

[Shrimati Prabhawati Gupta]

made substantial contribution towards it. Closure of Ramacast Limited in the private sector for the last 7-8 years has rendered hundreds of workers unemployed in the district. So I request the Central Government to take over the Ramacast Limited (Motihari) and also to direct the State Government to start, without delay, agro-based industries by keeping in mind the agricultural potential of the district for providing jobs to unemployed workers and for ameliorating the economic condition of the farmers.

(xiii) Demand for Extension of the Barhan-Etah railway line upto Farrukhabad (U.P.)

SHRI MOHD. MAHFOOZ ALI KHAN (Etah): Mr. Deputy Speaker, Sir, in the Allahabad division of Northern Railway a branch line from the Barhan railway station on the main line near Tundla, to Etah has been laid. Since its construction in 1969, this line has been running into losses for which the railway administration is responsible as it did not conduct a proper survey at that time. Had the line been laid from Hathras or Aligarh Junction the project would have been successful. On the line from Barhan to Etah only two trains hauled by steam locomotives are run. There the movement of goods and passengers is very less because the condition of coaches is very bad. For changing the direction of locomotives, there is no shed in Etah and these locomotives have to be sent to Barhan for the same.

Etah district is backward due to lack of means of transportation. As long as the line is not extended from Etah, it will remain uneconomic. Its only solution is the extension of the railway line from Etah to Farrukhabad because the latter is connected with the broad gauge line coming from Shikohabad. This way a circle of broad gauge railway lines will come into being making it more useful for the public as well as for the Railways. I would like to request the hon. Minister of Railways to first get the survey work completed, before the proposal

for extension of this line is presented to the Planning Commission so that it is included in this or any future plan and budgetary provisions made for making the means of transport more convenient for the people of Etah district.

12.40 hrs.

FOREST (CONSERVATION) AMENDMENT BILL

[*English*]

MR. DEPUTY SPEAKER: Now we shall go to the next item-Bills for consideration and passing.

Shri Z.R. Ansari.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI): Mr. Speaker, Sir, with your permission I beg to move:

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

SHRI G.G. SWELL (Shillong): Kindly check whether there is quorum, Sir. Or if you want to run on decorum. I have no objection. (*Interruptions*).

MR. DEPUTY SPEAKER: Let the quorum bell be rung. Now, there is quorum. The Minister may continue.

SHRI Z.R. ANSARI: Sir, as the hon. Members are aware the Forest (Conservation) Act, 1980 was passed on the initiative of our Former Prime Minister Smt. Indira Gandhi after the enormous deforestation which has occurred in our country due to various factors had been noticed. About 4.5 million hectares were lost between 1951-52 to 1979-80. The State Governments could not exercise control over such diversion of forest land for non-forest purpose.

The extensive diversion had great adverse effect on the environment in the country causing soil erosion, silting of reservoirs, lakes, rivers, channels etc. and recurrence floods and droughts. In addition, the rural poor are affected as their biomass needs become scarce.

The Forest (Conservation) Act, 1980 has a very salutary effect on the rate of diversion of forest lands for non-forest purposes. The annual diversion came down to 15,000 hectares from 1.5 lakh hectares prior to the coming into force of this Act.

Guidelines have been issued from time to time for the implementation of this Act, but some lacuane have come to our notice during the last 8 years. Some attempts have been made to divert the forest for creation of commercial plantations on the plea that these plantations also can discharge the functions of natural forests. This plea is not correct. Certain requests had also come to the Central Government to allow diversion of forest lands to non-governmental organisations, corporations, etc. with the justification that these non-governmental organisations would plant particular species in these lands and hence such use would not amount the diversion of land from forests. Certain doubts also arose whether use of forest land for purposes such as establishment of check-posts, which are ancillary to forest conservation would amount to diversion of forest land.

One of the weaknesses frequently pointed out in the Forest (Conservation) Act, 1980 is the absence of a penal provision in the Act.

In order to remove the lacuane in the Act, the Government have examined in depth the various issues. The present Amendment Bill has been brought before this House for strengthening the Forest (Conservation) Act, 1980. The objective of the Bill is very laudable and I solicit the support of the Hon. Members in passing this Bill. I am confident that the Government would be able to protect the forests more

effectively with the help of the proposed Amendment Bill.

MR. DEPUTY- SPEAKER: Motion moved:

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

Mr. Ayyapu Reddy to Speak.

SHRI K.P. SINGH DEO (Dhenkanal): Mr. Deputy-Speaker, Sir, many of us have given amendments. When will we move them?

MR. DEPUTY-SPEAKER: When we take up clause by clause consideration, you can move them.

SHRI E. AYYAPU REDDY (Kurnool): Mr. Deputy-Speaker, Sir, this amending Bill, according to the statement of the hon. Minister is intended to strengthen the Forest (Conservation) Act, 1980. Just now he has stated that in order to remove the lacuna in the Act the Government have examined in depth the various issues. I am very sorry to say that there has been no examination in depth of the various issues. It is merely mentioned that they have examined it in depth. What is the examination done by you? Have you consulted the various State Governments about the difficulties faced by them in the implementation of the Act? Have you examined the various developmental aspects in consultation with the Planning Commission and whether you have examined any experts on this subject, it is not made clear either in the objects of the Act or in the statement of the hon. Minister. He has merely stated that he has studied the matter in depth. It is claimed that this Act had a very salutary effect in preventing massive denudation of the forests. Statistics have been given that from 15 million hectares, the Act had the effect of reducing the denudation to 1.5 million hectares. I do not know wherefrom the hon. Minister was able to get this data. One wise man classified lies into three categories— black lies, white lies and statis-

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tics. These statistics are given and we take all the statistics at their face value. I am not able to agree, I am not satisfied that this Act had that effect of bringing down the denudation from 15 million hectares to 1.5 million hectares.

SHRI Z.R. ANSARI : It is not the denudation, it is the diversion of forests. There is difference between diversion of forests and denudation.

SHRI E. AYYAPU REDDY: Yes, I will accept that in that respect also. But I would like the hon. Minister to say whether he has studied the implementation of the Act from various aspects. I will first mention some of the aspects which have come up for very serious criticism in the implementation of this Act. First and foremost, this is a matter essentially between the State Government and the Central Government so far as the clearance of the projects are concerned. Originally and even now, the implementation of the Indian Forest Act is with the State Governments. The Central Government has no independent infrastructure of its own to implement this Act. It has got only a negative attitude or a negative aspect that whenever a State Government comes forward for the clearance of a project or clearance of the use of the forest land for non-forest use, then alone it can say, 'I will examine it or negative it or give my consent.' Apart from that it has no other relevancy so far as the implementation of this Act is concerned. But where a particular State Government is prepared to ignore this Act and go on its own without asking for the implementation of this Act, there is no machinery with the Central Government to stop that particular State Government from making use of the forest land for non-forest purposes. Of course, a penal clause has been introduced, but I will later on examine it and show how this penal clause will only be a paper tiger.

Now, I would request the hon. Minister to examine the implementation of the Forest Act including this intended amendment also

from various aspect. One thing is, we do require hydro-electric power and most of our hydro-electric power projects involve in some way or other forests, because most of the rivers come and flow through these forests. In Northeastern region, in Kashmir, in all other places, the hydro electric power potential is estimated to be very high. In fact, in Northeastern region itself, the estimated hydro electric power potential is of the order of 40,00 m.w., one third of the requirements of the States. Of course, now each one of these States has to come and get a clearance from the Central Government if it wants to go through that. Then, these hydro electric projects are not getting speedy and quick clearance. Even though the Planning Commission has given its clearance, it is not able to get clearance from the Department of Environment.

The other thing is multi-purpose project. There again, these irrigation projects which have been investigated at great depth and at great cost by the State Governments are held up for years together on account of non-clearance by the Environment Department under this Act. For instance, the Telugu Ganga, project which was inaugurated by Shrimati Indira Gandhi in May, 1985 at Madras, after a lot of fan-fare in the presence of so many Chief Ministers, took years to get a clearance. Only recently clearance was given by the Environment Department. For nearly 4 years, State of Andhra Pradesh has to make a number of visits to Delhi and the entire projects was held up because clearance was not given. Whereas in the case of Narmada project— this is the complaint of Andhra Pradesh—clearance was given in a matter of months. That is, the implementation of this Act has come in for severe criticism that it is being used as an instrument of harassment in respect of some States whereas It is used as an instrument of conferring favour in respect of other States.

Then, the other aspect is, we have got forest-based industries. Has the hon. Minister examined this Act from the point of view of forest-based industry, especially paper mills? Some of the paper mills, in some

States, do require and depend entirely on the forest produce, such as bamboo and wood. These industries have been established with public funds, with Government funds or bank funds but the funds are held up. These industries are starved of the raw materials on some reason or the other, under the pretext of implementation of this Act. The forest-based industry is another important aspect form which this Act has to be looked into.

The next aspect is, about the tribals who are living in the forest areas. From the debate in the Rajya Sabha, I could see the reply of the hon. Minister that he has shown a lot of sympathy for the tribals. And this Act is actually resulting in harassment to these tribals and has been depriving them of their own traditional livelihood. There has been no alternative arrangement or programme made for rehabilitating these tribals who are deprived of their dependence upon forest produce.

The most important aspect is the mining. Most of the minerals are located in the reserve forests and mining leases are granted under the Mines and Mineral Development Act. Renewal of these mining leases has taken years together because the Forest Department and the authorities have been asked not to clear this or not to renew mining leases. In a number of cases, the parties have to go to the High Court and compel the Government to re-issue the mining leases, because they have been held up on account of this. What effect or what is the obstruction that was caused by the mining of these minerals is also another important aspect which the hon. Minister has to take into consideration.

The next important aspect is communication and roads. Irrigation canals to villages which are located very near to forest margins and forest boundaries are held up because a few furlongs of the forest areas have to be used for the purpose of digging a canal or laying out road. I know a number of instances where roads could not be completed to villages and they were denied the

communication because a few yards or a few furlongs of the road pass through the reserve forest. The most important communication is held up even though investment has been made and the road has been practically completed but it could not be made use of for the simple reason that the clearance under this Act has not come. Communication is also another important aspect wherein the implementation of the Act has been coming as an obstruction.

There are totally arid areas within the reserve forest, say in Rajasthan, in Andhra Pradesh, in almost all the States. Though it comes within the jurisdiction of the reserve forest, it is totally devoid of vegetation, say in the hillock. These areas are useful for mining, for cultivation and can be used by the villagers for cultivation. All these people are now deprived of this. The forest people are prosecuting them and preventing them, even though the forest officials are not able to make use of this land. This Act has I may say, only negative attitude. It has no positive attitude or positive aspects.

You know, there is rapid burst of population in India and there is necessity to increase useful employment, necessity to develop and industrialise India and necessity to increase our industrial production, minerals production and other things. You have to correlate and harmonise this with the preservation of forest. The geography goes on changing. It will not be constant. It is true that the reserve forest belt has to be preserved but that does not mean that under the pretext of preserving this green belt or reserve forest, we must prevent the development and growth which is so essential to the nation. What is necessary is a balancing between the two and re-forestation programme. What is our afforestation programme that is envisaged in the 7th Plan and what is the achievement. It is said that 5 million hectares have been re-forested in the 7th Plan. But what has been the attitude of the Central Government and what is the financial assistance it has given, is not made clear.

[Sh. E. Ayyapu Reddy]

First and foremost is, you must have a positive attitude for re-forestation. You must insist upon green belt around every city, every municipality and every panchayat. The first aspect is the Central Government must come forward with a positive enactment, saying that every city, every municipality and every panchayat must have a green belt round about it and it must come forward with liberal grants for carrying it out. The other aspect is social forestry and the farmers must be encouraged to go in for social forestry. Under the anti-poverty programme this also is taken up. Afforestation is taken up both as anti-poverty programme and also as per *Bekari Hatao* programme, as per the rural employment of the unemployed and under-employed. You have not come forward with any positive programme for afforestation and social forestation for the various States. The Central Government must come forward with substantial funds to take up these programmes, afforestation along the national highways, rural highways, banks and canals and all those things. There is no definite plan drawn up so far.

13.00 hrs.

Therefore, while it will be necessary sometimes for us, on account of geographical location of the rivers, mountains and mineral wealth, to allow forest land to be used for projects, we have to compensate it by a positive aspect of afforestation on the lines indicated by me. Without it, it may not be possible to achieve the objective, knowing the percentage of forest and green belt in India.

One of the important aspects is about the arid areas which have been reserved in the forest areas. There must be a realistic reassessment of the arid areas whether the State Governments must come forward with the afforestation of these arid areas. Where they are not fit for afforestation, and where it has been found not possible on account of the fact that they are located in drought-prone areas and where the rainfall is so

meagre that it is not possible to have afforestation, they must be eliminated. They must be declared as being useful for their purposes. If you do not do that, it will be totally unrealistic to make those lands or to keep those lands vacant without either making use of them for forest or for other purposes also. It will not be possible because the population round about these areas will certainly encroach on these areas and they cultivate them or make use of them for other purposes.

In Andhra Pradesh, there has been great difficulty in the implementation of this Act with regard to the mining areas. Some of these mining areas are located in the forest area. They are arid areas. There is no forest there. But, in spite of that, mining which used to be carried out for years together, is being stopped on the ground of forest clearance. These aspects must be kept in mind while implementing this Act.

The other aspect is the penal provisions in this Act. I found from the Debates that the hon. Minister said that it was referred to the Law Ministry. The two penal clauses are 3A and 3B. The question is, who is to implement these penal provisions, the Central Government or the State Governments. Especially under Section 3B, the Departmental Heads are sought to be made liable for penal for penal action. Whenever a Government servant is to be prosecuted, it is necessary to obtain the State governments' permission to prosecute him under Section 193 of the Cr. P.C. If the State Government itself is going to be prosecuted, will it itself grant sanction under 193 Cr.P.C. against itself? Supposing, if the Chief Conservator of Forests has permitted misuse of the forests, then will the State Govern Government give sanction for his prosecution? Therefore, the provision under Section 3B for offences by authorities and Government Departments will be a mere paper tiger because you have not devised as to how these provision can be implemented. Who is going to prosecute? Is it the Central Government agency that is going to prosecute? How are you to get over the provisions in the Cr.P.C. which require

sanction of the State Government for prosecuting an official? That has not been stated? Therefore, provisions 3A, and 3B, the penal provisions, seem to have been inserted without any deep study of the cognate provisions namely, the Cr. P.C. rules and regulations relating to criminal trials. What I suggest is that a Central Authority should be there. The working of this Act has to be reviewed by an Expert Body in consultation with the State Governments. A realistic assessment must be made and then the Planning Commission must also be taken into confidence. How far the implementation of this Act is going to impede the speedy implementation of Hydro-Electric Power Projects, Multi-purpose irrigation projects, industries and industrial projects, that aspect must be studied very carefully and then a total review of the Act and its implementation must be undertaken.

With these words, I lend partial support to this Bill. Further, we suggest that there should be a more comprehensive legislation on this entire aspect of preservation of the forests.

