

[Sh. Somnath Rath]

ment of India to provide suitable employment to the displaced persons in Orissa.

11.25 hrs.

FOREST (CONSERVATION) AMENDMENT BILL —Contd.

[English]

MR. SPEAKER: Now we take up further consideration of the following motion moved by Shri Z.R. Ansari, on the 7th December, 1988, namely:—

"That the Bill to amend the Forest (Conservation) Act, 1980, as passed by Rajya Sabha, be taken into consideration."

Shri Shantaram Naik.

SHRISHANTARAM NAIK (Panaji): Mr. Speaker, Sir, I stand here to support very strongly the Forest (Conservation) Amendment Bill, 1988. In fact, the object of the Bill, although it is very limited, yet in a way it seeks to cure some of the omissions which were contained in the main Act, namely, the Forest (Conservation) Act, 1980. In fact, I would have been happy, as I had suggested earlier in this House, if the Forest Act 1927 and the Forest Act 1980 were amalgamated and merged into one forest legislation, because, absolutely there is no need for two piecemeal legislations.

1 .25 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Even when the Forest Act, 1980 was enacted, it ought to have been enacted as an amendment to the Forest Act, 1927. If you see the Forest Act, it will be found that it is an

age-old Act, and requires a thorough amendment. No doubt, the lacunae which that Act contains have been cured by the 1980 Act, it is true and somehow we are trying to conserve and protect our forests by the 1980 Act. But if an overall review of the 1927 Act was taken and one consolidated place of legislation on forests was enacted, I think from the point of view of procedure it would have been very ideal.

I will take you to one clause here in the present Bill. For, two non-forest purposes are sought to be added here. It says, "that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority." Now, by way of lease if you have assigned, it will be covered under non-forest purposes. What will happen in case you give by way of licence. You may say that licence may come under the word "otherwise", "lease or otherwise". If a person assigns by way of licence, because you have said here by way of lease or otherwise, so, it may mean that licence is covered under the word "otherwise". But it is not so, because under licence you do not assign. Property is not assigned to a person. Therefore, licence goes scot-free and is not covered under this clause. Kindly examine this aspect. Because "any forest land or any portion thereof may be assigned by way of lease or otherwise." first thing is that you have to assign and in the licence provided for here, you do not assign any property. Therefore, this aspect, I would like to be got checked so that the lacuna does not remain.

Secondly, our ideal is for having 33 per cent of forests. Today some say it is 19 per cent of land is under forest area, whereas some say that it is below 10 per cent. What is the figure, in fact, as of today according to the Government of India, may also be revealed and the House may be taken into confidence. What is the forest coverage which exists today? Is it 19 per cent or below 10 per cent And if it is below 10 per cent, what are we going to do, to achieve the objective of 33 per cent.

Sir, you will have to give a fresh look at the Constitution machinery with respect to Forest Act and Forest Conservation Act 1980. Basically whenever offences are being committed, it is the State Prosecution machinery which deals with the matter and if the State Prosecution Machinery with respect to forest is not effective, then whatever legislation we may pass, whatever ideals we may keep before us—simply because a small public prosecutor or an investigating police officer does not do his job properly, the entire objective with respect to forest and forest policy will be washed away. Apparently this may look to be a minor matter, but I would like you to consider this aspect and issue guidelines to the State Governments to strengthen the machinery with respect to prosecutions.

Sir, muddemals are being attached in case of forest offences, where the muddemal goes ultimately, what happens to them, whether it is preserved in a proper manner and whether the actual muddemal which is obtained at a site is duly attached these are the aspects you will have to look into.

Sir, we are on the threshold of a Bill on electoral reforms. I have gone through the Bill which has been introduced just now and which deals with the disqualification of candidates who are entitled to contest elections in the Assembly or in the Parliament. Sir, offence is under various Acts—if they are committed and a person is imprisoned to six months, say for Food adulteration, rape, dowry, and so many other economic offences i.e. if any person is convicted for those offences for six months, he will be disqualified. Now, in this I would earnestly appeal to you to take the matter with the Law Minister and say that those who commit offences under Forest Conservation Act, Indian Forest Act 1927 or any other law which deals with conservation, preservation and protection of environment, there also the candidate must incur disqualification.

Sir, we have got various preventive detention laws. As far as forest offences are concerned, no such preventive detention

law is there. I do not know by extension of National Security Act, whether it can be extended for the purpose of forest; we can only stretch that law for the purpose of forest and there is no direct Act. We have enacted detention law for various purposes say Excise and Customs offences, why not enact a preventive law for the purpose of forest offences?

An other clause I would like to draw your attention is this. As far as the punishment is concerned, Clause 3A says:

"Whoever contravenes or abets the contravention of any of the provisions of section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days".

Section 2 is for serious offence.

If somebody without permission puts something to use for non-forest purpose, that cause serious offence and punishment upto fifteen days has been provided for. That means, a court can even give a punishment up to one day. For serious offences, we do not have preventive law, which I am asking for. Even under the present law, there is no substantial punishment provided for and a punishment up to fifteen days has been provided. Kindly make this provision stringent. That is all.

PROF. N.G. RANGA (Guntur): I am sorry, my hon. friend, Mr. Naik, has suggested further provisions for imprisonment so far as the offences coming under this Act are concerned. I cannot agree with him. Even today with the kind of law that we have, forest officers are creating lot of trouble and there is so little control over them. It has been a constant complaint on the part of our kisans living in, around and very close to forests that these forest officers have been impinging upon freedom of our people. And in addition to that if we have such a suggestion for effective action, then we would be making the life of our kisans much more miserable. Actually there is a conflict between what is known as development and

[Prof. N.G. Ranga]

forest preservation. That question has been referred to by several of our speakers. I would like the Government to take a very serious view of this and then in consultation with the Departments interested in development, I would like them to chalk out new guidelines for the areas that must be provided for every factory and for every industrial concern. Today many of these factories demand too much of land and, therefore, some kind of consideration has got to be given to that point.

Secondly, I would like to pay my tribute to some of our historical personages. First comes Lord Buddha who preached respect for trees as well as all living beings. Then comes Mahatma Gandhi and then Indira Gandhi, who put in a very strong plea in Stockholm Conference for the protection of the mother earth and all the trees, wild animals and other animals that populate on this earth. Then I give my tribute to Mr. K.M. Muni who initiated what is known as *Van Mahotsava* which is being carried on all over the country with the help of the Government as well as public but not as effectively as it should be. And I hope, my hon. friend, the Minister Incharge of this Bill and also the Ministers at the State level will pay greater attention and provide more funds also in order to make this *Van Mahotsava* really a mass movement so that people's cooperation can be maximised in developing our forests and protecting them also. There are forests and forests—reserved forests and underserved forests. In regard to unreserved forests in South India we have tried to bring about some adjustment between the forest officials and the local population. Therefore, we organise what are known as forest panchayats. I have myself been responsible for organising this in hundreds in several districts in old Madras city i.e. present Madras and also Andhra Pradesh. And these panchayats have done really a good work. But at the same time, there is the danger that these panchayats also might turn out to be enemies of *Van Mahotsava* and then tree population. Therefore, we

must develop what is known as social forestry coupled with the need of the people for fuel and poorer people for employment in gathering fuel and making it available for the rest of the population. We also educate the people to see that wherever there are unreserved forests, they should develop social forests with the cooperation of the Forest Department, the local self government institutions and the local social organisations also. Not much attention has been paid to this aspect of it in the rest of India. I would like my hon. friend and with the cooperation of the State Ministers to develop these social forests in the so-called unreserved forests. So far as the reserved forests themselves are concerned, who is the real enemy of these forests? The popular saying is that the Forest Officer is the real enemy because he is a law unto himself. When the contractors pay for felling and making use of ten trees, they allow them to cut down twelve or fifteen trees and distribute the money between themselves. Therefore, there is need to control these Forest Officers and to control the corruption involved in this kind of process. How to do it is a big problem, very difficult indeed. All these years, for generations, Government has not been able to find a suitable solution. Our forest Panchayats are not enough to do this work because they themselves also are sometimes interested in playing mischief with our tree population. So, some thought has got to be given to devise ways and means by which Forest Officers are controlled and corruption also is minimised. I do not think it can be eliminated but it should at least be minimised to the greatest possible extent.

Then, Sir, we have to renovate the old idea of *Van Mahotsav*, that is *Van Bhojan*. In every village, they used to have Topes, that is, the tradition of developing social forestry as Topes is the buddhist fashion so that people can go there and have their festivals for their marriages and other celebrations. Now that side of it has also got to be developed and it has got to be renovated.

Finally, we cannot forget the interest of the poor people and their need for fuel. Until

Government has got to make haste in order to provide alternative means and ways to help them in regard to fuel, if it is not fuel through wood, sticks and like that, then some other kind of fuel has got to be devised and developed and made available to our poorer folk. How, to what extent and in what manner, that has got to be studied in great detail. I hope there is some such Section in the Forest Ministry which will pay some attention to this also.

In short, I would once again repeat that our Minister should try to emulate the example of Mr. Munshi and then keep in mind Buddha and help the Forest Officers some how or other to manage to develop a feeling of worship and sensitivity towards trees and consider the destruction of trees to be a sin.

SHRI D.B. PATIL(Kolaba): Mr. Deputy Speaker, Sir, the present Bill is proposed to amend the original Bill of 1980. The aim of the original Bill of 1980 was very praiseworthy—to give protection for afforestation and make provisions against deforestation. The present conditions in our country, as far as afforestation is concerned, are very alarming, in spite of the fact that afforestation is being encouraged by various means, such as, social forestry and other means also. But still it is a very sad experience that the forests are being destroyed on a very large scale not by the villagers because they want some firewood but because of the contractors who are all to cut the trees in certain parts of the forest. With the connivance and with the help of the officers, the contractors who are given a certain piece of land for cutting or felling of trees, cut and fell the trees in the adjoining lands, in the adjoining forests also and thereby the destruction of the forests is done on a very large scale. It has been our experience that this practice by the contractors is not stopped in spite of the fact that it is done on a very large scale. So, I would like to draw the attention of the hon. Minister to this particular aspect for taking action against such people who indulge in destruction of forests.

We have also the experience at least in

our area that fire is set to forests purposely so that after the trees are burnt they can be felled, as there is no provision under the law to stop felling the trees after they are burnt. This has been going on for a long time and there is thus large-scale destruction of forests in many areas of the country and this matter should be looked into.

Sir, many of the speakers have already mentioned that this law has caused many hardships to the villagers and to the Adivasis residing in the forest area. The villagers require firewood for fuel, so they cut some branches and shrubs and for that they are harassed by the forest guards and other agents. Till a provision is made for firewood to the villagers, this harassment will go on. So, I would like to request the hon. Minister to look into this matter and make provision for that.

Sir, because of the present provisions of the law many of the public utility works such as minor irrigation, drinking water schemes, construction of roads and laying of electric lines are being delayed because the State Governments have to seek the permission of the Central Government for using the forest land for non-forest purposes as I have mentioned just now. Because of the delays, the public utility works are not being carried out, thereby people suffer a lot and in that way the purpose of the Act is being defeated:

In many cases it has been observed that the land has been reclaimed as forest land or reserve forest in the revenue records, but actually there are no trees at all or there are very few trees and it is described as a reserve forest. That land is not being made available for public utility works such as construction of roads, laying electric lines etc. only because they are described as reserve forests in the revenue records. So, I would request the hon. Minister to look into this.

In the end, I would request the hon. Minister to see that forest land required for minor irrigation, drinking water schemes,

[Sh. D.B. Pati]

road construction, laying of electric lines and such other works is acquired without delay.

With these words, I thank you very much.

[*Translation*]

DR. PRABHAT KUMAR MISHRA (Janjgir): Mr. Deputy-Speaker Sir, I rise to support the Forest (Conservation) Amendment Bill, 1988. Forests are important for our present and our future. With the help of certain statistics I shall describe the role played by forests in our lives. One hectare of forests clean carbon di-oxide from 180 lakh cubic foot of air every year. This shows that we are mercilessly cutting down the forests which is life saving source which provides us air to breathe. The country should have forests on 33% of its land. However only 12% of the country's land is under forests today. Felling of trees is being done on 13 lakh hectares of land. From this we can imagine that by destroying trees we are actually moving towards ruining our own lives. It is regrettable that we are playing with our future in this manner.

Every year laws are enacted on the subject. This is a state subject, but the State Governments are not paying due attention towards it. I, therefore, request the inclusion of forests and allied subjects in the union list. As has been alleged by Shri Ranga and the hon. Member, who spoke before me and I also know a case when cutting of a teak tree in Akaltara in district Bilaspur was brought to the notice of the forest officials and the police by the legislator of the area, both passed on the buck to each other. After this, the legislator of the area alongwith his men duly equipped with searchlights and armed with rifles went to the jungles and made them run from the site. Due to the covert involvement of the official the case could not be decided till today. I do not agree to the view that felling of trees is being done for the sake of development worked because denudation of forests is not attributable to development activi-

ties such as building of dams, construction of roads and industrialisation but it is due to our negligence and involvement of the officials. The hon. Minister should take note of the high price of teak wood in Delhi brought from all parts of the country for sale here. This wood is brought here by felling trees clandestinely in connivance with the officials, traders and publicmen. This needs to be checked as denudation of forests has many harmful effects on our environment about which I would like to say something.

Nature takes 400 years to produce one centimeter of top soil. In India, every year as much as 700 crore tonnes of top soil gets washed away due to largescale felling of trees, there by causing great harm to the fertility of land. It is a matter of great concern that in the times to come, this erosion of soil will adversely affect fertility of land and thereby agricultural productivity. Even in the Himalayas region, one-fourth of which is forests, approximately all the forest reserves have been destroyed upto the height of 200 metres. In the absence of forests, we can well imagine the quality of life in the offing because forests are vital for the survival of mankind.

Mr. Deputy Speaker, Sir, you will be astonished to know that due to the largescale felling of trees nearly 15000 species of plants and medicinal herbs are on the verge of extinction. So I would like to impress upon that if that gravity of the situation is not realised now and the remedial measures are not taken this will lead to a very alarming situation for which not only India but the whole world is concerned I am surprised when I hear urban people talking to visit forests such as Kanha and Kesari forest reserves for sight seeing. Is it not amazing when the people of India which is considered to be the land of forests talk in terms of seeing forests. For this, both the officials and the contractors engaged in cutting of trees in the forests are responsible, because the latter when authorised to cut 15 firewood trees, he cuts hundreds of timber trees. Similarly, number of ferocious animals in the jungles has been reduced due to poaching,

as a result of which people do not fear in entering into forests. This is yet another reason for felling for trees. Most of the public sector units like the coal mines and the power plants such as N.T.P.C. are located in the vicinity of the jungles. When coal is dug out from mines, it leaves behind deep ditches and a vast track of land full of water making man made lakes. So I request to cover up these ditches and plant trees over them so as to make good the loss of trees in the area. I would like to refer the case of A.C.C.L. which was also raised under Rule 377 in the House. That for the last three years, funds are being released to the Bilaspur Authority for afforestation programme. In stead of doing afforestation, it has posted a gardener one each at the residence of all the officers and by resorting to such method it utilise, the money allocated to the Authority. It would be most unfortunate if afforestation is done like this fashion. Therefore, I emphasise the need to pay special attention towards afforestation to protect the forests in which the public sector has also got an important role to play. In this context, I would like to specially raise the issue of coal mines, which have got an important role to play in this task. In the development works, the forests do not create any obstacles, so we should allow unrestricted afforestation. There is also the need to evolve a substitute for wood for furniture purposes otherwise felling of trees will go on continuing unabated. In our country, many substitutes of wood such as aluminium for manufacturing furniture are available, so all the encouragement should be given to increase their use, in order to reduce the use of wood. As long as restrictions are not imposed on setting up saw mills in the remote areas, the villages and the jungles the cutting of trees will go on unchecked. What is done is this that wood is transported without any hindrances in trucks and matadors in the areas where it is difficult to transport the whole trees. This also results in damages to the forests.

Therefore, I request the need to give maximum protection to the forests in view of the ecological conditions prevailing, danger

to the forests and fertility of the land, future of the country and the wealth of the nation.

I think you for giving me the time to speak on the subject.

[English]

SHRI UTTAM RATHOD (Hingoli): After having seen the implementation of the Forest Conservation Act, 1980 which unfortunately is supported and after having gone through the subsequent developments, I am reminded of a story written by Tolstoy.

That is, how much land does a man require. The Forest Department, especially after this 1980 Act, after taking land, is not so much after protecting the forest.

You have prohibited many things as non-forest trees. You have prohibited even some of the plants which have medicinal use. What are you going to do? What are you up to? This Act has made life miserable in some of the areas in Maharashtra.

I want to bring to your notice the fact that in Maharashtra the Revenue and Forest Departments are both clubbed together. During the Second World War, it was the Government which said, Grow more Food and under that Scheme, Government gave them land. These people are members of the regular cooperative societies. They are getting lands. But, now they are being deprived. What right have you? It is the man who is in forest, who is more careful about the forest.

I want to request the hon. Minister to have a second look at this Bill. The hon. Minister should not pass it just in haste. Not that I do not support it.

