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12.11 hrs.

Title: Shri Laxman Giluwa called the attention of the Minister of Environment and Forests regarding difficulties being faced by people in Tribal Areas due to Forest (Conservation) Act, 1980 and steps taken by the Government in this matter.

श्री लक्ष्मण गिलुवा (सिंहभूम) : अध्यक्ष महोदय, मैं वन एवम् पर्यावरण मंत्री का ध्यान अविलम्बनीय लोक महत्व के निम्न विषय की ओर दिलाता हूँ और प्रार्थना करता हूँ कि वह इस संबंध में वक्तव्य दें :

"वन (संरक्षण) अधिनियम, 1980 के कारण आदिवासी क्षेत्रों में बुनियादी सुविधाएं प्रदान करने में आ रही कठिनाइयों से उत्पन्न स्थिति तथा इस संबंध में सरकार द्वारा उठाए गए कदम। "

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): Sir, at the outset, I would like to bring to the kind attention of this august House the healthy tradition of living in harmony with nature that is an inherent part of our culture. The close relationship between the long-term survival of mankind specially the tribals, and maintenance of natural forests has always been appreciated by our society. However, after Independence, the pressure of development led to massive diversion of forest lands for various non-forestry purposes. The rate of diversion of forest land was of the order of 1.5 lakh hectares per annum during the period 1950 to 1980, which became a cause for serious national concern.

Having realised that loss of forest cover is a serious national problem where Centre and States have to play a positive role, the subject 'Forest' was brought from State List to Concurrent List by the 42nd Constitutional Amendment in 1976. Thereafter, the Forest (Conservation) Act, 1980 was enacted by this august House, while leaving other important issues pertaining to protection, development and management of forests with the States. The Act has achieved its objective to a great extent as the rate of diversion of forest land has been brought to about 25,000 hectares per year from the pre-1980 level of 1.5 lakh hectares per year. The approval under Forest (Conservation) Act, 1980 for diversion of forest land involves various checks and balances from the forestry as well as environmental angles. In this way, this Act has been able to check the indiscriminate diversion of forest land. In fact, by conserving the forests, the Act safeguards the interests of tribals and other local people who are heavily dependent on forest resources for their sustenance.

Since 1980, a total number of 8015 proposals for diversion of 5.76 lakh hectares of forest land have been approved under this Act for various development projects. I personally monitor the progress of all important cases and issues that are brought to my notice by the hon. Members and ensure that these are attended to on priority basis. After my assuming the office of Minister of Environment and Forests in October 1999, the Government has approved 3487 proposals including 2492 proposals which were freshly received during the period, thereby clearing a backlog of almost 1000 proposals.

Insofar as providing basic amenities to tribals or tribal areas is concerned, I would like to mention that all proposals involving public utilities and basic amenities, especially those catering to the needs of the tribals are given top priority and special attention, while processing and taking a decision on them.

The Ministry has also clarified that the provisions of Forest (Conservation) Act, 1980 do not interfere with or restrict in any manner the rights, concessions and privileges of the tribal people. However, in certain areas, the tribal people may face a problem on account of some of them being treated as encroachers on forest lands due to faulty settlement by the State Governments. The Ministry is committed to the settlement of pre-1980 disputed settlement claims of the tribal people arising out of faulty forest settlement process. If the State Governments submit such proposals with relevant records, the issue of rights of tribals on forest land can be settled. In this regard, the Ministry has issued a letter on 30.10.2002 to all the States to send proposals in a time bound manner.

I would like to inform the hon. Members that the Ministry has recently ordered regularisation of tribal encroachments over 65,000 hectares in the State of Madhya Pradesh and Orissa. Similarly, the Ministry has also recently approved

conversion of forest villages into revenue villages in three districts of Madhya Pradesh involving 9,940 hectares of forest land. The Ministry is committed to settle these kinds of issues, provided the States submit their proposals.

Besides these initiatives, some other measures of far-reaching importance for the livelihood of the tribal population have also been taken by the Central Government under the concept of Joint Forest Management (JFM). The programme has picked up quite well during the last three years and over 14 million hectares of forest areas are being managed in collaboration with around 65,000 JFM committees in 27 States. Out of nearly 27 lakh families under JFM, more than 12 lakhs are the tribal families. The Ministry has also created employment opportunities besides regeneration of forests through the Forest Development Agencies which are the federations of village level JFM committees. This not only provides alternative economic sustenance to the villagers who are mainly tribals but also involves them as stake-holders in the decision making process.

I propose to continue this momentum in favour of tribal people. The Government will continue to be innovative and adopt strategies to ensure that perfect harmony is maintained between the conservation of forests and development of tribal areas.

