

कि बहुत से पेड़ ऐसे हैं जिसको मवेशी नहीं खाते। तो मवेशियों को जंगल में चरने की इजाजत होने चाहिए। आप कानून के अंदर उनको इसके लिए जुर्माना कर देते हैं।

इसी प्रकार से कुछ जंगली जाति के लोग हैं जैसे हिमाचल प्रदेश में, काश्मीर में, उत्तर प्रदेश आदि में और उनका पेशा ही यह रहा है कि मवेशियों को चराकर अपना जीवन यापन करते हैं। उनको भी आपके कानून परेशान करते हैं। वे जिस तरह से रह रहे हैं उनको रहने दिया जाए और उनकी जीवन चर्या को आप बिगाड़ें नहीं। उनको आप वहीं रहने दें और वह जमीन उनको ही दें।

और अधिक न कहते हुए मैं इस विधेयक का समर्थन करता हूँ। लेकिन मैं यह अवश्य कहना चाहता हूँ कि इसके उपयोग में कोई कमी हो तो चहै राज्य सरकार हो या आप हों मिल जुलकर इसको सही रूप में लागू करें तभी यह कानून कारगर सिद्ध हो सकता है।

धन्यवाद।

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI)** : Now, the House stands adjourned for lunch and will meet at 2.30 p.m.

The house then adjourned for lunch at twenty-nine minutes past one of the clock.

The House reassembled after lunch at thirty-three minutes past two of the clock. **The Vice-Chairman, (Shri Jagesh Desai)** in the Chair.

**FOREST (CONSERVATION) AMENDMENT BILL, 1987—Cont.**

**SHRI GHULAM RASOOL MATTO** (Jammu and Kashmir) : Mr. Vice-Chair

man, Sir, I rise to support the forest (Conservation) Amendment Bill, 1987 and I wish to make certain observations for the kind consideration of the hon. Minister.

We had passed the forest (Conservation) Act, 1980 and as I have been able to understand this Act, there are two main aspects. One is in connection with the clearance of projects, be they thermal projects or hydel projects or other projects for which the sanction of the Central Government is necessary. But right now—perhaps this is my understanding of the Bill—We are only concerned with those areas where forests have been cut and deforestation has been done and land has been allotted to certain projects. This is being regulated by this Bill, if I am right in understanding this aspect of it. May I know from the hon. Minister—since the Act was promulgated in 1980—Whether he has any figures in hand as to how many State Governments have actually asked for permission under this Act from the Central Government for allotment of land to certain individuals or agency whatever is provided under section 2 ?

If he has figures ready at hand, he may kindly enlighten me because that alone is the index by which it can be known to us whether this Act is being implemented in letter and spirit. So far as my experience is concerned, I find that apart from leasing out to companies, even individuals have started encroaching on these de-forested lands. What they do is, in Kashmir, I have seen myself particularly in the river Sindh belt, on the roadside of the forest, wherever the forests are being cut, legally or illegally, people start erecting two poles. After levelling a little ground, they erect two poles. After some time, we find that they have erected something and in no time, they have started forming what they call "Dokas". They are small huts. Does the formation of such huts also come under the purview of the Act or not ? If it does, I may say a flagrant violation of this is be-

[Shri Ghulam Rasool Matto].

ing done. What a particular person does after he has established the Doka, he starts levelling the grounds around his house, one kanal, two kanals or three kanals and starts growing maize and other foodgrains or pulses or oilseeds. I would like to know from the Minister if this comes under the purview of the Act and if cognizance is being taken by the State Government with regard to this. Here while mentioning about the cultivation of lands, the hon. Minister, under the amending Bill, has included the cultivation of tea, coffee, spices, rubber, oil-bearing plants, medicinal plants or horticultural crops. Was not it better that he should have mentioned agricultural, horticultural, industrial or any other crop? For instance, there is a mention about coffee. They may grow cocoa. It does not come under the purview of this Act because in the previous Act, they should have generalised it as any agricultural, horticultural, industrial or any other purpose. This could all come under the ambit of this Bill. I am really amused, rather flabbergasted to know that in the history of my being in Parliament for the last several years, I have not seen a single Act where the penalty is for imprisonment for as less a period as 15 days. I do not know what is the intention of the Minister behind fixing 15 days' imprisonment. This is just a joke. It should not have been like this. If a penalty has to be imposed to safeguard our environment our time to enact for 15 days' imprisonment. Are we going to spread our time to enact for 15 days' imprisonment? Will he consider, because it is a very heinous crime, to raise it to one year minimum and come out with the amendment so that this thing becomes substantial and meaningful? Otherwise, to my mind, this is not going to serve the purpose for which it has been mentioned. There are so many Bills that we have to pass and I know, you are looking at me. So, the last point that I would like to make is regarding clear-

