

**15.19 hrs.**

FOREST (CONSERVATION) AMENDMENT BILL, 2000

**(Amendment of section 2, etc.)**

Title: Consideration and withdrawal of the Forest (Conservation) Amendment Bill, 2000. (Bill withdrawn).

MR. CHAIRMAN : Let us now take up item no. 42.

DR. V. SAROJA (RASIPURAM): Mr. Chairman, I beg to move :

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

Sir, the Forest (Conservation) Amendment Bill, 2000 is a need based Bill. I would request the Government of India to come out with a Bill considering all my points, as also the suggestions made by the hon. Members during the debate here. I am saying this because I am sure that the Private Members' Bill may not be passed. Otherwise, the Bill should be sent to a Joint Parliamentary Committee taking the sensitiveness, the importance, and the urgency of this Bill.

Sir, the Forest (Conservation) Act was passed in 1980. Now, 22 years have passed since then. My amendments are necessitated because of my practical experience in the Government service for 18 years, and my political career for 12 years. I am not able to discharge my duty towards the needy people because of this Act. It is a stumbling block. There is no tribal development without forests and no forests without the contribution of the tribal people. The Forest Conservation Act, 1980 totally neglected the welfare of the tribal people. In my amendment of section 2, it states:

"Notwithstanding anything contained in any other law for the time being enforced in a State, *no State* or other authority shall make, except with the prior approval of the Central Government, any order directing that any reserved forest within the meaning of expression 'reserved forest', in any law for the time being in force in the State, any portion thereof, shall cease to be reserved, and any forest land or any portion thereof may be used for any non-forestry purposes."

For the benefit of the hon. Members, I would like to define what 'non-forestry purposes' means. 'Non-forestry purposes' means,

"Any diversion of the forest land, including privately owned forests, for any non-forestry purposes would require prior approval of the Government of India. Non-forestry purposes include cultivation of tea, coffee, spices, rubber, palm, other horticulture and medicinal plants."

Sir, this is going to have ill-effects on the tribal people and on the forest produce. Not only that, it is standing in the way of the objective of the Forest Conservation Act as well as the developmental activities of the State. This is not the problem of an individual, this is not the problem of one State, but this is the problem of whole country. India is still a developing country and my observation is, and it is not out of place for me to say so, that in North and North-Eastern States, this Act is coming in the way of undertaking developmental activities. Due to the ill-effects of this Act and because of the tedious procedure involved in getting the clearances from the Government of India even for undertaking common developmental activities or for providing basic amenities for the poor and the downtrodden, this Act is coming in the way.

I would like to point out here -- most of the hon. Members here are very learned Members -- that they would have experienced the ill-effects of this Act. I would also like to go on record to show to what extent this Act is coming in the way. I may be permitted to quote one example from my State. There is one hydro project, namely, Parambikulam-Azhiyar Project, which is a mega-project. The project authorities are not able to get forest and environmental clearances because this Act is coming in the way. You may say that we have to get these clearances. Why should there be any delay in this? I would say that getting the clearances from the Government of India is not a simple procedure. There are so many rules and regulations. If any forest land is to be used for 'non-forestry purposes', there are many rules. Even to provide drinking water facility, to lay the roads or even to provide day-to-day basic amenities, we have to apply to the Forest Range Officer of the local area. Then, we have to go to the District Forest Officer. From the District Forest Officer, the proposal should go to the Principal Conservator of

Forests of the State Government.

Then, it has to go to the Government of India. This is only for the small developmental activities.

All these things take a lot of time and in reality, the people are not getting the benefit which is due.

Sir, for bigger projects, if one has less than one acre of land, he need not take the clearance from the Government of India. But it is not that all projects require small amount of land. There are bigger projects also.

For getting the projects cleared, there are two phases. In the first phase, the projects from the State Governments go to the Government of India and they have to issue directions. Added to this, there was a compensatory mechanism. Whenever we wanted to take forest land, we had to give the equal amount of land for afforestation. Then only the clearance was being given earlier. But now, after the recent judgement of the Supreme Court, there is the net value which will be fixed by the Government and which will be paid by the State Government. So, we have to take the clearance from the Government of India. Then, there is the second phase of clearance.

If such is the rule, do you not think that there is a need that the rule is modified? The Act is there for the welfare of the people to deliver the goods at the appropriate time without any dilution. The main purpose is defeated in this Bill.

With these few lines of my introductory speech, I give the floor to the other hon. Members. I will give my observations after the hon. Members give their suggestions.

MR. CHAIRMAN: Motion moved:

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

SHRI E.M. SUDARSANA NATCHIAPPAN (SIVAGANGA): Mr. Chairman, Sir, this initiation of the Bill is in the new environment as there were a lot of complications on the part of the State Government, District Panchayat and also at the panchayat levels.

First, we had the Forest Act enacted in 1927. Then, it was enacted again and we had the Forest (Conservation) Act, 1980. We had to enact it because of the fact that vast trees and forests were being felled down by the local people, and the forest wealth was getting stolen away by certain groups of people. At that time Shrimati Indira Gandhi, the then Prime Minister of India, as a protector of forest and natural wealth, as a great leader who was brought up by the first Prime Minister of India, Pandit Jawaharlal Nehru, to love the nature and preserve the forest, enacted this particular Act – the Forest (Conservation) Act, 1980.

This Act is a very simple Act. It can be covered within two pages. Before that, it was not having a full-fledged enactment and it was the need of the hour to enact it because the entire country was faced with the devastation of forests; the forests were not being preserved by the local people. The forest wealth was being stolen away, and the State Governments were not helping the conservators to preserve the forest wealth. Subsequently, all the State Governments, whenever they wanted to do rehabilitation of tribal people or wanted to provide electricity at their doors, houses and streets, needed permission from the Government of India. In the same way, many of the tribal areas and forests were having tribal people habitation where they had to put up their own construction.

Previously they were having environment-friendly houses, nursery places, schools and hospitals. But subsequently when modernity has come, they brought materials which are not environment-friendly, but at the same time, they were accepted by other people since those materials were the need of the hour so that people develop to modernity.

The tribal habits were changed; they wanted to get educated; they wanted to go to schools, colleges, professional colleges, universities, etc. They wanted to be a part of the Government of India and a part of the State. They wanted to become Government servants; they wanted to become professional people or business people. So, they brought modernity into the forests. They wanted to have modernity inside forests and so, there is naturally a need for proper roads, pucca roads. And all other facilities were clubbed along with that.

At that time, they wanted to get the permission from the Government of India; the procedure was very lengthy. They had to go from one office to the other. Due to that, the subsequent Governments have created regional offices so that the regional necessity can be fulfilled at that stage itself. Here, the governing of India became a very complicated affair. Sitting in Delhi, one cannot have total control on forests. So, the thinking of the country has changed.

After Rajiv Gandhi's Panchayati Raj pronouncements, the rights of the common people, of the tribals who are living in forests or in villages have grown; they became duty-bound. So, they have a duty to protect forests; the rights of protecting forests were given, by the Constitution Amendment, to the Panchayats or the local people in the *Gram*

*Sabhas*. The *Gram Sabhas* have to protect the forest wealth and they have to get benefits too.

The Bio-Diversity Bill was brought forward by the hon. Minister, T.R. Baalu, during his period; it is an epoch one. In that Act itself, more powers were given to the *Gram Sabhas*; *Gram Sabha* people could get benefits by bio-diversity which was available for them. They can be given to foreign countries by way of export of medicinal herbs; they could get monetary benefits; they could share the profits with the *Gram Sabhas*. That was the gist of the enactment of the Bio-Diversity Act which was appreciated by all the sections of the people.

When this is the case, the total demand of the local people has changed; and the right to protect the forests has now percolated down to the people who are living in those areas. Should we have powers even now in our hands? Are we to give powers as per the Constitution Amendment and as per subsequent enactments made in the State Legislatures? This is the question which is facing us.

Many of the Chief Ministers have replied to the letter sent by the hon. Chief Minister of Tamil Nadu Ms. Jayalalithaa, asking for help and coordination to protect the interests of the State Governments. One letter was sent by the Madhya Pradesh Chief Minister, Shri Digvijay Singh; he has given a very lengthy letter. He enunciates how the local people are asking for certain rights and duties and how, at the same time, the Forest Act is not able to serve the purpose at present.

We, as the Members of Parliament, for the last three years, have taken opportunities then and there, and demanded the Government to come forward with a full-fledged Forest Conservation Act, taking into consideration all the aspirations of the people, the tribal people living in nearby villages and panchayats, etc. That aspect has to be gone into. I hope that hon. Minister, Shri T.R. Baalu will take note of it.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): What is the date of that letter?

SHRI E.M. SUDARSANA NATCHIAPPAN : 16<sup>th</sup> August, 2000, much before the request made by the Chief Minister of Tamil Nadu. I would say that this is the opportune time. As environment-conscious society, we should come forward with a clear, mandatory enactment giving right to the people. The law should have less regulation, less supervision but more responsibility on the people who will get the benefits.

Even in my constituency, for laying roads, which is the necessity, we have to go here and there and finally we are told that we cannot have the road linking the villages running into the forest area. This has to be looked into. I am not speaking on political lines. As a citizen of a State of India, I would like to request the Minister. Whenever regional parties are coming to power at the national level, they forget the demands of their respective regions. While in the State, they will say that power is concentrated more in the Central Government and that they need more power, more autonomy and more rights, but as soon as they become a part of the Cabinet at the national level, they forget about the State. Of course, they have to have national perspective. I would say whenever a demand comes from the local people and if it is good for them...*(Interruptions)*

SHRI T.R. BAALU: You cannot make general remarks. You should ask questions so that I can take note of them and answer them in the end.

SHRI E.M. SUDARSANA NATCHIAPPAN : To meet the demands and aspirations of the local people, the Centre has to help the State. We have seen how a number of Members of Parliament from Kerala have been demanding for a High Court at Thiruvananthapuram. The same spirit should be there for every State and all the States should get benefit from the Government of India....*(Interruptions)*

SHRI T.R. BAALU: I request the Member to speak on the Forest Conservation Bill....*(Interruptions)* It is not within the scope of the Bill.

SHRI E.M. SUDARSANA NATCHIAPPAN : Kindly bear with me. I am coming to the points one after other so that you do not get emotional. I am speaking much within the scope of the Bill. The Minister is very emotional and I want to first cool down his emotions...*(Interruptions)*

MR. CHAIRMAN : Please come to the Bill. It is not within the scope of the Bill. You are not giving any suggestion to the Minister.

...*(Interruptions)*

SHRI E.M. SUDARSANA NATCHIAPPAN : I would now say that certain people may not accept having the new State capital Secretariat building near Marina Beach....*(Interruptions)*

SHRI T.R. BAALU: In what way is it relevant to the discussion?â€¦ *(Interruptions)*

SHRI E.M. SUDARSANA NATCHIAPPAN : I should not be interrupted like this....(*Interruptions*)

MR. CHAIRMAN: You are diverting from the issue.

SHRI E.M. SUDARSANA NATCHIAPPAN : I am coming to my next point. If I am not within the rules, you can expunge my speech but I should not be stopped like this from putting my argument.

MR. CHAIRMAN: Your arguments should be relevant to the discussion.

SHRI E.M. SUDARSANA NATCHIAPPAN : They are totally relevant, Sir. You will accept it.

The hon. Minister, representing Tamil Nadu here, should protect the interest of the State.

MR. CHAIRMAN: He is representing India and not Tamil Nadu. He belongs to Tamil Nadu.

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, he is elected from South, Chennai.

SHRI T.R. BAALU: The hon. Member can discuss anything within the subject matter....(*Interruptions*)

SHRI E.M. SUDARSANA NATCHIAPPAN : The hon. Minister should not be in a hurry. There is another flight at 8.00 o'clock. He can go by that flight. I am coming to the subject.