I am a life member of Bombay Natural History Society. I believe in conservation. But what do you mean by conservation? Are you in a position to afforest all the land in Maharashtra? In Maharashtra, we are under social forestry, not the regular Department of Forest. We are preparing a plan for social forestry. How many years will it take? Have

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you ever give a thought to that? Why not we give these lands to private people, small cultivators, to plant trees? Let them plant it. Even if it is forest land, if it is given to them, it will stop felling of trees. The silting problem of dams will also be reduced.

Our Government functions like an orchestra. Every instrument is playing its own tune. Here the Ministry of Forests wants to grab as much land as possible. They want to deprive the people and, at the same time, they are creating a hindrance in the way of irrigation by having bigger dams, and by creating siltage. Why don't you consult the Department of Irrigation? They have the greatest grudge. Bhakra-Nangal had been silted up to 40%. It is because you have kept it with you. Had you given it to small farmers or cultivators, they would have protected it.

12.00 hrs.

They would have put up bunds which you are not prepared to have. The Government is acting in a haste. They want to do something without realising the consequences. Even I did try to do something. In 1980, without envisaging the implications of this Act, it was done. I tried in my areas to do something. Land was allotted to the Adivasis by the Old Hyderabad State and also by the Government of Maharashtra. Thousands of such people were allotted lands. But, all those lands have been confiscated and the lands have been taken back. Does this amending Act confer any right? Why this thing should not have been left with the State Governments? From Maharashtra, there are 145 cases pending with the Ministry of Environment for clearance. When are you going to give us clearance? This matter should be expedited. The Government is bringing one amending bill after another. Why don't they give clearance and give us some protection? I want to bring it to the notice of the hon. Minister that in the tribal areas, you are not allowing us to lay electricity-lines, telephone-lines etc. In my area, the terrorists have misused the forest. They have intruded

into the thick forest. I have discussed this matter with the Forest Department. (Interruptions) The forest Department are not allowing the people to construct the road. Will you allow this to go on any longer? When I discussed the matter with the Forest Department, the Forest Department officers said that it was not possible for them to allow any land even for laying drinking-water pipelines.

What are the Government doing there? Do the Government want those Adivasis, those people who live in jungles to exist or not? Without giving them road-facilities, without giving them the provision of electricity, telephone etc., do you want to taken them to 21st century? Are they to remain as slaves? Should they be treated as slaves by you? Therefore, I request the hon. Minister to have a second look at the previous Act and also this Amending Bill. The hon. Minister can find that he is doing great injustice to the people who are in jungles. The Government do not want all the benefits of science and technology to reach such people. You are depriving them of such benefits. You have deprived them all these years. And, through this Bill, again you are going to deprive them further. Therefore, I request the hon. Minister to have a second look at this Bill and look at the implications of this Bill. I request the hon. Minister to come to my constituency and see what havoc he has caused to the people, the Adivasis who did not own land. They were given lands by the Old Hyderabad State and also by the Maharashtra State during their strike. But, now you are depriving them. As I said earlier, I would request the hon. Minister to have a second look and, if possible, do, something for those cultivators who have been allotted lands 15 or 20 years back. The lands are remaining idle because you don't have the finances for afforestation. I would request the hon. Minister not to keep the idle land with him. The Government should not keep the idle land unless and otherwise it is require for some particular purpose. If the cultivator is allotted land, the will put up bunds across to stop the soil erosion. I hope the hon. Minister will look into it.

Sir, I would like to bring to your notice, another important point. Here, some punishments have been suggested for the Forest Officers. I had discussed this with some of the Forest Department Officers. They said that it was impossible for them to work under this Act. If somebody does it and if he says that, it is with the connivance of the big officers, then he can be punished for a period of 15 days and he is bound to lose his service. You cannot expect one man to look after the whole forest the whole division under his control. Therefore, before you recommend all these punishments etc., please for heavens sake have a second look. We are with you. As a man from jungle, I am with you. I am interested in wildlife also. But the Government should not play havoc with those people who have been cultivating those lands for the last 15 or 20 years, who have taken loans from the regular cooperative society for the improvement of the land.

With these words, I conclude.

[Translation]

SHRI G. BHOOPATHY (Peddapali): Mr. Deputy Speaker, Sir, I support the present Amendment Bill and feel this Bill needs to be further amended. In the conservation of the forests lies the good of the country as well as good of the universe. Lakhs of hectares of the forest land is lying vacant in the country, neither single tree being planted nor the land being distributed among the poor and the landless. I would like to emphasise the need to conduct the survey of whole of the forest land in the country and if trees are not being planted on it, then the patta should be given to the poor and the landless. Keeping the land unutilised will neither encourage the afforestation nor the good of the poor. In view of the valuable suggestions given by the hon. Members here, instructions should be issued in this regard. The contractors operating in the forests ... (Interruptions)

THE DEPUTY MINISTER IN THE MINISTRY OF LABOUR AND DEPUTY MINISTER IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RADHA

KISHAN MALAVIYA): I am present in the House, then why are you interfering in the proceedings. (Interruptions)

SHRI G. BHOOPATHY: Does the hon. Minister know of the area of land under forests in the country? Mr. Deputy Speaker, Sir, the contractors and the forest guards incharge of protecting the forests, do not prevent the intruders from cutting wood. They apprehend the wood cutter only when they are about to start with the wood loaded on their carts and demand a pretty sum for release, otherwise they are threatened to take to the police station and to be fined five to ten times more the amount they demanded. This is their modus operandi. They do not stop wood cutter from cutting wood. In case some one express his incapability to pay the required amount, they say that they have to pass the share up to the D.F.O. and the Chief Conservator of forests levels. When such is the situation prevailing in the jungles, stringent laws should be enacted on the subject. Same punishment should be meted out for cutting trees as is given in case of killing of man. Then only the conservation of the forests, the protection of the country and the world will become possible. On this issue, I have some more suggestions to offer.

In my constituency, hamlets of 10 to 15 houses are found at the intervals of 20 miles deep in to the jungles, but their development has not taken place. The Government should construct approach roads and provide electricity there, and arrange funds for their development. For constructing roads in the area permission from the Central Government is to be obtained. Amelioration of the harijans and the girijans will be good for the forests, however the State Governments do not have the powers for the same. In obtaining permission for constructing roads and laying electricity lines it takes much time.

If these powers are delegated to the State Governments, then the development of the forests can take place with more rapid speed. In my constituency, there is a hillock. On top of top of the hillock, there is a pro-

[Sh. G. Bhoopathy]

posal to build a T.V. relay Centre, for which even a sum of Rs. 50 lakhs has been collected by us. When the work was to be started, the Forest Officer refused permission on the plea of the hillock being part of the forest land. It is difficult to plant trees on the rocky terrain of the hillock, on the top of which for constructing T.V. relay centre equipment has also been purchased. The agreement advanced for refused is this that permission has to be obtained from the Central Government by making a request in writing, which we have fulfilled. In obtaining permission, a lot of difficulties is faced, but if the powers are delegated to the State Governments for such minor things, then many poor people who reside in the forests will benefit. When the people living there want to use half of an acre or quarter of a acre of land for agricultural purpose, they are harassed by the contractors and the forest guards, though they neither cut the tree nor do harm to the forests. Forest officials impose fines on them. On payment of fine, they are granted permission for one year. Same treatment is again meted out after one year. In order to make provisions for the matters in the Bill, referred to above further amendments are required to be made. Enquiry should be made in the incidents of felling of trees. Provision should be made for awarding punishment to those indulged in cutting of trees as is awarded in case of killing of persons. With these words I conclude.

[English]

MR. DEPUTY SPEAKER: For this Bill we allotted two hours; but we have taken nearly six hours. If the House wants to extend the time further for this Bill, the House has to decide. How much more time can we extend further?

SHRI RADHA KISHAN MALAVIYA: Let us extend one hour.

MR. DEPUTY SPEAKER: What about the Members' list? It will not be possible to exhaust the list that I have within one hour. It

will take two-three hours. Can we extend by two hours?

SOME HON. MEMBERS: Yes Sir.

MR. DEPUTY SPEAKER: I think it is the sense of the House to extend by two hours for this Bill. But within this time the Members have to finish their speeches and the Minister's reply also. We cannot extend further for this Bill.

Shri Shanti Dhariwal to speak.

[Translation]

SHRI SHANTI DHARIWAL (Kota): Mr. Chairman, Sir, I welcome the Forest Conservation Amendment Bill. There was a provision to penalise those officials who defy laws, and now a provision to this effect has been incorporated in the Bill. For it, I congratulate the hon. Minister. He has also emphasised that the farmers should seek the permission of the Central Government for harvesting commercial crops. It would be a gross injustice with the farmers. Whether a farmer will have to seek the permission of Government if he wants to reap the crop of Eucalyptus trees after a period of five years. Even if he seeks it, he would have to wait for years to get such a permission, and the afforestation work will come to a deadhalt. So the matter requires reconsideration. In many states afforestation is proposed to be undertaken under NREP. But is it justified to take up all the items of construction work such as construction of a school buildings, road, hospitals etc. under this very programme of NREP. The Government should make a separate provision to deal with the matters of forests. We should consider this matter seriously. Afforestation should not be mixed up with the NREP, and separate funds should also be allocated for the purpose. So far as forest conservation is concerned, the Government should concentrate its full attention on it. Separate funds should be provided for other schemes like social forestry etc. For the successful and smooth implementation of social forestry scheme, there should be separate provision of staff and

officers. There are some villages and cities which have been there for last several years and have rich underground mineral deposits with no tree on their land but have been covered under forest land. Senior officers should be entrusted with the work of identification of that land which contains precious minerals and that of the residential one in every district and division. They should sit together with the concerned authorities to finalise the transfer of such land to them as had been hitherto covered under the land but had no trees on it and take over the mineral land from them so that the exploitation of minerals may be undertaken. There is a large area of mineral land in my constituency which has been hitherto covered under forest land, so minerals cannot be extracted from that land. I also urge upon the Government not to cover the mineral land without trees and the land falling in the ravines, under the forest land. Instead, the land on which they have already constructed houses should be released in order to get it allotted to the people and to extract minerals from it. It would add to the revenues of the Central Government and the state Government. Hence it should be given a serious thought. The funds allocated for the work of plantation, are not timely utilised by the concerned authorities and are misappropriated by them. But no action is taken against them. The provision made with this amendment in the Bill, should be strictly implemented. Afforestation should be taken up and promoted as a joint venture. One of the Members pointed out just now that use of wood should be strictly restricted. Wood can be replaced by aluminium and iron for the purpose of construction of frames of doors and windows for the houses to be constructed by the Housing Boards. Only then the forests' conservation would be possible. The policy in regard to the import of timber and plywood should also be liberalised. Otherwise the demand of these items cannot be met. Industries based on minor forest produce should be encouraged so that the farmers might plant maximum number of trees and get the remunerative prices. Besides this it

should also be provided that the large scale industries which get their raw-material from forests, will have their own captive plantation for obtaining raw material for their industries. It should be made binding on them so that they may put in their best to obtain the maximum from their plantation. As regards the allocation of funds for protection purposes, they are not yet adequate and that is the reason that the tribals residing in the adjoining areas of forest, find it difficult to manage their two square meals from their small pieces of land say one or two bighas of land and ultimately resort to the illegal felling of trees in order to make their both ends meet. In this regard I would like to suggest that a scheme similar to the Employment Guarantee Scheme implemented by Maharashtra Government, should be implemented in the tribal areas, especially in the adjoining areas of forests. If these people are assured to get employment, they might resist the temptation of illegal felling of forest trees and will be rather encouraged to conserve the forests of their own accord.

So far as the prices of forest raw-material are concerned, they were fixed decades back. These must be revised and increased according to the prevailing price situation. The hon. Minister may please see to it as to how a cultivator can feel spirited up when he does not get the remunerative prices for his produce. I also agree that incentives should be given to voluntary organisations and cooperatives to encourage them for their participation in forestry.

People residing in the adjoining areas of forests are solely dependent on forest wood for their fuel requirements. I would therefore urge upon the Government to provide them the facility of LPG connections on priority basis. It would enable us to check the illegal felling of forests as the cultivators will not have to depend on the forests for fuel.

With these words I thank you for giving me an opportunity to speak.

[English]

**DR. DIGVIJAY SINH (Surendranagar):** Mr. Deputy Speaker, Sir, I would like to address this House from two angles. One, of course, is directed to the Government and what it should do not only concerning the Amendment Bill but also generally as far as protection of forests is concerned. Secondly - more important - I would like to address myself to all other Member of Parliament. I expect every Member of Parliament to be as committed to conserving the forest wealth in his own constituency as he says and propounds on the floor of this House.

I have an experience of dichotomy of commitments. We say something here. When it comes to our constituents and our own voters, we say something else. How many of us have got the courage of conviction to stand up and say that here are 3, 000 illegal settlers in forest lands and we don't want all those votes but they must be out? How many of you have got that courage of conviction? I say this on behalf of the Parliamentary Environment Forum. It is very important. I think, the commitment that we parliamentarians have for the environment is at least there. But at the Legislative Assembly level, it is negligible. It is not there. How do we create that kind of political will - whichever political party we may belong to - to stand up for environment against short-term gains of getting votes for the next election or whatever it is. Therefore, my experience is that the State Governments pay a lip - sympathy only for environmental programmes and try to keep the Union Government cajoled and happy but never take any stern measures to see that the laws are implemented. Focussing attention only on the Amendment Bill, let me try to pay compliment. I do agree with a Member who said earlier as to why don't we amalgamate this Amendment Bill with the earlier forest conservation enactment and make it a part of that enactment. Perhaps, from the legal point of view, that is more logical. But as far as Amendment Bill is concerned, I am in full support of clauses 1, 2, 3A and 3B. But I have

an apprehension about 2(a) (iv) which reads:

"That any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation."

Let us hope that trees that have grown naturally, which may be a thousand species of trees, are not replaced by reafforestation with mono culture, because forest development is not mono-culture.

**THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI):** We have prohibited that.

**DR. DIGVIJAY SINH:** Very good. Now, I would like to make five general suggestions. One is that just as there are honorary Wild Life Wardens, we should also have Forest Life Wardens, who can act, coordinate and help the Department of Forest. I have also suggested that it is important to have district environment committees with a lot of authority given to them not only to plain environmental programmes, monitor them and create consciousness among the people, but also act as an agency which has certain authority to apprehend offenders. To that extent, unfortunately, no State Government has taken this proposal seriously, although it is a part of the 7th Five Year Plan. This should be certainly looked into and the State Governments given a fillip so that they set up such Committees which monitor at the district and grassroot level.

I have always been a great supporter of giving some sort of incentive to those who look after the forests; they may be forest guards, beat guards or even the Chief Conservator of Forests. But those who are involved at the grassroot level in the filed for protecting forests should have a little more incentive than what are given today. I do know that many State Governments have a system of giving up to five percent of the value of apprehended goods, which could be trees, grass or waterways which forest

produces. They give up to five percent by way of cash allowance to those who apprehend. So, it gives an incentive to the various forest staff to work. I also know that giving a little more incentive may prove otherwise because they themselves may start cutting trees and get more incentive. But certainly this is something which many States do not have. I think, we should work out a methodology in the same way as in the Police Department or the Customs Departments

SHRI K.H. RANGANATH (Chitradurga): Will you kindly yield for a minute? I have a small clarification, which I would like to make with regard to Clause 2(a) (iii). We have all along been shouting at the top of our voice that we will have to conserve forests, and in pursuance of that policy, how does this sub-clause is justified, which says:

"That any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government;"

In Karnataka, thousands and thousands of acres of land have been assigned to private companies, namely, Birla Companies and such other companies. And this clause gives ample powers for any Government to give land freely to all those people. In one breath you are saying that you will conserve forests and in another breath, you are giving such powers in this sub-clause. How do you reconcile this with your policy?

DR. DIGVIJAY SINH: Sir, I was talking about the incentives to be given to the forest staff.

SHRI K.H. RANGANATH: Especially, Sir, tomorrow the tea plantation men will come and say; then the rubber plantation men will come and say. There will be a misuse of power. In fact, it is high time the Government should withdraw this amendment.

DR. DIGVIJAY SINH: From my experience I can say that it is always productive to give some sort of financial incentive to those who are there to protect the forests. The system can be worked out in coordination with all the State Government.

I know for sure, Sir, that we talk of forests but I think the problem of the over-exploitation and destruction of our grassland and even grass within the forest land is something which is neglected and, therefore, I wish to say...

SHRI K.H. RANGANATH: Sir, the Hon. Minister was saying that many of the Members do not have the courage and conviction and all that. But how do you explain this as a Member of the House? We are not applying our minds at all. The Bill is before the House...

MR. DEPUTY SPEAKER: Mr. Sinh, you please continue.

DR. DIGVIJAY SINH: Let us be catalysts for the moment; let us be supportive. I know for certain - I am talking on the same subject of giving incentives - as far as grasslands are concerned, our grasslands are destroyed, especially in all the semi-arid areas of the country, due to over-grazing. Nothing grows there. Not only the grass has gone, the soil is gone and the seed is also gone. One of the most effective methods of protecting them is to have cattle pounds inside the forest area and let those cattle pounds be run and manned by the forest Department and if any illegal grazing is taking place in the cattle pounds the cattle should be impounded and the fine that is effected from them should be given to the forest staff. Then you see what happens. This will become a stringent measure to see that the illegal grazing does not take place and this way the grassland will be saved.

