

475 *Forest (conservation)
Amend. Bill*

APRIL 26, 1990

by *Shri Haribhau
Shankar Mahale* 476

PROF. K.V. THOMAS: I introduce the Bill.

SHRI HARISH RAWAT: I introduce the Bill.

13.35 1/2 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Amendment of article 171)

[English]

SHRI Y.S. RAJASEKHAR REDDY (Cuddapah): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

SHRI Y.S. RAJASEKHAR REDDY: I introduce the Bill.

15.36 hrs.

CONSTITUTION (AMENDMENT) BILL*

(Insertion of new Article 15A etc.)

SHRI HARISH RAWAT (Almora): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

15.37 hrs.

FOREST (CONSERVATION) AMENDMENT BILL

(Amendment of Section 2, etc.)

—*CONTD.*

[English]

MR. CHAIRMAN: Before further discussion on the Forest (Conservation) Amendment Bill, 1990 moved by Shri Haribhau Shankar Mahale is resumed, I would like to mention that 2 hours and 26 minutes have already been taken out of 2 hours and 30 minutes allotted by the House for its discussion. The House has now to extend the time for further discussion on the Bill.

Is it the pleasure of the House that the time for this Bill be further extended by one hour?

SHRI RAM NAIK (Bombay North): Sir, before you put it to the vote of the House, I would like to clarify one point. We are allotting a certain prescribed time for each Bill. In this case, two and half hours were allotted and two hours and 26 minutes are over. Only four minutes are remaining. Subsequently, there are three Bills in today's agenda, and for each Bill, two hours are allotted. We will close this particular Business at 6 PM. All these three Bills have come through the ballot. If all the Bills are to be taken for discussion, it will take six hours and the work will not be over. My Bill has secured the third place in the ballot. Since my Bill has got the third place, so much time is not available for it to be discussed. Yet, the BAC has allotted the time like this. I want to know as to whether or not this ballot will hold good next

time. If it is not going to be held good for the next time, we would like that the time of every Bill should be restricted for the time allotted for it. The business should be arranged in such a way that all the three Bills will be passed in one day. Otherwise, there is no point in taking all the three Bills in the ballot.

MR. CHAIRMAN: I can understand your concern. I want to bring to the notice of the House that generally, we allot only two hours for each Bill. Sometimes, because of the enthusiasm and interest shown by the Members, we may not be able to finish it within the allotted time. In such a case, generally, we extend the time by one or two hours so that hon. Members can express their views. This is what happens normally. Your point is a valid one. We have to complete this Bill and then proceed with the next Bill. It is true that when we take the ballot the next time, you may not get a chance. But the House has to follow the time allotted strictly.

SHRI RAMNAIK: That is why, I wanted to clarify before you give the ruling. We would not like our chance to go to another person. We may not get our chance in the next ballot. I can understand that even the Private Members' Resolution moved by Advaniji about the electoral reforms was an important one. But then, we other Private Members' Resolutions or Bills are side-tracked.

MR. CHAIRMAN: The House is supreme and it has to decide. The Minister has yet to intervene and the Member who introduced the Bill has also to reply. For that consideration alone, you have to allow some time.

SHRI RAMNAIK: At least for future, this time limit should be strictly adhered to, otherwise the Members who take all the trouble in introducing their bills lose their chance.

MR. CHAIRMAN: Now, the question of extension time is left to the House.

SHRI Y.S. MAHAJAN (Jalgaon): Sir, it is the pleasure of the House to extend time

for this. We want the time to be extended.

MR. CHAIRMAN: I am not pressurising you in any way.

SHRI Y.S. MAHAJAN: Kindly extend the time by one and a half hours more.

MR. CHAIRMAN: There are many Members who want to speak. I do not think, it would be possible to accommodate all of them within that time.

SHRI HARISH RAWAT (Almora): Kindly extend it by half an hour.

MR. CHAIRMAN: The Minister has to intervene and the Member who introduced the Bill has also to reply. Can we extend the time for this by one hour. I would allow a few Members and after that the Minister will intervene and then the Member in charge of the Bill can reply.

SHRI RAMNAIK: Two hours have been allotted for the next Bill which will come up for discussion today. At least that must be completed today, otherwise again next time the same Bill will be taken up and the other Members will not get a chance.

MR. CHAIRMAN: Is that possible? But if all of you agree, I have no objection. Anyway, when the time comes. We will see.

Now, is it the pleasure of the House that time for this Bill be further extended by one hour?

MANY HON. MEMBERS: Yes.

MR. CHAIRMAN: The time is extended by one hour more. We will try to finish it as early as possible.

Now, Prof. N. Tombi Singh.

PROF. N. TOMBI SINGH (Inner Manipur): Mr. Chairman, Sir, I am grateful to you for affording me this opportunity to participate on this Forest (Conversation) Amendment Bill. It is a very important amending Bill

[Prof. N. Tombi Singh]

and I support it. However, while doing so, I would like to make a few observations.

The main objective of this amendment is that the Central Government shall not withhold its approval for deforestation if the forest land acquired is for public development works such as construction of roads, drinking water schemes, laying of telegraph or telephone lines etc. In answer to a question on this subject by Prof. Kurien some days back, the Government has made a very important announcement. We know that a number of proposals are pending before the Government for clearance. I would not have any objection if that is to be done for the development of different regions and States. We do not mind if a certain portion of forests is cut for the purpose of development works specifically.

Leaving apart that, in our country more important thing is to have the afforestation programme in its real term. In our country we have a large cover of forest area. We have a large number of such forest areas, of course, varying in the degree of afforestation. We also have such forest areas where no trees or no forest content is to be seen. It is because they have been denuded or deforested by man. So, I would say that the Government should give priority to the Afforestation Programme. In many States so many development schemes are pending and sometimes for the implementation of such schemes, we have to reduce the forest area. So, I would like to emphasise that we should take up a realistic programme of afforestation at the earliest.