श्री लक्ष्मण गिलुवा : अध्यक्ष महोदय, मैं मंत्री महोदय का ध्यान झारखण्ड राज्य के पश्चिमी सिंहभूम जिले की ओर आकर्षित करना चाहता हूँ। इस जिले में सरंडा वन अवस्थित है। इस देश में सरंडा सबसे बड़ा वन है, जिसमें 700 पहाड़ियों की श्रृंखलाएँ हैं। आज इस वन की स्थिति यह है कि दिनोदिन कटाई होने की वजह से इसकी दुर्दशा हो गई है। मुझे लगता है, यदि यही स्थिति रही, तो यह वन रेगिस्तान में बदलने में देर नहीं लगेगी। मैं कहना चाहता हूँ कि यह वन क्षेत्र अनुसूचित जाति और अनुसूचित जनजाति के लोगों की सम्पत्ति है। यदि समय रहते वन की सुरक्षा की जिम्मेदारी आदिमजाति या जनजाति लोगों को दी जाए, तो मुझे लगता है कि जिस तरह से वन की कटाई हो रही है, उसमें कमी आएगी और कुछ हद तक प्रदूषण की समस्या भी दूर होगी। मैं खास तौर से उस वन में रहने वाले अनुसूचित जाति और जनजाति के लोगों की समस्याओं की ओर ध्यान आकर्षित करना चाहता हूँ। सबसे पहले उस क्षेत्र में या उस जंगल में रहने वाले जो अनुसूचित जाति और अनुसूचित जनजाति के लोग हैं, उनको जिस प्रकार की सुविधा मिलनी चाहिए, वह सुविधा अभी तक नहीं दी गई है।

महोदय, हम आदिवासी और जनजाति लोगों की बात करते हैं। इन लोगों को सारी सुविधाएँ मिलनी चाहिए। उस क्षेत्र में रहने वाले लोगों के लिए पीने का शुद्ध जल मिलना चाहिए, जो उन्हें नहीं मिलता है। वन क्षेत्र में रहने वाले लोगों के गांवों तक आने-जाने के लिए रास्ता नहीं है, इस कारण भी उन्हें काफी कठिनाई होती है। इसलिए मैं चाहूँगा कि इन लोगों तक पहुंचने के लिए रास्ता होना चाहिए। सरकार इस चीज को भी मानती है कि समाज की अंतिम पंक्ति में अनुसूचित जाति एवं जनजाति के लोग खड़े हैं। सरकार को चाहिए कि इन्हें पूरी सुविधाएँ पहुंचाएँ। उस क्षेत्र में रहने वाले जो आदिवासी हैं, उनके सामने सिंचाई की भी काफी तकलीफें हैं। मैं चाहूँगा कि उस क्षेत्र में सिंचाई के साधन जुटाने के दृष्टिकोण से कुएँ, तालाब, चक डैम आदि बनाने चाहिए, जिससे वहां रहने वाले लोग अपनी सिंचाई कर सकें तथा अपना जीवनयापन कर सकें। वहां राजस्व गांव नहीं है, वन गांव है। वहां राजस्व गांव स्थापित करें और उन्हें उसके अधिकार प्राप्त हो। इतना ही कह कर मैं अपनी बात समाप्त करता हूँ। धन्यवाद।

प्रो. दुखा भगत (लोहरदगा) : अध्यक्ष महोदय, आज वनों की जो स्थिति है, जंगल में रहने वाले जनजाति के लोग और स्थानीय लोगों की जहां जंगल को बचाने में भागीदारी है। हमारे झारखंड राज्य में लोग जंगल की कटाई को रोकते हैं, उसकी सुरक्षा करते हैं। वहां के अधिकारी जंगल को काटते हैं या कटवाते हैं। जंगल को उजाड़ने में वन विभाग के अधिकारियों का हाथ है। हमारे राज्य का नाम झारखंड है, जो जंगलों से घिरा हुआ है। वहां के स्थानीय और जनजाति के लोग मिल कर जंगलों को बचाने का काम करेंगे तो निश्चित रूप से जंगल बचेगा। जो लोग जंगल को बचाते हैं, उनके लिए सुख-सुविधा की व्यवस्था होनी चाहिए।

महोदय, उनके लिए शिक्षा का कोई अच्छा स्कूल नहीं है। पेयजल की सुविधा नहीं है। वहां पीने के लिए पानी का ठीक से प्रबंध होना चाहिए। पहाड़ों के उमर जब पानी रुकता है तो पानी रिसता है और जब पानी रिसता है तो जंगल हरा-भरा रहता है। इसलिए इस दिशा में जंगल क्षेत्र में जोरदार काम होना चाहिए, जिससे हम जंगलों को बचा सकें। पहाड़ों तथा जंगलों में जनजाति के लोग वॉ और सदियों से रह रहे हैं, लेकिन उनके लिए सिंचाई की कोई व्यवस्था नहीं है। ऐसी परिस्थिति में उस जंगल में रहने वाले लोगों के लिए सिंचाई की पूरी व्यवस्था होनी चाहिए। चक डैम बनाने चाहिए, पानी का ठीक से प्रबंध होना चाहिए, तालाब और कुएँ बनाने चाहिए, तभी वे लोग जंगलों को भी बचाएंगे, जिससे पूरा क्षेत्र अच्छा हो पाएगा।

अध्यक्ष जी, जिस क्षेत्र में जंगल हैं वहां बिजली नहीं है, पीने का पानी नहीं है। रिजर्व फोरेस्ट के चलते वहां रोड भी नहीं बन पाते हैं। मैं माननीय वन-विभाग के मंत्री महोदय से आग्रह करूँगा कि इन समस्याओं के समाधान के लिए वे पूरी शक्ति के साथ कदम उठाएं और इस दिशा में काम करें जिससे जंगल भी बचे और जनजाति समाज के लोग भी बचें और जंगल अच्छे रह सकें।

श्री सालखन मुर्मू (मयूरभंज) : अध्यक्ष जी, हमने भी अपना नाम दिया है।

MR. SPEAKER: Excepting Shri Bangarappa, nobody will be allowed to speak. I am sorry. I am bound by the rules.