ance of projects, thermal or otherwise. I would like to know whether the time-frame has been fixed by the Government for clearance of these projects from the Environment and forest Ministry. I know of cases where the Environment and Forest Ministry has taken one year, two years or three years to clear a project. I would request the Minister that you fix for some projects not more than three months and for all others, not more than six months should be fixed for clearance or non-clearance of the project because there are many things to be done about that. For a particular project, the State Government has to fix the time limit, the Central Government has to finance, etc. etc. But it is quite abnormal to take one year to do things. Mr. Vice-Chairman, you are a financial expert. You know that for any project we have got to have a programme which has to be followed if for clearance it takes two years, what will happen? No doubt, there should be environmental clearance. But we cannot stop the development of hydel projects. They are as necessary as any other projects.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : There are seven hydel and thermal project without getting clearance.

SHRI GHULAM RASOOL MATTO : There should be an exercise in the Ministry to find out what time limit could be fixed for such projects. We have municipal laws in Bombay and elsewhere whereby if permission for something is sought and it is not given within the time prescribed, no objection having also been raised, then it will be deemed that the permission sought is given. Like that, here also we should have provisions by which if a State Government applies for environmental clearance from the Centre and if does not get the permission, in the absence of objections, within the time stipulated, permission should be deemed to have been given. A six month time-frame would be reasonable. This type of exercise should be done by the Ministry. Then alone it

would be meaningful. There should be some harmony between our developmental works and ecology.

With these observations, I support the Bill and I would request the hon. Minister to react to my suggestions.

**SHRI CHIMANBHAI MEHTA** (Gujarat) : Mr. Vice-Chairman, Sir, I welcome this Bill because this is a Bill in the right direction. In our country, there is already shortage of forest land which according to the Forest Policy worked out in 1952, should have been one-third of our country. But, today, it is around 20 per cent or perhaps less than that.

For the past several years forest-cutting is going on in one way or the other. Therefore, more than four million hectares have gone out of forest land. That is almost six per cent of the 67 million hectares of forest. We should look at the matter with this background. Instead of an increase in forest area what is happening over the period is, a decrease in the percentage in the total quantum of forest area. Why is it happening? We should go into the factors which are responsible for it. There are various factors, which are known to the hon. Minister, and I would not go into all those factors. But one thing that has compelled this Bill to be brought here is to fight against the illegal activity of forest-cutting. It is also asking for the approval of the Central Government if any State Government hands over certain areas for the purpose of afforestation and then they are already not utilised for that purpose. It is a very noble purpose.

Now the forest cutting that is going on is not all by tribals. They take only a very small quantity for their household use. But thousands of cubic feet are taken away from forest areas by contractors and forest officers connive at them and we politicians are also responsible in supporting this illegal activity.

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I may draw your attention a few months ago one MLA in Gujarat residing in a jungle area in Sorath District in Girnar forest was shot dead by a forest officer because an entire gang was working and clearing the forest for their own purpose and this forest officer had the guts to say 'no' to the demand. There are some good forest officers also. So at night he was raided. The gang went with pistols and lethal weapons. Fortunately because it was dark he could run away. But the entire locality woke up hearing the sound and when they saw this MLA, by mistake or for whatever reason, or whether in self-defence, they hit him and he died on the spot. I do not want to name to which party he belonged. My point is they are being supported by higher-ups and, therefore, this activity is going on. Sometimes knowingly State Government hands over the forest areas to industrialists deliberately because some influential people are wanting to put up their factories there. The State Government does it without consulting the forest officers and when the forest office comes to know about it, they say 'don't do it'; but still they violate it. Here it is very unfortunate that sometimes Revenue Ministers, Chief Ministers, are also involved. I do not want to name any State Minister or Chief Minister because that would not give a correct lesson, it will be distorted immediately that I am defaming somebody.

But this is happening for so many years. Now, this dampens the awareness for growing forests. They might be cutting a few hundred acres of trees but the entire sense of forest growth, development of forests, is being marred. This is happening. In such a situation when this Bill is coming, we should all welcome it and should consider the problem of environment and river project coming to clash with each other. I belong to Gujarat and I am very much concerned with the Narmada Project and I wish the project should be completed as soon as possible. But I believe the Forest Depart-

(Shri Chimanbhai Mehta)

ment have taken due care because. I read in their Annual Report for 1987-88 :

"Sardar Sarovar and Narmada Sagar Projects have been proposed across the river Narmada. These projects were approved from the environment angle, with detailed conditions including the proviso.

That the Environmental Action Plan must be drafted and implemented *pari passu* with the engineering works under the overall guidance by NVA which has been suitably enlarged. The Department of Environment has been given the right to initiate action if the progress is not satisfactory."

I accept this condition. Although the Narmada question is a life-and-death problem for my State any reasonable man would accept it and any State Government would accept it.