[Translation]

SHRI HARISH RAWAT (Almora): Mr. Deputy Speaker, Sir, I fully agree with the views expressed by the hon. Member of the opposition. I have great respect for Ansari Saheb. He is one of the senior-most leaders of our country and has achieved this status through hard work. We all look up to him with pride for guidance. I feel that before this Bill was moved, his Department did not bring to the notice of the hon. Minister the views expressed from time to time by hon. Members in this House and by those outside the House who are associated with the development work. I think if all the aspects and the views on the subject had been brought to the notice of the hon. Minister, then the open minded person like him would have definitely come forward with a comprehensive Bill in conformity with the views of the people of the whole country, of the State Governments and of the people involved in development as well as striking a balance between the environmental protection and develop-

ment. However, I am afraid that this Bill will not be a step forward in the direction of environmental and ecological protection and the Act 1980 will become even a bigger bottleneck in the implementation of development programmes. When in 1980 the original Bill was moved in the House it was widely appreciated and I am proud to state that I was one of those hon. Members of the House, who raised their voice against the commercial exploitation of forests and launched a movement against the Government and the party and even went to jails. After becoming a Member of this august House in 1980, not once, but at least three-four times I raised my voice emphasising the need for the introduction of such a Bill even before the enactment of the present law. At that time it was my feeling that after enactment of the Forest (Conservation) Bill, 1980 not only the ecological awareness would be created among the people, but also the exploitation of forests would stop and a balance would be struck between development and ecology. After the enactment of the law in October 1980, there was a great enthusiasm among the people, I cannot say whether it brought to an end the commercial exploitation of forests or not but at least created an awareness among the people and the forest departments of the State Governments who were earlier engaged in only tree felling and forest exploitation, started paying attention towards afforestation. But when the guidelines were framed in 1982 all the powers of the State Governments regarding development were taken over by Central Government. An Advisory Committee was formed and Sir, you will be surprised to know that not a single elected representative has been associated with it. The people who have been taken in the Advisory Board are not even remotely related with either forest conservation or the common people. Not only this, I want to submit to the Hon. Minister that the proposed amendment to the Forest Conservation Act, 1980 is proving to be an obstacle in the process of development. Therefore, he should reconsider these aspects.

2,300 Projects pertaining to hilly area of

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Uttar Pradesh, from where I have been elected, are pending for approval with the State Government or the Central Government under various Acts. About Rs. 850 crores have been sanctioned in the Sixth and Seventh Five Year Plan period for these projects. Just imagine how much the situation will deteriorate if a sum of Rs. 850 crores under plan expenditure remains unutilised. Due to this, the entire plan of our hilly areas has become irrelevant. It appears that the conditions may not improve even during the Eighth Five Year Plan. In a way, it can be said that it will result in plant holiday in hilly areas or in the Himalayan region which is instrumental in the conservation of environment and forests in the entire country. I would like to submit to the Hon. Minister that he will not be able to conserve forests by blocking the development of hilly areas or without associating the hill people in this process. The form the Forest Conservation Act has taken in our hilly areas is so despicable that it is beyond imagination. Take for instance Dhauli Ganga Hydro Electric Project and a number of other small projects such as providing umbrella to T.V. Transmitters in Ranikhet and Uttarkashi which are all held up. Besides, a number of roads namely Kathpadia to Sairaghat, Charma to Jaurasi, Chalnichhina Chhadauj, Syoni Chamadswan, Chaukhutia Maibyan, Bageshwar-Dafot, Loharkhet-Pindari glacier, Kimtoli, Raunsal, Champavat-Manch-Tamli, Tavaghat-Narayan Agrasan, Neu-Dugdhu, Gangolihat-Khirmande, Naini-Povaghat-Gangolihat etc. which were sanctioned as far back as in 1980-81 are held up at various stages. The work on some of them has already started. 90 percent of work on some of these roads has been completed. The work on one or two roads such as Charma-Jaurasi has been completed upto 99.5 per cent and very little remains to be done. But due to this small unfinished work, we cannot use the road. On the contrary it is causing soil-erosion. If we seek clearance from the Centre or request for transfer of power regarding issuance of clearance to the State, our request is not entertained. I would like to

give a small example. There is a road named Pati-Bhigrada-Reethasaheb in Pithoragarh. It has great importance from tourist point of view because Guru Nanak Dev had visited that place. This 65 km. long road is ready but it is not being used because felling of a tree is involved. Due to the provisions of Forest Conservation Act, we could not cut the tree. We kept waiting for three years till nature came to our rescue. One day, a swift wind swept across and the tree got uprooted. Only then, the road was cleared and we could use it. 65 km. long road could not be put into use due to one tree. You have framed such guidelines under this Act and the procedure of these guidelines is so complex that nobody can approach the Advisory Board easily. Nobody can cut even one tree and no project can be cleared without the approval of the Board. There are such provisions in the Act that any proposal can be withheld upto 6-7 or 8 months. I am thankful that the Hon. Minister issued instructions to remove these difficulties and obstacles after he assumed charge of this Ministry. But all those difficulties and the reasons which create them have not been corrected till today. With those difficulties in view, I want to place my grievances before you. Unnecessary objections are raised under these guidelines such as the one in which they say that cost benefit ratio should be determined. One thousand dwelling units are to be constructed for Harijans under Indira Awas Yojana. What cost benefit ratio can be determined for it? If a house needs repair and permission is sought to extract 10 slates or 10 cubic metres of stone, the papers are required to be submitted to the Central Government. What cost benefit ratio can be fixed therefor? If such small cases are returned with objections, you can well imagine what would be the situation there. Another objection they raise is that alternative alignment should be determined. The guidelines provide that when the proposal is submitted, 3 alternative alignments will be examined by the D.F.O. who holds the rank of Class I Officer. But when the case goes before the Advisory Board, they go through the maps and say that possibility of alternative alignment or site may please be ex-

plored. I want to say something about T. V. Tower at Ranikhet. A small umbrella of low power transmission is to be built there. In that case also, *stereo-typed objection of alternative site was raised and the proposal was returned. Due to this, the people of Ranikhet are being deprived of watching T.V. programmes for the last one and half year.*

About drinking water scheme too, the same question of alternative site is asked. What alternative site can be there in such schemes? Only that site can be used where there is a source of drinking water. There only a small tank can be built. Hindrances are being created even in this small work. Polythene pipe is to be laid and no tree felling is involved in it. Transmission lines or telephone lines are to be laid which too do not involve cutting of a tree. Even for this, we are asked to approach the Central Government. When we go before the Advisory Board, the proposal is returned by raising various objections.

Mr. Deputy Speaker, Sir, deforestation has not been clearly defined in the bill. If we seek permission for building range quarters, forest guard quarters, check posts or for fencing, we are told that it involves deforestation. They say that since we are changing the land use, permission from the Central Government will have to be obtained. The work relating to building of research centres and raising nurseries is being blocked. Permission from the Central Govt. has been made compulsory even for building internal thorough fares inside the jungle for the purpose of protection of the forest. We are told that consolidated proposals are not submitted. What consolidated proposal can there be? I wanted to cite the example of a road called Panch-Tamili-Tawaghat-Jipti-Gunj road in Pithoragarh. People have to walk 150 kms. right from the Chinese border. Sanction for this road was given 9 years back. When we ask for permission to start work, we are told that this should be submitted in consolidated form covering the entire road. The State Government has accorded permission for 10 kms. How can a consolidated

proposal be made ? Who will pay for it, if there is no permission for it?

There are cases of short-term lease. There is a case of tea-shop vendor inside the forest. He has been running the shop for 50 years. Two generations have been doing this work. The lease of the tea shop has expired. It is said that case for its renewal must be sent to the Central Government. If a house is to be built for a Harijan under the 20 Point Programme, or other works are to be done under the Minimum Needs Programme, we are told to seek permission from the Central Government. The cases where tree-felling is not involved, should not be given such treatment.

Mr. Deputy Speaker, Sir, I want to put forward a suggestion to Shri Ansari, that even if the bill is passed, he may kindly bring forward a comprehensive Bill after giving full thought to all the difficulties and the reasons therefor, so that we could support the Forest Conservation Programme whole-heartedly and could associate ourselves with it.

Mr. Deputy Speaker, Sir, you know pretty well that land in hilly regions is of 3 types. The first is measured land; second is protected forests; and the third is reserve forests. In the hills, generally, every village is surrounded by forests. Even the boundary of our field comes under the definition of protected forests. I would like to submit to you that the protected forests in the hilly regions should be categorised as waste land so that we may implement the compensatory afforestation programme there and the work we are doing for its conservation could be accounted against our names. If it is done, we should be in a position to say that matching afforestation has been done by us to compensate for deforestation. The difficulty which we are experiencing at present in approaching the Central Government to seek permission even for small developmental works will also be removed if the land is categorised as waste land.

13.18 hrs.

[SHRI SOMNATH RATH *in the Chair*]

[Sh. Harish Rawat]

This Act should not be enforced on harijans and landless labourers. Besides the grants, the exploitation of stones for repairing the houses should also be kept out of the purview of the Original Act. The Central Government should transfer the rights of approving the renovation of conventional lease deeds to the State Government and under this Act the powers should be given to the C.C.F. The approved cases of 1980 and those prior to the enactment of this Act should also be kept out of the purview of this Act. A committee on State Government level should be constituted under the chairmanship of C.C.F. for deforestation cases up to 5 hectare and it should be empowered for granting approval also. It should be taken note of that Article-2 is not applicable on the construction of range-quarters and nursery as well as on forest roads built for forestry purposes. The compulsion of case-benefit ratio should be abolished in the construction works being undertaken under national programmes. Those cases should also be kept out of the purview of this act where the construction work had started before the enactment of this land. The construction work had been started because there was a lot of confusion in these matters, therefore, such matters should also be kept out of the purview of this Act.

As far as this Bill is concerned, it does not fulfil our requirements. This is not complete in itself. There are many loopholes in this Bill. I hope that Mr. Ansari will introduce a Bill in near future to plug away all these loopholes because the people belonging to hilly areas, adivasi janjati and forest areas are also associated with the "Forest Preservation" campaign, we cannot protect our forest without the co-operation of the people. The present structure of Conservation Act eliminates people and thus our Forest Preservation concept has remained only an allied concept. Until and unless the poor who needs upliftment, are associated with this Act, we are not going to achieve what we the Prime Minister and the late Prime Minister Shrimati Indira Gandhi intended to bring this

measure. With these words, I slightly oppose this Bill and hope that Mr. Ansari will not take my feelings otherwise. I hope that he will understand me.

SHRIMATI PRABHAWATI GUPTA (Motihari): Mr. Chairman, Sir, I rise to support this Bill presented by hon. Minister of Environment to make amendments in Forest Conservation Act, 1980. It is an appreciable step but still in the words of Shri Harish Rawat I want to say that this Bill is not an adequate measure and it cannot prevent indiscriminate cutting of forests in our country. A comprehensive legislation is needed to check this trend and for main arrangement for conservation of the forests and to have a National forest policy to be properly followed.

Forests are the custodians of our present and future. In Ancient times the forests had great importance in our life. The trees have got a very important place in our social as well as in religious life in our country and in certain other parts of the world. Trees are worshipped also. You know that certain trees such as 'shali' 'peepal' and Banyan are taken as sacred trees and we worship them with reverence.

The forests are not only life and oxygen gives but they consume poisonous Carbon-dioxide from the atmosphere and release fresh air. That is why there is a great importance of forests in our life. According to our National Forest Policy one third area of our total land should be covered with forests but it is quite evident from the pictures taken from satellites that now only 11 percent greenery remains in the entire world. How are we going recoup this shortage you cannot do it. Through this Bill the Government is going to insert a new chapter in section-II and clause (A) and (B) in section- 3. You have made a 15 days imprisonment in the Bill but I want to tell you that this going to serve no purpose at all because after undergoing an 15 days imprisonment he will again be found involved in cutting of the trees. It will result into indiscriminate cutting of trees and it will disturb the Environmental balance.

How are you going to set it right?

Shrimati Manorama Singh hails from the area which is totally surrounded with forests. She told me the ways the forests can be preserved. She also told me that the train running between Jhajha and Simulatala, the area falling in her constituency is stopped by the guard at a place which is not its stoppage. The train is stopped in between its way in collusion with the guard driver and the railway officers and then the cut trees are loaded on a very large to be sold in black-marketing. Thus the trees of good quality are being cut. It is said that "Shal tree" which survives for hundred years and it does not get damaged. Instructions, therefore should be issued from the Centre for prevention of cutting of the trees.

A forest policy was declared in 1985. On the basis of the conclusions reached in the 'World Environment Conference' held at Stalkhome in 1972, this Bill has been introduced to control the reckless cutting of trees. You have rightly stated that the person found cutting the trees should be punished.

It is known to everybody that I come from the area which is all surrounded with forests. The name of my area is Champaran. There was a time when my area abounds in forests from all sides was called Champkar-anay. Today there are very few trees left. There was a time when the Maharishi Yajayvaikya with this thousands of cows the forest but today there are no forests left and it is almost a plain area. What are the reasons of the cutting of forests? The reasons are urbanization, speedy industrialisation, need of the woods, construction of Dams and the development schemes. It is not only in our country but in other countries also that the forests are being cut and dams are being constructed on rivers. A dam, though its construction was opposed, is being constructed on Denu river with the cost of 3000 million dollars. There is a dispute going on regarding the construction of Narmada Dam, Sarovar and Tihari Dam. Recently in Delhi there was a conference held of the Asian and the countries of the Pacific region. In that conference represen-

tatives expressed their concern on the reckless cutting of forests and advised to take effective measures to stop it but no action in this regard has been taken so far.

As we all know forests affect climatic conditions of the area. This was also a subject of discussed in the conference. It is really sad thing that the reckless cutting of forests is continue in Asia and Africa which abounds in forests. It is very important thing. Attention should be paid to it.

Now, I would like to give a few suggestions. The Government is going to form a policy on forests conservation and that policy will be implemented through State Governments and successful implementation will depend on vigilant officers. I want to say that the officers employed in forest conservation are playing havoc with the Department. Here the guardians have turned usurpers.

The social and economic life of the Adivasis of our area depends on forests. Forests are not only their natural properties but they are their life, their work and worship.

But there is a law in Bihar under which the cutting of dried wood is allowed. The Adivasis and Adivasi women know it and they cut the green wood and after 10 to 15 days when the wood is dirked they take it. Thus how are you going to stop it? This all goes in connivance with the officials. There have been big conferences held in Stalkhome in Asian and Pacific countries on 'World Environment Day'. The conclusions reached in their conference may be implemented when the State Government are vigilant and instruction in this regard are also issued by the centre to them.]