I belong to an area which is largely covered by forests but hardly one can see the forest content there. I belong to the State of Manipur. I am giving you a very concrete example. One-tenth area of the Manipur State is supposed to be inhabited by human beings and the rest is supposed to be the forest area. But the actual position is that we don't even see one-third of the so called

forest area covered with the forest content. It will take hundred and hundred of years to bring this forest area back to its earlier position. It is easy to cut down a tree but it takes years and years to replace a grown up tree.

Second world war has affected the entire North-eastern States particularly the Manipur which was the headquarter of the South-East Asian Command. It destroyed a large part of the forest area there. Similarly, a large part of the forest area was destroyed in Nagaland, Mizoram and Arunachal Pradesh. And this loss was not at all substituted by a good programme of afforestation. I am not speaking keeping in view the interest of our Party. I would like to say, whichever party is in power today, we are not taking up afforestation programme seriously. We spend so much of money on these programmes every year. But still we don't have a good afforestation programme to make up the loss or deficiency. The losses suffered during the Second World War still remain uncompensated.

Now, if we see from the high level, from the aeroplane we see that all the hills are denuded and they just look like the desert areas. They are contributing to the change of environment and to the change of the climate which will naturally lead to unpredictable floods and droughts. This is something which requires our attention.

While giving due consideration to the clearance of the projects for the interest of national development, the important problem that we have to solve first is the afforestation of already denuded areas which are still retaining the name of the forest lands. This is my observation. I would like to draw a pointed attention of the hon. Minister who is a dedicated person to environment, who is a dedicated person to the preservation and conservation of forests, that she should take up realistic programme of afforestation so that we can bring about a change to our forest areas which will give its positive chain reaction to the environment or preservation of environment, etc. In this regard, I would like to make another suggestion. We must

lay emphasis on the preservation of forests for fuelwood and for making furniture, in our areas. For making furniture, timber is needed. But the more important aspect in this regard—for timber, wood is acquiring woods for the purpose of fuel. It is very important. It is because coal is not available. In order to replace or in order to subsidise those areas and in order to reduce cutting down of trees for the sake of fuel, we have to increase the allotment of coal to these areas, like Manipur and so on, where coal is not available easily. This will help reduction in the cutting down of forests for fuel.

With these few words, I conclude.

MR. CHAIRMAN: As suggested by all you which the House has also accepted, at 4 O'clock, I am going to call the Minister to intervene. It is because she was telling that she needs at least forty five minutes for her reply. Then the Member who had introduced this Bill, as to reply. So, up to 4 o'clock, I can adjust the hon. members who want to speak and afterwards, I cannot allow. Shri Ishwar Chaudhary.

[*Translation*]

SHRI ISHWAR CHAUDHARY (Gaya): Mr. Chairman, Sir, today, the role played by forests in our life is as important as that of other necessities. These day environment throughout the world is getting polluted. In view of the increasing pollution, it has become necessary to protect our forests. The hon. Minister is quite concerned over this issue and wants that pollution should be checked. The hon. Minister is making sincere efforts towards finding a solution to this problem. The Government should do its best in this direction. The task of forest conservation can be divided into two parts—firstly to increase the afforestation process and secondly to prevent deforestation. Till now afforestation has been virtually non-existent while deforestation has been done on a large-scale. India has always been a land of forests and hills but today this country has become devoid of this natural wealth. Forests are not merely a show-piece for the

country, they contribute in large measure towards national prosperity. Good monsoons depend on the existence of forests and agriculture is also greatly benefited by them. The previous Government had a slightly casual attitude towards afforestation. The State Governments were not granted adequate funds for this purpose. Due to this, the process of afforestation become slow. On the other hand, denudation of forests has reached unimaginable proportions. I come from Bihar and it would not be wrong to say that Bihar has the maximum area under forests. But today, the Chhota Nagpur region is completely depleted of its forest wealth. I live in Gaya. Forests are there to maintain the ecological balance. It is for this reason that a tree plantation drive was launched on the banks of the Falgu river. But now 5-10 tractors full of wood is being cut over there. This cutting down of trees is being done in connivance with Forest Conservation Officials. Not only this, complaints have been received that D.F.O. (Gaya) is responsible for cutting down trees worth crores of rupees. How will we conserve our forests, how will we maintain the ecological balance and how will this country prosper?

Sir, it is understandable that forest land must be cleared to construct a canal or to grow crops, but at the same time forest conservation is also very necessary and for that we must plant maximum number of trees. By planting more trees we add to the number of good deeds we do in our lives. I am proud to say that I had personally planted three saplings which have not grown into big trees. The basic objective underlining this effort was to awaken people to the call of the environment and make them active participants in tree plantation drives. Denudation of forests in most evident in places where forest conservation is of utmost importance. People guilty of cutting down of trees at such places should be give stringent punishment.

[*English*]

SHRI Y.S. MAHAJAN (Jalgaon): I welcome this Bill, because it seeks to remove an important difficulty in the way of economic

[Sh. Y.S. Mahajan]

development. Since we started protecting forests under the Forests Protection Act of 1980, people have complained in this House, and for years it has come in the way of construction of roads, drinking water schemes, laying of telegraph and telephone lines and river projects. In Maharashtra, there are many river projects which were undertaken 15 or 20 years ago. They have not been cleared from the forest angle, or from the point of view of environment. As a result, the well-being of lakhs of people has been seriously affected.

What is happening today is that there is destruction of forests. In the preserved forests, there are no trees. Forests are not developing. On the other hand, economic development does not take place, because some little forest here and there is threatened because of development schemes. So, there is neither afforestation, nor economic development. So, the Forest Conservation Act is coming seriously in the way of economic development of this country. I am of the view that the area under forests should be increased; but the way we are enforcing that Act is coming in the way of the well-being of the people.