But sometimes some environmentalists write articles and create a scare saying that the more the dams, the more the problems for afforestation. The Sardar Sarovar Project and the other project have been cleared on the same condition. This sort of care is being shown only after 1980. On the whole, I have gone through the Report and I find that there are only 97 proposals which are pending clearance now. When the need for such projects and the claims of environment clash you must find out a proper balance, a proper synthesis, and solve the problem as soon as possible. Of course, it is correct to say that some time-limit should be imposed. But then in the case of such projects time-limits cannot be imposed because there are some complications. Therefore, while welcoming this Bill, I would only like to say that still more deterrent punishment is required for illegal forest felling. This punishment of imprisonment for fifteen days is very light. The man who is actually, behind the cutting of trees is not caught at all and it is some other people who get caught. You catch these people while the real persons are somewhere else.

THE VICE-CHAIRMAN (SHRI

JAGESH DESAI) : That is why this light punishment is there.

SHRI CHIMANBHAI METHA : But still it is difficult to find out the real person. You see, I do not want to criticise anybody and bring in any extraneous element in the discussion now. Nowadays the Defamation Bill is being talked about and one day it may be passed and if I say that some fellows are doing this sort of thing, it might be used against me. I hope it would not be passed. If I say that some politicians are doing this any politician would ask, "What the hell do you mean ? You might have to prove it." But how can I prove it ? But these activities are going on and, therefore, a much more deterrent punishment is called for, not only through law, but also through public opinion, through exposures, public exposures. It does not matter if some exposures are done wrongly and nothing is going to be bad about it. They are taking too much care of individual freedom. What have we socialism for then ? If we are votaries of individual freedom so much, then what for we are having socialism ? When the Defamation Bill came up individual freedom was counterposed against that. But that is not the issue under discussion now and I understand that Sir. Therefore, I will not say anything on that now.

I would like to say that this is very much required and I wholeheartedly support this Bill and I know that the House is going to pass it. Thank you, Sir.

SHRI SHANKAR RAO NARAYANRAO DESHMUKH (Maharashtra) : Mr. Vice-Chairman, Sir, I will not take much of the time of the House on this Forest (Conservation) Amendment Bill.

Sir, really I think that it is the first of its kind, pinning down or circumscribing the particular Government officials who are concerned with the theft of the forest wealth. It is because of the experience

which the Government gained during the last so many years that this has been brought forward and the subject "Forests" was included in the Concurrent List through the Forty-second Amendment of the Constitution in 1976.

Thereafter if you go through the past history, you will see that forests were cut down without any basis, without any cause. And the modus operandi was all the surrounding forests were standing and if you go in the interior you will find that those were all cut down. How could it happen? It could not have happened without the connivance, without the consent, of the whole of the Department concerned, controlling forests. Therefore, I say that this Bill is the best specimen of its kinds pinning down the officers of the Department. I am happy. In my district Nasik, forests are cut down. Before six months only 17 full-load trucks were caught. As a result of this the officer was immediately transferred because he caught this theft. Therefore, I welcome this Bill—particularly clause 3(b), and that too, the proviso, which I will quote :

"Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b) liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence."

Very good drafting, legislative drafting. I congratulate the hon. Minister on this. Otherwise what used to happen was that officers were getting away from the clutches of the law and the poor people were fined.

But regarding the punishment, clause 3A says :

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

A certain labourer would be used. He will be sent to prison for 15 days. His expenses will be borne by the person who is behind it. Therefore, my submission is that it should be a heavy fine and imprisonment. Unless the punishment and fine are heavy, I think the man who is behind this crime will not suffer anything. Therefore, I would urge upon the Minister to apply his mind to it.

But, Sir, at the same time I 3.00 P.M. have to bring to the notice of the hon. Minister one more important thing. Since 1977,

the subject of forests is included in the Concurrent List. Therefore the State Government as well as the Central Government have got the powers to legislate on this subject of forests. There are so many forests in each and every district. In the olden days, when the British rule was there, there were bullock-cart tracks, and there were ponds and wells in the forests. Now, the forest officers do not allow the bullock-cart tracks to be used and they do not allow water to be taken from the wells which certainly fall within the area of the forest but for generations together, the villagers are using them. The effect of this is that those people are stranded. I speak from my own experience. In all these District Development Councils, we mentioned about this. Now the bullock-carts cannot be taken through these tracks. They have to go ten miles this way and another ten miles that way to reach their villages. To avoid this difficulty, my suggestion is that there should be a delegation of power. Delegation of power in this respect is very essential either to the Conservator of Forests or the Collector as is being done in the case of Tribal areas under Schedule 5 of the Constitution. Wherever there are bullock-cart tracks for joining two villages or if the track runs through the forest area and if there are ponds and wells within the forest area, those may be permitted to be used by the people, and to enable that, the powers may be delegated either to the Conservator of

[Shri S. N. Deshmukh].