I would like to say one thing more. Today there is a shortage of wood and the population is increasing due to poverty in villages. Population explosion and urbanization are the important issues. Effective steps should be taken by the Government in this regard. I want to tell you that Balmiki Nagar of our area is an adjoining area to Nepal and

[Shrimati Prabhawati Gupta]

the highest mountain peaks of the world named "Gauri Shankar Shikhar" and the Mount Everest are also there near to my area. Earlier this area was full of greenery but today forests are being cut there indiscriminately. It requires strong will power. A big conference was held earlier also in this regard and representatives of African, Latin American and Asian countries participated in that. They decided to collect an amount of Rs. 500 crores for this purpose but the amount could not be collected due to the lack of will power and non-vigilant head of the States. You know very well that "Chipko Movement" was started by Shri Sunder Lal Bahuguna and others. The cutting of forests has been controlled to some extent because of the rules and regulations framed by the Central Government and the State Governments. But today we are faced with the problem of Environmental pollution.

I will conclude after a few words about Delhi. There was a time when Delhi was known for the greenery of the trees but today it is a city of flowers. There are no trees there and flowers are being grown in place of trees. Here trees are withering indiscriminately and no trees are being planted in place thereof. I would like to make you cautious about the coming danger when there will be no trees in Delhi in the coming 10 to 15 years. Therefore, my suggestion is that you should manage to plant alternate trees.

I would also like to draw your attention to your scheme of plantation on National Highways and approach roads to the villages. The scheme is not being implemented. The Government should pay its attention to it as well as to the scheme regarding social forestry. Instructions should also be issued to enable the State Governments to carry out implementation of the aforesaid schemes.

I request you again to bring a comprehensive Bill to enable us to express our views in this regard.

[English]

SHRI GADADHAR SAHA (Birbhum): Mr. Chairman, Sir, this is a Draconian Forest Bill that has imposed Centre's Authority on forests and limitations on State Government and made it obligatory for each State government to seek New Delhi's permission for its clearance of every case of location of any activity in forest land. Without prior Centre's approval, the State Governments are debarred from assigning forest land to any non Governmental agency and clearing even degraded forests.

This proviso also applies where land is leased for re-forestation if it involves clearing of natural forest. As a result, all development works projects, little or large, are sure to be either delayed or halted without any real benefits to forests.

The Forest Conservation Act is also amended to keep villagers and tribals outside the purview of forest land. Government is not serious at all about creation of vested interest among people not only in afforestation but also in preservation, conservation and protection of forests with active people's support and cooperation. It may be recalled that the Chipko movement is a clear proof of people's awareness of forest conservation. While large scale cutting of trees by timber traders and contractors is allowed and the fact that maximum harm and damage is done to forests by contractual system of exploiting forests which is allowed villagers and tribals who do not have even shrubs left for fuel, are dis-trusted and blamed for destroying forests, economy and environment. But the fact is that the contractors and timber traders in connivance with the Forest Department officials are doing all these social crimes. The contract system which should have been abolished as per Dhebar Committee's recommendation, has not yet been abolished. The substitution of Forest Development Corporation door contractors does not improve the situation because of lack of will to bring about any basic change in the objectives of forest management. Moreover, the forest laws and forest

policies serve so far the interests of the elite and the capitalist class while they force the poor to degrade the very basis of their subsistence. Traditionally the forest is viewed as a source of subsistence for the tribals with free access to forest products. But unfortunately, the State authority was imposed on forests by the British Forest Law in British India which had taken away their right. And our forest law is not a very satisfactory improvement at all. Nevertheless, the importance of forests in tribal economy should never be undermined and aboriginal tribal's interests should not be neglected and the problem of rehabilitation, settlement of tribals or those who are uprooted as a result of developmental projects, should not be ignored. Moreover, the Forest Department and the Government are more interested in exploiting forests for commercial purposes and in earning more and more profit rather than conserving forests. On the one hand, the Government is not very serious its the attempt to implement forest programme to grow and re-grow more forests on 4.6 million hectares of land in the Sixth Plan and 5 million hectares of land in the 7th Plan and meet wood requirement through alternative source and on the other hand, whatever forests exist are getting thinner because there is very little re-generation. So far there is no bright record of performance of the Government to boast of forest laws and guidelines because the nation is fast losing forests and is facing an ecological crisis. At the time of independence, we had got seventy-five million hectares of forest land, out of which forty million hectares were without forest cover. According to some source, effective forests are twelve percent, of our geographical area which is below thirty-three percent norm.

In drafting, the forest law is so defective that it should not have been admitted at all on the Statute Book. For example, forest land and reforestation should have been defined but are not defined at all in the Amendment Bill, while non-forest purpose has been clearly defined. Of course, instructions by the concerned Ministry have been issued from time to time in this behalf but we must re-

member that instructions have no force of law and they cannot replace any legal definition.

Moreover, there must have been a provision for clear guidelines for environmental appraisal of projects and assessment of benefits of projects as against environmental damage. But there is no provision in the Amendment Bill for such guidelines. The guidelines must form part of the main Act so that arbitrary decisions of the Central Government can be avoided in future. But in the Amendment Bill, no such provision is there.

Then, Sir, there is no provision for delegation of powers to subordinate authorities. The State Governments must have been brought into picture and should have been delegated powers to administer Indian forest laws and to clear cases of development works. But all these provisions suggested here are absent in the Bill. As a result, the forest law is heavily based in favour of Central Government and not in favour of forests, and strikes at the very basis of a relationship of mutual trust between the Central Government and the State Governments, and undermines the role, responsibilities and powers of the State Governments, for, in a federal system, no level of government can be considered more or less responsible than any other level of government. Thus, the federal Republic is undermined by the ills of over-centralisation of power by the Central Government. While decentralisation of power from the Centre to the State Government and within each State Government, from the State level to the district, block and grass-root level administration, is needed most for balanced development, national unity and integration. An attempt at such decentralisation has been made in West Bengal and local people are involved then. So, the whole approach towards the problem adopted here is totally wrong and I, on behalf of my party, therefore, totally oppose this Bill. It is also our view that forests covered now by the Concurrent List, as a result of Forty-second Constitution Amendment Act, should be transferred to

[Sh. Gadadhar Saha]

the State List and the Bill should be withdrawn and replaced by a more comprehensive and pragmatic Bill.

[Translation]

SHRI ZAINUL BASHER (Ghazipur): Mr. Chairman, Sir, I definitely support this Bill, but at the same time, I would like to put forward a few points for the consideration of the hon. Minister.

There is a need to re-think over the Forest Conservation (Amendment) Bill which has been introduced in the House. Whatever law it may be, if it does not take care of the factual situation, it is more violated than implemented. Just now our hon. colleague, Shri Harish Rawat was speaking. I was listening to his speech with rapt attention in which he mentioned how this law was obstructing the process of development in the hill areas of Uttar Pradesh. The Indra Vikas Yojana cannot be implemented, roads cannot be constructed and a number of other such development works cannot be undertaken only because one or two trees fall in the way. Due to this, a mass agitation is simmering in the hill areas of Uttar Pradesh against this Forest Conservation Act. It is, therefore, necessary that the Government should pay attention to this thing. Our forefathers had planted trees. At that time they had thought that these trees might meet their requirements at some point of time. Suppose that we have our land close to our residential house and a tree has been planted on that land. The size of family increases day by day. In order to accommodate the increased number of members in the family, we are required to construct additional houses. There is no other site for us to construct additional house and no house can be constructed on that land due to that tree. Consequently, that tree is cut by bringing the forest officials at the lower level as also the police to avoid complicated formalities under the law. I am not referring to forest contractors who are exploiting the forests. It is our biggest weakness. I am

making a mention of those places where there are no forests. There are a large number of trees in different villages and cities. People cut trees in these places when they consider it necessary to meet their requirements. They cannot run the risk of waiting for the file which moves from the district office to State Secretariat and then from the State to the Central Government where a number of objections are raised. They manage to get their work done very quickly. I am of the view that this power should be vested with the district level officials also. At the same time we cannot afford that our trees should be unnecessarily felled. Our forest wealth is decreasing gradually. We should realise this thing and make all out efforts to increase our forest wealth. I feel that it should be so provided in the law that if somebody fells one tree that under some utter helplessness, he should plant 5 trees in its place so as to increase the number of trees. We will have to create an atmosphere for this and also make suitable provisions in the law. Then only this can be possible. Conservation of forests is a must, but at the same time development of our developing country is also necessary. People do not appreciate such impediments and get annoyed when they come to know that construction work on canals and roads and laying of telephone and electric lines has been held up due to trees. That is why the law should not be made so stiff. It should contain stiff provision but they should be applied only when necessary.

13.50 hrs.

[SHRIMATI BASAVARAJESWARI *in the Chair*]

I, therefore, appeal to the hon. Minister to have a fresh look at the Forest Conservation Bill as a whole and see what could be done in this regard.

There used to be reserved land for the forest almost in every village in our country since ancient days as a matter of tradition. But I find that now-a-days, these forests have almost disappeared from the proximity

of almost all villages. Trees on this forest land have already been felled since long. Today there is no forest, but the forest land is there. Your papers and records show forest land at these places, but no work to plant trees on that forest land is being taken up.

The Government is spending huge money on N.R.E.P. The Government has made it obligatory to spend 25 percent of the total funds on forests under this scheme. These are the guidelines of the Central Government. Even then afforestation work is not being taken up there. Even if some effort is made in this direction and somebody is requested to do so, nobody responds to such requests.

I would like to cite an instance in respect of my constituency. There is a large forest called Bela forest in Mohammedabad Tehsil of district Ghazipur in my constituency. But there is no tree in that forest. Large tract of land is lying vacant. I have been writing to the hon. Minister as also to his predecessor besides the Government of Uttar Pradesh for the last 3 to 4 years to take up afforestation on that land. I reply to my letters, the hon. Minister has informed me that he has written to Chief Secretary of Uttar Pradesh. But he has neither replied nor taken any action in this regard. No action has so far been taken to take up afforestation on that land.

Large tracks of forest land are lying barren but the Government is not taking up afforestation on them. Why is it so? Will the Government protect only those trees which are already there? Will it not take up afforestation on fresh land? If this land continues to be barren, people will encroach on it and will start cultivation by taking illegal possession. Then, it will be difficult to evict them, because people will be approaching courts and the matter will be struck up there for years. The Government should, therefore, take up afforestation work on such land. There are large tracks of such land on which afforestation could be done and trees planted.

But the Government is spending all its

funds on the trees which are already there. Even construction of canals, roads and communication network can be held up, but not a single tree can be felled. Lakhs of acres of Government land to lying barren on which afforestation could be done, but no such work is being taken up there. Even where trees have been planted, only 5 percent of them grow and 95 percent of the trees dry up by the end of the rainy season. Afforestation is done on both sides of railway tracks. People who travel by trains might be seeing how much afforestation has been done on both sides of railway tracks. Had the afforestation been done continuously, large forests would have grown on both sides of railway tracks within 10 years, but it appears that no tree had ever been planted there. The Government has not been able to protect the trees and plants that are being planted. Plants are drying up and nothing concrete is being done. Where do these funds go? I understand that priority is being accorded to afforestation in the name of raising forests. All right, I agree that priority should be accorded to this work, but I do not hesitate to say that crores of rupees are being looted in the name of afforestation. There is nobody to check it and none to look into it. I do not know who is to be held. I do not know who is to be held responsible for this, the State Governments or the Central Government? Funds are allocated to every district under the N.R.E.P. 25 percent of the funds is given to Forest Department with this guideline. But where are the trees? When were these planted and where did they disappear? I cannot understand anything about it. I am of the view that everything is done in papers only and bungling takes place on a large scale. In no other department bungling is done on as high a scale as in the Forest Department. The entire funds go to drains without any results. Afforestation should have been done on all the barren land, but nothing of this kind is taking place there.

Mr. Chairman, Sir, Ansari Saheb is looking after this Department. It is not long since he assumed charge of this department. I hope that he will look into this case seriously and find out as to why this thing is

[Sh. Zainul Basher]

happening. I know that he is a very honest and noble man. He has been given a very challenging work. It is not an ordinary department. Outwardly it may appear that there is nothing serious about it. But bungling is taking place on a large scale in this department and nobody raises a voice against it. I, therefore, request the hon. Minister to pay special attention towards it, and have fresh look on the law. Development and forest conservation should go together. One should complement the other. Both should go side by side. If afforestation, forest conservation and development go against one another, public sentiments will go against the law. The law will be more violated than implemented and corruption will rise.

With these suggestions, I support this small amendment which has been introduced in the House.

[English]

PROF. NARAIN CHAND PARASHAR (Hamirpur): Madam Chair person, it is difficult to disagree with the spirit with which the hon. Minister has presented this Amendment Bill. The very innocuous purpose is to re-define the term "non-forest" area and extend it to include some other categories of land and also for making it essential for acquiring the prior approval of the Central Government for projects. So, on the face of it, the Bill seeks to promote the cause of afforestation and prevent the decline of forest.

But as my friends have also pointed out, the Act is also causing certain difficulties especially to the people of hill and tribal areas. Madam, this Act, which was enacted in 1980 was welcomed by the people that it would be implemented in the right spirit and the Union Government would give clearance to any such development schemes which would be sent to the Union Government by the State Governments concerned. But actually what has happened is that the Act has dampened the spirit of development by

creating further complications.

14.00 hrs.

A large number of schemes for roads, electrification, erection of telephone and telegraph lines, provision of drinking water, irrigation and similar other schemes have been held up because the clearance is not forthcoming as immediately as it is sought. Sometimes half the road is complete, the other half is left to be cleared by the Union Government and the rain comes and the portion which was constructed is also washed away and we have to start de novo. Therefore, the very purpose for which the Act was enacted by this Parliament is being defeated. It is a moot point whether afforestation would be at the cost of development of such areas. People of the hill areas and tribal areas do not want to lead the life of the jungle. They also want to reap the benefits of modern development and communication systems. Therefore, the entire Act needs a fresh look. As has been rightly pointed out, how is it that, with all these Acts, the area under green cover is declining? There are serious discrepancies in the figures supplied to us by the Railway Department, the Department of Forests and by the Remote Sensing Agency, with the result that reconciliation is difficult.

Another interesting feature is that there is land which is encroached upon by other people but it cannot be given to school, college or any public purpose, because in the record it is entered as forest area or what you call in Urdu 'Khudrodarakha'

"The trees are there. They are supposed to be there. But, they are not there".

There is no tree actually. Since in the record there is tree, the Chief Minister is powerless. Nobody can do anything because in the record some revenue officials made the entry that it is forest area. So, the result is that those who want to grab the land with impunity say that the Sun does not shine there and the result is there is a big craze for

covering this land for various other purposes because the officials at the lower level often act in collusion for such things. To my mind, it appears that the scope of enlarging the definition of non-forest area and making it compulsory for the State Government concerned or other party concerned, agency etc., to seek clearance of the Central Government, is not good in spirit but, it will further complicate the issue. So, I request the hon. Minister to have a survey on the following lines:-

What is the survival rate of the saplings and trees planted in the Forest Vana Mahotsava? In fact, there is a very interesting joke which I would like to tell you in Hindi.