Sir, I would like to talk only on two points. One is the National Wasteland Development Board. The target is 5 million hectare. There is no real statistics to show as to how much has been the actual forest or the grassland

[Dr. Digvijay Singh]

Maybe it is a quarter of a million hectare or whatever it is; let us hope that it will go up to 5 million hectare. But I feel that there is no real coordination between the State Government, the Forest Department and the Wasteland Development Board. How many State Governments have set up Wasteland Development board to coordinate with their Forest Department? Without the setting up of the Wasteland Development Board by the State Government, how do you coordinate? Does the Forest Department of the State Government coordinate with the Central Wasteland Development Board? The policy may be there but there is no implementation. I think, far greater focusing need to be done in this field.

I shall close after talking about the subject which perhaps nobody else has spoken because I am more committed to Family Planning than the environmental planning. You cannot have forest conservation without the family planning. I am a person who have done a lot of research in the field of Optimum Human Carrying Capacity of a given area. When the population explodes, we know that there is poverty. Unfortunately, the need to grab the natural resources is there and it is growing. You still continue with a 2 percent growth rate of population. And this population growth is at the level of the society where people are living below the sustenance level. You think that you you can protect your forests or you can reclaim five million hectares of wasteland. It is impossible. Therefore, it is important that the Ministry of Health and Family Welfare and the Ministry of Forests and Wild Life have a close interaction and focus their attention on the subject of optimum human carrying capacity. Nobody has done it till now. But it has to be done. Thank you.

[*Translation*]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, I am grateful to you for giving me an opportunity to express my views on this issue. Most of the

Members in the House have expressed their views on the Forest Conservation Amendment Bill.

I feel that the Forest Conservation Bill was framed in 1980. I would like to know from the hon. Minister whether there was any need of introducing the Bill for amendment. I would also like to know the exact area of land covered by the forests in 1980 and also at present. Though a number of law have been framed but most of them remain unimplemented. Today, forests have been facing extinction. Forest officers are mainly responsible for this phenomenon. Forest coverage has been reduced to only 8.9 percent. As per national policy, the Government had agreed to maintain the forest coverage level at 33.3 percent. In short, we have failed in this field.

As you know, trees are closely associated with the life of man and they have got a great significance. In this country they have been worshipped since times immemorial. It would have been difficult for us to live without them. Trees provide not only wood and fruit but also give life giving oxygen and absorb the entire carbon-dioxide gas from the atmosphere. In spite of all this, in want of foresightedness, people are busy destroying trees for their immediate gains.

The most important fact is that deforestation has an adverse effect on the weather cycle and to a great extent is responsible also for floods and drought. More than 225 years ago, annual rainfall in cherapunji was more than one thousand inches. As per the available figure, this average slid down to 456 inches during the period 1939-1961 and now it stands at the level of less than 400 inches. Due to this, drought has hit some areas. Though from time to time laws have been framed to meet the challenge, yet these laws have been a source of accumulating huge wealth for a few people.

The Government had framed a number of laws for the welfare of farmers but they were exploited by the officers to their own advantage and resultantly these people

have become millionaires and billionaires. It has not benefitted the commonman. I would like to know why the Government has been unable to implement the Forest Conservation Act effectively. Those who destroy forests, are the main culprits. This law can be enforced against Adivasis who are used to earn their living by selling some wood taken from the forests. Of course they can be prevented to do so. But the Government has failed to prevent those people who are cutting trees worth lakhs and crores of rupees. At the time of enactment of this law, the people had expressed happiness as it contained a provision for punishment. But is there any law which do not have such a provision? If awarding of punishment can help us, then why forests are being destroyed? Therefore, we should give a serious thought to this matter as the laws which are being enacted, are not being implemented. Every year 10 - 12 lakh hectare forests are being cleared. What are its reasons? If we look into the reasons for destruction of forest wealth, we will find that forests are being cut for urbanisation, agriculture, setting up industries and for use as a fuel and fodder. I would like to suggest that trees should not be planted in the fertile land because it leads to losses and less production of foodgrains. But forests should be planted on the barren land. The Government had constituted a Board for this purpose but that is only on paper. Today the sons of big people are indulging in cutting trees and they are doing it in connivance with the Forest Officers. The people who have been arrested, belong to rich and politicians' families and cases have been filed against them. The biggest problem is against whom this law will be enforced. It is you who are to enforce this law and your own sons and daughters are indulging in this inlawful activity. Then how this law is to be enforced against them?

AN HON. MEMBER: Your son might also be there.

SHRI RAMASHRAY PRASAD SINGH: My son is in your service. If he indulges in such an activity, this law will be applicable to him also and then I would come to the

Minister and tell him that I am an M.P. and request him to get my son released who has been arrested.

Today the biggest problem is that corruption is rampant everywhere in the country. Unless corruption is removed totally or to a great extent, we will not be able to achieve any thing. It is not possible for you to remove corruption totally but you can contain it if you wish to do so. This can be done by taking stringent action against every person who is found guilty for cutting forests irrespective of the fact whether he is a son of a rich man or of a politician, but this is not possible to do so because if this is done, The Minister will have to leave that side and sit in this side. That is why I request you to encourage the poor and small farmers, who are anxious to plant trees in their fields by supplying saplings to them free of cost. In this way, we will be able to protect forests and also ensure development in the country. If the Gram Panchayats are made responsible and answerable for the forests which the Government has planted in the lands under them, then we will be able to ensure protection and development of our forests. With these words, I conclude.

SHRI GIRDHARI LAL VYAS (Bhilwara): Mr. Deputy Speaker, Sir, I support the Forest (Conservation) Amendment Bill, 1987 and want to quote from the first paragraph of the statement of Objects and Reasons:

[English]

"The forest Conservation Act, 1980 was enacted to provide for the conservation of forest by checking the indiscriminate diversion of forest land for non-forest purposes."

[Translation]

This Act was passed in 1980. I want to know as to how much land has been earmarked for afforestation after the commencement of this Act and in how much land forests have actually been planted so that the people could know whether the policy formulated for

[Sh. Girdhari Lal Vyas]

the conservation of forests is being implemented by the Government properly or not? In our country the area of land under forests is much less. It works out to be 8.9 percent whereas it should be 33%. Due to the increasing population, the percentage of forest land is going on decreasing in our country. I want to know as to what efforts Government have made to protect the existing forests? We have eliminated kings and emperors and also Jagirdari system. In those days of kings and emperors, forests used to be planted for hunting and not for the welfare and benefit of the poor. At that time there were 562 princely States in the country where there used to be big forests but during the last 40 years we have cleared all forests. There is a provision in the bill that action will be taken against the person who commits any offence under this Act. I want to know whether any action has been taken against those officers who have been violating this Act? Now a new provision is being made. It has been stated in the Statement of Objects and Reasons that a person who indulges in getting the forests cut, shall be punished.

[English]

And in Clause 3B you have mentioned:

"(1) Where any offence under this Act has been committed

(a) by any department of Government, the head of the Department; or

(b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority.."

[Translation]

Now you are enacting a new law for punishing officers against whom no action has been taken so far and who have destroyed forests worth crores of rupees. When all the forests have been destroyed, a

new law is being enacted. I want to tell you that there is a need to enact a more stringent law. I have doubts about this law which is being enacted now. It is mentioned there-

[English]

In Clause 3A you have mentioned thus, i.e. against marginal heading: "Penalty for contravention of the Provisions of the Act": "whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period which may extend to fifteen days".

[Translation]

Simple imprisonment and that too for fifteen days only. There is a saying in our region that if a person cuts one tree, it means that he has committed a murder of one person. So the punishment which is awarded in case of a murder, should be awarded to a person who indulges in cutting forests. Such a provision was there in India in old days. That is why there used to be big forests in our country. Originally no provision has been made for awarding punishment and now a provision for light punishment is being made, which is not going to make any effect. Will it be appropriate to award 15 days' imprisonment to an officer in connivance with whom lakhs of acres of forests have been cleared and will it be possible to protect forests thereby? Therefore, there is a need to make a suitable provision in this regard. So that forest officers cannot indulge in such a bungling in connivance with rich and big people. In response to a clarification sought by one of our colleagues, it has been stated that land will be allotted to big Agencies for social forestry. I have noticed that the land which has been allotted by the State Governments for this purpose, has been allotted to the big capitalists for afforestation. Do you know as to why those people want to plant trees and do farming? These big capitalists want to purchase land so that they could hide this black money by saying that this money has been earned through the produce from forests. So land should not be allotted to such people.

Instead of allotting land to the big capitalists like Birlas and Tatas, it should be allotted to the poor so that they are able to plant forests there. There is a need to make such arrangement in a systematic way in this regard.

I want to raise one more point. There is a provision under which permission of the Central Government has to be taken for every thing for which the people have to face a number of difficulties. Laws should no doubt be strict, but at the same time these should be reasonable also so that the people may not have to face any difficulties in respect thereof. If I plant trees in my land and if I feel the need to cut a tree, there should not be any provision for taking permission about it. If I have planted trees in 5-10 bighas of land and if I am in a need of money for the labour I have put there for which it is necessary to cut down a tree, I will have to take the permission of the Central Government. Now it is not known as to how much time the Central Government will take to grant that permission. Such restrictions are being imposed because you don't want that trees should be cut down. I want to tell you that you are not encouraging afforestation by making such provisions.

I thank you for the time given to me to speak and I conclude.

**SHRI BHARAT SINGH (Outer Delhi):**  
Mr. Deputy Speaker, Sir, I support the Forest (Conservation) Amendment Bill.

It is very necessary to plant trees but the extent of forests is decreasing day by day. A number of hon. Members have mentioned the reasons behind cutting of forests. I want to tell you that we have not been able to have that number of forests which we used to have earlier and its reason is that as many trees are not being planted as are being cut. I have seen in Mussorie that new trees in hilly areas have been planted in lines but not as many as have been cut. That is why the extent of forests is going on decreasing. I want to say that Gram Panchayats in Delhi should be directed by the Delhi Administration to plant trees in the land under their

jurisdiction. It is easy to plant trees but it is difficult to nurture them. It has been seen that 50 percent of trees planted in the land of the Horticulture Department or in other lands wither away because these are not protected from cold. These should be protected from cold at least for one year and there should be adequate means to water them because nurturing a tree is just like bringing up a child. It is not an ordinary thing. Farmers plant trees in their fields near tubewells because trees require a lot of care. What I mean to say is that whenever trees are planted, these should at least be protected from cold and there should be necessary means to water them. Trees can be planted along both sides of roads drains or wherever land is available.

When trees are planted on such places, someone must be engaged to water them. In this way, the poor will get employment and the trees will also grow. Trees are eaten away by cattle, so it is necessary to surround them with fence. This will be a good arrangement and will have a good effect on the atmosphere also. Under the 20 point programme, landless Harijans have been allotted plots of 120 yards in Delhi. At the time of making allotment they should be told that they would have to plant at least 5 trees either along their fields or wherever they think it proper. Such trees should be planted, as can be used in construction of houses. In villages, beams, girders and doors of houses are made of wood. The Delhi Administration should give free saplings, so that more and more trees are planted in rural areas.

Just now a reference has been made to the atmosphere. In Delhi, there are many such factories which emit a lot of smoke and thus pollute the atmosphere. I would like to suggest that trees should be planted in all the big factories. This responsibility of planting trees should be put on the factory owners and this work may be got done.

Basra village is situated in my constituency. There are good forests and tubewells are also installed there. Like this, there are

[Sh. Bharat Singh]

many other places where forests can be planted. More trees can be planted and protected by installing tubewells there.

It was mentioned here that coal producers cut trees. Coal is also essential. If coal is not mined in India then from where it will come? If it is imported from abroad, its price will increase. So the coal producers should be made responsible for planting 1000 trees for every 500 trees cut by them. In this way, we can have good environment and also produce coal.

There is Najafgarh drain in my area, which should have trees along both sides of it. The poor of that area should be given this work of planting trees along the drain so that they get employment and stop cutting down the trees secretly. Lakhs of trees can be planted in the land along both sides of the drain.

It is very easy to plant trees but very difficult to nurture them. These have to be nurtured like a child. Along both sides of roads and canals, trees should be planted by the Delhi Administration or by the Central Government. They should be guarded from the animals and should be watered properly. It should be seen that at least 50 percent of the trees planted every year are saved. Only 25 percent may die. But trees cannot be protect without care.

Farmers plant trees by themselves, because they know that they will get fruit and their oxen shade. It is better if fruit-bearing trees are planted. The wood of plum trees is useful and rosewood is used in making planks. The farmer should be instructed to plant five or more trees near his tubewell. Trees should also be planted on the plots allotted under the 20 point programme. Panchayats should be made responsible for planting trees on the land of Gram Sabhas. The Central Government should bear the expenditure incurred on planting trees, so that more trees can be planted to ensure a good environment.

[English]

SHRI PIYUS TIRAKY (Alipurduars): Mr. Deputy-Speaker Sir, the Bill which is brought here to maintain ecology of the country will not serve the purpose and the hon. Minister could have come with a more comprehensive Bill.

Sir, It is not clear here which is the cut-off year where we have to go back for afforestation. There must be some cut-off year. The hon. Minister should tell us which will be the cut-off year and where this Government wants to go back for afforestation in our country.

Sir, when you move in railways, you will notice that the hill and hillecks are getting barren; erosion is increasing and the ecology is getting disturbed. In Chota Nagpur there was a very beautiful plateau where the foreigners and the people of India were being attracted. The contractors who have no regard for the trees, are making profit and the poorer people who are living by the side of the forests or in the forests itself are being unnecessarily punished.

MR. DEPUTY-SPEAKER: You may continue after lunch.

13.00 hrs.

*The Lok Sabha adjourned for Lunch  
till Fourteen of the Clock*

*The Lok Sabha reassembled after  
lunch at four minutes past Fourteen of the  
Clock.*

[MR. DEPUTY SPEAKER *in the  
Chair*]

FOREST (CONSERVATION) AMEND  
MENT BILL—*CONTD.*

[English]

MR. DEPUTY SPEAKER: Shri Piyus Tiraky to continue his speech.

SHRI PIYUS TIRAKY: Sir, I was saying that the Minister himself has told us what is the total area which comes under Forest Department. No doubt some improvement has been made from 1970 to 1975. It was only 5, 55, 180 sq. kilometres which has become 6,42,041 sq. kilometres. This is the area under afforestation. But, Sir, there must be a cut-off year. We must put, for instance, 1930 as the cut-off year and we must start to reach that position immediately and involve all the people. Then it will be clear as to how far we have gone to destroy our forests in the country. The erosion of forests in the country has increased. Even the Himalayas we have not left, not to speak of small hillocks. I have already mentioned Chotanagpur plateau, Purvi Ghatt and Paschim Ghatt. All the hills are becoming barren day by day. There is indiscriminate cutting of trees for the purpose of bringing the land under cultivation. But much of the land, we have observed, is not useful for cultivation and it is getting barren and is becoming good for nothing. So, all this should come under survey and the Government should know exactly how many square kilometres these hillocks, hilly areas and wastelands are, where afforestation can be immediately developed.

Then we will come to know how much strength and energy we have to spend to develop afforestation. Then only we can say that we have some love for the forests and for the country.

We have fodder for the animals and food can be grown in that wasteland or in the hilly areas. We need fuel. Immediately we cannot change over to LPG, but we can immediately go in for fuel wood the trees of which have the rapid growth and they can be cut and replanted. Wherever re-plantation is not done, it should be done. In some States—you have got the figure—they are lacking in afforestation programme. So, the state Government should be asked to speed up the work of afforestation in their States.

About social forestry, you have allowed individual persons also including corporation, agency and other organisation. In the

same way, it is better to involve our children of various schools and colleges also because our children will begin to love forest trees by this. Even the primary school children can be included. The children of secondary schools and colleges in our country must be assigned some land so that they can put their energy for afforestation and they will be very happy to see that they have created this sort of forests which we are very much in need of. Thus we can get immediately afforestation in our country and the people will think that it is not the Government work, alone, but it is the duty of the people of the all walks of life including the students, women and children. So, this kind of revolutionary action should be taken to get rid of deforestation and create among the people the love for forests and love for animals. Thank you, Sir.

[*Translation*]

SHRI K.D. SULTANPURI (Simla): Mr. Deputy Speaker, Sir, I rise to support the Forest (Conservation) Amendment Bill, 1988. So far as this Amendment is concerned, the hon. Minister has made good provisions. This will ensure forest conservation. I would like to give a few suggestions. I represent Himachal Pradesh in this House, which is a hilly State, but in spite of that, there is total lack of adequate forests. In our State it is essential to have forests on 60 percent land. A large amount of erosion takes place due to the lack of forests, which adversely affects the people living in plains who have to face floods as a result thereof. As many of the hon. Members have suggested I would also like to submit that more and more forests should be planted and this responsibility should be entrusted to panchayats. In those days when some parts of Himachal Pradesh as Shimla, Kangra and Kulu were in Punjab, there was an Act, under which all the common land used to be the property of Gram Panchayats. But later, the Government took possession of that land by amending the Act. Some trees in that land were cut earlier and from 1977 to 1979, there was heavy cutting of trees, due to the decision taken by the Government to permit each

[Sh. K.D. Sultanpuri]

person of cutting 5 trees on his application. Thus a large number of trees were cut and heavy loss was done to the nation's wealth. I would like to give two-three suggestions to the hon. Minister about the Himalayan region. There is a large number of quarries of lime and other stones, from where slate and other stones are mined, but mining has been done on such a large scale that erosion is taking place in the hills which is adversely affecting the plains.

