

15.30 hrs.

FOREST (CONSERVATION AMENDMENT BILL.*

(Amendment of Section 2, etc.)

by SHRI HARIBHAU SHANKAR MAHALE

[*Translation*]

SHRI HARIBHAU SHAMKAR MAHALE (Malegaon): Mr. Chairman, Sir, I beg to move:

"That the Bill further to amend the Forest (Conservation) Act, 1980 be taken into consideration.

[*Translation*]

Mr. Chairman, Sir, it is a coincidence that now-a-days 'Mahabharat' serial is being telecast on Doordarshan. In Mahabharat, Gandhari's husband was blind by birth but as a true wife she too bandaged her eyes out of her devotion to her husband. Incidentally there is also bandage on my eyes but not because of any devotion to anybody but to have relief from pain.

Sir, regarding this Act I would like to say that the big contractors in connivance with some politicians and officers of the Forest Department are involved in indiscriminate felling of trees and denudation of forest which is our previous national wealth. In this regard I would cite an instance of Maharashtra State. The Speaker of the Ninth State Assembly, Shri Madhukar Rao Choudhary was the Forest Minister at that time. The jungles were destroyed at that time without his knowledge. At that time I was the Deputy Chairman in Panchayati Raj and Shri Kachrubhan Raut was an MLA. Shri Nana Saheb Bidkar, a freedom fighter and social worker was also working there in Maharashtra. The representatives of Jungle Kamgar Sanstha, the 'Sevagana' of Maharashtra and all of us brought this matter to the notice of the Min-

ister but by that time jungles had been destroyed. By deceiving the Congress leaders, the officials of Forest Department, themselves presented the idea of setting up a 'Van Vikas Mahamandal'. In this way jungles on crores of acres of land have been destroyed in our county. Even today the same officers who were responsible for the indiscriminate cutting of trees during the Congress regime are sitting in the forest Department. This goes by the saying that the key have been handed over to the thieves.

I am an Adivasi who are the original inhabitant of India. I am a descendant of the original Indians. The Aryans came to India and forced us to go to jungles and now this forest law has attempted to dislodge us from the jungles also. Are we not Indians? Where we will reside? Are you trying to throw us in the ocean? Mr. Chairman, Sir, I would repeat it again that during the Chief Ministership of Shri Shanker Rao Chavan, who was a very competent man, the officials of the Forest Department and Van Vikas Mahamandal, Maharashtra had misappropriated two crores of rupees under social forestry scheme but Shri Chavan has nothing to do with this misappropriation. I say it with pride that Shri Chavan had no link with this bungling. Shri Rangaji is sitting here in front of us. Such bungling has taken place there and since then three years have passed. Some political leader, top officials of the Forest Department and big contractors are involved in such things but Adivasis are blamed that they are thieves and they are responsible for felling of trees. They have close links with each other and are expert in pleasing the others. The Forest Act was enacted in 1981 which has created so many difficulties. This Act has been enforced by the Central Government. This Act has imposed restrictions on certain things such as moderate move can go to the jungles with certain arms and bullockcart, Now are they allowed to construct a house or a school building or a road. Laying of telephone and electricity lines etc. are also prohibited under the Act. The President, the Governor, the Pant Pradhan, all

say that a sub-plan has been implemented for the Adivasis. It reminds me of the story of Satyavan and Savitri. The God of Death blesses Savitri with a son but how can there be a son without the existence of a husband. Same is the case with the Government with its commitment to development. As there cannot be any child birth without the contribution of husband, there cannot be afforestation if the tribals are displaced from the forests. Therefore, I would like to clarify that this law has been framed to displace the Adivasis, to stall the process of development, to encourage deforestation and to hoodwink the Government.

This legislation is deceptive and it should be amended. This is in the interest of the nation. It will result in development and it will not affect the environment. In this context, I would like to quote the following:

"Krishnakritya dhyam mein aaye, mata tujhe naman,
Hamne kya paap kiya, kyon hum hein janam bhar heen-deen.

Parvash ke paash hamesha se peeche laga hua,
Hote hooye ghar ka malik chor kahte use sada."

We are the lords of the region, but the law is such that we are treated like thieves who have to be thrown out of their land. This is a black-law which has been haunting us. Therefore, I would like to submit this it is very essential to repeal this Act.

Mr. Chairman, Sir, the adivasis share a deep relationship with the forests. Like the fish which cannot remain alive out of water, the adivasis cannot remain alive without forests. We have deep regard for trees. I have been an M.L.A. of the Maharashtra State Assembly for 10 years. At that time I had requested the Maharashtra Government to the prepare an afforestation programme involving the active participation of people. They were impressed by my idea and prepared some massive programmes. A programme was prepared for granting Rs. 150

per month to each adivasi family. This scheme still exists in Gujarat and Rs. 400/- is paid there. The adivasis set up a nursery in the forest but the Forest Officers removed it. This is the state of the forests in our country. That is why I would like to request that this law is a draconian measure. It intends to displace the original inhabitants of this nation. The provision of this Act should be relaxed so that the power to sanction applications for undertaking development works such as laying of telephone lines, electricity lines, construction of small reservoirs, dams, roads etc. without evicting the adivasis should be vested with the conservators of Forests and it should not be essential to get the sanction from Central Government, Bhopal or other State capitals. I would like to request, through you, that only alternative land should not be give to them. Simultaneously it is essential to ensure that development works such as laying of roads, telephone lines, construction of dams etc. are also undertaken. The pending applications keep on frisking from one office to another but the projects are not cleared. I mean to say that it should be ensured that there is no need to approach Delhi offices or other State capital offices. The conservator at the District level should be vested with the power to grant permission. Such application should be disposed of within one month and in case they are not disposed of within that period, it should be assumed that permission has been granted and development work should be taken up. If the matter is not settled within one month development work should be started. However, it should be ensured that while undertaking development works, afforestation also taken place.

The Forest Act dealing with the encroachment of forest land came into force in Maharashtra in 1972. The Landless labourers evicted under the Forest Act between years 1972 and 1979 were allotted 1 to 5 acres of land but in some cases only one acre was allotted. This should be reviewed and they should be allotted 2 to 5 acres of land. But plantation of trees should be compulsory there also.

[Sh. Haribhau Shamkar Mahale]

Mr. Chairman, Sir, my intention behind bringing this Bill is national interest. I would like that present provisions should be utilised to remove the obstructions in the plan of development of the adivasis. It can be effected by relaxing the provisions of existing law. It will check environmental pollution. The figures which I have with me are not my collection. These figures prove my point. I do not want to take precious time of the House by presenting these figures. It proves that it is the presence of adivasis in the forests which keep our faith in the forests alive. Where there is faith, there are forests. This is proved by these figures. I have not objected to the law as such, rather I have objections to its stringent provisions.

It is to remove these difficulties of the people that I have brought this Bill. I have presented it in my own way and I would like to request the hon. Minister that the Gobar Gas programme should be expanded in order to protect the environment and check felling of trees. The Minister of Petroleum is requested to ensure that at least one LPG agency is allotted to every village with a population of 4000. The trees are felled mainly to meet fuelwood requirements and that is why if forests have to be protected, it is essential to pay attention in this direction. I am an adivasi and an original inhabitant of this country. I have brought this Private Member's Bill and the hon. Minister is requested that a Bill may be brought to amend the Forest Conservation Act, 1980, during the next session so that the process of development which is held up at present may be revived. I am confident that the hon. Minister will definitely bring a Bill to achieve this end in the near future so that it becomes possible to remove the obstructions in the path of development. This is my humble request to you.

SHRI HARISH RAWAT (Almora): Mr. Chairman, Sir, I have realised from this Bill that the Members of the Janata Dal are also capable of bringing a good proposal... (*Interruptions*) ... Mr. Chairman, Sir, the Forest

Conservation Act was passed in 1980 and when the aforesaid Bill was brought in the House, a doubt was raised that with this Act, protection of forests will be less and protection of rights will be more. Today, the situation is that neither the Minister of Environment and Forests nor the State Forest Departments are in a position to explain as to what percentage of expansion has there been in our forests during these ten years since this law came into force. What to say of one percent increase, there has not been even one-fourth percentage of increase in our forest areas. Therefore, with this law, the tribals and those living in the forest areas and emotionally attached to the forests will be alienated. Today, the ecological concept has been made into an elite concept with one class of people sitting in their air-conditioned rooms and taking decisions regarding the kind of environment which is to be there in the country. Previously, common man was associated with the forests. If a study is made of the history of development of forests in the hills of U.P., it will be found that maximum afforestation work has been done by the local people.

16.00 hrs.