[Translation]

Shri Shanta Kumar was the Chief Minister during Janata rule. He launched the 'Vana Mahotsava' programme. The local legislator of his own party had differences with him. He was not invited to the function. Shri Shanta Kumar held a meeting at Simla after having attended the function. I was also a legislator those days attended the function. I was also a legislator those days of the Congress party. A Joint meeting of the ruling and the opposition party was being held to discuss planning. Shri Shanta Kumar asked the M.L.A. whom he used to call comrade, as to why he did not attend the function. He replied that because an M.L.A. possessed a higher status than the Chief Minister. He added that the latter was imposed by the party while an M.L.A. was elected by the people. He further added that he knew what had happened with the Chief Minister. The thing was that the Chief Minister had insisted to plant a sapling on a particular place. The D.F.O. asked him not to plant it there. Once again the Chief Minister said that as the soil was good there the sapling should be planted there. The D.F.O. asked him to plant it at the specified place. The Chief Minister was annoyed and asked him why he wanted like that. The D.F.O. replied that the earlier Chief Minister had planted it there and the coming Chief Minister would also do the same. The area has been marked for them,

no matter whether the plant survives or not.

[English]

Trees are planted. Saplings are planted with big fanfare when the first cloud appears over the sky in the month of July and figures are rolled out but ultimately the survival rate is very poor. Till this day, the Union Government has not had any comprehensive study or had a State survey in which this plantation has been taken into account. What is the survival rate? So, just as the previous speaker was saying, we should try to see that those areas which are to be covered by new plantation should be covered and the difficulties of the people in getting clearance for the execution of certain developmental schemes should be taken into account when these kinds of amendments are made when the Central Government is enlarging the authority and when the centralised process becomes more rigorous.

I would like to draw the attention of the hon. Minister to another point. It is about the Wildlife Preservation Act which has also got a similar purpose. In my constituency there is a development block called Sujampur Tihra of Hamirpur District where the man-eaters have killed three children and one child has been half-eaten and it is lying in the hospital. It cannot be cured. It cannot die. The people are very much agitated for two or three things because the Wildlife Protection authorities take it very leisurely. They act under the cover of the Central Act. They say that they are not authorised to kill any man-eaters. Now, the man-eater tiger is declared as man-eater by certain competent person. It takes time for him to arrive. Then, after that it is that person who has to look at it. Then, the team moves along the road in jeeps and they want to locate the man-eaters or the tigers. The point is that the tigers will not come to their meetings and salute them to be got killed at the hands of the forest authorities. The tigers have to be located into the big thick forests, into the hills, drains and hiding places. So, what I feel is that there is no proper authority delegated to the local officers for this pur-

[Prof. Narain Chand Parashar]

pose. Certainly, protection of wildlife is a very laudable objective. But, that protection at the cost of human life is not a laudable objective at all. (*Interruptions*) In the case of Madhya Pradesh it is different. Therefore, I would plead with the Government in all seriousness that proper decentralised authorities should be there in this case and the team should be sent immediately whenever a case of this type is reported so that life is not threatened and people are saved. They will be safe. I would plead with the hon. Minister to send some such high-ranking officers from the Central Government to supervise these operations in such areas so that no further lives are lost and the threat to security of life is removed.

With these words, I appreciate the spirit behind this and support the amendment. But, at the same time, I would call for a proper survey of all these survival rates in the States of the new plantations and also for proper amendments and decentralised authority in respect of the Wildlife Preservation Act.

[*Translation*]

SHRI RAM BAHADUR SINGH (Chapra): Madam Chairman, it is cent percent true that out of all the gift bestowed by the nature plant life and forests have contributed maximum to keep the atmosphere clean, to stop floods, to check drought and to bring about economic development of the country. Therefore, it is essential that they should be protected and also conserved. Practically speaking, laws are formulated but they are not complied with. If the laws were effectively implemented, forests would not have been limited to 10 percent area of the country but would have spread fast. These figures have been quoted for years now. The forest department has under some law or the other managed to keep control of an area of 67 lakh hectares of land. The forest exists only on 30 lakh hectares of land it is an accepted principle that one third of the total land in a country should be covered

by forests, otherwise neither the environment would be clean nor the people can be protected from the floods and drought. Another reason is that deforestation of the trees are being carried on a large scale in the country. Though a law was enacted in 1980 by the Government to impose restrictions in this connection but it did not prove to be effective. I am of the firm opinion that this amendment would also not prove to be effective. The reason is that the mentality of the people who are entrusted to execute it, is not good. What is happening today? There were dense forest in Chota Nagpur area in South Bihar in the past, but these forests have been reduced to half. Big contractors are given contracts to fell the forests. They cut the trees indiscriminately, cruelly and recklessly. They are not bothered as to which tree is to be cut or left or the number of the trees that are to be cut. They are least bothered about it. An intricate point here is that they do not cut the trees themselves but they get it cut by the Adivasis—who live in these forests. When these Girijans are caught and fined, the fine is paid by the contractor. Why does it all happen? It happen because there is a nexus between the authorities and the constructors. Whereas on the other hand, the Adivasis who survive on the forests are deprived of their rights. They are not allowed to graze their cattles in the forest, or bring grass or fire-wood from the forests, to put a roof on their huts. These Adivasis are deprived of their natural and traditional rights. The contractors are destroying the forests in collusion with the officials of the forest department. Therefore, I would like that all these points should covered in the proposed amendment to the Bill. The work of cutting forests should be entrusted to the local people in groups. The Adivasis are natural habitat of forest and thus have traditional claim over it. They should not be deprived of it. A little while ago Shri Zainul Basher talked about Social Forestry under which trees shall be planted all along the roads and the railway liens in the entire country. I am of the firm opinion that if you evaluate, you will conclude that you have not received even 10 percent return of the money spent on this. What happens

today is that a sapling is planted and is surrounded by thorny bushes but nobody look after it thereafter. The result is that the plant withers away after some time and the thorny bushes are left there. If this continues, only thorny bushes will be seen all along the roads and railway lines. Therefore, I want that this law should be amended in such a way so that social forestry is executed through the local people panchayats and individuals. Farmers should be permitted to select the trees of their choice. Trees are worshipped in our country even today. If somebody plants a tree, he rears it like his own child and has emotional attachment with it. This makes the difference because the person feels a natural attachment to that tree which he has himself planted. I feel that nobody would allow to harm that tree. What happens today in case of social forestry is that the people call it Government tree and allow it to be cut without any protest. when a farmer or a common man becomes fully aware, he will not allow the tree to be cut because he will be deeply touched if it is done. Therefore, I want that Social forestry should be accomplished through Panchayats and the local people otherwise the forest wealth would continue to be looted. Regarding afforestation, I would like to cite the example of Dhanbad. The name of Dhanbad is known to every member. Dhanbad is notorious due to coal-mafia. But that mafia has earned notoriety due to afforestation also. Two trees were planted in every collectorate. Rs. 30 thousand were spent on planting of two trees. A better example of loot cannot be found anywhere. Who planted these trees? It was the highest official of Dhanbad administration. Therefore, I stress that this work will not benefit anyone till it is entrusted to the villages.

The third suggestion is that attention should be paid to climatic condition of the area while planting a sapling. What happens today is that any kind of plant is planted any where. This is what is happening today. Eucalyptus trees are being planted in the plains, whereas these should have been planted in the hilly and slopy regions. The result is that the fertile land is being ruined.

This tree is planted because it grows fast and as there is enough wood it fetches a good price in the market. Therefore, I insist that attention should be paid in this regard. 'Chipko-Movement has started against it in Chamoli district of Uttar Pradesh. Chamoli district is the birth place of 'Chipko-Movement'. There are Oak forests and trees of bidi leaves at a height of 5-6 thousand feet. The authorities have started planting pine trees there. Those associated with 'Chipko movement' have claimed that the land is not suitable for pine trees. Due to pine trees, oak and bidi leaves trees would be destroyed. Therefore, my submission is that trees should be planted and afforestation should be undertaken but there is no use if it is not done on scientific basis.

In the end, I will conclude by saying that the local contractors should be given contractors instead of big contractors. The Adivasis and all those living in the forests should not be deprive of their natural rights. Afforestation or social forestry programme should be accomplished through the panchayats, individuals and the farmers of the country. The climatic conditions of the particular area including the type of soil should be kept in view before planting saplings. With these words, and with the hope that my suggestions will be incorporated in the Bill, I conclude.

[English]

SHRI AJAY MUSHRAN (Jabalpur):
Madam Chairman, at the outset I wish to say that I fully support the Forest Conservation Amendment Bill 1988.

If we could recollect, the Forest Conservation Act of 1980 was the brain-child of the late Prime Minister Smt. Indira Gandhi. After she visited the Dehradun Valley and saw the devastation of the forest, and after the international conference she attended abroad she realised what was happening in our country and thought of how to stop it.

It is only because of her that the realisation percolated down to every individual in

[Sh. Ajay Mushran]

the country in the last eight years. Although I support the present amendment totally yet I have certain reservations about this amending Act. Nobody can deny the importance of forests be it for the purposes of water, air, environment, beauty, etc. yet I feel this amending Act should have made the Forest Conservation Act most practical. It would have been prudent if all the lacunae which were benefiting the people who have no love for forests could have been plugged by this amending Act. I would have been happy. Centralising or trying to centralise the powers of forest conservation totally in the hands of the Centre is not the way to plug the loopholes.

Sir, I come from state where 25 per cent of the entire forest wealth of the country exists. I have had a little experience of the forest activities. There is tremendous amount of infight between the departments dealing with developments like industry, energy, irrigation, PWD, Railways and conservation. We have a bureaucratic weakness. The moment they know that political leadership wants to undertake forest conservation they go two steps ahead to make forest conservation like a total motto and forget about the multi-dimensional development of the country. Some hon. Members have already mentioned as to how the development works and the forest conservation instead of going hand-in-hand have been crossing roads to the successful implementation of projects.

Take, for example, this amending Act. It is going to give the liberty to the Central Government Forest Department. They will clear the projects which are going to undertake tree plantation and whom it should be given. Luckily in the Forest Department we have a dedicated Minister and a forest lover like Mr. Ranjit Singh but how many Ranjit Singhs you have in bureaucracy. At the moment there may be few but basically it is going to be a Babu in the Ministry who is going to clear the project. I know for certain that six years ago more than hundred minor, medium and major irrigation projects were

pending. Some of them are still pending because of die-hard attitude taken by some Secretary who has not got much to do with the forests. Because leadership said 'forest conservation' he went ten steps ahead. Thank God he is not there now. This type of giving complete powers to the Ministry at the Centre without keeping in mind the aspirations of the rural people in particular of their development works is not the intention, I am sure, either of our leadership or the Forest Conservation Act. Therefore, my first suggestion is that there is still time to consider as to how to associate the State Governments... how they associate the non-official organisations who are sincerely doing their best for forest plantation. Will the forest development be benefited by this Amendment Act? This is the question I want to ask the hon. Minister.

I feel that so far as the forest development is concerned, since there is a regular forestation programme taken on hand in a four-year by the Forest Departments of the States themselves, is it not enough to adhere to that and achieve satisfaction? If that is not possible, it could be enlarged if we want to take more fallow land. The hon. colleague of mine suggested that there are lakhs of hectares of land which are available in the forests on which there is not a blade of grass growing at the moment. Those could be used for forestation by the departments themselves because then you will have more accountability, you will be able to pinpoint as to who is the DFO, who is the Conservator, who is the Chief Conservator, who is not doing his job and you must twist his tail. But if you are going to give the permission to police organisations, to army organisations, to civil organisations, whom are you going to prosecute?

Moreover, in this amendment, there is no mention of the Forest Officer who directly connives with these associations that will be allowed to grow forests to be punished.

There is another thing, which is benefiting the illegal fellers of forests. First, you are going to clear the forests. An area will be

given. In that area, there are bound to be some trees. This area will be treated and defined as useless. Trees will be first cut. Then the area will be cleared and the forestation will be done.

So far as tree plantation is concerned, I am always reminded of the time when I became a Minister. On 15th August, we have a parade in your district. And the Minister, if he happens to be an MLA from the district, goes to plant tree in the high school. I had studied in that high school. So, I went and planted a tree. I planted a tree in all the three success.

[Translation]

SHRI AZIZ QURESHI (Satna): When his father was a Minister, he was also busy with the tree plantation work

[English]

SHRI AJAY MUSHRAN: So, the tree plantation, as Mr. Prashar, said, through the Government must be ensured whether in this amendment or later under the rules. There should be less festivity about tree plantation and there should be more practicality. The practical approach to plantation should be given more importance rather than festival and the functional tree plantation with all fan fare.

The last and the most important suggestion which I want to make is about the farmers' problems. I am sure that the Forest (Conservation) Act of 1988 is directly going to adversely affect the farmers. As it is, today, the forest is closest to the farmers' needs. Besides being advantageous, as the hon. Member has said first, the people who are mostly dependent on their wooden agricultural tools, for their firewood, etc., are the farmers. As it is, the farmer is being harassed at the low level. So, something should be done here. If there is a complaint by a farmer against the forest officials, it should be treated in the same way as you are going to treat today the *dahej* defaulters. You are going to take *dahej* so seriously and you are

not going to take the farmers' problems so seriously. So far as the Forest Minister is concerned, each problem of the farmer should be as serious as the *dahej* problem to the Social Welfare Minister.

Another problem which has cropped up because of the Forest Conservation Act is about grazing. Now cattle from all over the country go all over the country to graze. This should be restricted. This will encourage the farmers of those States, who have not grown their grazing grass, to grow their own grass. Whichever State has got grazing facilities, the first priority should be given to the cattle of that State. Previously, there was a system when they used to charge nominal money for each cattle to go there for grazing during the rainy season. It is being stopped not directly, but indirectly, by exorbitantly raising the rates. I would urge the hon. Minister to look into this not through this amendment, but through the meetings of the Forest Ministers of the States that he would be having with them.

I would once again urge that the farmers' requirements of grazing, fire wood, implements and *dastkari lakri* must be looked into and met in full.

So far as the accountability of the forest officials at the lower level is concerned, that must be ensured, and there should be deterrent punishment because against every illegal felling of a tree, there is a forest officer, who is also benefiting at the lower level

With these words, I once again support the Bill.

SHRI K.P. SINGH DEO (Dhenkanal): Madam, Chairman, I rise to speak in the Forest (Conservation) Amendment, Bill. Conservation is an Indian psyche, it is an Indian etho, it has been handed down right from our scriptures, by the Indus Valley civilisation, by Emperor Ashoka and today the *Chipko* movement is there. This is not something new to us. Everytime any Conservation Bill has come to Parliament, We have supported it whole heartedly. This

[Sh. K.P. Singh Deo]

amending Bill seek to amend the Forest (Conservation) Act, 1980 and strengthen it further. That is what is stated in the Statement of Objects and Reasons. The hon. Minister also while moving the Bill and commending it to the House to support it has given the same reasons and if that is the intention, we whole-heartedly support it.

