

Development Activities of Tribal Areas

+

*63. SHRI RAM TAHAL CHAUDHARY :

DR. MADAN PRASAD JAISWAL :

Will the Minister ENVIRONMENT AND FORESTS be pleased to state :

(a) whether it is a fact that developmental activities of tribal areas are being stopped on account of the Operation of Forest (Conservation) Act, 1980;

(b) if so, the details thereof and reaction of the Government thereto; and

(c) the action taken/proposed to be taken by the Government in this regard?

[English]

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI SURESH PRABHU) : (a) No, Sir.

(b) and (c) Do, not arise.

[Translation]

SHRI RAM TAHAL CHAUDHARY (Ranchi) : Mr. Speaker, Sir, the Hon'ble Minister has given a straight reply to the question in yes or no, whereas the question was whether it is a fact that developmental activities of tribal areas are being stopped on account of the operation of Forest (Conservation) Act, 1980? If so, what are the details thereof and what is the reaction of Government in this regard? He has given a straight reply—No, Sir, and the question does not arise.

I would like to inform the hon'ble Minister that the Forest (Conservation) Act, 1980 which was enacted to maintain balance and protect environment, also contains a provision for protection and conservation of forests in the country. But the work has been done contrary to this Act. As a result of nexus between mafia and forest officials, forests were denuded and the poor and tribals living in the forest area who were allowed to collect firewood and fruits from the forests are being harassed after the enactment of this Act. This nexus has been destroying the forests. In my constituency Ranchi also, one regional office has been opened. I would like to know from the hon'ble Minister the number of the people against whom action was taken under this Act and the details of the action so taken? It is amazing that when there is a demand for construction of road or pond for the people who reside in forests and when the representatives of people want to undertake any developmental work like construction of road, shed or pond by using funds at their disposal, the people of Forest Department, file cases against the B.D.O. and other officials as if they are doing their personal work, although no tree was cut there. In this way, this Act is being misused. I would like to know whether an enquiry will be ordered and action taken against those officials?

What the government is going to do to ensure that the poor and tribals who are living in forests are not deprived of benefits which they get from forests as it is the only source of their livelihood? I would like to know the response of Government in this regard.

SHRI SURESH PRABHU : I fully agree with the sentiments of the hon'ble Member. Perhaps, he is surprised to find the reply in 'no' only as he thought that I should have said something more. Before the Forest (Conservation) Act, 1980 came into being, in fact the ordinance was issued on 26th October, 1980 which was later on converted into a law. You will be happy to know that from 1950 to 1980, on an average 1 lakh 43 thousand hectares of forest land per annum was diverted for non-forest purposes. After the enactment of law in 1980 in the last 18 years only, 26 thousand hectare of land per annum has been diverted. This ratio of 1 lakh 43 thousand which pertained to the per year has now come down to 26 thousand. You will be happy to know that after the enactment of this Act, the diversion of forest land for non-forest purposes has come down. I agree with you that the relationship of the tribals with forest is like that of mother and child. As mother is attached with the child similarly the tribals are attached with the forest land. It is only to reduce their problems that we are implementing this law. You will be glad to know that after the enactment of Forest Conservation Act, 1980.

[English]

The diversion of forest land for non-forest purposes has been reduced significantly. Still we are not very happy. But it has been reduced. If it has been reduced, then, it also means that forests which otherwise would have been diverted for non-forest purposes are now helping tribals.

[Translation]

This has been done to protect the tribals only.

Another thing which you want to know is that Forest Conservation Act is creating hindrance in the development schemes like construction of roads and ponds. It is our endeavour to remove such hinderances. 26 thousand hectares of land being diverted every year for non-forest purposes is being utilized for their development purposes. If five hectares of land is required to be diverted for non-forest purposes then the regional office itself is authorised to take the decision. Beyond that, the State Advisory Committee and Central Advisory Committee take decision. After the enactment of Forest (Conservation) Act, the tribals will definitely be benefited.

SHRI RAM TAHAL CHAUDHARY : Mr. Speaker, Sir, since such an incident occurred in my area, therefore, I had informed the hon'ble Minister about this. He can get the inquiry conducted. Due to this Act, development

work had suffered whereas no tree was cut as there was no tree. The case was filed against officials on this pretext. According to my information, in places where the responsibility of protecting forest was handed over to panchayat and people of the village, the forest is safe there but where the forest is under the control of officials of the Forest Department, the forest have been completely denuded. I would like to know from the hon. Minister whether Government is taking any action for the protection of forest because these are the only source of employment for the poor?

