

Fourteenth Loksabha

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Participants : [Dikshit Shri Sandeep](#), [Raja Shri A.](#), [Raja Shri A.](#), [Acharia Shri Basudeb](#), [Mistry Shri Madhusudan Devram](#), [Deo Shri V. Kishore Chandra S.](#), [Kumar Shri Shailendra](#), [Gamang Shri Giridhar](#)

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Title: Shri Madhusudan Mistry called the attention of the Minister of Environment and Forests to the situation arising out of non-implementation of Instructions and guidelines for regularizing the forest land being cultivated by the farmers prior to 1980 and steps taken by the Government in regard thereto.

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12.06 hrs.

CALLING ATTENTION TO MATTER OF URGENT

PUBLIC IMPORTANCE

SHRI MADHUSUDAN MISTRY (SABARKANTHA): Sir, I call the attention of the Minister of Environment and Forests to the following matter of urgent public importance and request that he may make a statement thereon:

"Situation arising out of non-implementation of instructions and guidelines by the State Governments, issued by the Environment and Forest Department for regularizing the forest land being cultivated by the farmers prior to 1980 and steps taken by the Government in regard thereto. "

(Placed in Library. See No. LT 2186/05)

THE MINISTER OF ENVIRONMENT & FORESTS (SHRI A. RAJA): Sir, a brief statement is laid on the Table of the House.

MR. SPEAKER: No, no, you cannot lay it. You have to read it. What is this?

SHRI A. RAJA: It is a lengthy one.

MR. SPEAKER: You are evolving a new system. You have to read it. This is Calling Attention.

SHRI A. RAJA: Since it is lengthy, I thought I can lay it with your permission.

MR. SPEAKER: Maybe, it is lengthy. What can be done? You should have been precise in preparing that statement.

* SHRI A. RAJA: Sir, the National Forest Policy, 1988, protects the rights of forest dwellers including customary rights of tribals on forest land. These rights also include rights to collect fuel

wood, fodder, minor forest produce, construction timber, grazing rights and any other specific right enjoyed by a particular

* Also placed in library. See No. LT 2186/05

community prior to notification of forest areas. The policy also protects the rights and concessions enjoyed by the people living on forest fringe areas.

To achieve the commitments enshrined in the National Forest Policy, 1988, the Forest (Conservation) Act, 1980 paved the way for recognition and regularization of land rights of genuine forest dwellers on forest land. Forest (Conservation) Act, 1980 is a regulatory and not a prohibitory Act. This Act is a development oriented Act with a balancing mechanism. The Act aims to conserve the natural wealth for future generations on one hand and on the other, allows the judicious use of pristine forest land for developmental activities to meet the requirement of the mankind. ...
(Interruptions)

MR. SPEAKER: Where are you reading from? My copy is a different one.

SHRI A. RAJA: Sir, we had circulated the same copy.

MR. SPEAKER: You have circulated something else.

SHRI A. RAJA: The same paper I am reading.

MR. SPEAKER: Okay, let us start with paragraph no. 3.

What is your paragraph no. 3?

SHRI A. RAJA: Sir, this starts from National Forest Policy, 1988.

MR. SPEAKER: That is the first paragraph. You come to the third paragraph.

SHRI A. RAJA: It starts with "This practice of diversion of forest lands..."

MR. SPEAKER: But, where are you reading now?

SHRI A. RAJA: I will come to this.

After Independence, between 1950 to 1980, about 45 lakh hectare of pristine natural forest land was diverted for non-forestry purposes by the various State/Union Territory (UT) Governments. About half of this land was under encroachments. Since forest lands have easy access and are treated as open resource, these are prone to encroachments. Prevalent land hunger compounded the problem of forest land management complex in the country. Further, State/UT Governments are also prone to suffer with local pulls and pressures.

This practice of diversion of forest lands for non-forestry purposes continued unabated for about 30 years, which resulted in increasing destruction of forest cover leading to heavy erosion of topsoil, erratic rainfall, recurring floods and droughts straining the ecological balance. Central Government

took serious note of the situation and "Forests" were brought under "Concurrent List" from State List in 1976. In April 1976, States/UTs were asked that any proposal for removal of forest cover should be invariably got assessed by Inspector General of Forests when any such diversion of forest area for non-forestry purposes was contemplated. In August, 1976, States/UTs were told that they may divert forest area up to 10 hectare for non-forestry purposes for public utility projects. In 1978, Government of India suggested the States/UTs to seek concurrence of Central Government prior to diversion of more than 10 hectares of forest land. But situation did not improve in the States/UTs and continuous reduction of forest cover went on.