Forests or to the District Collector. And you can get it examined by the Legislative Department. Sir, this difficulty is more experienced by the villagers who live by the side of the forest area because there are very small hamlets with about 100 houses each. And they have to go through the forest land on a number of occasions. If the school children are not allowed to go through the forests, they have to walk for miles together to reach their schools. So, looking to the problem of the school children, looking to the necessity of getting water from these ponds and wells in the forest area, I feel that delegation of power is necessary. I do admit one thing very frankly. And the Government has already impliedly agreed or admitted that there are thefts of the forest property. The forest property belongs to the Government. The right of protection vests with the Government. Where there may be a customary right or where there is some inconvenience to the village people, delegation of power may be there to avoid that inconvenience, to avoid that difficulty. The urban people have their lobbies here in Parliament. They can bring out what you call morchas at the boat club. What can these poor villagers do? They have got a very feeble voice. Therefore, Sir, my submission is that this is a very good Bill. Regarding those officers who are conniving or who are behind this committing of theft of the forest property, I do hope that the hon. Minister will take into consideration my suggestion. And I also hope that the hon. Minister will look into my suggestion as regards the genuine difficulties of the rural people.

With these words. Sir, I support the Bill.

**SHRI DHARANIDHAR BASUMATARI:** Sir, I have heard the speeches of the hon. Members here and, at the same time, my blood boils whenever any new project is taken up by the Government which affects the tribals. Any project taken up

anywhere uproots tribals in lakhs and lakhs disturbs me awfully. Only recently there has been game sanctuary of Manash converted into National Park and this has been done for the good of the State and as well as good of the nation and this has been done by converting a national park. And as a result of a national park being converted, my tribal people were ousted in thousands. And what is the national park? It is a tiger project. To allow the tigers to live there in forests my tribal human beings were not cared for and were evicted like anything (*Interruptions*) Do not joke please. It is not a joking matter. They were ousted from the nearby villages, i.e., about 30 miles along and up to the Bhutan Hills in breadth. So, the people were ousted without knowing the fact they are preserving the forests, but when it is converted into the tiger project, the human being is ousted. Can you imagine such a situation? Not only that, Sir, I am very serious. From the very beginning of Independence, the tribals were first uprooted for establishing the Heavy Engineering Corporation at Ranchi. I had the privilege to accompany our great Prime Minister Nehru when he went there to lay the foundation of the Heavy Engineering Corporation. Lakhs and lakhs of tribals were there. And they have been ousted like anything. Then I went to the Prime Minister and asked him to give them land for land and land for land was given to them. But after two years, when I visited there, not a single tribal is there. Only the other day two months back, I was at Ranchi in some Committee and I visited that area, beautiful buildings have come up, and I do not know where tribals are living.

कहाँ से कहाँ तक बाजार फैला हुआ है।

I am very sorry to say, Hon. Minister, that whenever any project had been taken up my tribals had to suffer. Who will think for them? Sir, while this Bill was being considered, I had discussed it with the former Prime Minister and she had told me that this project we have to take up

but we will see that these tribals are re-habilitated and some schools are established there, some college is established there and some dispensaries are established there. But nothing has been done. Just now so many hon. Members have spoken but they have not touched the plight of tribals. My friend from Gujarat also spoke. Mr. Pugalila had talked about the tribals of Maharashtra, and he told me, when I asked him what did he refer to, that the tribals are induced to go illegally to the forests and fell the trees for fuel and these trees are taken away and sold at exorbitant prices but they are paid very low remuneration. This way, Sir, I have visited almost all the forest areas in India, including your State. So, there is no area which I left.

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** I am from a tribal area.

**SHRI DHARANIDHAR BASUMATARI:** Your State means your undivided Bombay, the Thana area and all that. I have been there and I have a long experience of the tribals. Just now, two or three hours back, when we were sitting together, I asked Kumari Tiria, what about the Tribals in her area. Do you know, Sir, that in Orissa there is a tribal Bandapard. When one of our great leaders, Mr. Dhebarbhai went there, he shed tears, they are completely naked, and today when I asked Tiriaji whether there is any improvement in them, she said, no Dada, they are just the same. This is how she replied to me here. We don't mind the development projects that you take up; but side by side you have to see to the development of human beings as well. You have not touched that aspect. You never keep this aspect of tribal development in mind. One year back I was surprised to see in the papers the project known as Project Tiger, for which the tribals were being evicted. I took up the matter with the Central Government: I took it up with the Prime Minister. At that time Shri Bhajan Lal was the Minister. And he stopped this eviction of tribals.