As you know that my area being hilly has to face severe cold. At present, the temperature in Shimla is below zero degree celcius and the upper parts are facing more severe cold. Residents have to burn coal or wood in order to protect themselves from cold and keep their houses warm. It is true that electrification has been done in all the villages of Himachal Pradesh. But if the Government of India reimburse the charges for the electricity used for keeping the rooms warm, only then trees will be saved from large scale cutting and thus forests protected. The hon. Minister of Petroleum Shri Brahma Dutt can solve this problem to a great extent by allotting gas agencies in our district. In the interior areas like Kinnaur, Lahaul, Spiti and Kaza Pangi, where there used to be not a single tree, some trees have, however, started coming up now. In order to save these trees it is necessary to supply gas to the residents by opening more and more gas agencies there. Officials of the Forest Department have been indulging in exaggeration and drawing rosy picture before us by showing unreal figures about the achievements made in planting trees during the last 40 years. Apples are cultivated in our region and apple trees are planted on barren land. I would like to submit that Tribals and Harijans living below the poverty line and having only 5 or 10 bighas of land, should be allotted more land for plantation, so that they can grow fruit-bearing trees and also enhance the forest wealth.

A large scale erosion is taking place in our rivers. Rivers in hilly areas have a large

amount of water, which flows down the hills. If plants are grown on both sides of these rivers, then soil erosion will stop and trees will also grow.

So far as the question of the officers is concerned it has been rightly said by Ranga Saheb, we should protect the forests in the same way the Budhists protected them. We call Gram Panchayats as the basis of democracy. As such the task of protecting the forest can become more easy if the posting of forest guard is made under the Gram Panchayats and they are held responsible for this. Plantation of trees in entire Panchayat area should be the sole responsibility of Gram Panchayats. Then only this work can be carried out well.

Mr. Deputy Speaker, Sir, I would also like to say that a survey should be made as to the number of trees to be planted in a fixed area. When asked about it in Shimla I was told that 1200 trees are planted. When I enquired as to how many days have been allotted to them under the I.R.D.P. They told me that they have been given 50,000 man-days and they will be able to complete the work within this period. When I wanted to know as to how many pitches a labourers digs in a day, the answer was that a labourer digs 30 pitches in the hilly area. If we multiply the figure by 30, we will come to know that it does not take that number of days as they claim. I, therefore, suggest that monitoring should be done properly. Wherever any irregularity is found, it should be set right soon. Sometimes forests are destroyed by sheer acts of negligence. Suppose that some one smokes a cigar or burns fire in the forest, it may cause heavy damage to our forest wealth. That is why I say that if at all the Government want to protect the hilly areas, it should be plant maximum number of trees there.

Mr. Deputy Speaker, Sir, due to denudation of forest the water flows swiftly and floods occur in our plain areas. This year the rains caused heavy losses, whether it is West Bengal, Uttar Pradesh or Punjab. It is mainly due to soil erosion. I do not at all

hesitate to say that when Rahat hotel was constructed in Shimla 25 trees, which were two to three hundred years old, were covered by its roof. It tells upon their growth. Besides the trees cannot watered and it will result in their destruction. When I enquired about it this time, I was told that all this was done under High Court Orders. In fact nothing of the sort should have been done. On the other hand the Shimla Municipal Corporation has enacted a law according to which people felling old trees will be penalised and punished, even then constructions of this type are taking place. I request the hon. Minister to hold an enquiry about it and find out the facts.

Mr. Deputy Speaker, Sir, the forest mafias in our area have looted the forests. Now special courts have been set up in Himachal Pradesh at the instance of the Chief Minister of the State to save the forests from such a loot. The hon. Prime Minister had gone to Una from where he went upto Shimla. I was accompanying him. He saw for himself how large scale damage was caused to plantation. If at all the Governments desires to make good this loss, it has to identify the areas in hectares to undertake forest plantation. If it is not done funds allocated under the N.R.E.P. and other such programmes will be misused. Our hon. Prime Minister has rightly said that out of Rs. 6 released from Delhi people corner Rs. 5/- . I therefore, request you to pay attention towards it. I request this Bill.

[English]

SHRI MANORANJAN BHAKTA (Andaman & Nicobar Islands): Mr. Deputy—Speaker, Sir, I rise to support this present Bill. I expected that a comprehensive Bill would be brought before this House so that the entire issue of environment, ecology and forest could be properly tackled. But this particular Bill has a very limited scope to discuss.—However, I must congratulate the hon. Minister that during the last two to three years, a qualitative change has taken place so far as forest conservation is concerned. In this connection, I would like to stress one

thing. Though the country is one, for the purposes of forest conservation, you cannot have one single yard—stick for the entire country. There are places where forest has been denuded, where mercilessly tress have been cut without any scientific process. There are areas where the forests are not properly preserved. In the case of Andaman & Nicobar Islands—my constituency—we claim 86 per cent is the forest area. But the Satellite pictures show that 91.7 per cent is the forest area. Therefore, you can imagine the way the forest has been preserved in that particular place.

Sir, it has been claimed that the country needs 33 per cent of forest area, whereas we have got, I think, 22 per cent or 18 per cent or physically for that matter 16 per cent. But the point which we have to consider is the area which protects the forests. That is the life—line. We know our job. You want to apply the same yard—stick. But, we are not in a position to provide the necessary amenities required for the human beings living in the Islands. This is very old. There are other areas which the hon. Minister has not touched. On the one hand, you want to punish the erring officials and on the other hand, you want to preserve and conserve the forest wealth. You are always taking some partisan attitude about the forest staff, those who are working as forest Guards and Foresters etc. in the jungles. They are crying for their pay revision and other matters. But the Government are not considering their problems. The Government do not want to attend to their problem. Always, those people are neglected. On the other hand, the Government have given them a lot of powers that they should do this and that. The point is that there is no correlation between the Government policies and its implementation. How are you going to implement your policies? Unless and until the agencies implementing the policies are properly looked after, if they are not satisfied, then you cannot achieve the goal.

The other point is about the denudation of forests. Why the forest is denuded? It is denuded because we require fuel and fod-

[Sh. Manoranjan Bhakta]

der; we require wood for the purpose of construction, etc. When you want to conserve the forests, what alternative arrangements you have made to provide the fuel and fodder, the wood requirement of the country? Unless you take care of all these things, whatever law and legislation we make here will not yield results and ultimately the people will be forced to break the law. These things will not be able to preserve the forest wealth. Therefore, unless and until simultaneous attempts are made by which these points are looked after, it will be very difficult to implement the policies of the Government. Therefore, I request the hon. Minister to look into these points.

Another important point is there. Prior to 1980, when the Forest Conservation Act came into being, there were certain commitments made by the Government. The Government allotted some lands in different areas, particularly in my constituency. Now what do you want to do? Now Government wants to go back on those commitments. It cannot be done so easily because prior to this Act coming into force, whatever commitments are there from the Government side, they have to be honoured, they have to be respected otherwise it will not be fair and it would be a matter of public litigation.

Then many of friends have mentioned here regarding clearance of some project. Ultimately, why are we going to preserve or conserve the forests? For the mankind, for the humanity, for the people. Without people, you cannot think of anything. So, all the legislations, all attempts are made to help people. Now, when there is a requirement of a road, you are not clearing that; when there is a requirement for a dam, you are not clearing that for irrigation purposes. In one of the villages in my constituency, that is, Bazatang, that area is having 96 per cent of forest and four per cent of land. And all the tribals of Chota Nagpur and people from Ranchi are settled there. And we are not in a position to provide them one House site to construct a house in that area. Every now and then people are crying and they are telling

that we are not doing anything, we are not giving them house sites.

Then there is a senior secondary school. School has no ground. Children cannot play there because is the name of conservation of forest, we are not in a position to do it. All these are, I feel, excesses and wherever public demands are there, their requirement have to be met. I request the Hon. Minister that all such cases which are pending should be immediately cleared so that it can be a people's movement. People should not think that the forest department is their enemy. People should think that it is their friend and it wants to help them in their needs. At the same time, we have to help the forest department to preserve the forest. It is for our own good. Until and unless this kind of an atmosphere is created, it will be very difficult to protect forest.

Another important point we have to remember is that forest is one of the important areas where lot of employment can be generated. When the entire country is suffering from the unemployment problem, forest can come in a big way to provide employment. There are number of self-styled environmentalists in this country. They want to write some articles in newspaper to show their importance. I have all my belief and trust in the Indian foresters that they can do wonders. Instead of the so-called environmentalists, the Indian foresters should be trusted and they should be given all the facilities required for this purpose. I think; they can achieve better results.

There is another issue of forest categorisation. There are reserved forests, protected forests, social forests and all that. But the basic thing is no forest boundary is available anywhere. All these are in the maps and, perhaps, imaginary boundaries. Secondly, in the case of reserved forests, there are certain prescribed formalities which have to be followed and these are the mandatory requirements. I know in my constituency, regarding issuing of notification, a mandatory requirement has not been

followed by the forest department and they simply issued the notification thereby causing lot of harassment to the general public. I think, some of these issues have to be attended to and then only you will be able to really do justice for the purpose for which you have brought this Bill. I support this Bill. Thank you.

**SHRI V. SOBHANADREESWARA RAO (Vijayawada):** Mr. Deputy Speaker Sir, I thank you for giving me an opportunity to speak on this important Amendment Bill. I am constrained to say that the Hon. Minister should have brought an Amendment Bill which reflects the views expressed by several Hon. Members during this discussion—not only now, even earlier during the discussion on the Demands as well as during the Consultative Committee meetings. Several Hon. Members have expressed their serious reservations about some of the rigid provisions of this Act, 1980.

In fact, as the speaker who preceded me said, actually the forest area should be a minimum 33% though the Forest Department's figures are 25% but the INSAT pictures show that the area is not more than 18%. Because of this steep fall and reduction in the forest area, several losses are occurring to our country.

In the normal monsoon period there is a lot of dislocation leading to very frequent floods and droughts. Also very rich top soil is eroded. An estimate says that nearly two thousand crores worth of top soil is eroded every year. Unfortunately this is all going into the reservoirs where the capacity of the reservoirs is getting reduced. So, the Government has realised the need to bring down this rate of deforestation.

In this connection I would like to say that earlier when we were depending on food import, the Government itself had permitted very large areas of forest to be reserved and given to small and marginal farmers belonging to weaker sections to raise additional food production and make the country

self-sufficient in food sector. Added to that, as everybody knows, there is rampant corruption in this Forest Department because the Forest area is beyond the scrutiny of a large number of people. All these factors have resulted in the reduction of the area. It is a good thing that the Government has recognised it.

Unfortunately the forest subject which was earlier in the State List had been brought into the Central List and the Forest Conservation Act 1980 has come. Now the rigid provisions of this Act is not only hampering the progress of this country—as my good friend has just now said how it is coming in the way of clearance of the irrigation projects and power projects which are all the more important for the human beings to prosper, survive and develop—but also it is coming in the way of reforestation also.

In the present Bill the definition of non-forest area is being expanded—for tea, coffee and rubber plantations. You are well aware that these plantations also have very large number of big trees under whose shade the tea plants grow. Also under these non-forest areas horticultural crops are included. I wonder how the officials have brought such an Amendment Bill as this. When there are very big mango trees, what do you mean? It is not almost equivalent to reforestation? In fact there are large areas which are degraded and denuded. In such areas if mango plants are grown, they will be there for decades while at the same time the poor people get the benefit out of its usufructus. They get the mango fruits, sell them and survive. But now you are excluding these mango plants and the horticultural crops also from the forest areas and you are including it in the non-forest areas.

**SHRI Z.R. ANSARI:** It is non-forestry purpose, not non-forest areas.

**SHRI V. SOBHANADREESWARA RAO:** Through this Amendment Bill you are expanding the scope of this non-forestry purpose.

SHRI Z.R. ANSARI: You were using the word non—forest areas. These plantations have been included for the non—forestry purpose. They will not be treated as forestry purpose.

SHRI V. SOBHANADREESWARA RAO: My submission is the horticultural crops, for example mango crops, also must be treated as forest areas. That is my submission. Another important item in this amending Bill is adding Clause IV to Section 2. In the original Act of 1980 it is clearly stated:

"For the purpose of this Section the non—forest purpose means breaking up or clearance of any forest land or part thereof for any purpose other than reafforestation."

Now even for reafforestation you are making it obligatory to take clearance and to take prior permission from the Central Government. If the State Government wants to reafforest a denuded or degraded area where there are no trees practically the State Government has to take prior permission from the Central Government. This is not correct in my opinion. After all this great task of reafforestation, that is, increasing the forest area by 5 million hectares per year as per the new forest policy the Union Government, as well as the State governments, zila parishads, panchayat samitis and gram panchayats must be involved and made partners in this effort. Only then you will be able to reach this target.

In fact, this reafforestation programme should be made a peoples' movement. In China in a very short period they were able to reafforest and increase the forest area several times. Then why should not our country also try in the same way? So I suggest that you withdraw this Bill and come forward with a comprehensive Bill whereby our noble object of increasing the forest area is duly taken care of while at the same time there should be ample opportunities for the State Governments also to permit taking up

of irrigation projects, power projects, roads or some other developmental works with which millions of people are very much concerned. The State Governments are taking steps to reafforest double the area as compensatory afforestation when land is required for a certain project. So Central Government should have no objection. Very very precious time is going waste in the process of clearance of these projects. I give you an example of my own constituency. There were eight major and minor canals under. Nagarjunasagar Left Canal System where merely 80 hectare of forest land—in which actually there is no forest—was involved but it took more than three years for its clearance. You were good enough to clear it only this October. Government has the objective that created irrigational potential should be utilised immediately and fully in the interest of the nation whereas here you are blocking the proposal whereby water is going waste. So I suggest that you withdraw this Bill and come forward with a comprehensive Bill keeping the interest of the public and the nation at heart. You also do not underestimate the part to be played by the State Governments. Here I may also add that you do not play a big brother's role in this matter and take the States also into confidence.

[*Translation*]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, a member of Parliament has been sitting on dharna since Yesterday to stress the demands of 6 crore peoples of Bihar. This is an important matter. The Hon. Member should take to him. It is necessary.

[*English*]

MR. DEPUTY SPEAKER : That is no point of order.

[*Translation*]

\*SHRI MANIKRAO HODLYA GAVIT(Nandurbar): Mr. Deputy Speaker, Sir, As I come from Maharashtra, I wish to

\*Translation of the speech originally delivered in Marathi.

speak in Marathi. I rise to support Forest Conservation (Amendment) Bill, 1988. Many hills in the country and especially in Maharashtra which had thick forests have become barren and totally denuded of forests on them. Plantation is taken up in an area of 500 to 1000 hectares in many divisions. It is difficult to have an estimate of how much forest land we have lost under the plantation programme. I visited Zambia and Zimbabwe as a member of Parliamentary Committee. There we saw plantation in lakhs of hectares of land and we found that the programme of plantation was really successful. I request the Government to take up programme of plantation in all the States of our country too on such a massive scale.

As we have lost much of our natural forest wealth in our country, we have to face natural calamities like drought and the first victims of it are the adivasis residing on forest land and non-adivasis in areas surrounding it. If the Central Government and the State Governments continued to neglect preservation of forests in this manner, I am afraid that adivasis living on forest land will be forced to starvation and many will have to migrate to cities in search of livelihood and I have an apprehension that they may not be allowed to live in cities by the urban dwellers. As I myself belong to adivasi region, I would like to request the Hon. Minister to make the provisions of this bill more stringent so that the interest of adivasis living on forest land will be fully protected.

I regret to point out that timber merchants and saw mill owners are exploiting poor adivasis by resorting to illegal felling of trees. But so far no forest officials have apprehended any culprit and brought him to book atleast in Maharashtra. Though there is a provision in law to seize bullock—carts, tractors and trucks carrying illegal wood, no such seizure has been done in Maharashtra and many culprits manage to escape scot free even though proceedings were initiated in courts. Many times court impose a fine of five rupees or ten rupees. The fine is too meagre to check the crime and is a mockery.

I request the Government to look into the matter and enhance the amount of fine substantially.

Lakhs of hectares of forest land has been encroached upon in Maharashtra. Opposition members and some organisations have incited adivasis to encroach upon the forest land. Some organisations in Dhule and Thane Districts applied in the name of adivasis and obtained stay order from Supreme Court in 1982, on forest land. But the Government of Maharashtra or the Central Government have not taken any steps to vacate that stay. Though I am corresponding with the Union Minister and Minister of State of Maharashtra on this issue for last so many years, it has not yielded any result. I have been told that since Government of Maharashtra is a party in this case, it should move in the matter and get the stay vacated.

Last year many opposition leaders from Bombay came to some places in Dhule district and incited adivasis to encroach upon the forest land told them that they were being evicted from where they used to stay. There were many agitations in that area over this issue.