Then, hon. Prime Minister of India raised her concern with Governors and Chief Ministers of different States on 20-04-1980 regarding dismal state of country's natural wealth. It was felt by the collective political wisdom of the country that a 'regulatory act' was the need of the hour. Therefore, in 1980, an ordinance was brought for regulation of diversion/de-reservation of forest land for non-forestry purposes, which was later replaced by Forest (Conservation) Act, w.e.f. 25-10-1980.

MR. SPEAKER: No whispering please. It is an important subject.

I think you better read from paragraph 5. It is concerned with the present position and not the entire history.

SHRI A. RAJA: I will come to that.

Forest (Conservation) Act, 1980 is a regulatory and not a prohibitory Act. This Act is a development oriented Act with a balancing mechanism. The Act aims to conserve the natural wealth for future generations on one hand and on the other, allows the judicious use of pristine forest land for developmental activities to meet the requirement of the mankind.

The Act, as anticipated, brought desired visible results. During 1950-80, the rate of diversion of forest land for non-forestry purposes was to the tune of 1,50,000 hectares *per annum*. But, after enactment of the Forest (Conservation) Act, 1980, the rate of diversion of forest land for non-forestry purpose came down to less than 38,000 hectares *per annum* and that is mostly for developmental projects like railways, irrigation, roads, hydro-power, thermal power, transmission lines, mining, settlement of rights including regularisation of pre-1980 eligible encroachments of forest dwellers including tribals and conversion of forest villages into revenue villages on forest lands. Hence, besides development, the Forest (Conservation) Act, 1980 paved the way for recognition and regularisation of land rights of genuine forest dwellers on forest land.

In conformity with the commitment made by the Central Government in the National Forest Policy, 1988 for the protection of rights of forest dwellers, including tribals on forest lands, detailed guidelines for regularisation of pre-1980 eligible encroachments, conversion of forest villages into revenue villages, and settlement of disputed claims of tribals, pattas, leases, etc., have been issued by the Central Government after approval of the Union Cabinet on 18th September, 1990 under Forest (Conservation) Act, 1980. These guidelines have been evolved after national consensus and approval of the Union Cabinet. These guidelines have been reviewed by the Union Cabinet and reiterated in 1991 and 1992.

From 1990 to 2002, proposals have been received for regularisation of pre-1980 eligible encroachments from 8 States/UT Governments, and for conversion of forest villages into revenue villages from 2 States, namely, Madhya Pradesh and Maharashtra. No proposal has been received from any of the State/UT Governments for settlement of disputed claims. After examination of the received proposals, the Central Government has regularised pre-1980 eligible encroachments over 3.66 lakh hectare of forest land in respect of 8 States/UTs namely, Madhya Pradesh, Karnataka, Gujarat, Kerala, Arunachal Pradesh, Orissa, Tripura and Andaman and Nicobar Islands. Central Government also converted 384 forest villages of MP and Maharashtra, into revenue villages, out of existing 2690 forest villages in the country (as per information furnished by the States/UTs). Since, no proposal has been received from the State/UT Governments for settlement of claims of tribals, no progress could be made in this regard.

Thus, the Central Government has been effectively implementing the 1990 guidelines for settlement of land right over forest land. The process of settlement of rights on forest lands came to a sudden halt due to the intervention of the hon. Supreme Court. Apex Court banned de-reservation of forests/national parks/sanctuaries vide order dated 13-11-2000, and also restrained the Union Government from further regularisation of encroachments on forest lands vide order dated 23-11-2001.

While examining the issue of settlement of disputed claims of tribals and forest dwellers on forest lands, and eviction of in-eligible encroachers from forest lands in pursuance of the Supreme Court order dated 23-11-2001, it was observed by the Central Government that the State/UT Governments were not able to distinguish between the encroachers, and the original tribals and other forest dwellers living on forest lands.

Further to protect the rights of the tribals on the forest lands, the Ministry of Environment and Forests has issued directions to all the State/UT Governments on 21-12-2004 and requested them not to resort to the eviction of tribal people and forest dwellers other than in-eligible encroachers, till the complete survey is done for the recognition of such people and their rights, after setting up of District level Committees involving a Deputy Collector, a Sub-Divisional Forest Officer, and a representative of Tribal Welfare Department, by the State/UT Governments as reiterated in guidelines dated 18-09-1990 and 30-10-2002 of the Central Government.