But, there are certain doubts in our minds which we would like the hon. Minister to clear. Here, we are trying to give a tremendous amount of discretion and power to a single individual. If one goes through the notification after the 1980 Bill was passed, the State Governments are supposed to write to the Secretary of the Department of Environment and there is a Committee also which is supposed to look into this. The committee consists of the Inspector General of Forests, the Additional Inspector General of Forests, the Deputy Inspector General of Forests and three environmentalists, who are there for two years and what is the criterion for these Committee Members, that is something which I would like to share. This is the document which I got from the Library. It states:

"Terms of appointments of non-official members shall be as follows:

- (1) A non-official member shall hold his office for a period of two years:
- (2) A non-official member shall cease to hold office if he dies, resigns, becomes of unsound mind, becomes insolvent or is convicted by a court of law of a criminal offence involving moral turpitude,....."

And then it goes on and talks about vacancies, travelling and daily allowances etc. This is something very fantastic.

The necessity of a minor irrigation project or the necessity of a highway or a road or a drinking water well will be decided by a

group of people sitting here in Delhi just like the Finance Commission sits here and decides which State is going to get what. They do not visit the States and study the problems of the States and their people. Like this, these people are going to decide for us whether an irrigation tank would be given or not, whether an NREP road will be given or not, whether a RLEGP road will be given or not, whether a school building or a hospital will come up or not. For that, people have sent 544 members here and so many MLAs to the Assemblies who will be pleading their cause. But here is a group of people who have got authority without any responsibility and accountability and these people will decide what is good and what is bad for us. Now, to make the matters worse, two other sections are sought to be added to the original Act of 1980. Sub-clause (iii) to Clause 2 says:

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

You have no trust on the State Government. You have no trust on the MLAs who also have been elected by the people. But you have trust in a group of six people who are not accountable either to the people or to the Parliament or State Legislatures and they will decide what should be leased out to which company, to which corporation or to which agency it should be leased out and so on.

The sub-clause (iv) says:

"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 reforestation."

You may now see what the Explanation says:

"For the purpose of this section 'non-forest purpose means the breaking up

or clearing of any forest land or portion thereof for '

(e) the cultivation of tea, coffee spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants."

I am sorry the Commerce Minister is not here because it will affect him. I wish Shri Das Munsri was present here. He was here just five minutes back.

Part (b) of the explanation says:

"Any purpose other than reforestation."

I am sure the hon. Minister who was in charge of my State during the last drought although he did not have the time to visit the State knows that most of Forest Departments in some of the poorer States do not even have adequate staff for doing even the normal work in the Forest Departments, leave alone afforestation programmes.

Madam, we have been quoting Shrimati Indira Gandhi here. She was the founder of the Conservation Movement in this country and she was the one Head of State who really took the work of conservation as religion. Even she though it fit to raise an ecological battallion of ex-service for Dehradun, Mussorie and Bikaner because the Forest Department officers of her own State from where she got elected were not doing their job. Today, we want to hand over even the commercial plantations and other cash crops which most of the State Governments are doing, whether it be Kerala or Tamil Nadu or Orissa or the North Eastern Sector and we want to prevent them from going ahead and generating income for their States.

Now Madam, to whom are we assigning or apportioning this responsibility? We are delegating the responsibility of implementing this Act to those very State Governments on whom you do not have any faith as per this piece of legislation. I feel that it is only because we lack confidence in the ability of

the State Government that we are bringing this legislation. These are the doubts that I have in my mind and I want the hon. Minister to clear these doubts.

Secondly, on whom are we depending? We are depending on a thoroughly demoralised Indian Forest Service Officers. I have been trying my level best for the last one month to raise this discussion here on the problems of the Indian Forest Service. The Fourth Pay Commission had tried to correct the anomaly and injustice done to the Indian Forest Service officers by the Third Pay Commission. While the Central Government has accepted the recommendations and sent circulars to various State Governments which are agreed upon by the State Governments, when the final notification came, the Indian Forest Service officers were made far far inferior. In fact, the Third Pay Commission had made them second grade All India service officers. But this time, we have made the Fourth Grade All -India Forest Service Officers much below the IAS, much below the Police, much below the armed forces, And today probably the Conservator of Forests in the warrant of precedence, in pay scales, in parity, will be less than a District Collector. These are the people whose welfare we are not looking after but on whom we want to put all the responsibility of enforcing the "Forest(Conservation) Act. Sometimes, they have to come in violent contact, apart from the wild life, with wild people who inhabit the roads and the highways and who try to break through even the forest gates *Nakas*. They have to deal with armed gangs who run made gangs. Everyday, if you look at the language dailies, you will find some altercation between the forest staff and the timber smugglers.

So, Mrs. Gandhi has said that the rich out of the greed and poor out of the needs have devastated the forests. But the provision in this Bill only see to give discretionary powers to some people to allow lease to the same rich people to who have been denuding the forests, it is not the common people or it is not the tribal people who live in the forests. If today forests are being served, it is

[Sh. K.P. Singh Deo]

done by the villagers themselves. They group together and protect the forests **an yet** when they try to get their daily necessities; they are barred from this. By bringing **these** provisions without any safeguards, **my only** apprehension is that we are trying to institutionalise corruption. It is because if **projects** get delayed. If people are harassed, then they will have to resort to illegal gratification to get certain things cleared and sanctioned. So, this is my apprehension.

I would request the hon. Minister, through you, to clarify some of the doubts; otherwise, as far as strengthening the Forest (Conervations) Act. is concerned, we are all for it and will support it wholeheartedly.

[Translation]

* SHRI S. THANGARAJU (Perambalur): Hon'ble Madam Chairman, I wish to express a few words on the Forest conservation (Amendment) Bill, 1988. The Bill seeks to provide that prior approval of the Central Government is necessary before forests are cleared for the purpose of cultivating commercial crops. The Bill also proposes severe punishments who destroy forests. These are all welcome provisions.

I am interested in giving a few suggestions to the Hon'ble Minister for effectively conserving forests which if accepted would require a few more amendments to the Bill. I would like to point out that when the State Government seek prior approval of the Central Government for clearing forests for constructing irrigation projects, roads, and other communication links and for setting up of industries in and around forests areas, the Central Government sits over the proposals for a long time without giving clearance. This hampers the developmental process. The Bill should be amended so that proposals for clearing forests for developmental purposes are agreed to by the Central Government without delay. Amendment should also be

made in the Bill so that the State Governments themselves have powers to clear forests for developmental purposes.

I would like to cite one example. In my constituency there are two hill areas, namely, Green hills and Kolli hills. For connecting these forests areas a road link from Senthamangal in Salem District to Ubbilipuram in Tiruchy District is required. A proposal for constructing the road link was sent years back to the Central Government. Even the M.L.A. of the District, hon. Shri Sivaprakasam wrote many letters to the hon. Minister and also personally came here and presented many petitions to the Minister for allowing the forests to be cleared for construction of road link between Senthamangal and Ubbilipuram. Nothing has so far been done by Central Government. The non-clearance of the project by the Central Government has affected the development of more than 50 villages in the forest areas in my district. In the same way there are two places called Anganur and Thattanur. The distance between the places is only six kilometres. since the forest areas have to be cleared for constructing a road link between these two places the people have to take a circumventry route of nearly 25 kilometres by bus. Likewise Vilangudi lies at a distance of two kilometres from Kolayanur. But there is no direct road link between these two areas because the Central Government is not giving permission to clear forests. The people have therefore to take a very long circuitous route to travel between the two places.

I would like to point out that though the laws are enacted by Parliament the States have to be relied upon for implementation. The State Governments do not have any wrong intention of destroying forests. Neither they are so irresponsible in not taking measures to conserve forests. Therefore for construction of roads and other developmental activities, if forests are to be cleared, prior approval of Central Government should not be insisted upon. Amendment

* Translation of the speech originally delivered in Tamil.

must be made in the Bill to empower the State Governments to order clearing of forests if roads are to be constructed in the interests of development of the State.

At present some private individuals grow fifty or sixty teak trees. They obtain permission to cut the trees and when permission is sought to grow some five thousands rubber trees in place of the teak trees the Central Government is not giving permission. I do not know the reason why permission is not being given to grow more number of trees than the existing ones.

The Government is encouraging afforestation through social forestry and through N.R.E.P. other kinds of incentives are also given for afforestation programmes. However, provision is not made in this Bill for providing incentives to private individuals, who are interested in growing trees and thus help the afforestation programme. I request that such a provision should be made in the Bill. With this all in view, I request the Minister to have a second look at the whole matter and bring a comprehensive legislation on the subject.

[Translation]

SHRI K. N. PRADHAN (Bhopal): Mr. chairman, Sir, I support the Bill which has been introduced here. Sir, the Principal act which is sought to be amended through this bill and also the present bill which seeks to amend the act, have got a very limited purpose.

[English]

MR. CHAIRMAN: Just wait, Mr Pradhan. The time allotted for this Bills is over. There are many more members. Should we extend the time.

SHRI RAM PYARE PANIKA (Robertsgunj): By two hours.

SHRI N. TOMBI SINGH (Inner Manipur): By at least two hours.

MR. CHAIRMAN: I am going to extend

the time by two hours.

SHRI RAM PYARE PANIKA: We should continue the discussion, the whole day today. It is a very important bill.

SHRI Z. R. ANSARI: Two hours are more than enough.

SHRI C. MADHAV REDDI (Adilabad): Two hours should be enough.

MR. CHAIRMAN: We now extend by two hours. Let us see.

[Translation]

SHRI K.N. PRADHAN: Mr. Chairman, Sir, the most remarkable aspect of the law made in 1980 was that it made people realise the importance of forests for the country. That is the greatest achievement. For this I congratulate the Government. We have certainly achieved the objective for which Shrimati Indira Gandhi had made this law. I want to draw the attention of our capable Minister hon. Shri Ansari towards the fact that there are many issues on which there is no difference of opinion between the various political parties. All the hon. Members who spoke in the House today stressed the two points that development of forests should not be a hindrance to national progress. Perhaps Shrimati Indira Gandhi had never thought that this law could prove to be an obstacle to national progress.

Let me draw your attention towards the fact that the guidelines were prepared by the competent people. The quality of I. A.S. officers at the State and Central level is more or less the same. So how can the degree of competence in them differ to such a large extent? 80% of the State Government schemes, be they for irrigation, electricity or road, remain pending for want of Central approval. Eventually most of these schemes are rejected. The Government should look into the reasons as to why such a large number of schemes are not passed. whenever a State Government proposes a scheme the Centre raises objections and seeks clarifications. When queries are re-

[Sh. K.N. Pradhan]

solved and the clarifications are given, fresh objections are raised. Is this becoming of an administration of any country? Can this thing be defended by anybody in its implementation? Raising objections at the time when a scheme is first proposed is understandable. But what is the need to seek clarifications again when the queries raised have already been resolved. If this law has to be implemented in its true spirit, national progress has to go side by side with the conservation of forests. Otherwise the progress of the country will be stalled leading to an increase in the expenditure. If the schemes are delayed their cost increases. The guidelines should be such that in at least 90% of the schemes the State Government's competence should be relied upon. The guidelines with officers should be such that no objections are raised or clarifications are sought in regard to the proposed schemes. If this can be done, the Amendment will have some meaning. Nobody will be in favour of a law which, on one hand aims at forest conservation and on the other proves to be an obstacle in the national progress.

There is one more submission in this regard. Generally no large forests are located at the places where there are quarries for which the licenses are to be issued. Similarly if some area is to be provided with electricity connections we have to rely on the competence and honesty of the officers of the State Government in the matter of forest conservation. They too deeply feel that there should be conservation of forests. So why should not they be delegated powers? I think that if States are given the authority, many of our developmental programmes would run without an obstruction.

I have already said that this amendment has got a very limited purpose. More, over, we are discussing the management of the entire forest area in the country. As to the question of forest conservation, we control tree plantation, felling of trees and social forestry under the Indian Forest Act, 1927. At the time when this law was made, our stand

point was different. At that time, big bulldozers were needed to uproot the trees which had struck deep roots. Such things are not needed today. Now this law is more than 60 years old. We have not been able to make the necessary Amendment. It seems as if our concentration is directed towards a small problem, while the larger, more complex problem remains unattended. Last year the Central Board of Forestry has passed a resolution that any wood shall not be allowed to be taken away from the forests. But the Government has not yet taken any effective steps in this regard. A Waste land Board was also constituted but the Central Government did not pay adequate attention to it. If such an important Board had been made more effective the country would have benefited in larger measure. Crimes are on increase in our country and criminals move around freely. We have laid the onus on prosecution for proving that a particular individual is a criminal and he has committed the offence. The Indian Forest Act should be amended and provision should be made therein so that 'Man's Area' is not made applicable. Big contractors engage Harijans and Adivasis for the felling of trees. When the cases are taken up, it is the Harijans and Adivasis who are punished instead of the contractors. If 'Mans Area' is separated, the onus will lie on the contractors to prove themselves innocent. I welcome and support this Amendment.

Even to day thousands of Adivasis have been cultivating the forest land for agriculture over the years. In 1978 the Madhya Pradesh Government had issued an order which said that whosoever had been cultivating a particular land for agriculture for a number of years in the past would be given away the lease of the land. But that order could not be properly implemented. After the enactment of law in 1980 thousands of Adivasis have got the forest land for cultivation. Without cultivation on the forest land, forests can neither be of any help to them in increasing the yield nor can they make adequate arrangements for irrigation. Instead, corruption goes on increasing and officers if they so desire can harass them. When this law is

enacted, Harijans and Adivasis will be evicted from the forest land. Hence the State Governments should be consulted as to what should be done to improve the lot of the Harijans and Adivasis who have been cultivating the forest land. Ways should be found, to give them the land on lease, so that they can make the optimum use of the forest land for agricultural purposes. Otherwise we won't be able to achieve the noble objective with which Shrimati Indira Gandhi had made this law because we will be causing obstruction in our national progress and we will not be able to give those facilities to the poor we want to give them. With these words I support the Bill.

15 hrs.

[English]

SHRI VIJAY N. PATIL (Erandol): Madam Chairman, Sir, this Bill is brought in a very crude form because it is mentioned here that: Many forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority....." That means you can assign thousands of acres of land to one person. Isn't it?

SHRI Z.R. ANSARI: It is rather prohibited.

SHRI VIJAY N. PATIL: It is prohibited but it is not specifically mentioned here..... (Interruptions). You are going to allot it to any private person without any proper background of forestation. If you are going to allot the forest land to private persons, then I think if you give preference to agricultural graduate, it would be better. Leaving it to any private person without proper background of forestation is not proper. If the agricultural graduates are given preference, it will be in the fitness of things.

Many trusts and organisations are mushrooming in the country and they will ask for allotment of forest land and this allotment will be arbitrary.

Here again you are mentioning that 'non-forest purpose; means the breaking up or clearing of any forest land or portion thereof in the the cultivation of tea, coffee, rubber, oil-bearing plants, etc., etc. Then *Sal* trees are also oil-bearing plants..So also is the *Azadirachia Indica*, that is, the neem tree because its seed also contains oil which is not being extracted also. So, they also may be brought under the definition of oil-bearing plants through this Amendment Bill.