[*Translation*]

SHRI SANTOSH KUMAR GANGWAR (Bareilly): Mr. Chairman, Sir, actually there is need for some changes in the Forest (Conservation) Amendment Bill introduced by the hon. Member in this august House. There are a number of purposes for which exemption must be given under this Bill. But there are some anomalies towards which I would like to draw attention of the Hon. Minister. Today, there is no restriction on the cutting of trees within city limits, but no tree is allowed to be felled in rural areas. Why is it so? I request the hon. Minister to pay attention in this direction and take special measures to remove this discrimination between cities and villages. No permission is given to villagers even if they want to cut even one tree for their genuine need. But in

urban areas, I have seen dozens of trees being felled. When this is brought to the notice of the concerned officials, they say that they do not have any power within city limits. Pollution is a global phenomenon and protection of environment is an issue that concerns all countries. These days eucalyptus trees are being planted in large numbers. I request the hon. Minister to look into the efficacy of the eucalyptus tree as a protection of environment. I think these trees are rendering the land infertile and also not useful from the environmental point of view. Will such trees be useful to us in future is a question which the hon. Minister must look into.

With these words, I express my thanks to you for giving me an opportunity to speak.

PROF. MAHADEO SHIWANKAR (Chimur): Mr. Speaker, Sir, hon. Shri Haribhau Shankar Mahale has already introduced this Bill in this House. Two minutes is too less a time to speak, so some more time should be given. The Forest (Conservation) Act has proved to be an impediment in the way of implementation of a large number of schemes in rural and backward tribal areas. I had asked a question regarding irrigation in Maharashtra to which I received a written reply on 19th March. The reply states that 190 irrigation schemes in Maharashtra were closed only because the Maharashtra Government did not give any reply. At least that's what we have been told. The Forest Department issues fresh circulars everyday. The Chief Minister of Maharashtra even went to the extent of saying that he sends an ultimatum to the Minister of State of Forests every week. I don't know whether he is speaking the truth or not. But the fact is that all schemes are pending because of this. For example schools, hospitals and other development schemes in rural areas are lying pending. I had written a letter to the hon. Minister of State. Previously Vidarbha was under the jurisdiction of the Madhya Pradesh Government but after the reconstitution of the State, Vidarbha was merged into Maharashtra. The Jhurni Forest Vidarbha region land belonged to the Revenue Department. But the Central

Government considers it forest land and has enforced the Forest (Conservation) Act on it. As a result several schemes have been held up. Jhumanka Projects, Zamindari Project and hundreds of such other projects have been held up. I want Jhurni Forest to be exempted from the purview of the Forest (Conservation) Act and placed under 'Maurusi' land. The hon. Minister of State and the hon. Minister of Forest should meet the State Legislators to discuss the developments in the districts of Bhardana and Chandrapur. I invite them to come to Chandrapur to understand the nature of the problems there which we are facing with a view to solving them. With these words I support this Bill.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRIMATI MANEKA GANDHI): Before I begin, I want just to clarify one thing to Mr. Mahajan-about my letter to the Chief Minister of Maharashtra. I do not write only to the Chief Minister of Maharashtra; I write to every Chief Minister, to every source of authority, because my concern for India does not extend only to a Union Territory or to a particular State. I believe that the time has come when we have to work together to ensure that this nation progresses ahead with green technology and all that. I issue no ultimatums; I merely make suggestions. Since I have become Minister, there have been a great number of new policy initiatives; and that is the reason why I have been burdened with this.

I am overwhelmed to see the response from the members on the Bill given by Shri Haribhau Shankar Mahale for amendment of the Forest (Conservation) Act. I can understand that the members are genuinely concerned about the problems of forest conservation and the Welfare of tribals. Before attempting to answer the points raised by the members, I would like to mention some facts and figures about the forests of the country. Out of a total geographical areas of 329 million hectares, forest area in the country is only 75 million hectares. Out of this, tree

cover is available on 64 million hectares only giving a percentage of 19 of the total forest area in the country. This is far less than the targetted forest area of 33 per cent as envisaged in the National Forest Policy.

The National Forest Policy which was enunciated in 1988 has as its principal aim, the maintenance of environmental stability and ecological balance including atmospheric equilibrium which are vital for sustenance of all lifeforms human, animal and plant.

This is proposed to be achieved among others, by protection and conservation of forests. Conservation of forests was being neglected before 1980 and good forest land was being diverted for non forest uses. The main reasons for diversion of forest land for non-forest uses have been the following:

1. Construction of Multi-purpose projects
2. Setting up of industries
3. Agriculture
4. Human settlements.

The situation becomes so alarming that between the period 1952 and 1980, 4.328 million hectares area of forest land was diverted for non-forest use. The States were asked through guidelines not to divert this forest land but no heed was paid to the instructions of Government of India. We were left with no option but to save our forests by resorting to legal measures. As a result, the Forest (Conservation) Act was enacted in 1980. The advantages of passing of the Act were soon evident. The annual rate of diversion of forest land for non-forest use which was 1.5 lakhs hectares came down to 15,400 hectares between 19890 and 1989. Even after the passage of this Act, the States tried to circumvent the spirit of the Act by diverting forest land for raising plantations like tea, coffee, rubber, etc., on the pretext that these activities were forest activities. In order to check this practice, the amendment to the Forest (Conservation) Act, 1980 was passed

[Shrimati Maneka Gandhi]

in 1988, which excluded such plantations being taken on forest land by treating these as non-forestry activities.

I would like to talk about forests now. Bio-diversity of forest ecosystems acts as an insurance against possible crisis in food supply which depends on a few selected species which are susceptible to disease and pests. The protective and productive role of forests in the national economy has been summarised in the National Forest policy, 1952 which states, "the role of forests in the national economy, both protective and productive, entitles forests to lay claim to an adequate share of land. The importance of tree lands in the rural economy of this region where agriculture constitutes the mainstay of the vast bulk of population can scarcely be overemphasized." In view of these facts, it would not be proper to dilute the provisions of the Act as they stand today by adopting the amendment, as suggested by Shri Mahaleji.