During the British period, when the Englishmen established this authority over those forests and started their commercial exploitation, the people of our area launched an agitation against it and that movement for the preservation of those forests was closely associated with this country's freedom movement. There was a time, when we used to go to extinguish forest fires. The forest officer, who is now-a-days known as the forest guard, used to go to the villages and raise an alarm that the forest of their area had caught fire and all the people used to lend their cooperation to extinguish that fire. I still remember the days when I was in school and I too used to go to extinguish fires. But today the situation is altogether different because the villagers do not go to extinguish fire in the forests. They consider it the duty of the Forest Department, because they have started feeling that the forest is no more their property. What is the

reason for this? The reason is that after the enactment of this law, if a person living in a hilly or 'Adivasi' area, surrounded by the mountains, goes to collect firewood and leaves in the forest, it is considered an act of violation of the law. Also he cannot construct a road through the forest, even if it is necessary to do so. If the roads are in need of repairs, one has to approach in the first instance the conservator, then the Uttar Pradesh Government and then the Union Government and then ultimately he will have to live with the things they are. So one has to go through such a lengthy process. People have started feeling that their Progress is no more linked with these forests on the contrary, these forests have obstructed the process of their development. This is the reason for the present situation. You can go through the statistics. In the hilly areas of Himachal Pradesh, Jammu and Kashmir and Uttar Pradesh, there has been an increase of 10% (per cent) in the incidents of forest fires during the last ten years. However I regret to say and I have frequently repeated it in the meetings organised by me in my area that today our heads hang in shame because the fairly dense forests of Binsar region of which we were proud, the forests which are historic, as they were tamed by our ancestors, are being set ablaze by the descendents of those great ancestors of our area. The reason is that we have started floating the ideas of the haves. If a person, who is so bly dependent on forests for his livelihood is told that he is not allowed to earn his livelihood from the forests and that he has nothing to do with the forests, what would be his reaction? As a national reaction to it he would start looking upon the forests as a means of his destruction. Rates why that whenever they find an opportunity, they engage in the felling of forest trees.

I have worked with your late husband in the youth Congress. We had planted trees, participated in afforestation work and even today we are closely associated with the sentiments which were instilled in our hearts, by the late Shri Sanjay Gandhi. But, what is saddening is that in 1980 when the Congress Governments were in power both at

the centre and in Uttar Pradesh it was with his inspiration that we launched an agitation demanding that the commercial exploitation of the forests should come to an end. We also went to jail at that time. The Youth Congress workers stopped the vehicles of the Men carrying wood from the forests, for the star paper mills and unloaded the wood. Our own Government initiated legal proceedings against us and despite our emotional association with it, today we have started feeling that after the enactment of this Forest Conservation Act, our people are facing many a troubles and difficulties and today our people have distanced from the forests. They are no more the protectors of our forests. Now, they have become destroyers of those very forests. You will have to take revolutionary steps to remove this feeling. Shri Mahale has brought forward a very good Bill. Through it, we can provide you a small glimpse of the agony as is being faced by those people. But, if you want to have an idea of the extent of resentment of the common man of this region, you would be surprised to find that the people of that area are now bent upon the felling of forest trees as they are obstructing the laying of telephone lines, water pipelines, and construction of roads. They are also not able to build schools, hospitals, irrigation canals and cowsheds in their areas just for the existence of these forests. I do not intend to go on criticizing. My only purpose is to draw your attention to the gravity of the situation. I request you to amend the Forest conservation Act.

16.06 hrs.

[DR. THAMBI DURAI *in the Chair*]

If it is not possible to amend the Forest conservation Act, then, the procedure and the guidelines for the clearance of various types of developmental projects should be simplified. Today the existing procedure itself is complicated and time consuming that the concurred department shall have to approach the Forest Department to submit its papers first, and then Forest Department starts the implication of the same to dis-

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patches to the respective departments of the Central Government for their approval. There are so many formalities involved that each and every department has opened up a cell to get them observed. The resultant situation is that every person even if he is a O F O tries to take some time, at his own level, for a joint inspection as he is aware of his importance and he knows that the proposal cannot be moved to the next stage without his signature. After getting clearance from the conservation department, it reaches the nozzle official at the State level and the situation there also is the same and then from there the proposal is forwarded to your Ministry. The advisory Committee of your Ministry can raise only objections especially with regard to projects of this nature. I would like to give a small example. A proposal for setting up a Television tower for an L P T (Low Power Transmitter) at Ranikhet was forwarded to the Union Government after going through all the formalities at the State level, an objection was raised whether there is no alternative site to install the L P T. The proposal come back to the district level and then the proposal was prepared afresh to forward it to the Union Government with the necessary recommendations. The whole process took six months and a small television tower, which needed just 10 metres space for installation, could not be installed. Similar is the position in respect of many other proposals. Shri Mahendra who hails from my area is present here in the House and he would agree with me. Shri C. M. Negi who is also from that area is not present in the House. About 3200 proposals pertaining to the hilly areas of Uttar Pradesh are pending either at the District level, whose approval is necessary under the Forest Conservation Act for the commencement of construction work or they are pending at the State level, at the level of the nozzle officers or they are in the pipeline, after your ministry returned them with some or the other objection. You can very well imagine—that if 3200 proposals pertaining to eight districts are before you, then the construction work to be undertaken under these proposals is enough

to make a whole five year plan look irrelevant in a way, there is a Plan holiday in over hill areas. Prof. M.G.K. Menon may be remembering, that when he was a member of the Planning Commission, the then Planning Minister had convened a meeting, which was attended by all the representatives of the people including M.L.As of our U.P. hills, the chairmen of the Zilla Parishads and other political and Social workers. Every one including people from both the ruling and the opposition parties were of the opinion that the Forest Conservation Act is causing hindrance in the development of our areas. The situation today is as conspicuous as it was then. Through the Hon'ble Speaker Sir I would like to request the hon. Minister to make necessary amendments in the guidelines so that every proposal gets the sanction of the Government of India, within three months. We are working for afforestation in our area. We are not against afforestation. We are prepared to give our measurement of fields for Social forestry. The people are ready to do it on their part, but the land we give you for social forestry is Deforested for developmental work and you are not prepared to account for against it. A consent is given by the Union Government, only if the proposal for clearance of a development project is accompanied by an assurance that a double the line afforestation would be provided. We would like to insist upon you that clearance for developmental work is being given to those areas where afforestation is taking place under the social forestry programme. It should be recognised as legitimate and consent should be given to it. I would like to tell you that in 1980, when construction work on many development projects was going on, the Forest Conservation Act was passed. The people were not aware of it and for that reason, many such projects are being violated by the State Governments. The sanction for the construction work would be given only when these officials are punished. The construction was going on during the period of those officers, who were not responsible for this, in any way. After the law was enacted, by the Parliament and ratified by the State Legislative Assemblies, it took some time to reach

the officials and in the meanwhile, construction work continued. Today it is being called a violation of the Forest Conservation Act. I know of many such roads in my constituency. There is the katpudia Cheratera Ghat road which is 90% complete and other roads which are fully complete. 35 kilometers of the road had been completed but not a single tree could be felled till exactment of the Forest Conservation Act. Due to the existence of trees the road construction work came to a stand still. In the end it was the public which cut down the tree. In view of the gravity of the situation . I request the hon. lady Minister that for all development proposals submitted by the State Government for clearance, the following provisions should be made. Firstly, the proposals for deforestation of forest land upto an area of five hectares, decisions should be taken at the State Government level. Proposals for more than five hectares should be dealt with at the Central Government level and the power to clean the proposal should rest solely with the concerned Minister. Proposals for 10 hectares or more may be referred to the Advisory Committee if necessary. If there are 10 small proposals for the construction of schools colleges and small canals, they should not be referred to the Advisory Committee as the scheme is delayed in the process, as a result of which people feel discontented. In my constituency a regional party launched a movement for the felling of trees to facilitate construction of roads and other development works. Although the centre did not grant its approval the group went ahead with its programme. So successful has been their movement that in terms of public support this group enjoys second position in the hilly area of U.P. Two of its members have been elected to the Legislative Assembly. People who were leaders of the tree felling movement have become victors while we who advocate the plantation of trees are fast losing our relevance in the area. We are simply advising the "Don't do this don't do that" but we are not able to offer them a viable alternative. For a very long time I have been urging the Government to provide cooking gas facility in hilly areas. Small sized cylinders should

be made and stoves should be made available to people at concessional rates. Another of my long standing demands has been to reduce the charges for electricity in the Himalayan region so that people can use electricity for domestic consumption. In the hilly areas subsidy should be given on coal so that people need not be solely dependent on firewood. I have also been demanding popularisation of alternative sources of energy in those areas by way of granting liberal and attractive subsidy. The Government has not paid heed to my demands. The Centre believes that our forest wealth can be preserved if a law is framed and strictly implemented. It is feared that after 15 years or so an alarming situation is likely to arise in the country's hilly areas. At present 55% to 60% of our hilly areas is covered by forest. In future only 30% of the area will remain under forest cover. That is why the local population is gradually becoming hostile. Every year 1% of the total forest area is used for firewood and 0.5% is destroyed by commercial exploitation. For development projects only 0.02% of the total forest area is destroyed. If these figures are otherwise, they may be corrected because I have taken them from a journal of the Planning Commission. I do not claim for authenticity of these figures. Efforts are being made to delay the development projects be it the Tehri Dam or the Narmada Sagar Dam.