Then take horticultural plants like tamarind. Tamarind is also a horticultural plant. So also is *Ber*. This is a dryland horticultural plant as also a forest plant. So, this requires serious thought because the same plant can be a horticultural plant as well as a forest plant. Same is the case with tamarind tree, with *neem* tree and with *Sal* tree. So, instead of giving this definition, you should have restricted the height of the plant. Those plants which are less than fifteen percent in height should have been treated as non-Forest plants and other plants could be treated as forest plants. Take, for example, rubber. It also gives good cover to the hill tops. It can serve the purpose of forestation and environmental conservation as envisaged in this Amendment Bill. So, if rubber could also be included in the re-forestation programme, that would have been better. So also tamarind and other trees could be included.

As regards medicinal plants, many medicinal plants grow in forests. In Satpura area I have seen that hundreds of crores of rupees worth of foreign exchange was earned from the export of *Hirda* and *Ba-Hirda*. These are medicinal plants and they are treated as forest plants also. If somebody takes the forest land on lease for planting of such medicinal plants it will earn foreign exchange and, at the same time, serve the purpose of environmental conservation also. so, this should be encouraged instead of eliminating it through this Amendment Bill.

In Maharashtra, specially in Satpura, in 1965, an experiment was carried out by the name 'Agri-silvi plots' and some tribals were

[Sh. Vijay N. Patil]

given plots for cultivation after cutting teak trees. Simultaneously, new seedlings were planted on those plots. They were doing agricultural cultivation also in between. But some cutting place uprooted their seedlings and shows that those seedlings were not growing. They said that the land was not fit for reforestation and that those plots should be permanently allotted for agricultural purposes. So, if the same thing happens in the allotment, of these plots also, and the people come forward and say that this land is not fit for afforestation, then what are you going to do?

In the end, I would say that it is not necessary to cut the plants which are already existing for reforestation purposes because already we have seen that many of the forest lands are barren and very few trees are existing there. They need not be cut for new plantation. So, this provision of allowing them to cut the existing trees should be deleted.

Sir, my last suggestion is that goats are very much harmful for the new forest plantation. Those people who experiment on stall-feeding of goats, if they are encouraged in the forest lands on lease for afforestation and also for demonstration plots, it will go a long way for the preservation of forest. In the end I would like to submit that the wood which is being cut from the forest as fire wood, can only be stopped by giving solar cooker to the people who are residing in the forest area or in the vicinity of the forest area and if this can be coordinated with the Ministry of Energy and give solar cookers to the people in the forest area, then there will be more conservation of trees and plants in these areas which can be attempted and implemented effectively.

[Translation]

DR. G.S. RAJHANS (Jhanjharpur): Madam Chairman, since I know that a number of Members have yet to participate in the discussion I would, therefore, confine

myself to two or three main points about this Bill.

When the forests in Africa were cleared, a serious situation arose causing famine conditions there. Keeping this in view and realising the importance of forests Shrimati Indira Gandhi took many steps for the protection of the forests and environments. She learnt a lesson from what happened in Africa and noted that forests in the country were being cleared at a large scale. Due to her efforts the cutting of forests, had been restricted to a great extent if not totally stopped. Thereafter Shri Rajiv Gandhi kept up that tradition and the credit for giving much importance to forests goes to him. I do not know what happens at other places but so far as my constituency is concerned, not more than 5% of the total allocation made under the 20 point programme is being spent there on social forestry. I am saying this with full confidence and responsibility. In our Department of forests there, actually the law of the jungle prevails and loot is being indulged into openly. If the premises of the Forest Officers are got raided through the C.B.I., the people would be dump-founded to find out the extent of their assets and benami property owned by them.

15.07 hrs.

[SHRI VAKKOM PURUSHOTHAMAN *in the Chair*]

The way they have indulged into a large scale loot in the name of forest plantation is unprecedented and you will not find such an example anywhere else. I would request that its 25% expenditure should be diverted towards other works like road building, construction of school buildings, etc. if unemployment is to be removed, this programme should be implemented strictly and seen that two to four corrupt officers are prosecuted to win the confidence of the people.

In the name of plantation of trees it is said that lakhs of trees have been planted at such and such places and when I visited those places I found that their number was in

hundreds and not in lakhs. On enquiry from the Forest Officer, he told me that the plants had been either washed away or withered due to scorching heat. When I required about the whereabouts of those persons who had been shown in the records as appointed for watering the plants, he told me that he was not supposed to know their whereabouts as they left after completing their work. What I mean to say is that nothing is done anywhere and the situation there is very serious. Regarding social forestry I would like to request you kindly to ensure its implementation in those areas which are under your direct control. Earlier fruit bearing plants used to be supplied, but now even this practice has been stopped. Ever since the decision of the Government of Bihar not to supply fruit bearing plants for growing on private lands, the people are not taking the programme as seriously as they used to do earlier in the hope of reaping the crop of fruit after 5 to 10 years. The other aspect of the social forestry is that the people, who plant these trees on their private land, cannot fell these trees without the permission of the Government, otherwise the forest officials are there to prosecute the people even in the event of cutting one branch of a tree. Such laws should be enacted which are practicable because in the absence of availability of firewood how will the people cook food, if the restrictions on felling of trees are in force. There is a need to look at these things comprehensively, because in North Bihar scarce in coal, there is no other means available for cooking food except firewood which is got by felling of trees.

In South Bihar it is beyond your imagination as to how many trees are being felled openly and there is no body to check it. Though a law against cutting of trees is in force, but in South Bihar felling of trees is going on uninterrupted through the use of force. Therefore, the need of the hour is that deforestation should be checked.

In the end, I would like to emphasise the need to change out thinking about forests. People should be educated and told that if unrestricted denudation of forests contin-

ues, we will have to face the situation, as is prevailing in Africa. The entire land in the country will become barren. In order to prevent such a situation, we will have to follow the tradition prevalent in other countries of planting trees at the time of births of children and performance of marriages. Then only tree plantation will get a boost and the conservation of forests will become possible.

Finally, I would like to request the Government to bring forward a comprehensive Bill on the subject, though I know that except advising the states you cannot do much in this direction as this subject is included in the concurrent list and therefore you cannot do much in this. However, the Government can at least monitor the spending of the money provided to the State Government under the 20 point programme. Therefore the need of the hour is to monitor the use and accountability of the money allocated for conservation of forests.

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Chairman, Sir, the present Bill has been under a cloud from the very beginning. A comprehensive bill should have been brought forward on the basis of the experience gained during the last 8 to 9 years since the adoption of the original Bill in 1980 by the House and all the questions that have arisen in the meantime. But, it seems all these things have not been taken into account while framing the present Bill. Otherwise a comprehensive Bill would have been introduced on the subject after giving due credence to the views and constructive suggestions given by the people in this regard. The point which arises and will continue to boggle the minds of the people of the country is what are the reasons for enacting such a law which obstructs development of the country having a vast development potential which the Government also want to exploit? On the one hand we talk of ameliorating the condition of Adivasis and other habitants of forests, and on the other they are deprived of their traditional rights and opportunities for their development due to financial constraints. It is surprising that even the Department of Environment of the

[Sh. Vijoy Kumar yadav]

Government raises objection to the implementation of the State Tribal Welfare Schemes cleared by the Department of Finance. It is not good to adopt such a attitude which obstructs the path of development.

In the matter of Harijans welfare and removal of regional imbalances in the backward states under the 20 point programme, the Department of Environment of the Government is proving to be a major obstacle. To my mind the Government should not pass such laws which interfere in such matters which fall under the jurisdiction of the States because gone are the days of one party rule both at the Centre and the States.

In this connection, I would like to offer one more suggestion. so far as afforestation is concerned, there is no difference of opinion whatsoever as during the last 10 years the people have realised the importance of both the forests as well as the trees. If one visits Chota Nagpur area in Bihar, whether by road or by train, he will find thousands of acres of so called forest land there lying barren, where trees are not being planted. But whenever the question of giving clearance to new schemes for the development of the country comes up, the Government do not clear them in the name of forests. Such a state of affairs needs to be looked into.

Fifteen days' imprisonment for illegal felling of trees is not a deterrent enough to bring to an end the cutting of trees which is being undertaken on a large scale in collusion with the officials, because the people engaged in the trade are making crores of rupees. So the Government should make it a cognizable offence to stop felling of trees. The Government spends crores of rupees on tree plantation, but due to lack of proper fencing and maintenance, these trees only find a place in the records and are not actually seen in the places, where these are planted. There should be a proper machinery to look after the afforestation programme and this machinery should be directed to

continue till the Government feels that there is no more need for it.

The Government should check bungalows in the afforestation programme, because this is causing loss worth lakhs and crores of rupees to the Government. So the Central Government must check this practice and take stringent measures against the accused persons.

[English]

SHRI SOMNATH RATH (Aska): Shrimati Indira Gandhi said that survival of man is dependent on survival of animals and plant life. we have distorted nature. Nature has started to take revenge on us.

Ruthless exploitation of nature to increase production should be checked. Let us leave something for posterity. In this Bill, it is said that the lease can not be given to individuals. I think that the word 'individual' should not be deleted because in the 20 Point Economic Programme, huge amount is given to the States for social forestry. When funds are given by the Government for social forestry, why should land be given to individuals? It should be leased out to gram panchayats or panchayat samities or some authority to see that uncultivated wasteland should be utilised for growing trees or re-vegetation of ruined land, let funds be given to gram panchayats and public bodies.

SHRI Z.R. ANSARI: That is prohibitive provision.

SHRI SOMNATH RATH: That is what I say. The land, under no circumstances, should be given to individuals. But the Forest Department in some State is leasing out the forest to the individuals. They are giving lease. There is the Indian Forest Act and State Act Under that, the Forest Department in some state is leasing out the forest produce and cutting of the timber in the forest. It should be stopped. That should be done by Corporation and Government only when certain trees are to be cut because of ecological point of view. But let it not be given to

the individuals or forest contractors. The forest contractors should be prohibited to cut any tree in the forest. It should be made a point in the Indian Forest Act that no forest contractor should enter into any reserved forest or any forest. Further, on account of growth of population and because of un-economic growth of cattle population, there is encroachment on forest land and the laws could not be implemented. People from every walk of life depend on the forests. We must see how best we should supply fuel to the villages. Otherwise, certainly they will be forced to cut trees. The need of the people should be looked into. People should not destroy the forest. These needs can be met otherwise. Ways and means should be found out. People are encroaching upon forest land for the purpose of agriculture. Even trees are being cut to supply timber to the railway by the contractors. That should be stopped. Trees are to supply timber poles used by the Electricity Department. All these facts should be taken into consideration and I hope the Government will do the needful the most important thing is that environmental education should not be lost sight of. Let it be enforced through formal and non-formal system of education. It is said that the vast expanse of the Rajasthan desert can be traced to deforestation. That is what our scientists say. There is river-water pollution and air pollution. An integrated rural development and conservation is the need of the hour. We have to conserve the flora and fauna. If some kind of help is given to the local people and if they can get some regular earning, they will not cut the trees.

Sir, the shifting in cultivation in different States in the State of Orissa is in vogue. There, the Adivasis burn the trees for cultivation and getting manure to raise crops. They utilise the burnt tree-ash as manure to raise crops. Therefore, in those places if some fruit-bearing trees are planted, the Adivasis will not cut the trees because they never cut the fruit bearing trees. So, we must give some thought about the nature of the people and their attitude towards trees. I think, a community-based environment protection society has to be set up to ensure

this.

With these words, I conclude.

[Translation]

SHRI KESHAORAO PARDHI (Bhandara): Mr. Chairman, Sir, I consider the Amendment Bill related to forests which has been presented in the House by the hon. Minister of forest, to be inadequate. Even then I support it and urge the hon. Minister to introduce a more comprehensive Bill in order to conserve the forest wealth and execute the development projects effectively.

The Forest conservation Bill which was introduced in the House in 1980, had an adverse effect upon the development projects. People have started feeling that in spite of conserving the forest wealth, the schemes are implemented successfully. I would like to cite an example of constituency. Though Umarjhari and Kalisarai irrigation Projects were completed by the State Government before 1980, water has not been released for irrigation and other purposes because of objections under the Forest Conservation Act. Similarly, the State Government has not been able to get the clearance from the Central Government for the Bawanthari project on which Rs. 26 crores has already been spent. This scheme was also formulated before 1980. In Vidharba region of Maharashtra, five districts are considered to be the most backward because of forests. I think on other part in Maharashtra is covered by such dense forests as these five districts are, but still the Patwari of the area has mentioned in his record that it is an area covered with bushes only. Though this very area can yield rich revenue it has not been notified in the list of forests of 1927. A joint survey has also been conducted. In spite of all this projects are not approved for that area. So, I would like to urge the hon. Minister to take measures to implement the schemes effectively. The former Minister of Environment and Forests Shri Bhajan Lal himself visited the area alongwith IG (Forests) and other officials of the department. They reviewed the situation thoroughly and

[Sh. Kesharao Pardhi]

concluded in a meeting held in Delhi on 3.11.87 that the area covered with bushes would not be considered as a forest. A similar decision was taken in an earlier meeting held in the presence of the former Minister of Environment and Forests on Aug. 3, 1987 which was attended by various high dignitaries like the chief Minister of Maharashtra, the member of his cabinet, officials of the Central Government, IG (Forests) and the secretaries of many other departments. After that a few projects have been cleared but the schemes which were implemented before 1980, have still not been cleared. Due to this there is great resentment in the poor people of tribal areas who have saved the forests. What to speak of development the State Government does not even provide facilities of irrigation, drinking water, electricity, transportation, hospitals, and schools there. It is unable to execute Indira Awas Yojana. So the people residing there feel that injustice is being done to them. They feel sorry for preserving the forest wealth. It is, therefore, essential to allay their fears. Some of the hon. Members of the House have questioned the injustice towards those who have contributed to conserve the forests. The country cannot make progress if the schemes are not implemented. People would realise the utility of forests steadily in the same manner as they have realised the importance of family planning. But it is a matter of great regret, if the development projects are not implemented even after the pace of the afforestation accelerates. Mere laws do not serve any purpose. Even if the term of punishment is one year instead of 15 days nothing will happen. The laws for prohibition and family planning have not served any purpose. I think that such steps would prove harmful instead of being beneficial to the common people. No doubt, forests are very important, their extension is very important but if the development projects are not implemented effectively people would revolt. If the matter are not tackled properly a critical situation can arise.

Mr. Chairman, Sir, Forest conservation

Act is applicable in forest areas but why should it be applicable to areas where bushes grow. I would like to cite an example of Bawanthari project in my constituency where the forest is going to be submerged but people are prepared to cover the land by tree twice the size of forest. People grow bushes even in their own fields and it would be bad on the part of Government if the development schemes are not implemented effectively on the pretext of growth of bushes. I would urge the Government to give adequate powers to the State Governments to enable them to implement various schemes of drinking water, irrigation, power and road construction besides the Indira Awas Yojana effectively. It would be wrong on the part of Central Government to anticipate that adequate powers in the hands of State Government would prove harmful for forests. So my submission is that right approach and efforts in that direction would not only help in acceleration of afforestation and preservation of environment but also execute the development schemes effectively. The Central Government should introduce a comprehensive Bill in the House to meet this objective. I would enable us to bring more land under forests and encourage developmental activities. With these words, I support the Bill and thus conclude.