...(Interruptions)

MR. SPEAKER: In this, there is no provision to associate also.

...(Interruptions)

अध्यक्ष महोदय : इसमें रूल बड़ा क्लीयर है कि जिन लोगों ने नोटिस दिया है उन्हीं लोगों को अपनी बात कहने का मौका दिया जाएगा। दूसरे किसी भी सांसद महोदय को मौका नहीं दिया जाएगा। तीन मैम्बर्स के नोटिस हैं जिनमें से दो अभी बाकी हैं। सच कहें तो इस पर केवल प्रश्न पूछना बाकी रहता है। मैं अब श्री बंगरप्पा को बुला रहा हूँ।

श्री नरेश पुगलिया (चन्द्रपुर) : अध्यक्ष जी, आज देश में 300 जिले हैं जहां जंगल नहीं हैं। उनके लिए कुछ नहीं है। जंगल बचें, इसलिए हमारे प्रोजेक्ट्स पूरे नहीं हो रहे हैं। जिन्होंने जंगल बचाए हैं उन्हें पनिसमेंट मिल रही है। हम चाहते हैं कि नियम 193 के अंतर्गत हमें बोलने की इजाजत दी जाए। (व्यवधान)

MR. SPEAKER: We are having this discussion only at the instance of Shri Bangarappa. Since Shri Bangarappa has insisted that this issue be discussed, I have taken it up in the House. And, since both the Members, who have already spoken, are *adivasis*, I have permitted them to speak.

...(Interruptions)

श्री नरेश पुगलिया : फोरेस्ट डिपार्टमेंट की तरफ से प्रोजेक्ट्स पूरे होने में परेशानी हो रही है। (व्यवधान) हम चाहते हैं कि नियम 193 के अंतर्गत चर्चा करायी जाए। (व्यवधान) चार जिलों में इविकशन के नोटिस दिये जा चुके हैं।

MR. SPEAKER: Only Shri Bangarappa has given the notice. So, he will be allowed to speak. This issue has been taken up today only because of Shri Bangarappa's persuasion. Please go ahead.

SHRI S. BANGARAPPA (SHIMOGA): Mr. Speaker, Sir, while thanking the Chair for having put this matter on today's Agenda, I crave your indulgence if you permit me, since this matter is likely to take a little lengthy time... (Interruptions)

MR. SPEAKER: If you ask for my permission, I am sorry, I cannot give it. You can make a lengthy speech but if you ask for my permission, I cannot give you the permission.

SHRI S. BANGARAPPA : I understand it.

I thank the hon. Minister for having made the statement. According to his statement, the matter relates to the tribal people living in the midst of the forest area. However, my intention was not limited to that. If you go through my notice, it relates to the poor people who have taken birth and lived in the forest for centuries and who have been cultivating very small piece of land for their livelihood. So, it includes not only tribal but other people also. Maybe, while wording my notice, I restricted it only to the tribal people and that is why, perhaps, the hon. Minister has made a statement relating to what the Government has done with regard to the tribal people living in the forest. So, with your permission, I may be permitted to speak here not only with regard to the tribal people but also other people living in the midst of the forest.

There are three or four aspects relating to this matter. Firstly, what exactly is the position as far as the ground realities are concerned? Then there is a legal aspect and Constitutional aspect. What exactly is the remedy? These are three or four issues which revolve around this discussion. As far as the status of the tribals is concerned,

through you, Sir, I must thank my friends who have just now spoken. To have a number of projects, people have sacrificed a lot in this country. For example, in Karnataka, in my own constituency, for Sharavati Valley Hydroelectric project, which was the biggest project in Asia once upon a time, people have sacrificed to the tune of lakhs and lakhs of acres of land.

Those people were taken in lorries and trucks, and were dumped in the midst of forests in 1960s. This happened about 30 to 40 years back. Some people were given *pattas* under the State laws because, as you are well aware, the Central Forest Conservation Act came into being in the year 1980. Before that, all the State Governments were having their own Acts because it was in the State List. Now, it has been brought in the Concurrent List. No *pattas* have been given to those people who had sacrificed their lands and are still living in forests.

For example, we can take the people who are living in areas of Idukki and Wayanad in Kerala. We can also take the tribals living in Nilgiri, Tamil Nadu; in Western Ghats; in Ratnagiri and Vidharbha, Maharashtra; in Madhya Pradesh where the situation is horrible; in Andhra Pradesh; in West Bengal; in Assam; in North-Eastern States; in some areas of Rajasthan; in Saurashtra, Gujarat; and in Orrissa. So, I want to say that there are many places like this where dams have been constructed for power generation and irrigation purposes. People belonging to all castes, creeds, and *dharmas* are living in the midst of forests. They have taken births there. They have lived with trees and plants. They have also guarded those forests.