I would now like to refer to the points raised by the members in support of the amendment that is proposed by Mahaleji. The main points that have been mentioned are:

1. Delay in clearance of forest conservation cases by Government of India.
2. Hindrances to the developmental activities specially laying of telephone, telegraphic lines, village schools, panchayats, etc.
3. The Act is against the interests of the tribals.
4. Special problems faced by the people living in hills.
5. Nexus between forest officials and contractors for plundering of forests.

I would now like to take up these points and then refer to some specific points raised by the members.

1. The question of delay in clearance of Forest Conservation cases has been debated for the last so many years. There are divergent views held by the Central Government and the State Governments. The State Governments feel that the delay is on the part of the Central Government and the Central Government feels that the delay is caused due to non submission of proposals by the State Governments in proper format and with complete information.

The hon. Member talked about one hundred and sixty odd cases which had been rejected due to non furnishing of information. I want to tell you what kind of information we ask. We ask very basic, very relevant information. If we do not ask for this information, then a lot of projects may be good, but along with those good projects, a project which will not be so good would also sneak in. For instance, somebody will get a petrol pump allotted to him. Then, he wants to put the petrol pump in the middle of his own area, next to it is a forest. Now he wants a path to his petrol pump. This case has just now come to me. But that petrol pump passes through my forest area. Now we have to guard that kind of a thing. That is why we ask for this information. When we ask for this information, we are not trying to delay the project, we are trying to understand whether it is the best for the country. The State Government does not reply. The original proposal is of a cursory nature-one page.

[*Translation*]

It may be sanctioned. We ask why it should be sanctioned?

[*English*]

If we do not get all the information, then we are struck up with one time proposal. You

must admit that it is in the best interests of everybody that we have to ask a complete information before we allow any project.

The pendency of cases in the Government of India is minimal.

As far as the Ministry of Environment and Forests is concerned, as soon as proposals are received for clearance, these are examined and whenever information gaps are noticed, the project proponent agencies are addressed immediately for furnishing the necessary information. A review of the pending cases revealed that a majority of them were pending for want of complete information. It was felt that the project proponents would expedite submission of wanting information if they were told categorically that cases would be treated as rejected if the required information was not given within stipulated time. Accordingly it has now been stipulated that cases where full information has been made available, will be disposed off within six weeks of the receipt of the proposal. Where such complete information is not furnished the project proponents should be advised to furnish the wanting information within one month. If the information is not received within the stipulated period these cases should be treated as rejected for want of information.

Since the promulgation of the Act 4023 proposals were received from various States and Union Territories till 31st March 1990 for according clearance under the Forest (Conservation) Act, 1980. Out of these proposals approval has been accorded to 1967 cases. 547 cases have been rejected on merits, not for lack of information but on merits. State Governments have withdrawn 107 cases and 1268 cases have been rejected conditionally for non-furnishing of information by the concerned State Governments. In my Ministry, there are only 134 cases now pending which have come in the last one year and two months.

We have tried to streamline the procedure in the Government of India to see that

delays do not take place. Instructions have been issued to officials in the Government of India to clear each case within six weeks of its receipt. This is the minimum period required as the meeting of the Advisory Committee set up for the purpose takes place once a month and based on its recommendation, the case is cleared or rejected. It would not be possible to reduce this period to 15 days as suggested by Mahaleji. In order further to hasten early clearances, powers have been delegated to the Regional Chief Conservator of Forests located in Bhopal, Lucknow, Bhubaneswar, Bangalore, Shillong and Chandigarh for cases upto less than 1 hectare. I am surprised to learn that most of the complaints about small clearance have been raised by members from Uttar Pradesh. In their case, the Regional Chief Conservator of Forests is located at Lucknow and there should be no difficulty in the State Government officials discussing their small schemes with him and getting the clearance. The Regional Chief Conservator of forests are located in those places where the forest areas are large and from which States the maximum number of proposals are received. This delegation of powers to the Regional Chief Conservators of Forests will facilitate the State Governments from seeking their clearances early. From 1 to 10 hectares, the powers have been given to the Ministry and the case is not required to be put up to the Advisory Committee. In such cases, the clearance can be given even before the six weeks' period.

The delay usually occurs in the case of the State Governments because whenever a back reference is made to them for seeking clarification, the reply is not received for up to one year. It would not be correct to lay the blame on the Central Government for delays in such cases.

Since June 1989, we have relaxed guidelines in respect of use of forest land for construction. Exceptions have now been

[Shrimati Maneka Gandhi]

made for diversion of forest land for construction works like schools, dispensaries, hospitals, community halls, small industrial sheds under Government control. whenever these requires forest land less than one hectare. As already referred to in earlier part in my speech, powers have been delegated to the Regional Chief Conservator of Forests to decide cases involving forest land upto one hactre. Similarly cases involving forest land up to 10 hactares are not referred to the Advisory Committee and are decided in my Ministry directly.

It has been our endeavour to clear the cases within a period of six weeks of the complete information being made available to us. The State Governments have ben advised, through guidelines, to ensure that the cases are disposed of at the level of the State Government within a maximum period of two months. We have requested the State Governments—this is one of the directions I have sent to the Chief Minister of Maharashtra to open separate cells for dealing with the cases under the Act. I do not see why he take legitimate objection to my trying to speed up the cases. For this purpose, they have been requested to appoint a full-time senior officer, not below the rank of a Conservator of Forests, as head of such Cells.