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Chairman, Sir, I support the Forest (Conservation) Amendment Bill 1988, has been presented in the House. The harsh attitude of man towards nature, the way in which he has destroyed forest wealth, has not only blemished the beauty of nature, but has also been responsible for drought and floods. In these circumstances it has become essential to conserve the forests and we would welcome if the Government frames strict laws for it. The law which has already been framed suggests that the State Government would have to take prior permission of Central Government in order to acquire forest land for implementing the schemes of irrigation, mining or setting up an industry. If the concerned officer fails to present the case or keeps the Central Government in dark, he would be penalised. I

consider this step worth appreciating because if no provision for punishment is made, officials would become careless in performing their duties. But the responsibility should not lie only on the State. I would like to suggest that it should be the responsibility of the Central Government also to call the Chief Secretary, forest Secretary, or the concerned Secretary in order to gather the required information. The matter should not be kept pending at any cost. Sometimes the files are kept pending and the matters remain undecided for an indefinite period. Central Government should not adopt such attitude because it would not be in the interest of the country to delay the implementation of development projects. Sometimes the delay takes place because Central Government officials do not invite the State Government officials and continue to raise objections for not sending the required information. Objections are not raised once but again and again on different pretexts. The Central Government has full right to raise objections but it should raise all of them at one time. If an official does not raise all the objections together, it is evident that his intentions are not good and he wants to indulge in corrupt practices. It is, therefore, essential that the Chief Secretary and Forest Secretary should be invited and the matters thrashed out so that the development activities can accelerate.

Here, I would also like to discuss some problems of my constituency. I represent a desert area. The Central Government has prepared a scheme for the development of desert area. An amount of Rs. 245 crores has been earmarked for the scheme. But an amount of Rs. 100 crores only has been spent jointly by the Finance department and Planning department so far during the Seventh Five Year plan. How will the rest of Rs. 145 crores be utilised? In brief, we want to make the desert areas prosperous by developing forests there, but the funds are not allocated according to the plan outlay. The proposed amount is slashed and injustice is done to the people of the area. Will the development of desert areas be done in this way? Will there be any progress and devel-

opment of desert areas? Central Government should think about it. If Government spends Rs. 75 crores in 1988-89 and another Rs. 75 crores in 1989-90, the afforestation work can be done very effectively in the remaining two years of our tenure. Through the sand dunes stabilisation programme trees and grass are growing fastly and new vegetates are coming up on the sand dunes in Rajasthan. This has become possible only due to efforts of our scientist. If grants and other facilities are provided to all those farmers who are doing their work on the departmental pattern, they will take more interest in this work. as a result which there will be a tremendous progress and development in this area and the expansion of deserts would be checked.

We have taken up the afforestation programme of Indira Gandhi Canal. The Territorial Army is doing the work there. I would like to submit that the afforestation programme should be extended also to the left bank of Indira Gandhi Canal. For bringing a change in the environment and for the development of this area, more and more afforestation programmes should be formulated and forests should be developed on this Canal.

With these words, while supporting this Bill, I conclude my speech.

[English]

SHRI BHADRESWAR TANTI (Kaliabor): The Forest Conservation Amendment Bill of 1988 is a camouflage of amendment. It will not serve anything to the interest of the country. From this Amendment it appears that the very motive of the Government is not clear. They are going to allot the forest land to the private parties or private agencies or private authorities. I do not understand why they want to amend Section 2 of the original Act. May be the Government has a plan to give forest land to their interested parties or agencies. This section should be amended in such a way that a class of society those who are living in forests may get the land. So I have a strong doubt in my mind so far as

[Sh. Bhadreswar Tanti]

this amendment is concerned. The newly amended Section 2 (a) (iii) reads:

“(iii) that any forest land or any portion there of may be assigned by way or lease or otherwise to a private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government”.

In that case the poor people who have got no hearth and home of their own and those who are living at the mercy of the Government in the forests their land will be leased out to interested parties.

Sir, you just compare the amount that has been spent on social forestry since it came into play. How many trees have been planted in the country? If you compare you will find much of the money has been diverted and gone in the pockets of the concerned authorities instead of the trees being planted. Social forestry is only in name. In many states for the name sake they have planted some trees where most of the money has been eaten up.

Some unscrupulous persons in league with the forest officers have been felling trees and as a result thereof in many states the ecological balance had been upset. There is drought and other natural calamities in season and out of season as a result thereof. Now who are suffering? It is the poor people, have nots, backward classes, scheduled castes and scheduled tribes. They are suffering because they live in rural areas. There is no agency to look after their living conditions. There is a horrible grim picture of human life.

I submit that Government should come forward with some concrete aims and objects to ameliorate the conditions of those who are living in forests and those who have got no hearth and homes and land of their own. They should be given the forest land if at all you want to give. This should not be

diverted to the private agencies or private authorities or rich people.

It is said if you go on like this a day will come when we will have to suffer. Social forestry is very much supported by all sections of people so that trees may grow in the country and people may get benefited out of it. In fact, crores of rupees have been spent in the name of social forestry. But the trees are not coming up. If this is happening, how can you save the forests? Every moment, the trees are being felled as a result of which the country is suffering. The natural calamities have taken place. It is said that you may take the jungle out of the man. But you cannot take the man out of the jungle if he is born in it.

SHRI Y.S. MAHAJAN (Jalgaon): Sir, I rise to support the Bill since it is concerned with conservation of forests. Forests can be considered from three points of view: First conservation; secondly, growth and development; and thirdly, exploitation for industrial purposes. The Bill has a limited purpose, namely, to conserve forests. May I point out that the Bill has been an absolute failure? For the last 40 years, we have been trying to have 33 percent of our land area under forests. We had that objective in our policy statement in 1947. The Seventh Five Year Plan laid down a strategy for a massive programme of social forestry and development of people's movement for increasing the area under forests. Our policy has failed. We had 22 percent of our land under forests in 1947. Today, the area under forests is 11 percent. As a result of this, the position in our country is alarming. As the ecologists say, when a natural forest is thinned to below 60 percent of the tree population, it ceases to perform its ecological functions, namely, soil protection, conservation of ground-water through reducing the run-off, impounding water through the root system and so on. The floods and droughts, which are a frequent occurrence, are the result of the thinning or destruction of forests in our country. The implementation of this Bill which Indiraji sponsored and which she had in mind when she went to Stockholm is absolutely neces-

sary because we wanted to prevent the destruction of forests.

This Bill has its limited purpose. Its implementation has given rise to certain difficulties. For instance, in Maharashtra, there are many river schemes which have been held up because the river schemes involve the use of forest lands. The Central Government says that if you have to use the forest lands, then you must give us equal land elsewhere for afforestation. This has also been done by the State Government. Even then, many schemes have not been cleared by the Central Government. For instance, in my own district, there are schemes on the 'Waghut river, the 'More' river and the 'Mangoor' river. The Government has offered equal area for afforestation and has also offered to re-plant these areas with trees. Still the cases are pending with the Central Government. I myself have given the papers from the Maharashtra Government to the Minister concerned.

This Bill seems to make for excessive concentration of power in the hands of the Central Government. The point has been explained by other speakers also.

As regards our State, may I say that many projects from the five districts of Vidarbha have lands with shrubs. Many schemes have been held up there due to the stand taken by the Government of India. If these lands covered with shrubs are exempted from the Forest Conservation Act, 1988, the majority of the development projects in Vidarbha could be taken up and completed in a short time. They will contribute greatly to the development of that area.

Further, projects which have been pending and which pertain to tribal areas should be cleared on top priority basis. These are mostly in the districts of Thane, Dhule, Nasik, and Godcharoli. Then, there are projects which were complete to the extent of 70 to 80 percent before the Forest (Conversation) Act was passed. I think, they should also be cleared with a view to promoting the economic development of those

areas.

If these defects are removed, I am sure we will succeed in the conservation of forests to a greater extent and our policy in this respect will be a great success.

SHRIN TOMBI SINGH (Inner Manipur):
Mr Chairman, Sir, I rise to support the Forest (Conservation) Amendment Bill. As I take part in this debate, I am reminded of a community in the interior part of my State. This community kills mithun mercilessly and slowly, when all the people are gathered at one place. They cook its meat and feasts upon it and at that time they sing beautiful songs composed for death purposes. The beautiful young boys and girls sing so sweetly and all the gathering shares the sweetness of their songs and they shed tears for mithun. The contents of the songs are - O mithun, timid and beautiful, we see you grazing everyday at the foot, but today you are on our plates.

Same is the story of our forests today. I belong to a State where ninety-nine percent of the area is supposed to be forest area. But actually, I do not know how many hectares are retained now. Particularly, during the Second World War, there was indiscriminate and massive destruction of forests to meet the requirements of the Second World War, the Allied forces, for making temporary bridges, furnitures and other things. For all purposes, massive destruction had taken place, but no steps have been taken for afforestation. In addition to that, there has been massive destruction of forests for shifting cultivation purposes by the hill people. It is not only the position in my State, but similar is the situation the Mizoram, Nagaland, Meghalaya, Arunachal Pradesh etc. Vast areas of forests have been destroyed mercilessly. I do not demand more money for afforestation or protection of forests, because money has not played any role so far as pointed out by many hon. Members. Money has played the role of enriching or thickening the pockets of those who are in charge of the implementation of such programmes. There is need for motiva-

[Sh. N. Tombi Singh]

tion.

There was a tradition in the tribal areas earlier that for every tree cut down, at least two seedlings will be planted. That tradition has also disappeared. When the Britishers came, it was the primitive people who objected to the British engineers cutting down the forests for road making and other purposes and they were allowed to cut down trees only after an assurance that for every tree cut down, there would at least be two or more seedlings planted and nurtured.

I would suggest that in the north-eastern areas, where the people have shifting cultivation, the Forest Ministry and the Agriculture Ministry should combine together to see that the shifting cultivation is stopped and alternative arrangements are made and the farmers are given training for terrace cultivation on permanent basis. Only then the provisions of this Forest Conservation Act would be meaningful.

Now, only one word in conclusion. Penal provisions have been provided in this amending Bill. I am not an expert. According to Clause 3B (1) (a), the head of the Department or the officers involved will be punished. But there is a proviso added that if it is proved that the offence is committed without his knowledge, then the above provision gets annulled. I think this proviso should be removed. I say this because, whoever is competent enough or who can engage a lawyer capable of displaying a jugglery of words and law points, can easily prove that the offence has been committed without his knowledge. This will destroy the whole purpose of this very Act. So, this proviso should be removed.

With these few words, I would like to support the Bill. I request the Government that they should see to it that implementation not in terms of money but in terms of motivation and sincerity should be boosted so that this Forest Policy will have meaning.

SHRIMATI BASAVARAJESWARI
(Bellary): Mr. Chairman Sir, at the very outset, I support the Forest (Conservation) Amendment Bill.

We are having rich forest wealth in our country along with other materials like minerals, etc. As far as conservation is concerned, we have totally failed during these 40 years. The second aspect is afforestation. Though farm forestry and social forestry are treated as priority sectors and though banks advance money or loans with a low rate of interest and in easy instalments, we could not achieve the targets. Though Vana Mahotsavas are taking place and social forestry is encouraged, we do not find much progress. Here and there, we find that only Nilgiri trees are coming up. These Nilgiri trees come up easily because these are not touched by any animals. We are also told that if we plant more and more Nilgiri trees, these may reduce the fertility of soil. We do not know what the research studies reveal in this regard. On the one hand we are asked to grow these Nilgiri trees and on the other we are warned that these trees will reduce the fertility of the soil. Therefore, we would like to know from the hon. Minister whether the Government are going to encourage growing of these Nilgiri trees under farm forestry and social forestry.

Many hon. members have expressed the view that this Bill should have been more comprehensive. I agree with them. I say this because on the one side we want to conserve our forests and on the other we do not want to give up our developmental works such as the construction of irrigation projects, minor irrigation tanks, hydro-electric projects, nuclear plants, school buildings, construction of the houses for the tribal people and so on and so forth. We also have to explore a major part of our mineral wealth because this is a source of foreign exchange. By exporting our minerals, we get a lot of precious foreign exchange. We have an abundant mineral wealth in our country. Every State is having its own minerals. For example in Karnataka in my area, there is a lot of iron ore and that too of a very high-

graded quality and we have gold too. We are also exploring manganese which we export to Japan and other countries. Such being the case, if we do not give environmental clearance to this work of mineral exploration, what will happen to this important sector? Though mining leases are being renewed, they are not getting the environmental clearance. In our State, the State Government is asking the mine owners to remit Rs. 12,000 per hectare for replanting the area in which they have been exploring the minerals. This is causing a lot of inconvenience to the mine owners. At the time of giving the renewal itself the environmental clearance should also be given automatically. Otherwise it will be causing a great inconvenience to the mine owners who are engaged in the work of mineral exploration.

16.00 hrs.

In Karnataka- I do not know whether other States have taken up this programme- we have asked the Primary and High School children to grow nurseries. They have done it very well. They have been raising nurseries with tubewells nearby. These school children are earning thousands of rupees by selling the plants at the rate of 75 paise, or something like that, per plant. Even the small farmers get the plants immediately from these nurseries. They need not go to the District Headquarters for collecting the plants. By doing this, the school children are also able to earn a lot. The children are getting some sort of incentive by means of this. Farmers are also getting the plants easily. So, we are inculcating a culture of growing trees from the childhood onwards. This is a very good scheme. I hope the Minister will also take up such schemes.

There is a saying that prevention is always better than cure. We have tried to do some things by destroying the forests. How to prevent it? The major portion of the forests consumed today are generally by the farm sector. Every day, the farmers need forest for firewood, for their implements, for their carts, etc. We are also using it for our industries and also for other developmental

sectors. For the railway sleepers we were using it. Now, the railways have started replacing the wooden sleepers with cement ones. Now, we can ask our Engineering Association to produce some light materials with the help of aluminium so that our farmers can make use of such things instead of using this wood. They are using this wood for the agricultural implements also which they are supposed to replace every year. Therefore, I would suggest that we should ask our Engineering Department to manufacture such equipments which our bullocks can also carry.

Another thing has also come to our notice. Whoever takes up cultivation of rubber, coffee or tea would not come under the purview of the Land Ceiling Act because they fetch foreign exchange. So, they would be exempted from this Act. People who want to go in for such plantations have acquired thousands and thousands of acres of land for raising these crops. Are you going to allow in future also-acquiring of such lands for raising crops? When there is a ceiling for other sectors, why are you allowing them? For such things, some restriction should be imposed. If you allow such things, there is going to be a huge corruption. I would like to tell you on the floor of the house that multi-millionaires would come and acquire such lands. By means of this, they would even utilise their "number two" money also here. They will show that they have utilised their money exclusively in this sector also.