Sir, as per the Central Act of 1980, the States are the agencies of the Central Government for guarding the forests. After all, the Central Government cannot have its own officers to safeguard all the forest land of the country. So, under the Act of 1980, it manages all these things through State Governments. Earlier, the State Governments had powers to release certain forest land for the sake of poor people. Usually, it was given to them by the Revenue Department through Committees or through its own officers. That was the position earlier. I do not say that you should deplete the entire forest land. I know there is around 30 per cent to 33 per cent forest land in the world. In Europe, there is 41 per cent forest land. In South-East Asian countries like Pakistan, India, Sri Lanka, Thailand, Philippines, and Myanmar, the forest land is very less. In India, we have only 19 per cent forest land. I know depletion of forest land is not a good thing. I understand that. Over growth of population and vehicles has resulted into higher rate of pollution in the atmosphere. It has adversely affected the rainfall also. But at the same time, we have to help those tribal people also who are living in forests for the last so many yearsâ€¦ (Interruptions)

SHRI BIKRAM KESHARI DEO (KALAHANDI): Can you yield for a minute?

SHRI S. BANGARAPPA : Yes.

MR. SPEAKER: It is not that you should yield. How can you yield?

...(Interruptions)

SHRI S. BANGARAPPA : Sir, I do not want to yield...(Interruptions)

SHRI BIKRAM KESHARI DEO : Sir, the hon. Member from Karnataka is speaking about the destruction of forest and about the rehabilitation of tribals...(Interruptions)

MR. SPEAKER: That is permitted. He can talk about it.

...(Interruptions)

SHRI BIKRAM KESHARI DEO : But the biggest destroyer of forests in Karnataka is Veerappan. He is robbing the forests. What have you done about him?...(*Interruptions*)

MR. SPEAKER: This is not an issue concerning Veerappan.

SHRI BIKRAM KESHARI DEO : Sir, a couple of days ago, there was a report in the *Pioneer* saying that a retired official of the Government of Karnataka has written in his book that the Government of Karnataka had paid Rs.20 crore for getting the release of Shri Raj Kumarâ€¦ (*Interruptions*)

MR. SPEAKER: Please sit down. If you want to speak on this issue, you have to take the permission of the Chair. Without the permission of the Chair, you cannot speak like this.

SHRI SOMNATH CHATTERJEE (BOLPUR): Sir, I have to make an appeal. A very serious matter is being discussed. All these frivolous interruptions should be expunged from the record.

SHRI V. DHANANJAYA KUMAR (MANGALORE): The real issue is, as the hon. Minister has made it very clear, that the State Government should send the proposal. The Government of India is ready to grant permission. That is exactly what he has said. He has made it very clear.

MR. SPEAKER: The Minister is here. He will make the position clear.

SHRI V. DHANANJAYA KUMAR : There is no point in beating around the bush. If we are really interested in getting the solution, the State Government will have to make the proposal and the Government of India will grant permission. ...(*Interruptions*)

SHRI S. BANGARAPPA : It is not the question of Veerappan. What has he got to do with this issue? You do not understand all these things. ...(*Interruptions*)

MR. SPEAKER: Do not try to reply to him. You make your point.

...(*Interruptions*)

MR. SPEAKER: Please sit down. I have not permitted you to speak.

...(*Interruptions*)

MR. SPEAKER: This is not an issue on which we should quarrel among each other. This is a very serious issue pertaining to Adivasis. Let him reply.

...(Interruptions)

MR. SPEAKER: I have stopped him already.

SHRI S. BANGARAPPA : I was saying that the agency under the 1980 Act is the State Government. Everywhere this question comes. There are people who have half an acre of cultivated land without the permission of the Government. They are there in your State and in every nook and corner of the country. We have to deal with these hapless and voiceless millions of people who are poor and who are living in tribal areas throughout the length and breadth of the country. I am trying to place it on record as to what exactly we are doing as far as safeguarding the long-term interests of these people is concerned. This is the situation that has arisen in the entire country. Actually the Government did not do this. I can see this point. That is why I am not blaming the hon. Minister.

Coming to the legal aspect of the matter, in 1995-96, in 2000 and in 2002, several Public Interest Litigations were filed in the Supreme Court. These cases have been disposed of with a new judgement by the Supreme Court. The earlier judgements are also there to safeguard the interest of the tribal people.

Coming to the tribal people, the Central Government has given an undertaking in their favour. The point is that judgements regarding tribal people are already there. But the latest judgement of the Supreme Court is going against the earlier judgements of the Supreme Court. I am not trying to find fault with the Supreme Court. With all their good intentions they have passed the orders saying that because of depletion of forest land, we have to maintain the ecological balance and see that forest area gets larger in order to safeguard the interest of the country. I can see that point. I am not taking an exception to the tenor or the letter and spirit of the judgement passed by the Supreme Court. But the point is, unless the earlier judgements are reversed by the latest judgement, the earlier judgements in fact remain as they are. Those judgements are in favour of this kind of cultivators. But they are not yet reversed.