MR. CHAIRMAN: Time is running short. Other hon. Members also have to speak.

SHRI E.M. SUDARSANA NATCHIAPPAN : Even in the discussion on the Private Members' Bill, you are restricting the Members. What can we do? We can understand your rushing through the Government business. If I am not within the bounds, you can stop me. I will not go beyond the limits.

The hon. Minister was kind enough to stop constructing a building by citing certain regulations, like no construction should be there within 500 metres of the seashore. It should be within the limits. Therefore, it was stopped. Subsequently, the State Government had come forward for putting up the Secretariat at another place. That was also stopped by the Forest Protection Act.

SHRI T.R. BAALU: It is not relevant to the Forest Conservation Act.

SHRI E.M. SUDARSANA NATCHIAPPAN : Whenever there is a demand from the people for generation of electricity in a particular place or for taking electricity to the villages or for taking the roads to the villages or for putting up hospitals or schools, this enactment should not be a hurdle. We should help them to create an atmosphere so that we could protect the forest wealth also. The forest wealth should not be taken away. At the same time, people's demand should also be fulfilled. Therefore, I request the hon. Minister to think about this particular piece of legislation which may not be a very lengthy one. It could be focussed on certain aspects. It cannot be a full law. At the same time, I would request the hon. Minister to come forward with a Bill in this regard in the next Session itself. I would also request him to convene a meeting of the Chief Ministers as well as State Forest Ministers.

SHRI T.R. BAALU: Sir, he is going to conclude his speech. I want to know how the matter regarding construction of Secretariat is relevant to this Bill. He has not mentioned anything about the Bill...(*Interruptions*)

SHRI ADHIR CHOWDHARY (BERHAMPORE, WEST BENGAL): You should not be so impatient.

SHRI E.M. SUDARSANA NATCHIAPPAN : Therefore, I would request the hon. Minister to show the same enthusiasm as he had shown in the case of Bio-Diversity Act.

I would once again request him to convene a meeting of the concerned Ministries as well as all the Chief Ministers and the State Forest Ministers. I would also request him to come forward with a new legislation which will help in protecting the forest wealth as also the interest of the tribals and the people living in nearby places. They should be provided all the social amenities and obligations which are guaranteed in the Constitution of India.

SHRI KHARABELA SWAIN (BALASORE): Sir, the Forest Conservation (Amendment) Bill piloted by Dr. V. Saroja intends to have basically three provisions. The first provision is that the Central Government shall not withhold its approval for deforestation if the forest land to be acquired is for public development works such as construction of roads, drinking water schemes, laying of telegraph or telephone lines or any other development scheme for the benefit of the general public. The second provision is that the approval of the Central Government shall not be required if the forest land to be acquired for the purposes as provided in the first proviso is ninety hectares or less. Thirdly, she wants that the schemes approved by the State Governments and sent to the Central Government for approval should be disposed of by the Central Government within one month of their receipt.

Sir, I fully agree with her that in a number of cases the clearance for any developmental work is being delayed for a

pretty long time. Sometimes it is abnormally a very long time for which Members of Parliament or other public representatives have to intervene for getting the projects cleared. I fully agree that most of the times the clearance is delayed. Even for drinking water scheme or for laying a road or a telegraph line or a telephone line, the clearance is delayed.

I do not want that such a long time should be taken for giving clearance. The same thing happened in my constituency for drainage of water through various lines. I paid the money but it could not be implemented because the clearance was not given. I had to withdraw the money and I had to implement that project in some other place. So, I fully agree with Dr. Saroja that the Central Government should not withhold the clearance for such purposes.

Sir, the hon. Minister will agree with me that the best thing a Government can provide to the people is good governance. That is the only thing which returns a party to power time and again. Excepting this factor of 'good governance', there is no other issue that helps to fetch votes for a Government again and again. So, I fully agree with the views of Dr. Saroja that clearance should be time-bound. A time should be fixed by which the Central Government should give the clearance.

But I do not agree with the proposals that she has made with regard to quantifying the area. She said that if the area is 90 acres or less than that, then it should not come for clearance to the Central Government. I do not agree with this. Shri Natchiappan and Dr. Saroja have mentioned about the necessity for bringing about the Forest Conservation Act. Now, if one visits the European countries, then one would find on-board a flight that there are forests everywhere. When one alights from the flight and physically looks at the forests, then one would discover that those are not natural forests but forests made through human endeavour. The Governments of the European countries have seen to it that there are forests everywhere.

Sir, it is said all the time that human beings should survive and for the survival of the human beings, we need roads, we want development, we want drinking water facilities and all such things. But my question is, will humanity survive if the flora and fauna of the world is eliminated? What sort of a world do we want to leave for our children? Would we want to leave only deserts for our children? Would we like them to live in a world where there would be no trees, no animals, no river? Would we like to leave a world like that for our posterity?

Sir, for survival, a country needs 33 per cent of forest cover. But in a State like Orissa which is supposed to be full of forests because of its high tribal population, I can tell you that it has a forest cover of only a little more than 19 per cent. It has 22 per cent of tribal population and including the Scheduled Caste and Schedule Tribe population, it constitutes 42 per cent of the total population of Orissa. On paper it is shown that the State has 32 per cent forest cover but if you go for a physical verification, you would find that it is less than 19 per cent. Most of the times we argue as to where these tribal people will go. It is for the interest of the tribals that they should be allowed to remain inside these forests and they should be allowed to cut trees.

Is it a systematic argument? Why were the tribals remaining in the forests earlier? They were staying in the forest area because they were totally poor and did not have any land to stay outside the forest. But is the situation same today? Is it necessary and mandatory that the tribals will stay only in the forest areas? Why should they stay in the forest land? That is my argument. If the Government is willing to provide land outside the forest area, it should be provided. The forests should remain totally free of any habitation. Otherwise, the plants and animals will not survive. If you see the whole world today, you will find that the forest land is being destroyed not in the developed countries but is destroyed only in the Third World Countries and the Least Developed Countries (LDCs) like Africa, Latin America and other poor countries of Asia. It is the poor, in the name of development, who are totally destroying the trees, the flora and the fauna. So, this very particular point has to be understood.

Shri Natchiappan raised a point regarding the coastal regulatory zone. In the coastal regulatory zone, it has been provided that within 500 metres of the high tide zone, there should be no commercial activity. But if you go to the coastal areas of States like Orissa, West Bengal, Andhra Pradesh or Tamil Nadu, you will find that shrimp farming has become a money spinner. I do not know why it is being called as farming. They say that it is farming. What sort of a farming is it? What sort of cultivation is shrimp cultivation? This is the only activity in the world which quadruples your money in only three months. All the relatives of the politicians, the high officials and the businessmen, just to earn money very quickly, have got themselves involved in this shrimp farming. This is destruction incarnate. This has totally destroyed paddy cultivation and cultivation of other crops in the world. It has totally ruined the coastal zone of Thailand and Philippines, and it is going to destroy India also. Its poison has gone very deep into the roots of the source of drinking water. The drinking water of the coastal areas of most of the States which I just now mentioned have become poisoned. In some villages, they are bringing drinking water from outside by tankers. Why is the rule not being implemented strictly? I would just appeal to the hon. Minister for Environment and Forests to see that the rules regarding the coastal regulatory zone are implemented.

MR. CHAIRMAN : Please conclude.

SHRI KHARABELA SWAIN : Sir, please give me some more time to speak. I have spoken for about seven or eight minutes only. If it may not be completed today, it may be taken up on another day.

MR. CHAIRMAN: Only two hours are allotted for this Bill and there are other Members also to speak.

SHRI T.R. BAALU : Sir, I am sorry to interrupt at this stage. I have to reply today itself because I just cannot go away without answering the hon. Members. Moreover, there will be no Session next Friday. If I do not reply today, there is no use of discussing it today. If you allow me to reply today, the discussion may go on. Otherwise, there is no use of it.....(*Interruptions*)

SHRI RAMESH CHENNITHALA : Sir, the Private Members' Business started at 4.15 p.m. So, there is enough time available.

MR. CHAIRMAN: There is no time available, Shri Chennithala.

SHRI T.R. BAALU: Let us complete the discussion today itself. There is no problem in it.....(*Interruptions*)

MR. CHAIRMAN: Time is limited. There are six more hon. Members to speak and there should be the reply also. Later, there is a Half-an-Hour discussion also.

SHRI KHARABELA SWAIN : The initiator of the Half-an-Hour discussion is not here. Nobody knows whether he will come or not.....(*Interruptions*)

SHRI KODIKUNNIL SURESH (ADOOR): He will come.

SHRI T.R. BAALU: I think it is better to finish it today itself....(*Interruptions*)

SHRI KHARABELA SWAIN : Sir, please tell me in how many minutes I should finish my speech. Shall I take two more minutes? I will conclude.

MR. CHAIRMAN : Please conclude now.

SHRI KHARABELA SWAIN : I will conclude. (*Interruptions*)

DR. V. SAROJA : Sir, I take very strong objection to it. I think, the hon. Minister is taking the Bill very lightly. I think the Chair is also taking this Bill very lightly. That is my observation. If you do not want to discuss this Bill, that is a different matter. I feel that the Bill has got its importance. Though the legislation is a very small piece of legislation, yet it has far-reaching effect. The effect will be there. It is not that it is a Forest Conservation Act of just one line. In that case, will the hon. Minister give me an assurance that he would give clearance right now to all the projects that I have mentioned? If he does it, I will withdraw my Bill.

MR. CHAIRMAN: The hon. Minister will give reply to your points.

DR. V. SAROJA : I am expressing my views.

MR. CHAIRMAN: You have expressed your views. Please sit down.

SHRI T.R. BAALU: I am here to give reply to each and every point raised by the hon. Member. (*Interruptions*)

SHRI KHARABELA SWAIN : Are we entering into a debate just to get some projects cleared? Will she be satisfied with only some projects that are cleared? (*Interruptions*) There is no need for me to speak at all. It is very much surprising. (*Interruptions*)

MR. CHAIRMAN: The time is very limited. Hon. Members have to stick to time. There are six more Members to speak. So, please bear this in mind.

SHRI KHARABELA SWAIN : I am completing it within two minutes. I will not take much time.

Coming to the point, my suggestion is that for the survival of the world, there should be very strict adherence to the rules pertaining to the conservation of forests, conservation of flora and fauna. I very strongly feel that if a tree is supposed to be felled, it should be compensated by providing other land where there could be afforestation, where trees could be planted. I also very strongly feel that the rule should be strictly implemented. The rule is already there. In the name of development, it should not be dispensed with.

I have two more suggestions to make. I told you that I would take only two more minutes.

What incentive would the Government give to the people who go in for afforestation? My appeal to the hon. Minister

is this. If any Member of Parliament is trying to give some money from the MPLADS for the afforestation project just like any other Centrally-sponsored project, the Centre should also come up with a contribution of 50 per cent. From the MPLADS, 50 per cent money could be given by the Member. So, this is one of my suggestions.

Last but not least, I would appeal to the hon. Minister to implement one thing. In Europe and America, the rules for felling a tree are there. The punishment for felling a tree or for killing an animal is much stricter than for killing a human being. The same thing should be followed in India also so that at least India will survive for longer. Otherwise, India will be finished within another 100 or 200 years.

With these words, I conclude.

SHRI ADHIR CHOWDHARY (BERHAMPORE, WEST BENGAL): Sir, I thank you for giving me this opportunity.

At the outset, I would like to say that Dr. Saroja has brought forward a Bill which inherits a few healthy propositions in a right manner. In the Shakespeare's Play *The Merchant of Venice*, Portia told the court that in terms of the contract, Antonio could have his pound of Shylock's flesh without shedding a drop of blood. In reality, it is next to impossible but the wisdom is very much penetrative.