Sir, I have said that as I represent this area I am well aware of their problems. For the livelihood of adivasis forests are necessary. Without forests they cannot live and earn their livelihood. If forest are not preserved in our country, adivasis will be forced to starvation and their livelihood will be next to impossible. Therefore, I request the Hon. Minister to look into this matter and get the stay vacated by the Supreme Court. Though Government of Maharashtra is a party in this case, it should make efforts get to stay vacated since this is a question of survival of adivasis, Chief Minister of Maharashtra Shri Sharad Pawar assured me early this year that he would take steps to get the stay vacated as early as possible. Forests is our national wealth and those who destroy it should be treated as traitors of this country and should be dealt with severely by making provisions of this amending bill more stringent. Especially those timber merchants

[Sh. Manikrao Hodlya Gavit]

and saw mill owners who exploit adivasis by resorting to illegal felling of trees and who have amassed huge illegal wealth must be severely punished. Forest officials have proved totally incompetent to take any action against them. Though I do not want to make any allegation against anybody, it is a common knowledge that forest officials receive huge amount of bribe from timber merchants and saw mill owners and therefore do not take any action against them and check illegal felling of trees. I want to know how many such corrupt forest officials have been prosecuted, suspended or dismissed. I demand that such corrupt officials acting in connivance with timber contractors and saw mill owners should be immediately dismissed and imprisoned.

Sir, as I come from this area wanted to discuss this problem in detail. But since you are ringing the bell, I once again support this bill and request the Hon. Minister to take steps to get the stay vacated. I thank you for giving me an opportunity to speak in Marathi.

SHRI CHINTAMANI JENA (Balasore):  
Mr Deputy—Speaker, Sir, I am very grateful to you for allowing me to participate in this important debate. While supporting this amending Bill, I would like to mention only two or three points on this issue.

The threat to tropical forests is a world-wide phenomenon. Every year eleven million hectares of tropical forests which is larger than Australia are being destroyed. This is a great threat to the human beings all over the world not only in our country. Our country being a tropical country, we are also in the same footing. So, we should be very very cautious on this issue. Besides, ours is a developing country. So, while we should try to preserve forests and enhance them, similarly other developmental activities need not be stopped. We should also look to that aspect.

Any disturbance to the forests would lead to soil erosion even in hilly and rocky

areas. So, this aspect should also be considered by the Government, specially our hon. Minister who is very keen in this respect. Our hon. Prime Minister, Shri Rajiv Gandhi, is very keen and interested in the forests and so was late Shrimati Indira Gandhi. Our environmental system should not be disturbed by deforestation or any kind of pollution in the air.

In this connection, I would like to quote a few lines from the United Nations Environment Programme Annual Report:

"Nowhere is the interdependence of humanity more clearly demonstrated than in delicate balances of the atmosphere around our planet. Riding winds are floating up to the stratosphere; pollution knows no frontiers. It falls as acid rain killing lakes and forests, it disrupts the intricate chemistry of the ozone layer which protects life on earth from the ultra-violet rays of the sun, it is changing the climate..."

Sir, we should preserve our environment and our neighbouring countries should go in for what the Union Nations Environment Programme Committee has suggested. Not only our country but countries all over the world should look to this aspect so that their polluted environment may not affect the environment of the neighbouring countries.

Since the beginning of the civilisation, the agricultural and industrial operations are dependent on the change of temperature. The U.N.E.P. has assessed that by 2030 A.D. the temperature will rise by 1.5 and 4.5 degree centigrade. So, if we go in for the deforestation or things of that kind, we will have to face the consequences of increase in the temperature of the atmosphere.

In a Report published in 1982, the U.N.U.P. has cautioned that the way things are going on by 2000 A.D. at least 1/8th of the tropical forests would be cut down. If we go in for deforestation, the left over area is affected. We have experience that in the hilly and forest areas where the road com-

munication facility is not there, the people depend on trees for the purpose of fuel. So, the Government should give top priority to provide fuel through LPG connections to those areas. Besides this, the socio—economic condition of the people of that area should also be given top priority so that they should not have to depend on the forest for their earnings day—to—day living.

Lastly, Sir, I would only request the Hon. Minister that an awareness to preserve the forest or at least trees should be created among the people. Till now whatever publicity or propaganda is going on about afforestation is only in the urban areas. This should go to the rural areas. I would also request that whatever programme has been taken by the Government to have plantation in the educational institutions, for that a monitoring cell should be established to see that the trees planted in the premises of various educational institutions and public Sector Undertakings are preserved. This will ensure that all expenses on afforestation are not wasted.

PROF. SAIFUDDIN SOZ(Baramulla): Mr. Deputy Speaker Sir, I support the title of the Bill because the title say 'forest conservation'. But in the parenthesis, there is the word 'amendment' and that amendment does not provide for any conservation whatsoever. Therefore, I rise to express my views not merely for the information of the hon. Minister—because he must be knowing everything about this subject—but also to urge him kindly to respond to the spirit of the discussion.

Now Clause 2 says:

"that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government."

Sir, I have moved an amendment to this clause which says that if you pass on some

forest land to any organisation or project, that organisation must provide money required for afforestation in double the area taken over for the project. This explains the urgency felt in this country over the matter of preservation and conservation of forests.

I think, the hon. Minister of Forests, Shri Ansari has a very difficult task to perform because in a very difficult point of time in our history, he has to maintain the ecological balance and safeguard the environment. This can hardly be done if we have to cut down our forests.

Sir, I minutely studied this Clause 2 and the explanation to Clause 2 reads:

"For the purpose of this section "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for—

(a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;

(b) any purpose other than reafforestation, but does not include any work relating or ancillary to conservation, development and management of forests and wild life, namely, the establishment of checkposts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams waterholes, trench marks, boundary marks, pipelines or other like purposes."

It shows the spirit of cooperation and concession extended by the hon. Minister to other Ministries and Departments. But what about conservation? In fact, the hon. Minister as I said is a very wise man, and instead of giving such concessions to other Departments, he must grudge to part with our precious forest land. Our forest wealth is so precious and the whole country looks to the Union Ministry of Forests for guidance. But I find that our Union Ministry of Forests is not as much organised as the other Ministries because 'forests' continue to be a state

[Prof. Saifuddin Soz]

subject also. Therefore, I feel that this Ministry must be organised further. The Ministry should argue and argue and argue when the other Ministries require forest land for any purpose. I hope the Forests Minister will consider this point. I say this because the concessions extended are rather sweeping. You lease the precious forest land even to private organisations and for other purposes such as projects. Of course, projects also belong to the nation and they are meant for the development of the nation. But forests are much more important. We shall be bereft of our whole culture without our forests. Where is the glamour of life once we lost our forests?

AN HON. MEMBER: Forests are not glamour of life. They are 'life' itself.

PROF. SAIFUDDIN SOZ: Yes, I agree. Forests are considered to be the 'green gold' and rightly so. Forests are our life. I know what is happening in my State where our Chief Minister Shri Farooq Abdullah is trying his best to preserve our forests. But there are the smugglers.

15.00 hrs.

Even the judiciary sometimes commit mistakes by giving stay orders against the Government, by letting off these smugglers. But we are fighting a battle. We have even stopped the supply of sleepers for the Railways. That should have been done at the national level. It is because we take recourse to some other materials but not the kind of timber that we get from the trees like the *Deodar*.

Anyway, I was explaining as to how I had moved an amendment which may not be practicable at all. But what I want to say is that—I should not say, I impress upon the Minister, because he is wiser than me, he is an elder brother and also a learned man—he should bring a comprehensive Bill as to how to preserve and conserve forests. That is the thing which we want. What we want to

communicate to the Minister—cutting across party line—is that we want to have a Bill for discussion which will conserve forests in this country, not an amendment which will pass on the lands of other organisations.

In the seventh Plan period—the hon. Minister knows—that there was a programme for bringing in 10 million hectares or something like that for afforestation. But according to a report, you have not achieved that target. Then how can we go to the Eighth Plan? First of all, I would like to have a feed back on the implementation of the programmes which you had set in the Seventh Plan.

But when you come to the Eighth Plan now, there must be some definite thinking on that. You could invite a couple of Members of Parliament drawn from hill areas such as Jammu and Kashmir, Himachal Pradesh and North—Eastern States and have a discussion as to how you formulate a policy of forest conservation in the Eighth Plan.

I want to say one or two things more before I conclude my speech. In the 22nd Meeting of the Central Board of Forestry, they had said, extraction of wood should not take place from forests. We had been trying hard on that line. This is just a theoretical jargon. What I want to say here is that there is no coordination. How can you preserve forests? Then you supply gas cylinders. The Petroleum Minister once said in response to my Starred Question, that "we shall have very small cylinders containing 8 kgs. of gas so that the peasant who comes to a township can carry in his own hand." That did not come up. That shows there is a crisis of energy in this country. Kashmir valley is living without electricity for the last four days. So unless we have enough energy, unless we have gas and unless we have coordination in fact Programme Implementation Ministry might have failed in its programmes we cannot achieve the desired results. We do not know what the Programme Implementation Ministry is doing. But I would plead for a Ministry that will organise coordination

between the Ministries. Unless we have gas, unless we have energy and unless we have very close coordination, you cannot preserve or conserve forests. The Central Board of Forestry is only making theoretical recommendations or resolutions, which then become scraps of paper. Nobody implements it. What is the use of such recommendations or something like that?

I hope the hon. Minister will take note of all my requests.

**SHRI JAGANNATH PATTNAIK** (Kalahandi): Sir, I rise to support the Bill. Most of the hon. Members have analysed and given many valuable suggestions. I want to emphasise on only one area. Nobody differs that environment is linked with the future of mankind. At the cost of all our progress, we cannot have any compromise with environment. That is an accepted theory. We are all wedded to it. But I am not only concerned with environment and conservation of forests but also with other areas of development, such as irrigation, power road. These areas cannot be ignored and cannot be given a second place.

15.05 hrs.

[**SHRI ZAINUL BASHER** *in the Chair*]

For the socio-economic development of the whole of India, and especially and most emphatically for the economic upliftment of the poorer people and of those who are living in forests and tribals, we think of fighting with the departments of Forests and Environment. Many irrigation projects in the country, including those in Orissa, are pending for the sake of environment clearance. Many power projects are pending for that reason. Irrigation and power are also the basic inputs through which we can provide food to people, and also create the overall infrastructure necessary for any development.

So, I want to urge that there should be a change in the attitudes. All these departments should not think that they are sovereign. No doubt, the environment people

should be very rigid and very vigilant to see that for the sake of development we do not ignore our basic properties like forests which are linked to the future of mankind. But we should also see simultaneously, that because of some bureaucratic delays or an adamant attitude on the part of somebody there is no delay in clearing a project. It will also be a national crime, a crime against the basic philosophy of national progress. That is why I urge that we should devise a strategy by which there is a proper coordination and a proper cooperation, so that simultaneously we have environmental protection and forest conservation, without the economic progress being hampered. We shall have to devise such a formula and strategy. Otherwise, there will be some psychological tension, as some hon. Members had pointed out. Whenever we think of some electricity or irrigation project in a forest or tribal area, it is a must that there will be some deforestation. But just like conservation, economic progress, roads and electricity are also important. So, we have to create a balance between the two.

Before clearing any project, there are many conditions which have to be fulfilled, with regard to soil conservation and afforestation, so that if there is de-forestation because of any project, we see that a minimum of 10% more number of trees are planted. Only then should we give clearance to that project. We should have that type of a restriction. But on the whole, for the sake of environment, if we do not clear and project, it will affect the progress of the poor people, it will affect food production and come in the way of providing basic inputs like electricity.

Secondly, While creating these new systems, there is always a tendency to have greater confidence in people who are in the apex bodies but who have neither any accountability, nor any responsibility towards these people or to this House, whereas public representatives and those who are in the real sense responsible to the country and to the people, are being ignored. There is a thinking that such people come to some compromise for the sake of votes and other

[Sh. Jagannath Pattnaik]

reasons, as one of my friends said. But as Members of Parliament, we are equally, if not more concerned about conservation of forests and of environment, because we always deal with human problems; and humanity to a large extent depends on environment.

Thirdly, State Governments should not be ignored completely, because whatever legislation we make, we have to implement them virtually through the State Governments. So, they should also be given all the priority. Lastly, we have to create an atmosphere, by setting some examples. e.g. in Railways and in the Housing Boards of different governments. Thereby we will not be losing votes. We should see whether there can be an alternative source in the form of aluminium or plastic industries which can be developed.

For the sake of industrial development also, they have to create a captive forest to assist them in the matter of production. We have to educate our people and inject this idea in their minds, to bring about a socio-economic development in our country. People should know that there is an alternative source. Then this temptation to cut the forests will not be there. This programme cannot be implemented through laws alone. This idea has to become a way of life; there should be a determination. All of us have to realize that this is linked with the future of mankind.

With these words, I support this Bill.

[*Translation*]

SHRI U.H. PATEL (Bulsar): Mr. Chairman, Sir, while supporting this amendment I would also like to make a few suggestion by drawing the attention of the hon. Minister towards the risk involved in it. The Adivasi Communities are deeply associated with forests. As such, they should be provided full protection while enacting any law in this regard. When this law came into being in

1980 the former Prime Minister, hon. Shri-mati Indira Gandhi had assured me that alongwith forests the Adivasis will also be provided full protection. That assurance must be fulfilled. In this connection I would like to remind the hon. Minister and also make a submission to him that district Dang falls within my Parliamentary constituency, Balsar where there are large forests and which is predominantly inhabited by the Adivasis. Quarrying stenes and dredging sand from the river has been banned there. Due to this ban no development work, whether it is construction of dams, construction of roads and building schools, can be undertaken in the area. This has resulted in widespread discontentment among the Adivasis. I am of the view that in order to ensure development and protection to Adivasis they must be extended these facilities and there should be no such ban on these works. I would also like to tell the hon. Minister that deforestation is more than the forestation. Though big people are involved in the act of denudation, small fries are being apprehended. Those influential persons or the kingpins go scotfree in connivance with big officers. They are in no way harmed. It is these big people who are squarely responsible for the denudation of the forests and it is they who provide weapons to Adivasis to destroy the forests. I, therefore, request you to take firm steps to punish these people and protect the Adivasis.

Mr. Chairman, Sir, through you, I would also like to draw the attention of the hon. Minister to give incentive to those farm owners who intend to raise forests. Under the present law the Government takes half of the proceeds accrued from the sale of teak wood and catechu trees. This practice should be done away with and incentives should be given to people who own farm land. If this practice is eliminated, the people will be encouraged to develop plantation. Surplus Land in the forests should be given to Adivasis on lease basis and forests should be raised in Government's partnership. It will have two pronged benefits. Firstly it will protect the forests and secondly it will help in improving economic condition of the Adiva-

sis and they will be encourage.

Finally, I support this Bill and also request the hon. Minister to pay attention to Dang District. I also suggest that the practice of having half-share of the Government in teak and Catechu trees sale proceeds should be abolished.

SHRI BALWANT SINGH RAMOOWALIA (Sangrur): Mr. Chairman, Sir, through this Bill efforts have been made to undertake afforestation on a large scale in the country. Just now my hon. colleague Shri Harish Rawat said that this aspect should be considered in a comprehensive way. I would also like to make a few submission in this regard.

As a matter of fact the forest wealth has been a gift of nature for this country, but it is dwindling away gradually. The Government is encouraging people to plant more and more trees and make good the loss. Efforts have already been made in a big way to check the denudation of forests which are as good as wealth gifted by the nature and some further steps have been taken in this direction through this Bill. I would like to mention some practical things in this regard.

When I go to my constituency I receive various complaints against the forest department officials. Out of 10 such complaints two complaints pertain to activities of forests officers who are cutting trees along the banks of the canals and trees on road sides. They are selling them and devouring the money they get from the sale proceeds. I want to say that steps should be taken in this regard? I am of the view that whatever action is to be taken in this regard, it should be firm. The Government should involve the Panchayats in the task of forest conservation. They should be vested with supervisory powers so that action could be taken against defaulting forest officials on receipt of complaints from them.

The Government of Haryana has decided that the trees to be planted on Government land along the farmers' land should be

looked after by the farmers. It is because after the trees get mature, the farmers will get 40 to 50 percent of the income to be accrued from these trees. Similar guidelines should be issued to all the states.

In some parts of Punjab, Haryana and U.tar Pradesh wheat and paddy is grown on a large scale. Having been encouraged by the Government farmer of these places started eucalyptus plantation and planted trees in large numbers. I have also planted eucalyptus, trees in my field. In my villages also eucalyptus trees have been planted at various places. No matter whether it is the Government of the Janata Party or of the Congress party people say that the Government has deceived them. They mere told that they will get Rs. 50,000 to Rs. 60,000 out of eucalyptus plantation on one acre of land. But the position is that even after 8 years we do not get Rs 25,000 out of eucalyptus plantation on one acre of land. Now it is being propagated that eucalyptus plantation is harmful because the trees soak water from the land as well as from the air and this is the reason that the water level has gone for below in Haryana and Punjab. The water is needed for paddy, therefore, the Government should clear this apprehension. The Government should think seriously if the eucalyptus trees really soak water.

My dear friend Shri Mushran who has a soft corner for me, has correctly stated that the forests have been cut but I would like to ask him what encouragement they got who planted trees.