Some of the hon. Member had referred to the problems of the tribals. I am in full agreement with them that the forests and the tribals should co-exist in complete harmony. Indeed, the National Forest Policy 1988 upholds the symbiotic relationship between the tribals and the forests. Meeting the requirements of fuelwood, fodder, minor forests produce, small timber of the rural and tribal population has been listed as one of the main objective of this policy. The rights and concessions enjoyed by the tribals and

other poor people living in and around forests are to be treated as the first charge on forest produce. These considerations further reinforce our conviction that forest resources which are the life-line of the tribals and other weaker sections of the society, should not be diverted for other uses in an indiscrete way. Forest and other public lands which have hitherto been used for collective purposes are shrinking at an alarming rate. Nearly one-sixth of the population and one-fifth of live-stock population is directly dependent on such lands. diversion of such lands, particularly good forests is bound to cause further hardship to such poor people.

As stated earlier, we have relaxed the guidelines so that developmental works directly beneficial to the local people are not delayed. Some of the Members had also referred to the cases of forest villages. We are seized of this issue. Indeed the National Forest Policy, 1988 states that the forest villages should be developed at parr with the revenue villages. We are examining as to how best this could be achieved. For this purpose various options including conversion of such villages into revenue villages are already being considered. Efforts are also being made to sort out issues relating to occupation of forest land by tribals.

I have already had a meeting with the Minister of Welfare, Shri Paswanji, and we have decided upon principles to be followed for regularisation of encroachments prior to 1980 when the Forest (Conversation) Act was enacted.

*(Interruptions)**

MR. CHAIRMAN : Will you please take your seat? Do not interrupt in between. Nothing will go on record.

SHRIMATI MANEKA GANDHI: Some

*Not recorded.

of the Members specially Shri Rawat and Shri Mohinder Pal have highlighted the problems of hilly areas. They would agree with me that forest have especial significance for such areas. Much of our agricultural production in the plains depends on the vegetative cover in the hilly and mountainous areas. Protection of such hydrological systems is of paramount importance to save the flat plains from siltation and floods. It is for this reason that the forest policy envisages that at least 2/3rd of hills and mountainous regions should be maintained under forest and tree cover. Schemes and projects which interfere with forests that clothe steep slopes, catchment of rivers lakes and reservoirs, geologically unstable terrain and other such ecologically sensitive areas should be severely restricted. Despite these considerations, since June 1989 we have been treating hill districts and other districts having forest land more than 50% of total geographical area on special footing. In such areas compensatory afforestation on non-forest land is not insisted upon and it is allowed on forest land, twice in extent of the area diversified provided that forest land involved is less than 5 hectares and the purpose of diversion is for construction of link roads, small water works, minor irrigation works, hospitals, tiny rural industrial sheds of the Government or any other similar works which directly benefits the people of the area. I am confident that a fairly good number of developmental projects in hilly areas would be covered in this category thereby facilitating the clearance of such projects.

A number of Members of the House including Shri Y.S. Mahajan have expressed their anxiety about developmental projects on account of rigorous enforcement of the Act. Paradoxically, sometimes, the very process of economic development and poverty eradication programmes prove counter-productive marginalising the poorest of the poor and aggravating environmental degradation. This environmental

degradation which we are faced with today, has been compounded by poverty and under development as well as the negative effects of some of the developmental programme. Often the attempts directed at development lead to the unintended side effects which owing to consequential large scaled afforestation or diversion of forest land, should be dispassionately considered not only at the State but also at the National level taking into account the social and environmental aspects in totality.

Many members have spoken about the nexus between the contractors, politicians and the Forest Department regarding the felling of trees. In this connection, I would like to mention that for the last two decades the Government policy has been to eliminate contractors from forest area for which purpose a large number of State Forest Department Corporations had been set up. It is these Corporations which work the forests as per management plans. Forest Labour Cooperatives and tribal cooperatives are encouraged and should be encouraged further. We are also taking steps to regulate the working of saw mills in the Country so that there is less of timber harvesting. I would like to mention a few words about the forest officials also. The Forest Department throughout is that of a policing nature and the man has to work against the various odds in far flung territories. He has to stay away from his family and friends. He has no medical facilities, he has no educational facilities and facilities available to any other Government servant. There is generally no concern at all for his plight and he is all the time being blamed for deforestation. His role of checking it is not liked by the people who try to smuggle wood and that is why more often than not he is being maligned. I want to share with you my experience. We have one Forest Officer for so many 100 hectares or for a distance as 20 kms 30 kms. The man has a cycle, he has a hands and that is all he has. The chap who goes to the forest to smuggle

[Shrimati Maneka Gandhi]

the goods he has jeeps, he has guns. He comes with a group of outlaws and the question before the lonely Forest Officer whether he should stay and get killed or he should make a run for it(*Interruptions*).

Now, we have got heroes. We have got poor people trying to earn their livelihood. They may do but the point that we have created the circumstances in which collaboration become a part of life. I would like-I am not making a policy statement here-better equipment for the Forest Department. I would like to have jeeps, I would like to have better guns, I would like to have night vision glasses. We had a situation where a man called Veerappan in South India which you know I have taken up - got away with killing elephants, smuggling sandal-wood, creating mayhem. Only because he has killed so many Forest Officers. So, they all left the forest. I do not mean to say that Forest Officers are without blemish; I am just saying that if you have a specific incident, you bring it to my notice. I am more concerned regarding forests and Forest Officers. I would like you to bring specific incidents to my notice and all action would be taken against specific culprits.

Shri Mahaleji had mentioned that no roads, no schools, no telephone lines are allowed for development work of the tribals. As I had mentioned earlier, a special concessions are given to tribal areas for construction activities inside the forest areas. It is not possible for us to permit the Conservator of Forests to clear project proposals, as then there will be no control on the land to be diverted for forest clearance. It is also not possible to agree to the proposal that cases not cleared within one month should be presumed as cleared.

Regarding the problem of regularisation of encroachment in Maharashtra State,

the State Government has not yet submitted information for obtaining approval under the Forest Act...(*Interruptions*).

SHRIUTTAMRATHOD (Hingoli): These are old cases, Madam. These lands were given in 1978-79, before the Act was passed. 1980 came afterwards. Before that, the lands were allotted. They were members of the cooperative society. They have taken loan. At least, you regularise those cases.