MR. SPEAKER : You please ask supplementary question.

SHRI RAM TAHAL CHAUDHARY : I want to know whether the Government wants to give responsibility of Forest Conservation to the people of the village or the panchayat or not?

SHRI SURESH PRABHU : I would like to tell the Hon'ble Member that if action has been taken against any officer without any reason, it should be brought to my notice. I will definitely take action on it. As he has said if somebody wants to develop any forest on the surrounding area of villages under Extension to Scheduled Area, 1996 then for that, government has some schemes. I do not want to repeat the names of those schemes. I would like to give assurance on behalf of the Central Government that under those scheme immediate action can be taken. In January, 1996, one Joint Forest Programme had been launched. Under that Programme and under another scheme, till today, two million hectares of degraded forest land had been regenerated. If Hon'ble Member wants to introduce any other scheme then Government will certainly consider it.

DR. MADAN PRASAD JAISWAL : Mr. Speaker, Sir, with a view to check the indiscriminate felling of trees and deteriorating conditions of environment, Forest Conservation Act, 1980 was enacted. According to this Act, it was compulsory to take permission from the Central Government before converting the reserved forest land for non-forest purposes. Hon'ble Minister has replied to this question so simply. I would like to quote two examples. The area from which I come is a tribal area. A dam named Masaan Dam had to be constructed there. A Hydro-power station was also to be constructed on that dam. The dam was to be used for irrigation purpose also, but the Forest Department stopped its work. Entire arrangement had been done and machinery was also moved to that place. This is one of the examples for which the hon'ble Minister has given a very brief reply. The Mineral resources are also available in forests. I want that forests should not be recklessly exploited but should be used judiciously. In my constituency, rig machine of ONGC was installed to explore oil. 16 trees were causing hindrance in its operation but Forest Department has not given its permission to cut those trees. Later on people cut those trees. ONGC was fined rupees one crore by the Forest Department.

[English]

MR. SPEAKER : What is your supplementary? Please ask your supplementary, otherwise I will disallow you.

[Translation]

DR. MADAN PRASAD JAISWAL : Mr. Speaker, Sir, I would like to tell the hon'ble Minister about it through this. Hon'ble Minister has given its reply in very brief. I would like to inform the hon'ble Minister about two points. ONGC was fined rupees one crore.

MR. SPEAKER : The Question does not relate to ONGC, it relates to the Forest Development.

DR. MADAN PRASAD JAISWAL : Mr. Speaker, Sir, I am coming to the specific question only. Punishment has been awarded to the ONGC and the ONGC had undertaken to plant one crore trees. I would like to know from the hon'ble Minister whether the amount of fine has been realised from the ONGC and whether they have planted one crore trees?

[English]

SHRI SURESH PRABHU : Sir, this supplementary is totally out of the purview of the main question. So, I do not have the information about this right now and I do not know to which project the hon. Member is referring to. But in case there is any specific reference that the hon. Member would like to make about ONGC, I would like to assure the House, through you, that I would definitely look into the matter.

SHRI N. JANARDHANA REDDY : Sir, in his reply, the hon. Minister has said that there are no hardships and no hampering of developmental activities. This is a very unfair answer. He may perhaps take some time to know all the problems being faced by his Ministry. I would like to bring to his notice that as the Chief Minister of Andhra Pradesh, it took me five years to get a sanction to construct a small path for the tribals to walk to their agricultural work place in spite of it having the sanction of the concerned State Government. This is only one example. Under this Act, what are the parameters to notify certain areas as the conservative-notified areas for certain activities? You may be aware of the fact that the SHAR Project has been located by ISRO in the East Coast. There is a bird sanctuary at a stone's throw distance and about 750 Kms. stretch of area has been notified as the protected area where no agricultural work, building or road activity can be undertaken.

MR. SPEAKER : This is a question relating to the developmental activity in tribal areas.

SHRI N. JANARDHANA REDDY : Yes, I am talking about the developmental activity only. An activity like the Prawn culture has been stopped there and the Forest Department people are harassing the tribal people. Will the Minister like to review this Act? This Act

was brought by Shrimati Indra Gandhi. It is a very good Act and it is very much needed also. In view of the developmental activity in prohibited area, this Act must be reviewed now. It must be implemented on a realistic basis. What action does the Minister propose to take in this regard?