I was not inclined to speak on this but when my friend from Gujarat referred to tribals, my boiling heart boiled further to hear this. Nobody thinks of development of tribals. After all, they are also human beings; they also live in an independent country. Everyday in my office itself I had been alleged by some big officials that if anybody has deserviced the country well, it is you. Why did you make reservations in promotion also for them? Had there been no reservations for the Scheduled Castes and the Scheduled Tribes, they could not have come up anywhere. I have always fought for the tribals and scheduled castes. I live for them. I was born as tribal and I will die as a tribal. As I just referred to it, they are ousted from their hearths and homes whenever you take up some project. When they had to face a similar situation in Assam, they flooded into Guwahati city to attack the A.G.P. But do I instigate the people to go against the Government anywhere for their livelihood? I can, Mr. Vice-Chairman; I can instigate the people; but my nature is not like that. I think of the nation first. Therefore, I want you to see that tribals are also human beings and they should not be evicted and if their lands are taken, then another land should be given to them in compensation, wherever you take up such projects. Thank you.

**SHRI Z. R. ANSARI:** Sir, I am thankful to the hon. Members who have, by and large, supported this measure. The trend of the debate has taken in its gamut the whole forest policy and other laws, the Forest Act and other things. The scope of this amendment Bill is very limited. The scope of this Bill is that we have a Forest Conservation Act and after implementing it for the last 8 years, some lacunae have been found. Therefore, in order to remove those lacunae, this amendment Bill has been brought to this House.

We have to divide the debate into two sets of ideas; one pertains to the Forest Conservation Act, and the other is regarding the Indian Forest Act, the illegal felling of trees, the connivance of the offi-

(Shri Z. R. Ansari)

cers in felling of the trees by the non-tribals, by the thekedars and others...

**SHRI DHARANIDHAR BASUMATARI:** Tribals are used as instrument.

**SHRI Z. R. ANSARI:** It is all covered under Indian Forest Act. The purpose of the Conservation of Forests Act is very limited and that is about the forest area which is being diverted for any project; it may be for the industry; it may be an irrigation project; it may be a project for energy; it may be a project to convert the forest area into cultivable land for growing foodgrains; it may be a project for canals, for roads or for any developmental activity. Prior to taking up these activities, by the Forest Conservation Act, it has been made incumbent on the authorities, project authorities, to come to the Central Government for clearance from the Central Government. The Central Government, after looking into all the aspects which are relevant, either agrees with the proposal or rejects the proposal, or, if the proposal is incomplete, asks the State Government or the project authorities to give full information.

What are those things which have to be looked into while converting a forest area to non-forest uses? As you are aware, Sir, we have a diverse ecosystem in the country. Some of the forest areas are those which have been generated by nature and it is impossible to regenerate those areas by any amount of human effort. These areas, which are evergreen forest areas, which are glenwood areas, have to be preserved. At the same time, there should be sustained development in the country. Therefore, when a forest area is being diverted to non-forest uses, we have to see whether there is any other alternative so that we can save the forest area.

An important issue has been raised by Shri Basumatari. I am thankful to him that he has put his finger just on the pulse.

**SHRI DHARANIDHAR BASUMATARI:** Thank you very much.

**SHRI Z. R. ANSARI:** This is the most important issue which the Government have to take into consideration. We just cannot separate these people from forests who are, as a matter of fact, part and parcel of forests and who are so akin to forests. We should see that these tribals who are living for generations in the forests and who are earning their two loaves of bread from the usufruct of forests are not deprived of their two loaves of bread in the name of development. It will be the most unfortunate day when the poorer sections of the population, the tribals, the Scheduled Castes and others living in the forest areas and earning their two loaves of bread are deprived of their two loaves of bread, their two meals a day, in the name of development. It will be the most unfortunate when land after land, forest after forest, is diverted to other uses in the name of development, for industries, for this project or that project. Considering the diversion of forest land for non-forest uses, the Government of India have a firm view in regard to what has been provided for the fullest rehabilitation of the tribals.

**SHRI DHARANIDHAR BASUMATARI:** Thank you very much.

**SHRI Z. R. ANSARI:** Fullest rehabilitation. Sir, I will first deal with the Forest Conservation Act and the provisions therein and then I will go into the other things which have been talked about although they are not relevant so far as this Bill is concerned. But I will certainly give my own ideas and the viewpoint of the Government.

What happens when a project proposal is sent to us for clearance from the forest angle? There are certain guidelines which have been made known to the project authorities, to the State Governments, that they will have to come up with a plan and they will have to indicate whether, for the particular project, other alternatives are available or not. You will have to give what provisions you have made for the rehabilitation of the tribals and those persons who are likely to be affected by that



project. Then, if the forest is diverted, whether some land equivalent to the degenerated forest land has been made available for creating a man-made forest in some other area, other than the forest area. If the non-forest land is not available, we insist that double the quantity of the forest land which is being diverted should be planted and that provision should be made in the project itself. These are, by and large, the norms, the guidelines which are being issued. Unfortunately, in most of the cases all this information is not fully given in the first instance. So, we take up the matter with the State Government and with the project authorities for clarifying the position, for giving certain clarifications, but there is no response.