### **18.00 hrs.**

Sir, we all appreciate that civilisation cannot grow without the destruction of natural resources and it has continued over the years. But our modern outlook should be such that we should harmonise our social needs consistent with the conservation of our natural resources.

We live by air, we live by water, we live by healthy environment and furthermore India is a country which is enriched by its bio-diversity and natural resources. About 40 per cent of our energy come from forests and natural resources and we derive 30 per cent of fodder from natural resources.

The mover of the Bill, Dr. Saroja has not argued against conservation of forests. Her argument should not be misconstrued. What he argues for is not to put any hindrance or stumbling block to the developmental needs of the rural poor and the downtrodden people.

Sir, the colonial power, the British had deliberately destroyed our natural resources and forests in order to garner raw materials and other sylvan assets of our country. Now, we are bearing that burden. The colonial hangover is still with us and the burden of management lies with us.

So far as forestry management is concerned, we should explore an effective management method. There are various complexities in forestry management. May I ask the hon. Minister as to who is the encroacher? Can he say by one definition that so and so is the encroacher? No. There are legal categories and there are management categories. In the legal areas, we may include National Park, Sanctuaries etc. In the management areas, we may include the core forest areas, buffer zone, tiger reserves, elephant reserves and so on. So far as forestry management is concerned, I would like to say that harmonisation is very essential.

Sir, India is one of the 12 mega bio-diversity countries in the world with two very rich bio-diversity regions. Sometimes, the Supreme Court gives a verdict which may please the environmentalists, but at the same time, the same verdict may endanger the livelihood of the tribal people. It may cause a sudden termination of their livelihood because still a large number of tribal people are eking out their livelihood from forests. For example, in Bastar District of Chattisgarh, 64 per cent of the population are tribal people and they earn their bread from forests. So, take the case of North-East. The Supreme Court has issued a verdict due to which nobody can fell the trees. That is all right. It is healthy for environment. But it also brings about sudden termination of tribal population. Now what are they doing? These tribal people have started peeling off barks from the trees. They have shifted cultivation to other areas. Naturally, this phenomenon is also detrimental to the conservation of forests.

In India out of 5.87 lakh villages, nearly more than 1.70 lakh villages that have forests as land use. They used to live in and around the forests. Now those people are really in a great quandary due to the demarcation of various categories of forests. We can say that the tribal people are to be thrown out from the villages to make accommodation for them. It is not America. More than 83 per cent people in America used to live in the cities. The urban population in that country has gone up to more than 83 per cent. Here in India, it is nothing but a dream. We can not afford to be hovering in the realm of dreams at present.

The Union Government by a draft Notification has directed that any industrial project, commercial project or housing project which may generate more than 50,000 litres of sewage should be brought under the purview of the Central Government's permission. We know that now the entire country is being ruled under the decentralised regime. In so far as decentralisation is concerned, would this kind of Notification not be interpreted as an infringement upon the prescribed legal authority of a State Government? Everybody knows that the kinds of clearances, as have been

prescribed by this Notification, are replete with procrastination. Tardiness and delaying methods always hinder the progress of an area in so far as development is concerned. Therefore, this kind of draft should be prepared in such a simplistic way that it would not make any encroachment upon the authority of a State Government. In the Goda Burman case in the Supreme Court, so many complexities had arisen which need to be sorted out in a very rational manner. The forest dwellers have been identified on a temporal classification relating to pre-1980 and post-1980. There are numerous categories of forests – reserve forest, village forest, buffer zone, demarcated, undemarcated, etc. We are all pleading for the conservation of forest. There is no denying the fact. We are all one with it because throughout the world it has been proved that due to the over exploitation of natural resources, the entire humanity has been suffering from various kinds of illness.

Sir, in India, 41 per cent of forest has been degraded. We know the greenhouse effect; forest helps in sequestration of carbon and carbon sinks?

MR. CHAIRMAN : Please conclude now.

SHRI ADHIR CHOWDHARY : All right Sir. Therefore, I urge upon the hon. Minister not to refuse the proposal in an audacious manner. Her proposal and her contention must be considered so that we can make out a rationale approach to the concern of the State Governments because all the State Governments are suffering on account of various kinds of discrimination. Sometimes, the Central Government also does it voluntarily.

**\*SHRI K.K. KALIAPPAN (GOBICHETTIPALAYAM):** Hon. Chairman Sir, I would like to thank the Chair for giving me an opportunity to speak on this Bill. I extend my support to this Amendment Bill moved in this august House by my esteemed colleague Dr V. Saroja which seeks to amend further the Forest (Conservation) Act 1980. Sir, it is true that we must take steps to preserve our natural wealth like forests. We need to conserve them. But we must take care to see that our zeal to protect forests should not deprive our people by way of affecting developmental projects.

Sir, in Tamil Nadu under the dynamic leadership of Dr Puratchi Thalaivi Amma the Government of Tamil Nadu is conceiving and implementing several developmental projects for the welfare of the people. But unfortunately the Forest Act comes in the way of implementing welfare schemes and developmental projects in the remote villages of Tamil Nadu. It is needless to mention that both the Union Government and the Central Government have been elected by the people. We have a duty to serve the public who has chosen to elect us. As far as our leader is concerned she goes about with an approach that serving the public is like serving the god. Whether it is Chief Minister or other Ministers as far as our party and our Government is concerned public service is next to godliness. This was emphasised by our founder leader Dr Puratchi Thalaivar. Our late lamented leader Perarignar Anna had emphasised the need to have a federal set up at the Centre with autonomy to all the States. But what is happening today is to the contrary. The present Central Government and the Minister in charge of Forests seek to have all the powers with them thereby hampering the developmental work in Tamil Nadu putting hurdles and throwing spokes.

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\*Translation of the speech originally delivered in in Tamil.

Several well-conceived plans brought about by the leader of our hearts Dr Puratchi Thalaivi Amma have to meet with hurdles at the hands of the Centre. The Minister at the Centre failed to see that those schemes and projects are brought about only to benefit the people of Tamil Nadu and it is all for a common cause in public interest. But it is lost sight of and I urge upon the Union Minister concerned to have a re-look at it so that no hurdles are put in the way of developmental work that are to be carried out in public interest. It must be noted here that the Governments of Kerala, Maharashtra and Rajasthan and also the administration of Andaman have all expressed their support to the serious concern expressed by the Tamil Nadu Government in giving over riding priority to developmental work than merely putting hurdles in the name of preserving forests.

Though both the Governments are elected by the same people the developmental projects meant for those people are hampered by the over zealous Centre. Even after our leader Dr Puratchi Thalaivi Amma the Chief Minister of Tamil Nadu wanted to impress upon the Centre through her letters, it has not been heeded to. The Minister at the Centre is going about in his own way ignoring the loss caused to the people of Tamil Nadu.

I would like to bring to your notice the status which is available in my constituency Gobichettipalayam. There is a vast forest area in my constituency. There are several villages and hamlets situated in the remote area in that hilly terrain. I am afraid that much of misuse and abuse and high-handedness is perpetrated in the name of Forest Conservation Act. Rural roads could not be laid to connect remote villages. That way public utility services could not be taken to those villages. I urge upon the Union Government not to cause inconvenience and come in the way of well conceived developmental projects.

The Pykara hydel project situated in Nilgiris generates power and there is a problem to transmit power to the needy

villages and the unelectrified hamlets in my constituency. In the name of Forest Act laying of transmission lines has been shelved. Any Statute or Act should aim at helping the people and serving their interest and no law should be misused by any self centered people to come in the way of developmental projects that are drawn to benefit lakhs of people living in rural areas specially in remote areas. Thalavadi, Kadambur and Kundur, Nattambalayam are in the Anthiyur and Bargur areas. Thalavadi panchayat has got more than 60 thousand people. Anthiyur panchayat union has got more than 2 lakh of people. As far as Kadambur is concerned there are 4 panchayats. Anthiyur and Bargur have got several villages and hamlets in a widely spread area. These people who live in this hilly terrain numbering about 2 lakh and more are deprived of essential needs just because the over zealous and stringent implementation of Forest Conservation Act.

I would like to urge upon the Union Government and especially its Forest Minister not to come in the way of developmental programmes. This Forest Conservation Act that hampers the growth and development of several backward villages in Tamil Nadu. As far as Union Minister of Forests is concerned it appears that he is over zealous in the name of preserving forests to put spokes in the well meaning schemes sought to be implemented by the Government of Tamil Nadu. I do not know how the coastal areas and sea shores come under the ambit of this Act. Even after 6 or 7 State Governments have expressed their support to the concern expressed by the Tamil Nadu Government, the Centre seeks to ignore the need of not coming in the way of certain urgently required public utility schemes like the beautification of Marina Beach that is considered to be one of the biggest beaches in the world. The vast stretch is sought to be beautified and developed to add value to its tourist potential. But in the name of the Central Act hurdles are sought to be put. I am afraid the Minister at the Centre is partisan and I do not know why he seeks to put hurdles for the well conceived schemes. The Ministers in the State do not seek to vanquish the forest there. They do not seek to denigrate or desecrate the sacred laws we have but still several backward villages have to languish for want of developmental facilities and activities.

I urge upon the Union Forest Minister not to bring about so much of hurdles and I also urge upon him to change his approach towards the proposals for projects and schemes for the welfare of the people of Tamil Nadu. I would like to categorically state that there must be an end to fomenting trouble and causing hurdles to several of the developmental schemes that are brought about by the goddess of our hearts and the darling of the masses Dr Puratchi Thalaivi Amma, the Chief Minister of Tamil Nadu. Expressing once again my support to the Bill brought about by Dr V. Saroja, let me conclude my speech.

SHRI RAMESH CHENNITHALA (MAVELIKARA): Sir, I rise to support the Bill which is introduced by my hon. Colleague Dr. V. Saroja.

Even though I am supporting the spirit of the Bill, I would like to say very emphatically that the forest wealth of our country should be preserved. Sir, the sustainability is not an option but an imperative, and for a better world to live, we need good air, pure water, nutritious food, healthy environment and greenery around us.

Sir, if this kind of an Act was not in existence, what would have been the situation? The forest cover is coming down drastically every year. Basically, the subject of forest is under the concurrent list. The conservation of forest is the main and most important duty of every Government. Unfortunately, this forest cover is coming down because we are not taking this aspect very seriously.

Sir, as Shri Sudarsana Natchiappan rightly pointed out, the then Prime Minister Shrimati Indira Gandhi was very particular about the Forest Conservation Act, 1980. After that, Shri Rajiv Gandhi also had very seriously taken this issue and enacted an Act which is very stringent. Now, everybody is asking for the amendment of this Act. If you amend the Act, I am 100 per cent sure that the forest cover will come down drastically. Thanks to the Supreme Court judgement on the tiger projects and other areas, there is a total ban on forest land to be used for non-forest purposes. Even though, we, the Members of Parliament, are demanding for more forest land for roads, construction purposes and other needs, the Government of India and the Ministry have taken a strong view because of the Supreme Court judgement.

The forest wealth is very important as far as our environment, preservation of our heritage and preservation our culture are concerned. So, on that account, we must be very careful. The forests play a very important role in the environmental economic sustainability. They provide numerous goods and services, mainly life support system essential for the life on the earth.

**18.22 hrs.** (Mr. Deputy-Speaker *in the Chair*)

The hon. Minister Shri T.R. Baalu knows that we had an international conference on the increasing global heat. The environment is changing. A lot of far-reaching changes are taking place in the globe, especially heat is one of the prime concerns of the world community. This is because of the environmental degradation which we are experiencing today. We are talking about green house effect and other things. The growing stock of forest resources is 470 million cubic meters.