Mr. Chairman, Sir, the farmer is prepared to do any work which provides him more benefit. The Government wanted him to plant eucalyptus trees. Thereafter a movement was launched and the people planted eucalyptus trees in all the vacant places around their houses. Similarly the people planted these trees around their fields as well. I may suggest that the Government should ask Research and Development Department to develop such trees which can give hundred percent profit to the farmers. Consequently the farmers would

[Sh. Balwant Singh Ramoowalia]

try to plant those trees by the side of their land.

I do not know about all the States but I know about norther States such as Rajasthan, Punjab and Haryana where panchayats possess land from 3 acres to 30 and 40 acres. In some village panchayats some of the land has been possessed illegally and some of it is misused. If you suggest to the Panchayats to plant these trees and that the profit will increase after 5-10 years then plantation of trees can take place in large number. Therefore, I want to say this emphatically that Government should give such suggestions to the people of Punjab, Haryana and Uttar Pradesh. Alongwith this, good price should be given for the existing eucalyptus trees and the action should be taken against the workers who cut the trees and indulge in misappropriation of funds.

With these words, I support the Bill.

SHRI SHANKAR LAL (Pali): Mr. Chairman, Sir, I rise to support the Forest Conservation (Amendment) Bill. No doubt, forests are in valuable assets of our country. Keeping this thing in view, our Congress Government and its leaders have enacted laws from time to time to protect the forests and they are now going to make some more amendments to these laws. Clause 2 has been amended with a view to include some more points and its scope has been enhanced. Clause 3(a) has been amended with a view to make a provision of 15 days imprisonment, this is a very good step.

It has often been observed that employees of lower ranks of the forest department combine with the people who indulge in cutting forests. Big contractors cut down the forest with the connivance of some officials and sell the wood at high rates. Such things can be observed in Pali. The wood is supplied to the factory installed at that place, to use it as fuel. Truck loads of wood reach the factory while there is a law under the Revenue that the wood should be supplied as per

requirements. But big truck loads with logs of wood reach the factory in violation of the provisions of law. As a result thereof, big forests are denuded.

Mr. Chairman, Sir, I will like to submit that the forests have been included in the concurrent list, vide item No 17 of our Constitution. If you treat the forest as national assets and want to conserve the forest then it will be essential to include the forest in the Union-List.

In addition, my submission is that Rajasthan State faces famine quite often and it is also well known that existence of trees and forests is essential for rain. Wherever the forests are cut, the rainfall would be less. It is due to this reason that famines take place in Rajasthan because of lack of trees and the cutting of forests has further deteriorated the condition. Aravalli Hills in Rajasthan were covered with greenery in the part but these have now been denuded. Our Rajasthan Government has chalked out a programme in this respect. Under Hill Development programme of Government of India:

[English]

Development of Aravali hills should be a national concern as the problem of Aravali development is enormous to be tackled effectively by an economically backward State like Rajasthan.

The State's Forest Department has prepared a multi-disciplinary project for afforestation, pasture development and soil and moisture conservation over 3 lakh hectares at an estimated cost of Rs. 130 crores. The implementation of this project will provide vegetative cover to the denuded hills by afforestation and will increase the grass and leaf fodder production by two lakh tonnes per annum and fuel and small timber production by 9.3 million tonnes. It will generate employment to the tune of 60 million mandays in rural and interior areas. This project is ready for execution when the Aravalis are included in Central Scheme of hill area development programme.

[Translation]

I submit to the Government that the Aravalli Hill Programme of Rajasthan should be included in the Central scheme.

Besides, I will like to say one thing more i.e. Programme of Afforestation on waste land made by the Government has been chalked out under Indira Gandhi Canal scheme.

[English]

Accordingly, a project amounting to Rs. 12 crores was prepared and sent to NWDB in May, 1987. The project envisaged afforestation pasture development and sand-dune stabilisation over 25,000 hectares in IGNP area at an estimated cost of Rs. 12 crores. National Wasteland Development Board asked for certain clarifications which have also been sent to them in June, 1988. Sanction of this project has not been received so far, which needs to be expedited.

15.28 hrs.

[SHRIMATI BASAVARAJESWARI in the Chair]

[Translation]

So I submit that the scheme submitted by the Rajasthan Government to the Centre for afforestation should be cleared keeping in view the special conditions of Rajasthan so that Government may not have to spend crores of rupees every year in Rajasthan owing to drought conditions. The problem of cutting forests does not exist in Rajasthan but it is a problem of planting trees. Therefore, they should pay special attention to plant trees in Rajasthan.

SHRI VISHNU MODI (Ajmer): Mr. Chairman, Sir, I welcome the Forest Conservation (Amendment) Bill 1988 and support it. Taking all the conditions into consideration, a poet has correctly said that "Marz badhta

gaya, jeon jeon dava ki". Forest Conservation Act was made in 1980 and a new atmosphere was created in the country. The common man became interested in forests ecology and environment. The people started realising that they were facing natural calamities owing to cutting of trees in the forest land and increasing ecological imbalances and this is the root cause of all the problems.

There were various Movements to create awareness about the forests. This evoked a response among the country's masses that forests are our wealth. If we do not conserve our forests we would have to face serious problems in future. After the introduction of the Bill, as the hon. Member who spoke before me said, the saviours of the forests have become their annihilators. Officials of the Forest Department are a party to the denudation of forests. Through this Bill a law would be made wherein the guilty would be punished. This is a welcome step. But this has led to the cropping up of many other problems.

I would like to draw your attention towards my parliamentary constituency, Ajmer. For the last 50 years a hamlet has been existing in the hills there. This hilly area was covered in the definition of the Forest Act. Before 1980 the State Government gave a lot of importance to that area. But now the inhabitants of this area are not getting basic facilities because this area is covered by forest. Now the Master Plan cannot be changed and no action can be taken. The State Government is held responsible for afforestation, conservation and for increasing the forest area. But, for dealing with cases where forest land has been allotted for the purposes, after this Act was introduced a committee has been set up at the Central Government's level. It is said that if forest land is used for other purposes, approval will be given by the committee. The hon. Minister shall tell us that in the context of Rajasthan since 1980 to 1988 only in 4-5 cases approval has been given for the allotment land for other purposes. It has caused several problems. Just now an hon. Adivasi

[Sh. Vishnu Modi]

Member was speaking. Adivasis have a husband-wife relationship with the forests. Kautilya said that we have got a huge mineral wealth in the country which can be utilized for the its development. Today we are worried about the mobilisation of resources. But if we are unable to tackle the current situation we shall face serious problems in future. I suggest that a provision be made that if two hectares of forest land is acquired for some purpose, the same area of land should be brought under forest at some other place. Power should not rest with the Centre only. A State Level Committee should be formed with should be given the power to take immediate decisions in the cases where the forest land is required for the use of other than the forest purposes. If conservation and expansion of forests is undertaken at the level of States why should giving permission for the allotment of land for the use of other than forest purposes be the prerogative of the Centre. Minerals account for more than Rs. 200 crore of the annual income of Rajasthan. This provides livelihood to at least 20 lakh persons in Rajasthan. If this situation persists I am afraid we shall reach the stage of stalemate. While new areas are not being allotted the time has come for the renewal of old areas. The Ministry of Steel and Mines and the State Governments should simplify the procedure regarding clearance of other projects so that small entrepreneurs do not face difficulties.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI): Madam Chairman, before replying to the issues raised in this debate I express my gratitude to the hon. Members of this august House who have shown interest in this Amendment Bill on Forest Conservation. The present Amendment Bill has a very limited scope. In fact this Amendment has been brought to remove doubts and to solve problems coming in the way of implementation of the Forest Conservation Act, 1980. But the positive way in which hon. Members have responded to this Bill has enlarged the scope of the discussion. I am not saying that

the stand adopted by the hon. Members is, in any way, improper. Their attitude has enabled us to include the entire forest sector in our discussion. Issues, both directly as well as indirectly concerned with the Forest (Conservation) Amendment Bill have been discussed.

SHRI AJAY MUSHRAN (Jabalpur): The Budget of this Ministry has never been discussed before. Now, when there is an opportunity here, the hon. Members are expressing their views.

[English]

MR. CHAIRMAN: He is not yielding. Mr. Minister, you please continue.

[Translation]

SHRI Z.R. ANSARI: Please protect me so that my nephew does not trouble me.

I appreciate the hon. Members' for showing their keen interest in utilising this opportunity for which the allotted time of two hours has to be extended to more than eight hours.

First of all I shall clarify the issues not directly related to the Forest (Conservation) Amendment Bill but concerning the Forest policy in general. After that I shall take up issues concerning the Forest (Conservation) Amendment Bill which is before us.

A pertinent question raised here was about the extent of the country's forest area. There are two aspects to this issue and we often tend to confuse between the two. One is Forest Area Recorded and the other is Tree Cover. It is not necessary that what is called as forest area should be entirely under tree cover. Due to the variety of climatic regions provided by nature in this country.....

SHRI SRIBALLAV PANIGRAHI (Deogarh): Land which is actually covered by forests should be treated as forest area.

[English]

SHRI Z.R. ANSARI: Madam, I would appreciate if questions are put to me after I finish my speech. Otherwise the continuity will be broken.

SHRI AJAY MUSHRAN: Sir, one—fourth area of the forest has not been surveyed. (*Interruptions*)

MR. CHAIRMAN: Mr. Minister, you please continue. I would request the the hon. Members not to intervene at this time. Let him finish his reply. Then you can put questions for clarification.

[Translation]

SHRI Z.R. ANSARI: As I was saying the cold areas and the desert areas in our climatic regions are also included in forest area. Areas covered by certain bushes are also included in forest area. Land under dense tree cover is also included in forest area.

The country's recorded forest area is 75.29 million hectares, which is 22.9% of the total geographical area. The tree—covered area is 64.20 million hectares which is 20.2% of the total geographical area. So these two are separate parts—tree covered is 20.2% and recorded forest area is 22.9%. The question is, it is true that....

[English]

MR. CHAIRMAN: I will try to protect you, don't worry.

SHRI Z.R. ANSARI: Thank you Madam. (*Interruptions*)

MR. CHAIRMAN: I do not want anybody to interrupt. Let him say that whatever he wants. Let him reply first.

SHRI AJAY MUSHRAN: Madam, you should protect me. He has got a body guard as a Minister, I have not got any. (*Interruptions*)

MR. CHAIRMAN: Please continue.

SHRI V. SOBHANADREESWARA RAO: You know that you are from Army, you don't need any protection!

[Translation]

SHRI Z.R. ANSARI: Mr. Chairman, Sir, I would like to draw the attention of the House towards the fact that our forests have been invaded indiscriminately over the years. We should try to know the reasons behind this.

Madam, the first and the foremost reason of the invasion of forests is the population explosion. Not only this, the cattle population has also increased manifolds. Due to this explosion of population, the demand of timber has increased which led to the industrialisation of timber industry. Due to all these reasons there has been rapid invasion of forests. There is no doubt that now the situation has reached such a stage that it can not be overlooked.

I would like to say that we should be grateful to our late Prime Minister Shrimati Indira Gandhi because she was the first person who according to the need of hour had drawn the attention of nation to maintain ecological balance.

In my view, the Stockholm Convention is a landmark in the Indian history in which Shrimati Indira Gandhi had very firmly advocated the need to protect the ecological balance and environment not only of a single country but of the whole world. A favourable atmosphere was created in the whole world by this. By creating a separate Ministry of Environment and Forest, the present Prime Minister has given importance to this subject and the country has been benefited a lot. This is my good luck that I am heading a department which is very important for the survival of this country. I told you that the shortage of biotic pressure, fuel wood, fodder, industrial wood and timber is the real cause for the denudation of our forests. The forest resources can not be conserved only by sermons and propaganda. If we have to conserve the forest resources for the future

[Sh. Z.R. Ansari]

generations, we will have to chalk out a programme to fulfil the basic needs of people. To achieve this aim the Prime Minister Shri Rajiv Gandhi constituted Waste Land Development Board. The words which Shri Rajiv Gandhi said at the time of constituting the Board are even today the guiding principles of our policy. He said that due to large scale deforestation there has been ecological balance which has consequently resulted in many socio-economic problems and ecological issues. He made a fervent appeal to stop the process of deforestation. He added that the Waste Land Development Board was a step in this direction and would help in achieving this aim. One of the targets was to do plantation on 5 million hectares of land every year to fulfil the basic needs of people particularly of fuel wood, small timber, fodder etc. The Board was constituted to fulfil the basic needs of the people and it made its best efforts in this regard. I agree that the criticism is correct upto some extent. The Waste Land Development Board was not constituted to plant trees only but its main purpose was to create an awareness among the masses so that they themselves may get ready to fulfil their basic needs. The increasing needs of the people can not be fulfilled by the efforts of the Government only. Unless and until general public is involved this purpose cannot be achieved. Plantation was not the only work of the Waste Land Development Board but its work was to ensure people's involvement in it. Its aim was a people's movement and to tell the people that this programme is not a Government programme only but it is meant for the welfare of people also.

One thing which I want to say very clearly in the House is that there has been certain deficiencies in the implementation of the programme. The Board has made a departure from its main purpose. By and large it has limited itself to the work, of plantation only. Even this has done in such a haphazard way at certain places that it has created many problems. For example the plantation of Eucalyptus trees. There is no

doubt that we were in need of such species of plants which could give us biomass so that we could fulfil our needs at the earliest. By keeping only this thing in view, the Board planted trees of only one species and overlooked the needs of local people. It has created many problems for us. We have reviewed the activities of the Board in the recently held meeting of the Waste Land Development Board. We want to bring some basic changes in it. We have prepared a village wise map of 140 districts and identified the land that is available there. We have already prepared a programme to develop the waste land but the Government did not have a clear picture as to where the Waste Land was available, its exact area and for what purposes it could be utilised. The Government had no scientific study of the needs of the people in a particular area. This work is now being done under the patronage of our Prime Minister. The Government proposes to launch a programme for plantation in identified Waste land areas. The local people at the village and district level would be consulted as to how much land should be developed as grass land area, how much for fuelwood, how much for such types of trees which could bear fruits and could be used for small timber by the people. The small farmers should also plant such types of trees in their own holdings which could be used for manufacturing industrial goods. In this way, they can increase their income. We want to implement the programme in this manner. I am sure that if the local people are consulted and involved in the implementation of Waste Land Development programme, they will accept it as their own programme and instead of exploiting the forests they will treat the forests as their own property. They will understand the significance of participation and a climate would be created in the country where the people would feel the importance of forest conservation for meeting the day to day requirements. I fear that if their basic needs are neglected, they will not be able to protect the remaining forest areas because they cannot live without fulfilling their day to day requirements. Government has received some suggestions to supply them kerosene oil, gas cylinders and power

connections. Those who know what village life is, might be aware that these proposals are meant for a very small section of the village people. Even today, the womenfolk and children of poor households wander throughout the day to collect twigs, leaves and branches which are used as fuel wood. They collect dung and pieces of wood and use them as fuel wood and prepare food for their children. If arrangement are made for the supply of gas cylinders and power connections, it is of no use because they do not have money to buy these things and they collect the fuel free of cost. Unless the standard of living of these people is improved and every person is able to meet his basic necessities of life by spending money, we shall have to make arrangement for the supply of fuelwood to them. If we do not, it will not be possible for us to protect our forests from denudation. I would like to make one more submission. New forest Policy was announced two three days before. There are many new things in the new Forest Policy which were not there in the old Forest Policy of 1952. The basic issue is the same that one third of the total land area should be covered under forest. The 'D' graded forest area where the Adivasis live, is the part and parcel of forest area and that cannot be separated from the forest. Unless that area is included in the forest area we will not be able to do complete afforestation of the 'D' graded area and all our schemes will become useless. That is why the Government wants the participation of Adivasis and villagers of the 'D' graded forest areas in the work of the afforestation of denuded forest area. Under the new Forest Policy we are committed to safeguard the interests of the tribal and village community and we will do all that is possible for them. We are not ready to take even a single step backward. The Government will not give the forest area to the industrialists because once a decision is taken to instal industries in the forest area, there will be no forests left in the country. The whole area will be denuded and there will be such a horrible situation before us that we shall have no way to save ourselves. Therefore, it is our firm decision that we will not allow the industrialists to utilise the 'D'

graded forest area for industrial purposes. However, if small farmers grow trees on community land and certain industrial goods are produced there then we shall have no objection. We are not ready to give forest area to the industrialists. However, Government has decided that it will protect the tribals, Harijans and the people belonging to other weaker sections living in the forest area sincerely and confidently. I do not want to say more about the new forest policy. A submission was made about giving harsh punishment. Yes, that was because you have been in the army. I was telling you...*(Interruptions)*.

*[English]*

MR. CHAIRMAN: Hon. Minister, now we have to take up the next subject in the agenda at 4.00 O' Clock.

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND MINISTER OF IN-  
FORMATION AND BROADCASTING  
(SHRI H.K.L. BHAGAT): I want to make a submission for the consideration of the House. We have a number of problems because some important business is coming up tomorrow and on 16th we are rising. If the House agrees, we can continue this for some time and pass this Bill today. It may take at the most half an hour.

MR. CHAIRMAN: Is the House agreeing to it?

SEVERAL HON. MEMBERS: Yes, Sir.

MR. CHAIRMAN: I think, it is the consensus of the House. I will take up the discussion after the Bill is passed.

*(Interruptions)*

SHRI K.P. SINGH DEO (Dhenkana!): We agree to pass the Bill provided safeguards are given and our queries are answered satisfactorily.

