could not get the time for discussion in the Business Advisory Committee. As a special case, I have admitted this, because I knew the importance of it.

As a matter of fact, I expected that somebody would thank me for admitting this. There are 30 notices.

SHRI H.D. DEVE GOWDA : Mr. Speaker, Sir, I thank you for this. I express my regret also for not thanking you in the first instance.â€ (Interruptions)

MR. SPEAKER: But both Shri Sangma and I know that this is a thankless job!

...(Interruptions)

SHRI MADHUSUDAN MISTRY : The Act can be amended....(Interruptions)

MR. SPEAKER: They can be amended. Let us see what the Minister has to say.

...(Interruptions)

MR. SPEAKER: Please sit down now.

...(Interruptions)

MR. SPEAKER: All the other Members should take a note why they miss the 'Zero Hour'. They miss the 'Zero Hour' only because of such type of interruptions without going through the rules.

...(Interruptions)

MR. SPEAKER: I can understand your sentiments. I try to co-operate with you. I told you that a special discussion can be also called.

...(Interruptions)

MR. SPEAKER: You are still speaking. What can I do?

...(Interruptions)

SHRI MADHUSUDAN MISTRY : Sir, we are not speaking.

MR. SPEAKER: If this is not speaking, what is it?

SHRI MADHUSUDAN MISTRY : We are only asking for permission to draw the attention of the hon. Minister.
...(Interruptions)

MR. SPEAKER: You have drawn the attention of the Minister. You have drawn my attention also. You can rest assured that you will be allowed later.

...(Interruptions)

SHRI NARESH PUGLIA : We should be allowed to speak for at least one minute. This is a very serious issue.
...(Interruptions)

MR. SPEAKER: Please try to understand. There are hon. Members who want to raise 'Zero Hour' issues. How can I stop them?

...(Interruptions)

श्री लाल बिहारी तिवारी (पूर्वा दिल्ली) : अध्यक्ष महोदय, ज़ीरो आवर शुरू किया जाए, हमने नोटिस दिया है।â€ (व्यवधान)

अध्यक्ष महोदय : अभी आप डिस्टर्ब मत कीजिए।

SHRI T.R. BAALU: Hon. Speaker, Sir, in fact, I am very thankful to you for having given me this opportunity at least to address this House over the Forest Conservation Act, 1980.

The hon. former Prime Minister Shri H.D. Deve Gowda was worried that you have not allowed a discussion under rule 193. Even if you had allowed a discussion under rule 193, I do not think, it would have been through in this House because of the simple fact that the hon. Leader of the Opposition has written a letter to all her party Chief Ministers requesting them not to try to dilute the Forest Conservation Act, 1980. My friends here are vociferously asking for a dilution of it. ...*(Interruptions)*

SHRI MADHUSUDAN MISTRY : No, Sir. We are not asking for a dilution of the Act. ...*(Interruptions)* We are only asking for a restoration of the pre-1980 position. ...*(Interruptions)*

She has made a request to those Chief Ministers. On the question of whether any revision could be made or could the Supreme Court be moved for a dilution of this Forest Conservation Act, I would say that it is not possible. ...*(Interruptions)*

MR. SPEAKER: May I, Mr. Minister, request you to restrict your reply to answering the questions put by the two hon. Members who have given the notice?

SHRI T.R. BAALU: Sir, this is the answer to my friends from the Congress.

The hon. former Prime Minister Shri Deve Gowda has posed some of the problems. It is confined only to that State. The State Government has got no say at all in this issue. More than 17,000 hectares have been released by the Central Government on 15.5.1996 by an order of my Ministry. ...*(Interruptions)* The proposal was for 17,000 hectares whereas we have released 14,848.83 hectares by the order of the Central Government on 15.5.1996. To my surprise, I received this notice only yesterday around 4.30 p.m. When your goodself allowed it, there is no choice for me to say 'yes' or 'no'; I have to come before the House and answer. You were kind enough to allow it and I have to obey the orders of the hon. Speaker. If it were not for the hon. former Prime Minister, the one week's notice stipulation would have been there, the Minister would have to say 'yes' or 'no' and then the hon. Speaker would have to allot the time. Keeping in mind the stature of Shri Deve Gowda, the hon. Speaker had sent the notice to me yesterday around 4.30 p.m.; and immediately around 4.30 p.m., I had sent a letter to the State of Karnataka. I have not received any reply so far. ...*(Interruptions)*

They want the Ministers of the Central Government to act quickly but at the same time I have not received any reply from the State Government. What can I do? I can quote official information, if it were available; but now I would have to quote unofficial information. I have received unofficial information that for the past seven years ...*(Interruptions)*

SHRI NARESH PUGLIA : You have to give only official information.

MR. SPEAKER: Do you not want to hear the reply?

SHRI MADHUSUDAN MISTRY : Sir, this is totally wrong. This Calling Attention should be taken up in the next part of this Session. ...*(Interruptions)*

MR. SPEAKER: The hon. Minister is trying to take you into confidence.

SHRI T.R. BAALU: I would have given the official information if I could get anything. ...*(Interruptions)*

This is for your help. I am only trying to help you. If you do not want to be helped, you may say so. ...*(Interruptions)*

You want me to tell things or not. I gathered some information. ...*(Interruptions)*

MR. SPEAKER: Now, he is giving the official information.