SHRI SURESH PRABHU : The Forest Conservation Act is a regulatory Act. It only regulates certain uses of forest land for non-forest purposes and it is implemented by the Centre. All forest land is under the ownership of the State Government. When a State Government proposes a project for the approval of the Central Government, we review it on the basis of certain parameters. The first parameter is, whether that particular project is serving the needs of the community of that area. If it serves, we grant them permission, provided an equivalent portion of the non forest land is given to the Centre for compensating afforestation on some other land. If for some or the other reason it is not possible for them to offer such a land, we ask them to give double of the degraded forest land, which we use for the purpose of forestation. The State Government has also to collect the money.

Suppose, there are certain projects which fall in the category of reserved forest area or in the periphery of the reserved forest area, the question which you have also asked, whether those projects will get permission or not. Bird sanctuary also come under reserved forest area. The hon. Supreme forest land under the dictionary meaning of the word, is to be treated as the forest land and all reserved forest areas cannot be used for non-forest purposes unless and until it as per stipulated by the conditions laid down by the hon. Supreme Court. Keeping all this in view, we have to review all the projects.

With regard to the question which you have asked as to whether there is any possibility of a review of such an Act, if you have any specific suggestion you can send it to the Government.

[Translation]

SHRI NARESH PUGLIA : Mr. Speaker, Sir, the Hon'ble Member in his reply has stated that if 2 acres of land is provided in lieu of one acre of Forest land, then the Project is cleared. I want to say that large scale tribal area exists in Maharashtra and since 1980 forests have also been protected on a large scale. I am nothing. This about the Forest area of Grahchiroli district of my Constituency 'Chandrapur'. I would like to say that 90 per cent of the proposals recommended by State Government are turned down by the Central Government. It is also wrong that clearance is being given by the Regional Office for proposals upto 5 acres of forest land. For Adivasis, particularly those who helped in conservation, facilities like school, stadium, water supply, public health centre, etc. are all pending I would like to know from the hon'ble Minister whether a meeting between the Forest Minister and M.Ps. of the concerned area will be called to clear the pending proposal of those areas?

[English]

MR. SPEAKER : Please ask your question?

[Translation]

SHRI NARESH PUGLIA : Mr. Speaker, Sir, my second point is that there are large scale Judpi Forests in my constituency and this comes under the Revenue Department. The State Government offers this Judpi land in lieu of development projects but the Forest Minister of the Central Government does not accept the proposal. Lakhs of Acres of land exist in Judpi Jungle of Maharashtra. Will the proposal be accepted if the State Government offers Judpi forest land in double ratio in lieu of developmental projects?

SHRI SURESH PRABHU : As you have stated about Judpi forest land, I must say that any proposal from the State Government will definitely be considered. But as I stated earlier Forest Conservation Act is not yet applicable to any piece of land which was marked as forest land or which was used for the forest purpose before 25th October, 1980 when this Ordinance was brought. However, there is no difficulty in converting a land not marked as forest land for non forest purpose. However, a procedure has been laid down for the conversion of land which was defined as forest land before 1980. I had mentioned about that Procedure. Any proposal from the State Government will be examined by the Central Government in the light of Forest Conservation Act. A very good point was raised by the hon'ble Member in his first question when he asked whether there was any proposal to build a school for tribals.

SHRI NARESH PUGLIA : Hon'ble Minister, Sir, big dam projects have been started there on which as much as 10-15 crores of rupees have been spent but these projects have been left incomplete as the work thereon has been stopped.

[English]

MR. SPEAKER : Let the Minister complete his reply.

SHRI SURESH PRABHU : I have said, Forest Conservation Act is a regulatory Act; it does not deny development. What it says is that if you want to use forest land for developmental projects, there is a stipulated procedure for that. That procedure has now been vindicated by the court. If there is a particular proposal which falls into this, I assure that it can definitely be taken note of.

SHRI P.C. CHACKO : Sir, the Forest Conservation Act of 1980 has come in for criticism in this House on many occasions. We have a very dynamic Minister in charge of this Department now. I put this question with the fervent hope that he would really study this issue.