Nobody is bothered about the adverse effect it is having on the country's development. If the tehri Dam is not completed on time it will be the development of Uttar Pradesh that will be affected and not the livelihood of the local people. Without production of electricity a State cannot make progress. Is these any guarantee that people who are opposing projects like Tehri dam and Narmada Sagar today will not oppose other hydel and multi purpose projects in future? I would ask the Government to beware of the so-called lobby which is pressurising the Ministry of Environment to reject the proposals for development projects and withdraw the clearance of proposals for which approval has already been granted. Such lobbyists can only be successful to the ex-

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tent of giving interviews to newspapers and journals but it is doubtful if they enjoy mass support at the ground. The Government should have a public-oriented policy. Our afforestation programme or the forest protection programme cannot be successful without public participation. I cannot blame the hon. Minister as she has taken over this Ministry very recently. I blame those who had the Ministry of Environment under their charge for the last 10 years. They have ignored our voice. As a result our forest policy has failed in the hilly and tribal areas.

Either the Government should accept the amendment bill moved by hon. Shri Mahale or give an assurance in the House that there will not be any delay in clearing any development projects. All development projects should be granted approval under a time-bound scheme within a maximum period of three months. All possible obstacles in the way should be removed.

SHRI M. S. PAL (Nainital): Mr. Chairman Sir, first of all I thank you for giving me an opportunity to speak. I express my support for the Forest (Amendment) Bill moved by hon. Shri. Mahale. There has been a lot of damage to our forests because the previous Government could not adopt a policy with regard to forests. In particular the deodar trees have been cut down by contractors causing heavy damage to forests in hilly areas. Ever since the Forest Act was came into force in 1980, all the development work in the hilly areas has come to a standstill. The forest Act has done more harm than good because the Government has adopted double standards in implementing its policy on one hand 500 acres of land has been given to the Birla group for setting up a factory while on the other hand development work with regard to construction of roads, installation of water tanks and laying of power and telephone cables is at a standstill. A railway line was proposed for Nainital but the provisions of this Act have come in the way of its approval. There is great resentment among the people because of the stoppage

of development works. There are no roads linking remote areas. When the country was not independent there was no question of any development work being undertaken. Now when the country is independent this forest Act is impeding development work. As hon. Shri. Harish Rawat who spoke before me said an organisation called V. K. D. has come up and it is demanding the Uttarakhand region. This is not the only grouse of this organisation. This Act is an impediment to development work. People have to walk for many days to get to the nearest road or rail head. In this way they have to face a lot of problems. I am not saying this is the only reason and there can be other reasons for their demand for Uttarakhand.

[*Translation*]

Therefore, I would like to request the hon. Minister that he should bring forward a proposal for amendment to exempt some particular activities of development from this Act. It has been mentioned in the Forest Act of 1980 that forest land can be given only when an equal area of barren land will be given to the Forest Department in lieu of that. Mr. Chairman Sir, this restriction is not at all justified. The construction work of a railway line of nearly one and a half kilometre of length in our Nainital district is incomplete since 1971 because the required forest land can be available only after equal area of barren land is given to the Forest Department. When I enquired from the District Magistrate of Nainital regarding this, he told me that they don't have that much of barren land in Nainital so that it could be given to the Forest Department in lieu of forest land. Such problem has arisen. So far as the question of maintaining the Environment is concerned, we all support it, but I would like to tell the hon. Minister that though we all will definitely support any Bill whatsoever on this issue but we have to take developmental activities into consideration before taking any step.

Secondly, I would like to state that allotment of cooking gas connections have been stopped all over India. It should be re-opened

specially for hilly regions. The need for fuel and electricity is felt more acutely in hilly regions due to shortage of wood. Therefore, cooking gas should be supplied in hilly areas. This will help us a great deal in protecting our environment and cutting of forest wood will also automatically come to a stop.

I would like to request hon. Minister who belongs to our area and has deep interest in this field that she should send her special recommendations to the concerned Minister after doing a deep study of all these factors so that the inhabitants of hilly areas are also able to get the connections of cooking gas.

With these words, I support this amendment and request hon. Minister that she should put forward a Bill regarding this keeping in view the problems of hilly regions.

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Chairman, Sir, I support the amending Bill. In fact, as far as the question of national interest and public importance is concerned, we should form policies regarding forests in this light only. It is very important to keep the points of public welfare in our minds while discussing amendments in Forest Conservation Act as suggested.

It is correct that forest conservation Act has been accepted by the Centre and enacted to stop the destruction of forests. This Act was framed with an aim of protecting the forests and to improve the conditions of the people living there and to improve means of earning livelihood for them. But things are getting bad to worse today. On the one side, we talk of giving protection to forests and tribal people and on the other hand, we go on cutting and destroying our forests. It is very necessary to stop this practice. Illegal cutting of forests is going on as a result of sinister alliance of some officials and contractors. Today, the condition of hills and forests have deteriorated so much that there is no greenery to be seen for a stretch of many kilometres altogether. In this respect only, we have started talking of afforestation. But wherever, we have started the work of afforestation, it has not been started with the

required enthusiasm. Although, many State Governments have paid attention to it but it is not to the desired extent. Afforestation is important from environment point of view also. But I would like to say that at the same time we are facing some problems also due to this Act. We have a number of plans in Madhya Pradesh State which are incomplete till date as a result of this Act. Out of these schemes, few are very urgent and their incompleteness is creating a number of complications. In Madhya Pradesh, a large number of tribal people live and certain districts have a complete density of tribals. In Jhabua district in Madhya Pradesh more than 90 percent of the population consists of tribal people. Apart from this, Raigarh, Bastar and Khargon districts have a high density of tribal population. Their only means of livelihood is the forests or the forest land on which they sow crops. Out of these few are revenue villages and others are forest villages. For the last so many years, it is being demanded to convert the Forest villages into Revenue villages to protect their rights. But till date, such villages have not been converted into revenue villages where tribal people are living since years. This Act has made it more difficult and complicated. They are cultivating their lands in those villages. And they also face wrath of the officials on a number of occasions. I would like to invite the attention of hon. Minister to this point. If you can find some way out to convert such land into revenue villages which are declared forest villages even today, then it will be very good and serve the interests of tribal people.

I would like to invite hon. Minister's attention to this point that although coal, bauxite, iron and many other minerals are available in ample quantity in Madhya Pradesh, even then it is being treated as a backward State because it doesn't have any iron based factory. One more factor that has contributed to its backwardness is that many schemes for the development of Madhya Pradesh are pending for more than five years with the Central Government to seek its permission for the use of certain area of land to make canals and roads so as to clear

[Dr Laxminarayan Pandeya]

the project For example Kosaar Teda Irrigation Scheme in Bastar, Gholawad Irrigation Scheme in Ratlam or similar scheme in Raipur are to name a few All these schemes will be very useful for the prosperity of that region and simultaneously they will help the nation a lot to progress further I wish to invite hon Minister's attention to the point that he should give priority to these schemes and give required permission as per the Act

[English]

PROF N G RANGA (Guntur) Prosperity for the contractors officers and industrialists or prosperity for the forest people? Please here me

[Translation]

DR LAXMINARAYAN PANDEYA I am not talking about the contractors What I want I to say is that the Central Government should clear up the schemes sent by the State Governments and which are lying pending since long There should not be any problem in clearing up the schemes which seek permission for acquiring a little piece of land to construct a canal and it does not involve any loss of forests Still the entire project is held up for want of clearance My point is that there should be laxity in the rules as per the requirement of the scheme I feel that hon Minister has not been able to understand my point I said that reforestation is much needed and it should be accelerated State Government is making efforts in this direction and wherever the forests are being cut, we should grow other plants in the nearby and if there is no land available nearby, then we should grow some plants in some other place If land is not available in that district, then we should look out for it in the neighbouring district We should raised forest in the area which is more than the area of deforestation I am not asking you to go against the provision I want to bring to your kind notice those schemes which are lying pending and not yet been given clearance I want to insist upon one thing only that those

schemes should not be delayed any longer because all these schemes are for the betterment and welfare of the States and the development of State will lead to the development of the entire nation itself

One more point, I wish to bring to your kind notice is that we have to take care of our environment also Forests will prove to be a very useful in fighting out with the problem of pollution in the air that we are facing today With utmost sincerity, I accept that we need forests and raising of forests is the responsibility of State Governments also Conservation of forests is one of the major issues for them also The State Governments are raising forests and the Central Government is also helping them in all possible manner Here I would like to bring to your kind notice that where will those people go who live in forest and earn their livelihood from forests Even today nearly sixty percent of adivasis abandon their homes and villages and stay away for nearly 6 to 8 months If some small or medium irrigation projects are sanctioned for their regions and they are provided with some facilities, then there will be no need for them to stay away any longer And perhaps, that will prove helpful in the development of that region As a result, then they will not attempt at cutting or destroying the forests Thus, it will help in protecting the forests I would like to invite your kind attention to this point I would like to draw your attention to one more thing It is true that the problems arising out of the connivance of officials and contractors should not be there A number of saw-mills are being set up and that too without licence and perhaps it goes unnoticed The indiscriminate felling of trees should be checked and regulated Therefore, not only the strict compliance of the Act but the permission to State Governments is also necessary who are willing to plant trees, as for example, Madhya Pradesh Government, whose several projects are pending for sanction and Central Government has not approved them as yet Some of these projects were approved by administration in 1980 that is earlier than this Act All this would develop the backward areas and they would prosper Regional imbalance must

not be there. The proposer has asked in his proposal that the Central Government should grant the permission. They have stated that granting of permission should take 15 days but I am of the view that yet the Government take one month but it must not take 3-4 years. It should not be delayed for years. We want preservation of forests for environment but at the same time we want to protect the interest of tribals. The two fundamental issues must be kept in view. Those villages have been a source of livelihood for the tribals and these have been under their occupation for generations. That land should be transferred to revenue land. They have been demanding it from the Government since long.