...*(Interruptions)*

SHRI T.R. BAALU: The information I gathered was that only 3,000 hectares of *pattas* have been issued so far. This information may be correct or may not be correct. This is the state of affairs. We have permitted where they have issued *pattas* for 3,000 hectares. ...*(Interruptions)*

SHRI NARESH PUGLIA : For every *patta* they have to take the permission from the Central Government. ...*(Interruptions)*

SHRI T.R. BAALU: We have permitted. I have already said about it. It may be correct or it may not be correct. If I am not correct, it is all-right, leave it as it is. Please do not take it so seriously. If you want to contest with me, then come with the official figure. There is no problem. If a particular Government has issued about 4,000 or 5,000 hectares of *pattas*, you correct me. I am always ready to apologise myself. ...*(Interruptions)*

SHRI SHIVRAJ V. PATIL (LATUR): Sir, I do not expect the hon. Minister to give unofficial information. If he endorses what he has received from unofficial sources, we are ready to accept, but he cannot say that it may be true or it may not be true and you accept it or you do not accept it. ...*(Interruptions)*

SHRI T.R. BAALU: I am sorry. ...*(Interruptions)*

MR. SPEAKER: Shri Shivraj V. Patil, it is a question of language.

...*(Interruptions)*

SHRI H.D. DEVE GOWDA : This order was issued in 1996 as the hon. Minister has just now mentioned to the House. I wrote a letter to the hon. Chief Minister in the month of November, 2002 after the Supreme Court delivered the judgment. There was so much of fear and so much of confusion so far as the Deputy Commissioners of each District is concerned. When I toured, the State DGs were telling, 'what can we do? The Government of Karnataka is not clarifying the position.' I brought all these things to his notice through this letter. ...*(Interruptions)*

MR. SPEAKER: Mr. Minister have you completed your statement?

...*(Interruptions)*

SHRI H.D. DEVE GOWDA : The Government order, which was issued in 1996, was also enclosed. All these things are there. I want to tell for the benefit of all the hon. Members that till today not a single acre of land has been confirmed. I am telling it with authority. I have toured almost all the areas. Seven districts are there, but not a single acre of land has been conferred on the tribal people. It is not the question of official or unofficial information. I am saying it with authority because this letter was written in the month of November. If the State Government is interested, then, at least, you confer the land. ...*(Interruptions)* My last request to the hon. Minister is ask your officers not to take steps to evict these people. I am talking about 14,848 hectares of land. It is because everything has been marked and a joint inspection had been conducted. They should not be driven out of the land. They are all Scheduled Castes, Scheduled Tribes and the landless people. At least, that much of an assurance they want. So far as the other encroachments are concerned, it is left to the House to bring the necessary amendment to the existing Act. It is the concern of the entire House. Whether the Leader of the Opposition wants it or not, I am not concerned with it.

SHRI T.R. BAALU: I can only feel sorry. I have full sympathy towards the Scheduled Caste, Scheduled Tribe and Backward Class people. But, at the same time, if they allow me for one or two minutes, I want to quote the Supreme Court order of dated 23.11.01:

"Issue notice to all the States and the Union to prevent encroachments on forests and restrained the Ministry from regularising the encroachments."

This is the first half. Again, I quote:

"1.4.2002: Direction to the MoEF to issue direction in respect of encroachments within six weeks. "

So, on the Supreme Court's orders I have issued directions to all the States on 3rd May, 2002, to evict all the ineligible encroachments by 30th September 2002, and create a mechanism to monitor. This is what I have requested. I have acted only on the Supreme Court's orders. ...*(Interruptions)* I have not concluded. ...*(Interruptions)* I am not yielding. ...*(Interruptions)*

MR. SPEAKER: Mr. Minister, your complete your statement.

SHRI T.R. BAALU: If a particular Member or Members or office bearers of the parliamentary party or office bearers of the Congress Party want to meet me, even after five or ten minutes, I am ready to discuss it with them. ...*(Interruptions)*

MR. SPEAKER: I think, that is best.

...(Interruptions)

SHRI T.R. BAALU: But, at the same time, I cannot come to their rescue.

The sheer fact is that the State Government has to expedite the matter. In respect of Madhya Pradesh, last year, I have cleared more than 65,000 hectares of land because it was an 'eligible encroachment'. When I have cleared that, how come that I will not clear it in respect of Karnataka?

SHRI H.D. DEVE GOWDA : It has been cleared by the Government of India in 1995.

SHRI T.R. BAALU: Then, what is the problem?

SHRI H.D. DEVE GOWDA : As I told you just now, both the State Advocate General and the State Law Secretary have gone through the Supreme Court order. However, when your goodself, as the Minister of Environment and Forests, issued the directions, they were all damn scared because of the *Cauvery* problem. I do not want to raise that issue now.

MR. SPEAKER: Since there are time constraints, we have to conclude this discussion now. Mr. Minister, you have to conclude your statement now because I have to take up 'Zero Hour'.

SHRI T.R. BAALU: Please do not draw the *Cauvery* issue into this. Sir, I want to clarify one thing.

SHRI H.D. DEVE GOWDA : I am not going to raise that issue. The State Government is a little bit scared on account of the Supreme Court's direction. They have not properly understood this 1995 order through which 14,848 hectares of land has been released.

MR. SPEAKER: We are going to discuss this issue in the second half of the Budget Session. So, I do not think that more details are required, unless you want to complete it now.

SHRI H.D. DEVE GOWDA : All that I am requesting the Minister is not to drag this issue by quoting the subsequent order.

SHRI T.R. BAALU: Finally, as a matter of clarification, I want to say that if any 'eligible encroachment status' has to be restored or something should be done by the Central Government, the particular State Government should have some evidence on record, either in the Governor's Address or the Minister saying something about it. If they can produce that record now, we are ready and there is no problem at all. Prior to 1980, the State Government would have pronounced something ...(Interruptions)

SHRI H.D. DEVE GOWDA : Your own order is here.

SHRI T.R. BAALU: Until and unless there is a clear evidence about the promise of the State Government to see that it is regularised, the Central Government cannot do anything under the existing Forest Conservation Act. ...(Interruptions)