Now there is a Public Interest Litigation filed in the Supreme Court in the year 2002 whereby on an application, an interim order has been passed by the Supreme Court. It is a very serious interim order. That matter relates to the safeguarding of the forest which led to the eviction of the unauthorised cultivators of the land across the country. They have now laid down certain principles. They have given certain directions also. What are those directions? According to the court of law, it is well within the peripheries of the four walls of the 1980 Act and no court can go beyond this.

A Central Empowered Committee has been formed on the direction given by the Supreme Court. This is a temporary order. As per this order, the Central Empowered Committee is chaired by the Secretary of the Ministry of Forest and Environment and the Chief Secretaries of various States are its members. At the district level also committees are formed. I can see the point and I am not trying to find fault with that.

But the point is, if the State Government is unable to evict a person with one hectare or 2.5 hectares of forest land, then a fine of Rs.5000 per month is levied against the State Government as per that order. In Karnataka, we have filed a petition in the Supreme Court under Public Interest Litigation. About 91,000 to 92,000 hectares of land is under unauthorised cultivation by the landless poor people. This is the statement made by the Karnataka Government in the Supreme Court. Likewise, the Governments of Assam, West Bengal, Maharashtra and other States have also filed petitions. Now, if you take this Rs.5000 per month per acre, it accrues to hundreds of crores of rupees per year. I do not know how a State Government can be run if it goes on accounting this money in the name of the Central Empowered Committee.

MR. SPEAKER: Shri Bangarappa, please conclude.

SHRI S. BANGARAPPA : With your permission, I may take just another ten minutes. That is all.

MR. SPEAKER: Let me tell you the rule. You can ask only clarificatory questions. Even a speech is not allowed.

SHRI S. BANGARAPPA : I understand it, Sir.

MR. SPEAKER: As a special case, I permitted you to make a speech. So, please conclude.

...(Interruptions)

SHRI S. BANGARAPPA : Mr. Minister, please listen to me. After all, you are now heading that Central Empowered Committee under the Central Government as per the directions of the Supreme Court. It is not going to be a small matter. This problem is there even in the Nilgiri area of your own home State, Tamil Nadu. It is there everywhereâ€¦...(Interruptions) Sir, I am not yielding.

SHRI V. DHANANJAYA KUMAR : Sir, I am in agreement with himâ€¦...(Interruptions)

SHRI S. BANGARAPPA : If an officer does not evict a person, then Rs. 100 per month will be cut from his salary. It goes to the account of the Central Empowered Committee.

Another point is, eviction notices are going to be issued across the country to people who are cultivating the land. Our friends were telling that it is happening in other States also. Now, the last date for evicting people, according to the direction of the Supreme Court, was 30th October, 2002. It was just two months back. According to that direction, officials of the Forest Department can take the help of the police. If the police officers go, then forest officers also go and start evicting the people who are without livelihood on account of not cultivating their piece of land, say, one or two acres. They will be left without anything to live. Should you not see the social aspect of the matter? Suppose you evict crores of acres of land across the country, will you take away and dump the people in the open on the road or on the national highways or the State highways or the periphery of the forest areas? Sir, this social aspect of the matter is completely brushed aside or forgotten.

Therefore, I now appeal to the Government to immediately take up the point with the court and take all possible steps to stop eviction of peopleâ€¦...(Interruptions)

SHRI K. YERRANNAIDU: Sir, you may please allow a full-fledged discussion of the subject. It is a very important matter. Tribals are suffering throughout the country. So, it is better to allow a full-fledged discussion on this subject in the course of the next week so that several Members would participate in itâ€¦...(Interruptions)

SHRI TARIT BARAN TOPDAR (BARRACKPORE): Sir, I also suggest that a full-scale discussion should be allowed on this subjectâ€¦...(Interruptions)

SHRI V. DHANANJAYA KUMAR : Sir, lakhs and lakhs of people will be thrown on the roads and there will be chaos. So, a full-fledged discussion is required on this subjectâ€¦...(Interruptions)

MR. SPEAKER: A suggestion has been made by Shri Yerrannaaidu that a full-fledged discussion on this issue is necessary. I have no difficulty from my side. But the matter will have to be taken to the BAC and if the BAC would find that the issue is so important, then we can always take up a full discussion. But in the meantime, since the discussion on the Calling Attention has started, I think the hon. Minister will reply.

Shri Bangarappa, I have given you more time than what I should have given. Now, I request the hon. Minister to reply.

...(Interruptions)

DR. VIJAY KUMAR MALHOTRA (SOUTH DELHI): Mr. Speaker, Sir, other Members may also be allowed to speak one minute each. ...(*Interruptions*)

MR. SPEAKER: I have no objection even for that.

...(*Interruptions*)

MR. SPEAKER: Shri Bangarappa, please sit down.

...(*Interruptions*)

MR. SPEAKER: Dr. Vijay Kumar Malhotra has made a suggestion that a few other Members should also be allowed to make submission. Then, 'Zero Hour' will not take place.

...(*Interruptions*)

SHRI BASU DEB ACHARIA (BANKURA): 'Zero Hour' should be allowed. ...(*Interruptions*)

MR. SPEAKER: If Members want 'Zero Hour', then let the Minister proceed now.