I conclude my speech with a hope that you would consider my suggestions.

SHRI K.D. SULTANPURI (Shimla): Mr. Chairman, Sir, I support this Bill. I hail from Himachal Pradesh where plantation has been done on a large scale. Not only Himachal Pradesh but every hilly region, be it Uttar Pradesh or Kashmiri Taluka celebrates the Vana-Mahotsava and goes through a phase of tree-plantation and the result is always zero. I would like to tell you that once Sanjayji visited Kasauli and I was an M.L.A then. At that time, trees were planted on the road sides from Kalka to Shimla, which are still there. But the free plantation in the nearby areas of Shimla like Kinnaur of some other has not been successful. I would like to suggest that the forest land adjoining the villages should be given to the people who are residing in those villages, may be to people belonging to S.C. or S.T. or any other caste for plantation, and the income therefrom should go to them. Only then your forest policy would succeed. It has been rightly said that the tribals are being harassed. This is very bad. The forest officers and the contractors are exploiting them. Right now the issue of Jhabua was raised. I had gone there and saw that the outsiders had purchased their property. Everywhere in the State, the big people and contractors are bent up on capturing the whatever land the S. C. or S. T. people have. I would like to tell you about

Shimla, the capital. I had raised this issue in previous session also. There are at least eighteen trees under incarceration. You might ask 'how' A lintel has been put over these trees and some of the in-between trees are centuries old. I brought this to your notice that this may be taken care of. At that time, it was said that the land belonged to municipal committee. But under whichever committee or State these may be, it should be investigated into because the rainwater withheld by the lintel is harmful. These trees are on Mall road in my state and no action is being taken in this regard.

Again, I would like to suggest that there should be some provision for the early punishment of those engineers and wood cutters whose cases are pending in courts. They have grabbed property worth crores of rupees and exploited the people.

Again, I would like to suggest that the people who are setting up factories should be instructed to do tree-plantation also otherwise our forest area would go on diminishing.

I am happy to hear the statement of the hon. Minister that she would give instructions for tree plantation on fallow land. I welcome her proposal. She should try that fruit-trees are planted on such fallow lands. This would facilitate the supply of fruits as well as the tree-plantation.

Rivers and streams originate from our hilly regions and flow down to Punjab and U.P. The Government should allot more and more funds to the State to motivate them for the plantation in hilly regions so that soil-erosion may be checked and rain-water is withheld. This work should be monitored by the Government of India, so that the funds allotted may not be misused by the State Government. Such action alone can make this project successful!

The water meant for the hydel projects in hilly regions drains down and this results in the loss of crores of rupees. There should be proper co-ordination between the Minis-

[Sh. K.D. Sultanpuri]

try of Energy and the Department of Forest so that those projects may be found out which create such situations and pose such threats every year. You should take up suitable steps in this direction.

Fruits are grown in Himachal Pradesh. Apples are grown in a very large area and pears, apricots and peaches are also grown. Its production can be increased to worth crores of rupees if the State Government is directed to plant fruit trees in fallow lands. This would increase the production of fruits and would benefit the people.

We would have crores of trees. If you cross through Kalka-Shimla region by train, you would find thousands of trees without marks. Those people who harm the trees and indulge in frauds, must be punished. You should look into these matters seriously. I hope this is a good Bill, which would improve the continuously deteriorating environmental situation of the country.

[English]

DR. RAMCHANDRA DOME (Birbhum): I am grateful to the Chair for giving me a chance to say something on the Forest (Conservation) Amendment Bill moved by Shri Haribhau Shankar Mahale.

From time immemorial there goes a saying that our universe is composed of five main elements. In Bengali it is called Kheti, Opp, tej, marut bom. It means land, water, energy, space and earth. All life on this planet earth is dependent on these five elements. Forests play a significant role in maintaining all these basic elements. We know that two-third of the globe is composed of water and only one-third has land. And in this landed area, forest has an important part.

At the time of independence, 75 million hectares of forest land was there in our country. But out of this only 40 million hec-

tares is without any forest cover which is roughly 12 per cent of the geographical area, which is below the normal rate. We know that to maintain ecological and environmental balance, our society needs minimum of 33 per cent of forest land. During the course of civilisation we human beings are utilising forests for building up the modern civilisation at the cost of our biological and physiological value. Our modern civilisation is dependent on forestry and forest life. It is a matter of very much concern that in the course of civilisation this forestry is being gradually decreased and destroyed. From 1951-52 to 1979-80 we have lost 4.5 million hectares of forest land. What a great concern it is that when we require afforestation or reforestation for the very existence of this human society, we are doing just the reverse; It is against our ecological balance. It is against the very existence of our society. But we are not aware of the consequences. We are doing everything for the commercial benefit, for the material benefit of our life, without thinking of the remote consequences of the ecological balance.

Presently we are losing about 1.5 hectares of forest land every year. What a grievous situation it is; We have to discuss so many pros and cons of this issue. When we need conversion of some piece of land of the forest for the non-forest purposes, we should judge it meticulously and judge its remote consequences before handling of this forest land, as it will create very grave situation for the very existence of our human society. This is a warning of the environmentalists, ecologists, scientists, educationists, of all the sections of the society who are the planners, who are the experts. All of them are of the same opinion regarding this. No doubt, we have to utilise the forest property for the building of this modern society because there are so many avenues of modern civilisation which require forest property, forest assets, but, at the same time, we have to see whether before utilising this forest land, we have any other alternative before us. This ought to be judged very meticulously before taking over the forest land, before utilising the forest land. This is my humble submission.

The next point which our previous speakers have made and about which I am also concerned, is that the son of the forest, that is, the aboriginal people, the tribals of our country, who are directly connected with forest, whose existence, whose social and economic development and whose prosperity is directly connected with the forest land, ought to be meticulously judged so that their existence, their prosperity, their development is not hampered by the more amendment of this Bill. This should be judged meticulously.

Sir, in conclusion, I again appeal to this House not to treat this Bill casually. Before amending this Bill we should judge the pros and cons as also the objectives of this Bill so that there may not be any shortcomings left while passing this Bill. So, Sir, I support this Bill with a few reservations. Thank you.

[*Translation*]

SHRI CHHEDI PASWAN (Sasaram): Mr. Chairman, Sir, I support the Forest Conservation Amendment Bill, which has been brought forward by Shri Haribhau Shankar Mahale. Considering the rapidly increasing population and industrialisation, one third of total area in the country should be under forest. Once 33% of the total area was under forest in Bihar. But now owing to the well-planned conspiracy between contractors and officials the forests are fast dwindling and specially there is indiscriminate and heavy felling of Sagwan and Sheesham trees and consequently the total forest area of Pihar has been reduced to 14%. As a result, pollution is increasing. To check it there must be at least 33% of total area under forest. Bihar is hit by floods every year due to rapid deforestation in Nepal and Uttar Pradesh. there has been massive silting in the river Ganges. The floods cause heavy destruction of property, three arab rupees have already been spent to control the floods but of no avail. This is a problem for entire Bihar people. In South Bihar, for example, in Santhal Pargana and Chhota Nagpur where industries are being set up after driving out the tribals and they the original inhabitants

are being displaced. There is no arrangement for their rehabilitation. The rich landlords and the capitalists are keeping them as bonded labourers through temptation and threatening. I demand that Government should think over it seriously. The demand for a Jharkhand State is the result of all this. I would like to state it in clear terms that since the forests are the real habitats of tribals so the demand of a Jharkhand State is the result of their displacement. With these words, I conclude my speech and thank you for the opportunity given to me to speak.

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Chairman, Sir, I support the Bill brought forward by hon. Member, Mr. Haribhau Shankar Mahale not because he has brought a Bill to amend the Forest Conservation Act but the important point is that some times the development works like construction of roads and irrigation projects are hampered due to existing provisions of the Forest Conservation Act.

17.00 hrs.

And if we prepare ourselves on these lines, the national development gets impeded. Such things need to be amended and simplified so that the work on projects is carried on smoothly. Otherwise, the project cost is escalated resulting in extra-burden on the economics of the State Governments which are in fact financially weak. Non-completion of the projects on time results in great losses. So far as the question of conservation of forests is concerned, even illiterates know that the forests are part and parcel of our life. They cause rains and boost agricultural production.