SHRIMATI MANEKA GANDHI: Well, let me look deeper into this. I think we should be having information about this. Let me look deeper into it. I cannot make a commitment just now.

MR. CHAIRMAN: (SHRI THAMBI DURAI): Madam, you conclude first. Afterwards you can reply to their points.

MR. Y.S. MAHAJAN: There are cases of river dam schemes which were taken up before the Act was passed.

SHRIMATI MANEKA GANDHI: You cannot apply that case generally. When a dam schemes is taken up, or any other schemes is taken up, or any other scheme is taken up, they originally ask for two hectares or five hectares but when the time goes on, they want ten acres, they want fifty hectares, they want hundred hectares they want thousand hectares. When you say the scheme was cleared before the Act was passed, it does not work that way, you know.

Sir, Shri Mahaleji's suggestion for giving LPG agency to villagers can only be considered by the Petroleum Ministry. As far as our Ministry is concerned, we are trying very hard to encourage alternate sources off energy like gobar gas plants, solar cookers or anything else which the villagers feel and which we feel. We will protect our forests and get sustained development in the villages. We are in touch with other Ministries in this

regard.

It is incorrect to say that the enforcement of Forest (Conservation) Act, 1980 has not added to the increase in forest cover. The assessment made by the Landsat imagery indicates that the extent of dense forest cover has increased by 16,456 sq. kms. This indicates that our conservation efforts have borne some fruits...*(Interruptions)*. Well, Landsat—imagery does not belong to parties...*(Interruptions)*.

SHRI Y.S. MAHAJAN: But how much has been destroyed?

SHRIMATI MANEKA GANDHI: I agree. But I am just saying that this Act has also caused conservation of forests...*(Interruptions)*.

AN HON. MEMBER: It was done during our period.

MR. CHAIRMAN: Let her finish first.

SHRIMATI MANEKA GANDHI: Whatever be the period, forests belong to the nation. They do not belong to you, me or anybody else. I am quite happy that you took credit for it.

Moreover, Sir, the aim of the Forest (Conservation) Act was to restrict diversion of forest land for non-forest use. This has been achieved fully and, as I mentioned earlier, the annual rate of diversion of forest land for non-forests use has become one-tenth now. Regarding forest fires, as the hon. Member knows, a Modern Forest Fire Control Project is under implementation in Uttar Pradesh and it has helped in extinguishing fires by restricting their area. If Government tries to help the people by taking over some of their burden, I think the people also should

cooperate with our efforts.

Mr. Rawat also wanted guidelines to be issued to the States for speedier clearance of Forest (Conservation) Act. These have already been issued in June, 1988. However, it would not be possible to dilute the provisions of the Act by allowing Forest clearance up to five hectares to be done by the State Government.

As I said earlier, for hill areas, we have already done it upto 5 hectares provided that this project itself brings relief to the hill people. The matter was considered by the Government earlier and it was felt that large areas would be split up into a small areas and thus, there would be no control on diversion of forest land.

Shri Rawat has also alleged that the Ministry of Environment and Forests do not listen to MPs but only to Environmental groups. This is extremely an unfair comment to make. I don't think that you could state a single case in which the Ministry or me have not listened to them. I listen to what India needs. However, if you think I am going to listen to one side or another side, I don't think it is like that. I listen to every side; sometimes the groups of MPs, somebody who will study the subject, who is knowledgeable, who is completely out of this sphere and ofcourse those agitators and Government people I try to listen to them and do what is best. I don't think that in the coming month, you will be able to sustain that kind of allegation. We will take the views of all concerned and then take decision.

It was also pointed out that approximately 3200 proposals from Uttar Pradesh are pending clearance under the Forest (Conservation) Act, 1980 at some stage or other. It is stated that as on 31-3-1990 a total number of 932 proposals were received from Uttar Pradesh, out of which 653 were approved, 69 proposals were not approved,

184 proposals were rejected for non-furnishing of information, 15 proposals are pending and 11 proposals were withdrawn by the State Government. I think the figure of 3200 happens to be misinformation.

Shri Mohinder Singh Pal had mentioned that clearance of roads, telephone rail lines for Birla factory was not given. If the State Government can give proposals in the proper format, this could be considered. Regarding railway line between Rampur and New Haldwani, an area of 122.7 hectares is require for diversion. Commissioner, Hill division, had sent this proposal directly to us and not through the State Government. We have requested him to route it in the normal logical manner which is through the State Government. The member also mentioned that a proposal for construction of Railway line is pending since 1971. Without going into issues with the member, I would like to mention that forest conservation Act came into being only 1980, In any case, the latest position on the subject has been stated by me.

Shri Lakshmi Narayan Pandey had mentioned about given forest villages to the people living in forest areas. He also mentioned that many projects were pending for five years. In this connection, I would like to mention that this proposal which the Hon'ble Member referred to was regarding Bodhghata Multipurpose Hydro Electric project in Bastar District. The position is that the State government has set up five study groups to consider environmental clearance at the State level. After their clearance, the case would be submitted to Central Government. At the moment, the case is still being studied by the State. It has not yet come to us. As soon as the proposal is received by us, we shall consider the same. The question of conversion of forest villages into revenue villages is being considered by the Govern-

ment. Regarding projects not being cleared for five years, I would request the Members to give the details so that the same can be checked up. Regarding saw mills, I would like to mention that we have issued instruction is to State Governments to regulate the licensing of saw mills in future so that indiscriminate setting of saw mills is avoided.

Shri K.D. Sultanpuri had mentioned about the construction of Raha Hotel at Simla. The matter will be referred to the State Government and there views solicited. I agree with the member that new factories should be set up only if adequate raw material is available. I also agree that more funds should be allocated to plantations specially in hill areas and we have been able to successfully get more funds in the overall forestry sector this year.