The Ministry of Environment and Forests has already issued directions to all the State/UT Governments on 21-12-2004 and requested them not to resort to the eviction of tribal people and forest dwellers from forest land in absence of verification and determination of their land rights.

The Ministry found it appropriate and, therefore, re-iterated that the cut-off date for settlement of land right including regularisation of encroachments on forest lands, of forest dwellers, including tribals, should be 25-10-1980, that is, the date of enactment of Forest (Conservation) Act, 1980, as indicated in the guidelines issued on 18th September 1990.

Further, to clarify on the eligibility and in-eligibility criteria, it may be mentioned that forest dwellers including tribals, who have occupied forest lands prior to 25-10-1980, that is, the date of enactment of Forest (Conservation) Act, 1980, shall be eligible for settlement of land right, including regularisation of encroachment on forest land irrespective of the fact that the State/UT

Government has taken a prior decision or not. Forest dwellers including tribals, who have occupied forest lands on or after 25-10-1980, shall be in-eligible.

Further, to boost the infrastructure development in forest areas, Central Government vide letter dated 03-01-2005, has granted one time dispensation/general approval under Section-2 of the Forest (Conservation) Act, 1980, and permitted the State/UT Governments to proceed with strictly need based diversion of forest land below one hectare in each case, in favour of Government Departments for construction of schools, dispensary/hospital, electric and telecommunication lines, drinking water projects, water/rainwater harvesting structures, minor irrigation canal, non-conventional sources of energy, skill up-gradation/vocational training centre, power sub-stations, communication posts, and police establishments like police stations/outposts/border outposts/watch towers in sensitive areas (identified by Ministry of Home Affairs).

This dispensation is aimed at providing basic developmental facilities for tribals and other dwellers of forest fringe villages. The general approval is subject to fulfilment of certain stipulated conditions to meet the environmental requirements, and is valid till 31.12.2006.

The matters, that is, regularisation of pre-1980 encroachments, dereservation of forest lands, settlement of rights on forest land are *sub judice* in the Supreme Court. The Ministry of Environment and Forests is already seized of the matter and pursuing vigorously to get these orders modified or stay vacated by the court at the earliest. After modification/vacation of the orders, the settlement of rights on forestlands could be smoothly undertaken under the Forest (Conservation) Act, 1980.

The Ministry of Environment and Forests has been pursuing with the State/UT Governments to look into the settlement of land rights of forest dwellers/tribals including regularisation of pre-1980 encroachments on forest lands proactively and adopt a transparent system for verification and determination of their land rights.

SHRI MADHUSUDAN MISTRY (SABARKANTHA): Thank you very much for the statement but I am not particularly happy with the statement made by the hon. Minister. It shows the Department's helplessness. It looks *vis-à-vis* the State Governments are not very keen to implement the very guidelines issues by the Ministry of Environment and Forest. A number of States were to regularise the pre-1980 cultivation, I will not use the word encroachment.

We are discussing an issue concerning 80 million people of this country, living in Central India, part of the Northeast and so on. In my own State there are about 15 per cent tribals, in Rajasthan 12 ½ per cent, in Maharashtra nearly 12 per cent, in Orissa almost 22 per cent, in Madhya Pradesh more than 20 per cent. They have been there for centuries. In late 18 century, the Britishers brought all these forest laws. In 1927 the Indian Forest Act came into existence. By the stroke of a pen the entire forest development has been made as a State subject. The people who had been living there have to prove themselves that they are the very owners of this land.

I would like to draw your attention to the fact that the tribal people have an old tradition of not keeping any record. There is no one who has the records with him. You will not find any record in the whole of the tribal area of the country. In 1952 the Forest Policy was issued, which clearly stated that we cannot compromise the national interest or the national interest cannot precedes the local

interest. As a result, the tribals who were cultivating this land for centuries were denied their right at that time. The Forest (Conservation) Act of 1980 further strengthened the arms of the Forest Departments of the number of States when for the first time the forest subject was brought under the Concurrent List. Any State who wanted to give the forestland to the tribals has to ask for the Central Government's permission. In 1990 a guideline was issued in this regard.

What I am concerned about is, after issuing that guideline, after issuing the October 2002, December 2004 and February 2005 Circulars of the Union Government, a number of States, where the settlement process had not started, had to start the settlement process to regularise all pre-1980 cultivation in the entire country. For years this was not carried out by a number of forest departments of the States and as a result, people in Madhya Pradesh were evicted. More than 7000 families were evicted in Madhya Pradesh.