...(*Interruptions*)

SHRI V. DHANANJAYA KUMAR : This is a very serious issue. ...(*Interruptions*)

SHRI S. BANGARAPPA : Before the hon. Minister rises to give the reply, I would like to put only one or two questions. ...(*Interruptions*)

MR. SPEAKER: Now, this is not possible.

...(*Interruptions*)

SHRI S. BANGARAPPA : Mr. Speaker, Sir, please allow me to speak because I have not said what exactly we want. ...(*Interruptions*) After the issuance of eviction notices, a lot of hue and cry has taken place. ...(*Interruptions*) It may amount to criminal cases which may be filed against the poor people. ...(*Interruptions*) Please permit to ask the questions. ...(*Interruptions*)

MR. SPEAKER: Shri Bangarappa, please ask pointed questions.

...(*Interruptions*)

SHRI V. DHANANJAYA KUMAR : After Shri Bangarappa finishes, we may be allowed to speak on this issue. ...(*Interruptions*)

SHRI S. BANGARAPPA : The Supreme Court judgement is there against the powerful lobbies who are undertaking mining operations in forest areas. ...(*Interruptions*)

अध्यक्ष महोदय : मंत्री जी आप उत्तर दीजिए।

SHRI S. BANGARAPPA : The Government should bring an amendment to the Forest Act, 1980 and also make an appeal to the Supreme Court to modify it. ...(*Interruptions*)

MR. SPEAKER: I am sorry, Shri Bangarappa. I will not be able to allow you to speak further.

...(Interruptions)

SHRIMATI SANGEETA KUMARI SINGH DEO (BOLANGIR): Sir, please allow me to speak. This is not fair. I would like to have certain clarifications from the hon. Minister. ...(Interruptions)

SHRI V. DHANANJAYA KUMAR : Sir, a full length discussion may kindly be allowed on this issue. ...(Interruptions)

MR. SPEAKER: I have made up my mind. Now, the Minister will reply. I am sorry. There is permission to allow only three Members to speak, which I have done. If you want a discussion, then we can take it up in the Business Advisory Committee and then decide.

...(Interruptions)

DR. VIJAY KUMAR MALHOTRA : Sir, many a time, Speaker has allowed more Members to speak on important issues. This is also an important issue.

श्री रामजीलाल सुमन (फिरोजाबाद) : अध्यक्ष महोदय, शून्यकाल न हो, इसकी वजह से जान-बूझकर व्यवधान करने का प्रयास किया जा रहा है। â€ (व्यवधान)

SHRI S. BANGARAPPA : Let the hon. Minister answer only two questions. ...(Interruptions)

MR. SPEAKER: All of you please sit down.

...(Interruptions)

MR. SPEAKER: Hon. Members, please sit down. I have already said that even if there is a discussion under Rule 193, the Members should be allowed to speak.

Therefore, it is absolutely necessary that you should cooperate with me. There are only ten minutes for the first half of the day to be completed. Therefore, it is for the hon. Minister to reply now. Thereafter, if the hon. Members are so desirous of raising it, I will take up the issue in the Business Advisory Committee. Prof. Malhotra, you are a Member of the BAC.

...(Interruptions)

SHRI K. YERRANNAIDU : Sir, I am on a point of order.

MR. SPEAKER: He is on a point of order. Shri Yerrannaidu, what is your point of order?

SHRI K. YERRANNAIDU : My point of order is this. Please refer to Rule 197 of the Rules of Procedure and Conduct of Business in Lok Sabha relating to Calling Attention. Clause (2) says:

"There shall be no debate on such statement at the time it is made but each member in whose name the item stands in the list of business may, with the permission of the Speaker, ask a clarificatory question and the Minister shall reply at the end to all such questionsâ€"

So, it is not possible to permit everybody as per this Rule. That is why I request you to allow a full discussion on this issue. The Hon. Minister will reply now. They may seek any clarification. So, please allow a full discussion so that we can also participate in it...(Interruptions)

MR. SPEAKER: Shri Yerrannaidu, I uphold the point of order raised by you. The Rule is clear. I can permit only three Members whose names are in the notice. Individual notices have been given.

SHRI P.H. PANDIAN (TIRUNELVELI): I am on a point of order. It is connected with his point of order.

MR. SPEAKER: Are you raising another point of order?

SHRI P.H. PANDIAN : Yes.

MR. SPEAKER: Let me first dispose of his point of order. Then, you can raise another point of order, but not now.

...(Interruptions)

MR. SPEAKER: Shri Pandian, you were a Speaker once upon a time.

SHRI P.H. PANDIAN : Mr. Speaker, Sir, under the residuary powers, you can exercise your power and allow the Members to speak.

MR. SPEAKER: I am sorry.

...(Interruptions)

MR. SPEAKER: Shri Yerrannaidu, I uphold the point of order raised by you. You are absolutely right in saying that only those Members who have given notices should be allowed to speak. Three Members gave notices. They were supposed to ask only questions. But I know that these are the two Members from this side who never speak in the House. They are from the *adivasi* community. So, I thought that they should be given permission and so I allowed them as a special case to make a speech. That was more than enough. Shri Bangarappa was the person who was instrumental in bringing this issue. He really wanted to give this notice. He was trying for a very long time. Therefore, as a special case, those members who were supposed to put only questions were allowed to make small speeches. The only thing is if the other Members want to put questions, if they want a debate, I have absolutely no objection. I understand that the issue is very important. For that, I will have to go before the Business Advisory Committee, take a decision there and thereafter you can speak on this issue. He has been trying to bring this issue before the House for a long time.