MR. CHAIRMAN: Please resume your seat. Let the Minister reply. After passing the Bill, we will take up next item.

SHRI Z.R. ANSARI: Now I come to the specific provisions...

MR. CHAIRMAN: How much time do you require?

SHRI Z.R. ANSARI: At least fifteen minutes.

MR. CHAIRMAN: Please continue.

[*Translation*]

SHRI Z.R. ANSARI: Madam, I would like to say something about the comments made by the hon. Members on this specific Forest Conservation Bill. The Bill was initially introduced in the House in 1980. One point which some of the hon. Members have raised is that why some of the powers under this Bill are not being delegated to the State Governments. I realise the problems and inconvenience they face and, thus, sympathise with them. But I would like to urge that it would be better to scrap the Bill itself then to delegate the powers. I would also like to clarify the reason for it. Madam, from 1951 to 1980, the purpose of the Bill was not to check denudation of forests but to divert the forest areas to non-forestry purposes, which included implementation of various projects, construction of roads etc. In short, the forest area could be diverted for any purpose. This Bill or Act is sought to be invoked in such a situation. Now I would like to tell why the need for bringing forward this Bill was felt. About 4.238 million hectares of forest land had been diverted to non-forestry purposes between 1951 and 1980. It means that the average rate of diversion of forest land for other purposes was 1.5 million hectares per year. This is true. The Government did not have a clear concept of forest conservation till then. The only purposes of utilising the forest land was maximum revenue yielding and to exploit it at the optimum level. Then came the Grow More Foodgrains Programme. For this too, forest area became

the target. Forest land was cleared for crop production. Emphasis was laid on bringing the maximum land under cultivation in order to increase foodgrains production. Then, for the implementation of irrigation projects too, forest land was cleared. Even the hydro projects were executed on the forest land. From this, I do not mean that forests should be conserved at the cost of development projects. Undoubtedly, development activities are equally important and the purpose of this Bill, too, is not to restrain the development activities in the country. We do not oppose the development activities rather we want to carry on them on long term basis. We should keep ourselves fully cautious lest a stage should be reached which could mean the end of the development process. Some of the hon. Members have just pointed out that a number of projects in the past have been executed recklessly with no consideration to environmental aspects. Siltation is a cause of deep concern in dams, hydro electric projects, irrigation projects or other multi-purpose projects on the rivers and we are afraid that the entire investment might go waste. All that we want is that whenever a new project is approved, it should invariably include provision for the treatment of the catchment areas coming under the project beside rehabilitation of the oustees, most of whom are Harijans, Adivasis, and people belonging to weaker sections. One of our hon. Members has pointed out that in a particular case, though the dam was complete but the command area was not developed, because the proposal of development was not mooted at the time of submission of project of the dam. It was submitted later on. As a result the work on the dam was completed, the area was submerged under water but the work for flushing out the water could not be executed there for want of clearance of the development project. Due to such problems, a need was felt in 1980 to bring forward the Forest Conservation Act. Initially forests were included under concurrent list but later on Forest Conservation Act was framed to conserve the forests. As a result, the average conversion of 1.5 lakh hectares of forest land every year was reduced to just 16 thousand hectares annu-

ally.

Madam, I am aware of the difficulties being faced by the State Governments as well as the hon. Members of the House. I come from a village. We have tried our best to simplify the procedure as much as possible. But the problem is that the required information is not conveyed by the project authorities and the case is shown as pending in the Centre. As the time is short, I cannot afford to give the figures of individual States. In reality, the number of pending cases is very small. Initially, the whole list was divided into three categories. The first category included the approved cases. The second included the cases in which the required additional information was not provided and the cases were closed after the prescribed waiting period was over and these cases were to be reopened when the information was supplied. The third category included the cases which were rejected on merit. Now we have done away with the category of the closed cases, because it created the misconception of pending cases, though in fact, they were not pending. So now there are only two categories.

SHRI UTTAM RATHOD (Hingoli): Do you mean that what the Government of Maharashtra has said is incorrect?

[English]

SHRI Z.R. ANSARI: You can ask questions after I finish my speech.

[Translation]

SHRI Z.R. ANSARI: Only two categories are there now. The first relates to the approved cases and the other is of rejected cases. We have issued the directions and guidelines that the project report with complete information would be cleared or rejected on merit within a period of six weeks. However, during this period if we feel that any additional information is required, our officers would be within their rights to call for additional information by pointing out all the objections at one stroke to the State Govern-

ment or project authorities. Exchange of love-letters has since been stopped.

16.10 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

The system of gathering information in instalments has been done away with. According to the new criteria, if the required information is conveyed within a month, then the matter would be decided at the earliest. But if the information is not provided within this period, the matter would be rejected, not on merit but for non-furnishing the information. Thus it will also help in reducing pressure on us. A working group of Planning Commission was set up to suggest streamlining of the procedure and there is nothing objectionable in the guidelines issued by the Centre. The State should abide by them.

The cases of small projects like those of road construction, transmission line, irrigation project, etc. are expedited with special consideration to their basic requirement. I assure the hon. Members that we are ready to contact them whenever it is convenient to them. They have proposed to set up such a committee at the State-level.

Sir, I have visited the headquarters of the States like Maharashtra, Uttar Pradesh, etc. after getting in touch with the hon. Chief Ministers of these States. I am prepared to go to any State if necessary. I along with my other officers would hold discussions with the concerned Chief Minister and their officers in order to clear the obstacles in the clearance of projects so that an early decision in this regard could be taken. I am ready for this and I feel that there is no need for setting up a Committee at the State level.

I am myself prepared to go to States along with the officers concerned of my Department and discuss the matter with them. Even now I am visiting some States and holding discussions with them as and when a demand to this effect is received.

Some of the hon. Members raised the

[Sh. Z.R. Ansari]

issue of top soil erosion. It is true that siltation takes place due to top soil erosion. That is why we want that the project should be complete in all respects. For that, it is to be ensured that adequate provision is made to develop the catchment areas and the command areas so that no water goes waste after the completion of the project. Besides, people who will be affected by the project or displaced from the project site will have to be properly compensated or rehabilitated as the case may be. All these aspects have been covered by the Bill.

There are some misunderstandings about one point of the Bill. The object of Clause 3, which has been added after clause 2, is to impose some restriction so that the State Governments, through lease or by any other methods, do not divert the forest areas. It is just a check. We have no intention to encourage any private person. In a way we are taking all possible steps to keep private persons at a distance.

It has also been said that horticulture products and commodities like coffee, tea and rubber should be treated as non-forestry purposes. It has further been said that if all these commodities are not treated as non-forestry purposes all the natural forests in Andaman and Nicobar Islands will be converted into red palm-plantations and they will undertake plantation in red palm only. (*Interruptions*)

I was going to submit that we give recognition to all these things in regard to the Waste Land Development. At the same time the Bill also provides to see that maximum trees are planted to raise their income. We also take care that it should first meet their basic needs.

A question has been raised regarding the inadequate punishment. Several hon. Members expressed their concern that this punishment is very minor. But this specific provision has been made for those officers who are involved in diverting the forests or

who act against the specific provisions of forest conservation act, 15 day's imprisonment is a very big thing for officers. Even if officers are awarded punishment for an hour, they will be liable to disciplinary action and lose their job. A minor punishment is enough for a gentleman. What I mean to say is that even a punishment for an hour or a day becomes a misfortune for them.

There was one more question about comprehensive legislation. Due to shortage of time I shall not be able to reply all the questions of the hon. Members. But we firmly intend to introduce a comprehensive legislation for the conservation, of forests. The Forest Act of 1927 is a junk. There are a number of old Acts which do not stand to the test of time and now they do not hold good under the prevailing circumstances. A lot of changes have taken place over all these years. If our Acts do not fulfill the present day requirements, it will be presumed that we have failed in our duty. What I mean to say is that the Act of 1927 needs to be radically changed. In reply to a number of questions time and again in both the Houses I have said that once the New Forest Policy is announced, we will finalise it at the earliest to make the Act of 1927 meet the needs of the hour. Though it will be an amendment, yet it will be altogether a new Bill. As regards the provision of deterrent punishment, we have already made a provision to that effect in the Environment Protection Act. We have also given powers to the general public. We intend to provide deterrent punishment as and when a comprehensive Bill in this regard is introduced so that corruption could be checked and forests could be protected.

Sir, it is not possible on my part to reply to each and every hon. Minister by name. On the whole I am once again grateful to the hon. Members who evinced keen interest in this subject. It is a good sign towards our bright future and I feel that this will solve all our problems.

[*English*]

SHRI AJAY MUSHRAN (Jabalpur): Sir,

a number of Members while participating in this debate have brought to the notice of the hon. Minister the problems being faced by kisans, particularly for the timber and wood required by them for agricultural implements as also for meeting their household requirements. These people are living close to the forests. May I request the hon. Minister to throw some light as to what they have got in mind to meet the farmers' requirements of wood as also of grazing for their cattle?

SHRI UTTAM RATHOD (Hingoli): Sir, as I said in my speech, certain lands adjacent to forest areas were given to the landless people. I want to know what is their fate. You have started evicting them. They have taken loans for construction of their houses. They are helpless. While we say that when we cut a tree, we cut a human being, but by doing what you are doing, you are slowly killing them. They will themselves die of hunger. Are you going to give them any compensation? (*Interruptions*).

MR. CHAIRMAN: No interruptions.

SHRI Z.R. ANSARI: Two questions have been raised. One is regarding the wood requirements of cultivators living adjacent to the forest areas and how to meet their basic needs for timber, fuel wood and implements. If Shri Mushran cares to go through the new National Forest Policy, I hope he will get a reply in that. We have taken care to meet the requirements of daily use of the weaker sections including kisans. We are proceeding towards that direction. Not only that, even in the degraded forest areas, we are planning that the afforestation work should be done with the cooperation of the people living around and give them a right to use that forest area. This thing has been taken care of.

The other point is about those people who have been granted some *pattas* living adjacent to the forest areas. Those areas are not covered under Forest Conservation Act. But if the areas have come within the forest areas, and the areas have not been denotified before the passing of the Forest Conser-

vation Act, 1980, they have not been transferred to the person as revenue land and taken out of the forest areas, then I am afraid, it will not be possible for us to recognize their rights. (*Interruptions*).

MR. CHAIRMAN: Please sit down. He has not completed his speech.

(*Interruptions*)

MR. CHAIRMAN: Kindly resume your seat. I have told you to resume your seat. You please sit down. I will allow you but not at this stage.

SHRI Z.R. ANSARI: Sir, anything which we think is an illegal encroachment of the forest area, we are not going to legalise that illegal encroachment.

SHRI K.P. SINGH DEO: Mr. Chairman, Sir, way back in 1924 some tribals were settled in an area in my Constituency. In 1980 the Forest Act came. Settlement operations were completed in 1986 and in 1987 they were being told to vacate. Eviction orders have been issued after 60 years. It was not a forest area but today as a result of the settlement operations it has been declared a forest area. So, where do these adivasis and tribals go who have been there for the last two generations?

SHRI Z.R. ANSARI: Sir, as I have already said about those tribes and weaker section of the population who are living within the forest areas in those villages, we are fully conscious about their rights, and we shall take every step to protect their rights. But, Sir, under that garb we shall not allow the encroachment of the forest area.

SHRI BASUDEB ACHARIA: But it is not the encroachment.

MR. CHAIRMAN: That is sufficient.

SHRI Z.R. ANSARI: I would just like to make a clarification. If before the passing of the 1980 Act, any forest area had been allotted to certain village community, then

[Sh. Z.R. Ansari]

that land does not come within the purview of the Act. If it is a case of allotment before the Act had come into force then 1980 is the cut off date.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Forest (Conservation) Act, 1980, as passed by Raja Sabha, be taken into consideration."

*The motion was adopted.*

### Clause 2

*(Amendment of Section 2)*

MR. CHAIRMAN: The House will now take up Clause-by-Clause consideration of the Bill. There are so many amendments to Clause 2. Mr. Gholap are you moving Amendment No. 1 to Clause 2?

SHRI S.G. GHOLAP: No, Sir, I am not moving.

MR. CHAIRMAN: What about other Amendments?

SHRI S.G. GHOLAP: I am moving Amendments Nos. 2, 3, 4 and 5. Sir, I beg to move:

Page 2, —

*after line 14, insert—*

"(c) after the Explanation, the following sub-section, shall be inserted, namely:—

"(2) Notwithstanding anything contained in the foregoing provisions, this Act shall not apply if the land required is for minor irrigation, drinking water supply scheme or the electric-

ity line; provided the total land required for each project is less than forty hectares and project provides money required for afforestation in double the area taken for project or where an equal alternative land is made available by the Collector to the Forest Department." (2)

Page 2,—

*after line 14, insert—*

"(c) after the Explanation, the following sub-section, shall be inserted, namely:—

"(2) Notwithstanding anything contained in the foregoing provisions, this Act shall not apply if the land required is for minor irrigation, drinking water supply scheme or the electricity line; provided the total land required for each project is less than twenty hectares and project provided money required for afforestation in double the area taken over for project or where an equal alternative land is made available by the Collector to the Forest Department." (3)

Page 2,—

*after line 14, insert—*

"(c) after the Explanation, the following sub-section

shall be inserted, beg to move:  
namely:—

"(2) Notwithstanding anything contained in the foregoing provisions, this Act shall not apply if the land required is for minor irrigation, drinking water supply scheme or the electricity line; provided the total land required for each project is less than thirty hectares and project provides money required afforestation in double the area taken over for project or where an equal alternative land is made available by the Collector to the Forest Department."  
(4)

Page 1,—

after line 8, insert—

(a) for clause (i), the following clause shall be substituted, namely:—

"(1) that any reserved forest as defined in the Indian Forest Act, 1927 only; and not deemed to be reserved forest or any portion thereof under any State Law shall cease to be reserved." (5)

MR. CHAIRMAN: Amendments No. 6 and 7. Mr. Ayyapu Reddy and Mr. Dora.

They are absent.

Amendment No. 8 and 9. Mr. Deo

SHRI K.P. SINGH DEO (Dhenkanal): I

Page 1,—

after line 17, insert—

"Provided that the forest land or any portion thereof, referred to in clauses (iii) and (iv) shall be identified by a Board comprising of officials, non-officials including non-government environment organizations and specialists in nature conservation." (8)

PROF. SAIFUDDIN SOZ (Baramulla): I beg to move:

Page 2, line 14,—

add at the end—

"such as minor irrigation and drinking water supply where the total land required for each project provides money required for afforestation in double the area taken over for project."  
(10)

Page 2,—

after line 14, insert—

"(c) after the Explanation, the following sub-section, shall be inserted, namely:—

"(2) Notwithstanding anything contained in the foregoing provisions, this Act shall not apply if the land required is for minor irrigation, drinking water supply scheme or the laying of electricity lines." (11)

SHRI V. SOBHANADREESWARA  
RAO (Vijayawada): I beg to move:

Page 1,—

*after line 17, insert—*

"(v) that any forest land or any portion thereof may be permitted by the State Government to an extent not exceeding two hundred hectares that is needed for taking up a major, medium or minor irrigation project or power generating project or for laying public road or electricity line or setting up an institution under the authority of Central Government or State Government, prior to obtaining clearance from the Central Government to save time in taking up such developmental projects." (12)

Page 2, line 14,—

*add at the end—*

"such as major, medium and minor irrigations, laying of public road or electricity line or setting up any institution under the authority of Central Government or State Government or public sector undertaking where the land required for each project provides money required for afforestation in double the area taken over for the project." (13)

Page 2,—

*after line 14, insert—*

"(c) after the Explanation, the

following sub-section shall be inserted, namely:—

"(2) Notwithstanding anything contained in the foregoing provisions, this Act shall not apply if the land required is for major, medium or minor irrigation, laying of public road or electricity line or setting up any institution under the authority of Central Government or public sector undertaking." (14)

SHRI D.B. PATIL (Kolaba): I beg to move:

Page 1, line 12,—

*Omit "to any private person or" (15)*

Page 1,—

*after line 17, insert—*

"Provided that fully grown trees on such land shall not be felled." (16)

Page 2, line 5,—

*after "thereof" insert*

"having minimum number of live trees prescribed under the rules: (17)

Page 2,—

*after line 14, insert—*

"Provided that the use of forest land shall not be treated as non-forest purpose, if such land is required for any work such as minor irrigation, drinking

water supply, laying of electric lines, construction of roads and such other works of public utility, if and when the concerned authority makes provision for money required for afforestation in double the area required for the project and deposits the amount with the Collector." (18)

MR. CHAIRMAN: Mr. Rathod, do you want to speak on Amendment No. 2?