MR. SPEAKER: The hon. Minister says that the matter is *sub judice*.

SHRI MADHUSUDAN MISTRY : Even in that matter the Supreme Court did not stop them from regularising pre-1980 forestland. The Supreme Court had ordered that post-1980 cultivation or encroachment should not be regularised. The Supreme Court judgement did not say that and I dispute the statement made by the Minister or the Department. I was a Member of the Standing Committee concerning the Ministry of Environment and Forests, of the Thirteenth Lok Sabha. We pressurised it very hard. The Committee visited a number of States and found that these people had been deprived of their legitimate rights and were being harassed.

It is happening simply because the Department of Forest did not carry out proper steps. I want to know from the Minister what exactly the Department is doing in this regard. This is not a new land.

MR. SPEAKER: What is your question?

SHRI MADHUSUDAN MISTRY : I would like to know what steps he intends to take in this regard. I would also like to know whether he is going to do this in a time-bound manner. Would the Ministry of Environment and Forest like to go in for one time settlement within a year or two to see that all this land which has been cultivated by the tribals and the forest dwellers of this country -- which is in their possession -- is regularised. They are not cutting the trees. It is their land and they have been cultivating it for years. It does not even come under the Census. I would like to know from the Minister what action he is proposing. They are being subjected to harassment by the officers. They are at the mercy of officers.

MR. SPEAKER: Do not bring in officers.

SHRI MADHUSUDAN MISTRY : I would just like to know from the Minister what action he is proposing to see that these are regularised.

MR. SPEAKER: You have already said that. Why are you repeating?

SHRI MADHUSUDAN MISTRY : The *sanads* and *pattas* should be given. Even they do not have the forest offence register. The definition of the forest offence which is defined under the law is so wide that you can punish anybody living in the tribal area even for bringing sand or tree or

anything. I would like to know from him what action he is proposing even for those who do not have any written document as has been proposed by the State of Maharashtra.

MR. SPEAKER: Now it has become rather common. One hon. Member gives notice and others will give notice after seeing his Calling Attention. That is not the purpose of allowing five hon. Members. Everyday the Chair has to apply his judgement. Only five Members are permitted under the Rule but you have to find out to get supporters. I hope, in future, I will be a little more strict.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Sir, the Chair should be liberal.

MR. SPEAKER: The liberalisation is because of non-compliance with the Rules and I would not permit that.

SHRI V. KISHORE CHANDRA S. DEO (PARVATIPURAM): Sir, I had given notice regarding this.

This is regarding the eviction of forest dwellers from forest area. I would first set the record straight because the hon. Minister -- when he began speaking -- made a mention about the numbers of hectares of forest land which have been degraded. Most of this forest land has been degraded not by the forest dwellers but by the unscrupulous miners, by the timber *mafia*, and by other people in connivance with those who have been in charge of actually protecting these forests. I do not think this should, in any way, come in the way of forest dwellers who have actually protected the forest cover over centuries.

In 1990, the Ministry gave a direction to settle the land rights of tribals. Now 15 years have lapsed but the fact is that the Ministry of Environment and Forest has failed to settle rights of tribals and forest dwellers till today. Even today in many States forcible eviction is taking place. This was done at a time when there was no Ministry for tribal affairs. Now in the mid-nineties, a new Ministry for Tribal Affairs also has been formed in the Central Government. I think it should now devolve upon the Ministry of Tribal Affairs to look after these matters. What I would like to know from the Minister is that in the Godhaburman case, they submitted an affidavit in the Supreme Court where the Ministry of Environment and Forest -- I do not want to take the time of the House by quoting from that -- had made specific observations with respect to forest dwellers and the rights of tribals who have traditionally been living in these areas. It is not charity that we are asking for. These are not encroachments. The forest dwellers have been co-existing flora and fauna for centuries eking out their livelihood from there. So, it is in their interest that the environment and forest have been protected. I would like to know from the hon. Minister whether his Ministry would stand by the affidavit submitted in the Supreme Court or they would retract from what they have filed in the court.

Secondly, today it should devolve upon the Ministry of Tribal Affairs to look after the interest of the forest dwellers and tribals. I would like to know from him whether his Ministry will cooperate or come in the way because we have got the feeling that the Ministry of Environment and Forest has today become a big stumbling block for settlement of rights of these poor people living in these areas.