I come from a constituency in which 300 tribal colonies are there. Attached to a tribal colony, you cannot even construct a small community hall because

that goes against the provisions of this law. The Minister has stated that there are two provisions—one is the compensatory afforestation and the other is upgradation of the forest. Kerala is a thickly populated State and hardly any land is available with the Government either for compensatory afforestation or for upgradation of forests. In that kind of a situation, the condition laid down in the Act has become unenforceable.

Sabarimalai is a pilgrimage place which 40 lakh devotees visit every year. When Kerala Government made a request for construction of toilets for providing primary facilities, the Government of India disallowed it. In my constituency, townships like Kattappana and Edumbalam which are going to be municipalities, now they are Panchayats...(Interruption)

MR. SPEAKER : Please ask your question. Time is very short.

SHRI P.C. CHACKO : It is about tribal development, Sir. Kindly permit me. I am putting my question...(Interruption). The cutoff year of 1976 is not being implemented properly and fairly because the survey is defective. In view of this, will the hon. Minister take the initiative to conduct a fresh survey in coordination with the State Government; and will the Government of India identify the areas where forests are converted into townships and give pattas to the inhabitants in those areas?

Secondly, will the Government waive this condition and allow developmental activities in such places where compensatory afforestation or upgradation is not possible?

SHRI SURESH PRABHU : Sir, I can explain the position of the law as it exists today. According to the law that exists in the statute book, which is passed by the hon. House, the condition as stipulated for conversion of forest land for non-forest purposes is what I have mentioned. We can find out, if there are specific cases which can be solved within the parameters of the law. I welcome the hon. Members on this. We can have a meeting and discuss this issue pertaining to the State of Kerala.

SHRI P.C. CHACKO : Thank you.

[Translation]

Setting up of Regulatory Commissions

*66. SHRI MOTILAL VORA:
SHRI NARESH PUGLIA:

Will the Minister of POWER be pleased to state:

(a) whether the Government have decided to set up Electricity Regulatory Commissions both at the Central and State levels;

(b) whether the views of the State Governments have been sought before setting up such commissions;

(c) whether almost all the SEBs have a large sum to pay to the Government;

(d) the extent to which the setting up of these panels will help improving the power position, regulatory transmission and enable the SEBs to pay their dues; and

(e) the steps the Union Government contemplate to take during 1998-99 in the direction of solving the problem of power shortage throughout the country?

[English]

THE MINISTER OF POWER (SHRI P.R. KUMARAMANGALAM) : (a) to (e) A Statement is laid on the Table of the House.

Statement

(a) and (b) Yes, Sir.

(c) The Delhi Vidyut Board owes around Rs. 6,000 crores to Badarpur Thermal Power Station owned by Government of India. The outstanding dues of SEBs to Ministry of Railways as on 31.1.1998 were of the order of Rs. 1003 crores. In addition, SEBs owe around Rs. 17,000 crores to Central Power Sector Undertakings in power and coal sectors.

(d) As per the available information, the total effective subsidy to agricultural and domestic sectors is over Rs. 19,200 crores during 1996-97. Of this, the State Governments proposed to compensate only Rs. 2634 crores through budgetary subventions. This is only 12.7% of the effective subsidy that the SEBs had to bear at the given levels of tariffs for agricultural and domestic sectors. SEBs, recovered around Rs. 8035 crores through cross-subsidization. Thus the total net loss to the SEBs on account of low agricultural and domestic tariffs has been of the order of Rs. 8,500 crores. This is around 20% of the total revenue of electricity for power sale. The extent of the increase in the financial burden on SERs during the period from 1992-93 to 1996-97 can be seen from the fact that 1992-93 the losses on account of tariffs, after taking into account the accruals on account of budgetary subventions and cross-subsidization were only Rs. 2277 crores (i.e. around 10% of the total revenue from the power sale). The major impact of this has been:

(i) The net internal resources of SEBs needed to plan and undertake new investments have gone down from Rs. (-) 161.5 crores in 1992-93 to Rs. (-) 4482 crores in 1996-97.

(ii) High level of outstanding dues of SEBs to CPSUs has negative impact on the capacity of CPSUs to invest in capacity addition programmes. This compels CPSUs to depend upon costly borrowings from the domestic and international markets.

(iii) Poor financial health of SEBs does not permit the State Governments to extend adequate and commercially acceptable guarantees to private investors. It is assessed that