I urge upon the hon. Minister of Environment and Forests to come forward with a national master plan for integrated forest protection. That is most important. The 10<sup>th</sup> Plan is proposed to give thrust to the aspects of forest development and forest management. Even though we are giving more emphasis on greening India programme, we have to evaluate the results also. So many programmes are being implemented under the Ministry of Environment and Forests. Even the Japanese Government is giving more aid. The World Bank and all other organisations are giving more funds for increasing the forest cover. What is the result that we are achieving? That has to be taken care of.

There are certain positive results. There is some good news for the city of Delhi. On the World Environment Day declared that Delhi is cleaner and greener than ever. While the overall forest cover of the city has gone up, there are some parts like East Delhi and North-West Delhi where there is a little land available for greening. In other places, the forest cover is increasing as a result of these continuous programmes. At the same time, I think we must be very strict on degradation of forest and felling of trees.

Kerala is one State where we are facing a lot of problems regarding this issue. Mr. Minister, you are aware of the tribal agitation which took place at Muthanga in Wayanad district of Kerala. It is of a recent occurrence but it has caught the attention of the whole world.

The tribal agitation was for land and it took a violent turn in the month of February. The Forest Conservation Act prevented the Government of Kerala from allotting land to tribals. The basic issue here is that these people who are a part and parcel of the forest are not able to utilise the forest produce. They are the real sons of the forest. They are the real inhabitants of the forest but they are prevented from getting the benefits out of the forest produce. That is the main grouse against the Government.

The other aspect is that land was not distributed to these people. The Government of Kerala approached the Union Government for allotment of more forest land to these tribals. Recently, the Government has taken a decision to give the Aralam farms for the purpose of distribution of land. This is a welcome step. Instead of giving dense forests, this kind of farm land could be distributed to the tribals.

Dr. Saroja was mentioning about certain construction activities in these areas. Basically, roads have to be constructed. For example, the hon. Minister knows about the difficulties faced by the Sabarimala pilgrims. We have been raising this issue of allotment of more forest land for Sabarimala pilgrims time and again. Recently, there was a fire because there was not enough land and proper accommodation for pilgrims. We are not demanding for too much of forest land. We are asking for land that is permissible for use by the pilgrims. As Members of Parliament, we are also responsible people.

Shri O. Rajagopal, Shri Francis George and I a three-member committee, visited this area. We have seen the dense forests and the tiger project. We actually objected to any kind of construction in these areas but at the same time permission should be given for tapping water and providing other allied facilities to the lakhs and lakhs of pilgrims coming from different parts of the country. There should be an eco-friendly approach and construction activities should come down. We cannot permit more and more construction activities in the forests but at the same time when we are preserving these forests we have to think about the tribals, their social needs and aspirations. Otherwise, such violent incidents would take place.

I congratulate the hon. Minister of Environment and Forests because whenever there is a demand he is considering it. (*Interruptions*)

MR. DEPUTY-SPEAKER: Everybody compliments him.

SHRI RAMESH CHENNITHALA : He has got his limitations. Today, we have the Supreme Court's directions. If he were not strict, there would be no forest land. Everybody is asking for forest land. As Shri Kharabela Swain rightly pointed out, the forest land would become a desert if all such demands are met. We cannot agree to that. At the same time, there should be a rational approach.

Our country is rich in forests and in bio-diversity because our cultural heritage is totally attached to forests and

environment. So, we must be very clear in our thinking. We have to keep in mind the interests of the future generations. So, a pragmatic approach should be adopted. I think, Shri T.R. Baalu, the hon. Minister has, for the last four years, adopted a pragmatic approach on this subject.

Regarding Sabarimala pilgrims, when the former Speaker, Shri G.M.C. Balayogi, called a meeting, he gave permission for parking and drinking water purposes. He objected only to construction of four-storeyed buildings. We also did not agree to that. We have to have roads for providing proper access to the tribals for going to other places. We can agree to that, but we cannot agree for a road in the widely national highway to be constructed through the forests. What is the need for that? Earlier it was forests in certain areas, but now there is no forest. It has almost become towns and cities, but in the record it is mentioned as forests. We have to think about that. For example take Munnar and Thekkaday towns. These are not forests. They have become cities. Once upon a time these people have encroached into these areas and they are staying there. A lot of business activities and construction of buildings are taking place. These have all become cities and towns and these cannot be considered as forest land. But, at the same time, we have to preserve our forest land. I think, the hon. Minister has taken a very pragmatic approach.

Shri Sudarsana Natchippan and all my other colleagues were saying that a comprehensive Bill should be brought before this House. I think, whatever Bill we are preparing, it should be very stringent. You should be very careful in this aspect; otherwise there would not be any forest land available in our country because everybody is interested in encroaching upon the forest land. Nobody is interested in having more forest land.

There are so many programmes. I wanted to know whether these programmes are taking place or not. There are so many programmes undertaken by the Ministry of Environment and Forests in the record. I would like to know about the private forestry initiatives - whether it is taking place or not. Crore and crore of rupees are spent on this and external assistance is also coming up. Forest plantations are there and so many other programmes are there to increase the forest cover. But what is the result? So, the Ministry of Environment and Forests should do an evaluation. All these aspects should be given due consideration by the Ministry of Environment and Forests, by the entire House and through the entire House by the entire country. It is a very serious issue. So, there should be a pragmatic approach and we should not act hastily. I do not approve of my colleague, Shri Sudarsana Natchippan's view point. Shri T.R. Baalu is a Union Minister. Of course, when he is a Union Minister then he has to see the country as a whole, not as a DMK Leader, as a Leader of the State, but he has to see the entire country. When the hon. Minister is in charge of a particular Department, then he has to see the welfare of the Department and he has to see the welfare of the nation. So, the natural wealth has to be protected. It is the duty of the Central Government. If the Central Government will be liberal, then, I am afraid, there will be less forest cover in our country and that will be detrimental for the generations to come.

**श्री माणिकराव होडल्या गावीत (नन्दुरबार) :** उपाध्यक्ष महोदय, वन (संरक्षण) संशोधन विधेयक, 2000, जो डा

. वी. सरोजा जी के द्वारा सदन में प्रस्तुत किया गया है, मैं उस पर बोलना चाहता हूँ।

**उपाध्यक्ष महोदय :** गावित जी, आप इस विषय पर भाण के बजाए क्लैरिफिकेशन के रूप में प्रश्न पूछ लीजिए, तभी मंत्री जी आज चर्चा का जवाब दे पायेंगे।

**श्री माणिकराव होडल्या गावीत :** महोदय, मैं भाण नहीं करूंगा।

उपाध्यक्ष महोदय, डा. वी. सरोजा जी ने विधेयक के बारे में विचार दिया है, उसके लिए वन विभाग विचार कर सकता है, लेकिन हमको देश के लिए चिन्ता होनी चाहिए। मैं खुद आदिवासी हूँ और सरदार सरोवर प्रोजेक्ट मेरे क्षेत्र गुजरात तथा महाराष्ट्र व मध्य प्रदेश में है। देश में जो सिंचाई योजनाएँ बनती हैं, उनमें ज्यादातर वन भूमि जाती है और उसके बदले में वन विभाग को राज्य सरकारों से जमीन मिलती है और मुआवजा भी मिलता है। वह इसलिए मिलता है कि रेवेन्यू डिपार्टमेंट से उन्हें जो कुछ जमीन मिलती है, उनसे वे वन उपजाऊ कर सकें लेकिन वन उपजाऊ करने की तरफ स्थानीय अधिकारी बिल्कुल ध्यान नहीं देते। उन्हें मुआवजा भी कम मिलता है। आज वन उपजाऊ नहीं हैं। देश में वनों की कटाई हो रही है। वन निर्माण के लिए भारत सरकार को जो धन खर्च करना चाहिए, वह नहीं हो रहा है। सभी वन विभाग के अधिकारी वन संरक्षण अधिनियम 1980 का ही जिक्र करते हैं लेकिन वन उपजाऊ करने की तरफ कोई ध्यान नहीं देता। हम आदिवासी लोग हैं। मुझे दूसरी जगह के बारे में मालूम नहीं है लेकिन महाराष्ट्र में वन संरक्षण समिति बनी है। वहां वनों का संरक्षण लोगों के सहयोग से अच्छी तरह से हो रहा है। ऐसा लोगों की सहायता से हो रहा है। यह बात वन विभाग के अधिकारियों को ठीक नहीं लगती। वह इस बारे में उनकी सहायता नहीं करते। मेरी विनती है कि आप सभी राज्यों के वन मंत्रियों की बैठक बुलाएं। उन्हें वन संरक्षण अधिनियम और वन उत्पादन के बारे में बताना चाहिए। वन अधिकारी इस तरफ बिल्कुल ध्यान नहीं देते, यह मेरा अनुभव रहा है।

आज वन जमीन का अतिक्रमण हो रहा है लेकिन इसमें आदिवासियों का नाम लिया जाता है। हम आदिवासी जरूर हैं और जंगलों के पास रहते हैं। हमारे पास थोड़ी जमीन है। कुछ भड़काने वाले लोग आदिवासियों से पैसा लेकर जमीन के पट्टे बांट देते हैं। इस तरफ वन अधिकारी बिल्कुल ध्यान नहीं देते। वे वनों में जाते नहीं हैं, इसलिए वन जमीन का अतिक्रमण हो रहा है जो बंद होना चाहिए। हम सब इसी मत के हैं।

आजकल वार्ड अनियमित हो रही है और कहीं-कहीं सूखा पड़ रहा है जिससे पर्यावरण का संरक्षण नहीं हो रहा है। 33 परसेंट वन होने चाहिए लेकिन आज इतनी संख्या

में वन नहीं हैं। हम पहले जंगलों में वन प्राणी देखते थे। अब वहां ऐसा कोई भी दिखायी नहीं देता। इसमें लोगों की कोई गलती नहीं है। ये सब वन विभाग के नीचे के अधिकारियों की गलती से हो रहा है। वे कभी वनों में नहीं जाते हैं। वे वनों का प्लान्टेशन नहीं देखते हैं। वन संरक्षण समितियां बनी हैं। उसकी वजह से कहीं-कहीं जंगल दिखायी दे रहे हैं। इससे संबंधित अधिनियम बनने से पहले 1972 से 1978 तक जो जमीन का अतिक्रमण हुआ, उसे रेगुलराइज्ड करने के लिए उच्चतम न्यायालय तक केस चल रहा है। कई लोगों को जमीन पट्टे पर देने के लिए उच्चतम न्यायालय ने फैसला भी दिया लेकिन वन विभाग के अधिकारियों ने 1972 से 1978 तक जो जमीन अतिक्रमण की थी, उसकी तरफ बिल्कुल ध्यान नहीं दिया। मैं आपको महाराष्ट्र की बात कह रहा हूँ। मेरा नन्दुरबार क्षेत्र है जो एक आदिवासी इलाका है। मैं वहां का रहने वाला हूँ। आदिवासियों की कुछ भी गलती नहीं थी। मैं बार-बार यही कहूंगा कि वन विभाग के अधिकारियों का इस तरफ बिल्कुल ध्यान नहीं है। राज्य सरकार की सिंचाई योजना में जो जमीन जाती है, उसके कम्पनसेशन के लिये जो पैसा मिलता है, वह वन लगाने के लिये खर्च करना चाहिये लेकिन वैसा नहीं हो रहा है। मेरा मंत्री जी से आग्रह है कि इस ओर ध्यान देना चाहिये।

उपाध्यक्ष जी, डा. वी. सरोजा ने जो संकल्प प्रस्तुत किया है और सड़क, बिजली देने के लिये आग्रह किया है, मैं भी उसकी मांग करता हूँ।

MR. DEPUTY-SPEAKER: Now, for this Private Members' business, the time allotted was two hours and thirty minutes and that time ends at 6.40 p.m. There are three to four more speakers who want to participate in this discussion. Therefore, this can be carried on to the next Session.