SHRI SANDEEP DIKSHIT (EAST DELHI): Sir, I would like to ask a very simple question. In the affidavit presented by the Ministry of Environment and Forest to the Supreme Court, repeated references have been made to the recognition of rights of people who are living in the forests. This policy has been in vogue since 1952 and subsequently some changes were made in the forest policy in 1982.

Although, all the time, it has been very clearly written that rights of tribal people living in the forests need to get recognised and documented, yet the State Governments without ever doing anything about it, constantly are making moves to evict people and do all kinds of things to these poor people who are living in the forests.

Is there any move in the Ministry to finally give one time recognition to these people living in the forests and settle the issue? In a democracy the recognition of rights of our citizens is the most important and critical factor. Whatever else the Government wishes to do with the forest land comes only after the rights of these people living in the forest land are recognised and documented.

SHRI BASU DEB ACHARIA (BANKURA): Sir, the situation has assumed grave proportions after the judgement of the Supreme Court in this regard.

MR. SPEAKER: What are you doing now?

SHRI BASU DEB ACHARIA: Thousands of tribal people were evicted from their land even after issuance of instructions by the Central Government on 21.12.04 to the effect that the State Governments should not resort to eviction of tribal people, other than ineligible encroachers, from the forest land. There were cases of eviction of tribal people in the State of Madhya Pradesh only 15 days back. Thousands of tribal people were evicted out of the forest land even after issuance of instructions from the Central Government.

I would like to know from the hon. Minister whether the Government is contemplating any enactment of a law so that the interest of the tribal people, who are born in these forest lands and grow up in these forests lands and finally die in these forest lands, could be protected.

About eight crore tribal people live in forest lands and if they are today evicted from their dwellings, where will they go? Therefore, I would like to know from the hon. Minister whether the Government is thinking of bringing in a legislation to protect the interest of these tribal people so that in future the tribal people who are living in the forest lands would not be evicted out of their dwellings. Also, I would like to know from the hon. Minister whether the tribal people who have already been evicted from their dwellings in different States, like in the Waynad district of Kerala, in Karnataka, would be re-settled or not.

श्री शैलेन्द्र कुमार (चायल) : अध्यक्ष जी, मैं आपके माध्यम से मंत्री जी से जानना चाहता हूँ कि जो वनवासी या आदिवासी कई पीढ़ियों से, जन्म से लेकर मृत्यु तक वहीं रहते हैं, उनके स्वैच्छिक, आर्थिक और सामाजिक विकास के लिए सरकार क्या योजना बना रही है ? यदि वहाँ कोई पर्यावरण सम्बन्धी दिक्कत है, तो क्या उन्हें कहीं और पुनर्स्थापित करने की कोई योजना आपके मंत्रालय ने तैयार की है ?

MR. SPEAKER: I am making one exception today. I am allowing Shri Giridhar Gamang.

SHRI GIRIDHAR GAMANG (KORAPUT): Sir, one of the reasons for discontentment amongst the tribal people today is because of non-recognition of their rights to forest land and there is a lot of unrest because of this in different parts of the country.

Sir, I would like to ask two important questions. First, a forest village should have been recognised before 1980. But the word 'encroachment' that has been incorporated has been largely misinterpreted. A forest village should have been recognised at par with a revenue village.

Sir, the Ministry of Tribal Affairs and the Ministry of Environment and Forests should have a coordinated approach as regards the forests as well as the tribals, as forests and tribals go together. Therefore, I want to know whether the Ministry of Environment and Forests will go through the proposed Bill by which the rights of the tribals in forests will be given and whether the unrest which has resulted due to the non-recognition of the forest rights of the tribals will be set right.

SHRI A. RAJA: Sir, broadly speaking, people who are living in the forest villages can be classified into three categories. This has been recognised by the Indian Forest Act itself by way of various rules and guidelines framed therein.

The first category are persons who are living within the forest areas before 1980 because demarcating line was drawn at that time. In 1980, the Forest (Conservation) Act came into existence. In other words, I can safely say that as on the date of the existence of the Act, those who are residing within the forest areas have been classified as forest encroachers as per the Forest (Conservation) Act. This is the first category.

The second category is the people residing in forest villages. Of course, these people who are residing in the forest villages may or may not be tribals. I think these people have been brought from outside the forest areas during the British period when the Forest Act 1927 came into existence to regularise the forests. These people are residing in the villages which are being called as forest villages. These forest villages have to be converted into revenue villages. This is the second category.

The third category is, there are some disputed claims. These claims have to be settled by Settlement Officers who have been appointed under the Indian Forest Act. These are the three categories existing for whom the rights have to be substantiated by law.