As far as the status of projects which are posed to us is concerned, till now the system which was adopted by the Ministry of Environment and Forests has been that we take six weeks for clearing a project under the Forest Conservation Act if it is complete in all respects. If it is not complete, we go to the State Government or the project authorities for clarifications and in most of the cases the reply does not come.

**SHRI VITHALRAO MADHAVRAO JADHAV:** Why don't you accept the project which has already been completed?

**SHRI Z. R. ANSARI:** I will take care of that point also.

Then what happens, after waiting for some time we close that project. Till today this is what we were doing. So, there are four categories. The projects are either approved or rejected or closed or kept pending. When any project is cleared, the authorities are informed that this project has been cleared. When a project is rejected, the authorities are informed that this project has been cleared. When a project is rejected, the authorities are informed that this project has been rejected. When full information is not provided, the project is closed, but we do not tell to the project authorities that it is being closed. The idea was that we should not reject the pro-

ject, we should keep it closed, not pending. Otherwise, the list of pending cases will be more. As soon as the information comes it is reopened. But now, Sir, what is happening is that all these closed cases are also treated as pending cases. The general trend is that the pending and the closed cases are clubbed together because they are neither approved nor rejected. So, they think these projects are pending. Now, Sir, I have taken a decision and I have instructed my officers to inform the State Governments that if the project is complete in all respects, it will be cleared within six weeks. If it is not complete, then whatever are the lacunae, they will be communicated to them and only one month's time will be given to them for making good that lacuna and providing the information. After one month I shall neither keep the case pending nor it will be closed, but it will be rejected for not providing the information. So rejected cases will be of two types—rejected on merits and rejected for non-performance. So in this way I just want to streamline it.

The same is the case with environment cases which are sent for environmental clearance. I need not go into that because this Bill does not talk of that. However, I have also taken a decision in that respect also that environmental cases will be cleared within three months if they are complete in all respects. If they are not complete then whatever information is lacking, the project authorities or the State Governments will be asked to provide that information and three months time will be given to them. If after three months, they do not give that information, then we will treat those cases as rejected because of non-performance. Till today they were also treated as closed. Therefore there is a wrong impression which has been created in the mind of people, in the mind of the State Governments and in the mind of the hon. Members of Parliament that many many cases are pending with us. The position is not like that. If we just work out on these lines, I think there will be minimal cases pending with us. So this is with regard to clearance of projects.

[Shri Z. R. Ansari].

I am thankful to Shri Chimanbhai Mehta who has pleaded our case. But for one thing he has very strongly supported us. Most of the Members—I think all the Members—have supported it with some criticism. Of course there must be some criticism. One criticism which was made by many Members was that the quantum of punishment is very meagre. Mr. Matto has remarked that during the whole of his parliamentary life he has not seen any Bill which was discussed in this House and had such meagre punishment. Sir, this punishment is not for illegal felling. For that the Indian Forest Act is there. In that Act the punishment provided is fine upto Rs. 2000 and imprisonment upto one year for illegal felling. So this is covered under the Indian Forest Act. Sir, this Act is also under consideration because it is an old Act. We are considering how to make it up-to-date and how to make the punishment more stringent. After the Forest policy is finalised, we may come before this august House for amendment of the Indian Forest Act and at that point of time we shall take care of punishment to make it more stringent because I feel that this punishment which is provided in the Indian Forest Act—of fine upto Rs. 2000 and imprisonment upto one year—needs reconsideration. There is also the point that there too the poor person who does a job at the instance of others for getting two loaves of bread is being caught and penalised whereas the big boss, the thekedar and the person who reaps the fruits of that illegal felling goes scotfree. So, we may come.....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): How are you going to meet the situation?

SHRI Z. R. ANSARI: So we may come with some proposals in the Forest Policy which is under review. As soon as the Forest Policy is finalised, we may come with some amendments in the Forest Act. Anyway, that is altogether a different matter.

Sir, what is happening today is that there is a feeling that at the implementation level nobody bothers about the Forest Conservation Act. When there is violation after violation, we have nothing in our hand except to write to the State Governments that this violation has taken place and that violation has taken place and so, please punish the wrongdoers. Except that, except making requests and writing "love letters" to the State Governments and the project authorities, we have no alternative.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): And they do not respond to your love letters!

SHRI Z. R. ANSARI: Now, this provision of 15 days' punishment is for officers—it is not for the general public. The officer of the Government who is responsible to see that the Forest Conservation Act is implemented, if because of lapses on his part certain provisions of this Act are being flouted, he will be taken to task and for him, what to say of 15 days, even one day's punishment with imprisonment is sufficient.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): But will he lose his job or not?