SHRI T.R. BAALU: I have to reply to it. I will intervene and, then, you can postpone it to the next Session. I will now just intervene and the final reply will be given by me afterwards. I have to intervene now.

MR. DEPUTY-SPEAKER: My difficulty is that we have allotted two hours and thirty minutes for this Private Members' business.

SHRI T.R. BAALU: I agree with you, Sir. I will only make a short intervention and it is a matter of ten minutes. After that, the hon. Member, Dr. V. Saroja, has to speak. I want to reply for, at least, 10 to 15 minutes today itself. You can extend the time accordingly. I only need 10 to 15 minutes.

MR. DEPUTY-SPEAKER: You are a senior Minister and you should know our difficulties. For this Private Members' business, the time allotted is two hours and thirty minutes. We cannot extend the time.

SHRI T.R. BAALU: If the Chair is so strict, I am not questioning your decision, and thinks that the allotted time of two hours and thirty minutes is over, you can postpone it to the next Session. All I want to do is to intervene. The Minister has got the right to intervene at any point of time. I can intervene because I have got the right to intervene at any point of time. That cannot be questioned.

SHRI RAMESH CHENNITHALA : Sir, kindly use your discretion and extend the time by another half-an-hour so that we can complete this business. Otherwise, we will have to postpone it to the next Session. Kindly use your discretion. The Chair can use its discretion.

SHRI T.R. BAALU: Mr. Deputy-Speaker, Sir, a lot of time has been consumed or rather used by the hon. Members on irrelevant issues, I mean, other than those issues which have been raised by her. I have to answer them. I want to clarify the things because many Members have gone beyond the subject matter.

MR. DEPUTY-SPEAKER: The only complication is that this House has decided to allot two-and-a-half hours time for the Private Members' business, and that is our difficulty.

SHRI T.R. BAALU: That is a matter of the Chair's discretion. The Chair can give me ten minutes or five minutes to intervene on this.

MR. DEPUTY-SPEAKER: Let me take the consent of the House. This is not going to be a precedent.

SHRI BHARTRUHARI MAHTAB (CUTTACK): Can we participate after his intervention? We are sitting here for more than three hours just to participate in the discussion.

MR. DEPUTY-SPEAKER: We have also got Half-an-Hour Discussion after this.

SHRI BHARTRUHARI MAHTAB : The Minister is only requesting that he may be permitted to intervene now and he is willing to reply later on.

MR. DEPUTY-SPEAKER: Is it possible for us to complete this business within half-an-hour? Is it the sense of the House to extend the time by half-an-hour?

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: Mr. Minister, please confine yourself to the subject. It is not going to be a precedent. It is an exceptional case and, therefore, we have decided to extend the time.

SHRI RAMDAS ATHAWALE (PANDHARPUR): What about my speech?

MR. DEPUTY-SPEAKER: At 6.40 p.m., as per the convention, immediately after the Private Members' Business, we have to take up the Half-an-Hour Discussion.

*(Interruptions)*

MR. DEPUTY-SPEAKER: One minute please.

At 6.40 pm, we have to take up, as per the convention, the listed item, the Half-an-hour discussion. The hon. Member is not present, and we will try to dispose it of.

*(Interruptions)*

MR. DEPUTY-SPEAKER: Just a minute.

The Half-an-hour discussion listed in today's List of Business at serial No. 46 which was to be raised by Shri Naresh Puglia, now will be raised by Shri Madhusudan Mistry as he has been authorised to raise the Half-an-hour discussion on his behalf.

Shri Madhusudan Mistry -- Not present.

Now, we will sit for half-an-hour more and finish this item.

This half-an-hour is going to be adjusted towards this Bill.

SHRI T.R. BAALU: Mr. Deputy-Speaker, Sir, I am thankful to the hon. Members *(Interruptions)*

DR. V. SAROJA : Mr. Deputy-Speaker, Sir, I would like to make one submission.

SHRI T.R. BAALU: I am not yielding . Time and again they are interfering. I am not yielding.

MR. DEPUTY-SPEAKER: Mr. Minister, since the House has given you the consent to extend the time, you should also have some mercy on the House.

There are three more speakers, Shri Mahtab, Shri Athawale and Shri Radhakrishnan. I will ask them to put one clarification each. After that, you may reply.

Now, Shri Mahtab.

SHRI BHARTRUHARI MAHTAB : Mr. Deputy-Speaker, Sir, I was prepared to make a speech here. This is a very important subject. Due to paucity of time, I would be very brief.

I have three couplets to make during the course of my speech. First is: "Vision is the art of seeing things invisible" had said Jonathon swift. Dr. Saroja and Shri Kharabela Swain and many others made very valuable points.

There are three points mainly on which Dr. Saroja has intended to pilot this Bill. They concern both the States and the Centre. The first is: "Provided that the Central Government shall not withhold its approval for deforestation if the forest land to be acquired is for the public development work, such as construction of roads, drinking water schemes, laying of telegraph or telephone lines."

The second is: "Approval of the Central Government shall not be required if the forest land is to be for the purpose as provided in the first proviso, in 1990 hectare of land or less."

The third is instructive. It says: "Where the scheme approved by the State Government and sent to the Central Government for approval, shall be disposed of by the Central Government within one month of its receipt."

Here, I would like to draw the attention of the hon. Minister and also the Member who has piloted this Bill that it was in 1980 when the first Forest (Conservation) Act came into existence. This was the effect of the world phenomenon. But before 1980 what was the situation here in our country? What was happening throughout the world. The ozone layer was being depleted. It was due to all these things that the consciousness was developed. I remember, in the Eighties, when Shrimati Indira Gandhi, the then Prime Minister of India and Mahatir Mohammed, a very renowned Head of State of Malaysia were there in one of the NAM conferences, this issue of Western concept of conservation of forest came up. Mahatir Mohammed got agitated and said that: "These people are teaching us when they have exhausted all the forest cover of the world, and through this exploitation they have become rich in the Western world. And, now they are teaching us how to protect the forests!"

It is also reminds us that it was in 1980 that because of the United Nation's intervention, all the major countries wanted to enact an Act to conserve forests. Later on, in 1987-88 again, the Union Government also made certain

amendments thereby asking to allow certain products such as non-forest products. That was extended which included cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticulture and medicinal plants. That is how, the degraded forest area was supposed to be developed.

Later on, a very renowned environmentalist, Mr. Anil Agarwal came up with great ideas. His ideas actually changed the way we think. His ideas changed policies, but it did not change the practices that were being implemented here. For instance, he made us understand that economists often missed the real measure of poverty. We need to understand poverty not as lack of cash or money, but as lack of access to natural resources. He developed a concept of Gross Natural Product.

I refer to Mr. Anil Agarwal, who passed away last year, because he developed a concept that development is not possible without environment management. He discussed about how to manage the environment. In fact, what was needed is to re-generate the environment for development. He made us look beyond petty trees and tigers, to see the environmental issues, not as people *versus* nature, but as people *versus* people.

Now, the word that is being discussed throughout the world is sustainable development in which roads come in, electricity comes in, provision of telegraph or telephone lines come in, for the sustainable development of human race. This is a very touted word; it is also a very difficult word because for many people it means many things.

Mr. Agarwal made us understand that sustainable development was about the process of decision-making what decision you are going to make? Every society makes mistakes. The issue is to find ways in which the ones worst affected by a decision are able to make the necessary changes.

The hon. Member here mentioned about the Sabarimala Temple. I had been to Kerala a number of times; I have met a number of people there, in groups. The Devasthanam of Sabarimala also had met us and met me; they have given a number of representations; they have also explained the problems which a number of pilgrims face, who come from across the country to visit that place. They want a small passage or access to the shrine. It is not going to be used by the people throughout the year. It is not in the core area of the tiger reserve; it is on the outskirts, which can be provided. I have also discussed it with the officials of the Kerala Government. I do not know why it is being delayed in this manner.

A mention has been made about the National Forest Policy of 1988. Very recently, I think, about six months back, an official team also attended the UN Conference in Geneva I think, it was held in Geneva where the country also has given or made an undertaking verbally or in writing. In 1988, it was mandated to increase the forest tree cover to 33 per cent, within two Plan periods. In 1999 as I have been provided with a report the forest cover in our country is 19.39 per cent.

To reach that level of 33 per cent, we have to make efforts. I will just draw the attention of the hon. Members here. Andhra Pradesh has 16.08 per cent of forest cover. We know very well we all come from different States and also from different areas that the figure that has been provided here is not actually the real figure. But whatever it is, this is the figure which is found in the Government records. Kerala has 26.56 per cent; Tamil Nadu has only 13.13 per cent and West Bengal has 9.4 per cent of the forest cover. Orissa it has been mentioned as having 30.2 per cent, which actually is not the fact. What has been envisaged is, in 2007, that is by the end of the Tenth Plan, we should reach 25 per cent and by 2012, that is by the end of the Eleventh Plan we should reach 33 per cent of the forest cover of the country.

MR. DEPUTY-SPEAKER: Please conclude now.

SHRI BHARTRUHARI MAHTAB : Development needs are clashing with the targets of covering one-fourth of the country by forest in four years. We would like to know how much have we achieved in these four years and which are those States which have lagged behind? There is a need and even the United Nations recognises that forests are more than just wood and non-wood products. They help conserve biodiversity, better climate change, protect watersheds. A fifth of our country clubbed as the forest land is the birth place of around 600 rivers and rivulets. The link is simple and devastating. No forest, no water, no water, no food . (*Interruptions*)

MR. DEPUTY-SPEAKER: Please conclude now. We have extended the time by half an hour but I do not think by that time it is going to be over. I had asked you to be brief so that two or three other Members could also get a chance to speak and then we could hear the Minister also.

SHRI BHARTRUHARI MAHTAB : About eight lakh hectares of forest land across the country has been encroached upon. What steps have been taken? I am referring to the Government record. I would conclude with this last two couplets, which says, " In argument, it is always the optimists who win" and "Nature never leaves a vacuum". That is what Tagore had said. So, I would conclude with these words that what is needed today is to regenerate the environment for development.

MR. DEPUTY-SPEAKER: If two or three Members ask a few clarifications only, we will be in a position to finish it. Otherwise, I will ask the Minister to intervene and the matter will be adjourned for the next sitting.

SHRI BHARTRUHARI MAHTAB : I do not see any reason why the Minister has to reply and we have to close the discussion today. The Minister just wants to intervene and that is what he has been requesting for. He can reply to it later on.

MR. DEPUTY-SPEAKER: The Minister wanted to reply.

SHRI T.R. BAALU: All the Members have already spoken.

MR. DEPUTY-SPEAKER: So, Shri Athawale, we may adjourn this debate for the next sitting.

SHRI RAMDAS ATHAWALE (PANDHARPUR): I will support the Bill and speak for only five minutes.

उपाध्यक्ष महोदय, डॉ. वी. सरोजा द्वारा सदन में वन (संरक्षण) अधिनियम, 1980 में और संशोधन करने वाला जो बिल प्रस्तुत किया गया है, मैं उसका समर्थन करने के लिए खड़ा हुआ हूँ। इसमें जो प्रावधान हैं उनके अनुसार डेवलपमेंट के लिए वन विभाग की ओर से परमीशन नहीं दी जाती है, उसके बारे में गवर्नमेंट को विचार करना चाहिए। इसलिए उन्होंने यह विधेयक सदन में प्रस्तुत किया है। मुझे लगता है कि यह जो बिल डॉ. वी. सरोजा द्वारा लाया गया है, यह उनकी बजाय गवर्नमेंट की ओर से आना चाहिए था क्योंकि जितने भी ग्रामीण इलाकों में रहने वाले ट्रायबल लोग हैं, आदिवासी लोग हैं, उन्हें बेसिक फेसिलिटीज भी नहीं मिलती हैं। जो धन में रहते हैं उन्हें धन मिलता है, लेकिन जो वन में रहते हैं, उन्हें फॉरेस्ट का फायदा नहीं मिलता है।

उपाध्यक्ष महोदय : रामदास आठवले जी, आप मुंबई में रहते हैं, आपको फॉरेस्ट का फायदा कैसे मिलेगा?