SHRI UTTAM RATHOD (Hingoli): Yes Sir. Sometimes on some occasions, we are so moved that we do not know what we are speaking or what we had spoken on the earlier occasions. Chamberlain's son used to say about his father that his father was no doubt a wonderful person and sometimes he was so much engrossed that if he were going in a funeral procession leading to a graveyard, he used to behave as if he himself were dead and the coffin was his. Today, our discussion is being carried in this way. Sir, let us not be carried by these things. Anyway, I am happy that the Minister has accepted that nobody who had been in possession before 1980 would be evicted. Now, ours is an amendment about small projects for irrigation, drinking water, electricity lines and other things. I may mention here that in my area just to divert a 400 KV line for which erection work and stringing was already completed, from Chandrapur to Purli, the MSEB had to spend Rs. 10 crores more. As you know, a 400 KV line conductor, once removed, cannot be used again. We have to spend nearly Rs. 10 crores just to save a handful of trees. For this purpose, you have compelled the Government to spend Rs. 10 crores. Is it good? You should have asked them to plant some more trees. Here, we have asked that these dams, these electricity lines and the tribal hutments should be allowed to be constructed. Even in the Tribal Sub-Plan, there is an area approach. These roads will have to be constructed, drinking water facilities will have to be given and schools will have to be constructed for the

tribal people. So, we have suggested in this amendment that if the total land required for each project is less than forty hectares and if the project provides money required for afforestation in double the area taken for that project or where an equal alternative land is made available by the Collector to the Forest Department, then that project must be cleared. I request the hon. Minister to accept our amendment.

SHRI S.G. GHOLAP: Sir, I would like to speak on amendment No. 3 to Clause 2.

Sir, the policy of the Government is that if some land is required for any project, land should be given to that project if the project provides money for afforestation purposes in double the area taken by the said project. Also, if alternate land is provided by the project. Also, if alternate land is provided by the project, then the project should be given clearance. We all suggested that we are prepared to accept these conditions. The Collector will provide alternate land and also money for afforestation in double the area taken by the project. Actually, in Thane and Nasik, we have already given the alternate land. Even then, clearance of the projects takes three to four years. I do not understand why we should wait for three to four years. I have stated in my speech that this is a ban on development. I wonder why you want a ban on development. When the project is prepared to give money for afforestation in double the area taken by the project and to give alternate land also, the Government should accept it and clear the project.

My Amendment No: 5 is regarding reserved forest. It says "that any reserved forest as defined in the Indian Forest Act, 1927 only; and not deemed to be reserved forest or any portion thereof under any State Law shall cease to be reserved."

In Maharashtra, we have acquired the marshy land. The Agricultural Land Ceiling Act provides for a ceiling of 24 acres but in the case of Forest Act, we have provided a ceiling of up to only 30 acres. We have acquired the land and our forest has in-

[Sh. S.G. Ghop]

creased. In sixties, it was something less and now it has gone up.

Under this Bill the appeal can also be made in the Court. But under that Act, no such appeal can be made. This Bill says, "Notwithstanding anything in any other law." Even though there is a provision to move the Court for an appeal, I say, it should be restricted to the reserved forest, as per the definition in the Indian Forest Act of 1927.

SHRI K.P. SINGH DEO (Dhenkanal):  
My Amendment No. 8 says that "after line 17,  
*insert—*

"Provided that the forest land or any portion thereof, referred to in Clauses (iii) and (iv), shall be identified by a Board comprising of officials, non-officials including non-government environment organisations and specialists in nature conservation."

The reason is that at the moment, there is a Committee which decides whether the land is to be converted from forest to non-forest use. It is done by three gentlemen — or may be a lady there — one is the Inspector General of Forest, second is the Additional Inspector General of Forest and the third is the Deputy Inspector General of Forest. It is like a war which cannot be left only to Generals because it is too serious a matter. Therefore development of minor irrigation, national highways, rural roads, hospitals and educational facilities cannot be left to three forest officers sitting here in Delhi and trying to decide what is good and what is bad for us.

Therefore, I would like to mention about the productive aspect of forestry which the hon. Minister was harping upon in his opening statement and, it is this productive aspect of forestry which has led to the denudation of most of the forests. The protective aspect of forestry is yet to be developed. Therefore, do not leave this entire developmental gamut

and the scenario to three forest officers who are sitting here in Delhi without visiting different places where minor irrigation task may be necessary, as it had happened in the last year's drought. It is the lifetime of the people. Last year's drought was the worst one in this century. The projects which had been started in 1949-50 — when those forests were Revenue Department forests — there not even a single naya paisa could be spent from the drought relief which the Government of Orissa got from the Government of India. The hon. Minister was incharge of the State of Orissa. Therefore, the apprehension that these three forest officers and the Secretary of the Department may not be able to go to all parts of the country is the reason why we would like to have a safeguard by having non-officials from various walks of life who will know the importance of these projects and who can bring in objectivity to the Board. At the moment, there is no such provision of a Board which can be objective because this Committee is subjective and the guidelines which the hon. Minister was mentioning are not enough.

I am quoting here an answer which was given by the hon. Minister on November 12, 1987 in reply to a question put by Shri Gurudas Kamat.

"A lot of instructions have been given to the State Government:

- (i) Checking illicit felling of trees and removal of forest produce.
- (ii) Enforcement of the provisions of the Indian Forests Act.
- (iii) Providing deterrent punishment to the offenders.
- (iv) Programme for Wasteland Development for fodder.
- (v) Strengthening of Forest Protection Forces.
- (vi) Control on shifting cultivation.

- (vii) Stricter control on functioning of saw and Veneer mills.      explained. In the Explanation under Clause 2, under (b) thereof it is said:
- (viii) Increase in protected areas like Wildlife Sanctuaries and National Parks.      “(b) any purpose other than reafforestation, But does not include any work relating or ancillary to conservation, development and management of forests...”
- (ix) Closure of vulnerable forest areas to grazing.
- (x) Promotion of use of alternative fuel to reduce pressure on forests on account of firewood extraction.
- (xi) Substitution of wood in industries, railways and other uses.
- (xii) Elimination of contractors.
- (xiii) Guidelines for preparation of working plans and felling in the forests issued to State/UTs. for conservation of fragile areas in particular.
- (xiv) Restriction on felling trees above an altitude of 1000 metres.”

It is not as if the State Governments are not aware of these. These are hardly any guidelines. Therefore my amendment.

MR. CHAIRMAN: On amendments No. 10 and 11—Prof. Saifuddin Soz.

PROF. SAIFUDDIN SOZ: I had explained in my earlier observations that this is a Bill whose title is very pleasing, viz. ‘Forest (Conservation)’. But actually, by clause 2, the Department will be passing out forest lands. In Clause 2 (a) it is said that it will go even to private parties. As per Clause 2 (a), under (iv) it is said:

“that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

And then, non-forest purposes are ex-

plained. My amendment is that it may not be practical; but the hon. Minister can understand the spirit. Wherever you pass on the land to any project, that organization must give you double the area, must give you the money for that, so that you purchase double the area which you pass on to that organization, and do afforestation. But we see, not only in Jammu and Kashmir but throughout India, that cutting a tree is very easy, but planting a tree is very difficult. So, I want the hon. Minister to generate a climate. After all, this is the Ministry responsible for ecological balancing in my country. Therefore, the hon. Minister has a duty to create a climate so that people start planting trees. This may not be a practical amendment. You may not accept it. But I want to make a request: if you pass on land to private parties, you will do it very wisely. But you will pass on land to corporations, private people and agencies also. When you give land to certain agencies, it may be for the construction of roads or culverts. It may be for any project. But from that organization, you should not accept money. You should accept double the area you are passing on to that organization; and you should ensure afforestation.

My point is that you create a climate in this country, so that people start planting trees from their courtyards right up to the mountains. We want a green India; we want the green belt to be preserved.

MR. CHAIRMAN: On amendments 12, 13 and 14—Mr Sobhanadreeswara Rao.

SHRI V. SOBHANADREESWARA RAO: During the reply to the debate, the hon. Minister has conceded several factors that have resulted in the denudation of forests, or reduction in the forest area. Those

[Sh. V. Sobhanadreeswara Rao]

days are over; and for the past several years, a consciousness has come to the fore that we should preserve the forests, and increase the forest area. Not only Government of India; even every State Government has got a very serious concern. With the involvement of people's representatives also in the zilla parishads, district planning board meetings and at various levels right down to the Sarpanches in the villages, they have also become equally interested.

My amendment is this: while agreeing with all the objectives, I feel that there should be some flexibility. The hon. Minister said that they had taken some steps in one month—either approved or rejected something. But I am very sorry to say that it does not reflect the factual position. You are asking for the information viz. as to how many trees are there, what is the width of the trunk and how many branches are there—all silly questions. Actually, if you go through the format, you will wonder and be surprised and also feel sorry at this gathering of information, as if the State Governments are not having any responsibility, and that there are no IAS officers there, and that IFS and IAS officers are there only in Delhi, and that only Government of India is interested in preserving forests. So, my submission is that in spite of all your rigid provisions in the present Act, every year several thousands of acres in every nook and corner of this country are being de-forested, because of the corrupt practices of your Department followed in connivance with some forest contractors.

My submission is, when the issue concerns some minor irrigation project, power project or a major irrigation project, there should be some flexibility to the State Government at least up to 200 hectares. Kindly do not take a rigid view. You will be stretching it too far. Please accept this amendment, up to 200 hectares only; over and above that you give the clearance. But up to 200 hectares let the State Government give the clearance and come to the Central Government for ratification.

The other amendment I have proposed is, when the State Government proposes for taking up re-forestation in a declared area, in a bail and under the State Government's control which is not a reserved forest, when the State Government has come forward to spend money to grow forest area for re-forestation in that area, double the area of the area which is required for some project. the Government of India should not have any objection and that is why I request the Government to agree to this amendment.

MR. CHAIRMAN: Mr. D.B. Patil your amendment are Nos. 15 to 18.

SHRI D.B. PATIL (Kolaba): Mr. Chairman, I am referring to my amendment No. 15 to the Bill. The hon. Minister while replying, was at pains to explain that the provision under Clause 2 sub-clause (iii) was not to allot land to private persons and other persons. On the contrary, he said that it is for prohibiting the State Governments, without the permission of the Central Government to transfer such land. But according to me, it is just contradictory to what he has said and what has been provided. On the contrary, according to me, it is an enabling clause to allow the State Government with the permission of the Central Government to transfer land to any person. If you go through the original provision in the principal Act, it has been stated in Section 2 of the original Act as under:—

"2. Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any por-

tion thereof may be used for any non-forest purpose."

These are enabling clauses, that it can be done with the permission of the Central Government by the State Government, and here it has been added,—

"that any forest land or any portion thereof may be assigned by way off lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;"

I have doubts about the words "any private person". There are specific provisions under the law that no non-agriculturist can purchase agricultural land. There are certain provisions. In spite of that thousands of non-agriculturists have purchased agricultural land in all the States all over India.

Here, if you allow the State Governments, with the permission of the Central Government, to transfer or assign certain lands to any person — there are many rich persons here — when white money as well as black money is flowing like flood water in our country they are playing havoc in our country, and they will be playing havoc with this provision.

Then my next amendment is Amendment No. 16. It has been provided in clause (iv)—

"that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation."

This is self-contradictory. The afforestation section is being implemented there and the trees which have been grown there will be felled or cut. I have suggested that instead of cutting all the trees, it provided that fully grown trees on such land shall not be felled. The trees have been fully grown and what is the purpose of their allowing to fell any trees which have been fully grown for

the purpose of afforestation? This is self contradictory. I request the hon. Minister to take into consideration my contention and accept my Amendment.

Then about Amendment No. 17, it has always been said that it is a forest land. Our common experience is that even though it is described as a forest land, there are no trees at all or if there are trees, there are very few trees. Even if that land is said to be a forest land, that forest land cannot be used for non forest purpose. This is simply not a welcome situation. I suggest that a provision should be made for having a minimum number of live trees prescribed under the rules, and the forest land should be having minimum number of trees in that particular area.

Then, my Amendment No. 18 is a common one. I have suggested that the concerned authority in any project such as minor irrigation, drinking water supply, laying of electric lines, construction of roads and such other works of public utility purposes should provide money for afforestation in doubling the land, because you cannot expect the proper authority to provide for land, but you can instead ask them to provide money for afforestation. I have suggested that if and when the concerned authority makes provision for money required for afforestation in double the area required for the project and deposits the amount with the Collector, then permission shall be given for using the land for non forest purpose.

Because of this provision and because of this Bill many projects in the backward areas are being held up. That means, there is a block of developmental process in those backward areas, where the Government should be very particular of having those schemes executed. So, I submit that my Amendment should be accepted.

SHRI Z.R. ANSARI: Sir, I am afraid that I would not be able to agree to any of these Amendments. The purpose of one set of Amendments is just to give the rights of certain limited area or certain specific purposes to the State Governments.

[Sh. Z.R. Ansari]

Sir, in a minute, I just want to put before this House the real picture. All the rights were with the State Governments till 1980. In 1978, before the passing of the Forest Conservation Act, some guidelines were issued to the State Governments asking them that if they want to take up forest area of ten or more hectares for any particular project, then the case should be sent here for taking a decision. No State has sent any case from 1978 to 1980. Therefore looking at the whole situation, this Parliament was forced to pass the Forest Conservation Act and the salutary effect of the Forest Conservation Act is that it has brought down the diversion of forest area from 1.5 million hectares per year to about 16000 hectares per year. If delegation of power is there, then the process will be in a piece-meal way and the vast area of forest will be just diverted for non forest purposes. This is one reason for which I am not going to accept those proposals.

Sir, Shri Patil while moving his Amendment, said that it is an enabling provision for the private person. Why we have put this? You know that many of our mining areas where some minerals are there, are found in forest areas and for that purpose, the State Governments or project authorities may come to the conclusion that the lease should be granted for using those minerals for developmental process. In that case, they have to refer to the Central Government that provision.

Mr. Singh Deo has said that it is a 3-man committee. I am sorry to say that the hon. Member is mis-informed.

SHRI K.P. SINGH DEO: I read out from the gazette notification published by the Government of India. I did not publish it myself.

SHRI Z.R. ANSARI: There are six members—three experts and three non-official experts who are involved in that.

SHRI HARISH RAWAT: Are there elected representatives from either of the Houses?

SHRI Z.R. ANSARI: No.

SHRI S.G. GHOLAP: I seek leave of the House to withdraw my amendments Nos. 2, 3, 4, and 5 to Clause 2.

*Amendments Nos 2 to 5 were, by leave, withdrawn*

SHRI K.P. SINGH DEO: I seek leave of the House to withdraw Amendment No. 8 to Clause 2.

*Amendment No 8 was, by leave, withdrawn*

MR. CHAIRMAN: I shall now put amendments Nos. 10 and 11 moved by Shri Saifuddin Soz to the vote of the House.

*Amendments Nos 10 and 11 were put and negatived*

MR. CHAIRMAN: I shall now put amendments Nos. 12, 13, and 14 moved by Shri V. Sobhanadreeswara Rao to vote.

*Amendments No 12 to 14 were put and negatived*

MR. CHAIRMAN: I shall now put amendments Nos. 15 to 18 to the vote of the House.

*Amendments Nos 15 to 18 were put and negatived*

MR. CHAIRMAN: The question is:

"That Clause 2 stand part of the Bill"

*The motion was adopted*

*Clause 2 was added to the Bill*

MR. CHAIRMAN: Now, there is an amendment for a new clause. Shri K.P. Singh Deo.

SHRI K.P. SINGH DEO: I am not moving:

MR. CHAIRMAN: The question is:

"That Clause 3 stand part of the Bill"

*The motion was adopted*

*Clause 3 was added to the Bill*

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting formula and the Title stand part of the Bill"

*The motion was adopted*

*Clause 1, the Enacting Formula and the Title were added to the Bill*

SHRI Z.R. ANSARI: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

*The motion was adopted*

17.00 hrs.

DISCUSSION UNDER RULE 193

**Dismal performance of Indian sportsmen in Seoul Olympic Games — Contd.**

[English]

MR. CHAIRMAN: Now we go to the next item — further discussion on the dismal performance of Indian sportmen in the Seoul Olympic Games, raised by Shri C. Janga Reddy on 1st December, 1988. Shri Viridhi Chander Jain.

SHRI N. TOMBI SINGH: Sir, I was almost on my legs the other day when the

question of quorum was raised.

MR. CHAIRMAN: Then you begin first and after you, Mr. Jain will speak.

SHRI N. TOMBI SINGH (Inner Manipur): Mr. Chairman, Sir, in fact, the other day I had not started speaking but technically my name was called and then the quorum was challenged.

17.01 hrs.

[MR. DEPUTY SPEAKER in the Chair]

Sir, we are discussing our performance in Seoul Olympics. There has been a prolonged discussion and very important and significant points have been made by hon. Members from both sides of the House. I do not like to join the long queue of those who take a very critical view against the Government in this matter because performance, dismal or good, has to be judged by as to what expectations we went there. In no Olympics, up to the Seoul Olympics, had we have been considered a very strong country in sports. We had not been able to get any individual championship or individual gold medals since 1952. Of course, team events like hockey have been there with occasional sparkling achievements. The question is whether in the Seoul Olympics we had done our best and if we had done our best as the saying goes, the best cannot be bettered. I do not like to agree with the criticism that we have done our best. Certainly we have not done our best. But then this only indicates that there is some promise for us in the future. Let us take the example of South Korea. If we look to the past history of world sports, South Korea has done a miracle. In the economic field also, South Korea has done a miracle. Within these few decades, South Korea, a small country compared to our vast country, has come up at such a level economically and otherwise, and we can follow its example. Particularly in the field of sports, this country has been able to sponsor the twenty-fourth World Olympics and it has got its own justification by winning gold, silver and bronze medals in different catego-