Sir, I am trying for Himalaya Greening Fund If that comes true, obviously the development of hill areas of our country can go a long way.

Shri Ram Chandra Dome mentioned that forest should be used for building modern society and alternative should be seen before utilising forest land. He also wanted that all pros and cons should be studied before amending the Forest Conservation Act. I thank the Member for supporting the present Act and would like to assure him that no hasty step will be taken which would dilute the provisions of the Forest Conservation Act.

Shri Cheddi Paswan mentioned that the Ganges is polluted with mud and there are floods in Bihar. Every year a lot of money is spent for this. As I mentioned earlier forest help in reducing the incidence of floods, drought, soil erosion etc., and it is only with this aim in view that we should conserve forests and not dilute the provisions of the present Act. You cannot on the one hand tell me to have less cost on forests and give it to

the developmental activity and on the other hand say that we should conserve the forests.

Shri Ramashray Prasad Singh mentioned that development projects should not be stopped as they increase the cost overrun. I would like to mention that if forest clearance is taken before starting the project, it would be much better rather than approaching for forest clearance at a later date. He also mentioned that the Ministers should sit down and work out a solution. This matter has already been discussed in the meeting of the Forest Ministers in May, 1989 when all issues regarding implementation of the Forest Policy and the Forest Conservation Act were thrashed out. We will have another meeting to review any lacunae in this regard. I am not clear about the case in which 8 years delay has occurred, as has been mentioned here. I would like the Member to let us know specific cases so that these could be enquired into. The Member also mentioned that people should be allowed to be settled on degraded forest land. Human settlement on forest land is a major cause of concerns for us and it would not be proper to use forest land for setting human beings. This is against the National Forest Policy. I only emphasise the fact that if you keep taking it away, we are going to observe that we will not be able to conserve anything. We may not be conserving it because it is beautiful, but because we have to settle human beings. And when you settle somebody, you don't get the trees, you don't get the water and what is point is providing this kind of India for our children? We have asked the State Governments that they should earmark sufficient revenue land for the purpose.

Shri Piyush Tiraky mentioned that advisories were not consulted while declaring any area as reserve forest and while passing the Forest Conservation Act. As he is aware, a due notice is given when an area is declared as reserve forest and the rights of the people

living in these areas are determined as part of the settlement procedure. Regarding Forest Conservation Act, I would like to say that when the Act was passed by the Parliament, representatives of all sections of society were present. Regarding harassment of tribals for taking firewood, I would like to mention that our policy, is, and the previous Government's policy has been and for that matter every Government policy has been, that the traditional rights of the tribals are respected and no harassment is given to them while they enjoy those rights.

Shri Uttam Rathod mentioned about the cooperative societies who were given land by Government and are being deprived of their land. I would again request the member to give a specific case, as such instances have not come to our notice.

Shri Prahlad Patel mentioned that the system of afforestation is not good and teak is planted which is not good environment. No form of monoculture whether teak or anything you collect, is good. You cannot think of monoculture, no monoculture is good. There has not be a mixture of trees for natural forests to grow.

Shri Pratap Singh mentioned that only those trees should be planted which can give sustenance to men and animals all the year round. I agree with him and we are laying emphasis on plantation of species which are indigenous to the locality and which help the people in their day-to-day life.

Shri Narasimha Reddy pointed out that the left bank of Nagarjunasagar dam comprising an area of 150 acres is under forests and because of this, more than 1.00 lakh acres of land cannot be irrigated. In this connection, I would like to mention that we received only five proposals for construction of canal involving forest areas which were cleared in October, 1988. We are not aware of any other difficulties which the State

[*Shrimati Maneka Gandhi*]

also in it.

Government is facing in this regard. If the State Government forwards any other proposals, we would allow certainly consider them. Regarding Shriram Sagar project, three proposals have been received amounting to 171.98 hectares of forest land. The same has been referred to the State Government seeking some clarifications. Regarding widening of national Highway No. 7 in Adilabad areas, the proposal has not been received from the State government. It will be considered as soon as it is received. I agree with the Member that mango trees which were planted on forest land should not have been cut off on the plea of their being unauthorised. In fact, I would like to mention something here. Yesterday, we all sat together and reviewed the Forest Policy. This year, we are thinking of giving the users the right to enjoy the fruits. I cannot plant on the wasteland area. Therefore, the NGOs do not come forward to plant because there is no land.

SHRI K.S. RAO (Machilipatnam): Are you going to give free pattas?

SHRIMATI MANEKA GANDHI: No, it is not free pattas. The land will continue to belong to the Forest Department. But if you plant the tree, you are entitled to the fruits, leaves and everything. This is a new policy which has been formulated.

SHRI RAGHAVJI (Vidisha): A person who is planting a tree is entitled to the fruit only and not to the tree.

SHRIMATI MANEKA GANDHI: No, he is entitled to the tree also when it is matured. Otherwise, you will have only unplanted Eucalyptus plantations. They can plant the trees which are approved by the Forest Department and do farm forestry.

SHRI K.S. RAO: You can add fruit trees

SHRIMATI MANEKA GANDHI: The emphasis is on fruit trees. When it is matured after 10 or 20 years depending on the tree, the Forest Department is entitled to the timber as well. But in the interim period, nobody can cut it.

SHRI K.S. RAO: It is the Government that had cut 3,000 trees in Andhra Pradesh.

SHRIMATI MANEKA GANDHI: Based on your complaint, this is being looked into.

SHRISONTOSH MOHANDEV (Tripura West): To what category does the pineapple tree belong to?

SHRIMATI MANEKA GANDHI: I think it is a shrub, but I do not know to what category it belongs. I think it is a low-lying tree.

Shri Prem Kumar Dhumal mentioned about the problem of pollution due to Punjab National Fertilizers and Punjab Alkalies. I would like to mention to him that the attention of the State Government has been drawn to the points raised by the Member and their response is awaited. WE are continuously pursuing with them on this matter.