**श्री रामदास आठवले : उपाध्यक्ष महोदय, मैं मुंबई में जरूर रहता हूँ, लेकिन मेरा लोक सभा क्षेत्र पंढरपुर है। इसलिए मैं पंढरपुर की बात कर रहा हूँ। महाराष्ट्र में, विदर्भ में, मेरे क्षेत्र में फारेस्ट लैंड बहुत है। वहां कोई बड़े पेड़ भी नहीं हैं, लेकिन वहां भी जमीन एग्रीकल्चर के लिए नहीं मिलती है। उसके लिए हमने बहुत बड़ा आन्दोलन भी किया।**

### **19.00 hrs.**

महोदय, हमारी सरकार से अपील है कि जिस जमीन पर फोरेस्ट तैयार नहीं होता है और जो जमीन एग्रीकल्चर के लिए अच्छी है, ऐसी जमीन ट्राइबल और दलित लोगों को डिस्ट्रीब्यूट करनी चाहिए। इसके बारे में आपको कोई निर्णय लेने की आवश्यकता है और जो भी डेवलपमेंट के लिए, जहां इस तरह के कोई प्रोजेक्ट आते हैं, जहां ट्राइबल लोग रहते हैं, उनके लिए रोड और वाटर-केनल की परमीशन हो। इस तरह की गवर्नमेंट ने योजना बनाई है, क्योंकि कानून लोगों के लिए होता है, इसलिए इस कानून में परिवर्तन करने की जिम्मेदारी सरकार की है। कानून लोगों के लिए और उनके डेवलपमेंट के लिए होता है, इसलिए उसमें परिवर्तन करने के बारे में आपके डिपार्टमेंट में विचार करने की आवश्यकता है। इसलिए इस पर विचार होना चाहिए, यह हमारी इसमें सूचना है।

महोदय, ट्राइबल लोगों की जिन्दगी ही पहाड़ों में व्यतीत होती है, इसलिए ऐसे लोगों को ज्यादा से ज्यादा सुविधा देने के बारे में भी इस कानून में परिवर्तन करने की आवश्यकता है। इसलिए सरकार इसमें परिवर्तन करने का विचार करे, यही मेरा सुझाव है।

SHRI KODIKUNNIL SURESH : Mr. Deputy-Speaker, Sir, I thank you for giving me permission for asking some clarifications.

First of all, I congratulate Dr. Saroja for bringing forward this Bill. The Forest Conservation Act is creating a lot of problems in the tribal areas. In my Constituency, most of the areas are thick forest areas. Many tribals are living there. It has a very high tribal population. As far as other constituencies are concerned, there are three *Taluk* areas which are under forest area. We are facing, day-by-day, several problems in that area because of the Forest Act.

The main problem which we are facing relates to forest roads. The Government of India has formulated the Forest Conservation Act which is not allowing black topping in the forest area. In my area, the Chief Conservator of Forest has forwarded three proposals to the Regional Forest Conservator for permitting black topping. The NABARD is ready to construct those roads. But the Forest Conservation Act does not allow this activity. Each road is costing around Rs.1.5 crore. These roads are: Konni-Kalleli to Achancoil, Aryankavu to Rosemalla, and Elavupalam to Thannimoodu. These are very important roads as far as tribals are concerned. The NABARD is ready to give funds for the construction of these roads. But the Forest Conservation Act is coming in the way. May I know from the hon. minister whether this black topping of the roads will be allowed or not? Most of the points have already been covered by other speakers.

MR. DEPUTY-SPEAKER: Yes. He is a very nice Minister. You can also write to him.

SHRI KODIKUNNIL SURESH : Sir, I have written a number of letters to him. He is very much aware of this. I have received the replies also but they were all negative replies.

Sir, I once again congratulate Dr. Saroja for bringing forward such an important Bill.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I am only supporting her Bill. The intention behind the Bill is very clear. The implementation of the Forest Conservation Act should not stand in the way of Centre-State

relationship because the State Governments are often putting forward developmental schemes to the Central Government for approval.

An inordinate delay is caused because of this. There is an apprehension amongst the States that the Central Government is misusing the provisions of the Forest Conservation Act for political purposes. The State Government of Tamil Nadu is opposing a proposed notification of the Government on environment. There was a newspaper report recently accusing the various Ministers for misusing their powers entrusted to them and for working against the cause of Centre-State relations. Of course, we would have to protect the forests, otherwise it would be detrimental to the interest of climatic conditions. The Government should stop indiscriminate falling of trees and we should also definitely prevent encroachment upon forestland. Recently there was a newspaper report in Kerala that a plantation corporation has leased out 1100 acres of land for plantation.

SHRI RAMESH CHENNITHALA : It has been cancelled.

MR. DEPUTY-SPEAKER: Shri Radhakrishnan, he is disputing it.

SHRI VARKALA RADHAKRISHNAN : Anyhow, such a thing happened. It might have been cancelled now. I do agree that it has been cancelled. The hon. Minister must be aware of it. These are the things that are happening in some of the States. In our State, a new thing, namely, vanilla cultivation has now started. There is also an encroachment on forestland due to this. It is a very profitable cultivation. But in the guise of vanilla cultivation, there has been encroachment on forestland. The hon. Minister must be careful about this. It is an attempt towards encroachment of forestland and the Forest Conservation Act should be very strict in those matters. At the same time I would like to request the hon. Minister that such lands must be allowed to be used for development of projects of State Governments, construction of roads and for providing irrigation facilities. There must be a balanced approach. On the one hand, the Government must protect the environment and on the other, the Government should also take note of the fact that all these do not stand in the way of the Centre-State relations.

SHRI T.R. BAALU: Mr. Deputy-Speaker, Sir, first of all, I would like to thank Dr. Saroja, Shri Natchiappan, Shri Chowdhary, Shri Kaliappan, Shri Chennithala, Shri Mahtab, Shri Suresh, Shri Radhakrishnan and all others who have participated in this debate.

Sir, here we are discussing matters relating to forest conservation and issues arising out of forest conservation. This particular subject of forest was in the State List till 1976. By the 42<sup>nd</sup> Constitutional amendment, this subject was brought under the Concurrent List. A subject that was in the domain of the States has now been brought in the Concurrent List. Does it not mean that the Central Government has only stepped into the shoes of the State Government? Is it not that the Central Government has been empowered to override the powers of the State Government? Shall I say like that? All the Congress Members who are here were critical about me, about the overriding powers, the State autonomy or something like that. About a year back, Shri Murasoli Maran was occupying this particular seat. He was the author of State autonomy. I am his disciple. I know how to conduct myself. They have raised a question whether there are overriding powers of the State Government or to contain the powers which are resting with the Central Government. I can understand that Shri Kalliappan, Dr. Saroja, Shri Suresh, Shri Chennithala, Shri Mehtab and Shri Swain are not lawyers. But, at the same time, there are lawyers who have spoken like Shri Radhakrishnan and my friend, Shri Natchiappan. Both are learned lawyers. They have not spoken about the Forest Conservation Act which is the subject today. They have spoken something beyond the purview of this Bill. They have spoken about the Environment Protection Act, 1986 and CRZ Notification of 1991. Is it fair on your part to speak like that? If Shri Natchiappan is willing to help his AIADMK friends, I do not mind it. But, at the same time, to embarrass AIADMK, he should not go beyond the subject matter to be discussed today. He has to confine to the Forest Conservation Act, 1980 only. He should not have stepped into the Notification of 1991. He should not have entered into the area of EPA of 1986.

Construction of the Secretariat Building in Tamil Nadu was raised. For that purpose, there was a lot of drum beating. Newspapers were writing articles daily and political leaders were saying something. I am not here to speak on that. My jurisdiction is not Tamil Nadu alone. My jurisdiction is entire India. Why should I have that mean mentality? If I have that mean mentality, I would not have cleared the projects of Tamil Nadu. I have cleared 60 projects as far as Tamil Nadu is concerned in a span of four years. .. (*Interruptions*)

SHRI K.K. KALIAPPAN : \* Sir, as a Member of Parliament, I have got the right to speak on the floor of the House (*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down (*Interruptions*)

SHRI T.R. BAALU: There have been a number of projects which have been cleared (*Interruptions*) From 1980 to

1999, there are 6655 projects which have been cleared. Forest clearance have been given to 6655 projects from 1980 to 1999. The annual clearance between 1980 and 1999 was 290 projects per year. During my period, between 1999 and 2003, 3703 projects have been cleared. That means 927 projects have been cleared annually instead of 290 projects yearly prior to my occupying this chair.

SHRI KODIKUNNIL SURESH : How many projects have you rejected?

SHRI T.R. BAALU: So, the annual average has increased from 290 projects to 927 projects during my period. As far as Tamil Nadu is concerned, from 1980-

1999, 265 projects have been cleared prior to my occupation as the Minister. During 1999-2003, we have received 79 proposals, approved 60 projects and 19 projects have been closed or rejected. I will tell you as to why those projects have been closed. Dr. Saroja was on her feet. She was charging a number of things. She said: "Now, I will give you the names of projects. Will you be able to clear the projects right away?"

\*Translation of the seech originally delivered in Tamil.

MR. DEPUTY-SPEAKER: For a minute, please take your seat. The extended time is also going to be over now. Is it the pleasure of the House to sit till the matter is completed.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: All right, the time is extended till the matter is completed. Mr. Minister, you can continue.

SHRI T.R. BAALU: Sir, from 1999 to 2003, the total projects received - Shri Suresh asked about it - is 4990; approved projects were 3703. They are from throughout India. 1262 projects were rejected. Only 25 projects are pending. Do you find any fault with this Minister? I am not here just to sit over any issue. I do not want any issue to be raised like this. I do not like any finger to be pointed at me.

The Hon.. Members were so much worried about the forest cover and tribal welfare. The forest cover during my period has increased by 1.16 per cent. The forest cover, to the extent of 38,245 square kilometre has increased as per 2001 survey. The total forest cover as of now is 23.03 per cent whereas we have to go as Shri Mehta has just now said to 33 per cent. By 2007, by the end of the Tenth Plan, we have to achieve 25 per cent. Definitely, we will achieve the 25 per cent mark. By the end of 2012, we have to achieve 33 per cent. Definitely, we are on the right path.

My dear friends were worried about tribal welfare. I could achieve 33 per cent. How? Day by day, a number of Joint Forest Management Committees are being created and established elsewhere. More than 60,000 Forest Committees

have been established. For your information, I would say this. Many friends talked about tribal welfare. The number of families involved in the Joint Forest Management Committee for Scheduled Tribes alone is 27.29 lakh. The number of families involved in this as regards Scheduled Castes alone is 15.8 lakh. The number of women involved is 83 lakh. Is it not an achievement?

By the by, I want to say that in the Ninth Plan, for Tamil Nadu alone, under Forest Wildlife and FDA, we have released Rs.18.72 crore whereas in the Tenth Plan, the Plan which is running now, we have so far released Rs.26 crore. Where is the step-motherly attitude? I think the hon. Member Dr. Saroja was misinformed. Tamil Nadu is also my State. I am also the son of the soil of Tamil Nadu.

Madam, before you speak, I would tell you the projects that are pending. Why are they pending? Shri Kaliappan and Dr. Saroja were talking about the Pykara Hydro Electric Project's ultimate stage. The case was put up before the Forest Advisory Committee in August, 2003. We have asked for essential information *vide* letter dated 3.10.03. So far, no information has been received. In spite of my statement in the Press last month, I have not received even a scrap of paper from the Government of Tamil Nadu.