17.01 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

But the deforestation causes less rain that adversely affects the human life on this planet. Thus arises the need for reforestation. But what is the position of our jungles today? For whom has the Forest (Conserva-

[Sh Ramashray Prasad Singh]

tion) Amendment Bill been enacted? Through the Bill, certain restrictions have been imposed on the tribals who live in jungles. Forests are their means of livelihood. If they are separated from the forests they would be deprived of the means of their livelihood. The hon. Minister should, therefore, tell us as to for whom this Forest (Conservation) Amendment is meant. And why have the people most concerned with forests been separated from them? Those who inflict losses at our forests are our enemies and anti-national elements. In Bihar we had 33% forests. These have been reduced to a mere 11%. Kail wood etc. worth crores of rupees is transported out of Bihar and there is the sinister alliance of all in this conspiracy. In some cases certain officials and politicians were found in league with the contractors. Politicians are minting money to make up for the huge sums that they had spent to attain their present position. They allow deforestation for their vested interests and plunder the national wealth with both hands. Thus politicians are there behind all those corrupt practices. They are the main culprits. This situation needs to be remedied to bring about the necessary improvement in forests. Therefore, Government should sanction the projects which have been pending for the last 8 years and extend the needed cooperation to have them completed in time, in the interest of development of the country. Every proposal needs to be disposed of as soon as possible so that it does not entail any extra economic burden. Most of the denuded land is without any jungles today but this amendment bill still shows that land under the control and jurisdiction of the Forest Department. On the other hand a large number of people who have no land of their own for residential purposes, have constructed their hutments upon such denuded lands and they are being sued so as to evict them from such land. You will have to make sure that no impractical laws are enforced and the rights of people are safeguarded. Every law enacted should be practicable. We should construct houses for the homeless. It is said here that the persons whose lands were

acquired can be given land at certain price. But from where will they bring the money to pay that price? The lands which were acquired were the only source of their income. It is, therefore, necessary to get our forest laws and acts amended in such a manner that all impediments that come in the way of our development works are removed. Conservation of our forest wealth is also important because it helps maintain the ecological balance. Our laws should aim at providing facilities and comforts to our people.

MR DEPUTY SPEAKER: The time allotted for this bill is over. But, as this bill demands more of our time and consideration I think, the house will agree to extend one hour's time more for it. Shri Ramashray Prasad Singh may continue now.

SHRI RAMASHRAY PRASAD SINGH: Mr Deputy Speaker, Sir, I would like to say that the spirit of the bill is very good and therefore it should be passed. The only faster development of our country is possible. What I wanted to plead for this bill is that through this Bill we should ensure that our development is not hindered and at the same time people are not adversely affected and the projects not closed down. Only then can this country prosper. With these words, I conclude.

SHRI PIYUSH TIRAKY (Alipurduars): Mr Deputy Speaker, Sir, while speaking in support of the bill, I would like to enlighten the house comprehensively on the subject. The concept of forests and reserved forests are not new to India. Before declaring a forest as a reserved forest we shall have to think about the people who lived there, who had the rights over these forests and who were actively associated with the forests. What I mean to say is that the forests have always been under the control of the tribals. Their whole life was been associated with jungles. Their culture and civilization can't be separated from the jungles because they depended upon them for their livelihood etc. We have today declared certain forests as reserved forests, unmindful of the sentiments of the tribals, thus denying them their rights.

over the forests. We can't preserve forests in this way. These tribals regard jungles as their assets and worship them as their deity. Not only this, they protect these forests as one protects and preserves one's deity. But while declaring reserved forests, we cared a fig for their rights. These tribals take the people who have settled there now as decoits who have plundered their wealth. While declaring reserved forests, we took no notice of the sentiments of the tribals, did not consult them and enacted Forest Conservation Act with the result that they are now deprived of their rights. The tribals think that we are conspiring to plunder their wealth as invaders do. Was it the Nizam or king of Hyderabad, we had to offer them privy purses along with compensations to landlords etc. so as to annex their kingdoms to the Union of India. But the tribals, who have forests as their sole wealth, are being looted. Minerals, iron, lime and other such things that are hidden under these jungles are being excavated. Their lands are grabbed so as to construct dams on them. That is why they are extremely worried about the security of their lives and civilization. Tribals were never slaves. They never stretched their hands for alms before anybody but today they have come to such a pass that they are being compelled to shift to the camps. Chakma tribals and others, who are more than 50,000 in number are also there in those camps but nobody in this august House, is sorry for them. People are dying there every day, their women and children are not being looked after and they have been driven out of Bangladesh and at the same time not accepted by India only because they are tribals. I agree that forests are a necessity but it is equally important to take these people into confidence who are fully acquainted with the customs and traditions of the forests.

MR. DEPUTY SPEAKER: Tiraky Sahib, this discussion is on the amendment in the Forest Act and you seem to be deviating from the topic under discussion. Therefore, I request you to concentrate on the subject because this is not a general discussion. Many hon. Members have to speak and the

time is short. So, kindly come to the main subject.

SHRI PIYUS TIRAKY: Hon. Deputy Speaker, this is not a Government's bill but a private member's bill and it is the time allotted for private members.

MR. DEPUTY SPEAKER: That is why I ask you to concentrate on the subject.

SHRI PIYUS TIRAKY: Mr. Deputy Speaker, Sir, the tribals have full knowledge of the plants, herbs and shrubs grown in the jungles. But the men of the forest department try to impose upon them certain Latin terminology like *Centrilina* etc. acquired after reading western books. I can't understand why it is being done. They should be told the names of these plants, herbs etc. in their own dialect as they are aware of such local terminology alone. But the forest employees know nothing about these plants etc. except their foreign names.

Mr. Deputy Speaker, Sir, what is happening in the forest department? Whenever, a tribal lady comes near the border check-post of a forest with a little wood over her head, she is threatened by the guards and her hens etc. grabbed for a relishing feast but those who take away truck-loads of wood are fined only nominally, say Rs. 5 or 10. Therefore, I request the hon. Minister to deploy 10-12 tribesmen at the check-posts. These tribals can be engaged on less wages and they will be able to check the pilferage of wood within 15 days and nab the culprits.

MR. DEPUTY SPEAKER: Mr. Tiraky, this is only a Forest Conservation Amendment Bill.

SHRI PIYUS TIRAKY: Mr. Deputy Speaker, I am also speaking on forest protection.

MR. DEPUTY SPEAKER: Time is very less and there are many Members who have yet to speak. So, please come to the subject.

SHRI PIYUS TIRAKY: I am talking about saving the forests only. A large number of tribals are apprehended in connection with the thefts that are taking place in the forests these days but the real thieves are the people from Forest Department and the contractors who are never caught. They are enjoying and thefts are being committed with their connivance. These tribals who do not know how to commit thefts are being trained by these people. It is said that when the tribals are evicted, land would be allotted.

Nobody gets land. There are two issues involved in this and land reform is also applicable to it. If ten or twenty acres of land is required for setting up a factory and forest land or tribal land is not readily available, in that situation an equal area of non-tribal or non-forest land should be acquired in lieu thereof, because these days, many people are the owners of land but they themselves do not till the land. Such lands should be distributed among the displaced tribals.

It is observed that the tribals are not acquainted with any other profession except the one that they have been pursuing from the beginning. It has also been observed that in high forests even plucking of leaves is 'prohibited'. Saplings can be planted there. Besides, there is scope for bee keeping and planting of turmeric and ginger plants etc. there. This would provide job opportunities to the tribals there. Once they get employed, the contractors would not be able to exploit them.

In the recently set up Tiger Project in North Bengal, lifting of boulders from river bed is prohibited. If it is not sanctioned in due time, all development works of North Bengal would come to a standstill and whatever would be left would gradually be destroyed.

To divert the attention of Vishwamitra, Maneka was sent as an apsara from heavens. This had distracted the attention of Vishwamitra. Similarly, I would like to call upon *Shrimati Maneka Gandhi* to bring about suitable changes in the Forest Act so that areas of land under forest could increase

and the lot of the Adivasis living in jungles could be improved alongwith ensuring development of the country.

[English]

MR. DEPUTY SPEAKER: For the benefit of the hon. Members, I would like to say that this Bill relates to the contradiction between the general development and the development of the forests and protection. I would very much appreciate if the hon. Members restrict themselves of this issue only because I have long list with me and if all have to be given the opportunity to speak, it will take long time and please kindly help us by being relevant to the subject. Shri Uttam Rathod.

SHRI UTTAM RATHOD (Hingoli): I welcome this Bill introduced by Shri Haribhau Shankar Mahale, a man representing a tribal Constituency. All the three Gandhis who have ruled this country, knowingly or unknowingly have played havoc with the tribals and their lives. Madam Gandhi introduced 1980 Amendment to the Forest Act. Unfortunately I also supported it. Shri Rajiv Gandhi had tightened it and I am sure hon. Madam Maneka Gandhi is going to strangle our lives and the lives of tribals because of her love for environment and eco balance. I represent a Constituency which is a tribal constituency where even the laying of telephone lines was not allowed, and where the branches were not allowed to be cut. I am telling you from my experience. (Sir we are neighbours). I took up this matter with the Prime Minister but no use he said. "We have to promise something. We are looking into it." When Shri Ansari was there 145 cases were referred to him by the Maharashtra Government. Those cases related to digging of a canal and some other projects. All these things were just kept in abeyance. Everytime, there used to be an query so that it got delayed. I have myself been writing to Madam about this canal. There is a project in my area which is close to a sugar factory. If allowed, this canal will irrigate the lands. I have been receiving her acknowledgements. I would just request her to come and see the area

which require water. It is really dying for water. Unless you give us water, we cannot grow more food. You will be requiring food more and more every day. I can understand the importance of environment. Mr. Mehboob Haq, the Planning Minister of Pakistan says in 'Poverty Curtain'; that at some point of time, the developing countries will have to draw a line when they will have to decide what should be the ratio of forest and cultivable land. You cannot have international ratio as far as forest and other land is concerned. You have got your own problems. The developing countries have got their own problems other than these. We cannot blindly follow it. Recently we had come across such an incident. When Mr. Seshan was in charge of Environment Department and he turned down a request made by the Defence Ministry. They wanted to have an arms testing range. But when he took over Defence, the same person had to request the Environment Ministry to allow him to have this testing range. I do not know why it is so. I am just coming to my point.