SHRI Z. R. ANSARI: This will be a penal provision. I have not gone through that aspect of the question. It is for the Law Ministry. But I think this imprisonment.....

SHRI VITHALBHAI M. PATEL (Gujarat): Nothing would happen to his job.

SHRI Z. R. ANSARI: I do not know.

SHRI SHANKAR RAO NARAYAN RAO DESHMUKH: Unless he is convicted for six months.....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): I know it. That is why I asked the question of the Minister he if he will not lose his job.

SHRI Z. R. ANSARI: Let us try with this meagre provision.

हयादार के लिए ।

उपसभाध्यक्ष (श्री जगेश देसाई) :  
अच्छी शुरुआत है।

श्री जेड. आर. अंसारी : ऐसा 6 महीने साल  
भर झेल जाते हैं, झेलने की बात अलग है।

उपसभाध्यक्ष (श्री जगेश देसाई) :  
यह एक अच्छी शुरुआत है।

श्री जेड. आर. अंसारी : यह हल्का सा  
झटका देकर देख रहे हैं। इससे अगर काम  
नहीं बनेगा तो हम रस्ती को और खींचेंगे।  
इसके लिए हम फिर आपके पास आयेंगे कि  
रस्ती खींचने की जरूरत है।

Sir, I was just pleading that this is a  
provision which has been put in this Bill  
for those persons who are deliberately  
neglecting the implementation of the Forest  
Conservation Act. So, this is with regard  
to the punishment which is, apparently,  
very meagre.

Sir, about Maharashtra, the position of  
the projects, including Vidarbha, is like  
this .....(Interruptions). .... We do not  
have figures separately for the Vidarbha  
area, but we have the total figures for  
Maharashtra, 357 received; 148 approved;  
32 rejected; 135 closed; pending only 33;  
and nine cases are withdrawn. Now, Sir,  
what is worrying the honourable Members  
is, if you just add the 135 closed cases to  
the 32 rejected cases, then, according to  
the present decision, all these 135 cases  
will also be rejected.

THE VICE-CHAIRMAN (SHRI  
JAGESH DESAI) : Can they be reopened  
also ?

SHRI Z. R. ANSARI : At any time they  
can be re-opened. At the present moment  
we shall write to the State Governments  
that no case has been rejected for want  
of information. There will be two types of  
cases—one, rejected for want of informa-  
tion and the other rejected on merits.  
There is no question of reopening of these  
cases which are rejected on merits. But  
certainly as far as the cases rejected for  
want of information are concerned, when  
complete information comes, they will be

re-opened. So, this is the position. Same  
is the position of...

THE VICE-CHAIRMAN (SHRI  
JAGESH DESAI) : Gujarat.

SHRI Z. R. ANSARI : I am just looking  
at it. (Interruptions).

THE VICE-CHAIRMAN (SHRI  
JAGESH DESAI) : Nobody else asked  
about it. (Interruptions).

SHRI Z. R. ANSARI : About Gujarat,  
total cases posed were 262; 54 have been  
approved; 46 rejected; 128 closed; pending  
17 and withdrawn 17. The number of ap-  
proved cases is more than the number of  
rejected cases. If we include these closed  
cases in the rejected cases, then, the pend-  
ing cases are only 17 out of 262. This  
is relevant. So, this criticism that we are  
unnecessarily holding ....

THE VICE-CHAIRMAN (SHRI  
JAGESH DESAI) : You have dispelled  
that.

SHRI Z. R. ANSARI : Exactly, Sir.

The other thing is, a relevant point has  
been made about development. Sir, how  
can a democratic government think of not  
allowing developmental projects. We stand  
for development. But what we want is  
that the development process should be  
a sustained development process so that  
it may not come to a halt completely at  
any point of time. Therefore, we make  
sure that the ecological balance is main-  
tained and that both these things, the  
ecological balance and development should  
go together along with the life of the  
poorer sections.

Sir, a point has been made regarding  
industries. Sir, we are firmly of the opinion  
that there is no question, there is no  
question of allowing industries to enter  
the forest areas because once we allow  
the industries so long we are firm on that  
point if we allow the industrialists to  
enter the forest areas, I think, that will  
be a bad day, and we would not be able  
to save forests.

SHRI DHARANIDHAR BASUMA-  
TARI : Also human beings.

**SHRI VITHALBHAI M. PATEL :** Whereas cement industries are in forest areas.

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI) :** That is all right. This is the policy of the Government that he is stating.

**SHRI Z. R. ANSARI :** This is a very unfortunate situation that the industries have got some old contract with the State Governments. Some lease has been given and they are provided forest usufructs, raw materials, bamboos and other things at a throw-away price, and the poorer sections of the society, the tribals who need bamboo for making their huts, are being provided with bamboos at a very costly price. This is most unfortunate. I have taken up the matter with the State Governments, and I wish that slowly and slowly the industries should be asked to come to terms and pay the price which can be settled as a reasonable price. These poorer sections of the society should be provided forest produce at a much lower price to meet their needs.