Finally, as you know we have already lost many lands which are generally used for grazing purposes. For the cattle they used to have these lands. Now the population is also growing. Now we want more lands. Our poor people are encroaching the land. In some States they have been given confirmed *pattas*. Now, these people have no land. It is difficult for these people to allow their cattle to graze in their lands. Some farms are there wherein plenty of grass is grown. In the forest area, cattle are not allowed to graze because they will cut away the trees-especially the goats and other animals.

[Shrimati Basavarajeswari]

Therefore, what we should do is, we must allow the farmers to cut the grass individually, instead of allowing the cattle to graze. If such things are allowed it becomes very difficult for the farmers.

At the time of afforestation sufficient care should be taken that we plant value-added plants. We should try and plant trees which would give good yields such as fruit trees, tamarind, neem and others. Also we can have varieties of trees like sandalwood, and others which also give us good returns. Such steps should be taken at the time of afforestation.

Finally—I do not want to take much of the time—there is lot of corruption in this department. Forest wealth is like gold. Gold can be kept in the locker, but forest cannot be kept in the locker. There are also chances for smuggling of forest wealth. Vigilance must be more and penalties must be more serious hereafter. Otherwise the purpose of bringing such bills will not be served. We should have strict and more and more preventive measures to check smuggling of forest wealth. We can have discussions with other departments so that such things do not recur in future.

[Translation]

SHRI MOHD. MAHFOOZ ALI KHAN (Etah) : Mr. Chairman, Sir, the Forest conservation Amendment Bill, 1988 is being discussed here. Through you, I would like to convey my feelings to the hon. Minister of Environment and Forests who is one of the most experienced and able Ministers of the Union Cabinet.

16.05 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

Importance of plantation of trees is evident from the fact that a tree was got planted by Shri Gorbachove also when he was on his official visit to India. Often, trees are got

planted by the foreign dignitaries when they come to India. But it is more important to note as to whether the tree planted by Shri Gorbachove is being looked after properly or whether it withered away. There is no doubt that this is a very good scheme. Under this scheme a lot of funds are being provided by the Central Government to the State Governments and the trees are being planted there. But these trees are being planted on papers only and not on lands. If you make on the spot enquiry and get the matter enquired by C.B.I or any other agency you may like, you will come to know as to how many trees have been planted with the amount spent on them.

I for one of the opinion that the felling of trees is a crime tantamount to killing of a person, hence a case under section 302 of the Cr. P.C. should be registered against the person indulged in felling of trees. Does tree not have life? Is it proper to fell trees? A tree may be cut but not a green one.....

SHRI AZIZ QURESHI (Satna): Mr. Chairman, Sir, he is the person who cuts the branch on which he sits.

SHRI MOHD. MAHFOOZ ALI KHAN: Mr. Qureshi has rightly said that he has come here by cutting the tree on which he was sitting. He is my brother and I have great regard for him in my heart.

There has been indiscriminate felling of trees without any check. Who is being punished for this? The poor persons engaged on felling of trees on a payment of Rs. 15 a day by the contractor are arrested and put behind the bars. Why the contractor who engaged them for felling trees is not taken to task? Why action is not taken against him? In my constituency, there are open rates fixed for all concerned persons, 10 per cent to the Department of Forest, 10 percent to the Forest Officer and 20 percent to the local police, that is why the trees are being cut indiscriminately. If you go to a saw factory you will come to know the kinds and number of trees being cut. If you do not believe me, you may get it enquired by the C.I.D. the

kinds of trees being cut illegally. On one hand, trees are being planted at large scale, on the other felling of trees is also on the increase. Central Government and the State Government are paying least attention to it. If a complaint is made to the Police against it, they express their helplessness by passing the buck to the Forest Department, and if a complaint is made to the Forest Department, they pass the buck to the police. But the fact is this that it is being carried out in connivance with both the Departments as percentages are fixed for them.

There is no two opinions about it that trees are must for human beings. Trees have direct bearing on soil and rainfall. Government has started a Barren Land Reclamation Scheme and a large number of trees have been planted under this scheme. But the Government should also see as to how many trees are got cut by the forest guards. If a local person is to construct a house, he get one of his near and dears employed in the Canal Department. Thus he is able to get trees planted on the banks of canals best quality of timber of Shisham for his house. I mean to say that the Government formulates laws but these are not being implemented. The schemes formulated by Government are very good but the implementing agencies of the Government are not sincere. They make misuse of these schemes and bring disrepute to the government.

I would like to draw the attention of the Government towards the indiscriminate felling of trees. As far as the plantation of trees is concerned, they are planted on papers and not on land. Schemes are prepared just to mint money and the Government employees are amassing wealth through these schemes.

The trees should be planted keeping in view the local environment and soil condition of the area. If a tree which is grown in hilly areas is planted in the plain area, it will not grow. Eucalyptus trees were planted in Uttar Pradesh by the Government but that plantation failed because these trees absorb lot of

water from the soil and the land is rendered unfertile. So while planting trees, an analysis of the soil should be conducted and only trees suitable to the soil should be planted.

The farmers have evolved a new method. They are planting trees on the land lying unutilised, though formal patta has not been given to them. After planting trees on such land, they think that they would get ownership right of such land. This is a wrong practice which is going on in Uttar Pradesh. The farmers who are illegally planting trees in the hope that by planting trees they will get the ownership of land, should be evicted.

The imprisonment for 15 days for this is too light to deter such persons. They will readily bear this imprisonment. This practice cannot be checked in this way. My late father used to say that the imprisonment of 15 days is too light. They should be charged under section 302. Trees have lives, therefore, felling of trees is a crime similar to killing of a person. The Government should bring forward a comprehensive Bill incorporating therein the experiences gathered since 1980 so that the falling of these trees could be checked. Enquiry should be conducted against the persons who are illegally felling trees and against those officers who in connivance with the police are involved in forests denudation. With these words, I conclude. I also express my thanks to you.

[English]

SHRI S.G. GHOLAP (Thane) : I have been hearing the speeches of the hon. Members from 1 O' clock. Everybody has criticised not the amending Bill but the original Act. I fully support the amending Bill. The original Act, though it is called the Forest Act, in our area, they say it is not a jungle Act but it is a jungli Act.

Law is an ass. Since it has been given in the hands of the officers for implementation, not a single public project is constructed within five years. We have sent several projects for clearance. Instead of de-centralisation, because of this Act, we are

[Shri S.G. Gholap]

making centralisation. Every small water supply scheme is also coming from the bottom to the Central and it is not cleared within two, three or four years. I will give the details and you have to think over it.

The Act as to prevent diversification of forests and not to ban the development. The Act was born out of the Ordinance and, therefore, no public opinion was sought for. I will give you two or three examples of the difficulties faced by the people because of this Act.

The Act is used to ban the development especially in Adivasi areas, hill areas and backward areas where the forest is more than 40 per cent. Where the forest is more, the difficulties are more. If no developmental project is taken up, how can there be development? Even for the electricity line, permission of the Central Government is to be taken. Even for construction of a road, we have to come here. And that takes a lot of time. In our areas, Thane District, there is a rule that every executive engineer of irrigation and construction division has to do at least three gauge fillings i.e. three minor irrigation dams are to be completed within one year. For the last five years, instead of 15 dams, not a single minor irrigation dam has been constructed. Is it development? Is it an Act? We wanted diversification of a State Highway to be taken up because it was so dangerous that several deaths in accidents had taken place. So it was to be completed early. But there is no progress for the last five years. There is one Adivasi village, Patgaon, in Thane District of Maharashtra State. They have to bring drinking water from 5 kms. After 40 years, the Central Government sanctioned a scheme to have a pipeline for water supply. The scheme was prepared. Stand posts were erected. And an amount of Rs. 7 Lakhs had already been spent. The whole scheme is pending only for digging a well for which only a small piece of land is required. And this scheme is pending execution for the last five years only because of that.

Our policy is that afforestation in double the area should be done or alternative land should be given for getting clearance of the project. We have already provided in the project money required for afforestation in double the area. We are also prepared to give the alternative land. The Collectors of Thane and Nasik have already given alternative lands. Even then there is no clearance from the Central Government.

Many Members have suggested that a comprehensive Bill should be brought here. Again that will take some time. But there are some amendments by which at least some relief can be made available. Mr. Rawat and Mr. Singh Deo, who are from forest areas, have suggested to remove the difficulties in development.

I have given another amendment regarding reserved forests. According to the Central Act reserved forest is not only the forest according to the Indian Forest Act but also deemed forest as per the State laws. In our State we have made a law by which we have increased the forest area. Because of that the forest area is far more than what it was in 1961. But that Act says there is an appeal. There agriculturists can have an appeal. But because of this Act, there cannot be an appeal also. The ceiling for agriculture is 54 acres, for forest land we have made it 30 acres. Even then there is no appeal because of this Act. This Act says: "notwithstanding anything, we are supreme, we are the only reliable persons, not the State Governments, not the Chief Conservator." So, I think Government must think over it. For irrigation purpose, site cannot be created, forest can be created. Therefore, you must think that at least for irrigation purposes, for drinking water purposes and for the road purposes, permission should be given or delegation should be given or the amendment should be accepted so that for minor irrigation purposes—I am not saying for major irrigation purposes where thousands of acres are required -but I am for minor irrigation where forty or fifty hectares are required therefore, permission should automatically be given for such projects.

Then, Sir, punishment for illegal diversification provided and we have wholehearted support for this. But there is no provision for legal diversification. You do not give permission even for good purposes. I was the Revenue Minister in Maharashtra. So, this is my experience. Even the Chief Minister and all other Ministers are of this opinion. State Government says they cannot do it and, therefore, people say it is a jungli Act. So, I request hereby that the Minister should do consider these suggestions. after hearing all these comments. After all, what for are these discussions held? Discussions are held for something to be done. So, I do hope that the Minister will consider the matter and immediately accept at least one or two amendments.

[Translation]

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Chairman, Sir, I support the Forest Conservation (Amendment) Bill, 1988.

An ornithologist and an expert on environment in the Indian Sub-continent, Shri Dhillon Ripley has said that if proper precautions are not taken about preservation of environments, the whole of India will turn into a desert. While talking to the journalists in Delhi on 18 March this year. Dr. Ripley had stated that destruction of forests in India is continuing so recklessly that now only 8 percent area is covered with forests resulting into increase in temperature, decrease in wild life and reduction in forest area. If proper precautions are not taken immediately in this connection and attention is not paid towards preservation of environments, results can be horrible. India is passing through a critical phase and this can lead to serious danger. Monsoon is also behaving in an erratic manner because of pervading environments and its effects can be seen in India. If this erratic behaviour continues for 10-15 years, the situation would be more horrible and serious in future. Therefore, I will submit to the hon. Minister of Environment and Forests that he should pay immediate attention to it without losing any time

and should take firm steps in this direction.

I would like to say that the rain in Andhra Pradesh has been reduced to half as compared to the year 1940 and the temperature has gone up. The second horrible situation is that border area of Sahara desert which is prone to drought and where there is no rainfall has influenced Gujarat and Rajasthan and has started affecting Andhra Pradesh as well. It is now expanding towards Andaman Nicobar. So the situation is serious and we should take concrete steps to deal with it. I will like to submit some suggestions. I like to draw the attention of the House to the way forests are being destroyed in our area. Some sort of Mafia or gangs of criminals are cutting the catechu trees indiscriminately and catechu is being manufactured illegally and there is connivance between the officials of Forest Department and these people. Not only catechu trees, other trees are also being cut to prepare charcoal. In this case also, there is connivance between officials of Forest Department and those people. On the other side, naxalite and terrorist activities are increasing day by day. The poverty is the root cause of this problem as Shrimati Indiraji had said that poverty is one reason of destruction of woods. The Department of Forests keeps strict control over those people who collect stray-wood and cut small trees to earn their livelihood. They start prosecutions against them but do not pay any attention towards big culprits. Even if they do so, the aforesaid gangs do not care for them.

Secondly, there is also laxity in our legal system as a result of which they create a situation as if they ridicule the system of the Government by cutting the trees. They try to obtain cheap popularity among the people by such actions. I want to draw attention of the hon. Minister to one thing that social-organisations should also be made responsible along with the Department of Forests with regard to the afforestation and it should be compared as to the cost at which the trees are planted by the social organisations. In this manner feelings of production should be

[Shri Yogeshwar Prasad Yogesh]

16.29 hrs.

encouraged among them so that the bungling being done by the Forest Department in the name of afforestation can be stopped. Corruption in afforestation should be checked so that people may not work in irresponsible manner.

STATEMENT *RE* REPORT OF NATIONAL COMMISSION ON URBANISATION SUBMITTED TO GOVERNMENT IN AUGUST, 1988

[*English*]

I want to draw the attention of the hon. Minister towards some specific cases. It has become luxury to plant trees for the Departments other than the Forests Department, and they found ways to misappropriate money. If strict vigil is not kept on them and the laws not enforced strictly, the corruption will not be contained and it will rather increase. Therefore, I urge the hon. Minister that the other Government organisations which are engaged in this work such as Bharat Coking Coal, accounts of its Loyabad Colliery and Marine Colliery should be checked as lakhs or rupees have been spent on planting the trees, but not even 100 trees can be seen there. After looking into these small things, you will come to know as to how much corruption is flourishing in the name of planting trees which amounts to treason. Strict action should be taken against them. I want to tell the hon. Minister that many departments are engaged in this work but it is happening because of lack of desert monitoring and control of the Central Government. Therefore, the law should be amended so that nobody can cross his limits. It will be effective only if strict monitoring is done.

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI MOHSINA KIDWAI): I have great pleasure in announcing that the National Commission on Urbanisation headed by Shri Charles Correa, the eminent architect, has submitted its report to the Union Government. The Commission was constituted in October, 1985 at the initiative of the Prime Minister and with the mandate to examine the state of urbanisation in the country, identify priority action areas and formulate specific guidelines for an action plan for managing rapid urbanisation.

The Commission's report has been circulated to the Hon'ble Members of Parliament, State Governments and Central Government Departments and agencies.

The Commission has come up with specific suggestions on a broad range of policy interventions necessary to bring about more efficient urban settlements which could generate rapid economic growth with equity and social justice. The Commission asserts that urbanisation is a positive force and a necessary commitment of the development path we have chosen. Urbanisation is also a positive input into rural development.

Secondly, teams should be organised from amongst students of schools, colleges, teachers and professors and by observing forest week during the rainy season. Programme of tree plantations should be launched so that there is an awakening among the people and the nation is benefited.

The Commission has identified 329 urban centres whose economic and physical bases are to be consolidated, strengthened and expanded. These are described as GEMs (Generators of Economic Momentum), which fall into 49 Spatial Priority Urbanisation Regions (SPURs).

With these words, I support the Bill.

To accelerate urban development, the Commission has recommended that the current share of about 4 per cent of the total plan allocation for the urban sector in the