Shri Nand Kumar Sahay had mentioned about filming for extension activities. The Ministry is supporting making of films on afforestation, wildlife, environment etc. and even financial assistance is given in some cases.

Shri Tej Narain Singh had mentioned that trees are cut for development purposes. I would like to mention again that growth of trees and letting them remain green and providing green cover is also a form of development. It would be wrong to transfer the forest land to tribals as suggested by Shri Singh. However, their rights would be protected.

Shri Ramakrishna Yadav mentioned that the fault is not in the Act but in the implementation machinery. The reason for the Act remaining on paper is that we do not have enough funds to carry them out. But we have issued guidelines from time to time to see that the Act is more relevant to our country. The latest suggestion given by the Ministry is that we have ensured more and more participation of the people for better implementation of the Act. Regarding Shri Tombi Singh's contention about afforestation, I would like to assure him that this ministry has taken afforestation very seriously and we have taken several steps in the National Wasteland Development Board which will show results in a year or so. I greatly appreciate his intention to plant more and more trees. I would like more people like him to realise the importance of forests and actively help us in planting more trees in their constituencies.

In view of the clarifications given by me, I would request the Members not to press with the proposed amendment and request Shri Mahaleji to withdraw his proposal. I can assure the House that speedier action would be taken by the Ministry in regard to disposal of Forest Conservation cases and other related matters. (*Interruptions*)

SHRI K.S. RAO: While giving free *patas* to the people without giving the right of land and leaving it to the forest Department, there is a problem of implementation. As you were telling, will you kindly take steps for effective implementation? Will you pass on this policy decision immediately to the concerned Departments and the State Governments so that they can allocate the plots where bushes are there?

SHRIMATI MANEKA GANDHI: Actually, it comes under the National Wasteland Development Board. Yesterday, we had a meeting of all the NGOs. The policy is being worked out and formulated. As soon as it has been finalised, I would certainly send to the

State Governments. Actual implementation is at the State level. Now that the new policy guidelines are there, the State Governments can implement them.

MR. CHAIRMAN: Already the time allotted for this Bill is over. If the House feels, we can extend the time till Shri Haribhau Mahale completes his reply.

SEVERAL HON. MEMBERS: Yes, Sir.

[*Translation*]

SHRI HARIBHAU SHANKAR MAHALE (*Malegaon*): Mr. Chairman, Sir, I was surprised to listen to the hon. Minister that it is nothing but a creation of our imagination. In fact it is the creation of the officers. I have said earlier also that these people are just harping about environment. They are not fully aware of their irrigation system in our country. I would like to cite an example of Maharashtra. 12 percent of the total land is under irrigation out of which 6 percent is managed by the farmers on their own and the other 6 percent is looked after by the Government. Now, I would like to ask the hon. Minister, through you, the total number of trees that have been planted by the farmers? You talk of protecting the forests but merely talking would not serve the purpose. In Maharashtra, alone one official used to head the forest department, when 33 per cent of the area was under forests but now when the number of officials looking after this department has gone up to seven, ironically the forests have reduced to mere 8 per cent. I want to know why these forest laws were formulated in such a manner that it became an easy job for the corrupt officials to twist them. One cannot ignore how these officials throw dust into our eyes.

I would like to raise one more point. Recently the portrait of the great Constitution maker was installed in the Central Hall. These days we are watching the serial

[Sh. Haribhau Shankar Mahale]

'Mahabharata' on TV and Kauravas have refused to give even one inch land to the Pandavas. How do you think would this Act serve the interests of the tribals whose total population is five crores and they face a large number of problem in their day-to-day life. besides there is dispute about forest land. I have already said that I am a lover of trees and I prefer plantation of more and more trees rather the irrigation facilities in my district. We must realise the significance of forests because these play a vital role in creating good environment. But this forest Act would be a hurdle in it.

In 1962, Shri Yashwantrao Chavan enacted the Zila Parishad Act in Maharashtra which created red-tapism as it provided for ten or more than ten villages to be handled by a single secretary. It was obvious to happen. Therefore, I insist that provision should be made to settle the dispute about 5 to 10 acres of forest land should be considered at a higher level say at the Minister's level. It is a good thing that you have full confidence in all your officials but at the same time we must be a little practical also. The Government of Maharashtra has openly criticised your policy on this and they have outrightly refused to send any cases to you for consideration. Therefore, my suggestion to you is that those cases which do not involve big stretches of land should be dealt with some leniency. But this does not imply that I am criticising your policy to protect the forest from being destroyed. My second demand is that you should specify certain time limit to dispose off the cases. I have come to know that some cases are pending with your Ministry for the last ten to twelve years and no decision has been taken so far regarding those pending cases. Even if reply is sent it is in negative. Although I am a member of Janata Dal but I feel that it is my utmost duty to speak for those people who have sent me to the House with some expect-

tations. Therefore, I would like to request the hon. Minister through you, to reconsider his decisions and bring such a Bill in the Parliament which is in the wider interests of the public. I am ready to withdraw my Bill, but you should give me some assurance first.

[*English*]

SHRIMATI MANEKA GANDHI: He has asked me to clear it in three months. I have already said that I will clear it in six weeks. He said that 10 acres have to come to the Government. In fact, 10 hectares have come to us.

SHRI UTTAM RATHOD: I would like to know that is the plant population you expect per hectare.

SHRIMATI MANEKA GANDHI: I will look into it and give it to you.

MR. CHAIRMAN: Does the hon. member have the leave of the House to withdraw his Bill?

SEVERAL HON. MEMBERS: Yes.

[*Translation*]

SHRI HARIBHAUSHANKAR MAHALE: Although I wanted to seek a few more clarifications but now I withdraw my Bill.

16.54 hrs.

YOUTH BILLS

[*English*]

SHRI HANNAN MOLLAH (Uluberia): Sir, I beg to move:

"That the Bill to provide for a comprehensive policy for the development of