About the Papanasam Hydro Electric Project, the case was put up before the Forest Advisory Committee in May 2003. Essential information was sought *vide* letter dated 9.5.03 but no information has been received so far.

Regarding the construction of Ullar Reservoir, the proposal was considered by the Forest Advisory Committee but it was observed on 21.2.03 that achievement of compensatory afforestation in the State is unsatisfactory and unless any tangible progress is made, we could not do anything.

The fourth item is the construction of Vadakku Pachaiyar Reservoir Project. The proposal was considered by the Forest Advisory Committee in June 2003. Essential information was sought on 3.7.03 but we have received no information. What is the way out? How can I act here? Do you want me to act as a Minister or since they are Tamil

Nadu projects, I have to sign and send them? Misinformed Member of Parliament and misinformed Ministers of Tamil Nadu quarrel with me.

Sir, my friend, Shri Sudarsana Natchiappan was vociferously supporting the AIADMK on the matter relating to construction of a new Secretariat building for the Government of Tamil Nadu. It is not at all connected with the Forest Conservation Act and the matter under discussion today. I have only taken the appropriate action on the advice of the Supreme Court and it is not at all aimed towards this particular case which he has mentioned. He should understand that. What is that notification? Has anybody gone through that notification? If they had gone through that notification, they would not have referred to the Forest Conservation Act or the Indian Forest Act or the CRZ Notification of 1991. We have issued that notification under the Environment Protection Act, 1986. We have not issued that notification aiming towards Tamil Nadu. We have issued that notification which gives 60 days notice and Sir, you know about this pretty well. Even now, it is only a draft notification. It has not become an Act. How can I do something wrong against my native State? I cannot allow any mudslinging on me; I can tolerate political criticism, but not mudslinging.

Sir, Shri Sudarsana Natchiappan was saying that we should bring an amendment to this Act and Shri Adhir Chowdhury also mentioned the same point. With your permission, I would like to read two or three lines from this letter.

MR. DEPUTY-SPEAKER: Whose letter is it?

SHRI T.R. BAALU: Sir, I know the rules and regulations of the House. I am very much within my limits to quote this letter.

Sir, the hon. Member has mentioned about my friend, Shri Digvijay Singh's letter who was the Chief Minister of Madhya Pradesh till recently. He reportedly wrote a letter in August, 2000. But, in the year 2001, She wrote a letter to me on 21<sup>st</sup> July, 2001. Now you can understand who is she. She says:

"During my address to the Meeting of Congress Chief Ministers held on 16<sup>th</sup> June, 2001, I had referred to the inherent dangers in seeking hasty amendments to the Forest Conservation Act and I would like to underline this by pointing out that the concerns of environment, forests and wildlife continue to receive importance in many of the States."

I do not want to quote further. This letter was written by none other than the hon. Leader of the Opposition, Shrimati Sonia Gandhi. The Leader of the Opposition is for conservation of forests. The Prime Minister and his colleagues are also for conservation of forests. So, how can the Members of the Opposition, particularly the Members of the Congress Party defy that? How is it possible? (*Interruptions*)

SHRI E.M. SUDARSANA NATCHIAPPAN : Mr. Deputy-Speaker, Sir, will he yield for a minute?

SHRI T.R. BAALU: Sir, I am not yielding.

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, let him kindly go through my speech and see whether I am for conservation of forests or not. (*Interruptions*)

SHRI T.R. BAALU: I would like to suggest to him to bring an amendment. Is he ready to bring an amendment? (*Interruptions*)

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, he has not followed my speech. (*Interruptions*)

SHRI T.R. BAALU: Sir, I have followed his speech. Perhaps he wanted to embarrass somebody and that is why he supported them. (*Interruptions*)

SHRI E.M. SUDARSANA NATCHIAPPAN : Sir, let him go through the record and see what I have said. (*Interruptions*)

SHRI T.R. BAALU: Sir, without knowing about the Environment Protection Act of 1986, how can he state like that? He cannot go beyond the ambit of this Bill. He is a learned lawyer, unlike me.

Sir, Dr. Saroja has brought three or four amendments to the Forest Conservation Act through this Bill and I would like to reply to the points raised by her.

Clause 2 of the Bill says:

"Provided that the Central Government shall not withhold its approval for deforestation if the forest land to be acquired is for public development works such as construction of roads, drinking water schemes, laying of telegraph or telephone lines or any other development scheme or the benefit of the general public."

For drinking water supply schemes and for laying of telephone lines etc., there is a general approval given up to 15.10.2005. I do not think this amendment is necessary. Even now, a general approval is there.

The second one is about speedier disposal of the project proposals. The regional offices have been delegated powers for five hectares. It is not at all possible. The regional offices have already got powers for five hectares and can further recommend up to 40 hectares. The Central Government will definitely dispose it of.

The third amendment is:

"The schemes approved by the State Governments and sent to the Central Government for approval shall be disposed of by the Central Government within one month of their receipt."

As per the prevailing guidelines, the State Governments are having up to 90 days. The Central Government is taking only 60 days. We are clearing it within 60 days. So, where is the problem? When a State Government is scrutinising in 90 days, where is the possibility of delay? As and when these are received, we would send them. There is an Expert Committee. It has to go through that Committee. The scrutiny will have to be conducted. We have to go for inspection. So, it is not at all possible to approve within 30 days.

The fourth amendment is:

"(1) The Central Government may, by notification in the Central Gazette, in consultation with the State Government, make rules for carrying out the provisions of this Act."

It is very good. This is correct. As of now, we are doing it. Without consulting the State Governments, we are not doing anything. We are periodically having Forest Officers' meetings and also Ministers' meetings. We are conducting an awareness programme.

I have already explained all the things. If anything is still left or any hon. Member wants to seek a clarification, I will definitely reply to that. At the same time, let anybody point out a finger at me.

During the Ninth Plan, the allocation for the National River Conservation Programme was Rs. 3,300 crore. An amount of Rs. 1,111 crore has been allocated to Tamil Nadu. That is one-third of the allocation for the project. But what has happened? Would Dr. Saroja come forward to my rescue and say that all the projects are complete up to date? No projects have been completed. We have given 12 projects. At the instance of the hon. Prime Minister, the NDA Government has extended Rs. 1,111 crore to Tamil Nadu. But they have spent only Rs. 200 crore. Now Dr. Saroja is just pointing out: "The Minister is not helping. The Minister is not doing anything. He is not having any interest. He is just flouting the State autonomy or its policies." She was just indulging in a mudslinging exercise. She was passing on so much animosity. It does not hold good. Thank you very much.

MR. DEPUTY-SPEAKER: You have to request her to withdraw the Bill.

SHRI T.R. BAALU: Now may I request Dr. Saroja to seek any clarification? Otherwise, she could withdraw the Bill.

DR. V. SAROJA: No, Sir. Now it is my turn to reply. This is Private Member's Bill.

MR. DEPUTY-SPEAKER: That is why I have called you now.

*(Interruptions)*

SHRI BHARTRUHARI MAHTAB: Sir, it is relating to the Forest (Conservation) Act, 1980. Till 1980, about 45 lakh hectare of forest land was diverted. That means it was done in 30 years. Since 1980, already 23 years have passed. Around 8.72 lakh hectares of forest land have been diverted for non-forestry purposes. Have 8.72 lakh hectare of equal land been afforested?

SHRI T.R. BAALU: Actually, the proponents have to pay the money. The money collection part is with the State Government only. The State Government collects the money. Only after that, if there is a certificate that the money

has been collected, we will issue the no objection certificate. But at the same time, the compensatory forestry is definitely not up to the mark. The Ministry interacts with the Chief Secretaries of the States. Many actions have been taken and definitely we will do it.

SHRI RAMESH CHENNITHALA : Sir, I would like to know from the hon. Minister about the proposal of giving forest land to tribals in Kerala.

SHRI T.R. BAALU: There is no problem at all. Even today, the persons who were having livelihood in that particular forest, prior to 1980, have been permitted at that point of time. If they are in possession of any certificate to that effect from the Collector or if any promise was made on the floor of the Assembly or on the floor of this House, to that effect that will be taken into consideration and they will be allowed. The only thing is that they have to prove that they were living there prior to 1980, before the Forest Conservation Act came into being. Even today, I am ready to see that that particular land is given to the tribals, whomsoever it may be. Even though if it is not permissible land, we can make some alternative arrangements. I have done it in Kerala, I have done it in Madhya Pradesh, I have done it in Maharashtra. They have to prove that they were settled there prior to 1980. The land record has to be there. Without that we cannot help them.

SHRI RAMESH CHENNITHALA : What about the Sabrimala matter?

SHRI T.R. BAALU: It is a sanctuary, that too a Tiger Sanctuary. The Government cannot disturb the wild life.

SHRI BHARTRUHARI MAHTAB : There is a core area. The Sabrimala Shrine is beyond the core area. In that sanctuary we have a core area, though the sanctuary totally inaccessible for human beings. But this is outside the core area and in the report also the State Government has stated that.

SHRI RAMESH CHENNITHALA : For the use of pilgrims he can give it.

SHRI T.R. BAALU: No. There is a security-belt like thing. For corridor purposes we have provided 10 kms. of land.

SHRI BHARTRUHARI MAHTAB : It is four kilometres.

SHRI T.R. BAALU: Whatever it is, I do not know the exact security ring. We cannot allow that.

MR. DEPUTY-SPEAKER: Beyond the core area, if the Kerala Government has approached you, you can review it.

SHRI T.R. BAALU: Many Chief Ministers are coming and explaining things to me. If there is any possibility, definitely we will do it. Even today or tomorrow I am ready to see to it. But beyond the purview of the Forest Conservation Act, I cannot do anything. I am sorry.

SHRI KHARABELA SWAIN : Sir, I made an appeal to the hon. Minister. Is he prepared to consider my proposal that if any MP wishes to contribute money for afforestation, the Minister is also willing to pay another 50 per cent from the Central Fund, just like in any other Centrally Sponsored Scheme?

SHRI T.R. BAALU: It is a welcome concept. But I have to discuss it and examine it in detail.

DR. V. SAROJA : Thank you Mr. Deputy-Speaker Sir. I congratulate the hon. Members for their rich contribution to the Forest Conservation Act. I hope the hon. Minister would take note of all the points mentioned by the hon. Members and that he would not leave anything in haste and would not commit anything in a hurry.

I would also request you Sir that whatever he has stated, by taking my name that Dr. Saroja is indulging in mudslinging, etc., should be expunged. I have not said anything of that sort.

SHRI T.R. BAALU: I did not mean anything. It was just a way of my expression.

MR. DEPUTY-SPEAKER: I will look into it and if there is anything objectionable, we will expunge it. Even the hon. Minister has also agreed to it.

DR. V. SAROJA : The hon. Minister has cleared so many projects, not only in Tamil Nadu but all over India. I appreciate that and I congratulate him for that. But coming to the problem of my constituency, the hon. Minister is aware that my constituency, Senthamangalam, is a tribal assembly segment, where the Kolli Hills are located. That is there for want of road formation from Mullukuruchi to Kollumalai, bypassing 72 hairpin bands. I have been requesting the Department of Tribal Development for allotment of money and they have allotted money. This was my first request during 1998. Till now, the work has not taken place. Who is held responsible for that? Who is answerable for poor and downtrodden people of the Kolli Hills? Till now, what is happening to the money that has been deposited two-three years back? Till now, that work has not taken place. Who is held responsible for that? How am I going to face the people? I have gone through the Forest Conservation Act word by word. In that, Phase I

and Phase II clearances are taking a lot of time. That is the problem for giving clearance. Will the Government come forward to take steps for shortening the time? Will the Government constitute a Committee with the State Government officials and Government of India officials? They will have inspection simultaneously at one point of time and they will have to follow all the procedures that should be followed. But, there should not be any delay. The file should not go from table to table; the officials saying that they have done that; and that forest clearance is not there. I would like to know from the hon. Minister who will lay the Kollumalai road. If it is not done, who is held responsible for that?