MR. DEPUTY-SPEAKER: For your information, Ministers change but Ministries do not change.

SHRI UTTAM RATHOD: Sir, why I support this Bill is because construction of road in my constituency has been completely stopped. Construction of dams have been completely stopped. Unless we have water for our agricultural lands, we cannot give more work to our people. You will be able to give work to the people in the rural areas if you have got intensive agriculture. That is why I say that it is better to concentrate on this. So many States have adopted different measures. For example, the old Madhya Pradesh (CP and Berar province) used to have—forests villages. There some land was demarcated for agriculture. People who used to cultivate these lands were expected to look after the interests of the Forest Department. Since they were connected with that, they always look precautions. Whenever there was a fire they used to go and extinguish it. Whenever they came across that someone was illicitly trying to fell

trees, they used to stop them. Why don't we adopt that method? In Orissa, you must have seen that on the canals poor people who do not own lands were given lands and asked to plant coconut trees. They have been asked to plant trees very close to the canal so that they can draw water and water those plants. Whenever they get fruits they can utilise them. Why don't we find out some such thing? In the State of Madhya Pradesh in the old Madhya Pradesh area people were given land and they were asked to plant certain number of trees. That is how they protected forest and the tribals. In Old Madhya Pradesh, this Forest portfolio was always held by the Finance Minister so that he could pay more attention. Will you please look into all these things? Will you please see that some justice is done to the tribal area? You want to take these people to the 21st century. For heaven's sake don't take them without education. Otherwise, again in the 21st century you will be treating them as slaves because they will be poorer, they will be uneducated. I do not want you to do that again. They will be the most unfortunate people. Do not strangle our tribal people and their development. I have already raised this issue through Matters Under Rule 377 only two days back. I am sure you will be replying soon.

Finally, I would request you to visit my constituency and see the plight of my people there. When the area actually concerned for the construction of canal is only about two-and-a-half hectares, your Department is coming in the way. Why do you forget one thing? It was in Maharashtra where one Secretary used to hold charge of the Departments of Forest and Revenue. In 1975-77, lands were distributed to the people though they were forest lands. The Forest Department people are forcibly evicting people from their land which was legally given to them. And now those people are the members of cooperative societies and they have loans against their names. You are writing off. Who will pay their dues? Are you prepared to take the responsibility of that? At least do that when you are taking the land. They were rightly given by the Government. You know that. They were given by Shri

[Sh. Uttam Rathod]

Sharad Pawar. And now those people are being deprived of that. I want the hon. Minister to do something with regard to that. In case, he comes to my constituency, I can take her across and show her all these problems and see that she does not become the instrument of strangling the development of the tribals. Thank you.

[*Translation*]

SHRI PRAHLAD SINGH PATEL (Seoni): Mr. Deputy Speaker, Sir, it is of the first time. I rise to speak in the House and I express my thanks to you for providing me this opportunity.

I want to speak on the amendment to the Act. The issue for which we have taken up this amendment in the name of environment is really a matter of concern. It is after a decade that Forest Act of 1980 has been brought in the House for amendment. The hon. Members who participated in the discussion at that time in the House are supporting the present amendment. I would also like to express my thanks to Shri Mahale who brought forward this amendment in the House. I come from a rural area and by virtue of that, I rise to extend my full support to Shri Mahale's amendment and request that all useful points of the bill be taken into consideration.

As regards the amendment we are taking up now, it seems that somewhere or the other we made some gross mistake, as a result of which we have not been able to raise the percentage of forest area during the 10 long year from 1980 to 1990. Perhaps, we did not take effective initiative or did not think of long term measures in this regard. I have also studied the book entitled "The Jungle". If we go by the contents of this book we shall come to know that there is a lot of difference between forest land and forest. The area of the forest land about which we are holding a discussion today goes on decreasing. There has been no change in the area of the forest land so far as the

regular revenue records are concerned as they show a particular land to be reserved forest land but not a single tree is there on that land. Merely growing shrubs does not mean growing forests. With reference to the forests in Madhya Pradesh, I would like to know whether our objective to increase forests is a mere commercial one or the objective is to protect the environment? There is a big difference between these two objectives. In my area, teak wood saplings are being planted under the afforestation programme. During the summer days when defoliation takes place, these trees will be of no use to protect the environment. Besides only shrubs are planted. By raising the number of shrubs, we cannot raise the strength of the forests. The forest lands are lying barren and not a single tree has been grown on them. A lot could have been done, had the trees on these lands been protected during these 10 years. Why this aspect was not taken into consideration? Why did not the agency concerned work? As regards the question of denuding the forests, I would like to know whether there is any survey agency which looks into the cases of compensation of land etc. to be provided to the people who have been evicted from these lands as a result of denudation of the forests? They could have been provided gas in place of firewood and industries would have been set up for them for providing them jobs. You will not come across a single instance of this kind in my area. I would like to say that in order to protect the environment, maximum number of trees should be planted and the area under forest should be increased. If there is any instance of illegal felling of trees in the forests, please let me know who is to be blamed for that. If you hold the villagers guilty for that, please let me know their percentage. If you hold the industries which are very harmful for environment, responsible for that let me have their percentage also. But one thing I must say here that even if the entire village comes to fell trees, the balance of environment will not be disturbed. If you feel the industries pose a threat to environment, you must exercise control over them. I would like to draw your attention to a point. In our area, there are production divisions in the

Forest Department. These divisions maintain the accounts of income accrued from the sale proceeds of trees felled. In all humility I would like to say that I belong to a farmer's family and I know the hardships of a farmer. The forest officials fell the trees from the reserved forests and cut them into 4 pieces. Though the farmers require wood for cooking purposes and for their agricultural needs, yet they cannot get wood for their daily requirement due to the above acts of forest officials. Even the dry wood lying in the forest cannot be put to any use by them, because they cannot enter there. This is the problem. It seems that there is some fault in our thinking. At some places the work relating to construction of roads and laying of telephone lines has been held up. Digging of canals has definitely been stopped in my district. There is a village called Uria in my district which is famous for its jungle agitation. This village had launched an agitation against the Britishers so as to check denudation of forests. The people of the village used to earn their livelihood from the forest. The circumstances now emerging are proving very dangerous for them. There is resentment in them. Even for the sake of this if we respect their sentiments, the forests could be conserved automatically. This point should be considered. We should not pass a strict order or direction in a haste lest it should pose obstructions in the lives of the people and impede their progress. There are a number of such instances in my area.

I express my thanks to you for giving me time to speak. I also support the Bill brought forward by the hon. Member.

[English]

SHRI PRATAP SINGH (Banka): Mr. Deputy Speaker, Sir, I would like to thank you for permitting me to say a few words on this subject. First of all I would like to state that I support this Bill. There are a few matters to which I would like to draw the attention of the House and the Minister as well through you Sir.

The need for afforestation, to be able to

preserve the environment in a healthy condition, is well understood, I am quite certain, by most Members and does not need to be stressed. What I really wish to say is that some work is already done in this direction quite seriously in my State of Bihar where a forest has been extensively damaged over the years. I feel very little thought has been given to the kind of trees which are required to be planted so that a forest does not only have a leaf-cover, but it should also be a forest in which those villagers who live beside these forests and also the animals which survive within them can find sustenance all the year round.

We have in our country a number of naturalists who are experts on this subject. A few years ago we had imported various kinds of trees—Eucalyptus and many other trees—from foreign countries. I absolutely cannot understand why our own species could not have been propagated. I would request the Minister very seriously to take the advice of such eminent naturalists. The name which comes to mind is that of Shri Krishnan who has a syndicate column in a number of newspapers. If their advice is sought, they will be able to guide you in the kind of trees which must be grown so that the forest is useful all round, not only for just making paper in the mills, but also for providing sustenance to the villagers. They require wood for their ploughs, they need them for thatching their houses, they need bamboo and many other things.

In this connection there is another point that I would like to make. I have seen these forests for a number of years. I have seen them in the late 30s up-till now. I will say that any damage done to the forest by the surrounding villagers is not the reason why today we find that our forests have become damaged in such a fashion. As a matter of fact, it was the practice all around that the surrounding villagers were permitted to enter the forests to pick wood for their fuel. They are also permitted to take bamboo, after getting it certified by the authorities concerned. If their houses have fallen down, they require them for some repair work to be

[Sh. Pratap Singh]

done. For that they should get the sanction. They are also permitted to go and cut a certain number of bamboo sapplings, bring home and repair their houses. I see no reason why we should feel afraid of these villagers. Let them continue to utilise the same facilities. I have said that the forest will not be damaged because of them. But the real damage comes when we permit big contractors to go in, to obtain wood for the purpose of making match sticks or paper. We must find a substitute for these by other ways, whereby these industries can yet survive without damaging the environment.