...(Interruptions)

MR. SPEAKER: This is more than enough.

SHRI V. DHANANJAYA KUMAR : Sir, the Chair can always suspend the Rule.

MR. SPEAKER: That is done in rare circumstances.

...(Interruptions)

MR. SPEAKER: Mr. Minister, please start your reply.

...(Interruptions)

SHRI G.M. BANATWALLA (PONNANI): Sir, the hon. Minister can reply after the 'Zero Hour'. Please take up the

'Zero Hour'. Am I being punished for cooperating with you, Sir?...*(Interruptions)* Are we being punished for cooperating with you? The 6th December, 1992 issue relating to demolition of Babri Masjid was to be taken up during 'Zero Hour'....*(Interruptions)* This is a punishment for cooperating with you, for being a disciplined Member. Certain times, Sir, you must assert yourself. Let the reply come afterwards.

MR. SPEAKER: The reply will be as short as possible. Please sit down.

...*(Interruptions)*

MR. SPEAKER: I have already given my ruling. I do not understand why it is done like this. Mr. Minister, I want you to speak now.

SHRI T.R. BAALU: Sir, the House should be in order. Then only, I can speak. How can I speak if the House is not in order?

MR. SPEAKER: If you start speaking, the House will be calm and quiet.

...*(Interruptions)*

SHRI T.R. BAALU: Sir, please keep the House in order, Without that, I cannot speak.

MR. SPEAKER: If you start speaking, the House will be calm.

SHRI T.R. BAALU: I do admit it.

SHRI G.M. BANATWALLA : Sir, it is a punishment for cooperating with the Chair, for being a disciplined Member.

श्री शिवराज सिंह चौहान (विदिशा) : अध्यक्ष महोदय, यह गरीब लोगों का सवाल है। इसका उत्तर आना चाहिए। इसको बाद के लिए क्यों टाल रहे हैं? इसका उत्तर अभी आना चाहिए।

श्री सालखन मुर्मू : अध्यक्ष महोदय, एक करोड़ आदिवासी जंगलों से विस्थापित होने वाले हैं। **â€**(व्यवधान)

अध्यक्ष महोदय : जब इस विषय पर चर्चा होगी तब मैं आपको बोलने का मौका दूंगा।

...*(व्यवधान)*

श्री सालखन मुर्मू : अध्यक्ष महोदय, इस कानून के चलते भारत के एक करोड़ आदिवासी जंगलों से विस्थापित होने वाले हैं। मंत्री जी, इस बारे में आश्वासन अपने उत्तर में दें ताकि वे आदिवासी उन जंगलों से न हटें। **â€** (व्यवधान)

श्री रामजीलाल सुमन : अध्यक्ष महोदय, जीरो ऑवर न हो, यह उचित नहीं है। **â€** (व्यवधान) बहुत गंभीर बात है। **â€** (व्यवधान)

अध्यक्ष महोदय : मैंने कहा है कि अभी मंत्री जी उत्तर देंगे।

...(व्यवधान)

MR. SPEAKER: I will have to be unnecessarily strict on the issue. I will not allow any other Member to speak now, excepting the Minister. Please take your seat.

...(Interruptions)

MR. SPEAKER: I will not allow anybody else now. Please take your seat.

...(Interruptions)

SHRI S.S. PALANIMANICKAM (THANJAVUR): Mr. Speaker, Sir, what Shri Bangarappa is doing is not proper.
...(Interruptions)

MR. SPEAKER: This is a very important matter. Let the Minister reply now. Please take your seat.

...(Interruptions)

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): Mr. Speaker, Sir, you were so generous in admitting the Calling Attention in spite of my elaborate reply to your goodself. At the same time, you have allowed hon. Members, especially Shri Bangarappa, my old friend, who was a very good administrator and was the Chief Minister of the State of Karnataka, to bring up this Calling Attention. Now, I would try to reply to the points raised by them to the best of my ability.

First of all, the Forest Conservation Act, 1980 was enacted by this august House when the Congress Party was in office. But the guidelines for this 1980 Act were issued only on 18.9.90, after 10 years of the enactment of the law. What do the guidelines say about the *Adivasis*, the poorest of the poor who were neglected? It says that as far as the settlement of the tribals' claims in tribal areas is concerned, wherever there is a *prima facie* evidence when the process of forest settlement has been vitiated by incomplete or incorrect records, maps or lack of information to the affected persons as prescribed by the law, provided that such forest settlement pertains to a period prior to 1947, then they can make a claim. But the claimants should be in possession of the particular disputed land and it should be prior to 1947.

The guidelines further say that after identifying the above three categories of the claimants, the State Government or the Union Territory Administration should get this enquired through a Committee which should consist of at least the concerned DFO, Sub-Divisional Officer and a representative from the Tribal Welfare Department. The Committee should determine the genuineness of the claims after examining all available evidence to establish that.