Now, I come to the question of providing raw material to the industries. The Government of India has taken a firm decision that if industries want to have raw material for their industries, they can import it. They will be provided certain concessions like in customs duties. This we are allowing to prevent deforestation on a large-scale just because we have to provide raw materials to the industries. They can have these through other sources which are open to them.

The main reasons for deforestation are increase in population, increase in the cattle population and shrinkage of the forest resources for their primary needs of fuel, wood and small timber. The degradation of the forests has been taking place because the people are dependent on forests for all these purposes. To avoid this degradation of the forests, the Prime Minister has established the Wasteland Development Board. Its main purpose is

to halt this process of ecological degradation and the socio-economic crisis. The purpose of this social forestry is to help the small and marginal farmers to grow trees on their land and to supply raw material to the industries. That way they will get some additional income. This Bill has got only this limited scope.

Guidelines have been issued that the forest areas cannot be diverted by lease or otherwise for any purpose other than afforestation. Now, a question has arisen whether tea plantation, rubber plantation or coffee plantation is part of afforestation. We have clarified the position that it is not so. Therefore, we cannot allow any diversion through plantations. If there is any feasible provision, it should come to the Government for plantations also.

We have made a provision that these commercial spaces should not be treated as forests. We have also provided that if there are some lapses on the part of the Officers they should be penalised and they should be taken to task. This is the thrust of this amending Bill. I hope the House will unanimously support it for the implementation of the Forest (Conservation) Act.

**SHRI RAOOF VALIULLAH :** One clarification I want to seek. I have mentioned about the loss of revenue that will accrue to the State exchequer. The hon. Minister has stated that he wrote to the Chief Ministers in this connection saying that he has taken up the matter with the Ministry of Finance. May I know from the Minister whether something has come out of the Finance Ministry ?

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI) :** Facts have been given.

The question is :

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

*The motion was adopted.*

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI) :** We shall not take up clause-by-clause consideration of the Bill.

*Clause 2 and 3 were added to the Bill.*

Clause 1—short title and commencement

SHRI Z. R. ANSARI : Sir, I move :

“That at page 1, line 4, for the figures ‘1987’ the figure ‘1988’ be substituted.”

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Now, the question is :

“That Clause 1, as amended, stand part of the Bill.”

*The Motion was adopted.*

Clause 1, as amended, was added to the Bill

#### ENACTING FORMULA

SHRI Z. R. ANSARI : Sir, I move :

“That at page 1, line 1, for the word ‘Thirty-eight’ the word ‘Thirty-ninth’ be substituted.”

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Now, the question is :

“That the Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted.

*The Enacting Formula, as amended, was added to the Bill.*

SHRI Z. R. ANSARI : Sir, I move :

“That the Bill, as amended, be passed.”

*The question was put and the Motion was adopted.*

THE PUNJAB PRE-EMPTION (CHANDIGARH AND DELHI REPEAL) BILL, 1988

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV) : Sir, I move :

“That the Bill to repeal the Punjab Pre-emption Act, 1913, as in force in

the Union territories of Chandigarh and Delhi, be taken into consideration.”

Sir, the Chief Commissioner's Province of Delhi was created out of certain areas taken from the former Province of Punjab in 1912. The Pre-emption Act was enacted in Punjab in 1913 and it was extended to the said areas of Delhi which were earlier part of former Province of Punjab. The Act continued to be in force in the areas of the Union territory of Delhi to which it had been originally extended, with the exception of the areas to which the Delhi Land Reforms Act, 1954 became applicable subsequently. This latter Act now governs right of pre-emption in respect of agricultural land in the areas to which it applies. The areas to which the Punjab Pre-emption Act 1913 is now applicable in Delhi are the walled city of Delhi, 51 urbanised villages and urbanised portions of 18 other villages.

The Union territory of Chandigarh was earlier a part of Punjab, the Punjab Pre-emption Act, 1913 is applicable in that territory also.

The Act specifies the categories of persons, in the order of priority, who have the right of pre-emption in respect of rural and urban immovable property whenever it is proposed to be sold or transferred.

Sir, due to the following reasons, its repeal has been proposed in the Union territories of Delhi and Chandigarh :—

(i) it is an archaic piece of legislation which does not fit in the present day society;

(ii) it places unreasonable restrictions on the free transfer of property and is also against the spirit of the socialistic pattern of society; and

(iii) it leads to unnecessary and undesirable litigation.

Sir, the law of pre-emption is based on certain customs according to which strangers should not be allowed to own property in a Mohalla to maintain “Purdah