Lastly, I would like to extend my support to this Bill and there is nothing more that I would add at this moment. I thank you very much for the opportunity given.

SHRI P. NARSA REDDY (Adilabad):
Mr. Deputy Speaker, Sir, I am supporting the amendment proposed by Shri Haribhau Shankar Mahale.

Sir, the village surroundings in our country will have to be studied in depth in order that we may take appropriate steps to conserve forests. In every village, it is a necessity for a cultivator or an ordinary man to get either fire-wood or such wood for using it as an implement for his agricultural purposes. Apart from this, the greatest menace which destroys it is the goat population. Now, in several countries, goats have been banned from entering the forest because they are eating away the new sappling that come up. We have not taken any such step to see that compulsions do not deprive us of the invaluable forest which we have, down the countryside. Now, at this juncture, when the country is going towards its developmental goals, we cannot just put our foot down and say, 'nothing more; 30 per cent area which we want of maintaining the ecology is not there; it has come down to 20 per cent'. Therefore we must stop all sort of forest cutting; let them be for canals or for electric wires or for any such development schemes which are not only imperative, but also a vital

necessity for the people. We have in Andhra Pradesh huge projects. One is Nagarjuna Sagar Project for which the Government has spent one thousand crores of rupees. Now on the left flank, for the sake of 150 acres of land which is under forest, more than one lakh acres of land is not able to be irrigated. You know that we have disputes between different regions within our State itself—in Rayalaseema area and Telengana area. By not allowing the canals to be dug so much loss is being caused, because so much land has been used in the construction of the projects. Now we are trying to stop cutting or laying of canals in that 150 acres of land. So, you can just imagine how much loss is there.

Apart from this, we have got another Project, Sriram Sagar Project which is in Telengana area and which is normally called as the Godavari North Canal Project,—on Distributary 27–28. By cutting down forest for laying canals, from this Distributary, hardly about 100 acres of land is required, by which thousands of acres of land are to be irrigated. Now, that has been stopped. Now, in spite of the fact that the State Government has come forward in giving them alternative land to see that forest is grown the file is moving from the Central Government to the State Government, thereby depriving the cultivators of all the development that they have done. That is why the necessity for this amendment to be incorporated is there. The development activity of our plans would be hampered and we would be able to go forward.

Even for schemes under the expansion of national highways, I would quote the instance of the areas of national highway No. 7. The hon. Minister had visited Adilabad when she had gone there for election campaigns. She had gone around the other areas also. Just for widening of the roads, there are so many restrictions with the Forest Department both at the Central and the State levels alleging that they have hardly 20 per cent of land under forests. They would not allow the forest to be cut in crucial areas thereby trying to cause unnecessary delays in development.

I would invite your attention to one more important fact. In our country, we have got 6.7 crore hectares of forest land. In this 6.7 crore hectares of forest land, there is as much as 3 crore hectares of degraded forest land where no tree is grown. What is the Government at the State and the Central Levels doing on this account? I would respectfully like to ask the Government about this.

MR. DEPUTY SPEAKER: You please come to the Bill itself.

SHRI P. NARSA REDDY: I must show the reasons why these amendments must be made. Otherwise the Government will not be convinced. On these 3.68 crore hectares of degraded forest land, the trees could be grown by poor people for whom tree *pattas* could be given. Fruit-bearing trees could be grown. Why I am submitting this is that the Government is very eager to maintain the ecological balance. How is that to be maintained? The ecological balance cannot be maintained just by refusing permission for extension of roads, just by refusing permission for digging of canals, by refusing permission for electric poles and all that. Where there is a scope for the Government to encourage putting of forest, they have not been doing.

I would like to invite the Government's attention to another very important thing. The naxalite menace in Andhra Pradesh has inundated the forests right through. The tribals, the naxalites and the forest officials all together, have finished it. If you say that for the wrongs done by the Department, the naxalites and their allies, other people must suffer, this is a very great hardship. Madam, you must tour all those areas and see for yourself how much difficulty is being caused.

I would give another instance. In Krishna district, the people had grown 3,000 mango trees in the forest land—inadvertently or mischievously, in whatever manner it could be said. For one full year, the Forest Department just saw it and they did not interfere. When they found that it was in the forest

land, they could have taken over and could have given some compensation or could have given the tree *pattas*. All the 3,000 trees were cut off by the Forest Department saying that the trees were put unauthorisedly. Therefore, these are being cut away. So, you cannot aim at the crows and shoot the pigeons. You cannot just try to evade. The forest has been inundated. Then, you try to put brakes on such developmental activities. I hope Madam would tour all these areas herself because it is very nice philosophically to say that growth of more forests must be undertaken. But nevertheless there are certain very important matters concerning the development. The other day some of the hon. Members were saying that it is very difficult for the poor people in the local areas to understand as to why to much of the land has no trees or shrubs. No attempt is made for years together to grow trees or even grass or any such thing on barren forest land. Then, you try to put such restrictions on other areas. This amendment is most appropriate. The Forest Ministry is a very important portfolio at the Central as well as the State level, but it does not mean that the officers of this Department in order to save the forest put such restrictions which are not reasonable and correct. This amendment, therefore, deserves to be accepted.

[*Translation*]

PROF. PREM KUMAR DHUMAL (Hamirpur): Mr. Deputy Speaker, Sir, I would like to express my thanks to Mr. Mahale who has touched the sensitive veins of the country. With the passing of this Act in 1980, all developmental activities have come to a grinding halt. The Bhakra dam is located in my Parliamentary Constituency. Various means of communication which were available earlier have been reduced or closed after the construction of the dam. After the enforcement of this Act, construction of a link road which was progressing has been stopped as two trees fall in its way. At one place the work was stalled for a banded pine tree. The objective behind passing this Act was right i.e. to protect the forests. The people who had extended their support to

[Prof. Prem Kumar Dhupal]

have the Bill passed in 1980 are also supporting this amendment now. I would like to make a fervent appeal to the Government to accept this amendment, so that construction of roads and laying of telephone lines which have since been stopped for one or two trees falling in their way, could be resumed. The amendment will remove the self contradictions noticed in the Act. The hon. Minister is sitting here. When this Act came into being, protection of environment was its objective and it was a right step in the right direction. I had brought a point to the notice of the Government. In my Parliamentary Constituency, there are two industries called the National Fertilizers and Punjab Alkalies and Chemicals Ltd. which are spreading a lot of pollution. I had written a letter in January which has been replied to as follows!

[English]

I am having the matter examined.

[Translation]

During these three months the crops in the area have dried up, the drinking water has become polluted. The people have sent representations to the Government that the water has been rendered unsuitable for irrigation. I would, therefore, like to tell the Government that checking pollution is the call of the hour and it should take effective steps in this direction. It should also scrap those provisions which hinder the progress of an area. Apart from this, I would like to request to Government to treat the present amendment as an official amendment. The Act should be modified suitably. At the same time, this amendment may please be implemented after it is passed by the House so as to check the growing pollution.

SHRI NAND KUMAR SAI (Raigarh):
Mr. Deputy Speaker, Sir, I thank you for giving me time to express my point of view. I would like to be brief. Unless there is a general consensus with regard to enforcement of a law, it is not possible to enforce it.

A law must have general acceptability for its implementation. It cannot be implemented by applying force. The Forest Conservation Act was framed in 1980 with a lofty idea to conserve forests but development works have come to a standstill due to implementation of this Act. The member who spoke prior to me has also stated this. In my constituency of Raigarh, there is not an inch of land in the area of Yashpur where there are no forests. On account of it, is not possible to construct roads and the forest dwellers who may like to install handpump or get a canal digged are not able to do so. The areas of Bastar, Khargon, Jhabua and such other areas of Himalaya and the entire North-East are covered by forests. I do not think that there is any clash between development works and afforestation. You can see that there are green areas as well as roads in Delhi. In the hilly areas also where there are water falls, we have trees. This can be so adjusted as to encourage both afforestation and development works. Both of them are supplement to each other. I would like to submit that you should desist from framing so many laws in order to conserve forests. It is more important to create an inclination for forests in minds of people.

Mr. Deputy Speaker, Sir, I would like to submit to the hon. Minister that he should get small documentary films produced for exhibition to the people engaged in forest based industries in rural and urban areas so that they can understand the importance of forests. Adequate publicity should be given in this regard. I would like to submit and many speakers have also stated that when a poor man living in the forests fells trees, he is immediately taken to task by the forest guards and D.F.Os but when the contractors indulge in large-scale ruthless felling of trees, no action is taken against them. For example, in my district of Raigarh, there is a big racket operating in this illegal business and they belong to the Congress party. They fell about 8200 trees a year. An I.A.S. officer conducted an enquiry into this matter and in his report he mentioned that there was a big racket and against whom strict action should be taken under MISA. When I was an MLA,

a question was raised in the Assembly in this regard but no action was taken. Therefore, I would like to inform you that such a scheme should be formulated for the protection of these forests so that there is due publicity among the common people. In our country, we had Gurukuls and Ashrams earlier in the forests. The atmosphere was such that people lived like a family in these Ashrams. Even animals, birds, plants and trees were treated as part of the family. In this connection, I would like to submit one example.