The guidelines go on to say that once the *bona fide* of the claims is established through a proper enquiry, the State or the Union Territory Government may consider the restoration of titles to claimants. These were the guidelines issued in 1990 by their Government. Now, Shri Bangarappa has claimed that in spite of these things, this Government is not coming forward to help the *Adivasis*. That was the point made by him. But I would like to inform my friend, through you, that if there is any dispute which is not settled and if the concerned people have got any *bona fide* records in their hands, let the State Government of Karnataka or any other State Government send it to me.

13.00 hrs.

I am here to look into the issue. I will try to settle the issue. There is no second opinion on this matter. Neither the court nor the Government is against it.

SHRI H.D. DEVE GOWDA (KANAKPURA): Will the hon. Minister yield for a minute? ...*(Interruptions)* During 1996, the very same Government had released 15,000 hectares of forestland in favour of the cultivators, who are Scheduled Caste people, landless people and agricultural labourers. ...*(Interruptions)* You go through the orders. ...*(Interruptions)*

MR. SPEAKER: The Minister has yielded. What can I do?

...*(Interruptions)*

MR. SPEAKER: I have not asked him to yield.

...(Interruptions)

SHRI T.R. BAALU: Sir, they are standing up. So, I have to speak. ...(Interruptions)

MR. SPEAKER: What is this?

...(Interruptions)

SHRI H.D. DEVE GOWDA : Please ask your officers.

SHRI T.R. BAALU: I am not finding fault with anybody. At the same time, I should say what I have to say. ...(Interruptions)

From 1980 to 1998, for the past 18 years, how many forest cases have been settled? These are 4,549. The average is 252 only. ...(Interruptions) At the time of the NDA Government, that is, when I took charge of this portfolio, the average was 866 per year. It is four or five

times over and above what happened during the past 18 years, that is, from 1980 to 1998.

We are here to settle the issues, whether these relate to the tribals or the people belonging to the Scheduled Castes or the Scheduled Tribes or whatever it may be. At the same time, nobody has got the guts to go against the Forest Conservation Act passed in 1980. Nobody could compromise on that.

Here two hon. Members from the BJP wanted to know about drinking water facilities, lighting facilities, roads or some such things. Whatever it may be, my dear friends, first of all, if want to have facilities in the forestland, that particular land will have to be converted into a revenue land.

If your State Government is ready to convert it into a revenue land, there is no problem. You please send the proposal. We are here to consider it. ...(Interruptions)

MR. SPEAKER: Shri Bangarappa, I am not permitting you.

...(Interruptions)

SHRI S. BANGARAPPA : You are telling only about the tribal people. What about the other people across the country?

MR. SPEAKER: You please sit down.

...(Interruptions)

MR. SPEAKER: Mr. Minister, you go ahead with your reply. Do not look towards the hon. Members who interrupt.

...(Interruptions)

MR. SPEAKER: You can go ahead with your reply.

SHRI T.R. BAALU: First of all, I am very sorry. ...(Interruptions) I will obey your orders. ...(Interruptions)

Shri Bangarappa is not an ordinary Member. He was a Chief Minister. He is my old friend. A former Prime Minister is also there. When they are standing up, I have to answer them. ...(Interruptions)

Neither the court nor the Government is standing in the way. The welfare measures have to be taken up for the Scheduled Castes and the Scheduled Tribes. You mentioned about the past 40 years. These 40 years mean, prior to 1980. Nobody can stop the people who are having valid documents regarding possession of a particular forestland for 40 years. Nobody on the earth can stop their entitlement. You please send the facts and figures to me. Even this evening, I will see that the matter is settled. You should not just pass on the vague information. There should be specific information. If the hon. Members bring forward any specific cases of this nature, neither the court nor the Government will stand in the way.

MR. SPEAKER: If you are his friend, do that. Please send it.

...(Interruptions)

SHRI S. BANGARAPPA : I am asking the hon. Minister to say something about the other people. ...(Interruptions)

MR. SPEAKER: Have you completed, Mr. Minister?

SHRI T.R. BAALU: No. ...(*Interruptions*)

MR. SPEAKER: All of you please sit down. Let him complete.

SHRI V. DHANANJAYA KUMAR : First of all, stop the eviction for some more time so that we can pass on the information. ...(*Interruptions*)

MR. SPEAKER: He is coming to that.

...(*Interruptions*)

SHRI T.R. BAALU: Sir, you have to protect me. I will take one or two minutes only to clarify what is my position and what is the Court's direction. The House should know about it.

Sir, on 14.2.2000, the Supreme Court has pronounced banning removal of dead, deceased, dying or wind-fallen trees, driftwood and grasses, etc. from any National Park and sanctuary. You can understand what it means. On 23.11.2001, the notice was issued to all the States and the Union to prevent encroachment in forests and it restrained the Ministry from regularising the encroachment.

The Supreme Court has restrained me to regularise the encroachment. But at the same time, in spite of these orders, only last month or two months ago, I have made good the request of the State. I was totally satisfied and I made an affidavit before the Supreme Cour. Sir, neither the Supreme Court nor the Government is against the welfare measures for any poorest of the poor or SC or ST. This much, I could say. If you want, I can take more time and I can even clarify for another one hour.