There is a misconception in the minds of many hon. Members that the Indian Forest (Conservation) Act is a prohibitory Act prohibiting the rights of the tribals to substantiate their claims within the legal purview. The Act is not prohibitory; it is a regulatory one. As a matter of fact, I can say that, right from the inception of the Forest (Conservation) Act, 1980, so far 3.66 million hectares of land have been handed over to the people recognising them as tribal people living within the forest areas. It is not only that. Out of 2600 forest villages now present in the forest areas, so far, more than 384 villages have been converted into revenue villages. It is needless to submit that, for all these reasons, 3.66 million hectares have been converted into forest villages for tribals and 384 villages have been converted into revenue villages. This clearly shows that the Forest Act empowers and permits that forest tribal rights can be converted into revenue rights or civil rights. There is no doubt

about it. The problem has arisen as there are even now three stay orders issued by the Supreme Court. We issued guidelines..... (*Interruptions*)

MR. SPEAKER: Mr. Minister, you do not have to answer him. Please answer to questions which are already put to you.

SHRI A. RAJA: The law is having its own competency. We are having our own laws to provide recognised rights to tribals. There are no two opinions on it.

MR. SPEAKER: You are held up by some proceedings.

SHRI A. RAJA: The problem is, when we issued guidelines in 1990 with regard to pre-1980 encroachments, it was stayed by the Supreme Court. Again, we issued guidelines for converting forest villages into revenue villages and that had been stayed by the Supreme Court. Notwithstanding the political situation in the country, the erstwhile Government issued broad guidelines in this regard. I do not know whether it has been approved by the Cabinet or not. I think it has not been approved by the Cabinet. On this score, the guidelines issued by the erstwhile Government permitting 12 years possessory title was challenged *amicus curiae* before the Supreme Court. I am talking of those persons who are having 12 years of possessory title in the forest area. Whether it is before 1980 or after 1980, a person having at least 12 years of possessory title can be substantiated as having tribal right.

This was challenged before the Supreme Court on the ground that it was politically motivated. Hearing this argument by the *amicus curiae*, the Supreme Court gave a total ban whatsoever, whether it is prior to 1980 or after 1980 or whether it is 12 years or 10 years. Under the apprehension that these guidelines may denude the forests, they gave a total ban on this process. It is being stayed by the Court. The only stumbling block, the only deadlock before us is the Supreme Court order. I twice met personally the Solicitor-General of India to vacate the Stay Order. Of course, he suggested ... (*Interruptions*)

MR. SPEAKER: He cannot vacate it.

SHRI A. RAJA : No, Sir. He appeared before the Supreme Court. He suggested that the affidavit filed earlier was very rigid; we can modify the affidavit. Accordingly, we modified the affidavit. It has been filed.

MR. SPEAKER: Another affidavit!

... (*Interruptions*)

SHRI MADHUSUDAN MISTRY : Sir, the Supreme Court does not ask for eviction of the pre-1980. ... (*Interruptions*)

MR. SPEAKER: Mr. Mistry, what you are suggesting is that the hon. Minister has misled the House. If he has misled the House, there are methods open to you. You can take recourse to them.

SHRI A. RAJA : Accordingly, we modified the affidavit whatever be the conditions, whatever be the apprehensions in the mind of the Supreme Court. If the legal rights of the tribals are going to be

substantiated under which the forest laws will be diluted, such apprehensions will be removed by stipulating any conditions because the Central Government is ready to abide. We took an undertaking before the Supreme Court. Notwithstanding all this judicial process before the Supreme Court and the process going on with the State and the Central Governments, I can share with the hon. Member that we issued a categorical direction to the State Governments on 21.12.2004. All this process is happening before the Supreme Court. We have asked the State Governments not to evict anybody from the forest land unless and until a clear-cut direction comes from the Supreme Court. This is the standing order given to the State Governments. We are optimistic that as soon as the stay order is vacated, we will give the rights to the tribals. This Government is committed to it, and even in the CMP it has been committed.

SHRI MADHUSUDAN MISTRY : I have just one clarification. I would like to know whether the Minister would issue standing instructions to all the State Governments. ... (*Interruptions*)

SHRI A. RAJA : It has already been implemented

SHRI MADHUSUDAN MISTRY : It has not been implemented. If the States violate this, then what kind of action he wants to take? This is what I wanted to know.

SHRI A. RAJA : It is a State subject.

MR. SPEAKER: You are right.