MR. DEPUTY SPEAKER: Do not give an example. There is little time for it. Come to the point.

SHRI NAND KUMAR SAI: In 'Abhigyanam Shakuntalam' when Shakuntala is leaving the sage Kanva's ashram, he addresses the flora and fauna of the ashram telling them about the departure of Shakuntala. He says that Shakuntala who never used to take water before watering the plants and trees, who never plucked flowers despite her fondness for beautification is leaving for her husband's home. She seeks their permission for her departure.

"Patum na pratham vyasati, yusmasv
 jalam piteshu ya
 Nadate priy mandanayupi snehen yan
 pallavam,
 seyam yati Shakuntala patigriham
 anujyatam'.

Unless this kind of a close affinity is created, we shall not be able to protect our forests. The present Act should be amended and a general consensus should be created so that development of hilly and adivasi areas can be ensured. Therefore, I would like to support this bill.

SHRI TEJ NARAYAN SINGH (Buxar): Mr. Deputy Speaker, Sir, I support this Bill. There should have been many more points which are missing in this Bill but still the proposed amendments were necessary. If these amendments are not carried out, the country's development will come to a standstill. There should be a ban on the felling of

green trees but if a dry tree is cut it should not be made a punishable offence. Although it is a crime to cut green trees but if it is cut for the purpose of carrying out some development work, for example, for constructing roads and tanks or the State Government has decided on some programme and for implementing that programme some tree is felled, it should not be made punishable. If there is a green tree obstructing the carrying out some development work it should be felled. Under Transfer of Property Act, if there is any green or dry tree on a privately owned plot of land, the owner of the land enjoys the right of felling it. Many of my colleagues had drawn our attention towards the Adivasis. On the same analogy, under the Transfer of Property Act, all the forests in the Adivasi areas should be under the exclusive legal rights of the Adivasis. But it is our misfortune that little attention is paid towards the Adivasis. They have enjoyed the authority over forests not for merely last 10 or 12 years but for more than 100 years whereas in the Transfer of Property Act nowhere has their possession been declared. If the law had been in their favour and if a pro-Adivasi Government had been there, the Adivasis would have got their right over the forests and the Adivasis of Bihar would not have made a demand for a separate Jharkand state or would not have knocked every door for the protection of their rights. But so far as Transfer of Property Act is concerned, it is not applicable here but it cannot be denied that the Adivasis are mostly dependent on the forests for their living and from this point of view some provision should be made for them in the Forest Act. Such a provision does not exist in this Act and I expect that it cannot be passed at present. In fact, the Adivasis have not got any powers whereby they can have any alternative means of livelihood. They are dependent only on the forests for their livelihood. They fell trees and this they have been doing since time immemorial and this is their source of livelihood. They have no other means of income. But as per Forest Act a ban has been imposed on their felling of trees due to which their condition is deteriorating today. I support the provisions made in this Bill in the interest of

[Sh. Tejnarayan Singh]

the Adivasi and I think that there should be provision for felling trees for development works undertaken by the Central Government or the State Government. With these words, I thank you for giving an opportunity to express my point and support the Bill.

SHRI RAM KRISHAN YADAV (Azamgarh): Mr. Deputy Speaker, Sir, I am grateful to you for giving me an opportunity to speak on the subject of proposed amendment in the Forest Conservation Act. Forest Conservation is linked with the culture and traditions of our country because it is said that the original inhabitants of our country, our forefathers, dwelled in the forests. Even today crores of Adivasis and other people are residing in the forests. As regards the present law, the intentions behind it are noble such as to do away with environmental pollution, to conserve soil, to exercise control on the monsoon, to fulfill the fuelwood requirement, to protect the wild animals, to increase the forest wealth and check floods. The present law has been framed with mainly these intentions in mind but I would like to categorically submit that none of these intention have been fulfilled. For this I do not blame the particular law but I would blame in particular the Government machinery responsible for its implementation. I am a lawyer by nature and I am aware that it is the forest employees and officers who are responsible for the indiscriminate felling of trees. The contractors bribe these people and also the police and are in nexus with the result that they are never caught. On the other hand if the poor villager who is either a small farmer or a labourer wishes to cut a dry tree for building his hut or for some agricultural purpose, haggling is done and he is not allowed to fell even a dried up tree. Whereas the contractor is able to clear the entire forest just by bribing the staff. Even the green trees are felled but no legal action is taken against them because of the bribe which they had paid. My point is that law has its own place but it is the persons who are responsible for its implementation are the culprits.

Here, I would like to bring to your attention, one more thing. For a long time now, the people belonging to Mushar Community, who are also called 'Vanraj' have been earning this livelihood by plucking leaves from the forest trees and making 'pattals' (plates) or some other items with them. Today, they are losing their confidence because now they too are not able to depend on forests to pluck leaves from any tree.

18.00 hrs.

They are not able even to collect fire wood and hence they are facing the problem of livelihood. Therefore, there should be an amendment in this Act, providing for the livelihood of forest-dwellers, called 'Vanraj'.

Mr. Deputy Speaker, Sir, today in the name of forest conservation many good saplings are being planted in our State. Mango trees which bear fruits are being planted. Neem (Margosa) trees which provide wood, are also being planted, but we are observing that thorny plants are being planted on road sides, causing difficulties to pedestrians and these plants are of no specific utility. The only thing it surely does is that it swells the figures regarding the number of saplings you have planted. Therefore, I request you to plant saplings of good quality trees. The real culprits should be caught and we should add some provisions in this stringent law, so that developmental activities in the state are not hampered. Such developmental activities should be exempted from this Forest Conservation Act, so that there are no obstacles in the way of development, and the citizens are able to do this work and also abide by the provisions of the Forest Conservation Act.

With these words, I support the proposed amendment in the Forest Conservation Act.

[English]

MR. DEPUTY SPEAKER: We will take up this item again next time; and the time required to complete the discussion on it will

also be fixed next time. The reply and the other things will then be taken up.

18.02 hrs.

DISCUSSION UNDER RULE 193

**Situation in Assam arising out of
terrorist activities of United Liberation
Front of Assam**

[English]

MR. DEPUTY SPEAKER: We will now take up the next item discussion under rule 193. Sri Janardan Yadav.

[Translation]

SHRIJANARDAN YADAV (Godda): Mr. Deputy Speaker, Sir, through you, I would like to inform the Government of the terror unleashed by the United Liberation Front of Assam—ULFA, in Assam. The AGP (Assam Gana Parishad) Government is in office in Assam. The AGP Government is a one of the constituents of the National Front Government at the Centre. I am also a supporter of the National Front Government, but the AGP came to power after launching an agitation for the expulsion of foreign nationals from Assam. During their four years in office since then, they have been unsuccessful in expelling the foreign nationals. It is said that there are five lakh to 35 lakh foreign nationals in Assam and those who launched a people's movement for the expulsion of foreign nationals instead of expelling them during their tenure. Supported the ULFA agitation, which emerged out of the unconstitutional elections conducted by the Congress, in the middle of the agitation, in 1983. They supported it, promoted it and reared it and made it so powerful that today the name of ULFA is known throughout Assam and the situation has come to such a pass that leave alone people, even children are tightened by the very name, ULFA. The situation there is such that when children do not sleep, the mothers tell them that ULFA is coming and

the children sleep immediately out of fear. The terror unleashed by the ULFA has increased to such an extent that the 35 lakh Hindi-speaking and non-Assamese people of Assam, who constitute the economic backbone of Assam are fleeing that State. The first target of ULFA was to collect money and create fear among the people, the sales tax officers and engineers. They made the contractors and doctors their second target and money was extorted from them at the point of bayonet. They made the 35 lakh Hindi-speaking people, who have been living in Assam for decades, their fourth target. Money was extorted from these people, at the point of gun. Today, small and big businessmen are fleeing from Assam and the Assamese economy is in shambles. According to a report released by the Reserve Bank, two thousand million rupees (2 Arab rupees) have gone out from Reserve Bank in Assam. If this terror unleashed by ULFA continues, no one would be able to stop the secession of Assam from India, because ULFA is an organisation which has no faith the Indian Constitution. They want to establish an independent and sovereign state in Assam and they not only want it but they are already working on a programme towards it. ULFA has provided training to its cadres in the Forests of Burma. ULFA has links with the Naga extremist organisation, N.S.C.N. (National Socialist Council of Nagaland) and the terrorist outfit at Manipur, the People's Liberation Army (PLA). The Propaganda Secretary of ULFA, Shri Siddharth Phukar has admitted that in order to liberate Assam, they are getting foreign assistance, foreign arms and foreign money. Therefore, no one should have any doubt that the terror unleashed by ULFA in Assam is in any way linked with law and order. ULFA is an organisation, which is proceeding in a well-planned way to separate Assam from India. If the Congress people think that, there is an upsurge in the activities of ULFA, after the assumption at office by the National Front Government, at the Centre, it is a mistake on their part. In 1986 itself, ULFA started bank dacoities. After these bank dacoities, the heads of the ULFA outfits thought that if they continue to collect money through bank