The second project in the same area is the hydro-electric project. That was processed. Clearance was given by the then hon. Environment Minister after 4 years. I was so happy and I was able to convey to my people with happiness that I got this project. But there was a heavy blow due to the latest judgement of the Supreme Court and we had to pay another Rs.48.50 lakh to start that project. Why do not you sit and discuss it with the Departments of the concerned Ministries? I am sorry to say this. I am going on record. I am repeatedly telling that there is no inter-Ministerial coordination as a result of which the people are put to hardship. We, the Members of Parliament, are answerable for the people. We are accountable for the people. We can give the answer that I am receiving now. Tomorrow I am going to meet the people. What will I say to my people? Who will clear Rs.47.58 lakh that the user agency has to pay? Then, how long will it take? I would request the hon. Parliamentary Affairs Minister, to the Prime Minister through this House, that a permanent solution must be sought not only for this project but also for other projects. In my constituency there are two projects that are under his Ministry. Till now, they have not been taken up. The reason being delay in clearance of the first phase and the second phase. The Ministry should take note of them and you should evolve a consensus. You should have the project cleared.

Sir, the hon. Minister has told that he has cleared most of the projects. There is a communication gap. The forest clearance was given about three months back. Till now, the District Collector of Namakkal has not received orders. This is, for example, how the official machinery is functioning. Till now, the Collector is asking for it. Last night also the Collector asked: "Madam, you told me that you have given the Press statement that the project was cleared. Where is the order? How can I go about with this?"

Yesterday night I had a discussion with the Collector. They said they have not received it. This is the type of ministerial work which is going on. This is for your kind information.

Coming to my Bill, it addresses two issues. One thing is that the conservation of forests is the first and foremost point in my Bill. Have I ever said that there should be amendment to the Forest Conservation Act? I did not say that. You have to hand over the clearance. I never said that deforestation is a must. But the Minister has gone on record and he has replied to most of the Members that we are not concerned about the forest conservation.

When I went to the European countries in 1993, when we were discussing during lunch time, a driver in Italy told me that we are committing a sin because the people are cutting the tree, and that is why God is punishing us without rain. That is the observation made by a driver in Italy. I imbibe that in my mind. I am a medical doctor by profession. I am more concerned about the environment. I am more concerned about not only the health of the human beings but also of the animals. How can you say that I am not concerned about the conservation of forests? I appreciate that. I only wanted you to achieve the target of 33 per cent by the 11<sup>th</sup> Five Year Plan by inviting the Department of Revenue, Department of Forests, Tribal Welfare Department and the Ministry of Rural Development. We are here. We have to coordinate. We are by the people, for the people and of the people. We have to achieve that target. There should be 33 per cent forest coverage. That is the aim of my Bill.

We have so much of wealth. We have so many problems also. For their basic amenities, there are joint Forest Management Committees. The hon. Minister is well aware of that. In Tamil Nadu during 1991-96, you are well aware we had constituted the Village Forest Management Committees involving the local tribal people and the Department of Forest. Environment friendly and forest friendly committees are still there. The hon. Minister has said as if we are not concerned with forest conservation. We are for the welfare of the tribal people.

Here again I would like to go on record that the hon. Minister was telling about the issuance of environment clearance notification. We are not against issuing the notification. (*Interruptions*) When you have told about that, I have to respond. You have told me that.

SHRI T.R. BAALU: The notification has nothing to do with the Bill.

DR. V. SAROJA: Of course, hon. Deputy-Speaker, Sir, he has mentioned about that. That is why I am giving the reply. (*Interruptions*) No, he has mentioned. (*Interruptions*) Since he has mentioned, I am to give the reply.

SHRI T.R. BAALU: It is irrelevant.

DR. V. SAROJA: When it is irrelevant, why did you mention that?

SHRI T.R. BAALU: It is because of you only. You, the Members only brought everything to the House. I have not mentioned anything.

DR. V. SAROJA : I am the Mover of the Bill. I am piloting the Bill. It is my chance to give the reply.

SHRI T.R. BAALU: You have to use the time of the Parliament properly.

DR. V. SAROJA : No, it is my time to give the reply. You have mentioned it. Even without notification, he has given the Press statement. That is the only one problem with the environment clearance notification. There is nothing more than that. *(Interruptions)* Why are you losing your temper? You are very restless today. You are not hearing anything peacefully. *(Interruptions)* Since you went on record, I am also giving the reply.

MR. DEPUTY-SPEAKER: After sometime I will also be restless!

DR. V. SAROJA : I will conclude now. *(Interruptions)*

MR. DEPUTY-SPEAKER: After mentioning all the limitations and difficulties, he has assured to reconsider it and requested her to withdraw the Bill.

*(Interruptions)*

SHRI T.R. BAALU: Sir, I will consider the suggestions made by the hon. Member. *(Interruptions)*

DR. V. SAROJA : Mr. Deputy-Speaker, Sir, you are very considerate.

MR. DEPUTY-SPEAKER: I am very considerate to both of you.

DR. V. SAROJA : Sir, this is not the forum to score political points. This is the forum where we fight for the cause of the people.

The hon. Chief Minister of Tamil Nadu has written a letter to all the other Chief Ministers about Centre-State relationship and also how Centre-State relationship could be maintained harmoniously so that schemes from the Government of India implemented through the State Governments would reach the people; most of the Chief Ministers have responded to that letter. With your permission, I would place these few lines and thank the hon. Minister. *(Interruptions)*

SHRI T.R. BAALU: No.

DR. V. SAROJA : I would lay it on the Table. It is for the consideration of the Government. *(Interruptions)* Or, if you give me the time, I would go through the letter.

SHRI T.R. BAALU: What is the letter about? Is it about forest conservation? *(Interruptions)* If it is not, I would issue a privilege notice now itself. *(Interruptions)* If it is not relevant, I will raise a privilege issue. *(Interruptions)*

**स्वास्थ्य और परिवार कल्याण मंत्री तथा संसदीय कार्य मंत्री (श्रीमती सुमा स्वराज) :** उपाध्यक्ष जी, इससे पहले कि वे प्रीवलेज मोशन मूव करें, आप हाउस को एडजर्न करिये।

DR. V. SAROJA : I am only stating the facts. This letter is on Centre-State relationship. What is the problem in it? *(Interruptions)*

SHRI T.R. BAALU: It is not that any scrap paper could be brought here.

DR. V. SAROJA : This is not a scrap paper.

SHRI T.R. BAALU: But Centre-State relationship is not at all an issue here.

MR. DEPUTY-SPEAKER: Dr. Saroja, will you please conclude now?

*(Interruptions)*

MR. DEPUTY-SPEAKER: You have to simply thank all hon. Members who have participated in the debate and withdraw the Bill on the basis of assurance given by the hon. Minister.

*(Interruptions)*

**श्रीमती सुमा स्वराज :** उपाध्यक्ष जी, अगर माननीय सदस्य बिल विद्वान नहीं करेंगे तो इनकनक्लूसिव होगा और अगले सेशन में चला जायेगा।

**उपाध्यक्ष महोदय :** वही तो कर रहा हूँ।

SHRI T.R. BAALU: Sir, I have to give one clarification. There is nothing political in this. *(Interruptions)*

The hon. Member was under the impression that letters of approval would be sent to the Collectors. We are not sending them to the Collectors. We are sending them only to the Secretary. I think, I have written to her also about approvals. If she wants a copy, I would ask my office to send her a copy. *(Interruptions)*

DR. V. SAROJA : For the hon. Minister's information, till now, I have not received a copy. *(Interruptions)*

MR. DEPUTY-SPEAKER: Both of you are not understanding each other. The hon. Minister has said that the letter is given to the Chief Secretary and then they would be intimidated in turn.

*(Interruptions)*

SHRIMATI SUSHMA SWARAJ: This kind of a harmony should be established between them.

SHRI T.R. BAALU: After Stage-II clearance and when the compensatory money is deposited in the State, if we get a letter to that effect, we would give the clearance.

MR. DEPUTY-SPEAKER: I think, the hon. Minister of Parliamentary Affairs can build a bridge between them.

SHRIMATI SUSHMA SWARAJ: Sir, I would suggest that the hon. Minister should go personally to her residence to hand over the letter and have a cup of tea with her.

SHRI T.R. BAALU: I am ready to go to her house and have a cup of coffee but she would lose her job. That is the problem. My sister would lose her job!

SHRI RAMESH CHENNITHALA : Both of them would lose their jobs!

SHRI T.R. BAALU: Actually, when I contested the Lok Sabha elections, she and her husband voted for me. They would always vote for the rising Sun symbol. *(Interruptions)*

DR. V. SAROJA : This is too much. Would the hon. Minister finally give the assurance that he would come out with a comprehensive Bill to address the lacunae in the Forest Conservation Act?

SHRI T.R. BAALU: Madam, please withdraw your Bill.

DR. V. SAROJA : He has not given the assurance.

SHRI T.R. BAALU: No. I am not here to give any assurance. I have to examine the issue. I would try to find out if I can bring up an amending Bill only after examining the issue. *(Interruptions)*

SHRIMATI SUSHMA SWARAJ: This is an assurance. It is an assurance that he would examine the issue. *(Interruptions)*

DR. V. SAROJA : I will withdraw the Bill.

MR. DEPUTY-SPEAKER: The assurance is that he would examine the Forest Conservation Act thoroughly.

*(Interruptions)*

DR. V. SAROJA : On the basis of the assurance given by the hon. Minister, I withdraw the Bill.

MR. DEPUTY-SPEAKER: The assurance given by Shri Baalu is to look into the Act.

*(Interruptions)*

SHRIMATI SUSHMA SWARAJ: Therefore, you please withdraw the Bill. *(Interruptions)*

SHRI T.R. BAALU: Madam, you please withdraw the Bill. *(Interruptions)*

DR. V. SAROJA : Madam, he has not given the assurance. *(Interruptions)*

SHRI T.R. BAALU: No, I am not here to give any assurance. I have to examine the issue and only after examining the issue, I will try to find out. *(Interruptions)*

SHRIMATI SUSHMA SWARAJ: This is also an assurance 'I will examine'.

SHRI T.R. BAALU: I will have to find out whether it is there or not. *(Interruptions)*

SHRI RAMESH CHENNITHALA : It is also an assurance. (*Interruptions*)

MR. DEPUTY-SPEAKER: The assurance is that he will examine the Forest (Conservation) Act thoroughly.

(*Interruptions*)

DR. V. SAROJA : On the basis of the assurance given by the hon. Minister, I withdraw this Bill. (*Interruptions*)

MR. DEPUTY-SPEAKER: `Assurance' to look into the Act.

(*Interruptions*)

MR. DEPUTY-SPEAKER: The Member may now withdraw the Bill.

DR. V. SAROJA : I beg to move for leave to withdraw the Bill further to amend the Forest (Conservation), Act, 1980.

MR. DEPUTY-SPEAKER: The question is:

"That leave be granted to withdraw the Bill further to amend the Forest (Conservation), Act, 1980."

*The motion was adopted.*

DR. V. SAROJA (RASIPURAM): I withdraw the Bill.

MR. DEPUTY SPEAKER : The House now stands adjourned till 11.am on Monday December, 22, 2003

**19.51 hrs.**

*The Lok Sabha then adjourned till Eleven of the Clock on December 22, 2003/Pausa 1, 1925 (Saka).*

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